



# OFFICE OF INSPECTOR GENERAL



U.S. ENVIRONMENTAL  
PROTECTION AGENCY

## Semiannual Report to Congress

April 1, 2021–September 30, 2021



350-R-21-002  
November 2021

# **Index of Reporting Requirements**

*Inspector General Act of 1978, as amended*

Requirement	Subject	Addressed in
Section 4(a)(2)	Recommendations concerning impact of existing and proposed legislation and regulations	Section 1.6
Section 5(a)(1)	Significant problems, abuses, and deficiencies	Section 2.1
Section 5(a)(2)	Significant recommendations for corrective action	Section 2.1
Section 5(a)(3)	Reports with corrective action not completed	Appendix 3
Section 5(a)(4)	Matters referred to prosecutive authorities	Sections 2.1, 2.2, and 3.2; Appendix 4
Section 5(a)(5)	Information or assistance refused	Section 2.3
Section 5(a)(6)	List of reports issued	Appendix 1
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Section 5(a)(10)	Prior audit, inspection, and evaluation reports (1) for which no management decision was made by the end of the reporting period, (2) for which no establishment comment was returned within 60 days, and (3) for which there are unimplemented recommendations	Appendixes 2 and 3
Section 5(a)(11)	Significant revised management decisions	n/a
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## **Abbreviations**

CSB	U.S. Chemical Safety and Hazard Investigation Board
EPA	U.S. Environmental Protection Agency
FY	Fiscal Year
OIG	Office of Inspector General
U.S.C.	United States Code

**Are you aware of fraud, waste, or abuse in an EPA or CSB program?**

### **EPA Inspector General Hotline**

1200 Pennsylvania Avenue, NW (2431T)  
Washington, D.C. 20460  
(888) 546-8740  
(202) 566-2599 (fax)  
[OIG\\_Hotline@epa.gov](mailto:OIG_Hotline@epa.gov)

Learn more about our [OIG Hotline](#).

### **EPA Office of Inspector General**

1200 Pennsylvania Avenue, NW (2410T)  
Washington, D.C. 20460  
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# Message to Congress












The second half of fiscal year 2021 marked a period of remarkable accomplishment for the U.S. Environmental Protection Agency's Office of Inspector General. As the inspector general for both EPA and the U.S. Chemical Safety and Hazard Investigation Board, I am proud that OIG has proven itself to be a force for positive change. While the significance of our body of work over the last six months is evident throughout the pages of this semiannual report, I highlight a few of our most distinctive achievements below.

**Providing Value to the American Public.** During this semiannual reporting period, OIG reaped significant benefits, both monetary and environmental, on behalf of the U.S. taxpayer. Of particular note:



Sean W. O'Donnell

- Chemical testing laboratory CH2MHill Inc. reimbursed the United States nearly \$1.5 million for unreliable testing services and related fieldwork.* After CH2MHill voluntarily disclosed that it had provided unreliable water quality testing results to federal agencies, including EPA, because one of its employees altered laboratory instrument settings, EPA OIG and the Department of Defense OIG coled a federal investigation into the matter. We confirmed that 27 federally funded projects involving environmental cleanup, water remediation, and water testing failed to provide reliable water quality testing results. Environmental testing laboratories must be bound by and observant of the highest levels of ethical conduct, and protecting data integrity at laboratories, especially those that provide water quality sampling, testing, and data analysis services, is vital to keeping our communities safe.
- We recommended how EPA could address the adverse impact of the coronavirus pandemic on tribal drinking water systems.* Access to safe and clean water is critical at all times, but even more so during pandemics. However, we [found](#) that the pandemic hindered the ability of EPA Regions 9 and 10 to provide oversight of drinking water systems on tribal lands and to address previously identified program deficiencies. The pandemic also underscored the limitations of EPA resources, as well as of tribal drinking water system capacity and resiliency. As a result, tribal drinking water systems encountered challenges in operating safely and complying with drinking water regulations. However, EPA did not fully address most of our recommendations, and we outlined the actions the Agency should take so that we can reach resolution. We will report developments on our website.
- We delved deeper to determine the root causes of a decade-long decline in EPA's federal enforcement actions, which we identified last year in Report No. [20-P-0131](#).* We [found](#) that resource constraints, leadership decisions, and workforce culture resulted in a decline in federal compliance monitoring activities, enforcement actions, and enforcement results from fiscal years 2006 through 2018, which may have exposed the public and the environment to undetected harmful pollutants. While the Agency agreed to some of our recommendations, we continue to work to reach agreement on actions regarding a workforce analysis to assess EPA's capacity to maintain a strong enforcement field presence and regarding measurement of the Agency's compliance assistance and informal enforcement activities.

During the semiannual reporting period, OIG work resulted in:	OIG investigative work resulted in:	Based on OIG work, EPA and CSB implemented:
 <b>24 reports</b> 43 for fiscal year	 <b>2 indictments, informations, and complaints</b> 11 for fiscal year	 <b>1 environmental or health improvement</b> 6 for fiscal year
 <b>136 recommendations for improvement*</b> 227 for fiscal year	 <b>5 criminal convictions</b> 10 for fiscal year	 <b>45 policy, practice, or process changes or decisions*</b> 115 for fiscal year
 <b>352 findings identified in external audit reports impacting EPA</b> 579 for fiscal year	 <b>2 civil actions</b> 2 for fiscal year	 <b>0 legislative and regulatory changes</b> 1 for fiscal year
 <b>1,630 hotline contacts handled</b> 2,897 for fiscal year	 <b>23 administrative actions, including suspensions and disbarment actions</b> 35 for fiscal year	

\* Measure includes single audits, which are audits of nonfederal entities performed by nonfederal auditors. See Section 2.4 of this report.

Note: These performance measures were previously reported in the "Scoreboard of Results" section.

**Educating and Protecting Whistleblowers.** From the start of my tenure as the EPA inspector general in 2020, I have expressed my unwavering commitment to support whistleblowers and protected whistleblower activities. Earlier this year, I established an Administrative Investigations Directorate within our Office of Special Review and Evaluation to conduct administrative investigations of, among other things, allegations of retaliation against EPA and CSB employees, contractors, subcontractors, grantees, subgrantees, and personal services contractors who report misconduct, mismanagement, or abuse of authority. In addition, OIG was pleased to commemorate the July 30, 2021 National Whistleblower Appreciation Day with a panel discussion that highlighted the significant contributions made by whistleblowers, shared compelling stories of working with whistleblowers, and identified available resources for anyone considering making a protected disclosure.

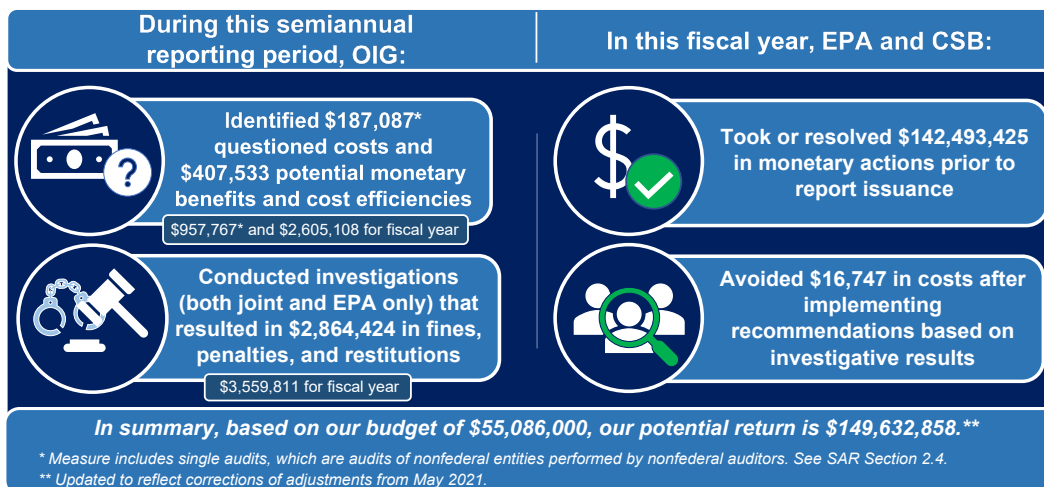
**Protecting EPA and CSB from Misconduct and Scientific Integrity Violations.** EPA's *Scientific Integrity Policy* recognizes OIG's responsibility to investigate allegations of scientific misconduct. Over the past two years, OIG has placed a renewed focus on protecting the integrity of science at EPA. Our office has produced a significant body of work related to scientific integrity issues. For example, in our report on the 2018 dicamba pesticide registration decision, we [found](#), among other things, that senior leaders in the Office of Chemical Safety and Pollution Prevention's immediate office were more involved in the registration decision, resulting in senior-level changes to or omissions from scientific documents. We continue to devote a section of this semiannual report to the oversight of scientific integrity at EPA.

OIG also has taken substantive action to protect EPA and CSB from misconduct and abuse of authority. In addition to alleged whistleblower retaliation, our new Administrative Investigations Directorate investigates alleged misconduct by senior employees. We are working with EPA management to ensure that all reported allegations of reprisal or misconduct, including misconduct related to scientific integrity, are promptly shared with OIG, consistent with the Inspector General Act of 1978, as amended; the Whistleblower Protection Act of 1989, as amended; and EPA policy. Timely access to these allegations facilitates OIG's ability to conduct comprehensive, independent, and objective oversight work in an area fraught with personnel and policy ramifications.

**Continuing the Mission.** My staff and I are deeply honored to serve the American public by contributing to improved human health and environment, as well as by promoting economy, efficiency, and effectiveness in EPA and CSB programs and operations. Although we are proud of the work we accomplished over the past year, we are not resting on our laurels. Fiscal year 2022 promises to feature a similarly impressive tome of work. In addition, as we identify EPA's and CSB's top management challenges, we are not exclusively looking to the past but anticipating future challenges facing these two Agencies. The resulting management challenges reports will guide our audit, evaluation, and investigative work in fiscal year 2022 and beyond.



Sean W. O'Donnell  
Inspector General



Note: These performance measures were previously reported in the "Scoreboard of Results" section. SAR stands for semiannual report.

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# SECTION 1:

## OVERVIEW



## 1.1 About EPA, CSB, and OIG

### ***U.S. Environmental Protection Agency***

The mission of the U.S. Environmental Protection Agency is to protect human health and the environment. As America's steward for the environment since 1970, EPA has endeavored to ensure that the public has air that is safe to breathe, water that is clean and safe to drink, food that is free from dangerous pesticide residues, and communities that are protected from toxic chemicals.

### ***U.S. Chemical Safety and Hazard Investigation Board***

The U.S. Chemical Safety and Hazard Investigation Board was created by the Clean Air Act Amendments of 1990. CSB's mission is to investigate accidental chemical releases at facilities, report the root causes to the public, and recommend measures to prevent future occurrences.

### ***EPA Office of Inspector General***

The Office of Inspector General, established by the Inspector General Act of 1978, as amended, 5 U.S.C. app., is an independent office of EPA that detects and prevents fraud, waste, and abuse to help the Agency protect human health and the environment more efficiently and effectively. Since fiscal year 2004, Congress has designated the EPA inspector general to also serve as the inspector general for CSB. As a result, EPA OIG has the responsibility to audit, evaluate, inspect, and investigate EPA and CSB programs and operations, as well as to review proposed laws and regulations to determine their potential impact on these programs and operations. OIG staff are based at EPA headquarters in Washington, D.C.; EPA's ten regional offices; Research Triangle Park, North Carolina; and Cincinnati, Ohio.

### **Vision**

Be a premier oversight organization trusted to speak the truth, promote good governance, and contribute to improved human health and environment.




### **Mission**

Conduct independent audits, evaluations, and investigations; make evidence-based recommendations to promote economy, efficiency, and effectiveness; and prevent and detect fraud, waste, abuse, mismanagement, and misconduct for EPA and CSB.

### **Goals**

1. Contribute to improved EPA and CSB programs and operations protecting human health and the environment and enhancing safety.
2. Conduct audits, evaluations, and investigations that enable EPA and CSB to improve business practices and accountability.
3. Improve OIG processes, resource allocation, and accountability to meet stakeholder needs.

## 1.2 OIG Strategic Planning

When determining which audits and evaluations to undertake, we independently consider the top management and performance challenges facing EPA and CSB, work previously conducted by OIG and the U.S. Government Accountability Office, and input from Congress. In this semiannual report, we identify which top management challenges our audits and evaluations address, as applicable, next to the following symbol: . We also consider how our oversight work supports EPA’s mission-related efforts to protect human health and the environment. We show which mission-related efforts our reports support next to this symbol: . Some of the work we conduct is required by law or executive order; the reports that satisfy such mandatory reporting requirements are labeled with the following symbol: .

### Agency Management Challenges

EPA FYs 2020–2021 management challenges report [issued](#) July 21, 2020

CSB FY 2020 management challenges report [issued](#) July 6, 2020

Each OIG is required by statute to prepare an annual report summarizing what the inspector general considers to be the “most serious management and performance challenges facing the agency.” To identify the top management challenges facing EPA, we conducted a formal survey of EPA leadership; discussed management challenges in outreach meetings with Agency offices, considered the previous work of OIG and the U.S. Government Accountability Office, and solicited comments and suggestions through EPA’s Office of the Chief Financial Officer. Based on this feedback, we identified eight significant management challenges facing EPA in FYs 2020–2021. We also identified three top management challenges facing CSB.

We began work in this semiannual reporting period on the top management challenges facing EPA and CSB in FY 2022. We will publish this report on our public website during the next semiannual reporting period.

### Oversight Plan

[Issued](#) March 2021

Our *Oversight Plan* reflects the priority work that OIG believes is necessary to keep EPA, CSB, Congress, and the American people fully informed about problems and deficiencies relating to the administration of Agency programs and operations. This OIG document lists our planned and ongoing oversight projects and guides us in fulfilling our critically important mission to detect and deter waste, fraud, and abuse in EPA and CSB programs and operations; to improve the efficiency and effectiveness of EPA and CSB; and to help ensure ethical conduct throughout EPA and CSB. It is also important to note that our plan is not static, and the projects included therein may be modified throughout the year as new challenges and risks for EPA and CSB emerge.

#### EPA Management Challenges, FYs 2020–2021

1. Maintaining operations during pandemic and natural disaster responses.
2. Complying with key internal control requirements.
3. Overseeing states, territories, and tribes responsible for implementing EPA programs.
4. Improving workforce/workload analyses.
5. Enhancing information technology security to combat cyberthreats.
6. Communicating risks to allow the public to make informed decisions about health and environment.
7. Fulfilling mandated reporting requirements.
8. Integrating and leading environmental justice across the Agency and government.

#### CSB Management Challenges, FY 2020

1. Accomplishment of CSB mission is impaired until new board members are selected.
2. CSB has not developed policy on board member responsibilities.
3. CSB must continue operations during the coronavirus pandemic.

## 1.3 Analysis of Unimplemented Recommendations

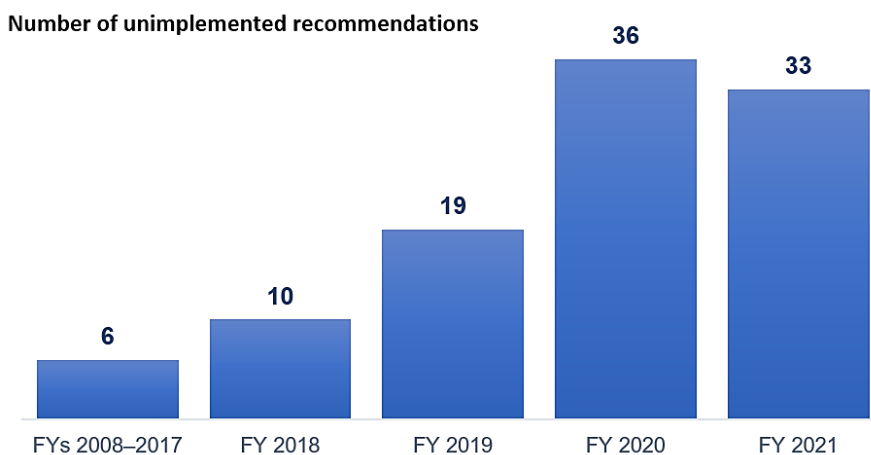
OIG audits and evaluations provide recommendations to improve EPA or CSB programs and operations. EPA, CSB, and the public benefit from the implementation of these recommendations, which address a range of health, environmental, and business issues, including management and operations; water quality; environmental contamination and cleanup; toxics, chemical safety, and pesticides; air quality; and research. On August 4, 2021, we published OIG Report No. [21-N-0191](#), *Compendium of Open and Unresolved Recommendations: Data as of March 31, 2021*, which provides an in-depth analysis of the open and unresolved recommendations issued by OIG. This compendium will be updated annually.

Before issuing a final report, OIG distributes a draft report to EPA or CSB, identifying a lead official for each recommendation included in the report. The lead officials then have the opportunity to respond to the draft report and recommendations. For the final report, which is posted on OIG's website, OIG analyzes the responses received and indicates whether each recommendation is:

- **Unresolved.** EPA or CSB disagrees with the recommendation or did not provide a formal, complete, written response to the recommendation, or OIG disagrees that the Agency's proposed corrective actions are responsive to the recommendation. Recommendations that remain unresolved six months after the final report is issued are listed in [Appendix 2](#).
- **Resolved.** EPA or CSB and OIG agree upon the recommendation and proposed corrective actions, but the corrective actions have not yet been completed. These recommendations are also called *open recommendations* and are considered unimplemented, regardless of whether their expected due dates are in the past or the future. Unimplemented recommendations issued prior to this semiannual reporting period are listed in [Appendix 3](#).
- **Completed.** EPA or CSB and OIG agree upon the recommendation and proposed corrective actions, and EPA or CSB has completed them.

Section 5(a)(3) of the Inspector General Act of 1978, as amended, requires that we identify each significant recommendation described in previous semiannual reports for which corrective action has not been completed. For this semiannual report, we analyzed actions taken by EPA and CSB regarding recommendations described in past semiannual reports and identified those that remained unimplemented as of September 30, 2021: 101 for EPA and three for CSB. The chart below shows when these 104 unimplemented recommendations were originally issued to EPA or CSB. The potential monetary

benefits of the 101 recommendations issued to EPA are approximately \$30.6 million. There are no potential monetary benefits associated with the unimplemented CSB recommendations. Note that the recommendations issued during this semiannual period are included as part of the report summaries in [Section 2.1](#).



The table below breaks down the 104 unimplemented recommendations issued to EPA and CSB according to their potential health, environmental, and business benefits and identifies the potential monetary benefits to be gained if these recommendations are implemented. [Appendix 3](#) provides the full text of the unimplemented recommendations.

Category	Number remaining unimplemented	Potential monetary benefits associated with unimplemented recommendations (in thousands)
<b><i>EPA unimplemented recommendations</i></b>		
1. Management and Operations	43	\$2,825
2. Water Quality	7	\$0
3. Environmental Contamination and Cleanup	10	\$27,800
4. Toxics, Chemical Safety, and Pesticides	14	\$0
5. Air Quality	19	\$0
6. Research and Laboratories	8	\$0
<b>EPA subtotal</b>	<b>101</b>	<b>\$30,625</b>
<b><i>CSB unimplemented recommendations</i></b>		
1. Management and Operations	3	\$0
<b>CSB subtotal</b>	<b>3</b>	<b>\$0</b>
<b>TOTAL</b>	<b>104</b>	<b>\$30,625</b>

## 1.4 OIG Hotline

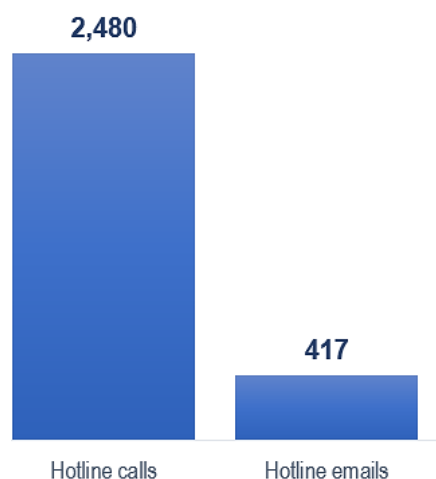
Section 8M of the Inspector General Act of 1978, as amended, requires each OIG to maintain a direct link on the homepage of its website for individuals to report fraud, waste, and abuse. Individuals may also report complaints to EPA OIG via telephone, facsimile, email, and postal mail. We refer to these means of receiving information collectively as the “OIG Hotline.” The purpose of the hotline is to receive complaints of fraud, waste, or abuse in EPA and CSB programs and operations, including mismanagement or violations of laws, rules, or regulations by Agency employees or program participants. The hotline also encourages suggestions for assessing the efficiency and effectiveness of Agency programs. Complaints and requests may be submitted by anyone, including EPA and CSB employees, participants in EPA and CSB programs, Congress, organizations, and the public. As a result of these contacts, OIG may conduct audits, evaluations, and investigations. In [Section 2.1](#), we summarize the work based on hotline contacts concluded during this semiannual reporting period.

### Hotline Statistics

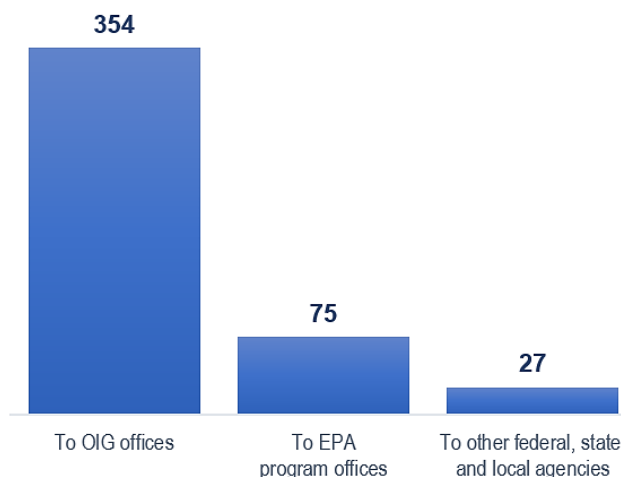
The figures below detail the number and type of contacts that the hotline received and referred for review by OIG investigation, audit, and evaluation staff; EPA program offices; and other government agencies during the fiscal year ending September 30, 2021. In this fiscal year, of 2,897 contacts received, OIG made 456 referrals. A contact can be referred to more than one entity. While many complaints we receive are outside of OIG purview, we refer those contacts related to our oversight goals and mission to OIG offices to consider for action. We refer contacts unrelated to potential fraud, waste, abuse, misconduct, or mismanagement but related to an Agency program or operation to the appropriate EPA or CSB office. As applicable, we attempt to refer contacts unrelated to EPA or CSB to another government agency. More information about our hotline operations can be found on our website, including a podcast that discusses how the EPA OIG hotline works, who uses it, and how to file a hotline complaint.

[Podcast](#)


**Hotline contacts received**  
10/1/20–9/30/21

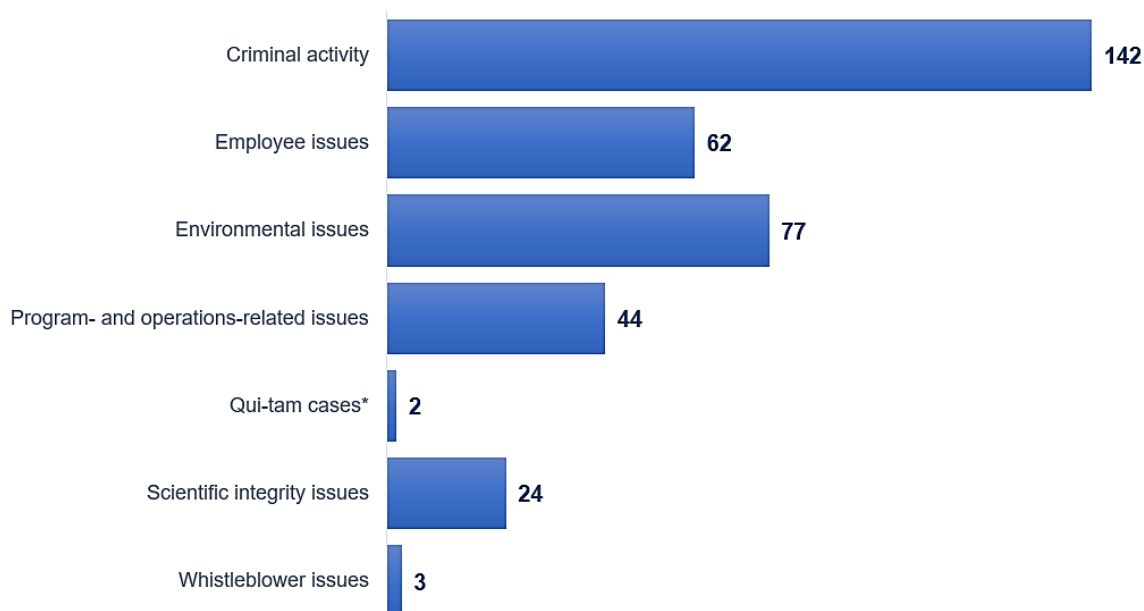


**Hotline contacts referred**  
10/1/20–9/30/21



Source: EPA OIG hotline data. (EPA OIG images)

### Categories of the 354 hotline contacts referred to OIG offices



Source: EPA OIG hotline data. (EPA OIG image)

\* In a qui-tam case, a private person brings legal action against an alleged wrongdoer on behalf of the federal government.

### Hotline Confidentiality

Individuals who contact the hotline are not required to identify themselves and may request confidentiality when submitting allegations. However, OIG encourages those who report allegations to identify themselves so that they can be contacted if OIG has additional questions. Pursuant to section 7 of the Inspector General Act of 1978, as amended, OIG will not disclose the identity of an EPA or CSB employee who provides information unless that employee consents or the inspector general determines that such disclosure is unavoidable during the course of an investigation. As a matter of policy, OIG will provide comparable protection to employees of contractors, grantees, and others who provide information to OIG and request confidentiality. Pursuant to section 8M of the Inspector General Act of 1978, as amended, OIG will also not disclose the identity of an individual who provides information via OIG's online complaint form—regardless of whether the individual is an EPA or CSB employee—unless that individual consents or the inspector general determines that such disclosure is unavoidable during the course of an investigation. Individuals concerned about confidentiality or anonymity with regard to electronic communication may submit allegations by telephone or regular mail.

#### EPA OIG Hotline

To report fraud, waste, or abuse, contact us through one of the following methods:

Email: [OIG\\_Hotline@epa.gov](mailto:OIG_Hotline@epa.gov)  
 Phone: (888) 546-8740 or (202) 566-2476  
 Fax: (202) 566-0814  
 Online: [EPA OIG Hotline](#)

Mail: EPA OIG Hotline  
 1200 Pennsylvania Avenue, NW  
 Mail Code 2431T  
 Washington, DC 20460

#### EPA Whistleblower Protection Coordinator

The EPA whistleblower protection coordinator can be reached at:

Phone: (202) 566-1513

Email: [whistleblower\\_protection@epa.gov](mailto:whistleblower_protection@epa.gov)

## 1.5 Scientific Integrity and Misconduct

Scientific integrity at EPA helps ensure that the science conducted, communicated, and used across the Agency is of the highest quality. Scientific integrity is crucial because it helps to safeguard the science to ensure that it is objective and rigorous. EPA issued its *Scientific Integrity Policy* in February 2012. The policy sets the expectation for EPA employees to represent the Agency’s scientific activities clearly, accurately, honestly, objectively, thoroughly, without political or other interference, and in a timely manner, consistent with their official responsibilities. It also sets the expectation that all EPA employees will report policy breaches. EPA’s Scientific Integrity Program consists of EPA’s scientific integrity official, deputy scientific integrity officials from each of the EPA’s program and regional offices, and program staff that support implementing the *Scientific Integrity Policy*.

“Science is the backbone of the EPA’s decision-making. The Agency’s ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. The environmental policies, decisions, guidance, and regulations that impact the lives of all Americans every day must be grounded, at a most fundamental level, in sound, high quality science.”

—[Scientific Integrity Policy](#), Section II

As part of its mission to detect and deter waste, fraud, abuse, and mismanagement, EPA OIG conducts investigations related to “research misconduct” or “scientific misconduct,” including fabrication, falsification, or plagiarism. [EPA Order 3120.5](#) contains the Agency’s policy and procedures for addressing research misconduct, including the duty of EPA employees to immediately report to OIG any allegation of research misconduct that involves:

1. Public health or safety being at risk.
2. Agency resources or interests being threatened.
3. Circumstances where research activities should be suspended.
4. Reasonable indication of possible violations of civil or criminal law.
5. Federal action being required to protect the interests of those involved in the investigation.
6. The research entity belief that an inquiry or investigation may be made public prematurely, so that appropriate steps can be taken to safeguard evidence and protect the rights of those involved.
7. Circumstances where the research community or public should be informed.

After receiving consent from the complainant, OIG may refer scientific integrity allegations that it receives to the scientific integrity official. The scientific integrity official and OIG staff meet once every two weeks to discuss the status of cases, as appropriate, as well as other scientific integrity-related issues.

OIG has a critical role in protecting the Agency’s scientific integrity. As an independent office, OIG can receive complaints of mismanagement, misconduct, abuse of authority, or censorship, including those related to scientific or research misconduct, without fear of improper influence. And, through its statutory mandate, OIG can investigate these allegations. To facilitate transparency, we continue our practice, started in our Fall 2020 *Semiannual Report to Congress*, of providing a summary of scientific integrity oversight at the Agency. The following section reports the status of scientific integrity allegations received by the scientific integrity official and any scientific misconduct allegations received by OIG.

### ***Scientific Integrity Allegations and Advice Queries Received by Scientific Integrity Official***

The Scientific Integrity Program allegation process contains two paths: (1) advice and assistance and (2) a procedure for reporting and adjudicating allegations. The purpose of advice and assistance is to provide early intervention to prevent lapses in scientific integrity. Someone with a scientific integrity concern can receive advice from the Scientific Integrity Program to ascertain whether the issue concerns

scientific integrity and to address the issue before it rises to the level of an allegation. If an allegation is reported, the Scientific Integrity Program conducts an initial screening to determine whether the allegation is covered under the *Scientific Integrity Policy*. This initial screening may be followed by a preliminary inquiry to gather additional facts. If needed, the scientific integrity official can convene a review panel with the deputy scientific integrity officials to determine whether a violation has occurred and to recommend corrective scientific actions and preventive measures.

The table and figure below enumerate the scientific integrity allegations and advice queries received by the scientific integrity official in the current fiscal year and since the program's inception in 2012. Allegations are categorized by the topic areas below; one complaint may contain multiple allegations. For advice queries, only the number of contacts and primary topic area are captured as summary statistics by the scientific integrity official.

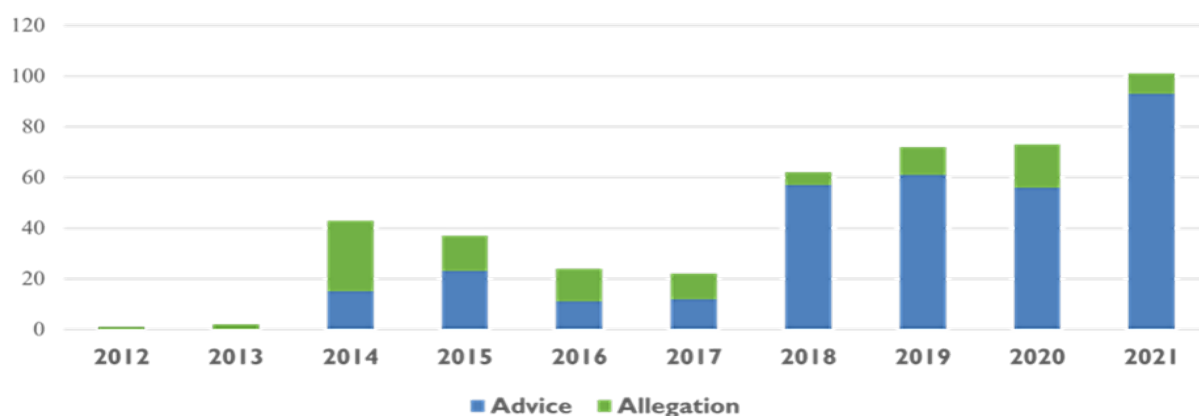
**Scientific integrity allegations and advice queries by topic: percentage (number)**

	Authorship	Data quality	Delay/suppression	Interference	Plagiarism	Other	Not scientific integrity
<b>Allegations</b>							
Oct–Mar 2021	—	—	—	71% (5)	—	29% (2)	—
Apr–Sep 2021	—	—	—	—	—	100% (1)	—
<b>Total: FY 2021</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>3</b>	<b>0</b>
<b>Total: program inception through September 30, 2021</b>	<b>15% (16)</b>	<b>7% (8)</b>	<b>15% (16)</b>	<b>38% (41)</b>	<b>2% (2)</b>	<b>16% (16)</b>	<b>9% (10)</b>
<b>Advice Queries</b>							
Oct–Mar 2021	5% (2)	2% (1)	5% (2)	52% (23)	7% (3)	25% (11)	5% (2)
Apr–Sep 2021	8% (4)	—	6% (3)	31% (15)	4% (2)	39% (19)	12% (6)
<b>Total: FY 2021</b>	<b>6</b>	<b>1</b>	<b>5</b>	<b>38</b>	<b>5</b>	<b>30</b>	<b>8</b>
<b>Total: program inception through September 30, 2021</b>	<b>9% (30)</b>	<b>6% (19)</b>	<b>15% (51)</b>	<b>43% (141)</b>	<b>2% (7)</b>	<b>17% (55)</b>	<b>8% (25)</b>

Source: EPA Scientific Integrity Program. (EPA OIG table)

Note: Percentages in this table were rounded. These are preliminary data provided by the EPA's Scientific Integrity Program and are subject to change.

**Number of scientific integrity inquiries by fiscal year since policy inception**



Source: EPA Scientific Integrity Program. (EPA image)

Note: Based on preliminary data for fiscal year 2021 provided by the EPA's Scientific Integrity Program and subject to change.

As shown in the table and figure on the previous page, for the semiannual reporting period ending September 30, 2021, the scientific integrity official received one new allegation and 49 new advice queries. Also during this semiannual reporting period, no allegations were closed or resolved. The table below summarizes the status of the allegations as of September 30, 2021. There are currently 24 open allegations: 23 from prior reporting periods and one from the current reporting period. Requests for advice or allegations received by the scientific integrity official are not necessarily referred to OIG. The scientific integrity official informs complainants that certain types of issues, such as those involving waste, fraud, abuse, reprisal, and misconduct, should be reported to OIG. The scientific integrity official also refers these types of allegations to OIG. See the next section for information about OIG's actions on scientific misconduct allegations during this semiannual reporting period.

### Status of allegations

Allegations	
Status	Number as of September 30, 2021
Open/Active*	24
Closed—substantiated	—
Closed—not substantiated	—
Withdrawn	—
Transferred to OIG	—
Not scientific integrity	—

Source: OIG summary of EPA Scientific Integrity Program data.  
(EPA OIG table)

\* This number includes the total open/active allegations remaining from the current and previous reporting periods.

Note: Based on preliminary data for fiscal year 2021 provided by EPA's Scientific Integrity Program and subject to change.

### Scientific Misconduct Allegations Received and Investigated by OIG

EPA Order 3120.5 states that each employee is responsible for promptly reporting allegations of research misconduct to supervisors or, in certain cases described above, immediately to OIG. Additionally, EPA Manual 6500, *Functions and Activities of the Office of the Inspector General: 1985 Edition*, states, "Each employee is responsible for promptly reporting indications of wrongdoing or irregularity to the OIG and for cooperating and providing assistance during any audit or investigation." [Coordination procedures](#) between the scientific integrity official and OIG state that upon receipt of a research misconduct allegation, the scientific integrity official will refer the allegation to the OIG Hotline. Likewise, if OIG receives an allegation of research misconduct, the allegation will be forwarded to the OIG Hotline, which will contact the scientific integrity official to discuss the allegation, as appropriate. As noted above, the scientific integrity official and OIG staff also meet every two weeks to discuss the status of cases, as appropriate, as well as other scientific integrity-related issues.

For the semiannual reporting period ending September 30, 2021, OIG received 12 complaints with allegations involving potential scientific misconduct from Agency employees, the scientific integrity official, and other sources. OIG has nine open investigations involving potential scientific misconduct, six of which were opened during this reporting period.

OIG had no results of investigations that it conducted or oversaw to report to the Agency for a determination of appropriate action. OIG had two results of investigations that it conducted involving criminal misconduct to refer to the U.S. Department of Justice, pursuant to the Inspector General Act of 1978, as amended.

## 1.6 Congressional and Legislative Activity

### ***Briefings, Requests, and Inquiries***

During this reporting period, OIG provided 29 briefings to congressional members and staff on OIG's oversight work. These briefings involved the inspector general and/or OIG staff meeting with congressional members and staff to better understand their perspectives, provide information about OIG, and establish the foundation for an open dialogue. Other briefings included discussions with congressional staff of recent, ongoing, and future OIG work. These meetings also served as an opportunity for OIG to highlight the need for increased oversight of EPA and CSB. During this reporting period, OIG received five congressional requests.

### ***Legislation and Regulations Reviewed***

Section 4(a) of the Inspector General Act of 1978, as amended, requires the inspector general to review existing and proposed legislation and regulations relating to the program and operations of EPA and CSB, as well as to make recommendations concerning their potential impact. We also review drafts of Office of Management and Budget circulars, memorandums, executive orders, program operations manuals, directives, and reorganizations. The primary bases for any recommendations and comments we make are the audit, evaluation, investigation, and legislative experiences of OIG, as well as our participation on the Council of the Inspectors General on Integrity and Efficiency. During the semiannual reporting period ending September 30, 2021, we reviewed three proposed changes to legislation, regulations, policy, procedures, or other documents that could affect EPA, CSB, or the inspector general. We did not provide recommendations or comments on the proposed changes.

## SECTION 2:

### *Work Accomplished During Semiannual Period*



## 2.1 Oversight Work


### Congressional Requests


Each time OIG receives a request from Congress to undertake discretionary work, we must consider whether we have enough resources—people, time, and funds—to conduct our work in a timely fashion and whether undertaking the requested work would preclude our doing other crucial work. We must also consider the many OIG projects that are statutorily mandated. For every discretionary review OIG decides to undertake, there will be others we cannot. We therefore must make difficult decisions about whether to initiate work requested by Congress. This section details the discretionary work we have concluded during this semiannual reporting period based on the congressional requests we previously received.

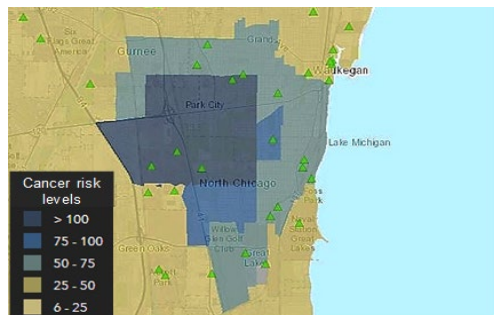
### Report Associated with Congressional Requests

#### *EPA Delayed Risk Communication and Issued Instructions Hindering Region 5's Ability to Address Ethylene Oxide Emissions*

Report No. [21-P-0123](#), issued April 15, 2021

 Improving air quality

 Communicating risks



A 2014 National Air Toxics Assessment map of part of Lake County, Illinois, that includes Gurnee and Waukegan. The colors on the map represent the different levels of cancer

OIG received four congressional requests regarding actions by Regions 5 and 6 to address ethylene oxide emissions. We found that EPA delayed informing community members in Illinois about preliminary findings of health risks from ethylene oxide-emitting facilities. EPA has characterized ethylene oxide as “carcinogenic to humans.” Additionally, former senior leaders in the Office of Air and Radiation instructed Region 5 to not conduct inspections at ethylene oxide-emitting facilities unless invited by the state and issued additional instructions that hindered Region 5 from effectively addressing ethylene oxide emissions.

Translation  
[Español](#)



[Podcast](#)



#### **Recommendations for corrective action issued to the assistant administrator for Air and Radiation:**

- 1 Develop standard operating procedures describing how the Office of Air and Radiation will work with EPA regional offices to communicate preliminary air toxics risk information, including elevated risks found in the National Air Toxics Assessment, to the public so that communities are promptly informed of potential health concerns.
- 2 Develop standard operating procedures describing the roles and responsibilities of the Office of Air and Radiation and regional offices in assessing and addressing air toxics emissions contributing to health risks, as found in the National Air Toxics Assessment, other studies, or public complaints.

## Coronavirus Pandemic

### Reports Related to EPA's Pandemic Responses

#### ***Pandemic Highlights Need for Additional Tribal Drinking Water Assistance and Oversight in EPA Regions 9 and 10***

Report No. [21-E-0254](#), issued September 27, 2021

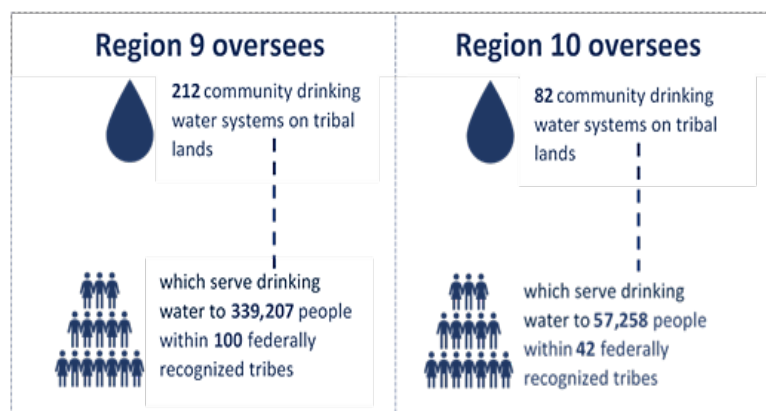


*Ensuring clean and safe water; Partnering with states and other stakeholders*



*Maintaining operations during pandemic response; Overseeing tribes implementing EPA programs; Improving workforce/workload analyses; Integrating and leading environmental justice*

The coronavirus pandemic negatively impacted the oversight and assistance that Regions 9 and 10 provide to the tribal drinking water systems, as well as the capacity of these systems to provide safe drinking water. The pandemic also underscored the limitations of EPA resources and of tribal drinking water system capacity and resiliency. Tribal drinking water systems may be unable to operate safely and comply with drinking water regulations. Access to safe and clean water is critical at all times, but even more so during pandemic situations.



Source: OIG analysis of EPA data. (EPA OIG image)

#### ***Recommendations for corrective action issued to the regional administrator for EPA Region 9:***

- 1 Implement a strategy to provide outreach, training, guidance, and technical and financial assistance to tribal drinking water systems to improve their resilience using the tools developed and grants distributed by the EPA in accordance with the America's Water Infrastructure Act of 2018.
- 2 Develop and implement a strategy to help the direct implementation of the tribal drinking water program, including resumption of sanitary surveys and inspections in a manner that considers the coronavirus restrictions of each tribe.
- 3 Develop and implement a plan to prioritize and address the recommendations identified in the 2019 file review for Region 9.
- 4 Incorporate lessons learned from the coronavirus pandemic to improve Region 9's existing plans for continuity of operations, with an emphasis on data management and network connectivity.
- 5 Develop a workforce analysis to address staff workload and the skills needed for the direct implementation of the tribal drinking water program.

#### ***Recommendations for corrective action issued to the regional administrator for EPA Region 10:***

- 6 Implement a strategy to provide outreach, training, guidance, and technical and financial assistance to tribal drinking water systems to improve their resilience using the tools developed and grants distributed by the EPA in accordance with the America's Water Infrastructure Act of 2018.
- 7 Develop and implement a strategy to help the direct implementation of the tribal drinking water program, including resumption of sanitary surveys and inspections in a manner that considers the coronavirus restrictions of each tribe.
- 8 Develop and implement a plan to prioritize and address the recommendations identified in the 2019 file review for Region 10.
- 9 Incorporate lessons learned from the coronavirus pandemic to improve Region 10's existing plans for continuity of operations, with an emphasis on data management and network connectivity.
- 10 Develop a workforce analysis to address staff workload and the skills needed for the direct implementation of the tribal drinking water program.

## ***EPA Did Not Conduct Agencywide Risk Assessment of CARES Act Appropriations, Increasing Risk of Fraud, Waste, Abuse, and Mismanagement***

Report No. [21-E-0128](#), issued May 4, 2021



*Compliance with the law; Operating efficiently and effectively*



*Maintaining operations during pandemic responses; Complying with key internal control requirements (risk assessments); Fulfilling mandated reporting requirements*

EPA did not fully comply with federal laws, Office of Management and Budget guidance, or the U.S. Government Accountability Office *Standards for Internal Control in the Federal Government* regarding the emergency supplemental appropriations provided to EPA in the Coronavirus Aid, Relief, and Economic Security Act, known as the CARES Act. Specifically, the Office of the Chief Financial Officer did not conduct an agencywide risk assessment of internal controls and did not have processes to identify, communicate, and mitigate any entity-level risks through implementation of internal controls related to the CARES Act supplemental appropriations.



By not having processes in place to conduct agencywide risk assessments on a high-risk emergency supplemental appropriation, and without assessing risk for the use of CARES Act funds across its various program offices and physical locations, the Agency is at risk of fraud, waste, abuse, and mismanagement, and cannot be sure it is maximizing the use of these funds. (EPA OIG image)

### ***Recommendations for corrective action issued to the chief financial officer:***

- 1 Perform a risk assessment for the Coronavirus Aid, Relief, and Economic Security Act supplemental appropriations at the entity level. Based upon the results of the risk assessment, either (a) design, implement, and monitor mitigating agencywide internal controls or (b) document that the existing controls at the cross-program entity and division levels are sufficient to assure compliance with federal and Agency requirements.
- 2 Revise Resource Management Directives System Policy Manual 2520, *Administrative Control of Appropriated and Other Funds*, to require the Office of the Chief Financial Officer to perform and document risk assessments of emergency supplemental appropriations (a) when these funds are received and (b) if there is a subsequent change in the level of risk(s) in order to design, implement, and monitor internal controls for these inherently high-risk funds. In cases where the Agency determines that an entity-level risk assessment is not necessary, document how the other program offices' internal controls will mitigate agencywide risks.

## ***EPA's National Vehicle and Fuel Emissions Laboratory Has Taken Steps to Mitigate Impact of Coronavirus Pandemic on Mobile Source Emission Compliance***

Report No. [21-E-0158](#), issued June 7, 2021 ✓



*Operating efficiently and effectively*



*Maintaining operations during pandemic response*

The Office of Transportation and Air Quality's National Vehicle and Fuel Emissions Laboratory compliance programs address emissions from a range of mobile sources, which are major contributors to air pollution in the United States. The laboratory experienced significant impacts due to the pandemic, including laboratory closure, reductions in testing volumes across all compliance programs, delays in regulatory development, the inability to conduct in-house laboratory testing, and the inability of staff to travel. However, the laboratory mitigated these impacts by using alternative strategies, such as virtual collaboration tools, remote auditing, and testing and reporting flexibilities allowed under mobile source regulations. EPA's efforts minimized the potential for noncompliance, and we highlighted the importance of returning to full testing capacity to enable EPA to provide the most effective oversight. The report did not make any recommendations.



Heavy-duty engine test cell at EPA's National Vehicle and Fuel Emissions Laboratory. (EPA OIG photo)

## ***EPA Effectively Planned for Future Remote Access Needs but Should Disconnect Unneeded Services in Timely Manner***

Report No. [21-P-0241](#), issued September 20, 2021



*Operating efficiently and effectively*



*Maintaining operations during pandemic and natural disaster responses; Complying with key internal control requirements (risk assessments); Enhancing information technology security*

In its solicitation for network and telecommunications services under the U.S. General Services Administration's Enterprise Infrastructure Solutions contract, EPA included a requirement that the selected vendor be able to support 12,500–20,000 concurrent remote users. This requirement should meet EPA's future remote access and workforce needs, allowing the Agency to continue operations under the duress of natural disasters and adapt its network to support a virtual workforce. EPA did not, however, disconnect unneeded network and telecommunications services, such as analog phone and digital subscriber lines, in a timely manner. As a result, the Agency spent at least \$7,850 for services it was not using. Because EPA has taken steps to disconnect unneeded services as part of its Enterprise Infrastructure Solutions transition activities, we made no recommendations regarding this finding.

### **Disconnection of unneeded services in Office of Mission Support**

Time from when service was no longer needed to disconnection date	Number of services	Cost incurred after service was no longer needed until it was disconnected
Unknown	31	Unknown
Two months	25	\$2,074.81
10–12 months	6	1,143.53
14–19 months	4	1,551.14
47–48 months	3	1,459.35
61 months	3	1,621.62
<b>Total</b>	<b>72</b>	<b>\$7,850.45 at a minimum</b>

Source: OIG analysis of EPA data. (EPA OIG table)

**Report Addresses:** EPA mission-related effort.




Top management challenge for EPA.



Mandatory reporting requirements.

## EPA Needs to Improve Processes for Updating Guidance, Monitoring Corrective Actions, and Managing Remote Access for External Users

Report No. [21-E-0124](#), issued April 16, 2021 

 Compliance with the law; Operating efficiently and effectively

 Enhancing information security technology; Complying with key internal control requirements (data quality)

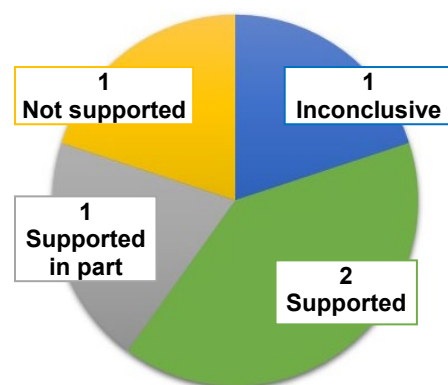
EPA consistently implemented its information security policies and procedures in compliance with the *FY 2020 Inspector General Federal Information Security Modernization Act of 2014 (FISMA) Reporting Metrics*, but quantitative and qualitative effectiveness measures are lacking. EPA needs to review its outdated information security procedures, verify corrective actions are completed, and enforce established information system control requirements. Part of our assessment addressed the Agency’s ability to respond to information technology threats and vulnerabilities and maintain information technology operations during the coronavirus pandemic. We identified deficiencies in the “Identity and Access Management” domain that could compromise the confidentiality of important EPA information and expose Agency data to unauthorized change, loss, or destruction.

### Recommendations for corrective action issued to the assistant administrator for Mission Support:

1	Update information security procedures to make them consistent with current federal directives, including the National Institute of Standards and Technology Special Publication 800-53, Revision 5, <i>Security and Privacy Controls for Information Systems and Organizations</i> .
2	Establish a process in which the audit follow-up official verifies that corrective actions were completed before the action official certifies that the audit report should be closed in the EPA audit tracking system.
3	Implement procedures for approving and maintaining external users’ authorizations to access the web application directory system.
4	Implement procedures to monitor web application directory system privileged users’ activities for unusual or suspicious activity.
5	Designate an integrated Agencywide identity, credential, and access management office, team, or other governance structure as required by Office of Management and Budget Memorandum M-19-17, <i>Enabling Mission Delivery through Improved Identity, Credential, and Access Management</i> .

## Investigations Related to Pandemic

The Office of Investigations opened a number of cases to investigate allegations of fraud related to the coronavirus pandemic. Allegations investigated included schemes to defraud Americans through, among other things, the misuse of the EPA logo or seal. The office investigated many of these cases jointly with the EPA Criminal Investigation Division or other law enforcement agencies, and it coordinated with and referred matters to EPA, as appropriate. The pie chart to the right reflects the conclusions of the five pandemic-related cases closed during this semiannual reporting period.



Results of closed cases involving the coronavirus pandemic. (EPA OIG image)

## OIG Transparency Efforts Related to Pandemic

### ***Webpage: EPA OIG’s Response to the COVID-19 Pandemic***

[Launched](#) May 2020, continually updated

To ensure transparency and keep the public up to date on our efforts, we maintain a website of our work related to the pandemic. This website lists potential audit or evaluation topics, recently announced projects, potential investigation targets, and issued reports.

### ***COVID-19 Pandemic Report: Summary of Oversight Activities as of March 2021***

[Updated](#) July 2021

This summary report captures OIG’s work to meet the challenges posed by the coronavirus pandemic. OIG continues to initiate audits, evaluations, and investigations related to the impact of the coronavirus pandemic on EPA and CSB. We are examining and identifying how the pandemic has impacted Agency programs and operations, as well as potential misconduct and criminal activity. Some subjects we have looked at or may look at include EPA’s responses to emergency incidents, such as hurricanes and wildfires; releases of hazardous substances; air quality enforcement; and potential misconduct and criminal activity. To accomplish these pandemic-focused oversight initiatives, we are working and coordinating with other federal OIGs, the Pandemic Response Accountability Committee under the Council of the Inspectors General on Integrity and Efficiency, and the U.S. Government Accountability Office.

## Human Health and Environmental Issues

### *Resource Constraints, Leadership Decisions, and Workforce Culture Led to a Decline in Federal Enforcement*

Report No. [21-P-0132](#), issued May 13, 2021

[Podcast](#)



*Compliance with the law*



*Overseeing states implementing EPA programs; Improving workforce/workload analyses; Integrating and leading environmental justice*

EPA-led compliance monitoring activities, enforcement actions, monetary enforcement results, and environmental benefits generally declined from FYs 2007 through 2018 nationwide. This downward trend also occurred at the regional level and on a statute-by-statute basis. A decline in enforcement resources was a primary driver behind these downward trends. EPA leadership also made strategic decisions that affected enforcement trends, such as focusing limited resources on the most serious cases and, in 2017, emphasizing deference to state enforcement programs and compliance assistance. A decline in EPA's enforcement activities may expose the public and the environment to excessive levels of pollution.



Source: OIG summary of EPA information. (EPA OIG image)

<b>Recommendations for corrective action issued to the assistant administrator for Enforcement and Compliance Assurance:</b>	
1	Assess the needs of the Agency's enforcement program by completing a workforce analysis to determine the level of staffing necessary to achieve and maintain a strong enforcement presence in the field that protects human health and the environment.
2	Integrate the results of the workforce analysis into the Office of Enforcement and Compliance Assurance's annual and strategic planning processes.
3	Use the results of the Office of Inspector General's 2019 Enforcement Survey and other resources to identify and address areas of concern for the enforcement program, including through issuing new or revised policies, as appropriate.
4	Incorporate additional enforcement information and data into future annual enforcement results reports to provide context for (a) compliance monitoring activities conducted by the Agency and (b) the estimated environmental benefits achieved through Agency enforcement actions.
5	Establish additional measures for Agency led compliance assistance activities and informal enforcement actions and include these new measures in future annual enforcement results reports with the appropriate context.
6	Evaluate the annual enforcement performance measures to assess whether additional context should be provided for other reported measures or whether additional measures should be included in future reports to fully capture the scope of the Agency's enforcement program.
7	Develop and track noncompliance rates within environmental programs or use other innovative approaches that would indicate the success of enforcement activities at returning entities to compliance.
8	Develop and publish a dashboard on the Enforcement Compliance History Online website that shows trends in Agency led enforcement activities and actions and is similar to the dashboards that the Agency has already prepared for state enforcement programs.

## EPA Should Conduct New Residual Risk and Technology Reviews for Chloroprene- and Ethylene Oxide-Emitting Source Categories to Protect Human Health

Report No. [21-P-0129](#), issued May 6, 2021 ✓



Improving air quality



Integrating and leading environmental justice

Translation  
[Español](#)



Results from EPA's modeling and monitoring efforts indicate that people in some areas of the country may be exposed to unacceptable health risks from chloroprene and ethylene oxide emissions. Despite EPA classifying chloroprene as a likely human carcinogen in 2010 and ethylene oxide a carcinogen in 2016, the EPA has not conducted new residual risk and technology reviews for most types of industrial sources, or source categories, that emit chloroprene or ethylene oxide. Among other steps, EPA should conduct new residual risk and technology reviews under the Clean Air Act to address elevated individual lifetime cancer risks impacting over 464,000 people, as found in a modeling tool, and to advance environmental justice.

### Recommendations for corrective action issued to the assistant administrator for Air and Radiation:

- 1 Develop and implement an internal control process with specific criteria to determine whether and when new residual risk reviews of existing National Emission Standards for Hazardous Air Pollutants and uncontrolled emission sources are needed to incorporate new risk information that demonstrates that an air pollutant is more toxic than previously determined.
- 2 Conduct new residual risk reviews for Group I polymers and resins that cover neoprene production, synthetic organic chemical manufacturing industry, polyether polyols production, commercial sterilizers, and hospital sterilizers using the new risk values for chloroprene and ethylene oxide and revise the corresponding National Emission Standards for Hazardous Air Pollutants, as needed.
- 3 Revise National Emission Standards for Hazardous Air Pollutants for chemical manufacturing area sources to regulate ethylene oxide and conduct a residual risk review to ensure that the public is not exposed to unacceptable risks.
- 4 Conduct overdue technology reviews for Group I polymers and resins that cover neoprene production, synthetic organic chemical manufacturing industry, commercial sterilizers, hospital sterilizers, and chemical manufacturing area sources, which are required to be completed at least every eight years by the Clean Air Act.

## EPA Deviated from Typical Procedures in Its 2018 Dicamba Pesticide Registration Decision

Report No. [21-E-0146](#), issued May 24, 2021 ✓



Ensuring the safety of chemicals



Communicating risks

[Podcast](#)



EPA's decision in 2018 to extend registrations for three dicamba pesticide products was made without conducting the required internal peer reviews and included an unusually high amount of senior-level involvement, which led to changes or omissions to scientific documents. The Ninth Circuit Court of Appeals vacated the 2018 registrations for violating the Federal Insecticide, Fungicide, and Rodenticide Act.

### Recommendations for corrective action issued to the assistant administrator for Chemical Safety and Pollution Prevention:

- 1 Implement a procedure requiring senior managers or policy makers to document changes or alterations to scientific opinions, analyses, and conclusions in interim and final pesticide registration decisions and their basis for such changes or alterations.
- 2 Require an assistant administrator-level verification statement that *Scientific Integrity Policy* requirements were reviewed and adhered to for pesticide registration decisions that involve the immediate office.
- 3 Annually conduct and document training for all staff and senior managers and policy makers to affirm the office's commitment to the *Scientific Integrity Policy* and principles and to promote a culture of scientific integrity.

## EPA's Endocrine Disruptor Screening Program Has Made Limited Progress in Assessing Pesticides

Report No. [21-E-0186](#), issued July 28, 2021

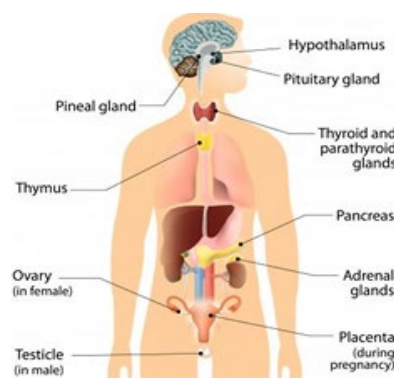


Ensuring the safety of chemicals



Communicating risks; Complying with key internal control requirements (risk assessments)

EPA has not implemented section 408(p)(3)(A) of the Federal Food, Drug, and Cosmetic Act to test all pesticide chemicals for human endocrine-disruption activity, nor has it conducted additional testing for 17 chemicals to assess endocrine disruption in wildlife, as recommended by its Office of Pesticide Programs. EPA also does not have controls in place, such as strategic guidance documents or performance measures, to effectively implement its Endocrine Disruptor Screening Program. Without the required testing and an effective system of internal controls, EPA cannot make measurable progress toward complying with statutory requirements or safeguarding human health and the environment against risks from endocrine-disrupting chemicals.



The endocrine system. (EPA image)

### Recommendations for corrective action issued to the assistant administrator for Chemical Safety and Pollution Prevention:

- 1 Issue Tier 1 test orders for each List 2 chemical or publish an explanation for public comment on why Tier 1 data are no longer needed to characterize a List 2 chemical's endocrine-disruption activity.
- 2 Determine whether the EPA should incorporate the Endocrine Disruptor Screening Program Tier 1 tests (or approved new approach methodologies) into the pesticide registration process as mandatory data requirements under 40 C.F.R. § 158 for all pesticide use patterns.
- 3 Issue List 1–Tier 2 test orders for the 18 pesticides in which additional Tier 2 testing was recommended or publish an explanation for public comment on why Tier 2 data are no longer needed to characterize the endocrine-disruption activity for each of these 18 pesticides.
- 4 Issue for public review and comment both the Environmental Fate and Effects Division's approach for the reevaluation of List 1–Tier 1 data and the revised List 1–Tier 2 wildlife recommendations.
- 5 Develop and implement an updated formal strategic planning document, such as the *Comprehensive Management Plan*.
- 6 Develop performance measures, with reasonable time frames, to document progress toward and achievement of milestones or targets. Specifically, the Endocrine Disruptor Screening Program should consider at least one performance measure that tracks progress in testing pesticides for human endocrine disruptor activity.
- 7 Conduct annual internal program reviews of the Endocrine Disruptor Screening Program.
- 8 Complete and publish the Endocrine Disruptor Screening Program's response(s) to 2015 *Federal Register* notice comments and its related white paper.
- 9 Establish a procedure for Endocrine Disruptor Screening Program communications and coordination with relevant Agency program offices with testing responsibilities.
- 10 To increase external communication and transparency, update the Endocrine Disruptor Screening Program website, including the program timeline, and publish any relevant program documents.

Note: C.F.R. stands for Code of Federal Regulations.

## EPA's Office of Land and Emergency Management Lacked a Nationally Consistent Strategy for Communicating Health Risks at Contaminated Sites

Report No. [21-P-0223](#), issued September 9, 2021



Cleaning up and revitalizing land



Communicating risks; Integrating and leading environmental justice

EPA did not consistently communicate human health risks at eight contaminated sites being addressed by Office of Land and Emergency Management programs in a manner that allowed impacted communities to decide how to manage their risks of exposure to harmful contaminants. The office lacked specific guidance regarding best practices for addressing environmental justice concerns, timeliness, coordination, and clear communication. The office's risk communication was not consistently integrated and applied across programs and regional offices, including for sites within the same program, in similar locations, or with the same contaminants. Inefficiencies in EPA's risk communication resulted in communities not being able to consistently rely on EPA as a credible source to manage their risks.

[Video](#)

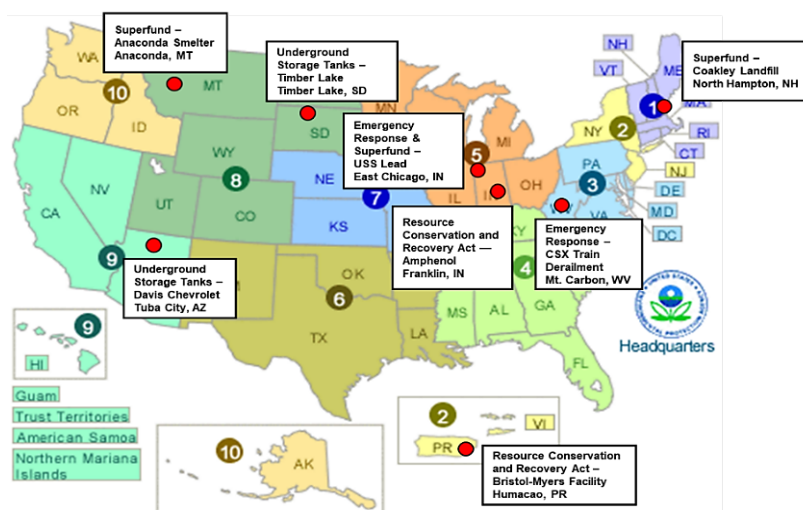


[Translation](#)

[Español](#)



[Podcast](#)



Source: OIG depiction of selected sites. (EPA OIG image)

### Recommendations for corrective action issued to the assistant administrator for Land and Emergency Management:

- 1 Establish and implement internal controls to achieve nationally consistent risk communication to improve the impacted public's awareness and understanding of risks at contaminated sites. Consistent across all Office of Land and Emergency Management programs and regional offices, such internal controls should:
  - a. Define relevant timelines for communications.
  - b. Identify who should be notified of sampling results.
  - c. Use and promote existing best risk communication practices, such as community advisory groups, community involvement coordinators, cumulative risk assessments, and assessments of environmental justice concerns.
  - d. Determine how to communicate risks for emerging contaminants, such as per- and polyfluoroalkyl substances.
  - e. Be consistent with the EPA's Seven Cardinal Rules of Risk Communication.
- 2 Establish and implement internal controls for the Office of Land and Emergency Management to conduct periodic evaluations of the risk communication efforts and outreach at Office of Land and Emergency Management–led sites. Periodically summarize Office of Land and Emergency Management programwide risk communication evaluation results to share across the Office of Land and Emergency Management programs and with EPA regions. Use these risk communication evaluation results when warranted to modify the Office of Land and Emergency Management programwide risk communication strategy, as appropriate.
- 3 Establish and implement internal controls for the Office of Land and Emergency Management to provide community members, when sampling results or other indicators show that they are or may be exposed to environmental health hazards, with:
  - a. Information that allows them to manage their risks.
  - b. Resources to contact to address the health impacts of the exposure.

**Report Addresses:** EPA mission-related effort. Top management challenge for EPA. Mandatory reporting requirements.

## EPA Needs an Agencywide Strategic Action Plan to Address Harmful Algal Blooms

Report No. [21-E-0264](#), issued September 29, 2021

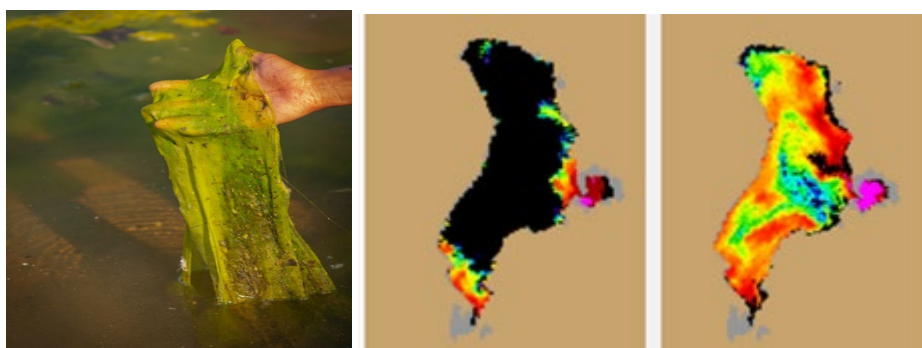


Partnering with states and other stakeholders; Operating efficiently and effectively



Overseeing states implementing EPA programs; Communicating risks; Complying with key internal control requirements (data quality)

EPA does not have an agencywide strategy for reducing, mitigating, and controlling harmful algal blooms in the nation's fresh waters, despite Congress appointing the EPA administrator as the federal lead. EPA also has yet to develop additional drinking water health advisories for the cyanotoxins associated with some blooms, failing to fulfill its 2015 commitment to Congress. The formation of harmful algal blooms is expected to increase as excess nutrients flow into bodies of water and, due to climate change, temperatures warm, and extreme weather events occur. These blooms impact the safety of our nation's recreational and drinking waters.



Picture on left: Bloom on Potomac River. (EPA photo).

Two pictures on right: EPA scientists and their collaborators used a mobile application to monitor the development of a bloom in Utah Lake, a 148-square-mile freshwater lake near Provo, Utah. The images show satellite-derived estimates of cyanobacteria concentrations on June 18, 2017 (left), and 16 days later on July 3, 2017 (right). (Cyanobacteria Assessment Network)

### Recommendations for corrective action issued to the assistant administrator for Water:

- 1 Develop an agencywide strategic action plan, including milestones, to direct the EPA's efforts to maintain and enhance a national program to forecast, monitor, and respond to freshwater harmful algal blooms. This plan should incorporate strategies for:
  - a. Identifying knowledge gaps.
  - b. Closing identified knowledge gaps, particularly related to health risks from exposure to cyanotoxins in drinking water and during recreational activities.
  - c. Monitoring and tracking harmful algal blooms.
  - d. Enhancing the EPA's national leadership role in addressing freshwater algal blooms.
  - e. Coordinating EPA activities internally and with states.
  - f. Assessing the health risks from exposure to cyanotoxins in drinking water and during recreational activities and establishing additional criteria, standards, and advisories, as the scientific information allows.
- 2 Publish final numeric water quality criteria recommendations for nitrogen and phosphorus under the Clean Water Act for lakes and reservoirs and publish implementation materials to help states in adopting these criteria recommendations.
- 3 Mindful that the EPA has substantial work to complete before publishing final numeric water quality criteria recommendations for nitrogen and phosphorus under the Clean Water Act for rivers and streams, establish a plan, including milestones and identification of resource needs, for developing and publishing those criteria recommendations.
- 4 Assess and evaluate the available information on human health risks from exposure to cyanotoxins in drinking water and recreational waters to determine whether actions under the Safe Drinking Water Act are warranted.

## Concerns About the Process Used for the SAFE Vehicles Rule Demonstrate the Need for a Policy on EPA's Role in Joint Rulemakings

Report No. [21-E-0125](#), issued April 20, 2021



*Operating efficiently and effectively*



*Complying with key internal control requirements (data quality; policies and procedures); Integrating and leading environmental justice*

Former EPA Administrator Scott Pruitt directed that the Safer Affordable Fuel-Efficient Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks would be based solely on the modeling and analysis of the National Highway Traffic Safety Administration and that the National Highway Traffic Safety Administration would draft the majority of the preamble text. This instruction resulted in the technical staff of EPA and the National Highway Traffic Safety Administration not collaborating during development of the final rule. EPA also did not follow its process for developing regulatory actions, complete major milestones in its Action Development Process, or document who decided to skip the milestones and why. EPA also did not conduct a separate analysis related to executive orders on the impacts of modified standards on vulnerable populations. As a result, congressional and tribal stakeholders raised transparency concerns after the final rule was published.



Some vehicles are subject to the Safer Affordable Fuel-Efficient Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks. (EPA photo)

### **Recommendations for corrective action issued assistant administrator for Air and Radiation:**

- 1 In coordination with the Office of General Counsel, docket for the final Safer Affordable Fuel-Efficient Vehicles Rule and commit to docketing for future joint rulemaking actions covered by Clean Air Act § 307(d), 42 U.S.C. § 7607(d), whether the EPA docket for the joint rulemaking action reflects an interpretation that the partner agency is an “other agency” for purposes of the docketing requirements of Clean Air Act § 307(d)(4)(B)(ii), 42 U.S.C. § 7607(d)(4)(B)(ii). This docketed information should include whether written comments on the action by either partner agency during interagency review and responses to such comments are part of the docket, if applicable.
- 2 In coordination with the Office of General Counsel, docket any written comments received from the National Highway Traffic Safety Administration regarding the draft final Safer Affordable Fuel-Efficient Vehicles Rule during interagency review from January 14, 2020, to March 30, 2020, and docket the EPA’s written responses to such comments.
- 3 In coordination with the Office of Policy, formally document decisions to not complete Action Development Process milestones, including early guidance, analytic blueprint, options selection, and final agency review.

### **Recommendations for corrective action issued associate administrator for Policy:**

- 4 In coordination with program offices, develop a policy for the Agency’s role in a joint rulemaking. The policy could build upon earlier recommendations from the U.S. Government Accountability Office and include:
  - Expectations for addressing executive orders.
  - Expectations for completing Action Development Process milestones or documenting decisions to skip milestones.
  - A description of the rulemaking major process steps and deliverables, including timing.
  - A description of interagency roles, responsibilities, and interactions, including resolving conflict.
  - Identification of other stakeholders.
  - Best practices that may have more general applicability and should be updated as appropriate to reflect process improvements.

## ***EPA Should Conduct More Oversight of Synthetic-Minor-Source Permitting to Assure Permits Adhere to EPA Guidance***

Report No. [21-P-0175](#), issued July 8, 2021

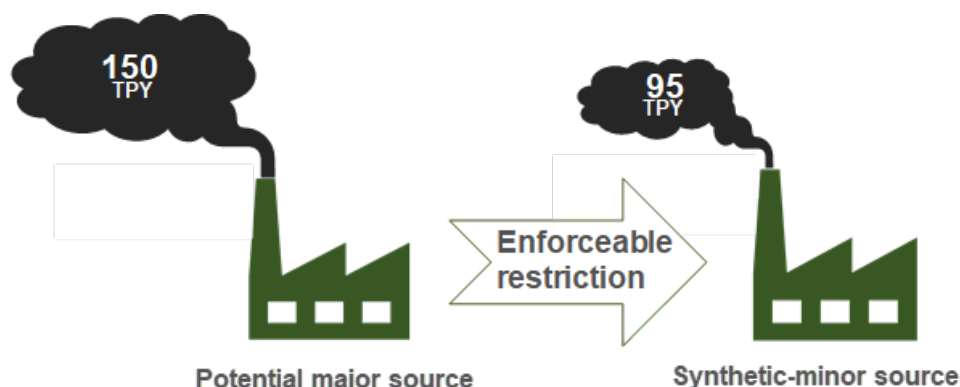


Improving air quality



Overseeing states implementing EPA programs

EPA conducts only limited oversight of synthetic-minor-source permits and does not review permits to assure that state and local agencies develop enforceable permit limitations. Synthetic-minor sources are facilities that agree to restrictions in their permits issued under the Clean Air Act to reduce their actual emissions to avoid being major sources of air pollution. Without clear and enforceable permit limitations, facilities may emit excess pollution that would subject them to more stringent requirements of the Clean Air Act major-source permitting programs.



EPA OIG analysis of enforceable permit restrictions.

Note: TPY stands for tons per year. (EPA OIG image)

### ***Recommendations for corrective action issued to the assistant administrator for Chemical Safety and Pollution Prevention:***

- 1 Update Agency guidance on practical enforceability to more clearly describe how the technical accuracy of a permit limit should be supported and documented. In updating such guidance, the Office of Air and Radiation should consult and collaborate with the Office of Enforcement and Compliance Assurance, the Office of General Counsel, and the EPA regions.
- 2 In consultation with the EPA regions, develop and implement an oversight plan to include:
  - a. An initial review of a sample of synthetic-minor-source permits in different industries that are issued by state, local, and tribal agencies to assess whether the permits adhere to EPA guidance on practical enforceability, including limits that are technically accurate; have appropriate time periods; and include sufficient monitoring, record-keeping, and reporting requirements.
  - b. A periodic review of a sample of synthetic-minor-source permits to occur, at a minimum, once every five years.
  - c. Procedures to resolve any permitting deficiencies identified during the initial and periodic reviews.
- 3 Assess recent EPA studies of enclosed combustion device performance and compliance monitoring and other relevant information during the next statutorily required review of 40 C.F.R Part 60 Subparts OOOO and OOOOa to determine whether revisions are needed to monitoring, record-keeping, and reporting requirements for enclosed combustion devices to assure continuous compliance with associated limits, and revise the regulatory requirements as appropriate.
- 4 Revise the Agency's guidance to communicate its key expectations for synthetic-minor-source permitting to state and local agencies.
- 5 Identify all state, local, and tribal agencies in which Clean Air Act permit program implementation fails to adhere to the public participation requirements for synthetic-minor-source permit issuance and take appropriate steps to assure the identified states adhere to the public participation requirements.

## ***EPA Helps States Reduce Trash, Including Plastic, in U.S. Waterways but Needs to Identify Obstacles and Develop Strategies for Further Progress***

Report No. [21-P-0130](#), issued May 11, 2021



Ensuring clean and safe water



Overseeing states implementing EPA programs

EPA, states, and municipalities implement nonregulatory initiatives to prevent and remove trash from U.S. waterways, and thousands of municipalities control stormwater discharges of trash through the Clean Water Act's National Pollutant Discharge Elimination System program. However, these entities have not



Improperly disposed of trash can end up in waterways and flow downstream into the oceans, where it becomes marine debris. (EPA photo)

otherwise widely applied all the tools established by the Clean Water Act to reduce trash in waterways. For example, only ten states and the District of Columbia have listed water bodies under the Clean Water Act as impaired or threatened due to trash. Of these, only three states and the District of Columbia have developed a total maximum daily load for trash, in part because there is a lack of information on how to develop such a total maximum daily load. EPA and states also face other regulatory and nonregulatory obstacles to reducing trash in waterways, such as a lack of guidance on how to develop water quality criteria and consistent measurement methodologies.

### ***Recommendations for corrective action issued to the assistant administrator for Water:***

- |   |   |
|---|---|
| 1 | Evaluate the obstacles to implementing the Clean Water Act to control trash in U.S. waterways and provide a public report describing those obstacles.   |
| 2 | Develop and disseminate strategies to states and municipalities for addressing the obstacles identified in the evaluation from Recommendation 1. These strategies may include guidance regarding how to develop narrative water quality criteria, consistent assessment and measurement methodologies, and total maximum daily loads for trash pollution. |
| 3 | Support state and local municipalities' efforts to control trash through National Pollutant Discharge Elimination System permits for municipal separate sewer systems by publishing guidance documents, such as the Trash Stormwater Permit Compendium and the U.S. EPA Escaped Trash Assessment Protocol.  |

## ***EPA Has Reduced Its Backlog of State Implementation Plans Submitted Prior to 2013 but Continues to Face Challenges in Taking Timely Final Actions on Submitted Plans***

Report No. [21-E-0163](#), issued June 14, 2021



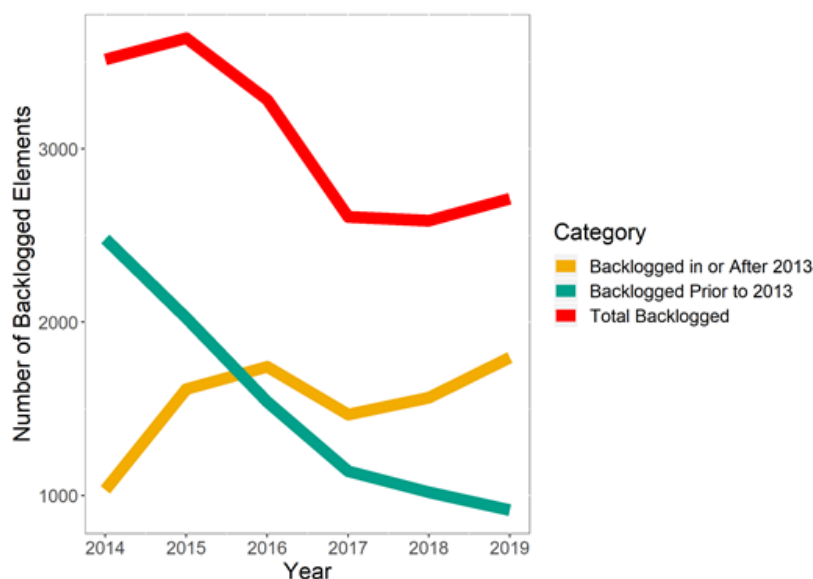
Improving air quality



Overseeing states implementing EPA programs

Since 2015, EPA has reduced the number of backlogged State Implementation Plan submittals awaiting EPA action. Despite this progress, EPA has still not taken timely action on a significant number of State Implementation Plan submittals. As of January 1, 2021, approximately 39 percent of the 903 active State Implementation Plan submittals awaiting EPA action were considered backlogged. Delayed EPA actions increase the risk that state or local air agencies are not implementing plans sufficient to achieve or maintain the National Ambient Air Quality Standards. Delayed action can also result in a lack of regulatory certainty and different enforceable requirements for regulated entities.

The Clean Air Act requires each state to submit State Implementation Plans that demonstrate that it has an air quality management program in place to implement National Ambient Air Quality Standards and to identify emission-control requirements to attain or maintain the standards.



OIG analysis of element level data in the State Planning Electronic Collaboration System. (EPA OIG image)

### ***Recommendations for corrective action issued to the assistant administrator for Air and Radiation:***

- 1 Improve oversight of State Implementation Plan submittals by developing and implementing a process to search and summarize State Implementation Plan elements that have not been submitted by the statutory deadlines and to ensure that these data are available to the public.
- 2 Develop and implement a plan to address regional workload disparities to ensure that State Implementation Plan submittals can be acted upon in a timely manner.
- 3 Reassess the Clean Data Determination status for the Yuma, Arizona, 1987 National Ambient Air Quality Standards for particulate matter up to ten micrometers in size and the Mariposa, California, 2008 ozone National Ambient Air Quality Standards to determine whether corresponding State Implementation Plan requirements should remain suspended.
- 4 Issue findings of failure to submit or take disapproval actions for required State Implementation Plan submittals in areas that have failed to meet required attainment dates and have not submitted required State Implementation Plan elements by the statutory deadline or that have submitted unapprovable State Implementation Plan elements.

## Business Practices and Accountability

### *EPA's Emergency Response Systems at Risk of Having Inadequate Security Controls*

Report No. [21-E-0226](#), issued September 13, 2021



*Operating efficiently and effectively*



*Complying with key internal control requirements (data quality); Enhancing information technology security*

[Podcast](#)



EPA's information systems did not have proper security controls because the Agency did not adhere to federal guidance when determining security categorizations. (EPA OIG image)

EPA did not follow guidance from the National Institute of Standards and Technology when determining the security categorization for five emergency response systems. It also did not include key participants in the process. EPA systems become more vulnerable to security threats and compromise of data if the Agency does not follow National Institute of Standards and Technology guidance when categorizing security levels for systems or documenting system security. Compromise of emergency response system data could impact EPA's ability to coordinate response efforts in environmental disasters.

#### **Recommendations for corrective action issued to the assistant administrator for Land and Emergency Management:**

- 1 Implement controls to follow National Institute of Standards and Technology guidance when conducting systems categorizations by:
  - a. Involving the appropriate key stakeholders, including mission owners and the chief information security officer, during the system security categorization process as prescribed in the National Institute for Standards and Technology Special Publication 800-60 Volume I, Table 3, Process Roadmap.
  - b. Having responsible parties adhere to all activity steps as outlined in the National Institute for Standards and Technology Process Roadmap, including selecting all application information types applicable to information systems.
  - c. Having responsible parties document the security categorization determinations and decisions within system security plans as provided in the National Institute for Standards and Technology Process Roadmap, including documenting all downward adjustments to provisional security levels.
- 2 Reevaluate the system security categorizations for the EPA On-Scene Coordinator, Scribe.NET, Web Emergency Operations Center, VIPER, Contaminated Site Cleanup Information Contractor Local Area Network, and Emergency Management Portal systems in accordance with National Institute of Standards and Technology guidelines. Adjust security categorizations as appropriate based on those evaluations.

#### **Recommendations for corrective action issued to the assistant administrator for Mission Support:**

- 3 Follow Agency guidance and implement controls to update the EPA's security categorization guidance to include the chief information security officer when adjusting the provisional security categorization and determining the final security categorization, as prescribed in the National Institute for Standards and Technology Process Roadmap.
- 4 Update the EPA's security categorization guidance to define and include the role of the mission owner.
- 5 Develop and provide role-based training to individuals who have security responsibilities for National Institute of Standards and Technology system security categorization
- 6 Develop and implement a process to list and describe all minor applications in the appropriate system security plan.
- 7 Implement a process to document that tools and models are secure.

## EPA Needs to Measure and Track Performance of Programs Eliminated in President's Budget but Later Funded by Congress

Report No. [21-E-0219](#), issued September 2, 2021

[Podcast](#)

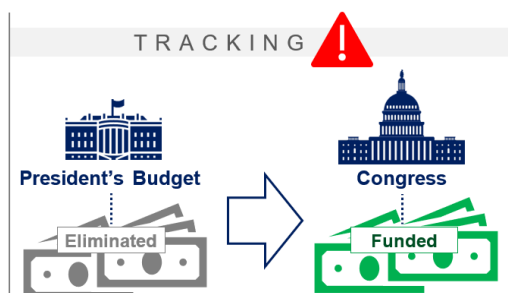


*Operating efficiently and effectively*



*Complying with key internal control requirements (policies and procedures)*

From FY 2018 through FY 2020, EPA was appropriated nearly \$2.4 billion for programs that were eliminated in the President's Budget but then later funded by congressional appropriation. During that time frame, EPA did not have internal controls in place to ensure that program activities for these eliminated-then-funded programs were measured and tracked, in accordance with the Government Performance and Results Act Modernization Act of 2010.



EPA is not tracking required performance measures for all programs that were eliminated in the President's Budget but later funded by Congress. (EPA OIG image)

### Recommendations for corrective action issued to the chief financial officer:

- 1 Develop written guidance that explicitly states that eliminated-then-funded programs must measure and track performance.
- 2 Develop an annual process to verify that eliminated-then-funded programs have performance measures in place and to identify where those measures are tracked.

## EPA Should Improve Compliance with Blanket Purchase Agreement Requirements

Report No. [21-P-0192](#), issued August 9, 2021



*Operating efficiently and effectively*



*Complying with key internal control requirements (policies and procedures)*


For the six blanket purchase agreements that we reviewed, EPA did not always, as required by federal regulations and EPA requirements, maintain electronic records, perform adequate acquisition planning, document approvals for decisions to use noncommon contract solutions, or perform required annual reviews. EPA also did not maximize competition, ensure price reasonableness, or negotiate lower prices, as recommended by the Office of Management and Budget. Noncompliance with federal regulations and recommendations, as well as with EPA requirements, hinders effective EPA contract management of blanket purchase agreements and may decrease potential cost savings.

### Recommendations for corrective action issued to the assistant administrator for Mission Support:

- 1 Implement procedures to verify that contracting officers perform and document annual reviews of active blanket purchase agreements.
- 2 Implement procedures to verify that contracting officers request vendor price discounts on blanket purchase agreement orders, as appropriate, before issuing an order or in conjunction with the annual review of active blanket purchase agreements.
- 3 Implement procedures to verify that contracting officers determine whether a single-award blanket purchase agreement is appropriate when establishing a new blanket purchase agreement. Document these determinations in the official blanket purchase agreement files.

**Report Addresses:** EPA mission-related effort. Top management challenge for EPA. Mandatory reporting requirements.

## ***EPA Needs to Strengthen Oversight of Its Travel Program Authorization and Voucher Approval Processes***

Report No. [21-P-0265](#), issued September 30, 2021 

 *Compliance with the law; Operating efficiently and effectively*


 *Complying with key internal control requirements (policies and procedures)*

EPA policy and procedures were not always effective in ensuring sufficient oversight of travel card use. We found that EPA staff did not consistently comply with travel policy requirements. Out of our sample of 31 travel transactions, 29 deviated from policy in travel card use. EPA staff approved authorizations without sufficient justification of travel policy deviations, processed late vouchers, and reimbursed vouchers for costs that lacked required documentation. These issues occurred because of personnel's unfamiliarity with travel policies; the responsible EPA team's monitoring weaknesses in overseeing travel approvals; and vague travel procedures, such as the Resource Management Directive System 2550B, which contains procedures for extended temporary travel but lacks specific guidance to assist in determining whether the cost of extended travel is most advantageous to EPA. As a result, the Agency continues to be at risk from travel payments that could result in the mismanagement or waste of taxpayer funds.


### ***Recommendations for corrective action issued to the chief financial officer:***

- |   |   |
|---|---|
| 1 | Ensure that individuals do not bypass justifications for travel policy deviations and documentation requirements by: <ol style="list-style-type: none"> <li>Assessing the feasibility of modifying Concur to restrict individuals from bypassing authorization justifications or required voucher receipts.</li> <li>Reemphasizing, through training or other methods, the requirement for justifications and documentation.</li> </ol>   |
| 2 | Require annual training for all approvers and travelers to certify that they are knowledgeable about the Federal Travel Regulation and Resource Management Directive System 2550B travel policy.  |
| 3 | Increase the rate of capturing deviations found in this audit by identifying monitoring reports in the travel system that can assist with targeted-deviation monitoring efforts and use the system-monitoring reports for oversight.  |
| 4 | Issue addendums to the Resource Management Directive System 2550B travel policy or equivalent to: <ol style="list-style-type: none"> <li>Require approvers to estimate and compare the total cost of temporary change of station versus extended temporary duty travel and authorize the one that is most advantageous for the Agency, cost and other factors considered.</li> <li>Require the travel card cancellation and closeout process to occur within a predetermined number of days.</li> </ol> |

## ***EPA Complies with Payment Integrity Information Act but Needs to Determine Cost Allowability When Testing for Improper Grant Payments***

Report No. [21-P-0135](#), issued May 14, 2021 

 *Compliance with the law*

 *Complying with key internal control requirements (data quality)*


EPA's FY 2020 improper payment reporting complied with the Payment Integrity Information Act of 2019, but the Agency did not determine the allowability of costs when testing grant payments, which caused the Agency to inaccurately report its estimated improper payments for its grants program. We identified an additional \$38,038.96 in improper payments due to insufficient documentation.


### ***Recommendations for corrective action issued to the chief financial officer:***


- |   |   |
|---|---|
| 1 | Revise the Office of the Chief Financial Officer's <i>Standard Operating Procedure Grants Improper Payment Review</i> to include the cost allowance principles as set forth in 2 C.F.R. Part 200, Subpart E, in its improper payments estimates for the grants payment stream program and provide training to staff on the updated procedure. |
|---|---|

Note: C.F.R. stands for Code of Federal Regulations.

## EPA Needs to Strengthen Its Purchase Card Approval Process

Report No. [21-P-0242](#), issued September 22, 2021 

 Operating efficiently and effectively

 Complying with key internal control requirements (data quality)

The Agency's internal controls are not adequate to prevent and detect illegal, erroneous, or improper purchases. Of the 25 purchase card and convenience check transactions we reviewed, 23 transactions had at least one instance of noncompliance. We determined that \$5,493.97 (5 percent) of the \$119,618.66 purchase card and convenience check expenses we reviewed were unallowable. Improper purchases were made primarily because cardholders and approving officials lacked knowledge of relevant purchase card policies and because the purchase card team, cardholders, and approvers underutilized Citibank's internal control tools, which are designed to prevent unallowable purchases and to block unauthorized merchant category codes, among other useful functions. The Agency continues to be at risk of making improper or erroneous purchases, which may result in the misuse or waste of taxpayer funds.



EPA obtains purchase card services through the U.S. General Services Administration. (General Services Administration image)

### Recommendations for corrective action issued to the assistant administrator for Mission Support:

- 1 Require annual training for all cardholders and approving officials on targeted purchase card and convenience check requirements, based on findings in audits and reviews, including those regarding closer scrutiny, restricted transactions, required resources, and prohibited transactions.
- 2 Provide CitiManager training and support to cardholders, approving officials, and the purchase card team that will establish the expectation that they use and enable them to effectively use CitiManager for the documentation, justification, and approval of purchases.
- 3 Require cardholders and approving officials who have completed the training in Recommendation 2 to maintain approvals and purchase documentation in CitiManager. Update all relevant policies and procedures to reflect this requirement.
- 4 Require the purchase card team to identify and use CitiManager management reports that will help provide oversight of the program. Update all relevant policies and procedures to reflect this requirement.

## Hotline Contacts

### Reports Initiated via OIG Hotline

#### ***Improved Review Processes Could Advance EPA Regions 3 and 5 Oversight of State-Issued National Pollutant Discharge Elimination System Permits***

Report No. [21-P-0122](#), issued April 21, 2021



Ensuring clean and safe water



Overseeing states implementing EPA programs; Integrating and leading environmental justice

In Regions 3 and 5, EPA did not follow all relevant Clean Water Act and National Pollutant Discharge Elimination System regulations and guidelines while reviewing permits. Region 3 did not adequately ensure that National Pollutant Discharge Elimination System permits issued by the State of West Virginia met regulatory requirements. Region 5 did not address all Clean Water Act and National Pollutant Discharge Elimination System regulations during its review of a draft permit for a mine and processing facilities to be built by PolyMet Mining Inc. along the St. Louis River in northeastern Minnesota. Region 5 also repeatedly declined to make a formal determination under Clean Water Act § 401(a)(2) regarding whether discharges from the PolyMet NorthMet project may impact the quality of waters within the jurisdiction of the Fond du Lac Band of Lake Superior Chippewa, whose tribal lands are 125 miles downstream from the site of the PolyMet NorthMet project. Improved EPA oversight could ensure that state National Pollutant Discharge Elimination System programs are protecting human health and the environment.

Water pollution degrades water quality. As authorized by the Clean Water Act, EPA implements the National Pollutant Discharge Elimination System permit program to control water pollution by regulating point sources that discharge pollutants into waters of the United States.

#### ***Recommendations for corrective action issued to the regional administrator for Region 3:***

- 1 Review the modified National Pollutant Discharge Elimination System mining permits issued by West Virginia based on the 2019 revisions to its National Pollutant Discharge Elimination System program to ensure that no backsliding has occurred, including for discharges of ionic pollution, in accordance with EPA Region 3's approval letter dated March 27, 2019. If a permit does not contain record documentation for the reasonable potential analysis or otherwise allows backsliding, alert West Virginia of the permit inadequacies.
- 2 Review the modified National Pollutant Discharge Elimination System mining permits issued by West Virginia based on the 2019 revisions to its National Pollutant Discharge Elimination System program to determine whether the permits contain effluent limits for ionic pollution and other pollutants that are or may be discharged at a level that causes, has the reasonable potential to cause, or contributes to an excursion above any applicable water quality standard, as required by Clean Water Act regulations. If a permit lacks required effluent limits, take appropriate action to address such deficiencies.
- 3 Develop a formal internal operating procedure to facilitate timely permit reviews and transmission of EPA comments to states.

#### ***Recommendations for corrective action issued to the regional administrator for Region 5:***

- 4 Review and provide written input on any National Pollutant Discharge Elimination System permit prepared for reissuance by the Minnesota Pollution Control Agency for the PolyMet Mining Inc. NorthMet project, if applicable, as appropriate pursuant to the requirements of the Clean Water Act, National Pollutant Discharge Elimination System regulations, the Region 5 National Pollutant Discharge Elimination System permit review standard operating procedure, and the memorandum of agreement between EPA Region 5 and the Minnesota Pollution Control Agency.
- 5 Pursuant to Clean Water Act § 401(a)(2), commit to making a determination regarding the downstream water quality impacts of pertinent discharges whenever available information, including information provided by downstream states or tribes, indicates reasonable grounds to conclude that the discharges may impact downstream water quality.

## ***Staffing Constraints, Safety and Health Concerns at EPA’s National Enforcement Investigations Center May Compromise Ability to Achieve Mission***

Report No. [21-P-0131](#), issued May 12, 2021



*Operating efficiently and effectively*



*Improving workforce/workload analyses*

Despite addressing some concerns from prior audits and inspections, EPA’s National Enforcement Investigations Center continues to have issues, such as unconduted internal safety and health audits and management reviews, hazardous waste mismanagement, noncompliance with safety procedures, and staff concerns about safety and health. In 2020, as a result of an inspection by the State of Colorado, the National Enforcement Investigations Center was cited for several hazardous waste violations. Additionally, its Federal Employee Viewpoint Survey results are 22 percent lower than EPA’s averages for questions related to management and work environment, and the center has high attrition rates. As a result, National Enforcement Investigation Center’s ability to achieve its mission of supporting EPA’s civil and criminal enforcement efforts may be compromised.



Inside the National Enforcement Investigations Center. (EPA photo)

### ***Recommendations for corrective action issued to the assistant administrator for Enforcement and Compliance Assurance:***

1	Direct the National Enforcement Investigations Center to develop and implement a formal procedure and tracking mechanism (such as a consolidated spreadsheet) for National Enforcement Investigations Center decisions related to observations, comments, concerns, and opportunities for improvement identified from audits; management review action items that are not tracked anywhere else; and customer complaints.
2	Direct the Office of Criminal Enforcement, Forensics, and Training to develop and implement a follow-up process for inspection findings, including determining and documenting whether corrective actions effectively address findings.
3	Conduct a follow-up review of hazardous waste management at the National Enforcement Investigations Center to determine whether it is complying with relevant statutes and regulations and verify internal controls are in place to ensure future compliance.
4	Provide annual training on safety incident reporting procedures to all National Enforcement Investigations Center employees and managers, including training on preventive or corrective actions and related root-cause analysis.
5	Develop and incorporate metrics that address safety and health issues and staff concerns into National Enforcement Investigations Center senior management performance standards, such as collecting anonymous feedback from all staff annually.
6	In coordination with the assistant administrator for Mission Support, verify that all laboratory hoods at the National Enforcement Investigations Center are operational and certified for use.
7	Develop and implement a staffing plan for the Office of Criminal Enforcement, Forensics, and Training incorporating projections of National Enforcement Investigations Center workload based upon the number of Criminal Investigation Division agents, the needs of other EPA enforcement programs, and other factors.
8	In coordination with the assistant administrator for Mission Support, develop a joint action plan for hiring new staff at the National Enforcement Investigations Center and promptly address delays in hiring.
9	Develop and incorporate metrics on the National Enforcement Investigations Center work environment and culture into Office of Criminal Enforcement, Forensics, and Training senior management performance standards, such as results from the annual Federal Employee Viewpoint Survey, periodic culture audits, or other methods to measure progress.
10	Develop and incorporate metrics that address work environment and culture into National Enforcement Investigations Center senior management performance standards.

## 2.2 Investigative Work

### Significant Investigations

#### ***Former Treatment Plant Superintendent Sentenced for Violating Clean Water Act***

On April 1, 2021, a former superintendent of the Sioux City Wastewater Treatment Plant in Iowa was sentenced in the U.S. District Court for the Northern District of Iowa to three months' imprisonment with two years of supervised release and fined \$6,000 for violating the Clean Water Act. The Sioux City Wastewater Treatment Plant, which receives funding through EPA state revolving fund grants, is a large regional sewage treatment plant for wastewater from industrial, commercial, and residential sources throughout the region. Under its Clean Water Act permit, the plant is required to treat wastewater before discharging it into the Missouri River and to test the wastewater to verify proper treatment. However, the former superintendent conspired to employ a fraudulent water testing procedure. On October 6, 2020, the former superintendent pleaded guilty to one count of conspiracy and one count of knowingly falsifying, tampering with, and rendering inaccurate a monitoring device or method required to be maintained under the Clean Water Act.

*This investigation was conducted jointly with EPA's Criminal Investigation Division and the Federal Bureau of Investigation.*

#### ***Former Commission Director Sentenced for Federal Government Program Theft***

On May 27, 2021, a former interim executive director for the Hancock County Planning Commission was sentenced to two years in prison and three years of supervised release, as well as ordered to pay approximately \$325,000 in restitution, after pleading guilty in federal court on December 10, 2020, to wire fraud and federal government program theft. From June 2015 through April 2019, this individual embezzled more than \$325,000 from the Hancock County Planning Commission and another nonprofit organization where the individual worked. The individual perpetrated the scheme by fraudulently transferring funds from one organization to another and converting the funds for personal use. During the relevant period, the Hancock County Planning Commission received federal grant monies from both EPA and the U.S. Department of Agriculture, including \$400,000 in EPA grant funds to conduct inventory of, characterize, and assess Brownfields sites in Hancock County, Maine.

*This investigation was conducted jointly with the Ellsworth Police Department, the Federal Bureau of Investigation, and the Department of Agriculture OIG.*

#### ***Company Ordered to Pay Restitution to EPA for Grant Proposal Misrepresentations***

On June 7, 2021, a North Carolina-based research company, Bio-Adhesive, was sentenced in the U.S. District Court for the Middle District of North Carolina to serve five years of a probationary term, as well as ordered to pay restitution in the amount of \$319,199.69 to EPA and \$562,500.00 to the National Science Foundation. On March 23, 2021, the company pleaded guilty to two counts of providing false statements to EPA and the National Science Foundation. From 2013 through 2017, the company applied for and received Small Business Innovation Research and Small Business Technology Transfer grant awards from EPA and the National Science Foundation totaling \$1,375,000. The company submitted multiple proposals that contained misrepresentations regarding its eligibility to seek Small Business Innovation Research and Small Business Technology Transfer grant awards from the National Science Foundation and EPA.

*This investigation was conducted jointly with the National Science Foundation OIG.*

### ***Company Reimbursed U.S. Government \$1.5 Million for Improper Lab Practices***

In July 2021, an engineering firm reimbursed the United States \$1,453,263 as part of a settlement agreement regarding improper laboratory practices at a previously owned subsidiary. These improper laboratory practices impacted 27 projects funded by federal agencies, including EPA. According to a voluntary disclosure by the engineering firm, a former employee altered laboratory instrument settings between 2007 and 2013 to bring certain test results within acceptable water quality levels. These unreliable water quality testing results were then provided to federal agencies, including EPA, the U.S. Department of Defense, the U.S. Department of State, and the U.S. Department of Energy. A subsequent federal investigation coled by EPA OIG and the Department of Defense OIG confirmed which projects were potentially impacted. These projects involved environmental cleanup, water remediation, and water treatment issues. The investigation also verified the amount of money owed to agencies for the costs of testing services and related field sampling.

*The settlement agreement was the result of a coordinated effort by the U.S. Attorney’s Office for the District of Colorado, EPA OIG, the Department of Defense OIG, the Department of State, and the Department of Energy. The agreement resolved claims alleged by the federal government only, as there had not been a determination of liability. Moreover, the agreement was neither an admission of liability by the engineering firm nor a concession by the United States that its claims were not well founded.*

### ***Cleanup Contractor Charged with Theft of Public Money***

On September 23, 2021, a former Tennessee methamphetamine cleanup contractor was charged in the U.S. District Court, Eastern District of Tennessee, Greenville Division, with one count of 18 U.S.C. § 641, theft of public money less than \$1,000. The cleanup contractor was working under the oversight of the Tennessee Department of Environment and Conservation, which uses an EPA Brownfields grant for methamphetamine decontamination program oversight and training. It was alleged that the cleanup contractor fraudulently issued certificates of fitness to release properties that had been quarantined for methamphetamine contamination and to declare these properties as safe for human use. As a result, the property owners believed the homes were certifiably “clean” of any methamphetamine use or damage. On September 30, 2021, the contractor was sentenced to one year of probation and ordered to repay \$2,000 in restitution to the affected homeowner for this specific charge.

*This investigation was conducted jointly with the Tennessee Department of Environment and Conservation.*

## **Management Implication Reports**

### ***Failure to Follow Agency Procedure to Report Cyberincident***

[Issued](#) September 7, 2021

The EPA Office of Homeland Security did not follow procedures outlined in EPA Classification No. CIO 2150-P-08.2, *EPA Information Procedure, Information Security – Incident Response Procedures* because it did not immediately report a potential EPA data breach related to the EPA Facility Registry Service to OIG and because it contacted law enforcement agencies external to EPA without OIG coordination. The reported data breach did not contain sensitive or personally identifiable information. However, early OIG notification of cyberevents is critical to ensure the integrity of EPA’s cyberinfrastructure, to allow our specially trained criminal investigators to collect and analyze electronic evidence and cyberevidence before it is lost, to optimize our relationships with a broad array of external law enforcement, and to prevent sensitive law enforcement or erroneous information from being disseminated to the media. OIG issued this report to the associate administrator for Homeland Security to take the steps deemed appropriate to ensure that cyberincident response procedures, including prompt reporting to OIG, are followed by all EPA employees.

*Agency Response:* As a result of this management implication report, EPA’s Office of Homeland Security, Office of Mission Support, and OIG collaborated to develop a better understanding of the roles and responsibilities of each office during a reported data breach incident.

### ***Lack of Information Security Protection of Off-Network EPA Device***

**Issued** July 9, 2021

Inadequate access controls likely enabled external access to an environmental air sensor device operated by the Office of Research and Development’s Center for Environmental Measurement and Modeling’s Air Methods and Characterization Division. On April 21, 2021, EPA personnel attempted to remotely log into the device but were denied access. After eventually gaining access and discovering that the contents were encrypted, the employees contacted the device manufacturer, who helped EPA wipe the device clean. OIG believes that, based on the details of the event, the device was attacked by ransomware. However, EPA incident responders were not able to examine the device or investigate the incident before the manufacturer wiped the device clean, deleting all its data. In addition, OIG discovered that a password was not set on the device and that the device was connected to the open internet, which suggests that there is a lack of safeguards on remote devices procured, implemented, and operated by the Office of Research and Development. EPA cannot guarantee the scientific integrity of data received from devices that lack safeguards. Also, malicious software could be inadvertently downloaded or be pushed to devices lacking safeguards. OIG issued this report to the acting assistant administrator for Research and Development and EPA science advisor to take steps deemed appropriate to ensure the integrity of vital scientific research conducted by the Office of Research and Development.

*Agency Response:* As a result of this management implication report, the Office of Research and Development has taken steps to reeducate the staff involved in this incident. Additionally, the office adopted internal security processes, which include requirements to report security incidents. The Office of Research and Development also worked with EPA information security personnel to better improve network capabilities and security processes.

## **Reports of Investigation—Employee Integrity**

A Report of Investigation documents the facts and findings of an OIG investigation and generally involves an employee integrity matter. When OIG’s Office of Investigations issues a Report of Investigation that has at least one supported allegation, it requests that the entity receiving the report—whether it is an office within EPA, CSB, or OIG—provide a notification to OIG within 60 days regarding the administrative action taken or proposed to be taken in the matter. This section provides information on how many Reports of Investigation with at least one supported allegation were issued to EPA, CSB, or OIG, as well as how many of those Reports of Investigation did not receive a response within the 60-day period. For the reporting period ending September 30, 2021, the Office of Investigations issued no Reports of Investigation and received no responses outside the 60-day window.

### **Agency and OIG Reports of Investigation**

Reports of Investigation with findings issued 4/1/21–9/30/21		Responses received or pending <u>after</u> 60-day response period			
To EPA	To OIG	Received from EPA*	Pending from EPA, as of 9/30/21	Received from OIG*	Pending from OIG, as of 9/30/21
0	0	0	0	0	0

\* The EPA or OIG will or will not take an action or will conduct a supplemental investigation.

## 2.3 Instances of Whistleblower Retaliation and Interference with Independence

### Whistleblower Retaliation

Section 5(a)(20) of the Inspector General Act of 1978, as amended, requires a detailed description of any instances of whistleblower retaliation noted by EPA OIG. This requirement includes reporting information about any officials found to have engaged in retaliation and the consequences the Agency imposed to hold such officials accountable. There were no whistleblower retaliation cases closed within the semiannual period ending September 30, 2021. No officials were found to have engaged in retaliation.

### Interference with Independence

Section 5(a)(21) of the Inspector General Act of 1978, as amended, requires a detailed description of any attempt by the Agency to interfere with the independence of EPA OIG. This includes “budget constraints designed to limit the capabilities of the [OIG]” and incidents in which the Agency “has resisted or objected to oversight activities of the [OIG] or restricted or significantly delayed access to information.” Generally, we will report incidents of restricted or delayed access to information experienced in a review or investigation in the semiannual report covering the period during which the review was completed or the investigation was closed. There were no reviews completed or investigations closed involving attempts by EPA or CSB to interfere with OIG’s independence within the semiannual period ending September 30, 2021.

## 2.4 Single Audit Work

In accordance with the Single Audit Act of 1984, as amended, and Office of Management and Budget guidance, nonfederal entities that expend more than \$750,000 in federal funds are required to have a comprehensive annual audit of their financial statements and to comply with major federal program requirements. The entities receiving the funds include states, local governments, tribes, and nonprofit organizations. The Act provides that grantees are to be subject to one annual comprehensive audit of all their federal programs versus a separate audit of each federal program—hence the term “single audit.” The single audits are performed by independent, nonfederal auditors. Federal agencies rely upon the results of single audit reporting when performing their grants-management oversight of these entities.

OIG provides an important service to EPA by performing technical reviews of single audit reports on the basis of which OIG issues memorandums for audit resolution and corrective action. These memorandums recommend that EPA action officials confirm corrective actions have been taken. If the corrective actions have not been implemented, EPA needs to obtain a corrective action plan, with milestone dates, for addressing the findings in a single audit report. In addition, OIG conducts desk reviews to assess the quality of nonfederal audits and issues letters of deficiency notifying the external auditors of issues identified. The chart below reflects single audit reporting actions during the semiannual reporting period ending September 30, 2021, the previous semiannual period, and the fiscal year in total.

	10/1/21–3/31/21 semiannual period	4/1/21–9/30/21 semiannual period	FY 2021 total
<b>Number of single audit memorandums issued to EPA</b>	101	149	250
<b>Number of recommendations for improvement</b>	19	33	52
<b>Number of single audit findings reported to EPA</b>	227	352	579
<b>Questioned costs reported to EPA</b>	\$0	\$187,087	\$187,087
<b>Number of quality reviews of single audit reports done by OIG</b>	4	3	7
<b>Deficiency letters issued to single auditors by OIG</b>	4	—	4

Source: EPA OIG analysis. (EPA OIG table)

## SECTION 3: STATISTICAL DATA



## 3.1 Audit Report Resolution

***For semiannual period ending September 30, 2021:***

### OIG-issued reports with questioned costs

Report category	Number of reports	Questioned costs* (in thousands)	Unsupported costs (in thousands)
A. For which no management decision was made by April 1, 2021**	9	\$124	\$0
B. New reports issued during period	24	\$0	\$0
<b>Subtotals (A + B)</b>	33	\$124	\$0
C. For which a management decision was made during the reporting period:	16		
(i) Dollar value of disallowed costs		\$0	\$0
(ii) Dollar value of costs not disallowed		\$0	\$0
D. For which no management decision was made by September 30, 2021**	17	\$124	\$0

\* Due to rounding, the costs may not appear in exact sum.

\*\* Questioned costs include unsupported costs.

### OIG-issued reports with recommendations that funds be put to better use

Report category	Number of reports	Funds to put to better use* (in thousands)
A. For which no management decision was made by April 1, 2021**	9	\$124
B. New reports issued during the reporting period	24	\$408
<b>Subtotals (A + B)</b>	33	\$532
C. For which a management decision was made during the reporting period:	16	
(i) Dollar value of recommendations from reports that were agreed to by management		\$408
(ii) Dollar value of recommendations from reports that were not agreed to by management		\$0
D. For which no management decision was made by September 30, 2021**	17	\$124

\*Due to rounding, the costs may not appear in exact sum.

\*\* Funds put to better use includes questioned costs.

## 3.2 Summary of Investigative Results

***For semiannual period ending September 30, 2021:***

### Summary of investigative activity

Cases open as of April 1, 2021	139
Cases opened during period	69
Cases closed during period	55
Cases open as of September 30, 2021	153

Complaints open as of April 1, 2021*	7
Complaints opened during period	51
Complaints closed during period	33
Complaints open as of September 30, 2021	25

\* Adjusted from prior period.

### Results of prosecutive actions

	EPA OIG only	Joint*	Total
Criminal indictments/informations/complaints**	0	2	2
Convictions	0	5	5
Civil judgments/settlements/filings	0	2	2
Criminal fines and recoveries	\$0	\$1,411,161	\$1,411,161
Civil recoveries	\$0	\$1,453,263	\$1,453,263
Prison time	0 months	27 months	27 months
Prison time suspended	0 months	0 months	0 months
Home detention	0 months	12 months	12 months
Probation	0 months	192 months	192 months
Community service	0 hours	50 hours	50 hours

\* With one or more federal agencies.

\*\* Sealed indictments are not included in this category.

### Administrative actions

	EPA OIG only	Joint*	Total
Suspensions	1	0	1
Debarments	6	10	16
Other administrative actions	5	1	6
<b>Total</b>	<b>12</b>	<b>11</b>	<b>23</b>
<b>Administrative recoveries</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Cost savings</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\* With one or more federal agencies.

**Summary of investigative reports issued and referrals for prosecution\***

Number of investigative reports/referrals issued**	0
Number of persons referred to Department of Justice for criminal prosecution	13
Number of persons referred to state and local authorities for criminal prosecution	0
Number of criminal indictments and informations resulting from any prior referrals to prosecutive authorities	1

\* Investigative reports comprise final, interim, and supplemental Reports of Investigation, as well as Final Summary Reports.

\*\* This number may differ from the numbers reported in the Reports of Investigation section. In calculating the number of referrals, corporate entities were counted as "persons."

**Subjects of employee integrity investigations\***

	Political appointees	Senior Executive Service	GS-15	GS-14 and below	Misc.*	Total
Pending as of April 1, 2021	10	3	2	12	10	37
Opened**	2	1	8	2	3	16
Closed**	2	0	1	4	2	9
Pending as of September 30, 2021***	10	4	9	9	16	48

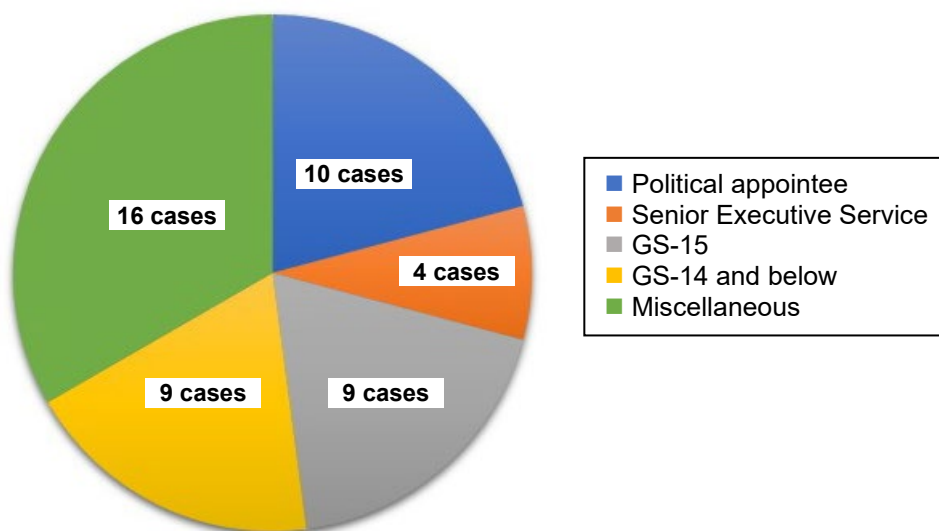
Note: GS stands for General Schedule.

\* Refers to investigations for cases related to individuals who fall outside the categories outlined in this table, such as former employees and federal contractors.

\*\* Employee integrity investigations involve allegations of criminal activity or serious misconduct by Agency employees that could threaten the credibility of the Agency, the validity of executive decisions, the security of personnel or business information entrusted to the Agency, or financial loss to the Agency (such as abuse of government bank cards or theft of Agency funds).

\*\*\* Pending numbers as of September 30, 2021, may not add up due to investigative developments resulting in subjects being added or changed.

The chart below provides a breakdown by grade and number of employees who are the subject of employee integrity investigations.

**Subjects of employee integrity investigations: breakdown by grade and number of employees**

(EPA OIG image)

# APPENDIXES



## Appendix 1—Reports Issued

Section 5(a)(6) of the Inspector General Act of 1978, as amended, requires a listing, subdivided according to subject matter, of each report issued by OIG during the reporting period. For each report, where applicable, the Act also requires a listing of the dollar value of questioned costs and the dollar value of recommendations that funds be put to better use.

Report number	Report title	Date	Questioned costs			Potential monetary benefits
			Ineligible	Unsupported	Unreasonable	
EVALUATIONS IN ACCORDANCE WITH QUALITY STANDARDS FOR INSPECTION AND EVALUATION						
21-E-0124	EPA Needs to Improve Processes for Updating Guidance, Monitoring Corrective Actions, and Managing Remote Access for External Users	4/16/21	\$0.00	\$0.00	\$0.00	\$0.00
21-E-0125	Concerns About the Process Used for the SAFE Vehicles Rule Demonstrate the Need for a Policy on EPA's Role in Joint Rulemakings	4/20/21	0.00	0.00	0.00	0.00
21-E-0128	EPA Did Not Conduct Agencywide Risk Assessment of the CARES Act Appropriations, Increasing Risk of Fraud, Waste, Abuse, and Mismanagement	5/4/21	0.00	0.00	0.00	0.00
21-E-0146	EPA Deviated from Typical Procedures in Its 2018 Dicamba Pesticide Registration Decision	5/24/21	0.00	0.00	0.00	0.00
21-E-0158	EPA’s National Vehicle and Fuel Emissions Laboratory Has Taken Steps to Mitigate the Impact of Coronavirus Pandemic on Mobile Source Emission Compliance	6/7/21	0.00	0.00	0.00	0.00
21-E-0163	EPA Has Reduced Its Backlog of State Implementation Plans Submitted Prior to 2013 but Continues to Face Challenges in Taking Timely Final Actions on Submitted Plans	6/14/21	0.00	0.00	0.00	0.00
21-E-0186	EPA’s Endocrine Disruptor Screening Program Has Made Limited Progress in Assessing Pesticides	7/28/21	0.00	0.00	0.00	0.00
21-E-0219	EPA Needs to Measure and Track Performance of Programs Eliminated in President’s Budget but Later Funded by Congress	9/2/21	0.00	0.00	0.00	0.00
21-E-0226	EPA’s Emergency Response Systems at Risk of Having Inadequate Security Controls	9/13/21	0.00	0.00	0.00	0.00
21-E-0254	Pandemic Highlights Need for Additional Tribal Drinking Water Assistance and Oversight in EPA Regions 9 and 10	9/27/21	0.00	0.00	0.00	0.00
21-E-0264	EPA Needs an Agencywide Strategic Action Plan to Address Harmful Algal Blooms	9/28/21	0.00	0.00	0.00	0.00
SUBTOTAL = 11			\$0.00	\$0.00	\$0.00	\$0.00
PERFORMANCE AUDITS IN ACCORDANCE WITH GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS						
21-P-0122	Improved Review Processes Could Advance EPA Regions 3 and 5 Oversight of State-Issued National Pollutant Discharge Elimination System Permits	4/21/21	0.00	0.00	0.00	\$0.00
21-P-0123	EPA Delayed Risk Communication and Issued Instructions Hindering Region 5's Ability to Address Ethylene Oxide Emissions	4/15/21	0.00	0.00	0.00	0.00
21-P-0129	EPA Should Conduct New Residual Risk and Technology Reviews for Chloroprene- and Ethylene Oxide-Emitting Source Categories to Protect Human Health	5/6/21	0.00	0.00	0.00	0.00
21-P-0130	EPA Helps States Reduce Trash, Including Plastic, in U.S. Waterways but Needs to Identify Obstacles and Develop Strategies for Further Progress	5/11/21	0.00	0.00	0.00	0.00

Report number	Report title	Date	Questioned costs			Potential monetary benefits
			Ineligible	Unsupported	Unreasonable	
21-P-0131	Staffing Constraints, Safety and Health Concerns at EPA's National Enforcement Investigations Center May Compromise Ability to Achieve Mission	5/12/21	0.00	0.00	0.00	0.00
21-P-0132	Resource Constraints, Leadership Decisions, and Workforce Culture Led to a Decline in Federal Enforcement	5/13/21	0.00	0.00	0.00	0.00
21-P-0135	EPA Complies with Payment Integrity Information Act but Needs to Determine Cost Allowability When Testing for Improper Grant Payments	5/14/21	0.00	0.00	0.00	38,039.00
21-P-0175	EPA Should Conduct More Oversight of Synthetic-Minor-Source Permitting to Assure Permits Adhere to EPA Guidance	7/8/21	0.00	0.00	0.00	0.00
21-P-0192	EPA Should Improve Compliance with Blanket Purchase Agreement Requirements	8/9/21	0.00	0.00	0.00	364,000.00
21-P-0223	EPA's Office of Land and Emergency Management Lacked a Nationally Consistent Strategy for Communicating Health Risks at Contaminated Sites	9/9/21	0.00	0.00	0.00	0.00
21-P-0241	EPA Effectively Planned for Future Remote Access Needs but Should Disconnect Unneeded Services in Timely Manner	9/20/21	0.00	0.00	0.00	0.00
21-P-0242	EPA Needs to Strengthen Its Purchase Card Program Approval Process	9/22/21	0.00	0.00	0.00	5,494.00
21-P-0265	EPA Needs to Strengthen Oversight of Its Travel Program Authorization and Voucher Approval Processes	9/30/21	0.00	0.00	\$0.00	0.00
<b>SUBTOTAL = 13</b>			<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$407,533.00</b>
<b>TOTAL REPORTS ISSUED = 24</b>			<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$407,533.00</b>

## Appendix 2—Delayed EPA Management Decisions and Comments; Management Decisions with Which OIG Disagrees

### For Reporting Period Ending September 30, 2021

Section 5(a)(10)(A) of the Inspector General Act of 1978, as amended, requires a summary of each audit, inspection, and evaluation report issued before the commencement of the reporting period for which no management decision had been made by the end of the reporting period, an explanation of the reasons such management decision had not been made, and a statement concerning the desired timetable for achieving a management decision on each such report. For the purposes of the semiannual report, the Act defines “management decision” to mean “the evaluation by the management of an establishment of the findings and recommendations included in an audit report and the issuance of a final decision by management concerning its response to such findings and recommendations, including actions concluded to be necessary.” The Federal Acquisition Streamlining Act of 1994, as amended, requires the head of each agency to make management decisions on all findings and recommendations set forth in an OIG audit report within six months of the final report being issued. In the “Reports Without Management Decision Within Six Months” section in this appendix, we report on the six audits and evaluations containing recommendations for which no management decision was made within six months of final report issuance and that are still pending a management decision as of September 30, 2021.

Section 5(a)(10)(B) of the Inspector General Act of 1978, as amended, requires a summary of each audit, inspection, and evaluation report issued before the commencement of the reporting period for which no establishment comment was returned within 60 days of providing the report to the establishment. OIG interprets this provision to apply to reports for which the end date of the 60-day agency comment period occurs during the semiannual period. There were five reports for which we did not receive a response within a 60-day period that ended during this semiannual period. We summarize these reports in the “Reports for Which No Comment Was Received Within 60 Days” section in this appendix.

Section 5(a)(12) of the Inspector General Act of 1978, as amended, requires that the semiannual report contain information concerning any significant management decision with which the inspector general disagrees. In this semiannual reporting period, there was one EPA management decision regarding one recommendation with which the inspector general continued to disagree. We summarize this recommendation and decision in the “Significant Management Decisions with Which OIG Disagrees” section in this appendix.

### Reports Without Management Decision Within Six Months

#### Office of Air and Radiation

#### **Report No. [20-P-0047](#), *EPA Failed to Develop Required Cost and Benefit Analyses and to Assess Air Quality Impacts on Children’s Health for Proposed Glider Repeal Rule Allowing Used Engines in Heavy-Duty Trucks, December 5, 2019***

**Summary:** EPA did not comply with requirements of Executive Orders 12866 and 13045 when developing and issuing the proposed Glider Repeal Rule. Additionally, EPA did not follow its principal rulemaking guidance—the Action Development Process—in developing the proposed Glider Repeal Rule, nor did it meet Federal Records Act requirements. According to EPA managers and officials, the then-EPA administrator directed the Glider Repeal Rule to be promulgated as quickly as possible. The proposed repeal rule would relieve industry of compliance requirements of the Phase 2 rule, which set emissions standards and production limits for gliders beginning January 1, 2018. EPA officials were aware that available information indicated the proposed Glider Repeal Rule was “economically significant;” however, the then-EPA administrator directed the Office of Air and Radiation to develop the proposed rule without conducting the analyses required by the executive orders. The lack of analyses caused the public to not be informed during the public comment period of the proposed rule’s benefits, costs, potential alternatives, and impacts on children’s health. While the proposed Glider Repeal Rule was listed on EPA’s Fall 2019 Regulatory Agenda as “economically significant,” the rule was withdrawn from the Spring 2020 Regulatory Agenda.

We recommended that the Agency identify for the public the substantive change to the proposed rule made at the suggestion or recommendation of the White House’s Office of Information and Regulatory Affairs, conduct the required analyses prior to finalizing the repeal, provide the public a means to comment on the analyses supporting the rulemaking, and document the decisions made. The Agency provided sufficient planned corrective actions for two recommendations while one recommendation remains unresolved.

**Resolution Status:** Resolution efforts are in progress for the remaining unresolved recommendation.

## Office of Land and Emergency Management

### **Report No. [21-P-0114](#), *EPA Does Not Consistently Monitor Hazardous Waste Units Closed with Waste in Place or Track and Report on Facilities That Fall Under the Two Responsible Programs*, March 29, 2021**

*Summary:* EPA did not consistently verify the continued protection of human health and the environment at hazardous waste treatment, storage, or disposal facilities. Specifically, 49.3 percent of these facilities with management units—for example, landfills—that have been closed with hazardous waste in place were not inspected as often as required by federal statute or set forth in EPA policy, and the Agency's regional oversight of such inspections was inconsistent. A lack of inspections could cause a hazardous waste leak from a compromised unit to go undetected for years. In addition, EPA did not effectively track the hazardous waste treatment, storage, or disposal facilities that were either managed by both the Superfund program and the Resource Conservation and Recovery Act program or transferred between the two programs.

We recommended that the assistant administrator for Land and Emergency Management develop controls to improve oversight of units with waste in place. The Agency agreed with three of our recommendations, while it did not agree with the other three, which are considered unresolved.

*Resolution Status:* Resolution efforts are in progress for the three unresolved recommendations.

### **Report No. [20-P-0062](#), *EPA Needs to Improve Its Emergency Planning to Better Address Air Quality Concerns During Future Disasters*, December 16, 2019**

*Summary:* Most air toxic emission incidents during Hurricane Harvey occurred within a five-day period of the storm's landfall. The majority of these emissions were due to industrial facilities shutting down and restarting operations in response to the storm and storage tank failures. However, state, local, and EPA mobile air monitoring activities were not initiated in time to assess the impact of these emissions. The air monitoring data collected did not indicate that the levels of individual air toxics after Hurricane Harvey exceeded the health-based thresholds established by the State of Texas and EPA. However, these thresholds do not consider the cumulative impact of exposure to multiple air pollutants at one time. Consequently, the thresholds may not be sufficiently protective of residents in communities that neighbor industrial facilities and experience repeated or ongoing exposures to air toxics. We did not identify instances of inaccurate communication from EPA to the public regarding air quality after Hurricane Harvey. However, public communication of air monitoring results was limited.

We recommended that the assistant administrator for Land and Emergency Management develop guidance for emergency air monitoring in heavily industrialized areas, develop a plan to provide public access to air monitoring data, and assess the availability and use of remote and portable monitoring methods. We also recommended that the Region 6 regional administrator develop a plan to inform communities near industrial areas of adverse health risks, limit exposure to air toxics in these communities, and conduct environmental justice training. We recommended that the associate administrator for Public Affairs establish a process to communicate the resolution of public concerns. The recommendations issued to the Region 6 regional administrator and the associate administrator for Public Affairs are resolved. The three recommendations issued to the assistant administrator for Land and Emergency Management remain unresolved.

*Resolution Status:* EPA provided a formal response on February 28, 2020. Resolution efforts are underway.

## Office of Mission Support

### **Report No. [20-P-0065](#), *EPA Needs to Improve Management and Monitoring of Time-Off Awards*, December 30, 2019**

*Summary:* EPA successfully implemented interim policies and procedures for reviewing and approving monetary awards that total more than \$5,000 in a fiscal year for any one employee. However, the Agency does not follow U.S. Office of Personnel Management guidance for valuing time-off awards. Specifically, EPA does not assess a value for time-off awards as part of its awards program. The Agency, therefore, cannot determine whether its time-off awards are consistently assessed, approved at the appropriate level when combined with monetary awards, or commensurate with employee achievements. We also found that the Agency does not monitor time-off awards as a resource. From calendar years 2015 through 2017, the Agency awarded 355,511 hours—a total of over 170 full-time positions—in time-off awards. However, these awards are not managed or monitored in regard to Agency productivity or workload management. A large number of time-off hours awarded results in lost productivity, which can adversely impact the Agency's mission.

We recommended that the assistant administrator for Mission Support (1) revise EPA Manual 3130 A2, *Recognition Policy and Procedures Manual*, to establish a methodology to determine the equivalent value of time-off awards; (2) update its 2016 interim policy to include the combined value of all awards—both monetary and time-off—when determining the

## EPA Reports with Unimplemented Recommendations

*This table provides the full text of recommendations issued to EPA prior to this semiannual period that remain unimplemented, along with the planned completion dates provided by EPA when the associated final reports were issued and any subsequent revisions made by EPA to those planned completion dates.*

*This table reflects the status of recommendations as of September 30, 2021.*

Report title, number, and date	Office	Unimplemented recommendation	EPA's initial planned completion date (at time of report issuance)	EPA's revised planned completion date(s)*	Potential monetary benefits** (in thousands)
<b>Category 1—Management and Operations</b>					
EPA Does Not Always Adhere to Its Established Action Development Process for Rulemaking <a href="#">21-P-0115</a> , March 31, 2021	OA/ Office of Policy	3. Define for program offices the key regulatory decisions and information that offices are expected to include in the Action Development Process tracking database. <i>Note: The Office of Policy completed this recommendation on 9/20/21 and certified the completion of the corrective action on 10/5/21, after the semiannual reporting period ended.</i>	9/30/21	3/31/22	
EPA Improperly Awarded and Managed Information Technology Contracts <a href="#">21-P-0094</a> , March 10, 2021	OMS	6. Review all active contracts for acquisitions of information technology hardware, software, and services in fiscal year 2016 and later to determine whether the required Federal Information Technology Acquisition Reform Act approvals were obtained and, if not, to obtain the appropriate reviews and approvals. Identify cost findings in the process from hardware and software purchases that were either duplicates or unnecessary.	3/15/21	12/31/21	
		10. Create a software license inventory policy, which will include identifying the number of licenses, license-counts authorized, overall costs of licenses, maintenance fees, and contracts used for each licensed software. Track and report savings produced by software licensing inventory and report the savings as part of the Office of Management and Budget's annual Spend Under Management data.	12/31/22		\$1,180
EPA's Fiscal Years 2019 and 2018 Hazardous Waste Electronic Manifest System Fund Financial Statements <a href="#">21-F-0045</a> , January 5, 2021	OCFO	1. Strengthen and improve the preparation and management review of the financial statements so that errors and misstatements are detected and corrected.	9/30/21	3/31/22	\$293
		2. Analyze adjustments and corrections to the financial statements so that such adjustments are appropriate, accurate, and properly supported by documentation.	9/30/21	3/31/22	
		3. Record accounts receivable and earned revenue in the appropriate fiscal year.	9/30/21	3/31/22	
		4. In coordination with the assistant administrator for Land and Emergency Management, analyze e-Manifest billings so that accounts receivable and earned revenue are recorded accurately.	9/30/21	3/31/22	\$151
EPA Needs to Substantially Improve Oversight of Its Military Leave Processes to Prevent Improper Payments <a href="#">21-P-0042</a> , December 28, 2020	OMS and OCFO	1. Adopt and implement policies and procedures on military leave and pay requirements that comply with 5 U.S.C. §§ 5538, 6323, and 5519.	4/29/22		
		2. Provide resources for supervisors, timekeepers, and reservists on their roles and responsibilities related to military leave under the law and Agency policies.	4/30/22		
		3. Establish and implement internal controls that will allow the Agency to monitor compliance with applicable laws, federal guidance, and Agency policies, including periodic internal audits of all military leave, to verify that (a) charges by reservists are correct and supported and (b) appropriate reservist differential and military offset payroll audit calculations are being requested and performed.	6/30/22		
		4. Require reservists to correct and supervisors to approve military leave time charging errors in PeoplePlus that have been identified during the audit or as part of the Agency's actions related to Recommendations 5 and 6.	9/30/21	3/31/22	

\* Blank cells indicate that there have been no revisions to the initial planned completion dates.

\*\* Blank cells indicate that no potential monetary benefits were identified.

\*\*\* U—Unresolved when the report was issued but resolved at a later date.

evaluates efforts to implement the BEACH Act. The Agency disagreed with our recommendations and did not provide acceptable corrective actions and planned completion dates.

**Resolution Status:** The Office of Water provided a response on October 8, 2020, that communicated its disagreement with the findings and recommendations. The Agency provided a second response on July 23, 2021, that communicated that it planned to work with staff in the Office of Congressional and Intergovernmental Relations to reach out to Congress for input on EPA's BEACH Act program. On August 12, 2021, OIG issued a memorandum to the Agency explaining that the Agency did not provide corrective actions that meet the intent of the report's recommendations and advised the Agency to follow the dispute resolution process.

**Total reports issued before reporting period for which no management decision had been made as of September 30, 2021 = 6**

## Reports for Which No Comment Was Received Within 60 Days

### Office of Air and Radiation

#### **Report No. [21-P-0129](#), *EPA Should Conduct New Residual Risk and Technology Reviews for Chloroprene- and Ethylene Oxide-Emitting Source Categories to Protect Human Health*, May 6, 2021**

**Summary:** Results from EPA's modeling and monitoring efforts indicate that people in some areas of the country may be exposed to unacceptable health risks from chloroprene and ethylene oxide emissions. Despite EPA classifying chloroprene as a likely human carcinogen in 2010 and ethylene oxide a carcinogen in 2016, EPA has not conducted new residual risk and technology reviews for most types of industrial sources that emit chloroprene or ethylene oxide. New risk and technology reviews should be conducted because EPA issued new risk values for chloroprene and ethylene oxide in 2010 and 2016, respectively, to reflect their potent carcinogenicity, as found in newer scientific evidence. EPA should exercise its discretionary authority to conduct new residual risk reviews under the Clean Air Act whenever new data or information indicates an air pollutant is more toxic than previously determined. Use of such discretionary authority is consistent with the Agency's position stated in its April 2006 commercial sterilizer residual risk and technology review rule.

We recommended that the assistant administrator for Air and Radiation (1) develop and implement an internal control process with specific criteria to determine whether and when new residual risk reviews of existing National Emission Standards for Hazardous Air Pollutants and uncontrolled emission sources are needed to incorporate new risk information; (2) conduct new residual risk reviews for Group I polymers and resins, synthetic organic chemical manufacturing industry, polyether polyols, commercial sterilizers, and hospital sterilizers; (3) revise the National Emission Standards for Hazardous Air Pollutants for chemical manufacturing area sources to regulate ethylene oxide and conduct a residual risk review; and (4) conduct overdue technology reviews for the source categories listed in Recommendations 2 and 3. At report issuance, three of the recommendations were unresolved, and one was resolved with corrective actions pending.

**Status:** The Agency provided a formal written response dated July 7, 2021. Based on the information and supporting documentation provided, OIG did not agree with the Agency's planned corrective actions. OIG issued a memorandum on August 5, 2021, advising the Agency that the three recommendations remain unresolved.

#### **Report No. [21-P-0123](#), *EPA Delayed Risk Communication and Issued Instructions Hindering Region 5's Ability to Address Ethylene Oxide Emissions*, April 15, 2021**

**Summary:** EPA delayed communicating health risks to community residents in Illinois, which is part of EPA Region 5, who lived near ethylene oxide-emitting facilities. Specifically, Office of Air and Radiation leadership delayed informing the Willowbrook, Illinois, community about the results of EPA's May 2018 short-term monitoring around the Sterigenics facility and did not conduct public meetings with residents either near the Medline facility in Waukegan, Illinois, or the Vantage facility in Gurnee, Illinois. Outside of the residual risk review process, OIG did not identify any statutory, regulatory, or specific policy requirements or protocols to disclose public health information about ethylene oxide emissions. EPA's mission statement and risk communication guidance state, however, that communities should have accurate information to participate in decision-making processes.

According to two Region 5 managers, a then-senior leader in the Office of Air and Radiation, who was a political appointee, instructed Region 5 to not conduct inspections at ethylene oxide-emitting facilities unless invited by the state to conduct a joint inspection. Region 6 managers and inspectors stated that they did not receive such policy instructions. Office of Air and Radiation senior leaders also issued additional instructions that hindered Region 5's ability to effectively address ethylene oxide emissions, according to Region 5 personnel. EPA delegates authority to state, local, and tribal agencies to implement

Report title, number, and date	Office	Unimplemented recommendation	EPA's initial planned completion date (at time of report issuance)	EPA's revised planned completion date(s)*	Potential monetary benefits** (in thousands)
EPA Needs to Address Internal Control Deficiencies in the Agencywide Quality System <a href="#">20-P-0200</a> , June 22, 2020	OMS	1. Develop and implement a strategic plan and objectives for the agencywide Quality System.	12/31/21		
		2. Develop and implement a standard operating procedure to conduct annual reviews of program and regional quality systems.	6/30/22		
		4. Work with the Office of the Chief Financial Officer to conduct a workload analysis for the agencywide Quality System.	12/31/21		
		5. Conduct and document an internal control risk assessment on the agencywide Quality System based on the Office of Mission Support's strategic plan for the Quality System.	12/31/21		
		11. Address the three unimplemented recommendations from the 2014 program evaluation by the outside contractor to work with program partners to define the role of the Office of Mission Support and clarify Quality System guidance, develop a comprehensive staffing plan to address vacancies and skill gaps in the Quality System, and rebrand the EPA's Quality System to increase support from project personnel and senior managers.	12/31/21		
		12. Develop and implement a means to track Quality System Assessments.	12/31/21		
		13. Complete Quality System Assessments for organizations that are outside of the required three-year assessment time frame.	6/30/25		
EPA Needs to Improve Its Risk Management and Incident Response Information Security Functions <a href="#">20-P-0120</a> , March 24, 2020	OMS	1. Develop and maintain an up-to-date inventory of the software and associated licenses used within the Agency.	10/15/21	9/20/22	
EPA's Fiscal Years 2019 and 2018 (Restated) Consolidated Financial Statements <a href="#">20-F-0033</a> , November 19, 2019	OCFO	1. Evaluate and improve the EPA's process for preparing financial statements.	7/31/20	9/30/21	
		3. Update the accounting models to properly record collections and not reduce an account receivable account.	9/30/21	3/31/22	
		4. Establish accounting models to properly record e-Manifest account receivables and recognize earned revenue at the transaction level.	9/30/21	3/31/22	
		5. Establish accounting models to properly classify and record interest, fines, penalties and fees.	9/30/21	3/31/22	
		6. Establish accounting models to properly record receivables, collections and earned revenue from federal versus nonfederal vendors.	9/30/21	3/31/22	
Follow-Up Audit: EPA Took Steps to Improve Records Management <a href="#">19-P-0283</a> , August 27, 2019	OGC	1. Issue an updated agency Freedom of Information Act policy and procedure.	12/5/19	3/31/20	
Pesticide Registration Fee, Vulnerability Mitigation and Database Security Controls for EPA's FIFRA and PRIA Systems Need Improvement <a href="#">19-P-0195</a> , June 21, 2019	OCSP	2. Complete the actions and milestones identified in the Office of Pesticide Programs' PRIA Maintenance Fee Risk Assessment document and associated plan regarding the fee payment and refund posting processes.	12/31/20	12/31/22	
EPA Region 5 Needs to Act on Transfer Request and Petition Regarding Ohio's Concentrated Animal Feeding Operation Permit Program <a href="#">19-N-0154</a> , May 15, 2019	Region 5	1. Issue a decision regarding Ohio's request to transfer from the Ohio Environmental Protection Agency to the Ohio Department of Agriculture its National Pollutant Discharge Elimination System program with respect to Concentrated Animal Feeding Operations and other elements of the program.	3/8/21		

\* Blank cells indicate that there have been no revisions to the initial planned completion dates.

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\*\*\* U—Unresolved when the report was issued but resolved at a later date.

The National Enforcement Investigations Center had unresolved action items from the Office of Criminal Enforcement, Forensics, and Training's Professional Integrity and Quality Assurance unit's 2017 inspection report related to staffing shortages, trust in management, and hazardous waste management. The office did not conduct a follow-up review to examine the effectiveness of the implemented corrective actions. In 2020, as a result of an inspection by the State of Colorado, the center was cited for several hazardous waste violations. Further, the center's 2019 Federal Employee Viewpoint Survey results are 22 percent lower than EPA's averages for questions related to management and work environment. The center has been challenged by high attrition rates among staff and the inability to backfill vacant positions since 2016. If staffing levels continue to fall, the center risks a reduction in analytical capabilities and the ability to accomplish its mission.

We made ten recommendations to the assistant administrator for Enforcement and Compliance Assurance, including developing a process for the Office of Criminal Enforcement, Forensics, and Training to follow up on inspection findings and confirm whether corrective actions effectively address findings, as well as developing metrics on safety, health, and work environment to incorporate into National Enforcement Investigations Center management performance evaluations. The Agency agreed with seven recommendations and disagreed with three recommendations. As of September 10, 2021, seven of the ten recommendations were resolved.

*Status:* After a period of negotiations following the issuance of OIG's final report, OIG permitted the Agency an additional seven days beyond the 60-day due date of July 12, 2021, to respond officially to the report. The Agency provided its official response on July 16, 2021, with proposed corrective actions for the five unresolved recommendations. OIG issued a memorandum on September 10, 2021, that stated our agreement with the corrective actions for two recommendations but that the three recommendations related to senior leadership performance metrics remained unresolved. OIG and the Office of Enforcement and Compliance Assurance continue to work toward resolution and have met several times to discuss corrective actions that meet the intent of the unresolved recommendations.

### Region 3

#### **Report No. [21-P-0122](#), *Improved Review Processes Could Advance EPA Regions 3 and 5 Oversight of State-Issued National Pollutant Discharge Elimination System Permits*, April 21, 2021**

*Summary:* In Regions 3 and 5, EPA did not follow all relevant Clean Water Act and National Pollutant Discharge Elimination System regulations and guidelines while reviewing permits. Region 3 did not adequately perform its oversight responsibilities to ensure that National Pollutant Discharge Elimination System permits issued by the State of West Virginia meet regulatory requirements. Specifically, West Virginia reissued 286 National Pollutant Discharge Elimination System mining permits to reflect revisions made to its water quality regulations in 2015, but it is unclear whether Region 3 took steps to verify that the Clean Water Act's anti-backsliding provisions were met. In addition, Region 3 experienced permit review delays, and states within the region issued permits without addressing EPA's comments. Region 5 did not address all regulations during its review of a draft National Pollutant Discharge Elimination System permit for a mine and processing facilities to be built by PolyMet Mining Inc. along the St. Louis River in northeastern Minnesota. Despite its concerns about the permit, Region 5 did not provide written comments to Minnesota, contrary to the region's standard operating procedures and per common EPA practice. In addition, Region 5 repeatedly declined to make a formal determination under Clean Water Act § 401(a)(2) regarding whether discharges from the PolyMet NorthMet project may impact the quality of waters within the jurisdiction of the Fond du Lac Band of Lake Superior Chippewa, whose tribal lands are 125 miles downstream from the site of the PolyMet NorthMet project. The tribe was therefore unable to avail itself of the National Pollutant Discharge Elimination System permit objection process set forth in Clean Water Act § 401(a)(2).

We make a total of five recommendations to the regional administrators for Regions 3 and 5, including that Region 3 review West Virginia's reissued National Pollutant Discharge Elimination System mining permits to ensure that no backsliding has occurred and that they contain appropriate limits for pollutant discharges; that Region 3 develop a formal internal operating procedure for its National Pollutant Discharge Elimination System review process; that Region 5 provide written input regarding any resubmitted National Pollutant Discharge Elimination System permit for the PolyMet NorthMet project; and that Region 5 commit to making formal determinations regarding downstream water quality impacts, pursuant to the Clean Water Act. Region 5 agreed with our two recommendations specific to that region; those recommendations are resolved with corrective action pending. Region 3 did not agree with our three recommendations specific to that region. At report issuance, those recommendations were unresolved.

*Status:* The Agency provided a formal written response on July 21, 2021. OIG issued a memorandum on September 1, 2021, which explained that, based on the information and supporting documentation provided, one of the three recommendations was considered resolved. OIG advised the Agency to provide a response concerning specific actions in process or alternative corrective actions proposed for the remaining two unresolved recommendations.

**Total reports issued during the reporting period for which the Agency did not provide a written response within 60 days, as of September 30, 2021 = 5**

## ***Significant Management Decisions with Which OIG Disagrees***

### **Associate Deputy Administrator**

**Report No. [20-N-0128](#), *Management Alert: Prompt Action Needed to Inform Residents Living Near Ethylene Oxide-Emitting Facilities About Health Concerns and Actions to Address Those Concerns*, March 31, 2020**

**Summary:** EPA has prioritized activities to more fully assess ethylene oxide emissions and the associated health risks to the public for 25 ethylene oxide-emitting facilities that contribute to elevated estimated cancer risks. Ethylene oxide, which the Agency characterizes as “carcinogenic to humans,” is a gas used to manufacture a variety of products and to sterilize medical equipment. EPA or state personnel, or both, have met with residents living near only nine of the 25 high-priority facilities about the health risks and actions being taken to address those risks.

We issued one recommendation in this report: that the associate deputy administrator “[i]mprove and continue to implement ongoing risk communication efforts by promptly providing residents in all communities near the 25 ethylene oxide-emitting facilities identified as high-priority by the EPA with a forum for an interactive exchange of information with the EPA or the states regarding health concerns related to exposure to ethylene oxide.”

**Status:** EPA and OIG were unable to reach agreement on the corrective actions for Recommendation 1. On January 4, 2021, as part of the audit resolution process, the EPA administrator concurred with the Office of Air and Radiation’s position that the recommendation should be closed. We consider the administrator’s January 4, 2021 decision a significant management decision with which we disagree. EPA has not, as of September 30, 2021, conducted OIG’s recommended outreach to all of the communities identified in the report. We continue to work with the EPA to address our recommendation.

## Appendix 3—Reports with Corrective Action Not Completed

In compliance with reporting requirements of sections 5(a)(3) and 5(a)(10)(C) of the Inspector General Act of 1978, as amended, we are to identify each significant recommendation described in previous semiannual reports on which corrective action has not been completed, as well as a summary of each audit, inspection, and evaluation report for which there are any outstanding unimplemented recommendations. We are also to identify the aggregate potential monetary benefits of the unimplemented recommendations.

This appendix contains separate tables of unimplemented recommendations for EPA and CSB, which were issued in 42 OIG audit reports from 2008 through the end of March 31, 2021.

There is a total of 101 unimplemented recommendations for EPA with total potential monetary benefits of approximately \$30.6 million, \$0 of which was sustained and redeemed by the Agency. Use of “sustained” in this case indicates agreement, in whole or in part, by the Agency to an OIG-identified monetary benefit. There is a total of three unimplemented recommendations for CSB, with total potential monetary benefits of \$0.

Below is a list of the responsible EPA offices and regions responsible for the recommendations in the following tables. While a recommendation may be listed as unimplemented, the Agency may be on track to complete agreed-upon corrective actions by the planned due date.

### Responsible EPA Offices:

DA	Deputy Administrator
ADA	Associate Deputy Administrator (within the Office of the Administrator)
OA	Office of the Administrator
OAR	Office of Air and Radiation
OCFO	Office of the Chief Financial Officer
OCSP	Office of Chemical Safety and Pollution Prevention
OECA	Office of Enforcement and Compliance Assurance
OGC	Office of General Counsel
OLEM	Office of Land and Emergency Management
OMS <sup>1</sup>	Office of Mission Support
ORD	Office of Research and Development
OW	Office of Water
Region 2	
Region 5	
Region 6	
Region 9	
Region 10	
Science Advisor	

<sup>1</sup> Effective November 26, 2018, the former Office of Environmental Information and Office of Administration and Resources Management were merged into the Office of Mission Support. In this appendix, any recommendations originally issued to the former offices will be listed as under the purview of OMS.

## EPA Reports with Unimplemented Recommendations

*This table provides the full text of recommendations issued to EPA prior to this semiannual period that remain unimplemented, along with the planned completion dates provided by EPA when the associated final reports were issued and any subsequent revisions made by EPA to those planned completion dates.*

*This table reflects the status of recommendations as of September 30, 2021.*

Report title, number, and date	Office	Unimplemented recommendation	EPA's initial planned completion date (at time of report issuance)	EPA's revised planned completion date(s)*	Potential monetary benefits** (in thousands)
<b>Category 1—Management and Operations</b>					
EPA Does Not Always Adhere to Its Established Action Development Process for Rulemaking <a href="#">21-P-0115</a> , March 31, 2021	OA/ Office of Policy	3. Define for program offices the key regulatory decisions and information that offices are expected to include in the Action Development Process tracking database.	9/30/21	3/31/22	
EPA Improperly Awarded and Managed Information Technology Contracts <a href="#">21-P-0094</a> , March 10, 2021	OMS	6. Review all active contracts for acquisitions of information technology hardware, software, and services in fiscal year 2016 and later to determine whether the required Federal Information Technology Acquisition Reform Act approvals were obtained and, if not, to obtain the appropriate reviews and approvals. Identify cost findings in the process from hardware and software purchases that were either duplicates or unnecessary.	3/15/21	12/31/21	
		10. Create a software license inventory policy, which will include identifying the number of licenses, license-counts authorized, overall costs of licenses, maintenance fees, and contracts used for each licensed software. Track and report savings produced by software licensing inventory and report the savings as part of the Office of Management and Budget's annual Spend Under Management data.	12/31/22		\$1,180
EPA's Fiscal Years 2019 and 2018 Hazardous Waste Electronic Manifest System Fund Financial Statements <a href="#">21-F-0045</a> , January 5, 2021	OCFO	1. Strengthen and improve the preparation and management review of the financial statements so that errors and misstatements are detected and corrected.	9/30/21	3/31/22	\$293
		2. Analyze adjustments and corrections to the financial statements so that such adjustments are appropriate, accurate, and properly supported by documentation.	9/30/21	3/31/22	
		3. Record accounts receivable and earned revenue in the appropriate fiscal year.	9/30/21	3/31/22	
		4. In coordination with the assistant administrator for Land and Emergency Management, analyze e-Manifest billings so that accounts receivable and earned revenue are recorded accurately.	9/30/21	3/31/22	\$151
EPA Needs to Substantially Improve Oversight of Its Military Leave Processes to Prevent Improper Payments <a href="#">21-P-0042</a> , December 28, 2020	OMS and OCFO	1. Adopt and implement policies and procedures on military leave and pay requirements that comply with 5 U.S.C. §§ 5538, 6323, and 5519.	4/29/22		
		2. Provide resources for supervisors, timekeepers, and reservists on their roles and responsibilities related to military leave under the law and Agency policies.	4/30/22		
		3. Establish and implement internal controls that will allow the Agency to monitor compliance with applicable laws, federal guidance, and Agency policies, including periodic internal audits of all military leave, to verify that (a) charges by reservists are correct and supported and (b) appropriate reservist differential and military offset payroll audit calculations are being requested and performed.	6/30/22		
		4. Require reservists to correct and supervisors to approve military leave time charging errors in PeoplePlus that have been identified during the audit or as part of the Agency's actions related to Recommendations 5 and 6.	9/30/21	3/31/22	

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Report title, number, and date	Office	Unimplemented recommendation	EPA's initial planned completion date (at time of report issuance)	EPA's revised planned completion date(s)*	Potential monetary benefits** (in thousands)
		5. Recover the approximately \$11,000 in military pay related to unsupported 5 U.S.C. § 6323(a) military leave charges, unless the Agency can obtain documentation to substantiate the validity of the reservists' military leave.	8/31/21	12/15/21	\$11
		6. Submit documentation for the reservists' military leave related to the approximately \$118,000 charged under 5 U.S.C. § 6323(b) to the EPA's payroll provider to perform payroll audit calculations and recover any military offsets that may be due.	8/31/21	12/15/21	\$118
		7. Identify the population of reservists who took unpaid military leave pursuant to 5 U.S.C. § 5538, and determine whether those reservists are entitled to receive a reservist differential. Based on the results of this determination, take appropriate steps to request that the EPA's payroll provider perform payroll audit calculations to identify and pay the amounts that may be due to reservists.	2/28/22		
		8. For the time periods outside of the scope of our audit (pre-January 2017 and post-June 2019), identify the population of reservists who charged military leave under 5 U.S.C. § 6323(b) or 6323(c) and determine whether military offset was paid by the reservists. If not, review reservists' military documentation to determine whether payroll audit calculations are required. If required, request that the EPA's payroll provider perform payroll audit calculations to identify and recover military offsets that may be due from the reservists under 5 U.S.C. §§ 6323 and 5519.	2/28/22		
	OCFO	9. Report all amounts of improper payments resulting from paid military leave for inclusion in the annual Agency Financial Report, as required by the Payment Integrity Information Act of 2019.	12/1/21		
EPA Needs to Improve Its Planning and Management of Laboratory Consolidation Efforts <a href="#">21-E-0033</a> , December 7, 2020	OMS	1. Develop and implement procedures that include detailed requirements for planning and managing laboratory consolidation efforts. Requirements should address developing master plans and programs of requirements, tracking and updating cost and schedule estimates, and maintaining decisional documentation.	12/31/20	12/31/21	
EPA's Fiscal Years 2020 and 2019 (Restated) Consolidated Financial Statements <a href="#">21-F-0014</a> , November 16, 2020	OCFO	1. Develop a plan to strengthen and improve the preparation and management review of the financial statements and adjustments entered into the accounting system so that errors and misstatements are detected and corrected in a timely manner.	7/31/21	3/31/22	\$1,072
EPA Has Sufficiently Managed Emergency Responses During the Pandemic but Needs to Procure More Supplies and Clarify Guidance <a href="#">20-E-0332</a> , September 28, 2020	OLEM	3. In coordination with all EPA regions, ensure that guidance and planning address deployment of on-scene coordinators in the event of large incidents during pandemics, including overcoming travel restrictions to respond to large incidents.	U***	6/30/22	
EPA Needs to Strengthen Controls Over Required Documentation and Tracking of Intergovernmental Personnel Act Assignments <a href="#">20-P-0245</a> , August 10, 2020	OMS	1. Evaluate the EPA's <i>Intergovernmental Personnel Act Policy and Procedures Manual (IPA)</i> , including the checklist, to determine whether the required documents, the consequences for noncompliance, the responsible offices, and the individual roles and responsibilities remain relevant and appropriate, and update the Manual accordingly.	10/15/21		
		2. Strengthen controls throughout the EPA's Intergovernmental Personnel Act assignment process to verify that required documents are properly submitted and maintained as required by the EPA's Intergovernmental Personnel Act Policy and Procedures Manual (IPA) and that the consequence for nonsubmittal of required documents is enforced.	10/15/21		
		3. Strengthen controls over the tracking of EPA employees on Intergovernmental Personnel Act assignments.	1/15/22		

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Report title, number, and date	Office	Unimplemented recommendation	EPA's initial planned completion date (at time of report issuance)	EPA's revised planned completion date(s)*	Potential monetary benefits** (in thousands)
EPA Needs to Address Internal Control Deficiencies in the Agencywide Quality System <a href="#">20-P-0200</a> , June 22, 2020	OMS	1. Develop and implement a strategic plan and objectives for the agencywide Quality System.	12/31/21		
		2. Develop and implement a standard operating procedure to conduct annual reviews of program and regional quality systems.	6/30/22		
		4. Work with the Office of the Chief Financial Officer to conduct a workload analysis for the agencywide Quality System.	12/31/21		
		5. Conduct and document an internal control risk assessment on the agencywide Quality System based on the Office of Mission Support's strategic plan for the Quality System.	12/31/21		
		11. Address the three unimplemented recommendations from the 2014 program evaluation by the outside contractor to work with program partners to define the role of the Office of Mission Support and clarify Quality System guidance, develop a comprehensive staffing plan to address vacancies and skill gaps in the Quality System, and rebrand the EPA's Quality System to increase support from project personnel and senior managers.	12/31/21		
		12. Develop and implement a means to track Quality System Assessments.	12/31/21		
		13. Complete Quality System Assessments for organizations that are outside of the required three-year assessment time frame.	6/30/25		
EPA Needs to Improve Its Risk Management and Incident Response Information Security Functions <a href="#">20-P-0120</a> , March 24, 2020	OMS	1. Develop and maintain an up-to-date inventory of the software and associated licenses used within the Agency.	10/15/21	9/20/22	
EPA's Fiscal Years 2019 and 2018 (Restated) Consolidated Financial Statements <a href="#">20-F-0033</a> , November 19, 2019	OCFO	1. Evaluate and improve the EPA's process for preparing financial statements.	7/31/20	9/30/21	
		3. Update the accounting models to properly record collections and not reduce an account receivable account.	9/30/21	3/31/22	
		4. Establish accounting models to properly record e-Manifest account receivables and recognize earned revenue at the transaction level.	9/30/21	3/31/22	
		5. Establish accounting models to properly classify and record interest, fines, penalties and fees.	9/30/21	3/31/22	
		6. Establish accounting models to properly record receivables, collections and earned revenue from federal versus nonfederal vendors.	9/30/21	3/31/22	
Follow-Up Audit: EPA Took Steps to Improve Records Management <a href="#">19-P-0283</a> , August 27, 2019	OGC	1. Issue an updated agency Freedom of Information Act policy and procedure.	12/5/19	3/31/20	
Pesticide Registration Fee, Vulnerability Mitigation and Database Security Controls for EPA's FIFRA and PRIA Systems Need Improvement <a href="#">19-P-0195</a> , June 21, 2019	OCSP	2. Complete the actions and milestones identified in the Office of Pesticide Programs' PRIA Maintenance Fee Risk Assessment document and associated plan regarding the fee payment and refund posting processes.	12/31/20	12/31/22	
EPA Region 5 Needs to Act on Transfer Request and Petition Regarding Ohio's Concentrated Animal Feeding Operation Permit Program <a href="#">19-N-0154</a> , May 15, 2019	Region 5	1. Issue a decision regarding Ohio's request to transfer from the Ohio Environmental Protection Agency to the Ohio Department of Agriculture its National Pollutant Discharge Elimination System program with respect to Concentrated Animal Feeding Operations and other elements of the program.	3/8/21		

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Report title, number, and date	Office	Unimplemented recommendation	EPA's initial planned completion date (at time of report issuance)	EPA's revised planned completion date(s)*	Potential monetary benefits** (in thousands)
Self-Insurance for Companies with Multiple Cleanup Liabilities Presents Financial and Environmental Risks for EPA and the Public <a href="#">18-P-0059</a> , December 22, 2017	OLEM	5. Develop or update existing standard operating procedures to outline the Office of Land and Emergency Management and Office of Enforcement and Compliance Assurance roles and responsibilities for overseeing the validity of Resource Conservation and Recovery Act and Superfund financial assurance instruments, where needed.	6/30/20	9/30/21 6/30/22	
		6. Develop and include procedures for checking with other regions for facilities/sites with multiple self-insured liabilities in the standard operating procedures created for Recommendation 5.	6/30/20	9/30/21 6/30/22	
		7. Develop and include instructions on the steps to take when an invalid financial assurance instrument (expired, insufficient in dollar amount, or not provided) is identified in the standard operating procedures created for Recommendation 5 and collect information on the causes of invalid financial assurance.	6/30/20	9/30/21 6/30/22	
		8. Train staff on the procedures and instructions developed for Recommendations 5 through 7.	9/30/20	9/30/21 9/30/22	
Internal Controls Needed to Control Costs of Emergency and Rapid Response Services Contracts, as Exemplified in Region 6 <a href="#">14-P-0109</a> , February 4, 2014	Region 6	3. Direct contracting officers to require that the contractor adjust all its billings to reflect the application of the correct rate to team subcontract other direct costs.	9/30/24		
<b>Category 2—Water Quality</b>					
Region 2's Hurricanes Irma and Maria Response Efforts in Puerto Rico and U.S. Virgin Islands Show the Need for Improved Planning, Communications, and Assistance for Small Drinking Water Systems <a href="#">21-P-0032</a> , December 3, 2020	Region 2	1. Develop and implement a written regional procedure for the timely approval and dissemination of predrafted public health messages in the aftermath of a disaster so that impacted communities receive critical information in a timely manner, in accordance with EPA Order 2010, Crisis Communication Plan. After this procedure is developed, also: a. Train regional emergency response personnel on the procedure. b. Include the procedure in disaster planning and response documents and exercises.	9/30/21	3/31/22	
		2. Develop and implement a supplement to Region 2's emergency response plan to describe and address the specific geographic, logistical, and cultural norms applicable to disaster response in Puerto Rico and the U.S. Virgin Islands. This supplement should include local EPA staff roles and responsibilities, as well as address the likely limitations to transportation, communications, and power in the aftermath of disasters.	6/30/23		
		3. In coordination with the Office of Water, implement America's Water Infrastructure Act in Puerto Rico and the U.S. Virgin Islands by: a. Developing and implementing a strategy to provide training, guidance, and assistance to small drinking water systems as they improve their resilience. b. Establishing a process for small drinking water systems to apply for America's Water Infrastructure Act grants. This process should include (1) implementing the EPA's May 2020 guidance provided to small drinking water systems regarding resilience assessments and (2) establishing a public information campaign to inform small drinking water systems of the America's Water Infrastructure Act grant opportunity, qualifying requirements, and application deadlines.	12/31/22		

\* Blank cells indicate that there have been no revisions to the initial planned completion dates.

\*\* Blank cells indicate that no potential monetary benefits were identified.

\*\*\* U—Unresolved when the report was issued but resolved at a later date.

Report title, number, and date	Office	Unimplemented recommendation	EPA's initial planned completion date (at time of report issuance)	EPA's revised planned completion date(s)*	Potential monetary benefits** (in thousands)
EPA Must Improve Oversight of Notice to the Public on Drinking Water Risks to Better Protect Human Health <a href="#">19-P-0318</a> , September 25, 2019	OW	5. Update and revise the 2010 <i>Revised State Implementation Guidance for the Public Notification Rule</i> to include: a. Public notice delivery methods that are consistent with regulations. b. Information on modern methods for delivery of public notice.	9/30/20	9/30/22	
		6. Update and revise the 2010 <i>Public Notification Handbooks</i> to include: a. Public notice delivery methods that are consistent with regulations. b. Information on modern methods for delivery of public notice. c. Public notice requirements for the latest drinking water regulations. d. Procedures for public water systems to achieve compliance after violating a public notice regulation. e. Up-to-date references to compliance assistance tools. f. Additional resources for providing public notice in languages other than English.	9/30/20	9/30/22	
	OECA	7. Conduct a national review of the adequacy of primacy agency implementation, compliance monitoring, reporting, and enforcement of the Safe Drinking Water Act's public notice requirements.	12/31/20	12/31/21	
EPA Should Revise Outdated or Inconsistent EPA-State Clean Water Memoranda of Agreement <a href="#">10-P-0224</a> , September 14, 2010	OW	2-2. Develop a systematic approach to identify which states have outdated or inconsistent memorandums of agreements; renegotiate and update those Memorandums of Agreements using the Memorandum of Agreements template; and secure the active involvement and final, documented concurrence of headquarters to ensure national consistency.	9/28/18	9/30/20 9/30/22	
<b>Category 3—Environmental Contamination and Cleanup</b>					
EPA Does Not Consistently Monitor Hazardous Waste Units Closed with Waste in Place or Track and Report on Facilities That Fall Under the Two Responsible Programs <a href="#">21-P-0114</a> , March 29, 2021	OLEM and OECA	1. In collaboration with the Office of Enforcement and Compliance Assurance, develop RCRAInfo reports for regular distribution to EPA regions that identify the inspection frequency status of nonoperating treatment, storage, or disposal facilities with respect to the time frames stated in the Office of Enforcement and Compliance Assurance's Compliance Monitoring Strategy.	12/31/21		
	OLEM	3. Develop and implement controls to verify that the Resource Conservation and Recovery Act referrals to the Superfund program are added to Superfund Enterprise Management System for further Superfund program attention, as necessary.	3/31/22		
		4. Develop and implement controls to verify that the Superfund program deferrals to the Resource Conservation and Recovery Act are added to RCRAInfo for further Resource Conservation and Recovery Act attention, as necessary.	9/30/23		
EPA Unable to Assess the Impact of Hundreds of Unregulated Pollutants in Land-Applied Biosolids on Human Health and the Environment <a href="#">19-P-0002</a> , November 15, 2018	OW	3. Complete development of the probabilistic risk assessment tool and screening tool for biosolids land application scenarios.	12/31/21		
		4. Develop and implement a plan to obtain the additional data needed to complete risk assessments and finalize safety determinations on the 352 identified pollutants in biosolids and promulgate regulations as needed.	12/31/22		
		6. Publish guidance on the methods for the biosolids pathogen alternatives 3 and 4.	12/31/20	5/31/21 12/31/21	
		8. Issue updated and consistent guidance on biosolids fecal coliform sampling practices.	12/31/20	5/31/21 12/31/21	
EPA Needs to Finish Prioritization and Resource Allocation Methodologies for Abandoned Uranium Mine Sites on or Near Navajo Lands <a href="#">18-P-0233</a> , August 22, 2018	Region 9	1. Complete the necessary removal site evaluations and engineering evaluations/cost analyses.	12/31/20	12/31/21	
	Regions 6 and 9	2. Fully develop and implement prioritization and resource allocation methodologies for the Tronox abandoned uranium mine sites on or near Navajo Nation lands.	12/31/21	5/31/22	

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Report title, number, and date	Office	Unimplemented recommendation	EPA's initial planned completion date (at time of report issuance)	EPA's revised planned completion date(s)*	Potential monetary benefits** (in thousands)
Making Better Use of Stringfellow Superfund Special Accounts <a href="#">08-P-0196</a> , July 9, 2008	Region 9	2. Reclassify or transfer to the Trust Fund, as appropriate, \$27.8 million (plus any earned interest less oversight costs) of the Stringfellow special accounts in annual reviews, and at other milestones including the end of fiscal year 2010, when the record of decision is signed and the final settlement is achieved.	12/31/12	9/30/23	\$27,800
<b>Category 4—Toxics, Chemical Safety, and Pesticides</b>					
EPA Is at Risk of Not Achieving Special Local Needs Program Goals for Pesticides <a href="#">21-E-0072</a> , February 10, 2021	OCSP	1. Develop program objectives and measures and implement data-collection processes to determine the risk-reduction and pollution-prevention outcomes of the Special Local Needs program.	7/1/22		
		2. Develop and implement standard operating procedures that allow Special Local Needs applications to be reviewed consistently.	12/31/21		
		3. Determine whether the Office of Pesticide Programs will adopt the draft American Association of Pesticide Control Officials guidance or develop detailed guidance for states that specifies what information should be submitted in each Special Local Needs application.	12/31/21		
		4. Develop and make available a public Special Local Needs database including registration date, duration, and individual state Special Local Needs labels for each Special Local Needs registration.	12/31/21		
EPA Mostly Adheres to Regulations When Assessing Risks of New Pesticides but Should Improve Internal Controls <a href="#">21-P-0070</a> , February 8, 2021	OCSP	1. Develop and incorporate an ecological data requirement summary table or similar internal control into the Office of Pesticide Programs' ecological risk assessments as verification that all ecological data requirements have been met.	1/31/22		
		2. Develop and implement a standard operating procedure for the initial pesticide registration of new active ingredients.	1/31/22		
Lack of Planning Risks EPA's Ability to Meet Toxic Substances Control Act Deadlines <a href="#">20-P-0247</a> , August 17, 2020	OCSP	1. Complete and publish the 2021 Annual Existing Chemical Risk Evaluation Plan by the beginning of calendar year 2021 and include the anticipated implementation efforts and financial and staff resources to implement the actions detailed in the plan.	1/31/21	10/31/21	
EPA's Safer Choice Program Would Benefit from Formal Goals and Additional Oversight <a href="#">20-P-0203</a> , June 30, 2020	OCSP	1. Minimize the effect any late reporting may have on the Toxics Release Inventory National Analysis.	U***	1/31/22	
Tribal Pesticide Enforcement Comes Close to Achieving EPA Goals, but "Circuit Rider" Inspector Guidance Needed <a href="#">20-P-0012</a> , October 29, 2019	OECA	1. Require circuit riders to include the pesticide needs and risks of each tribe on their circuit in the development of their priority-setting plans, which are a required component of tribal pesticide enforcement cooperative agreements.	12/31/22		
		2. Develop and implement tribal circuit rider guidance for pesticide inspectors that includes expectation-setting and communication with tribes that are being served under a tribal pesticide enforcement cooperative agreement.	12/31/22		
		3. Develop and implement regional processes to receive feedback directly from tribes using pesticide circuit riders.	12/31/22		
EPA Not Effectively Implementing the Lead-Based Paint Renovation, Repair and Painting Rule <a href="#">19-P-0302</a> , September 9, 2019	OECA	1. Identify the regulated universe of Lead-Based Paint Renovation, Repair and Painting Rule firms in support of regional targeting strategies, in coordination with the Office of Chemical Safety and Pollution Prevention.	U***	12/31/21	
EPA Needs to Evaluate the Impact of the Revised Agricultural Worker Protection Standard on Pesticide Exposure Incidents <a href="#">18-P-0080</a> , February 15, 2018	OCSP	1. In coordination with the Office of Enforcement and Compliance Assurance, develop and implement a methodology to evaluate the impact of the revised Agricultural Worker Protection Standard on pesticide exposure incidents among target populations.	U***	12/31/22	

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Report title, number, and date	Office	Unimplemented recommendation	EPA's initial planned completion date (at time of report issuance)	EPA's revised planned completion date(s)*	Potential monetary benefits** (in thousands)
Additional Measures Can Be Taken to Prevent Deaths and Serious Injuries from Residential Fumigations <a href="#">17-P-0053</a> , December 12, 2016	OCSP	3. Conduct an assessment of clearance devices to validate their effectiveness in detecting required clearance levels, as part of the Office of Pesticide Programs ongoing reevaluation of structural fumigants.	11/30/17	8/31/21 12/31/22	
<b>Category 5—Air Quality</b>					
EPA Needs to Improve Oversight of How States Implement Air Emissions Regulations for Municipal Solid Waste Landfills <a href="#">20-P-0236</a> , July 30, 2020	Region 6	2. Require the Texas Commission on Environmental Quality to determine whether the 11 municipal solid waste landfills identified by the OIG as having design capacities exceeding the Title V permit regulatory capacity threshold should apply for a Title V permit and install emissions controls. If permits are required, verify with the Texas Commission on Environmental Quality whether the municipal solid waste landfills applied for a permit.	12/31/20	12/31/21	
		3. Assist the State of Arkansas in developing and submitting a state plan to implement the 2016 municipal solid waste landfill Emission Guidelines. If Arkansas does not submit a state plan, implement the federal plan for the 2016 municipal solid waste landfill Emission Guidelines once the federal plan is effective.	6/30/22		
EPA's Processing Times for New Source Air Permits in Indian Country Have Improved, but Many Still Exceed Regulatory Time Frames <a href="#">20-P-0146</a> , April 22, 2020	OAR	2. Establish and implement an oversight process to verify that the regions update the tribal-New-Source-Review permit tracking system on a periodic basis with the correct and required information.	3/31/22		
		3. Develop and implement a strategy to improve the application process and permitting timeliness for tribal-New-Source-Review permits, taking into consideration the findings and recommendations from the Lean event. The strategy should include procedures to measure results.	6/30/22		
		4. Provide guidance to the regions on how to accurately determine and document the application completion date that should be used for tracking the tribal-New-Source-Review permitting process and assessing timeliness.	9/30/21	3/31/22	
		5. Develop and implement a plan, in consultation with the Office of Enforcement and Compliance Assurance and the EPA regions, to periodically coordinate with tribes to identify facilities that are operating in Indian Country without the required tribal-New-Source-Review permit.	9/30/22		
		6. Develop and implement a plan, in consultation with the Office of Enforcement and Compliance Assurance and the EPA regions, to periodically conduct outreach to industry groups to educate them on the tribal-New-Source-Review permit requirements for facilities that are constructed or modified in Indian Country.	9/30/22		
Management Alert: Prompt Action Needed to Inform Residents Living Near Ethylene Oxide-Emitting Facilities About Health Concerns and Actions to Address Those Concerns <a href="#">20-N-0128</a> , March 31, 2020	ADA	1. Improve and continue to implement ongoing risk communication efforts by promptly providing residents in all communities near the 25 ethylene oxide-emitting facilities identified as high-priority by the EPA with a forum for an interactive exchange of information with the EPA or the states regarding health concerns related to exposure to ethylene oxide.	U***	3/31/21†	
			† EPA and OIG were unable to reach agreement on the corrective actions for this recommendation. On January 4, 2021, as part of the audit resolution process, the EPA administrator concurred with OAR's position that the recommendation should be closed. We consider the administrator's January 4, 2021 decision a significant management decision with which we disagree. We continue to work with the EPA to address our recommendation.		

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Report title, number, and date	Office	Unimplemented recommendation	EPA's initial planned completion date (at time of report issuance)	EPA's revised planned completion date(s)*	Potential monetary benefits** (in thousands)
EPA Failed to Develop Required Cost and Benefit Analyses and to Assess Air Quality Impacts on Children's Health for Proposed Glider Repeal Rule Allowing Used Engines in Heavy-Duty Trucks <a href="#">20-P-0047</a> , December 5, 2019	OAR	1. In consultation with the associate administrator for Policy, for the proposed Glider Repeal Rule, identify for the public (e.g., via the public substantive change of economic significance submitted to the Office of Information and review and the action subsequently whether that change was made at the recommendation of the Office of Affairs.	12/31/19	3/31/21 6/30/21	
More Effective EPA Oversight Is Needed for Particulate Matter Emissions Compliance Testing <a href="#">19-P-0251</a> , July 30, 2019	OECA	1. Develop and implement a plan for improving the consistency of stack test reviews across EPA regions and delegated agencies.	3/31/22		
	OAR	2. Assess the training needs of EPA regions and state, local, and tribal agencies concerning stack test plans and report reviews and EPA test methods and develop and publish a plan to address any training shortfalls.	3/31/22		
	Region 10	5. Develop a communication plan to make all state and local agencies within Region 10 aware of EPA requirements and guidance for conducting stack testing oversight.	5/31/22		
		6. Develop and implement controls to assess delegated agencies' stack testing oversight activities.	3/31/22	12/21/22	
EPA Effectively Screens Air Emissions Data from Continuous Monitoring Systems but Could Enhance Verification of System Performance <a href="#">19-P-0207</a> , June 27, 2019	OAR	1. Develop and implement electronic checks in the EPA's Emissions Collection and Monitoring Plan System or through an alternative mechanism to retroactively evaluate emissions and quality assurance data in instances where monitoring plan changes are submitted after the emissions and quality assurance data have already been accepted by the EPA.	3/31/25		
EPA Demonstrates Effective Controls for Its On-Road Heavy-Duty Vehicle Compliance Program; Further Improvements Could Be Made <a href="#">19-P-0168</a> , June 3, 2019	OAR	2. Conduct and document a risk assessment for the on-road heavy-duty vehicle and engine compliance program that prioritizes risk and links specific control activities to specific risks. Update the risk assessment on a scheduled and periodic basis.	6/30/21	12/31/22	
		3. Address the following risks as part of the on-road heavy-duty vehicle and engine compliance program risk assessment, in addition to other risks that the EPA identifies: a. Non-criteria pollutants not being measured. b. Level of heavy-duty sector testing throughout the compliance life cycle. c. Marketplace ambiguity over regulatory treatment of rebuilt versus remanufactured engines. d. Different compliance challenges for heavy-duty compression-ignition and spark-ignition engines. e. Lack of laboratory test cell and in-house testing capacity for heavy-duty spark-ignition engines.	9/30/21	3/31/22	
		4. Evaluate the following issues, which may require regulatory or programmatic action, as part of (1) the on-road heavy-duty vehicle and engine emission control program risk assessment and (2) the EPA's annual regulatory agenda development process: a. Regulatory definition of on-road heavy-duty engine useful life may not reflect actual useful life. b. Not-to-Exceed standard may not reflect real-world operating conditions, especially for certain applications. c. In-use testing requirements for heavy-duty spark-ignition engines may be needed. d. A particle number standard may more accurately control particulate matter emissions that impact human health.	9/30/22	3/31/22	

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Report title, number, and date	Office	Unimplemented recommendation	EPA's initial planned completion date (at time of report issuance)	EPA's revised planned completion date(s)*	Potential monetary benefits** (in thousands)
EPA Has Not Met Certain Statutory Requirements to Identify Environmental Impacts of Renewable Fuel Standard <a href="#">16-P-0275</a> , August 18, 2016	OAR	2. Complete the anti-backsliding study on the air quality impacts of the Renewable Fuel Standard as required by the Energy Independence and Security Act.	9/30/24		
		3. Determine whether additional action is needed to mitigate any adverse air quality impacts of the Renewable Fuel Standard as required by the Energy Independence and Security Act.	9/30/24		
Category 6—Research and Laboratories					
Further Efforts Needed to Uphold Scientific Integrity Policy at EPA <a href="#">20-P-0173</a> , May 20, 2020	DA	1. Determine the extent and cause of the concerns related to culture and “tone at the top,” based on the indicators from the OIG’s scientific integrity survey. Issue the results to all EPA staff and make available to the public, including planned actions to address the causes	9/30/20	12/31/21	
	ORD/ Science Advisor	2. With the assistance of the Scientific Integrity Committee, develop and identify which performance measures will be used to define Scientific Integrity Program success and effective Scientific Integrity Policy implementation.	12/30/21		
		6. In coordination with the assistant administrator for Mission Support, complete the development and implementation of the electronic clearance system for scientific products across the Agency.	6/30/22		
		7. With the assistance of the Scientific Integrity Committee, finalize and release the procedures for addressing and resolving allegations of a violation of the Scientific Integrity Policy, and incorporate the procedures into scientific integrity outreach and training materials.	4/30/20	6/30/22	
		8. With the assistance of the Scientific Integrity Committee, develop and implement a process specifically to address and resolve allegations of Scientific Integrity Policy violations involving high profile issues or senior officials, and specify when this process should be used.	6/30/21	6/30/22	
EPA Needs a Comprehensive Vision and Strategy for Citizen Science that Aligns with Its Strategic Objectives on Public Participation <a href="#">18-P-0240</a> , September 5, 2018	DA	1. Establish a strategic vision and objectives for managing the use of citizen science that identifies: a. Linkage to the agency’s strategic goals. b. Roles and responsibilities for implementation. c. Resources to maintain and build upon existing Agency expertise.	12/31/20		
		2. Through appropriate EPA offices, direct completion of an assessment to identify the data management requirements for using citizen science data and an action plan for addressing those requirements, including those on sharing and using data, data format/standards, and data testing/validation.	12/31/20		
	ORD	4. Build capacity for managing the use of citizen science, and expand awareness of citizen science resources, by: a. Finalizing the checklist on administrative and legal factors for Agency staff to consider when developing citizen science projects, as well as identifying and developing any procedures needed to ensure compliance with steps in the checklist. b. Conducting training and/or marketing on the EPA’s citizen science intranet site for program and regional staff in developing projects. c. Finalizing and distributing materials highlighting project successes and how the EPA has used results of its investment in citizen science.	12/31/20	12/31/21	
Total					\$30,625

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## CSB Reports with Unimplemented Recommendations

*This table provides the full text of recommendations issued to CSB prior to this semiannual period that remain unimplemented, along with the planned completion dates provided by CSB when the associated final reports were issued and any subsequent revisions made by CSB to those planned completion dates.*

*This table reflects the status of recommendations as of September 30, 2021.*

Report title, number, and date	Office	Unimplemented recommendation	CSB's initial planned completion date <i>at time of report issuance</i>	CSB's revised planned completion date(s)*	Potential monetary benefits <i>(in thousands)**</i>
Category 1—Management and Operations					
CSB's Information Security Program Is Not Consistently Implemented; Improvements Are Needed to Address Four Weaknesses <a href="#">21-E-0071</a> , February 9, 2021	CSB	1. Complete the Risk Assessment process as required by NIST 800-37, re-evaluate the Risk Management Framework to make in more fluent to leverage day-to-day processes in place for completing the risk assessment, and determine how to best implement an organization-wide governance process for monitoring and reporting on risks.	4/30/21		
		2. Document the process in place to monitor required flaw remediation to resolution and enhance the flaw remediation process to require approvals if risks cannot be mitigated to an acceptable level in a timely manner. In addition, develop timeframes and monitoring on the timeliness of applying patch updates	1/31/21		
		3. Implement a process to ensure that privacy awareness training is provided to all individuals, including role-based training where needed.	11/30/20		
Total					\$0

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## Appendix 4—Closed Investigations Involving Senior Employees

### For Reporting Period Ending September 30, 2021

Section 5(a)(19) of the Inspector General Act of 1978, as amended, requires a report on each investigation involving a senior government employee where allegations of misconduct were substantiated. Section 5(a)(22) of the Act requires a detailed description of the particular circumstances of any investigation conducted by OIG involving a senior government employee that is closed and was not disclosed to the public. Details on each investigation conducted by OIG involving senior employees closed during the semiannual reporting period ending September 30, 2021, are provided below.

#### **CASE NUMBER: OI-HQ-2021-ADM-0037**

The OIG Hotline received a complaint alleging that a former EPA Senior Executive Service employee changed duty stations but remained on the EPA payroll at the previous duty station's higher locality pay. The complaint also alleged that the employee received reimbursement for relocation expenses and did not perform official work from the new location. The investigation determined that locality pay adjustments do not apply to executive-level pay and that EPA did not pay for the employee's relocation. The investigation also identified consistent daily patterns of emails sent and received, except for days the employee was on leave or official government travel, and determined that the employee performed official work at the new location. The allegations were not supported.

#### **CASE NUMBER: OI-HQ-2019-ADM-0023**

On April 6, 2021, EPA issued a notice of debarment that banned a former EPA Senior Executive Service employee who served as the Region 4 regional administrator from participating in federal procurement and nonprocurement programs for a period of four years. The debarment will expire on April 9, 2023. EPA OIG previously assisted state authorities in an investigation that revealed the appointee attempted to influence a state investigation while serving as a federal employee. The former employee was subsequently indicted for criminal violations of the Alabama Ethics Act and on October 26, 2020, pleaded guilty to three counts of receiving a thing of value for purpose of influencing official action, in violation of section 3625-7(d) of the Alabama Criminal Code, 1975. The former employee was sentenced to one year in prison, which was suspended, and to two years of unsupervised probation, as well as ordered to pay \$6,500 in fines. On April 6, 2021, EPA issued a notice of debarment that banned the former employee from participating in federal procurement and nonprocurement programs for a period of four years. The debarment will expire on April 9, 2023.

#### **CASE NUMBER: OI-NE-2021-ADM-0043**

An EPA General Schedule-15 employee allegedly committed time-and-attendance fraud by working at a restaurant that the employee owned during EPA duty hours. This allegation was referred to EPA's Labor and Employee Relations Division.

## Appendix 5—Peer Reviews Conducted

### For Reporting Period Ending September 30, 2021

Section 5(a)(14) of the Inspector General Act of 1978, as amended, requires an appendix containing the results of any peer review conducted of EPA OIG by another OIG during the reporting period or, if no such peer review was conducted, a statement identifying the date of the last peer review conducted of EPA OIG by another OIG. Section 5(a)(15) of the Act requires a list of any outstanding recommendations from any peer review conducted of EPA OIG by another OIG that have not been fully implemented. Section 5(a)(16) of the Act requires a list of all peer reviews conducted by EPA OIG of another OIG during the reporting period, including a list of any recommendations from any previous peer review that remain outstanding.

EPA OIG has initiated an external peer review of the audit organization of the Department of Agriculture OIG. Our review covers the period from April 1, 2020, through March 31, 2021. This review is being conducted in accordance with generally accepted government auditing standards and guidelines established by the Council of the Inspectors General on Integrity and Efficiency.

The following are the most recent peer reviews conducted by another OIG of EPA OIG. There are no outstanding recommendations from these peer reviews.

#### Audits

The most recent peer review report on EPA OIG was issued on April 15, 2021, by the Treasury Inspector General for Tax Administration OIG. That review, covering the three-year period ending September 30, 2020, found that EPA OIG's system of quality control was suitably designed and complied with to provide EPA OIG with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. EPA OIG receive an external peer review rating of *pass*.

#### Investigations

The General Services Administration OIG completed the most recently mandated Council of the Inspectors General on Integrity and Efficiency quality assurance review of EPA OIG Office of Investigations and issued its report on June 11, 2018. The General Services Administration identified no deficiencies and found internal safeguards and management procedures compliant with quality standards.

## Appendix 6—OIG Mailing Addresses and Telephone Numbers

### Headquarters

U.S. Environmental Protection Agency  
Office of Inspector General  
1200 Pennsylvania Ave., NW (2410T)  
Washington, D.C. 20460  
(202) 566-0847

### Offices

#### Atlanta

U.S. Environmental Protection Agency  
Office of Inspector General  
61 Forsyth Street, SW  
Atlanta, GA 30303  
Audit/Evaluation: (404) 562-9830  
Investigations: (404) 562-9857

#### Boston

U.S. Environmental Protection Agency  
Office of Inspector General  
5 Post Office Square (Mail Code: 15-1)  
Boston, MA 02109-3912  
Audit/Evaluation: (617) 918-1475  
Investigations: (984) 309-2669

#### Chicago

U.S. Environmental Protection Agency  
Office of Inspector General  
77 West Jackson Boulevard  
13th Floor (1A-13J)  
Chicago, IL 60604  
Audit/Evaluation: (312) 353-2486  
Investigations: (312) 886-7167

#### Cincinnati

U.S. Environmental Protection Agency  
Office of Inspector General  
26 West Martin Luther King Drive  
Cincinnati, OH 45268-7001  
Audit/Evaluation: (513) 487-2363  
Investigations: (917) 717-1923

#### Dallas

U.S. Environmental Protection Agency  
Office of Inspector General Suite 500  
1201 Elm Street  
Dallas, TX 75270  
Audit/Evaluation: (214) 665-6735  
Investigations: (214) 665-2249

#### Denver

U.S. Environmental Protection Agency  
Office of Inspector General  
1595 Wynkoop Street, 4th Floor  
Denver, CO 80202  
Audit/Evaluation: (303) 312-6969  
Investigations: (303) 312-6868

#### Kansas City

U.S. Environmental Protection Agency  
Office of Inspector General  
11201 Renner Boulevard  
Lenexa, KS 66219  
Audit/Evaluation: (913) 551-7878  
Investigations: (913) 551-7420

#### New York

U.S. Environmental Protection Agency  
Office of Inspector General  
290 Broadway, Suite 1520  
New York, NY 10007  
Audit/Evaluation: (212) 637-3049  
Investigations: (212) 637-3040

#### Philadelphia

U.S. Environmental Protection Agency  
Office of Inspector General  
1650 Arch Street, 3rd Floor  
Philadelphia, PA 19103-2029  
Audit/Evaluation: (215) 814-2326  
Investigations: (215) 814-2470

#### Research Triangle Park

U.S. Environmental Protection Agency  
Office of Inspector General  
Mail Drop N283-01  
Research Triangle Park, NC 27711  
Audit/Evaluation: (919) 541-1030  
Investigations: (919) 541-3668

#### San Francisco

U.S. Environmental Protection Agency  
Office of Inspector General  
75 Hawthorne Street (IGA-1-2)  
8th Floor  
San Francisco, CA 94105  
Audit/Evaluation: (415) 947-4527  
Investigations: (415) 947-4506

#### Seattle

U.S. Environmental Protection Agency  
Office of Inspector General  
Mail Code 17-H13  
1200 Sixth Avenue, Suite 155  
Seattle, WA 98101-3140  
Audit/Evaluation: (206) 553-2999  
Investigations: (206) 553-6116

*EPA OIG is unable to receive regular mail or faxes because of mandatory telework during the coronavirus pandemic. We are still able to receive and respond to phone calls.*