



OFFICE OF INSPECTOR GENERAL
U.S. ENVIRONMENTAL PROTECTION AGENCY

June 27, 2023

MEMORANDUM

SUBJECT: Notification of Project:
The EPA's Build America, Buy America Act Waivers on Infrastructure Projects
Project No. OA-FY23-0084

FROM: Elizabeth Schubert, Director
Special Drinking Water Projects Directorate
Office of Audit

TO: Janet McCabe, Deputy Administrator

Radhika Fox, Assistant Administrator
Office of Water

The U.S. Environmental Protection Agency Office of Inspector General plans to begin a project on the EPA's Build America, Buy America Act waivers on infrastructure projects as of June 27, 2023. This project is self-initiated by the Office of Audit as part of ongoing reviews of the EPA's implementation of the Infrastructure Investment and Jobs Act and the Build America, Buy America Act. This project also addresses the following fiscal year 2023 [top management challenges](#) for the Agency: managing business operations and resources and managing increased investment in infrastructure.

Our objective is to quantify the extent to which the EPA is issuing Build America, Buy America Act waivers for infrastructure projects. We plan to conduct work at the EPA's Office of Water, Office of Air and Radiation, Office of Land and Emergency Management and the Office of Mission Support. We will conduct the review using principles identified in the *Quality Standards for Federal Offices of Inspector General*, which require that our work adheres to the highest ethical principles of integrity, objectivity, confidentiality, independence, and professional judgement. The anticipated benefit of this project includes improved efficiency and effectiveness of the EPA's implementation of IJA funding provisions per above criteria to assist the Agency in managing increased investment in infrastructure.

We will contact you to arrange a mutually agreeable time to discuss our objective. At that time, we can discuss any concerns that you may have and answer any questions about the project process, reporting procedures, methods used to gather and analyze data, and what we should expect of each other during the project. Throughout the project, we will provide updates on a regular basis.

We respectfully note that the Inspector General Act of 1978, as amended, authorizes the OIG to have timely access to personnel and all materials necessary to complete our objectives. Similarly, EPA Manual 6500, *Functions and Activities of the Office of Inspector General* (1994), requires that each EPA employee cooperate with and fully disclose information to the OIG. Also, Administrator Michael S. Regan, in a

May 16, 2023 email to EPA employees, stated that the “agency and its employees have a duty to cooperate with OIG” and observed that “full engagement and collaboration between the OIG and EPA provides our agency with the opportunity to improve program performance and efficiency.” If an Agency employee or contractor refuses to provide requested materials to the OIG or otherwise fails to cooperate with the OIG, we will request that you immediately resolve the situation. Consistent with the Inspector General Act, we may report unresolved access matters to the administrator and to Congress.

We will post this memorandum on our public website at www.epa.gov/oig. Anyone with knowledge of potential fraud, waste, abuse, misconduct, or mismanagement related to this audit should contact the OIG Hotline at (888) 546-8740 or via an electronic form on the “[OIG Hotline](#)” [webpage](#).

cc: Dan Utech, Chief of Staff, Office of the Administrator
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Wesley J. Carpenter, Deputy Chief of Staff for Management, Office of the Administrator
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