



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

THE INSPECTOR GENERAL

August 19, 2020

**MEMORANDUM**

**SUBJECT:** Response to Planned Corrective Actions for Office of Inspector General Report No. 20-N-0128, *Prompt Action Needed to Inform Residents Living Near Ethylene Oxide-Emitting Facilities About Health Concerns and Actions to Address Those Concerns*, issued March 31, 2020

**FROM:** Sean W. O'Donnell

A handwritten signature in blue ink that reads "Sean W O'Donnell".

**TO:** Douglas Benevento, Associate Deputy Administrator

Thank you for the memorandum dated May 15, 2020, which provided the U.S. Environmental Protection Agency's corrective action plan to address the unresolved recommendation in the subject Office of Inspector General report, and the subsequent draft memorandum dated August 4, 2020, which provided a revised corrective action plan. The proposed corrective actions, however, do not fully address our recommendation.

Consistent with the OIG's policies and practice, we held multiple meetings with the Agency to discuss our draft report and the Agency's proposed corrective actions. On October 16, 2019, we issued a draft report containing our findings and recommendations to the Agency. After the Agency responded, we held an exit conference on January 14, 2020, where we further explained the draft report's findings and recommendation. Based on the Agency's feedback, we revised the draft report's recommendation. At the Agency's request, we shared the revised draft report with the EPA. In its January 31, 2020 response, the Agency proposed an alternative recommendation and three corrective actions. During a subsequent meeting, OIG staff members informed an Office of Air Quality Planning and Standards manager that the OIG did not concur with the Agency's proposed alternative recommendation.

We issued our final report on March 31, 2020. In our final report, we relied on the EPA's previous identification of 25 high-priority ethylene oxide-emitting facilities. As part of our review, we found, among other things, that the EPA had conducted interactive forums to communicate risk to communities near nine of the EPA's 25 high-priority facilities. Therefore, we recommended that the Agency promptly provide residents in all communities near the EPA's 25 high-priority facilities with a forum for an interactive exchange of information with the EPA or the states regarding health concerns related to exposure to ethylene oxide. The Agency did not agree with our recommendation for the reasons set forth in its January 31, 2020 response.

We recognize that challenges can exist in communicating risks to the public. The EPA's technical support document for the 2014 National Air Toxics Assessment states that "no scientific statement (in risk assessment or other areas of science) can be made with complete confidence. Risk estimates are always

uncertain to some degree.”<sup>1</sup> It also states “that uncertainty does not prevent EPA from making a statement of risk, nor does it prevent EPA from taking reasonable actions.” While we support the Agency’s proposed actions to conduct additional, more refined risk investigations of ethylene oxide-emitting facilities, we do not believe such investigations preclude the Agency from taking prompt action to communicate available risk information directly to residents living in communities near these facilities.

We also acknowledge that holding public meetings during the coronavirus pandemic—that is, the SARS-CoV-2 virus and resultant COVID-19 disease—would not be advisable. For this reason, our recommendation recognized that there is a variety of forums in which the Agency can promptly interact with residents, such as virtual webinars and workshops, which have already been widely used by the Agency in numerous programs and locations during the pandemic. Although it is not direct outreach, we support the Agency’s proposed corrective action to post quarterly status reports to an Agency website to communicate information about the refined risk investigations and outreach activities occurring in the regions.

When we issue final reports that contain recommendations for which the OIG does not agree with the Agency’s proposed corrective actions, the Agency and the OIG jointly enter into the audit dispute resolution process detailed in EPA Manual 2750, *Audit Management Procedures*. According to the Manual’s timelines for dispute resolution, the Agency and the OIG are required to meet within 30 days after final report issuance. Accordingly, we met on April 30, 2020, to discuss the final report recommendation and the Agency’s proposed corrective action plan. We discussed areas where the proposed corrective actions may not have met the intent of our recommendation. This discussion resulted in the Agency’s May 15, 2020 memorandum.

I offered to meet with the Agency on July 20, 2020, to discuss the proposed corrective action plan in the Agency’s May 15, 2020 memorandum. During that meeting, I stated that a more punctual time frame was essential to an acceptable corrective action plan that addressed direct outreach with communities near the high-priority facilities. Afterward, on August 4, 2020, the Agency provided a revised corrective action plan, which adjusted the date for initial outreach with impacted residents from June 30, 2021, to May 31, 2021. We appreciate the one-month change in the Agency’s proposed corrective action plan; however, the revised timeline does not reflect the seriousness associated with the 25 high-priority ethylene oxide-emitting facilities that the EPA had previously identified. Furthermore, the revised corrective action plan does not commit to interactive outreach with residents using risk communication tools such as virtual webinars and workshops, which have already been widely used by the Agency during the pandemic.

Because the Agency has chosen not to fully address our concerns, we plan to continue the audit dispute resolution process by submitting a dispute resolution request to the EPA’s chief financial officer.

If you or your staff have any questions, please contact Kathlene Butler, acting assistant inspector general for Evaluation, at (404) 562-9736 or [butler.kathlene@epa.gov](mailto:butler.kathlene@epa.gov), or me.

cc: Mandy Gunasekara, Chief of Staff  
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<sup>1</sup> EPA, [Technical Support Document, EPA’s 2014 National Air Toxics Assessment](#), August 2018.

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