



OFFICE OF INSPECTOR GENERAL

Catalyst for Improving the Environment

Report

Studies Addressing EPA's Organizational Structure

Report No. 2006-P-00029

August 16, 2006

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Abbreviations

EPA	U.S. Environmental Protection Agency
GAO	Government Accountability Office
GPRA	Government Performance and Results Act
NAPA	National Academy of Public Administration
NPR	National Performance Review
OIG	Office of Inspector General
RPPI	Reason Public Policy Institute



At a Glance

Catalyst for Improving the Environment

Why We Did This Review

Based on the interest of the Senate Committee on Environment and Public Works, we initiated a project to research studies, articles, publications, and reports that address the U.S. Environmental Protection Agency's (EPA's) organizational structure. This project is a collection of information, not an audit, and the information provided is strictly the viewpoint of the authors of the studies and not those of the Office of Inspector General (OIG).

Background

EPA was established in 1970 to merge key anti-pollution programs into an environmental protection administration as a new independent agency of the Executive Branch. EPA was initially intended to be organized around its major functions, such as research, monitoring, and enforcement. However, EPA was organized along media lines, such as air, land, and water. Consequently, some scholars and practitioners have called for major reform of the Agency's fragmented media program structure and environmental statutes.

For further information, contact our Office of Congressional and Public Liaison at (202) 566-2391.

To view the full report, click on the following link:
www.epa.gov/oig/reports/2006/20060816-2006-P-00029.pdf

Studies Addressing EPA's Organizational Structure

What the Studies Found

The 13 studies, articles, publications, and reports we reviewed identified issues with cross-media management, regional offices, reliable information, and reliable science. We included reliable information and reliable science because some authors stated that changes to EPA's organizational structure were necessary to improve these areas.

- **Cross-Media Management.** Seven studies stated that EPA might be missing an opportunity to be more effective because EPA bases its organizational structure on disparate environmental laws that do not consider that problems with the various media are interrelated.
- **Regional Offices.** Two studies stated that EPA's regional offices do not adequately consider the geographic connectivity of environmental issues that cross EPA's identified regions. Thus, the regions may not adequately address their environmental problems.
- **Reliable Information.** Ten studies stated that EPA does not always have reliable data to support its positions on the state of the environment or to measure effectively the success of its programs in improving the environment.
- **Reliable Science.** Two studies stated that EPA does not always utilize reliable science to support its rules and regulations. Consequently, the authors believe that EPA may pass regulations that may not fully address environmental problems.

What the Studies Recommended

The authors of 9 of the 13 studies made the following recommendations:

- EPA should seek congressional assistance in drafting a single cross-media environmental statute, and should change its organizational structure to address environmental issues from a cross-media approach.
- EPA should develop a regional management system that addresses cross-media issues over the affected regions.
- Congress should form and fund an independent bureau of environmental information or statistics (an addition external to EPA) to assess the state of the environment and the success of EPA media programs.
- EPA should evaluate its current policies governing the use of science and consider the appointment of a science "czar" (an addition to the EPA organizational structure) to improve the credibility of its science.



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

OFFICE OF
INSPECTOR GENERAL

August 16, 2006

MEMORANDUM

SUBJECT: Studies Addressing EPA's Organizational Structure
Report No. 2006-P-00029

TO: Marcus A. Peacock
Deputy Administrator

This is the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA) final report, Studies Addressing EPA's Organizational Structure. We conducted the assignment based on the interest of the Senate Committee on Environment and Public Works to research studies, articles, publications, and reports that address EPA's organizational structure. This project is a collection of information, not an audit, and the information provided is strictly the viewpoint of the authors of the studies and not those of the OIG. The OIG does not make any recommendations in this report.

The estimated cost of this report – calculated by multiplying the project's staff days by the applicable daily full cost billing rates in effect at the time – is \$279,683.

Action Required

We provided a copy of the draft report for comment on July 11, 2006, at which time we offered to meet and discuss the report and to consider any comments you may have had regarding its content. Subsequently, your office informed us they had no comments and a meeting was not necessary. Therefore, we are issuing our final report without change, and will be closing this report upon issuance.

You may contact me at (202) 566-2212 or roderick.bill@epa.gov, or Melissa Heist at (202) 566-0899 or heist.melissa@epa.gov, if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink that reads "Bill A. Roderick".

Bill A. Roderick
Acting Inspector General

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Chapter 1

Introduction

Purpose

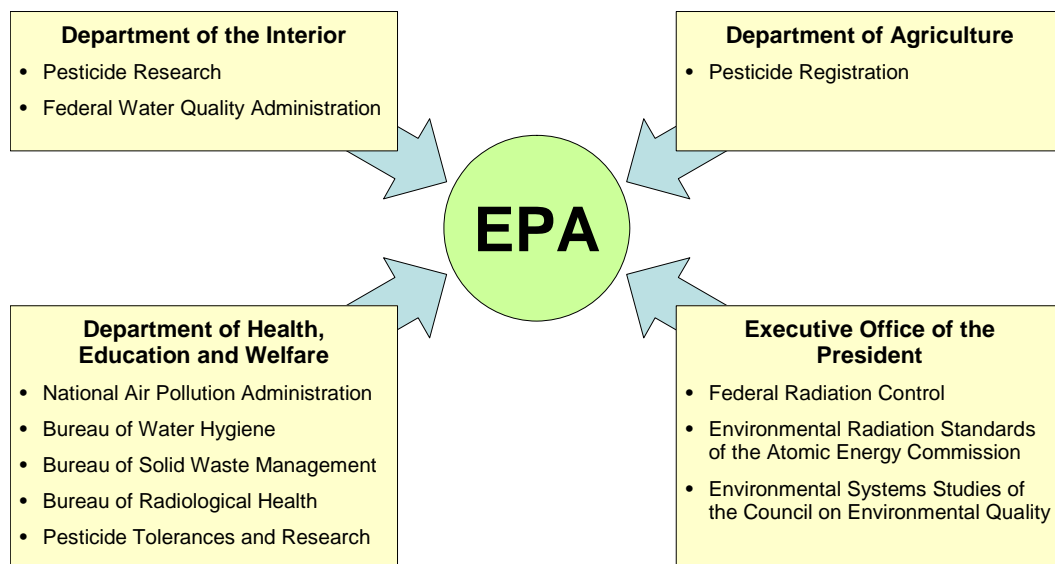
Based on the interest of the Senate Committee on Environment and Public Works, the Office of Inspector General (OIG) initiated this project to research studies, articles, publications, and reports that have addressed the U.S. Environmental Protection Agency's (EPA's) organizational structure and provided suggestions to improve performance. This project represents a collection of information, not an audit. An audit would require us to substantiate the information. The objective of the project was to summarize the studies' pertinent findings in an informational document that provides perspectives on what has been problematic and what EPA may need to change regarding its organizational structure. These studies can challenge EPA to ask important questions about its future, such as:

- Would a functional organizational structure (like that of the Departments of Defense and Health and Human Services) be more effective over the long-term than the current hybrid structure that includes both functional and media program offices?
- Should EPA evaluate the effectiveness of its current regional structure?
- Should EPA or Congress develop new and/or independent offices to insure the Agency uses reliable information and reliable science?

Background

President Richard M. Nixon established EPA under Reorganization Plan No. 3 on July 9, 1970, based on an earlier recommendation by the President's Advisory Council on Executive Organization, also known as the Ash Council. The Ash Council recommended merging key anti-pollution programs into an environmental protection administration as a new independent agency of the Executive Branch. Under the Plan, the Department of the Interior; Department of Agriculture; Department of Health, Education and Welfare; Atomic Energy Commission; Federal Radiation Council; and Council on Environmental Quality transferred environmental duties to EPA. The environmental programs from these agencies were established as separate offices under EPA (see Figure 1 below).

Figure 1. Functions Transferred to EPA from Other Agencies



Plan Development

The Ash Council recommended organizing EPA according to functional categories (e.g., monitoring, research, standard-setting, enforcement, assistance) rather than along media lines (e.g., air, water, land). This recommended organizational approach was intended to recognize the interrelated nature of pollution problems, acknowledge that pollutants cut across media lines, encourage balanced budget and priority decisions between component functions, and permit more effective evaluations of total program performance.

Plan Alterations

The head of the Ash Council's environmental protection group, who also served as the White House EPA Task Force Director on transitional issues, chose not to submit the recommended Ash Council organizational proposal to EPA's first Administrator for fear that massive changes proposed in the plan would create friction and chaos. The Task Force Director concluded that although a functional organization was the appropriate long-term goal for the Agency, only incremental change was reasonable and feasible in the short-term. Therefore, the Task Force Director proposed the following three-stage approach for organizational change:

- (1) Initially, the merger would leave intact each of the media program areas that formed EPA (water quality, air pollution control, pesticides, radiation, and solid waste management).
- (2) In a second phase, the Agency would add new functional divisions that would put greater distance between the Administrator and the three Assistant Administrators' offices (Office of Planning and Development, Office for Standards and Compliance, and Office for Research and Monitoring).

- (3) Finally, the Agency would work towards a completely functional organization. EPA would abolish the media program offices in favor of the functional units recommended by the Ash Council. However, this would occur after the Agency had proven that it could manage the environmental interests of the country.

Plan Implementation

On December 4, 1970, EPA's first Administrator formally organized the Agency under EPA Order 1110.2. At the start of his tenure, the Administrator set up a system in which five commissioners administered discrete EPA media programs for water, air, pesticides, radiation, and solid waste (see Appendix C); corresponding to the Task Force Director's proposed first stage. The Administrator's purpose was to continue with important existing activities, and create what the Council considered to be a more effective organization later.

In April 1971, the Administrator drew up a second organizational plan with a structure (see Appendix D) that corresponded to the second stage envisioned by the Task Force Director. The one exception was the inclusion of a Media Programs office, which was meant to establish formal communication between the air and water media programs. The Administrator hoped that the interaction among previously separate elements would generate new ideas. The Administrator also established ten regional offices, covering the entire nation, to work with State and local officials and private organizations to insure maximum participation in environmental programs. The regional boundaries conformed to those already specified for five other major Federal agencies.

Although the Administrator carried out the first two stages of the Task Force Director's three-stage plan, he did not push the Agency to stage three and a completed functional theme. Therefore, the media program offices remained. The Administrator did not organize EPA functionally because he felt that the structure was not as important as the personnel. He believed that the success of an organization depended upon getting key people to make it work. In addition, the Administrator believed that the inherited programs (from other agencies) had to maintain continuity to avoid congressional criticism.

Current Organizational Structure

EPA's current organizational structure includes an Office of the Administrator, 12 headquarters offices, and 10 regional offices (see Appendix E). The Administrator provides overall supervision of the Agency and is responsible directly to the President of the United States. The 12 headquarters offices include the following media and functional offices:

Table 1. Media and Functional Offices

Media Offices	Functional Offices
Air and Radiation	Administration and Resources Management
Prevention, Pesticides, and Toxic Substances	Chief Financial Officer
Solid Waste and Emergency Response	Enforcement and Compliance Assurance
Water	Environmental Information
	General Counsel
	Inspector General
	International Affairs
	Research and Development

Each EPA regional office is responsible for the execution of the Agency's programs within its States.

The Office of the Administrator is developing a regional priorities framework that will allow the Agency to track progress on delivering results tailored to selected areas of the country. The priorities will be similar environmental or health issues that contiguous areas of the country are likely to be actively addressing. The concept will identify the top priority environmental issues that are of significant common interest to one or more of four separate regions of the country (referred to as Northeast, Great South, Midwest, and Great American West priorities). Under this concept, the Agency hopes to identify a limited number of quantifiable metrics with baselines and targets that can be tracked regularly and show progress.

Scope and Methodology

From December 2005 through February 2006, we reviewed 13 documents that included detailed analysis of the Agency's organizational structure. This report is a summary of the perspectives provided in the studies, reports, articles, and other publications. These articles and studies were issued between 1988 and 2005 by the National Academy of Public Administration (NAPA), Government Accountability Office (GAO), academia, environmental and public policy groups, and EPA. In addition to the perspectives provided in the body of this report, additional content from each of these documents is provided in Appendix A. Appendix B identifies the categories of organizational structure issues that are addressed in each study.

Some of the older studies do not consider how more recent organizational changes, such as the addition of the Office of the Chief Financial Officer and the Office of Environmental Information in 1997 and 1999, respectively, affect EPA's organizational structure and performance. The studies also do not consider EPA initiatives, such as the Deputy Administrator's regional priorities project.

The OIG did not validate any of the information obtained, nor did the OIG conduct its own analysis of EPA's organizational structure as a part of this assignment. The work performed does not constitute an audit conducted in accordance with generally accepted government auditing standards. For example, we did not assess compliance with applicable requirements of laws and regulations or applicable internal controls as a part of this review.

Chapter 2

Summary of Studies on EPA's Organizational Structure

The authors of 13 studies, articles, publications, and reports we reviewed stated that EPA could improve its ability to accomplish its mission through changes to its organizational structure. EPA's current organizational structure is a hybrid structure that incorporates elements of both functional and media-focused offices. Although this was not the structure the Ash Council initially recommended, the Agency has made significant accomplishments in improving the environment. However, the authors of the studies identified issues with EPA's organizational structure, which we grouped as follows:

- **Cross-Media Management:** EPA is a “stove-pipe” organization reflecting legislation that focuses on media programs such as air, land, water, and various individual pollutants.
- **Regional Offices:** EPA does not have an effective strategy for managing environmental issues across EPA regions.
- **Reliable Information:** EPA cannot tie improvements in the environment to its programs because it lacks reliable information.
- **Reliable Science:** EPA does not always utilize reliable science when making decisions on environmental regulations.

EPA Accomplishments

While discussing concerns with EPA's organizational structure, the authors noted the following examples of significant achievements of the Agency.

In its 1995 report on EPA, *Setting Priorities, Getting Results: A New Direction for EPA*, NAPA stated:

- “In the past two decades, the United States has made extraordinary progress in reducing pollution from the biggest and most obvious sources.”
- “...EPA has greatly enhanced the quality of life in America. The nation decided in the 1970s to take a united stand against pollution. Those who can remember when rivers stank and when air pollution episodes killed people, appreciate how much the agency and the nation have accomplished. Children now swim in rivers their parents were taught to avoid; many cities now have much cleaner air. And recently, the nation has taken steps with international partners that will eventually repair humanity's damage to the layer of stratospheric ozone that protects all life on earth.”

In its 2000 report, *Environment.gov: Transforming Environmental Protection for the 21st Century*, NAPA stated:

“Authorized by the Clean Air Act, the Clean Water Act, and other statutes, the agency has forced large-scale polluters to reduce their air and water emissions and manage their hazardous wastes. Strong national programs have required firms to use particular pollution-control technologies, and required states to achieve specific levels of air quality. Those programs have matured: most are now implemented by state environmental agencies acting with varying degrees of oversight by EPA’s 10 regional offices.”

Cross-Media Management

The authors of seven studies stated a need for a cross-media approach to environmental protection. While EPA has taken some steps to address cross-media issues, the Agency has never fully met the Ash Council’s call for a cross-media approach. The authors contend that EPA’s media-focused offices and programs have produced a management structure that deals poorly with complex, multi-layered environmental problems.

EPA Steps to Address Cross-Media Issues

In its 1997 report, *Resolving the Paradox of Environmental Protection*, NAPA stated that EPA had taken some action to address fragmentation and cross-media issues. For instance, the study stated that the Administrator “...initiated three significant reorganizations, each of which is intended to create constant pressure for change and each of which creates new structures with cross-media, cross-program, or cross-statute responsibilities.”

NAPA’s 2000 report commented on EPA’s Region 1 cross-media reorganization. NAPA reported the Region 1 Administrator consolidated the air, water, and waste offices into an Office of Ecosystem Protection. Half of this office’s staff were devoted to separate multimedia offices for each State and teams to work with State and local entities to improve 17 "special places" in the region. The Region 1 Administrator combined compliance, pollution prevention, and enforcement into an Office of Environmental Stewardship, which increased regional efforts to prevent pollution and motivate entities to increase compliance and use of less-polluting technologies.

Media Program Focus Hinders Effectiveness

In its December 1993 internal National Performance Review (NPR), *Creating a U.S. Environmental Protection Agency that Works Better and Costs Less – Phase 1*, EPA reported:

- “The teams found organizational and ‘traditional mindset’ barriers that have negatively impacted EPA’s ability to address multi-media or ecosystem types of problems and to institutionalize pollution prevention.”
- “Media-specific approaches create duplication among media program offices.”
- “The need to tackle more complex issues through prevention and control, in a more ‘holistic’ fashion, appears to require a new organizational approach.”
- “As EPA strives to solve more complex issues, its current structure works to inhibit or impede success.”
- “The EPA also needs to address the barriers which are created by multiple pieces of enabling legislation.”
- “Program offices within EPA are divided by media-specific statutes that sometimes erect seemingly insurmountable barriers to cross-media initiatives.”
- “Today, environmental issues are more complex than ever before; and environmental protection strategies must cut across all environmental media and all routes of exposure. Rarely is it sufficient to deal with environmental media individually. Rather, the quality of science across all program offices that exercise statutory authority over specific media should reflect a consistent, holistic approach to protecting and enhancing both ecosystems and human health and, at the same time, should ensure adequate environmental resources to meet future needs.”

The Reason Public Policy Institute (RPPI) stated in its 2001 report, *Managing for Results at the U.S. Environmental Protection Agency*, that EPA’s current fragmented media program structure gives rise to inconsistencies and conflicts in environmental protection efforts, causes too much confusion, and prevents effective collaboration for results.

The authors of the article, “Organizational Dilemmas of the US EPA: Why Structure Matters for Environmental Protection,” reported in the February 2005 edition of Environmental Politics that:

- EPA is bound by its institutional history, its political design, and its organizational structure, due mainly to the lack of a congressional mandate when it was created.
- “The Agency’s fatal structural flaw – its programs and offices – are so narrowly tailored, so content specific that they cannot effectively or efficiently handle pollutants that cross multiple environmental media; or, state and international boundaries. The results of this structure, which is largely based on the lack of a single organic act... is that program implementation takes more time than allotted or is not done at all.” A cross-media mandate at its inception could have integrated all of the environmental statutes delegated to EPA, allowing it to pursue a clear and precise agenda with formal authority.

The authors of the article, “Reforming EPA’s Organizational Structure—Establishing an Adaptable Agency Through Eco-Regions,” reported in the Winter 2002 edition of the National Resources Journal that:

- The geographical disparity of environmental problems and ecosystem features makes it difficult for EPA headquarters and/or regional offices to establish a single set of priorities.
- EPA must be organized in a manner that allows the Agency to continually evaluate policies and regulations.

In the three NAPA reports, the authors stated:

- “EPA’s organizational structure has always been a serious handicap to effective management.... EPA’s media-specific program offices, as well as the statutes they implement, encourage narrow thinking about problems, and inhibit the processes of comparing risks, setting priorities, and considering ways to integrate the programs’ activities.” (1995 Report)
- The fragmented nature of EPA’s statutes makes environmental protection difficult, is inefficient, adds cost to protection, and discourages innovation. (1997 Report)
- “Congress and the executive branch have organized EPA, as well as other executive agencies, in ways that result in narrow—and sometimes ineffective—attacks on environmental and economic problems.” The National Environmental Performance Partnership agreements between EPA and States are meant to focus on outcomes and tend to be cross-media in nature; however, the Agency is organized along media lines. (2000 Report)

Study Recommendations

In six of the seven studies, the authors recommended or suggested that EPA change its organizational structure or seek congressional assistance in drafting a single cross-media environmental statute. This would allow EPA to address environmental issues from a cross-media approach.

For example, EPA proposed two options in its 1993 NPR report:

- Reorganize by function, geographic area, specific ecosystem problem, or industry; and
- Establish an infrastructure that enables the Agency to quickly organize cross-media teams to work on specific issues related to ecosystems, geographic locations, or pollution prevention initiatives.

In its three reports, NAPA made the following recommendations:

- “Drawing on a study of the effects of the reorganizations in states and EPA regions, EPA should draft a reorganization plan that would integrate EPA’s media programs into multimedia organizations with discrete functional responsibilities.” (1997 Report) This duplicated a 1995 report recommendation.
- “Develop and implement a strategy for addressing the outdated organizational structure of the agency, starting with the reorganization of the regional offices. If necessary, EPA should seek statutory changes to allow reorganization that would end the fragmentation of the agency into separate media offices.” (2000 Report)

In its 2001 report, RPPI recommended that Congress begin a bipartisan process to comprehensively upgrade and update the nation’s environmental protection statutes, and that EPA assess its internal program structures to examine ways to better integrate environmental protection efforts across media.

The authors of the Environmental Politics article suggested the establishment of a unified congressional mandate, integrating all of the environmental statutes delegated to EPA.

Regional Offices

Two of the studies we reviewed expressed concerns with the existing regional structure's ability to deal effectively with cross-regional problems.

In its 2001 report, RPPI indicated that the differences among the EPA regional offices, as well as the change-resistant culture in some regions, have presented management challenges. RPPI indicated the need for better coordination between EPA regions, headquarters enforcements offices, and media program offices. RPPI believed all three issue conflicting program directives and guidance documents that need to be better coordinated.

In the 2002 National Resources Journal article, the authors stated the Agency’s efforts to carry out its mandate and achieve its mission are hampered by the geographic disparity of environmental problems. In the authors’ opinion, EPA’s operational context dictates the need for an organizational structure that is adaptable and structured around eco-regions. The authors described an eco-region as a geographic area whose overlapping characteristics define its boundaries, an area that rarely follows traditional political boundaries.

Study Recommendations

The authors of the 2002 National Resources Journal article stated that reorganization by eco-regions would give EPA new tools to make better decisions

for both its own future and the environment's. The authors concluded that adopting the eco-region concept as the basis for a new jurisdictional unit could help the Agency move towards a more adaptable structure, finally providing institutional momentum for integrated policymaking. More specifically, the authors suggested that restructuring the Agency by eco-regions could:

- Help the Agency overcome the difficulties of fragmentation through integrated ecosystem management,
- Facilitate better collection and organization of ecological information to evaluate a program's effectiveness and track emerging environmental problems,
- Promote learning by adapting information and communication for the various ecological and scientific contexts in which EPA operates,
- Help the Agency prioritize its activities and funding decisions, and
- Make flexible enforcement programs more feasible by providing a jurisdiction roughly bounded for the dispersion of many common pollutants.

Reliable Information

The authors of 10 studies indicated concerns over the reliability and adequacy of EPA's information and the Agency's ability to fairly assess the state of the environment. While the reliable information issue is not directly caused by the organizational structure, the authors stated that an organizational change in this area could help resolve the issue. The authors believed:

- EPA does not have the data to support its positions on the state of the environment or to measure the success of its programs,
- EPA has been slow to correct problems in the data systems that generate environmental information, and
- EPA has few common measures to track the state of the environment.

Consequently, the authors indicated, this has led States to develop different performance measurements and use different methodologies to collect data. Although EPA has taken important steps to improve the environmental information it uses to set priorities and measure progress, the authors believed the Agency must further improve its environmental information.

For example, GAO reported:

- EPA's information systems have incomplete and untimely data. If EPA implements changes aimed at long-term improvement, it can achieve its goal of having timely and complete data in its systems. (1988 Report)
- Although EPA's regulatory programs depend heavily on scientific information about the health and environmental effects of chemicals and pollutants, these data often do not exist. Data that EPA has available are

often inadequate and poorly managed. EPA is also missing the information necessary to judge the success of its programs. While EPA has developed some measures of environmental outcomes, the Agency has generally relied on activity-based indicators, such as numbers of permits or enforcement actions taken, to track its progress. (1993 Report)

- Obtaining and managing environmental information has been a long standing challenge for EPA. Without a comprehensive picture of environmental conditions, EPA has difficulty setting risk-based priorities for its programs, evaluating performance progress and environmental results, and reporting on its accomplishments as required by the Government Performance and Results Act (GPRA). EPA has not had the information it needs on environmental conditions and changes over time to identify problem areas that are emerging and need additional regulatory action. (2001Report)
- EPA needs better environmental and scientific information to manage risks and measure results. While EPA has collected a vast amount of scientific and environmental data, much of it is not complete and accurate enough to credibly assess risks and establish corresponding risk reduction strategies. Likewise, EPA has not been successful in identifying, developing, and reaching agreement with its stakeholders on a comprehensive set of measures to link EPA's activities to changes in human health and the environment. This is primarily because of inadequacies in its scientific and environmental data. (2002 Report)
- EPA has taken important steps to improve the environmental information it uses to set priorities and measure progress. However, EPA must work further to improve its environmental information, fill significant gaps, and incorporate better scientific understanding into its performance measures. (2003)

NAPA stated:

- “The agency lacks effective means to ensure that the data used to measure progress towards environmental goals are reliable.” (1995 Report)
- “EPA lacks a comprehensive, credible system to measure environmental conditions and trends. Such a system will be necessary to make performance-based management work.” (1997 Report)
- “It is clear, however, that the OEI is inadequate as presently constituted. It is too weak, too narrowly focused, too focused on access to data instead of on the existence and quality of data, too closely linked to political leadership, as well as being insufficiently funded and staffed.” (2000 Report)

Further, RPPI stated in its 2001 report that EPA:

- Lacks adequate environmental performance measures,
- Has not addressed critical data shortcomings, and

- Has not sufficiently mapped the strategic linkages between its programs and ultimate improvements in the nation’s environment.

Study Recommendations

Authors of five of the studies (three by NAPA, one by GAO, and one by RPPI) suggested that Congress establish an independent bureau of environmental information or statistics to assess the state of the environment and the success of EPA programs. In addition, Paul R. Portney, President of Resources for the Future, indicated he was in favor of the creation of a “Bureau of Environmental Statistics” in his June 2003 testimony on legislation to elevate EPA to cabinet status. He felt the bureau would provide the following benefits:

- Improve the quality of the nation’s environmental data,
- Provide better information on environmental conditions and trends,
- Elevate the quality of policy debates about which environmental programs are working and which are not, and
- Improve our ability to compare the benefits and costs of both current and prospective environmental programs.

Reliable Science

The authors of two studies contended that EPA does not always utilize reliable science to support its rules and regulations, and that an organizational change could help improve the credibility of EPA’s science. The studies indicated that EPA’s science program is impacted by numerous congressional mandates and has become affected by politics. The Agency, they said, has a basic conflict between being a regulatory agency and having a role in deciding how science is utilized.

In its 1993 NPR report, EPA stated the Agency’s ability to conduct an “effective and coherent quality-science program” is impacted by numerous congressional mandates and highly departmentalized appropriations. The NPR defines quality science as having the following characteristics:

- Clear identification and prioritization of the most important scientific questions to be addressed;
- Identification and use of the most appropriate and powerful experimental and analytical designs;
- Employment of state-of-the-art experimental techniques;
- Accurate measurements;
- Validation and independent review processes; and
- Recruitment, retention, and reward of high-quality scientific personnel.

The Agency also reported that ineffective communications between its policy-makers and scientific staff had tarnished its scientific reputation. The Agency reported that its severely limited ability to support and nurture its scientific staff

has contributed to the perception that EPA's decision-making is not always rooted in sound science.

In its 2001 report, RPPI observed the significant challenges surrounding the development and use of environmental science. Some RPPI participants felt that the issue of sound science would never be effectively resolved; that ultimately politics determines which policies are developed and implemented. RPPI felt that the development and analysis of environmental science is too great a challenge for EPA to address as long as it plays the role of regulator and that Congress should remove science from Agency jurisdiction.

Study Recommendations.

Despite the sentiments expressed in the report on the independent development of scientific data, RPPI made recommendations to EPA to improve EPA's scientific credibility. Specifically, RPPI recommended the Agency evaluate its current policies governing the use of science and seek Congressional approval to consider the appointment of a science "czar" or chief scientist. RPPI stated the "czar" or chief scientist should have "considerable authority early in the agency decision-making process to set a tone right from the outset that science is the underlying basis for the decision making."

Status of Recommendations and Potential Monetary Benefits

RECOMMENDATIONS						POTENTIAL MONETARY BENEFITS (in \$000s)	
Rec. No.	Page No.	Subject	Status ¹	Action Official	Planned Completion Date	Claimed Amount	Agreed To Amount

This project is a collection of information, not an audit, and the information provided is strictly the viewpoint of the authors of the studies and not that of the OIG. The OIG does not make any recommendations in this report.

¹ O = recommendation is open with agreed-to corrective actions pending
 C = recommendation is closed with all agreed-to actions completed
 U = recommendation is undecided with resolution efforts in progress

Key Points from Studies, Reports, Articles, and Other Publications

In addition to the findings and recommendations on EPA's organizational structure that are included in the body of this report, the following appendices provide statements, concerns, and recommendations from each of the 13 studies we reviewed.

A1 - National Academy of Public Administration Reports

A2 - National Resources Journal Article

A3 - Environmental Politics Article

A4 - Reason Public Policy Institute Report

A5 - Environmental Protection Agency National Performance Review

A6 - Government Accountability Office Reports and Testimonies

A7 - Resources for the Future Testimony

National Academy of Public Administration Reports

Setting Priorities, Getting Results: A New Direction for EPA. 1995.

Statements

- “In the past two decades the United States has made extraordinary progress in reducing pollution from the biggest and most obvious sources.”
- “...EPA has greatly enhanced the quality of life in America. The nation decided in the 1970s to take a united stand against pollution. Those who can remember when rivers stank and when air pollution episodes killed people, appreciate how much the agency and the nation have accomplished. Children now swim in rivers their parents were taught to avoid; many cities now have much cleaner air. And recently, the nation has taken steps with international partners that will eventually repair humanity’s damage to the layer of stratospheric ozone that protects all life on earth.”

Concerns

- “EPA’s organizational structure has always been a serious handicap to effective management... EPA’s media-specific program offices, as well as the statutes they implement, encourage narrow thinking about problems, and inhibit the processes of comparing risks, setting priorities, and considering ways to integrate the programs’ activities. The media programs have resisted attempts to develop effective management systems that could coordinate their activities... competition for resources has further divisive effects.”
- “Reorganization would make sense only as one element in a broader strategy of (1) establishing a clearer sense of common purpose; (2) melding the environmental statutes into a more coherent whole; (3) developing an Agency-wide commitment to set priorities; and (4) improving management systems.”

Recommendations

- “The administrator should also initiate actions to reorganize EPA headquarters, in consultation with Congress, unions, and stakeholder groups. Within the next 18 months, EPA should propose a reorganization plan, including any necessary legislation, to consolidate EPA’s administrative structures and integrate EPA’s media programs into multi-media organizations with discrete functional responsibilities.”

As an example of what a reorganized headquarters might look like, the report proposed having an administrator and a deputy administrator, who would be the chief operating officer, both supported by a small analytical and clerical staff. “The rest of the agency would be structured around seven offices, each of which would focus on one aspect of integrated environmental management:

- “Building scientific understanding of environmental risks,”
 - “Setting standards and writing regulations,”
 - “Ensuring compliance with national standards,”
 - “Developing partnerships,”
 - “Developing the authoritative base of information about environmental conditions,”
 - “Planning and managing,” and
 - “Investigating and auditing.”
- NAPA stated “EPA should rebuild its central monitoring, evaluation and information management capabilities” by:
 - Reestablishing “a formal accountability system,” managed by a small staff;
 - Establishing “a program evaluation function for the Agency as a whole;”
 - Creating a legislatively independent “bureau of environmental statistics within the agency”; and as a first step, “immediately establish a full-time statistical management group to develop comprehensive plans for a bureau of environmental statistics as well as to begin to consolidate and integrate appropriate agency programs and activities”; and
 - “Implement performance measures” -- the Chief Operating Officer should lead EPA’s Government Performance Results Act (GPRA) implementation by working with the Agency’s senior leaders to “assure that the performance measures developed under GPRA relate directly to EPA’s mission, goals and objectives.”

Resolving the Paradox of Environmental Protection: An Agenda for Congress, EPA, & the States. 1997.

Statements

“In the last two years, Congress, [EPA], and state and local governments have made progress in their efforts to improve the nation’s environmental protection system. Much of the progress... however, has occurred at the margins of EPA’s programs and will remain of only marginal importance unless EPA and Congress make an explicit effort to learn from federal and state environmental initiatives and then change core operations and policies accordingly.”

Concerns

- “The fragmented patchwork of EPA’s statutes... makes it harder to protect the environment. Statutes and regulations which focus on one form of pollution in one media--air, water, or land--typically fail to recognize the interactions among different pollutants and the movement of pollutants from one medium to another.”
- This “fragmentation is inefficient... differences among statutes and regulatory regimes make it more costly for EPA and states to manage their programs and for businesses and communities to figure out how best to comply.” The statutes’

complexity, inconsistencies, and hard-to-understand required procedures limit creative, constructive thinking that might lead to innovative, more cost-effective environmental protection.

- “EPA lacks a comprehensive, credible system to measure environmental conditions and trends. Such a system will be necessary to make performance-based management work... Data describing environmental conditions is incomplete, and too often unreliable.”

Recommendations

- “EPA should build an authoritative national system for monitoring environmental conditions. EPA should reconstitute its Center for Environmental Information and Statistics outside the Office of Policy, Planning, and Evaluation...or work with Congress to establish an independent bureau of environmental statistics.”
- “EPA and the states should build the capacity to evaluate the effectiveness of their environmental programs.”
- “Drawing on a study of the effects of the reorganizations in states and EPA regions, EPA should draft a reorganization plan that would integrate EPA’s media programs into multimedia organizations with discrete functional responsibilities.”

Environment.gov: Transforming Environmental Protection for the 21st Century. 2000.

Statements

“Authorized by the Clean Air Act, the Clean Water Act, and other statutes, the agency has forced large-scale polluters to reduce their air and water emissions and manage their hazardous wastes. Strong national programs have required firms to use particular pollution-control technologies, and required states to achieve specific levels of air quality. Those programs have matured: most are now implemented by state environmental agencies acting with varying degrees of oversight by EPA’s 10 regional offices.”

Concerns

- “Congress and the executive branch have organized EPA, as well as other executive agencies, in ways that result in narrow—and sometimes ineffective—attacks on environmental and economic problems. EPA’s division into offices and programs focusing exclusively on air pollution, water pollution, and hazardous wastes, for example, has produced a management structure that deals poorly with complex, multilayered environmental and economic problems.”
- “EPA’s successful innovations and management reforms have been those it could carry out within a single national program office. Most efforts to innovate across programs have failed... The agency’s efforts to coordinate its national program offices through Project XL, [NEPPS or GPRA priority setting], the Common Sense Initiative or ecosystem protection... have demonstrated that EPA’s media-based organizations remain fundamentally unable to work together.”

- “EPA is not organized well to foster or respond to increasingly complex arrangements among public and private institutions, or the changing capacities of states. That EPA cannot currently collaborate effectively with [other federal agencies] hobbles the nation’s ability to manage the environmental aspects of large-scale issues such as global trade, production agriculture, or climate change. EPA cannot adequately address those problems by itself.”
- “...EPA and the states do not gather adequate data about environmental conditions... virtually all of the Agency’s data systems—except for its national network of air-quality monitoring—were developed to track the regulatory process. EPA gathers a great deal of information about permits, enforcement, and emissions, but relatively little about ambient conditions.”
- “EPA’s Office of Environmental Information lacks the authority it needs to achieve its mission.” The office lacks “the authority to reshape and integrate the Agency’s media-based data systems.”
- “Neither EPA nor its state counterparts have transformed their core programs to use new tools to address effectively or efficiently some of the most serious environmental problems facing America. Innovation at EPA and the states is still of marginal significance. There is no system to identify and sustain the most productive innovations.”

Recommendations

- “The EPA administrator should give a senior agency manager who is accountable directly to the administrator responsibility for NEPPS, other EPA-state relationships, and the management of EPA’s system of regional offices.”
- “Regions should be held accountable for improvements in environmental performance, including effective performance by states under NEPPS, addressing high-priority regional environmental issues, and contributing to the achievement of national environmental goals.”
- “Regional administrators should have the necessary tools to assure effective performance: regular meetings and communication with the administrator and deputy administrator; substantial regional budgetary authority; sufficient and capable staff; and authority to make decisions about state performance plans, proposals for waivers, and approval of innovative state programs.”
- EPA should “create an independent capacity for assessment.”
- EPA should “foster a management culture of prompt decision-making and action.”
- “Revamp EPA’s planning and budgeting systems to move the agency towards strategic, performance-based management consistent with the intent of...[GPRA], eliminating those practices that reinforce fragmented programs and relationships.”
- “Develop and implement a strategy for addressing the outdated organizational structure of the agency, starting with the reorganization of the regional offices. If necessary, EPA should seek statutory changes to allow reorganization that would end the fragmentation of the agency into separate media offices.”
- “The administrator should work with Congress to create an independent, well-funded bureau of environmental information. In the meantime, the administrator should strengthen the existing Office of Environmental Information by leading efforts to

integrate and rationalize the data systems of the media programs, and to develop other objective data of high quality. In addition, the administrator should strongly support the office's efforts to work with the states to create a cooperative federal-state data system based on uniform definitions and comparable scientific methods."

National Resources Journal Article

Weiland, Paul S. and Robert O. Vos. "Reforming EPA's Organizational Structure: Establishing an Adaptable Agency Through Eco-Regions." Natural Resources Journal. 2002.

Concerns

- The geographical disparity of environmental problems and ecosystem features makes it difficult for EPA headquarters and/or regional offices to establish a single set of priorities.
- EPA must be organized in a manner that allows the Agency to continually evaluate policies and regulations and adjust them in response to scientific advances.

Recommendations

Reorganization by eco-region would:

- Make EPA less programmatic and more adaptable to address the dynamic challenges it faces now and in the future.
- Make EPA a more adaptable organization to overcome fragmentation, collect and analyze information, learn from mistakes using principles of adaptive management, improve priority setting, adopt a flexible approach to enforcement, and enhance public participation.

Environmental Politics Article

Arnold, Richard and Andrew B. Whitford. "Organizational Dilemmas of the US EPA: Why Structure Matters for Environmental Protection." Environmental Politics. Vol. 14, No. 1, 118-123, 2005.

Concerns

- EPA is "hamstrung" by its institutional history, its political design, and its organizational structure, due mainly to the lack of a congressional mandate when it was created.
- "Internally, managerial resources are divided horizontally between overlapping media offices, and vertically between the national EPA offices, the regional EPA offices and state/tribal governments."
- "The Agency's fatal structural flaw – its programs and offices – are so narrowly tailored, so content specific that they cannot effectively or efficiently handle pollutants that cross multiple environmental media; or, state and international boundaries. The results of this structure, which is largely based on the lack of a single organic act... is that program implementation takes more time than allotted or is not done at all."

Recommendations

- Congress should establish a mandate that would integrate all of the environmental statutes delegated to EPA, allowing the Agency to pursue a clear and precise agenda with formal authority. This would end administrative ambiguities in the allocation of resources, allow goals to be prioritized, and grant the Agency specific status in interagency cooperation.
- In order to address the interactions of a cross-media mandate, the program media offices of Air and Radiation; Prevention, Pesticides, and Toxic Substances; Water; and Solid Waste and Emergency Response would have to be joined. Similarly, in order to address administrative feasibility, reposition the Offices of Finance, General Counsel, Inspector General, and Enforcement to give them oversight authority over an Interactive Pollutant Office; but below the Administrator, merge planning and policy with the compliance, legal, and budgetary requirements that accompany enhanced legislative authority.
- Elevate EPA to Cabinet-level status. Currently, the U.S. is the only modernized country without an environmental policy agency in a cabinet-level role. A congressional mandate could raise EPA from being a Federal agency to being a department at the Cabinet level, which would enhance the Agency's authority in shaping the national and international environmental agenda, political feasibility of its policy, and counterbalancing competing political interest.

Reason Public Policy Institute Report

In coordination with the National Academy of Public Administration, Progressive Policy Institute, Urban Institute, Green Mountain Institute for Environmental Democracy, National Environmental Policy Institute, and the U.S. Chamber of Commerce. Report to the 43rd President and 107th Congress: *Managing For Results at the U.S. Environmental Protection Agency*. 2001.

Concerns

- “Effective management and optimal performance of many EPA programs is hampered by outdated statutes and a lack of ‘legal room’ needed for innovation.”
- “EPA has not done a sufficient job in addressing the long-standing challenges posed by its internal ‘silo-based’ program structure. Instead, the current fragmented program structure gives rise to inconsistencies and conflicts in environmental protection efforts, causes too much confusion, and prevents effective collaboration for results.”
- “Differences among the EPA regional offices, as well as change-resistant culture in some regions, have presented management challenges at the EPA.”
- EPA faces significant challenges in managing the development and analysis of environmental science, as well as using science to inform its decision-making. Further, there is the perception that the development and analysis of environmental science is too great a challenge for EPA to address as long as it plays the role of regulator and that science should be removed from the jurisdiction of the Agency entirely.

Recommendations

- Examine organizational restructuring of EPA; consider strategies to promote cross-media review and coordination as well as re-integration of enforcement back into each program area.
- Begin a bipartisan process to comprehensively upgrade and update the nation’s environmental protection statutes (possibly by naming a bipartisan commission to develop model legislation). Even in the absence of comprehensive statutory revisions, the EPA should look for ways to create “legal space” within existing statutes to promote innovation and results.
- Immediately begin a process to identify truly outcome-oriented performance measurements to track environmental improvements and improve and standardize environmental data systems in partnership with the States and localities.
- Consider the creation of an independent Bureau of Environmental Information and Statistics, “patterned after the Bureau of Labor or Health Statistics.”
- “Improve the credibility of EPA science; evaluate the current policies governing the use of science at EPA and consider the appointment of a science czar.”

- “The Administrator is going to have to make some critical decisions about the place of science in the agency and specifically pick up on recommendations that have been made over several years now, that there be a science advisor—that the science presence in the agency be elevated substantially into a position of authority there. I think that the opportunity there lies early on in an Administration to set that tone and to start building on the credibility of EPA science because that is ultimately the foundation for everything that the agency is going to be doing from there on.”
- “I would suggest to the administrator that he or she ask Congress for the authority to appoint a chief scientist and follow the model that is used for naming a director for the US Geological Survey. It should be an appointment that transcends Administrators, as recommended by the National Academy of Sciences. EPA should have a chief scientist with considerable authority early in the agency decision-making processes to set a tone right from the outset that science is the underlying basis for the decision making.”

Environmental Protection Agency National Performance Review

Creating A U.S. Environmental Protection Agency that Works Better and Costs Less – Phase 1. 1993.

Concerns

- “The teams found organizational and ‘traditional mindset’ barriers that have negatively impacted EPA’s ability to address multi-media or ecosystem types of problems and to institutionalize pollution prevention.”
- “Media-specific approaches create duplication among program offices.”
- “The need to tackle more complex issues through prevention and control, in a more ‘holistic’ fashion, appears to require a new organizational approach.”
- “As EPA strives to solve more complex issues, its current structure works to inhibit or impede success.”
- “The EPA also needs to address the barriers which are created by multiple pieces of enabling legislation.”
- “EPA’s ability to conduct an effective and coherent quality-science program is impacted by numerous congressional mandates and highly departmentalized appropriations.”
- “Research and development is not driven by a holistic, long-term, strategic plan.”
- Critical research has been cut back or eliminated as the Office of Research and Development is forced to respond to new policy mandates without a commensurate increase in funds and staff.
- The Agency’s severely limited ability to support and nurture its scientific staff has contributed to the perception that EPA’s decision-making is not always rooted in sound science.
- “Program offices within EPA are divided by media-specific statutes that sometimes erect seemingly insurmountable barriers to cross-media initiatives.”
- “Today, environmental issues are more complex than ever before; and environmental protection strategies must cut across all environmental media and all routes of exposure. Rarely is it sufficient to deal with environmental media individually. Rather, the quality of science across all program offices that exercise statutory authority over specific media should reflect a consistent, holistic approach to protecting and enhancing both ecosystems and human health and, at the same time, should ensure adequate environmental resources to meet future needs.”

Recommendations

- EPA could be organized by function, geographic area, specific ecosystem problems, or industry.

- EPA should establish an infrastructure to enable cross-media teams to be organized quickly in order to work on specific issues related to ecosystems, geographic locations, or pollution prevention initiatives.
- The Agency needs to resolve the sensitive issues related to the responsibility, accountability, and financing of multi-media work groups.

Government Accountability Office Reports and Testimonies

Protecting Human Health and the Environment through Improved Management. RCED-88-101. 1988.

Concerns

- EPA is challenged by the long-term nature of the solutions to its efforts and differing legislative requirements. Institutional barriers have constrained EPA's management of its information resources.
- EPA's information systems have incomplete and untimely data. EPA has several efforts in process to upgrade the quality of information it uses. GAO said that if EPA implements changes aimed at long-term improvement, it can achieve its goal of having timely and complete data in its systems. Two sets of action will make this possible. First, EPA should develop an information resources management organizational framework that will establish high-level management authority for directing and implementing information resources management activities. The second action is for EPA to use more effective mission-based planning and budgeting for its information activities.

Corrective Actions and Recommendations

EPA has begun initiatives intended to increase its management and operational effectiveness. These include obtaining better financial, management, and programmatic information.

Management Issues Facing the Environmental Protection Agency. T-RCED-93-26. 1993.

Concerns

This GAO testimony listed the following challenges that EPA faced in 1993:

- Accomplishing multiple mandates with limited resources;
- Developing necessary scientific and monitoring information;
- Strengthening global environmental protection efforts; and
- Although EPA's regulatory programs depend heavily on scientific information about the health and environmental effects of chemicals and pollutants, these data often do not exist. Data that EPA has available are often inadequate and poorly managed. EPA is also missing the information necessary to judge the success of its programs. While EPA has developed some measures of environmental outcomes, the agency has generally relied on activity-based indicators, such as numbers of permits or enforcement actions taken, to track its progress.

Recommendations

- GAO suggested that a more integrated approach to environmental management might help EPA accomplish its multiple mandates.
- To achieve an integrated approach, GAO suggested considering alternative organizational structures, such as organization by function or organization by pollution sectors.

Major Management Challenges and Program Risks: Environmental Protection Agency.
GAO-01-257. 2001.

Concerns

- EPA has made slow progress in developing and implementing a comprehensive information management strategy.
- EPA has fundamental disagreements with States over their respective roles, the priorities among State environmental programs, and the appropriate extent of Federal oversight.
- Obtaining and managing environmental information has been a long standing challenge for EPA. Without a comprehensive picture of environmental conditions, EPA has difficulty setting risk-based priorities for its programs, evaluating performance progress and environmental results, and reporting on its accomplishments as required by the Government Performance and Results Act (GPRA). EPA has not had the information it needs on environmental conditions and changes over time to identify problem areas that are emerging and need additional regulatory action.

Environmental Protection: Observations on Elevating the Environmental Protection Agency to Cabinet Status. GAO-02-552T. 2002.

Concerns

- Major management challenges at EPA are related to human capital, the quality of environmental information used by EPA, and streamlining environmental requirements through use of innovative approaches.
- The following factors should be considered in determining EPA's appropriate organizational structure:
 - The significance of problems to be addressed,
 - The extent and level of interaction and coordination necessary with other Federal departments, and
 - The need for international cooperation in formulating long-term policies.
- EPA needs better environmental and scientific information to manage risks and measure results. While EPA has collected a vast amount of scientific and environmental data, much of it is not complete and accurate enough to credibly assess risks and establish corresponding risk reduction strategies. Likewise, primarily because of inadequacies in its scientific and environmental data, EPA

has not been successful in identifying, developing, and reaching agreement with its stakeholders on a comprehensive set of measures to link EPA's activities to changes in human health and the environment.

Recommendations

GAO supported the creation of a Bureau of Environmental Statistics that would collect, compile, analyze, and publish a comprehensive set of environmental quality and related measures of public health. This Bureau could also obtain data collected by other Federal agencies but not currently integrated with EPA's data.

Major Management Challenges and Program Risks: Environmental Protection Agency.
GAO-03-112. 2003.

Concerns

EPA has made progress toward resolving performance and management challenges that GAO previously identified in its 2001 performance and accountability report. However, EPA should continue to:

- Improve environmental information,
- Strengthen human capital management,
- Make regulatory innovation successful,
- Improve grants planning and management, and
- Strengthen controls over financial reporting.

EPA has taken important steps to improve the environmental information it uses to set priorities and measure progress. For example, EPA has started to determine the overall status of the nation's environment. EPA has also begun to improve the compatibility and security of its data systems. However, EPA must work further to improve its environmental information, fill significant gaps, and incorporate better scientific understanding into its performance measures.

Resources for the Future Testimony

Paul R. Portney, President of Resources for the Future (a nonprofit and nonpartisan organization that conducts independent research on environmental, energy, and natural resource issues), gave testimony before the House Committee on Government Reform on June 6, 2003. His testimony was his personal views on legislation to elevate EPA to cabinet status.

Concerns

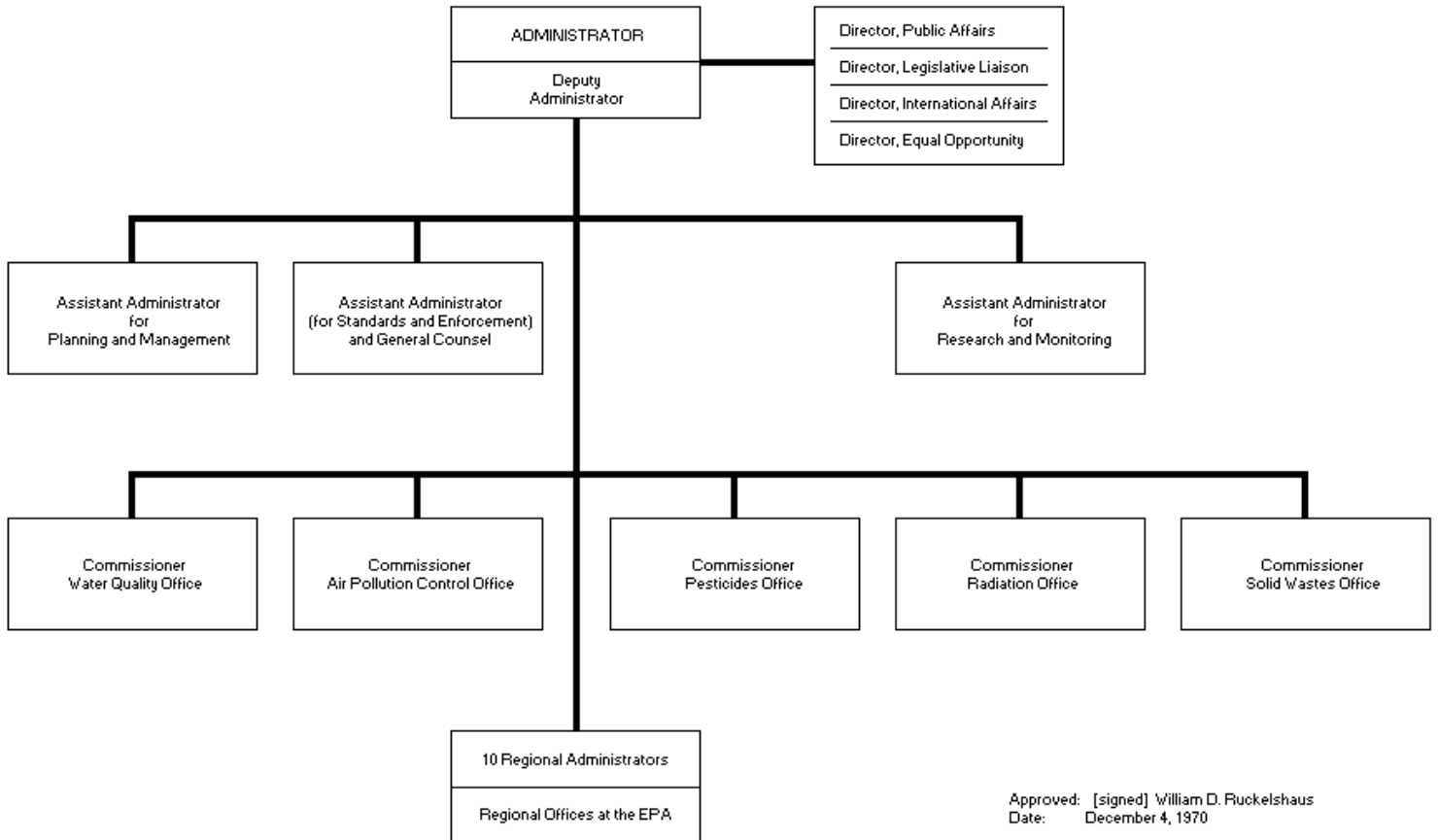
Mr. Portney indicated that he was in favor of the creation of a “Bureau of Environmental Statistics.” He felt the bureau would provide the following benefits:

- Improve the quality of the nation’s environmental data,
- Provide better information on environmental conditions and trends,
- Elevate the quality of policy debates about which environmental programs are working and which are not, and
- Improve our ability to compare the benefits and costs of both current and prospective environmental programs.

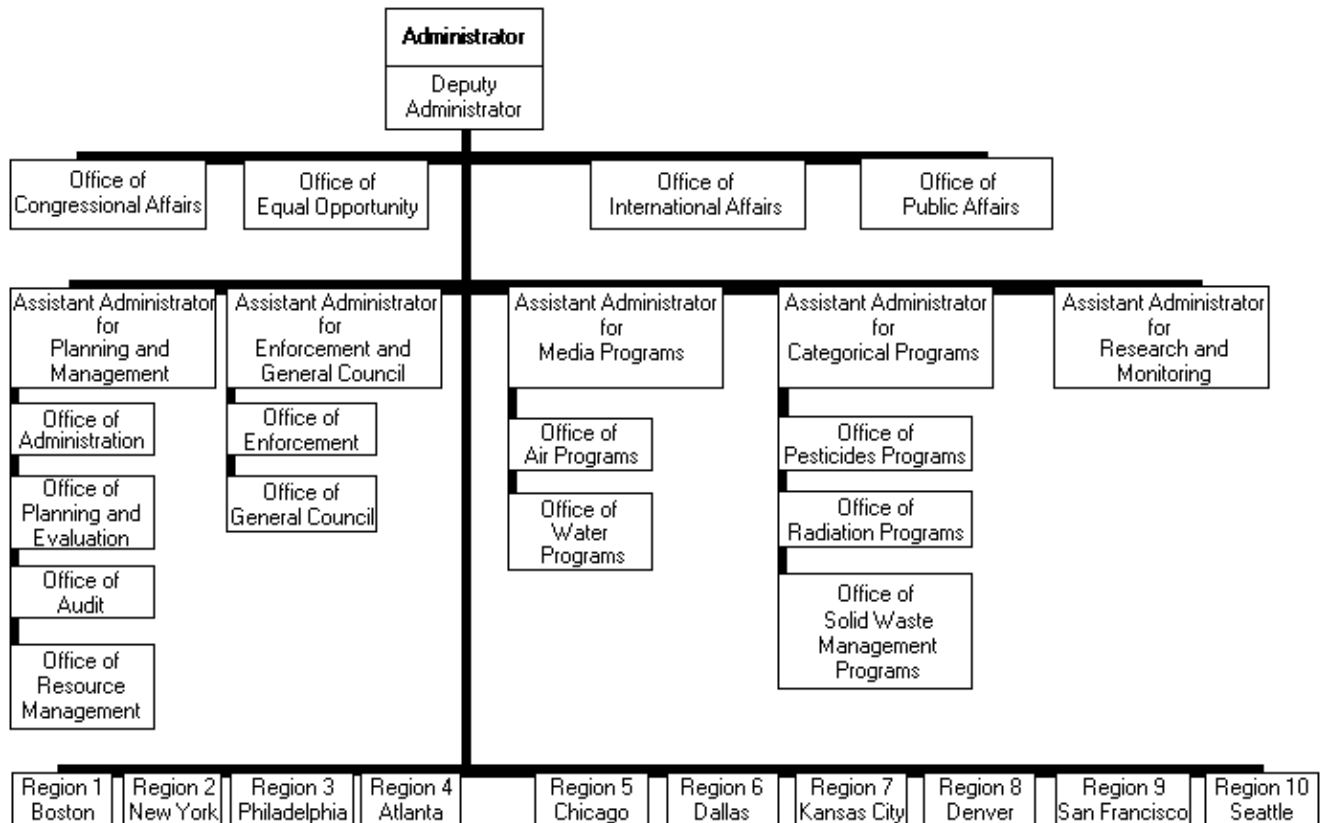
Breakout of Issue Categories by Report

Report Title	Cross-Media Management	Regional Offices	Reliable Information	Reliable Science
NAPA <i>Setting Priorities, Getting Results.</i> (1995)	X		X	
NAPA <i>Resolving the Paradox of Environmental Protection.</i> (1997)	X		X	
NAPA <i>Environment.gov: Transforming Environmental Protection for the 21st Century.</i> (2000)	X		X	
National Resources Journal “Reforming EPA’s Organizational Structure: Establishing an adaptable Agency through Eco-Regions.” (2002)	X	X		
Environmental Politics “Organizational Dilemmas of the US EPA: Why Structure Matters For Environmental Protection.” (2005)	X			
Reason Public Policy Institute Report to the 43 rd President and 107 th Congress: <i>Managing for Results at EPA.</i> (2001)	X	X	X	X
EPA National Performance Review <i>Creating A U.S. Environmental Protection Agency that Works Better and Costs Less – Phase I.</i> (1993)	X			X
GAO <i>Protecting Human Health and the Environment Through Improved Management,</i> (1988)			X	
GAO <i>Management Issues Facing the Environmental Protection Agency.</i> (1993)			X	
GAO <i>Major Management Challenges and Program Risks: Environmental Protection Agency.</i> (2001)			X	
GAO <i>Environmental Protection: Observations on Elevating the Environmental Protection Agency to Cabinet Status.</i> (2002)			X	
GAO <i>Major Management Challenges and Program Risks: Environmental Protection Agency.</i> (2003)			X	
Resources for the Future President Testimony before the House Committee on Government Reform. (2003)			X	

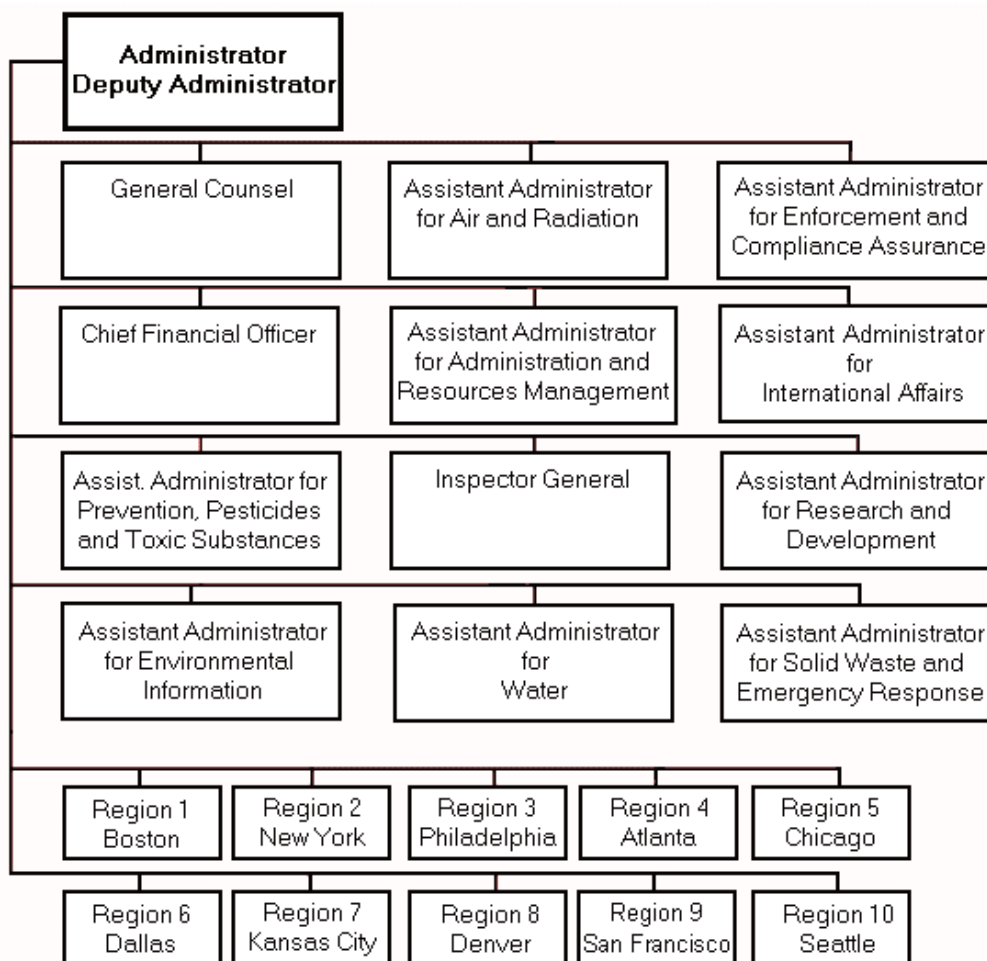
EPA's Initial Organizational Chart (as of December 4, 1970)



EPA's Organizational Chart (as of April 30, 1971)



EPA's Current Organizational Chart (as of June 2006)



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