



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

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

July 16, 2021

MEMORANDUM

SUBJECT: Response to the Office of Inspector General's Report, "*Staffing Constraints, Safety and Health Concerns at EPA's National Enforcement Investigations Center May Compromise Ability to Achieve Mission,*"
Report No. 21-P-0131

FROM: Lawrence E. Starfield
Acting Assistant Administrator

**LAWRENCE
STARFIELD** Digitally signed by
LAWRENCE STARFIELD
Date: 2021.07.16
07:58:15 -04'00'

TO: Patrick Gilbride
Director, Environmental Research Programs Directorate
Office of Evaluation

Thank you for the opportunity to respond to the recommendations in the Office of Inspector General (OIG) Report No. 21-P-0131, "*Staffing Constraints, Safety and Health Concerns at EPA's National Enforcement Investigations Center May Compromise Ability to Achieve Mission,*" dated May 12, 2021.

In response to the initial report, the Office of Enforcement and Compliance Assurance (OECA) disagreed with several OIG's recommendations. A complete discussion of our initial response is documented in OECA's letter to the OIG dated March 29, 2021.

Since the issuance of the report, OECA has met with the OIG several times (May 27, 2021; June 11, 2021; and July 7, 2021) to discuss a path forward on previously unresolved recommendations, namely Recommendations 1, 3, 5, 9, and 10 of the report. OECA has operated in good faith with the OIG to reach consensus on the recommendations, and after several productive conversations, we believe we have reached agreement on each of the outstanding recommendations. OECA's responses are provided below. OECA is eager to move forward with the process and ensure NEIC continues its long-term commitment of improving overall operations.

Again, OECA appreciates the productive conversations and opportunity to respond to the report recommendations. If you have further questions, please contact Gwendolyn Spriggs, OECA's Audit Follow Up Coordinator, at spriggs.gwendolyn@epa.gov

OIG Recommendation	Final Agreement Between OIG and OECA on Recommendation	Milestone Dates
<p>1. Direct the National Enforcement Investigations Center to develop and implement a formal procedure and tracking mechanism (such as a consolidated spreadsheet) for National Enforcement Investigations Center decisions related to observations, comments, concerns, and opportunities for improvement identified from audits; management review action items that are not tracked anywhere else; and customer complaints.</p>	<p>OECA has agreed that NEIC’s quality team will use a spreadsheet to track and respond to observations, comments, concerns, and opportunities for improvement on topics that may fall outside of its current ISO 17025-compliant system.</p>	<p>Information regarding spreadsheet tracking system was provided to the OIG on June 6, 2021.</p> <p>NEIC is currently utilizing the spreadsheet tracking process and this corrective action is considered complete.</p>
<p>3. Conduct a follow-up review of hazardous waste management at the National Enforcement Investigations Center to determine if it is complying with relevant statutes and regulations and verify internal controls are in place to ensure future compliance.</p>	<p>OECA provided the OIG information regarding the various staffing and structural changes made to the hazardous waste program to ensure compliance with all applicable regulations. The changes included an elevation in designation of lead roles and responsibilities for various aspects of the hazardous waste program; internal audits using in-house, national RCRA enforcement experts; updated waste management procedures; and utilization of a contractor to assist with the hazardous waste program.</p>	<p>OECA provided the OIG documentation on the hazardous waste roles and responsibilities, an example of an internal audit conducted by the RCRA enforcement expert, summary of the hazardous waste management program, and a summary of the contractor’s support on June 9, 2021.</p> <p>NEIC will continue to conduct internal audits and re-evaluate its hazardous waste program on a regular basis, and this corrective action is considered complete.</p>
<p>5. Develop and incorporate metrics that address safety and health issues and staff concerns into National Enforcement Investigations Center senior management performance evaluations, such as collecting anonymous feedback from all staff annually.</p>	<p>OECA will add the following language to NEIC leadership’s performance standard: “Ensure NEIC management fully supports the implementation of the requirements of its Health and Safety program, including the availability of an anonymous reporting system for the Center.”</p> <p>OECA will employ an</p>	<p>OECA provided the performance standard language to the OIG on July 7, 2021. The language will be incorporated into FY22 performance standards by November 30, 2021.</p> <p>OECA provided language regarding the third-party assessment to the OIG on June 9, 2021.</p>

	<p>independent, professional organizational psychologist to assess the foundation, extent and nature of any issues related to fear of reporting health and safety concerns and/or general fear of retaliation while also assessing the general culture of NEIC. In addition, this assessment will focus on actual issues generated from such fear such as determining if and what does not get reported versus a determination that the alleged fear does not result in a lack of reports. OCEFT and NEIC senior management are committed to taking applicable and appropriate next steps based on the findings of the independent assessment.</p>	
<p>9. Develop and incorporate metrics on the National Enforcement Investigations Center work environment and culture into Office of Criminal Enforcement, Forensics, and Training senior management performance standards, such as results from the annual Federal Employee Viewpoint Survey, periodic culture audits, or other methods to measure progress.</p>	<p>OECA will employ an independent, professional organizational psychologist to assess the foundation, extent and nature of any issues related to fear of reporting health and safety concerns and/or general fear of retaliation while also assessing the general culture of NEIC. In addition, this assessment will focus on actual issues generated from such fear such as determining if and what does not get reported versus a determination that the alleged fear does not result in a lack of reports. OCEFT and NEIC senior management are committed to taking applicable and appropriate next steps based on the findings of the independent assessment.</p> <p>OCEFT and NEIC leadership will add the following to standards:</p>	<p>OECA provided language regarding the third-party assessment to the OIG on June 9, 2021.</p> <p>Year 1 actions are planned to be completed by September 30, 2022.</p> <p>Year 2 actions are planned to be completed by September 30, 2023.</p> <p>Year 3 actions are planned to be completed by September 30, 2024.</p>

	<ul style="list-style-type: none"> a. Year 1: “Secure resources to conduct a climate assessment of NEIC’s workplace culture and environment through a third-party consulting service, led by an organizational psychologist. b. Year 2 (or as appropriate): “Commit to performing a climate assessment of NEIC to identify the source of NEIC’s workplace culture challenges.” c. Year 3 (or as appropriate): “Commit to addressing the recommendations from the climate assessment to improve NEIC’s workplace culture.” 	
<p>10. Develop and incorporate metrics that address work environment and culture into National Enforcement Investigations Center senior management performance standards.</p>	<p>Please see the response for Recommendation #9.</p>	<p>Please see the response for Recommendation #9.</p>