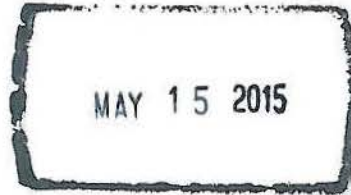




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

OFFICE OF  
RESEARCH AND DEVELOPMENT



**MEMORANDUM**

**SUBJECT:** Response to March 5, 2015 Office of Inspector General Final Report No. 15-P-0109, "EPA Needs to Justify How It Is Using Title 42 Hiring Authority"

**FROM:** Lek G. Kadeli  
Acting Assistant Administrator for Research and Development

**TO:** Arthur A. Elkins, Jr.  
Inspector General

Thank you for the opportunity to respond to the issues and recommendations in the subject report. We also appreciate the ability to work with you and your staff to reach a resolution on the recommendation. We are pleased to report that we have already completed one of the corrective actions, detailed below, and are working on the second corrective action required to address the Office of Inspector General's report recommendation.

**AGENCY'S OVERALL POSITION**

We appreciate the Office of Inspector General's (OIG) recognition in the report that EPA developed a rigorous, in-depth process for hiring high-quality scientists and science leaders through its Title 42 authority. The OIG acknowledges in the report that EPA utilizes a detailed operating guidance for implementation of Title 42 and that this guidance is available to all EPA personnel including managers, supervisors and human resource specialists. Further, the OIG report found no instances of impropriety or mismanagement in the Title 42 program. These OIG findings parallel other favorable reviews that EPA's Title 42 program has undergone, such as the National Academy of Science (NAS) report, *Rethinking the Components, Coordination and Management of the US EPA Laboratories*, (2014); Government Accountability Office (GAO) report, *HUMAN CAPITAL: HHS and EPA Can Improve Practices Under Special Hiring Authorities*, (2012); and the NAS report, *The Use of Title 42 Authority at the U.S. Environmental Protection Agency*, (2010).

In the nine years since EPA received its authority, EPA’s Title 42 appointments have demonstrated a catalytic change in EPA’s research and impact on Agency mission. As the NAS identified in its 2010 report, Title 42 enables EPA to recruit and retain world-renowned candidates for science-leadership position, strengthen ongoing research, and “develop an important and impressive research programs” in the areas of computational toxicology, bioinformatics, genomics, systems biology, computational modeling, waterborne pathogens, microbial risk assessment, and human health effects, inter alia. These appointments have strengthened EPA’s abilities in these state-of-the-art science fields that are critical to the Agency’s mission of protecting human health and the environment. In its 2014 report, the NAS stated that the Title 42 authority is an essential tool for EPA’s success because EPA can attract “world-class scientists and engineers who can strengthen the agency’s research and improve the application of science to address its regulatory responsibilities.” In both the 2010 and 2014 reports, the NAS iterated that the Agency be granted permanent Title 42 authority.

EPA’s use of the Title 42 authority is consistent with the use of the authority in other Federal Agencies. In its 2012 report, the GAO found that EPA followed the Title 42 appointment guidance for all of the sample cases examined and that EPA data was reliable. In addition, in its 2010 report on EPA’s use of its Title 42 authority, the NAS concluded that “EPA has approached the use of Title 42 prudently” to hire outstanding candidates and retain top scientists. These report findings echo the results of the OIG audit where no instances of impropriety or mismanagement were found in EPA’s Title 42 program.

The Agency concurs with the OIG’s only recommendation. We are pleased to report that one of our proposed corrective actions for the report recommendation has already been completed and the second corrective action is in progress, as detailed below.

**AGENCY’S RESPONSE TO REPORT RECOMMENDATION**

**Agreements**

Recommendation	High-Level Intended Corrective Actions	Completion Date
1. Justify the use of Title 42 for appointments or reappointments, and when ORD determines it will pursue a Title 42 appointment or reappointment, it will make available to staff a memorandum that demonstrates that customary employing methods were impractical or less effective and that the position is in a field deemed most critical in the Strategic Research Action Plans.	1.1 Update the Title 42 Operations Manual guidance to reflect that each use of Title 42 authority to recruit will be captured in the recruitment request memoranda, which ORD began using in FY 2015.	April 30, 2015
	1.2 Update the Title 42 Operations Manual guidance to reflect that ORD will periodically inform ORD staff on how ORD has used the Title 42 authority.	Estimated completion date May 31, 2015

**Disagreements**

None.

CONTACT INFORMATION

Please direct questions regarding this response to Chris Saint, Policy Administration and Management Integrity Division Director, at (202) 564-9839 or Heather Cursio, ORD Audit Coordinator, at (202) 566-2327.

cc: Chris Robbins, ORD  
Amy E. Battaglia, ORD