

# U.S. Environmental Protection Agency

## Contingency Plan for Shutdown

September 25, 2018



## EPA CONTINGENCY PLAN FOR SHUTDOWN OF THE AGENCY DUE TO A FUNDING HIATUS

1. **PURPOSE.** The U.S. Environmental Protection Agency has 134 facilities that occupy approximately 8.2 million square feet of space. EPA facilities consist of office, laboratory, and warehouse space. The largest facilities are the headquarters facilities located in the Washington, DC metropolitan area, the ten regional offices that support and manage EPA's environmental policies and programs in the states, and the two major research centers situated in Research Triangle Park, North Carolina, and Cincinnati, Ohio.

This contingency plan provides general guidelines for the orderly handling of EPA operations in the event of a funding hiatus caused by the lack of appropriations. In the event of an actual shutdown where EPA is required to implement this general guidance, supplemental government-wide guidance issued by the Office of Management and Budget, the Office of Personnel Management, and the General Services Administration also apply.

2. **AUTHORITY.** In the event of a funding hiatus due to the lack of an appropriations act or a continuing resolution, an agency may only continue those activities that are exempted or excepted.

An agency may exempt activities from the shutdown if the activities are funded with unexpired appropriations where carryover funds remain unobligated or if the activities are funded with non-appropriated funds, such as fees and payments that are available for obligation. Approved exempted activities may only continue as long as there are funds available to support the exempted activities.

An agency may incur obligations in advance of appropriations if:

- A. A statute or other legal requirement expressly authorizes an agency to obligate funds in advance of appropriations;
- B. Pursuant to 31 U.S.C. 1342, the function addresses emergency circumstances, such that the suspension of the function would imminently threaten the safety of human life or the protection of property; or
- C. The function is necessary to the discharge of the President's constitutional duties and powers.

There are also a limited number of government activities that an agency must continue, in the absence of appropriations, because their continuation is "necessarily" implied from the authorized continuation of other (exempt or excepted) activities.

OMB Circular A-11, Section 124 requires agencies to develop and maintain plans for an orderly shutdown in the event of the absence of appropriations. Plans must be submitted to OMB and include the following information:

1. Estimated time (to the nearest half-day) to complete any shutdown:

While most shutdown activities can be accomplished within four hours, some agency shutdown personnel may need to work longer to secure and shutdown EPA property and facilities, including the varied laboratory research facilities and experiments that EPA is conducting. EPA expects the vast majority of shutdown activities will be completed in less than five days.

2. Number of employees expected to be on-board before implementation of the plan.

Permanent Employees		13,825
Full Time	13,568	
Intermittent	13	
Part Time	244	
Temporary Employees		156
Full Time	152	
Intermittent	0	
Part Time	4	
Total (as of September 24, 2018)		13,981

3. Total number of employees to be retained under the plan for each of the following categories:

- a. Agency determination based on carryover of unexpired multiple and no-year appropriations and/or their compensation is financed by a resource other than annual appropriations: 13,710 as of September 24, 2018 (excludes the Office of Inspector General who will proceed with shutdown activities)
- b. They are necessary to perform activities expressly authorized by law: 7 Presidentially Appointed/Senate Confirmed individuals.
- c. They are necessary to perform activities necessarily implied by law: 0
- d. They are necessary to the discharge of the President's constitutional duties and powers: 0
- e. They are necessary to protect life and property: EPA estimates 674 employees (462 Headquarters and their field and laboratory components; and 212 regional).

The policies and procedures detailed in this contingency plan are issued in accordance with OMB Circular A-11, Section 124; OMB Bulletin 80-14, dated August 28, 1980 (as amended by the OMB Director's memorandum of November 17, 1981 and Supplement 1 to Bulletin 80-14, dated August 20, 1982). They are also consistent with the following U.S. Department of Justice, Office of Legal Counsel opinions: "Applicability of the Anti-Deficiency Act Upon a Lapse in an Agency's Appropriations" (1980), "Authority for the Continuance of Government Functions During a Temporary Lapse in Appropriations" (1981), and an opinion dated Aug. 16, 1995, that reaffirms and updates the 1981 opinion.

3. **COVERAGE**. In the event of a funding hiatus caused by the lack of either an appropriations act or a continuing resolution, all EPA programs must follow this guidance. Four actions will be taken. These actions involve conducting (A) furlough activities; (B) shutdown activities; (C) excepted activities, and (D) exempted activities.

**A. FURLOUGH ACTIVITIES:** All employees will be advised to come to work to secure their workstations and return home, unless otherwise notified.

- B. **SHUTDOWN ACTIVITIES:** Some personnel will be designated as necessary to complete tasks for the orderly shutdown of the agency and will continue to report until such time as their shutdown tasks have been completed.
- C. **EXCEPTED ACTIVITIES:** Some activities and functions will continue because they are authorized by law or fall within the ADA's emergency exception. The personnel carrying out these activities may work even in the absence of an appropriation. These functions are described in more detail in Section 5 of this contingency plan.
- D. **EXEMPTED ACTIVITIES:** Certain programs funded with unexpired appropriations where carryover funds remain unobligated or programs funded from sources other than appropriations, such as fees and payments that are available for obligation, may be exempted. See Section 6.

#### 4. **EMPLOYEE REPORTING PROCEDURES**

- A. **ALL PERSONNEL:** Under the applicable regulations and OPM policy, employees do not need to be provided advance written notice of a furlough if the furlough is due to a lack of an appropriations act or a continuing resolution. However, the agency will make every effort to notify all employees adversely affected by the furlough in advance and adhere to related collective bargaining agreements. In the event of an appropriations hiatus, all personnel will report for duty on their first working day following the expiration of an appropriations act or a continuing resolution (employees on approved flexiplace must coordinate with their supervisors) unless notified otherwise or unless they are on previously approved annual or sick leave. On that day, all personnel not designated to carry out shutdown, excepted, or exempted activities will be furloughed. Furlough decision notices will be distributed to each employee. All personnel receiving furlough notices will be dismissed and directed not to report to work until an Appropriations Act or a Continuing Resolution is enacted. Appropriate action placing affected agency employees in a non-pay status will be taken. Additionally, any approved leave during a furlough will be cancelled and any new requests for leave during the furlough will be denied.

Only personnel required for the orderly shutdown of the agency or assigned to excepted or exempted functions should continue to report for duty. All other personnel must depart following their dismissal after they have secured their work space and documents; identified any approved travel plans over the next 30 days; and entered their time into the agency's time & attendance system, if required. EPA estimates that these activities should take less than one-half workday (four hours).

In accordance with the ADA, no employees on furlough will be authorized to work or volunteer their services during the shutdown period.

- B. **SHUTDOWN PERSONNEL:** Personnel designated for the orderly shutdown of the agency will continue to report for duty until such time as their shutdown tasks have been completed. Shutdown activities will need to be completed as expeditiously as possible. Once the services of these employees are no longer required, shutdown personnel will also be furloughed. Any obligations for shutdown activities will be paid after a new appropriation is provided. Shutdown activities are described in more detail in Section 7.B.
- C. **EXCEPTED PERSONNEL:** Personnel who are required to perform excepted activities by ensuring the safety of human life and the protection of property (including the protection of government property) where the threat to life or property is imminent will continue to report following a shutdown. Excepted activities are described in more detail in Section 5. By law,

excepted activities may continue to be performed. Any obligations incurred for excepted activities will be paid for after a new appropriation is provided.

- D. COMMISSIONED OFFICERS:** Commissioned officers are employees of the Public Health Service. If EPA has a lapse in appropriations, PHS officers will continue to work at the EPA because they are authorized by law to continue working.
- E. EXEMPTED PERSONNEL:** Personnel who perform exempted activities and who are exempted from the shutdown order will continue to report for duty and conduct their assigned responsibilities until available carryover funds are close to being fully obligated or funds from fees and payments are near liquidation.

**EPA retains the authority to modify lists of personnel working on excepted or exempted activities, as necessary, during any period of shutdown.**

- 5. **EXCEPTED ACTIVITIES:** All Senior Resource Officials must develop and submit a list of personnel who would be necessary to perform excepted activities including those following shutdown. Additional information concerning this list is found under Section 7.A

When determining which personnel are needed to carry out excepted operations, SROs should consider those personnel necessary to carry out activities such as those identified in the government-wide examples listed below. Among these are personnel required to ensure compliance with OMB bulletin 80-14, supplement No.1, and attachments thereto.

Primary examples of activities related to EPA that the agency may continue to perform following shutdown include:

- A. Providing for homeland and national security, including the conduct of foreign relations essential to the national security; or
- B. Personal services necessary to respond to emergencies involving the safety of human life or the protection of property, where the threat to human life or property is imminent, including:
  - 1. Activities essential to ensure continued public health and safety, including safe use of food and drugs and safe use of hazardous materials;
  - 2. Protection of federal lands, buildings, equipment, research property, and other property owned by the United States;
  - 3. Law enforcement and criminal investigations; and
  - 4. Emergency and disaster assistance.
  - 5. Support Staff: Only the minimum staff and support services necessary to continue the above listed functions should be maintained.

The specific excepted activities, personnel, and level of support required based on the examples above will be determined by the Office of Administration and Resources Management in consultation with the Office of the Chief Financial Officer, the Office of General Counsel and appropriate program offices.

Excepted personnel are excluded from furlough during shutdown **but only for the hours/days it takes them to perform their excepted activities.** If a function requires one hour per day, then the excepted employee may work for only one hour per day to perform only that excepted task.

**Specific examples of excepted activities include:**

#### **Excepted Activities to Support Superfund Response Site Work**

*Imminent threat to Public Health* – Sites/projects, predominantly associated with the superfund program, where a failure to maintain operations would pose an imminent threat to human life. The sites/projects require the EPA personnel to direct or oversee the response activities and/or provide critical support functions. There is an expectation that the EPA presence or activities, typically by an on scene coordinator or remedial project manager will be required. The EPA will evaluate more than 800 superfund sites to determine how many meet this criterion. *(For example, if ceasing the operation of an acid mine drainage treatment plan would cause a release to a stream that provided drinking water to a community; the agency would consider that situation to pose an imminent threat. A second example is an emergency removal response to a situation posing an imminent threat to human health.)*

#### **EPA Laboratories**

The EPA maintains 29 program and regional laboratories across the continental United States. These laboratories have unique functions that support the agency in fulfilling its mission to safeguard human health and protect the natural environment. The EPA will take necessary measures to ensure the physical integrity of the EPA's research property is protected where, without these measures, the property would be damaged or destroyed. In order to protect research property and stand-alone facilities, personnel will be **excepted** as needed to ensure critical operating requirements are not impaired. These needs are as far-ranging as ensuring the physical protection of federal property, that controlled environments (such as freezers) will function and not be damaged, that scientific instrumentation will function and not be impaired, and that lab animals, plants, and other unique test organisms will not be damaged or destroyed.

Laboratory operations involved in the toxicity testing of environmental samples requires the use of unique test organisms such as fathead minnow and small crustaceans. The test organisms must be grown under controlled laboratory conditions such as temperature, light, water quality and food supply in order to provide reproducible results during testing. Depending on the test organism, a period of weeks or months under controlled growing conditions is required for the organism to reproduce. Personnel will be excepted as needed in order to protect the physical integrity of the test organisms so that a shutdown will not result in the loss of viable test organisms.

The responsibilities for many of these laboratory- related excepted activities will be shared between several individuals, splitting work on an as needed basis whenever possible.

#### **Emergency Response Readiness Operations**

EPA's emergency response program serves as a safety net to states, local and private first responders for situations involving actual and/or threatened of environmental emergencies. The program supports the White House national essential functions through our primary mission essential function. Specifically, EPA's PMEF is to prevent, limit, mitigate or contain chemical, oil, radiological, biological, and hazardous materials during and in the aftermath of an accident, natural or man-made

disaster in the United States, and provide environmental monitoring, assessment and reporting in support of domestic incident management.

In the event of a shutdown, regional offices should utilize existing procedures to maintain their phone and response on-duty on-scene coordinator(s) to maintain and ensure prompt support of environmental emergency responses that requires EPA attention and/or action. HQ offices with emergency response responsibilities should also maintain their duty personnel to ensure prompt support and/or oversight of environmental emergency responses that require EPA attention and/or action.

In the event of a water related incident where the threat to human life or property is imminent, individuals from the **Water Security Division emergency response team** would need to return to work in order to assist with EPA's response efforts. Also, certain technical specialists from the Office of Water incident support team would need to return to work depending on the type of emergency. The WSD individuals would need to report to their normal workstation or to the EPA Emergency Operations Center. Duties would include: national incident command center reporting on SSA issues; setting up the water desk; running the water desk (i.e. managing e-mails and calls, reaching out to technical specialists to answer inquiries; developing a schedule for water desk staffing from among the incident support team members who are also on call; attending NICC meetings; drafting OW management reports; reviewing and approving contractor invoices and emergency travel authorizations. In addition, the EPA may draw upon **technical specialists** as relevant expertise contingent on the nature of the emergency.

#### **Legal Counseling, Litigation, and Law Enforcement Activities**

Law enforcement personnel involved in activities designed to protect human life and property from imminent threat will be excepted for the time minimally necessary to carry out such activities. Attorneys providing legal support to excepted activities will be excepted only for the time necessary to provide such support. Attorneys who charge their time to appropriations impacted by the funding lapse will be excepted to support excepted or exempted activities if there is a necessarily implied authorization for the attorneys to continue to work. A necessarily implied authorization exists when a statute directs EPA or a governmental entity to perform an activity during a lapse in appropriations and non-performance of an attorney's support for that activity during the funding lapse would undermine implementation of the terms of the statute. For the contingency planning for shutdown in April of 2011, the Department of Justice advised that the courts would remain open during a shutdown, but DOJ would request stays of some litigation and court ordered deadlines for the duration of the shutdown. If a court did not grant the stay, DOJ expected the EPA to continue to provide the legal or technical support necessary to meet any court deadlines or orders, including but not limited to court appearances and response to discovery requests. Therefore, in EPA's April 2011 and September 2013 Contingency Plans for Shutdown, the EPA planned to continue to support DOJ as needed. In implementing this Contingency Plan for Shutdown, EPA will consult with DOJ and follow its guidance.

#### **6. EXEMPTED ACTIVITIES:**

In the event of a funding hiatus due to the lack of an appropriations act or a continuing resolution, the Agency will assess the availability of unexpired multiple and no-year appropriations as well as funds available from other sources.

If it determines there is sufficient carryover for it to be practicable for the Agency to operate for a period of time until these appropriations and funds are close to being exhausted, it will do so. The Agency would proceed with shutdown activities when there is no longer sufficient carryover for it to be practicable for the Agency to operate.

If it determines from the beginning that there are not sufficient carryover funds for it to be practicable for the Agency to operate, it will proceed with shutdown activities immediately.

**7. SHUTDOWN ACTIVITIES:**

**A. SHUTDOWN PLANNING:**

Shutdown activities should be conducted in a manner whereby expedient reactivation of normal operations and activities may occur when funds are made available.

Senior resource officials must develop and submit a list of personnel essential to carry out an orderly shutdown to OARM. In preparing this list, SROs should consider the specific actions that would be necessary to affect an orderly shutdown of the agency, giving primary consideration to protecting life and safeguarding government property and records. The list should not replicate the list to maintain the agency's continuity of operations since this list will be to shutdown agency operations. Each SRO is responsible for informing their employees if they are on the shutdown list.

The list should indicate which personnel would be necessary to perform excepted activities following a shutdown. The SRO is responsible for informing their employees if they are on the excepted activities list.

The shutdown and excepted personnel list is subject to review and approval by OARM. OARM may consult with OCFO and OGC as necessary. The list should identify each person's name, employee identification number, position, office/division, and function. The list should continually be revised as necessary and will be kept on file by the OARM. Each SRO must also provide the list of names of the excepted and any exempted personnel to the facility manager at each EPA location. Only those employees designated as excepted or exempted personnel will be allowed into EPA facilities after a shutdown is completed.

Individual Offices in OARM and OCFO may provide additional guidance relating to their specific operations in the event a shutdown.

The assistant administrator for OARM will keep the EPA Administrator apprised of the agency's shutdown activities. The AA for OARM, and other appropriate offices designated within that office, will coordinate efforts as necessary with regional, headquarters, and field offices.

A limited number of employees performing excepted and/or approved exempted activities may be designated as standby and must be included in any excepted or exempted personnel list.

Assistant/regional administrators may need to identify additional employees for excepted activities in an emergency situation. These individuals will not be in a pay status prior to being recalled to work and will be added to the list of excepted personnel after being recalled. If funds are available to support additional employees in an emergency situation, assistant/regional administrators may add the individuals to the approved exempted list and the employee will be recalled to work and will assume a pay status. Assistant/regional administrators must notify the OARM and OCFO of any changes to their approved lists for payroll, travel and other purposes and also notify the local facility/security manager for building access.

**B. SHUTDOWN IMPLEMENTATION:**

In the event of a funding hiatus, the following restrictions apply to all Agency appropriations:

1. **Halt Obligations:** In the event of a shutdown in the absence of an appropriations act or a continuing resolution, the EPA will stop incurring new obligations other than those supporting excepted or approved exempted activities, and shutdown operations.

Under the authority of the ADA (31 USC 1342), federal officials may incur obligations as necessary for excepted activities such as emergencies involving the safety of human life or the protection of property where the threat to life or property is imminent and for orderly termination activities. Additionally, the U.S. government has the legal authority to incur obligations to pay for:

- a. Its workforce for the approximate one-half day (4 hours) furlough activities and necessary agency shutdown activities estimated not to exceed five days;
- b. Costs incurred in conjunction with equitable adjustments for work stoppages on contract and grant activities; and
- c. Infrastructure costs associated with shutdown and excepted activities such as rent, telephone service, etc. which will be incurred until appropriations have been provided.
- d. Approved travel costs incurred in by excepted personnel in the performance of excepted activities.

Additionally, the EPA may incur obligations to pay approved travel costs incurred by exempted personnel in the performance of exempted activities to the extent that there is carryover or other funds available for obligations to pay the travel costs.

The authority to incur the obligation to pay does not extend to the actual disbursement. Payment for these obligations will not be disbursed until the resumption of normal agency activities following the shutdown when an Appropriations Act or Continuing Resolution is enacted.

2. **New Contract Obligations:** Unless necessary for excepted activities or for approved exempted activities, no new obligations for contracts including the exercise of options, may be entered into beginning with the first day of a fiscal year when an appropriations act or a continuing resolution has not been enacted or on the first day immediately following the expiration of a continuing resolution and no new appropriations act or continuing resolution has been enacted. Options exercised prior to the start of the new fiscal year already contain a "subject to availability of funds" clause to provide for any lack of funding in the new fiscal year. If a new obligation is necessary for an excepted or exempted activity, the national program manager is to be consulted who will then consult with other organizations such as OARM and OCFO.
3. **Existing Contract Obligations:** EPA has over 6,000 ordering documents which includes contracts, delivery orders, work assignments and task orders. Contracting officers may not

issue any new work assignments, task or delivery orders, unless for excepted activities or approved exempted activities. Existing funded contracts that do not require interaction with federal employees can continue work until such time government interaction is necessary and/or funding is exhausted.

EPA employees will not be available to make payments until the shutdown ends.

4. **Existing Grants, Cooperative Agreements, and Interagency Agreements:** EPA has 6,391 active assistance agreements and 1,553 active interagency agreements as of the date of this plan. As a general rule, recipients of funded grants and cooperative agreements can continue work on their projects during any EPA shutdown. Grant recipients currently approved to utilize the Automated Standard Application Payment (ASAP) system may make drawdowns of authorized obligated levels during a shutdown. With the exception of grant recipients using ASAP, in the case of government shutdown no payment processing will be available for cost reimbursable or recipients with special award terms and conditions requiring EPA approval prior to payment disbursement (either by paper check, drawdown, or by ACH payment outside of the ASAP system). EPA staff will not be available to make payments until the shutdown ends. Recipients must stop work if they reach a point at which they require EPA involvement or approval. Recipients should maintain documentation of any allowable costs associated with the work stoppage. Recipient staff assigned to EPA facilities will not be allowed access to those facilities. If they can satisfactorily continue work off-site, the project can continue. SEE enrollees will be notified of furlough in accordance with their grant procedures. Additional guidance will be provided through the agency's SEE program manager.

EPA program offices in conjunction with the OGD and in consultation with the other agency will determine if work under any funds-in IAs is necessary for shutdown, excepted, or approved exempted activities. If not, work on such agreements will stop. Other agencies can continue to work on fully funded funds-out IAs if the other agency is not shut down. However, other agencies must stop work if they reach a point at which they require EPA involvement or approval. If the other agency is closed, that agency in consultation with EPA will determine whether activities under funds-out IAs are necessary for shutdown or are for excepted or exempt activities.

EPA may issue additional guidance to determine if work funded under existing IAs, not involving excepted or exempted activities, may continue.

5. **Suspend Travel:** There should be no travel in the absence of an appropriations act or continuing resolution except for travel necessary for excepted activities or travel necessary to carryout approved exempted activities where there is carryover or other funds available to pay the travel costs of the exempted personnel. All personnel in travel status will return to their duty station as soon as possible, unless continued travel is essential for accomplishing the orderly shutdown of the organization or for excepted or approved exempted activities. EPA employees will not be available to make payments until the shutdown ends.

In the event of a shutdown, the Office of International and Tribal Affairs will provide each Deputy Assistant Administrator and Deputy Regional Administrator a list of staff currently on international travel. The information will include a traveler's hotel and emergency contact information so programs and regions can reach those employees.

Employees assigned overseas are not in travel status. The overseas location is their permanent station. These employees in temporary quarters during the furlough will remain in temporary quarters. If these employees are not designated as essential or exempted, they would not report to work.

Employees on extended TDY travel where a detail personnel action (SF52) was issued and funded should follow instructions given by the receiving office. The employee would not return to their home location during a shutdown unless instructed.

6. **Process Payroll:** OCFO's Office of Technology Solutions must assure delivery of paychecks by electronic transmission.
  - a. OTS will maintain staff to continue payroll processing for the last full pay period or any partial pay period prior to the shutdown. The payroll office will also begin reconciliation and closeout activities.
  - b. OTS will not process any subsequent payroll(s) during the shutdown for excepted or shutdown personnel until the end of the shutdown in accordance with current IBC shutdown policy.
  - c. If applicable, OTS will process time and attendance records for exempted employees for subsequent payroll(s) during the shutdown only if IBC maintains its civilian payroll operations.
  - d. OTS will notify all employees prior to the initiation of any furlough action, with instructions regarding the completion of electronic time cards.
  
7. **Suspend All (other than payroll) Non-Essential Financial Transactions:** OCFO's Office of the Controller will notify all finance centers to secure cash funds, receivables, collections, and all financial records. The processing of requests for payments from contractors, grantees, IA recipients for obligations incurred prior to shutdown generally are not considered emergency operations.
  - a. OC finance centers and staff will suspend all but emergency actions and Agency shutdown activities until enactment of an Appropriations Act or Continuing Resolution.
  - b. Instructions will be provided concerning operations of the agency's core financial management system for excepted or exempted activities prior to suspension of agency operations. The agency's core financial management system will be used to monitor obligations for excepted or exempted activities during a shutdown.
  
8. **Personnel Activities:** The EPA must not hire any new personnel in the absence of an Appropriations Act or a Continuing Resolution. The agency's human resources shared service centers will process the required personnel actions to affect the furlough and will notify employees of their rights and benefits while they are in furlough status in accordance with OPM and OMB policy.

9. **Telework Activities and Alternate Work Schedules:** Employees should coordinate with their supervisors. All work, whether conducted on an AWS schedule or at an Alternate Work Location (telework), must be stopped unless the activity is for an excepted or approved exempted activity.
10. **Information Technology (IT) Systems:** Unless otherwise identified as being a mission-critical system that would support activities outlined in (Section 5 excepted activities or section 6 exempted activities) of this contingency plan; most agency IT systems, including network operations, should be scaled back to basic operational status. This means eliminating all activities associated with upgrades, development, deployment and scaling back contract support to minimal levels in order to provide support for excepted and exempted activities and on-call activities (both fed and contractor). This will ensure the protection of government records, that information and cyber security controls are in place, and assist in reactivating once the period of the shutdown is over.

OARM will coordinate with the chief information officer and the Office of Environmental Information to identify which systems will be required for continued operation during the period of a shutdown. OEI will work with the senior information officials in each program and region to identify a list of these mission critical systems and provide guidance regarding how continued operation of those systems will be accomplished as well as the orderly shutdown and securing of other IT systems and devices.

OCFO will manage the PeoplePlus system and Concur Travel system. In addition, OCFO will manage the user support help desks to assist employees and coordinate with OARM on the availability of the help desk for these systems during any shutdown/furlough period.

11. **Protection of Non-Personnel Records:** Only inventories of vital records will be made available during an agency emergency or shutdown situation. Vital records are those records that are needed to perform the most critical functions of the agency and those needed to protect legal and financial rights of the government and of the persons affected by its actions. Vital records also include emergency plans and related records that specify how an agency will respond to an emergency.

It is essential to secure records in accordance with the agency's records management policies that affect the rights of the government, private entities and individuals, any other records that contain confidential business information, Privacy Act information, information responsive to active or pending litigation, or otherwise sensitive information (including electronic records).

EPA detailed records management guidance is contained in:

- CFR Chapter XII, Subchapter B, Records Management, 36 CFR Part 1223 (Managing Vital Records)
- EPA Records Management Policy, CIO 2155.3 (February 10, 2015)
- EPA Essential (Vital) Records Procedures, CIO 2155. P01.1 (March 24, 2015)

## 8. **NOTIFICATION of RESUMPTION of ACTIVITIES:**

- A. OCFO will notify OARM and agency senior managers of enactment of the necessary funding mechanism (i.e., either a Continuing Resolution or an Appropriations Act).

- B. OARM will advise all employees to monitor public news broadcasts and OPM's internet site ([www.opm.gov](http://www.opm.gov)) to obtain updated information on the status of a pending Appropriations Act or a Continuing Resolution.
- C. OARM will coordinate, as necessary with OEI and the Office of Public Affairs, to communicate updated status reports and actions necessary to return to normal Agency operations and to place status updates on the [www.epa.gov](http://www.epa.gov) website. OARM will also ensure the 1-888-EPA-TALK (1-888-372-8255) provides updated information.
- D. Contracting officers will notify contractors of funds availability and OGD will notify recipients of funds availability.
- E. OCFO will coordinate with OARM to communicate any necessary information to employees regarding PeoplePlus and Concur systems.

**9. START UP ACTIVITIES/RESUMPTION OF ORDERLY OPERATIONS:**

- A. Once EPA receives notification that an appropriation has been approved or is imminent, OARM will begin contacting program/regional offices to begin calling back their *start-up* personnel necessary to resume orderly operations.
- B. EPA has identified the following activities/personnel required to resume orderly operations once appropriations are restored:

**Facilities Activities/Personnel responsible for:**

- 1. Building Systems: Coordinate with GSA/lessor to ensure all EPA building systems, including HVAC, are in full, regular operations prior to reopening buildings
- 2. Guard Force: Coordinating with Federal Protective Services (FPS) or security contractor to ensure security is fully staffed for re-opening
- 3. Janitorial/Cleaning Services: Coordinating with GSA/lessor to ensure all janitorial services resume regular operations
- 4. Building Access: Change access control schedules to daytime
- 5. Restore Key Contracts: Coordinate with acquisition personnel to lift stop work orders on key contracts

**Information Technology Activities/Personnel responsible for:**

- 1. Infrastructure Start-Up: Prepare to bring-up idled systems and patch all servers.
- 2. User Support Help Desks: Ensure that all help desks are fully staffed and prepared for Day 1
- 3. Communications: Support activities to update web pages and messaging

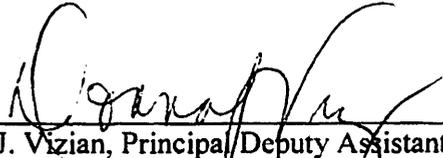
**Procurement Operations Activities/Personnel responsible for:**

- 1. Begin cancelling "Stop Work Orders" for agency contracts related to security, facilities operations and maintenance, warehouse and mail services.
- 2. Issue post-guidance for agency contracting officers

**Grants/Interagency Agreements Operations Activities/Personnel responsible for:**

1. Issue post-guidance for agency grants/IA community.

10. **SUPERSESSSION**: This contingency plan supersedes any other EPA guidance or order prior to this date.



Donna J. Vizian, Principal Deputy Assistant Administrator  
Office of Administration and Resources Management

9/26/18  
Date

**EPA PERSONNEL RESPONSIBLE FOR IMPLEMENTING/ADJUSTING PLAN**

Donna J. Vizian, Principal Deputy Assistant Administrator, OARM  
Ken Lapierre, Acting Deputy Assistant Administrator, OARM  
Lynnann Hitchens, Director, Office of Resources, Operations and Management, OARM  
202-564-4600

## EPA Excepted/Exempted Personnel

September 25, 2017

	<b>On-Board Total</b>	<b>Excepted</b>	<b>Exempted *</b>
Office of the Administrator	365	17	365
Office of Air and Radiation	1073	21	1073
Office of Administration and Resources Management	618	26	618
Office of the Chief Financial Officer	296	15	296
Office of Chemical Safety and Pollution Prevention	972	10	972
Office of Enforcement and Compliance Assurance	623	197	623
Office of Environmental Information	309	7	309
Office of General Counsel	223	19	223
Office of Inspector General	271	18	0
Office of International & Tribal Affairs	67	2	67
Office of Research & Development	1504	50	1504
Office of Land and Emergency Response	472	71	472
Office of Water	538	9	538
<b>HQ Program Total</b>	<b>7331</b>	<b>462</b>	<b>7060</b>
	<b>On-Board Total</b>	<b>Excepted</b>	<b>Exempted*</b>
Region 1 (Boston)	518	13	518
Region 2 (New York)	743	32	743
Region 3 (Philadelphia)	744	22	744
Region 4 (Atlanta)	857	21	857
Region 5 (Chicago)	982	18	982
Region 6 (Dallas)	687	12	687
Region 7 (Kansas City)	455	27	455
Region 8 (Denver)	490	22	490
Region 9 (San Francisco)	675	25	675
Region 10 (Seattle)	499	20	499
<b>Regional Total</b>	<b>6650</b>	<b>212</b>	<b>6650</b>
<b>EPA's Total:</b>	<b>13981</b>	<b>674</b>	<b>13710</b>

**NOTE:** Agency-wide EPA has 54 PHS Officers

\* In the event of a lapse in government funding and in accordance with EPA's Contingency Plan under #6 "Exempted Activities", the Agency will evaluate the availability of carryover funds to remain operational. This number represents the agency employees who could continue to work in the event of a government shutdown if sufficient resources are available (with the exception of the Office of Inspector General who will proceed with shutdown activities).