



At a Glance

Why We Did This Project

The U.S. Environmental Protection Agency's Office of Inspector General conducted this audit to determine whether the EPA met the deadlines already imposed by the Frank R. Lautenberg Chemical Safety for the 21st Century Act in 2016, which amended the Toxic Substances Control Act of 1976, and has the staff, resources, and management controls in place to meet future statutory deadlines.

The TSCA provided the EPA with the authority to assess the safety of commercial chemicals and to regulate those chemicals that posed an "unreasonable risk" to human health or the environment. Prior to the 2016 amendments, the EPA only used its authority under the TSCA to limit or ban the use of five existing chemicals in 40 years. The amendments strengthened the EPA's authorities to evaluate and regulate both existing and new chemicals.

This report addresses the following:

- *Ensuring the safety of chemicals.*

This project addresses a top EPA [management challenge](#):

- *Improving workforce/workload analyses.*

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Lack of Planning Risks EPA's Ability to Meet Toxic Substances Control Act Deadlines

What We Found

The 2016 TSCA amendments required the EPA to develop new rules for chemical prioritization for risk evaluation and risk evaluation for existing chemicals. Additionally, the amended law requires the EPA to review all new chemical submissions and make a regulatory determination. The EPA met several of its TSCA deadlines but did not complete all ten required existing chemical risk evaluations by the June 19, 2020 deadline. Because of statutory requirements, the number of required existing chemical risk evaluations doubled at the end of 2019, risking the EPA's ability to meet TSCA deadlines.

The EPA did not complete a significant TSCA deadline on June 19, 2020, and the Agency is at risk of missing future deadlines due to a lack of staff and resource planning.

The EPA's ability to assess its TSCA workload—and subsequently estimate the workforce levels necessary to achieve that workload—is critically important. The Office of Pollution Prevention and Toxics has not publicly identified the additional staff and resources it needs to accomplish all mandated TSCA requirements. The OPPT's resource planning is hindered by not complying with the U.S. Office of Personnel Management regulations, which requires developing a workforce plan to manage current and future workforce needs.

The EPA's program offices have not conducted a systematic workload analysis or identified workforce needs for budget justification purposes since 1987. We found this to be true for the OPPT, which is responsible for implementing the TSCA amendments. Though the OPPT expects to hire more staff members to implement the TSCA amendments in fiscal year 2020, the Office lacks a workforce-and-workload analysis to successfully implement and meet the 2016 TSCA deadlines. Additionally, the EPA's annual plans for risk evaluations were neither done in a timely manner nor met the statutory requirements to identify the resources needed to initiate or complete the risk evaluations for the year.

Recommendations and Planned Agency Corrective Actions

We recommend that the assistant administrator for Chemical Safety and Pollution Prevention (1) publish the annual existing chemical plan including the anticipated implementation efforts and required resources, (2) conduct a workforce analysis to assess the OPPT's capability to implement the TSCA, and (3) specify what skill gaps must be filled in fiscal year 2021 to meet the TSCA requirements.

The Agency provided acceptable corrective actions and estimated milestone dates for all recommendations. We consider these recommendations resolved with corrective actions pending.