

United States General Accounting Office

Report to the Committee on Governmental Operations, U.S. House of Representatives
and the Committee on Governmental Operations, U.S. Senate
Representatives

REPORT TO THE COMMITTEE ON GOVERNMENTAL OPERATIONS, U.S. HOUSE OF REPRESENTATIVES

REPORT TO THE COMMITTEE ON GOVERNMENTAL OPERATIONS, U.S. SENATE



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**Resources, Community, and
Economic Development Division**

B-240538

August 30, 1990

The Honorable Robert E. Wise, Jr.
Chairman, Subcommittee on Government
Information, Justice, and Agriculture
Committee on Government Operations
House of Representatives

Dear Mr. Chairman:

On January 24, 1990, your office asked us to provide information on actions taken by the Bureau of Prisons, Department of Justice, to resolve weaknesses in managing hazardous materials and wastes. Specifically, this report provides information on the Bureau's (1) assessment and cleanup of prison dump sites containing hazardous wastes and (2) other hazardous material and waste projects, including removal and/or abatement of asbestos and Polychlorinated Biphenyls (PCBS) from prison facilities. As requested by your office, this report also provides information on the scope and status of an audit, performed by Justice's Office of the Inspector General, of the Bureau's handling of hazardous materials currently used and hazardous wastes currently generated at its facilities.

Results in Brief

Between October 1, 1986, and June 28, 1990, the Bureau obligated about \$157,000 to assess the extent of contamination at its waste disposal sites and to provide information needed for cleanup actions. These funds were obligated for assessments at four of the seven facilities previously identified as containing hazardous waste dump sites. Although the Bureau has set aside about \$16 million for cleanup that may be needed, this work will not begin until the Bureau completes its assessments at the seven facilities. Bureau officials acknowledge that the delays the Bureau has experienced in awarding assessment contracts could cause it to miss its scheduled cleanup completion date of September 30, 1992, by a year or more.

Between October 1, 1986, and June 28, 1990, the Bureau obligated about \$6.7 million for other hazardous material and waste projects, primarily for asbestos removal and/or abatement activities. According to Bureau officials, the asbestos and PCBs that created potential health risks to Bureau inmates and staff have been removed and/or abated. However, these officials told us that as older Bureau facilities are renovated in the future, additional asbestos abatement and removal may be necessary.

Officials at the Office of the Inspector General told us, however, that their recent audit of the Bureau's handling of hazardous materials and wastes revealed that the Bureau is not fully complying with certain applicable Occupational Safety and Health Administration (OSHA) regulations and Bureau policies and procedures. These officials told us that although the cases of noncompliance essentially involve informational and record-keeping requirements, this noncompliance represents a weakness in the Bureau's internal control system, which could adversely affect its ability to properly manage hazardous materials and wastes. These findings and a number of recommendations to improve the Bureau's handling of hazardous materials and wastes will be presented in the Inspector General's audit report, which is scheduled for release during the summer of 1990.

Background

The Bureau of Prisons was established to fulfill the federal government's responsibility for taking custody and care of prisoners charged with or convicted of violating federal laws. Currently, the Bureau has 5 regional offices and 64 penal institutions nationwide that house about 56,000 prisoners.

Since 1934, federal prisoners have been employed in prison factories to produce goods and services that are sold to other federal agencies. Examples of goods produced include furniture, clothing, mattresses, towels, brushes, electronics, and signs. Examples of services include data entry and furniture refinishing.

In the past, many prison factory by-products, such as solvents, thinners, and paint, were discarded in dumps on Bureau lands. Further, many Bureau facilities contain asbestos pipe insulation and electric equipment that contain PCBs. Because of the serious environmental and health risks associated with asbestos, PCBs, and hazardous wastes, these materials and wastes must be handled and, if necessary, dump sites cleaned up, in accordance with federal and state requirements established by laws enacted in the 1970s and early 1980s.

In its fiscal year 1987 report on internal controls, the Bureau stated that it would address potentially hazardous conditions that were revealed at its facilities by several internal reviews. Specifically, the reviews, completed since fiscal year 1985, revealed that several Bureau institutions contained potentially hazardous waste disposal sites and/or asbestos and PCBs that required cleanup, removal and/or abatement. According to

the fiscal year 1987 report, the hazardous conditions could endanger the health and safety of prison staff and inmates.

In response to these findings, the Bureau began conducting assessments and developing action plans to confirm the extent of the hazardous conditions and to identify the actions needed to correct them. In addition, the Bureau requested Justice's Office of the Inspector General to conduct a nationwide audit to determine if the Bureau is handling hazardous materials and wastes in compliance with OSHA regulations and Bureau policies and procedures.

Actions to Address Problems at Dump Sites

In fiscal year 1987, the Bureau established a program to assess and clean up hazardous wastes at its dump sites. The assessments would involve taking groundwater and soil samples from sites previously identified as containing hazardous wastes and then analyzing them to confirm the extent of the hazardous conditions and to provide information needed for cleanup actions. The Bureau established a targeted cleanup completion date of September 30, 1992, for its program.

Between October 1, 1986, and June 28, 1990, the Bureau obligated \$156,693 for assessments at four of the seven facilities previously identified as containing hazardous waste dump sites. Of this amount, \$96,649 was obligated for taking and analyzing groundwater and soil samples at three facilities and the remaining \$60,044 was obligated for preparatory work needed at the fourth facility before assessment work could begin. According to Bureau officials, pending Environmental Protection Agency agreement, further assessments may not be needed at a fifth facility because initial surveys revealed relatively low levels of hazardous wastes. No assessments have started at the remaining two facilities. Bureau officials stated that major new construction projects and staff turnover have caused delays in the assessments. For example, all assessment contracts have not been awarded despite original plans for them to be awarded by September 30, 1989. According to these officials, the remaining contracts should be awarded by early November 1990.

Although the Bureau has set aside \$16,020,000 for cleanup, it will not begin this work until the assessments have been completed. According to Bureau officials, the delays in the assessments might cause the Bureau to miss its scheduled cleanup completion date of September 30, 1992, by a year or more. Bureau officials also told us that the Bureau will continue to monitor the dump sites after the cleanup has been completed.

Other Hazardous Materials and Waste Projects

Between October 1, 1986, and June 28, 1990, the Bureau obligated \$6,692,962 for asbestos and PCB abatement and removal activities. Of this amount, \$6,398,066 was obligated for asbestos abatement, removal, and training activities at most of the Bureau's facilities. The remaining \$294,896 was obligated for removing PCBs from seven facilities. According to Bureau officials, in fiscal year 1990, the remaining asbestos and PCBs that posed health risks to staff and inmates were removed and/or abated. However, these officials told us that as older Bureau facilities are renovated in the future, additional abatement and removal may be necessary.

Between October 1, 1986, and June 28, 1990, the Bureau also obligated \$38,447 for four other miscellaneous hazardous waste projects. Of this amount, \$20,913 was obligated for removing old chemicals, batteries, and other contaminants stored at two of its facilities. The remaining \$17,534 was obligated for constructing short-term storage areas at two other facilities for currently generated hazardous wastes.

Office of the Inspector General's Hazardous Materials and Waste Audit

The Office of Inspector General recently completed an audit of the Bureau's handling of hazardous materials currently used and hazardous wastes currently generated at Bureau facilities. According to officials with the Office of the Inspector General, the audit evaluated the Bureau's compliance with applicable OSHA regulations and Bureau policies and procedures. In addition, the audit was performed to identify potential improvements in the Bureau's policies and procedures for managing and handling hazardous materials and wastes. The audit was conducted at the Bureau's central office and at four penal institutions in four regions.

According to the Regional Inspector General and the Auditor-in-Charge of the review, the audit revealed several instances of noncompliance with OSHA regulations and Bureau policies and procedures. According to these officials, although the cases of noncompliance primarily involved informational and record-keeping requirements, this noncompliance represents a weakness in the Bureau's internal controls and could adversely affect its ability to properly manage hazardous materials and wastes. The audit report is scheduled to be released in the summer of 1990 and will contain a number of recommendations to overcome these compliance problems and improve the Bureau's handling of hazardous materials and wastes.

To obtain information on the Bureau's handling of hazardous materials and wastes, we spoke with and obtained documents from officials on the Department of Justice's Management and Planning Staff and with the Bureau of Prisons' Department of Safety and Office of Facilities Development and Operations. Some data, such as the obligation figures, were based on Bureau documents and were adjusted as a result of our discussions with Bureau officials. As requested by your office, we did not independently verify the accuracy of agency documents or statements provided to us. To determine the scope and status of the Inspector General's audit of the Bureau's compliance with hazardous material and waste regulations and procedures, we spoke with and obtained documents from headquarters and field officials with the Office of the Inspector General.

We conducted our review between February and June 1990. As requested, we did not obtain official agency comments on this report. However, we discussed the contents of this report with officials of the Bureau and Justice's Office of the Inspector General, who generally agreed with the facts as presented.

Unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from the date of this letter. At that time, we will make copies available to the Attorney General, Department of Justice; the Director, Bureau of Prisons, Department of Justice; the Administrator, Environmental Protection Agency; the Director, Office of Management and Budget; and other interested parties.

If you have any questions about this report, please contact me on (202) 275-6111. Major contributors to this report are listed in appendix II.

Sincerely yours,



Richard L. Hembra
Director, Environmental Protection
Issues

Bureau of Prisons' Obligations for Hazardous Materials and Waste Projects, October 1, 1986 - June 28, 1990

| Project description | Obligations |
|---|--------------------|
| Assessments at dump sites | \$156,693 |
| Asbestos abatement, removal, and training | 6,398,066 |
| PCB removal | 294,896 |
| Other miscellaneous projects | 38,447 |
| Total | \$6,888,102 |

Major Contributors to This Report

Resources,
Community, and
Economic
Development Division,
Washington, D.C.

Peter F. Guerrero, Associate Director
Ed Kratzer, Assistant Director
Gregory A. Kosarin, Evaluator-in-Charge

Operating Information

The "Total" figures include GPO contributions and other miscellaneous income and expenses. Operating information is provided for the period beginning with the first day of the fiscal year and ending with the last day of the fiscal year. The figures are based on the best information available at the time of preparation of this report.

U.S. General Accounting Office
400 Building
Washington, D.C. 20540

Operating information for the year ending 12/31/54

United States
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Washington, D.C. 20548

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