



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

July 22, 2020

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

MEMORANDUM

SUBJECT: Response to the Office of Inspector General Final Report: “EPA Toxic Substances Control Act Consent Orders Need Better Coordination” (Report No. 20-E-0177).

FROM: Alexandra Dapolito Dunn
Assistant Administrator

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Date: 2020.07.22 14:38:28
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TO: Sean W. O'Donnell
Inspector General

The Office of Chemical Safety and Pollution Prevention (OCSPP) has reviewed the Final Report entitled “EPA Toxic Substances Control Act Consent Orders Need Better Coordination” and provides this amended Corrective Action Plan to resolve Recommendation 1. OCSPP believes the activities offered in the proposed Corrective Action Plan will address the concerns raised by the Office of the Inspector General.

Amended Response to Recommendation 1:

Recommendation 1: “Implement a process so that the Office of Enforcement and Compliance Assurance reviews and approves the Toxic Substances Control Act 5(e) Consent Orders terms and conditions that the Office will be responsible for verifying during compliance monitoring and enforcement activities.”

Proposed Corrective Action:

- Development of a new TSCA Section 5(e) Order Boilerplate and Standard Operating Procedure for OECA input in the development of orders: The Office of Civil Enforcement/Waste and Chemical Enforcement Division (OECA/WCED) and the Office of Pollution Prevention and Toxics/Chemical Control Division (OCSPP/CCD) have developed a TSCA Section 5(e) Order Boilerplate that clarifies and strengthens the provisions of the Order for New Chemical Substances. In 2020, OCSPP/CCD and OECA/WCED established and implemented a Standard Operating Procedure (SOP) that ensures the WCED, the office responsible for compliance monitoring and enforcement activities, reviews and approves the terms and conditions of TSCA Section 5(e) Orders developed by CCD. The establishment of this SOP is intended to meet the recommendation in the Office of Inspector General (OIG) Final Report entitled, “EPA

Toxic Substances Control Act Consent Orders Need Better Coordination” (Report No. 20-E-0177, May 28, 2020). The Review and Approval Protocol provides sufficient assurance that compliance and enforcement requirements in TSCA 5(e) orders will be reviewed and approved by OCSPP and OECA.

- Target Completion Date: OCSPP established and implemented the TSCA Section 5(e) Order Boilerplate and Standard Operating Procedure in June 2020.

If you have questions or concerns regarding this response or the proposed Corrective Action Plan, please contact the OCSPP Audit Liaison, Janet Weiner at (202) 564-2309.

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