

APPENDIX A

EPA ORDER 3500.1 TRAINING AND DEVELOPMENT FOR COMPLIANCE INSPECTORS/ FIELD INVESTIGATORS

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** Note: This is copy of text of EPA Order 3500.1 **

EPA ORDER

Classification No.: 3500.1

Approval Date: June 29, 1988

TRAINING AND DEVELOPMENT FOR COMPLIANCE INSPECTORS/FIELD INVESTIGATORS

1. PURPOSE. This Order establishes a consistent Agency-wide training and development program for employees leading environmental compliance inspections/field investigations.
2. APPLICABILITY. This Order applies to all Environmental Protection Agency (EPA) personnel who lead or oversee the conduct of compliance inspections/field on a full- or part-time basis under any of EPA's statutes. This order is advisory to State and local agencies.
3. POLICY. It is the policy of the Environmental Protection Agency to ensure that those who lead environmental compliance inspections/field investigations are properly trained to perform these functions in a legally and technically sound manner.
4. REFERENCES.
 - a. EPA 1440. Occupational Health and Safety Manual: Chapter 7, Occupational Health and Safety Training.
 - b. EPA Order 1440.2, Health and Safety Requirements for Employees Engaged in Field Activities.
 - c. EPA order 1440.3, Respiratory Protection.
 - d. Agency-wide Program to Train, Develop and Recognize Compliance Inspectors/Field Investigators: A Program Description, June 1988.
5. DEFINITIONS.
 - a. Compliance Inspections/Field Investigation Function. The function includes leading, or overseeing State/local, contractor or other personnel conducting any of the following activities for the purpose of establishing the compliance status of facilities or sites with applicable laws, standards, regulations, permits and/or of supporting appropriate enforcement action (administrative, civil judicial or criminal), including:
 - (1) planning and carrying out inspections of pollution abatement equipment, relevant facility operations and maintenance practices, self-monitoring practices and records, and laboratory equipment;

(2) gathering and developing evidence, including but not limited to emission monitoring measurements, other analytical field procedures such as sampling and the associated quality assurance procedures, and in-depth engineering evaluations; and

(3) maintaining field logs, recording field observations photographically, analyzing sampling and emissions data, and preparing reports of observations along with any supporting documentation.

Any EPA employee performing these activities regardless of job title or program shall be considered a compliance inspector/field investigator for the purposes of this Order. The terms compliance inspector/field investigator will be used throughout this Order. This function does not include field activities or investigations for purposes such as research and development, which are unrelated to compliance monitoring or enforcement.

Not all individuals performing work as On-Scene Coordinators (OSCs) and Remedial Project Managers (RPMs) under the CERCLA program are covered by the definition of the compliance inspection/field investigation function. Additional program guidance will be developed to assist Regions in distinguishing these functions from other programmatic responsibilities.

b. New Compliance Inspector/Field Investigators. Including:

(1) Individuals newly employed by EPA subsequent to the issuance date of this Order regardless of previous training in and experience leading environmental compliance inspections/field investigations, or

(2) Individuals rehired by EPA or transferred within EPA, subsequent to the issuance date of this Order, with no previous training in and experience leading environmental compliance inspections/field investigations.

c. Experienced Compliance Inspectors/Field Investigators. Including: Individuals who were employed by EPA on the issuance date of this policy, and/or who have previous training in and experience leading environmental compliance inspections/field investigations in any one of EPA's compliance and enforcement programs.

d. First-line Supervisors of Inspectors. A first-line supervisor is the immediate supervisor of the day-to-day work of an individual who leads or oversees compliance inspections/field investigations. The first-line supervisor, who is responsible for the official performance appraisal, may be "new" or "experienced" as defined above in Items 5(b) or 5(c).

e. Contract Inspectors and Others. This category includes contract personnel and employees of a grantee organization under the Senior Environmental Employment Program, performing compliance inspections/field investigations under EPA's statutes.

f. Leading an Inspection. Leading an inspection means independently

conducting a compliance inspection/field investigation or directing an inspection/investigation with others as support staff.

g. Curriculum. Curriculum refers to defined content presented in a sequence of supervised self-study, formal on-the-job and/or classroom training:

(1) Supervised Self-Study. Self-study means any knowledge gained through independent, personal study, and overseen by a first-line supervisor or an experienced inspector/investigator.

(2) On-the-Job Training. On-the-job training (OJT) means structured training that relates principles or theories to work-related skills which are demonstrated and applied in the field environment during an actual compliance inspection/field investigation.

(3) Classroom/classes. This refers broadly to any form of instruction, flexible in format and size, to include seminars, workshops, lecture-type or video-assisted classes, or question-and-answer sessions following prior independent self-study, that fosters group interaction with an instructor or an experienced inspector.

h. Completing Required Training. Completion of required training means completing self-study, OJT and participation in classes covering the content described in applicable training curricula.

6. TRAINING PROGRAM. EPA's training program consists of three parts - Occupational Health and Safety Curriculum, Basic Curriculum, and Program-Specific Curricula - as follows.

a. Occupational Health and Safety Curricula. EPA Order 1440.2 establishes basic, intermediate, advanced and refresher requirements for occupational health and safety training for all EPA employees before engaging in any field activities. In addition, EPA compliance inspectors/field investigators must meet requirements, where these apply, of EPA Order 1440.3 for Respiratory Protection. A summary of the curriculum is found in Appendix B of Reference 4(d) above. Contractor personnel must meet training requirements of applicable regulations of the Occupational Safety and Health Administration (OSHA).

b. Basic Inspector Curriculum. This Curriculum establishes required training to provide a comprehensive overview of knowledge and skills needed for compliance inspections/field investigations under any EPA statute. It consists of a course, that integrates legal, technical and administrative subjects, with communication skills. It also includes the Occupational Health and Safety Curriculum cited in 6(a) above. The Basic Curriculum is summarized in Appendix C of Reference 4(d) above. Related supplemental Training is recommended to further develop some of these skills, as summarized in Appendix F of Reference 4(d) above.

c. Program-Specific Curricula. The Program-Specific Minimum Curriculum for each major environmental program establishes required training in legal, programmatic

and technical subjects. Any EPA compliance inspector conducting inspections in more than one program is required to have completed the relevant Program-Specific Minimum Curricula in each such program. Program-Specific Specialized Training is recommended to further develop inspection skills. Summaries of these curricula are available in Appendix D, of Reference 4(d) above. A summary of multi-media (multi-program) training recommendations is available in Appendix E of Reference 4(d) above.

d. Refresher Training.

(1) Occupational Health and Safety: EPA Orders 1440.2 and 1440.3 require refresher training annually.

(2) Basic and Program-Specific Minimum Curricula: Refresher training in both the Basic Curriculum and Program-Specific Minimum Curricula is strongly recommended, but at the discretion of the first-line supervisor. At a minimum, refresher training should occur every three years, or more frequently, depending on the needs of the individual, and changing emphases or needs in the compliance and enforcement program.

7. REQUIREMENTS AND EXCEPTIONS.

a. Before Any Field Activities. All compliance inspectors and first-line supervisors of inspectors are required to complete applicable occupational health and safety training before any field activities as defined in EPA Orders 1400.2 and 1400.3.

b. Before Leading Inspections/Investigations. All compliance inspectors/field investigators must complete the Basic Curriculum and the Program-Specific Minimum Curriculum in the assigned program area(s) before leading an inspection. Experienced inspectors may be excepted from the Basic Curriculum, but new inspectors may not. There may be limited exceptions to program-specific requirements for new and experienced inspectors.

c. Within One Year When Supervising. The requirements to complete the Basic and Program-Specific Minimum Curriculum apply to first-line supervisors of compliance inspectors. First-line supervisors shall meet these requirements within one year of appointment to the supervisory position, if they have not already done so. If the first-line supervisor directs inspectors/investigators in two or more programs, the supervisor may need additional time to complete all of the applicable Program-Specific Minimum Curricula, and should do so as soon as practicable. Experienced first-line supervisors may be excepted from the Basic Curriculum, but new ones may not. There may be limited exceptions to program-specific requirements for new and experienced first-line supervisors.

d. Procedures for Exceptions.

(1) Health and Safety Training. Any exceptions to the occupational health and safety training requirements must be in accordance with Paragraph 9(d), EPA Order 1440.2, or the provisions of 1440.3.

(2) Basic and Program-Specific Minimum Curricula. In the Regions, exceptions must be approved by the Regional Administrator. Delegation below this level may be made to the Deputy Regional Administrator or a cross-regional panel of managers established for this purpose, but excluding the immediate first- or second-line supervisor of the individual for whom the exception is being requested. For Program Offices with inspectors based in Headquarters, the Assistant Administrator shall approve exceptions for those inspectors. Delegation below this level may be made to the Deputy Assistant Administrator, or Office Director, or in the case of OECM, to the Director of the National Enforcement Investigations Center (NEIC). The first-line supervisor shall prepare a written request based upon guides for evaluating the previous knowledge, experience and/or training of the inspector, and shall submit this to the approving official, according to procedures adopted in the Region or Headquarters, whichever apply. A copy of the approved written request shall be placed in the employee's official personnel file along with other training records.

8. EFFECTIVE DATE.

a. Occupational Health and Safety Training. The requirements of EPA Orders 1440.2 and 1440.3 are in effect and will remain in effect.

b. Basic and Program-Specific Minimum Curricula. This Order is effective on the date of issuance; however, requirements are phased in as follows:

(1) New Inspectors. Beginning October 1, 1989, new inspectors shall not lead inspections unless they have completed the Basic Curricula, and have completed, or have been formally excepted, from the Program-Specific Minimum Curricula.

(2) Experienced Inspectors. Beginning October 1, 1991, experienced inspectors shall not lead inspections unless they have completed or have been formally excepted from the Basic and Program-Specific Minimum Curricula.

(3) First-line Supervisors. Beginning October 1, 1989, all first-line supervisors shall meet the requirements of this Order or have been formally excepted within one year of appointment to the supervisory position, or as soon as practicable, for those with two or more programs.

(4) Contract Inspectors and Others. Training requirements for EPA contract inspectors shall be appropriately-phased into future contracts or solicitations involving compliance inspection work. These requirements shall be incorporated into future assistance agreements awarded under the Senior Environmental Employment Program involving compliance inspections.

9. RESPONSIBILITIES. This section lists the primary responsibilities for

implementing this Order. Appendix G of Reference 4(d) above contains a more detailed list of responsibilities.

a. Assistant Administrator for Enforcement and Compliance Monitoring (OECM). The Assistant Administrator for Enforcement and Compliance Monitoring is responsible for:

(1) Updating this Order, and overseeing and evaluating implementation of the overall program requirements every 3 years;

(2) Developing, updating and disseminating student manuals and instructor's guides for the Basic Curriculum to the Regions, coordinating the selection of and maintaining a list of instructors from the Regions and Headquarters; and

(3) Organizing a board of Senior Agency Managers from Headquarters and Regions, and inspectors/investigators to advise him/her in carrying out the responsibilities listed above.

b. Assistant Administrator for Administration and Resources Management. The Assistant Administrator for Administration and Resources Management is responsible for:

(1) Updating and providing sufficient materials for occupational health and safety training, or approving non-EPA courses to meet the requirements of EPA Orders 1440.2 and 1440.3, and reviewing program-specific health and safety training.

(2) Training and evaluating EPA personnel designated as instructors for delivering the Inspector Health and Safety Curriculum; and

(3) Coordinating and disseminating a timely schedule of classes of the Health and Safety, Basic, and Program-Specific Curricula, in consultation with OECM, Program Offices and the Regions.

c. Assistant Administrators. The Assistant Administrators are responsible for:

(1) Implementing the requirements of this Order and Agency program [Reference 4(d)] within their areas of jurisdiction, including periodically evaluating implementation;

(2) Developing, updating, and disseminating materials and schedules for classes under the Program-Specific Curricula, in consultation with Regions and States, and providing a plan by October 30, 1988, for implementing the Basic Curriculum for inspectors based in Headquarters;

(3) Establishing guides for first-line supervisors of inspectors to evaluate the training and development needs of compliance inspectors/field investigators and approving requests for exceptions;

(4) Determining who among those inspectors/investigators based in Headquarters are subject to this Order, and reviewing and approving exceptions to the training requirements requested for these personnel.

(5) Ensuring in future contracts and assistance agreements awarded under the Senior Environmental Employment Program involving compliance inspections that training is required by means of statements of work or other appropriate vehicles; and

(6) Establishing standing work groups including Regions, and States where appropriate, to help carry out these responsibilities and to improve the quality of the compliance monitoring function.

d. Regional Administrators. The Regional Administrators are responsible for:

(1) Implementing the requirements of this Order and Agency program (Reference 4(d)) within their areas of jurisdictions, including periodically evaluating implementation;

(2) Determining who in the Region is subject to this Order, and reviewing and approving any exceptions to the training requirements;

(3) Ensuring in future contracts involving compliance inspections that training is required by means of statements of work or other appropriate vehicles;

(4) Supporting in-house instruction for the Basic Curriculum, by working with OECM to identify Regional personnel to serve as classroom instructors and providing a Regional implementation plan by October-30, 1988; and

(5) Ensuring each program identifies States' inspector training needs annually through the State/EPA Enforcement Agreements process; assisting States in identifying ways to meet their training needs; and coordinating training opportunities.

e. Line Supervisors. Line supervisors in Program or Environmental Service Divisions, are responsible for:

(1) Ensuring quality compliance inspections/field investigations using performance standards, periodic appraisals, appropriate assignments to ensure development, and recognition of personnel engaged in the compliance monitoring function; and

(2) Identifying employees who require training, ensuring that employees comply with the requirements of this Order, preparing requests for exceptions, and maintaining records of actions.

f. Compliance Inspectors/Field Investigators. Compliance inspectors/field investigators are responsible for.

(1) Advising their supervisor about the history and extent of relevant training and experience, and assisting in the preparation of an Individual Development Plan to meet the requirements of this Order; and

(2) Applying and maintaining the knowledge, skills, and techniques acquired through training to ensure that inspections/investigations are accomplished in a technically and legally sound manner.

/s/

James Barnes

Deputy Administrator

Dated: June 29, 1988