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

THE INSPECTOR GENERAL

June 7, 2022

MEMORANDUM

SUBJECT: Response to Planned Corrective Actions for Office of Inspector General Report No. 21-P-0129, *EPA Should Conduct New Residual Risk and Technology Reviews for Chloroprene- and Ethylene Oxide-Emitting Source Categories to Protect Human Health*, issued May 6, 2021

FROM: Sean W. O'Donnell

TO: Joseph Goffman, Principal Deputy Assistant Administrator
Office of Air and Radiation

Thank you for your June 2, 2022 memorandum, which includes the U.S. Environmental Protection Agency's planned corrective actions and estimated milestone dates for the three unresolved recommendations issued in the subject Office of Inspector General report. The other one recommendation was previously resolved.

For Recommendations 1 and 2, the Agency continues to reject committing to conducting second residual risk reviews for certain source categories or to identifying the circumstances under which it would conduct such reviews. While we understand that the Agency is not clearly required by law to conduct second residual risk reviews, initial residual risk reviews based upon materially inaccurate risk information fail to provide the level of protective action envisioned by the Clean Air Act. We continue to believe that conducting a second residual risk review to account for new risk information would best ensure public health is protected with an ample margin of safety that is consistent with the Clean Air Act. However, the Agency commits to considering:

- Updated risk information in new public health risk assessments.
- All Clean Air Act authorities, including section 112(f)(2), in determining how to address risk and to provide an ample margin of safety to protect public health.

The Agency also created roadmaps for several source categories to show the Agency's planned regulatory approaches and their potential outcomes, which include the revision of the corresponding National Emission Standards for Hazardous Air Pollutants as needed.

For Recommendation 3, while the EPA does not commit to conducting residual risk reviews for chemical manufacturing area sources, or CMAS, the Agency does commit to evaluating ethylene oxide emissions and, if necessary, regulating ethylene oxide with a technology-based standard pursuant to either Clean Air Act section 112(d)(5) generally available control technology standards or Clean Air Act sections 112(d)(2) and 112(d)(3) maximum achievable control technology standards. The Agency also commits to considering other data, including risk information, in examining the CMAS category and in assessing the

appropriate statutory authority. The Agency commits to assessing risk from ethylene oxide emissions from CMAS within four years of promulgating the new standards to determine whether an earlier technology review under section 112(d)(6) or a residual risk review under section 112(f)(2) is warranted.

Based on the information and supporting documentation provided, we agree that the planned corrective actions meet the intent of Recommendations 1, 2, and 3. All recommendations for the subject report are now considered resolved. You should track implementation of the corrective actions in the Agency's audit tracking system until all actions are completed.

We will post this memorandum on our public website at www.epa.gov/oig.

cc: Marc Vincent, Audit Follow-Up Coordinator, Office of Air and Radiation
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