



**United States
Environmental Protection Agency**

FISCAL YEAR 2022

**Justification of Appropriation
Estimates for the Committee
on Appropriations**

Tab 05: Office of Inspector General

EPA-190-R-21-002

**May 2021
www.epa.gov/cj**

**Environmental Protection Agency
FY 2022 Annual Performance Plan and Congressional Justification**

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**Environmental Protection Agency
FY 2022 Annual Performance Plan and Congressional Justification**

**APPROPRIATION: Inspector General
Resource Summary Table
(Dollars in Thousands)**

	FY 2020 Actuals	FY 2021 Enacted	FY 2022 Pres Budget	FY 2022 Pres Budget v. FY 2021 Enacted
Inspector General				
Budget Authority	\$43,076.0	\$43,500.0	\$54,347.0	\$10,847.0
Total Workyears	213.1	227.5	258.5	31.0

*For ease of comparison, Superfund transfer resources for the audit and research functions are shown in the Superfund account.

Bill Language: Inspector General

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$54,347,000, to remain available until September 30, 2023.

**Program Projects in IG
(Dollars in Thousands)**

Program Project	FY 2020 Actuals	FY 2021 Enacted	FY 2022 Pres Budget	FY 2022 Pres Budget v. FY 2021 Enacted
Audits, Evaluations, and Investigations				
Audits, Evaluations, and Investigations	\$43,076.0	\$43,500.0	\$54,347.0	\$10,847.0
TOTAL IG	\$43,076.0	\$43,500.0	\$54,347.0	\$10,847.0

*For ease of comparison, Superfund transfer resources for the audit and research functions are shown in the Superfund account.

Audits, Evaluations, and Investigations

Audits, Evaluations, and Investigations

Program Area: Audits, Evaluations, and Investigations

(Dollars in Thousands)

	FY 2020 Actuals	FY 2021 Enacted	FY 2022 Pres Budget	FY 2022 Pres Budget v. FY 2021 Enacted
<i>Inspector General</i>	<i>\$43,076.0</i>	<i>\$43,500.0</i>	<i>\$54,347.0</i>	<i>\$10,847.0</i>
Hazardous Substance Superfund	\$10,498.1	\$11,586.0	\$11,800.0	\$214.0
Total Budget Authority	\$53,574.1	\$55,086.0	\$66,147.0	\$11,061.0
Total Workyears	268.4	270.0	301.0	31.0

Program Project Description:

EPA's Office of Inspector General (OIG) is an independent office of the U.S. Environmental Protection Agency, created by the Inspector General Act of 1978, as amended. In support of that independence, Congress provides the OIG with a separate appropriation, within the Agency's budget. The vision of the OIG is to be a premier oversight organization trusted to speak the truth, promote good governance, and contribute to improved human health and the environment. This vision is met through the mission of the OIG. The OIG conducts and supervises independent audits, evaluations, and investigations while reviewing existing and proposed legislation and regulations relating to the programs and operations of the Agency; provides leadership and coordination; makes evidence-based policy recommendations for activities designed to promote economy, efficiency, and effectiveness; and works to prevent and detect waste, fraud, and abuse in Agency, grantee, and contractor operations.

The OIG activities add value and enhance public trust and safety by keeping the head of the Agency and Congress fully and immediately informed of problems and deficiencies, and the necessity for and progress of corrective actions. The OIG activities also prevent and detect fraud in EPA's programs and operations, including financial fraud, laboratory fraud, and cybercrime. The OIG consistently provides a significant positive return on investment to the public in the form of recommendations for improvements in the delivery of EPA's mission, reduction in operational and environmental risks, costs savings and recoveries, and improvements in program efficiencies and integrity.¹ The audit, evaluation, and investigative services programs are directly supported through the OIG's management and administrative functions of information technology, human resources, human capital, budget, planning and performance, legal advice and counseling, report publishing and communications, and congressional outreach. EPA's OIG plans its work with a focus on identifying and influencing resolution of the Agency's major Management Challenges.

In addition, EPA's Inspector General was designated by Congress in FY 2004 to serve as the Inspector General for the U.S. Chemical Safety and Hazard Investigation Board (CSB) and provides the full range of audit and investigative services specified by the Inspector General Act, as amended. Specifically, the OIG conducts required audits of the CSB's financial statements and of CSB's compliance with the Federal Information Security Management Act. In addition, the OIG

¹ For more information, please see: <https://www.epa.gov/office-inspector-general/epa-oig-organization-profile>.

performs audits and evaluations of the CSB's programmatic and management activities and follow-up on prior audit recommendations.

FY 2022 Activities and Performance Plan:

The activities of the OIG are supported through the core value to be the best in public service through customer service, integrity, and accountability. The summary of this value is to contribute to improved EPA and CSB programs and operations protecting human health and the environment, and enhancing safety; conduct audits, evaluations, and investigations that enable EPA and the CSB to improve business practices and accountability to meet stakeholders' needs. The OIG assists the Agency in its efforts to develop and enforce regulations that implement environmental laws by making recommendations to improve program operations; save taxpayer dollars; reduce the potential for fraud, waste, and abuse; respond to cybercrimes; and resolve previously identified major management challenges and internal control weaknesses resulting in cleaner air, land, and water, and ensured chemical safety for America. In FY 2022, the OIG will target initiatives supporting EPA's six National Compliance Initiatives; focus on EPA Management Challenges; increase its agility to assess emerging environmental threats; increase its use of data analytics, business analytics, and business intelligence to better target resources to address high risk, high vulnerability areas of interest; employ best practices in support of improving efficiency, effectiveness, accountability, and monetary benefits; focus on measurable impact and increase its return on investment to the American public.

The OIG carries out its statutory mission by conducting many types of audits, evaluations, and investigations for both EPA and the CSB. Plans are implemented through audits, evaluations, investigations, and follow-up reviews in compliance with the Inspector General Act, as amended, the Generally Accepted Government Accounting Standards, and the Council of Inspectors General on Integrity and Efficiency's *Quality Standards for Federal Offices of Inspector General*. The OIG conducts the following types of assignments focused on efficiency and program operations: program performance, including a focus on the award and administration of grants and contracts; statutorily mandated audits; financial reviews of grantees and contractors; and information resources management. In addition, program performance audits and inspections are conducted in the areas of EPA's mission objectives for improving and protecting the environment and public health, including: air; water; land cleanup and waste management; toxics, chemical management, and pollution prevention; and environmental research programs.

The investigative mission of the OIG continues to evolve in conducting criminal, civil, and administrative investigations into fraud and serious misconduct within EPA programs and operations that undermine the organization's integrity and public trust or creates an imminent risk or danger. The OIG investigations are coordinated with the Department of Justice and other federal, state, and local law enforcement entities. These investigations may lead to prosecution and civil judgments wherein there is a recovery and repayment of financial losses. The major areas of investigative focus include financial fraud, laboratory fraud, serious employee misconduct, program integrity, and cybercrimes. The OIG has been proactively examining EPA program and operations for potentially fraudulent activities, such as products falsely marketed as proven to effectively block various viruses, to include SAR-CoV-2.

The five directorates within the Office of Audit are responsible for independent oversight of EPA and CSB programs and recommending improvement to programs and operations, specifically Contracts and Assistance Agreements; Efficiency; Financial; Forensic; and Information Resources Management. A significant portion of audit resources will be devoted to statutorily mandated work, such as assessing the financial statements of EPA and CSB, as required by the Chief Financial Officers Act and the Accountability of Tax Dollars Act of 2002, respectively. The OIG mandated work also will include assessing the information security practices of EPA and CSB as required by the Federal Information Security Management Act. The work within the Office of Audit assesses economy, efficiency, and effectiveness of program operations supporting EPA major programs and CSB investigations.

The five directorates within the Office of Evaluation are responsible for independent oversight of EPA programs and recommending improvement to programs and operations, specifically: Air; Environmental Research; Land Cleanup and Waste Management; Toxics, Chemical Management, and Pollution Prevention; and Water. The OIG will examine the delivery and performance of national programs, as well as specific cross-regional and single region or place-based issues that represent a risk to public health and the environment in response to stakeholder concerns.

EPA's OIG continues to balance its workload with the capacity of a reduced workforce, while meeting statutorily mandated requirements and delivering a strong return on investment. Three of the four EPA OIG Annual Performance Goals reported to Congress by way of the Semiannual Report are being exceeded, however, goals were adjusted to align with available resources. Based on prior work, cross-agency risk assessment, Agency challenges, future priorities, and extensive stakeholder input, the OIG will focus its resources on efforts in the following areas of concentration during FY 2022:

Audits and Evaluations

Sound and Economical Management

- Annual mandated improper payments audits in EPA and CSB
- Internal controls
- Annual mandated financial statements audits in EPA and CSB
- Audits of costs claimed by selected grantees and contractors
- Grant, cooperative agreement, and contract administration, such as grantee management of funds
- Maximizing cost efficiencies and process improvement, such as improved acquisition planning
- Follow-up compensatory time off audit, Capital investments in information technology, equipment, facilities, and other items
- Technological changes that create transformation opportunities
- Annual mandated travel card program, including risk assessment in accordance with the Government Charge Card Abuse Prevention Act of 2012
- Annual mandated purchase card and convenience check program, including risk assessment
- Annual mandated toxic substances fees in accordance with the Pesticide Registration Improvement Act and Federal Insecticide, Fungicide, and Rodenticide Act

- Efficiency and effectiveness of collection and payment processes
- Single audit sub-recipients monitoring

Efficient Processes and Use of Resources

- Management of the Brownfields Program
- Implementation of the Diesel Emissions Reductions Act for clean diesel funding assistance program
- Partnering or coordination with other agencies to maximize efficiencies
- Opportunities to reduce duplication, overlap, and fragmentation within EPA
- Grant, Interagency Agreement Grant, and Interagency Agreement Management
- Efficiency and effectiveness of human capital management programs
- High-risk contractors
- Continuity of Operations (COOP) readiness of delegated programs to continue their operations/business as usual during COVID or another COOP event

Ensuring the Integrity of EPA Information

- Agency preparedness for providing remote access services
- Agency efforts to enhance its capability to respond to cyber-attacks
- Cybersecurity/infrastructure development; and assessment of processes to ensure protection and security of information systems from fraud, waste, and abuse
- Follow-up on prior OIG cybersecurity audit recommendations
- Compliance with policies for federal agency public websites and digital services Plan of Action & Milestones
- Annual mandated audit of compliance with the Federal Information Security Modernization Act for EPA and CSB
- Oversight of Chief Information Officer's responsibilities under the Federal Information Technology Acquisition Reform Act
- Mandated readiness reviews of Agency Digital Accountability and Transparency Act of 2014
- IT support to the mandated financial statement audits

Assessing Risk Management and Performance Measurement

- Implementation of Federal Managers Financial Integrity Act, Federal Information Security Management Act, and Government Performance and Results Act
- Disaster response and homeland security and emergency preparedness and response
- Construction grants and revolving loan funds awarded to states and territories
- Follow-up on the Agency's quality system
- Review of contractor federal performance
- Assistance agreements related to cleanup and Brownfields
- Assessing federal facilities differences in attaining Resource Conservation and Recovery Act of 1976 (RCRA) corrective action goals compared to private cleanups

Assessing Program Integrity, Results, Oversight, Enforcement

- Evaluation of the Management Audit Tracking System
- Evaluation of the implementation of the Toxic Substances Control Act (TSCA)

- Follow-up on prior OIG work for continuity of operations such as the coronavirus pandemic
- Oversight of clean water state revolving loan funds
- Assess EPA's policy, procedures, and internal controls to prevent or reduce improper computer use
- Evaluations of EPA's programs and activities to protect human health and the environment through progress toward air quality goals and compliance with requirements, such as Mercury and Air Toxics Standards analysis and National Environmental Policy Act (NEPA) changes and effect on environmental justice
- Evaluation of EPA's programs and adherence to requirements to protect and restore water that sustains human health and the environment, such as per- and polyfluoroalkyl substances (PFAS) in drinking water near military installations and state implementation of Clean Water Act
- Evaluation of EPA's programs, activities, requirements and initiatives to protect human health and the environment through accident prevention and emergency response
- Evaluations of EPA's programs and requirements to protect human health and the environment from chemical risks, including childhood exposure to lead, TSCA compliance for safer chemicals, and environmental justice
- EPA's reporting of goals and accomplishments for funded programs
- Evaluation of controls and processes in EPA's research and development programs that support EPA's core mission to protect human health and the environment, such as the PFAS Innovative Treatment Team and radiation cleanup guidelines
- Evaluation of EPA's progress in implementing recommendations from the OIG's RCRA inspections report

Investigations

The Inspector General Act identifies the Assistant Inspector General for Investigations as responsible for developing and implementing an investigative program that furthers OIG objectives. The OIG's Office of Investigations (OI) conducts independent investigations to detect and prevent fraud, waste and abuse, while protecting the integrity of EPA and CSB programs, operations, and resources. Investigations focus on allegations of criminal activity and serious misconduct in EPA and CSB programs and operations. The OIG performs its proactive work strategically as opportunities and resources allow. Investigations are opened in accordance with priorities set forth in the OIG Strategic Plan for FY 2018 – 2022 and in consideration of prosecutorial guidelines established by U.S. Attorneys. OIG investigations are governed by the *Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority* and by the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Investigations*, as well as other federal statutes and regulations.

The investigative mission of the OIG continues to evolve in conducting criminal, civil, and administrative investigations into fraud and serious misconduct within EPA programs and operations that undermine the organization's integrity and public trust or create an imminent risk or danger. Special Agents within the OI are duly appointed federal criminal investigators and have statutory authority to carry firearms, make arrests, execute search and seizure warrants, and perform other law enforcement duties. The OI often collaborates with other law enforcement

entities and external stakeholders to enhance the effectiveness of its work. The OIG investigations are coordinated with the Department of Justice and other federal, state, and local law enforcement entities for criminal and civil litigation or with EPA management for administrative action. Investigative efforts may lead to criminal convictions, administrative sanctions, civil monetary penalties, and judgments wherein there is a recovery and repayment of financial losses. Additionally, during and at the conclusion of investigations, the OI works with the Suspension and Debarment Office within EPA, “whose actions protect the government from doing business with entities that pose a business risk to the government.”

The OIG plays a critical oversight role helping to ensure that EPA and CSB funds are properly expended and not subject to fraud, waste, or abuse. The recent COVID-19 pandemic and the resulting frauds has emphasized the nature of the OI in protecting the integrity of the EPA’s programs. Major areas of investigative focus in this oversight include: 1) financial fraud relating to Agency grants and contracts concerning State Revolving Funds, interagency and cooperative agreements, and fraud related to mischarging, defective pricing, defective products and collusion on contracts; 2) laboratory fraud, including that related to water quality and Superfund data as well as payments made by EPA for erroneous environmental testing; 3) employee integrity and alleged criminal conduct or serious administrative misconduct focusing on activities that could undermine the integrity of Agency programs involving safety and public health, and erode confidence in the Agency pursuing its mission; 4) program integrity focusing on serious misconduct or criminal activity that could undermine or erode the public trust and confidence in EPA, its programs, or its employees; and 5) cybercrime to identify and counter information technology security threats, illegal intrusions, and abuse of EPA computer systems, as well as investigations and responses in support of EPA’s Office of Homeland Security, to include possible cyber terrorist attacks on EPA’s computer infrastructure.

Finally, the OI often makes observations or “lessons learned” for EPA’s management to reduce the Agency’s vulnerability to criminal activity. The results of OI’s investigations are published in the OIG’s semiannual reports and can serve as a deterrent to future misconduct. In addition, the OI’s investigations provide measurable results wherein recovery and restitution of financial losses are achieved, and administrative actions are taken to prevent those involved from further participation in any of EPA’s programs or operation which may lead to better accountability and deterrence.

The OI has further reorganized its Field Operations Directorate by realigning the four field offices into two regional offices - the Eastern Region Field Office and the Western Region Field Office. The Eastern Region Field Office is responsible for matters within EPA Regions 1 through 5 while the Western Region Field Office is responsible for matters within EPA Regions 6 through 10. This realignment has improved the efficiency, effectiveness, and consistency of the OI’s operations by allowing the Field Operations Directorate to better oversee its field operations and investigations. In addition, the OI Headquarters is hiring an attorney-advisor and an honors attorney to support our investigative operations.

Follow-up and Policy/Regulatory Analysis

To further promote economy, efficiency, and effectiveness, the OIG will conduct follow-up reviews of Agency responsiveness to the OIG's recommendations to determine if appropriate actions have been taken and intended improvements have been achieved. This process will serve as a means for keeping Congress and EPA leadership apprised of accomplishments and opportunities for needed corrective actions and facilitate greater accountability for results from the OIG operations.

Additionally, as directed by the IG Act, as amended, the OIG's audits and evaluations often cover assessment of proposed and existing policies, rules, regulations, and legislation to identify vulnerability to waste, fraud, and abuse. These assessments also consider possible duplication, gaps, or conflicts with existing authority, leading to recommendations for improvements in their structure, content, and application.

Performance Measure Targets:

EPA's FY 2022 Annual Performance Plan does not include annual performance goals specific to this program.

FY 2022 Change from FY 2021 Enacted Budget (Dollars in Thousands):

- (+\$1,355.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$9,492.0 / +31.0 FTE) This program increase supports the investigation of cybersecurity intrusions, COVID-19 disinfectant fraud, the need for robust program oversight, and it provides for enhanced support for data analytics and program fraud detection. The resources also will assist with oversight of Supplemental Appropriations EPA has received as part of the CARES Act and the American Rescue Plan Act of 2021. This investment includes \$5,412.0 in payroll.

Statutory Authority:

Inspector General Act of 1978.

Inspector General Reform Act:

The following information is provided pursuant to Section 6(g)(2) of the Inspector General Reform Act:

- The aggregate budget request from the Inspector General for the operations of the OIG is \$66.1 million (\$54.3 million Inspector General; \$11.8 million Superfund Transfer)
- The aggregate President's Budget for the operations of the OIG is \$66.1 million (\$54.3 million Inspector General; \$11.8 million Superfund Transfer)

- The portion of the aggregate President’s Budget needed for training is \$800 thousand (\$640 thousand Inspector General; \$160 thousand Superfund Transfer)
- The portion of the aggregate President’s Budget needed to support the Council of the Inspectors General on Integrity and Efficiency is \$238 thousand (\$190.4 thousand Inspector General; \$47.6 thousand Superfund Transfer)

“I certify as the Inspector General of the Environmental Protection Agency that the amount I have requested for training satisfies all OIG training needs for FY 2022”.