U.S. ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF INSPECTOR GENERAL

Ensuring the safety of chemicals
Compliance with the law

Analysis of Toxics Release Inventory Data Identifies Few Noncompliant Facilities

Report No. 18-P-0001 **October 5, 2017**

Report Contributors:

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Abbreviations

CFR	Code of Federal Regulations
DMR	Discharge Monitoring Report
EPA	U.S. Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
FRS	Facility Registry Service
ICIS	Integrated Compliance Information System
NPDES	National Pollutant Discharge Elimination System
OCSPP	Office of Chemical Safety and Pollution Prevention
OECA	Office of Enforcement and Compliance Assurance
OIG	Office of Inspector General
OLEM	Office of Land and Emergency Management
RMP	Risk Management Plan
TRI	Toxics Release Inventory

Cover photo: Image of a 2005 fire at EQ Resource Recovery Inc. in Romulus, Michigan. (EPA photo)

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U.S. Environmental Protection Agency
Office of Inspector General

18-P-0001
October 5, 2017

At a Glance

Why We Did This Review

We conducted this review to determine how the U.S. Environmental Protection Agency (EPA) uses Toxics Release Inventory (TRI) data to identify potentially noncompliant facilities in its major regulatory programs.

Businesses that manufacture, process or otherwise use large volumes of listed chemicals and meet other conditions file TRI reports with the EPA. TRI reports include the quantitative releases of chemicals to air, water and land. The TRI also reports the maximum amount of chemicals on-site at any one time during the calendar year. Analysis of TRI data can be used to identify potentially noncompliant facilities (non-filers) in other EPA regulatory programs, such as the Risk Management Program (RMP), and surface water dischargers regulated under the National Pollutant Discharge Elimination System (NPDES).

This report addresses the following:

- *Ensuring the safety of chemicals.*
- *Compliance with the law.*

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Analysis of Toxics Release Inventory Data Identifies Few Noncompliant Facilities

What We Found

While using data analytics can be resource-intensive when comparing data on facilities across different EPA programs, this approach can enhance environmental protection by identifying facilities that are potentially noncompliant with EPA reporting requirements. We reviewed data from three EPA programs and identified potentially noncompliant facilities by analyzing cross-program data, as follows:

Noncompliance among facilities that must comply with multiple environmental laws or programs can be reduced by making minimal enhancements to EPA reporting software.

- **RMP**—We identified potential RMP non-filers based on TRI chemical and volume data. During the course of our review, the EPA implemented its 3-year review of non-filers, which identified potential non-filers for follow-up by EPA regions. So far, EPA regions have found very few actual non-filers.

- **TRI**—We identified some potential non-filers from the chemical manufacturing industry based on RMP chemical and volume data. The EPA recently completed a review of 2011–2015 data to identify TRI non-filers from RMP data and found only 4 percent to be actual non-filers.

- **NPDES**—We obtained potential NPDES non-filers from the EPA Discharge Monitoring Report (DMR) Pollutant Loading Tool. We reviewed the largest dischargers, accounting for 99 percent of the non-filer discharges. We found NPDES permits for some but were unable to complete a review of all due to a lack of specific discharger address information.

Based on the OIG's work during this review, TRI program staff implemented enhancements to the TRI reporting software. This enhancement informs potential non-filers about their potential RMP requirements if they file TRI reports over the threshold of an RMP chemical. Further, TRI program staff also modified the software to notify dischargers to surface water of the need for an NPDES permit. EPA RMP program staff have committed to making similar enhancements to RMP filing software to inform RMP filers of their potential TRI reporting requirements.

Recommendations and Planned Agency Corrective Actions

We recommend that EPA (1) clarify limitations to public NPDES data in the DMR Pollutant Loading Tool, and (2) after the implementation of mandatory electronic DMRs, review the usefulness of the data in the DMR Comparison Dashboard for identifying possible unpermitted surface water dischargers using TRI data, and modify as appropriate. The recommendations are resolved with agreed-to actions pending.

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

THE INSPECTOR GENERAL

October 5, 2017

MEMORANDUM

SUBJECT: Analysis of Toxics Release Inventory Data Identifies Few Noncompliant Facilities
Report No. 18-P-0001

FROM: Arthur A. Elkins Jr.

TO: Lawrence Starfield, Acting Assistant Administrator
Office of Enforcement and Compliance Assurance

This is our report on the subject evaluation conducted by the Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA). The project number for this evaluation was OPE-FY16-0021. This report contains findings that describe the problems the OIG has identified and corrective actions the OIG recommends. This report represents the opinion of the OIG and does not necessarily represent the final EPA position. Final determinations on matters in this report will be made by EPA managers in accordance with established audit resolution procedures.

The Office of Enforcement and Compliance Assurance is responsible for enforcing the nation's environmental laws, including the Clean Air Act, Clean Water Act, and Emergency Planning and Community Right-to-Know Act, and is responsible for implementing the recommendations in this report. In addition, the Office of Chemical Safety and Pollution Prevention is responsible for the Toxics Release Inventory program, the Office of Land and Emergency Management is responsible for the Risk Management Plan program, and the Office of Water is responsible for the National Pollutant Discharge Elimination System.

Action Required

The agency agreed with the recommendations and provided planned corrective actions and completion dates; the recommendations are resolved with agreed-to actions pending. Therefore, the agency is not required to provide a written response to this final report. Please update the EPA's Management Audit Tracking System as you complete the planned corrective actions for the two recommendations. Please notify my staff if there is a significant change in the agreed-to corrective actions. Should you choose to provide a response to this final report, we will post your response on the OIG's public website, along with our memorandum commenting on your response. You should provide your response as an Adobe PDF file that complies with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended.

We will post this report to our website at www.epa.gov/oig.

cc: Nancy Beck, Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention
Barry Breen, Acting Assistant Administrator, Office of Land and Emergency Management
Michael Shapiro, Acting Assistant Administrator, Office of Water

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Chapter 1
Introduction

Purpose

The Office of Inspector General (OIG) of the U.S. Environmental Protection Agency (EPA) conducted this evaluation to determine how the EPA uses Toxics Release Inventory (TRI) data to identify potentially noncompliant[1] facilities in EPA regulatory programs. The OIG addressed the following questions:

- Have TRI facilities meeting Risk Management Plan (RMP) criteria filed these plans with the EPA for all chemicals?
- Have RMP filers and surface water dischargers subject to TRI reporting filed TRI reports?
- Have TRI facilities identified as surface water dischargers received the required permits from the EPA or the delegated state?

Background

Generally, facilities subject to environmental regulation are required to self-identify by filing specific required documents with the EPA, or face possible enforcement action. Examples of facilities subject to environmental regulation include point source water discharger facilities subject to the National Pollutant Discharge Elimination System (NPDES) program, facilities subject to the RMP, and facilities required to report TRI chemicals. Facilities that have not filed specific required documents are referred to as non-filers. Facilities that are subject to regulation but operate without regulatory controls can contribute to human and environmental exposure to contaminants.

Toxics Release Inventory

Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) created the TRI. Under EPCRA, facilities must file TRI reports (specific required documents) with the EPA if the following conditions are in place:

- The facility is in a specific industry sector required to file.
- The facility has 10 or more full-time equivalent employees.

[1] The project notification memo referred to "unregulated" instead of "noncompliant" facilities. At the suggestion of agency staff, "noncompliant" is now used instead of "unregulated" throughout the report.

- The facility manufactures or processes more than 25,000 pounds or otherwise uses more than 10,000 pounds of a listed chemical. (Persistent, bioaccumulative toxic chemicals have lower reporting thresholds.)

TRI reports filed with the EPA include the quantity of each chemical released to air, water and land. Information reported also includes the maximum amount of the chemical on-site at the facility during the reporting year. Since the TRI collects information on environmental releases, the TRI program can be used to identify non-filers in other EPA programs.

Information from TRI reports informs the public about facility releases of toxic chemicals; assists research; and aids in the development of regulations, guidelines and standards. The current TRI toxic chemical list contains 595 chemicals and 32 chemical categories, many of which are also regulated by the agency's RMP program. The TRI also collects information on discharges to surface water. Many TRI chemicals are also listed as acute hazardous wastes under the Resource Conservation and Recovery Act.

Risk Management Program

Pursuant to Section 112(r) of the Clean Air Act, and the RMP regulation (40 CFR Part 68), owners or operators of facilities holding more than a threshold quantity of a regulated substance in a process must file an RMP (specific required document) with the EPA identifying the chemical, its volume and the process. Further, RMPs must be revised and resubmitted to the EPA every 5 years. The information that facilities provide in their RMPs helps local fire, police and emergency response personnel prepare for and respond to chemical emergencies.

According to the agency, RMPs should include a hazard assessment that details the potential effects of an accidental release, an accident history of the last 5 years, and an evaluation of worst-case and alternative accidental releases. Current RMP-regulated chemicals include 77 acutely toxic substances and 63 flammable gases or highly flammable liquids.

National Pollutant Discharge Elimination System

The NPDES program was created in 1972 by the Clean Water Act and regulates point sources that discharge pollutants to waters of the United States. Any discharger to waters of the United States must obtain an NPDES permit from the EPA or a state authorized to implement the NPDES program. An NPDES permit generally specifies an acceptable level of a pollutant or pollutant parameters that may be discharged into a receiving water under certain conditions. Permits include limits on what a facility can discharge, monitoring and reporting requirements, and other provisions to ensure that the discharge does not hurt water quality or human health. Dischargers submit discharge monitoring data to their permitting authority using the Discharge Monitoring Report (DMR) forms.

Facilities report pollutant discharge monitoring data in their DMR as a mass quantity and/or concentration amount.

Discharge Monitoring Report Pollutant Loading Tool

According to the EPA, the DMR Pollutant Loading Tool[2] is designed to determine "who is discharging, what pollutants they are discharging and how much, and where they are discharging." The DMR Pollutant Loading Tool calculates pollutant loadings from NPDES permit and DMR data obtained from the EPA's Integrated Compliance Information System (ICIS) for the NPDES. Data have been available since 2007. Users can search TRI data to find facilities with the largest pollutant discharges to surface waters or sewage treatment plants. The tool documents the DMR data as follows:

> The Clean Water Act requires all point source dischargers to obtain a NPDES permit, and report compliance with NPDES permit limits via monthly DMRs submitted to the permitting authority. The permitting authority then enters the reported DMR data into ICIS-NPDES, including pollutant concentration and quantity values and identification of any types of permit violations.

Emergency and Hazardous Chemical Inventory Program

Hazardous chemical inventory reporting under EPCRA Section 312 is used for emergency planning and response. Under EPCRA Section 312, facilities with hazardous chemical quantities that equal or exceed the threshold must file forms (specific required documents) with their State Emergency Response Commission, Local Emergency Planning Committee and fire department. These forms—known as Tier I or Tier II forms—include information on the chemical, volume and location on-site. Tier I forms include more information by hazard category on the maximum amount of all hazardous chemicals on-site during the preceding year, an estimate of the average daily amount by hazard category, and the general location at the facility. Tier II forms include the same information as in the Tier I form, but also include chemical-specific information. The combination of RMP, TRI, and Tier II information equips emergency response personnel with enhanced knowledge necessary to properly respond to a chemical-related disaster at a facility.

Responsible Offices

The EPA's Office of Enforcement and Compliance Assurance (OECA) is responsible for enforcing the nation's environmental laws, including the Clean Air Act, the Clean Water Act, and EPCRA. The Office of Pollution Prevention and Toxics within the Office of Chemical Safety and Pollution Prevention is

[2] This tool is available to the public on the EPA's DMR Pollutant Loading Tool webpage. The tool uses DMR data from the EPA's ICIS-NPDES to calculate pollutant discharge amounts.

responsible for the TRI program. The Office of Emergency Management within the Office of Land and Emergency Management is responsible for the RMP program. The Office of Wastewater Management within the Office of Water is responsible for the NPDES program.

Scope and Methodology

We conducted our work from April 2016 to July 2017. 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.

The 2014 TRI data reviewed were the most current data available at the time of our review. We obtained the data via the TRI EZ Query, which was used to identify potentially noncompliant facilities in other regulatory programs. We also completed data analyses using several EPA online databases, including the EPA's RMPInfo on the EPA's intranet, as well as the DMR Pollutant Loading Tool and the Facility Registry Service[3] websites. We reviewed applicable portions of the Clean Water Act, NPDES regulations in 40 CFR Part 122, the Clean Air Act, EPCRA, and the RMP regulation in 40 CFR Part 68.

We interviewed EPA staff and management in OECA, the Office of Emergency Management, and the Office of Pollution Prevention and Toxics. We also interviewed RMP staff in all EPA regions, and interviewed water staff in Regions 4, 5 and 8 to discuss TRI facilities that potentially discharge to surface waters without an NPDES permit. We interviewed staff from two TRI reporting facilities, along with EPA Region 5 staff, to identify issues with hydrogen sulfide reporting.

Prior Reports

- EPA OIG Report No. 09-P-0092, *EPA Can Improve Implementation of the Risk Management Program for Airborne Chemical Releases*, was issued February 10, 2009. The purpose of this report was to assess the EPA's implementation and oversight of the RMP program. Among other findings and recommendations, this report recommended that the EPA incorporate TRI and other effective methodologies into guidance for EPA regions to use to identify potential non-filers. All recommendations have been implemented.

[3] The EPA's Facility Registry Service (FRS) integrates facility data from the EPA's regulatory systems, as well as data from other federal, state and tribal systems. FRS provides the ability to identify environmental regulatory programs that may regulate a given facility.

- EPA OIG Report No. 12-P-0376, *Early Warning Report: Use of Contractors to Conduct Clean Air Act Risk Management Program Inspections in Certain States Goes Against Court Decisions*, was issued March 28, 2012. This report found that two EPA regions had used contractors to conduct RMP inspections despite court decisions and EPA policy prohibiting this practice. The EPA developed corrective actions that have been implemented.

- EPA OIG Report No. 13-P-0178, *Improvements Needed in EPA Training and Oversight for Risk Management Program Inspections*, was issued March 21, 2013. The purpose of this report was to determine whether the EPA has adequate management controls for ensuring the effectiveness of its program inspections. The report recommended that the EPA strengthen its management controls to ensure that inspectors and supervisors meet minimum training requirements, strengthen guidance to include a minimum inspection scope for RMP facilities, and develop minimum inspection reporting requirements and a monitoring program to assess the quality of inspections. The EPA developed corrective action plans to address the recommendations, and the plans have been completed or are underway.

Chapter 2
TRI and RMP Data Can Identify Potential Non-Filers, but Few Are Actually Noncompliant

While using data analytics can be resource-intensive when comparing data on facilities across different EPA programs, this approach can enhance environmental protection by identifying facilities that are potentially noncompliant with EPA reporting requirements. We reviewed data from three EPA programs and identified potentially noncompliant facilities by analyzing cross-program data, as follows:

- **RMP**—We identified potential RMP non-filers based on TRI chemical and volume data. During the course of our review, the EPA implemented its 3-year review of non-filers, which identified potential non-filers for follow-up by EPA regions. So far, EPA regions have found very few actual non-filers.

- **TRI**—We identified some potential non-filers from the chemical manufacturing industry based on RMP chemical and volume data. The EPA recently completed a review of 2011–2015 data to identify TRI non-filers from RMP data and found only 4 percent to be actual non-filers.

- **NPDES**—We obtained potential NPDES non-filers from the EPA's DMR Pollutant Loading Tool. We reviewed the largest dischargers, accounting for 99 percent of the non-filer discharges. We found NPDES permits for some but were unable to complete a review of all due to lack of specific discharger address information.

Based on the OIG's work during this review, TRI program staff implemented enhancements to the TRI reporting software. This enhancement informs potential non-filers about their potential RMP requirements if they file TRI reports over the threshold of an RMP chemical. Further, TRI program staff also modified the software to notify dischargers to surface water of the need for an NPDES permit. EPA RMP program staff have committed to making similar enhancements to RMP filing software to inform RMP filers of their potential TRI reporting requirements.

Follow-Up of Potential Non-Filers Identifies Few Noncompliant Facilities

The OIG identified hundreds of potential RMP non-filers based on analysis of 2014 TRI data. EPA efforts,[4] conducted during the course of this project, also found hundreds of potential RMP non-filers. The EPA distributed lists of potential non-filers to EPA regions for follow-up compliance and enforcement actions. The EPA's results so far indicate few actual non-filers (only four of 563).

Similar to the identification of RMP non-filers using TRI data, potential TRI non-filers can also be identified using RMP data. To evaluate the utility of using RMP data to identify TRI non-filers, we analyzed data for toxic chemicals regulated by both RMP and TRI programs. For this analysis, we focused on facilities categorized in the chemical manufacturing sector of the North American Industry Classification System (code 325). We identified about 8 percent potential TRI non-filers. The EPA recently completed a review of 2011 through 2015 data to identify TRI non-filers from RMP data, and found only 4 percent to be actual non-filers.

While review of TRI and RMP data identifies many potential non-filers, very few of these have been confirmed as actual noncompliant facilities. Further, these follow-up efforts have been characterized by EPA staff as resource-intensive.

Potential RMP and NPDES Non-Filers Are Now Informed Through Changes in the TRI Filing Software

During the course of this review, the OIG suggested to TRI program staff at EPA headquarters that they could include a warning in the TRI filing software to alert TRI filers about potentially being subject to RMP reporting if their maximum amount on-site exceeds the RMP threshold. The TRI program implemented this change for the 2016 reporting year by incorporating a notice in the filing software when a chemical exceeds the RMP threshold.

The TRI program also modified the filing software to identify the existence of NPDES permits on file for TRI facilities reporting discharges to surface water and, if one is not found, to remind the facility of the NPDES permit requirement.

The EPA indicated it will evaluate its 3-year assessment following implementation of the notifications to potential RMP filers in the TRI software, to determine whether the software solutions obviate the need for the 3-year assessment.

[4] The EPA's 2010 policy on identifying RMP non-filers requires the agency to review data every 3 years. The policy states the following: "At least once every three years, EPA will conduct a search for potential RMP non-filers by comparing the list of current RMP facilities in the agency's jurisdiction against the most recent available TRI and EPCRA Tier II databases, or by using other appropriate methods. EPA will use any additional data sources available in order to improve the likelihood of identifying RMP non-filers. After developing a list of potential non-filers, EPA will resolve each facility's status by investigating whether the facility is subject to 40 CFR Part 68."

OECA Has Developed Mechanisms to Identify Potential Unpermitted Discharges to Surface Water, but Data Quality Issues Limit Value

Through its DMR Pollutant Loading Tool, the TRI and the DMR Comparison Dashboard, the EPA has taken steps to compare and present wastewater discharge data from the ICIS-NPDES and TRI databases. We obtained potential NPDES non-filers from the EPA's DMR Pollutant Loading Tool. We reviewed the largest dischargers, accounting for 99 percent of the non-filer discharges. We found NPDES permits for some, but were unable to complete a review of all due to lack of specific discharger address information.

As a result, the TRI and the DMR Comparison Dashboard have limited utility for identifying possible surface water dischargers that lack an NPDES permit. Data do not allow the EPA to efficiently determine the status of compliance, either with DMR reporting or NPDES permitting. Attempting to manually match an NPDES facility to a TRI facility is resource-intensive and inexact without specific discharger address information in the DMR Pollutant Loading Tool.

According to OECA staff, an upcoming electronic reporting rule will require mandatory electronic reporting of DMRs, including information such as facility permit identifications and addresses. We conclude that use of the dashboard to identify possible unpermitted dischargers to surface water should be enhanced with more complete electronic DMR data reported. This should also allow for greater use of data analytics in matching between NPDES and TRI data.

OECA Should Clarify TRI and DMR Comparison Dashboard Data

While OECA has taken important steps to develop the DMR Comparison Dashboard, the dashboard in its current form is limited for decision-making. Specifically, it is unclear whether these TRI facilities with discharges to surface waters (1) have not filed a DMR because they are operating without an NPDES permit; (2) have an NPDES permit but have not filed a DMR as required; or (3) according to OECA staff, are not required to file a DMR, such as in the case of stormwater dischargers. We conclude that the DMR dashboard in its current form has limited value without the appropriate caveats. The dashboard does not effectively identify unpermitted dischargers to surface water based on TRI data.

TRI Non-Filers Not Identified From DMR Data

From the TRI and DMR Comparison Dashboard, we downloaded NPDES facilities in TRI industries with no TRI forms to identify potential TRI non-filers. However, we found that, without chemical and discharge volume information, the data were not usable. Analysis of a subset of these facilities with large discharges of TRI chemicals revealed all had filed TRI forms.

Conclusions

Comparing data among the TRI, RMP and DMR reporting systems using data analytics, manual comparisons and follow-up can identify potential non-filers (potentially noncompliant facilities), and therefore help ensure that reported facilities are appropriately regulated. However, EPA staff have stated that these methods are resource-intensive, and the results identify few noncompliant facilities. Effective use of some DMR data is limited because poor data quality can erroneously identify potential non-filers.

Enhancements to reporting software will inform facilities of other EPA program responsibilities, which should reduce noncompliance. The implementation of regulation-required electronic reporting should improve DMR data quality, which should help address current limitations associated with identifying DMR and TRI non-filers using the DMR Pollutant Loading Tool.

Recommendations

We recommend that the Assistant Administrator for Enforcement and Compliance Assurance:

1. Clarify EPA public information presented in the Toxics Release Inventory and the Discharge Monitoring Report Comparison Dashboard by including qualifiers that explain the limitations of the analysis based on data quality issues.

2. After the implementation of mandatory electronic Discharge Monitoring Reports, review the usefulness of the Discharge Monitoring Report Comparison Dashboard for identifying possible unpermitted surface water dischargers using Toxics Release Inventory data, and modify as appropriate.

Agency Response and OIG Evaluation

Recommendations 4 and 5 from the draft report addressed to OECA have been renumbered Recommendations 1 and 2. OECA provided corrective action plans and milestone dates that meet the intent of all the recommendations. The recommendations are resolved with agreed-to actions pending.

The acting Assistant Administrator for the EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) provided a response for itself, and on behalf of OECA and EPA regions. OCSPP stated that it shares the OIG's interest in improving the way data are used to identify non-compliant facilities. Based on review of the results of potential TRI non-filers based on RMP data, we agree with OCSPP that modification of the RMP software to notify potential TRI non-filers should assist facilities in identifying their potential TRI reporting requirements. The

Office of Land and Emergency Management (OLEM) has committed to incorporating this software modification into the RMP reporting software. We make no formal recommendations to OCSPP.

In response to the draft report, the acting Assistant Administrator for OLEM provided the results of its 3-year review of potential RMP non-filers from TRI data, and stated that determining whether a potential non-filer is an actual non-filer is a labor-intensive process. Based on further discussions with OLEM and review of the results of the 3-year assessment, we agreed with OLEM that the TRI software modifications to notify potential RMP non-filers should assist facilities in identifying their potential RMP reporting requirements. The EPA indicated it will evaluate its 3-year assessment following implementation of the notifications to potential RMP filers in the TRI software, to determine whether the software solutions obviate the need for the 3-year assessment. We make no formal recommendations to OLEM.

Appendix A contains the combined OCSPP/OECA response to our draft report, while Appendix B contains the OLEM response. We reviewed the agency's technical comments and revised the report as appropriate.

Status of Recommendations and Potential Monetary Benefits

RECOMMENDATIONS						
Rec. No.	**Page No.**	**Subject**	**Status[1]**	**Action Official**	**Planned Completion Date**	**Potential Monetary Benefits (in $000s)**
1	9	Clarify EPA public information presented in the Toxics Release Inventory and the Discharge Monitoring Report Comparison Dashboard by including qualifiers that explain the limitations of the analysis based on data quality issues.	R	Assistant Administrator for Enforcement and Compliance Assurance	1/31/18	
2	9	After the implementation of mandatory electronic Discharge Monitoring Reports, review the usefulness of the Discharge Monitoring Report Comparison Dashboard for identifying possible unpermitted surface water dischargers using Toxics Release Inventory data, and modify as appropriate.	R	Assistant Administrator for Enforcement and Compliance Assurance	6/30/18	

[1] C = Corrective action completed.
R = Recommendation resolved with corrective action pending.
U = Recommendation unresolved with resolution efforts in progress.

Appendix A

OCSPP and OECA Response to Draft Report

(Dated August 14, 2017)

MEMORANDUM

SUBJECT: Response to Draft Report entitled "EPA Could Better Use Toxic Release Inventory Data to Identify Potentially Unregulated Facilities and Protect Human Health," Project No. OPE-FY16-0021

FROM: Wendy Cleland-Hamnett, Assistant Administrator (Acting)
Office of Chemical Safety and Pollution Prevention (OCSPP)

TO: Arthur A. Elkins, Inspector General

Thank you for the opportunity to comment on the OIG's July 14, 2017 Draft Report entitled "EPA Could Better Use Toxic Release Inventory Data to Identify Potentially Unregulated Facilities and Protect Human Health." Providing the public with data and information of optimal quality is a high priority of the Agency. OCSPP appreciates the evaluation conducted by your office, and its recommendations.

OCSPP shares the OIG's interest in improving the way TRI, RMP and DMR data are used to identify facilities that may be non-compliant. During the OIG evaluation, TRI Program managers and staff consulted with OIG staff on ways in which the RMP, NPDES, and TRI programs should interact. As recognized in the Draft Report, the TRI Program has already incorporated checks in its TRI-MEweb reporting software to alert TRI facilities of possible NPDES and RMP reporting requirements. The TRI Program has also reached out to the RMP Program within EPA's Office of Emergency Management (OEM) in OLEM to suggest that the RMP Program incorporate similar feedback alerts in their materials with regard to TRI reporting obligations.

In addition, as part of its data quality activities, the TRI Program compares TRI data with other EPA datasets[5], to identify facilities that may be noncompliant with the TRI reporting requirements. The TRI Program distributes lists of these identified facilities to EPA regional offices and to OECA for further follow up. Generally, however, OECA and the TRI Program have observed that the success rate for using RMP data to identify facilities that are not compliant with the TRI reporting requirements is low when compared to the success rate garnered by using other data sources.[6]

[5] Such as the National Emissions Inventory (NEI), Chemical Data Reporting (CDR), DMR, RMP, and non-EPA datasets such as Tier II data.
[6] Such as the NEI, for example.

This memorandum details the responses of the OCSPP, the Office of Enforcement and Compliance Assurance (OECA), and EPA regions to the Draft Report's recommendations relating to the TRI program. The Office of Land and Emergency Management (OLEM) will provide a separate response that covers OLEM's and any regional comments focused on RMP.

In addition, we have attached a Technical Comments document, which provides minor corrections and editorial comments related to the TRI program, from OCSPP, OECA, and the regional offices.

OCSPP and OECA Responses to Recommendations:

Recommendation 1: The Assistant Administrator for Chemical Safety and Pollution Prevention and the Assistant Administrator for Land and Emergency Management [should] develop a mechanism to annually identify potential RMP non-filers by using an automated comparison of TRI and RMP data, and distribute the data to EPA regions for review. This effort should include facilities that do not file RMPs, and facilities that have not listed chemicals in their RMPs.

> OCSPP will defer to OLEM on the feasibility and usefulness of developing an automated process to identify specific facilities that have reported to TRI to ascertain whether these facilities are complying with RMP reporting requirements.
>
> As of May, 2017, OCSPP has already taken a preventative approach to improving compliance with the RMP reporting requirements. Starting with Reporting Year 2016 (for which TRI reporting forms were due by July 1, 2017), the TRI Program incorporated checks in its TRI-MEweb reporting software to alert TRI facilities that they may be required to file RMP (and NPDES) reports. Facilities may elect to respond to these alerts, and the TRI Program has shared with the RMP Program all responses related to RMP reporting. Preliminary results from TRI reports submitted for 2016 have shown that most facilities have indicated that they did file an RMP report, though a portion of facilities do provide reasons for why they did not trigger RMP reporting.

Recommendation 2: After completion of recommendation 1, [the Assistant Administrator for Chemical Safety and Pollution Prevention and the Assistant Administrator for Land and Emergency Management should] eliminate the 3-year review of TRI data to identify non-filers.

> OCSPP will defer to OLEM on the elimination of the 3-year review of TRI data to identify potential RMP non-filers.

Recommendation 3: The Assistant Administrator for Chemical Safety and Pollution Prevention [should] develop a mechanism to annually identify potential TRI non-filers by using an automated comparison of RMP and TRI data.

> OCSPP agrees with this recommendation and will take corrective action as described below to implement it. As described above, each year the TRI Program conducts data quality outreach. This outreach recently included a comparison of facilities that filed

RMP reports with facilities that filed TRI reports for reporting years 2011-2015, to identify facilities that may be non-compliant with the TRI reporting requirements. Results from this comparative analysis of TRI and RMP filers indicate about 4 percent non-compliance with the TRI reporting requirements by those facilities that did not file a TRI report for the 2011, 2012, 2013, 2014 or 2015 reporting years. Nonetheless, OCSPP will assess the feasibility and practical utility of developing an automated process of using RMP information to identify facilities that may be non-compliant with the TRI reporting requirements by September 30, 2018.

In the same way that OCSPP's modifications to the TRI-MEweb software now alert facilities that they may need to file an RMP report and help prevent non-compliance with RMP reporting, OCSPP believes that a similar proactive approach could be implemented by OLEM that would help to ensure facilities comply with the TRI reporting requirements.

OIG Response 1: Recommendation modified to address only the modification of the RMP submittal software to warn facilities of their potential TRI reporting responsibilities.

Recommendation 4: The Assistant Administrator for Enforcement and Compliance Assurance [should]clarify the information presented in the Toxics Release Inventory and Discharge Monitoring Report Comparison Dashboard by including qualifiers that explain the limitations of the analysis based on data quality issues.

OECA will work with the TRI Program to write qualifiers that clarify the information in the Toxics Release Inventory and ECHO's (Enforcement Compliance History Online) Discharge Monitoring Report Comparison Dashboard. The qualifiers will explain the limitations of the analysis based on data quality issues and will be posted on the site by January 31, 2018.

Recommendation 5: After the implementation of mandatory electronic Discharge Monitoring Reports, [the Assistant Administrator for Enforcement and Compliance Assurance should] review the value of the Discharge Monitoring Report Dashboard to identify possible unpermitted surface water dischargers using Toxics Release Inventory data.

After full implementation of mandatory electronic Discharge Monitoring Reports, OECA will review the value of the Toxics Release Inventory and ECHO's Discharge Monitoring Report Comparison Dashboard in identifying possible unpermitted surface water dischargers using Toxics Release Inventory data. OECA will share its written review with the Office of Water (OW) and the TRI Program by June 30, 2018.

Thank you for your recommendations. We look forward to continuing to improve the consistency and completeness of reported data across all EPA programs and the use of TRI data to further this goal.

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Appendix B

OLEM Response to Draft Report

(Dated August 8, 2017)

MEMORANDUM

SUBJECT: Response to Draft Report: EPA Could Better Use Toxic Release Inventory Data to Identify Potentially Unregulated Facilities and Protect Human Health Project No. OPE-FY16-0021

FROM: Barry N. Breen
Acting Assistant Administrator

TO: Carolyn Copper, Assistant Inspector General
Office of Inspector General

Thank you for the opportunity to review and comment on the Draft OIG Evaluation Report, "EPA Could Better Use Toxic Release Inventory Data to Identify Potentially Unregulated Facilities and Protect Human Health". The Office of Land and Emergency Management (OLEM) has completed its review and does not concur with the proposed recommendations specific to OLEM. Additionally, we have made several specific editorial comments on the factual accuracy and content in the draft report, which we have included in the attached copy of the report.

This is the second time that the Office of Inspector General (OIG) has conducted an evaluation of the EPA Risk Management Program that focused on identification of RMP "non-filers" – facilities that were required to submit risk management plans and comply with the requirements of 40 CFR part 68 but failed to do so. In 2009, OIG conducted an evaluation that used Toxic Release Inventory (TRI) data to identify 39 "potential" RMP non-filers. Based on this finding, OIG recommended that EPA strengthen its controls to identify RMP non-filers, and the Office of Land and Emergency Management (OLEM, previously the Office of Solid Waste and Emergency Response) subsequently implemented a policy to search for RMP non-filers every three years.

Upon investigating OIG's 2009 list of "potential" RMP non-filers, EPA determined that *none of the potential non-filers were subject to the RMP rule.* This fact was raised with the OIG auditors on several occasions throughout their evaluation, including during the opening and closing meetings on July 26, 2016, February 9, 2017 and May 23, 2017, however, it does not seem to have been incorporated in this evaluation and report. It performs a surface-level comparison of the TRI and RMP databases to develop a list of *"…Hundreds of Potential RMP Non-Filers With Millions of Pounds of Potentially Unreported Chemicals."* (emphasis in original). However, as detailed in our specific comments below, the actual results are virtually the same as in 2009. Very few of OIG's "potential" RMP non-filers have been found to be actual RMP non-filers.

Therefore, OLEM non-concurs with the recommendations in the report pertaining to RMP and, as explained below, disagrees with a number of the findings and conclusions.

OIG Finding: OIG's draft report states, "Most EPA Regions Do Not Use Annual TRI Data to Identify Potential RMP Non-Filers."

OLEM disagrees with this finding. In February 2009, OIG published its evaluation report, "EPA Can Improve Implementation of the Risk Management Program for Airborne Chemical Releases" (Report No. 09-P-0092). The report recommended, among other things, that the Agency strengthen its controls to identify facilities that did not file Risk Management Plans (RMPs). Specifically, the OIG report recommended that EPA:

- Revise Headquarters operating guidance to specify how often the regions should conduct reviews to identify non-filers, and establish milestones for reviewing and removing inactive facilities from the RMP National Database,
- Incorporate the Toxic Release Inventory (TRI) search methodology and other effective methodologies used by EPA regions into the new Headquarters guidance for regions to use in identifying potential non-filers…"

Accordingly, in June 2010, OLEM's Office of Emergency Management (OEM) and OECA issued a policy memorandum entitled "Identification of Facilities Subject to 40 CFR Part 68." That memorandum requires EPA to implement the following policy for identification of RMP non-filers:

- At least once every three years, implementing agencies shall conduct a search for potential RMP non-filers by comparing the list of current RMP facilities in the agency's jurisdiction against the most recent available TRI and Emergency Planning and Community Right-to-Know (EPCRA) Tier II databases, or by using other appropriate methods. Implementing agencies are encouraged to use any additional data sources available in order to improve the likelihood of identifying RMP non-filers. After developing a list of potential non-filers, implementing agencies shall resolve each facility's status by investigating whether the facility is subject to 40 CFR Part 68.
- Where implementing agencies identify RMP non-filers, the agency shall take action as appropriate in accordance with applicable implementing agency policy.

In 2013-2014, EPA conducted its RMP non-filer review using the Department of Homeland Security's (DHS) Chemical Facility Anti-Terrorism Standards (CFATS) Top-Screen database, instead of using TRI data. EPA chose this approach as a result of Executive Order 13650, *Improving Chemical Facility Safety and Security,* which presented a unique opportunity for EPA access to DHS' data. This review met EPA's policy because the policy allows for EPA to use "other appropriate methods" of identifying non-filers.

In 2016, EPA initiated its second non-filer review under the 2010 policy. This review, which is still in progress, uses the Agency's TRI database to identify potential RMP non-filers. In August 2016, OEM conducted a preliminary analysis of the most recent TRI database to identify potential non-filers, and distributed the resulting list of facilities to all 10 Regions for follow-up. Therefore, all 10 EPA Regions are actively involved in using TRI data, and other appropriate data sources, to attempt to identify RMP non-filers.

In contrast to an earlier draft of this report, OIG has added the word "Annual" to this finding statement: "Most EPA Regions Do Not Use *Annual* TRI Data to Identify Potential RMP Non-Filers" (emphasis added). OLEM's response to the earlier draft included the same information provided above, indicating that all EPA Regions use TRI (and other available) data triennially to search for RMP non-filers. As this EPA policy was a direct result of OIG's 2009 recommendation, and was a policy response which OIG concurred with, we are unclear on what support is in the record for the OIG to now recommend a different policy without sufficient evaluation of EPA's current policy. OIG provides no reason for why EPA should change the frequency of non-filer reviews from triennial to annual. OLEM disagrees that annual non-filer reviews are better, as our experience has demonstrated that using TRI data is a very inefficient and ineffective method of identifying RMP non-filers. OIG acknowledges this point in its draft report: "According to EPA staff, preliminary results for four EPA regions found only four actual non-filers out of 141 investigated. In light of these results, alternate methods of identifying potential non-filers may be warranted." (OIG draft report, page 8). Nonetheless, OIG in the end recommends increases in the frequency of RMP non-filer reviews from triennially to annually. We do not find analytical support for how performing this process more frequently is an appropriate and fiscally responsible use of EPA limited resources, given the ineffectiveness it has shown to date.

OIG Response 2: This information in the report has been deleted. Based on OLEM's non-filer review results, we deleted the recommendations.

OIG Finding: OIG's discussion document states, "OIG Identified Hundreds of Potential RMP Non-Filers with Millions of Pounds of Potentially Unreported Chemicals."

OLEM disagrees with this statement because it misleadingly overstates the likely end result of OIG's non-filer review. If followed, EPA could use resources ineffectively.

OIG Response 3: This is no longer a subheading.

For example, in its 2009 evaluation, OIG used TRI data to identify 39 facilities in four states (Colorado, North Carolina, Pennsylvania, and Texas) with RMP-listed chemicals that, according to the facility's TRI submission, may have been held on-site in quantities exceeding RMP thresholds for the substance. According to OIG, staff in the regions that cover these facilities were able to provide additional information indicating that 14 of the 39 facilities were likely not RMP non-filers. The remaining 25 facilities – located in Pennsylvania and Texas – required further EPA follow-up. This process often involved EPA contacting the facility and collecting more information to determine whether or not it was actually subject to the RMP regulation.

However, EPA determined that *none of these facilities were subject to the RMP rule*. EPA Region 3 confirmed that none of the unresolved facilities in Pennsylvania were subject to the RMP rule[7]. In Region 6, although OIG had only looked for non-filers (using TRI data) in Texas, in response to the OIG evaluation report, EPA Region 6 conducted a comparison of TRI and

[7] Memo from Joan Armstrong, Chief, Oil & Prevention Branch, Region III, to Kim Jennings, Associate Director, Regulatory and Policy Development Division, Office of Emergency Management, of December 8, 2009.

RMP data for facilities in all Region 6 states, and based on that comparison, identified over 250 potential RMP non-filers in Region 6. Using other information already available to the Region, staff were able to exclude 172 facilities as not being subject to the RMP rule. The remaining 78 facilities required further investigation by the Region. Consequently, Region 6 sent letters to all 78 facilities, requiring that the owner or operator either provide further information to explain why the facility was not subject to the RMP rule, or pay a penalty to EPA for failing to submit an RMP. 77 of the 78 facilities responded with information substantiating that they were not subject to the RMP rule[8]. Only 1 out of 250 facilities identified as potential non-filers by EPA Region 6 was determined to be an actual RMP non-filer. That facility was located in Arkansas[9].

In EPA's ongoing review, we are seeing similar results. In 2016, OEM compared the 2014 TRI database to the RMP national database, and extracted a nationwide list of TRI facilities that reported RMP-regulated substances within their TRI submission in quantities exceeding applicable RMP thresholds. OEM sent these potential non-filers to each Regional Office, and asked each office to further investigate the facilities in their region to determine whether or not any of them were actually subject to the RMP regulation. While not all regions have completed their investigation of these potential RMP non-filers, among those that have, very few RMP non-filers have been identified. The following table indicates the results obtained to date:

Results of 2016-17 RMP Non-Filer Review

EPA Region	Potential RMP Non-Filers Identified Based on Initial Comparison to TRI Data[10]	Actual RMP Non-Filers Identified
1	14	0
2	30	0
3	67	0*
4	110	1[11]*
5	131	2*
6	75	--[+]
7	37	1*
8	25	0*
9	50	0
10	24	0
Totals	563	4*

* Indicates some potential non-filers are still being evaluated by the Regional Office

[+] Data currently unavailable

[8] Region 6 112(r) Non-filer Initiative presentation, Stacey B. Dwyer, May 2010.

[9] The single non-filer facility identified by Region 6 was Tate and Lyle Ingredients Americas Inc., an ingredient manufacturing company in Van Buren, Arkansas.

[10] Potential RMP non-filers included facilities that, according to their TRI submission, held at least one RMP chemical where the minimum of the TRI quantity range was greater than the RMP threshold quantity for that chemical.

[11] Region 4 located one additional non-filer from a secondary list of potential non-filers, which included facilities that reported holding RMP chemicals where the minimum of the TRI quantity range was greater than or equal to the RMP threshold quantity for that chemical.

These results also reflect EPA's prior experience in using TRI data to identify RMP non-filers, including the results of OIG's own 2009 evaluation.

OIG Response 4: The information in the report has been updated to reflect the results of OEM's non-filer analysis.

There are at least several reasons that comparing TRI and RMP filings is a relatively ineffective method of discovering RMP non-filers.[12] These include the following:

- **TRI and RMP have different minimum concentration criteria for many chemicals.** For some substances that are common to both the RMP and TRI chemical lists, both rules do not cover substance mixtures or solutions where the substance is present below 1% concentration (under TRI, this is referred to as the "de minimis concentration"). However, for other substances, the de minimis concentration under TRI is different from the minimum reportable concentration under the RMP rule. For example, for 24 substances on both the RMP and TRI lists, the TRI de minimis concentration is 0.1%, but the RMP minimum concentration is 1%. Additionally, the RMP rule specifies much higher minimum concentration cutoffs than TRI for several substances, including aqueous ammonia (20%), hydrochloric acid (37%), hydrofluoric acid (50%), and nitric acid (80%). Due to these differences in regulatory coverage criteria, many facilities that report more than RMP threshold quantities of one or more of these substances in their TRI submission are not subject to the RMP rule if they hold the substances below the applicable RMP concentration cutoff.

- **TRI submissions consider the maximum quantity on site, while RMP submissions consider the quantity contained in a "process."** In order to be covered under the RMP rule, a facility must have a "process" containing more than a threshold quantity of a regulated substance. The term "process" means "any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process." Under this definition, if a facility has several separate areas for storing, manufacturing, or using chemicals, but no single area contains more than a threshold quantity of a regulated substance, the facility is not subject to the RMP rule. The TRI rule, on the other hand, requires facilities to report the "Maximum amount of the toxic chemical on-site at any time during the calendar year." Therefore, the TRI database contains some facilities that hold threshold quantities of RMP substances on a site-wide basis, but not in a single process. These facilities are not subject to the RMP rule.

- **Some TRI facilities erroneously report emissions quantities as bulk storage quantities.** Some facilities appear to erroneously report very large "Maximum amount on site" quantities of RMP-covered substances on their TRI submission, but the

[12] For these same reasons, the statement on page 11 of the OIG draft report: "Simple queries may readily identify both TRI and RMP non-filers, by reviewing first-time filers in each program" is misleading. Simple queries only readily identify *potential* RMP non-filers, but, as shown by both the 2008-2009 and 2016-2017 non-filer reviews, nearly all potential non-filers identified using such queries will not be actual RMP non-filers.

substance is not actually held on site above an RMP threshold quantity at any one time. For example, EPA has identified numerous examples of facilities reporting combustion byproducts, such as hydrofluoric and hydrochloric acid, above RMP threshold quantities in section 4.1 of Form R. Only when EPA contacts or visits the facility does it become apparent that these substances are not actually being held on site above an RMP threshold.

- **Some TRI chemicals are found in RMPs under the label "flammable mixture."** Some toxic chemicals covered under TRI are listed as flammable substances under RMP. Where these substances are present as part of flammable mixtures (for example, at a petroleum refinery), the entire mixture can be reported in the RMP database under the name "flammable mixture." While a comparison of the TRI and RMP databases for one of these substances may appear to identify an RMP non-filer, in some cases these facilities have in fact submitted an RMP for a flammable mixture containing the named flammable substance.

Thus, comparing TRI and RMP databases is at best an inefficient method for identifying RMP non-filers, and it is often completely ineffective. The first phase of this method – which involves the initial comparison of TRI and RMP databases to identify potential non-filers (i.e., the phase that OIG has performed now on two occasions) – is relatively easy, but by itself, extremely inaccurate, resulting in a very high number of false positives (i.e., in reality almost all "potential" non-filers are not actual non-filers).

However, determining whether or not a "potential" non-filer is an actual non-filer is a labor-intensive process, as it often requires the Regional Office to correspond with individual potential non-filer facilities. Resolving some of these cases requires Regions to prepare official correspondence, such as information request letters issued under EPA's Clean Air Act Section 114 information collection authority. In some cases, it may be necessary to visit the facility to perform an inspection. And in the great majority of cases, as indicated above, these potential non-filers turn out not to be actual RMP non-filers. Conducting this type of extensive effort with little useful result takes valuable resources away from inspecting high risk RMP facilities to ensure they are operating safely and protecting the surrounding local community from the consequences of accidental chemical releases.

Unsupported Conclusion: OIG's conclusion states, "Comparing data among the TRI, RMP and DMR reporting systems using data analytics can identify potential non-filers (unregulated facilities), and enhance human health and environmental protection, transparency and accountability by ensuring that reported facilities are appropriately regulated. However, effective use of some of the data is limited because poor data quality can erroneously identify potential non-filers, and manual comparisons are resource-intensive."

OLEM disagrees with this conclusion, as it relates to the RMP program. Although this conclusion lumps TRI, RMP, and DMR reporting systems together, a full reading of the report indicates that OIG's concerns over data quality may not actually pertain to TRI or RMP data quality; OIG has provided no evidence of poor data quality in the TRI or RMP programs. If it finalizes this report, OIG should clarify this in its conclusion. Also, as previously indicated, the

first step in identifying RMP non-filers using the "manual" method – i.e., by an analyst manually comparing the RMP and TRI databases to identify potential RMP non-filers – is not very difficult or time-consuming; thus automating this process will not yield significant benefits to EPA.

OIG Response 5: The conclusion has been restated to clarify that the data quality reference refers to DMR data, and that manual comparisons and follow-up are labor-intensive.

OIG Recommendations: OIG's Recommendations to OLEM state: "We recommend that the Assistant Administrator for Chemical Safety and Pollution Prevention, and the Assistant Administrator for Land and Emergency Management:

1. Develop a mechanism to annually identify potential Risk Management Plan non-filers by using an automated comparison of Toxic Release Inventory and Risk Management Plan data, and distribute the data to EPA regions for review. This effort should include facilities that do not file Risk Management Plans, and facilities that have not listed chemicals in their Risk Management Plans.

2. After completion of Recommendation 1, eliminate the 3-year review of Toxic Release Inventory data to identify non-filers."

OLEM non-concurs with these recommendations as they pertain to OLEM. OIG's preferred approach – to replace a triennial non-filer review initiated by a manual comparison of databases with an annual approach initiated by an automated data comparison – addresses only the front end of the non-filer review process, and would replace a triennial list of potential non-filers with annual lists of potential non-filers. If OIG's recommendations are implemented, instead of performing a non-filer review once every three years, OLEM and the Regions would now perform non-filer reviews annually. Perhaps each annual list individually would be smaller than the 3-year list, but there is no reason to conclude that this method would make these lists more likely to contain actual non-filers, or reduce the total Regional workload to investigate these facilities to determine whether they are in fact subject to the RMP regulation. Also, the resources required to develop an "automated comparison" mechanism may exceed any marginal savings obtained through automating the first step in this non-filer identification process. Such efforts are generally very resource-intensive. Moreover, the Office of Chemical Safety and Pollution Prevention has modified the TRI submission system to notify sources when they submit TRI information for RMP-regulated substances that may be held on-site above an RMP threshold quantity and to collect data concerning sources' responses to these notifications. This new feature of the TRI submission system already accomplishes the main intent of OIG's recommendation for automating the comparison of TRI and RMP data. While OEM can use this tool to more quickly extract lists of potential RMP non-filers from the TRI database, for the reasons explained above, there is no way to automate the second, and much more difficult phase of the non-filer review process, in which Regional office staff must individually contact each potential non-filer facility, collect additional information, and ascertain the facility's regulatory status.

Lastly, OLEM is concerned that conducting non-filer reviews annually may draw resources away from other program priorities, such as performing compliance inspections at known high-risk RMP facilities. OLEM therefore believes that it should continue its current policy of triennial non-filer reviews, and where available, take advantage of data sources other than TRI in completing such reviews. Considering the very minimal effectiveness of the TRI method of RMP non-filer identification, a decision to further automate the front end of the non-filer review process can be considered further, when additional clarity would enable OLEM to determine whether or not such a process would be an efficient use of available resources, when balanced against other program priorities.

OIG Response 6: These recommendations have been deleted.

If you have any questions regarding this response, please contact Kim Jennings, in OLEM's Office of Emergency Management, at (202) 564-7998.

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Appendix C

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