




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

OFFICE OF
INSPECTOR GENERAL

December 1, 2022

MEMORANDUM

SUBJECT: Notification of Evaluation:
The EPA's Tribal Consultation Process for Restricted Use Pesticides
Project No. OSRE-FY23-0038

FROM: Patrick Gilbride, Director 
Implementation, Execution, and Enforcement Directorate
Office of Special Review and Evaluation

TO: Michal Ilana Freedhoff, Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Jane Nishida, Assistant Administrator
Office of International and Tribal Affairs

The Office of Inspector General for the U.S. Environmental Protection Agency plans to begin an evaluation regarding the EPA's tribal consultation process for actions related to restricted use pesticides. This evaluation is being initiated as part of the OIG's [oversight plan](#) for fiscal year 2022. This evaluation also addresses the following fiscal year 2022 top [management challenges](#) for the Agency: ensuring the safe use of chemicals and integrating and leading environmental justice.

Our objective is to determine whether the EPA adhered to its tribal consultation policies during the development of the *EPA Plan for the Federal Certification of Applicators of Restricted Use Pesticides within Indian Country*, known as the 2014 EPA Plan; the *Certification of Pesticide Applicators Rule Revision*; and the 2020 proposed revisions to the 2014 EPA Plan. We plan to conduct work within the Office of Chemical Safety and Pollution Prevention and the Office of International and Tribal Affairs. The evaluation will be conducted using *Quality Standards for Inspection and Evaluation*, issued by the Council of the Inspectors General on Integrity and Efficiency. The anticipated benefits of this evaluation include improved tribal consultation processes to strengthen government-to-government relations between the EPA and tribal governments.

We will contact you to arrange a mutually agreeable time to discuss our objectives. We would also be particularly interested in any areas of concern that you may have. We will answer any of your questions about the evaluation process, reporting procedures, methods used to gather and analyze data, and what we should expect of each other during the evaluation. Throughout the evaluation, we will provide updates on a regular basis.

To expedite our evaluation, please be ready to provide the following information at the entrance conference: a summary document that includes a participant list for the 2020 tribal consultations on the draft *EPA Plan for the Federal Certification of Applicators of Restricted Use Pesticides within Indian Country*. The list should include regional, headquarters, and tribal participants.

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. 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 an April 28, 2021 email message to EPA employees, conveyed his “expectation that EPA personnel provide OIG timely access to records or other information” and observed that “full cooperation with the OIG is in the best interest of the public we serve.” We will request that you immediately 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. Anyone with knowledge of potential fraud, waste, abuse, misconduct, or mismanagement related to this evaluation should contact the OIG Hotline at (888) 546-8740 or via an electronic form on the “OIG Hotline” [webpage](#).

cc: Janet McCabe, Deputy Administrator
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