

ETHICS PROGRAM REVIEW FOLLOW-UP REPORT

Agency: Environmental Protection Agency (EPA)

Second Follow-up to OGE Report Number: 20-42 and 21-12F

Report No.: 22-15F

Date: January 25, 2022

**UNITED STATES OFFICE OF
GOVERNMENT ETHICS**Preventing Conflicts of Interest
in the Executive Branch

As a result of its review of the Environmental Protection Agency (EPA) ethics program, the Office of Government Ethics (OGE) issued 24 recommendations in its September 2020 review report. OGE conducted a follow-up review between December 2020 and March 2021 to assess whether the EPA had taken sufficient action to resolve the deficiencies underlying these recommendations. OGE closed recommendations 1,2, 4-7, 9, 11, 13-16, 21, and 22 in its follow-up report issued in March 2021. OGE conducted a second follow up review between September and November 2021. The results of the second follow-up review are summarized below.

	Recommendation	Agency Action and OGE Finding	Status
3	Ensure that OHR notifies the DAEO or responsible DEO when an employee enters a position whose incumbent is required to file a confidential financial disclosure report, as required by 5 C.F.R. § 2638.105.	<p>On a biweekly basis, OHR provides the Ethics Office and the ADAEO a report of the personnel actions they processed for employees who entered into a position that has been coded to require filing a confidential financial disclosure report.</p> <p>OGE's review determined that OHR timely reported relevant personnel actions to the Ethics Office.</p>	Closed
8	Ensure that new entrant confidential financial disclosure reports are filed timely.	<p>EPA provided OGE with a list of confidential financial disclosure report filers. OGE requested 33 reports indicated to be new entrant reports. EPA provided only 21 of the 33 reports requested. OGE found that only 2 of the 21 reports EPA provided were filed as new entrant reports. The remaining 19 reports were filed as annual reports.</p> <p>OGE asked EPA to explain why all of the reports requested could not be provided. OGE also asked why 19 of the 21 reports provided were indicated to be new entrant reports on the list provided to OGE, yet were submitted by filers as annual reports. Ethics officials provided no explanations.</p> <p>OGE could not assess whether new entrant reports were being filed timely. Filing the correct report type is important because the report type establishes the period for which the filer must report relevant information.</p>	Open

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10	Ensure that confidential financial disclosure reports are thoroughly reviewed in order to eliminate technical reporting deficiencies.	EPA did not provide all of the reports requested or explain whether the reports that were provided were new entrant or annual reports. OGE leaves this recommendation open and will examine EPA's confidential financial disclosure system during the next follow-up review.	Open
12	Ensure that PAS officials complete the required ethics briefing no later than 15 days after their appointment.	OGE verified that the PAS officials appointed in 2021 received the required ethics briefing no later than 15 days after their appointment.	Closed
17	Ensure the DAEO establish written procedures for issuing supervisory ethics notices and that the DAEO reviews the written procedures annually.	EPA established written procedures for issuing supervisory ethics notices.	Closed
18	Ensure OHR or other responsible office provides the DAEO a summary of written procedures for providing the supervisory ethics notices and that the DAEO reviews those procedures annually.	The Ethics Office receives a biweekly report from OHR of the personnel actions they processed for assigning employees into supervisory positions. Then, the Ethics Office notifies the supervisors about their ethics obligations	Closed
19	Ensure that OHR or other responsible office provides the DAEO written confirmation that there is a reasonable basis for concluding that the procedures for issuing the supervisory ethics notices have been implemented.	The Ethics Office receives a biweekly report from OHR listing employees entering supervisory positions. The Ethics Office then provides the required supervisory notices, as appropriate.	Closed
20	Ensure that the supervisory ethics notices meet all content requirements and are issued as required.	OGE reviewed a sample of the notices provided to new EPA supervisors and found that they met all content requirements.	Closed
23	When possible, provide OGE the EPA 3110-48 reports filed by FIFRA and HSRBC members in 2019.	Ethics officials provided the EPA 3110-48 reports filed by the FIFRA members who attended the first meeting of 2019. OGE found that 14 of the 17 members filed an EPA3110-48 before the meeting. EPA officials did not provide the EPA 3110-48 reports filed by HSRBC members in 2019.	Open

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24	When possible, provide evidence of annual ethics training completion in 2019 and 2020 by all FIFRA SAP and HSRB members.	EPA provided evidence of annual ethics training completion in 2019 and 2020 by FIFRA SAP and HSRB members.	Closed
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Based on the results of OGE's second follow-up review, recommendations 3, 12, 17-20, and 24, are closed. OGE will conduct an additional follow-up review in approximately 6 months to assess whether the EPA has taken sufficient action to resolve the deficiencies underlying the recommendations which remain open.