



U.S. ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF INSPECTOR GENERAL

EPA Office of Inspector General

Congressional and Media Protocols

April 2018

Office of Inspector General Approach

The Office of Inspector General (OIG) is an independent office within the U.S. Environmental Protection Agency (EPA) that performs audits, evaluations and investigations of the EPA and the U.S. Chemical Safety and Hazard Investigation Board (CSB), and prevents and detects fraud, waste and abuse. By helping the agencies operate more economically, effectively and efficiently, the OIG provides solutions to problems that ultimately result in making America a cleaner and healthier place. Developing and maintaining good working relationships with Congress and the media are critical to our success.

Contact Information

The OIG's Office of Congressional and Public Affairs serves as the primary point of contact for members of Congress and their staffs and the media, and manages the OIG's congressional and public affairs program. To contact our office:

By phone: (202) 566-2391

By fax: (202) 566-2549

By mail: U.S. Environmental Protection Agency
Office of Inspector General
Office of Congressional and Public Affairs
1200 Pennsylvania Avenue, NW
Mail Code 2491T
Washington, DC 20460

To find out more about the U.S. Environmental Protection Agency Office of Inspector General and its activities, visit our website at <https://www.epa.gov/oig>.

Go to the "Contact Us" webpage, choose "Subscribe to EPA OIG" and follow the instructions to receive notices by email when new items are added to the site.

Follow us on Twitter [@EPAoig](https://twitter.com/EPAoig).

Protocols at a Glance

The OIG is an independent office of the EPA created by the Inspector General Act of 1978, as amended (Inspector General Act). The OIG's role is to detect and prevent fraud, waste and abuse in the EPA's programs and operations, and assist the EPA in protecting human health and the environment more efficiently and cost effectively. We also serve as the OIG for the U.S. Chemical Safety and Hazard Investigation Board.

Any member of Congress, including the Chair or Ranking Member of a committee or subcommittee, may submit a written request for the OIG to conduct an audit, evaluation or investigation. Given limited resources, the OIG may not be able to undertake all such requests and therefore must prioritize, weighing several factors. The OIG recommends that members of Congress consult with the OIG prior to submitting a request, so that the OIG can best understand any factors that would affect the priority the OIG will assign to that request. Sometimes the OIG will terminate an audit or evaluation project without issuing a report, but generally, at the conclusion of an audit or evaluation, the OIG issues a report. Such reports adhere to professional standards and guidance. All audit and evaluation reports will be released upon issuance by the OIG. At that time, reports will be made publicly available on the OIG's website, and the EPA and any congressional requester(s) will be sent a final copy of the report via email.

Requests for OIG testimony should be submitted in writing from the Chair of a congressional committee or subcommittee. We provide objective testimony based on OIG work. Due to our independent reporting relationship to Congress under the Inspector General Act, OIG testimony is not subject to prior review or approval by the Office of Management and Budget or EPA officials. Further, the OIG welcomes the opportunity to brief members of Congress and/or their staffs, upon request, on our completed work. The Inspector General Act specifies that the OIG is to review existing and proposed legislation and regulations relating to the programs and operations of the EPA, and OIG comments are not subject to prior review or approval by outside entities prior to submission.

For ongoing audit and evaluation work, that is, prior to issuance of a final report, the OIG limits comments to the scope and objectives of, and methodology for, the project, and anticipated time frame for completion. We will not discuss possible findings and recommendations until a final report is issued. The OIG's policy is to neither confirm nor deny whether it is engaged in an ongoing criminal investigation, a standard protocol for most federal law enforcement agencies.

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Congressional Requests

As Congress is one of the OIG's primary customers, we carefully consider written requests from any committee or member of Congress that we audit, evaluate or investigate issues within our authority or jurisdiction. The OIG will not begin such work without a written request. Given our limited resources, the OIG may not be able to undertake all requests received from Congress as we must give priority to our mandated work. Congressional mandates include requirements for work directed by statutes or committee reports. Therefore, the OIG recommends that members of Congress and committees consult with the OIG prior to submitting a request so that the OIG can best understand any factors that would affect the priority the OIG will assign to that request.

Factors When Considering Requests

The OIG will take into account several factors when considering a request, including:

- Whether it is within the OIG's authority or jurisdiction.
- Whether it duplicates any prior or ongoing work by the OIG, the Government Accountability Office or another oversight entity.
- The scope of the request.
- The availability of OIG staff and resources.

Congressional requests will be considered in accordance with the OIG's Hotline Criteria, which are as follows:

HOTLINE CRITERIA

Generally

When determining whether to initiate a new project based on a hotline complaint or request, OIG considers the specific criteria (below), weighed against the priority of ongoing work, as well as resource limitations.

OIG gives special consideration to matters raising the threat or potential threat of serious harm to public health or the environment, having clear potential for a substantial return on investment to the taxpayer, or meeting Department of Justice thresholds for prosecution.

Matters indicating imminent and substantial harm to public health or the environment will be immediately referred for action to appropriate federal, state or local officials.

OIG is now tracking congressional requests via the hotline mechanism, but congressional requests will continue to be considered pursuant to the congressional protocols outlined in this document.

Specific Criteria (listed without regard to weight or priority)

Matter of high public, EPA, Chemical Safety Board (CSB) or congressional interest

Matter implicating high-level officials, for example, political or Senior Executive Service employees

Credible allegation of mismanagement of, or waste, fraud or abuse in, EPA or CSB programs or operations, including violations of EPA or CSB requirements, guidelines or policies

Credible allegation of violations of civil or criminal statutes, and regulations

Communication with Requesters

The OIG will provide an acknowledgement letter to (the) requester(s) within 10 business days of receiving a written request. The OIG will send an update letter once a decision is made stating whether the OIG has accepted or declined the request. If the request has been accepted, the letter may also include details on the scope or objectives of the project and expected time frame for completion. The OIG will send a transmittal email and/or letter to the requesting member of Congress when we issue our final report. It is OIG policy to provide separate written correspondences to any members of Congress who co-sign or are listed as receiving courtesy copies on the request letter. Oral communications between the OIG and requester(s) may supplement any written correspondence.

Once the OIG commences work, the office will, as appropriate, provide status updates upon request.

OIG Work Products and Process

The OIG generally issues its audit results in the form of a report when it undertakes a project in response to a congressional request, but may instead issue correspondence or another written product as appropriate. OIG reports must communicate results in a meaningful, useful and balanced manner for the agency, Congress and the public.

OIG audits are normally conducted in accordance with the Generally Accepted Government Auditing Standards, commonly known as GAGAS or the Yellow Book, which is issued by the Comptroller General of the United States. These standards provide a framework for conducting high quality government audits with competence, integrity, objectivity and independence. The current Yellow Book is available at <http://www.gao.gov/yellowbook>.

The OIG may use GAGAS in conjunction with other sets of professional standards and will cite their use as appropriate. For some projects, adherence to all of the GAGAS may not be feasible or necessary, which will be noted in the report.

We generally do not provide information about ongoing OIG investigations to protect the integrity of the investigation.

OIG audits and evaluations are generally conducted in phases, including, as applicable:

- **Preliminary Research**: During preliminary research, teams may perform limited data gathering, including assessment of internal controls; collect information to identify potential conditions and effects; and determine whether a full project is justified.
- **Fieldwork**: During fieldwork, teams gather and analyze sufficient, competent and relevant data to fully answer their audit or evaluation objectives.
- **Reporting**: During the reporting phase, teams summarize information collected, meet with the agency to discuss tentative project results, and develop a final report/product so that the findings and recommendations can be communicated to the EPA/auditee or appropriate customers. The team issues a draft report to the agency to verify information and obtain the views of officials responsible for the subject area. After receiving the agency's response to the draft report, a final report is issued. Reports undergo independent referencing, which is a quality control mechanism intended to check the accuracy of information contained in reports.

The OIG endeavors to complete its work in a timely manner. However, the time frame for completing audits, evaluations or investigations varies depending on their scope and complexity. In addition, factors beyond the OIG's control may impact how quickly a project is completed.

Release of OIG Reports

To the extent possible, the OIG will publicly announce in advance the date it expects to issue most audit and evaluation reports. It is important to note that, after an announcement is made, unforeseen circumstances may delay timing for issuance.

Upon issuance, reports or other work products will be posted on the OIG's public website at <https://www.epa.gov/oig> unless prohibited by law. Simultaneously, the EPA and any congressional requester(s) will be sent copies via email and, if requested, by regular mail or delivery.

It is also important to note that EPA officials have the opportunity to review OIG draft reports, and to provide written comments to be incorporated into final chapter and memorandum reports. Management alert reports include, at a minimum, summaries of oral comments from agency officials.

Congressional Testimony

Testifying before Congress provides the OIG a significant opportunity to inform members of Congress about the work that we do. We provide objective testimony based on OIG work products that adhere to professional standards and guidance. Due to our independent authority provided under the Inspector General Act, OIG testimony is not subject to prior review and approval by the Office of Management and Budget or EPA officials.

Requests for OIG testimony should be submitted in writing by the Chair of a committee or subcommittee and addressed to the Inspector General. We strongly encourage committees to consult with the OIG prior to submitting a request to ensure that our work is properly aligned with the hearing subject matter and the appropriate OIG witness is available. The OIG will consider a committee's request for a specific OIG witness, but the Inspector General reserves the right to determine who will testify on behalf of the OIG.

OIG witnesses typically will be the Inspector General, Deputy Inspector General, Counsel to the Inspector General, appropriate Assistant Inspector General or an appropriate subject matter expert, depending on the subject matter and availability.

The OIG usually limits testimony to work we have completed. While focused on the most up-to-date information, OIG testimony may include older reports or investigations that still have relevance to the subject. Regarding ongoing audits and evaluations, that is, prior to issuance of a final report, we limit our testimony to the scope and objectives of, and methodology for, our projects, and expected time frames for completion. To ensure the integrity of an ongoing investigation, the OIG generally will not testify about it.

OIG testimony will adhere to specific committee guidelines on format and will be submitted within required deadlines. OIG testimony is posted on our website at <https://www.epa.gov/oig> within one business day of a hearing.

Once a committee or subcommittee has scheduled a hearing at which one or more OIG witnesses will testify, the OIG will share any written information or documents provided to either the committee or subcommittee's majority or minority staff with the other group, as well. In the event that either group requests an in-person or telephone conversation during this period, the OIG will follow a protocol that has been determined

by committee staff and agreed to both by the majority and the minority—
that is, either that both groups be represented or that such conversations be
conducted separately.

Congressional Briefings

The OIG welcomes the opportunity to brief members of Congress and committees or their staffs on our completed work. Requests should be specific as to the subject matter to ensure that discussions are focused on the intended topics. This information also will help us determine which OIG subject matter experts should participate in the briefing. While the OIG seeks to limit the number of OIG participants, we also want to ensure that the appropriate people are present to answer questions.

The OIG will not discuss possible findings or recommendations from ongoing audits or evaluations until a final report has been issued. Similarly, the OIG usually cannot discuss ongoing investigations.

Legislative Review

Section 4(a) of the Inspector General Act specifies that the OIG shall review existing and proposed legislation and regulations relating to the programs and operations of the EPA, and make recommendations concerning their impact.

The OIG can receive requests to review legislative items from the Office of Management and Budget, the EPA or the Council of the Inspectors General on Integrity and Efficiency, the statutorily created entity comprising the federal Inspectors General. However, the OIG also will review and comment on specific legislation if requested by a member of Congress or congressional committee. Due to our independent authority under the Inspector General Act, OIG comments are not subject to prior review and approval by outside entities prior to submission.

Media

The OIG's Office of Congressional and Public Affairs is the primary point of contact for all media inquiries on matters related to the OIG, which ensures that they are handled expeditiously. We understand and appreciate that reporters often work under short deadlines, so our goal is to respond to any inquiry within one business day. We will respond only to media inquiries that pertain to the OIG; inquiries that are program- or policy-oriented will be referred to the EPA's Office of Public Affairs.

For ongoing audit or evaluation work, that is, prior to issuance of a final report, the OIG limits comments to the scope or objectives of, and methodology for, the project, and anticipated time frame for completion. We will not discuss findings and recommendations until a final report is issued. The OIG does not release to the media congressional request letters unless they are already publicly available.

The OIG does not routinely issue news releases or statements on final reports, though we do so at times. However, the OIG maintains and utilizes a subscription-based "email updates" list that notifies subscribers whenever a new item is posted on our website. Go to the "Contact Us" web page, choose "Subscribe to EPA OIG" and follow the instructions to receive notices by email when new items are added to the site. Media and the general public also are encouraged to follow the OIG on Twitter [@EPAoig](https://twitter.com/EPAoig).

The OIG's policy is to neither confirm nor deny the existence of an ongoing criminal investigation, which is standard protocol for most federal law enforcement agencies. When appropriate, OIG may refer inquiries regarding criminal investigations to the U.S. Department of Justice. The OIG may issue news releases on the outcomes of investigations when warranted or in conjunction with the Department of Justice.

The OIG will consider interview requests from all types of news media. In lieu of the spokesperson requested, we may suggest someone else, depending on topic and availability.

Freedom of Information Act and Privacy Act

The OIG is committed to open government and transparency. The Freedom of Information Act (FOIA) provides that any person has a right to obtain access to federal agency records, except to the extent that such records are protected from public disclosure by any of nine exemptions and three special law enforcement exclusions. The Privacy Act protects from disclosure all personally identifiable information in a government system of records, with certain exceptions established by statute.

We will release to Congress upon request OIG documents and records that are not publicly available, except to the extent that those records are protected from disclosure by law. Requests from individual members of Congress, however, are processed in accordance with FOIA. The OIG will consult with the EPA, or refer to the EPA for direct response, any EPA documents originating outside the OIG. In turn, the EPA does not release OIG documents, but will refer such requests to the OIG in order for the OIG to maintain control over our information and independence. Requests for EPA documents should be directed to the EPA FOIA office.

Members of the media and the public must submit a written request for OIG documents not publicly available. They are encouraged to submit FOIA requests for OIG documents using the FOIAonline system at <http://foiaonline.regulations.gov>.

However, FOIA requests can also be sent directly to the OIG FOIA officer by mail to:

FOIA Officer
EPA Office of Inspector General
Mail Code 2411T
Washington, DC 20460-0001

Or, requests can be submitted directly to the OIG via email to OIG_FOIA@epa.gov. Provide a detailed description of the records you are seeking in a way that will permit the OIG to identify and locate them.

For more information about the OIG FOIA process, please contact (202) 566-1512 or visit our website's "Contact Us" page under the "FOIA Requests" section.

Disclaimer

This document is a description of EPA OIG practices. Nothing in it shall be construed as legally binding on the EPA OIG or any of its employees.