



U.S. ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF INSPECTOR GENERAL

Cleaning up and revitalizing land

Follow-Up Review: EPA Completed OIG Recommendations for Superfund Site in Libby, Montana

Report No. 18-P-0074

January 24, 2018



Report Contributors:

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Abbreviations

EPA	U.S. Environmental Protection Agency
MATS	Management Audit Tracking System
OIG	Office of Inspector General
OLEM	Office of Land and Emergency Management
ORD	Office of Research and Development

Cover photo: Cleanup at residential property at Libby Asbestos Superfund site. (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 in two Office of Inspector General (OIG) reports:

- No. [2007-P-00002](#), *EPA Needs to Plan and Complete a Toxicity Assessment for the Libby Asbestos Cleanup*, issued December 5, 2006.
- No. [13-P-0221](#), *Better Planning, Execution and Communication Could Have Reduced the Delays in Completing a Toxicity Assessment of the Libby, Montana, Superfund Site*, issued April 17, 2013.

The Deputy Administrator, Assistant Administrator for Land and Emergency Management, Assistant Administrator for Research and Development, and Region 8 Regional Administrator were responsible for completing the recommendations in these reports.

This report addresses the following:

- *Cleaning up and revitalizing land.*

Send all inquiries to our public affairs office at (202) 566-2391 or visit www.epa.gov/oig.

Listing of [OIG reports](#).

Follow-Up Review: EPA Completed OIG Recommendations for Superfund Site in Libby, Montana

What We Found

In 2006, we reported that the EPA had not completed a toxicity assessment of amphibole asbestos in Libby, Montana, to determine a safe level for human exposure. In 2013, we conducted a follow-up review to determine why the EPA did not meet its planned milestones for completing the toxicity assessment. We concluded that the EPA could have made better progress in completing its work through improved communication, planning and execution of actions.

The OIG's 2006 report contained two recommendations. The EPA completed Recommendation 2 before we issued our 2006 report, but Recommendation 1, which called for the funding and execution of the toxicity assessment, still remained incomplete when we published our 2013 follow-up report. During this current review, we verified that the EPA completed the agreed-upon corrective actions for Recommendation 1 in December 2014 by releasing the toxicity assessment report.

The OIG's 2013 report contained nine recommendations. The EPA completed five of these recommendations shortly after we issued our 2013 report. During this current review, we concluded that the EPA completed the agreed-upon corrective actions for the remaining four recommendations, which called for updating stakeholders on significant risks to milestones, establishing a charter, ensuring that interagency agreement contracts are within the scope of the interagency agreement, and developing a priority list for research work.

By completing these outstanding recommendations, the agency was able to issue the toxicity assessment, make determinations on the effectiveness of the EPA's cleanup, and assess whether additional remedial actions were required. Furthermore, the EPA achieved these actions with transparency to stakeholders.

There are no recommendations in this report.

Agency Response and OIG Evaluation

The agency did not have any comments. The OIG has no additional comment.

The EPA took corrective actions that enabled the Libby toxicity assessment to be completed with transparency and that provided stakeholders with important human exposure information.



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

THE INSPECTOR GENERAL

January 24, 2018

MEMORANDUM

SUBJECT: Follow-Up Review: EPA Completed OIG Recommendations
for Superfund Site in Libby, Montana
Report No. 18-P-0074

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: Barry Breen, Principal Deputy Assistant Administrator
Office of Land and Emergency Management

Jennifer Orme-Zavaleta, Principal Deputy Assistant Administrator for Science
Office of Research and Development

Doug Benevento, Regional Administrator
Region 8

This is our report on the subject review conducted by the Office of Inspector General of the U.S. Environmental Protection Agency. The project number for this review was OPE-FY17-0027. 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.

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Purpose

We conducted this review to follow up on the status of corrective actions taken by the Office of Land and Emergency Management (OLEM),¹ the Office of Research and Development (ORD), and Region 8 of the U.S. Environmental Protection Agency (EPA) in response to recommendations in the following two Office of Inspector General (OIG) reports:

- No. [2007-P-00002](#), *EPA Needs to Plan and Complete a Toxicity Assessment for the Libby Asbestos Cleanup*, issued December 5, 2006.
- No. [13-P-0221](#), *Better Planning, Execution and Communication Could Have Reduced the Delays in Completing a Toxicity Assessment of the Libby, Montana, Superfund Site*, issued April 17, 2013.

Background

The OIG's 2006 Report

The EPA designated the Libby, Montana, site a national priority in the Superfund program in 2002. In 2006, in response to inquiries by the two U.S. Senators from Montana, the OIG conducted a review of the EPA's cleanup activities of asbestos material in Libby. The resulting OIG report made two recommendations to the Assistant Administrator for Solid Waste and Emergency Response and the Regional Administrator for Region 8.

The OIG's 2013 Report

The OIG conducted a follow-up review to assess why the agency did not meet its projected dates to complete the OIG's 2006 recommendations. The OIG issued its follow-up report in 2013 and made nine additional recommendations to the Deputy Administrator, Assistant Administrator for Solid Waste and Emergency Response, Assistant Administrator for Research and Development, and Regional Administrator for Region 8.

Responsible Offices

OLEM, ORD and Region 8 were responsible for completing the outstanding recommendations in the OIG's 2006 and 2013 reports.

Scope and Methodology

We performed our current review from August 2017 through December 2017. This follow-up review assessed the status of the outstanding recommendations

¹ In 2015, the Office of Solid Waste and Emergency Response was reorganized and renamed the Office of Land and Emergency Management.

from the previous two reports about the Libby Superfund site: Recommendation 1 from the 2006 report and Recommendations 1.a, 2.a, 4 and 5 from the 2013 report (Tables 1 and 2). For these recommendations, we verified whether information about the corrective actions recorded in the EPA’s Management Audit Tracking System (MATS) matched documentation provided to us by the EPA. For Recommendation 4, we also collected and reviewed three Region 8 interagency agreements and contracts. We did not review the other recommendations from the two reports because Recommendation 2 from the 2006 report was completed prior to the issuance of the report and Recommendations 1.b, 1.c, 2.b, 3.a and 3.b from the 2013 report were completed shortly after the report was issued.²

We conducted this performance audit in accordance with generally accepted government auditing standards. These 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 objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Results of Review

The EPA reported in MATS that it completed corrective actions for Recommendation 1 from the 2006 report and for Recommendations 1.a, 2.a, 4 and 5 from the 2013 report. Our review verified that the EPA’s information in MATS was consistent with the documentation provided to us by OLEM, ORD and Region 8, as shown in Tables 1 and 2.

Table 1: EPA corrective actions for outstanding 2006 report recommendation

Outstanding recommendation		Status of recommendation
No.	Action recommended	
1	The EPA fund and execute a comprehensive amphibole asbestos toxicity assessment to determine (1) the effectiveness of the Libby removal actions, and (2) whether more actions are necessary. The toxicity assessment should include the effects of asbestos exposure on children. The EPA Science Advisory Board should review the toxicity assessment and report to the Office of the Administrator and the Libby Community Advisory Group whether the proposed toxicity assessment can sufficiently protect human health.	EPA corrective action taken
		The agency released the <i>Toxicological Review of Libby Amphibole Asbestos</i> in December 2014. Region 8 released the <i>Site-wide Human Health Risk Assessment for the Libby Superfund Site</i> in November 2015.
		OIG review of corrective action
		Per agency staff, the toxicological review was performed to evaluate the toxicity of Libby amphibole asbestos in general. Employing the results of the toxicological review, the health risk assessment evaluated the risk of human exposure in Libby and whether the EPA’s removal actions had been effective. The health assessment indicated that the cleanup was effective, and the agency provided a statement indicating that no further remedial actions are necessary based on these studies. The toxicological review provided details on the effects of asbestos on children. The Science Advisory Board provided its assessment of the toxicological review to the EPA Administrator in January 2013. The toxicological review was “indirectly” shared with the Libby Community Advisory Group through the health assessment, which incorporated findings from the toxicological review.

Source: EPA MATS, OIG Report No. [2007-P-00002](#), information provided by agency personnel, and OIG analysis.

² The OIG teams that worked on the two reports reviewed and approved the completion of the corrective actions.

Table 2: EPA corrective actions for outstanding 2013 report recommendations

Outstanding recommendations		Status of recommendations
No.	Actions recommended	
1.a	Assistant Administrator for Solid Waste and Emergency Response and Region 8 Regional Administrator require action officials to disclose significant risks to completing the Libby Action Plan.	EPA corrective action taken
		The agency committed to keeping stakeholders informed of any significant risk to the completion of project milestones in future updates.
		OIG review of corrective action
		In 2013, the agency reviewed the milestones, and any changes in dates were updated in the Libby Action Plan charter. No significant risks to completing the Libby Action Plan were identified at that time.
2.a	Assistant Administrator for Solid Waste and Emergency Response, Assistant Administrator for Research and Development, and Region 8 Regional Administrator establish a charter to define project roles and responsibilities for completing the remaining corrective actions under the Libby Action Plan.	EPA corrective action taken
		The charter was completed on September 27, 2013.
		OIG review of corrective action
		The charter details roles and responsibilities for completing the remaining corrective actions under the Libby Action Plan.
4	Region 8 Regional Administrator ensure that future contracts issued through interagency agreements are within the scope of those agreements.	EPA corrective action taken
		According to Region 8, it ensured that all contracting through interagency agreements was within scope and adhered to Federal Acquisition Regulations.
		OIG review of corrective action
		The Region 8 Assistant Regional Administrator of Technical and Management Services certified that Region 8 ensures that all contracting through interagency agreements is within scope. OIG reviewed three Region 8 interagency agreements and found that the contracts were within scope.
5	Assistant Administrator for Research and Development require the development of a priority ranking list among Integrated Risk Information System assessments, and that the Assistant Administrator be informed of any recommended changes in those priorities. The rankings should consider human health consequences.	EPA corrective action taken
		ORD maintains a list of five to 10 chemicals to be the highest priority assessments within the Integrated Risk Information System program.
		OIG review of corrective action
		ORD provided a September 26, 2013, letter signed by the Principal Deputy Assistant Administrator of Research and Development that lists six specific chemicals as highest priority assessments, with human health consequences as one of the considerations.

Source: EPA MATS, OIG Report No. [13-P-0221](#), information provided by agency personnel, and OIG analysis.

Conclusion

The EPA’s corrective actions enabled the agency to complete the toxicity assessment of Libby amphibole asbestos, make determinations on the effectiveness of the EPA’s cleanup, and provide transparency to stakeholders. According to the agency, there is no known safe level of asbestos exposure. The corrective actions satisfy Recommendation 1 of the OIG’s 2006 report and Recommendations 1.a, 2.a, 4 and 5 of the OIG’s 2013 report. We make no additional recommendations.

Agency Response and OIG Evaluation

The agency did not have any comments. The OIG has no additional comment.

Distribution

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