

COMMITTEE ON
**SCIENCE, SPACE, AND
TECHNOLOGY**
CHAIRMAN LAMAR SMITH



For Immediate Release
March 26, 2015

Media Contacts: Laura Crist, Zachary Kurz
(202) 225-6371

Statement of Chairman Lamar Smith (R-Texas)
Destruction of Records at EPA – When Records Must Be Kept

Chairman Smith: Thank you, Chairman Loudermilk, for holding this hearing. I also thank the witnesses for being here today to provide their valuable testimony.

This Committee often addresses technical and scientific integrity standards. However, in the past few years, the Committee has had to repeatedly examine the standard of transparency and accountability. Unfortunately, certain agencies and federal officials have failed to meet it.

We have seen a disregard for agency transparency several times in recent years across the Federal Government – such as with Lois Lerner’s “IRS targeting controversy” and Hillary Clinton’s “secret server” issue.

We have also seen this within the agencies under this Committee’s jurisdiction. There have been transparency issues at the EPA going back as far as the Clinton Administration. And just this past year, a federal judge held the EPA in contempt for disregarding a court order not to destroy records. In that case, former EPA Administrator Carol Browner asked an employee to delete all her as well as other senior officials’ computer files as a new Administration was about to take over. Her excuse was that she wanted to have some “games” removed from her computer. Yes she was undoubtedly playing games.

Not long after the contempt finding, reports surfaced that EPA Administrator Lisa Jackson created a secret email account under the pseudonym “Richard Windsor” in an apparent attempt to conceal emails. It has been reported that this unfortunate incident led to her resignation.

At the EPA, lack of transparency is even more pronounced when coupled with the EPA’s use of “secret science” to justify costly regulations. What is clear is that this Administration has failed to meet its promise of being the most transparent in American history. We would settle for just plain transparent.

Recently, a majority of Inspectors General signed a letter to the Administration criticizing its lack of cooperation in providing public documents. And many in the media say that this Administration is the least forthcoming they can remember.

Today the Committee once again examines the EPA’s practices for the preservation of federal records and how they may reflect how this Agency makes its decisions on scientific issues.

Last year, the Committee learned that since 2009, the current EPA Administrator Gina McCarthy has deleted thousands of text messages from her official mobile device. The EPA claims that these text messages are all of a personal nature and therefore not subject to the Federal Records Act. But it is not

believable that of the almost 6,000 text messages between 2009 and 2013 and many since, that only one was related to EPA business. The single text message produced by EPA was received at the start of this year. This was months after the EPA Office of Inspector General began its investigation and within days of receiving a letter of inquiry from this Committee.

While Committee staff has repeatedly asked for certain unredacted documents that the EPA has already collected under a FOIA request, the EPA has failed to turn over these documents. This pattern of withholding, concealing, and destroying records must stop. The American people deserve an open and transparent government.

This firm belief in transparency and the disappointing response to this Committee's request from the EPA compelled the Committee to authorize a subpoena yesterday. This stonewalling and slow-rolling of documents in response to Congressional requests must end. Americans deserve to have the facts.

I hope that today's witnesses will provide additional information crucial to this investigation.

###