



# At a Glance

## Evaluation of the EPA's Oversight of Authorized State Lead-Based Paint Programs

### Why We Did This Evaluation

#### To accomplish this objective:

The U.S. Environmental Protection Agency Office of Inspector General conducted this evaluation to determine whether the EPA verifies that EPA-authorized state lead-based paint programs continue to meet regulatory requirements after initial authorization. We initiated this evaluation in response to an anonymous OIG Hotline complaint.

Lead was commonly used in paint until the U.S. government banned such paint for residential use in 1978. Consequently, people may be exposed to lead in residential dwellings and child-occupied facilities constructed prior to that date. The EPA's lead-based paint programs aim to protect public health by reducing or eliminating lead-based paint hazards. With EPA authorization, states may administer these programs on behalf of the EPA.

#### To support these EPA mission-related efforts:

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

Address inquiries to our public affairs office at (202) 566-2391 or [OIG.PublicAffairs@epa.gov](mailto:OIG.PublicAffairs@epa.gov).

[List of OIG reports.](#)

### What We Found

The EPA is not verifying that authorized state lead-based paint programs remain at least as protective of human health and the environment as the federal programs and that the programs provide adequate enforcement after initial program authorization. Specifically, the EPA does not conduct periodic adequacy evaluations that meet regulatory requirements. After initial authorization, the EPA relies on the information that authorized state lead-based paint programs submit through grant reports and other required reports. However, the reports do not provide the information that the EPA needs to determine the overall adequacy of the state lead-based paint programs.

In addition, the EPA Office of Chemical Safety and Pollution Prevention and the EPA Office of Enforcement and Compliance Assurance have not developed policies for the EPA regional offices to verify that authorized state lead-based paint programs continue to meet regulatory requirements after initial program authorization. Staff from both offices asserted that their offices were not responsible for developing these policies. However, the EPA headquarters offices are responsible for developing national policy. Regarding the authorized state lead-based paint programs, the Office of Chemical Safety and Pollution Prevention is responsible for leading policy development for the programmatic elements for periodic adequacy evaluations and authorization withdrawals, while the Office of Enforcement and Compliance Assurance is responsible for leading policy development for the enforcement and compliance elements. Because those offices have not led the development of these policies, the regional offices do not have the necessary tools to consistently conduct oversight of authorized state lead-based paint programs.

**Without changes to the EPA's oversight procedures, authorized state lead-based paint programs may not adequately protect public health, and children may suffer adverse and irreversible health effects.**

### Recommendations and Planned Agency Corrective Actions

We recommend that the assistant administrators for Chemical Safety and Pollution Prevention and Enforcement and Compliance Assurance coordinate to develop guidance that directs regional offices to conduct periodic adequacy evaluations, provides examples of what might constitute a "significant change" in an authorized program's implementation or enforcement, and provides examples of when the withdrawal process may be warranted. We also recommend that the assistant administrators clarify the headquarters and regional offices' oversight roles and responsibilities regarding state implementation of authorized lead-based paint programs. The EPA agreed with the spirit of our draft recommendations but disagreed with the specific language used in Recommendations 1 and 3. The Agency suggested revisions and provided acceptable corrective actions that met the intent of all four recommendations. The EPA agreed with our final recommendations, and all four recommendations are resolved with corrective actions pending.