



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

OFFICE OF
INSPECTOR GENERAL

February 25, 2021

MEMORANDUM

SUBJECT: Notification of Audit:
Follow-Up Audit of Report No. 18-P-0221, *Management Weaknesses Delayed Response to Flint Water Crisis*, issued July 19, 2018
Project No. OA-FY21-0123

FROM: Michael D. Davis, Director *Michael D. Davis*
Efficiency Directorate
Office of Audit

TO: Lawrence Starfield, Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

Radhika Fox, Acting Assistant Administrator
Office of Water

Cheryl Newton, Acting Regional Administrator
Region 5

The Office of Inspector General for the U.S. Environmental Protection Agency plans to begin fieldwork on a follow-up audit of Report No. [18-P-0221](#), *Management Weaknesses Delayed Response to Flint Water Crisis*, issued July 19, 2018. This audit addresses the following top management challenges for the Agency, as identified in our [EPA's FYs 2020–2021 Top Management Challenges](#) report, issued July 21, 2020:

- Overseeing states implementing EPA programs
- Communicating risks
- Integrating and leading environmental justice

The OIG's objective is to determine whether the EPA implemented agreed-upon corrective actions and whether the corrective actions taken effectively addressed the identified program deficiencies. The agreed-to corrective actions, by recommendation, are attached. The OIG plans to conduct work within the Office of Enforcement and Compliance Assurance, the Office of Water, and Region 5. Applicable generally accepted government auditing standards will be used in conducting our audit. The anticipated benefit of this audit is improved EPA operational efficiency in protecting human health and the environment.

We will contact you to arrange a mutually agreeable time to discuss our objective. We would also be particularly interested in any areas of concern that you may have. We will answer any of your questions

about the audit process, reporting procedures, methods used to gather and analyze data, and what we should expect of each other during the course of the audit. Throughout the audit, we will provide updates on a regular basis.

To expedite our audit, please provide, by the entrance conference, the following information as it relates to the recommendations and corrective actions for OIG Report No. 18-P-0221:

1. Points of contact within OECA, the OW, and Region 5 responsible for implementing corrective actions.
2. Documentation supporting completion of each of the Agency's proposed corrective actions.

We respectfully note that the OIG is authorized by the Inspector General Act of 1978, as amended, to have timely access to personnel and all materials necessary to complete its objectives. We will request that you resolve the situation if an Agency employee or contractor refuses to provide requested materials to the OIG or otherwise fails to cooperate with the OIG. We may report unresolved access matters to the administrator and include the incident in the *Semiannual Report to Congress*.

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

Attachment

cc: Dan Utech, Chief of Staff
Wesley J. Carpenter, Deputy Chief of Staff
Avi Garbow, Special Advisor to the Administrator
Dorien Paul Blythers, Deputy Chief of Staff for Operations
John Goodin, Deputy Assistant Administrator for Water
Benita Best-Wong, Deputy Assistant Administrator for Water
David Bloom, Acting Chief Financial Officer
Andrew LeBlanc, Agency Follow-Up Coordinator
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Lindsay Hamilton, Associate Administrator for Public Affairs
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Michael Benton, Audit Follow-Up Coordinator, Office of the Administrator
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Jennifer Kaplan, Deputy Assistant Inspector General for Congressional and Public
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Jeffrey Lagda, Congressional and Media Liaison, Office of Inspector General

**Recommendations and Corrective Actions for Report No. 18-P-0221,
Management Weaknesses Delayed Response to Flint Water Crisis**

Recommendations	Agency Planned Corrective Actions	Status per Enterprise Audit Management System
<p>We recommend that the assistant administrator for Enforcement and Compliance Assurance and the assistant administrator for Water:</p> <p>1. Establish controls to annually verify that the states are monitoring compliance with all Lead and Copper Rule requirements, including accurately identifying Tier 1 sampling sites and maintaining continuous corrosion control.</p>	<p>OW corrective action – In December 2018, the EPA will hold a meeting with the regional branch chiefs to review and update the protocol used for the fiscal year 2018 annual Public Water System Supervision program reviews. As part of this review, the EPA will amend the Public Water System program review protocol as needed to verify that states are implementing Lead and Copper Rule requirements. The changes made will be implemented in FY 2019 and future program reviews.</p>	<p>OW completion date: 10/1/19.</p>
<p>We recommend that the assistant administrator for Water:</p> <p>2. Revise the Lead and Copper Rule to improve the effectiveness of monitoring and corrosion control treatment protocols.</p>	<p>The OW plans to work on the long-term revisions to the existing Lead and Copper Rule, 40 C.F.R. § 141.80, and engage with stakeholders while evaluating input received from its state, local, and tribal partners.</p>	<p>OW: Not yet completed. Initial milestone date was 2/28/19. Revised date is 9/19/19.</p>
<p>We recommend that the Region 5 regional administrator:</p> <p>3. Publicly document clear expectations, roles, and responsibilities between the EPA and the State of Michigan in an official document, such as a memorandum of understanding or a supplemental primacy document.</p>	<p>The region will document clear expectations, roles, and responsibilities between the EPA and Michigan in the annual work plan for the Public Water System Supervision program grant. To implement this recommendation, Region 5 will post the annual Michigan PWSS program work plan and end-of-year evaluation on the EPA’s website so that the information is publicly available.</p>	<p>Region 5 completion date: 12/21/18.</p>
<p>We recommend that the Region 5 regional administrator:</p> <p>4. Implement a system for regional drinking water staff, managers, and senior leaders, which incentivizes staff elevating and management addressing important and emerging issues in accordance with the EPA’s “Policy on Elevation of Critical Environmental and Public Health Issues.”</p>	<p>Region 5 agrees to explore ways to incentivize staff to elevate issues of concern during these engagement opportunities, including providing feedback during mid-year and end-of-year reviews with staff—specifically on the customer service critical element present in all staff Performance Appraisal Recognition System agreements.</p> <p>Region 5 will further explore ways to incentivize staff and management to elevate and address important and emerging issues, such as a peer-to-peer recognition system.</p>	<p>Region 5 completion date: 12/21/18.</p>

<p>We recommend that the Region 5 regional administrator:</p> <p>5. Provide the public with all results from EPA reviews of Michigan’s Safe Drinking Water Act program and track the progress of identified corrective actions.</p>	<p>Region 5 posted the 2010 and 2016 Michigan Drinking Water Program Review Reports on the EPA’s website.</p> <p>Region 5’s FY 2011–2016 End-of-Year Evaluation Reports for the State of Michigan’s Public Water System Supervision Program are available to the public through the Freedom of Information Act.</p> <p>Region 5 and the Michigan Department of Environmental Quality are finalizing a corrective action plan that has been developed from the recommendations in the 2016 Program Review Report, which Region 5 released in October 2017. Once finalized and approved by Region 5, Region 5 will post the corrective action plan on the Agency’s website and provide progress updates on a quarterly basis.</p>	<p>Region 5 completion date: 12/21/18.</p>
<p>We recommend that the assistant administrator for Enforcement and Compliance Assurance and the assistant administrator for Water:</p> <p>6. Provide regular training for EPA drinking water staff, managers, and leaders on Safe Drinking Water Act tools and authorities; state and agency roles and responsibilities; and any Safe Drinking Water Act amendments or Lead and Copper Rule revisions.</p>	<p>OECA and the OW shared responsibilities for such trainings and are working together to have SDWA Section 1431/1414 trainings.</p> <p>As part of ongoing Agency efforts to enhance national implementation of the Lead and Copper Rule, the EPA has been providing training on the Rule’s optimal corrosion control treatment and optimal water quality parameter requirements. The training has been delivered through in-person workshops at each of the EPA regions, as well as through special conference sessions. Since the inaugural workshop in FY 2016, the training has reached approximately 1,300 drinking water professionals (staff and managerial level) from federal and state drinking water programs, technical assistance providers, and water utilities.</p>	<p>Completion Dates: 9/30/19 for the OW and 10/1/19 for OECA.</p>
<p>We recommend that the assistant administrator for Enforcement and Compliance Assurance and the assistant administrator for Water:</p> <p>7. Implement a system to identify management risks in state drinking water programs, including elements such as atypical events, emerging public health concerns, environmental justice concerns, and public health analysis.</p>	<p>The EPA has initiated a workgroup with participation from OECA, the OW and select regions. The workgroup will develop procedures and strategies to ensure timely and effective intervention where risks to public health are identified.</p>	<p>OW completion date: 09/30/19.</p>

<p>We recommend that the assistant administrator for Enforcement and Compliance Assurance and the assistant administrator for Water:</p> <p>8. Create a system that tracks citizen complaints and gathers information on emerging issues. The system should assess the risk associated with the complaints, as well as efficient and effective resolution.</p>	<p>OECA and the OW are exploring ways to adapt or leverage existing tools. For example, OECA currently supports an online “Report a Violation” tool that collects general information about violations. This publicly available tool is currently not specific to drinking water data, but it has been used to receive descriptions of potential SDWA violations.</p> <p>The EPA may explore possible revisions that would capture more precise contaminant information if reporting capabilities within SDWA, Safe Drinking Water Information System Prime, or Storage and Retrieval of Water Quality Information data systems cannot be modified to receive citizen drinking water contamination data. The EPA could use the Report a Violation tool as the foundation of an improved system that captures citizen reports and sorts them into ranked categories to facilitate identification of management risks that require EPA response.</p>	<p>OW completion date: 9/30/19.</p>
<p>We recommend that the assistant administrator for Enforcement and Compliance Assurance and the assistant administrator for Water:</p> <p>9. Improve oversight by establishing a clear and credible escalation policy for EPA intervention in states. The policy should provide steps that the EPA will take when states do not act.</p>	<p>On August 15, 2017, then-Administrator Scott Pruitt reaffirmed the EPA’s “Policy on Elevation of Critical Environmental and Public Health Issues.” He directed EPA staff to elevate concerns quickly and directed the regions to inform headquarters of any issues that are elevated under this policy.</p> <p>OECA is providing training on the use of SDWA Section 1431 authority. OECA worked with several regions, the OW and the Office of General Counsel to develop updates to the guidance.</p> <p>The EPA has initiated a workgroup with participation from OECA, the OW and the regions. The workgroup will develop procedures and strategies to ensure timely and effective EPA intervention where a state’s response to the risk is insufficient to protect the public’s health.</p> <p>OECA will seek state input on whether to create a new national initiative to improve drinking water compliance starting in June 2018, and then will seek public comment in November 2018. OECA expects to make a decision after this engagement process by July 2019.</p>	<p>OECA completion date: 10/1/19.</p>

