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Congress of the United States
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December 6, 2011

Administrator Lisa P. Jackson
United States Environmental Protection Agency
Washington, D.C. 20460

Dear Administrator Jackson:

As you know, the agriculture industry is important to my home state of West Virginia. The industry is the economic and social backbone of large parts of my district, employing thousands of hardworking West Virginians, while providing an important source of tax revenue for local and state governments.

It has come to my attention that on November 30, 2011, the Environmental Protection Agency (EPA) notified four poultry growers in West Virginia that they would be required to obtain Clean Water Act permits for the first time. According to newspaper reports, and based upon conversations with my constituent farmers, the EPA took this action after a series of inspections carried out in June of 2011. During those inspections, an EPA official named Ashley Toy stated that the farms were chosen for inspection after the EPA, or another party at the EPA's direction, had conducted aerial surveillance of the area.

Farmers in my district were evidently not aware of the aerial surveillance until after the EPA visited their farms. I am very concerned about the EPA conducting unannounced aerial surveillance of family farms over my district.

In July 2011, I met with several EPA representatives, including Arvin R. Ganesan, Deputy Associate Administrator for Congressional Affairs, regarding how the EPA considers jobs and economic activity prior to acting. At that meeting I asked if aerial surveillance was being conducted over my district. The EPA officials on hand stated that this was misinformation and that the surveillance was in fact not occurring.

At my request, my staff contacted Greg Spraul within the EPA's congressional affairs office and requested a briefing on why these permits were being required. During this briefing my staff asked if the EPA was in fact conducting aerial surveillance over family farms in my district. Mr. Spraul responded that the EPA does in fact conduct aerial surveillance, normally using aircraft provided by contractors or other government agencies through cooperative agreements. Mr. Spraul also stated that the EPA selects targets of the surveillance after reviewing satellite images on Google Maps.

In order to ensure that there is no miscommunication, I am writing to request that you provide me with certain information regarding the EPA's aerial surveillance activities, specifically I request information regarding:

- A reference to the specific statute that authorizes the EPA to conduct unannounced aerial surveillance of agricultural operations in West Virginia and elsewhere in the United States;
- The specific appropriation accounts that fund aerial surveillance of agricultural operations;
- A breakdown of how much taxpayer money has been spent on aerial surveillance of agricultural concerns;
- The number of times that the EPA has conducted aerial surveillance within the United States to enforce the Clean Water Act as it pertains to agricultural operations;
- The number of times that the EPA has conducted aerial surveillance within West Virginia to enforce the Clean Water Act as it pertains to agricultural operations;
- Flight logs of EPA aircraft that have conducted aerial surveillance over agricultural operations in West Virginia;
- Flight logs of EPA aircraft that have conducted aerial surveillance over agricultural operations in the United States;
- Copies of contracts, task orders, agreements, memorandums of understanding, and like documents, pertaining to the EPA contracting or agreeing with other parties to conduct aerial surveillance;
- Documents pertaining to how the EPA targets areas for aerial surveillance.

If you have questions regarding this request please contact my Legislative Director Dan Casto at (202) 225-2711. I look forward to the opportunity to conduct an in-depth review of this information.

Sincerely,



Shelley Moore Capito
Member of Congress

cc: Arvin R. Ganesan, Deputy Associate Administrator for Congressional Affairs