U.S. Environmental Protection Agency
Office of Inspector General

11-P-0002
October 13, 2010

At a Glance

Catalyst for Improving the Environment

Why We Did This Review

We initiated a review to determine whether the U.S. Environmental Protection Agency (EPA) followed standard practices in determining that coal combustion residuals (CCRs) are safe for the beneficial uses EPA has promoted. Our review identified issues that require immediate action by EPA. The results from this report will be included in our final report on the safe use of CCRs.

Background

CCRs are generated from burning coal. Since 2001, EPA has been promoting the beneficial use of CCRs through the Coal Combustion Products Partnership (C^2P^2). EPA has maintained a public C^2P^2 Website and has used other means to promote the beneficial uses of CCRs. On May 4, 2010, EPA released a proposed rule to regulate CCRs.

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

To view the full report, click on the following link:
www.epa.gov/oig/reports/2011/20101013-11-P-0002.pdf

Website for Coal Combustion Products Partnership Conflicts with Agency Policies

What We Found

EPA's C^2P^2 Website presented an incomplete picture regarding actual damage and potential risks that can result from large-scale placement of CCRs. In its May 2010 proposed rule, EPA showed that environmental risks and damage can be associated with the large-scale placement of unencapsulated CCRs. According to EPA's proposed rule, unencapsulated use of CCRs may result in environmental contamination, such as leaching of heavy metals into drinking water sources. The proposed rule identified seven cases involving large-scale placement, under the guise of beneficial use, of unencapsulated CCRs, in which damage to human health or the environment had been demonstrated. EPA states in its proposed rule that it does not consider large-scale placement of CCRs as representing beneficial use. However, EPA's C^2P^2 Website, which contained general risk information, did not disclose this EPA decision and did not make the seven damage cases readily accessible.

The C^2P^2 Website also contained material that gave the appearance that EPA endorses commercial products. Such an endorsement is prohibited by EPA ethics policies and communications guidelines. We identified 9 of 23 case studies on the Website that reference commercial products made with CCRs or patented business technologies. All 23 of the studies were marked with EPA's official logo but none had the required disclaimer stating that EPA does not endorse the commercial products.

Although EPA has suspended active participation in C^2P^2 during the rulemaking process, the C^2P^2 Website remained available for public searches, information, and education. The C^2P^2 Website contained incomplete risk information on the beneficial use of CCRs. The C^2P^2 Website also contained apparent or implied EPA endorsements that are prohibited by EPA policies.

What We Recommend

We recommend that EPA remove the C^2P^2 Website during the rulemaking process. Since our initial communication with EPA on June 23, 2010, EPA has removed access to the C^2P^2 Website content; however, documents relevant to the rulemaking are available in the docket. We further recommend that EPA identify why actions prohibited by EPA policies occurred and implement controls to establish accountability. EPA agreed and proposed actions to address the recommendation.