

Subject: Fw: Cooperation with the Office of Inspector General

Message from the Administrator
08/07/2009 02:06 PM

To All EPA Employees
cc
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Subject Cooperation with the Office of Inspector General

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MEMORANDUM

SUBJECT: Cooperation with the Office of Inspector General

FROM: Administrator Lisa P. Jackson

TO: All EPA Employees

As I recently observed in my memorandum on Transparency in the U.S. Environmental Protection Agency's Operations, "[t]he success of our environmental efforts depends on earning and maintaining the trust of the public we serve." One of the key means by which we ensure the kind of accountability deserving of public trust is the process of internal review and oversight carried out by our Office of Inspector General. The purpose of this memorandum is to ensure that EPA managers and staff understand the role of the Agency's OIG and to address how I expect Agency programs and personnel to interact with the OIG.

The OIG is to serve as an independent and objective unit within our Agency, playing an important role in preventing and rooting out fraud, waste, mismanagement and abuse in Agency programs and operations. The OIG also endeavors to improve the efficiency of our Agency programs and operations through the performance of audits, evaluations and inspections. To carry out its statutorily required function, the OIG necessarily requires, on a regular basis, information and assistance from EPA managers and staff.

There is sometimes confusion regarding the roles and responsibilities of the OIG and the Government Accountability Office. While the functions of the OIG and GAO are similar

in some respects, the two are in different branches of government and have different authorities and responsibilities. The OIG's primary function is to serve as an accountability and oversight mechanism within and for the benefit of the Executive Branch of government, in compliance with the Inspector General Act of 1978, as amended. GAO is the investigative arm of the United States Congress; this memorandum does not address directly the Agency's interaction with the GAO.

It is imperative that, upon request, Agency personnel provide OIG auditors, evaluators and investigators with full and unrestricted access to personnel, facilities, records (including, but not limited to, reports, databases and documents), or other information or material that is needed by the OIG to accomplish its mission. Unrestricted access means that managers and staff are not to impose burdensome administrative requirements or screening procedures that could impede OIG access to needed employees and materials. Management should not attempt to control or influence the free flow of information to and from the OIG or to frustrate the full and unfettered exchange between EPA personnel and the OIG during the active phase of audits.

My expectation is that we will cooperate with the OIG as follows:

1. Managers and staff are to expeditiously provide materials responsive to an OIG request;
2. Materials should be provided to the OIG in the manner requested, rather than routed through an intermediary for review prior to disclosure;
3. EPA managers and staff must not conceal information or obstruct OIG audits, investigations or other inquiries. Doing so is against EPA policy, and may be in violation of federal law;
4. At any time, the OIG may have access to available information such as policy, guidance, procedures or existing reports and other general information to focus its plans. In the context of specific OIG audits, evaluations or other reviews, the OIG will ordinarily issue a notification letter or kick-off memo to EPA management announcing the objectives of the OIG activity. Frequently, a meeting will be scheduled with EPA management and the OIG staff to discuss the activity. Under all circumstances, EPA managers and staff are to provide complete cooperation upon receipt of such notification; and
5. EPA staff are not required to obtain permission from or inform managers before they speak with OIG representatives during audits, evaluations, investigations or other OIG reviews. Staff may, at their own discretion, contact their manager with any questions regarding their responsibility to cooperate with the OIG or their scheduling of meetings with the OIG, unless, in the context of an investigation, they are instructed otherwise by OIG. In the context of investigations, managers should not question staff about their interactions with the OIG.

The OIG, for its part, has indicated its intent to respect the multiple demands made upon EPA managers and staff and, to the extent possible, to seek to accommodate scheduling difficulties or other time constraints that managers and staffs might face. Also, the OIG is committed to honoring requests for confidentiality to the extent permitted by the law and to handling all EPA documents and information in an appropriate manner.

To ensure that reports from audits, evaluations and other reviews (collectively referred to here as “audits”) are fairly prepared and presented, the OIG staff will endeavor to provide management with significant opportunities for interaction. To this end, an audit will ordinarily begin with an entrance conference or kick-off meeting and will ordinarily conclude its active phase with an exit conference. Management should attend both entrance and exit conferences and make its views and concerns known. At any time during the course of the audit, EPA management may request and meet with the OIG staff to discuss the audit, provide information to clarify management assertions and discuss status and any concerns.

The OIG intends to solicit EPA management for input regarding accuracy and tonal quality frequently during the audit up to and including submission of comments to the written audit product. This interaction should help to avoid misunderstandings. The OIG is committed to give full consideration to management comments on discussion drafts and formal draft reports in the course of finalizing reports. EPA managers should engage with OIG leadership when it believes that its input is not satisfactorily addressed. In the end, formal Agency comments to the formal draft will ordinarily be attached, in their entirety, to the final OIG report. This interactive process, in which OIG engages management in the audited office in an effort to develop and refine findings and recommendations, is a key part of the OIG process, and Agency managers need to see these opportunities for interaction as their primary means of expression in the context of OIG audits.

All offices are expected to review their policies and procedures related to interaction with the OIG and must conform to this guidance; the offices must certify such conformity to the Deputy Administrator by c.o.b. September 4, 2009.

If you have any questions about this guidance or about an OIG request for information, please contact the Principal Deputy General Counsel at (202) 564-0864 or the Associate Deputy Inspector General and Counsel at (202) 566-0861.

Sincerely,
Lisa P. Jackson