



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

OFFICE OF POLICY

May 26, 2021

MEMORANDUM

SUBJECT: Response to the Office of Inspector General Report, Report # 21-P-0115, “*EPA Does Not Always Adhere to Its Established Action Development Process for Rulemaking*” dated March 31, 2021

FROM: Victoria Arroyo Arroyo,
Associate Administrator Victoria

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Victoria
Date: 2021.05.26
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TO: Sean W. O’Donnell, Inspector General
Office of the Inspector General

The Agency appreciates the opportunity to provide additional details required to resolve the recommendations in the subject final report. Provided below are the updated high-level corrective actions, along with estimated completion dates.

AGENCY’S RESPONSE TO FINAL AUDIT RECOMMENDATIONS

No.	Recommendation	High-Level Corrective Action(s)	Est. Completion Date
1	On an annual basis, reinforce the expectation that the Action Development Process will be followed for all regulatory actions, including procedures to waive milestones for Tier 1 and Tier 2 actions.	The incoming EPA Administrator or other senior political official will issue a memo affirming the importance of the Action Development Process. In addition, the memo will be posted on the new EPA Action Management System (EAMS) Training and User Support SharePoint site to provide continuous reinforcement of the Administrator’s expectations regarding the ADP guidance.	June 30, 2021
2	Query key internal rulemaking stakeholders, such as the Regulatory Steering Committee, workgroup	The Agency will address this recommendation incrementally: 1) the Office of Policy staff will	Step 1: June 30, 2021

No.	Recommendation	High-Level Corrective Action(s)	Est. Completion Date
	chairs, and Office of Policy staff, on the use of the moot designation and determine whether the designation is necessary and appropriate. If a decision is made to use the moot designation, define moot, clarify its applicability, and institute documentation requirements for using the moot designation in the Action Development Process.	discuss internally and with the Regulatory Steering Committee the use of the “moot” designation to clarify its use and to inform a decision as to whether it should be formally incorporated into the ADP Guidance and 2) if the decision is to retain the formal use of the term, the Office of Policy staff will update the ADP Guidance within 1 year after that initial decision.	Step 2 (if needed): June 30, 2022
3	Define for program offices the key regulatory decisions and information that offices are expected to include in the Action Development Process tracking database	The Office of Policy will provide information to the Regulatory Steering Committee that clarifies the information expected to be entered into EAMS as part of the transition from ADP Tracker.	September 30, 2021
4	In coordination with program offices, develop a plan to improve oversight of the Action Development Process tracking database that includes periodic assessments or system checks to verify that the database includes identified key regulatory decisions and information.	The Office of Policy, in coordination with the Regulatory Steering Committee, will develop a written plan to supplement and advance existing unwritten processes for biannual quality control assessments of regulatory actions in the Action Development Process tracking database. The plan will address key regulatory process milestones.	September 30, 2021
5	Query EPA staff, through Regulatory Steering Committee representatives, on the adequacy of existing Action Development Process training and revise training methods and reallocate resources for training as needed	The Office of Policy surveyed the Regulatory Steering Committee in October 2020 about ADP training needs and has provided the OIG the survey results, along with a schedule of new training sessions planned for completion	June 30, 2021

No.	Recommendation	High-Level Corrective Action(s)	Est. Completion Date
		that are responsive to the survey results.	

Thank you again for reviewing the Action Development Process, a process that serves as a strong foundation for developing high quality actions that protect human health and the environment.

CONTACT INFORMATION

If you have any questions regarding this response, please contact the Office of the Administrator’s Audit Follow-up Coordinator, Michael Benton, at benton.michael@epa.gov or 202-564-2860.

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