MEMORANDUM

FOR: DOJ PROCUREMENT EXECUTIVES

FROM: KENNETH R. DIEFFENBACH
SPECIAL AGENT IN CHARGE
FRAUD DETECTION OFFICE

SUBJECT: OIG Fraud Alert

May 22, 2020

The purpose of this memorandum is to ensure the Department’s procurement executives are cognizant of emerging fraud risks related to the COVID-19 pandemic.

In recent weeks, the DOJ Office of Inspector General (OIG) has become aware of instances in which DOJ components may have been provided substandard or mislabeled personal protective equipment (PPE), including N-95 and KN-95 face mask respirators. In addition, the OIG has received allegations of pandemic-related price gouging. The OIG is taking appropriate action in response to these developments.

The OIG is providing this information to you for your awareness, and so that you and your staff can mitigate the risk to your component. Concerns related to substandard, counterfeit, or unusual pricing of any PPE or pandemic-related pharmaceuticals should be reported to the OIG’s Fraud Detection Office by emailing [email protected].
The National Institute of Occupational Safety and Health’s (NIOSH) website, located at https://www.cdc.gov/niosh, contains information that may help you verify whether N95 or KN95 face mask respirators or other PPE you have purchased may be counterfeit or substandard.¹ In particular, the following links may be useful:

a. https://www.cdc.gov/niosh/npptl/usernotices/counterfeitResp.html (provides guidance on how to identify a NIOSH-approved respirator and signs that a respirator may be counterfeit)

b. https://www.cdc.gov/niosh/npptl/respirators/testing/NonNIOSHresults.html (provides assessments of respirators by The National Personal Protective Technology Laboratory (NPPTL))

c. https://www.cdc.gov/niosh/npptl/topics/respirators/cel/default.html (NIOSH Certified Equipment List)

d. https://www.cdc.gov/niosh/npptl/usernotices/default.html (NIOSH-Issued Notices “to inform users of a condition or risk that may exist with a NIOSH-approved respirator”)

For additional information about this topic, please contact Kenneth R. Dieffenbach, Special Agent in Charge of the Fraud Detection Office, at [redacted] or [redacted].

If you know about waste, fraud, abuse, misconduct, or whistleblower reprisal relating to a Department of Justice (employee, program, contract, or grant) you may report it to the OIG Hotline.

https://oig.justice.gov/hotline/index.htm

¹ NIOSH is part of the U.S. Centers for Disease Control and Prevention (CDC).