



# At a Glance

## Why We Did This Review

The purpose of this review was to determine the impact the U.S. Environmental Protection Agency has on final federal agency Environmental Impact Statements under the National Environmental Policy Act. As required by NEPA and Section 309 of the Clean Air Act, the EPA reviews EISs that evaluate the anticipated environmental impacts of proposed major federal actions. The EPA reviews hundreds of EISs annually, involving a wide range of federal projects. Projects covered by EISs include renewable energy, major highway, and oil and gas development projects.

## This report addresses the following EPA Goals or Cross-Cutting Strategies:

- *Taking action on climate change and improving air quality.*
- *Protecting America's waters.*
- *Cleaning up communities and advancing sustainable development.*
- *Ensuring the safety of chemicals and preventing pollution.*
- *Expanding the conversation on environmentalism.*
- *Working for environmental justice and children's health.*

For further information, contact our Office of Congressional and Public Affairs at (202) 566-2391.

The full report is at:  
[www.epa.gov/oig/reports/2013/20130822-13-P-0352.pdf](http://www.epa.gov/oig/reports/2013/20130822-13-P-0352.pdf)

## ***The EPA's Comments Improve the Environmental Impact Statement Process But Verification of Agreed-Upon Actions Is Needed***

### What We Found

We found that federal agencies are making changes to their EISs to mitigate or eliminate potential environmental risks based on the EPA's comments. In our review of a sample of EISs and in discussions with federal agencies, we found that the EPA's comments directly resulted in positive changes to final EISs. The eight federal agencies we interviewed all stated that they changed their final EISs based on the EPA's comment on their draft EISs.

The EPA's goal was to mitigate at least 70 percent of the environmental impacts identified in its Section 309 reviews of EISs. The EPA tracks progress on its goal by counting the number of substantive comments it makes on EISs and the responses (mitigation) from the lead federal agency. For 2012, the EPA reported it exceeded its goal and obtained a 75-percent result for substantive comments addressed by the federal agency. This measure captures the prospective impact of the EPA's proposed mitigation measures. It does not measure the federal agency's actual mitigation actions or outcomes (i.e., impacts), nor is there a system in place to do this. The EPA also provided us with "success stories" evidencing changes made by the federal agencies in response to the EPA's comments. However noteworthy, these "success stories" do not measure or track actual mitigation actions implemented or outcomes.

The EPA has the authority to request and obtain information from lead federal agencies about agreed-upon mitigation measures. In addition, the EPA's 1984 *Policy and Procedures for the Review of Federal Actions Impacting the Environment* states that the EPA can conduct follow-up activities on EPA's comments on final EISs in part to ensure that agreed-upon mitigation measures are identified in the Record of Decision and are fully implemented. The EPA can more accurately assess and more completely report its results in mitigating environmental impacts of federal government projects by following up on implementation of agreed-upon mitigation measures.

### Recommendation and Planned Agency Corrective Action

We recommend that the EPA direct its NEPA compliance division to conduct, on a selected basis, follow-up activities on final EISs including contacting lead agencies and documenting the results of these reviews.

The agency concurred with our findings and recommendation. The agency indicated that it will work to develop a plan by December 1, 2013, to conduct these follow-up activities on a selected basis and as limited resources allow. The recommendation is resolved and open with corrective actions ongoing. No further EPA response to this report is required.