At a Glance

EPA Asserts Statutory Law Enforcement Authority to Protect Its Administrator but Lacks Procedures to Assess Threats and Identify the Proper Level of Protection

What We Found

Without a legal opinion, we could not determine whether PSD agents maintained law enforcement authority to provide protective services for the EPA Administrator. According to the U.S. Government Accountability Office, only two federal agencies—the U.S. Secret Service and the U.S. Department of State—have statutory authority to protect executive branch officials.

> **Failure to properly justify the level of protective services provided to the Administrator has allowed costs to increase from $1.6 million to $3.5 million in just 11 months.**

Many agencies rely on other authorities to provide protection to their officials, such as having their protective personnel deputized by the U.S. Marshals Service. However, a recent EPA Office of General Counsel legal opinion, prepared in response to a recommendation in this report, asserts that the EPA has statutory law enforcement authority for its protective service.

We found that the PSD has no final, approved standard operating procedures that address the level of protection required for the Administrator or how those services are to be provided. The failure to have effective and current standard operating procedures can result in the organization having unclear lines of authority, inconsistent practices, inappropriate or inadequate staffing, and excessive or unnecessary costs. For example, the PSD incurred over $3.5 million in costs from February 1, 2017, through December 31, 2017—an increase of over 110 percent compared to the prior period's costs of $1.6 million—without documented justification.

We also found that PSD agents worked overtime without proper authorization, resulting in improper payments of $106,507 between January 2016 and March 2017. Additionally, the Office of General Counsel incorrectly terminated a debt owed by a PSD agent, resulting in the agent exceeding the annual pay cap.

Recommendations and Agency Response

We recommend that the Assistant Administrator for Enforcement and Compliance Assurance implement the Office of General Counsel opinion through new policies, procedures and/or guidance that define the amount of time PSD agents must spend on investigating environmental crimes to obtain statutory law enforcement authority and how the time will be monitored and documented by supervisors. Also, we recommend that the EPA complete a threat analysis on a regular basis to identify the proper protection required for the Administrator. Further, we recommend that the EPA create and implement comprehensive policies, procedures and standard operating procedures for all PSD operations. The agency took or agreed to take sufficient corrective actions for four of our 12 recommendations, but the remaining eight remain unresolved.