



EPA Inspector General Issues Report on Federal Biosolids Program January 2019

On November 15, 2018, the EPA Office of Inspector General (OIG) issued an audit report entitled *EPA Unable to Assess the Impact of Hundreds of Unregulated Pollutants in Land-Applied Biosolids on Human Health and the Environment*. The last report on EPA's biosolids program was more than 15 years ago in 2002 and did not include any recommendations (see Appendix B in the report for a further description). We will discuss the report in greater detail at the next Member meeting, but, in the meantime, here are the key findings of the report:

The 2018 IG report makes a number of recommendations for corrective action in the federal biosolids program. Of the 13 revised recommendations (Appendix E), 5 are unresolved. That means EPA's Office of Water (OW) has not concurred with the recommendation, triggering additional discussions. In fact, it is clear from the full report that the OW was unhappy with the result. In correspondence dated September 4, 2018 (Appendix C), the OW and the Office of Enforcement and Compliance Assurance (OECA) expressed that they were "disappointed in the process the OIG used to develop the recommendations and report" and that they were "particularly concerned about how the science is presented," i.e. claiming the work is "biased and raises alarm due to the use of narrowly selected studies and examples, and information that is taken out of context or that is not relevant to the Clean Water Act (CWA) statutory requirements." EPA even took exception to the title of the draft report which was *Weaknesses in the EPA's Biosolids Program Threaten the Agency's Mission to Protect Human Health and the Environment*. EPA explained that throughout the audit, the OIG had been referring to the report as *EPA's Controls Over the Land Application of Sewage Sludge (OPE-FY17-0019)*. EPA asked that the OIG change the name back to the title noted in the heading to this article.

Among the OIG's key criticisms:

EPA Lacks Data on Pollutants in Biosolids – The OIG asserted that EPA lacks data or risk assessment tools "needed to make a determination on the safety of 352 pollutants found in biosolids," including 61 that are "designated as acutely hazardous, hazardous or priority pollutants in other programs." Ch. 2, p. 12. Moreover, the OIG concludes that EPA's website lacks detail on these additional pollutants.

EPA is Late with Biennial Reviews – As of May 2018, EPA had not completed the 2013 and 2015 biennial reviews. Along the same lines, the OIG noted that "[i]n over 20 years, no new pollutants have been regulated." Ch. 2, p. 14.



EPA Needs to Complete Additional Research on Possible Pollutant Impacts – The OIG alleges that although numerous stakeholders have called for more research, EPA does not have a timeline for completing a probabilistic risk assessment tool and a screening tool and has only dedicated one and one-half full-time employees to research efforts. Ch. 2, p. 17.

EPA Should Update Public Information on the Program – The OIG report criticizes the EPA website as failing to “provide clear and complete information to the public.” Further, because EPA “cannot assess the safety of the 352 pollutants found in biosolids, it cannot inform the public as to whether the biosolids are safe.” Ch. 2, p. 19. We note that several of the unresolved recommendations get at the adequacy of the text on the public pages of the EPA website. The OIG and EPA appear to still be discussing how to present information on the program to website visitors.

In order to prepare the report, the OIG spoke with EPA employees, and other stakeholders including: NACWA, WERF, and the Arizona State University Institute for Biodesign. EPA also interviewed state staff from Arizona, California, Illinois, Minnesota, and Wisconsin.