

Enhancing EPA Science Capability for a Complex Future: Recommendations for Use of Title 42 Special Hiring Authority

A scientific workforce with cutting-edge skills is critical for the U.S. Environmental Protection Agency's (EPA's) ability to carry out its mission of protecting human health and the environment. EPA's Office of Research and Development (ORD) provides the agency with core research capabilities for identifying environmental hazards, evaluating risks to public health and ecosystems, and formulating effective methods for pollution control and prevention. To address the persistent difficulty the agency has faced in recruiting, hiring, and retaining premier scientists and engineers, in 2006, EPA sought the ability to directly recruit world-renowned scientists and engineers from academia, private industry, and other government agencies under Title 42, Section 209, of the U.S. Code.

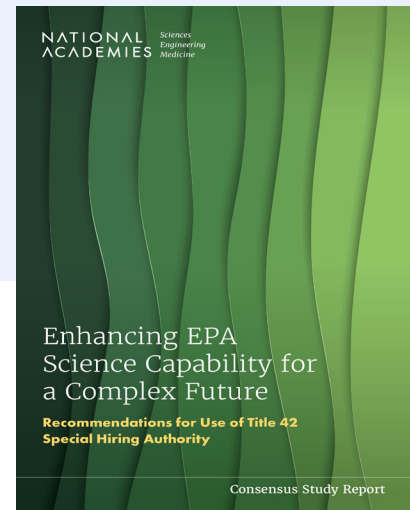
Title 42 authorizes federal agencies to appoint highly-qualified scientists and engineers outside of standard civil service positions. Since 2006, Congress has continued to reauthorize EPA's Title 42 authority in 5-year increments and, as of 2022, allows EPA to employ up to 75 persons in ORD and 25 persons in the Office of Chemical Safety and Pollution Prevention (OCSPP) at any one time during each fiscal year.

A National Research Council report issued in 2010 reviewed the implementation of EPA's Title 42 program during its first 4 years. The report found that EPA had appropriately implemented the program and Title 42 employees have had a favorable effect on the agency's research. The report recommended that permanent Title 42 authority be granted to EPA and that its authority be expanded to define the number of Title 42 positions on the basis of the agency's programmatic needs and available budget.

EPA has updated the program's policies and procedures, as the agency's scientific and strategic priorities have evolved. Currently, Title 42 program accounts for less than 3 percent of ORD's workforce. To evaluate the subsequent developments of the program, Congress requested that the National Academies review EPA's use of the Title 42 hiring authority both during the past decade and currently, and to review how its use of the program could be improved in the future.

EVALUATION OF EPA'S TITLE 42 OPERATIONS MANUAL

EPA has created an operations manual that details an extensive set of policies and practices to guide the implementation of the agency's Title 42 authority such as the qualification of a position as a Title 42 hire, hiring selections, and compensation packages.



The committee found that EPA’s operations manual provides best practices for the recruitment and selection of candidates for Title 42 positions, reflecting the U.S. Office of Personnel Management’s Senior Executive Service framework of Executive Core Qualifications, and determined that the manual has been used effectively. However, EPA’s Title 42 Operations Manual and hiring procedures would benefit from revisions focused on integrating the overall priorities for Title 42 positions into ORD’s evolving research strategic planning. The committee concluded that, generally, Title 42 positions need to be hired competitively to create a specialized and expansive candidate pool, understanding that certain scenarios might call for noncompetitive approaches.

POTENTIAL IMPACTS OF PERMANENT TITLE 42 AUTHORITY FOR EPA

Title 42 authority has enabled the hiring of strong scientific leadership, advanced innovation, and improved the scientific capability and capacity to support EPA’s mission. The committee found that Title 42 authority plays a pivotal role in bolstering ORD’s readiness to anticipate and respond to emerging environmental concerns by enabling access to pertinent expertise across multiple scientific disciplines. The Title 42 program provides a flexible hiring mechanism that allows EPA to competitively secure and retain the scientific talent needed address its broad mission. In addition, Title

42 authority allows the agency to quickly access proficiency in evolving disciplines and to attract national and internationally recognized leaders in science and engineering fields. Such hires have enhanced EPA’s collaborations with researchers in academia and industry, thereby multiplying their effectiveness even further.

Looking ahead, EPA faces escalating challenges in fulfilling its mandate to safeguard human health and the environment from risks associated with increasing exposures to climate change–related, chemical, and nonchemical stressors. The committee acknowledges the substantial impact of EPA’s workforce as a whole in pursuing EPA’s scientific priorities and discoveries and recognizes the contributions of the Title 42 program to fostering innovation and moving research forward at a faster pace. To enhance its scientific workforce and maintain a position at the forefront of evolving scientific knowledge, the committee concluded that EPA would benefit from permanent Title 42 authority. Continued support and expansion of EPA’s Title 42 program is essential to ensuring that the agency has the scientific capability to implement its statutory mandates, address today’s and tomorrow’s environmental challenges, and provide global leadership in innovative solutions for the future.

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