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February 02, 2021

The Honorable Alejandro N. Mayorkas
Secretary of Homeland Security
Department of Homeland Security
2801 Nebraska Avenue NW
Washington, D.C. 20528

Dear Secretary Mayorkas:

Congratulations on your recent confirmation to serve as the Secretary of Homeland Security. I was pleased to support your confirmation and look forward to supporting your work in restoring humanity to the department's policies and rebuilding trust among some of our nation's most vulnerable communities.

It is in furtherance of these goals that I write again to express my serious concerns about Department of Homeland Security (DHS) personnel and the sustained use of tear gas and chemical agents in my hometown of Portland, Oregon. I raised these concerns to DHS last year and do so again now because DHS has yet to provide an adequate response to these concerns.

In the wake of recent events in Portland, Oregonians have renewed their frustration at the extensive use of tear gas and other chemical agents by federal law enforcement personnel. In particular, the City of Portland and Oregon Department of Environmental Quality have identified a higher presence of cyanide and heavy metals near the federal courthouse and the Immigration and Customs Enforcement building in Southwest Portland, where federal law enforcement personnel were deployed. Reports state that federal law enforcement officials used riot control munitions and tear gas at the latter site just last week—a location that is adjacent to a K-8 school and a low-income housing community with veterans preference.

The extensive use of these chemicals during an unprecedented respiratory pandemic is particularly concerning. Medical experts have attributed various health concerns to the acute exposure of tear gas and other chemical agents, and health experts continue their research to understand the long-term impacts of exposure. Environmental groups have also expressed their serious concern about the spread of such chemicals throughout the city and its impact on the health of the community and surrounding wildlife.

I wrote to DHS about these concerns several months ago and am deeply disturbed by the lack of communication and transparency about the issues I raised. DHS officials have provided no information on the equipment, including chemical agents, used by federal law enforcement

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personnel. Because there is no higher priority than the health and wellbeing of my constituents, I reiterate my request for information and look forward to your response in the next two weeks.

1. How many federal law enforcement agents are currently deployed in Portland in response to protests? Please provide a breakdown by component within DHS, including dates of deployment. For each component, please also provide the specific authority under which the component agency is acting and a description of how these deployments advance the component's core mission.
2. Please provide a list of all equipment that DHS personnel have utilized in connection with their deployments in Portland, Oregon, including but not limited to: tear gas, smoke, rubber bullets, pepper spray, and/or flash bangs. For each piece of equipment, please include the manufacturer and source.
3. Reports suggest the use of hexachloroethane (HCE) smoke, commonly referred to as HC smoke and used by the U.S. military. Did your department use this in Portland?
4. What processes do DHS and its component agencies follow to determine whether to use tear gas and other riot control agents?
5. Press reports and photo evidence suggest the use of tear gas from expired cans. Did your department and its component agencies use expired tear gas or other expired chemical agents in Portland? If so, why?
6. Has your department or any other federal entity at your department's direction examined the impact of tear gas and riot control agents on human physiology? If so, which agencies? If not, why not?
7. Has your department or any other federal entity at your department's direction consulted medical experts about the impact of tear gas and riot control agents on human physiology? If so, which agencies? If not, why not?

Thank you for your prompt attention to this matter.

Sincerely,



Ron Wyden
United States Senator