

Purpose:

This brochure outlines the legal authority for EPA, or one of its authorized representatives, to inspect a federal facility for compliance with environmental laws. It also identifies the federal, state, or tribal inspectors who may conduct inspections.

What to Do When an Inspector Arrives:

When an inspector arrives, the facility should verify the inspector's identity. EPA credentials serve as proof of the inspector's identity and authority under federal law to conduct the inspection. EPA issues credentials to federal employees, employees of state and tribal governments, or others acting lawfully on EPA's behalf. The authority for state and tribal government employees to inspect a facility within their state or tribal land comes from the relevant environmental statute, or from agreements with EPA.

Once the inspector's identity is confirmed the inspector should be provided entry.

Inspectors are not required to provide personal information, such as social security numbers or home addresses.

Additional Information:

For more information you may call the Regional Federal Facilities Program Manager, the Regional Counsel, or the designated Regional representative listed on the back panel of this brochure. The brochure is also posted at: www.fedcenter.gov/enforcement

This brochure is not a substitute for applicable statutory provisions, regulations, or guidance, and does not represent a final or official EPA interpretation. This brochure does not impose legally-binding requirements on EPA, States, Indian Tribes, or the regulated community, and may be revised at any time by EPA.

Revised April 2013



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Federal Facilities Inspections: *A guide to EPA's access and inspection authorities*

EPA's Federal Facilities Enforcement Office has prepared this brochure which summarizes EPA's access and inspection authorities.

Clean Air Act (CAA)

Enter any premise to access and copy records, inspect monitoring equipment, and sample any emissions for the purposes of developing standards, determining violations, and gathering other information to carry out the law. 42 U.S.C.A. § 7414(a)(2); § 7414(b).

Enter any plant or other establishment of a manufacturer of motor vehicles/engines and enter any entity the manufacturer hires to carry out its responsibilities under § 208, to test vehicles or engines, and inspect records, files, papers, processes, controls, and facilities used in conducting tests for purposes of enforcement. 42 U.S.C.A. § 7525(c); § 7542(b)(1).

Authorized Inspectors: EPA inspectors, EPA contract inspectors (in some jurisdictions), or EPA designated employees of state or tribal governments, after presenting EPA credentials.

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Enter any facility, vessel, or property where it is reasonable to believe there may be a release or threat of release of hazardous substances, pollutants, or contaminants and where entry is necessary to determine, choose, or perform a response action, or to otherwise enforce the law. 42 U.S.C.A. § 9604(e)(1).

Authorized Inspectors: EPA inspectors, EPA contract inspectors or EPA designated employees of state or tribal governments.

Clean Water Act (CWA)

Enter any facility where an effluent source is located to copy records, inspect monitoring equipment, and sample any effluents for the purposes of developing standards, determining violations, or otherwise carrying out the law. 33 U.S.C.A. § 1318(a), § 1318(c).

Enter any facility or board any vessel, except public vessels as defined in 33 U.S.C. § 1321(a)(4), to access and copy records, inspect monitoring equipment, and sample any emissions for the purpose of carrying out the law. 33 U.S.C.A. § 1321(m)(1)(A), § 1321(m)(2)(B).

Authorized Inspectors: EPA inspectors, EPA contract inspectors, or EPA designated employees of state governments, after presenting EPA credentials.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Enter any facility where pesticides or devices are held for distribution or sale to inspect and to copy records for the purpose of enforcing the law. However, EPA designated employees of state or tribal governments may not view FIFRA confidential business information. 7 U.S.C.A. § 136f(b); § 136u(a)(1), § 136w-1(c).

Enter any facility where pesticides or devices are held for distribution or sale to inspect, to copy records, and to seize any pesticide or device for the purposes of inspecting, obtaining samples, or enforcing the law; or enter any place where suspended or canceled pesticides are held. However, EPA designated employees of state or tribal governments may not view FIFRA confidential business information. 7 U.S.C.A. § 136g(a)(1)-(2); § 136u(a)(1); § 136w-1(c).

Authorized Inspectors: EPA inspectors, EPA designated employees of state or tribal governments, after presenting EPA credentials and a written statement.

Solid Waste Disposal Act (SWDA) as amended by the Resource Conservation and Recovery Act (RCRA)

Enter any establishment or other place where hazardous wastes are or have been managed to inspect, obtain samples, access and copy records, and interview persons for the purposes of developing regulations or enforcing the law. 42 U.S.C.A. § 6927(a).

Enter locations of underground storage tanks to inspect, obtain samples, access and copy records, to conduct monitoring and testing, and to take corrective actions for the purposes of developing regulations, conducting a study, or enforcing the law. 42 U.S.C.A. § 6991d(a).

Enter places where medical wastes are or have been managed to request information, access and copy records, conduct monitoring or testing, inspect and obtain samples for the purposes of developing regulations, reports or enforcing the law. 42 U.S.C.A. § 6992c(a).

Authorized Inspectors: EPA inspectors, EPA contract inspectors, or EPA designated employees of state or tribal governments.

Safe Drinking Water Act (SDWA)

Enter any facility or other property supplying public water or conducting Underground Injection Control (UIC) programs to audit, examine or inspect records or equipment, or to conduct testing for the purpose of determining compliance. 42 U.S.C.A. § 300j-4(b)(1)-(b)(2).

Authorized Inspectors: EPA inspectors, EPA contract inspectors, or EPA designated employees of state governments, after presenting EPA credentials and a written notice.

Toxic Substances Control Act (TSCA)

Enter and inspect any premises at which chemicals are manufactured, processed, stored or held, and enter and inspect any means used to transport chemicals, to inspect records, files, processes or controls to determine compliance with TSCA. 15 U.S.C.A. § 2610(a) – (b).

Authorized Inspectors: EPA inspectors, EPA contract inspectors, or EPA designated employees of state governments, after presenting EPA credentials and written notice.