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Description of document: Department of Justice (DOJ) Inspector General (OIG) response to a Congressional request for "agency"-specific information on climate change, 2013

Requested date: 2013

Released date: 06-September-2013

Posted date: 22-February-2016

Source of document: Freedom of Information Act Request
Department of Justice
Office of the Inspector General
Office of General Counsel
950 Pennsylvania Ave., NW
Room 4726
Washington, DC 20530
Fax: 202-616-9152
Email: oigfoia@usdoj.gov

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U.S. Department of Justice

Office of the Inspector General

September 6, 2013

Subject: Freedom of Information/Privacy Act Request [13-OIG-268]

This responds to your request under the Freedom of Information Act for access to records maintained by the Office of the Inspector General (OIG). Specifically, you seek "a copy of the documents and/or any other response provided to the Bicameral Task Force on Climate Change in response to their February 25, 2013 letter request to the OIG signed by Co-Chairs Henry A. Waxman, Sheldon Whitehouse, Edward J. Markey, and Benjamin L. Cardin." The responsive documents have been reviewed. It has been determined that these documents are appropriate for release without excision and a copy is enclosed.

If you are dissatisfied with my action on this request, you may appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Avenue, Suite 11050, Washington, D.C. 20530. Your appeal must be received by OIP within 60 days of the date of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." In the event you are dissatisfied with the results of any such appeal, judicial review will thereafter be available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia, which is also where the records you seek are located.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Sincerely,

A handwritten signature in cursive script that reads "Deborah M. Waller".

Deborah M. Waller

FOI/PA Specialist

Office of the General Counsel



U.S. Department of Justice

Office of the Inspector General

May 1, 2013

The Honorable Henry A. Waxman
Co-Chair, Bicameral Task Force on Climate Change
Ranking Member, Committee on Energy and Commerce
United States House of Representatives
2322A Rayburn House Office Bldg.
Washington, D.C. 20515

Dear Congressman Waxman:

This letter responds to your correspondence dated February 25, 2013, regarding the Department of Justice's (Department) efforts to address climate change. Your letter requested that we identify the requirements for the Department and its compliance therewith, and identify any recommendations or additional steps to improve performance, reduce emissions or strengthen resiliency.

As you know, the Department is subject to the climate change requirements laid out in the *Energy Independence and Security Act of 2007*. The Act strives to achieve greater energy efficiency and increase the availability of renewable energy, and it contains specific requirements for federal agencies, including a 30-percent reduction in total energy use by federal government buildings, additional energy efficiency requirements for newly constructed buildings, and increases in the use of fuel efficient vehicles.

These requirements for federal agencies were further detailed in Executive Order 13514 entitled *Federal Leadership in Environmental, Energy, and Economic Performance*, issued on October 5, 2009. This Executive Order requires the Department to develop targets for reducing greenhouse gas emissions and waste, improving water efficiency, and acquiring sustainable products. Subsequent Presidential memoranda provided further direction for increasing the use of sustainable fuels and performance-based contracts in order to promote energy savings within federal building improvement plans and fuel-efficient vehicles.

To implement the requirements under this Executive Order, in 2010, the Department developed a *Strategic Suitability Performance Plan* that established ten goals to decrease energy intensity and increase sustainability. These goals focus on reducing greenhouse gas emissions, operating sustainable buildings, and eliminating waste where possible. This Plan was updated in 2011 and 2012 to reflect the Department's progress toward these goals, and the most recent update contained supplemental statements and plans, which describe efforts to increase the purchase of sustainable products and the number of fuel efficient vehicles within its fleet.

We are reviewing these documents and the Department's actions to meet these requirements. We have requested additional information from the Department regarding its climate change initiatives and will provide you with an update once we have completed our assessment.

We are sending the same letter to the other Members of Congress who signed the February 25 letter. Thank you for bringing this important matter to our attention. If you have any questions, please feel free to contact me or my Chief of Staff Jay Lerner at (202) 514-3435.

Sincerely,

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Michael E. Horowitz
Inspector General



U.S. Department of Justice

Office of the Inspector General

May 1, 2013

The Honorable Benjamin I. Cardin
Co-Chair, Bicameral Task Force on Climate Change
Chairman, Subcommittee on Water and Wildlife
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Bldg.
Washington, D.C. 20510

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Michael E. Horowitz
Inspector General



U.S. Department of Justice

Office of the Inspector General

May 1, 2013

The Honorable Edward J. Markey
Co-Chair, Bicameral Task Force on Climate Change
Ranking Member, Committee on Natural Resources
United States House of Representatives
1329 Longworth House Office Bldg.
Washington, D.C. 20515

Dear Congressman Markey:

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Michael E. Horowitz
Inspector General



U.S. Department of Justice

Office of the Inspector General

May 1, 2013

The Honorable Sheldon Whitehouse
Co-Chair, Bicameral Task Force on Climate Change
Chairman, Subcommittee on Oversight
Committee on Environment and Public Works
United States Senate
410 Dirksen Senate Office Bldg.
Washington, D.C. 20510

Dear Senator Whitehouse:

This letter responds to your correspondence dated February 25, 2013, regarding the Department of Justice's (Department) efforts to address climate change. Your letter requested that we identify the requirements for the Department and its compliance therewith, and identify any recommendations or additional steps to improve performance, reduce emissions or strengthen resiliency.

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Michael E. Horowitz
Inspector General



U.S. Department of Justice

Office of the Inspector General

June 17, 2013

The Honorable Henry A. Waxman
Co-Chair, Bicameral Task Force on Climate Change
Committee on Energy and Commerce
United States House of Representatives
2322A Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Waxman:

This letter follows up my earlier correspondence dated May 1, 2013, responding to your letter dated February 25, 2013, regarding the Department of Justice's (Department) efforts to address climate change. Your letter requested that we identify existing requirements applicable to the Department's efforts to reduce energy consumption, and assess its compliance with these requirements.

We have obtained and reviewed additional information from the Department about its climate change initiatives. Although we have not conducted a formal review or audit of this information, the Department reported to us that it has taken several steps to become more energy efficient. In addition, the information provided to us indicates that the Department has sought to comply with the requirements under the *Energy Independence and Security Act of 2007*, Executive Order 13514 entitled *Federal Leadership in Environmental, Energy, and Economic Performance* (issued on October 5, 2009), and other requirements.

In your February 25 letter, you mentioned the requirement to reduce the energy intensity of federal buildings 30 percent by Fiscal Year (FY) 2015. As of January 2013, the Department reported a 44.6-percent reduction in energy intensity. In addition, in 2010, the Department established targets to reduce greenhouse gas emissions, and the Department reported in its Scorecard on Sustainability and Energy submitted to the Office of Management and Budget (OMB Scorecard) that it had surpassed these targeted emission goals.

The Department also is required to make its vehicle fleet more fuel efficient by reducing its vehicle fleet petroleum use by 20 percent by FY 2015, and 30 percent by FY 2020 relative to a FY 2005 baseline. In its January 2013 OMB Scorecard, the Department reported a reduction of 27.3 percent

compared with its FY 2005 baseline. Additionally, the Department is required to increase its total alternative fuel consumption by nearly 160 percent by FY 2015, and the Department reported in the *Strategic Sustainability Performance Plan* (June 2012) that it had exceeded this goal by increasing its alternative fuel consumption by more than 600 percent.

While the Department reported making progress in reducing energy intensity and greenhouse gas emissions, it also reported that it has not made adequate progress in reducing potable water intensity and increasing the use of renewable energy. The Department stated that it had increased its potable water intensity by 10.5 percent, which does not represent suitable progress toward a decrease of 26 percent by FY 2020, as required by Executive Order 13514. Also, the *Energy Policy Act of 2005* requires that the Department increase its usage of renewable energy sources (such as solar or wind power) by five percent by the end of FY 2012, but the Department has reported that only 0.7 percent of Department electricity use comes from renewable energy sources.

We are told that the Department is working to address this issue by using energy savings performance contracts (ESPC). The Department advised us that ESPCs provide the Department with a way to increase energy conservation while avoiding expensive upfront capital improvement costs. The Department said that it utilizes ESPCs to hire private sector energy services companies to conduct energy audits of government buildings to determine modifications or improvements that would reduce energy use and provide cost savings to the Department, and the contractor then completes agreed-upon improvements at no initial cost. The Department reported that it reimburses the contractor over a specified period of time for documented energy and related savings resulting from the modifications or improvements. The Department said that it intends for ESPCs to provide future energy and cost savings for the Department beyond payment to the energy services company for the initial modifications or improvements. The Department reported that the Federal Bureau of Prisons (BOP) has initiated more than 30 ESPCs over the past six years.

Additionally, the Department reported to us that it finalized an agency-wide Climate Change Adaptation Plan for FY 2013, and began plan implementation in coordination with DOJ Bureaus and other Federal agencies.

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Inspector General



U.S. Department of Justice

Office of the Inspector General

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