



# Office of Inspector General U.S. Environmental Protection Agency **At a Glance**

22-E-0026  
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## Why We Did This Evaluation

We conducted this evaluation to determine whether the U.S. Environmental Protection Agency has conducted residual risk and technology reviews in a timely manner, as required for the EPA to revise standards, as needed, to protect the public from air toxics emitted by stationary sources. A *stationary source* is any building, structure, facility, or installation that emits or may emit an air pollutant.

The Clean Air Act requires the EPA to conduct *residual risk reviews* to assess the health and environmental risks that remain after the EPA issues technology standards and the stationary sources implement the technology to limit air toxics emissions in accordance with those standards. If the risks are deemed unacceptable, the EPA is required to revise the standards to reduce the risks. Separately, the EPA is required to conduct a *technology review* of each technology-based standard at least once every eight years and, if necessary, revise the standard.

**This evaluation supports an EPA mission-related effort:**

- *Improving air quality.*

**This evaluation addresses a top EPA [management challenge](#):**

- *Integrating and leading environmental justice, including communicating risks.*

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## ***The EPA Needs to Develop a Strategy to Complete Overdue Residual Risk and Technology Reviews and to Meet the Statutory Deadlines for Upcoming Reviews***

### What We Found

The EPA has not conducted all statutorily mandated residual risk and technology reviews, or RTRs, or recurring eight-year technology reviews, or TRs, that are used to revise standards, as needed, to protect the public from air toxics emitted by stationary sources. As of November 1, 2021, 93 of the 169 industrial sources that require such reviews, known as *source categories*, had overdue RTRs or TRs.

The majority (79) of the 93 overdue reviews were TRs. The EPA had initiated the reviews for only 30 percent (28) of those 93 source categories.

**As of November 1, 2021, the EPA had 93 overdue RTRs or TRs, almost half of which were overdue by more than five years. These reviews are used to establish limits for air toxics emissions and to protect public health.**

Although the EPA has conducted internal exercises to prioritize certain source categories for RTRs or TRs, the EPA lacks a strategy to meet the statutory deadlines for RTRs and TRs and to complete all overdue reviews. Of the 28 overdue reviews in progress as of November 1, 2021, the EPA initiated 25 in response to court orders, consent decrees, or Office of Inspector General recommendations issued in May 2021 in Report No. [21-P-0129](#). In addition, although EPA staff told us that the volume of work, resource limitations, and other competing administration priorities are impediments to meeting statutory review time frames, we found that the EPA has not conducted a workforce analysis to determine the level and types of staff and resources needed to conduct the required RTRs and TRs.

Air toxics emitted from source categories with overdue RTRs and TRs can cause cancer and other serious health conditions. Overdue RTRs and TRs may also disproportionately impact communities with environmental justice concerns, given that minority and low-income populations are more likely to live near industrial facilities or other pollution sources.

### Recommendations and Planned Agency Corrective Actions

We recommend that the EPA perform a workforce analysis to determine the staff and resources needed to meet statutory RTR and TR deadlines. We also recommend that the EPA develop and implement a strategy to conduct RTRs and TRs by the statutory deadlines, as well as all overdue reviews in as timely a manner as practicable. The strategy should take into account the Agency's environmental justice responsibilities.

The EPA concurred with Recommendation 1 and partially concurred with Recommendation 2. Both recommendations are unresolved because the EPA's proposed completion dates are not aggressive enough to ensure that public health risks are reduced in conformity with statutory direction.