



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

**JUN 21 2021**

THE ADMINISTRATOR

## **MEMORANDUM**

**SUBJECT:** Clarification of Delegation of Authority Requirements in the EPA Unmanned Aircraft Systems Policy

**FROM:** Michael S. Regan /s/ Michael S. Regan

**TO:** Deputy Administrator  
General Counsel  
Assistant Administrators  
Inspector General  
Chief Financial Officer  
Chief of Staff  
Associate Administrators  
Regional Administrators

## **BACKGROUND:**

The U.S. Environmental Protection Agency's Chief Information Officer, Vaughn Noga, signed and issued on December 1, 2020, the agency's Unmanned Aircraft Systems Policy to comply with the 2015 Presidential Memorandum "Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights and Civil Liberties in Domestic Use of Unmanned Aircraft Systems," as well as FAA Order 8900.1, Volume 16, Unmanned Aircraft Systems.

The EPA's unmanned aircraft systems policy articulates a framework through which EPA programs and grant recipients can take advantage of unmanned aircraft systems technology. The policy considers privacy, civil rights and civil liberties protections, accountability and transparency. In addition, the policy protects the safety of EPA staff, contractors and grantees tasked with capturing data in hazardous circumstances and addresses information technology security and data management. Use of unmanned aircraft systems will also increase the EPA's ability to effectively collect data, furthering projects that are critical for protecting the public and the environment.

**PURPOSE:**

This memorandum clarifies the roles and responsibilities for the Deputy Administrator and the assistant administrators, as described in the EPA unmanned aircraft systems policy. According to the policy, assistant administrators are responsible for establishing categories and conditions under which the use of unmanned aircraft systems will and will not be allowed within their respective programs (hereafter, "Established Categories and Conditions of UAS Uses"). The unmanned aircraft systems policy states that the Deputy Administrator is responsible for "authorizing delegation of UAS activity approval within the National Program." To clarify, "UAS activities" does not refer to each individual use of UAS, but rather to the assistant administrator "Established Categories of UAS Uses."

Therefore, the Deputy Administrator's approval is required only in cases in which the assistant administrator is delegating the authority to approve "Established Categories of UAS Uses".

The assistant administrators must continue to adhere to the other responsibilities as listed in the EPA unmanned aircraft systems policy.

**SUMMARY:**

- Assistant administrators are required to approve "Established Categories and Conditions of Unmanned Aircraft Systems Uses" for their national programs unless the Deputy Administrator authorizes the assistant administrators to further delegate the authority to approve the "Established Categories and Conditions of UAS Uses."
- Assistant administrators may develop an approval procedure within a National Program or region for individual unmanned aircraft systems flights. The approval chain can be specified without any further permissions or approvals from the Deputy Administrator.

If you have questions, please feel free to contact Harvey Simon, geospatial information officer, at (202) 566-0917 or [simon.harvey@epa.gov](mailto:simon.harvey@epa.gov).