

U.S. ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

2023
SEMIANNUAL



**REPORT
TO
CONGRESS**

OCT 1, 2022 – MAR 31, 2023

Index of Reporting Requirements

Inspector General Act of 1978, as amended

Requirement	Subject	Addressed in
Section 5(a)(1)	Description of significant problems, abuses, and deficiencies relating to programs and operations and associated reports and recommendations for corrective action	Section 2.1
Section 5(a)(2)	Identification of each recommendation made before the reporting period for which corrective action has not been completed and potential cost savings associated with the recommendation	Section 1.3; Appendix 3
Section 5(a)(3)	Summary of significant investigations closed during the reporting period	Section 2.2
Section 5(a)(4)	Identification of the total number of convictions during the reporting period resulting from investigations	Sections 2.2 and 3
Section 5(a)(5)	A list identifying each audit, inspection, or evaluation report issuing during the reporting period; along with the total value of questioned costs (to include unsupported costs); total value of recommendations that funds to put to better use; and whether a management decision had been made by the end of the reporting period	Appendix 1
Section 5(a)(6)	Information regarding any management decision made during the reporting period with respect to an audit, inspection or evaluation report issued during a previous reporting period	Appendix 2
Section 5(a)(7)	Information described under section 804(b) of the Federal Financial Management Improvement Act of 1996	Section 1.3
Section 5(a)(8-10)	Information with respect to peer reviews conducted	Appendix 5
Section 5(a)(11-12)	Statistics on investigative reports, referrals, prosecutions, and indictments	Section 3
Section 5(a)(13)	Information with respect to substantiated investigations involving senior government employees	Appendix 4
Section 5(a)(14)	Information with respect to instances of whistleblower retaliation	Section 2.3
Section 5(a)(15)	Detailed description of any establishment attempts to interfere with OIG independence; summary of each report made to the agency head under IG Act section 6(c)(2)	Section 2.3
Section 5(a)(16)	Detailed description of closed audits, inspections, and evaluations; and closed investigations involving senior employees not disclosed to public	Appendix 4

Abbreviations

C.F.R.	Code of Federal Regulations
CSB	U.S. Chemical Safety and Hazard Investigation Board
EPA	U.S. Environmental Protection Agency
FY	Fiscal Year
GS	General Schedule
IIJA	Infrastructure Investment and Jobs Act
OIG	Office of Inspector General
Pub. L.	Public Law
U.S.C.	United States Code

Are you aware of fraud, waste, or abuse in an EPA or CSB program?

EPA Inspector General Hotline

1200 Pennsylvania Avenue, NW (2431T)
 Washington, D.C. 20460
 (888) 546-8740
 (202) 566-2599 (fax)
OIG_Hotline@epa.gov

Learn more about our [OIG Hotline](#).

EPA Office of Inspector General

1200 Pennsylvania Avenue, NW (2410T)
 Washington, D.C. 20460
 (202) 566-2391
www.epa.gov/oig

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Message to Congress

It is my pleasure to present this *Semiannual Report to Congress*, which summarizes the U.S. Environmental Protection Agency Office of Inspector General's work during the first half of fiscal year 2023. Throughout this period, we provided important oversight of EPA and U.S. Chemical Safety and Hazard Investigation Board programs and operations. We also undertook robust strategic efforts to help us tackle evolving needs and challenges, especially in regard to the historic funding that the EPA is receiving under the Infrastructure Investment and Jobs Act and the Inflation Reduction Act.



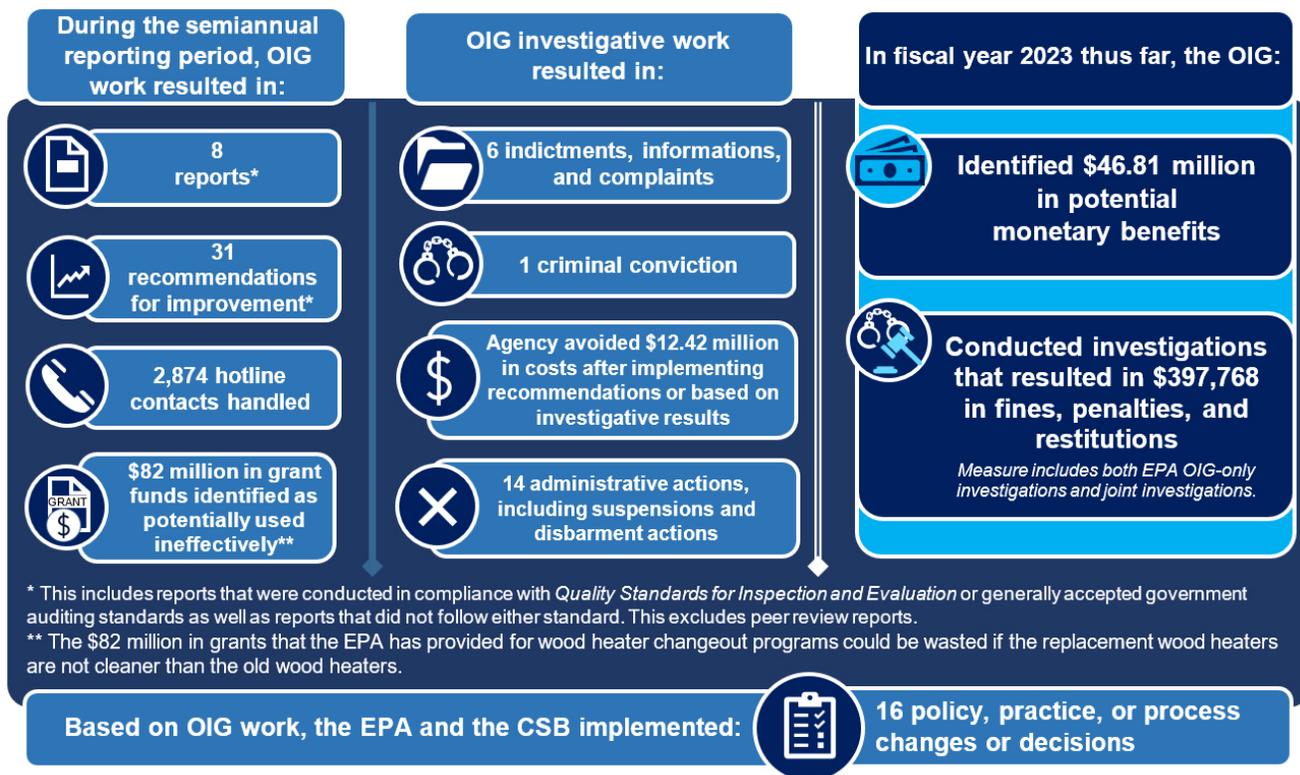
Sean W. O'Donnell

Strategically Preparing for Evolving Oversight Needs and Challenges. Between the IIJA and the IRA, the EPA will receive over \$100 billion in supplemental appropriations. The Agency's obligation to invest this unprecedented level of EPA funding brings with it a corresponding level of risk for fraud, waste, and abuse. In the IIJA Congress dedicated funds for EPA OIG oversight; unfortunately, the IRA did not provide funds for the same sort of independent oversight. Furthermore, our oversight responsibilities are greater than ever, but after a decade of declining and stagnant annual budgets, plus a lack of funds to oversee IRA work, we must do much more with less.

Still, we remain staunchly committed to our mission and stretching every oversight dollar to capacity. As of March 31, we had around a dozen ongoing and planned IIJA oversight projects. During this semiannual reporting period, we also developed strategic planning products to help both the EPA and the OIG optimize the use of their respective IIJA funds. We published several IIJA-related oversight products: the *Infrastructure Investment and Jobs Act—Overview of the EPA's Progress Since November 2021*, the *Compendium of Open and Unresolved Recommendations Related to Infrastructure Investment and Jobs Act-Funded Programs*, four "lessons learned" reports to help the Agency avoid past pitfalls as it completes its IIJA work, and an IIJA oversight [webpage](#) with an interactive dashboard that allows users to see where and how the EPA is disbursing IIJA funds.

Communicating with Congress and the Public. As the OIG's communications with Congress and the public are paramount, we worked to keep both informed of our oversight activities and progress. For example, on March 29, I [testified](#) before the Energy and Commerce Subcommittee on Oversight and Investigations about our IIJA groundwork and early oversight results, our outreach to stakeholders and shared best practices, lessons learned, and overall good governance practices for the EPA to apply as it manages IIJA funds. To bolster our external communications, I completed the successful split of a single office that led our legal and external affairs functions into two distinct units. Now we have two offices, the Office of Counsel and the Office of Congressional and Public Affairs, each led by a member of the Senior Executive Service. This reorganization enables each office to focus on its specialties, expand and enhance its products and services, and cultivate an environment where its employees thrive.

Providing Oversight Related to Environmental Emergencies. To ensure that the EPA has effective internal controls in place to protect human health and the environment, and that federal dollars flowing to and through state agencies are used appropriately, it is critical that we provide oversight related to environmental emergencies. During this period, we rapidly initiated inquiries into the EPA's response to two such emergencies: the [train derailment](#) in East Palestine, Ohio, and the potential contamination of the [Elm Point Wellfield](#) drinking water source in St. Charles, Missouri. Regarding the train derailment, we had staff on-site and communicating with other OIGs before we even initiated our official inquiry. We are currently conducting interviews; gathering data; and analyzing a variety of issues, after which we will determine whether to initiate formal oversight work related to these environmental emergencies.



During this semiannual reporting period, we also initiated an [audit](#) and an [evaluation](#) related to the Jackson, Mississippi drinking water crisis; continued an [audit](#) related to the drinking water lead contamination in Benton Harbor, Michigan; and continued an [evaluation](#) related to the Red Hill fuel leak that contaminated drinking water at Joint Base Pearl Harbor-Hickam in Hawaii. We expect to issue our reports on the drinking water lead contamination and fuel leak in the second half of fiscal year 2023 and will continue to issue findings and recommendations to help the EPA safeguard America’s water.

Identifying Funds That Could Be Put to Better Use. As we conduct oversight, we aim to promote economy and efficiency. In the first half of fiscal year 2023, we identified \$135 million that could be put to better use. For example, as we relayed both in our [report](#) and in our [podcast](#) on the EPA’s residential wood heater program, we found that \$82 million for residential wood heater changeout programs may have been wasted because the EPA cannot ensure that the new wood heaters are actually cleaner than the ones they replace. Findings like this truly demonstrate the financial benefit of our work—an investment in oversight may identify millions of dollars that would otherwise be wasted.

In addition, we proactively worked to prevent the mismanagement of funds. For example, in our [management implication report](#) on the mitigation of fraud vulnerabilities, we informed the Agency that grantees and subrecipients may not be fully aware of key fraud prevention and enforcement measures. We also provided considerations for the Agency to strengthen its grant-funding mechanisms. Further, we closed five significant investigations, including one in which a water utility services company and its owner pleaded guilty to submitting false water samples to a laboratory for lead and copper testing. Overall, we recouped more than \$176,000 through our investigations. Additionally, during ongoing investigative matters, we identified \$12,115,000 as potential cost savings due to possible violations of law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds.

Supporting and Protecting Whistleblowers. Whistleblowers play a vital role in our efforts to ensure that Agency programs and operations are efficient and effective. As such, supporting and protecting whistleblowers remains a top OIG priority. In March 2023, we issued a [management implication report](#) concerning vulnerabilities to our information security and oversight independence. Specifically, because there was little or no network

segmentation between the EPA and the OIG, certain EPA staff could modify OIG account settings and access sensitive data, such as emails from whistleblowers. To protect whistleblowers, we promptly addressed these vulnerabilities and implemented processes to prevent unauthorized access to sensitive information.

Investigating Scientific Integrity Concerns. Throughout this period, we engaged in oversight activities related to safeguarding scientific integrity. For example, as we detailed in Report No. [23-E-0013](#), *The EPA's January 2021 PFBS Toxicity Assessment Did Not Uphold the Agency's Commitments to Scientific Integrity and Information Quality*, we found that the EPA did not follow its typical process to develop the January 2021 perfluorobutane sulfonic acid toxicity assessment, and this deviation left public health vulnerable to potential negative impacts. We issued recommendations to make process-oriented changes that advance the culture of scientific integrity, safeguard against the alteration of scientific data, and improve employee and public confidence in the Agency's ability to sufficiently and effectively protect human health and the environment.

Continuing our Mission. As we move into the second half of fiscal year 2023, we will continue to use our resources efficiently and effectively to help the EPA and the CSB fulfill their respective missions on behalf of the American taxpayer. With a tremendous need for oversight and limited discretionary dollars, we continue to identify and conduct projects on issues that are important to the American people and affect their health and the environment. Ultimately, we serve the American taxpayer.



Sean W. O'Donnell
Inspector General

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SECTION 1: OVERVIEW



1.1 About the EPA, the CSB, and the OIG

The U.S. Environmental Protection Agency

The mission of the U.S. Environmental Protection Agency is to protect human health and the environment. As America's steward for the environment, the EPA works to ensure that the public has clean air, land, and water.

The U.S. Chemical Safety and Hazard Investigation Board

The U.S. Chemical Safety and Hazard Investigation Board was created by the Clean Air Act Amendments of 1990. The CSB investigates chemical incidents and determines the cause or probable cause.

The EPA Office of Inspector General

The Office of Inspector General, established by the Inspector General Act of 1978, as amended, 5 U.S.C. §§ 401–424, is an independent office of the EPA that detects and prevents fraud, waste, and abuse to help the Agency protect human health and the environment more efficiently and effectively. Since fiscal year 2004, Congress has designated the EPA inspector general to also serve as the inspector general for the CSB. As a result, the EPA OIG has the responsibility to audit, evaluate, inspect, and investigate EPA and CSB programs and operations, as well as to review proposed laws and regulations to determine their potential impact on these programs and operations. OIG staff are based at EPA headquarters in Washington, D.C.; at the EPA's ten regional offices; in Research Triangle Park, North Carolina; and in Cincinnati, Ohio.

OIG Vision

Be a premier oversight organization trusted to speak the truth, promote good governance, and contribute to improved human health and the environment.

OIG Mission

Conduct independent audits, evaluations, and investigations; make evidence-based recommendations to promote economy, efficiency, and effectiveness; and prevent and detect fraud, waste, abuse, mismanagement, and misconduct for the EPA and the CSB.

OIG Goals

1. Contribute to improved EPA and CSB programs and operations protecting human health and the environment and enhancing safety.
2. Conduct audits, evaluations, and investigations that enable the EPA and the CSB to improve business practices and accountability.
3. Improve OIG processes, resource allocation, and accountability to meet stakeholder needs.

1.2 OIG Strategic Planning

When determining which audits and evaluations to undertake, the OIG independently considers the top management and performance challenges facing the EPA and the CSB. In this semiannual report, we identify which top management challenges our audits and evaluations address, as applicable, next to the following symbol: . We also consider how our oversight work supports the EPA's mission-related efforts to protect human health and the environment. We show which mission-related efforts our reports support next to this symbol: . Some of the work we conduct is required by law or executive order; those reports are labeled with the following symbol: . We also, as part of our oversight function, may verify proper implementation of EPA and CSB corrective actions via follow-up audits and evaluations. We identify such follow-up projects with the following symbol: .

Agency Management Challenges

EPA FY 2023 [report](#) issued October 28, 2022

CSB FY 2023 [report](#) issued October 21, 2022

As required by the Reports Consolidation Act of 2000, each OIG is required to prepare an annual report summarizing what the inspector general considers to be the “most serious management and performance challenges facing the agency.” The EPA OIG identifies top management challenges facing the EPA by surveying staff at EPA program offices, soliciting input from senior EPA leadership, conducting outreach meetings with the Agency's program offices, and utilizing findings from the OIG's previous reports and investigations. We also consider the work of the U.S. Government Accountability Office and public statements by EPA leaders to the press and Congress.

Similarly, top management challenges facing the CSB are identified by surveying CSB board members, considering statements made by CSB leaders to the press and Congress, and utilizing findings from the OIG's previous audits, evaluations, and investigations. Based on this feedback, we identified eight top management challenges facing the EPA and three for the CSB in FY 2023.

EPA FY 2023 Management Challenges

1. Mitigating the causes and adapting to the impacts of climate change.
2. Integrating and leading environmental justice across the Agency and government.
3. Providing for the safe use of chemicals.
4. Safeguarding scientific integrity principles.
5. Ensuring Agency systems and other critical infrastructure are protected against cyberthreats.
6. Managing business operations and resources.
7. Enforcing compliance with environmental laws and regulations.
8. Managing increased investment in infrastructure.

CSB FY 2023 Management Challenges

1. Accomplishment of the CSB's mission remains impaired until the full board is confirmed.
2. Minimize mission critical staff vacancies and attrition rates.
3. Improve cybersecurity weaknesses.

Fiscal Year 2023 Oversight Plan

[Oversight Plan](#), issued January 9, 2023

The Oversight Plan is our guide for the audits, evaluations, and other oversight engagements we intend to conduct during the fiscal year to fulfill our mission. In developing the Oversight Plan, we focused on projects related to the OIG-identified top management challenges. We also considered the findings, recommendations, and observations from previous OIG and U.S. Government Accountability Office reports; key strategic documents, such as the EPA strategic plan; congressional hearings, legislation, and feedback from members of Congress; and projects related to the Infrastructure Investment and Jobs Act. These considerations help ensure that we undertake projects that address the EPA's and the CSB's most pressing challenges. Since our planning efforts are not static, the projects included in the plan may be modified as challenges and risks for the EPA and the CSB evolve and emerge.

Infrastructure Investment and Jobs Act Progress Report—Year One

[Issued](#) March 29, 2023

The Infrastructure Investment and Jobs Act, or IIJA, Pub. L. 117-58, provides the EPA with approximately \$60 billion for infrastructure-related purposes, including geographic programs, state and tribal assistance grants targeting clean-water initiatives, brownfields, Superfund, pollution prevention, and recycling. As of February 28, 2023, the EPA had obligated approximately 12 percent of its IIJA funds; however, less than 1 percent of the \$60 billion in IIJA funds had been expended. The *IIJA Progress Report—Year One* summarized the EPA OIG’s efforts to provide oversight of the EPA’s execution of IIJA funding in year one.

The EPA OIG has received funds that will allow us to oversee the EPA’s execution of IIJA programming for over ten years. As of February 28, 2023, we obligated less than 2 percent of our total appropriated IIJA funds. Our focus in year one was strategic hiring for mission critical positions. We also issued several lessons learned reports that summarized previous OIG report findings that are applicable to IIJA-funded programs.

The OIG’s FY 2023–2027 Strategic Plan

Under development

In this semiannual report period, we began developing our next strategic plan, since our current [strategic plan](#) will expire at the end FY 2023. The new strategic plan will document our inspector general’s five-year vision and the OIG’s mission.

1.3 Analysis of Unimplemented Recommendations

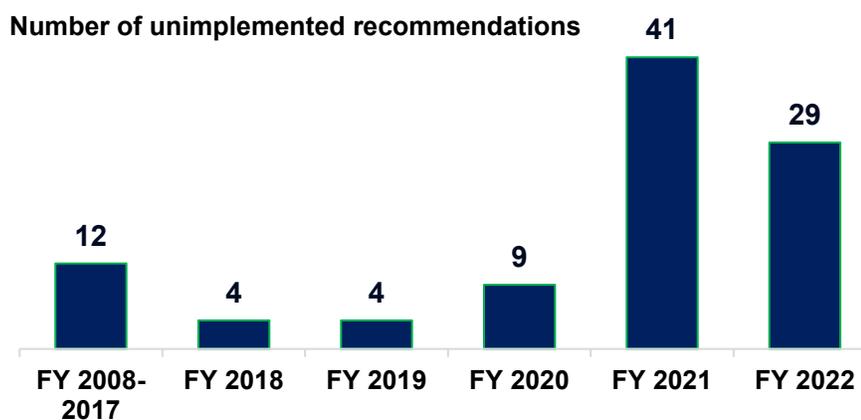
OIG audits and evaluations provide recommendations to improve EPA or CSB programs and operations. The EPA, the CSB, and the public benefit from the implementation of these recommendations, which address a range of human health, environmental, and business issues. This semiannual period, we issued a [compendium](#) that provided an in-depth analysis of all open and unresolved recommendations issued by the OIG to the EPA and the CSB. We also issued a second [compendium](#) that focused on open and unresolved recommendations specifically concerning programs that received funding under the IJA.

Before issuing a final report that contains recommendations, the OIG distributes a draft report to the EPA or the CSB, identifying a lead official for each recommendation included in the report. The lead officials can then respond to the draft report findings and recommendations. For the final report, which is posted on the OIG’s website, the OIG analyzes the responses received and indicates whether each recommendation is:

- **Unresolved.** The EPA or the CSB disagrees with the recommendation or did not provide a formal, complete written response to the recommendation, or the OIG disagrees that the Agency’s proposed corrective actions are responsive to the recommendation.
- **Resolved.** The EPA or the CSB and the OIG agree upon the recommendation and proposed corrective actions, but the corrective actions have not yet been completed. These recommendations are also called open recommendations and are considered unimplemented, regardless of whether their expected due dates are in the past or the future. Unimplemented recommendations issued prior to this semiannual reporting period are listed in [Appendix 3](#).
- **Completed.** The EPA or the CSB and the OIG agree upon the recommendation and proposed corrective actions, and the EPA or the CSB has fully completed them.

Section 5(a)(2) of the Inspector General Act, 5 U.S.C. § 405, as amended by the James M. Inhofe National Defense Authorization

Act for Fiscal Year 2023, requires that we identify each recommendation described in previous semiannual reports for which corrective action has not been completed, including the potential cost savings associated with the recommendation.¹ We interpret potential costs



¹ Effective December 27, 2022, the Inspector General Act of 1978 was reorganized and codified as 5 U.S.C. §§ 401–424; the requirements for the semiannual report to Congress appear in 5 U.S.C. § 405. Section 5273 of the National Defense Authorization Act for Fiscal Year 2023, however, amended the semiannual reporting requirements as they had appeared in Section 5 of the Inspector General Act prior to the codification. These revisions are operative law but are not yet codified in 5 U.S.C. § 405 and instead appear in the statutory notes as amendments not shown in the text. Accordingly, all citations to particular semiannual reporting requirements will reflect the specific subsection of section 5 of the IG Act and a general parallel citation to 5 U.S.C. § 405.

savings to be the total of questioned costs plus funds put to better use. For this semiannual report, we analyzed actions taken by the EPA and the CSB regarding recommendations described in past semiannual reports and identified those that remained unimplemented as of March 31, 2023: 98 for the EPA and one for the CSB. The chart below shows when these 99 unimplemented recommendations were originally issued to the EPA or the CSB. The potential costs savings of the 98 recommendations issued to the EPA are approximately \$74.6 million. There are no potential cost savings associated with the unimplemented CSB recommendation. Note that the recommendations issued during this semiannual period are included as part of the report summaries in [Section 2.1](#).

Section 5(a)(7) of the Inspector General Act, 5 U.S.C. § 405, requires that we provide information described under section 804(b) of the Federal Financial Management Improvement Act of 1996. In our annual audit of the Agency’s FY 2022 and 2021 Consolidated Financial Statements, we determined that the “results of our tests did not disclose any instances of noncompliance with [Federal Financial Management Improvement Act of 1996] requirements, including where the Agency’s financial management systems did not substantially comply with the applicable federal accounting standard.” Accordingly, there is no information or outstanding corrective actions to report with respect to the Federal Financial Management Improvement Act of 1996.

The table below breaks down the 99 unimplemented recommendations issued to the EPA and the CSB according to their potential health, environmental, and business benefits and identifies the potential cost savings if these recommendations are implemented. [Appendix 3](#) provides the full text of the unimplemented recommendations, to include the potential cost savings for each recommendation.

Category	Number remaining unimplemented	Potential cost savings associated with unimplemented recommendations
<i>EPA unimplemented recommendations</i>		
1. Administrative and Business Operations	24	\$46,761,000
2. Human Health and Environmental Issues	74	\$27,800,000
EPA subtotal	98	\$74,561,000
<i>CSB unimplemented recommendations</i>		
1. Management and Operations	1	\$0
CSB subtotal	1	\$0
TOTAL	99	\$74,561,000

1.4 OIG Hotline

Section 8M of the Inspector General Act, 5 U.S.C. § 420, requires each OIG to maintain a direct link on the homepage of its website for individuals to report fraud, waste, and abuse. Individuals may also report complaints to the EPA OIG via telephone, email, and postal mail. We refer to these means of receiving information collectively as the “OIG Hotline.” The purpose of the hotline is to receive complaints of fraud, waste, or abuse in EPA and CSB programs and operations, including mismanagement or violations of laws, rules, or regulations by Agency employees or program participants. The hotline also encourages suggestions for assessing the efficiency and effectiveness of Agency programs. Complaints and suggestions may be submitted by anyone, including EPA and CSB employees, participants in EPA and CSB programs, Congress, organizations, and the public. As a result of these contacts, the OIG may conduct audits, evaluations, and investigations. In [Section 2.1](#), we summarize the work based on hotline contacts concluded during this semiannual reporting period.

Hotline Statistics

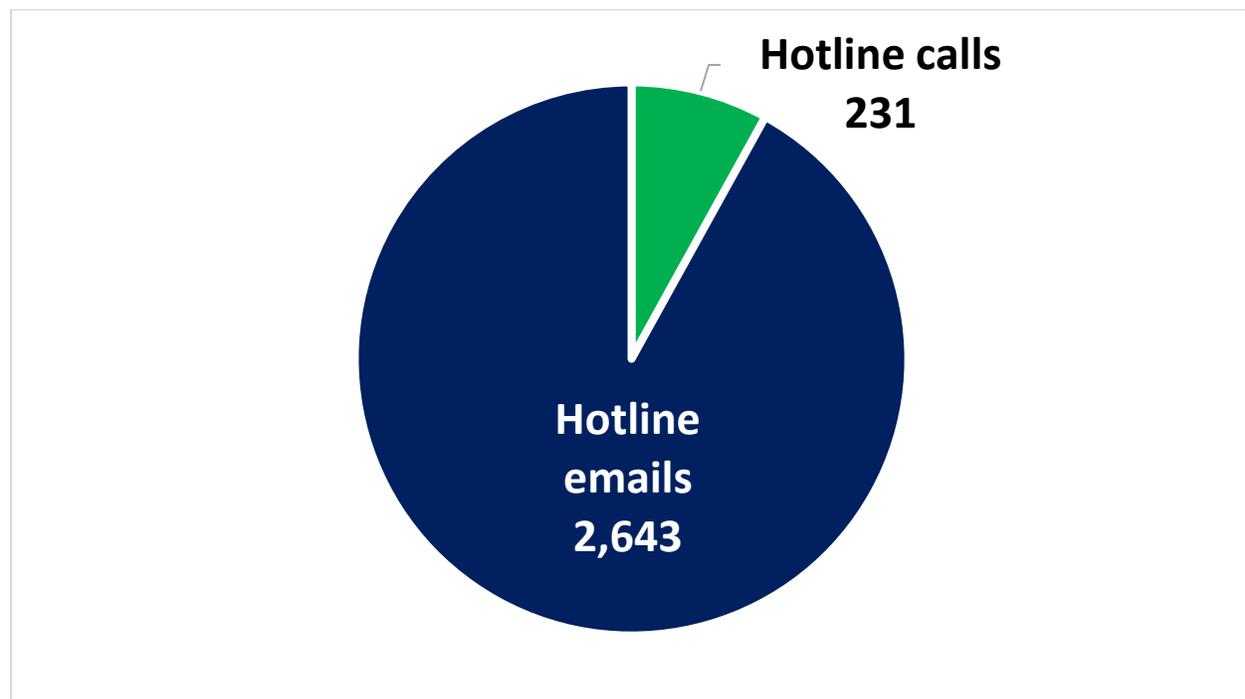
The figures below detail the number and types of contacts that the hotline received and referred for review by OIG investigation, audit, and evaluation staff; EPA program offices; and other government agencies during the semiannual period ending March 31, 2023. In this period, of 2,874 contacts received, the OIG made 258 referrals. A contact can be referred to more than one entity.

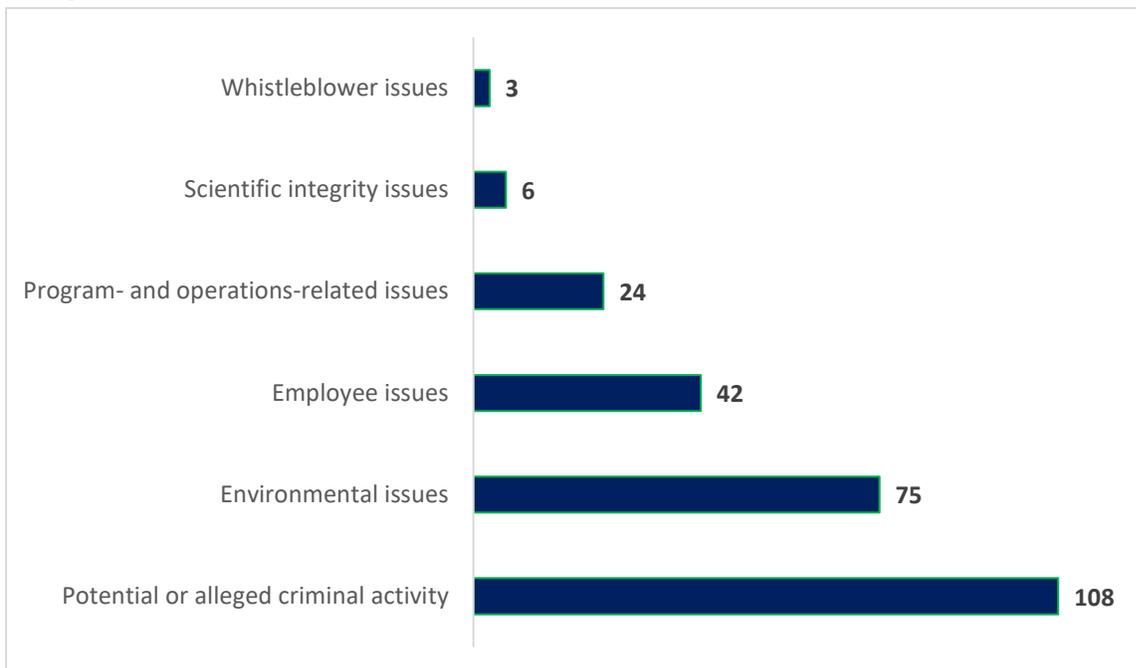
We refer contacts unrelated to potential fraud, waste, abuse, misconduct, or mismanagement but related to an Agency program or operation to the appropriate EPA or CSB office. As applicable, we attempt to refer contacts unrelated to the EPA or the CSB to another government agency. More information about our hotline operations, including a podcast that discusses how the EPA OIG hotline works, who uses it, and how to file a hotline complaint, can be found on our [website](#).

[Podcast](#)



Hotline contacts received, 10/1/2022–3/31/2023



Hotline contacts referred, 10/1/2022–3/31/2023**Categories of the 258 hotline contacts referred to OIG offices*****Hotline Confidentiality***

Individuals who contact the hotline are not required to identify themselves and may request anonymity or confidentiality when submitting allegations. However, the OIG encourages those who report allegations to identify themselves so that they can be contacted if the OIG has additional questions. Pursuant to section 7 of the Inspector General Act, 5 U.S.C. § 407, the OIG will not disclose the identity of an EPA or CSB employee who provides information unless that employee consents or the inspector general determines that such disclosure is unavoidable during the course of an investigation. As a matter of policy, the OIG will provide comparable protection to employees of contractors, grantees, and others who make a complaint or provide information to the OIG and request confidentiality. Pursuant to section 8M of the Inspector General Act, the OIG will also not disclose the identity of an individual who provides information via the OIG's online complaint form unless that individual consents or the inspector general determines that such disclosure is unavoidable during the course of an investigation. This applies regardless of whether the individual is an EPA or CSB employee. Individuals concerned

about confidentiality or anonymity with regard to electronic communication may submit allegations by telephone or regular mail.

EPA OIG Hotline

To report fraud, waste, or abuse, contact us through one of the following methods:

Email:	OIG_Hotline@epa.gov	Mail:	EPA OIG Hotline
Phone:	(888) 546-8740 or (202) 566-2476		1200 Pennsylvania Avenue, NW
Online:	EPA OIG Hotline		Mail Code 2410T
			Washington, D.C. 20460

EPA Whistleblower Protection Coordinator

The EPA whistleblower protection coordinator can be reached at:

Phone:	(202) 566-1513	Email:	whistleblower_protection@epa.gov
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1.5 Scientific Integrity and Misconduct

Scientific integrity at the EPA helps ensure that the science conducted, communicated, and used across the Agency is of the highest quality. Scientific integrity is crucial because it safeguards science to ensure that it is objective and rigorous. In October 2022, the OIG identified “Safeguarding Scientific Integrity Principles” as a [top management challenge](#) for the EPA. The EPA issued its *Scientific Integrity Policy* in February 2012. The policy sets the expectation for all EPA employees to represent the Agency’s scientific activities clearly, accurately, honestly, objectively, thoroughly, without political or other interference, and in a timely manner, consistent with their official responsibilities. It also sets the expectation that all EPA employees will report policy breaches. The EPA’s Scientific Integrity Program consists of the EPA’s scientific integrity official, deputy scientific integrity officials from each of the EPA’s program and regional offices, and program staff who support implementing the *Scientific Integrity Policy*.

“Science is the backbone of the EPA’s decision-making. The Agency’s ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. The environmental policies, decisions, guidance, and regulations that impact the lives of all Americans every day must be grounded, at a most fundamental level, in sound, high quality science.”

—[Scientific Integrity Policy](#), Section II

As part of its mission to detect and deter fraud, waste, abuse, and mismanagement, the OIG conducts investigations related to “research misconduct” and “scientific misconduct,” including fabrication, falsification, or plagiarism in proposing, performing, or reviewing research or reporting research results. The OIG may refer scientific integrity allegations that it receives to the scientific integrity official. The scientific integrity official and OIG staff meet every two weeks to discuss the status of cases, as appropriate, as well as other scientific integrity-related issues.

The OIG has a critical role in protecting the Agency’s scientific integrity. As an independent office, the OIG can receive complaints of mismanagement, misconduct, abuse of authority, or censorship, including those related to scientific or research misconduct. Through its statutory mandate, the OIG can investigate these allegations. To facilitate transparency, we continue our practice, started in our fall 2020 *Semiannual Report to Congress*, of providing a summary of scientific integrity oversight at the Agency. The following subsections report the status of scientific integrity allegations received by the scientific integrity official and scientific misconduct allegations received by the OIG.

Scientific Integrity Allegations and Advice Queries Received by the Scientific Integrity Official

The EPA’s Scientific Integrity Program engages with Agency staff who raise potential scientific integrity concerns through two mechanisms: (1) advice and assistance to provide early intervention for the purpose of preventing lapses in scientific integrity and (2) a procedure for reporting and adjudicating allegations.

For the semiannual reporting period ending March 31, 2023, the scientific integrity official reported that the Scientific Integrity Program received two new allegations and 15 new advice queries. Also, during this semiannual reporting period, two allegations were closed or resolved. As of March 31, 2023, there were 24 open allegations, all from prior reporting periods.

Scientific Misconduct Allegations Received and Investigated by the OIG

At the beginning of the semiannual reporting period, the OIG had nine open cases involving potential scientific misconduct. The OIG received four complaints with allegations involving potential scientific misconduct from Agency employees and other sources during this semiannual reporting period. Two of these complaints resulted in new investigations. As of March 31, 2023, one investigation was closed. The

OIG did not have any relevant results of investigations that it conducted or oversaw to report to the Agency for a determination of appropriate action.

[EPA Order 3120.5](#) contains the Agency's policy and procedures for addressing research misconduct, including the requirement for EPA employees to immediately report to the OIG any allegation of research misconduct that involves:

- Public health or safety being at risk.
- Agency resources or interests being threatened.
- Circumstances in which research activities should be suspended.
- Reasonable indication of possible violations of civil or criminal law.
- Federal action being required to protect the interests of those involved in an investigation.
- A research entity's belief that an inquiry or investigation may be made public prematurely, so that appropriate steps can be taken to safeguard evidence and protect the rights of those involved.
- Circumstances in which the research community or public should be informed.

Additionally, EPA Manual 6500, *Functions and Activities of the Office of Inspector General*, states, "[e]ach employee is responsible for promptly reporting indications of wrongdoing or irregularity to the OIG and for cooperating and providing assistance during any audit or investigation." [Coordination procedures](#) between the scientific integrity official and the OIG, which sets out the mechanism for compliance with Agency policy, state that upon receiving a research misconduct allegation, the scientific integrity official will refer the allegation to the OIG Hotline. Likewise, if the OIG receives an allegation of research misconduct through means other than the OIG Hotline, the allegation will be forwarded to the OIG Hotline, and OIG staff will contact the scientific integrity official to discuss the allegation, as appropriate. As noted above, the scientific integrity official and OIG staff also meet every two weeks to discuss the status of cases, as appropriate, as well as other scientific integrity-related issues.

Requests for advice or allegations received by the scientific integrity official are not always referred to the OIG. There also have been several instances where we have learned of scientific integrity policy violations not directly from EPA personnel, including the scientific integrity official, but coincidentally through audits and evaluations. In FY 2022, the OIG initiated discussions with the Agency to revise the coordination procedures between the OIG and the Agency's Scientific Integrity Program related to information sharing on scientific integrity. In June 2022, the OIG presented revised coordination procedures to the Agency that would ensure that complaints involving scientific integrity, as well as other misconduct, were promptly disclosed to the OIG. As of this reporting period, the revised coordination procedures remain with the Agency for its review. Since the beginning of FY 2023, the OIG has had to issue monthly information requests to the Agency's Scientific Integrity Program to ensure that the OIG is receiving all relevant information on potential scientific integrity concerns while the Agency reviews the OIG's revised coordination procedures. These monthly requests will continue to be renewed until new coordination procedures are finalized. Revised coordination procedures are essential to clarify the OIG's access rights and ensure that scientific integrity concerns, as well as allegations of other wrongdoing, are routed to the proper office and addressed in the most efficient and effective manner.

1.6 Inspector General Testimony

On March 29, 2023, EPA Inspector General Sean W. O'Donnell testified before the U.S. House of Representatives Committee on Energy and Commerce's Subcommittee on Oversight and Investigations. He, along with U.S. Department of Commerce Inspector General Peggy Gustafson, U.S. Department of Energy Inspector General Teri Donaldson, and U.S. Government Accountability Office Natural Resources and Environment Managing Director Mark Gaffigan, discussed how their respective agencies are approaching oversight of the appropriations from the IIJA, CHIPS and Science Act, and Inflation Reduction Act.

Regarding the IIJA, Inspector General O'Donnell testified that the EPA OIG laid the groundwork for oversight after the Act was enacted by developing a specific IIJA oversight plan and examining previous EPA OIG, Government Accountability Office, and single audit reports to identify good governance practices that the EPA could incorporate into its IIJA efforts. He said that EPA OIG oversight efforts will focus on state revolving funds and best practices in contract and grant awards. The EPA OIG already has six projects underway examining a range of issues, such as Superfund sites slated for IIJA cleanup funds, supply chains for funding projects, and the capacity of state revolving funds to manage an influx of IIJA funds. Five other projects are in the planning stage.

The IRA did not provide any funds for EPA OIG oversight, Inspector General O'Donnell testified, meaning that the EPA OIG will have to rely on annual appropriations to conduct oversight of both normal Agency operations and programs as well as IRA-specific operations and programs. He added that although the lessons learned reports issued for the IIJA could apply to the IRA, both Acts encompass different goals, offices, and programs.

Inspector General O'Donnell testified that he appreciated the support Congress has given to the EPA OIG, but more is needed to guarantee proper oversight of EPA's work funded by annual and IRA appropriations. Without the proper budget, the EPA OIG will have to continue making hard choices about its work and workforce.



Inspector General Sean W. O'Donnell testifying before the U.S. House of Representatives Committee on Energy and Commerce, Subcommittee on Oversight and Investigations. (House Committee on Energy and Commerce Subcommittee on Oversight and Investigations photo)

SECTION 2:
Work Accomplished
During the Semiannual Period



2.1 Oversight Work

Summaries of the reports that we issued during the semiannual period, along with the associated recommendations, are detailed below. Section 5(a)(1) of the Inspector General Act, 5 U.S.C. § 405, requires “a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the establishment” as well as the related reports and recommendations for corrective action. Section 5(a)(16)(A) of the Act, 5 U.S.C. § 405, requires that we provide a detailed description of closed audits, inspections, and evaluations not previously disclosed to the public; the OIG does not have any such instances to report.

Infrastructure Investment and Jobs Act

On November 15, 2021, President Joseph R. Biden Jr. signed the IIJA, Pub. L. 117-58, into law. This Act appropriated approximately \$60 billion to the EPA for FYs 2022 through 2026, a significant increase from the EPA’s annual appropriation, which has ranged from approximately \$8.1 billion to \$10.1 billion over the past ten years. The OIG will receive nearly \$270 million under the Act to conduct audits, evaluations, and investigations of EPA programs and entities receiving or affected by IIJA funds.

In accordance with our *IIJA Oversight Plan*, we focused on helping the EPA plan for this significant increase in funding by issuing lessons learned reports. We issued one such report during this semiannual period.

American Recovery and Reinvestment Act Findings for Consideration in the Implementation of the Infrastructure Investment and Jobs Act

Report No. [23-N-0004](#), issued December 7, 2022

 Compliance with the law; Partnering with states and other stakeholders; Operating efficiently and effectively.

 Managing business operations and resources; Managing increased investment in infrastructure.

Through our analysis of 28 reports related to the EPA’s management of its American Recovery and Reinvestment Act funds, we developed three lessons that the EPA should consider to mitigate risks and reduce the likelihood of fraud, waste, and abuse of IIJA funds. These lessons are to ensure that federal requirements are met; provide clear and comprehensive guidance; and improve project management, monitoring, and data verification. We did not issue any recommendations in this report.

OIG Webpage: “EPA OIG Infrastructure Investment and Jobs Act Oversight”

[Launched](#) March 2023, continually updated

We maintain a webpage of our work related to the IIJA to keep the public apprised of our efforts. The webpage contains our IIJA oversight plan, as well as planned, ongoing, and completed oversight work related to the IIJA.

Human Health and Environmental Issues

The EPA Is Not on Track to Reach Its National Compliance Initiative Goals to Stop Aftermarket Defeat Devices and Tampered Vehicles

Report No. [23-E-0006](#), issued January 25, 2023

 Improving air quality; Partnering with states and other stakeholders.

 Mitigating causes and adapting to impacts of climate change; Enforcing environmental laws and regulations.

The Office of Enforcement and Compliance Assurance is not on track to achieve 25 percent of the metrics in the strategic plan for its National Compliance Initiative, *Stopping Aftermarket Defeat Devices for Vehicles and Engines*. The strategic plan includes vague, unquantifiable metrics; EPA offices inconsistently interpret the strategic plan's requirements; the EPA

[Podcast](#)



What Is a National Compliance Initiative?

The EPA focuses its enforcement and compliance assurance resources on the most serious environmental violations by developing and implementing national program priorities, called **National Compliance Initiatives**. For more information on the *Stopping Aftermarket Defeat Devices for Vehicles and Engines* NCI, readers can access the National Compliance Initiatives [webpage](#).

has not updated the strategic plan to clarify requirements; and regional staff are not given adequate technical training. Moreover, the EPA does not share helpful enforcement data with the states or incentivize complementary state efforts to implement the National Compliance Initiative. If the National Compliance Initiative's goals are not achieved, excess emissions from aftermarket defeat devices and tampered vehicles will continue to threaten public and environmental health.

Recommendations for corrective action issued to the assistant administrator for Enforcement and Compliance Assurance:

1	Develop guidance for the regions that outlines how to interpret, track, and report metrics and that defines vague terms used in the EPA's <i>Stopping Aftermarket Defeat Devices for Vehicles and Engines</i> National Compliance Initiative strategic plan.
2	Update the EPA's <i>Stopping Aftermarket Defeat Devices for Vehicles and Engines</i> National Compliance Initiative strategic plan so that the National Compliance Initiative goals can be achieved in the event of a pandemic or other challenge.
3	In collaboration with EPA regions, revise and reissue the strategic plan for the <i>Stopping Aftermarket Defeat Devices for Vehicles and Engines</i> National Compliance Initiative. In addition, ensure the strategic plan includes quantifiable deliverables that are linked to known compliance-rate baselines that promote the success of the initiative, as well as a mechanism to acquire and implement post-training feedback from regions and states.
4	Work with the Office of General Counsel to provide training for headquarters and regional enforcement staff and to release enforcement data, as appropriate and consistent with applicable legal requirements, that states can use to target and deter the installation and use of aftermarket defeat devices within their jurisdictions.
5	Use the OIG's state questionnaire results, as well as feedback from regions and states, to identify and implement a strategy to overcome barriers and incentivize voluntary complementary work by the states to stop aftermarket defeat devices and tampering.

The EPA’s Residential Wood Heater Program Does Not Provide Reasonable Assurance that Heaters Are Properly Tested and Certified Before Reaching Consumers

Report No. [23-E-0012](#), issued February 28, 2023

 Improving air quality; Compliance with the law; Operating efficiently and effectively.

 Enforcing environmental laws and regulations; Integrating and leading environmental justice, including communicating risks.

The EPA’s residential wood heater program does not ensure that wood heaters are properly tested and certified before reaching consumers. The EPA’s 2015 New Source Performance Standards for wood heaters is flawed, and the EPA’s approved test methods

[Podcast](#)



Residential wood heater in home. (EPA OIG photo)

are unclear and too flexible. As a result, certification tests may not be accurate, do not reflect real-world conditions, and may result in some wood heaters being certified for sale that emit too much particulate-matter pollution. The EPA also lacks internal controls to ensure that certification test reports are valid and that certification tests are conducted appropriately. State regulators indicated that they cannot rely on the EPA’s certifications of wood heaters and, therefore, developed their own standards and lists of approved wood heaters. The \$82 million in grants that the EPA has provided for wood heater changeout programs could be wasted if the replacement wood heaters are not cleaner than the old wood heaters.

Recommendations for corrective action issued to the assistant administrator for Enforcement and Compliance Assurance:

- 1 Develop internal controls for the residential wood heater program to improve the certification process and oversight, including but not limited to:
 - a. Issuing a standardized certification test report template.
 - b. Developing policies and procedures that detail how to conduct in-depth reviews of certification test reports.
 - c. Periodically observing certification testing.
 - d. Developing and implementing guidance for conducting systematic compliance audit tests.
- 2 In consultation with the Office of Air and Radiation, define roles and responsibilities within and between the Office of Enforcement and Compliance Assurance and the Office of Air and Radiation for the residential wood heater program, so that sufficient subject-matter expertise and resources are leveraged to ensure that certification test reports are substantively reviewed.
- 3 Develop and implement a plan to demonstrate whether residential wood heaters certified using the test methods based on ASTM E3053 comply with the New Source Performance Standards for residential wood heaters.

Recommendations for corrective action issued to the assistant administrator for Air and Radiation:

- 4 Incorporate the EPA’s certification test report expectations set forth in the April 2022 corrective action list into the 2023 revisions to the New Source Performance Standards for residential wood heaters.

The EPA Met 2018 Water Security Requirements but Needs to Improve Oversight to Support Water System Compliance

Report No. [23-P-0003](#), issued November 21, 2022

 Ensuring clean and safe water; Compliance with the law.

 Protecting information technology and systems against cyberthreats; Managing infrastructure funding and business operations.

The EPA met the requirements of section 2013 of the America’s Water Infrastructure Act of 2018, but 19 percent of water systems did not certify that they had completed their risk and resilience assessments by the statutory deadline, making them vulnerable to cyberattacks and other malevolent acts. These noncompliant systems serve 40 million people. About 95 percent of the noncompliant water systems were small water systems, which are more likely to serve disadvantaged communities. The EPA did not adequately oversee these water systems to ensure that they complied with the Act’s requirements, specifically maintaining contact information, publishing guidance regarding enforcement actions against noncompliant water systems, providing assistance to support small water compliance, or reviewing the quality of their risk and resilience assessments and emergency action plans.

 Community water system size	 Population served	 Risk and resilience assessment deadlines	 Emergency response plan deadlines
Large	≥100,000	March 31, 2020	September 30, 2020
Medium	50,000 – 99,999	December 31, 2020	June 30, 2021
Small	3,301 – 49,999	June 30, 2021	December 31, 2021

Source: OIG summary of certification deadlines set by section 2013 of America’s Water Infrastructure Act of 2018. (EPA OIG image)

Recommendations for corrective action issued to the assistant administrator for Water:

- 1 In consultation with the assistant administrator for Enforcement and Compliance Assurance, as appropriate, update and implement a plan for supporting community water systems so that all water systems comply with all certification requirements included in section 2013 of the America’s Water Infrastructure Act, for past and future deadlines related to risk and resilience assessments and emergency response plans.
- 2 In consultation with the assistant administrator for Enforcement and Compliance Assurance, as appropriate, update processes related to the EPA’s implementation of section 2013 of the America’s Water Infrastructure Act, including processes to monitor community water system compliance with section 2013 and record noncompliance and contact information in the EPA’s Safe Drinking Water Information System database. These processes should be documented in the EPA’s *Water Supply Guidance Manual*.
- 3 In consultation with the assistant administrator for Enforcement and Compliance Assurance, as appropriate, review a sample of risk and resilience assessments and emergency response plans completed by community water systems under section 2013 of the America’s Water Infrastructure Act to determine improvements, particularly in cybersecurity, that can be made as the water systems complete the Act’s ongoing certification requirements.
- 4 In consultation with the assistant administrator for Enforcement and Compliance Assurance, as appropriate, develop formal guidance for community water systems that clearly describes the America’s Water Infrastructure Act section 2013 requirements, including certification deadlines, enforcement steps, and the improvements identified as a result of Recommendation 3. Incorporate this guidance into the EPA’s *Water Supply Guidance Manual*.

The EPA's January 2021 PFBS Toxicity Assessment Did Not Uphold the Agency's Commitments to Scientific Integrity and Information Quality

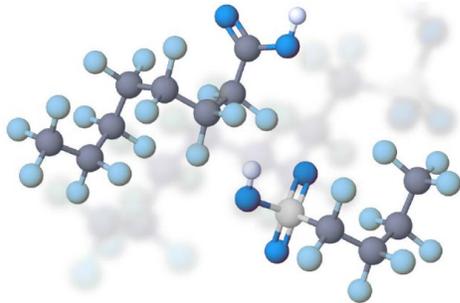
Report No. [23-E-0013](#), issued March 7, 2023

 Operating efficiently and effectively.

 Safeguarding scientific integrity.

The EPA did not follow the typical intra-agency review and clearance process for the perfluorobutane sulfonic acid, or PFBS, toxicity assessment that was published in January 2021. A political appointee directed that a last-minute review be conducted, which

[Podcast](#)



Per- and polyfluoroalkyl substances molecules depicted on the cover of the EPA's *Per- and Polyfluoroalkyl Substances (PFAS) Action Plan*, dated February 2019. (EPA image)

resulted in a scientific disagreement and changes to the previously peer-reviewed product. These changes included the unprecedented presentation of toxicity ranges. If regulated entities cleaning up PFBS contamination, for example, selected the less stringent value within the toxicity ranges, the cleanups may have been less protective of human health. While EPA staff expressed scientific integrity concerns about the last-minute review and risks to public health, the EPA lacked procedures to address these concerns, despite OIG recommendations [issued](#) in May 2020 for the EPA to develop such procedures. Without these procedures, the Agency cannot fulfill its commitment to scientific integrity and information quality.

Recommendations for corrective action issued to the assistant administrator for Research and Development:

- 1 Develop or update existing policies, procedures, or guidance to specify whether and under which applicable circumstances comments expressing scientific disagreement can be provided for a scientific product that has undergone all peer reviews and required developmental steps set forth in applicable actions or project plans.
- 2 Develop or update existing policies, procedures, or technical documents to specify whether reference dose ranges are acceptable in toxicity assessments. If acceptable, specify circumstances under which reference dose ranges may be applied.
- 5 Update the EPA's *Scientific Integrity Policy* to require that the OIG be immediately notified of scientific integrity concerns, including advice queries and allegations, that relate to political interference or that assert risks to human health or the environment.

Recommendations for corrective action issued to the assistant administrator for Mission Support:

- 3 Update EPA policies and procedures on environmental information quality to require additional quality assurance reviews for EPA products that undergo major changes to scientific results or conclusions after quality assurance reviews have been completed.

Recommendations for corrective action issued to the deputy administrator:

- 4 Develop or update existing policies, procedures, or guidance to require policy-makers and decision officials to uphold transparency through timely, formal communication of decisions and the scientific bases to change results or conclusions of a scientific product to originating authors in the absence of peer review.

Business Practices and Accountability

The EPA's Fiscal Years 2022 and 2021 Consolidated Financial Statements

Report No. [23-F-0002](#), issued November 15, 2022 

 Operating efficiently and effectively.

 Managing infrastructure funding and business operations.

We rendered an unmodified opinion on the EPA's consolidated financial statements for fiscal years 2022 and 2021, meaning that they were fairly presented and free of material misstatement. We noted the following significant deficiencies:

- The EPA improperly recorded Water Infrastructure Finance and Innovation Act of 2014 fee fund revenue.
- The unearned advances account had an abnormal balance.
- Unneeded funds were not deobligated in a timely manner.
- Capitalized software-in-development costs were inaccurately recorded.
- The EPA processed standard vouchers without adequate procedures.

Recommendations for corrective action issued to the chief financial officer:

1	Analyze exchange and nonexchange revenue general ledger accounts and reclassify fiscal year 2022 Water Infrastructure Finance and Innovation Act nonexchange revenue to exchange revenue.
2	Update the Water Infrastructure Finance and Innovation Act expense accounting models to properly impact exchange revenue.
3	Research and correct the \$9 million activity in the <i>Unearned Advances, Non-Federal</i> general ledger account to ensure unearned advances are properly reflected in the financial statements.
4	Identify any abnormal balances in advance general ledger accounts and make necessary corrections to ensure debit and credit balances are properly reflected.
5	Reiterate to headquarters program offices and regional offices the importance of deobligating unneeded funds identified during the annual unliquidated obligations review by the end of the fiscal year.
6	In coordination with the assistant administrator for Chemical Safety and Pollution Prevention, implement a plan to ensure that Pesticide Registration Information System software-in-development costs are recorded accurately and timely.
7	Incorporate in Resource Management Directive System 2530-02, <i>Processing Journal Vouchers and Standard Vouchers</i> , responsibilities for all regional offices that post voucher transactions into Compass Financials to ensure consistent accounting and financial management operations.

Recommendations for corrective action issued to the regional administrator for Region 4:

8	Establish standard operating procedures for the processing of standard vouchers that include applicable internal control elements to ensure transactions are complete, accurate, and effectively monitored through reviews and approvals.
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The EPA’s Fiscal Years 2020 and 2019 Toxic Substances Control Act Service Fee Fund Financial Statements

Report No. [23-F-0005](#), issued December 29, 2022 

 *Operating efficiently and effectively.*

 *Managing business operations and resources.*

We rendered a qualified opinion on the EPA’s fiscal years 2020 and 2019 Toxic Substances Control Act Service Fee Fund financial statements, meaning that, except for material errors in expenses and income from other appropriations, the fiscal years 2020 and 2019 financial statements were fairly presented. The EPA materially misstated the expenses from other appropriations that supported the Toxic Substances Control Act Service Fee Fund by nearly \$25 million. The EPA’s initial draft financial statements incorrectly reported that all \$63 million of the Office of Chemical Safety and Pollution Prevention’s expenses in the Chemical Risk Review and Reduction Program were Toxic Substances Control Act Service Fee Fund expenses from other appropriations. The Agency acknowledged that certain costs were improperly included in expenses from other appropriations and subsequently modified its methodology and revised the financial statements. The Agency’s revised methodology reduced Toxic Substances Control Act expenses from other appropriations from approximately \$63 million to roughly \$19 million. The EPA’s revised methodology did not adequately capture all expenses for carrying out sections 4, 5, 6, and 14 of the Toxic Substances Control Act. Costs not captured increased Toxic Substances Control Act expenses from other appropriations to approximately \$44 million.

Recommendations for corrective action issued to the chief financial officer:

- 1 Correct the methodology for accounting for Toxic Substances Control Act direct and indirect expenses from other appropriations to ensure all costs for administering sections 4 and 5, parts of section 6, and section 14 of the Act are properly recorded and reported in the financial statements.

U.S. Chemical Safety and Hazard Investigation Board

Contractor-Produced Report: U.S. Chemical Safety and Hazard Investigation Board Fiscal Years 2022 and 2021 Financial Statement Audit

Report No. [23-F-0001](#), issued November 15, 2022 

An independent auditor rendered an unmodified opinion on the CSB's financial statements for fiscal years 2022 and 2021, meaning that the statements were fairly presented and free of material misstatements. The audit disclosed one instance of noncompliance or other matters that are required to be reported. During fiscal year 2022, the CSB reported a violation of the Antideficiency Act that occurred during fiscal year 2020 related to the purchase of office furniture.

Recommendations for corrective action issued to CSB management:

- | | |
|---|--|
| 1 | Update CSB policies and guidance to include the limits on expenditures for office furniture and related improvements for political appointees. |
| 2 | Provide training to CSB staff and Board members on the limits of expenditures on office furniture and related improvements for political appointees. |

2.2 Investigative Work

Section 5(a)(3) of the Inspector General Act, 5 U.S.C. § 405, requires a summary of significant closed investigations during the reporting period. We are also reporting investigations that have not yet been officially closed, but in which there has been significant activity during the reporting period to include convictions or guilty pleas. The OIG also conducts administrative investigations into allegations of misconduct by senior Agency employees.

Closed Significant Investigations

Individuals Found Guilty of Stealing EPA Equipment Trailer

On March 3, 2021, an individual was found guilty in the Circuit Court of the State of Oregon for the County of Multnomah of one count of theft in the first degree. On April 19, 2021, the individual was sentenced to supervised probation for a period of 36 months and ordered to pay restitution to the EPA for \$856.04. Another individual was found guilty on September 24, 2021. On November 30, 2022, that individual was sentenced to 18 months in prison and post-prison supervision for 24 months and ordered to pay restitution to the EPA for \$856.00. Both individuals were responsible for the theft of an EPA equipment trailer containing emergency response equipment, including personal protective equipment, in Portland, Oregon.

Utility Services Company and Owner Plead Guilty to False Sample Submissions

On May 25, 2022, a water utility services company and its owner pleaded guilty in the Superior Court of Thurston County in Olympia, Washington, for their roles in defrauding state regulators and customers by submitting false water samples to a laboratory for lead and copper testing. EPA regulations require water systems to collect and analyze water samples from homes and businesses to determine whether lead is present in the water distribution system. The company was charged with one felony count of offering false instrument for filing or record, and the owner was charged with one count of attempted offering false instrument for filing or record. The company was assessed a \$5,000 fine, and the owner received a suspended sentence of 364 days of imprisonment and a \$5,000 fine, which was to be suspended upon successful completion of 80 hours community service and two years of probation. The Washington State Attorney General's Office Environmental Protection Division prosecuted this case.

Company Debarred for Not Properly Accounting for EPA Funding

On October 19, 2022, a company was debarred for 18 months from participating in federal procurement and nonprocurement programs for not properly accounting for EPA federal funding. The company violated the terms of a public agreement or transaction so serious as to affect the integrity of an Agency program. In addition, the company provided false and misleading statements about a purported loan by another company that was not actually consummated, obligated, or disbursed. Further, the company did not have adequate internal controls in place and did not exercise effective financial management over grant funds received and funds accrued pursuant to a cooperative agreement award with the EPA. The investigation determined that the company was not a presently responsible contractor or participant.

EPA Employee Practiced Law Without a Law License

An EPA GS-14 attorney adviser practiced law without a law license from approximately April 2021 to July 2022 while representing the EPA. The investigation determined that the EPA employee's law license was suspended after the employee failed to complete the required minimum continuing legal education requirements for 2018 to 2020 and for not paying the required registration payment for 2021. The investigation also determined that the EPA employee signed self-certifications for 2021 and 2022

attesting to having an active law license in one of the 50 states. The EPA employee retired from the EPA in lieu of a proposed removal.

New York Corporation Falsely Certifies Individuals Were Employees

On September 1, 2022, the New York State Environmental Facilities Corporation, a public benefit corporation, entered into an agreement with the U.S. Department of Justice, Northern District of New York, to pay \$500,000 to resolve allegations that it falsely certified several individuals were working at the corporation in support of an EPA water-quality improvement grant for the state's Clean Water State Revolving Fund program. The investigation determined, and the Environmental Facilities Corporation acknowledged, that these individuals were instead working directly for former governors of New York in positions unrelated to the EPA grant and the Clean Water State Revolving Fund program. As part of a settlement agreement, the Environmental Facilities Corporation admitted that now-former senior corporation officials caused the state to include part of these individuals' salaries and benefits in federal funding requests without disclosing that the individuals were hired by and worked for the Office of the Governor. During the prior reporting period, the OIG presented this matter to the EPA Suspension and Debarment Division for administrative action; the case was closed after the division declined to pursue action.

This was a joint investigation with the Federal Bureau of Investigation.

Open Significant Investigations

Laboratory Co-Owner Pleaded Guilty to Reporting False Test Results

On January 30, 2023, the co-owner of a water testing laboratory company in Bridgeport, West Virginia, pleaded guilty in U.S. District Court, North District of West Virginia, to making a false representation in violation of 18 U.S.C. §§ 1001 and 2(a) and faces up to five years in prison and a fine of no more than \$250,000. The company purportedly tested public drinking water samples submitted to it pursuant to the Safe Drinking Water Act. In May 2021, the City of Martinsburg, West Virginia, sent water samples to the laboratory company for testing and the co-owner reported that the samples were tested and found to be safe. The investigation determined that the co-owner of the company did not test the water samples because the laboratory equipment was not operational. When Martinsburg reported the test results to the State of West Virginia pursuant to EPA regulations, the city unwittingly reported false test results.

This was a joint investigation with the EPA Criminal Investigation Division.

Individual Pleaded Guilty for Sales of Unregistered Pesticides

On December 8, 2022, a Burlington, New Jersey, individual was sentenced in U.S. District Court, District of New Jersey, to five years in federal prison and three years of supervised release, as well as forfeiture of \$2.74 million. The court further ordered restitution to be set at a future hearing. The individual previously had pleaded guilty to an information—which is a formal charging document that describes the criminal charges against a person and the factual basis for those charges—charging him with one count each of knowingly distributing or selling an unregistered pesticide in violation of the Federal Insecticide, Fungicide, and Rodenticide Act; wire fraud; and presenting false claims to the United States. According to the individual's plea agreement, from March 2020 through May 2021, the individual used fraudulent representations to make more than 150 sales of unregistered pesticides for a profit of more than \$2.74 million. The purchasers of these unregistered pesticides included a Delaware police department; a Virginia fire department; a Georgia medical clinic; a New York janitorial supply company; a Wisconsin school district; and numerous U.S. government agencies, including the U.S. Marshals Service, Moody Air Force Base, the U.S. Department of Veterans Affairs, and the National Forest Service.

Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, the EPA is responsible for regulating the manufacture, labeling, and distribution of all pesticides shipped or received in interstate commerce.

This was a joint investigation with the EPA Criminal Investigation Division, Homeland Security Investigations, the Department of Defense OIG Defense Criminal Investigative Service, and the Naval Criminal Investigative Service.

Company Falsely Claimed Cleaning Product Was EPA-Approved

On December 1, 2022, two San Diego businessmen and their business pleaded guilty in U.S. District Court, Southern District of California, to defrauding customers by falsely claiming that their company's antimicrobial cleaning product was tested and approved by the EPA to eliminate bacteria and viruses, including the SARS-CoV-2 virus, which causes the COVID-19 disease, on treated surfaces for one year with a single application. The investigation determined that the products sold under the company's name were not registered as pesticides by the EPA, as required by law. A product that is not a registered pesticide cannot have antimicrobial claims. Pesticides that are unregistered may not be sold or distributed in the United States. In pleading guilty, the company admitted that it sold over \$800,000 worth of the unregistered pesticides.

This was a joint investigation with the EPA Criminal Investigation Division, Homeland Security Investigations, and the U.S. Postal Inspection Service.

Defense Contractor Provided False Information About Electronic Equipment

On March 7, 2023, a Maryland defense contractor was found guilty in U.S. District Court, District of Maryland, of wire fraud, false claims, and making and using a false document in connection with his companies' performance on federal contracts. From February 10, 2015, through June 30, 2020, the contractor engaged in a scheme to defraud the government by entering into contracts with federal agencies, including the EPA, which required the contractor's two companies to provide new telecommunications equipment that was still under manufacturers' warranty. The evidence at trial showed that in the contractor's communications with federal agency contracting officers, the contractor provided false information about the delivery, source, warranty, and condition of the electronic equipment provided by the companies. This included misrepresentations that the equipment was new and protected by the manufacturers' warranty when the contractor knew that the equipment was not new, was new but not under warranty, or was procured through unauthorized channels. The contractor also provided government contracting officials with false information and documents about the companies' credentials, certifications, and qualifications to falsely certify the companies' status as authorized partners of two telecommunications equipment manufacturers.

This was a joint investigation with the Naval Criminal Investigative Service, the U.S. Department of Labor OIG, the Army Criminal Investigation Division, the U.S. Department of State OIG, the U.S. Department of Commerce OIG, the U.S. Department of the Interior OIG, the Defense Criminal Investigation Service, the U.S. Department of Homeland Security OIG, the U.S. Department of Health and Human Services OIG, and the U.S. Department of Justice OIG.

Individuals Indicted for Conspiracy Against Not-For-Profit

On January 24, 2023, two individuals were indicted in the U.S. District Court, District of New Mexico, for conspiracy to commit wire fraud and money laundering. One of the individuals was employed by a 501(c)(3) not-for-profit organization headquartered in Sante Fe, New Mexico. The not-for-profit organization's goal was to protect and restore wildlife, natural resources, and ecosystems of the American West. The not-for-profit organization received federal funding for restoration projects through grants from federal agencies, such as the EPA and the U.S. Department of the Interior. From February 2015 through April 2019, the two individuals allegedly conspired to inflate hours billed to the

not-for-profit organization and allegedly diverting more than \$250,000 from the entity. If convicted, both individuals face up to 20 years in prison.

This was a joint investigation with the U.S. Department of the Interior OIG.

The EPA Found That Tribe Should Repay Disallowed Costs

Based on an OIG investigation of a tribal staff member and tribal leader allegedly embezzling EPA grant funds, EPA Region 9 reviewed a tribal grant recipient's drawdowns and expenses stated in quarterly performance reports for the grant. That review and investigation determined that the tribe could not support the expenditure of \$220,364 of the EPA grant funds. The EPA initiated an enforcement action against the tribe and issued a formal Agency decision finding that the tribe must repay the EPA \$220,364 in disallowed costs. In its appeal, the tribe asserted that because the EPA grant funds were embezzled and the tribe was not involved in expenditure of the funds, it was not responsible for repaying the disallowed costs and that the EPA should terminate the debt. In August 2021, the EPA reaffirmed its position requiring the tribe to repay the debt based on many factors, including that there was never a legal finding that funds were embezzled, as well as case law that determined embezzlement is not an allowable cost. Although the tribe further disputed the debt in 2022, requesting that it be eliminated or substantially reduced, the EPA denied the tribe's request in January 2023, noting that the tribe failed to exercise its right to appeal the EPA's 2021 decision to the regional administrator.

Management Implication Reports

Mitigation of Grant Fraud Vulnerabilities

[Issued](#) March 30, 2023

EPA grantees and subrecipients may not be fully aware of key fraud prevention and enforcement measures. The EPA should clearly communicate the criminal, civil, and administrative consequences of fraudulent conduct throughout the life cycle of a grant; add OIG reporting requirements and whistleblower protection provisions to its standard terms and conditions; and ensure that the OIG has timely access to the records and personnel of grantees and subrecipients. We notified the Agency of the above issues so that it may take whatever steps deemed appropriate.

Vulnerabilities to EPA OIG Information Security

[Issued](#) March 15, 2023

We identified vulnerabilities related to the EPA's network structure that allowed EPA network administrators to modify OIG account settings and to access and view sensitive OIG information, including email and other data of senior OIG employees and sensitive shared email inboxes. We suggested to the EPA's Office of Mission Support that OIG information technology specialists have sole access to administer the OIG accounts and that OIG accounts be segmented to prevent EPA employees from accessing and modifying those accounts. We have already transferred control of our confidential and sensitive shared email accounts to OIG email administrators and regularly review the account audit reports for these shared accounts to ensure the integrity of authorized users and access lists for those accounts.

Senior Employee Investigations

The Administrative Investigations Directorate conducts administrative investigations of allegations of misconduct by senior agency employees. Senior agency employees include an officer or employee in the executive branch, including a special government employee as defined in 18 U.S.C. § 202, who occupies

a position classified at or above level 15 of the General Schedule or, in the case of positions not under the General Schedule, for which the rate of basic pay is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15. Senior government employees include members of the senior executive service; political appointees; and scientific and professional and senior-level positions.

There were no Reports of Investigation issued during the reporting period involving allegations of senior employee misconduct.

Since 2021, the OIG has requested timely notification of misconduct complaints the Agency receives against senior Agency employees; however, the OIG has encountered recurring issues with the Agency in obtaining timely and comprehensive access to this information. For example, the Office of Mission Support, through its Labor and Employee Relations Division, initially resisted providing this information, questioning the OIG's business justification for seeking information about potential senior official misconduct. In October 2021, after the OIG outlined to leadership in the Office of Mission Support and the Office of General Counsel its need for this information as part of the OIG's oversight work, the Office of Mission Support agreed to produce reports regarding senior employee misconduct matters to the OIG in conjunction with biweekly coordination meetings with the OIG, the Office of General Counsel, and the Office of Mission Support.

In February 2023, the OIG flagged inconsistencies in the Agency's senior employee misconduct reporting. On March 14 and March 22, 2023, the Labor and Employee Relations Division disclosed that it identified at least ten misconduct matters from April 2022 to March 2023 that were not reported to the OIG. In furtherance of the OIG's work in investigating senior employee misconduct and pursuant to its access rights under the Inspector General Act, the OIG requested that information regarding these matters be produced by March 24, 2023. The Labor and Employee Relations Division refused to timely produce the requested information, resuscitating its requirement that the OIG provide a business justification for why it needed information about potential senior employee misconduct and adding a requirement that it evaluate the OIG's request under the Privacy Act. The information was ultimately produced on April 6 after the OIG elevated the matter to the Office of General Counsel and the deputy assistant administrator for Mission Support. On April 20, 2023, the Labor and Employee Relations Division disclosed that it had identified an additional thirteen senior official misconduct matters that were not reported to the OIG.

As another example, during the reporting period, the OIG discovered that Scientific Integrity Program staff had significantly delayed alerting the OIG to allegations of senior employee misconduct and had not provided timely and complete responses to OIG requests for information. Further details on the OIG's steps to ensure the Scientific Integrity Program timely provide information of potential wrongdoing to the OIG is discussed in Section 1.5, "Scientific Integrity and Misconduct."

Report of Investigation—Employee Integrity

A Report of Investigation documents the facts and findings of an OIG investigation and generally involves an employee integrity matter. When either the OIG's Office of Investigations or Administrative Investigations Directorate issues a Report of Investigation that has at least one "supported" allegation, it will generally request that the entity receiving the report—whether it is an office within the EPA, the CSB, or the OIG—provide a notification to the OIG within 60 days regarding the administrative action taken or proposed to be taken in the matter. When the OIG's Administrative Investigations Directorate issues a Report of Investigation pursuant to 41 U.S.C. § 4712, the entity receiving the report is statutorily required to take a specified action or deny relief within 30 days. This section provides information on how many Reports of Investigation with at least one supported allegation were issued to the EPA, the CSB, or the OIG, as well as how many of those Reports of Investigation did not receive a response within the 60- or 30-day period. For the reporting period ending March 31, 2023, the Administrative

Investigations Directorate issued one Report of Investigation pursuant to 41 U.S.C. § 4712 and received zero responses outside the 30-day window.



2.3 Instances of Whistleblower Retaliation and Interference with Independence

Whistleblower Retaliation

Section 5(a)(14) of the Inspector General Act, 5 U.S.C. § 405, requires a detailed description of any instances of whistleblower retaliation noted by the OIG. This requirement includes reporting information about any officials found to have engaged in retaliation and the consequences the EPA or the CSB imposed to hold such officials accountable. There was one case closed within the semiannual period ending March 31, 2023, involving whistleblower retaliation.

On November 30, 2022, the OIG issued a Report of Investigation to the EPA identifying retaliation against an employee of a tribal EPA grant recipient, in violation of 41 U.S.C. § 4712. Specifically, the OIG assessed whether the tribe engaged in retaliation when it took four covered actions against an employee who made protected disclosures. We determined that the retaliation allegations could be sustained with respect to two of the covered actions: removal of the complainant's laptop and restrictions on the complainant's communications with federal agencies. We determined that the retaliation allegations could not be sustained with respect to the two other covered actions: restrictions on the complainant's use of overtime and termination of the complainant's employment.

In response to this report, the EPA determined that sovereign immunity barred it from taking action. The EPA noted that even if sovereign immunity did not apply it would not order corrective action. Although the EPA agreed with the OIG's determination on all four covered actions, it noted that there is no available corrective action regarding the tribe's removal of the complainant's laptop or restrictions on the complainant's communications with federal agencies, as he is no longer a tribal employee. Thus, the Agency denied the complainant relief under 41 U.S.C. § 4712(c)(1).

Interference with Independence

Section 5(a)(15) of the Inspector General Act, 5 U.S.C. § 405, requires a detailed description of any attempt by the EPA or the CSB to interfere with the independence of the OIG, including "budget constraints designed to limit the capabilities" of the OIG and incidents in which the EPA or the CSB "has resisted or objected to oversight activities of the [OIG] or restricted or significantly delayed access to information.

Generally, we will report on incidents responsive to section 5(a)(15) in the semiannual report covering the period during which the relevant review was completed or the relevant investigation was closed. There were no reviews completed or investigations closed involving attempts by the EPA or the CSB to interfere with the OIG's independence within the semiannual period ending March 31, 2023.

SECTION 3: STATISTICAL DATA



Summary of Investigative Results

Section 5(a)(4) of the Inspector General Act, 5 U.S.C. § 405, requires a listing of the total convictions for the reporting period that resulted from investigations, and section 5(a)(11) of the Act, 5 U.S.C. § 405, requires statistical tables identifying the total number of investigative reports, the total number of people referred for criminal prosecution during the reporting period, and the total number of indictments and criminal informations during the reporting period that resulted from prior referrals to prosecuting authorities. We also provide additional statistical information relating to the results of our investigative work, including cases and complaints opened, and the results of criminal, civil, and administrative actions.

For the semiannual period ending March 31, 2023:

Summary of investigative activity

Cases open as of October 1, 2022*	133
Cases opened during period	84
Cases closed during period	41
Cases open as of March 31, 2023	176

Preliminary inquiries open as of October 1, 2022**	51
Preliminary inquiries opened during period	73
Preliminary inquiries closed during period	63
Preliminary inquiries open as of March 31, 2023	61

* Adjusted from prior period; investigation had been erroneously identified as open because of a glitch in the case management system that unpopulated the “date closed” entry.

** Adjusted from prior period; investigation had been erroneously identified as open because of a glitch in the case management system that unpopulated the “date closed” entry. Another was removed and reopened as a proactive initiative.

Results of criminal and civil actions

	EPA OIG only	Joint*	Total
Criminal indictments/informations/complaints**	0	6	6
Convictions***	0	1	1
Civil judgments/settlements/filings	0	0	0
Criminal fines and recoveries	\$0	\$856	\$856
Civil recoveries	\$0	\$0	\$0
Prison time	0 months	78 months	78 months
Prison time suspended	0 months	72 months	72 months
Home detention	0 months	0 months	0 months
Probation	0 months	60 months	60 months
Community service	0 hours	0 hours	0 hours

* With one or more other federal agencies.

** Sealed indictments are not included in this category.

*** The term “convictions” comprises finalized convictions (those for which sentencing is completed) filed during the reporting period.

Administrative actions

	EPA OIG only	Joint*	Total
Suspensions	0	0	0
Debarments	1	0	1
Other administrative actions	12	1	13
Total	13	1	14
Administrative recoveries**	\$176,548	\$220,364	\$396,912
Cost savings***	\$12,420,507	\$0	\$12,420,507

* With one or more other federal agencies.

** Administrative recoveries include restitutions, reimbursements, fines, recoveries, repayments, and the dollar values of recovered government equipment.

*** Out of the total amount, \$12,115,000 was identified as potential cost savings because of an alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds. Of that amount, \$305,507 were identified as costs the Agency avoided based on investigative results.

Summary of investigative reports issued and referrals for prosecution*

Number of investigative reports issued**	1
Number of persons referred to U.S. Department of Justice for criminal prosecution	11
Number of persons referred to state and local authorities for criminal prosecution	0
Number of criminal indictments and informations resulting from any prior referrals to prosecutive authorities	2

* Investigative reports comprise final, interim, and supplemental Reports of Investigation, as well as Final Summary Reports. In calculating the number of referrals, corporate entities were counted as "persons."

** This number may differ from the numbers reported in the Reports of Investigation section.

Subjects of employee integrity investigations

	Political appointee	SES	GS-15	GS-14 and below	Misc.*	Total
Pending as of October 1, 2022	4	5	12	17	15	53
Opened	0	4	2	7	6	19
Closed	0	2	4	12	1	19
Pending as of March 31, 2023**	2	7	11	15	17	52

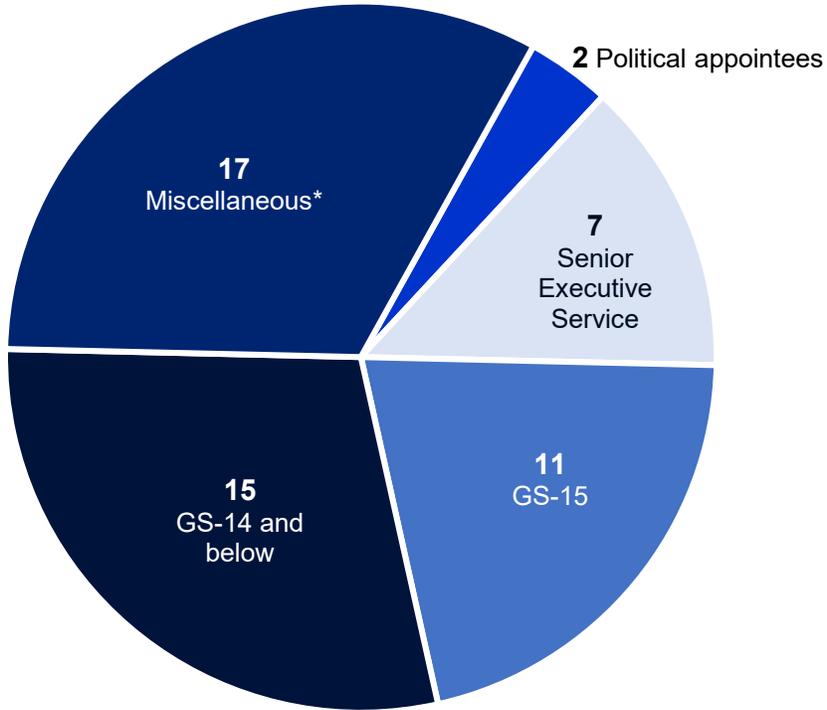
Notes: SES stands for Senior Executive Service. Employee integrity investigations involve allegations of criminal activity or serious misconduct by Agency employees that could threaten the credibility of the Agency, the validity of executive decisions, the security of personnel or business information entrusted to the Agency, or financial loss to the Agency (such as abuse of government bank cards or theft of Agency funds).

* Refers to investigations for cases related to individuals who fall outside the categories outlined in this table, such as former employees and federal contractors.

** Pending numbers as of March 31, 2023, may not add up due to investigative developments resulting in subjects being added or changed.

The chart below provides the numbers of individuals, by grade, who are the subjects of employee integrity investigations.

Subjects of employee integrity investigations: number of individuals by grade



* Miscellaneous employees include federal contractors, nongovernment employees, and former government employees.

APPENDIXES



Appendix 1—Reports Issued

Section 5(a)(5) of the Inspector General Act, 5 U.S.C. § 405, requires a listing of each audit, inspection, or evaluation report issued by the OIG during the reporting period. For each report, where applicable, the Act also requires identification of the dollar value of questioned costs, including unsupported costs, and the dollar value of recommendations that funds be put to better use, including whether a management decision had been made by the end of the reporting period.

Report number	Report title	Date	Questioned Costs	Unsupported Costs	Funds Put to Better Use	Management Decision*
EVALUATIONS IN ACCORDANCE WITH QUALITY STANDARDS FOR INSPECTION AND EVALUATION						
23-E-0006	The EPA is Not Track to Reach Its National Compliance Initiative Goals to Stop Aftermarket Defeat Devices and Tampered Vehicles	1/25/23	\$0.00	\$0.00	\$0.00	No
23-E-0012	The EPA's Residential Wood Heater Program Does Not Provide Reasonable Assurance that Heaters are Properly Tested and Certified Before Reaching Consumers	2/28/23	\$0.00	\$0.00	\$0.00	No
23-E-0013	The EPA's January 2021 PFBS Toxicity Assessment Did Not Uphold the Agency's Commitments to Scientific Integrity and Information Quality	3/7/23	\$0.00	\$0.00	\$0.00	No
SUBTOTAL = 3			\$0.00	\$0.00	\$0.00	
FINANCIAL AUDITS IN ACCORDANCE WITH GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS						
23-F-0001	U.S. Chemical Safety and Hazard Investigation Board Fiscal Years 2022 and 2021 Financial Statement Audit	11/15/22	\$0.00	\$0.00	\$0.00	Yes
23-F-0002	The EPA's Fiscal Years 2022 and 2021 Consolidated Financial Statements	11/15/22	\$0.00	\$0.00	\$5,833,571.00	Yes
23-F-0005	The EPA's Fiscal Years 2020 and 2019 Toxic Substances Control Act Service Fee Fund Financial Statements	12/29/22	\$0.00	\$0.00	\$24,565,455.00	Yes
SUBTOTAL = 3			\$0.00	\$0.00	\$30,399,026.00	
PERFORMANCE AUDITS IN ACCORDANCE WITH GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS						
23-P-0003	The EPA Met 2018 Water Security Requirements but Needs to Improve Oversight to Support Water System Compliance	11/21/22	\$0.00	\$0.00	\$0.00	No
SUBTOTAL = 1			\$0.00	\$0.00	\$0.00	
TOTAL REPORTS ISSUED = 7			\$0.00	\$0.00	\$30,399,026.00	

* "Yes" indicates that there was a management decision made regarding all recommendations in the report. "No" indicates that a management decision was not made regarding the recommendations in the report. There were no reports this reporting period for which a management decision was made regarding some recommendations but not others.

Appendix 2—Management Decisions Relating to Reports Issued During Previous Reporting Periods

Section 5(a)(6) of the Inspector General Act, 5 U.S.C. § 405, requires information regarding “any management decision made during the reporting period with respect to any audit, inspection, or evaluation issued during a previous reporting period.”

For Reporting Period Ending March 31, 2023: Management Decisions on Prior Unresolved Recommendations Within This Six-Month Period

Report	Recommendation	Action official	Management decision	Decision date
Report No. 22-F-0062 , <i>The EPA’s Fiscal Years 2021 and 2020 (Restated) Hazardous Waste Electronic Manifest System Fund Financial Statements</i> , issued September 30, 2022	1. Correct the accounts receivable and earned revenue balances.	Office of the Chief Financial Officer	The Agency provided a response on November 22, 2022, which outlined the EPA’s planned corrective actions and estimated completion date for the unresolved recommendation. Based on the information and supporting documentation provided, we believe the corrective actions meet the intent of the recommendation. All recommendations for the subject report are now considered resolved. According to the Agency, all corrective actions were completed.	1/10/23
Report No. 22-E-0052 , <i>The EPA Was Not Transparent About Changes Made to a Long-Chain PFAS Rule After Administrator Signature</i> , issued July 7, 2022	3. Update applicable policies, procedures, and guidance as needed to require that—when the EPA makes changes to a regulatory action as a result of a suggestion or recommendation received from the Office of Information and Regulatory Affairs between the time the action is submitted to the Office of Information and Regulatory Affairs for review and the time the action is published in the Federal Register—the EPA identify those changes for the public, consistent with Executive Order 12866 section 6(a)(3)(E)(iii).	Office of Policy	The Agency provided a response on September 2, 2022, which outlined the EPA’s planned corrective actions and estimated completion date for the one unresolved recommendation. After further discussion via email, the Office of Policy provided a revised corrective action that we accepted. All recommendations for the subject report are now considered resolved. According to the Agency, all corrective actions were completed.	10/13/22
Report No. 22-P-0050 , <i>The EPA Was Not Compliant with the Payment Integrity Information Act for Fiscal Year 2021</i> , issued June 27, 2022	1. Review the OIG-identified questioned costs for the grants payment stream, determine the payment allowability, recover costs as appropriate, and recalculate the error rate. 2. Conduct an off-cycle risk assessment, applying the Standard Operating Procedure Grants Improper Payment Review, dated September 2021, and include the risk assessments in the Agency’s Fiscal Year 2023 Agency Financial Report, ensuring that the risk assessments contain: a. An assessment of all programs and activities with outlays greater than \$10 million. b. An identification of which programs and activities with annual outlays exceeding the statutory threshold are included in each risk assessment. c. A mechanism for identifying, accounting for, estimating, and reporting improper and unknown payments and for detailing efforts taken to prevent and reduce such payments.	Office of the Chief Financial Officer	The Agency provided a response on September 9, 2022, which outlined the EPA’s planned corrective actions and estimated completion dates for the three unresolved recommendations. Based on the information and supporting documentation provided all recommendations for the subject report are now considered resolved. According to the Agency, corrective actions were completed for all recommendations except Recommendation 2.	12/21/22

Report	Recommendation	Action official	Management decision	Decision date
	<p>4. Periodically train Agency personnel on and provide completed course training certificates for:</p> <p>a. The Standard Operating Procedure Grants Improper Payment Review, dated September 2021, which includes the Payment Integrity Information Act Review Checklist. Such training should include any updates to these documents and emphasize the application of the cost-allowance principles and adherence to the terms and conditions of federal awards.</p> <p>b. All standard operating procedures, as well as any updates to them, implemented for other payment streams.</p>			

Appendix 3—Reports with Corrective Action Not Completed

Section 5(a)(2) of the Inspector General Act, 5 U.S.C. § 405, requires information regarding “an identification of each recommendation made before the reporting period, for which corrective action has not been completed, including the potential costs savings associated with the recommendation.” We define potential cost savings to be the sum of questioned costs plus funds to put to better use.

This appendix contains separate tables of unimplemented recommendations for the EPA and the CSB, which were issued in 46 OIG audit reports from 2008 through September 30, 2022.

There are 98 unimplemented recommendations for the EPA with potential cost savings of approximately \$74.6 million. There is one unimplemented recommendation for the CSB, with no potential cost savings.

Below is a list of the EPA offices and regions responsible for the recommendations in the following tables. While a recommendation may be listed as unimplemented, the Agency may be on track to complete agreed-upon corrective actions by the planned due date.

Responsible EPA Offices:

DA	Deputy Administrator (within the Office of the Administrator)
ADA	Associate Deputy Administrator (within the Office of the Administrator)
OAR	Office of Air and Radiation
OCFO	Office of the Chief Financial Officer
OCSPP	Office of Chemical Safety and Pollution Prevention
OECA	Office of Enforcement and Compliance Assurance
OGC	Office of General Counsel
OLEM	Office of Land and Emergency Management
OMS ²	Office of Mission Support
ORD	Office of Research and Development
OW	Office of Water
Region 2	
Region 3	
Region 5	
Region 6	
Region 9	
Region 10	
Science Advisor	

² Effective November 26, 2018, the former Office of Environmental Information and Office of Administration and Resources Management were merged into the Office of Mission Support. In this appendix, any recommendations originally issued to the former offices will be listed as under the purview of the OMS.

EPA Reports with Unimplemented Recommendations

This table provides the full text of recommendations issued to the EPA prior to this semiannual period that remain unimplemented, along with the planned completion dates provided by the EPA when the associated final reports were issued and any subsequent revisions made by the EPA to those planned completion dates.

This table reflects the status of recommendations as March 31, 2023.

Report title, number, and date	Office	Unimplemented recommendation	The EPA's initial planned completion date (at time of report issuance)	The EPA's revised planned completion dates*	Potential cost savings** (in thousands)
Category 1—Administrative and Business Operations					
The EPA Was Not Compliant with the Payment Integrity Information Act for Fiscal Year 2021 22-P-0050 , June 27, 2022	OCFO	2. Conduct an off-cycle risk assessment, applying the Standard Operating Procedure Grants Improper Payment Review, dated September 2021, and include the risk assessments in the Agency's Fiscal Year 2023 Agency Financial Report, ensuring that the risk assessments contain: a. An assessment of all programs and activities with outlays greater than \$10 million. b. An identification of which programs and activities with annual outlays exceeding the statutory threshold are included in each risk assessment. c. A mechanism for identifying, accounting for, estimating, and reporting improper and unknown payments and for detailing efforts taken to prevent and reduce such payments.	U	11/15/23	
Brownfields Program-Income Monitoring Deficiencies Persist Because the EPA Did Not Complete All Certified Corrective Actions 22-P-0033 , March 31, 2022	OLEM	1. Develop a policy and implement procedures to reduce the balances of available program income and establish a time frame for recipients to use or return the funds to the EPA.	U	9/30/27	
		2. Implement a method for tracking program income and compliance with post-closeout reporting requirements.	U	12/31/23	
		5. Expand existing guidance to include a deadline for post-closeout annual report submission.	U	9/30/27	
		6. Assess whether any of the \$46.6 million of program income under closeout agreements should be returned to the government.	U	9/30/24	\$46,578
EPA Needs to Complete Implementation of Religious Compensatory Time Training for Supervisors and Employees 22-P-0019 , March 7, 2022	OMS	1. Require the EPA's Office of Human Resources to train all employees and supervisors who earn, use, or approve Religious Compensatory Time on the U.S. Office of Personnel Management's current regulatory requirements for, and the EPA's current policy and procedures related to, Religious Compensatory Time.	6/30/23		\$54
EPA Should Consistently Track Coronavirus Pandemic-Related Grant Flexibilities and Implement Plan for Electronic Grant File Storage 22-P-0018 , February 22, 2022	OMS	1. Develop a standard operating procedure that instructs program offices and regions on tracking and documenting grant flexibilities and exceptions, and their impacts, due to unanticipated events in order to assure consistency in the information needed to manage grants.	12/31/23		
EPA Generally Adheres to Information Technology Audit Follow-Up Processes, but Management Oversight Should Be Improved 22-P-0010 , December 8, 2021	OCSP	4. Implement controls to comply with federally and Agency-required time frames to install patches to correct identified vulnerabilities in the Pesticide Registration Information System application.	10/31/23		
EPA's Fiscal Years 2021 and 2020 (Restated) Consolidated Financial Statements 22-F-0007 , November 15, 2021	OECA	5. Implement a system that tracks the dates when accounts receivable source documents need to be submitted and are submitted by the Office of Enforcement and Compliance Assurance to the Cincinnati Finance Center.	U	11/30/22 4/28/23	

Legend: * Blank cells indicate that there have been no revisions to the initial planned completion dates.

** Blank cells indicate that no potential cost savings were identified. Potential cost savings are defined as questioned costs plus funds put to better use.

*** The EPA closed out the recommendation, but the OIG determined that the corrective action was not completed.

U—Unresolved when the report was issued but resolved at a later date.

Report title, number, and date	Office	Unimplemented recommendation	The EPA's initial planned completion date (at time of report issuance)	The EPA's revised planned completion dates*	Potential cost savings** (in thousands)
EPA's Fiscal Year 2020 Fourth-Quarter Compliance with the Digital Accountability and Transparency Act of 2014 22-P-0001 , November 8, 2021	OMS	3. Update the EPA's grants management system to align with the data standards of the Digital Accountability and Transparency Act of 2014, including all parts of data elements reported therein, and to allow input only of the acceptable values outlined for each data element in <i>DATA Act Information Model Schema, Reporting Submission Specification</i> .	9/30/23		
EPA Needs to Improve Processes for Updating Guidance, Monitoring Corrective Actions, and Managing Remote Access for External Users 21-E-0124 , April 16, 2021	OMS	1. Update information security procedures to make them consistent with current federal directives, including the National Institute of Standards and Technology Special Publication 800-53, Revision 5, <i>Security and Privacy Controls for Information Systems and Organizations</i> .	6/30/22	11/15/22 7/31/23	
EPA Needs to Substantially Improve Oversight of Its Military Leave Processes to Prevent Improper Payments 21-P-0042 , December 28, 2020	OMS and OCFO	1. Adopt and implement policies and procedures on military leave and pay requirements that comply with 5 U.S.C. §§ 5538, 6323, and 5519.	4/30/22	7/29/22 10/1/22 6/30/25	
		2. Provide resources for supervisors, timekeepers, and reservists on their roles and responsibilities related to military leave under the law and Agency policies.	4/30/22	7/29/22 10/1/22 6/30/25	
		3. Establish and implement internal controls that will allow the Agency to monitor compliance with applicable laws, federal guidance, and Agency policies, including periodic internal audits of all military leave, to verify that (a) charges by reservists are correct and supported and (b) appropriate reservist differential and military offset payroll audit calculations are being requested and performed.	6/30/22	7/29/22 6/3/27	
		4. Require reservists to correct and supervisors to approve military leave time charging errors in PeoplePlus that have been identified during the audit or as part of the Agency's actions related to Recommendations 5 and 6.	9/30/21	3/31/22 7/29/22 9/3/26	
		5. Recover the approximately \$11,000 in military pay related to unsupported 5 U.S.C. § 6323(a) military leave charges, unless the Agency can obtain documentation to substantiate the validity of the reservists' military leave.	8/31/21	12/15/21 12/30/22 8/31/26	\$11
		6. Submit documentation for the reservists' military leave related to the approximately \$118,000 charged under 5 U.S.C. § 6323(b) to the EPA's payroll provider to perform payroll audit calculations and recover any military offsets that may be due.	8/31/21	12/15/21 12/30/22 8/31/26	\$118
		7. Identify the population of reservists who took unpaid military leave pursuant to 5 U.S.C. § 5538 and determine whether those reservists are entitled to receive a reservist differential. Based on the results of this determination, take appropriate steps to request that the EPA's payroll provider perform payroll audit calculations to identify and pay the amounts that may be due to reservists.	2/28/22	9/30/22 12/31/26	
	8. For the time periods outside of the scope of our audit (pre-January 2017 and post-June 2019), identify the population of reservists who charged military leave under 5 U.S.C. § 6323(b) or 6323(c) and determine whether military offset was paid by the reservists. If not, review reservists' military documentation to determine whether payroll audit calculations are required. If required, request that the EPA's payroll provider perform payroll audit calculations to identify and recover military offsets that may be due from the reservists under 5 U.S.C. §§ 6323 and 5519.	2/28/22	12/30/22 2/28/27		
	OCFO	9. Report all amounts of improper payments resulting from paid military leave for inclusion in the annual Agency Financial Report, as required by the Payment Integrity Information Act of 2019.	12/1/21	12/1/22 12/1/24	

Legend: * Blank cells indicate that there have been no revisions to the initial planned completion dates.
 ** Blank cells indicate that no potential cost savings were identified. Potential cost savings are defined as questioned costs plus funds put to better use.
 *** The EPA closed out the recommendation, but the OIG determined that the corrective action was not completed.
 U—Unresolved when the report was issued but resolved at a later date.

Report title, number, and date	Office	Unimplemented recommendation	The EPA's initial planned completion date (at time of report issuance)	The EPA's revised planned completion dates*	Potential cost savings** (in thousands)
Pesticide Registration Fee, Vulnerability Mitigation and Database Security Controls for EPA's FIFRA and PRIA Systems Need Improvement 19-P-0195 , June 21, 2019	OCSPP	2. Complete the actions and milestones identified in the Office of Pesticide Programs' <i>PRIA Maintenance Fee Risk Assessment</i> document and associated plan regarding the fee payment and refund posting processes.	12/31/20	12/31/22 6/30/23 1/31/24	
Improved Management of the Brownfields Revolving Loan Fund Program Is Required to Maximize Cleanups 17-P-0368 , August 23, 2017	OLEM	14. Develop and implement a method for the Office of Brownfields and Land Revitalization to track closed cooperative agreements with pre- and post-program income.	3/19/19***	12/31/23	
Enhanced Controls Needed to Prevent Further Abuse of Religious Compensatory Time 16-P-0333 , September 27, 2016	OMS	3. Develop training on the proper use of Religious Compensatory Time and require all managers approving, and employees using, Religious Compensatory Time to complete the course.	5/30/17***	6/23/23	
Internal Controls Needed to Control Costs of Emergency and Rapid Response Services Contracts, as Exemplified in Region 6 14-P-0109 , February 4, 2014	Region 6	3. Direct contracting officers to require that the contractor adjust all its billings to reflect the application of the correct rate to team subcontract other direct costs.	U	9/30/24	
Subtotal		24 unimplemented recommendations			\$46,761
Category 2—Human Health and Environmental Issues					
The EPA Needs to Improve the Transparency of Its Cancer-Assessment Process for Pesticides 22-E-0053 , July 20, 2022	OCSPP	1. Issue guidance on when and how to conduct the kinetically derived maximum dose approach in cancer-risk assessments for pesticides.	U	6/30/24	
		2. Issue guidance on using and applying a weight-of-evidence approach in cancer-risk assessments for pesticides.	U	6/30/23	
		3. Update the docket for 1,3-Dichloropropene to include all required materials, including minutes and a list of participants, for meetings between the EPA and the registrant related to the 1,3-Dichloropropene pesticide-registration review and cancer assessment.	12/15/23		
		4. Issue guidance to clarify when to docket meetings related to a registration for other related activities that occur concurrent to the pesticide-registration-review process, such as the cancer-reassessment process.	12/15/23		
		6. Update the Cancer Assessment Review Committee standard operating procedures to comply with the Office of Pesticide Programs' literature search standard operating procedures and the broader quality principles in the Office of Management and Budget's 2002 Information Quality Guidelines, which includes a methodology to reconcile inconsistencies in the scientific data.	6/30/23		
		7. Issue procedures to document: a. The independence of Cancer Assessment Review Committee members from the work products they review. b. That appropriate expertise is represented on the Cancer Assessment Review Committee for each meeting. c. When other ad hoc voting members, such as scientists from other EPA offices, should be added to the Cancer Assessment Review Committee. d. Regular assessments of the Cancer Assessment Review Committee to monitor and correct deficiencies and to determine whether applicable internal peer review standards are being met.	6/30/23		
		9. Issue specific criteria requiring external peer review of Office of Pesticide Programs' risk assessments that use scientifically or technically novel approaches or that are likely to have precedent-setting influence on future risk assessments, in accordance with the Office of Management and Budget's Final Information Quality Bulletin for Peer Review.	6/30/24		

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 U—Unresolved when the report was issued but resolved at a later date.

Report title, number, and date	Office	Unimplemented recommendation	The EPA's initial planned completion date (at time of report issuance)	The EPA's revised planned completion dates*	Potential cost savings** (in thousands)
Additional Internal Controls Would Improve the EPA's System for Electronic Disclosure of Environmental Violations 22-E-0051 , June 30, 2022	OECA	1. Develop national guidance that includes a process for screening eDisclosure submissions for significant concerns, such as criminal conduct and potential imminent hazards.	9/30/23		
		3. Develop performance measures for the eDisclosure system and a monitoring plan to track its effectiveness.	9/30/23		
		4. In coordination with EPA regions, assess eDisclosure system functionality to identify and implement improvements.	9/30/23		
The EPA Continues to Fail to Meet Inspection Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities 22-E-0047 , June 8, 2022	OECA	1. Implement management controls to complete the required treatment, storage, and disposal facility inspections.	U	3/31/24	
The EPA Needs to Fully Address the OIG's 2018 Flint Water Crisis Report Recommendations by Improving Controls, Training, and Risk Assessments 22-P-0046 , May 17, 2022	OECA	1. Document and monitor attendance at Safe Drinking Water Act training events to ensure the appropriate staff members, managers, and senior leaders attend the training and are aware of the EPA's oversight and enforcement tools and authorities, including sections 1414 and 1431 of the Safe Drinking Water Act.	12/31/22	4/28/23	
		2. Incorporate controls into the Report a Violation system to assess the risks associated with tips retained by the EPA and to track when and how the retained tips are resolved.	U	4/30/23	
The EPA Needs to Develop a Strategy to Complete Overdue Residual Risk and Technology Reviews and to Meet the Statutory Deadlines for Upcoming Reviews 22-E-0026 , March 30, 2022	OAR	2. Develop and implement a strategy to conduct (a) residual risk and technology reviews and recurring technology reviews by the applicable statutory deadlines and (b) any overdue residual risk and technology reviews and recurring technology reviews in as timely a manner as practicable. The strategy should take into account the Agency's environmental justice responsibilities under Executive Order 12898 and other applicable EPA and executive branch policies, procedures, and directives.	U	3/31/24	
EPA's Title V Program Needs to Address Ongoing Fee Issues and Improve Oversight 22-E-0017 , January 12, 2022	OAR	1. Coordinate with EPA regions to provide recurring training on Clean Air Act Title V fee laws and regulations to permitting agencies.	6/30/23		
		2. In collaboration with EPA regions, develop and implement a plan to address declining Clean Air Act Title V revenues.	U	12/31/23	
		3. Update the EPA's guidance documents to require regions to establish time frames for permitting authorities to complete corrective actions in program and fee evaluation reports and clear, escalating consequences if timely corrective actions are not completed.	3/31/23	5/31/23	
		4. Update the Clean Air Act Title V guidance documents to establish criteria for when regions must conduct Title V fee evaluations and require a minimum standard of review for fee evaluations.	3/31/23	5/31/23	
		5. Provide training to EPA regional staff on the updated Clean Air Act Title V fee guidance and how to conduct fee evaluations.	6/30/23		
EPA Needs an Agencywide Strategic Action Plan to Address Harmful Algal Blooms 21-E-0264 , September 29, 2021	OW	3. Mindful that the EPA has substantial work to complete before publishing final numeric water quality criteria recommendations for nitrogen and phosphorus under the Clean Water Act for rivers and streams, establish a plan, including milestones and identification of resource needs, for developing and publishing those criteria recommendations.	U	4/30/23	
		4. Assess and evaluate the available information on human health risks from exposure to cyanotoxins in drinking water and recreational waters to determine whether actions under the Safe Drinking Water Act are warranted.	12/31/22	12/31/25	

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Report title, number, and date	Office	Unimplemented recommendation	The EPA's initial planned completion date (at time of report issuance)	The EPA's revised planned completion dates*	Potential cost savings** (in thousands)
Pandemic Highlights Need for Additional Tribal Drinking Water Assistance and Oversight in EPA Regions 9 and 10 21-E-0254 , September 27, 2021	Region 9	3. Develop and implement a plan to prioritize and address the recommendations identified in the 2019 file review for Region 9.	U	9/30/23	
		5. Develop a workforce analysis to address staff workload and the skills needed for the direct implementation of the tribal drinking water program.	U	9/30/23	
EPA's Endocrine Disruptor Screening Program Has Made Limited Progress in Assessing Pesticides 21-E-0186 , July 28, 2021	OCSPP	1. Issue Tier 1 test orders for each List 2 chemical or publish an explanation for public comment on why Tier 1 data are no longer needed to characterize a List 2 chemical's endocrine-disruption activity.	9/30/25		
		2. Determine whether the EPA should incorporate the Endocrine Disruptor Screening Program Tier 1 tests (or approved new approach methodologies) into the pesticide registration process as mandatory data requirements under 40 C.F.R. § 158 for all pesticide use patterns.	9/30/24		
		3. Issue List 1–Tier 2 test orders for the 18 pesticides in which additional Tier 2 testing was recommended or publish an explanation for public comment on why Tier 2 data are no longer needed to characterize the endocrine-disruption activity for each of these 18 pesticides.	9/30/24		
		4. Issue for public review and comment both the Environmental Fate and Effects Division's approach for the reevaluation of List 1–Tier 1 data and the revised List 1–Tier 2 wildlife recommendations.	12/31/23		
		5. Develop and implement an updated formal strategic planning document, such as the <i>Comprehensive Management Plan</i> .	9/30/22	12/31/22 6/30/23	
		6. Develop performance measures, with reasonable time frames, to document progress toward and achievement of milestones or targets. Specifically, the Endocrine Disruptor Screening Program should consider at least one performance measure that tracks progress in testing pesticides for human endocrine disruptor activity.	10/1/24		
		7. Conduct annual internal program reviews of the Endocrine Disruptor Screening Program.	9/30/22	6/30/23	
EPA Should Conduct More Oversight of Synthetic-Minor-Source Permitting to Assure Permits Adhere to EPA Guidance 21-P-0175 , July 8, 2021	OAR	1. Update Agency guidance on practical enforceability to more clearly describe how the technical accuracy of a permit limit should be supported and documented. In updating such guidance, the Office of Air and Radiation should consult and collaborate with the Office of Enforcement and Compliance Assurance, the Office of General Counsel, and the EPA regions.	10/31/23		
		2. In consultation with the EPA regions, develop and implement an oversight plan to include: (a) an initial review of a sample of synthetic-minor-source permits in different industries that are issued by state, local, and tribal agencies to assess whether the permits adhere to EPA guidance on practical enforceability, including limits that are technically accurate, have appropriate time periods, and include sufficient monitoring, record-keeping, and reporting requirements; (b) a periodic review of a sample of synthetic-minor-source permits to occur, at a minimum, once every five years; and (c) procedures to resolve any permitting deficiencies identified during the initial and periodic reviews.	10/31/24		
		3. Assess recent EPA studies of enclosed combustion device performance and compliance monitoring and other relevant information during the next statutorily required review of 40 C.F.R Part 60 Subparts OOOO and OOOOa to determine whether revisions are needed to monitoring, record-keeping, and reporting requirements for enclosed combustion devices to assure continuous compliance with associated limits, and revise the regulatory requirements as appropriate.	12/31/24		
		4. Revise the Agency's guidance to communicate its key expectations for synthetic-minor-source permitting to state and local agencies.	10/31/24		
		5. Identify all state, local, and tribal agencies in which Clean Air Act permit program implementation fails to adhere to the public participation	12/31/23		

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Report title, number, and date	Office	Unimplemented recommendation	The EPA's initial planned completion date (at time of report issuance)	The EPA's revised planned completion dates*	Potential cost savings** (in thousands)
		requirements for synthetic-minor-source permit issuance and take appropriate steps to assure the identified states adhere to the public participation requirements.			
EPA Deviated from Typical Procedures in Its 2018 Dicamba Pesticide Registration Decision 21-E-0146 , May 24, 2021	OCSPP	3. Annually conduct and document training for all staff and senior managers and policy makers to affirm the office's commitment to the <i>Scientific Integrity Policy</i> and principles and to promote a culture of scientific integrity.	3/31/22	3/31/26 †	
		† OCSPP completed this corrective action on February 16, 2022. That was the date OCSPP held its first annual training series on the office's commitment to the <i>Scientific Integrity Policy</i> and principles and to promote a culture of scientific integrity. March 31, 2026, is OCSPP's planned final training date. OCSPP has completed annual trainings for 2022 and 2023 on time and plans to host annual trainings until 2026 to implement this recommendation.			
Staffing Constraints, Safety and Health Concerns at EPA's National Enforcement Investigations Center May Compromise Ability to Achieve Mission 21-P-0131 , May 12, 2021	OECA	9. Develop and incorporate metrics on the National Enforcement Investigations Center work environment and culture into Office of Criminal Enforcement, Forensics, and Training senior management performance standards, such as results from the annual Federal Employee Viewpoint Survey, periodic culture audits, or other methods to measure progress.	U	6/28/24	
		10. Develop and incorporate metrics that address work environment and culture into National Enforcement Investigations Center senior management performance standards.	U	6/28/24	
EPA Helps States Reduce Trash, Including Plastic, in U.S. Waterways but Needs to Identify Obstacles and Develop Strategies for Further Progress 21-P-0130 , May 11, 2021	OW	1. Evaluate the obstacles to implementing the Clean Water Act to control trash in U.S. waterways and provide a public report describing those obstacles.	12/31/21	6/30/22 2/28/23 9/1/23	
		2. Develop and disseminate strategies to states and municipalities for addressing the obstacles identified in the evaluation from Recommendation 1. These strategies may include guidance regarding how to develop narrative water quality criteria, consistent assessment and measurement methodologies, and total maximum daily loads for trash pollution.	4/30/23		
EPA Should Conduct New Residual Risk and Technology Reviews for Chloroprene- and Ethylene Oxide-Emitting Source Categories to Protect Human Health 21-P-0129 , May 6, 2021	OAR	2. Conduct new residual risk reviews for Group I polymers and resins that cover neoprene production, synthetic organic chemical manufacturing industry, polyether polyols production, commercial sterilizers, and hospital sterilizers using the new risk values for chloroprene and ethylene oxide and revise the corresponding National Emission Standards for Hazardous Air Pollutants, as needed.	U	9/30/24	
		3. Revise National Emission Standards for Hazardous Air Pollutants for chemical manufacturing area sources to regulate ethylene oxide and conduct a residual risk review to ensure that the public is not exposed to unacceptable risks.	U	9/30/28	
		4. Conduct overdue technology reviews for Group I polymers and resins that cover neoprene production, synthetic organic chemical manufacturing industry, commercial sterilizers, hospital sterilizers, and chemical manufacturing area sources, which are required to be completed at least every eight years by the Clean Air Act.	9/30/24		
Improved Review Processes Could Advance EPA Regions 3 and 5 Oversight of State-Issued National Pollutant Discharge Elimination System Permits 21-P-0122 , April 21, 2021	Region 3	2. Review the modified National Pollutant Discharge Elimination System mining permits issued by West Virginia based on the 2019 revisions to its National Pollutant Discharge Elimination System program to determine whether the permits contain effluent limits for ionic pollution and other pollutants that are or may be discharged at a level that causes, has the reasonable potential to cause, or contributes to an excursion above any applicable water quality standard, as required by Clean Water Act regulations. If a permit lacks required effluent limits, take appropriate action to address such deficiencies.	U	12/31/22 † 1/31/25	
		† This date was provided to the OIG by Region 3 in its June 17, 2021, response to the OIG's final report. The OIG accepted the proposed corrective action and planned completion date for Recommendation 3, while Recommendations 1 and 2 remained unresolved. The OIG and			

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Report title, number, and date	Office	Unimplemented recommendation	The EPA's initial planned completion date (at time of report issuance)	The EPA's revised planned completion dates*	Potential cost savings** (in thousands)
		<i>Region 3 corresponded several times about Recommendation 2, including a briefing held by Region 3 on October 25, 2021. In a memorandum dated December 13, 2021, the OIG accepted Region 3's proposed corrective actions to address Recommendation 2 but did not receive a revised planned completion date. After the OIG accepted the proposed corrective actions for Recommendation 2, Region 3 provided a revised planned completion date, which is reflected above.</i>			
	Region 5	4. Review and provide written input on any National Pollutant Discharge Elimination System permit prepared for reissuance by the Minnesota Pollution Control Agency for the PolyMet Mining Inc. NorthMet project, if applicable, as appropriate pursuant to the requirements of the Clean Water Act, National Pollutant Discharge Elimination System regulations, the Region 5 National Pollutant Discharge Elimination System permit review standard operating procedure, and the memorandum of agreement between EPA Region 5 and the Minnesota Pollution Control Agency.	11/30/23		
EPA Does Not Consistently Monitor Hazardous Waste Units Closed with Waste in Place or Track and Report on Facilities That Fall Under the Two Responsible Programs 21-P-0114 , March 29, 2021	OECA	2. In collaboration with the Office of Land and Emergency Management, establish mechanisms to ensure that all inspections are completed within the required time frame of two years for operating treatment, storage, or disposal facilities or the policy time frame of three years for nonoperating treatment, storage, or disposal facilities.	U	3/29/24	
	OLEM	4. Develop and implement controls to verify that the Superfund program deferrals to the Resource Conservation and Recovery Act are added to RCRAInfo for further Resource Conservation and Recovery Act attention, as necessary.	9/30/23		
Region 2's Hurricanes Irma and Maria Response Efforts in Puerto Rico and U.S. Virgin Islands Show the Need for Improved Planning, Communications, and Assistance for Small Drinking Water Systems 21-P-0032 , December 3, 2020	Region 2	2. Develop and implement a supplement to Region 2's emergency response plan to describe and address the specific geographic, logistical, and cultural norms applicable to disaster response in Puerto Rico and the U.S. Virgin Islands. This supplement should include local EPA staff roles and responsibilities, as well as address the likely limitations to transportation, communications, and power in the aftermath of disasters.	6/30/23		
		3. In coordination with the Office of Water, implement America's Water Infrastructure Act in Puerto Rico and the U.S. Virgin Islands by: (a) developing and implementing a strategy to provide training, guidance, and assistance to small drinking water systems as they improve their resilience and (b) establishing a process for small drinking water systems to apply for America's Water Infrastructure Act grants. This process should include (1) implementing the EPA's May 2020 guidance provided to small drinking water systems regarding resilience assessments and (2) establishing a public information campaign to inform small drinking water systems of the America's Water Infrastructure Act grant opportunity, qualifying requirements, and application deadlines.	12/31/22	6/30/23	
Improved EPA Oversight of Funding Recipients' Title VI Programs Could Prevent Discrimination 20-E-0333 , September 28, 2020	OGC	1. Develop and implement a plan to coordinate relevant Agency program, regional, and administrative offices with the External Civil Rights Compliance Office to develop guidance on permitting and cumulative impacts related to Title VI.	U	9/30/22 9/30/23	
		5. Determine how to use existing or new data to identify and target funding recipients for proactive compliance reviews, and develop or update policy, guidance, and standard operating procedures for collecting and using those data.	U	3/31/23 9/30/23	
		6. Develop and deliver training for the deputy civil rights officials and EPA regional staff that focuses on their respective roles and responsibilities within the EPA's Title VI program.	U	3/31/22 9/30/23	
Further Efforts Needed to Uphold Scientific Integrity Policy at EPA 20-P-0173 , May 20, 2020	ORD/ Science Advisor	6. In coordination with the assistant administrator for Mission Support, complete the development and implementation of the electronic clearance system for scientific products across the Agency.	6/30/22	6/30/24	
		7. With the assistance of the Scientific Integrity Committee, finalize and release the procedures for addressing and resolving allegations of a	9/30/20	4/30/22 6/30/22 3/31/23	

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Report title, number, and date	Office	Unimplemented recommendation	The EPA's initial planned completion date (at time of report issuance)	The EPA's revised planned completion dates*	Potential cost savings** (in thousands)
		violation of the Scientific Integrity Policy, and incorporate the procedures into scientific integrity outreach and training materials.		6/30/24	
		8. With the assistance of the Scientific Integrity Committee, develop and implement a process specifically to address and resolve allegations of Scientific Integrity Policy violations involving high profile issues or senior officials, and specify when this process should be used.	6/30/21	6/30/22 3/31/23 6/30/24	
EPA's Processing Times for New Source Air Permits in Indian Country Have Improved, but Many Still Exceed Regulatory Time Frames 20-P-0146 , April 22, 2020	OAR	1. Implement a system that is accessible to both the EPA and the applicants to track the processing of all tribal-New-Source-Review permits and key permit dates, including application received, application completed, draft permit issued, public comment period (if applicable), and final permit issuance.	9/30/21	9/30/22 9/30/23	
		2. Establish and implement an oversight process to verify that the regions update the tribal-New-Source-Review permit tracking system on a periodic basis with the correct and required information.	3/31/22	9/30/22 9/30/23	
Management Alert: Prompt Action Needed to Inform Residents Living Near Ethylene Oxide-Emitting Facilities About Health Concerns and Actions to Address Those Concerns 20-N-0128 , March 31, 2020	ADA	1. Improve and continue to implement ongoing risk communication efforts by promptly providing residents in all communities near the 25 ethylene oxide-emitting facilities identified as high-priority by the EPA with a forum for an interactive exchange of information with the EPA or the states regarding health concerns related to exposure to ethylene oxide.	U	5/31/21 †	
† According to information provided by EPA in March 2023, the Agency plans to complete their outreach efforts in the next few months. We will assess the status of this recommendation once the corrective actions are completed.					
EPA Must Improve Oversight of Notice to the Public on Drinking Water Risks to Better Protect Human Health 19-P-0318 , September 25, 2019	OW	5. Update and revise the 2010 <i>Revised State Implementation Guidance for the Public Notification Rule</i> to include: a. Public notice delivery methods that are consistent with regulations. b. Information on modern methods for delivery of public notice.	6/30/20	9/30/22 3/31/23 4/30/23	
		6. Update and revise the 2010 <i>Public Notification Handbooks</i> to include: a. Public notice delivery methods that are consistent with regulations. b. Information on modern methods for delivery of public notice. c. Public notice requirements for the latest drinking water regulations. d. Procedures for public water systems to achieve compliance after violating a public notice regulation. e. Up-to-date references to compliance assistance tools. f. Additional resources for providing public notice in languages other than English.	9/30/20	9/30/22 3/31/23 4/30/23	
EPA Effectively Screens Air Emissions Data from Continuous Monitoring Systems but Could Enhance Verification of System Performance 19-P-0207 , June 27, 2019	OAR	1. Develop and implement electronic checks in the EPA's Emissions Collection and Monitoring Plan System or through an alternative mechanism to retroactively evaluate emissions and quality assurance data in instances where monitoring plan changes are submitted after the emissions and quality assurance data have already been accepted by the EPA.	3/31/25		
EPA Needs a Comprehensive Vision and Strategy for Citizen Science that Aligns with Its Strategic Objectives on Public Participation 18-P-0240 , September 5, 2018	DA	2. Through appropriate EPA offices, direct completion of an assessment to identify the data management requirements for using citizen science data and an action plan for addressing those requirements, including those on sharing and using data, data format/standards, and data testing/validation.	12/31/20	3/31/23 12/31/23	
Management Weaknesses Delayed Response to Flint Water Crisis 18-P-0221 , July 19, 2018	OECA †	6. Provide regular training for EPA drinking water staff, managers and senior 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.	7/7/21***	12/30/22 4/28/23	
		8. Create a system that tracks citizen complaints and gathers information on emerging issues. The system should assess the risk associated with the complaints, including efficient and effective resolution.	7/7/21***	4/28/23	

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Report title, number, and date	Office	Unimplemented recommendation	The EPA's initial planned completion date (at time of report issuance)	The EPA's revised planned completion dates*	Potential cost savings** (in thousands)
		† OECA and the OW were the responsible offices for Recommendations 6 and 8. The OIG conducted a follow-up audit (Report No. 22-P-0046) and found that the OW had completed its corrective actions but that OECA had not. Therefore, the OW has been removed as a responsible office for these recommendations.			
EPA Needs to Evaluate the Impact of the Revised Agricultural Worker Protection Standard on Pesticide Exposure Incidents 18-P-0080 , February 15, 2018	OCSPP	1. In coordination with the Office of Enforcement and Compliance Assurance, develop and implement a methodology to evaluate the impact of the revised Agricultural Worker Protection Standard on pesticide exposure incidents among target populations.	U	12/31/22 12/31/23	
Additional Measures Can Be Taken to Prevent Deaths and Serious Injuries from Residential Fumigations 17-P-0053 , December 12, 2016	OCSPP	3. Conduct an assessment of clearance devices to validate their effectiveness in detecting required clearance levels, as part of the Office of Pesticide Programs ongoing reevaluation of structural fumigants.	11/30/17	8/31/21 12/31/22 6/30/23 9/30/23	
EPA Has Not Met Certain Statutory Requirements to Identify Environmental Impacts of Renewable Fuel Standard 16-P-0275 , August 18, 2016	OAR	2. Complete the anti-backsliding study on the air quality impacts of the Renewable Fuel Standard as required by the Energy Independence and Security Act.	9/30/24		
		3. Determine whether additional action is needed to mitigate any adverse air quality impacts of the Renewable Fuel Standard as required by the Energy Independence and Security Act.	9/30/24		
EPA Has Not Met Statutory Requirements for Hazardous Waste Treatment, Storage and Disposal Facility Inspections, but Inspection Rates Are High 16-P-0104 , March 11, 2016	OECA	1. Implement management controls to complete the required TSDF inspections.	3/19/19***	3/29/24	
EPA's Endocrine Disruptor Screening Program Should Establish Management Controls to Ensure More Timely Results 11-P-0215 , May 3, 2011	OCSPP	4. Develop short-term, intermediate, and long-term outcome performance measures, and additional output performance measures, with appropriate targets and timeframes, to measure the progress and results of the program.	9/23/13***	10/1/24	
		5. Develop and publish a comprehensive management plan for EDSP, including estimates of EDSP's budget requirements, priorities, goals, and key activities covering at least a 5-year period.	9/23/13***	12/31/22 6/30/23	
		6. Annually review the EDSP program results, progress toward milestones, and achievement of performance measures, including explanations for any missed milestones or targets.	9/23/13***	6/30/23	
EPA Should Revise Outdated or Inconsistent EPA-State Clean Water Memoranda of Agreement 10-P-0224 , September 14, 2010	OW	2-2. Develop a systematic approach to identify which states have outdated or inconsistent memorandums of agreements; renegotiate and update those Memorandums of Agreements using the Memorandum of Agreements template; and secure the active involvement and final, documented concurrence of headquarters to ensure national consistency.	9/28/18	9/30/20 9/30/22 9/30/23	
Making Better Use of Stringfellow Superfund Special Accounts 08-P-0196 , July 9, 2008	Region 9	2. Reclassify or transfer to the Trust Fund, as appropriate, \$27.8 million (plus any earned interest less oversight costs) of the Stringfellow special accounts in annual reviews, and at other milestones including the end of fiscal year 2010, when the record of decision is signed and the final settlement is achieved.	12/31/12	9/30/23 9/30/26	\$27,800
Subtotal		74 unimplemented recommendations			\$27,800
Total		98 unimplemented recommendations			\$74,561

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CSB Report with Unimplemented Recommendation

This table provides the full text of recommendations issued to the CSB prior to this semiannual period that remain unimplemented, along with the planned completion dates provided by the CSB when the associated final reports were issued and any subsequent revisions made by the CSB to those planned completion dates.

This table reflects the status of recommendations as of March 31, 2023.

Report title, number, and date	Office	Unimplemented recommendation	The CSB's initial planned completion date at time of report issuance	The CSB's revised planned completion date(s)*	Potential cost savings (in thousands)**
Category 1— Management Operations					
CSB's Information Security Program Is Not Consistently Implemented; Improvements Are Needed to Address Four Weaknesses 21-E-0071 , February 9, 2021	CSB	1. Complete the Risk Assessment process as required by NIST 800-37, re-evaluate the Risk Management Framework to make in more fluent to leverage day-to-day processes in place for completing the risk assessment, and determine how to best implement an organization-wide governance process for monitoring and reporting on risks.	4/30/21	9/30/22 12/31/22 6/30/23	
Total		1 unimplemented recommendation			\$0

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Appendix 4—Closed Investigations Involving Senior Employees

For Reporting Period Ending March 31, 2023

Section 5(a)(13) of the Inspector General Act, 5 U.S.C. § 405, requires a report on each investigation involving a senior government employee in which allegations of misconduct were substantiated. Section 5(a)(16) of the Act, 5 U.S.C. § 405, requires a detailed description of the particular circumstances of any investigation conducted by the OIG involving a senior government employee that is closed and was not disclosed to the public. Details on each investigation conducted by the OIG involving senior employees closed during the semiannual reporting period ending March 31, 2023, are provided below.

CASE NUMBER: OI-HQ-2021-OTH-0041

An EPA GS-15 employee violated Virginia law when the employee engaged in actions inside a dwelling in an attempt to videotape a nonconsenting individual. The employee signed a plea agreement with the Commonwealth of Virginia, in which the employee pleaded guilty to one count of unlawful filming of another and one count of peeping or spying into a dwelling by electronic device. The employee served one month in jail with 11 months suspended, paid \$4,000 in restitution fees, and must attend psychosexual counseling. Additionally, the EPA suspended the employee without pay for 30 calendar days.

CASE NUMBER: OI-PH-2022-ADM-0112

An EPA GS-15 employee allegedly violated several OIG procedures relative to the employee's handling of a conduct issue involving an EPA GS-14 employee. The GS-15 employee was reassigned during the course of the investigation and later left the EPA. The investigation determined that the allegations were inconclusive.

CASE NUMBER: AID-00014

Two EPA OIG Senior Executive Service managers and two OIG GS-15 managers allegedly failed to report allegations of harassment and bullying made by an OIG employee against the employee's supervisor, in violation of EPA Order 4711, *Procedure for Addressing Allegations of Workplace Harassment*. Pursuant to the order's procedural requirements, the fact-finding did not render a judgment on whether the allegations were substantiated. The OIG subsequently required all supervisory personnel to be trained on addressing allegations made under EPA Order 4711.

Appendix 5—Peer Reviews Conducted

For Reporting Period Ending March 31, 2023

Section 5(a)(8) of the Inspector General Act, 5 U.S.C. § 405, requires an appendix containing the results of any peer review conducted of the EPA OIG by another OIG during the reporting period or, if no such peer review was conducted, a statement identifying the date of the last peer review conducted of the EPA OIG by another OIG. Section 5(a)(9) of the Act, 5 U.S.C. § 405, requires a list of any outstanding recommendations from any peer review conducted of the EPA OIG by another OIG that have not been fully implemented. Section 5(a)(10) of the Act, 5 U.S.C. § 405, requires a list of all peer reviews conducted by the EPA OIG of another OIG during the reporting period, including a list of any recommendations from any previous peer review that remain outstanding.

The EPA OIG completed an external peer review of the audit organization of the U.S. Department of Agriculture OIG and issued its report on December 28, 2022. The review was conducted in accordance with generally accepted government auditing standards and guidelines established by the Council of the Inspectors General on Integrity and Efficiency's Guide for Conducting Peer Reviews of the Audit Organizations of Federal Offices of Inspector General. We examined the audit function for the fiscal year ended March 31, 2021. We found that the Department of Agriculture OIG had quality control policies and procedures that were intended to provide reasonable assurance of compliance with generally accepted government auditing standards. However, we believe that the Department of Agriculture OIG should take additional steps to strengthen its system of quality control to ensure that all applicable standards are met and adequately documented. The Department of Agriculture OIG received an external peer review rating of pass with deficiencies.

The following are the most recent peer reviews conducted by another OIG of EPA OIG. There are no outstanding recommendations from these peer reviews.

Audit

The most recent peer review report on the EPA OIG was issued on April 15, 2021, by the Treasury Inspector General for Tax Administration OIG. That review, covering the three-year period ending September 30, 2020, found that the EPA OIG's system of quality control was suitably designed and complied with to provide the EPA OIG with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The EPA OIG received an external peer review rating of pass.

Investigations

The General Services Administration OIG completed the most recently mandated Council of the Inspectors General on Integrity and Efficiency quality assurance review of the EPA OIG Office of Investigations and issued its report on June 11, 2018. The General Services Administration OIG identified no deficiencies and found that internal safeguards and management procedures were compliant with quality standards.

Appendix 6—OIG Mailing Addresses and Telephone Numbers

Headquarters

U.S. Environmental Protection Agency
Office of Inspector General
1200 Pennsylvania Avenue, NW (2410T)
Washington, D.C. 20460
(202) 566-0847

Offices

Region 1

U.S. Environmental Protection Agency
Office of Inspector General
5 Post Office Square (Mail Code: 15-1)
Boston, MA 02109-3912
Audit/Evaluation: (617) 620-4719
Investigations: (857) 207-1128

Region 2

U.S. Environmental Protection Agency
Office of Inspector General
290 Broadway, Suite 1520
New York, NY 10007
Audit/Evaluation: (212) 637-3049
Investigations: (212) 637-3040

Region 3

U.S. Environmental Protection Agency
Office of Inspector General
Four Penn Center
1600 John F. Kennedy Boulevard, 4th Floor
Philadelphia, PA 19103-2029
Audit: (215) 814-2326
Evaluation: (215) 814-2349
Investigations: (215) 814-2470

Region 4

U.S. Environmental Protection Agency
Office of Inspector General
61 Forsyth Street, SW
Atlanta, GA 30303
Audit/Evaluation: (404) 562-9830
Investigations: (404) 562-9857

Region 5

U.S. Environmental Protection Agency
Office of Inspector General
77 West Jackson Boulevard
13th Floor (1A-13J)
Chicago, IL 60604
Audit: (312) 886-3106
Evaluation: (312) 353-4353
Investigations: (646) 678-0969

Region 6

U.S. Environmental Protection Agency
Office of Inspector General Suite 500
1201 Elm Street
Dallas, TX 75270
Audit/Evaluation: (214) 665-6735
Investigations: (214) 665-2249

Region 7

U.S. Environmental Protection Agency
Office of Inspector General
11201 Renner Boulevard
Lenexa, KS 66219
Audit/Evaluation: (913) 551-7878
Investigations: (913) 551-7420

Region 8

U.S. Environmental Protection Agency
Office of Inspector General
1595 Wynkoop Street, 4th Floor
Denver, CO 80202
Audit/Evaluation: (303) 312-6871
Investigations: (303) 312-6463

Region 9

U.S. Environmental Protection Agency
Office of Inspector General
75 Hawthorne Street (IGA-1-2)
8th Floor
San Francisco, CA 94105
Audit/Evaluation: (415) 947-4527
Investigations: (415) 947-4506

Region 10

U.S. Environmental Protection Agency
Office of Inspector General
Mail Code 17-H13
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3140
Audit: (206) 514-0094
Evaluation: (206) 561-3729
Investigations: (206) 553-2543

Cincinnati

U.S. Environmental Protection Agency
Office of Inspector General
26 West Martin Luther King Drive
Cincinnati, OH 45268-7001
Audit/Evaluation: (513) 487-2363
Investigations: (224) 935-6847

Research Triangle Park

U.S. Environmental Protection Agency
Office of Inspector General
Mail Drop N283-01
109 T.W. Alexander Drive
P.O. Box 12055
Research Triangle Park, NC 27711
Audit: (919) 541-1030
Evaluation: (919) 541-3601
Investigations: (919) 541-3668