



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

OFFICE OF
INSPECTOR GENERAL

July 27, 2020

MEMORANDUM

SUBJECT: Notification of Evaluation:
EPA's Actions on Final Safer Affordable Fuel-Efficient Vehicles Rule Part 2
Project No. OA&E-FY20-0269

FROM: Patrick Gilbride, Director *Patrick D. Gilbride*
Environmental Research Programs Directorate
Office of Audit and Evaluation

TO: Brittany Bolen, Associate Administrator
Office of Policy

Anne Idsal, Principal Deputy Assistant Administrator
Office of Air and Radiation

The Office of Inspector General of the U.S. Environmental Protection Agency plans to begin an evaluation of the EPA's actions on the final Safer Affordable Fuel-Efficient Vehicles Rule Part 2. This evaluation is self-initiated. The OIG issued a [memorandum](#) on December 16, 2019, notifying the EPA of our audit regarding the Agency's Action Development Process, which included the Safer Affordable Fuel-Efficient Vehicles Rule Part 2. Subsequently, on May 18, 2020, a member of Congress identified a number of potential irregularities surrounding the promulgation of the regulation and requested that we examine these potential irregularities in more depth.

The OIG's objective for this evaluation is to determine whether the EPA's actions on the final SAFE Vehicles Rule Part 2 were consistent with requirements, including those pertaining to transparency, record-keeping, and docketing, and followed the EPA's process for developing final regulatory actions.

The evaluation will be conducted using *Quality Standards for Inspection and Evaluation*, issued by the Council of the Inspectors General on Integrity and Efficiency. The anticipated benefit of this evaluation is improved operational efficiency.

We will contact you to arrange a mutually agreeable time to discuss our objectives. We would also be particularly interested in any areas of concern that you may have. We will answer any of your questions about the evaluation process, reporting procedures, methods used to gather and analyze data, and what we should expect of each other during the evaluation. Throughout the evaluation, we will provide updates on a regular basis.

To expedite our evaluation, please provide the following by August 10, 2020:

1. Any briefing materials or written summaries on the final SAFE Vehicles Rule Part 2 presented to Office of Air and Radiation leaders, including but not limited to those materials and summaries presented to:
 - a. Anne Idsal, principal deputy assistant administrator, on January 30, 2020.
 - b. Sarah Dunham, director of the Office of Transportation and Air Quality, on February 4, 2020.
2. Any briefing materials or written summaries on the final SAFE Vehicles Rule Part 2 presented to Office of the Administrator leaders, including the administrator, associate deputy administrator, assistant deputy administrator, and chief of staff.
3. The EPA's written comments—which the Agency provided on February 5, 2020, and other dates, as applicable—to the U.S. Department of Transportation's National Highway Traffic Safety Administration on the draft version of the final SAFE Vehicles Rule Part 2, as well as the names of DOT-NHTSA personnel to whom the EPA provided the comments.
4. All communications directing or discussing that the EPA comments referenced above in Item 3 be provided to the DOT-NHTSA in hard-copy form.
5. The final SAFE Vehicles Rule Part 2 provided to the EPA administrator for signature.

We respectfully note that the OIG is authorized by the Inspector General Act of 1978, as amended, to have timely access to personnel and all materials necessary to complete its objectives. We will request that you resolve the situation if an Agency employee or contractor refuses to provide requested materials to the OIG or otherwise fails to cooperate with the OIG. We may report unresolved access matters to the administrator and include the incident in the *Semiannual Report to Congress*.

I will supervise the audit and the project manager will be Erin Barnes-Weaver. Any information related to the project should be addressed to me at (303) 312-6969 or Gilbride.Patrick@epa.gov, or Erin Barnes-Weaver at (303) 312-6871 or Barnes-Weaver.Erin@epa.gov.

cc: Henry Darwin, Assistant Deputy Administrator
Doug Benevento, Associate Deputy Administrator
Mandy Gunasekara, Chief of Staff
Michael Molina, Deputy Chief of Staff/Operations
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Helena Wooden-Aguilar, Deputy Associate Administrator, Office of Policy
Elizabeth Shaw, Deputy Assistant Administrator for Air and Radiation
Karl Moor, Deputy Assistant Administrator for Air and Radiation
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Michael Benton, Audit Follow-Up Coordinator, Office of the Administrator
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Andrew LeBlanc, Agency Follow-Up Coordinator
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