

Purpose:

This brochure outlines the statutory legal authority for U.S. EPA inspectors, or one of U.S. EPA's authorized representatives, to inspect a regulated federal facility for compliance with environmental laws. The authority for state and tribal government employees to inspect a facility within their state or tribal land is established by their own relevant environmental statute or from agreements with U.S. EPA.

What to Do When an Inspector Arrives:

When an inspector arrives, the facility may want to verify the inspector's identity. U.S. EPA's EPASS identification badge (see image on the back panel of this brochure) serves as proof of the inspector's identity as a U.S. EPA employee and inspector. U.S. EPA-issued credentials confirm the inspector's authority under federal law to conduct the inspection. U.S. EPA issues credentials to the following authorized inspectors: federal employees, employees of state and tribal governments, or others acting lawfully on U.S. EPA's behalf.

After inspectors present their credentials, the facility should provide entry to the inspector.

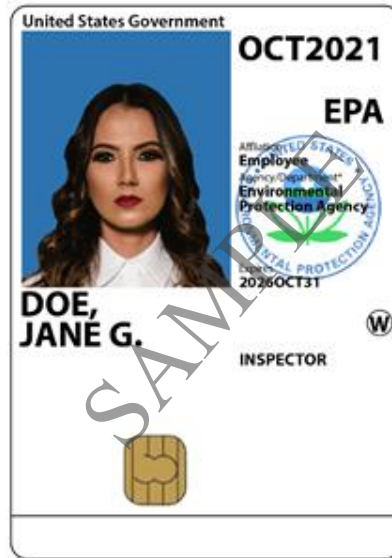
U.S. EPA-authorized inspectors generally should not provide personally identifiable information, such as Social Security numbers, driver's licenses, or home addresses to gain entry. In limited instances at inspections of federal facilities with military, intelligence, nuclear-related functions, or other special security/access requirements necessitated by their mission, an inspector may be asked to provide additional information. In these cases, the *Revised Policy Reaffirming the U.S. EPA Authority to Access Facilities and Conduct Inspections without Providing Personally Identifiable Information with Limited Exceptions for Federal Facilities* (July 20, 2020) provides additional protocols to follow.

Additional Information:

For more information, please email or call the following EPA HQ contact for Federal Facility Inspections or contact your Regional Federal Facilities Program Manager.

Chelsea Dixon
Federal Facilities Enforcement Office
Dixon.Chelsea@epa.gov / 202-564-2592

U.S. EPA EPASS Badge:



(Non-federal U.S. EPA credentials look slightly different: see <https://www.epa.gov/compliance/what-epa-inspector-credential>)

This brochure is not a substitute for applicable statutory provisions, regulations, or guidance, and does not represent a final or official U.S. EPA interpretation. This brochure does not impose legally binding requirements on U.S. EPA, states, Indian tribes, or the regulated community, and may not apply to a particular situation based upon the circumstances. This brochure may be revised at any time by U.S. EPA.

The brochure is also posted at: www.fedcenter.gov/enforcement.

Revised May 2022.



A Guide to U.S. EPA's Access and Inspection Authorities

U.S. EPA's Federal Facilities Enforcement Office has prepared this brochure which summarizes U.S. EPA's access and inspection authorities for federal facilities.

Clean Air Act (CAA)

Enter the premises of any facility subject to the CAA to access and copy any records, inspect any monitoring equipment or method, 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. § 7414(a)(2).

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. §§ 7525(c), 7542(b)(1).

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. § 9604(e)(1).

Clean Water Act (CWA)

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

Enter any facility or board any vessel upon U.S. navigable waters or contiguous zones, except public vessels as defined in 33 U.S.C. § 1321(a)(4), to access and copy records, inspect monitoring equipment or methods, and take samples for the

purpose of carrying out the law. 33 U.S.C. § 1321(m)(1)(A), (2)(B).

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Request access to records showing the application*, delivery, movement, or holding of pesticides or devices to inspect and to copy records for the purpose of enforcing FIFRA. This does not extend to financial data, sales data other than shipment data, pricing data, and research data (other than data relating to registered pesticides or to a pesticide for which an application for registration has been filed). U.S. EPA designated employees of state or tribal governments may not view FIFRA confidential business information. 7 U.S.C. §§ 136f(b), u(a)(1), w-1(c).

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

*EPA Inspectors may enter any facility for this purpose when the state does not have primary enforcement responsibility. 7 U.S.C. §§ 136f(b), w-1(c).

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 generated, stored, treated, disposed of, or transported from 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. § 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. § 6991d(a).

Enter places where medical wastes are or have been generated, stored, treated, disposed of, or transported from 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. § 6992c(a).

Safe Drinking Water Act (SDWA)

Enter any establishment, facility, or other property of any supplier of water or other person subject to a national primary drinking water regulation, to an applicable underground injection control program, or to any requirement to monitor an unregulated contaminant in order to determine whether such supplier or other person is in compliance with the Safe Drinking Water Act, including inspection of records, files, papers, processes, controls, and facilities, or in order to test any feature of a public water system, including its raw water sources. 42 U.S.C. § 300j-4(b)(1)– (2).

Toxic Substances Control Act (TSCA)

Enter and inspect any premises at which chemicals are manufactured, processed, stored or held, and conveyance used to transport chemicals, to inspect records, files, processes or controls to determine compliance with TSCA. This does not extend to financial data, sales data other than shipment data, pricing data, personnel data and research data. This section authorizes inspections to determine compliance with TSCA lead-based paint (LBP) requirements. 15 U.S.C. § 2610(a)–(b).