



U.S. ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF INSPECTOR GENERAL

## *Science and Research*

# **EPA Has Adequate Controls to Manage Advice From Science and Research Federal Advisory Committees, but Transparency Could Be Improved**

Report No. 17-P-0124

March 13, 2017



## Report Contributors:

Patrick Gilbride  
Erin Barnes-Weaver  
Todd Goldman  
James Kohler  
Kalpana Ramakrishnan

## Abbreviations

BOSC	Board of Scientific Counselors
CASAC	Clean Air Scientific Advisory Committee
CHPAC	Children's Health Protection Advisory Committee
CMO	Committee Management Officer
CSAC	Chemical Safety Advisory Committee
DFO	Designated Federal Officer
ELAB	Environmental Laboratory Advisory Board
EPA	U.S. Environmental Protection Agency
FAC	Federal Advisory Committee
FACA	Federal Advisory Committee Act
FIFRA SAP	Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel
FY	Fiscal Year
GAO	U.S. Government Accountability Office
GSA	U.S. General Services Administration
HSRB	Human Studies Review Board
OIG	Office of Inspector General
OMB	Office of Management and Budget
OROM	Office of Resources, Operations and Management
SAB	Science Advisory Board
S&R	Science and Research
U.S.C.	United States Code

**Cover photo:** Members of the Science Advisory Board, an EPA federal advisory committee, attend a meeting. (EPA photo)

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

**EPA Inspector General Hotline**

1200 Pennsylvania Avenue, NW (2431T)  
Washington, DC 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, DC 20460  
(202) 566-2391  
[www.epa.gov/oig](http://www.epa.gov/oig)

Subscribe to our [Email Updates](#)  
Follow us on Twitter [@EPAoig](#)  
Send us your [Project Suggestions](#)



# At a Glance

## Why We Did This Review

We conducted this evaluation to determine what system(s) of controls the U.S. Environmental Protection Agency (EPA) has in place to engage with and manage the recommendations and advice from its science and research (S&R) federal advisory committees (FACs) and whether this system of controls is effective.

FACs are an important tool for building consensus and providing scientific input and recommendations from the agency's diverse customers, partners and stakeholders. We reviewed the EPA's eight S&R FACs, which had a combined fiscal year (FY) 2015 operating budget of more than \$8 million. These FACs created 84 products from FY 2013 through FY 2015, and we randomly selected and analyzed 13 of these products to determine the effectiveness of the EPA's system of controls to manage FAC recommendations. This report does not address the EPA's implementation of FAC recommendations.

**This report addresses the following EPA goal or cross-agency strategy:**

- *Embracing EPA as a high-performing organization.*

Send all inquiries to our public affairs office at (202) 566-2391 or visit [www.epa.gov/oig](http://www.epa.gov/oig).

Listing of [OIG reports](#).

## ***EPA Has Adequate Controls to Manage Advice From Science and Research Federal Advisory Committees, but Transparency Could Be Improved***

### What We Found

The EPA has an adequate system of controls to engage with and manage the recommendations and advice from its eight S&R FACs. The 1972 Federal Advisory Committee Act establishes procedures for the management of FACs, which are outlined in the agency's 2012 *Federal Advisory Committee Handbook* developed by the Office of Resources, Operations and Management (OROM).

Designated Federal Officers (DFOs) are the primary EPA representatives who manage FAC activities. The *Federal Advisory Committee Handbook* states that DFOs are responsible for working closely with EPA program officials to obtain and track responses to FAC recommendations. OROM and the agency's Committee Management Officer provide training to DFOs, but training materials do not highlight the importance of DFOs publishing responses online or tracking the status of FAC recommendations.

**Science plays an integral role in the EPA's mission. The EPA has an adequate system of controls to manage recommendations from its science and research federal advisory committees.**

Overall, we found the EPA's system of controls to manage the recommendations and advice from S&R FACs to be effective. We determined effectiveness by assessing whether (1) the agency responded to each FAC product we reviewed, including detailing how it would address any recommendations; (2) the agency tracked the status of each FAC recommendation; and (3) the FAC chairs expressed satisfaction with how the agency utilizes and manages the FACs. The EPA provided direct responses to 10 of 13 FAC products in our review sample and posted these responses online. The agency could improve transparency by posting all responses online. The three products that did not receive direct responses from the agency were addressed at the program office level. The agency addressed each recommendation in all 13 products. However, we found that program offices typically track the status of recommendations, rather than the DFOs. In addition, while FAC chairs were generally satisfied with the agency's management of their committees, several noted suggestions to improve the membership and meeting processes.

### Recommendations and Planned Agency Corrective Actions

To strengthen the agency's system of controls and improve public transparency, we recommend the Office of Administration and Resources Management (which houses OROM) update the *Federal Advisory Committee Handbook* to direct DFOs to keep FAC websites current with all agency responses, and to track the status of FAC recommendations; direct the FAC Division's Directors or their designees to collect feedback from FAC chairs on a regular basis; and update the FAC training materials as applicable. The agency agreed with all recommendations, and corrective actions are pending or have been completed.



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

THE INSPECTOR GENERAL

March 13, 2017

**MEMORANDUM**

**SUBJECT:** EPA Has Adequate Controls to Manage Advice From Science and Research  
Federal Advisory Committees, but Transparency Could Be Improved  
Report No. 17-P-0124

**FROM:** Arthur A. Elkins Jr.

A handwritten signature in black ink, appearing to read "Arthur A. Elkins Jr.", is written over the printed name.

**TO:** Donna Vizian, Acting Assistant Administrator  
Office of Administration and Resources Management

This is our report on the subject evaluation conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). The project number for this evaluation was OPE-FY16-0024. This report contains findings the OIG has identified and corrective actions the OIG recommends. This report represents the opinion of the OIG and does not necessarily represent the final EPA position. Final determinations on matters in this report will be made by EPA managers in accordance with established audit resolution procedures.

**Action Required**

In accordance with EPA Manual 2750, your office provided planned corrective actions in response to our recommendations. All recommendations are considered resolved. You are not required to provide a written response to this final report because you provided agreed-to corrective actions and planned completion dates for the report recommendations. The OIG may make periodic inquiries on your progress in implementing these corrective actions. Please update the EPA's Management Audit Tracking System as you complete planned corrective actions. Should you choose to provide a final response, we will post your response on the OIG's public website, along with our memorandum commenting on your response. You should provide your response as an Adobe PDF file that complies with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended. The final response should not contain data that you do not want to be released to the public; if your response contains such data, you should identify the data for redaction or removal along with corresponding justification.

We will post this report to our website at [www.epa.gov/oig](http://www.epa.gov/oig).

# Table of Contents

---

<b>Reasons for Review</b> .....	1
<b>Background</b> .....	1
The Federal Advisory Committee Act .....	1
EPA’s S&R FACs .....	1
EPA’s Management of FACs .....	2
FAC Products and Public Access .....	3
Federal Internal Control Standards .....	4
<b>Responsible Offices</b> .....	5
<b>Scope and Methodology</b> .....	5
Limitations .....	6
<b>Results of Review</b> .....	6
EPA’s System of Controls Are Effective.....	7
(1) EPA Addressed All Sample Products.....	7
(2) EPA Tracked All Recommendations .....	9
(3) FAC Chairs Satisfied but Identified Areas for Improvement .....	9
<b>Conclusion</b> .....	10
<b>Recommendations</b> .....	11
<b>Agency Response and OIG Evaluation</b> .....	11
<b>Status of Recommendations and Potential Monetary Benefits</b> .....	12

## Appendices

<b>A Agency Response to Draft Report</b> .....	13
<b>B Distribution</b> .....	16

## Reasons for Review

We conducted this evaluation to determine what system(s) of controls the U.S. Environmental Protection Agency (EPA) has in place to engage with and manage the recommendations and advice from its science and research (S&R) federal advisory committees (FACs) and whether this system of controls is effective.

## Background

### *The Federal Advisory Committee Act*

Congress passed the Federal Advisory Committee Act (FACA), 5 U.S.C., Appendix 2, in 1972 (as amended), to create an orderly procedure by which federal agencies may seek collective advice from FACs. The act ensures that FACs are governed via uniform standards and procedures. Further, according to the EPA, FACA establishes procedures for the management of FACs, ensures FAC decision-making is transparent, and ensures representation on FACs is balanced. FACA states that FACs should be only advisory in nature and that all matters should ultimately be determined in accordance with the law by the official, agency or officer involved. FACA also requires that agencies maintain systematic information on operations of FACs within their jurisdiction.

A FAC is any committee, board, commission, council, conference, panel, task force or other similar group (including any subcommittee or other subgroup thereof) that is established or utilized by the federal government to obtain advice or recommendations and that is not composed solely of full-time or permanent part-time federal officers or employees.

The U.S. General Services Administration (GSA) is responsible for overseeing FACA, as well as for developing regulations and guidance to govern the management and consistent use of FACs across the government. Agencies should establish guidelines and management controls for FACs. FACA stipulates that agencies must submit an annual report detailing the FACs' activities for the previous fiscal year. With this information, the GSA has created and maintains a FACA Database<sup>1</sup> as a repository of data about the FACs' current fiscal year events and performance. This database includes a feature that tracks the number of FAC recommendations and whether they have been implemented.

### *EPA's S&R FACs*

FACs are an important tool within the EPA for building consensus and providing input and recommendations from the agency's diverse customers, partners and stakeholders. As of February 2016, the EPA managed 22 FACs that assisted the

---

<sup>1</sup> To access the GSA FACA Database and FAC recommendations by federal agency, see <http://www.facadatabase.gov/default.aspx>.

agency in carrying out its mission to protect human health and the environment. The agency provides financial and administrative support for these FACs. Each FAC charter contains key information, including the committee’s objectives and scope of activity. From the most recent charters available, we identified eight FACs that provide S&R advice and recommendations to the EPA. Table 1 lists these FACs, along with their managing agency program offices and estimated annual costs. Based on fiscal year (FY) 2015 data, the total estimated annual operating costs for the eight S&R FACs is more than \$8 million.

**Table 1: S&R FACs at the EPA**

	<b>FAC name</b>	<b>Managing program office</b>	<b>Annual cost (estimated)</b>
<b>1</b>	Board of Scientific Counselors (BOSC)	Office of Research and Development	\$628,000
<b>2</b>	Chemical Safety Advisory Committee (CSAC)	Office of Chemical Safety and Pollution Prevention	434,000
<b>3</b>	Children’s Health Protection Advisory Committee (CHPAC)	Office of the Administrator’s Office of Children’s Health Protection	395,000
<b>4</b>	Clean Air Scientific Advisory Committee (CASAC)	Office of the Administrator’s Science Advisory Board Office	1,500,000
<b>5</b>	Environmental Laboratory Advisory Board (ELAB)	Office of Research and Development	45,000
<b>6</b>	Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP)	Office of Chemical Safety and Pollution Prevention	1,940,000
<b>7</b>	Human Studies Review Board (HSRB)	Office of Research and Development’s Office of the Science Advisor	150,000
<b>8</b>	Science Advisory Board (SAB)	Office of the Administrator’s Science Advisory Board Office	3,000,000
	<b>Annual S&amp;R FAC costs (estimated)</b>		<b>\$8,092,000</b>

Source: Office of Inspector General (OIG) summary of information in individual FAC charters.

### ***EPA’s Management of FACs***

Within the EPA, the Office of Resources, Operations and Management (OROM) provides oversight for the establishment and operation of the agency’s FACs. In 2012, OROM developed the *Federal Advisory Committee Handbook* (commonly referred to as the *FACA Handbook*), an agencywide guidance document that outlines processes for managing FACs. The EPA’s policies and procedures relating to FACs are codified in the agency’s *FACA Handbook*.

The *FACA Handbook* identifies the EPA staff responsible for managing and addressing the recommendations of the agency’s FACs:

- *Designated Federal Officers (DFOs)* work with the FAC chairs, FAC members and appropriate staff as the primary managers and record keepers of the FACs. DFOs are also responsible for working closely with the EPA program officials to obtain timely responses to and track responses to FAC recommendations.
- The *Committee Management Officer (CMO)*, who is appointed by the Director of OROM, serves as a resource for DFOs and ensures proper record keeping for FACs.
- The *relevant program office* supports the DFO as required, including providing charge questions to the FAC and determining when the FAC is no longer needed.
- *Senior management*<sup>2</sup> in the relevant program offices is responsible for preparing a “prompt response to advisory committee recommendations relating to EPA’s proposals for action, or reasons for inaction, or important developments and significant actions, etc.”

### **FAC Products and Public Access**

All FAC meetings are open to the public unless otherwise determined in advance by the EPA Administrator. FAC meetings can result in various products (Table 2). The S&R FACs in our review created 84 products from FY 2013 through FY 2015.

**Table 2: FAC products and definitions**

<b>FAC products</b>	<b>EPA FACA Handbook definitions</b>
Meeting Minutes Reports	Reports comprising the meeting minutes recorded, the recommendations issued, the decisions made, and the ideas expressed.
Consultations	Early, low-cost endeavors to obtain individual member views on issues for which the EPA has not yet developed a plan of action. No intent or expectation that a consultation will result in a report or specific recommendation.
Commentaries	Thoughts from committee members that the committee believes are important enough to be conveyed to the Administrator and the public. Often presented in the form of a letter.
Peer Review Reports	Independent reviews of near-final EPA work products that are the result of several committee meetings where the EPA presented information, the public commented, and the committee discussed the presented issues.

<sup>2</sup> Senior managers at the EPA include program office Assistant Administrators, Regional Administrators and Associate Administrators (or equivalents).

FAC products	EPA <i>FACA Handbook</i> definitions
Advisories	Documents that are similar to Peer Review Reports but that are developed while the EPA still has flexibility regarding its plans to close out the discussed project. Can also be a “midcourse” review that provides suggestions on how to proceed with a preexisting project.
Recommendation Letters	Documents that relate to whatever segment of a multi-segment project the committee is working on. Usually presented in the form of a letter to the Administrator.
Committee Reports	Formal summaries of the findings of the committee. Includes advice the committee gives the agency and the findings or decisions made during committee meetings.

Source: OIG summary of the EPA's 2012 *FACA Handbook*.

The *FACA Handbook* recommends that documents<sup>3</sup> provided to or prepared by each FAC should be placed in the official committee file. The *FACA Handbook* requires that this file be available for public inspection and copying.

In addition to the *FACA Handbook*, DFOs can also consult the agency's *Peer Review Handbook*,<sup>4</sup> which includes a section on peer review by FACs. The EPA utilizes the peer review process to “identify any technical problems or unresolved issues in a preliminary (or draft) work product through the use of independent experts.” The *Peer Review Handbook* notes that FACA requirements for advanced notification of committee meetings and opportunities for public participation add to the time required to complete the review but enhance the transparency of the peer review process.

According to the EPA's Scientific Integrity Policy, in order to ensure transparency, the agency needs to allow the “free flow of scientific information.” The Scientific Integrity Policy is the framework to ensure integrity throughout the agency, including FACs, and states that the EPA needs to promote and provide access to the public by making scientific information available online.

### **Federal Internal Control Standards**

In addition to congressional, GSA and EPA mandates that specifically pertain to FACs, the agency must also comply with federal internal control standards as applicable, including the following standards:

- U.S. Government Accountability Office (GAO), *Standards for Internal Control in the Federal Government*, GAO-14-704G, September 2014: These standards define internal control as “a process effected by an entity's oversight body, management, and other personnel that provides

<sup>3</sup> EPA documents that are exempted from public review under FACA, such as privileged or confidential documents, shall be placed in a separate file.

<sup>4</sup> EPA, *Science and Technology Policy Council Peer Review Handbook*, 4<sup>th</sup> edition, October 2015.

reasonable assurance that the objectives of an entity will be achieved.” Internal control comprises the plans, methods, policies and procedures used to fulfill the goals and objectives of the entity. GAO’s standards require documentation of agency activities, which provides a means to retain organizational knowledge and mitigate the risk of having that knowledge limited to a few personnel, as well as a means to communicate that knowledge as needed to external parties. The standards also require that the EPA promptly resolve the findings of audits and other reviews.

- Office of Management and Budget (OMB) Circular No. A-123, *Management's Responsibility for Enterprise Risk Management and Internal Control*, July 15, 2016: This document states that the agency’s management is responsible for developing and maintaining effective internal control.

## Responsible Offices

The Office of Resources, Operations and Management, within the Office of Administration and Resources Management, has primary responsibility for subjects covered in this review.

## Scope and Methodology

We conducted our work from June 2016 through February 2017. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We met with DFOs and key OROM staff to identify the system of controls the EPA has in place to engage with and manage FACs. We met with the FAC chairs (or their equivalents) to determine how satisfied they were with the EPA’s FAC management and to identify best practices and suggestions for improvement.

Of the 84 products created by the FACs in our review from FY 2013 through FY 2015, we randomly selected and analyzed two products from each FAC,<sup>5</sup> for a total of 13 products. Using internal control standards discussed in the “Federal Internal Control Standards” section above, we determined whether (1) the EPA directly responded to the FACs about each product, (2) the responses were published online on the public FAC websites, (3) the responses described if

---

<sup>5</sup> We sampled two products from each S&R FAC with the exception of BOSC and CSAC, which only developed one product and zero products, respectively, during the sampling timeframe. Therefore, our random sample totaled 13 products.

and/or how the EPA will address the FAC recommendations, and (4) the DFO and/or the program office tracked the status of recommendations.

Additionally, we reviewed the following guidance documents, prior reports and online sources:

- FACA, 5 U.S.C. Appendix 2, 1972 (as amended).
- GAO, *Standards for Internal Control in the Federal Government*, GAO-14-704G, September 2014.
- OMB Circular No. A-123, *Management's Responsibility for Enterprise Risk Management and Internal Control*, July 15, 2016.
- GSA FACA Database and Draft DFO Help Manual.
- EPA FAC charters,<sup>6</sup> 2012 *FACA Handbook*, and annual call memorandum to program offices for SAB and other FAC information.
- EPA, *Science and Technology Policy Council Peer Review Handbook*, 4<sup>th</sup> edition, October 2015.
- EPA OIG, 16-P-0246, *EPA Cannot Assess Results and Benefits of Its Environmental Education Program*, July 29, 2016.<sup>7</sup>
- EPA FAC public websites.

### **Limitations**

We determined that the GSA FACA Database should not be used to help accomplish our objectives or be included as part of our findings. Our review of the GSA FACA Database, which is outside of the EPA's control, revealed limitations in how the EPA tracked the number and status of FAC recommendations for this database. For example, some DFOs count each FAC product as one recommendation, even though the product may contain multiple recommendations. DFOs also acknowledged that the number of recommendations marked as implemented in the GSA FACA Database is often based on best estimates. Additionally, the GSA FACA Database tracks recommendations made and implemented since the inception of FACA.

## **Results of Review**

Overall, we found that the EPA has an adequate system of controls to engage with and manage the recommendations and advice from the agency's S&R FACs. Our random sample analysis of products created by S&R FACs from FY 2013 through FY 2015 indicated that the controls are effective. The FAC chairs we interviewed

---

<sup>6</sup> Charters specify the FACs' missions and general operational characteristics.

<sup>7</sup> This report scope includes the National Environmental Education Advisory Committee and notes that, although FACA does not require recommendations to be acted upon, "GAO internal control standards require that the findings of audits and other reviews be promptly resolved. As such, the EPA should promptly review and resolve recommendations." The report further notes that resolution does not mean that the EPA must implement the recommendations but that it should have a documented resolution for recommendations.

were generally satisfied with the agency's management of their committees and the agency's responsiveness to the FAC recommendations; however, several FAC chairs noted suggestions for improvement. We also identified areas where the EPA could enhance public transparency regarding how the agency responds to and tracks FAC recommendations.

### ***EPA's System of Controls Are Effective***

Consistent with the GAO's and OMB's internal control standards, the EPA has a system of controls to engage with and manage the recommendations and advice from FACs. OROM provides training to new DFOs, usually on an annual basis, and hosts quarterly meetings with DFOs. OROM also advises DFOs and any managers and staff who will be working with FACs to take the FACA training offered by the GSA. OROM's training does not, however, highlight the importance of posting responses online, consistent with the agency's Scientific Integrity Policy for transparency, nor does it highlight the need for the DFO to track the status of FAC recommendations. During interviews, DFOs noted that OROM and the CMO do provide guidance on charter renewal and the committee membership process.

Overall, we found the agency's internal system of controls to manage the recommendations and advice from FACs to be effective. We determined effectiveness by assessing whether (1) the EPA provided a response to FAC products, including information regarding how the agency would address any recommendations made; (2) the status of FAC recommendations was being tracked; and (3) the FAC chairs were satisfied with how the agency engages with and manages committee advice. We reviewed 13 randomly selected products from seven FACs.

#### ***(1) EPA Addressed All Sample Products***

Our sample review found that the agency directly responded to 10 of the 13 FAC products with information on how the agency will address recommendations. The three remaining FAC products that did not receive direct responses were being addressed at the program office level. All 10 direct responses provided to FACs were posted on the public FAC websites. Table 3 describes the findings from our sample review in more detail.

**Table 3: Agency management of selected S&R FAC products**

FACA report	Agency provided direct response	Response posted online	Recommendations addressed
<b>BOSC</b>			
Strategic Research Planning for 2016–2019: A Joint Report of the SAB and BOSC (2015)	Yes	Yes	Yes
<b>CASAC</b>			
CASAC Review of the EPA’s <i>Integrated Science Assessment for Oxides of Nitrogen—Health Criteria (First External Review Draft—November 2013)</i> (2014)	Yes	Yes	Yes
CASAC Review of the EPA’s <i>Second Draft Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards</i> (2014)	Yes	Yes	Yes
<b>CHPAC</b>			
Re: CASAC Review of the Health Risk and Exposure Assessment for Ozone and Policy Assessment for the Review of the Ozone NAAQS: Second External Review Drafts (2014)	N/A <sup>a</sup>	N/A	Yes
Re: Human Health Benchmarks for Pesticides: A Missed Opportunity (2013)	Yes	Yes	Yes
<b>ELAB</b>			
Re: Selected Ion Monitoring (2014)	Yes	Yes	Yes
Recommendations Regarding the State of National Accreditation (2012)	Yes	Yes <sup>b</sup>	Yes
<b>FIFRA SAP</b>			
Integrated Endocrine Bioactivity and Exposure-Based Prioritization and Screening (2015)	No	No	Yes
RNAi Technology as a Pesticide: Problem Formulation for Human Health and Ecological Risk Assessment (2014)	No	No	Yes
<b>HSRB</b>			
April 8–9, 2014 EPA HSRB Meeting Report (2014)	Yes	Yes	Yes
April 22–23, 2015 EPA HSRB Meeting Report (2015)	Yes	Yes	Yes
<b>SAB</b>			
SAB Advice on Advancing the Application of CompTox Research for EPA Chemical Assessments (2014)	Yes	Yes	Yes
SAB Review of the Draft EPA Report <i>Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence</i> (2014)	Yes	Yes	Yes
<b>Summary of Results</b>	<b>10 of 13</b>	<b>10 of 13</b>	<b>13 of 13</b>

Source: OIG analysis based on review of sample FAC products.

<sup>a</sup> This CHPAC report was addressed to another FAC (CASAC); as such, an agency response was not required to be sent to CHPAC.

<sup>b</sup> During the course of our review, the agency response to the second ELAB report was unavailable. In the agency’s comments on our draft report, the link to the response was provided. We updated the final report with the agency’s information.

As shown in Table 3, three FAC products (one CHPAC product and two FIFRA SAP products) did not receive direct responses from the agency. The Office of Chemical Safety and Pollution Prevention’s Office of Pesticide Programs and the Office of Science Coordination and Policy are the lead offices responsible for providing responses to the FIFRA SAP recommendations. While these program offices did not provide responses directly to FIFRA SAP for the two reports reviewed, they developed tables with information on how the agency has

addressed or is addressing the recommendations. The CHPAC report that did not receive a direct response was addressed to another advisory committee and therefore did not require a response from the agency.

The EPA could improve transparency by providing direct responses to all FAC products. In addition, all agency responses should be published online, consistent with the EPA's Scientific Integrity Policy. For example, during the course of this review, the ELAB DFO already indicated plans to revise ELAB's website to post agency responses adjacent to committee products.

The EPA's Scientific Integrity Policy promotes access to scientific information by making it available online in open formats and in a timely manner. The EPA's posting of FAC products and the agency's response to FAC recommendations align with this policy.

## ***(2) EPA Tracked All Recommendations***

Each of the FAC recommendations in our sample has either been addressed and does not require further tracking or is being tracked by the program office. For example, the Office of Pesticide Programs and the Office of Science Coordination and Policy have developed tables detailing how the agency addresses each FAC recommendation within their purview.

Although program offices typically track the status of any agreed-upon actions, this information is not typically shared with the DFOs. The DFOs are supposed to act as a liaison between the public, the FACs and the EPA; however, some DFOs directed us to the program offices for the status of the recommendations.<sup>8</sup> While we were able to determine the status of recommendations from the program offices, it took time to receive this information from the EPA staff responsible for providing it. Accessing documents from program offices would likely be a more difficult process for the general public.

To allow for easy public access to the status of agreed-upon recommendations, DFOs could work closely with program officials to obtain updates to track the status of FAC recommendations. For example, the BOSC DFO has stated they are in the process of creating a spreadsheet for this purpose.

## ***(3) FAC Chairs Satisfied but Identified Areas for Improvement***

Overall, the FAC chairs we interviewed as part of our review expressed satisfaction with the management of their committees and the work of the DFOs. FAC chairs are satisfied with how the agency utilizes their FACs and with how the agency responds to their committees' advice, even when a response is not always expected. While some FAC chairs said charge questions come directly from the agency with no input from their committees, others said their committees can and do provide unsolicited advice and take a more proactive role in

---

<sup>8</sup> The ELAB FAC DFO does track the status of the committee's recommendations.

developing new charge questions. FAC chairs identified the following suggestions to improve the management of FAC membership and meeting processes:

1. Allow FAC chairs to provide input into committee member selection to ensure necessary expertise.
2. Ensure each FAC has a core of permanent panel members who attend all meetings to provide perspective and help direct the efforts of ad hoc members. Cultivate leadership of the permanent FAC panel members and chairs.
3. Clarify the policy context of the charge questions and/or how the recommendations are going to be utilized so that the FAC can provide more constructive advice to the agency.
4. Provide the FACs with sufficient background material prior to all meetings so they can be more prepared to provide advice to the agency, particularly in cases where the agency is meeting with the committee to discuss broader topics.
5. Specify procedures for how the committee should develop conclusions, whether or not consensus is required.
6. Differentiate recommendations from suggestions, with the expectation that all recommendations require agency response but suggestions do not necessarily require a response. More significant recommendations could be further classified as “strong,” or the committee could prioritize recommendations in list form to help facilitate implementation.

## **Conclusion**

Overall, we found the EPA’s system of controls to manage the recommendations and advice from S&R FACs to be effective. However, based on our review, we identified areas where the agency can strengthen its controls with regard to transparency and tracking the status of FAC recommendations. Providing direct responses to all FAC products and posting all agency responses online are two ways the EPA could improve transparency and also promote public access to agency activities. In addition, to allow for easy access to the status of recommendations, DFOs should be responsible for working closely with program offices to track the status of FAC recommendations. The agency can also improve its management of FACs by soliciting feedback from the FAC chairs.

## Recommendations

To strengthen and reinforce the EPA's system of controls for managing the recommendations and advice from federal advisory committees and to improve transparency, we recommend that the Assistant Administrator for Administration and Resources Management:

1. Update the EPA's *Federal Advisory Committee Handbook* to:
  - a. Direct Designated Federal Officers to maintain and keep the federal advisory committee websites current, work closely with program officials to provide a direct response to each federal advisory committee product with information on how the recommendations will be addressed, and make EPA responses publicly available as soon as possible.
  - b. Direct Designated Federal Officers to work closely with other EPA program officials to track the status of federal advisory committee recommendations, to promote ease of public accessibility.
  - c. Direct the Federal Advisory Committee Management Division's Director or his/her designee to collect feedback from active federal advisory committee chairs on a regular basis to identify ways to improve the utilization and management of federal advisory committees.
2. Update the Designated Federal Officer training materials and incorporate into the annual training that Designated Federal Officers are responsible for maintaining federal advisory committee websites with current agency responses and for working closely with other EPA program officials to track the status of federal advisory committee recommendations.

## Agency Response and OIG Evaluation

The EPA agreed with our recommendations. The agency provided acceptable corrective actions for Recommendations 1.a through 1.c and has completed corrective actions for Recommendation 2. The agency also provided technical comments on the draft report. Where appropriate, we incorporated changes to the report based on the agency's technical comments. Appendix A contains the agency's full response.

# **Status of Recommendations and Potential Monetary Benefits**

## RECOMMENDATIONS

Rec. No.	Page No.	Subject	Status <sup>1</sup>	Action Official	Planned Completion Date	Potential Monetary Benefits (in \$000s)
1	11	Update the EPA's <i>Federal Advisory Committee Handbook</i> to: <ul style="list-style-type: none"> <li>a. Direct Designated Federal Officers to maintain and keep the federal advisory committee websites current, work closely with program officials to provide a direct response to each federal advisory committee product with information on how the recommendations will be addressed, and make EPA responses publicly available as soon as possible.</li> <li>b. Direct Designated Federal Officers to work closely with other EPA program officials to track the status of federal advisory committee recommendations, to promote ease of public accessibility.</li> <li>c. Direct the Federal Advisory Committee Management Division's Director or his/her designee to collect feedback from active federal advisory committee chairs on a regular basis to identify ways to improve the utilization and management of federal advisory committees.</li> </ul>	R	Assistant Administrator for Administration and Resources Management	12/31/17	
2	11	Update the Designated Federal Officer training materials and incorporate into the annual training that Designated Federal Officers are responsible for maintaining federal advisory committee websites with current agency responses and for working closely with other EPA program officials to track the status of federal advisory committee recommendations.	C	Assistant Administrator for Administration and Resources Management	2/2/17	

<sup>1</sup> C = Corrective action completed.  
 R = Recommendation resolved with corrective action pending.  
 U = Recommendation unresolved with resolution efforts in progress.

## Agency Response to Draft Report



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

FEB 10 2017

OFFICE OF  
ADMINISTRATION  
AND RESOURCES  
MANAGEMENT

### MEMORANDUM

**SUBJECT:** Response to Office of Inspector General Draft Report No. OPE-FY16-0024  
*EPA Has Adequate Controls to Manage Advice From Science and Research Federal Advisory Committees, but Transparency Could Be Improved*, dated January 10, 2017

**FROM:** Donna J. Vizian, Acting Assistant Administrator 

**TO:** Arthur A. Elkins, Jr., Inspector General  
Office of Inspector General

Thank you for the opportunity to respond to the issues and recommendations in the subject draft report. Attachment One is a summary of the agency's overall position and its position on each of the report recommendations. Attachment Two contains the three technical comments on the report.

The Office of Administration and Resources Management believes the findings in the draft report are fair and accurate and is pleased that the Office of Inspector General has found that the system of controls to manage the recommendations and advice from federal advisory committees to be effective. The OARM agrees with the recommendations and have provided high-level intended corrective actions and estimated completion dates in response to each of the recommendations. In addition, the OARM will advise the agency's Designated Federal Officers about the recommendations and corrective actions at its quarterly DFO network meetings.

As agreed with Erin Barnes-Weaver, OIG Project Manager, the recommendations from the OIG draft report have been revised as follows: 1) recommendations one, two, and three from the draft report have been combined into one recommendation, 2) recommendation 1.a. has been modified to clarify the role of program officials in providing responses to FAC products, and 3) the language in recommendation two has been corrected so that it aligns with recommendation 1.b.

If you have any questions regarding this response, please have your staff contact Monisha Harris, director, Federal Advisory Committee Management Division, at (202) 564-0563.

Attachments

cc: John Reeder

Chris Robbins

John Showman

Louise P. Wise

Lynnann Hitchens

Michael Hardy

Monisha Harris

Megan Moreau

Lauren Lemley

**AGENCY'S RESPONSE TO REPORT RECOMMENDATIONS**

<b>No.</b>	<b>Recommendations</b>	<b>High-Level Intended Corrective Action(s)</b>	<b>Estimated Completion Date</b>
1.	<p>Update the EPA's Federal Advisory Committee Handbook to:</p> <ul style="list-style-type: none"> <li>a. Direct the Designated Federal Officers to maintain and keep the federal advisory committee websites current, work closely with program officials to provide a direct response to each FAC product with information on how the recommendations will be addressed, and make the EPA responses publicly available as soon as possible.</li> <li>b. Direct the DFOs to work closely with other EPA program officials to track the status of the FAC recommendations, to promote ease of public accessibility.</li> <li>c. Direct the FAC management division director's or his/her designee to collect feedback from active FAC chairs on a regular basis to identify ways to improve the utilization and management of the FACs.</li> </ul>	<p>The Office of Administration and Resources Management agrees with this recommendation. The OARM will update the EPA federal advisory committee handbook to codify these requirements.</p>	December 31, 2017
2.	<p>Update the Designated Federal Officer training materials and incorporate into the annual training that the DFOs are responsible for maintaining the FAC's websites with current agency responses and for working closely with other EPA program officials to track the status of the FAC recommendations.</p>	<p>The OARM agrees with this recommendation and has updated the training materials to incorporate the recommended actions.</p>	Completed

## ***Distribution***

The Administrator

Assistant Administrator for Administration and Resources Management

Agency Follow-Up Official (the CFO)

Agency Follow-Up Coordinator

General Counsel

Associate Administrator for Congressional and Intergovernmental Relations

Associate Administrator for Public Affairs

Deputy Assistant Administrator for Administration and Resources Management

Director, Office of Resources, Operations and Management, Office of Administration and  
Resources Management

Deputy Director, Office of Resources, Operations and Management, Office of Administration  
and Resources Management

Audit Follow-Up Coordinator, Office of the Administrator

Audit Follow-Up Coordinator, Office of Administration and Resources Management

Audit Follow-Up Coordinator, Office of Air and Radiation

Audit Follow-Up Coordinator, Office of Chemical Safety and Pollution Prevention

Audit Follow-Up Coordinator, Office of Research and Development