



At a Glance

Why We Did This Project

The U.S. Environmental Protection Agency's (EPA's) Office of Inspector General (OIG) conducted this audit to determine how the agency used its authority under the Safe Drinking Water Act to fill administratively determined (AD) positions.

Under the Safe Drinking Water Act, the Administrator has the authority to appoint personnel to fill not more than 30 scientific, engineering, professional, legal and administrative positions. The agency refers to these positions as *AD positions*.

Our audit focused on appointments made between January 2009 and August 2018. Six different Administrators or acting Administrators served during this period, beginning with Lisa Jackson and ending with Andrew Wheeler.

This report addresses the following:

- *Compliance with the law.*
- *Operating efficiently and effectively.*

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EPA's Use of Administratively Determined Positions Is Consistent with Its Authority Under the Safe Drinking Water Act

What We Found

Between January 2009 and August 2018, the agency used its authority under the Safe Drinking Water Act to make 119 appointments to AD positions. The appointments varied by Administrator in terms of location, number and classification. Our analysis of the 119 appointments showed that 63 (53 percent) were made to positions in the Administrator's office, 26 (22 percent) were made to positions in program offices, and 30 (25 percent) were made to positions in regional offices. Former Administrator Scott Pruitt made the most appointments to AD positions (54), followed by former Administrator Jackson (36). The appointments were spread across four position classifications allowed under the Safe Drinking Water Act. Specifically, there were 102 appointments made to professional positions, five to legal positions, one to a scientific position, and 11 to administrative positions.

Since 2009, the EPA has made 119 appointments to AD positions consistent with the authority provided by the Safe Drinking Water Act.

The appointments were primarily made for new employees; however, we identified two existing employees who were converted to AD positions. We also identified a shift that began in 2017 to use AD positions to facilitate the hiring of political appointees. In this regard, the agency used its Safe Drinking Water Act authority to expedite the hiring of individuals who, within a matter of months, were converted to political appointments (i.e., noncareer Senior Executive Service or Schedule C positions).

Because the act does not specify how AD appointments are to be used and does not require that appointees work on drinking-water related issues, the agency's use is consistent with the authority provided by the statute. As a result, we make no recommendations.

Agency Response and OIG Comments

The report contained no recommendations; therefore, the agency was not required to respond. Nonetheless, the agency responded on August 12, 2019. The response did not address the factual accuracy of the report. As such, the OIG stands by the factual accuracy of the report and its conclusion that the agency's use of AD positions is consistent with the authority provided by the Safe Drinking Water Act.