



U.S. ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF INSPECTOR GENERAL

## *Air Quality*

# Follow-Up Report: EPA Has Developed Measures to Improve Training for Risk Management Program Inspectors

Report No. 16-P-0101

March 10, 2016



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## Abbreviations

CAA	Clean Air Act
CSB	U.S. Chemical Safety and Hazard Investigation Board
EPA	U.S. Environmental Protection Agency
FRM	Emergency Management Portal – Field Readiness Module
MATS	Management Audit Tracking System
OARM	Office of Administration and Resources Management
OECA	Office of Enforcement and Compliance Assurance
OIG	Office of Inspector General
OLEM	Office of Land and Emergency Management
OSWER	Office of Solid Waste and Emergency Response
RMP	Risk Management Program
SEE	Senior Environmental Employment

**Cover photo:** A facility containing regulated chemicals. (EPA photo)

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# At a Glance

## Why We Did This Review

We assessed the U.S. Environmental Protection Agency's (EPA's) actions to address Recommendations 1, 2, 4, 5 and 6 in Office of Inspector General (OIG) Report No. [13-P-0178](#), *Improvements Needed in EPA Training and Oversight for Risk Management Program Inspections*, issued March 21, 2013. The Assistant Administrators for the Office of Enforcement and Compliance Assurance, Office of Administration and Resources Management, and Office of Land and Emergency Management (formerly Office of Solid Waste and Emergency Response) were the action officials responsible for ensuring completion of the corrective actions we reviewed. The EPA issued a rule implementing the Risk Management Program in 1996.

### **This report addresses the following EPA goal or cross-agency strategy:**

- *Protecting human health and the environment by enforcing laws and assuring compliance.*

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Listing of [OIG reports](#).

## ***Follow-Up Report: EPA Has Developed Measures to Improve Training for Risk Management Program Inspectors***

### **What We Found**

The OIG had previously found that the EPA's management controls did not ensure that Risk Management Program inspectors and their first-line supervisors met training requirements. Contracts and cooperative agreements for inspection services also did not include EPA training requirements.

Knowledgeable inspectors help the EPA to ensure that facilities covered under the Risk Management Program take required regulatory steps to prevent airborne chemical releases that could cause death or serious health effects to the public.

The corrective actions taken by the agency are complete and meet the intent of OIG Recommendations 1, 2, 4, 5 and 6. These actions resulted in implementation of the following measures to improve inspector training:

- Revision of the program-specific curriculum training for Risk Management Program inspectors to clarify the basic and program-specific inspector annual refresher requirements.
- Appointment of regional single points of contact responsible for auditing regional compliance with EPA Order 3500.1 (as of June 19, 2014, this order established training requirements for EPA personnel authorized to conduct civil compliance inspections/field investigations and EPA Inspector Supervisors).
- Development of guidance for these audits, and requirements for reporting of regional compliance with the order.
- Modification of all Senior Environmental Employment grants to require the grantee to be in compliance with the training requirements in EPA Order 3500.1, and to ensure that Senior Environmental Employee enrollee position descriptions for Risk Management Program inspectors include the specific training requirements applicable to the position.
- Development of a contract clause for inspection support services requiring contractor inspectors to meet EPA Order 3500.1 training requirements.
- Correction of limitations in the Emergency Management Portal – Field Readiness Module training system enabling certificates to be uploaded into the system.

**Improvements by the EPA should help to ensure that inspectors are properly trained to conduct quality inspections that prevent chemical releases into the air.**

We make no recommendations. In its review of our draft findings, the agency had no comments.



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

THE INSPECTOR GENERAL

March 10, 2016

**MEMORANDUM**

**SUBJECT:** Follow-Up Report: EPA Has Developed Measures to Improve Training for Risk Management Program Inspectors  
Report No. 16-P-0101

**FROM:** Arthur A. Elkins Jr.

A handwritten signature in black ink, appearing to read "Arthur A. Elkins Jr.", is written over the printed name.

**TO:** Cynthia Giles, Assistant Administrator  
Office of Enforcement and Compliance Assistance

Donna Vizian, Acting Assistant Administrator  
Office of Administration and Resources Management

Mathy Stanislaus, Assistant Administrator  
Office of Land and Emergency Management

This is our report on the subject review conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). EPA officials reviewed our draft findings and had no comments.

Because this report contains no recommendations, you are not required to respond to this report. However, if you submit a response, it will be posted on the OIG's public website, along with our memorandum commenting on your response. Your response should be provided as an Adobe PDF file that complies with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended. The final response should not contain data that you do not want to be released to the public; if your response contains such data, you should identify the data for redaction or removal along with corresponding justification.

We will post this report to our website at [www.epa.gov/oig](http://www.epa.gov/oig).

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## Purpose

We reviewed corrective actions taken by the U.S. Environmental Protection Agency (EPA) to address five recommendations in Office of Inspector General (OIG) Report No. [13-P-0178](#), *Improvements Needed in EPA Training and Oversight for Risk Management Program Inspections*, issued March 21, 2013. The Assistant Administrators for the Office of Enforcement and Compliance Assurance (OECA), Office of Administration and Resources Management (OARM), and Office of Solid Waste and Emergency Response (OSWER) were the action officials responsible for ensuring completion of corrective actions in response to our recommendations. (In December 2015, the EPA changed the name of the OSWER to the Office of Land and Emergency Management (OLEM), and we will heretofore refer to OSWER as OLEM). The EPA's information systems reported completed corrective actions for the following five recommendations from the 2013 OIG report:

**Recommendation 1, to OECA**—Revise the program-specific curriculum training for Clean Air Act (CAA) 112(r) Risk Management Program (RMP) inspectors to clarify the basic and program-specific inspector refresher requirements.

**Recommendation 2, to OECA**—Develop guidance for conducting compliance audits per EPA Order 3500.1, ensure that each region designates a single point of contact responsible for auditing regional compliance with EPA Order 3500.1, and require periodic reporting of regional compliance with the order.

**Recommendation 4, to OARM**—Amend existing cooperative agreements for Senior Environmental Employment<sup>1</sup> (SEE) enrollee inspectors to require compliance with EPA Order 3500.1 and ensure that SEE enrollee position descriptions for RMP inspectors include the specific training requirements applicable to the position.

**Recommendation 5, to OARM**—Direct EPA Regions 2, 4, 7, and 10 to amend their contracts for inspection support to include provisions requiring contractor inspectors to meet EPA Order 3500.1 training requirements.

**Recommendation 6, to OLEM**—Correct limitations in the Emergency Management Portal – Field Readiness Module training system, such as populating the system with a complete list of training requirements and enabling certificates to be uploaded into the system.

Regarding the other recommendations, we did not review Recommendations 3 and 7 through 9. Recommendation 3 was closed with all corrective actions complete when we issued our March 2013 report. Recommendations 7 and 8 are

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<sup>1</sup> According to the [EPA's website](#), the SEE Program provides an opportunity for retired and unemployed Americans age 55 and over to share their expertise with the EPA while remaining active using their matured skills in meaningful tasks that support a wide variety of environmental programs.

estimated to be completed by September 30, 2016, and March 31, 2017, respectively. Recommendation 9, which is reported as complete, was not

reviewed because it did not encompass inspector training, which was a particular focus in this follow-up review.<sup>2</sup>

### West Fertilizer Plant Explosion



Damaged tanks at the West Fertilizer site. (U.S. Chemical Safety and Hazard Investigation Board (CSB) photos)

The Adair Grain Inc. Fertilizer Plant in West, Texas (about 20 miles north of Waco), is an RMP-regulated facility due to its storage of ammonia, one of the listed chemicals that triggers RMP coverage. On April 17, 2013, about 30 tons of fertilizer-grade ammonium nitrate exploded after being heated by a fire at the storage and distribution facility; this is known as the West Fertilizer explosion. According to CSB (as of January 2016), this explosion resulted in 15 fatalities, more than 260 injuries, and widespread community damage. The CSB website offers this [CSB Safety Video on the April 17, 2013, fire and explosion](#) (*external link*) at the West Fertilizer Company in West, Texas.

In 2014, OIG Report No. [14-P-0123](#) addressed a hotline complaint about two potentially hazardous debris piles and a water main break on private property near the West Fertilizer explosion site. The OIG found that the debris was nonhazardous and had been removed, and that the water main in question was disconnected after the explosion.

## Background

EPA Order 3500.1<sup>3</sup> establishes agencywide training requirements for EPA employees, SEE enrollee inspectors, and contractors conducting compliance inspections or collecting compliance samples under federal environmental statutes. This ensures that inspectors have a working knowledge of regulatory requirements, inspection methodology, and health and safety measures. The training program consists of four parts:

- **Occupational health and safety curriculum**—Inspectors must take a minimum of 24 hours of health and safety training before conducting an inspection.
- **Basic inspector curriculum**—Provides a comprehensive overview of knowledge and skills needed for compliance inspections under any EPA statute.
- **Program-specific curriculum**—Training in legal, programmatic and technical subjects for their specific program.
- **Refresher course requirements**—Annual refresher training in occupational health and safety, basic inspector and program-specific curriculum identified as relevant by first-line supervisors, and additional

<sup>2</sup> Recommendation 9 directed OLEM to coordinate with OECA to analyze national program measures to assess whether the number of required inspections should be modified to allow more time for inspecting larger and more complex high-risk facilities.

<sup>3</sup> EPA, *Training and Development for Individuals Who Lead Compliance Inspections/Field Investigations*, December 23, 2002. This version was used for Office of Inspector General (OIG) Report No. [13-P-0178](#).

training identified by first-line supervisors to improve proficiency in specialized areas.

Once initially trained, inspectors are issued EPA credentials authorizing them to perform inspections on the EPA's behalf. Inspectors are then required to complete annual refresher training in each area. These credentials are issued or reissued on a periodic basis.

In the previous 2013 report, the OIG found that EPA's management controls for ensuring inspector training and inspection quality provide limited assurance of the effectiveness of its RMP inspections. These inspections help ensure that facilities follow program requirements that are designed to both prevent accidental release of harmful chemicals and help respond to protect the public when such accidents occur. Specifically, the OIG found:

- Fifteen of the 45 RMP inspectors nationwide received inspector credentials without documentation indicating that they met minimum training requirements.
- Six of the 12 RMP inspectors' first-line supervisors did not meet minimum training requirements.
- EPA's management controls did not detect or prevent the cases of missed or undocumented training. Weaknesses in controls included limitations in training tracking systems and a lack of procedures to ensure that supervisors met their training requirements.
- Contracts and cooperative agreements for inspection services did not include training requirements.
- EPA guidance did not establish minimum guidelines for the scope of inspections. Further, the EPA did not have a process to monitor the quality of inspections.

## **Responsible Offices**

OECA, OARM and OLEM were responsible for completing the recommendations included in the OIG's 2013 report.

## **Scope and Methodology**

We performed our review from August 2015 through March 2016. We verified the information from the EPA's Management Audit Tracking System (MATS) to determine if the EPA completed corrective actions for OIG Recommendations 1, 2, 4, 5 and 6, included in the March 2013 OIG Report No. [13-P-0178](#). We did not independently verify whether the corrective actions mitigated the causes for concerns associated with each of the recommendations reviewed. Therefore, we did not make



any conclusions as to the effectiveness of the corrective actions taken. We did not follow up on Recommendations 3, 7, 8 and 9 from the prior report either because the corrective actions were completed or pending completion, or did not encompass inspector training.

We contacted EPA staff from OECA, OARM and OLEM who were involved in implementing completed corrective actions for the five recommendations reviewed. We also reviewed supporting documentation provided by OECA and OARM to validate information recorded in MATS regarding completed corrective actions for the five recommendations. Further, we reviewed federal regulations and other EPA guidance documents as part of our analysis for this review.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Results of Review

The corrective actions taken by OECA, OARM and OLEM met the intent of the five recommendations reviewed (see Table 1 below).

**Table 1: OIG review of EPA corrective actions**

2013 OIG recommendations	EPA corrective action
<p>1. OECA revise the program-specific curriculum training for CAA 112(r) RMP inspectors to clarify the basic and program-specific inspector annual refresher training requirements.</p>	<p>On February 28, 2013, OECA issued revisions (effective April 1, 2013) to the training requirements listed in <i>Clean Air Act Section 112(r): Accidental Release Prevention/ Risk Management Plan (40 CFR Part 68) Training Requirements for CAA 112(r) Risk Management Program Inspectors</i>.</p> <p style="text-align: center;"><b>OIG review</b></p> <p>These revisions now list the individual training courses that RMP inspectors must complete as part of the EPA's annual refresher requirements for each training program area: (a) the Occupational Health and Safety training, (b) CAA 112(r) RMP-specific training, and (c) basic inspection skills training.</p>
<p>2. OECA develop guidance for conducting compliance audits per EPA Order 3500.1, ensure that each region designates a single point of contact responsible for auditing regional compliance with EPA Order 3500.1, and require periodic reporting of regional compliance with the order.</p>	<p style="text-align: center;"><b>EPA corrective action</b></p> <p>On February 28, 2013, OECA issued a memorandum to its staff instructing that each region:</p> <ul style="list-style-type: none"> <li>• Designate a single point of contact responsible for performing EPA Order 3500.1 compliance audits of inspector and first-line supervisor training records.</li> <li>• Use the provided 2013 EPA Order 3500.1 Training Requirement Audit Checklist as guidance for performing and documenting these audits.</li> <li>• Perform EPA Order 3500.1 compliance audits on an annual basis.</li> </ul>

2013 OIG recommendations	OIG review
	OECA provided: a 2015 list of regional audit points of contact, updated audit checklists that replace the 2013 version, and a draft Standard Operating Procedure for field personnel where the annual audit requirements from the 2013 memo are reiterated to its staff.
4. OARM amend existing cooperative agreements for SEE enrollee inspectors to require compliance with EPA Order 3500.1 and ensure SEE enrollee position descriptions for RMP inspectors include the specific training requirements applicable to the position.	<b>EPA corrective action</b>
	OARM's Office of Grants and Debarment will add language in all current cooperative agreements for SEE enrollee inspectors requiring their compliance with EPA Order 3500.1 training requirements.
	<b>OIG review</b>
OARM has added the EPA Order 3500.1 training requirements language in all current EPA SEE grants. Our review found that SEE enrollee position descriptions for all current SEE enrollee inspectors conducting RMP inspections also included required EPA Order 3500.1 training.	
5. OARM direct EPA Regions 2, 4, 7, and 10 to amend their contracts for inspection support to include provisions requiring contractor inspectors to meet EPA Order 3500.1 training requirements.	<b>EPA corrective action</b>
	OARM developed EPA clause EPA-H-09-109, "Inspector Credential." According to OARM, this clause became effective in EPA-awarded contracts for all inspection services after August 18, 2014.
	<b>OIG review</b>
This clause requires contractors to "comply with all training requirements, including refresher training, policies and procedures" listed in EPA Order 3500.1.	
6. OLEM correct limitations in the Emergency Management Portal – Field Readiness Module (FRM) training system, such as populating the system with a complete list of training requirements and enabling certificates to be uploaded into the system.	<b>EPA corrective action</b>
	OLEM stated it added all the training requirements that the Office of Emergency Management had provided. OLEM also stated that FRM data managers <sup>4</sup> have system access to add any new requirements at any time. EPA Order 1440.2 states that all employees shall be provided with core safety and health training at the time of employment during their orientation period and, with additional job-specific safety and health training, before the employee actually performs work.  FRM version 10.7, implemented March 29, 2013, includes the feature that allows document files to be uploaded and attached to any training or certification record.

<sup>4</sup> The EPA Office of Emergency Management, *Emergency Management Portal Field Readiness v12 Users Guide* (April 2015), defines data managers as staff designated by a region or program office to view and edit profile information for employees and manage all courses and certifications within their organization that are not restricted.

2013 OIG recommendations	OIG review
	<p>We observed courses in the FRM training system related to these requirements. Further, system access allows FRM data managers to add job-specific training courses.</p> <p>We performed a systems check that verified that the FRM system allows users to upload certificates to document training. As a control check, the <i>Field Readiness Quick Start Guide for Document Upload</i> (March 2013) states that uploading a certification is strictly to be done by a data manager to ensure certification in a particular area of training is independent of the inspector.</p>

Source: Agency's MATS, OIG Report No. [13-P-0178](#), discussions with agency personnel, and OIG analysis.

## Conclusion

Recently developed measures by the EPA should help to ensure that RMP inspectors and first-line supervisors are properly trained to conduct quality inspections that prevent chemical releases into the air. These measures reflect corrective actions that meet the intent of Recommendations 1, 2, 4, 5 and 6 in the OIG's March 2013 report.

## Agency Response and OIG Evaluation

In December 2015, the OIG provided its draft findings to OECA, OARM and OLEM. The agency had no comments. We agreed that a formal draft report seeking an official written response would not be issued. This final report will be closed upon issuance.

## ***Distribution***

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