

Agency Response to Draft Report

U.S. Department of Labor

Office of the Assistant Secretary
for Administration and Management
Washington, D.C. 20210



SEP 19 2014

MEMORANDUM FOR ELLIOT P. LEWIS

Assistant Inspector General

A handwritten signature in black ink, appearing to read "Edward Hugler", written over the printed name.

FROM:

EDWARD HUGLER
Deputy Assistant Secretary for
Administration and Management

SUBJECT:

Department of Labor Climate Change Review

This responds to your draft memorandum (attached), received by the Office of Administration and Management on September 3, 2014. We appreciate the Inspector General's recognition that the Department of Labor ("DOL" or "Department") is in substantial compliance with Federal environmental and energy performance requirements which underlie Federal requirements for agencies to address climate change, a review requested by the United States Congress Bicameral Task Force on Climate Change.

As acknowledged in your September 3 draft memorandum, the analysis and recommendations are based on a review conducted between April 2013 and March 2014 under the Quality Standards for Inspection and Evaluation issued January 2012 by the Council of the Inspectors General on Integrity and Efficiency (Standards). We appreciate that you also acknowledge the context of the Department's compliance, including that DOL is responsible for reporting energy and sustainability performance for the Department of Labor, including Job Corps Centers (which comprise more than 2,400 aging buildings located on 125 Centers throughout the country), the Frances Perkins Building in Washington, DC, and more than 4,000 leased vehicles. Further, we appreciate the acknowledgement that the Department's environmental policy is reviewed and reissued annually by the Secretary of Labor in the DOL Strategic Sustainability Performance Plan (SSPP) pursuant to detailed template instructions from the Office of Management and Budget (OMB) and Council on Environmental Quality (CEQ) and updates the SSPP annually as dictated by OMB and CEQ to show the top priority initiatives and actions selected for improving sustainability during the succeeding fiscal year. We also appreciate the OIG spending considerable time with us delving into the complicated web of decades of myriad environmental and energy statutes, regulations and executive orders to determine relevant requirements. In addition, we acknowledge OIG's significant efforts to understand the methods of reporting energy and environmental data to the public through the appropriate Federal agencies including but not limited to, the Department of Energy, Environmental Protection Agency and General Services Administration.

Except as noted below, we accept the analysis and recommendations in your September 3 draft memorandum. There are, however, a few important points of clarification that need to be made.

OIG notes that DOL complies with the CEQ/OMB requirement to use their template and instructions to complete the SSPP but finds no instances “where DOL identified opportunities for improvement or evaluated past performance in order to extend/expand projects with net lifecycle benefits, or reassess/discontinue under-performing projects” on the 2013 SSPP. The OIG counted this as non-compliant for both addressing and meeting the requirement. We note that the OMB/CEQ SSPP template for 2013 asked Federal agencies to describe in the executive summary: “SUCSESSES for programs and initiatives that are ahead of schedule and achieving goals in an expedient or innovative manner, CHALLENGES that preclude or impair goal achievement, LESSONS LEARNED about process and/or plans used to pursue goals, and PLANNED ACTIONS to maintain or improve progress, address setbacks, or correct deficiencies (This section is forward looking and should closely align with the strategies described in the goal strategies tables 1 through 9.)” DOL notes that we complied with this requirement in the executive summary as requested by OMB/CEQ.

OIG states that it could not assess DOL’s compliance with “pollution and waste reduction” waste diversion metrics; however, these metrics are not in effect until the end of FY 2015. This fact is relevant because on page 35 of its draft report the OIG says that it cannot determine if DOL is meeting Metrics 1 and 2 for waste diversion and this determination is counted against DOL in the OIG’s compliance scoring sections as not meeting the requirement.

Finally, DOL notes that OIG does not mention Executive Order 13653, Preparing the United States for the Impacts of Climate Change (November 1, 2013) and indicates that the requirements identified were from its review and “discussions with Departmental officials.” In conversations with OIG, the issuance of the new climate change E.O. was communicated to the OIG.

Thank you again for your memorandum and the very positive assessment of the Department’s work on and compliance with the important energy and environmental laws, regulations, executive orders addressing climate change.

Attachment

cc: T. Michael Kerr, Assistant Secretary for Administration and Management
Charlotte Hayes, Deputy Assistant Secretary for Policy