



U.S. ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF INSPECTOR GENERAL

# Compendium of Unimplemented Recommendations as of March 31, 2013

Report No. 13-N-0227

April 30, 2013



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## Abbreviations

BOSC	Board of Scientific Counselors
CHP	Contractor-held property
CSB	U.S. Chemical Safety and Hazard Investigation Board
DARTER	Data on Aquatic Resources Tracking for Effective Regulation
EPA	U.S. Environmental Protection Agency
FAR	Federal Acquisition Regulation
FY	Fiscal Year
HPV	High Priority Violation
MATS	Management Audit Tracking System
NCER	National Center for Environmental Research
NCP	National Contingency Plan
NPDES	National Pollutant Discharge Elimination System
OA	Office of the Administrator
OAM	Office of Acquisition Management
OAR	Office of Air and Radiation
OARM	Office of Administration and Resources Management
OCFO	Office of the Chief Financial Officer
OCSP	Office of Chemical Safety and Pollution Prevention
OECA	Office of Enforcement and Compliance Assurance
OEI	Office of Environmental Information
OEM	Office of Emergency Management
OIG	Office of Inspector General
OITA	Office of International and Tribal Affairs
OMB	Office of Management and Budget
ORD	Office of Research and Development
OSWER	Office of Solid Waste and Emergency Response
OW	Office of Water
SPCC	Spill Prevention, Control, and Countermeasure

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Washington, DC 20460



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

THE INSPECTOR GENERAL

April 30, 2013

**MEMORANDUM**

**SUBJECT:** Compendium of Unimplemented Recommendations as of March 31, 2013  
Report No. 13-N-0227

**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:** Deputy Administrator  
Assistant Administrators  
General Counsel  
Chief Financial Officer  
Associate Administrators  
Regional Administrators

Attached is the semiannual *Compendium of Unimplemented Recommendations as of March 31, 2013*, prepared by the Office of Inspector General of the U.S. Environmental Protection Agency. By statute, the OIG serves as the inspector general for the U.S. Chemical Safety and Hazard Investigation Board as well as the EPA. As such, this report includes information pertaining to the EPA and the CSB. This Compendium fulfills the requirement of the Inspector General Act of 1978, as amended, to prepare semiannual reports summarizing the activities of the OIG that include an identification of each significant recommendation described in previous semiannual reports on which corrective action has not been completed. The information included in part 1 of the report identifies those significant recommendations with corrective actions that have not been implemented 1 year or more past the agreed-to completion date and are past due. The information in part 2 identifies those recommendations with corrective actions that have not been completed less than 1 year past the agreed-to date or have agreed-to dates that are in the future. Corrective actions are being reported as past due if they have not been completed within 1 year of the original agreed-to date or the extended plan date established by September 30, 2011.

This Compendium is issued in conjunction with the *Semiannual Report to Congress October 1, 2012–March 31, 2013*, and as a separate report to the EPA's leadership. As part of the OIG's results-oriented culture, we perform follow-up assessments to determine whether planned actions by the EPA in response to OIG recommendations were taken. Follow-up is done in collaboration with the EPA's Office of the Chief Financial Officer and the EPA's audit follow-up coordinators. The goal is to improve overall audit management by increasing the EPA's managers' awareness of outstanding agreed-to commitments for action on OIG report recommendations. Implementing these recommendations will correct weaknesses, reduce vulnerabilities to risk, and leverage opportunities for improved performance.

The significance of audit follow-up, as described by the Office of Management and Budget Circular A-50, is enhanced by the public's expectation for greater transparency and a heightened interest by Congress in realizing potential opportunities for improvement in the federal government. The OIG's previous Compendium reports appear to be increasing agency awareness of and action on unimplemented OIG recommendations.

The OIG identified the unimplemented recommendations listed in this Compendium based on their significance, material impact, and status in the EPA's Management Audit Tracking System, as well as through OIG review. Omission of an unimplemented recommendation from this report does not lessen its value or the importance of completing the corrective action, and still warrants the full attention of the EPA.

According to OMB Circular A-50, audit follow-up is a shared responsibility between the agencies and the OIG. We will continue to identify unimplemented recommendations for attention and action, as well as remove the previously reported unimplemented recommendations when appropriate information of completion is provided. We hope that you find this tool useful in identifying ways to further improve agency operations.

If you or your staff have any questions, please contact Crystal Barrett at (202) 566-2060 or [barrett.crystal@epa.gov](mailto:barrett.crystal@epa.gov), or Aracely Nuñez-Mattocks at (202) 566-0840 or [nunez-mattocks.aracely@epa.gov](mailto:nunez-mattocks.aracely@epa.gov).



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

THE INSPECTOR GENERAL

April 30, 2013

The Honorable Rafael Moure-Eraso, Ph.D.  
Chairperson and Chief Executive Officer  
U.S. Chemical Safety and Hazard Investigation Board  
2175 K Street, NW, Suite 400  
Washington, D.C. 20037-1809

Dear Dr. Moure-Eraso:

Enclosed is the semiannual *Compendium of Unimplemented Recommendations as of March 31, 2013*, prepared by the Office of Inspector General of the U.S. Environmental Protection Agency. By statute, the OIG serves as the inspector general for the U.S. Chemical Safety and Hazard Investigation Board as well as the EPA. As such, this report includes information pertaining to the EPA and the CSB. This Compendium fulfills the requirement of the Inspector General Act of 1978, as amended, to prepare semiannual reports summarizing the activities of the OIG that include an identification of each significant recommendation described in previous semiannual reports on which corrective action has not been completed. The information included in part 3 of the report identifies those significant CSB recommendations with corrective actions that have not been implemented 1 year or more past the agreed-to completion date and are past due. The information in part 4 identifies those CSB recommendations with corrective actions that have not been completed less than 1 year past the agreed-to date or have agreed-to dates that are in the future. Corrective actions are being reported as past due if they have not been completed within 1 year of the original agreed-to completion date.

This Compendium is issued in conjunction with the *Semiannual Report to Congress October 1, 2012–March 31, 2013*, and as a separate report to the CSB's leadership. As part of the OIG's results-oriented culture, we perform follow-up assessments to determine whether planned actions by the CSB in response to OIG recommendations were taken. Follow-up is done in collaboration with the CSB managing director. The goal is to improve overall audit management by increasing the CSB managers' awareness of outstanding agreed-to commitments for action on OIG report recommendations. Implementing these recommendations will correct weaknesses, reduce vulnerabilities to risk, and leverage opportunities for improved performance.

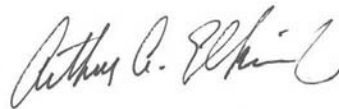
The significance of audit follow-up, as described by the Office of Management and Budget Circular A-50, is enhanced by the public's expectation for greater transparency and a heightened interest by Congress in realizing potential opportunities for improvement in the federal government. This Compendium report should help increase the CSB's awareness of and action on unimplemented OIG recommendations.

The OIG identified the unimplemented recommendations listed in this Compendium based on their significance, material impact, and status as reported on the spreadsheet received from the CSB on April 4, 2013, as well as through OIG review. Omission of an unimplemented recommendation from this report does not lessen its value or the importance of completing the corrective action, and still warrants the full attention of the CSB.

According to OMB Circular A-50, audit follow-up is a shared responsibility between the CSB and the OIG. We will continue to identify unimplemented recommendations for attention and action, as well as remove the previously reported unimplemented recommendations when appropriate information of completion is provided. We hope that you find this tool useful in identifying ways to further improve the CSB's operations.

If you or your staff have any questions, please contact Crystal Barrett at (202) 566-2060 or [barrett.crystal@epa.gov](mailto:barrett.crystal@epa.gov), or Aracely Nuñez-Mattocks at (202) 566-0840 or [nunez-mattocks.aracely@epa.gov](mailto:nunez-mattocks.aracely@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur A. Elkins Jr.", written in a cursive style.

Arthur A. Elkins Jr.

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# Introduction

## Purpose

Section 5(a) of the Inspector General Act of 1978, as amended (5 U.S.C. App. 3), requires each inspector general to issue semiannual reports to Congress and include “an identification of each significant recommendation described in previous semiannual reports on which corrective action has not been completed.” The Office of Inspector General prepares the Compendium of Unimplemented Recommendations to satisfy this requirement. The Compendium highlights for the U.S. Environmental Protection Agency and the U.S. Chemical Safety and Hazard Investigation Board management those significant recommendations that are unimplemented 1 year or more past the date agreed upon by the EPA or the CSB and the OIG. It also provides a listing of all of the other significant recommendations with corrective actions that are less than 1 year past the agreed-to completion date or have future completion dates. This Compendium is being issued in conjunction with the OIG Semiannual Report to Congress for the reporting period October 1, 2012, through March 31, 2013. The Compendium helps agency management stay informed about the EPA’s or the CSB’s outstanding commitments, and its progress in taking agreed-upon corrective actions on OIG recommendations to improve programs and operations.

## Background

Recommendations are issued by the EPA’s OIG to improve the economy, efficiency, effectiveness, or integrity of the EPA’s and the CSB’s programs and operations. Office of Management and Budget Circular A-50, *Audit Followup*, dated September 29, 1982, affirms that corrective action taken by management on resolved findings and recommendations is essential for improving the effectiveness and efficiency of government operations. It also states that audit follow-up is a shared responsibility of agency management officials and auditors.

OMB Circular A-50 requires each agency to ensure that systems are in place for the prompt and proper resolution and implementation of audit recommendations. EPA Manual 2750, based in part on OMB Circular A-50, details the EPA’s audit management procedures. The chief financial officer is the agency audit follow-up official and has responsibility for agency-wide audit resolution and ensuring action officials implement corrective actions. The EPA uses the Management Audit Tracking System to track information on agency implementation of OIG recommendations. The Office of the Chief Financial Officer maintains and operates MATS. Report data, such as the title, issue date, and recommendations, are downloaded into MATS from the Inspector General Enterprise Management System.

The Office of the Administrator, Office of General Counsel, OCFO, and each assistant administrator and regional administrator designate an audit follow-up coordinator for their respective office. Audit follow-up coordinators are responsible for quality assurance and analysis of data in the tracking system. When all corrective actions in response to recommendations in an audit report are completed and certified, the agency may inactivate that report’s MATS file, and it is no longer tracked by the audit follow-up coordinator. The agency self certifies that corrective actions are completed. Section 5(b)(4) of the Inspector General Act of 1978, as

amended (5 U.S.C. App. 3), also requires the agency to report audit reports for which final corrective action has not been taken 1 year or more after the agency's management decision (agreement with the OIG on planned corrective actions).

The CSB's managing director tracks information on the CSB's implementation of the OIG's recommendations in a spreadsheet. The CSB updates and provides the spreadsheet to the OIG on a semiannual basis. When all corrective actions for recommendations in a report have been completed, the CSB removes it from the spreadsheet.

## Scope and Methodology

The work performed in this review does not constitute an audit conducted in accordance with generally accepted government auditing standards issued by the comptroller general of the United States. Although MATS and the spreadsheet provided by the CSB were our primary sources for identifying unimplemented recommendations, we did perform additional steps to search for unimplemented recommendations that may not have been identified in MATS or the spreadsheet. We analyzed the MATS data in the system as of April 3, 2013. We did not verify the accuracy of the information reported in MATS.

We reviewed selected audit and evaluation reports issued to the EPA by the OIG from October 1, 2000, through September 30, 2012, to identify significant unimplemented recommendations for inclusion in the Compendium. However, we did not identify any significant unimplemented recommendations from fiscal years 2002, 2003 and 2004. We reviewed reports issued to the CSB by the OIG from October 1, 2010, to September 30, 2012. We did not review recommendations from reports without an OIG agreement on the agency's proposed corrective actions. A list of the reports without a management decision can be found in Appendix 2 of the Semiannual Report to Congress.

We limited the consideration of unimplemented recommendations to those we believe were significant because they could have a material impact on the economy, efficiency, effectiveness or integrity of the EPA's programs and operations. For this purpose, we define significant recommendations in the following terms:

- **Economy:** Opportunity to save, prevent loss or recover at least \$500,000 in monetary costs or value.
- **Efficiency:** Improvement in the process, capacity, accessibility or delivery of program objectives and the elimination of unnecessary or unproductive actions or expenses.
- **Effectiveness:** Improvement in the quality of, or reduction in the risk to, public health and the environment.
- **Integrity:** Improvement in operational accountability, enforcement of and compliance with laws and regulations, and security of resources for public confidence.

The Compendium consists of four sections: (1) unimplemented recommendations for the EPA that are past the agreed-to completion dates; (2) unimplemented recommendations for the EPA with future planned completion dates; (3) unimplemented recommendations for the CSB with past due completion dates; and (4) unimplemented recommendations for the CSB with future

planned completion dates. The OIG considers a recommendation past due if the associated corrective action was not completed within 1 year of the original agreed-to date or the extended date the EPA established by September 30, 2011.

The EPA offices that have unimplemented recommendations with past due dates listed in this Compendium are:

- Office of the Administrator (OA)
- Office of Administration and Resources Management (OARM)
- Office of Air and Radiation (OAR)
- Office of the Chief Financial Officer (OCFO)
- Office of Chemical Safety and Pollution Prevention (OCSPP)
- Office of Enforcement and Compliance Assurance (OECA)
- Office of Water (OW)

The EPA offices that have unimplemented recommendations with future planned completion dates in this Compendium are:

- Office of the Administrator (OA)
- Office of Administration and Resources Management (OARM)
- Office of Air and Radiation (OAR)
- Office of the Chief Financial Officer (OCFO)
- Office of Chemical Safety and Pollution Prevention (OCSPP)
- Office of Enforcement and Compliance Assurance (OECA)
- Office of Environmental Information (OEI)
- Office of International and Tribal Affairs (OITA)
- Office of Research and Development (ORD)
- Office of Solid Waste and Emergency Response (OSWER)
- Office of Water (OW)
- Region 2
- Region 6
- Region 8
- Region 9
- Region 10

We anticipate that the EPA will provide updates in MATS on the status of each unimplemented recommendation to include a description of progress and an explanation of the delay in completing an agreed-to action.

# Part One: Unimplemented EPA Recommendations With Past Due Completion Dates

**Action Office:** OARM  
**Report Title:** EPA Should Improve Controls for Managing Contractor-Held Property  
**Report No.:** 12-P-0388  
**Date Issued:** 04/03/2012

## Report Summary

The U.S. Environmental Protection Agency does not have effective oversight of contractor-held property, did not accurately report CHP in its FY 2010 financial statements, and did not fully implement corrective actions from an Office of Inspector General 2006 audit report. The EPA does not have effective oversight of CHP in terms of property administration, policies and procedures over the CHP management program, and modifications to contracts with CHP. Further, the EPA incorrectly recorded CHP and reported property in the wrong funding appropriation. As a result, the EPA overstated CHP by \$34.6 million in the FY 2010 financial statements. The EPA did not fully implement corrective actions to address recommendations from our FY 2006 report, *EPA Needs to Strengthen Oversight of Government Furnished Property*. The EPA provided corrective actions, but only implemented one of two recommendations. Without accurate CHP records and proper property administration at contractor sites, the agency has no safeguards over property and could inaccurately report CHP in the financial statements. In FY 2011, the EPA addressed the accuracy of CHP and adjusted its FY 2011 financial statements for the overstatements.

## Unimplemented Recommendations

**Recommendation 1:** We recommend that the Assistant Administrator for Administration and Resources Management quantify the universe of CHP and assign more resources to the property administration function or contract the function to ensure proper oversight and management of CHP.

**Recommendation 3:** We recommend that the Assistant Administrator for Administration and Resources Management develop and implement policies and procedures for the property staff that:

- a. Address how the EPA should maintain documentation to support acquisition values reported by contractors on annual property reports.
- b. Require project management officers to have knowledge of CHP in their accountable areas to ensure it is identified properly in Fixed Assets Subsystem.
- c. Define CHP responsibilities in locations where contractors and the EPA's staff are co-located.
- d. Explain the required exchange between property and contract staffs to ensure the EPA's records property accurately in the financial statements.

**Status:** OARM's Office of Acquisition Management has implemented a balanced scorecard performance measurement and management program where CHP administration will be highlighted under additional narratives beyond the quarterly assessment and management certification. This includes a self-assessment review on CHP and adding CHP as an area of increased review under the self-assessment and peer review components of the Quality Assurance Program. OAM is developing required performance goals against which procurement quality may be measured and tracked. It is intended that this initiative will aid in the development of approaches to create process improvements, and training as needed, based upon Quality Assurance Program review results. OARM agreed to complete the corrective actions by September 30, 2011. (The corrective actions apply to recommendations 1 and 3.)

**Action Office:** OARM  
**Report Title:** Polices Needed for Proper Use and Management of Cost-Reimbursement Contracts Based on Duncan Hunter Act  
**Report No.:** 12-P-0320  
**Date Issued:** 03/06/2012

## Report Summary

The EPA did not comply with several key revisions to the Federal Acquisition Regulation as amended by the interim rule, *Proper Use and Management of Cost Reimbursement Contracts* (FAR Case 2008-030). Although the EPA complied with several revisions, those tended to be areas where the new rules expanded on requirements already in existence. For example, we found that the contract files reviewed generally did not have documentation of:

- Discussions concerning minimizing the use of other than firm-fixed price contracts on future acquisitions for the same requirement.
- Consideration as to whether portions of the contract could be established on a firm-fixed-price basis.
- A written acquisition plan.

The EPA did not always nominate or appoint contracting officer's representatives in writing. The EPA's program staff did not nominate the current contracting officer representative for two of the seven contracts in our sample, and contracting officers did not appoint the current contracting officer representative in writing for four of the seven contracts reviewed.

The EPA improperly coded four indefinite-delivery/indefinite-quantity task order contracts as cost-plus-fixed-fee contracts in the EPA's contract writing system and in the Federal Procurement Data System-Next Generation.

## Unimplemented Recommendation

**Recommendation 1:** We recommend that the Assistant Administrator for Administration and Resource Management develop a policy for contracting officers that provides guidance on preparing written acquisition plans that comply with the FAR revisions resulting from the interim rule (FAR Case 2008-030).

***Status:*** OARM agreed to issue an interim policy notice updating the references to the Contracts Management Manual for acquisition planning. OAM is currently performing final review of the interim policy notice which completely revamps the EPA's current contracting officer representative policy into a three-tiered training and certification program. Under the new program, the associated policy will also contain administrative guidance and direction on preparation and documentation of contracting officer representative nomination memoranda. OAM expects to issue the interim policy by April 30, 2013. The original agreed-to completion date was March 31, 2012.

**Action Office:** OA  
**Report Title:** Early Warning Report: Use of Unapproved Asbestos Demolition Methods May Threaten Public Health  
**Report No.:** 12-P-0125  
**Date Issued:** 12/14/2011

## Report Summary

Our preliminary research indicates that unapproved methods are currently being used or considered at multiple asbestos sites. The Hanford Superfund Site, near Richland, Washington, is one location where the use of Alternative Asbestos Control Method-like methods has been allowed by the EPA under conditions that are less restrictive than those required by the Asbestos National Emission Standards for Hazardous Air Pollutants. The EPA is also considering other unapproved methods for demolition at a gaseous diffusion plant in Paducah, Kentucky. The use of unapproved methods is counter to the EPA's regulations. The current and proposed use of unapproved methods may jeopardize the health and safety of the public.

## Unimplemented Recommendations

**Recommendation 5:** We recommend that the EPA identify the workers that were present during the Alternative Asbestos Control Method demolition experiments and notify them according to Occupational Safety and Health Administration regulations.

**Recommendation 6:** We recommend that the EPA notify the surrounding public of potential asbestos exposure during these Alternative Asbestos Control Method experiments.

***Status:*** The Deputy Administrator assembled a team from OCSPP and OAR to review the documents with information regarding workers who were present. OA received the report from the Occupational Safety and Health Administration and it asked the Office of Research and Development's National Risk Management Research Lab to draft a letter notifying Alternative Asbestos Control Method participants regarding their exposure to asbestos. OA expected the review to be done by November 23, 2012. Once it is complete, OA will brief the Deputy Administrator and then send the notifications. OA anticipated final action to be taken by December 17, 2012. The original agreed-to completion date was March 15, 2012. (The corrective actions apply to recommendations 5 and 6.)



**Action Office:** OARM  
**Report Title:** Audit of EPA's Fiscal 2011 and 2010 Consolidated Financial Statements  
**Report No:** 12-1-0073  
**Date Issued:** 11/15/2011

## Report Summary

We performed this audit to determine whether the EPA's consolidated financial statements were fairly stated in all material respects; the EPA's internal controls over financial reporting were in place; and the EPA management complied with applicable laws and regulations. We noted the following significant deficiencies:

- Regions and headquarters did not timely provide accounts receivable supporting documentation.
- The EPA did not timely bill other federal agencies for reimbursable costs.
- The EPA did not properly close general ledger accounts in its canceling Treasury symbols.
- The EPA double counted contractor-held property.
- The EPA's headquarters could not account for 1,284 personal property items.
- The EPA needs to better secure marketable securities.
- The EPA recorded earned revenue without recognizing corresponding expenses.
- The EPA is withholding payments related to the Deepwater Horizon oil spill.

We also noted a noncompliance issue involving the EPA's Oil Spill Response Account in relation to the Deepwater Horizon oil spill response. The EPA violated the Antideficiency Act in November 2010 because it made expenditures in excess of funds available.

## Unimplemented Recommendations

**Recommendation 11:** We recommend that the Assistant Administrator for Administration and Resources Management require the Director, Facilities Management and Services Division, to conduct planned property training and require completion of the course by all the EPA's managers.

***Status:*** OARM will develop a property training course for all the EPA's managers. The property training course will commence during 1st quarter FY 2012 and conclude during 2nd quarter FY 2012 with course completion monitored by headquarters. The original agreed-to completion date was March 31, 2012.

**Recommendation 12:** We recommend that the Assistant Administrator for Administration and Resources Management require the Director, Facilities Management and Services Division, to address the missing personal property items in accordance with the agency's procedures.

***Status:*** OARM headquarters team will ensure missing items are marked inactive in accordance with the Board of Survey recommendations during 2nd quarter FY 2012. The original agreed-to completion date was March 31, 2012.

**Action Office:** OARM  
**Report Title:** EPA's Contract Oversight and Controls Over Personal Computers Need Improvement  
**Report No:** 11-P-0705  
**Date Issued:** 09/26/2011

## Report Summary

The EPA paid the Customer Technology Solutions contractor a total of \$489,734 over an 11-month period for 3,343 seats—a standard seat includes a leased computer with accessories and technical support—not ordered by the agency during the period. In addition, EPA did not accept the contractor's monthly asset management performance self-rating for over a year because of its nonperformance in properly accounting for and tracking assets. As a result, the EPA should take action to reduce the minimum number of seats requirement in the Customer Technology Solutions contract. If the EPA does not make changes to the Customer Technology Solutions contract, the EPA may pay as much as \$1.4 million more through September 2012 for personal computer standard seats that it did not order, for a total potential payment of \$1.9 million for seats not ordered.

Because the EPA did not safeguard and track personal computers to ensure proper replacement and disposal in accordance with property regulations, it cannot account for 638 personal computers valued at over \$1 million. The EPA did not know the status of these personal computers, some of which may have been replaced under the Customer Technology Solutions contract. *EPA's Personal Property Policy and Procedures Manual* outlines requirements for property staff to ensure the effective accountability, utilization, and disposal of personal property. The EPA should improve controls for updating data in the fixed assets database, and should retain property acquisition documentation in accordance with retention requirements. In addition, the agency should have a separation of duties in its property staff positions and consider assigning permanent property positions.

## Unimplemented Recommendation

**Recommendation 2:** We recommend the Assistant Administrator for Administration and Resources Management update the property manual to require the separation of duties in property staff positions and consider assigning permanent property positions throughout the agency to ensure that there are safeguards over the EPA's assets.

***Status:*** OARM will include information on the adjustment to the required separation of property roles and segregation duties in the revision of the EPA's Personal Property Policy and Procedures Manual. The draft manual is prepared and OARM planned to have it signed by December 31, 2012. The original agreed-to completion date for this corrective action was February 29, 2012.

**Action Office:** OECA  
**Report Title:** Agency-Wide Application of Region 7 NPDES Program Process Improvements Could Increase EPA Efficiency  
**Report No.:** 11-P-0315  
**Date Issued:** 06/06/2011

## Report Summary

Although Region 7 National Pollutant Discharge Elimination System Kaizen event participants continued to follow up on the commitments and action items identified, no single authority was responsible for tracking the process improvement outcomes. Also, the EPA did not have a process to develop and track quantifiable results and outcomes from the event. Further, the EPA encountered barriers involving scope, performance measures, implementation, and accountability when planning the Kaizen event. While the states and the EPA collaborated to create guidance for Kaizen events, such as the lean starter kit and primer, the EPA did not, nor was it required to, use them to assure that barriers were overcome in the execution of the Region 7 event.

The Administrator's January 2010 memorandum, "Our Top Priorities," as well as the EPA's other recent and state initiatives, discusses the need to improve internal operations and/or conduct more Kaizen events with the states to more efficiently protect the environment and public health. The Region 7 Kaizen event for the NPDES program identified three process improvements (resolution of technical issues and communication, permitting and enforcement oversight reviews of states, and annual strategic planning) and one implementation action (data collection and reporting) that can potentially be implemented in other regions. Agency-wide permitting process changes could result in better communication; time and cost savings in the states; and avoidance of duplicate inspections, reviews, and data reporting. Using lessons learned from the Region 7 Kaizen event can increase the potential benefits achieved in future process improvement efforts.

## Unimplemented Recommendation

**Recommendation 1:** We recommend that the Deputy Administrator direct the Office of Water and the Office of Enforcement and Compliance Assurance to identify Region 7 process improvements that can be applied elsewhere, considering the cost and benefit of implementation. These actions include:

- a. Earlier resolution of technical issues and communication;
- b. Combining permitting and enforcement oversight reviews of the states;
- c. Implementing coordinated and integrated strategic planning nationwide for the NPDES program, including consideration of the new approaches under the Clean Water Act of 1972 action plan; and
- d. Fully implementing burden reduction initiatives identified during the event.

**Status:** OECA agreed to propose the NPDES electronic reporting rule. OECA is awaiting OMB's release of the proposed rule for the publication in the *Federal Register*. OECA plans to complete this action by September 30, 2013. The original agreed-to completion date for action 1d-1 was December 31, 2011.

**Action Office:** OAR  
**Report Title:** EPA Needs to Better Document Project Delays for Recovery Act Diesel Emissions Reduction Act Grants  
**Report No:** 11-R-0179  
**Date Issued:** 03/28/2011

## Report Summary

While the Diesel Emission Reduction Act project officers were aware of Recovery Act grant project delays, they did not always document delays in the EPA's grants management system or, in some cases, take action to reduce the impact of project delays. To prompt quicker action from recipients on Recovery Act grants, the EPA had stated to the Office of Management and Budget in March 2009 that all grants would have an initial project period through September 30, 2010. The EPA's goal was to have 40 percent of the Recovery Act grant funds expended by September 30, 2010, which was met. However, as of June 30, 2010, 49 grants, with a value of \$101,437,442, had less than 10 percent of the funds expended. Eighty-five percent of the grantees did not finish projects by the completion date, and the EPA granted no-cost time extensions for all those grantees. In granting the extensions, 3 of 15 grants we reviewed did not contain new timeframes for completing the projects. The EPA guidance requires timeframes to be established, and timeframes can be used to assess progress and reduce the impact of project delays.

Even though grant recipients reported project delays to the EPA in progress reports, in 10 of 15 cases reviewed, project officers did not document these delays in programmatic baseline monitoring reports. Diesel Emission Reduction Act staff believed the delays were outside the control of the recipients and that no-cost time extensions were the appropriate corrective action. However, the EPA did not take sufficient action in some cases by establishing new milestone dates and instituting corrective actions when approving grant extensions. Delayed projects may result in recipients not completing projects within specified timeframes and delayed achievement of Recovery Act objectives.

## Unimplemented Recommendations

**Recommendation 3:** We recommend that the Assistant Administrator for Air and Radiation ensure that project officers continuously document delays in baseline and advanced monitoring reports for Recovery Act Diesel Emissions Reduction Nations Program grants. Update milestones and institute corrective action plans when delays occur.

***Status:*** Once the baseline monitoring programmatic report has been revised by OARM, OAR will train project officers and grant specialists to use the form correctly to document delays. OAR will work with the regions to update milestones when delays occur; plans for corrective action will be used when avoidable delays occur. OAR is continuing to perform baseline and advance monitoring for Recovery Act Diesel Emissions Reduction Nations Program grants and documenting those activities in project officer files and grants databases. As necessary, OAR is initiating corrective action plans through consultation and coordination between the Office of Grants and Debarment, the Office of General Counsel and OAR's regional partners. The anticipated completion date for these

actions is September 30, 2014. The original agreed-to completion date was March 31, 2012.

**Recommendation 5:** We recommend that the Assistant Administrator for Air and Radiation ensure that project officers, using the information in the recipient monitoring database, regularly provide reports to management on progress of projects, and status of corrective action plans, until the Recovery Act grants are completed.

***Status:*** OAR will oversee the monitoring database and the status of corrective action plans. OAR will regularly collect information on the status of Recovery Act grants, including the status of baseline monitoring and progress toward completion of projects. This information will be provided to management on a regular basis until the Recovery Act grants are completed. The anticipated completion date for these actions is September 30, 2014. The original agreed-to completion date was December 31, 2011.

**Action Office:** OCFO  
**Report Title:** EPA Needs to Strengthen Internal Controls for Determining Workforce Levels  
**Report No.:** 11-P-0031  
**Date Issued:** 12/20/2010

## Report Summary

The EPA's policies and procedures do not include a process for determining employment levels based on workload as prescribed by OMB. Further, the EPA does not determine the number of positions needed per mission-critical occupation using workforce analysis as required by the Office of Personnel Management. These conditions occurred because the EPA has not developed a workload assessment methodology and has not developed policies and procedures that require identifying and reporting on the number of positions needed per mission-critical occupation. As a result, the EPA cannot demonstrate that it has the right number of resources to accomplish its mission. The Government Accountability Office and the EPA OIG have reported instances in which personnel resources were not adequately considered, and offices encountered delays or did not meet mission requirements.

OPM noted that the EPA's Human Capital Management Report shows evidence that the EPA's work is guided by human capital goals and objectives. However, the EPA's Office of Human Resources does not require that workforce planning results link to the EPA's strategic and performance goals. This condition occurred because the Office of Human Resources has not clearly defined the reporting requirements needed. As a result, there is no assurance that the EPA's workforce levels are sufficient to meet the workload of the agency.

## Unimplemented Recommendation

**Recommendation 2-2:** We recommend that the Chief Financial Officer require the agency to complete a workload analysis for all critical functions to coincide with developing the strategic plan.

**Status:** OCFO planned to provide quarterly progress updates of the workload analysis to the OIG. OCFO has provided some progress updates. OCFO agreed to begin sending the updates quarterly by October 31, 2011.

**Action Office:** OW  
**Report Title:** EPA Lacks Internal Controls to Prevent Misuse of Emergency Drinking Water Facilities  
**Report No.:** 11-P-0001  
**Date Issued:** 10/12/2010

## Report Summary

The EPA cannot accurately assess the risk of public water systems delivering contaminated drinking water from emergency facilities because of limitations in Safe Drinking Water Information System data management. The EPA and state officials we interviewed said they were unaware of instances similar to the Illinois situation which involved a local community water system distributing drinking water from a known contaminated well. However, they also stated that they currently have no way to know whether an emergency facility had been turned on without notice. There is no federal regulatory requirement for the EPA or states to oversee or monitor emergency facilities. As a result, neither the EPA nor the states know the amount of risk that public water system customers may face from misuse of water from emergency facilities.

The EPA and the states do not have common definitions or understandings of what constitutes an emergency facility, and there is no common understanding of when and how emergency facilities may be used, especially with regard to drinking water. States rely on water systems to self-report when they use these emergency facilities. However, that system is voluntary, based on trust rather than a verifiable control. Consequently, the EPA cannot accurately assess the risk faced by those served by water systems with emergency facilities.

## Unimplemented Recommendations

**Recommendation 2-1:** We recommend that the Assistant Administrator for Water develop standard definitions for the five facility availability codes (permanent, seasonal, emergency, interim and other).

*Status:* OW has worked with state representatives to develop standard definitions for the five source facility availability codes in the Safe Drinking Water Information System. The EPA is in the process of finalizing the definitions, but is delayed by the need to ensure the consistency with the new definitions in the still-to-be promulgated Revised Total Coliform Rule, which is currently with the Office of Management and Budget. OW planned to complete the actions by January 1, 2013, but they are not complete. The original agreed-to completion date was December 31, 2011.

**Recommendation 2-2:** We recommend that the Assistant Administrator for Water develop standard operating procedures that follow the EPA's reporting requirements to assist the states with entering data into the Safe Drinking Water Information System/state databases.

*Status:* Standard operating procedures for states entering data for the source availability codes already exist and will be reviewed and revised where appropriate based on final guidance described in Recommendation 2-1. OW planned to complete the action by January 1, 2013 but it is not complete. The original agreed-to completion date was December 31, 2011.

**Recommendation 2-3:** We recommend that the Assistant Administrator for Water review the additional information included in state drinking water databases and, if appropriate, add fields to the Safe Drinking Water Information System/Federal to improve the oversight of emergency facilities.

*Status:* OW is undergoing a comprehensive review of the Safe Drinking Water Information System/Federal (federal version) and Safe Drinking Water Information System/state (state version) as it develops the next generation of the Safe Drinking Water Information System. Based on the final guidance described in recommendation 2-1, OW will request that the EPA-state review the Safe Drinking Water Information System/Federal (federal version) data fields to determine whether further changes would be useful in providing oversight of emergency facilities. Any changes would be incorporated into the revised Safe Drinking Water Information System. The Office of Ground Water and Drinking Water is working with states to determine the scope for a new data system. Work on the detailed requirements and business processes is already in progress. OW planned to complete the actions by January 1, 2013 but they are not complete. The original agreed-to completion date was December 31, 2011.

**Recommendation 2-4:** We recommend that the Assistant Administrator for Water assess the risk associated with the unauthorized use of emergency facilities and, if necessary, develop controls to mitigate that risk.

*Status:* OW has been working with state representatives on this issue. OW continues to believe that it will be very challenging to make any national or state assessment of health risk from emergency wells, since risk assumes exposure to a known contaminant. To ensure that emergency wells are reviewed on an individual and recurring basis, OW will issue guidance to states regarding reviewing emergency sources as part of state oversight programs, including sanitary surveys. OW planned to complete the actions by January 1, 2013 but they are not complete. The original agreed-to completion date was December 31, 2011.



**Action Office:** OARM  
**Report Title:** EPA Revised Hiring Process Needs Additional Improvements  
**Report No.:** 10-P-0177  
**Date Issued:** 08/09/2010

## Report Summary

This report reviewed the EPA's appointment process, managed by OARM, to determine how the new process for filling vacancies can be more efficient and effective. We found that the EPA had not implemented critical technology upgrades or obtained other resources necessary for the service center concept to succeed. The EPA produced three reports, including its 2007 Business Case, which identified key factors for a successful transition to the service center concept. However, the EPA's management implemented the transition without obtaining some of these key capabilities, including electronic infrastructure. Proceeding without ensuring that key requirements were satisfied is a significant weakness in management control. As a result, the new process to fill vacant positions falls significantly short of the OPM timeliness goals and does not consistently provide program managers with the best candidates.

The OIG also found that service centers did not consistently provide program managers with the best candidates, and data quality and recruitment action processes need improvement. We also noted a lack of management attention to policies and inconsistencies in service center operations. As a result, the appointment process is not providing program offices with the right people, in the right place, at the right time, thus impacting the EPA's ability to effectively perform its mission.

## Unimplemented Recommendation

**Recommendation 3-2:** We recommended that the Assistant Administrator for Administration and Resources Management work with the assistant administrators and regional administrators to review questions in the EZ-Hire question library and, if needed, correct erroneous or out-of-date questions.

***Status:*** OARM staff is working with subject matter experts from the hiring offices to develop standard questions to be used in conjunction with standard position descriptions. In addition OARM staff was to develop guidance on EZ-Hire questions strategy for use by subject matter experts and hiring officials. OARM has not reported on progress of these corrective measures. The original agreed-to completion date was September 30, 2011.

**Action Office:** OCSPP  
**Report Title:** EPA Needs a Coordinated Plan to Oversee Its Toxic Substances Control Act Responsibilities  
**Report No.:** 10-P-0066  
**Date Issued:** 02/17/2010

## Report Summary

The EPA does not have integrated procedures and measures in place to ensure that new chemicals entering commerce do not pose an unreasonable risk to human health and the environment. We found that the EPA's New Chemicals Program had limitations in three processes intended to identify and mitigate new risks – assessment, oversight and transparency. The program is limited by an absence of test data and a reliance on modeling because the Toxic Substances Control Act does not require upfront testing as part of a Premanufacture Notice submission. Premanufacture Notice submitters are required to submit health and safety data in their possession and a description of data known to or reasonably ascertainable by the submitter at the time of its submission. Nonetheless, the majority of Premanufacture Notice submissions do not include chemical toxicity or environmental fate data. Oversight of regulatory actions designed to reduce known risks is a low priority, and the resources allocated by the EPA is not commensurate with the scope of monitoring and oversight work. In addition, the EPA's procedures for handling confidential business information requests are predisposed to protect industry information rather than to provide public access to health and safety studies.

The EPA's Office of Pollution Prevention and Toxics and OECA's respective performance measures for managing risks from new chemicals do not accurately reflect program performance in preventing risk, nor do they assure compliance. In cases where full information does not exist or analyses are limited, the Office of Pollution Prevention and Toxics reports the new chemicals as not having risk, while the limitations in the measure are not disclosed. OECA's performance measure is not outcome based; rather, the measure tracks program activities.

## Unimplemented Recommendation

**Recommendation 2-5:** We recommend that the Assistant Administrator for Chemical Safety and Pollution Prevention develop a more detailed Toxic Substances Control Act confidential business information classification guide that provides criteria for approving confidential business information coverage and establishes a time limit for all confidential business information requests to allow for eventual public access to health and safety data for chemicals.

***Status:*** If legal authority is determined to exist, OCSPP will propose regulation(s) to establish sunset provisions for confidential business information claims. OCSPP plans to complete the action by January 31, 2014. The original agreed-to completion date was January 31, 2012.

**Action Office:** OCFO  
**Report Title:** Audit of 2009 and 2008 (Restated) Consolidated Financial Statements  
**Report No.:** 10-1-0029  
**Date Issued:** 11/16/2009

## Report Summary

We rendered an unqualified opinion on the EPA's consolidated financial statements for FYs 2009 and 2008 (restated), meaning that they were fairly presented and free of material misstatement. The OIG noted the following three material weaknesses:

- The EPA understated accounts receivable for FY 2008.
- The EPA understated unearned revenue.
- Improvement is needed in billing costs and reconciling unearned revenue for Superfund state contract costs.

We also noted the following eight significant deficiencies:

- The EPA misstated uncollectible debt and other related accounts.
- The EPA needs to improve billing and accounting for accounts receivable.
- Headquarters property items were not inventoried.
- The EPA should improve its financial statement preparation process.
- Unneeded funds were not deobligated timely.
- Improvement is needed in managing data system user accounts.
- Las Vegas Finance Center needs improved physical access controls.
- Customer Technology Solutions equipment needs improved planning.

We noted one noncompliance issue, involving the EPA's need to continue efforts to reconcile intra-governmental transactions.

## Unimplemented Recommendations

**Recommendation 27:** We recommend that the Office of the Chief Financial Officer ensure that all new financial management systems (including the Integrated Financial Management System replacement system) and those undergoing upgrades include a system requirement that the fielded system include an automated control to enforce separation of duties.

***Status:*** The Office of Financial Management's Financial Policy and Planning staff and Office of Technology Solutions (with Applications Management Staff) planned to take action to develop and implement a procedure, linked to Office of Environmental Information's System Life Cycle Management procedures, that ensures all new financial management systems and those undergoing upgrades include a system requirement for the fielded system to include an automated control to enforce separation of duties. OCFO has made significant strides to complete corrective actions associated with the segregation of duties issue noted during the FY 2009 financial statement audit. The agency has implemented a segregation of duties policy, and detective system controls do exist. However, the EPA has not implemented automated separation of duties controls

throughout the entire Compass financial management system to enforce separation of duties. OCFO has not provided a new planned completion date to implement these automated controls across the entire Compass financial management system. The original agreed-to completion date was September 30, 2010.

**Recommendation 32:** We recommend that the Office of the Chief Financial Officer ensure that all new financial management systems (including the Integrated Financial Management System replacement system) and those undergoing upgrades include a system requirement that the fielded systems have an automated control in place to provide a failsafe that links to the Human Resources data to identify and disable terminated/transferred personnel in the system in a timely manner.

***Status:*** OCFO has not implemented any corrective actions in response to this recommendation. OCFO has indicated that no further actions have been taken due to reevaluation of the business case for a new human resources system. The original agreed-to completion date was September 30, 2010.

**Action Office:** OARM  
**Report Title:** Review of Hotline Complaint on Employee Granted Full-Time Work-at-Home Privilege  
**Report No.:** 10-P-0002  
**Date Issued:** 10/07/2009

## Report Summary

We found an unauthorized, full-time work-at-home arrangement that has existed for 9 years and allows a National Enforcement Training Institute employee to work from home in Ohio instead of an office in Washington, D.C. The employee and position were originally located in the Washington area and the employee later moved as the result of a spouse transfer. In our opinion, the National Enforcement Training Institute's actions are for the benefit of a single employee as opposed to being primarily in the interest of the government, and this action was not equitably provided within the institute. The EPA has no established or consistent policy, procedure or criteria for granting full-time work-at-home privilege, and appears to be preferentially available to only a few employees. Neither OARM nor the National Enforcement Training Institute has any written documentation showing the government interest in or appropriateness of making this arrangement, or that senior OARM officials approved this action.

Office of Human Resources personnel (associate deputy director of Program Management and Communications and the agency telework coordinator) stated that the EPA became aware of similar arrangements due to research it performed for an unrelated court case. OARM raised concerns about equity in such arrangements, and believes this must be brought under control. To date, OARM has not corrected this situation.

## Unimplemented Recommendations

**Recommendation 1:** We recommend that the Deputy Administrator assign responsibility for authorizing all non-OARM geographically separate duty station changes to the Assistant Administrator for OARM.

**Recommendation 2a:** We recommend that the Assistant Administrator for Administration and Resources Management establish and implement agency policy for all of the EPA's employees, clearly articulating the process and procedures for changing an employee's duty station to a location geographically separate from the position of record. This policy should include eligibility criteria for positions and personnel, records management requirements, periodic review and reauthorization, verification of correct pay rate (locality and grade), and specific approvals required from initial submission to final approval to ensure equity. The policy should require the Assistant Administrator for OARM to be the final decision authority for all geographically separate duty station locations authorizations except those duty station location changes initiated within OARM.

***Status:*** OARM has been working to address the official worksite designation issue for situations where employees are assigned to geographically separate locations. As OARM anticipated, it has taken time to build the considerable cross program and regional support that it believes is needed to effectively implement the final policy. OARM informed the

OIG that it continues to aggressively coordinate across the agency's program and regional offices to develop and finalize the telework policy that formalizes procedures for changing an employee's duty station to a location geographically separate from the position of record. OARM expected to complete the final telework policy by December 31, 2012. The policy will include a directive clearance review process and the agency negotiation process with the unions. The agency continues to be in the negotiation process with the unions. The original agreed-to completion date was June 20, 2011. (The corrective actions apply to recommendations 1 and 2a.)

**Action Office:** OARM  
**Report Title:** EPA Plans for Managing Counter Terrorism/ Emergency Response Equipment and Protecting Critical Assets Not Fully Implemented  
**Report No.:** 09-P-0087  
**Date Issued:** 01/27/2009

## Report Summary

On April 26, 2006, we issued an audit report, *EPA Needs to Better Implement Plan for Protecting Critical Infrastructure and Key Resources Used to Respond to Terrorist Attacks and Disasters*. It contained findings and recommendations for improving the implementation of the initiatives in the EPA's Critical Infrastructure and Key Resources Protection Plan and managing its Counter Terrorism/Emergency Response equipment. A follow-up audit was warranted, given the nature and importance of the prior report recommendations. We conducted this audit to determine whether the EPA effectively implemented corrective actions to address findings and recommendations in our previous report. The EPA has progressed in implementing the Counter Terrorism/Emergency Response initiatives, but is behind schedule in implementing the Radiation Ambient Monitoring System. The EPA has not fully implemented a national equipment tracking system. Not having a functional national system to track and manage equipment may impair the EPA's ability to protect public health and the environment in the event of another terrorist attack or other nationally significant incident. The report was issued to OAR, OARM, OSWER and OCFO.

## Unimplemented Recommendation

**Recommendation 4-1(b):** We recommend that the Assistant Administrators for Solid Waste and Emergency Response and for Air and Radiation, in conjunction with the Office of the Chief Financial Officer, review the information in MATS for the prior audit and ensure it is accurate, current, and complete for the remaining corrective actions to upgrade facility and hardware to analytical lab in Las Vegas, Nevada.

***Status:*** In the EPA's April 23, 2009, response to the final OIG audit report, OARM was designated as the action official for the implementation of this recommendation. The completion of the Office of Radiation and Indoor Air's Radiation and Indoor Environments laboratory in Las Vegas has been placed on hold. This is due to a longer-range effort to construct a combined facility for all the EPA programs in Las Vegas, including ORD's and the Office of Radiation and Indoor Air's laboratories. The Facilities Management and Services Division within OARM's Office of Administration has the responsibility for the completion of this action. Due to a decrease in current funding, the Financial Management and Services Division is awaiting a budget decision from OMB during December 2012. OARM's planned milestone date for the completion of construction on the new lab is April 30, 2015. The original agreed-to completion date was June 30, 2011.

**Action Office:** OCFO  
**Report Title:** EPA Can Better Manage Superfund Resources  
**Report No.:** 2006-P-00013  
**Date Issued:** 02/28/2006

## Report Summary

We provide answers to congressional questions about the EPA's Superfund program expenditures. We also identify numerous opportunities for the EPA to more effectively manage its existing Superfund resources and its program, and direct more resources to cleanup. The EPA needs to overcome challenges in accounting for Superfund resources, understanding the program's resource needs, and decentralized management of the Superfund program.

Several obstacles have prevented the EPA from efficiently and effectively managing the Superfund program for performance and adequately accounting for Superfund resources. The EPA has been unable to allocate and manage Superfund resources for cleanup as efficiently and effectively as possible because of the way the agency accounts for program resources, manages by functions, supplements the program with other funds, relies on an outdated workload model, and maintains unliquidated Superfund obligations and funds in special accounts. Closely aligning offices that support the Superfund program and that produce program performance and cost data have been limited because the EPA disperses the responsibility for allocating and managing program resources.

## Unimplemented Recommendation

**Recommendation 2-3:** We recommend that EPA should agree to define costs in a manner that supports management decision making and improve their accounting of such resources to maximize achieving program goals.

***Status:*** OCFO will update the Funds Control Manual to describe the use of the Superfund Cost Recovery Package Imaging and On-Line System in tracking all Superfund site cleanup-related costs. As of September 30, 2012, the updated Funds Control Manual is in the review process. After the agency review is completed, the manual will be sent to OMB for final approval. The anticipated completion date is September 30, 2013. The original agreed-to completion date was October 31, 2011.



**Action Office:** OAR  
**Report Title:** Substantial Changes Needed in Implementation and Oversight of Title V Permits If Program Goals Are To Be Fully Realized  
**Report No:** 2005-P-00010  
**Date Issued:** 03/09/2005

## Report Summary

Our analysis identified concerns with five key aspects of Title V permits, including (1) permit clarity, (2) statements of basis, (3) monitoring provisions, (4) annual compliance certifications, and (5) practical enforceability. Collectively, these problems can hamper the ability of the EPA, state and local regulators, and the public to understand what requirements sources are subject to, how they will be measured, and ultimately to hold sources accountable for meeting applicable air quality requirements. Factors such as extensive use of incorporation by reference, failure to fully cite applicable regulations, complex permit format, and lack of detail in source requirements for testing, monitoring, and reporting had a negative impact on permit clarity. Also, the practical enforceability of some permits was limited by vague permit language and insufficient monitoring provisions. Further the EPA's guidance is needed in each of these Title V permitting program elements.

The EPA's oversight and guidance of Title V activities have resulted in some improvements in Title V programs; however, areas of further improvement remain. Many Title V programs have improved as a result of the EPA's issuing formal notices of deficiency, and through the EPA's efforts to obtain commitment letters from selected state and local permitting authorities. However, some of the EPA regions have been slow in issuing program evaluation reports for permitting authorities within their respective regions, and have not responded to public petitions against Title V permits in a timely manner. For example, of the 31 state and local agency Title V evaluations completed, the EPA regions have only reported on 14 agencies. Several stakeholders expressed a need for an increase in the EPA's guidance and oversight.

## Unimplemented Recommendation

**Recommendation 2-1:** We recommend that the Assistant Administrator for Air and Radiation develop and issue guidance or rulemaking on annual compliance certification content, which requires responsible officials to certify compliance with all applicable terms and conditions of the permit, as appropriate.

***Status:*** Based on recommendations from the Clean Air Act Advisory Committee Task Force on Title V Implementation, the Office of Air Quality Planning and Standards has begun developing a guidance document that will include, among other topics, guidance on compliance certifications. The guidance document is delayed because of the limited resources being focused on Title V Permit Petitions, New Source Review rulemaking, and Greenhouse Gas-related rulemaking. OAR plans to have the actions completed by December 31, 2013. The original agreed-to completion date was August 30, 2011.

**Recommendation 2-3:** We recommend that the Assistant Administrator for Air and Radiation develop nationwide guidance or rulemaking, as appropriate, on the contents of statements of basis, which includes discussions of monitoring, operational requirements, regulatory applicability determinations, explanations of any conditions from previously issued permits that are not being transferred to the Title V permit, discussions of streamlining requirements, and other factual information, where advisable, including a listing of prior Title V permits issued to the same applicant at the plant, attainment status, and construction, permitting, and compliance history of the plant.

***Status:*** OAR will work with the regions to disseminate information about the positions the EPA has taken on statements of basis in response to citizen program and permit petitions. OAR will also develop a plan for identifying and sharing with permitting agencies those statements of basis that represent “best practices.” This effort will be included in guidance documentation for recommendation 2-1. The guidance document is delayed because of the limited resources being focused on Title V Permit Petitions, New Source Review rulemaking, and Greenhouse Gas-related rulemaking. OAR plans to have the actions completed by December 31, 2013. The original agreed-to completion date was August 30, 2011.

## Part Two: Unimplemented EPA Recommendations With Future Planned Completion Dates

**Action Office:** OEI  
**Report Title:** Results of Technical Network Vulnerability Assessment: EPA's National Vehicle and Fuel Emissions Laboratory  
**Report No.:** 12-P-0900  
**Date Issued:** 09/30/2012

### Recommendations

**Recommendation 1:** We recommend that the senior information official within OAR and OEI provide the OIG a status update for every critical-risk, high-risk and medium-risk vulnerability identified by the technical scanning tool within 30 days of this report.

**Planned Corrective Actions:** OEI will provide OIG the status update of every critical-risk, high-risk and medium-risk vulnerability identified by the technical scanning tool.

**Agreed-to Completion Date:** September 11, 2012 (corrective action will be considered past due as of September 11, 2013)

**Recommendation 2:** We recommend that the senior information official within OAR and OEI create plans of action and milestones in the agency's Automated Security Self-Evaluation and Remediation Tracking system for all vulnerabilities according to agency procedures within 30 days of this report.

**Planned Corrective Actions:** OEI will create plans of action and milestones in the agency's Automated Security Self-Evaluation and Remediation Tracking system for all vulnerabilities.

**Agreed-to Completion Date:** September 11, 2012 (corrective action will be considered past due as of September 11, 2013)

**Recommendation 3:** We recommend that the senior information official within OAR and OEI perform a technical vulnerability assessment test of assigned networked resources within 60 days to confirm completion of remediation activities.

**Planned Corrective Actions:** OEI will perform a technical vulnerability assessment test of assigned networked resources.

**Agreed-to Completion Date:** December 28, 2012 (corrective action will be considered past due as of December 28, 2013)

**Action Office:** OEI  
**Report Title:** Improvements Needed in EPA's Network Security Monitoring Program  
**Report No.:** 12-P-0899  
**Date Issued:** 09/27/2012

## Recommendations

**Recommendation 1:** We recommend that the Assistant Administrator for Environmental Information develop and implement a strategy with milestone dates to incorporate the EPA's headquarters program offices within the Security Incident and Event Management environment.

**Planned Corrective Actions:** The Technology and Information Security Staff of the Office of Technology Operations and Planning will refine the project plan to reflect a thorough strategy for incorporating program offices into the Security Incident and Event Management environment. This strategy will include milestone dates for all program offices not already in Security Incident and Event Management.

**Agreed-to Completion Date:** December 31, 2013

**Recommendation 4:** We recommend that the Assistant Administrator for Environmental Information finalize the Security Incident and Event Management tool's "Enterprise Reference Guide."

**Planned Corrective Actions:** The Enterprise Reference Guide will be reviewed to determine gaps between its guidance and the current status of the Security Incident and Event Management project. The Enterprise Reference Guide will be updated and finalized, and referenced in other Technology and Information Security Staff/Computer Security Incident Response Capability Center operating procedures if necessary.

**Agreed-to Completion Date:** March 29, 2013 (corrective actions will be considered past due as of March 29, 2014)

**Action Office:** OEI  
**Report Title:** EPA's Office of Environmental Information Should Improve Ariel Rios and Potomac Yard Computer Room Security Controls  
**Report No.:** 12-P-0879  
**Date Issued:** 09/26/2012

## Recommendations

**Recommendation 2:** We recommend that the Director, Office of Technology and Operations Planning, Office of Environmental Information, acquire and implement an uninterruptible power supply that will automatically perform an orderly shutdown of information technology assets without manual intervention in the event of a long-term loss of power.

**Planned Corrective Actions:** As part of the federal government's data consolidation initiative, OCFO will close the Ariel Rios computer room and have the servers migrated to Potomac Yard. Efforts are underway with General Services Administration to install a backup generator at the Potomac Yard facility. The generator will provide 24/7 backup power to the computer room and in the event of a prolonged power outage, sufficient notification would enable an orderly shutdown of information technology assets.

**Agreed-to Completion Date:** March 30, 2013 (corrective action will be considered past due as of March 30, 2014)

**Recommendation 3:** We recommend that the Director, Office of Technology and Operations Planning, Office of Environmental Information, move the server racks so that they are not directly under sprinkler heads or water pipes, or, if that is not possible, install leak shields on or above the server racks directly under sprinkler heads or water pipes.

**Planned Corrective Actions:** OEI will contact OARM to discuss the feasibility of taking the recommended action. OARM is responsible for the installation of the sprinklers.

**Agreed-to Completion Date:** July 19, 2013

**Recommendation 4:** We recommend that the Director, Office of Technology and Operations Planning, Office of Environmental Information, install a master shutoff valve for the water pipes that flow through the computer room.

**Planned Corrective Actions:** OEI will contact OARM to discuss the feasibility of taking the recommended action. OARM is responsible for alterations to the facility, water pipes and shut off valves.

**Agreed-to Completion Date:** July 1, 2013

**Recommendation 5:** We recommend that the Director, Office of Technology and Operations Planning, Office of Environmental Information, develop and implement policies and procedures that address limiting water damages to information technology assets in the computer room that include:

- a. 24 hours/day, 7 days/week monitoring.
- b. Timely actions to be taken in the event of water leak in the computer room.

**Planned Corrective Actions:** While monitoring of environmental variable information such as water, fire, temperature, humidity, power and smoke is part of the current standard procedures, OEI will develop and implement formal procedures that address limiting water damage to information technology assets in the computer room.

**Agreed-to Completion Date:** February 8, 2014

**Action Office:** ORD  
**Report Title:** EPA's Review of Applications for a Water Research Grant Did Not Follow All Review Procedures and Lacked Transparency  
**Report No.:** 12-P-0864  
**Date Issued:** 09/30/2012

## Recommendations

**Recommendation 3:** We recommend that the Assistant Administrator for Research and Development direct the National Center for Environmental Research to establish written procedures for administering the Science to Achieve Results grant review process. Such procedures should include:

- a. A description of management controls needed to ensure applicable regulations and policies are adhered to, and how such controls will be implemented;
- b. Descriptions of roles and responsibilities of the various NCER divisions and personnel involved in the Science to Achieve Results grant review process. In particular, the roles and responsibilities of the science review administrator and project officer should be clearly defined; and
- c. A clearly defined policy for NCER's firewall, including how it will be implemented and practiced.

**Planned Corrective Actions:** NCER will develop an NCER Operations Manual that will address the Science to Achieve Results grant review process. The NCER Operations Manual will: (a) identify NCER, ORD, EPA, and federal policies and procedures that must be followed. NCER's Extramural Management Specialist staff, ORD's Junior Resources Official for Interagency and Assistance Agreements, and multiple levels of OGD staff currently perform reviews to assure compliance; (b) include a roles and responsibilities section and provide information on interactions between divisions as well as responsibilities for each staff role during the review process; and (c) clarify how the requirements of the firewall are managed.

**Agreed-to Completion Date:** June 1, 2013 (corrective action will be considered past due as of June 1, 2014)

**Recommendation 5:** We recommend that the Assistant Administrator for Research and Development ensure that NCER establishes written procedures for communicating with Science to Achieve Results grant applicants. Such procedures should include:

- a. A process for staff to effectively track and monitor communications with applicants;
- b. Guidance for ensuring that appropriate information is included in notifications to applicants;
- c. Descriptions of roles and responsibilities of the various NCER divisions and personnel involved in communications with applicants. In particular, the roles and responsibilities of the science review administrator and project officer should be clearly defined; and
- d. Annual reviews of the adequacy of internal controls over its communications with applicants.

**Planned Corrective Actions:** ORD will establish written procedures for communicating with Science to Achieve Results grant applicants.

**Agreed-to Completion Date:** September 30, 2013 (corrective action will be considered past due as of September 30, 2014)



**Action Office:** OARM and OEI  
**Report Title:** EPA Should Improve Management Practices and Security Controls for Its Network Directory Service System and Related Servers  
**Report No.:** 12-P-0836  
**Date Issued:** 09/20/2012

## Recommendations

**Note:** The narrative of the recommendations and planned corrective actions for this report are not being included in the Compendium due to the sensitive nature of the report's security findings.

**Recommendation 8:** This recommendation was made to the Assistant Administrator for Administration and Resources Management.

**Agreed-to Completion Date:** September 30, 2013

**Recommendation 9:** This recommendation was made to the Assistant Administrator for Administration and Resources Management.

**Agreed-to Completion Date:** April 1, 2013

**Recommendation 16:** This recommendation was made to the Assistant Administrator for Environmental Information and Chief Information Officer.

**Agreed-to Completion Date:** November 30, 2013

**Recommendation 17:** This recommendation was made to the Assistant Administrator for Environmental Information and Chief Information Officer.

**Agreed-to Completion Date:** August 30, 2013

**Recommendation 18:** This recommendation was made to the Assistant Administrator for Environmental Information and Chief Information Officer.

**Planned Completion Date:** August 30, 2013

**Recommendation 19:** This recommendation was made to the Assistant Administrator for Environmental Information and Chief Information Officer.

**Planned Completion Date:** May 30, 2013

**Action Office:** OAR  
**Report Title:** EPA Could Improve the SmartWay Transport Partnership Program by Implementing a Direct Data Verification Process  
**Report No.:** 12-P-0747  
**Date Issued:** 08/30/2012

## Recommendation

**Recommendation 1:** We recommend that the Assistant Administrator for Air and Radiation develop and implement direct verification or other measures to verify the accuracy of a sample of the self-reported, industry data for the SmartWay Transport Partnership.

**Planned Corrective Actions:** OAR is implementing the following five-step action plan:

1. Identified a cross-section of SmartWay shippers, carriers and logistics partners that have demonstrated program compliance with a credible quality process or certification program, such as information security officer certification, Six-Sigma designation or similar quality assurance system. OAR staff interviewed each candidate and selected the most appropriate candidates. This activity has been completed.
2. Conduct site visits on a sample of SmartWay partners, which includes first-hand observation and recording of the processes and safeguards employed to collect, handle, check, manage, track and preserve the data reported in their SmartWay partner submissions. OAR conducted site visits for 13 SmartWay partners, and held discussions and interviews with key staff involved in data collection and review to clarify how their data management and quality assurance measures ensure partner data validity. This activity has been completed.
3. Assess and synthesize the results of these interviews and site visits into a comprehensive and consistent set of best practices available for all SmartWay partners to use in their data collection, management and quality assurance procedures. OAR anticipated that the first draft of this guidance document would be available by December 2012.
4. Review draft document internally and externally by subject matter experts. OAR anticipates that the review process for the best practices guidance document will be completed by May 2013. Additionally, existing SmartWay partner tool guides and technical guidance documents will also be updated to reflect the best practices identified during the site visits and to further clarify program requirements for data integrity. OAR anticipates that the updated partner tool guidance and technical guidance documents will be finalized on or before March 31, 2013.
5. Publish the best practices guidance document, and conduct partner outreach and training. OAR will publish the guidance document on the SmartWay website by August 2013. From September through December 2013, OAR will conduct a series of training, communications and outreach activities to ensure that all SmartWay partners are aware of and have access to this information, and fully understand the program's expectations for partner data integrity.

**Agreed-to Completion Date:** December 31, 2013

**Action Office:** Region 6  
**Report Title:** Results of Technical Network Vulnerability Assessment: EPA's Region 6  
**Report No.:** 12-P-0659  
**Date Issued:** 08/10/2012

## Recommendation

**Recommendation 6:** We recommend that the senior information official for Region 6 establish a process for continuous monitoring of Dallas and Houston server rooms' environmental conditions by personnel or real-time monitoring by existing information technology equipment with environmental monitoring capabilities.

**Planned Corrective Actions:** Region 6 will form a workgroup and develop a process for the continuous monitoring of environmental conditions in the Dallas and Houston server rooms by personnel or real-time monitoring with existing information technology equipment with environmental monitoring capabilities

**Agreed-to Completion Date:** October 10, 2012 (corrective action will be considered past due as of October 10, 2013)

**Action Office:** OCSPP  
**Report Title:** Review of Hotline Complaint Concerning Cost and Benefit Estimates for EPA's Lead-Based Paint Rule  
**Report No.:** 12-P-0600  
**Date Issued:** 07/25/2012

## Recommendation

**Recommendation 1:** We recommend that the Assistant Administrator for Chemical Safety and Pollution Prevention, consistent with a retrospective and flexible regulatory culture, reexamine the estimated costs and benefits of the 2008 Lead Rule and the 2010 amendment to determine whether the rule should be modified, streamlined, expanded, or repealed.

**Planned Corrective Action 1:** OCSPP will create an information gathering workplan. It will submit an Information Collection Request to OMB for clearance.

**Agreed-to Completion Date:** March 31, 2013 (corrective action will be considered past due as of March 31, 2014)

**Planned Corrective Action 2:** After OMB-clearance on the Information Collection Request is received OCSPP will conduct information gathering and analysis.

**Agreed-to Completion Date:** September 30, 2014

**Planned Corrective Action 3:** OCSPP will draft the information and analysis submitted to OMB for interagency review as part of the Action Development Process.

**Agreed-to Completion Date:** March 31, 2015

**Planned Corrective Action 4:** OCSPP will publish the work practice and cost information as part of the proposed rule.

**Agreed-to Completion Date:** September 30, 2015

**Action Office:** OSWER  
**Report Title:** EPA Inaction in Identifying Hazardous Waste Pharmaceuticals May Result in Unsafe Disposal  
**Report No.:** 12-P-0508  
**Date Issued:** 05/25/2012

## Recommendation

**Recommendation 3:** We recommend the Assistant Administrator for Solid Waste and Emergency Response develop a nationally consistent outreach and compliance assistance plan to help states address challenges that health care facilities and others as needed, have in complying with Resource Conservation and Recovery Act regulations for managing hazardous waste pharmaceuticals.

**Planned Corrective Actions:** OSWER will develop nationally consistent outreach and compliance assistance to help in complying with the Resource Conservation and Recovery Act regulations for managing hazardous waste pharmaceuticals. It will propose a rule designed to facilitate proper management of hazardous waste pharmaceuticals in the health care industry.

**Agreed-to Completion Date:** August 31, 2013

**Action Office:** OW and Region 8  
**Report Title:** Alleged Misuse of Tribal Clean Water Act Section 106 Funds in EPA Region 8  
**Report No.:** 12-P-0453  
**Date Issued:** 09/30/2012

## Recommendations

**Recommendation 1:** We recommend that the Assistant Administrator for Water develop guidance for Clean Water Act Section 106 associated program support costs. Guidance should incorporate specific requirements to use state and tribal assistance grants for associated program support, and a process to obtain approval from recipients for associated program support costs funded with Section 106 program funds. Alternatively, formally adopt OAR's guidance on associated program support costs.

**Planned Corrective Actions:** OW will conduct a review of regional use of the associated program support cost authority for assisting tribal programs and as appropriate, may develop new guidance or formally adopt existing guidance.

**Agreed-to Completion Date:** November 30, 2013

**Recommendation 2:** We recommend that the Regional Administrator for Region 8 develop regional guidance to formalize the process by which the region gains approval from tribes for associated program support costs funded with Section 106 program funds. Guidance should include requiring that a roll call be taken indicating the presence of a quorum, and voting records be kept, as a standard part of Regional Operations Committee meetings and minutes.

**Planned Corrective Actions:** Region 8 follows Regional Operations Committee guidelines dated March 7, 2011, regarding roll call, a voting quorum, and minutes that document the voting decision process. Effective immediately, Region 8 tribes or the EPA will request the Regional Operations Committee chair to call for a vote on the specific issue and will record the vote results in the Regional Operations Committee minutes. Region 8's Tribal Assistance Program plans to require a daily sign in sheet at annual spring water quality coordinators meetings that includes name, title, and tribal affiliation.

**Agreed-to Completion Date:** June 30, 2013

**Recommendation 3:** We recommend that the Regional Administrator for Region 8 evaluate the effectiveness of the region's team approach to tribal technical assistance—as part of the guidance developed in recommendation 2—by periodically querying Regional Operations Committee members and making adjustments as needed based on tribal feedback.

**Planned Corrective Actions:** Region 8 staff will ensure that the agendas of annual water quality coordinators meetings include a placeholder so the deputy regional administrator, or his designee, may query tribal coordinators and, based on tribal feedback, make adjustments as needed to the team approach of the Section 106 program.

**Agreed-to Completion Date:** June 30, 2013

**Action Office:** OEI  
**Report Title:** Office of Environmental Information Should Strengthen Controls Over Mobile Devices  
**Report No.:** 12-P-0427  
**Date Issued:** 04/25/2012

## Recommendations

**Recommendation 1:** We recommend that the Assistant Administrator for Environmental Information and Chief Information Officer develop and implement standard operating procedures for OEI employees and contractors, as well as account managers/property staff, on each step of the mobile device process. Standard operating procedures should:

- a. Require custodial officers to, on a quarterly basis, verify/confirm the accuracy of eBusiness information on mobile device user registration and utilization.
- b. Develop standardized business case justifications for issuing a mobile device that supervisors can utilize. Require supervisors to review justifications annually.
- c. Develop an appropriate mobile device upgrade and replacement schedule consistent with the industry standard for upgrading wireless devices that includes conditions and justifications for approving upgrades sooner than the standard.
- d. Address the number and type of mobile device accessories that may be purchased, and require custodial officers to track accessory costs.
- e. Include standard procedures for addressing inappropriate use of a mobile device, including consequences.
- f. Develop eBusiness design changes that would trigger the system to notify account managers when a predetermined cost threshold is reached, which may indicate potentially inappropriate use of a mobile device.
- g. Allow approved users to possess either a cell phone or a BlackBerry, or require additional documented justification and annual review if an employee requires multiple devices.
- h. Review the business need for mobile device users with low utilization of their monthly plan minute allotments (less than 1, 10, 20, and 30 percent utilization as described in the EPA's Mobile Device Service Review and Optimization Analysis) and terminate service where appropriate.
- i. Require end users to notify their property staff when they no longer need a device, transfer to another program office of the EPA, or leave the agency. Instruct end users on the proper procedure for turning in their mobile devices.

**Planned Corrective Action a:** OEI will develop Mobile Device Management standard operating procedure which requires custodial officers in conjunction with eBusiness Account Managers to, on a quarterly basis, verify the accuracy of eBusiness information matching mobile device user registration and device information. If the information is inaccurate, the standard operating procedure will require updates to correct the information, and property be handled following processes outlined in the EPA's Custodial Officer Guide.

**Agreed-to Completion Date:** April 10, 2013

**Planned Corrective Action b:** OEI will develop a Mobile Device Management standard operating procedure and follow OEI's newly produced, Mobile Device Management Plan. The standard operating procedure will include steps that require consideration of standardized business case justifications by an employee's supervisor prior to mobile device issuance. OEI's Mobile Device Management Plan requires quarterly certification from each OEI office director as to the business need for each mobile device in the organization.

**Agreed-to Completion Date:** April 10, 2013

**Planned Corrective Action c-2:** OEI will provide information for inclusion in the agency Mobile Device and Wireless procedure when finalized.

**Agreed-to Completion Date:** December 31, 2012 (corrective action will be considered past due as of December 31, 2013)

**Planned Corrective Action d:** OEI will develop a Mobile Device Management standard operating procedure. The standard operating procedure will include a standardized accessories list and require supervisory approval prior to issuance of any accessory that is not included within the original packaging of the mobile device.

**Agreed-to Completion Date:** April 10, 2013

**Planned Corrective Action e:** The standard operating procedure will include a section that references the EPA Order 3120.1, the Conduct and Discipline Order, and the EPA Office of Human Resources Conduct and Discipline Manual. The standard operating procedure will outline a process to use the Order and manual as a guide to determine appropriate consequences when inappropriate use of a mobile device is determined.

**Agreed-to Completion Date:** April 10, 2013

**Planned Corrective Action g:** OEI will develop a Mobile Device Management standard operating procedure which will outline steps to implement a process by which a justification is shown for each mobile device issued, including multiple devices for a single user. These justifications will receive quarterly review and certification by OEI office directors to OEI's senior information officer as required by OEI's Mobile Device Management Plan.

**Agreed-to Completion Date:** April 10, 2013

**Planned Corrective Action h:** OEI will develop a Mobile Device Management standard operating procedure which will outline steps to implement a quarterly process to review zero usage devices and determine if termination is appropriate. However, the standard operating procedure will only focus on zero usage devices and business justifications to determine whether a device might be terminated.



**Agreed-to Completion Date:** April 10, 2013

**Planned Corrective Action i:** OEI will update the Provisioning/Deprovisioning standard operating procedure to include references to the Mobile Device Management standard operating procedure and vice versa, to ensure that custodial officers and eBusiness Account managers take steps to notify users of this responsibility.

**Agreed-to Completion Date:** April 10, 2013

**Recommendation 2:** We recommend that the Assistant Administrator for Environmental Information and Chief Information Officer follow up with OEI managers and determine:

- a. Whether there is a valid business case justification for those staff using multiple mobile devices, and determine whether one of the devices should be returned to the agency.
- b. Whether the international calls made during January–June 2011 by the remaining 17 OEI employees and contractors we identified in our sample of 27 were inappropriate, and take action based on standard operating procedures developed per recommendation 1.

**Planned Corrective Action a:** OEI will update the Provisioning/ Deprovisioning standard operating procedure and refer to the mobile device standard operating procedure which will outline steps to implement a process by which a justification is shown for each mobile device issued, including multiple devices for a single user. These justifications will receive quarterly review and certification by OEI office directors to OEI's senior information officer as required by OEI's Mobile Device Management Plan.

**Agreed-to Completion Date:** April 10, 2013

**Recommendation 3:** We recommend that the Assistant Administrator for Environmental Information and Chief Information Officer finalize agency-wide draft domestic and international mobile device procedures and develop other agency-wide procedures as necessary that consider standard operating procedures that encompass the areas listed in recommendation 1.

**Planned Corrective Action:** OEI will finalize the domestic draft Mobile Device and Wireless Procedure.

**Agreed-to Completion Date:** December 31, 2012 (corrective action will be considered past due as of December 31, 2013)

**Action Office:** OAR  
**Report Title:** Weaknesses in EPA's Management of the Radiation Network System Demand Attention  
**Report No.:** 12-P-0417  
**Date Issued:** 04/19/2012

## Recommendation

**Recommendation 8:** We recommend that the Assistant Administrator for Air and Radiation track the installation of the radiation network monitors against the revised schedule and use the contract requirements in recommendations 4 and 5 to hold the contractor accountable.

**Planned Corrective Action:** All radiation network monitors have been delivered and installations are being conducted as sites are prepared. The contracting officer representative is working with the contracting officer to negotiate consideration for late deliveries.

**Agreed-to Completion Date:** September 30, 2013

**Action Office:** OARM  
**Report Title:** EPA Should Improve Controls for Managing Contractor-Held Property  
**Report No.:** 12-P-0388  
**Date Issued:** 04/03/2012

## Recommendations

**Recommendation 1:** We recommend that the Assistant Administrator for Administration and Resources Management quantify the universe of contractor-held property and assign more resources to the property administration function or contract the function to ensure proper oversight and management of CHP.

**Planned Corrective Action 1:** OARM will reevaluate the location of the contract property function within OARM to ensure that appropriate emphasis and resources are assigned to this area.

**Agreed-to Completion Date:** June 30, 2012 (corrective actions will be considered past due as of June 30, 2013)

**Planned Corrective Action 2:** OARM will improve its ability to track contract property assets by implementing a new property tracking system which will also enhance the tracking of contract property within the EPA Acquisition System.

**Agreed-to Completion Date:** October 31, 2012 (corrective actions will be considered past due as of October 31, 2013)

**Recommendation 2:** We recommend that the Assistant Administrator for Administration and Resources Management designate CHP as a significant deficiency until adequate controls are in place to safeguard government property.

**Planned Corrective Action:** OARM will make the requested designation.

**Agreed-to Completion Date:** April 30, 2012 (corrective actions will be considered past due as of April 30, 2013)

**Recommendation 3:** We recommend that the Assistant Administrator for Administration and Resources Management develop and implement policies and procedures for the property staff that:

- a. Address how the EPA should maintain documentation to support acquisition values reported by contractors on annual property reports.
- b. Require project management officers to have knowledge of CHP in their accountable areas to ensure it is identified properly in Fixed Assets Subsystem.
- c. Define CHP responsibilities in locations where contractors and the EPA's staff are co-located.
- d. Explain the required exchange between property and contract staffs to ensure the EPA records property accurately in the financial statements.

**Planned Corrective Action 4:** OARM will conduct monthly teleconferences with field property staff during which their interaction with the contract property program will be discussed and emphasis placed on accurate and timely data entry and document maintenance. Teleconferences are held on the third Thursday of every month.

**Agreed-to Completion Date:** October 31, 2012 (corrective actions will be considered past due as of October 31, 2013)

**Planned Corrective Action 5:** The personal property guidelines and manual will be modified to enhance the information and emphasis on those actions where the personal property staff interacts with the contract property program.

**Agreed-to Completion Date:** October 31, 2012 (corrective actions will be considered past due as of October 31, 2013)

**Planned Corrective Action 6:** OARM will clarify the procedures to be followed by property management officers, property accountable officers, and property utilization officers and ensure awareness of all processes for acquiring, decaling, tracking, and disposing of contractor property and how to work closely with contracting officers to support the contract management program operations.

**Agreed-to Completion Date:** October 31, 2012 (corrective actions will be considered past due as of October 31, 2013)

**Planned Corrective Action 9:** In addition to the property guidelines and manual being modified, OAM and the contract property coordinator are working to jointly update the Contracts Management Manual to include any new or revised property policy and procedures to be followed by the acquisition community. The EPA's Acquisition Regulation will also be reviewed for potential updating. While the EPA's Acquisition Regulation 1552.245-70 does require the contractor to conform to the requirements in FAR 52.245-1, the only reporting requirement is for the annual summary report which does not contain enough information to result in meaningful agency reporting. A complete update of the EPA's acquisition policy is a part of the OAM balanced scorecard performance measurement and management program.

**Agreed-to Completion Date:** September 30, 2013

**Planned Corrective Action 10:** New training specific to the acquisition community will be provided once the policy/procedures have been updated. This will be mandatory training for contracting officers and will include information on the detailed property record that is required to be included on a contract.

**Agreed-to Completion Date:** October 31, 2013

**Recommendation 4:** We recommend that the Assistant Administrator for Administration and Resources Management train property staff and contracting officers on current and any new responsibilities over contracts with government property to ensure consistent application of and adherence to EPA's administration of its property management program.

**Planned Corrective Action 1:** The Office of Administration contract property coordinator conducted training at the OAM acquisition conference in March 2011. The training provided updated information and guidance on contract property issues. As part of an on-going review and improvement program, OAM and OA have continued to provide periodic training sessions for contracting officers about the importance of ensuring that all contracts containing contract property clauses are identified as such in the EPA's Acquisition System. The most recent training session occurred in January 2012. The coordinator has been requested to present several additional webinar/mini-training sessions to OAM personnel over the next fiscal year.

**Agreed-to Completion Date:** October 31, 2012 (corrective actions will be considered past due as of October 31, 2013)

**Planned Corrective Action 2:** New training specific to the acquisition community will be provided once the policy/procedures have been updated. This will be mandatory training for contracting officers.

**Agreed-to Completion Date:** October 31, 2013

**Recommendation 6:** We recommend that the Assistant Administrator for Administration and Resources Management revise or update the milestone dates and the corrective action plan in MATS for the 2006 audit report and reference any corrective actions, and submit changes to the OIG for tracking.

**Planned Corrective Action 1:** OARM agreed to update the corrective actions from the 2006 audit in MATS.

**Agreed-to Completion Date:** May 31, 2012 (corrective actions will be considered past due as of May 31, 2013)

**Planned Corrective Action 2:** OARM agreed to update the policy and procedures regarding government-furnished property management.

**Agreed-to Completion Date:** September 30, 2013

**Planned Corrective Action 5:** OARM is updating the Contracts Management Manual to include any new or revised property policy and procedures to be followed by the acquisition community. The EPA's Acquisition Regulation will also be reviewed for potential updating. While the EPA's Acquisition Regulation 1552.245-70 does require the contractor to conform to the requirements in FAR 52.245-1, the only reporting requirement is for the annual summary report which does not contain enough information

to result in meaningful agency reporting. A complete update of the EPA's acquisition policy is a part of the OAM balanced scorecard performance measurement and management program.

**Agreed-to Completion Date:** September 30, 2013

**Planned Corrective Action 7:** OARM will conduct mandatory training for contracting officers and additional training for contracting officer's representative on what information is required to be provided when adding property to a contract and is anticipated to significantly improve the agency's property management process. As part of the training, best practices and/or standard operating procedures for documenting property on contracts will be included to standardize reporting property and make CHP information more accessible to the contract property coordinator.

**Agreed-to Completion Date:** October 31, 2013

**Action Office:** OECA  
**Report Title:** Early Warning Report: Use of Contractors to Conduct Clean Air Act Risk Management Program Inspections in Certain States Goes Against Court Decisions  
**Report No.:** 12-P-0376  
**Date Issued:** 03/28/2012

## Recommendation

**Recommendation 1:** The EPA should immediately review the legality and appropriateness of its practice of using contractors to perform Clean Air Act risk management program inspections in the states covered by the Sixth and Tenth Circuit Courts (Colorado, Kansas, Kentucky, Michigan, New Mexico, Ohio, Oklahoma, Tennessee, Utah, and Wyoming). This review should also determine whether contractors are used to conduct other Clean Air Act program inspections in states covered by the Sixth and Tenth Circuit Courts. If needed based on the results of its review, the EPA should take immediate action to eliminate or revise its use of contractors to conduct risk management program inspections. The EPA should also update and reissue its policy memo on the use of contractors to perform Clean Air Act inspections.

**Planned Corrective Action 4-1:** As necessary, revise and reissue related policy and guidance memoranda.

**Agreed-to Completion Date:** December 31, 2012 (corrective action will be considered past due as of December 31, 2013)

**Planned Corrective Action 4-2:** Finalize guidance for issuing federal credentials to contractors and related revisions to EPA Order 3510.

**Agreed-to Completion Date:** December 31, 2012 (corrective action will be considered past due as of December 31, 2013)

**Action Office:** OARM  
**Report Title:** Polices Needed for Proper Use and Management of Cost-Reimbursement Contracts Based on Duncan Hunter Act  
**Report No.:** 12-P-0320  
**Date Issued:** 03/06/2012

## Recommendations

**Recommendation 2:** We recommend that the Assistant Administrator for Administration and Resource Management update the procurement initiation notice as contained in the Contracts Management Manual to include, as an attachment, a copy of the contracting officer's representative appointment memorandum.

**Planned Corrective Actions:** OAM concurs with this recommendation. The EPA's Acquisition System allows COR nominations to be accomplished electronically in the requisition document. OAM will publish an interim policy notice requiring program and technical staff to nominate prospective COR's in the EPA's Acquisition System requisition documents.

**Agreed-to Completion Date:** September 30, 2012 (corrective action will be considered past due as of September 30, 2013)

**Recommendation 3:** We recommend that the Assistant Administrator for Administration and Resources Management direct contracting officers to verify that nomination forms and appointment memorandums are included in contracting files for all current contracts.

**Planned Corrective Actions:** The interim policy notice will require the "nomination of the contracting officer's representative" form be included in the official contract file in accordance with FAR 4.803(a)(33).

**Agreed-to Completion Date:** September 30, 2012 (corrective action will be considered past due as of September 30, 2013)



**Action Office:** OARM and OCFO  
**Report Title:** EPA Can Improve Its Improper Payments Reporting Compendium  
**Report No.:** 12-P-0311  
**Date Issued:** 03/01/2012

## Recommendation

**Recommendation 2:** We recommend that the Chief Financial Officer and the Assistant Administrator for Administration and Resources Management continue to track in MATS the recommendation in OIG report number 11-P-0362—to include in the agency financial report all improper payments identified through the EPA’s reviews and OIG financial and single audits—until the corrective actions are completed.

**Planned Corrective Action:** The Office of Grants and Debarment will include all improper payments in the EPA's agency financial report. OCFO will continue to track the corrective actions from OIG Report 11-P-0362.

**Agreed-to Completion Date:** November 15, 2012 (corrective action will be considered past due as of November 15, 2013)

**Action Office:** OARM  
**Report Title:** Agreed-Upon Procedures Applied to Equipment Rate Proposals  
**Report No.:** 12-4-0295  
**Date Issued:** 02/27/2012

## Recommendation

**Note:** The narrative of the recommendation and planned corrective action for this report are not being included in the Compendium due to the sensitive nature of the report's findings.

**Recommendation 1:** The recommendation was made to the Manager, Financial Analysis and Oversight Service Center, Office of Acquisition Management, Office of Administration and Resources Management.

**Agreed-to Completion Date:** September 30, 2012 (corrective action will be considered past due as of September 30, 2013)

**Action Office:** OSWER  
**Report Title:** Controls Over State Underground Storage Tank Inspection Programs in EPA Regions Generally Effective  
**Report No.:** 12-P-0289  
**Date Issued:** 02/15/2012

## Recommendation

**Recommendation 1:** We recommend that the Assistant Administrator for Solid Waste and Emergency Response require the EPA and states to enter into memoranda of agreements that reflect program changes from the 2005 Energy Policy Act and address oversight of municipalities conducting inspections.

**Planned Corrective Actions:** The regulations will be finalized and OSWER will share the specific date on which the memoranda of agreements will be in place.

**Agreed-to Completion Date:** August 1, 2013

**Action Office:** OSWER  
**Report Title:** EPA Needs to Further Improve How It Manages Its Oil Pollution Prevention Program  
**Report No.:** 12-P-0253  
**Date Issued:** 02/16/2012

## Recommendation

**Recommendation 1:** We recommend that the Assistant Administrator for Solid Waste and Emergency Response, in consultation with the Assistant Administrator for Enforcement and Compliance Assurance, improve oversight of facilities regulated by the EPA's oil pollution prevention program by:

- a. Producing a biennial public assessment of the quality and consistency of Spill Prevention, Control, and Countermeasure Plans and Facility Response Plans based on inspected facilities.
- b. Developing procedures for updating and issuing new guidance to ensure the regulated community has access to the most current guidance.
- c. Implementing a risk-based strategy toward inspections that identifies unknown SPCC and Facility Response Plan facilities, and directs inspection resources toward facilities where the potential for spills poses the greatest risks to human health and the environment.
- d. Consistently interpreting regulations and the EPA's authority to enforce regulations.

**Planned Corrective Action 3(a):** OSWER will develop and update outreach materials and guidance. It is working to update the *SPCC Guidance for Regional Inspectors* issued in 2005 to include SPCC regulatory amendments in 2006, 2008, 2009 and 2011.

**Agreed-to Completion Date:** September 30, 2012 (corrective actions will be considered past due as of September 30, 2013)

**Planned Corrective Action 4(b):** A summary of findings will be developed by OSWER. These findings will help to identify areas where additional guidance and outreach are needed to improve the quality and consistency of SPCC Plans.

**Agreed-to Completion Date:** October 31, 2013

**Planned Corrective Action 4(c):** The model developed by OSWER for the SPCC program will then be used to develop a review protocol for Facility Response Plans to examine Facility Response Plan inspections conducted during the FY 2013 inspection cycle.

**Agreed-to Completion Date:** September 30, 2013

**Planned Corrective Action 4(d):** A summary of findings will be developed by OSWER. These findings will help to identify areas where additional guidance and external outreach are needed to improve the quality and consistency of Facility Response Plans.

**Agreed-to Completion Date:** October 31, 2014

**Action Office:** OW  
**Report Title:** EPA Should Strengthen Records Management on Clean Water Act Section 404 Permit Notification Review  
**Report No.:** 12-P-0249  
**Date Issued:** 02/02/12

## Recommendations

**Recommendation 2:** We recommend Assistant Administrator for Water coordinate with the regions to develop a full implementation plan for Data on Aquatic Resources Tracking for Effective Regulation identifying when DARTER will incorporate additional permit actions (e.g., nationwide permits, jurisdictional determinations).

**Planned Corrective Action:** In January 2010, OW's Wetlands Division and all regional offices agreed to an expected level of data entry in DARTER to include public notices and significant coordination events for standard permits– the permitting vehicle the U.S. Army Corps of Engineers typically uses. Currently, DARTER Version 1.12 (released 02/10/12) has the ability to track any coordination events or relevant files for all types of 404 project reviews, including general permits, mitigation projects, or draft jurisdictional determinations. While regional staff can choose to add this information, these elements are not required under the current DARTER user agreement with the Regions. Because these activities constitute only a small part of the EPA's actions under Section 404, they were not considered the most essential data elements to track in the early stages of DARTER implementation. OW is focusing in FY 2012 on ensuring that all Regions complete the basic DARTER data entry as agreed to in January 2010.

**Agreed-to Completion Date:** May 30, 2013

**Recommendation 4:** We recommend Assistant Administrator for Water revise Records Schedules 205 and 514 as appropriate to clarify usage/applicability and retention requirements for Clean Water Act Section 404 reviews for both headquarters and regional staff.

**Planned Corrective Action:** OW, in coordination with the regions, will adopt a national records management plan and make any necessary recommendations to the Records Management program for changes to existing records schedules to remove duplicate or misleading descriptions.

**Agreed-to Completion Date:** September 30, 2012 (corrective action will be considered past due as of September 30, 2013)

**Action Office:** Region 10  
**Report Title:** Region 10 Technical and Computer Security Vulnerabilities Increase Risk to EPA's Network  
**Report No.:** 12-P-0220  
**Date Issued:** 01/20/2012

## Recommendations

**Note:** The narrative of the recommendation and planned corrective action for this report are not being included in the Compendium due to the sensitive nature of the report's security findings.

**Recommendation 3:** This recommendation was made to the senior information official, Region 10.

**Agreed-to Completion Date:** December 31, 2012 (corrective action will be considered past due as of December 31, 2013)

**Recommendation 4:** This recommendation was made to the senior information official, Region 10.

**Agreed-to Completion Date:** September 30, 2013

**Recommendation 5:** This recommendation was made to the senior information official, Region 10.

**Agreed-to Completion Date:** September 30, 2013

**Recommendation 7:** This recommendation was made to the senior information official, Region 10.

**Agreed-to Completion Date:** September 30, 2013

**Action Office:** OECA  
**Report Title:** EPA Must Improve Oversight of State Enforcement  
**Report No.:** 12-P-0113  
**Date Issued:** 12/09/2011

## Recommendations

**Recommendation 1:** We recommend that the Deputy Administrator give OECA authority for all nationwide enforcement resources and workforce allocation.

**Planned Corrective Actions:** OECA will gather and analyze information on regional and program state oversight practices and make recommendations to the Deputy Administrator on their adequacy and needed improvements.

**Agreed-to Completion Date:** October 31, 2012 (corrective action will be considered past due as of October 31, 2013)

**Recommendation 2:** We recommend that the Assistant Administrator for Enforcement and Compliance Assurance cancel outdated guidance and policy documents, and consolidate and clarify remaining guidance into EPA documents that are publicly and easily accessible on the EPA's Civil Enforcement website.

**Planned Corrective Actions:** OECA will review its public web site and distinguish current compliance and enforcement documents that affect state oversight from obsolete document and make them easily accessible.

**Agreed-to Completion Date:** January 31, 2013 (corrective action will be considered past due as of January 31, 2014)

**Recommendation 3:** We recommend that the Assistant Administrator for Enforcement and Compliance Assurance establish clear and consistent national enforcement benchmarks throughout Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act guidance and policies so that EPA's enforcement expectations are clear and consistent for state governments and the regulated community.

**Planned Corrective Action 2:** OECA will ensure national performance expectations are clearly identified and ensure these documents are readily accessible on the EPA's Online Tracking Information System and the EPA's public website.

**Agreed-to Completion Date:** January 30, 2013 (corrective action will be considered past due as of January 30, 2014)

**Recommendation 4:** We recommend that the Assistant Administrator for Enforcement and Compliance Assurance establish a clear and credible escalation policy for EPA intervention in states that provides steps that EPA will take when states do not act to ensure that the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act are enforced.

**Planned Corrective Action:** OECA will develop an escalation strategy to address state enforcement performance issues.

**Agreed-to Completion Date:** September 30, 2012 (corrective action will be considered past due as of September 30, 2013)

**Recommendation 5:** We recommend that the Assistant Administrator for Enforcement and Compliance Assurance establish procedures to reallocate enforcement resources to intervene decisively when appropriate under its escalation policy.

**Planned Corrective Action:** OECA will evaluate if state grant funds can be used by the EPA to improve program performance.

**Agreed-to Completion Date:** September 30, 2012 (corrective action will be considered past due as of September 30, 2013)



**Action Office:** OARM  
**Report Title:** Audit of EPA's Fiscal 2011 and 2010 Consolidated Financial Statements  
**Report No.:** 12-1-0073  
**Date Issued:** 11/15/2011

## Recommendation

**Recommendation 9:** We recommend that the Assistant Administrator for Administration and Resources Management Develop and implement policies and procedures to address responsibility for the removal of the EPA's property from the agency financial system when the EPA's property is transferred to contractors.

**Planned Corrective Action:** OARM will ensure the revised Property Management Manual contains an updated section on contract property to address roles and responsibilities.

**Agreed-to Completion Date:** June 30, 2012 (corrective action will be considered past due as of June 30, 2013)

**Action Office:** Region 9  
**Report Title:** Region 9 Technical and Computer Room Security Vulnerabilities Increase Risk to EPA's Network  
**Report No.:** 11-P-0725  
**Date Issued:** 09/30/2011

## Recommendations

**Note:** The narrative of the recommendation and planned corrective action for this report are not being included in the Compendium due to the sensitive nature of the report's security findings.

**Recommendation 4:** This recommendation was made to the senior information official, Region 9.

**Agreed-to Completion Date:** March 31, 2014

**Recommendation 6:** This recommendation was made to the senior information official, Region 9.

**Agreed-to Completion Date:** March 31, 2014

**Recommendation 8:** This recommendation was made to the senior information official, Region 9.

**Agreed-to Completion Date:** March 31, 2014

**Recommendation 10:** This recommendation was made to the senior information official, Region 9.

**Agreed-to Completion Date:** March 31, 2014

**Action Office:** OSWER and OA  
**Report Title:** EPA Progress on the 2007 Methamphetamine Remediation Research Act  
**Report No.:** 11-P-0708  
**Date Issued:** 09/27/2011

## Recommendations

**Recommendation 2:** We recommend that the Assistant Administrator for Solid Waste and Emergency Response and the Assistant Administrator for Research and Development address the following issues in the next update to the voluntary remediation guidelines:

- a. Clarification of whether meth lab waste can legally be disposed of as Household Hazardous Waste.
- b. Availability of the EPA's Local Governments Reimbursement funding to pay for meth lab cleanup.
- c. Information on websites containing lists of former meth lab sites.
- d. Consideration of children's health and environmental justice.

**Planned Corrective Actions:** OSWER will update the guidelines to consider the definition of Meth lab waste as Household Hazardous Waste, as well as update Local Governments Reimbursement for meth cleanup, any additional websites with meth lab sites, and children's health and environmental justice issues. OSWER's Office of Resource Conservation and Recovery is the lead office in redefining meth lab waste as Household Hazardous Waste, and OSWER's Office of Emergency Management will coordinate with the Office of Resource Conservation and Recovery appropriately to update this.

**Agreed-to Completion Date:** December 31, 2012 (corrective actions will be considered past due as of December 31, 2013)

**Recommendation 3:** We recommend that the Associate Administrator for Congressional and Intergovernmental Relations and the Associate Administrator for Policy develop internal controls to ensure that legislative requirements are identified and tracked, and that their status is reported to Congress as required.

**Planned Corrective Actions:** The EPA continues to work on developing a system to track Reports to Congress. The associate administrators for the Office of Congressional and Intergovernmental Relations and Office of Policy have both assigned staff for this effort. The EPA has initiated discussions about possible ways for tracking reports to Congress broadly, and is examining existing agency tracking systems to see if any of them could be of any use in this context. The Office of Congressional and Intergovernmental Relations is the lead for this corrective action.

**Agreed-to Completion Date:** September 30, 2012 (corrective actions will be considered past due as of September 30, 2013)

**Action Office:** OSWER  
**Report Title:** EPA Should Clarify and Strengthen Its Waste Management Oversight Role With Respect to Oil Spills of National Significance  
**Report No.:** 11-P-0706  
**Date Issued:** 09/26/2011

## Recommendations

**Recommendation 1:** We recommend that the Assistant Administrator for Solid Waste and Emergency Response, from lessons learned in response to this spill of national significance:

- a. Work with other federal partners to determine whether the national contingency plan and national response framework should be updated to include processes for waste management oversight in response to nationally significant oil spills, including the EPA's role as a supporting agency in offshore spills;
- b. Work with other federal partners to complete guidance for waste management oversight in agency contingency plan;
- c. Develop a model waste management plan that includes:
  - i. provisions for including all states and facilities involved in the response,
  - ii. definition of roles and responsibilities for all authorized stakeholders, and
  - iii. an exit strategy for decommissioning waste management oversight activities.

**Planned Corrective Action 1:** OSWER will develop waste management oversight procedures for agency contingency plans for responses to spills of national significance.

**Agreed-to Completion Date:** December 31, 2012 (corrective action will be considered past due as of December 31, 2013)

**Planned Corrective Action 2:** OSWER proposes to meet with the United States Coast Guard before January 31, 2012 to discuss the development of guidance on this subject for use by the regional response teams in updating their regional and area contingency plans. OSWER will produce a draft guidance document for field testing.

**Agreed-to Completion Date:** January 31, 2013 (corrective action will be considered past due as of January 31, 2014)

**Planned Corrective Action 4:** OSWER will prepare the final waste management plan.

**Agreed-to Completion Date:** June 29, 2012 (corrective action will be considered past due as of June 29, 2013)

**Recommendation 3:** We recommend that the Assistant Administrator for Solid Waste and Emergency Response update the EPA's 2002 guidance on the exploration and production waste exemption to include circumstances under which exploration and production waste could be managed or disposed of differently, including during applicable oil spills. Incorporate into any

lessons-learned review a discussion of the EPA's opinions and procedures for overseeing and handling waste from this spill, including those wastes subject to the exploration and production exemption.

**Planned Corrective Action:** OSWER will prepare a memorandum to incorporate the lessons-learned from this spill discussing the EPA's opinions and procedures for overseeing and handling waste, including waste subject to the exploration and production exemption during a spill of national significance.

**Agreed-to Completion Date:** June 29, 2012 (corrective action will be considered past due as of June 29, 2013)

**Action Office:** OARM  
**Report Title:** EPA's Contract Oversight and Controls Over Personal Computers Need Improvement  
**Report No:** 11-P-0705  
**Date Issued:** 09/26/2011

## Recommendation

**Recommendation 4:** We recommend the Assistant Administrator for Administration and Resources Management develop and implement a process that would ensure that property staffs adhere to records retention requirements.

**Planned Corrective Action 3:** The custodial officer training that OARM agreed to perform will address the separation of duties between the custodial officer and the employee or contractor. While acquisition methods vary, records retention is the responsibility of the custodial officer. This control measure will help ensure records accountability is maintained at the lowest level.

**Agreed-to Completion Date:** April 30, 2012 (corrective action will be considered past due as of April 30, 2013)

**Planned Corrective Action 6:** OARM will include a review of records retention documentation in a minimum of six annual field audits.

**Agreed-to Completion Date:** November 30, 2012 (corrective action will be considered past due as of November 30, 2013)

**Action Office:** OAR  
**Report Title:** EPA Should Update Its Fees Rule to Recover More Motor Vehicle and Engine Compliance Program Costs  
**Report No.:** 11-P-0701  
**Date Issued:** 09/23/2011

## Recommendation

**Recommendation 1:** We recommend that the Assistant Administrator for Air and Radiation update the 2004 fees rule to increase the amount of the Motor Vehicle and Engine Compliance Program costs it can recover.

**Planned Corrective Action:** OAR will begin planning for a new fees rule as part of the 2013 program prioritization and budget processes, and initiate formal work on rule making early in calendar year 2014.

**Agreed-to Completion Date:** December 31, 2018

**Action Office:** OCFO  
**Report Title:** EPA Needs Workload Data to Better Justify Future Workforce Levels  
**Report No.:** 11-P-0630  
**Date Issued:** 09/14/2011

## Recommendations

**Recommendation 1:** We recommend that the Chief Financial Officer conduct a pilot project requiring EPA organizations to collect and analyze workload data on key project activities.

**Planned Corrective Actions:** OCFO is working closely with EPA’s air and water programs and their lead regions to refine and expand on FY 2011 pilot projects. The goal is to focus on specifics of how the EPA organizations should collect and analyze workload data on key project activities. The short-term plan is to construct a draft format for a workload analytic “Table Top” tool using existing data and work already done to the extent possible for the EPA. The Table Top concept (used also at the U.S. Coast Guard) is designed to be fairly high-level with a standard format for incorporating data and leveraging Subject Matter Experts knowledge and experience. Concurrently, OCFO will continue to assess potential external data sources that could inform future management decision-making. OCFO created a workload analysis model for air and water permitting programs and plans to conduct analyses of grant and Superfund cost recovery.

**Agreed-to Completion Date:** September 30, 2012 (corrective actions will be considered past due as of September 30, 2013)

**Recommendation 2:** We recommend that the Chief Financial Officer use information learned from the pilot and the ongoing contracted workload study to issue guidance to the EPA’s program offices on:

- a. How to collect and analyze workload data.
- b. The benefits of workload analysis.
- c. How this information should be used to prepare budget requests.

**Planned Corrective Action:** OCFO is revising Resource Management Directive 2520, Administrative Control of Appropriated Funds, to incorporate workload planning guidance.

**Agreed-to Completion Date:** September 30, 2012 (corrective action will be considered past due as of September 30, 2013)



**Action Office:** OARM  
**Report Title:** EPA Has Not Fully Implemented a National Emergency Equipment Tracking System  
**Report No.:** 11-P-0616  
**Date Issued:** 09/13/2011

## Recommendation

**Recommendation 3:** We recommend that the EPA Deputy Administrator mandate that regions and response teams employ the national tracking system the EPA decides to use for emergency response equipment.

**Planned Corrective Action:** OARM will develop an agency-wide system to track agency equipment in consultation with OSWER with respect to emergency response equipment.

**Agreed-to Completion Date:** May 31, 2012 (corrective action will be considered past due as of May 31, 2013)

**Action Office:** OSWER  
**Report Title:** Revisions Needed to National Contingency Plan Based on Deepwater Horizon Oil Spill  
**Report No.:** 11-P-0534  
**Date Issued:** 08/25/2011

## Recommendations

**Recommendation 1:** We recommend that the Assistant Administrator for Solid Waste and Emergency Response develop appropriate National Contingency Plan Subpart J testing revisions, including proceeding with plans in place before the Deepwater Horizon oil spill, to incorporate the most appropriate efficacy testing protocol. Develop an action plan with milestones for these and any other necessary revisions and take steps to propose NCP Subpart J revisions.

**Planned Corrective Actions:** The EPA will propose regulatory revisions to the NCP's Subpart J testing requirements. The proposed rule incorporating NCP testing requirements is expected to appear in the *Federal Register* in summer 2012.

**Agreed-to Completion Date:** August 30, 2012 (corrective action will be considered past due as of August 30, 2013)

**Recommendation 2:** We recommend that the Assistant Administrator for Solid Waste and Emergency Response have the OEM Director work through the office's National Response Team to establish a policy that calls for periodic reviews and updates to contingency plans, after considering lessons learned from major national and international oil spills, and/or based on area trends in oil drilling.

**Planned Corrective Actions:** OEM is currently working with the National Response Team to develop a framework in addressing dispersants and plan reviews and updates, in light of lessons learned in the Deepwater Horizon spill.

**Agreed-to Completion Date:** December 31, 2012 (corrective action will be considered past due as of December 31, 2013)

**Recommendation 3:** We recommend that the Assistant Administrator for Solid Waste and Emergency Response modify the NCP Product Schedule and contingency plans to include additional information (such as testing on crude oil, subsurface dispersants application, volume and duration limits, etc.) learned from the Deepwater Horizon oil spill response and use such information to revise and update Area and Regional Contingency Plans.

**Planned Corrective Actions:** The EPA will propose regulatory revisions to the Subpart J requirements for the NCP Product Schedule and contingency planning elements are underway. The revisions will address chemical agent tests (such as dispersants) using crude oil, subsurface use of dispersants, and quantity, location, and duration of chemical agent use criteria.

**Agreed-to Completion Date:** August 30, 2012 (corrective action will be considered past due as of August 30, 2013)

**Recommendation 5:** We recommend that the Assistant Administrator for Solid Waste and Emergency Response develop guidance and training for a spill of national significance that clarifies roles and responsibilities for high-level agency officials. Review this response and the NCP and work with federal partners to address lessons learned and include detail on how to respond to a spill of national significance.

**Planned Corrective Action 1:** The EPA will look at adding language to the National Response Framework's Emergency Support Function #10 annex that will outline the EPA's senior officials' likely role in a response. However, a milestone date for the Emergency Support Function #10 revision is dependent on the Federal Emergency Management Agency's plan for completing updates to the National Response Framework and its annexes under PPD-8. Under PPD-8, the agency expects the Federal Emergency Management Agency to set the deadline for all Emergency Support Function coordinating agencies to update their Emergency Support Function annexes sometime during the 2012 calendar year.

**Agreed-to Completion Date:** December 31, 2012 (corrective action will be considered past due as of December 31, 2013)

**Planned Corrective Action 2:** The EPA updated its Incident Management for Executives training, which was updated as a result of lessons learned from the Deepwater Horizon spill. The training has been presented in one region.

**Agreed-to Completion Date:** October 31, 2013

**Planned Corrective Action 3:** As a result of this training, the agency will develop policy guidance on this issue as well.

**Agreed-to Completion Date:** October 31, 2013

**Recommendation 6:** We recommend that the Assistant Administrator for Solid Waste and Emergency Response review and analyze NCP Subpart J toxicity testing protocols to ensure that emergency responders have the information necessary for appropriate subsurface dispersant use for future oil spills.

**Planned Corrective Actions:** This issue is currently being addressed as part of the action to revise the requirements for Subpart J toxicity testing and criteria for listing dispersants on the NCP Product Schedule. When revisions to the Product Schedule requirements are complete, OEM will work on revisions to the Selection Guide and Technical Notebooks, which are made available to emergency responders, to ensure the necessary information is available for subsurface dispersant use on future oil spills. Publication of the proposed rule is anticipated in the *Federal Register* in summer 2012.

**Agreed-to Completion Date:** August 30, 2012 (corrective action will be considered past due as of August 30, 2013)

**Recommendation 7:** We recommend that the Assistant Administrator for Solid Waste and Emergency Response, as part of the action to review NCP Subpart J requirements, address the need to capture and maintain dispersant manufacturer production capacities, equipment requirements, and other necessary information to better prepare for future oil spills. Make this information widely available to the response community.

**Planned Corrective Actions:** OEM is in the process of developing amendments to the requirements in Subpart J of the NCP associated with the testing, listing, and use of chemical agents, including dispersants, on oil spills on the waters of the United States. The proposed rulemaking containing the amendments has cleared Options Selection and is in the workgroup package development state under the agency's Action Develop Process, in compliance with the Administrative Procedures Act.

One set of elements under development in the package is proposed regulatory language that would require product manufacturers to include information on their production capabilities and equipment requirements, with their submittal to the EPA to have their product listed on the Product Schedule under Subpart J of the NCP.

OEM is also examining options on the frequency of updating this information and mechanisms for making it readily available to the response community. The preferred regulatory approach and options for collection and dissemination of the information, as recommended by the OIG, will be clearly described in the proposed regulatory text and preamble. OEM will seek public comment on the approach and options and will welcome well-supported alternatives. The proposed rule incorporating NCP testing is expected to appear in the *Federal Register* in summer 2012.

**Agreed-to Completion Date:** August 30, 2012 (corrective action will be considered past due as of August 30, 2013)

**Action Office:** Region 8  
**Report Title:** An Overall Strategy Can Improve Communication Efforts at Asbestos Superfund Site in Libby, Montana  
**Report No.:** 11-P-0430  
**Date Issued:** 08/03/2011

## Recommendations

**Recommendation 2:** We recommend that the EPA Regional Administrator, Region 8, revise the Libby community engagement plan to serve as the overall communication strategy by including:

- a. Key messages that address specific public concerns and site activities
- b. Timelines for community involvement activities and outreach products
- c. Measures for successful communication
- d. Mechanisms for identifying community concerns and collecting feedback

**Planned Corrective Action 1:** Region 8 agreed to amend the community engagement plan to include a summary of the community involvement program that includes key messages that address specific community concerns, general timelines, measures for success and mechanisms for indentifying community concerns and collecting feedback. Using the template in Section 4 of Attachment 1 for Community Involvement Plans (7) in the Community Involvement Toolkit, the EPA will produce key messages in the community engagement plan that track with the major themes of the EPA's work and describe how the EPA will address citizen concerns identified in the community engagement plan.

**Agreed-to Completion Date:** June 30, 2013

**Planned Corrective Action 6:** Region 8 will seek public comment on the next major revision to the community involvement plan.

**Agreed-to Completion Date:** December 31, 2015

**Recommendation 3:** We recommend that the EPA Regional Administrator, Region 8, implement a process for ongoing evaluation of Region 8's communication strategy and incorporate results into community involvement planning.

**Planned Corrective Action 1:** Region 8 will conduct a customer satisfaction survey after OSWER's Information Collection Request to OMB is approved. The region will arrange with the manager of the Community Involvement and Public Initiatives Branch to notify Region 8 when the approval is received.

**Agreed-to Completion Date:** Six months following the receipt of OMB's approval

**Planned Corrective Action 3:** Region 8 will amend the community engagement plan with actions Region 8 will take to address major concerns raised in the customer satisfaction survey, interviews, tear-offs, meeting comment cards, Information Center

calls, suggestion boxes, and link on the web page. The region will continue to evaluate its communication efforts through ongoing use of tear-offs, meeting comment cards, Information Center calls, suggestion boxes, and the link on the Web page.

**Agreed-to Completion Date:** June 30, 2013

**Action Office:** ORD  
**Report Title:** Office of Research and Development Should Increase Awareness of Scientific Integrity Policies  
**Report No.:** 11-P-0386  
**Date Issued:** 07/22/2011

## Recommendations

**Recommendation 2b:** We recommend that the Assistant Administrator for Research and Development work with agency officials to identify staff and managers outside of ORD who should complete mandatory Principles of Scientific Integrity E-Training.

**Planned Corrective Action:** The EPA's Scientific Integrity Committee will identify the appropriate staff that should complete the mandatory Principles of Scientific Integrity E-Training.

**Agreed-to Completion Date:** September 30, 2012 (corrective action will be considered past due as of September 30, 2013)

**Recommendation 3:** We recommend that the Assistant Administrator for Research and Development continue working with the unions to update and implement the Principles of Scientific Integrity E-Training. Changes to the course should include:

- a. Making the e-training mandatory for all ORD staff.
- b. ensuring that the updated course contains real-life examples.
- c. creating a system for linking to current contact information for reporting instances of scientific integrity and research misconduct.

**Planned Corrective Action:** The EPA's Scientific Integrity Committee will continue efforts with unions to standardize, update, and implement the Principles of Scientific Integrity E-training.

**Agreed-to Completion Date:** September 30, 2012 (corrective action will be considered past due as of September 30, 2013)

**Action Office:** OCSPP  
**Report Title:** EPA's Voluntary Chemical Evaluation Program Did Not Achieve Children's Health Protection Goals  
**Report No.:** 11-P-0379  
**Date Issued:** 07/21/2011

## Recommendation

**Recommendation 1:** We recommend that the Assistant Administrator for Chemical Safety and Pollution Prevention design and implement a process to assess the safety of chemicals to children. Specifically, we recommend a new design that includes:

- a. A chemical selection process that identifies and includes the chemicals with the highest risk potential to children.
- b. A workable data collection strategy for applying the Toxic Substances Control Act regulatory authorities as appropriate.
- c. A communications strategy that interprets results and disseminates information to the public.
- d. Specific outcome measures that provide assurance the process will provide valid and timely results.

**Planned Corrective Action 2:** OCSPP will complete the agency preparation and review of proposed rules for lead, mercury, and formaldehyde, prior to an interagency review.

**Agreed-to Completion Date:** June 30, 2012 (corrective actions will be considered past due as of June 30, 2013)



**Action Office:** ORD  
**Report Title:** Office of Research and Development Needs to Improve Its Method of Measuring Administrative Savings  
**Report No.:** 11-P-0333  
**Date Issued:** 07/14/2011

## Recommendation

**Recommendation 1:** We recommend that the Assistant Administrator for Research and Development establish a more timely and accurate system to measure its effective use of resources and to allow ORD to better manage its initiatives to reduce administrative costs.

**Planned Corrective Actions:** ORD agreed to tag federal administrative personnel, senior environmental employees, and on-site contractors in its ORD Management Information System and reconcile this data with personnel rosters on a monthly basis. ORD senior management had its initial meeting in 2011 and will continue to meet twice a year to review current status and outline plans to attain organizational administrative staffing targets.

**Agreed-to Completion Date:** December 15, 2015

**Action Office:** OEI  
**Report Title:** EPA Has Taken Steps to Address Cyber Threats but Key Actions Remain Incomplete  
**Report No.:** 11-P-0277  
**Date Issued:** 06/23/2011

## Recommendation

**Recommendation 3:** We recommend that the Assistant Administrator for Environmental Information and Chief Information Officer update the Enterprise Transition Plan Information Management segment to define actions the agency plans to take to achieve its security target architecture.

**Planned Corrective Actions:** OEI planned to take five steps to define actions to achieve the security target architecture in the EPA's Modernization Blueprint. OEI has completed steps a-c and the following steps are remaining:

d. Develop implementation plans to close gaps.

**Agreed-to Completion Date:** July 1, 2013

e. Execute implementation plans.

**Agreed-to Completion Date:** September 15, 2013

**Action Office:** OCFO  
**Report Title:** EPA Needs to Strengthen Its Management Controls Over Its Travel Authorization Process  
**Report No.:** 11-P-0223  
**Date Issued:** 05/10/2011

## Recommendations

**Recommendation 2:** We recommend that the that the Chief Financial Officer request that the General Services Administration change GovTrip to prevent self-authorization of travel and include audit trails to determine who made changes to routing lists.

**Planned Corrective Actions:** The current contract with GovTrip expires on November 12, 2013. However, the EPA will most likely transition to a new service provider prior to this deadline. A routing audit trail is one of the requirements under E-Gov Travel Service 2 contract. At this time, OCFO sees updating GovTrip with the addition of a routing list as cost prohibitive.

**Agreed-to Completion Date:** November 12, 2013

**Recommendation 4:** We recommend that the that the Chief Financial Officer develop scripts to determine whether travelers are in compliance with policy for managing routing lists, run the scripts monthly, and investigate exceptions.

**Planned Corrective Actions:** The routing list audit table in the Electronic Travel Systems product will allow OCFO to run a list of changes that occurred during the reporting period. OCFO would then be able to compare the list to the requests received for the same period and investigate exceptions. In the meantime, OCFO has developed a report that provides a list of vouchers where the traveler's name and the authorizer are the same. The Cincinnati Financial Management Center will run this report monthly and require additional documentation from any exceptions it produces.

**Agreed-to Completion Date:** November 12, 2013

**Action Office:** OCSPP **Report Title:** EPA's Endocrine Disruptor Screening Program  
**Should Establish Management Controls to Ensure More Timely Results**  
**Report No.:** 11-P-0215  
**Date Issued:** 05/03/2011

## Recommendation

**Recommendation 4:** We recommend that the Assistant Administrator for Chemical Safety and Pollution Prevention develop short term, intermediate, and long-term outcome performance measures, and additional output performance measures, with appropriate targets and timeframes, to measure the progress and results of the program.

**Planned Corrective Actions:** OSCPP will develop short term, intermediate and long-term outcome performance measures, and additional output performance measures, with appropriate targets and timeframes.

**Agreed-to Completion Date:** June 30, 2012 (corrective action will be considered past due as of June 30, 2013)

**Action Office:** OSWER  
**Report Title:** EPA Promoted the Use of Coal Ash Products With Incomplete Risk Information  
**Report No.:** 11-P-0173  
**Date Issued:** 03/23/2011

## Recommendation

**Recommendation 1:** We recommend that the Assistant Administrator for Solid Waste and Emergency Response define and implement risk evaluation practices to determine the safety of the coal combustion residual beneficial uses the EPA promotes.

**Planned Corrective Actions:** OSWER will develop a process or evaluation hierarchy for encapsulated beneficial uses.

**Agreed-to Completion Date:** March 30, 2014

**Action Office:** OA  
**Report Title:** EPA Needs an Agency-Wide Plan to Provide Tribal Solid Waste Management Capacity Assistance  
**Report No.:** 11-P-0171  
**Date Issued:** 03/21/2011

## Recommendations

**Recommendation 1:** We recommend that the Deputy Administrator develop and implement an agency-wide plan for providing consistent and effective tribal solid waste management capacity assistance that is within the scope of EPA's authority and responsibility.

**Planned Corrective Action:** The EPA will develop an agency-wide plan for providing consistent and effective tribal solid waste management capacity assistance.

**Agreed-to Completion Date:** April 30, 2012 (corrective action will be considered past due as of April 30, 2013)

**Recommendation 2:** We recommend that the Deputy Administrator require the agency-specific plan include:

- a. Descriptions of the roles and responsibilities for the EPA program offices and EPA regions conducting solid waste management capacity assistance activities in Indian country;
- b. Identification of the agency resources required for providing solid waste management assistance activities;
- c. Performance measures, including both output and outcome measures, to track whether its assistance is consistent and effective in developing solid waste management capacity and reducing risks from open dumps in Indian country;
- d. Internal controls to ensure consistent data collection and consistent provision of waste management capacity assistance to tribal clients nationwide;
- e. A process to ensure coordination between the EPA program offices and regions; and
- f. A timeline specifying when the activities and outcomes outlined in the plan are expected to be accomplished.

**Planned Corrective Action:** The agency-wide plan will include:

1. A detailed description of the roles and responsibilities for each headquarters program office, as well as the regional counterparts to each program office.
2. Resource information for each headquarters program office and their regional counterparts, which will include both staffing and funding information.
3. Propose new performance measures for consideration in the EPA's next strategic plan. The EPA intends to focus on outcome oriented measures and ensure that internal controls are a significant factor in selecting new proposed measures. The EPA will also attempt to align the proposed measures with the Tribal Decision Maker's Guide and the Guidebook for Building Tribal Environmental Capacity (currently in draft form).

4. Specific procedural requirements for open dump assessment, and the associated data collection and data entry. The EPA is also clarifying the definition of an open dump that supports the performance measure. In addition, the EPA will ensure that consistent technical information is available to the EPA's staff and tribal program managers by evaluating all of the EPA's information products relating to tribal solid waste management programs, and then making commensurate revisions to the EPA's Web pages.
5. An assessment of all the existing coordination activities. The EPA's strategic plan will propose instituting specific coordination procedures, including when and how program offices and regions should raise issues for the appropriate input and direction.
6. Specific timeline for all outstanding activities.

**Agreed-to Completion Date:** April 30, 2012 (corrective action will be considered past due as of April 30, 2013)

**Action Office:** OARM  
**Report Title:** EPA Needs Better Agency-Wide Controls Over Staff Resources  
**Report No.:** 11-P-0136  
**Date Issued:** 02/22/2011

## Recommendation

**Recommendation 1:** We recommend that the Assistant Administrator for Administration and Resources Management establish an agency-wide workforce program that includes controls to ensure regular reviews of positions for efficiency, effectiveness, and mission accomplishment.

**Planned Corrective Action 4:** OARM will submit the directive for final approval.

**Agreed-to Completion Date:** September 15, 2012 (corrective action will be considered past due as of September 15, 2013)

**Planned Corrective Action 5:** OARM will issue the position management directive.

**Agreed-to Completion Date:** September 30, 2012 (corrective action will be considered past due as of September 30, 2013)



**Action Office:** OCFO  
**Report Title:** EPA Needs to Strengthen Internal Controls for Determining Workforce Levels  
**Report No.:** 11-P-0031  
**Date Issued:** 12/20/2010

## Recommendations

**Recommendation 2-1:** We recommend that the Chief Financial Officer amend the Resource Management Directive 2520 and the annual planning and budget memoranda to require using workload analysis to help determine employment levels needed to accomplish agency goals.

**Planned Corrective Action:** OCFO will amend Resource Management Directive 2520 to fully describe workload-planning needs.

**Agreed-to Completion Date:** September 30, 2012 (corrective action will be considered past due as of September 30, 2013)

**Recommendation 2-2:** We recommend that the Chief Financial Officer require the agency to complete a workload analysis for all critical functions to coincide with developing the strategic plan.

**Planned Corrective Action 8:** OCFO will update the OIG on next steps and major milestones.

**Agreed-to Completion Date:** September 30, 2012 (corrective action will be considered past due as of September 30, 2013)

**Action Office:** OECA  
**Report Title:** ECHO Data Quality Audit—Phase II Results: EPA Could Achieve Data Quality Rate with Additional Improvements  
**Report No.:** 10-P-0230  
**Date Issued:** 09/22/2010

## Recommendation

**Recommendation 5:** We recommend that the Director, Office of Compliance, within the Office of Enforcement and Compliance Assurance, complete new rules that require states to report minor facility data.

**Planned Corrective Action:** OECA will publish the final NPDES Electronic Reporting Rule in the *Federal Register*.

**Agreed-to Completion Date:** September 30, 2012 (corrective action will be considered past due as of September 30, 2013)

**Action Office:** OECA and OW  
**Report Title:** EPA Should Revise Outdated or Inconsistent EPA-State Clean Water Act Memoranda of Agreement  
**Report No.:** 10-P-0224  
**Date Issued:** 09/14/2010

## Recommendation

**Recommendation 2-2:** We recommend that the Deputy Administrator develop a systematic approach to identify which states have outdated or inconsistent memoranda of agreement; renegotiate and update those memoranda of agreement using the memorandum of agreement template; and secure the active involvement and final, documented concurrence of headquarters to ensure national consistency.

**Planned Corrective Action:** Using the tracking system, OECA and OW agreed to verify that memoranda of agreement identified during the first 4-year round of integrated permitting and enforcement reviews are updated.

**Agreed-to Completion Date:** September 30, 2017

**Action Office:** OARM, OCFO and OEI  
**Report Title:** EPA Revised Hiring Process Needs Additional Improvements  
**Report No.:** 10-P-0177  
**Date Issued:** 08/09/2010

## Recommendations

**Recommendation 2-1:** We recommend that the Assistant Administrator for Administration and Resources Management, Chief Financial Officer, and Assistant Administrator for Environmental Information to determine the scope of services to be provided under a human resources line-of-business provider contract. Among the services considered should be an automated workflow process, a tracking system with responsive in-process metrics that will be provided to the EPA, and a system to develop and catalog position descriptions.

**Recommendation 2-2:** We recommend that the Assistant Administrator for Administration and Resources Management, Chief Financial Officer, and Assistant Administrator for Environmental Information to select a line-of-business provider and develop a plan to migrate.

**Planned Corrective Actions:** OARM, OCFO, and OEI agreed to develop the scope of services to be provided under a human resources line-of-business provider contract, and present this business case to OPM. They will make a decision on the proposed human resources line-of-business provider. In addition, they will tentatively plan to deploy system and train user community, contingent upon a decision and a mutually approved project schedule with the selected human resources line-of-business provider. (These corrective actions apply to recommendations 2-1 and 2-2.)

**Agreed-to Completion Date:** September 30, 2013

**Recommendation 3-1:** We recommended that the Assistant Administrator for Administration and Resources Management help the assistant administrators and regional administrators develop and use standard position descriptions where practicable. These position descriptions should be included in the electronic position description library and made available to all offices.

**Planned Corrective Action:** OARM is undergoing efforts to develop standard position descriptions. A workgroup was established to begin these efforts. The workgroup has established a plan that calls for standardized position descriptions to be developed for the top ten most frequent positions starting in fourth quarter of FY 2010. Under this approach, the workgroup plans to standardize approximately 15 positions every quarter until complete.

**Agreed-to Completion Date:** September 30, 2013

**Action Office:** ORD  
**Report Title:** EPA's Office of Research and Development Performance Measures Need Improvement  
**Report No.:** 10-P-0176  
**Date Issued:** 08/04/2010

## Recommendations

**Recommendation 2-5:** We recommend that the Assistant Administrator for Research and Development require that the Board of Scientific Counselors program review reports include an explicit discussion of the reliability and suitability of the performance data that ORD provided to BOSC for each charge question and factor considered.

**Planned Corrective Actions:** ORD planned to revise the BOSC Program Review Report Guidance document by June 2011 to include an explicit discussion of the reliability and suitability of the performance data for each charge question and factor considered. ORD prefers to implement recommendations 2-5, 2-6, and 2-7 concurrently, since they all require revisions to the BOSC Program Review Report Guidance. There will be no BOSC program reviews before June 2011 due to the restructured research programs.

**Agreed-to Completion Date:** August 31, 2012 (corrective action will be considered as past due as of August 31, 2013)

**Recommendation 2-6:** We recommend that the Assistant Administrator for Research and Development revise ORD's guidance to BOSC for long-term goal ratings to ensure that all aspects of the summary assessment charge questions are clearly linked to the qualitative ratings definitions.

**Planned Corrective Actions:** ORD will examine how to improve the BOSC program evaluation process. ORD will review the long-term-goal rating guidance provided to the BOSC and, to the extent appropriate, will more clearly link charge questions to the qualitative rating definitions.

**Agreed-to Completion Date:** August 31, 2012 (corrective action will be considered as past due as of August 31, 2013)

**Recommendation 2-7:** We recommend that the Assistant Administrator for Research and Development supplement the current general long-term goal ratings definitions with program-specific milestones, and benchmarks for success, that are linked to elements in the long-term goal ratings definitions.

**Planned Corrective Action:** ORD, in reviewing the BOSC process, will supplement the current long-term goal rating definitions to the extent appropriate, with guidance that includes milestones and benchmarks for success.

**Agreed-to Completion Date:** August 31, 2012 (corrective action will be considered as past due as of August 31, 2013)

**Action Office:** OAR  
**Report Title:** Key Activities in EPA's Integrated Urban Air Toxics Strategy Remain Unimplemented  
**Report No.:** 10-P-0154  
**Date Issued:** 06/23/2010

## Recommendations

**Recommendation 2-1:** We recommend that the Assistant Administrator for Air and Radiation develop and submit the required second Urban Air Toxics Report to Congress by the end of FY 2010. This report should:

- a. Disclose the current status and progress made in meeting Section 112(k) of the Clean Air Act;
- b. Identify the urban areas that continue to experience high or unacceptable health risks from cancer and noncancer effects, and how the EPA plans to reduce risks in these areas;
- c. Address the major factors that have hindered implementation of the Integrated Urban Air Toxics Strategy, and how the EPA plans to address these factors;
- d. Provide details on how the agency intends to meet the Clean Air Act Section 112(k) requirement that at least 10 percent of Section 112 funds to go to state or local agencies to support strategies to address air toxics emissions from area sources; and
- e. Disclose air toxics requirements that the agency is unable to meet through its current authorities.

**Planned Corrective Actions:** OAR planned to develop and submit the required second Urban Air Toxics Report to Congress by the end of FY 2010. This report should address items a through e above.

**Agreed-to Completion Date:** June 30, 2012 (corrective action will be considered past due as of June 30, 2013)

**Recommendation 2-2:** We recommend that the Assistant Administrator for Air and Radiation determine how the agency will measure progress in meeting the goals of the strategy. If the Assistant Administrator determines that the development and maintenance of a 1990 or similar baseline is not cost effective, the EPA should develop and inform Congress of the agency's alternative measures for assessing its progress in meeting the intent of the statutory goals.

**Planned Corrective Actions:** OAR will review current measures and available data to determine an appropriate progress measure.

**Agreed-to Completion Date:** June 30, 2012 (corrective action will be considered past due as of June 30, 2013)

**Action Office:** OW  
**Report Title:** EPA Needs Procedures to Address Delayed Earmark Projects  
**Report No.:** 10-P-0081  
**Date Issued:** 03/22/2010

## Recommendations

**Recommendation 2-1:** We recommend that the Assistant Administrator for Water, in consultation with the Chief Financial Officer, establish a national policy that creates a response framework for dealing with unobligated earmarks.

**Recommendation 3-1:** We recommend that the Assistant Administrator for Water, in consultation with the Chief Financial Officer, establish a national policy that clearly identifies corrective actions for delayed projects.

**Recommendation 3-2:** We recommend that the Assistant Administrator for Water, in consultation with the Chief Financial Officer, create an exception reporting procedure for delayed projects to focus management attention on such cases.

**Planned Corrective Action 7:** The agency plans to issue a report describing management plan's impact. (These corrective actions apply to recommendations 2-1, 3-1 and 3-2.)

**Agreed-to Completion Date:** October 30, 2012 (corrective action will be considered past due as of October 30, 2013)

**Action Office:** OCSPP  
**Report Title:** EPA Needs a Coordinated Plan to Oversee Its Toxic Substances Control Act Responsibilities  
**Report No.:** 10-P-0066  
**Date Issued:** 02/17/2010

## Recommendation

**Recommendation 2-4:** We recommend that the Assistant Administrator for Chemical Safety and Pollution Prevention establish criteria and procedures outlining what chemicals or classes of chemicals will undergo risk assessments for low-level and cumulative exposure. Periodically update and revise risk assessment tools and models with latest research and technology developments.

**Planned Corrective Action 2:** OCSPP agreed to initiate cumulative assessments of eight phthalates and the EPA intends to lay the groundwork to consider initiating rulemaking under Toxic Substances Control Act section 6(a) to regulate the eight phthalates. In preparation for the rulemaking, the EPA intends, in cooperation with the U.S. Consumer Product Safety Commission and the U.S. Food and Drug Administration, to continue to work to fully assess the use, exposure and substitutes for these chemicals. In its further review, the EPA plans to consider the future results of the cumulative assessment that will be developed by the Consumer Product Safety Commission. Further specific actions for the EPA will be determined based on the results of Consumer Product Safety Commission's and Food and Drug Administration's work. Further specific actions for the EPA, such as the establishment of criteria and procedures for how OCSPP will, in the future, identify classes of chemicals to undergo assessments for low-level and cumulative exposure assessments, will be determined based on the results of Consumer Product Safety Commission's and Food and Drug Administration's work.

**Agreed-to Completion Date:** December 31, 2012 (corrective action will be considered past due as of December 31, 2013)

**Planned Corrective Action 3:** OCSPP is an active participant in an agency-wide introspective analysis of risk assessment practices that brings agency risk assessors and risk managers together to work toward advancing human health risk assessment focusing on selected recommendations presented in the National Research Council reports: *Science and Decisions: Advancing Risk Assessment*; *Phthalates and Cumulative Risk: The Tasks Ahead*; and *Toxicity Testing in the 21st Century: A Vision and A Strategy*. The EPA plans to issue agency guidance for the conduct of cumulative exposure assessments and OCSPP's implementation is dependent on the agency issuing the guidance.

**Agreed-to Completion Date:** February 28, 2013 (corrective action will be considered past due as of February 28, 2014)



**Action Office:** OSWER  
**Report Title:** Lack of Final Guidance on Vapor Intrusion Impedes Efforts to Address Indoor Air Risks  
**Report No.:** 10-P-0042  
**Date Issued:** 12/14/2009

## Recommendations

**Recommendation 2:** We recommend the Assistant Administrator for Solid Waste and Emergency Response issue final vapor intrusion guidance(s) that incorporates information on:

- a. Updated toxicity values.
- b. A recommendation(s) to use multiple lines of evidence in evaluating and making decisions about risks from vapor intrusion.
- c. How risks from petroleum hydrocarbon vapors should be addressed.
- d. How the guidance applies to Superfund Five-Year Reviews.
- e. When or whether preemptive mitigation is appropriate.
- f. Operations and maintenance, the termination of the systems, and when institutional controls and deed restrictions are appropriate.

**Planned Corrective Actions:** OSWER will issue final guidance(s) on vapor intrusion to seek public comment prior to initiating OMB-led interagency review.

**Agreed-to Completion Date:** November 30, 2012 (corrective actions will be considered past due as of November 30, 2013)

**Recommendation 3:** We recommend the Assistant Administrator for Solid Waste and Emergency Response train the EPA and state staff and managers and other parties on the newly updated, revised, and finalized guidance document(s).

**Planned Corrective Actions:** OSWER will develop training materials and train the EPA and state staff and managers on the finalized guidance document(s).

**Agreed-to Completion Date:** May 31, 2013

**Action Office:** OECA  
**Report Title:** EPA Oversight and Policy for High Priority Violations of Clean Air Act Need Improvement  
**Report No.:** 10-P-0007  
**Date Issued:** 10/14/2009

## Recommendations

**Recommendation 1:** We recommend that the Assistant Administrator for Enforcement and Compliance Assurance direct the EPA regions to comply with the High Priority Violation policy, and monitor and report on regions' compliance.

**Recommendation 3:** We recommend that the Assistant Administrator for Enforcement and Compliance Assurance implement proper management controls over HPV by (1) following the watch list standard operating procedures, including generating trend reports and conducting national annual reviews; and (2) ensuring that Air Facility System data is accurate by documenting data inaccuracies and their disposition in regular meeting notes.

**Planned Corrective Action:** OECA will issue the HPV Identification Report. (This corrective action applies to recommendations 1 and 3.)

**Agreed-to Completion Date:** October 1, 2012 (corrective action will be considered past due as of October 1, 2013)

**Recommendation 2:** We recommend that the Assistant Administrator for Enforcement and Compliance Assurance revise the HPV policy to (1) require specific oversight steps and remedies for HPVs that are unaddressed after 270 days, including taking over selected state HPV cases that have not been addressed in a timely manner, especially cases in states that have no administrative process; and (2) include a section detailing the roles and responsibilities of the EPA headquarters and regions, the states, and local agencies.

**Planned Corrective Actions:** OECA plans to revise the HPV policy and will include in its revisions specific oversight steps and remedies for HPVs unaddressed in a timely manner, and a detailed description of the roles and responsibilities of EPA headquarters, regions, states, and local agencies in HPV cases. OECA intends to factor in OIG's findings from its October 14, 2009 final report into its revisions to the HPV policy.

**Agreed-to Completion Date:** September 1, 2012 (corrective action will be considered past due as of September 1, 2013)

**Action Office:** OARM  
**Report Title:** Review of Hotline Complaint on Employee Granted Full-Time Work-at-Home Privilege  
**Report No.:** 10-P-0002  
**Date Issued:** 10/07/2009

## Recommendation

**Recommendation 2b:** We recommend that the Assistant Administrator for Administration and Resources Management identify and review all existing arrangements of full-time work-at-duty-station separate from the position of record, including the situation that was the subject of this review, and bring each of these arrangements into compliance with implemented the EPA's policy.

**Planned Corrective Action 1:** The EPA headquarters program and regional offices review current arrangements (6 months from approval date of policy).

**Agreed-to Completion Date:** June 30, 2013

**Planned Corrective Action 2:** Bring any arrangements into alignment with the policy by obtaining approval through the new policy's request process or terminate the existing arrangement. (Note: the 6 months to review current arrangements is included within the 1-year for final resolution.)

**Agreed-to Completion Date:** December 31, 2013

**Action Office:** OW  
**Report Title:** EPA Needs to Accelerate Adoption of Numeric Nutrient Water Quality Standards  
**Report No.:** 09-P-0223  
**Date Issued:** 08/26/2009

## Recommendations

**Recommendation 2-3:** We recommend that the Assistant Administrator for Water establish the EPA and state accountability for meeting milestones for adopting numeric nutrient water quality standards for those waters in the rest of the nation that require them. The EPA should do this by:

- a. Requiring states to develop milestones based on resources available.
- b. Reviewing those milestones and approving them as appropriate.

**Recommendation 2-4:** We recommend that the Assistant Administrator for Water establish metrics to gauge the actual progress made by the states in adopting numeric nutrient water quality standards.

**Recommendation 2-5:** We recommend that the Assistant Administrator for Water ensure that the regions annually validate the Water Quality Standards Action Tracking Application data.

**Planned Corrective Actions:** OW will publish and make available on the EPA's nutrient criteria website a state status review report showing a cross walk between milestones and program activity measures. Once completed, OW will continue to do this every 2 years. (This corrective action applies to recommendations 2-3, 2-4 and 2-5.)

**Agreed-to Completion Date:** December 31, 2012 (corrective actions will be considered past due as of December 31, 2013) and every 2 years thereafter

**Action Office:** OSWER  
**Report Title:** EPA Should Continue Efforts to Reduce Unliquidated Obligations in Brownfields Pilot Grants  
**Report No.:** 08-P-0265  
**Date Issued:** 09/16/2008

## Recommendation

**Recommendation 3:** We recommend that the Assistant Administrator for the Office of Solid Waste and Emergency Response follow up to ensure that the regions deobligate the remaining funds for the 21 grants that have ended or are scheduled to end by September 30, 2008.

**Planned Corrective Actions:** OSWER will ensure that the region deobligates the remaining funds for the Jacksonville, Florida grant once clean up is completed and the grant ends.

**Agreed-to Completion Date:** December 31, 2012 (corrective actions will be considered past due as of December 31, 2013)

**Action Office:** Region 9  
**Report Title:** Making Better Use of Stringfellow Superfund Special Accounts  
**Report No.:** 08-P-0196  
**Date Issued:** 07/09/2008

## Recommendation

**Recommendation 2:** We recommend that the Region 9 Administrator reclassify or transfer to the Trust Fund, as appropriate, up to \$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 FY 2010, when the record of decision is signed and the final settlement is achieved.

**Planned Corrective Actions:** Region 9 will reclassify or transfer to the EPA Hazardous Substance Superfund Trust Fund, as appropriate, up to \$27.8 million of the Stringfellow special accounts in annual reviews, and at other milestones, when the record of decision is signed and the final settlement is achieved.

**Agreed-to Completion Date:** December 31, 2012 (corrective actions will be considered past due as of December 31, 2013)

**Action Office:** OITA  
**Report Title:** Framework for Developing Tribal Capacity Needed in the Indian General Assistance Program  
**Report No.:** 08-P-0083  
**Date Issued:** 02/19/2008

## Recommendations

**Recommendation 2-1:** We recommend that Assistant Administrator for International and Tribal Affairs require the American Indian Environmental Office to develop and implement an overall framework for achieving capacity, including valid performance measures for each type of tribal entity, and provide assistance to the regions for incorporating the framework into the Indian General Assistance Program work plans.

**Planned Corrective Action:** OITA will revise the 2000 Indian General Assistance Program guidelines to comport with the framework.

**Agreed-to Completion Date:** May 31, 2013

**Recommendation 2-2:** We recommend that Assistant Administrator for International and Tribal Affairs require regions to:

- a. Negotiate with tribes to develop environmental plans that reflect intermediate and long-term goals;
- b. Link those plans to annual Indian General Assistance Program work plans; and
- c. Measure tribal progress in meeting plans and goals.

**Planned Corrective Action:** OITA will work with the EPA and tribal stakeholders to develop a comprehensive guide for tribes to use in developing environmental management capacity.

**Agreed-to Completion Date:** May 31, 2013

**Recommendation 3-1:** We recommend that Assistant Administrator for International and Tribal Affairs revise how Indian General Assistance Program funding is distributed to tribes in order to place more emphasis on tribes' prior progress, environmental capacity needs, and long-term goals.

**Planned Corrective Action:** OITA will institute provisions of revised Indian General Assistance Program Guidance as a basis for program activities and award decisions.

**Agreed-to Completion Date:** May 31, 2013

**Action Office:** Region 2  
**Report Title:** Environmental Justice Concerns and Communication Problems Complicated  
Cleaning Up Ringwood Mines/Landfill Site  
**Report No.:** 2007-P-00016  
**Date Issued:** 04/02/2007

## Recommendation

**Recommendation 2-1:** We recommend that the Regional Administrator, Region 2, address the Ringwood community's perception of unfair treatment and concerns regarding completely cleaning up the site by directing his staff to ensure that the new record of decision includes a detailed comparison of current and prior site investigations and cleanups.

**Planned Corrective Actions:** Region 2 will prepare a record of decision that will discuss all prior investigation and cleanup action implemented at the site, and provide a comparison of the current and prior investigations and cleanup actions.

**Agreed-to Completion Date:** June 30, 2012 (corrective actions will be considered past due as of June 30, 2013)



**Action Office:** OEI  
**Report Title:** EPA Could Improve Controls over Mainframe System Software  
**Report No.:** 2007-P-00008  
**Date Issued:** 01/29/2007

## Recommendation

**Recommendation 9:** We recommend that the Director, Office of Technology Operations and Planning, complete efforts to update the *Office of Environmental Information (OEI) Information Security Manual* and the *EPA Information Security Manual*. Subsequent to finalizing the changes, ensure the manuals are (1) reviewed timely by the EPA's management for adequacy, accuracy, and completeness; and (2) approved by the EPA's management in a timely manner.

**Planned Corrective Action:** The Office of Technology Operations will update the OEI Security Manual when the agency Network Security Policy is signed and approved.

**Agreed-to Completion Date:** March 30, 2013 (corrective action will be considered past due as of March 30, 2014)

**Action Office:** OSWER  
**Report Title:** EPA Needs to Plan and Complete a Toxicity Assessment for the Libby Asbestos Cleanup  
**Report No.:** 2007-P-00002  
**Date Issued:** 12/05/2006

## Recommendation

**Recommendation 1:** We recommend that the EPA fund and execute a comprehensive amphibole asbestos toxicity assessment to determine (1) the effectiveness of the Libby removal actions, and (2) to determine whether more actions are necessary. The toxicity assessment should include the effects of asbestos exposure on children. The EPA Science Advisory Board should review the toxicity assessment and report to the Office of the Administrator and the Libby Community Advisory Group whether the proposed toxicity assessment can sufficiently protect human health.

**Planned Corrective Action 1:** OSWER will complete the baseline risk assessment including a comprehensive toxicity assessment.

**Agreed-to Completion Date:** September 30, 2012 (corrective actions will be considered past due as of September 30, 2013)

**Planned Corrective Action 2:** OSWER will complete the National Health and Environmental Effects Research Laboratory animal toxicity studies.

**Agreed-to Completion Date:** September 30, 2015

**Action Office:** OECA  
**Report Title:** Limited Knowledge of the Universe of Regulated Entities Impedes EPA's Ability to Demonstrate Changes in Regulatory Compliance  
**Report No.:** 2005-P-00024  
**Date Issued:** 09/19/2005

## Recommendation

**Recommendation 2-4:** We recommend that the Assistant Administrator for Enforcement and Compliance Assurance develop an objective of having the most up-to-date and reliable data on all entities that fall under its regulatory responsibility. OECA should adopt the goals of requiring states to track, record, and report data for entities over which the states have regulatory responsibility. To achieve this goal, OECA should develop a multi-state, multi-program pilot program of collecting data that states track, record, verify, and report.

**Planned Corrective Action:** OECA agreed to initiate rulemaking to require the data.

**Agreed-to Completion Date:** September 30, 2012 (corrective action will be considered past due as of September 30, 2013)

**Action Office:** OAR  
**Report Title:** Substantial Changes Needed in Implementation and Oversight of Title V Permits If Program Goals Are To Be Fully Realized  
**Report No:** 2005-P-00010  
**Date Issued:** 03/09/2005

## Recommendation

**Recommendation 2-2:** We recommend that Assistant Administrator for Air and Radiation issue the draft rule regarding intermittent versus continuous monitoring as it relates to annual compliance certifications and including credible evidence.

**Planned Corrective Actions:** OAR will issue a rule regarding credible evidence. A typical rule takes 24 months.

**Agreed-to Completion Date:** October 31, 2012 (corrective action will be considered past due as of October 31, 2013)

**Action Office:** OECA  
**Report Title:** Water Enforcement: State Enforcement of Clean Water Act Discharges Can Be More Effective  
**Report No.:** 2001-P-00013  
**Date Issued:** 08/14/2001

## Recommendations

**Recommendation 3-1:** We recommend that the Assistant Administrator for Enforcement and Compliance Assurance make modernizing the Permit Compliance System a high priority. Further, ensure that future systems: (a) require electronic submission and evaluation of self-monitoring reports for all dischargers, including minor facilities and storm water; and (b) track storm water permits, inspections, compliance rates, and enforcement actions.

**Planned Corrective Action:** OECA has initiated rulemaking to require the data.

**Agreed-to Completion Date:** September 30, 2012 (corrective action will be considered past due as of September 30, 2013)

**Recommendation 3-2:** We recommend that the Assistant Administrator for Enforcement and Compliance Assurance accelerate the development of the Interim Data Exchange Format for the Permit Compliance System. Also, before proceeding further into design and development, work with the Office of Water to ensure there is an up-to-date policy statement for water system criteria.

**Planned Corrective Action:** OECA will initiate rulemaking to require data submission.

**Agreed-to Completion Date:** September 30, 2012 (corrective action will be considered past due as of September 30, 2013)

**Recommendation 3-4:** We recommended that the Assistant Administrator for Enforcement and Compliance Assurance continue to report the Permit Compliance System as an agency-level weakness until the modernization project is implemented and the system data is reasonably accurate and complete.

**Planned Corrective Action:** OECA will continue to report the Permit Compliance System as an agency-level weakness until the modernization project is implemented and the system data is accurate and complete.

**Agreed-to Completion Date:** December 31, 2013

## Part Three: Unimplemented CSB Recommendations With Past Due Completion Dates

**Report Title:** U.S. Chemical Safety and Hazard Investigation Board Did Not Take Effective Corrective Actions on Prior Audit Recommendations  
**Report No.:** 11-P-0115  
**Date Issued:** 02/15/11

### Report Summary

The U.S. Chemical Safety and Hazard Investigation Board did not take timely corrective actions to address a total of 34 audit recommendations from three OIGs and from the U.S. Government Accountability Office. In four instances, it took CSB 4 years beyond the agreed-upon corrective actions date (or report date) to implement corrective actions. The CSB's actions to address 13 recommendations were not completely effective and require additional corrective actions, while seven additional recommendations are not yet completed.

The CSB has not established and implemented a management control program to evaluate and report on the effectiveness of controls related to its program operations. The CSB's control environment and control activities do not ensure accountability. Specifically, the CSB's office directors are not accountable for achieving individual and program initiatives leading to chemical accident prevention. Effective control activities, including board orders, have not been developed and implemented. In addition, without a clearly defined statutory mandate, the CSB will face difficulties in developing outcome-related goals for measuring its impact on chemical accident prevention. Without effective controls, the CSB is not timely in carrying out initiatives to achieve the board's goal of chemical accident prevention.

On September 16, 2010, the CSB announced an internal reorganization, appointing a managing director who will oversee all aspects of the CSB operations. A managing director who ensures accountability should provide for more timely and effective resolution of audit recommendations.

### Unimplemented Recommendations

**Recommendation 1:** We recommend that the Chairman, U.S. Chemical Safety and Hazard Investigation Board, develop and implement a management control plan that documents and addresses the five internal control standards in accordance with OMB Circular A-123 and GAO's *Standards for Internal Controls in the Federal Government*. The plan should include an effective monitoring system to track corrective actions to address and implement audit recommendations. The plan is to include:

- a. A database to track all prior audit recommendations, planned milestone completion dates, and corrective actions taken.

- b. Procedures for conducting periodic internal control reviews and properly documenting those reviews, including verifying and ensuring that audit recommendations are resolved promptly.

**Status:** The CSB agreed to develop a management control plan as an initiative in its fiscal year 2011 action. The CSB is developing a management control plan with references to appropriate OMB circulars. The plan will direct periodic review of all board orders. The CSB expects to complete the plan by April 30, 2013. The agreed-to completion date for this corrective action was February 28, 2011.

**Recommendation 2:** We recommend that the Chairman, U.S. Chemical Safety and Hazard Investigation Board, develop and publish a regulation requiring persons to report chemical accidents, as required by the Clean Air Act.

**Status:** The CSB agreed to issue a proposed rule on accident reporting as an initiative in its FY 2011 action plan. After further considering this issue, the CSB believes that it receives adequate incident notifications through constant media and Internet searches, as well as existing federal sources such as the National Response Center. The CSB's ability to consider rulemaking and program development in this area has been further impacted by congressional budget cuts and sequestration, which effectively prevent any hiring that would be needed for a regulatory reporting program. The CSB has developed two written questionnaires that are being sent to companies that have incidents, on a discretionary basis. The CSB does not have any further action planned. The agreed-to completion date for this corrective action was September 30, 2011.

**Recommendation 3:** We recommend that the Chairman, U.S. Chemical Safety and Hazard Investigation Board, follow up with Congress on the CSB's request for clarification of its statutory mandate. Upon receipt of the response, develop a plan to describe and address the investigative gap, address prior audit recommendations, and request the necessary resources to meet the CSB's statutory mandate.

**Status:** The CSB agreed to transmit a formal package of suggested legislative improvements to the CSB's congressional authorizing committee as an initiative in its FY 2011 action plan. The package will include suggested language to clarify the statutory mandate to investigate. The CSB noted that it is not in a position to guarantee a congressional response as indicated in our recommendation. The CSB now believes this recommendation should be closed since the CSB raised the statutory issue with Congress by letter in November 2009. In addition, the letter from then-Chairman Bresland stated, "Pending any further direction from Congress, the CSB will continue to adhere to its interpretation of its statutory authority and mandate." In the event that Congress opts to consider reauthorization of the CSB, the CSB will remind Congress of this wording concern of the OIG. The CSB does not have any further action planned. The agreed-to completion date for this corrective action was April 30, 2011.

**Recommendation 5:** We recommend that the Chairman, U.S. Chemical Safety and Hazard Investigation Board, develop and implement a system for periodic reviews of board orders to ensure they remain updated (i.e., effective date of the policy and scheduled review date) and include the requirement for such a system in the management control plan.

***Status:*** The CSB agreed to develop a system for periodic reviews of board orders and include the requirement for such a review in the management control plan. As indicated in recommendation 1, CSB expects to complete the plan by April 30, 2013. The agreed-to completion date for this corrective action was February 28, 2011.

**Recommendation 6:** We recommend that the Chairman, U.S. Chemical Safety and Hazard Investigation Board, take corrective actions that will satisfy prior audit recommendations by updating and formalizing board orders that are essential to facilitate and manage effective and efficient control activities. Specifically, update:

- a. Board Order 036, “Incident Selection Process,” to reflect current changes, such as its data sources, changes due to technology improvements, and the incident selection process decision-making flowchart, to improve the incident screening and deployment decision-making process. In addition, formalize the Incident Screeners Guide (appendix A, audit recommendation 17, 18, 19, 20, and 31).
- b. Board Order 040, “Investigation Protocol,” to govern employees retaining memberships in societies or organizations to which the CSB issues recommendations (appendix A, audit recommendation 21).
- c. Board Order 027, “Roles, Responsibilities, and Standards of Conduct in Procurement Activities,” to reflect current procurement practices and processes to ensure consistency in the procurement process (appendix A, audit recommendation 7).
- d. Board Order 022, “Recommendation Program,” to include new practices adopted for following up on safety recommendations, to include a quality review program to ensure timely follow-up on closed safety recommendations (appendix A, audit recommendations 12 and 15).
- e. Board Order 028, “Executive Administrative Functions of the Board,” to document the role and responsibility of the managing director position.

***Status:*** The CSB indicated its intention to satisfy prior audit recommendations by updating and formalizing Board Orders that are essential to facilitate and manage effective and efficient control activities. Specifically, for each of the sub-recommendations:

- a. The CSB has completed the corrective actions.
- b. The CSB has completed the corrective actions.
- c. For those board orders that refer to positions that no longer exist (e.g., chief operating officer), the CSB general counsel has concluded that the delegated position authority references the equivalent position (e.g., managing director). In those instances in which no equivalent position exists, authority is reposed in the next higher ranking official with decision-making authority. In those rare instances in which no equivalent position can be determined, the administrative authority will revert to the chair or the



board, as appropriate. The CSB plans to complete these actions by April 1, 2013. The agreed-to completion date was March 31, 2011.

- d. The CSB agreed to consider including a quality review program to ensure timely follow-up on safety recommendations in Board Order 022. The CSB will also update the Recommendations Office “Standards of Practice” document and expects that the board order will contain general guidance and the Standards of Practice will include detailed procedures. The CSB staff proposed a revision of Board Order 22 to address this issue, but the board has not been able to agree on approval. The CSB will adopt pertinent changes through a management directive. The CSB plans to complete these actions by May 31, 2013. The agreed-to completion date was September 30, 2011.
- e. The CSB agreed to review Board Order 028, and update it as appropriate to reflect the role and responsibility of the managing director position by September 20, 2011. The CSB determined, as of February 14, 2012, after review of Board Order 028, that it is not appropriate to document the role and the responsibilities of the managing director in this board order. The purpose of the board order is to establish the manner in which the board exercises its executive and administrative functions through the position of the chairperson. The managing director is a staff position for which roles and responsibilities is no longer applicable. The OIG, however, still considers the recommendation to be open.

## Part Four: Unimplemented CSB Recommendations With Future Planned Completion Dates

**Report Title:** U.S. Chemical Safety and Hazard Investigation Board Should Improve Its Recommendations Process to Further Its Goal of Chemical Accident Prevention  
**Report No.:** 12-P-0724  
**Date Issued:** 08/22/12

### Recommendations

**Recommendation 1:** We recommend that the Chairperson, U.S. Chemical and Hazard Safety Investigation Board, update board orders to ensure that the CSB achieves its mission of chemical accident prevention through improved recommendations processes, to include:

- a. Board Order 022, *CSB Recommendation Program*,
  - i. To establish and implement data quality reviews to verify the accuracy, completeness, and reliability of recommendations data entered in TRIM (Total Records and Information Management), such as error checks and inclusion of required supporting documentation.
  - ii. To require that the Office of Recommendations director periodically analyze and assess the recommendations process to identify potential process improvements.
- b. Board Order 001, *Board Quorum and Voting*, to establish and implement guidelines that define the length of time notation items can be calendared before a vote must be taken.
- c. Board Order 040, *Investigation Protocol*, to clearly outline roles and responsibilities of the Office of Investigations with respect to the recommendations process, including a requirement that Office of Recommendations staff participate in accident investigations, and identification of the office responsible for identifying potential recommendation recipients.

**Planned Corrective Action for 1.a:** The CSB submitted the revised Board Order 22 to the board for consideration and it was calendared by one of the members on November 1, 2012. The CSB will adopt pertinent changes through a management directive.

**Agreed-to Completion Date:** May 31, 2013

**Planned Corrective Action for 1.b:** The CSB disagrees with this recommendation and no further action is planned.

**Agreed-to Completion Date:** Unavailable

**Planned Corrective Action for 1.c:** Due to the CSB's workload to complete several investigations by the beginning of the second quarter of FY 2013, it was not able to meet the previous December 31, 2012, deadline to complete the sections of Board Order 040 related to the OIG's recommendations. The staff task force completed the section on causal analysis and it has been approved by the board. The task force from the Offices of Investigations, Recommendations, and Administration met on January 22, 2013, to create chapter work plans for Product Development and Review and Recommendations. The CSB will revise Board Order 40.

**Agreed-to Completion Date:** September 30, 2013

**Recommendation 2:** We recommend that the Chairperson, U.S. Chemical and Hazard Safety Investigation Board, make full use of TRIM's capabilities, to include:

- a. Incorporating formal scheduling components in TRIM to track the recommendations process and alert staff to impending milestones to ensure timely follow-up.
- b. Highlighting the absence of required supporting documentation.

**Planned Corrective Action:** The CSB has programmed its TRIM database to automatically prompt assigned recommendation specialist to review each open recommendation file at least once every 6 months. The "Tickler" system testing phase is complete and full implementation will follow.

**Agreed-to Completion Date:** January 31, 2013 (corrective actions will be considered past due as of January 31, 2014)

**Recommendation 3:** We recommend that the Chairperson, U.S. Chemical and Hazard Safety Investigation Board, implement a formal advocacy program to advocate for safety recommendation implementation, to include adoption of a most-wanted list of safety actions.

**Planned Corrective Action:** The CSB approved Board Order 46, Most Wanted Chemical Safety Improvements Program. Selection of the first two Most Wanted Safety Improvements is scheduled to occur during the public launching of the Most Wanted Safety Improvements Program during the first half of 2013.

**Agreed-to Completion Date:** July 31, 2013

**Report Title:** Evaluation of U.S. Chemical Safety and Hazard Investigation Board's Compliance with the Federal Information Security Management Act (Fiscal Year 2011)  
**Report No.:** 12-P-0363  
**Date Issued:** 03/21/12

## Recommendations

**Recommendation 1:** We recommend that the Chairman, U.S. Chemical Safety and Hazard Investigation Board, review and implement patches as required for network devices.

**Planned Corrective Action:** The CSB installed or completed the installation of the four missing patches identified in the scan and will continue to actively review and patch network devices.

**Planned Completion Date:** Ongoing

**Recommendation 2:** We recommend that the Chairman, U.S. Chemical Safety and Hazard Investigation Board, develop and implement standard baseline configurations for the network devices.

**Planned Corrective Action:** The CSB will develop, implement and document the standard baseline configurations.

**Planned Completion Date:** July 31, 2012 (corrective actions will be considered past due as of July 31, 2013)

## ***EPA OIG Reports With Unimplemented Recommendations by Program Office as of March 31, 2013***

### **Recommendations With Past Due Completion Dates**

#### ***OA***

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**12-P-0125** Early Warning Report: Use of Unapproved Asbestos Demolition Methods May Threaten Public Health (**Recommendations 5 and 6**)

#### ***OAR***

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**11-R-0179** EPA Needs to Better Document Project Delays for Recovery Act Diesel Emissions Reduction Act Grants (**Recommendations 3 and 5**)

**2005-P-00010** Substantial Changes Needed in Implementation and Oversight of Title V Permits If Program Goals Are To Be Fully Realized (**Recommendations 2-1 and 2-3**)

#### ***OARM***

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**12-P-0388** EPA Should Improve Controls for Managing Contractor-Held Property (**Recommendations 1 and 3**)

**12-P-0320** Polices Needed for Proper Use and Management of Cost-Reimbursement Contracts Based on Duncan Hunter Act (**Recommendation 1**)

**12-1-0073** Audit of EPA's Fiscal 2011 and 2010 Consolidated Financial Statements (**Recommendations 11 and 12**)

**11-P-0705** EPA's Contract Oversight and Controls Over Personal Computers Need Improvement (**Recommendation 2**)

**10-P-0177** EPA Revised Hiring Process Needs Additional Improvements (**Recommendation 3-2**)

**10-P-0002** Review of Hotline Complaint on Employee Granted Full-Time Work-at-Home Privilege (**Recommendations 1 and 2a**)

**09-P-0087** EPA Plans for Managing Counter Terrorism/Emergency Response Equipment and Protecting Critical Assets Not Fully Implemented (**Recommendation 4-1(b)**)

## *OCFO*

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- 11-P-0031 EPA Needs to Strengthen Internal Controls for Determining Workforce Levels  
(**Recommendation 2-2**)
- 10-1-0029 Audit of 2009 and 2008 (Restated) Consolidated Financial Statements  
(**Recommendations 27 and 32**)
- 2006-P-00013 EPA Can Better Manage Superfund Resources (**Recommendation 2-3**)

## *OCSPP*

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- 10-P-0066 EPA Needs a Coordinated Plan to Oversee Its Toxic Substances Control Act Responsibilities  
(**Recommendation 2-5**)

## *OECA*

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- 11-P-0315 Agency-Wide Application of Region 7 NPDES Program Process Improvements Could Increase  
EPA Efficiency (**Recommendation 1**)

## *OW*

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- 11-P-0001 EPA Lacks Internal Controls to Prevent Misuse of Emergency Drinking Water Facilities  
(**Recommendations 2-1, 2-2, 2-3 and 2-4**)

## **Recommendations With Future Planned Completion Dates**

### *OA*

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- 11-P-0708 EPA Progress on the 2007 Methamphetamine Remediation Research Act (**Recommendation 3**)
- 11-P-0171 EPA Needs an Agency-Wide Plan to Provide Tribal Solid Waste Management Capacity  
Assistance (**Recommendations 1 and 2**)

### *OAR*

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- 12-P-0747 EPA Could Improve the SmartWay Transport Partnership Program by Implementing a Direct Data  
Verification Process (**Recommendation 1**)
- 12-P-0417 Weaknesses in EPA's Management of the Radiation Network System Demand Attention  
(**Recommendation 8**)
- 11-P-0701 EPA Should Update Its Fees Rule to Recover More Motor Vehicle and Engine Compliance  
Program Costs (**Recommendation 1**)
- 10-P-0154 Key Activities in EPA's Integrated Urban Air Toxics Strategy Remain Unimplemented  
(**Recommendations 2-1 and 2-2**)
- 2005-P-00010 Substantial Changes Needed in Implementation and Oversight of Title V Permits If Program  
Goals Are To Be Fully Realized (**Recommendation 2-2**)

## ***OARM***

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- 12-P-0836 EPA Should Improve Management Practices and Security Controls for Its Network Directory Service System and Related Servers (**Recommendations 8 and 9**)
- 12-P-0388 EPA Should Improve Controls for Managing Contractor-Held Property (**Recommendations 1, 2, 3, 4 and 6**)
- 12-P-0320 Polices Needed for Proper Use and Management of Cost-Reimbursement Contracts Based on Duncan Hunter Act (**Recommendations 2 and 3**)
- 12-P-0311 EPA Can Improve Its Improper Payments Reporting Compendium (**Recommendation 2**)
- 12-4-0295 Agreed-Upon Procedures Applied to Equipment Rate Proposals (**Recommendation 1**)
- 12-1-0073 Audit of EPA's Fiscal 2011 and 2010 Consolidated Financial Statements (**Recommendation 9**)
- 11-P-0705 EPA's Contract Oversight and Controls Over Personal Computers Need Improvement (**Recommendation 4**)
- 11-P-0616 EPA Has Not Fully Implemented a National Emergency Equipment Tracking System (**Recommendation 3**)
- 11-P-0136 EPA Needs Better Agency-Wide Controls Over Staff Resources (**Recommendation 1**)
- 10-P-0177 EPA Revised Hiring Process Needs Additional Improvements (**Recommendations 2-1, 2-2 and 3-1**)
- 10-P-0002 Review of Hotline Complaint on Employee Granted Full-Time Work-at-Home Privilege (**Recommendation 2b**)

## ***OCFO***

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- 12-P-0311 EPA Can Improve Its Improper Payments Reporting Compendium (**Recommendation 2**)
- 11-P-0630 EPA Needs Workload Data to Better Justify Future Workforce Levels (**Recommendations 1 and 2**)
- 11-P-0223 EPA Needs to Strengthen Its Management Controls Over Its Travel Authorization Process (**Recommendations 2 and 4**)
- 11-P-0031 EPA Needs to Strengthen Internal Controls for Determining Workforce Levels (**Recommendations 2-1 and 2-2**)
- 10-P-0177 EPA Revised Hiring Process Needs Additional Improvements (**Recommendations 2-1 and 2-2**)

## ***OCSP***

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- 12-P-0600** Review of Hotline Complaint Concerning Cost and Benefit Estimates for EPA’s Lead-Based Paint Rule (**Recommendation 1**)
- 11-P-0379** EPA’s Voluntary Chemical Evaluation Program Did Not Achieve Children’s Health Protection Goals (**Recommendation 1**)
- 11-P-0215** EPA’s Endocrine Disruptor Screening Program Should Establish Management Controls to Ensure More Timely Results (**Recommendation 4**)
- 10-P-0066** EPA Needs a Coordinated Plan to Oversee Its Toxic Substances Control Act Responsibilities (**Recommendation 2-4**)

## ***OECA***

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- 12-P-0376** Early Warning Report: Use of Contractors to Conduct Clean Air Act Risk Management Program Inspections in Certain States Goes Against Court Decisions (**Recommendation 1**)
- 12-P-0113** EPA Must Improve Oversight of State Enforcement (**Recommendations 1, 2, 3, 4 and 5**)
- 10-P-0230** ECHO Data Quality Audit—Phase II Results: EPA Could Achieve Data Quality Rate With Additional Improvements (**Recommendation 5**)
- 10-P-0224** EPA Should Revise Outdated or Inconsistent EPA-State Clean Water Act Memoranda of Agreement (**Recommendation 2-2**)
- 10-P-0007** EPA Oversight and Policy for High Priority Violations of Clean Air Act Need Improvement (**Recommendations 1, 2 and 3**)
- 2005-P-00024** Limited Knowledge of the Universe of Regulated Entities Impedes EPA’s Ability to Demonstrate Changes in Regulatory Compliance (**Recommendation 2-4**)
- 2001-P-00013** Water Enforcement: State Enforcement of Clean Water Act Discharges Can Be More Effective (**Recommendations 3-1, 3-2 and 3-4**)

## ***OEI***

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- 12-P-0900** Results of Technical Network Vulnerability Assessment: EPA’s National Vehicle and Fuel Emissions Laboratory (**Recommendations 1, 2 and 3**)
- 12-P-0899** Improvements Needed in EPA’s Network Security Monitoring Program (**Recommendations 1 and 4**)
- 12-P-0879** EPA’s Office of Environmental Information Should Improve Ariel Rios and Potomac Yard Computer Room Security Controls (**Recommendations 2, 3, 4 and 5**)
- 12-P-0836** EPA Should Improve Management Practices and Security Controls for Its Network Directory Service System and Related Servers (**Recommendations 16, 17, 18 and 19**)
- 12-P-0427** Office of Environmental Information Should Strengthen Controls Over Mobile Devices (**Recommendations 1, 2 and 3**)



- 11-P-0277 EPA Has Taken Steps to Address Cyber Threats but Key Actions Remain Incomplete  
(**Recommendation 3**)
- 10-P-0177 EPA Revised Hiring Process Needs Additional Improvements (**Recommendations 2-1 and 2-2**)
- 2007-P-00008 EPA Could Improve Controls Over Mainframe Software (**Recommendation 9**)

### ***OITA***

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- 08-P-00083 Framework for Developing Tribal Capacity Needed in the Indian General Assistance Program  
(**Recommendations 2-1, 2-2 and 3-1**)

### ***ORD***

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- 12-P-0864 EPA's Review of Applications for a Water Research Grant Did Not Follow All Review  
Procedures and Lacked Transparency (**Recommendations 3 and 5**)
- 11-P-0386 Office of Research and Development Should Increase Awareness of Scientific Integrity Policies  
(**Recommendations 2b and 3**)
- 11-P-0333 Office of Research and Development Needs to Improve Its Method of Measuring Administrative  
Savings (**Recommendation 1**)
- 10-P-0176 EPA's Office of Research and Development Performance Measures Need Improvement  
(**Recommendations 2-5, 2-6 and 2-7**)

### ***OSWER***

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- 12-P-0508 EPA Inaction in Identifying Hazardous Waste Pharmaceuticals May Result in Unsafe Disposal  
(**Recommendation 3**)
- 12-P-0289 Controls Over State Underground Storage Tank Inspection Programs in EPA Regions Generally  
Effective (**Recommendation 1**)
- 12-P-0253 EPA Needs to Further Improve How It Manages Its Oil Pollution Prevention Program  
(**Recommendation 1**)
- 11-P-0708 EPA Progress on the 2007 Methamphetamine Remediation Research Act (**Recommendation 2**)
- 11-P-0706 EPA Should Clarify and Strengthen Its Waste Management Oversight Role With Respect to  
Oil Spills of National Significance (**Recommendations 1 and 3**)
- 11-P-0534 Revisions Needed to National Contingency Plan Based on Deepwater Horizon Oil Spill  
(**Recommendations 1, 2, 3, 5, 6 and 7**)
- 11-P-0173 EPA Promoted the Use of Coal Ash Products With Incomplete Risk Information  
(**Recommendation 1**)
- 10-P-0042 Lack of Final Guidance on Vapor Intrusion Impedes Efforts to Address Indoor Air Risks  
(**Recommendations 2 and 3**)
- 08-P-0265 EPA Should Continue Efforts to Reduce Unliquidated Obligations in Brownfields Pilot Grants  
(**Recommendation 3**)

2007-P-00002 EPA Needs to Plan and Complete a Toxicity Assessment for the Libby Asbestos Cleanup  
(**Recommendation 1**)

## ***OW***

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- 12-P-0453 Alleged Misuse of Tribal Clean Water Act Section 106 Funds in EPA Region 8  
(**Recommendation 1**)
- 12-P-0249 EPA Should Strengthen Records Management on Clean Water Act Section 404 Permit  
Notification Review (**Recommendations 2 and 4**)
- 10-P-0224 EPA Should Revise Outdated or Inconsistent EPA-State Clean Water Act Memoranda of  
Agreement (**Recommendation 2-2**)
- 10-P-0081 EPA Needs Procedures to Address Delayed Earmark Project  
(**Recommendations 2-1, 3-1 and 3-2**)
- 09-P-0223 EPA Needs to Accelerate Adoption of Numeric Nutrient Water Quality Standards  
(**Recommendations 2-3, 2-4 and 2-5**)

## ***Region 2***

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2007-P-00016 Environmental Justice Concerns and Communication Problems Complicated Cleaning Up  
Ringwood Mines/Landfill Site (**Recommendation 2-1**)

## ***Region 6***

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12-P-0659 Results of Technical Network Vulnerability Assessment: EPA's Region 6 (**Recommendation 6**)

## ***Region 8***

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- 12-P-0453 Alleged Misuse of Tribal Clean Water Act Section 106 Funds in EPA Region 8  
(**Recommendations 2 and 3**)
- 11-P-0430 An Overall Strategy Can Improve Communication Efforts at Asbestos Superfund Site in Libby,  
Montana (**Recommendations 2 and 3**)

## ***Region 9***

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- 11-P-0725 Region 9 Technical and Computer Room Security Vulnerabilities Increase Risk to EPA's Network  
(**Recommendations 4, 6, 8 and 10**)
- 08-P-0196 Making Better Use of Stringfellow Superfund Special Accounts (**Recommendation 2**)

## ***Region 10***

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12-P-0220 Region 10 Technical and Computer Security Vulnerabilities Increase Risk to EPA's Network  
(**Recommendations 3, 4, 5 and 7**)

## ***Unimplemented Recommendations: Current EPA Compendium (Past Due Recommendations) Compared to 10/31/12 Compendium***

### **Continuing Unimplemented Recommendations**

- 10-1-0029**      Audit of 2009 and 2008 (Restated) Consolidated Financial Statements  
(OCFO, Recommendations 27 and 32)
- 10-P-0002**      Review of Hotline Complaint on Employee Granted Full-Time Work-at-Home Privileges  
(OARM, Recommendation 2a)
- 09-P-0087**      EPA Plans for Managing Counter Terrorism/Emergency Response Equipment and Protecting  
Critical Assets Not Fully Implemented (OARM, Recommendation 4-1(b))
- 2005-P-00010**    Substantial Changes Needed in Implementation and Oversight of Title V Permits If Program  
Goals Are To Be Fully Realized (OAR, Recommendations 2-1 and 2-3)

### **New Unimplemented Recommendations**

- 12-P-0388**      EPA Should Improve Controls for Managing Contractor-Held Property  
(OARM, Recommendations 1 and 3)
- 12-P-0320**      Polices Needed for Proper Use and Management of Cost-Reimbursement Contracts Based on  
Duncan Hunter Act (OARM, Recommendation 1)
- 12-P-0125**      Early Warning Report: Use of Unapproved Asbestos Demolition Methods May Threaten Public  
Health (OA, Recommendations 5 and 6)
- 12-1-0073**      Audit of EPA's Fiscal 2011 and 2010 Consolidated Financial Statements  
(OARM, Recommendations 11 and 12)
- 11-P-0705**      EPA's Contract Oversight and Controls Over Personal Computers Need Improvement  
(OARM, Recommendation 2)
- 11-P-0315**      Agency-Wide Application of Region 7 NPDES Program Process Improvements Could Increase  
EPA Efficiency (OECA, Recommendation 1)
- 11-R-0179**      EPA Needs to Better Document Project Delays for Recovery Act Diesel Emissions Reduction Act  
Grants (OAR, Recommendations 3 and 5)
- 11-P-0031**      EPA Needs to Strengthen Internal Controls for Determining Workforce Levels  
(OCFO, Recommendation 2-2)
- 11-P-0001**      EPA Lacks Internal Controls to Prevent Misuse of Emergency Drinking Water Facilities  
(OW, Recommendations 2-1, 2-2, 2-3 and 2-4)

- 10-P-0177** EPA Revised Hiring Process Needs Additional Improvements  
(OARM, Recommendation 3-2)
- 10-P-0066** EPA Needs a Coordinated Plan to Oversee Its Toxic Substances Control Act Responsibilities  
(OCSP, Recommendation 2-5)
- 10-P-0002** Review of Hotline Complaint on Employee Granted Full-Time Work-at-Home Privileges  
(OARM, Recommendation 1)
- 2006-P-00013** EPA Can Better Manage Superfund Resources (OCFO, Recommendation 2-3)

### **Removed Unimplemented Recommendations**

*Note:* Removal of an unimplemented recommendation does not imply that it was verified as implemented but rather that it was reported as being completed.

- 09-P-0087** EPA Plans for Managing Counter Terrorism/Emergency Response Equipment and Protecting Critical Assets Not Fully Implemented (OAR, Recommendations 2-1, 2-2 and 2-3)