



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
AIR AND RADIATION

May 27, 2022

MEMORANDUM

SUBJECT: EPA Response to Final Report: “The EPA Needs to Develop a Strategy to Complete Overdue Residual Risk and Technology Reviews and to Meet the Statutory Deadlines for Upcoming Reviews” – Report No. 22-E-0026, March 30, 2022

FROM: Joseph Goffman
Principal Deputy Assistant Administrator

TO: Laretta Joseph, Director
Programs, Offices and Centers Oversight Directorate
Office of Special Reviews and Evaluation
Office of the Inspector General

Thank you for the opportunity to review and provide comment on the Office of Inspector General (OIG) final report titled, “The EPA Needs to Develop a Strategy to Complete Overdue Residual Risk and Technology Reviews and to Meet the Statutory Deadlines for Upcoming Reviews” dated March 30, 2022. Specifically, we address the two recommendations presented in the final report which have been identified by the OIG as “unresolved.”

The Agency notes that while the Office of Air and Radiation (OAR) concurred with the February 1, 2022, draft report Recommendation 1 and partially concurred with Recommendation 2, both Recommendations have been deemed unresolved by the OIG. The OIG considers OAR’s planned completion dates for the proposed corrective actions not aggressive enough to ensure the public health risks are reduced in conformity with statutory direction. In addition, with respect to Recommendation 2, the OIG notes that because the EPA fails to commit to implementation of the strategy, the Agency’s corrective action fails to meet “the intent of the recommendation.”

Recommendation 1: *Perform a workforce analysis to determine the staff and resources needed to meet the statutory deadlines for residual risk and technology reviews, initial technology reviews, and recurring eight-year technology reviews, as well as to complete any such reviews that are overdue.*

Response 1: OAR concurs with the OIG’s first recommendation that OAR should develop an analysis that will enable the Agency to determine the staff and resources needed to complete future reviews in accordance with statutory deadlines and complete overdue Residual Risk and Technology Reviews (RTRs) and Technology Reviews (TRs).

OAR concurs with the OIG’s first recommendation that performing an analysis will enable OAR to identify proper staffing levels for the RTR and TR program to ensure critical competencies are fulfilled, succession planning is well managed, costs are optimized, agility is achieved, and resiliency is retained. Note, in follow-up to the release of the March 30, 2022, final report, the Agency met with the OIG to clarify what

analysis would be acceptable, and the OIG noted a high-level analysis was envisioned and it was at the discretion of the Agency to determine the appropriate analysis type.

As such, the Agency will conduct a high-level analysis to determine the staff and resources needs for the RTR and TR program to complete overdue reviews and complete future reviews in accordance with the statutory deadlines, contingent on available resources. OAR will work with Agency partners to develop this high-level analysis.

Planned Completion Date: FY 2023, Quarter 2.

Recommendation 2: *Develop and implement a strategy to conduct (a) residual risk and technology reviews and recurring technology reviews by the applicable statutory deadlines and (b) any overdue residual risk and technology review and recurring technology review in as timely a manner as practicable. The strategy should take into account the Agency's environmental justice responsibilities under Executive Order 12898 and other applicable EPA and executive branch policies, procedures, and directives.*

Response 2: OAR concurs with the OIG's second recommendation that OAR should *develop and implement* a strategy to timely meet statutory deadlines for RTRs and TRs and complete all overdue RTRs and TRs. OAR fully supports developing a strategy that integrates the high-level analysis with the Administration's priorities, legal deadlines (e.g., court-ordered deadlines, settlement agreements), risk prioritization, and other factors in an effort to protect human health and the environment.

We anticipate much of the strategy development would be reliant on the high-level analysis (e.g., assessment of current operations, prediction of future operations, and evaluation of impact of organizational change based on experience and historical data). OAQPS commits to the following two phases:

- Phase 1: FY 2023, Quarter 4: OAQPS will complete the draft strategy and develop RTR and TR proposed and final actions that will cover 25 source categories.
 - Draft Strategy Development: OAQPS commits to requesting funding for work on the draft strategy during the development of the FY 2023 Operating Plan, pending when EPA receives an appropriation from Congress, and the FY 2024 President's Budget. OAQPS plans to integrate the analysis into the RTR/TR strategy and complete the draft strategy by FY 2023, Quarter 4.
 - Initial Strategy Implementation: OAQPS commits to beginning work immediately on RTR and TR actions. By FY 2023, Quarter 4, OAQPS commits to developing RTR and TR proposed and final actions that will cover at least 25 source categories. Note, work on these 25 actions was already planned prior to completion of the OIG final report in March 2022; OAQPS requested and received resources in the FY 2022 budget process and, as noted above, is planning to request resources for FY 2024.
- Phase 2: FY 2024, Quarter 2: Development/Implementation of RTR/TR Strategy.
 - Final Strategy: OAQPS commits to completing the final RTR/TR Strategy by FY 2024, Quarter 2.
 - Final Strategy Implementation: OAQPS commits to begin implementing the final RTR/TR Strategy by FY 2024, Quarter 2, contingent on resource funding received in FY 2023-24 as part of the appropriations process. We plan to seek to include the necessary resources to implement the strategy in a future budget formulation opportunity (i.e., FY 2024 and out years).

Planned Completion Date: FY 2024, Quarter 2.

Thank you for providing OAR the opportunity to review and provide comments on the final OIG report. If you have any questions regarding this response, please contact Tiffany Purifoy, OAQPS/OAR Audit Liaison, at (919) 541-0878.

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