



OFFICE OF INSPECTOR GENERAL
U.S. ENVIRONMENTAL PROTECTION AGENCY

June 12, 2024

MEMORANDUM

SUBJECT: Response to Planned Corrective Actions for Office of Inspector General
Report No. [23-E-0013](#), *The EPA's January 2021 PFBS Toxicity Assessment Did Not Uphold the Agency's Commitments to Scientific Integrity and Information Quality*,
issued March 7, 2023

FROM: Sean W. O'Donnell, Inspector General

TO: Dan Utech, Chief of Staff
Office of the Administrator

Faisal Amin, Chief Financial Officer

Thank you for meeting with the Office of Inspector General about resolution actions for the subject report and for facilitating constructive discussions and communications during the recommendation-resolution process. The information provided during these discussions includes the U.S. Environmental Protection Agency's proposed management decisions and estimated completion dates for the five unresolved recommendations in our report. Based on the information provided, we agree that the proposed management decisions meet the intent of Recommendations 1, 2, 3, and 4. We consider those four recommendations resolved with corrective actions pending. You should track implementation of the corrective actions in the Agency's audit tracking system until all actions are completed. We continue to strongly disagree with the Agency's response and commitment to address Recommendation 5, which remains unresolved.

Recommendation 1: Develop or update existing policies, procedures, and guidance to specify whether and under which applicable circumstances scientific disagreements can be provided for a scientific product that has undergone all peer reviews and required developmental steps set forth in applicable actions or project plans.

The Office of Research and Development, or ORD, committed to updating the *Scientific Integrity Policy* by July 2024 to clarify how scientific disagreements can be expressed. The ORD also committed to developing new outreach by June 2024 and new training by December 2024 for EPA staff regarding political interference and the appropriate reporting steps. Those actions satisfy the intent of Recommendation 1.

Recommendation 2: Develop or update existing policies, procedures, or technical document to specify whether reference dose ranges are acceptable in toxicity assessment. If acceptable, specify circumstances under which reference dose ranges may be applied.

The ORD committed to updating the *Scientific Integrity Policy* by July 2024, but the proposed revisions to the policy do not cite technical documents and guidelines for toxicity assessments and the acceptability of reference dose ranges. Therefore, the ORD plans to include risk assessment practices and guidelines as part of the outreach and training it will develop in response to Recommendation 1. Those actions satisfy the intent of Recommendation 2.

Recommendation 3: Update EPA policies and procedures on environmental information quality to require additional quality assurance reviews for EPA products that undergo major changes to scientific results or conclusions after quality assurance reviews have been completed.

The Office of Mission Support committed to amplifying quality assurance procedures and practices as a matter of continuous improvement. The chief information officer within the Office of Mission Support also committed to issuing a memorandum by September 2024 that will address the importance of ensuring such procedures are followed. The intent of Recommendation 3 is to strengthen existing policies and procedures for information quality and to ensure that the EPA disseminates high-quality information. The proposed actions satisfy this intent.

Recommendation 4: Develop or update existing policies, procedures, and guidance to require policy-makers and decision officials to uphold transparency through timely, formal communication of decisions and the scientific bases to change results or conclusions of a scientific product to originating authors in the absence of peer review.

The ORD committed to updating the *Scientific Integrity Policy* by July 2024 to include language that strengthens the EPA's culture of scientific integrity, transparency, and accountability of political leadership actions when changes occur. As noted above, the ORD also committed to developing new outreach and training for EPA staff regarding political interference and the appropriate reporting steps. In addition, the Office of the Administrator committed to enhancing Agency communications by amplifying the steps staff should take if they encounter a loss of scientific integrity, including political interference and inappropriate influence. Those actions satisfy the intent of Recommendation 4.

Recommendation 5: Update the EPA's *Scientific Integrity Policy* to require that the OIG be immediately notified of scientific integrity concerns, including advice queries and allegations, that relate to political interference or that assert risks to human health or the environment.

We do not agree with the Agency's proposed management decision for Recommendation 5. The intent of this recommendation is to strengthen the EPA's dedication to upholding a culture of scientific integrity by using the OIG as an independent resource for high-profile scientific integrity concerns that relate to political interference or risks to human health and the environment. While the proposed revisions to the

Scientific Integrity Policy define political interference and expand reporting categories to the OIG, the policy does not include political interference as one of those reporting categories.

During the recommendation-resolution process, the Agency's chief financial officer proposed to resolve Recommendation 5 by adding more specific language in the "ensuring accountability" section of the *Scientific Integrity Policy*. However, the ORD did not agree with incorporating proposed language to (1) ascertain whether and when potential violations of the policy should be referred to the OIG or (2) encourage EPA scientists to speak with the OIG regarding political interference, potential violations of the policy, or other situations of concern.

In addition, instead of continuing to use the established recommendation-resolution process to reach agreement on corrective actions for Recommendation 5, the ORD suggested that "specific implementation details be addressed in the context of ongoing dialogue between the ORD and the OIG regarding coordination procedures." We previously discussed the ORD's suggestion in a meeting on November 29, 2023, and explained why it was not acceptable to us. The recommendation-resolution process is guided by Office of Management and Budget Circular A-50 and EPA Manual 2750, both of which require prompt resolution of disagreements.¹ It is most appropriate to use this established process to reach agreement on the political interference component of Recommendation 5, and the ORD has not articulated why it no longer wants to use this process. We note in our report that "blatant political interference" was asserted by ORD management over two months prior to issuance of the January 2021 PFBS toxicity assessment. Our evaluation underscores the need to immediately notify the OIG of political interference so that we can promptly investigate potential misconduct and potentially help the EPA to avoid disseminating inappropriately altered scientific documents.

We consider Recommendation 5 unresolved. Given that we have had extensive discussions to resolve this dispute with no resolution, Recommendation 5 should be elevated to the deputy administrator, as outlined in the established recommendation-resolution process.² We strongly encourage the Agency to address the recommendation by developing clear reporting procedures for scientific concerns involving political appointees and by working to uphold a culture of scientific integrity. Per the Inspector General Act of 1978, as amended, 5 U.S.C. §§ 401–424, should Recommendation 5 remain unresolved, it will be included in our next semiannual report to Congress.

If you or your staff have any questions, please contact Paul Bergstrand, assistant inspector general for Special Review and Evaluation, at Bergstrand.Paul@epa.gov. We will post this memorandum on our public website at www.epaoig.gov.

cc: Wesley J. Carpenter, Deputy Chief of Staff for Management, Office of the Administrator

¹ EPA Manual 2750 addresses the processes and procedures in place to ensure that recommendations are resolved promptly. Per Office of Management and Budget Circular A-50, audit follow-up officials should ensure that disagreements about corrective actions are resolved.

² EPA Manual 2750 states that the agency audit follow-up official "is responsible for ... raising those disputes not resolved [through the resolution process] to the Deputy Administrator for final resolution."

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