



At a Glance

Catalyst for Improving the Environment

Why We Did This Review

This report responds to a congressional request that we evaluate the process for developing the Environmental Protection Agency's (EPA's) 2003 proposed rule for solvent-contaminated industrial wipes. By answering specific concerns presented to us by Congress, we sought to determine the appropriateness of procedures followed and whether there was inappropriate influence.

Background

Industrial wipes are used to wipe down machinery, floors, and other surfaces. On November 20, 2003, EPA proposed a rule to conditionally exclude (a) disposable industrial wipes contaminated with hazardous solvents from the definition of hazardous waste, and (b) reusable industrial wipes (such as rags) contaminated with hazardous solvents and sent for laundering from the definition of solid waste.

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

To view the full report, click on the following link:

www.epa.gov/oig/reports/2006/20051004-2006-P-00001.pdf

Rulemaking on Solvent-Contaminated Industrial Wipes

What We Found

We found the following regarding specific concerns presented to us by Congress related to EPA rulemaking for industrial wipes:

- EPA met all legal and internal requirements for rulemaking when it developed the industrial wipes proposed rule. EPA complied with the Administrative Procedure Act, which establishes requirements for rulemaking. There are no provisions in the Act that address contacts with outside parties during the rulemaking process and thus the appearance of favoritism or undue influence.
- EPA officials and staff had extensive contact with representatives of the industrial laundry industry, but also had extensive contacts with disposable wipes industry representatives and others. No one indicated they were excluded from the rulemaking process. EPA allowed active public involvement through meetings, telephone calls, e-mails, and letters.
- The industrial laundry industry exerted considerable influence on the aspect of the proposed rule to exclude reusable wipes from solid waste regulations. However, we found no evidence that the influence was illegal or inconsistent with EPA's standard business practice of obtaining input from stakeholders. Exerting influence is allowable and appropriate. Other stakeholders had similar access to EPA. We did not find that the timing of any decisions coincided with external political events, nor did we find evidence that EPA staff were directly or indirectly influenced by external political events, including actions by campaign contributors. Certain EPA actions, related to sharing of a small portion of the preamble language and not documenting all contacts in the docket, contributed to public perceptions of impropriety.

What We Recommend

We recommend that EPA implement recommendations proposed by a 2001 taskforce on improving regulations. We also recommend that EPA draft a guidance document designed to avoid favoritism and the appearance of favoritism, and develop guidance that clearly defines rulemaking docketing requirements. The Agency generally agreed with our recommendations, and the Office of Solid Waste and Emergency Response needs to work with the Office of Policy, Economics, and Innovation to implement those recommendations.