



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 19, 2020

OFFICE OF MISSION SUPPORT

MEMORANDUM

SUBJECT: Agency Response to Office of Inspector General Report No. 20-P-0331 "EPA's Lack of Oversight Resulted in Serious Issues Related to an Office of Water Contract, Including Potential Misallocation of Funds," dated September 25, 2020

FROM: Donna J. Vizian, Principal Deputy Assistant Administrator Donna Vizian,

Digitally signed by Vizian, Donna
Date: 2020.11.23
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TO: Kathlene Butler, Acting Assistant Inspector General for Audit and Evaluation, Office of Inspector General

The Office of Inspector General (OIG) final report for its "EPA's Lack of Oversight Resulted in Serious Issues Related to an Office of Water Contract Including Potential Misallocation of Funds" audit notes there is one unresolved recommendation for the Office of Mission Support (OMS). The purpose of this memorandum is to transmit the OMS's response to the OIG's assessment of recommendation 2 that has been determined to be unresolved.

BACKGROUND

Recommendation #2 in the draft report stated:

Recommunicate the requirements of the Federal Records Act via policy directive and training to all EPA personnel that they are to cooperate fully with the OIG and provide all information that the OIG requests, whether they have direct possession of that information, cognizance of that information, or access to that information. Reaffirm that denial of access—including intentionally misleading the OIG, screening materials to be sent to the OIG, or delaying or destroying information that the OIG requested – will not be tolerated and is a violation of the Inspector General Act of 1978, as amended.

The OMS response to the draft report recommendation:

EPA's Office of the Chief Financial Officer (OCFO) has the national lead for coordination and communication on the importance of complying fully with IG requests as detailed in the Inspector General Act of 1978, as amended.

This recommendation should be assigned to OCFO, the national program with the lead on the OIG audit coordination and ensuring that there is communication and coordination in line with the Inspector General Act of 1978, as amended.

The OIG modified recommendation #2 in the final report as follows:

Recommunicate, via a policy directive for all Office of Water staff, the requirements of (1) the Federal Records Act and (2) the Inspector General Act of 1978, as amended, including reaffirming the EPA administrator's 2018 agencywide statement that it is "imperative and expected that agency personnel provide the OIG with access to personnel, facilities and records or other information or material that is needed by the OIG to accomplish its mission.

The final report outlines the OIG's assessment of OMS' response:

The EPA also disagreed with Recommendation 2 and stated that the EPA's Office of the Chief Financial Officer has the national lead for coordination and communication on the importance of complying fully with inspector general requests. The Office of Mission Support proposed that we assign the recommendation to the Office of the Chief Financial Officer. We are not aware of any Agency policy that precludes particular offices from communicating the compliance requirements of the Inspector General Act. Therefore, we continue to recommend that the Office of Mission Support communicate the requirements of the Federal Records Act to all Office of Water staff, and we consider this recommendation to be unresolved.

AGENCY RESPONSE

I have considered recommendation #2 as stated in the final report and the OIG assessment. It is unclear to me why the OMS would be responsible for recommunicating existing policy specifically to staff in the Office of Water.

The National Records Management Program (NRMP) is a part of OMS. The NRMP is responsible for providing leadership and direction for the Agency's records management program. The NRMP prepares and provides online records management training that all agency personnel are required to complete annually. Additionally, the NRMP produces and updates EPA records management policies, procedures and guidance that is readily available at Records Policy and Guidance.

The assertion that I laid out in the OMS's response to the draft response regarding the Office of the Chief Financial Officer having the national lead for coordination and communication on the importance of fully complying with the IG requests has not changed.

In response to its current wording, I propose that recommendation #2 be reassigned to the Office of Water (OW). Either the OW's Assistant Administrator or Senior Resource Official would be in a better position to reinforce existing agency policy to its workforce. If the expected outcome of recommendation #2 is for OW staff to fully comply with "the requirements of (1) the Federal Records Act and (2) the Inspector General Act of 1978, as amended," messaging from senior leadership in the OW would be more impactful than anyone in OMS.

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