

# THE FISCAL YEAR 2012 EPA BUDGET

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## HEARING

BEFORE THE  
SUBCOMMITTEE ON ENERGY AND POWER  
AND THE  
SUBCOMMITTEE ON ENVIRONMENT AND THE  
ECONOMY  
OF THE

COMMITTEE ON ENERGY AND  
COMMERCE

HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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MARCH 11, 2011  
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# C O N T E N T S

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	Page
Hon. John Shimkus, a Representative in Congress from the State of Illinois, opening statement .....	1
Prepared statement .....	3
Hon. Gene Green, a Representative in Congress from the State of Texas, opening statement .....	6
Hon. Henry A. Waxman, a Representative in Congress from the State of California, opening statement .....	8
Hon. Fred Upton, a Representative in Congress from the State of Michigan, prepared statement .....	61
Hon. Lois Capps, a Representative in Congress from the State of California, prepared statement .....	63
WITNESSES	
Lisa P. Jackson, Administrator, Environmental Protection Agency .....	9
Prepared statement .....	12
Additional comments .....	27
Answers to submitted questions .....	66
SUBMITTED MATERIAL	
Letter of March 10, 2011, from Operation Free to Mr. Markey .....	37



## THE FISCAL YEAR 2012 EPA BUDGET

FRIDAY, MARCH 11, 2011

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON ENERGY AND POWER,  
JOINT WITH  
SUBCOMMITTEE ON ENVIRONMENT AND THE ECONOMY,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington, DC.*

The subcommittees met, pursuant to call, at 10:04 a.m., in room 2123, Rayburn House Office Building, Hon. John Shimkus (chairman of the Subcommittee on Environment and the Economy) presiding.

Members present: Representatives Barton, Whitfield, Shimkus, Pitts, Walden, Terry, Sullivan, Murphy, Burgess, Bilbray, Bass, Scalise, Latta, McMorris Rodgers, Harper, Cassidy, Olson, McKinley, Gardner, Pompeo, Griffith, Upton, Dingell, Markey, Pallone, Rush, Green, DeGette, Capps, Inslee, Baldwin, Barrow, Matsui, and Waxman.

Staff present: Mike Bloomquist, Deputy General Counsel; Dave McCarthy, Chief Counsel, Environment/Economy; Maryam Brown, Chief Counsel, Energy and Power; Mary Neumayr, Counsel, Oversight/Energy; Jerry Couri, Senior Environmental Policy Advisor, Environment; Sean Bonyun, Deputy Communications Director; Mike Gruber, Senior Policy Advisor; Cory Hicks, Policy Coordinator, Energy and Power; Allison Busbee, Legislative Clerk; Phil Barnett, Minority Staff Director; Jackie Cohen, Minority Counsel; Teitz, Minority Senior Counsel, Environment and Energy; Kristin Amerling, Minority Chief Counsel and Oversight Staff Director; Alison Cassady, Minority Senior Professional Staff Member; Karen Lightfoot, Minority Communications Director and Senior Policy Advisor; Caitlin Haberman, Minority Policy Analyst.

Mr. SHIMKUS. The subcommittee will now come to order. I want to thank everyone for attending and showing up promptly. We had a few hiccups with some technology stuff. We got fried about 15 minutes ago, so that is what we have been working on to correct.

### **OPENING STATEMENT OF HON. JOHN SHIMKUS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS**

I want to welcome Administrator Jackson and thank her for making herself available to testify today on the EPA's fiscal year 2012 budget proposal.

Getting control of the debt crisis our government faces starts with making funding authorizations not just relevant, but integral to the budget process. As an authorizing committee, it is necessary

that we analyze and question the details of where our tax dollars go in those agencies under our jurisdiction. Only then can we make appropriate decisions on where changes need to be made. Through the leadership of Chairman Upton, this committee will do its part to rein in wasteful and redundant Federal spending. We will not only identify what programs should be eliminated, but we will also carefully question whether some programs considered to be worthwhile can and should live with less.

The reality is, we are out of money to spend. The American public understands this, and they are tasking us with the job of trimming the fat. While the proposed budget does represent a decrease from last year, it still spends 2 billion more than just a few years back under the previous administration. We can and must do better. By working together to focus EPA's budget on its core competency, I believe we can and will do better. This will mean making tough decisions in some cases. These decisions are made easier when we put them in perspective of what our deficit and debt mean to the economy.

There is no better way to promote American's resurgence than providing a common-sense regulatory climate that fosters certainty and eliminates unnecessary and burdensome regulations.

Many regulations can have devastating impacts on industries wasting millions in public and private dollars in the process. One example is the greenhouse gas rules rejected by the last Congress, in no small part because of uncertainty they create. This uncertainty ultimately stifles job creation and energy expansion. Yet the administration has moved forward on this rule seeking nearly \$100 million in fiscal year 2012 do so.

As we found in last month's hearing on Regulations, Jobs and the Economy, it doesn't have to be one broad regulation to wreak havoc on the economy. Small business owners regularly find themselves subject to increasing numbers of overly burdensome regulations. Without the expertise or staff to navigate through the mandates, costs for entrepreneurs skyrocket, leaving little capital left for expansion and new hires. Less money to spend demands we make every effort to get back to basics.

We need to understand every new program that EPA proposes. We need to see if that program will replace or repackage old policy. We need to justify programs based on the severity of the national needs. And we need to identify and understand the progress programs have made based upon measurable criteria, and whether EPA can justify their continuation.

This will be no easy task. But I look forward to open, sincere dialogue with the Agency. It is my intention to work together to give the EPA the tools it needs to carry out its job in a manner that benefits the environment, the economy, and the American taxpayer without unnecessary burdens and wasteful spending.

[The prepared statement of Mr. Shimkus follows:]

Opening Statement Chairman John Shimkus  
Joint Subcommittees Hearing "EPA Budget Overview"  
March 11, 2011

The Subcommittee will now come to order. I want to welcome and thank Administrator Jackson for making herself available before this committee to testify today on the EPA's Fiscal Year 2012 proposed budget.

Getting control over the massive financial problems our government faces starts with making funding authorizations not just relevant, but integral to the budgeting process. As an authorizing committee, it is necessary that we analyze and question the details of where our tax money goes in those agencies under our jurisdiction. Only then can we make appropriate decisions on where change may be needed.

Through the leadership of Chairman Upton, this committee is going to do its part to rein in wasteful and redundant federal spending. Not only to identify what kinds of programs we should consider eliminating, but we must also carefully question whether some programs, considered to be worthwhile, can and should live with less. With the Federal debt over \$14 trillion and proposed spending at EPA, alone, of nearly \$9 billion in FY 2012, the EPA budget is the place our panel will conduct this important exercise today.

Put simply, there is no more money to spend. The American public understands this and they are now tasking us, as their elected representatives, to trim the fat. While the proposed budget does represent a decrease from the prior year, it

still sets to spend almost \$2 billion more than just a few years back under the previous Administration. We can and must do better. By working together to focus EPA's budget on its core competency, I believe we will do so.

This will mean making tough decisions in some cases. Decisions I believe are made easier when we put them in the perspective of what our deficit and debt mean to crippling lending, diminished innovation and job creation, and a sluggish economy. There is no better way to promote America's resurgence than by providing a commonsense regulatory climate that fosters certainty and eliminating unnecessary and burdensome regulations, something even suggested by the President himself earlier this year.

Larger regulations can have devastating impacts on industries while spending millions of public and private dollars in the process. In the case of Green House Gas rules, this policy was rejected last Congress, in no small part because of the uncertainty it creates in industry, adding millions of dollars in costs. This ultimately stifles job creation and energy expansion. Still, the Administration moves forward on this rule, proposing to spend nearly \$100 million of taxpayer funds in FY2012 to do so.

However, as we found out last month in our hearing on regulations, jobs, and the economy, it doesn't have to be one large regulation that wreaks havoc. Rather, it can come in the form of many rules, resulting in an economic "death-by-one-thousand-cuts." Small businesses owners especially find themselves subject to an increasing number of overly burdensome regulations. Not only that, but as we also heard in

our previous hearing, they do not have the expertise or staff to navigate through such mandates. Even more troubling may be the fact that when making these regulatory decisions the EPA, pursuant to its own guidance from December 2010, is taking little to no time to appreciate the cost to jobs in relation to the benefits that these rules provide when considering and implementing such rules.

Members on Capitol Hill must take responsibility as well. Over time we have directed the agency to conduct certain activities and authorized funding to carry out those orders. That practice has to stop.

Less money to spend demands we make every effort to get back to basics. We need to understand every new program that EPA proposes. We need to see if that program will replace or repackage old policy. We need to justify programs based on the severity of national need. And we need to identify and understand the progress these programs have made to date, based on measurable criteria, and whether EPA can justify a legitimate reason for their continuation.

A complete picture is essential so Congress can set funding and policy priorities built on smart fiscal decisions and sustainable outcomes moving forward. This is no easy task, but I look forward to having an open, sincere dialogue with the agency and working collaboratively to give EPA the necessary tools to carry out its job in a manner that benefits the environment, the economy, and the American taxpayer while rooting out wasteful spending.

Mr. SHIMKUS. And with that I would like to yield 1 minute to my colleague from Kentucky, Mr. Whitfield.

Mr. WHITFIELD. Thank you very much, Chairman Shimkus. And Administrator Jackson, we appreciate your being here with us today and giving us the opportunity to visit with you about the EPA budget, and certainly want to have some discussion also about the President's January 2011 executive order about promoting economic growth, innovation, competitiveness and job creation and the impact that regulations have on that. And so we look forward to your testimony today and we appreciate your being here.

Mr. SHIMKUS. And now I would like to recognize Mr. Murphy for the remainder of my time, which should be about a minute.

Mr. MURPHY. Thank you, Mr. Chairman. It is certainly a question we have to deal with today is how do we pay for all these things, to clean up our water which we want, and to clean up our brownfields which we want, and to clean our air. But I am hoping we come up with more creative solutions than the past issue of carbon credits, which I liken to "Seinfeld" credits. The famous "Seinfeld" show, a show about nothing, is likened to this because when you are trading a carbon credit, you are basically asking a company that produces something in a smoke stack to trade it in a commodity for a smokestack, maybe no smokestack that produces nothing. But these paper carbon credits will be traded in the market in such way it will increase the cost of electricity, increase the cost of manufacturing, send more jobs overseas, and have no net impact upon air pollution, which floats back over here.

I dearly hope that we come up with solutions and means to pay for those, because we all on both sides of the aisle want a cleaner environment, but also want jobs to function for these things. I am hoping that is a key part of today's discussion and look forward to these hearings. Thank you, Mr. Chairman.

Mr. SHIMKUS. The gentleman's time has expired. Now the chair recognizes the ranking member of the subcommittee, Mr. Green, for 5 minutes.

**OPENING STATEMENT OF HON. GENE GREEN, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Mr. GREEN. Thank you, Mr. Chairman, and thank you go for holding the hearing today on the fiscal year 2012 EPA budget. I want to thank Administrator Jackson for appearing before the committee again. And I know you have been before our committee several times the past few weeks. And as an aside, I was wondering if you had the right it assign your parking place when you are not using it to any other member. But I appreciate your making time to discuss the EPA budget with us today.

As a member represents an energy producing district, I understand the balance must be struck between clean and safe energy production in our environment. The EPA serves the important function of monitoring our environmental health and safety. The public health protection is a provider and very important to our local communities.

Today we are discussing the budget. Last week I was at a hearing for the Health and Human Services budget, and across the board, we are making reductions in spending to get the budget

under control. EPA's budget is no exception, and reductions in funding have been reflected in the President's budget.

I have several concerns about what—I have with that budget proposal mostly in the area of Superfund accounts. Congressman Ted Poe and I have a Superfund site that we share in our districts which is leaking dioxin. The EPA is pursuing the responsible parties but cuts within the budget make it difficult for EPA to pursue responsible parties and to clean up the Superfund sites already on the national priorities list. This is extremely disconcerting because I know from this experience we had with our Superfund site how hard it is for EPA to list the sites, to add them to the NPL and actually begin cleaning them up, because the Superfund program already lacks funds.

I am pleased the budget adds in funds for the E-waste recycling programs. I have been working on electronic waste recycling legislation for several years, and I strongly believe the United States needs not only a national, but a global responsibility to set up national E-waste recycling standards. Again, thank you, Madam Administrator, for appearing before the committee today and look forward to hearing your testimony. Thank you, Mr. Chairman.

Mr. SHIMKUS. The gentleman yields back his time. The chair recognizes that all members will have unanimous consent requests for their opening statements to be placed into the record. The chair now recognizes the chairman emeritus, Chairman Barton, for 5 minutes.

Mr. BARTON. For 5 minutes?

Mr. SHIMKUS. If you want it.

Mr. BARTON. Well, I am going to yield back some of that time, Mr. Chairman.

Mr. SHIMKUS. Good.

Mr. BARTON. I am used to 1 minute or 2 minutes. We want to welcome Administrator Jackson again, we are going to have a good dialogue with her. I want the record to show that myself, and I think every Republican on this subcommittee, joint subcommittee, support a strong EPA and we support strong enforcement of our environmental laws. What we don't support is an EPA that goes beyond its core mission for what I consider to be political purposes. Or pursues strategies that cost extremely much more than they do resulting in benefits. One of the ways the Congress has the authority to review any Agency is to review its budget authority and that is the purpose of this hearing.

Even with the reduction from last year's spending level the EPA's requesting over \$9 billion. That is a lot of money, and I am looking forward to asking some very serious questions about where that money's being spent, and how it is being spent, and what the results of that spending is. So with that, Mr. Chairman, I put my formal statement in the record and I yield back or yield to whoever you wish to yield it to.

Mr. SHIMKUS. The gentleman yields back his time. The chair now recognizes the chairman emeritus, Mr. Waxman, for 5 minutes.

**OPENING STATEMENT OF HON. HENRY A. WAXMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. WAXMAN. Thank you very much, Mr. Chairman. Today we will compare two visions of EPA's budget and the difference between them could not be more stark. The President's budget is fiscally responsible, yet gives the Agency the resources it needs to protect public health in the environment. The Republican budget would decimate the Agency and its public health mission.

A common perception is that energy and environmental issues are more regional than partisan. Most of my career, that has been true. But that is no longer true today. The Republican Party in Congress has become the anti-environment party. There is no more telling proof than H.R. 1, the Republican budget proposal.

During the debates we have had in this committee on clean air in 1990 when we did our revisions, we had Republicans who were clearly pro-environment. President George H.W. Bush, representatives like Sherry Boehlert, John Chafee, were close allies and true environmental champions. And ultimately, after difficult compromises, our regional, bipartisan coalitions were able to rally around the bill that passed the House 401 to 25; in the Senate, 89 to 10.

But this kind of bipartisanship seems impossible today. Republicans in this Congress have an anti-environment agenda, and as of yesterday's markup of the Upton-Inhofe bill demonstrates, they also have an anti-science agenda.

It is a Republican mantra that they are pursuing the "will of the people." But that is not what they are doing. Their anti-science, anti-environment agenda may be the will of the Koch Industries but it is not what American families want.

Americans know that their family's health and quality of life depend on a clean environment. They know we need a strong EPA to stop oil companies and power companies from poisoning our air and water. They know we need a strong EPA to keep toxic chemicals out of our food supply and away from our children. But instead of giving EPA the resources the Agency needs, Republicans are using the budget process to handcuff the Agency. The Republican budget is the most sweeping and reckless assault on health and the environment we have seen in decades. This bill slashes EPA's funding by almost a third, denying the Agency the resources it needs to carry out the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the Food Quality Protection Act, and the Toxic Substances Control Act.

Riders in H.R. 1 block EPA from regulating toxic emissions from cement plants, they defund EPA's efforts to reduce dangerous carbon emissions, they sought to prevent EPA from protecting water quality in thousands of streams and wetlands, threatening drinking water supplies for millions of Americans.

I am glad we have Administrator Jackson here today. I look forward to her testimony. She will explain what the implications of the Republican budget would be on her Agency. I know it is awkward because we are going to hear from her, after we have already voted on the House floor for some of these very, very damaging cuts and unthought-through riders. But I hope members will listen.

In the weeks ahead, we have time to change course and work together to give EPA the resources it needs to protect public health and the environment. I yield back the balance—well, let me—are you going to—

Mr. SHIMKUS. I wasn't and was hoping.

Mr. WAXMAN. Well, I would like to yield back the balance of my time to Mr. Rush.

Mr. RUSH. I want to thank the ranking member for yielding the balance of his time. And I want to thank the chairman of the committee for holding this hearing. I certainly want to thank the Administrator for being here. Madam Administrator, I want to thank you for all your hard work and dedication on behalf of the American people to provide all of us with clean air, and water, and for protecting the public health in spite of all the ridicule and contempt that you have encountered as you attempt to do the job that President Obama tasked you to do. You are a woman of immense talents, courage and commitment, and I want to congratulate you on your resolve and commend you on your resolve.

The President's budget already proposes a 13 percent decrease to EPA's fiscal year 2012 budget. And my colleagues on the other side of the aisle are attempting to compound your challenges by composing Draconian cuts of almost a third of your budget as compared to fiscal year 2010 levels. And I for one, Madam Administrator, can tell you that my constituents are very confused and perplexed that the same Republicans who will cut \$3 billion from the Agency charged with protecting the public health are also the same politicians who will humanly resist taking away the \$3.6 billion in tax credits from oil companies who are making record profits, even as the average American struggles to pay for \$4 a gallon for gas in most stations in this Nation.

Some programs that are dear and near to me will see significant funding cuts, including \$550 million reduction to the Drinking Water State Revolving and Loan Fund.

I ask unanimous consent for 30 seconds.

Mr. SHIMKUS. The gentleman is recognized for an additional 30 seconds without objection.

Mr. RUSH. Madam Administrator, I realize that with such deep funding cuts you are forced to make some tough choices and you prioritize your agenda and work to protect America's air and water supply. I want to you know that you have my support, my support and we intend to work very, very closely with you to work our way through this issue and these problems that we are confronted with as a Nation. Thank you so very much, and God bless you. I yield back.

Mr. SHIMKUS. The gentleman yields back his time. Now the chair welcomes the Honorable Lisa Jackson, Administrator of the U.S. Environmental Protection Agency. Ma'am, your entire record and testimony has been recorded and is on file. You have 5 minutes for an overview, and welcome again.

**STATEMENT OF LISA P. JACKSON, ADMINISTRATOR,  
ENVIRONMENTAL PROTECTION AGENCY**

Ms. JACKSON. Thank you, thank you so much. Thank you, Chairman Shimkus, Chairman Whitfield, Ranking Members Rush and

Green. Members of the subcommittee, thank you for inviting me to go to testify about President Obama's budget request for the Environmental Protection Agency. I just want to start to say that our thoughts and prayers are with the people of Japan this morning. And EPA, along with much of the Federal Government, stands ready to assist them and our people as we see the ramifications of what is going on there.

Congress enacted the Clean Air Act, the Clean Water Act and America's other bedrock environmental protection laws on a broadly bipartisan basis. It did so to protect American's children and adults from pollution that otherwise would make their lives shorter, less healthy and less prosperous. It did so to make the air and drinking water in America's communities clean enough to attract new employers. It did so to enable America's local governments to revitalize abandoned and polluted industrial sites. It did so to safeguard the pastime of American's 40 million anglers, it did so to protect the farms whose irrigation makes up a third of America's surface freshwater withdrawals. And it did so to preserve the livelihood of fishermen in America's great waters such as the Great Lakes, the Chesapeake Bay, and the Gulf of Mexico.

Congress gave EPA the responsibility of implementing and enforcing those laws. Each year, Congress appropriates the money that makes EPA's implementation and enforcement work possible. As head of the EPA, I am accountable for squeezing every last drop of public health protection out of every dollar we are given. So I support the tough cuts in the President's proposed budget. But I am equally accountable for pointing out when cuts becomes detrimental to public health. Without adequate funding, EPA would be unable to implement or enforce the laws that protect Americans' health, livelihoods and pastimes. Big polluters would flout legal restrictions on dumping contaminants into the air and to rivers and onto the ground. Toxic plumes already underground would reach drinking water supplies, because ongoing work to contain them would stop. There would be no EPA grant money to fix or replace broken water treatment systems and the standards EPA has said to establish from harmful air pollution from smokestacks and tailpipes would remain missing from a population of sources that is not static, but growing.

So if Congress slashes EPA funding, concentrations of harmful pollution would increase, from current levels in the places Americans live, work, go to school, fish, hike and hunt. The result would be more asthma attacks, more missed schooldays and workdays, more heart attacks, more cancer cases, more premature deaths, and more polluted waters.

Needless to say then, I fervently request and appreciate bipartisan support in Congress for funding the essential work that keeps American children and adults safe from uncontrolled amounts of harmful pollution being dumped into the water they drink and the air they breathe.

Decreasing Federal spending is no longer just a prudent choice, it is now an unavoidable necessity. Accordingly, President Obama has proposed to cut EPA's annual budget nearly 13 percent. That cut goes beyond eliminating redundancies. We have made difficult, even painful choices. We have done so, however, in a careful way

that preserves, EPA's ability to carry out its core responsibility to protect the health and well-being of America's children, adults and communities.

We have been reviewing the budget request for more than 3 weeks, I will save the details for the question and answer period. Before turning to your questions, I will address Chairman Upton's bill to eliminate portions of the Clean Air Act. The most extreme parts of that bill remain unchanged since I testified about it a month ago. It still would presume to overrule the scientific community on the scientific finding that carbon pollution endangers American's health and well-being. Politicians overruling scientists on a scientific question. You might well be remembered more for that than for anything else you do. The bill still would block any Clean Air Act standards for greenhouse gas pollution from cars and trucks after 2016.

Alone, the Department of Transportation CAFE standards do not achieve nearly as much pollution reduction or oil savings as when they are backed up by the Clean Air Act's enforcement provisions. All told, nullifying this part of the Clean Air Act would forfeit many hundreds of millions of barrels of oil savings, at a time when gas prices are rising yet again. I cannot, for the life of me, understand why you would vote to massively increase America's oil dependence.

The Clean Air Act saves millions of American children and adults from the debilitating and expensive illnesses that occur when smokestacks and tailpipes dump unrestricted amounts of harmful pollution into the air we breathe. I respectfully ask this committee to think twice before gutting that landmark law. Thank you, Chairman. I look forward to your questions.

[The prepared statement of Ms. Jackson follows:]

**TESTIMONY OF  
LISA P. JACKSON**

**ADMINISTRATOR  
U.S. ENVIRONMENTAL PROTECTION AGENCY**

**BEFORE THE SUBCOMMITTEES ON  
ENERGY AND POWER  
&  
ENVIRONMENT AND THE ECONOMY**

**COMMITTEE ON ENERGY AND COMMERCE**

**U.S. HOUSE OF REPRESENTATIVES**

**March 11, 2011**

Mr. Chairmen, Ranking Members Rush and Green, and Members of the Committee, thank you for the opportunity to appear before you to discuss the Environmental Protection Agency's proposed budget. In the State of the Union – as President Obama laid out a plan to win the future – he made clear that we “will not hesitate to create or enforce common-sense safeguards to protect the American people,” and explained that these safeguards are “why our food is safe to eat, our water is safe to drink, and our air is safe to breathe.”

These are the services EPA provides. EPA's activities prevent thousands of illnesses such as asthma, cancer and other diseases. They help keep students and workers healthy so they can be more productive. And, they save lives. Preliminary estimates show that last year, the Clean Air Act alone is estimated to have saved 160,000 lives and prevented more than 100,000 hospital visits.

President Obama also understands, however, that as millions of families are cutting back and making sacrifices, they expect the same level of good fiscal sense out of their government.

This budget reflects that good fiscal sense, and makes many tough choices.

FY 2010's budget of \$10.3 billion was EPA's highest funding level since its creation. This FY 2012 budget request, while a deep cut resulting in a total budget of \$8.973 billion, will allow EPA to carry out its core mission and fund the most critical efforts to protect the health of American families.

The choices in this budget reflect EPA's commitment to core regulatory work and preserving the hard-won progress made over the last 40 years in protecting and restoring the quality of

our air, water, and land; ensuring the safety of our chemicals; and providing strong enforcement of environmental laws and regulations.

At the same time, we have heeded the President's call for deficit reduction and made some painful choices to reduce funding for important programs. As it does every year, EPA has worked to find efficiencies within our programs and in some cases made reductions trusting that further efficiencies can be found. The \$8.973 billion proposed for EPA in the FY 2012 President's Budget will allow the Agency to maintain its core programs while investing in areas of urgent need and will support key priorities during this time of fiscal challenges.

This budget represents a nearly 13 percent reduction over the FY 2010 budget and reflects our priorities: supporting action on climate change and improving air quality; protecting America's waters; building strong state and tribal partnerships; strengthening enforcement and compliance; enhancing chemical safety; supporting healthy communities; and maintaining a strong science foundation. Because of the constrained fiscal environment, the Budget decreases the State Revolving Funds (SRFs) by nearly \$950 million while supporting a long-term goal of providing about 5 percent of total water infrastructure spending and spurring more efficient system-wide planning. The Budget also reduces the Great Lakes Restoration Initiative by \$125 million, eliminates about \$160 million in targeted water infrastructure earmarks, and eliminates \$60 million for clean diesel grants.

Our priorities are aligned with the government-wide effort to identify near-term high priority performance goals. For EPA, our goals include reducing greenhouse gas emissions, improving water quality, and delivering improved environmental health and protection to our communities. EPA will work toward meeting these goals over the next 18 to 24 months.

Madam Chair and Members of the Committee, let me touch on some of the highlights of this budget, both the painful choices and the targeted investments that will protect our health and the environment.

**Supporting Action on Climate Change and Improving Air Quality**

We are committed to meeting EPA's obligations under the Clean Air Act, the landmark law that all American children and adults rely on to protect them from harmful air pollution. We will continue to take meaningful, common sense steps to address climate change and improve air quality. Making the right choices now will allow the Agency to improve health, drive technology innovation, and protect the environment; all without placing an undue burden on the nation's economy. Indeed, EPA's implementation of the Clean Air Act has saved millions of lives and avoided hospital visits; enhanced American productivity by preventing millions of lost workdays and growing the clean energy sector; and kept American children healthy and in school.

Our budget requests \$46 million for additional regulatory efforts aimed to reduce greenhouse gas emissions and address the Climate and Clean Energy Challenge. This includes \$30 million in state grants and support for permitting, which will ensure that our state partners develop the

technical capacity to address greenhouse gas emissions under the Clean Air Act. Also included is \$6.0 million in additional funding for the development and implementation of new emission standards that will reduce greenhouse gas emissions from mobile sources such as passenger cars, light-duty trucks, and medium-duty passenger vehicles. These funds also will support EPA's assessment and potential development, in response to legal obligations, of standards for other mobile sources. Also included is \$7.5 million for the assessment and potential development of New Source Performance Standards for several categories of major stationary sources through means that are flexible and manageable for business. Finally, this amount includes an additional \$2.5 million for priority measurement, reporting and verification activities related to implementing the GHG Reporting Rule, to ensure the collection of high quality data.

Our air toxics strategy prioritizes standards that provide the greatest opportunity for cost-effective emissions reductions. This budget requests an additional \$6.4 million to conduct integrated pilots in several communities, including disadvantaged communities, to systemically evaluate and reduce risks from toxic air pollutants through regulatory, enforcement, and voluntary efforts. An additional \$3.7 million will improve air toxic monitoring capabilities and dissemination of information between and among the EPA offices, the state, local and tribal governments, and the public.

We anticipate a more than four-fold increase in the number of vehicle and engine certificates EPA issues. In addition, as a result of diverse and sophisticated technologies, we anticipate more challenging oversight requirements for both the vehicle/engine compliance program and fuels. We will upgrade vehicle, engine, and fuel testing capabilities through a \$6.2 million investment in the National Vehicle and Fuel Emissions Laboratory.

#### **Protecting America's Waters**

By leveraging partnerships and traditional and innovative strategies, we will continue to sustain and improve water infrastructure and clean-up America's great waterbodies. EPA, the states, and community water systems will build on past successes while working toward the FY 2012 goal of assuring that 91 percent of the population served by community water systems receives drinking water that meets all applicable health based standards.

The Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) provide grants to states, which use the funds to make affordable loans to local communities for public drinking water and wastewater infrastructure projects. The President's Budget requests \$1.55 billion for the Clean Water SRF and \$990 million for the Drinking Water SRF. This request level reduces funding for State Revolving Funds by \$947 million from FY 2010 levels. As part of the Administration's long-term strategy, EPA is implementing a Sustainable Water Infrastructure Policy that focuses on working with states and communities to enhance technical, managerial, and financial capacity. Important to the technical capacity will be enhancing alternatives analysis to expand "green infrastructure" options and their multiple benefits. Future year budgets for the SRFs gradually adjust, taking into account repayments, through 2016 with the goal of providing, on average, about 5 percent of water infrastructure

spending annually. Federal dollars provided through the SRFs will serve as a catalyst for efficient system-wide planning and ongoing management of sustainable water infrastructure.

We will also leverage our partnership with states and tribes through an additional \$21 million in Water Pollution Control (Sec. 106) grants to enhance water quality and to provide additional resources to address Total Maximum Daily Load (TMDL), nutrient, and wet weather issues. An additional \$4 million is requested for Public Water Systems Supervision grants to support management of state and drinking water system data, improve data quality, and allow the public access to compliance monitoring data not previously available. This will improve transparency and efficiency and reduce the need for state resources to maintain individual compliance databases.

This budget supports EPA's continued efforts to clean up America's great waterbodies. It includes \$67.4 million for the Chesapeake Bay program, a \$17.4 million increase, which will allow EPA to continue to implement the President's Executive Order on Chesapeake Bay Protection and Restoration. The increased funding will support Bay watershed States as they implement their plans to reduce nutrient and sediment pollution in an unprecedented effort to restore this economically important ecosystem.

This budget has \$350 million included for programs and projects strategically chosen to target the most significant environmental problems in the Great Lakes ecosystem, a \$125 million decrease from FY 2010, the first year of the initiative. Led by EPA, and engaging the capabilities of a number of federal agencies, the initiative will implement the most important projects for Great Lakes Restoration and achieve visible results.

The Administration is committed to restoring and protecting the Gulf Coast ecosystem following decades of environmental harm, including the BP Deepwater Horizon oil spill. As Chair of the Gulf Coast Ecosystem Restoration Task Force, established by Executive Order 13554, I will work with the Federal and State Task Force members to lead environmental recovery efforts in the region. EPA is also working to support the Federal and State Trustees on the Deepwater Horizon Natural Resource Damage Assessment and Restoration Trustee Council as they develop a restoration plan to restore the region's natural resources to pre-spill conditions. As a complement to these efforts, EPA's request of \$6.6 million for the Mississippi River Basin program will address excessive nutrient loadings that contribute to water quality impairments in the basin and, ultimately, to hypoxic conditions in the Gulf of Mexico.

#### **Building Strong State and Tribal Partnerships**

Strong partnerships and accountability are vital to the implementation of environmental programs, and we are committed to strengthening state and tribal capacity. This budget includes \$1.2 billion for state and tribal grants which is an overall increase of \$84.9 million over FY 2010 within this amount is a reduction to Nonpoint Source (Sec. 319) Grants and Local Government Climate Change Grants. This request will provide critical support to State and local governments who are working diligently to implement new and expanded requirements under the Clean Air Act and Clean Water Act.

These include implementation of updated National Ambient Air Quality Standards and addressing complex water quality issues such as nutrient pollution, which I discussed earlier.

To help tribes strengthen environmental protection capacity and move forward with implementation of environmental programs, an \$8.5 million increase is included for Tribal General Assistance Program grants and \$20 million is budgeted for the competitive Tribal Multi-media Implementation grant program.

**Strengthening Enforcement and Compliance**

Regulated entities, Federal agencies, and the public benefit from easy access to tools that help them understand environmental laws and find efficient, cost-effective means for putting them into practice. This budget includes a request of \$27.5 million for the Regaining Ground in Compliance Initiative. Through this initiative, EPA will begin to harness the tools of modern technology to address some of these areas and make EPA's Enforcement and Compliance Assurance program more efficient and effective. We also will increase the number of inspections at high risk facilities regulated under the Spill Prevention, Control and Countermeasures (SPCC) and the Facility Response Plan (FRP) regulations.

By increasing the use of electronic reporting, monitoring tools, and market-based approaches, we will improve the effectiveness and efficiency of our limited resources, and ensure a level playing field for American businesses. By maximizing the use of advanced data and monitoring tools, we can focus our limited inspection and enforcement resources and focus our attention on identifying where the most significant vulnerabilities exist.

**Enhancing Chemical Safety**

America's citizens deserve to know the products they use are safe. One of my highest priorities is making significant and long overdue progress in assuring the safety of chemicals. We are taking immediate and lasting actions to eliminate or reduce identified chemical risks and develop proven alternatives.

FY 2012 represents a crucial stage in our approach for ensuring chemical safety. The program has attained its "zero tolerance" goal in preventing the introduction of unsafe new chemicals into commerce. However, many "pre-TSCA" chemicals already in commerce remain unassessed.

With the \$16 million investment for the Enhancing Chemical Safety initiative included in this budget, we will increase the pace of chemical hazard and risk assessments, strengthen chemical information management and transparency, and take action to address identified chemical risks including careful consideration of the impact of chemicals on children's health and on disadvantaged, low-income, and indigenous populations. The additional funding will help to close knowledge and risk management gaps for thousands of chemicals already in commerce through actions that will decrease potential impacts to human health and the environment. We also will continue promoting use of proven safer chemicals, chemical management

practices, and technologies to enable the transition away from existing chemicals that present significant risks.

#### **Supporting Healthy Communities**

We are committed to protecting, sustaining or restoring the health of communities and ecosystems by bringing together a variety of programs, tools, approaches and resources directed to the local level. Partnerships with international, Federal, state, tribal, local governments, and non-governmental organizations have long been a common thread across EPA's programs. This diversity of perspectives and experiences brings a wider range of ideas and approaches, and creates opportunities for innovations.

The budget includes a \$20.4 million multidisciplinary initiative for Healthy Communities. It supports states and communities in promoting healthier school environments by increasing technical assistance on school siting, environmental health guidelines, and Integrated Pest Management in schools. It also provides resources to address air toxics within at-risk communities, and to enhance the important joint DOT/HUD/EPA outreach and related efforts with communities on sustainable development.

We proudly support the America's Great Outdoors initiative to develop a community-based 21st century conservation agenda that can also spur job creation in the tourism and recreation industries. Leveraging support across the Federal Government, EPA will join the Department of the Interior, the Department of Agriculture, and the Council on Environmental Quality to lead the coordinated effort to protect and restore our outdoor legacy. The area-wide planning and community support focus of existing EPA programs and initiatives like Urban Waters and Brownfields programs align well with the goals and objectives of this new initiative.

#### **Maintaining a Strong Science Foundation**

To develop a deeper understanding of our environmental challenges and inform sustainable solutions, we are requesting a science and technology budget of \$826 million, \$22 million lower than our FY 2010 enacted funding level, reflecting both efficiencies and difficult choices in order to ensure support for the highest priority science needs. We will strengthen planning and delivery of science through an integrated research approach, which will help us more deeply examine our environmental and public health challenges. By looking at problems from a systems perspective, this new approach will create synergy and produce more timely and comprehensive results beyond those possible from approaches that are more narrowly targeted to single chemicals or problem areas. Within the request, we are including increases for research on endocrine disrupting chemicals, green infrastructure, air quality monitoring, e-waste and e-design, green chemistry, and the potential effects of hydraulic fracturing on drinking water.

To make progress on these research priorities and leverage the expertise of the academic research community, funding redirections will support additional Science to Achieve Results (STAR) grants and fellowships. This budget also supports the study of computational toxicology, and other priority research efforts with a focus on advancing the design of sustainable solutions

for reducing risks associated with environmentally hazardous substances. Two million dollars is also included to conduct a long-term review of EPA's laboratory network. These increases are offset by redirections from other areas, such as human health and ecosystems, biofuels, homeland security, mercury, and ground water remediation.

We look forward to working with the Congress to cut spending and cut the deficit. But to win the future, we cannot cut in a way that will undermine our ability to win the future and out-educate, out-innovate, and out-build our economic competitors. The budget that the President announced is a responsible plan that shows how we can live within our means and invest in the future. It makes tough choices to cut spending and cut the deficit. It includes a five-year non-security discretionary freeze, saving more than \$400 billion over the decade and reducing non-security discretionary spending to its lowest level as a share of the economy since President Eisenhower, and the Budget reduces the deficit by more than \$1 trillion, putting us on a path to fiscal sustainability.

Thank you again for inviting me to testify today, and I look forward to answering your questions.

Mr. SHIMKUS. Thank you, Madam Administrator. And now I will recognize myself for 5 minutes for the first round of questions. As I do so, I will remind my colleagues that the Republican budget hasn't been proposed yet, that is what we are doing next month. We are trying to address the Continuing Resolution based upon the fact that the Democrats in the majority in the last Congress didn't pass a budget. Had they done that, we wouldn't be in this CR fight, but that did not happen.

And Madam Administrator, you know that when we do propose our budget, you should expect to see—constitutionally, all appropriations begin in the House. You should expect to see 2008 budget numbers come for the Environmental Protection Agency. The point being—and the public understands—that in 2008 we still spent a whole heck of a lot of money. So “2008 spending levels” does not mean we are not spending any money. In fact, it means we are spending billions of dollars. And I would just give you a heads up that your Agency should be prepared for those numbers once we finish our budget process.

Having said that, I would like to put on a slide two statements; one from your Agency, and one from the President of the United States. In 2010, June 2010 when you proposed your coal ash rule, it stated “The regulatory impact assessment for this proposal rule does not include either qualitative or quantitative estimation of the potential effects of the proposed rule on economic productivity, economic growth, employment, job creation or international competitiveness.”

Now the President issued an executive order in January 2011. And in that executive order he states—and that is the second, it is one highlighted in red—that “regulatory reform must take into account benefits and costs, both quantitative and qualitative, in the interest of economic growth, innovation, competitiveness and job creation.”

So the question, since the executive order says exactly the opposite of what you had previously stated during the rulemaking process, will you now go back and rescind the coal ash rule?

Ms. JACKSON. The coal ash rule is not final, Mr. Chairman. It has been proposed. It has been subject to over 400,000 comments.

Mr. SHIMKUS. Reclaiming my time. Let me ask then, will you, since it has not been finalized, will you comply with the President's executive order and take into consideration both qualitative and quantitative estimation of the potential effects of the proposed rule?

Ms. JACKSON. Yes, of course we will. And let me simply say the proposed rule does have cost estimates in it. The piece that you exempted from the RIA points out estimates that weren't done, but there were several cost estimates done in conjunction.

Mr. SHIMKUS. So you are agreeing now to make sure that the RIA will comply with the President's executive order.

Ms. JACKSON. Any final rule, when it is finalized, and we have not announced the date for that rule, has to comply with the President's executive orders.

Mr. SHIMKUS. Can you outline any other regulations you will specifically reconsider, based upon the President's executive order?

Ms. JACKSON. Well, the President's executive order has several parts, one is a retrospective look at regulations, which the Agency is—has already begun in compliance with that order. So we will, in effect, be looking back at all of our regulations, that is what the executive order asked us to do. In addition, it puts requirements on us prospectively as regulations are evaluated.

Mr. SHIMKUS. Do you have a master plan for your look-back? And would you provide a copy for the committee for that?

Ms. JACKSON. We do not yet have it, sir, but we are working on it. I believe it is due to the White House in about a month, and of course, we will provide it.

Mr. SHIMKUS. Do you have any EPA regulations that you feel would be exempt from the Presidential executive order?

Ms. JACKSON. Not to my knowledge, sir. I don't believe we have identified any exemptions.

Mr. SHIMKUS. And what portion of the 2012 Presidential budget is being used to carry out the President's executive order?

Ms. JACKSON. I don't have a figure specifically for that work. It will be done in the base budget for EPA and it will span several of the offices.

Mr. SHIMKUS. Can you provide that for the committee?

Ms. JACKSON. We can certainly give an estimate of what we entail the workload to be, sir.

Mr. SHIMKUS. That would be helpful. Thank you.

My time is nearly expired, so I will now yield to my colleague from Texas, Mr. Green.

Mr. GREEN. Thank you, Mr. Chairman. We, as you know, we have a short time, so I will get into the questions, as you know, I personally have been very interested in the issue of electronic waste, and have been working on the issue. I noticed there are some individuals who believe the EPA should spend money to build capacity for managing E-waste in developing nations. While I agree that the countries do need to develop their capacity to manage their own E-waste, I think if we do not address the E-waste problem, domestically then it will be just an excuse to continue exporting to developing countries.

That is why I am a little concerned with EPA's budget justification focused on EPA partnering with other nations and international organizations, such as the UNEP to begin tracking the international movement of electronic waste and provide E-waste best practices through education and demonstration project in developing countries.

I think it is a little disingenuous for the United States to talk to capacity building in these countries if we haven't addressed the problem from our own E-waste exports. Plus, given that we are in a world with diminishing EPA funding, we simply shouldn't be spending money on this internationally. Instead, the EPA should be spending time and money to increase responsible recycling here in the United States, increasing capacity and quality and legal compliance here at home.

Several weeks ago at a hearing on environmental regulations and jobs, Wendy Neu of the Neu Corporation, an E-waste recycler, testified that the EPA regulations have added value to her business.

If the EPA focused all the budget amount currently designated for international capacity building, education demonstration projects, et cetera, on improving our domestic capacity for quality of E-waste recycling, wouldn't we then actually be adding value to the business of our United States recyclers, allowing them to expand their own operations and add more jobs for you as workers so any investment by the Federal Government in EPA's budget on the front end would be more than paid for by the business expansion and job creation on the back end.

I am concerned that the focus on best practices overseas sets a precedent of ignoring or problem and absolves us of our responsibility to set up our own national E-waste program. That is a question that I would like— do you think that by focusing on international cooperation and education, that we are actually short-sighted in dealing with our own problems domestically?

Ms. JACKSON. Well, they are not exclusive, sir. We are doing work domestically with several other manufacturers and several of the States have put in place their own regulations for E-waste recycling. But the truth of the matter is that one of the things we will have to do if we want to create a market here is stop the illegal export of these wastes. And the only way to do that is in the receiving country, because they have to come to understand how bad this is for them from the standpoint of public health.

Mr. GREEN. Well, with our scarce dollars, my concern is we might not be doing what we need to do here and maybe helping developing countries.

Let me go on. The second question is on E-manifest. In your budget proposal, you also request 2 million for the development of electronic hazardous waste manifest systems or E-manifest. It is my understanding that the current paper hazardous waste manifest system creates a very large administrative paperwork, and as well as financial burden on firms regulated under RCRA, hazardous waste provisions. Can you discuss the burden of the current hazardous waste manifest system creates for businesses as well as for the EPA?

Ms. JACKSON. Well, certainly the \$2 million investment is intended to help to relieve some of that burden, we are obviously in the electronic age. The idea is of the electronic manifest will help reduce paperwork. It does require some amount of training, but the purpose of the manifest system, of course, is a cradle-to-grave understanding of where waste flows are domestically in our country. So we believe it is an investment in modernizing the system that will pay off in efficiency later.

Mr. GREEN. One of the concerns I have, it seems like under our current system when we have it there should be potential savings not only the EPA and to businesses, there is excessive postal costs because you have to ship each paper on hazardous waste manifest. The budget proposal also discusses a legislative proposal EPA will submit to Congress on the collection of user fees to support the development of operation of the E-manifest system.

For several years, legislation has been introduced in both House and Senate to create an e-manifest system funded by user fees. Legislation has not been introduced this year and I would be inter-

ested in seeing EPA's proposal. Do you anticipate sending it to Congress?

Ms. JACKSON. We are happy to send technical information and support for such a proposal, sir.

Mr. GREEN. The EPA is expected in 2012 to finalize a rule to allow for the electronic tracking of hazardous waste using the E-manifest. Will these rules be issued before or after the legislative proposal is sent to Congress?

Ms. JACKSON. I don't know the answer to that question off the top of my head, Mr. Green. Let me find out, because we are talking about—I think the intent of the budget was to show that we have a full proposal, the \$2 million investment would eventually rely on rules that implement the E-manifest system. But we will get a schedule for you.

Mr. GREEN. Appreciate the information. Thank you, Mr. Chairman.

Mr. SHIMKUS. The gentleman's time has expired. The chair now recognize the subcommittee chairman for Energy and Power, Mr. Whitfield, for 5 minutes.

Mr. WHITFIELD. Thank you, Chairman Shimkus. I want to further explore a question that Mr. Shimkus had. In addition to the fly ash rule in June of 2010, in December of 2010, you issued guidelines for preparing economic analysis. And in that guideline, it said regulatory-induced employment impacts are not generally relevant for cost benefit analysis. And I think that guideline would also be in direct conflict with the President's executive order. I would ask you are you revising the guidelines at all?

Ms. JACKSON. I believe the guidelines called for a separate jobs analysis or envisioned a separate jobs analysis. So I think what the intent was not to double count jobs analysis in the cost benefit. But I would happy to take a look at that issue.

Mr. WHITFIELD. But in your guidelines now, you do insist that you look at the impact on jobs of any regulations?

Ms. JACKSON. We are doing jobs analysis for our regulations, yes, sir.

Mr. WHITFIELD. And the second question I would like to ask you is, do you know how many lawsuits are pending against the EPA today?

Ms. JACKSON. How many lawsuits? I do not have the number, sir.

Mr. WHITFIELD. Would you be able to get that to us?

Ms. JACKSON. Certainly.

Mr. WHITFIELD. Because I notice that the legal advice parts of your budget exceeds \$61 million, which is quite a bit of money.

Ms. JACKSON. Well, we are sued quite often, sir, by many sides.

Mr. WHITFIELD. Also, how much money does the EPA contribute to the International Panel on Climate Change?

Ms. JACKSON. Do we—I don't know that we—sir, I will have to get that number for you for the record. I am not sure that we do contribute but if we do, I will get that number to you.

Mr. WHITFIELD. Maybe we don't contribute any money to it through EPA?

Ms. JACKSON. We do not know, so rather than give you inaccurate information, may I please just get it?

Mr. WHITFIELD. OK. Now I notice that in the budget there is also about 1.2 billion set aside for categorical grants. And I notice that categorical grants can also be given to non-profit groups. Would you be able to give me three or four names of some non profit groups that have received these categorical grants?

Ms. JACKSON. Well, I know just because I saw a letter recently from, I believe it is Chairman Upton, that there is a request for the entire list. I happened to see another piece of correspondence from the State of California, many of their local and regional air boards receive those grants.

So I think you will see a mixture of State and public entities, as well as possibly some NGOs, but we are working on a response to that letter.

Mr. WHITFIELD. So you will be providing a total list of those and the amounts?

Ms. JACKSON. That is what the letter requests, sir. And it is a fairly substantial piece of work, but that is what we are in the process of doing.

Mr. WHITFIELD. I notice there is also \$195 million in civil and criminal enforcements. Are we primarily talking about court action to enforce compliance with EPA rules. Is that what that 195 million basically would go for?

Ms. JACKSON. Many of our actions are administrative, sir, so they never reach the courts. They are administrative actions, penalty actions and other. Civil enforcement can be, obviously, under civil codes, can result in indictments and fines, penalties or even jail time.

Mr. WHITFIELD. My time is about to conclude here. I want to just go back once more, because this job impact issue is so important in my view. I just want to make sure in the guidelines, you are saying that in some instances you do look at job impacts; is that correct?

Ms. JACKSON. We have been looking at jobs impact analysis as part of our regulatory analyses. And if you look at any of the rule-making records for recent rules, certainly ones I have been involved with, there are jobs analysis that there are economically significant rules.

Mr. WHITFIELD. Could you say on just about every regulation that is going to be issued at EPA now, job analysis impacts will be looked at?

Ms. JACKSON. I think we need to look at economically significant regulations, EPA has several regulations that doesn't rise to that—

Mr. WHITFIELD. Economically significant, that would that be 100 million or more?

Ms. JACKSON. That is one of the tiers that we look at, yes. So 100 million or more, yes. Why don't I give you the criteria by which we do the jobs analysis. I am happy to do that. I agree with you that we need to do as good a job we can looking at the job impacts of major rules.

Mr. WHITFIELD. Thank you.

Mr. SHIMKUS. The gentleman yields back his time.

The chair recognizes the chairman emeritus, Mr. Waxman, for 5 minutes.

Mr. WAXMAN. Thank you, Mr. Chairman.

Administrator Jackson, I am glad that you are here today, it gives you the opportunity to set the record straight on several matters. Yesterday the Subcommittee on Energy and Power marked up the Upton-Inhofe bill to eliminate EPA's authority to address carbon pollution and climate change.

During the markup, Chairman Upton said that EPA's greenhouse gas regulations would increase gasoline prices. His reasoning was based on a quote you gave in 2009 when you said, "Congressional action on energy and climate legislation would be more effective and less costly than EPA Regulations." We are likely to hear that same claim next week when the full committee meets to consider the bill.

Administrator Jackson, can you tell us whether Chairman Upton is accurate in his description of your views?

Ms. JACKSON. No, sir, he is not.

Mr. WAXMAN. And how is he inaccurate?

Ms. JACKSON. Well, it is actually the opposite of the truth. The bill that passed the committee would actually increase the amount of money that Americans have to pay for gasoline, diesel. It would increase our oil dependence by hundreds of million of barrels. It would do so by blocking EPA's common-sense steps under the Clean Air Act on vehicle standards, because that bill although it recognizes the past standards, undoes the endangerment finding on which those standards are based, and then takes EPA out of the process for years 2016 and beyond.

So all those hundreds of millions of barrels of oil savings, which come directly from the Clean Air Act enforcement provisions, would be forfeited.

Mr. WAXMAN. So it is rather Orwellian, you have regulations dealing with motor vehicles that reduce the requirement that they use—reduce their need to use as much gasoline as otherwise would be the case. And they would wipe out those regulations potentially, we think they would, which would mean we would be using more oil. If consumers are using more oil, that is going to drive up the price than if they are using less oil, isn't that correct?

Ms. JACKSON. America's demand for oil is down and one of the reasons is, I think, because vehicles are becoming more efficient, that has been stated many times.

Mr. WAXMAN. Well, if that is the best argument Chairman Upton can make for his bill, I think he is truly grasping at straws.

I want to ask you about H.R. 1, the Republican funding bill. My concern is that the Republican budget would amount to a devastating assault on public health and the environment. How would H.R. 1, if it became law, affect EPA's ability to protect the public?

Ms. JACKSON. Well, as was mentioned earlier, sir, that bill cuts EPA's budget overall by 30 percent on the top line. That is a fairly dramatic cut. I would say that mindful of the fact that the President's proposed budget cuts EPA 13 percent from the top line. So those cuts—we understand that cuts have to happen, but it is part of my job to say that the core programs that EPA implements through the States, Clean Air Act, Clean Water Act are proven public health providers. They reduce premature deaths, they reduce asthma attacks, they reduce cancer incidences, and that is one

of our concerns. Of course, the riders are another matter, there are several riders on that bill that tie EPA's hands in a variety of ways.

Mr. WAXMAN. Well, I want to ask you about one of those riders. It would prevent you for regulating toxic emissions like mercury from cement plants. What would be the effect of this provision on public health?

Ms. JACKSON. Actually, that rider prevents us from enforcing or even providing assistance to cement manufacturers to deal with a rule that is right now on the books. That rule was intended to reduce mercury, cadmium, other metals that come from the emissions from cement manufacturing. And it is based on usable, and doable, and financially affordable technology. And what would happen is that EPA would not be able to enforce it at all, so there would be uneven enforcement. And potentially confusion in the regulated community, which could result in higher emissions, and later on at some point, we would have to come back and face the accounting for that.

Mr. WAXMAN. How much concern should people have about mercury, cadmium and other emissions from these cement plants?

Ms. JACKSON. Well, mercury is a neurotoxin as well as a carcinogen. The rule was estimated to reduce mercury emissions from cement plants by 92 percent. So would you lose potentially much of that, if you are not enforcing the rule. Particulate matter which is a killer, 11,500 tons, 92 percent reduction under the rule.

Mr. WAXMAN. What do mercury emissions do to children?

Ms. JACKSON. Mercury is a neurotoxin, it is toxic to brain development. And so as our children's brains are developing, and as they are in the womb, fetus development as well, it can be quite toxic and can cause developmental or other impacts.

Mr. WAXMAN. Administrator Jackson, you have a critically important job. Your regulations keep kids out of the emergency room, avoid birth defects in babies, prevent cancers that can devastate families. And I would hope that as we think through what your budget should be, that we don't end up keeping you from doing this very important job, and block the essential regulations or gut the Clean Air Act. I don't think that is what the American people want. And if they find out that is what is happening, I am sure they are going to be very, very angry. I yield back my time.

Mr. SHIMKUS. The chairman's time has expired. The chair now recognizes Chairman Emeritus Barton for 5 minutes.

Mr. BARTON. Thank you, Mr. Chairman. My State is in region 6 of EPA and I think as you know, last summer EPA went in and preempted the State's flexible air quality permitting system that had been in place since 1993 and revoked the neighborhood of 150 to 175 existing clean air permits. Could you give the committee the budgetary impact of the EPA having to take over those programs for the State for the record?

Ms. JACKSON. Well, yes, certainly EPA—

Mr. BARTON. All right. Will you get that—I don't expect you to have that on the top of your head. Just if you could get it to us. And could you also get us what the Region 6 budget is for the current fiscal year, please?

Ms. JACKSON. Certainly.

Mr. BARTON. OK. Last year as ranking member, Congressman Burgess and I sent letters to you asking for your authority under Title 42, which is a program which was established by the Department of Health and Human Services to get extra salary for employees in special cases. We can't tell if there was any authority to use this program at the EPA. We got back a fairly murky letter in response.

Could you now, please, submit for the record the authority that EPA has to use Title 42 and how many employees currently are paid under this Title 42. This allows the Health and Human Service to hire doctors and people like that that are above the SES pay grade. Could you do that?

Ms. JACKSON. Yes, sir.

Mr. BARTON. Thank you. So far you are doing great, every question I ask. All right.

Now, they get a little bit murkier now in terms of the questions I am asking. I have heard you and others repeatedly talk about the number of lives saved because of the Clean Air Act and other environmental laws. I voted for the Clean Air Act amendments. And I said in my opening statement, I support strong enforcement of the Clean Air Act. I have never seen an analysis, however, of where you get those numbers about lives saved and things like that. Can you provide that analysis for the record for the committee?

Ms. JACKSON. Happy to. Those are peer-reviewed analyses. I would be happy to provide them, sir.

[The information follows:]



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**MAR 23 2011**

THE ADMINISTRATOR

The Honorable Joe Barton  
Chairman Emeritus  
Committee on Energy and Commerce  
2109 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Emeritus Barton:

Thank you for your March 11 letter, which conveyed information requests that you had made of me that day at a hearing on the President's Fiscal Year 2012 budget request for the Environmental Protection Agency. Below, please find the requested information.

**"The annual operating budget for Region 6 under the EPA."**

The President's Fiscal Year 2012 budget request for EPA's Region 6 office, not including State and Tribal Assistance Grants (STAG), is \$144,869,000. The enacted Fiscal Year 2010 budget for Region 6, also not including STAG, was \$140,207,000.

**"The associated costs of pre-empting the Texas State Flexible Permitting Programs that have been used in Texas since 1993."**

Staff in several EPA offices, including the Office of Air and Radiation, the Office of the General Counsel, the Office of Enforcement and Compliance Assurance, and Region 6 have worked on issues related to the Texas permitting program. Those efforts include working with Texas government officials and stakeholders in Texas on a legally acceptable program, as well as working with businesses to ensure that they have legally valid permits. EPA does not separately calculate the agency costs of that work.

**"The supporting documents the EPA uses when claiming the number of lives saved since the enactment of the Clean Air Act."**

Pursuant to section 812 of the Clean Air Act, EPA periodically conducts scientifically reviewed studies to assess the benefits and costs of implementing and enforcing the Clean Air Act, including the number of lives saved. Those studies are available at <http://www.epa.gov/oar/sect812/index.html>.

**“The total number of EPA employees hired, regardless of current employment status, under the Title 42 Program.”**

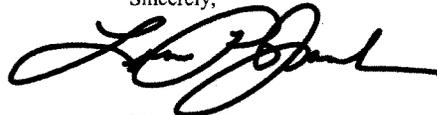
Since receiving Title 42 hiring authority in 2006, EPA has hired 17 persons under the Title 42 Program.

**“The statute or authority the EPA relies upon to use the Title 42 Program.”**

The authority that EPA relies upon to use Title 42 is an administrative provision in Title II of the Interior, Environmental and Related Agencies Appropriations Act of 2006 (Public Law 109-54), as amended by Title II of Division E of Public Law 111-8 (123 Stat. 729) and Public Law 111-88 (119 Stat. 531). The authority language reads: “For fiscal years 2006 through 2015, the Administrator may, after consultation with the Office of Personnel Management, employ up to thirty persons at any one time in the Office of Research and Development under the authority provided in 42 USC 209.” In an April 2010 report entitled “The Use of Title 42 Authority at the U.S. Environmental Protection Agency,” the National Academies of Sciences found that EPA had effectively used its Title 42 authority. A copy of that report is available at [http://www.nap.edu/catalog.php?record\\_id=12901](http://www.nap.edu/catalog.php?record_id=12901).

Thank you again for your letter. If you have further questions, please feel free to contact me or to have your staff contact David McIntosh, Associate Administrator for Congressional and Intergovernmental Relations, at (202) 564-5200.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", written in a cursive style.

Lisa P. Jackson

cc: The Honorable Fred Upton  
Chairman  
  
The Honorable Henry Waxman  
Ranking Member

Mr. BARTON. All right. You used in your opening statement the term “carbon pollution.” Would you care to define that briefly?

Ms. JACKSON. Sure, carbon pollution is shorthand for carbon dioxide pollution; it is to cover the class of greenhouse gas emissions, carbon dioxide being the one that is most—the highest volume.

Mr. BARTON. So you are just trying to use a shorthand version of CO<sub>2</sub>, or carbon dioxide. My good friend, Mr. Inslee yesterday, used the term black carbon pollution, which refers to particulate matter. The table in front of you is made of carbon. If had you had a diamond in your wedding ring, it would be made of carbon. Carbon itself is not obviously a pollutant. I would hope that the Administrator of EPA would be more precise, especially since you have a chemical—I believe a chemical engineering degree. If anybody should know what greenhouse gases are, I am looking at her right now.

Ms. JACKSON. Let me qualify, black carbon soot is, in and of itself, is a pollutant. There are many naturally occurring substances that are not good for you, arsenic being one that we can talk about, mercury we just did.

Mr. BARTON. Let’s talk about mercury. My good friend, Mr. Waxman, asked about mercury. What is—are you going to be more exposed to mercury if a CFL breaks in your home or from the trace elements of mercury that come out of a smokestack at a power plant? Which is the largest exposure?

Ms. JACKSON. I have not seen a comparison of CFLs. If you are asking me whether CFLs have trace amounts of mercury, they certainly do. There are tons and tons of mercury emissions that come from power plants.

Mr. BARTON. You might want to check your record on that. The amount of mercury that comes out of a power plant stack, given the power plant, is in pounds per year, not tons per year.

Ms. JACKSON. Well, speaking cumulatively, sir, across the country.

Mr. BARTON. I am talking on an annual basis. OK, tons is a misnomer when used with mercury. You are an engineer, OK. The metrics matter, metrics matter. We can talk tons of CO<sub>2</sub>, we can do that. But in terms of mercury, trace elements come out of a power plant stack, and it is not tons per year, it is pounds per year per plant.

Ms. JACKSON. Per plant, yes, sir. But if you aggregate them and add them up, you get pounds and 2,000 pounds equal a ton.

Mr. BARTON. That is true.

Mr. SHIMKUS. The gentleman’s time has expired. The chair now recognizes the chairman emeritus, Mr. Dingell, for 5 minutes.

Mr. DINGELL. Chairman, I thank you for your courtesy and commend you for this hearing. Madam Administrator, welcome to the committee.

I am very much concerned about the President’s budget request. I am very much concerned about the Great Lakes and about the severe issues of pollution and restoration and invasive species. I am noting that if this gets a 20 percent cut in this year’s budget proposal, the Great Lakes Restoration Initiative coordinates efforts to remediate contamination, reduce ongoing pollution and lessen

the impact of a basic species in this place, which is 20 percent of the world's fresh water.

I am very much concerned, however, that H.R. 1, the spending proposal for 2011, would cut the spending in this program for \$225 million. And I have seen on a number of occasions, including when Mr. Leavitt was in Michigan, that he was up to announce what a great job he was doing, when in point of fact, he was coming up to announce cuts in this particular program.

Can your Agency meet its obligation to the Great Lakes and to our people up there who depend on this resource with the funding levels contained in H.R. 1, yes or no?

Ms. JACKSON. The cuts in H.R. 1 are 225 million, you said, sir?

Mr. DINGELL. I am sorry?

Ms. JACKSON. I couldn't hear. The cuts to the Great Lakes are 225 million?

Mr. DINGELL. I am sorry? 225 million it is.

Ms. JACKSON. In my opinion, the President's budget recommended less cuts because we believed we needed more money in the Great Lakes.

Mr. DINGELL. Did you meet your responsibilities, yes or no?

Ms. JACKSON. Not to the extent that we think we should, and that is why we didn't propose—

Mr. DINGELL. And remember that the Great Lakes are a geological institution, one which has been there since—for about 10,000 years. What will be the practical impact of these cuts on the Great Lakes? If you wish, you may submit that to the committee in writing for insertion into the record. According to the most recent report, I would note that with regard to drinking water infrastructure needs, EPA estimates that 334.8 billion is needed to insure public health and economic well-being for our cities, towns and communities. That report is based on 2007. Have the needs in drinking water infrastructure increased or decreased since 2007.

Ms. JACKSON. I would imagine they have increased, sir.

Mr. DINGELL. All right. Would you submit to us also, please, the real number now, because the \$225 billion number is dated 2007.

I note that H.R. 1, the spending proposal passed by the House cuts safe drinking water rotating fund from 1.387 billion to 830 million. Would you state for us the impact of these cuts? I assume they cannot be beneficial.

Ms. JACKSON. No, sir, that money is used to spend in communities large and small to invest in sewage treatment plants, green infrastructure and drinking water.

Mr. DINGELL. Would you submit a statement on that for the record, please?

Now I note similarly, according to an EPA report on wastewater infrastructure for 2008, the need is 298.1 billion. Am I correct in assuming that wastewater needs have increased since 2008?

Ms. JACKSON. That is probably a good assumption, sir.

Mr. DINGELL. Will you give us a real number for the record, please, and submit that at the earliest time that you can comfortably do so.

Now H.R. 1 also cuts the wastewater revolving fund from 2.1 billion to 690 million. Would you please submit to us what would be the practical impact of these cuts?

Ms. JACKSON. Yes, sir.

Mr. DINGELL. Thank you. I think, in summary, you can tell us though that these cuts are going to be extremely destructive to the well-being of the Great Lakes and to the protection of that absolutely wondrous treasure. Am I correct or incorrect?

Ms. JACKSON. The larger the cut, the less we can afford to clean up and protect the Great Lakes, sir.

Mr. DINGELL. Thank you. Thank you, Mr. Chairman. I yield back 3 seconds.

Mr. SHIMKUS. The gentleman yields back. The chair now recognizes the gentleman from Pennsylvania, Mr. Pitts, for 5 minutes.

Mr. PITTS. Thank you, Mr. Chairman. Madam Administrator, a couple of questions regarding EPA's staff resources. Your inspector general says that you need better Agency-wide control over staff resources. But in April of 2010, you disposed of the position management and control manual. In response the EPA, OIG stated, "Without an Agency-wide position management program EPA leadership lacks reasonable assurance that it is using personnel in an effective and efficient manner to achieve missions results."

In light of this, considering the productivity gains throughout the economy, how can we be confident that all 18,000 FTEs are required for the core mission?

Ms. JACKSON. Just over 17,000 FTEs, sir, are—what we did was get rid of the manual because it was outdated. And rather than start from an outdated piece of work, what we have done is focus on strategic planning and made decisions to align our resources with our needs. There is lots of local work that is done in the regions and individual offices to ensure that our workforce is efficiently used.

Mr. PITTS. How many employees are D.C.-based versus field based?

Ms. JACKSON. Are D.C. Based—I believe 40, 45 percent of our employees are actually in the D.C. Metro area, not necessarily in D.C. Proper.

Mr. PITTS. And what percentage of employees Agency-wide are eligible to retire this fiscal year?

Ms. JACKSON. I don't know that number off the top of my head, but it is significant. Probably close to 20 percent but we will get you a number for the record.

Mr. PITTS. How many employees regulated to regulatory enforcement mission?

Ms. JACKSON. Regulatory enforcement? We will get you the number as we sit here, sir.

Mr. PITTS. All right. And what are the job demands that are heaviest; legal enforcement, investigation, can you give us a breakdown?

Ms. JACKSON. Certainly, just roughly we spend a significant part of our budget on funding State programs, but our internal FTE are split between research and development, which is a rather large investment. Our enforcement program and our regulatory programs are, of course, large as well.

Mr. PITTS. In case of a hiring freeze or other steps to achieve a reduction in force, what percentage of employees could be reasigned and meet essential workforce needs?

Ms. JACKSON. I am sorry.

Mr. PITTS. What percentage of employees could be reassigned to meet essential workforce needs?

Ms. JACKSON. Well, you said in case of a reduction in force or a shutdown?

Mr. PITTS. Or a hiring freeze, yes.

Ms. JACKSON. Or in the case of a shutdown? In the case of a shutdown, EPA has faced that obviously once before and looked to keep a staff that was mainly available to respond to emergencies. We have a hazardous waste and chemical emergency function, and that probably is the most essential of what we do. Then we keep the rest of our staff to try to keep the place running in terms of computer systems, that kind of thing.

Mr. PITTS. A couple of questions on your workload. After Congress passed ARRA, grants made with stimulus funds went out quickly. The President signed the Recovery Act in February 2009. By September 30th of 2009, EPA had awarded 6,483,000,000-plus in grants, and over 302 million in contracts. How did the Agency handle this increased workload?

Ms. JACKSON. Well, we were fortunate under ARRA in that the grants went to places where we already had systems set up. So for the State Revolving Funds, that money goes out by formula to the States. Under the Superfund and Brownfields program, we had active contracts already that we could tap to continue or, in some cases, start new cleanups. And the diesel emission reduction program was a competitive program plus a formula-driven program.

Mr. PITTS. Were temporary contract employees hired to manage any of the ARRA fund requests?

Ms. JACKSON. Were temporary workforce hired? Not to my knowledge, sir. We will double-check that.

Mr. PITTS. Did ongoing pre-ARRA contracts suffer?

Ms. JACKSON. I don't know that they would. You mean from a management perspective. It certainly took resources to manage the new money. But, again, because so much of it went through programs we already had, it provided an opportunity to ensure efficient use of resources.

Mr. PITTS. Do you know how many permanent new private sector jobs were created?

Ms. JACKSON. We do have those estimates, sir, and we will be happy to get them to you.

Mr. PITTS. Does the EPA analyze the cost and quality of its contract services?

Ms. JACKSON. Yes, sir. There have been GAO reports, inspector general reports, on our largest contracts which are under the Superfund Program and EPA. And in this administration we have taken yet another look at trying to find ways to efficiently use that money. For the rest of our contracts, yes, of course, we have to comply with government procurement, which requires review of contracts.

Mr. PITTS. My time has expired. Thank you.

Mr. SHIMKUS. The gentleman's time has expired. The chair recognizes the ranking member, Mr. Rush, for 5 minutes.

Mr. RUSH. Thank you, Mr. Chairman.

Madam Administrator, your testimony references the EPA's budget request for an additional \$6.4 million to conduct pilots in disadvantaged communities to evaluate and reduce risks from toxic air pollutants. Can you describe how toxic air pollutant emissions may disproportionately impact disadvantaged urban areas?

Ms. JACKSON. Well, the issue isn't the people; it is the sources, sir. What we know, it is a statement of fact, is that there are a concentration of sources in areas that tend to be poorer. It is always the chicken and egg, which came first. But it is just the way it happens.

What happens over time is that you have large emissions of toxics. Mercury is a great example. A significant portion of the mercury emitted stays close to where it is emitted. So those communities just have a higher burden. They are places that in general have higher levels of air pollution.

Mr. RUSH. If the Republican budget cuts are enacted, what additional programs would need to be cut? What would be some of the consequences on these cuts as it relates to protecting the public health?

Ms. JACKSON. We have not done a full analysis of H.R. 1. We heard some of the major cuts I happen to know are in the State Revolving Fund. So that is less money that goes out to invest in water and wastewater facilities. And there is certainly still a huge need, as we heard earlier, in many communities around the country. There is a cut to the Great Lakes program, obviously important to you, being from Illinois; and, I think, the Chesapeake Bay program, another national treasure, if you will.

There are cuts to our Office of Research and Development, to our science programs—which I think I have committed that science should be the backbone of our work at EPA—and other cuts which are smaller in various places.

Mr. RUSH. I agree, these are draconian cuts that would negatively impact millions of Americans as well, a Nation who are in desperate need of your services and your programs.

What are the numbers in terms—maybe you haven't done a study on this, but let me ask the question. Have you all studied the impacts of urban youth—how asthma impacts urban youth and other illnesses as it relates to toxic emissions?

Ms. JACKSON. Well, we know that air pollution is a contributor to asthma attacks. We know that asthma rates have gone up, especially in certain populations. The Puerto Rican population, asthma rates are very high; higher than the national average. The African American population, asthma rates are higher than the national average. Of course, one of the good-news items is that the ability to treat asthma attacks has gotten better, so you can hopefully avoid some hospital visits just through treatment. But the prevalence of asthma has continued to increase. In some populations, it is staying steady.

Mr. RUSH. Continuing in the area of public health, there was a recent study by the American Lung Association on public health impacts on coal-fired power plant emissions. As you know, my State is a coal-producing State. The coal won't go away. But we have to figure out a way of using the coal and making it less invasive in terms of being a pollutant or making a nonpollutant,

if possible. Are you aware of this study by the American Lung Association and what is your reaction to the study?

Ms. JACKSON. Yes, sir, I am aware of it.

Mr. RUSH. What is your reaction to the study?

Ms. JACKSON. Not having reviewed it line by line, I can simply align myself with the idea that there are toxic emissions that come from burning coal. The good news is that they can be controlled. We have developed scrubbers in this country to deal with acid rain. We have developed SCRs to deal with ozone pollution and smog. We have developed opportunities to deal with mercuries, cadmium and hydrochloric acid gas. All those opportunities are there, but it does require an investment in those plants.

Mr. RUSH. Mr. Chairman, I have about 4 seconds. I just wanted to use those last seconds to say you have done a fine job, Madam Administrator, and I think you should be applauded for the work that you are doing.

Mr. SHIMKUS. The gentleman's time has expired.

For my colleagues, we are supposed to expect a series of votes at 11:20. What I would like to ask, if you all would agree upon, I am going to send a member over to the floor, and this is for you, Administrator, also, to figure out your time schedule. So that it is a 15-minute vote, then there will be a motion to recommit, then another 15-minute vote. So I think we can keep the hearing going while this process continues. And if that is agreeable to both sides, that is what we would like to do. We will try to do that then.

The chair now recognizes the gentleman from Nebraska, Mr. Terry, for 5 minutes.

Mr. TERRY. Thank you, Administrator Jackson, for being here again. The EPA has decided to propose and finalize greenhouse gas regulations for power plants and refineries by entering into a consent agreement with environmental organizations. And I have heard statements from the EPA that they are looking at, or you guys are looking at several "categories" for new source performance standards. So outside of power plants and refineries, what specific source categories is EPA reviewing for greenhouse gas regulations?

Ms. JACKSON. Those are the two, sir.

Mr. TERRY. That is the only two? The EPA is not looking at other sources?

Ms. JACKSON. No, sir. We actually faced lawsuits to promulgate four other sectors. I am aware of one for several manufacturing sectors. And when you look at greenhouse gas emissions, they are largest from power sectors and refineries. So rather than start with the small sources—

Mr. TERRY. So it would be accurate to say the EPA is not looking at electric arc furnaces as a new source.

Ms. JACKSON. Electric arc furnaces used in manufacturing various metals. No. No. I do believe we have lawsuits—I just need to be clear—from groups asking us to promulgate those requirements. We do have new source—

Mr. TERRY. What is your opinion on the likelihood of the success of those lawsuits?

Ms. JACKSON. The likelihood is high—

Mr. TERRY. Successful in that you will have to regulate them as a new source?

Ms. JACKSON. We will have to come out with a schedule at some point to regulate them. But we believe that we don't need to do that in the immediate future.

Mr. TERRY. All right. Is the EPA looking at diesel engines as a new source?

Ms. JACKSON. Well, mobile sources are different. We are in the process of looking at truck and light-duty vehicle rules. So diesel—

Mr. TERRY. Under the President's order on CAFE.

Ms. JACKSON. That is right. And Clean Air Act, yes. Sir?

Mr. TERRY. And large diesel engines.

Ms. JACKSON. Yes, indeed, it does. For trucks.

Mr. TERRY. In previous times you were here, even though I represent an urban-suburban area of Nebraska, the rest of the State I care about, and we are an ag economy in the State of Nebraska. I am concerned about the EPA's figures that 37,000 farms are above the threshold of a major source. You have previously stated that there is no intention by the EPA of regulating them for greenhouse gases. Is that still true today?

Ms. JACKSON. That is absolutely true, yes. There is no intention.

Mr. TERRY. But, just like in our first discussion on other sources, one lawsuit away from regulating them. Is that a fair statement?

Ms. JACKSON. As you heard earlier, we face lots of lawsuits. It is my job as—

Mr. TERRY. Has there been a lawsuit already filed to force you to regulate those 37,000 farms for their carbon emissions?

Ms. JACKSON. Not that I am aware of.

Mr. WHITFIELD. Would the gentleman yield?

Mr. TERRY. I will yield to the gentleman from Kentucky.

Mr. WHITFIELD. My understanding, lawsuits have been filed to invalidate the tailoring rule. Is that true or not?

Ms. JACKSON. I believe that is true, sir.

Mr. WHITFIELD. Thank you.

Mr. TERRY. The last part is in particulate matters. Is the EPA reviewing farm practices regarding particulate matter?

Ms. JACKSON. EPA is required under the Clean Air Act to look at particulate matter pollution every 5 years and potentially adjust. As you know, the Clean Air Act right now regulates particulate matter.

Mr. TERRY. And you understand many of our farmers have to plow, and that raises dust.

Ms. JACKSON. I do indeed, sir.

Mr. TERRY. Is there an attempt by the EPA to recognize the reality of farming and dust and exempting our farms?

Ms. JACKSON. There is indeed a recognition at EPA that dust happens. But—

Mr. TERRY. That would be a good bumper sticker: Dust happens.

Ms. JACKSON. That is better than some I have heard. So what I would like to say is we have had several listening sessions already on particulate matter with stakeholders in rural America, in farm country. We have more to do. We do have a determination to make about the current standard. But I have committed that we are going to listen before we do that.

Mr. TERRY. Listening is good. Exempting them, better.

Mr. SHIMKUS. The gentleman's time has expired.

The chair recognizes the gentleman from Massachusetts, Mr. Markey, for 5 minutes.

Mr. MARKEY. Thank you, Mr. Chairman.

Madam Administrator, yesterday we held a subcommittee markup of the Republican legislation to overturn the scientific finding that global warming pollution endangers public health and welfare and prevents EPA from setting greenhouse gas emission standards.

Do you agree that this legislation will dramatically increase our dependence on foreign oil because it prevents EPA from taking actions to reduce oil use from cars, trucks, planes, boats, trains, construction equipment, or large industrial users of oil?

Ms. JACKSON. Yes.

Mr. MARKEY. Yesterday, retired senior military officers sent Congress a letter on this legislation. I would like to ask unanimous consent to insert a copy of that letter into the record.

Mr. SHIMKUS. Without objection, so ordered.

[The information follows:]



## OPERATION ★ FREE

*Secure America with Clean Energy*

The Honorable Edward Markey  
2108 Rayburn House Office Building

March 10, 2011

Dear Congressman Markey:

**America's dependence on oil constitutes a clear and present danger to the security and welfare of the United States.** As former senior military officers, we are concerned about Congressional efforts to undermine the Environmental Protection Agency's regulatory authority that is critical to reducing our dependence on oil.

As former senior military officers who have spent decades in service to our nation, we have witnessed firsthand the toll of America's dependence on oil. In short, it makes us weaker.

We urge you not to block efforts to reduce that dependence, but rather to take a leadership role in helping our country move toward greater energy independence and economic security.

Each year, America sends hundreds of billions of dollars overseas to buy foreign oil—even as we work to recover from the worst recession in our lifetimes. This massive transfer of wealth weakens our economy. The latest oil price spike highlights our vulnerability. According to the Energy Information Agency, the US imports less than 1% of its oil from Libya. Yet in the wake of the Libyan crisis, prices at gas stations saw their second-largest one-week increase since EIA started tracking this data in 1990.

Our overseas oil expenditure underwrites the governments of unfriendly and undemocratic nations who control most of the world's oil supply. And there is evidence that our petro-dollars are funding terrorist activities.

We cannot produce enough domestic oil to change this dynamic. The only real alternative is to reduce our demand, by boosting efficiency and developing alternative sources of energy. Failing that, the national security, economic and military risks of our oil dependence will worsen.

With hard work and good old-fashioned American ingenuity, the nation that won the space race and gave birth to the Internet can lead the race for clean energy, and find more secure, profitable, and sustainable ways of powering American lives. We look to your leadership on this issue, for the sake of our national security.

Sincerely,

Lt. General Norman Seip  
US Air Force (ret.)

Rear Admiral Stuart Platt  
US Navy (ret.)

Maj. General George Buskirk  
US Army (ret.)



**Truman National Security Project**

Mr. MARKEY. Thank you, Mr. Chairman.

Do you agree that the views of these heroes that the legislation undermines EPA's regulatory authority that is critical to reducing the clear and present danger to the security and welfare of the United States that our oil dependence represents?

Ms. JACKSON. I certainly agree with the sentiment, sir.

Mr. MARKEY. Last week the New York Times reported that radioactive wastewater from hydraulically fractured wells in Pennsylvania and West Virginia has been sent to sewerage plants, even though the radiation levels could be as high as 2,000 times the EPA water standards. This radioactive water was reported to be dumped into rivers; in some cases, within a mile of drinking water intake facilities. I know that you immediately went to Pennsylvania to look into the matter. And I commend you for your leadership.

In response to the Times series, on Monday the Pennsylvania Department of Environmental Protection released results from seven water samples taken downstream from wastewater treatment plants that show radiation was not elevated. Do you think that seven water samples are enough to fully understand the impacts from hydraulic fracturing in the State of Pennsylvania?

Ms. JACKSON. Sir, our regional scientists responded with a letter. No. The short answer is no. I think those are one-time samples. And it depends on flow rate and flow rate in the river as to whether or not there could still be potential radiation entering those wastewater treatment plants.

Mr. MARKEY. Do you think that all drinking water systems that are located near wastewater treatment facilities that accept drilling waste should monitor intake water for radioactivity and other potentially hazardous byproducts of these activities?

Ms. JACKSON. I think unless there is proven evidence that radiation isn't entering into those treatment plants, then that is a good, prudent move, to be monitoring more frequently.

Mr. MARKEY. So you believe that they should all be monitored.

Ms. JACKSON. Certainly, monitored. Again, if no one is sending wastewater to the treatment plants, then you could stop. But the concern is related to the transport of wastewater.

Mr. MARKEY. So if they are accepting drilling waste, then there should be monitoring. Is that what you are saying?

Ms. JACKSON. Right. If the treatment plants are accepting drilling waste and unless you can prove without a shadow of a doubt that there is no radiation there, monitoring is our key to give the public confidence.

Mr. MARKEY. There is no question that families do not want polluted water coming into their children's bodies at an early age. It can have a dramatic impact upon their development. So I agree with you, the water should be monitored.

Is diluting the drilling waste by disposing of it in rivers or streams a permissible way to treat wastewater that contains radioactive or other hazardous materials?

Ms. JACKSON. Generally, that is not the way the system works. We prefer to see treatment or removal of the pollution before it enters the waterway. That is not to say that some amounts of radi-

ation in the waterway wouldn't happen naturally or even through the treatment process.

Mr. MARKEY. Do current EPA regulations allow for wastewater treatment facilities to accept wastewater from drilling operations if they do not know what materials are in it?

Ms. JACKSON. No. The pretreatment standards under the Clean Water Act require that you know what you are accepting and have adequate characterization of that.

Mr. MARKEY. So if it is illegal, does EPA plan to tell States that they should stop allowing this to occur, as it seems to have occurred in Pennsylvania?

Ms. JACKSON. I believe that EPA is working right now to understand whether this is still going on and to what degree. There have been pretreatment standards. I think EPA in its letter requested that Pennsylvania basically relook at every permit for any facility that may be accepting that wastewater.

Mr. MARKEY. Given the findings in the New York Times, what are the plans that the EPA is making, if any, to change the processes at the Agency in terms of worker safety, impact on children, the pollution, the radioactive chemicals, other contaminants in wastewater? Are there any other changes you are making?

Ms. JACKSON. I think we can certainly improve. At EPA we are proud of our record in having \$6 million in this budget to look at hydrofracking, but we have also said at the same time that if we become aware of public health threats, they need to be addressed. So EPA needs to work. The State has a huge role to play here in ensuring that their citizens are safe. We would like to be in the process of supporting them. But we certainly can take actions on our own if we need to.

Mr. SHIMKUS. The gentleman's time has expired. The chair recognizes the gentleman from Oregon, Mr. Walden, for 5 minutes.

Mr. WALDEN. Administrator Jackson, thanks for being here again today. We appreciate it. I have got a couple of questions I would like to run past you as well. One involves the utility MACT that your Agency is working on. I wonder if EPA is going to provide any flexibility for coal plants that have agreed to State-approved, federally enforceable shutdown dates for their operations: To-wit, it is the PGE plant in my district, Portland General Electric, that entered into an agreement with the State to shut down, and they will install 60 million mercury and nitrous oxide scrubbers and all before 2020 when they close. Now, that is still 20 years before the life of the plant runs out. But the deal they reached was: Close it down.

They are concerned that your Utility MACT would force an additional installation of \$510 million worth of equipment between now and when they are already set to close it down in 2020. And so it is obviously an important issue.

Ms. JACKSON. Well, two things. First, the utility air toxics rule has not come out. It hasn't been proposed. It is due next week. And then it will go through public comment before finalization. So I really can't comment on what that rule will say or won't say until it is absolutely done. What I can also say is I am aware of this matter. It was brought to my attention by one of your colleagues.

And there is certainly potential for discussions about this specific incident that I think—

Mr. WALDEN. This is a situation they reached an agreement with the State, they are complying with the environmental rules in existence, they are phasing out their plant 20 years early. They are installing \$60 million in recovery already, trying to look at jobs, economy rates. And if they were to shut it down early because of this—earlier than that—then you have got a problem on the grid, I think, in terms of replacing that power abruptly. So I am glad you are flagging that. If you want to make a note, that would be really good.

And then the other issue involves—and there is been some discussion about this—the cement rule. I have a facility, imagine that, in my district that has done its best. I think they have spent something like \$20 million to reduce—to put in new scrubbers and all to reduce their emissions. I think they are pushing 90 percent reduction today. They have got 116 employees. Three years before the EPA standards take effect, they have reduced their emissions by 90 percent, and before the rest of the cement industry has to comply.

The concern is that the cement rule, that they don't have the technology available to them to get much above that 90 percent. And the way this is playing out, they may end up having to close. That is a rural county; got 116 jobs.

Meanwhile, I know there is a huge, big, new construction project at Intel over in Oregon; I am told they are buying their cement from China. And I think your own data from EPA's road map for mercury in July of 2006 said three-quarters, or 86 percent, of the mercury deposited in the U.S. originates from international sources.

When I go home and try and explain what is happening from back here to those folks who are looking at losing their 116 jobs, biggest employer in a little county, and they just put \$20 million in scrubbers, and then they see most of the mercury is coming in from overseas anyway, or internationally. We are kind of like on the West Coast where tsunamis end and stuff comes in the air. I am just wondering if there is any flexibility that you might be able to make a note on and help us on.

Ms. JACKSON. When the cement toxics rule was promulgated there was lots of consideration of sources—individual sources that were putting on controls early and doing everything they could to bring down their emissions early. I am happy to have my air office take a look at this specific source. I really don't have the details.

Mr. WALDEN. Right. We tried to get a subcategory, which I think is allowed under the Clean Air Act. That was rejected. But if you could, I would appreciate that.

Ms. JACKSON. I would be happy to.

Mr. WALDEN. I want to associate myself with the comments of my colleague, Mr. Terry of Nebraska. My district is very rural, very dry. We do dryland wheat. We do cattle. My guys, ranchers, are very concerned about the particulate dust rule that is being considered. Cattle ranchers tell me you couldn't drive down an eastern Oregon gravel road and not probably trigger enough dust to maybe violate it. And the wheat guys are saying, We may have to drag some sort of mister behind our equipment to tamp down the dust.

If we had that much water in eastern Oregon, I guess we wouldn't have dryland wheat. So as you listen to these comments I hope you will take that into consideration.

Finally, we have got a chart here that just I think reflects the concern that is coming our way in terms of just the multitude of regulations that different industries are having to deal with all at once or in a fairly short timeline. This is potential air regulations affecting the forest products industry.

I am just wondering, do you do a cumulative impact look at all these regulations on an industry set and do any kind of economic analysis of what that may mean? Because, boy, I am hearing it back the other direction right now.

Ms. JACKSON. We are required under the President's executive order to look retroactively at our regulations to determine whether there are more effective ways to regulate, to get the clean air and clean water benefits we all want, and also look at costs and impact. We are happy to do that. I have seen those charts. Industry produces them. They come out every few years. This one is not unique. But if you look at what we are required to do under law to update our standards, many of those things are not regulations but science and health standard.

Mr. SHIMKUS. The gentleman's time has expired.

The chair recognizes the gentlewoman from California, Mrs. Capps, for 5 minutes.

Mrs. CAPPS. Thank you, Mr. Chairman. And thank you, Administrator Jackson, for being with us and for your testimony.

It is well documented that the Nation's water utilities will have to address hundreds of billions of dollars worth of infrastructure needs over the next few decades. EPA, for example, found in 2007 that drinking water systems alone will have to spend \$335 billion to maintain and replace their infrastructure over the next 20 years. But these estimates do not take into account additional costs that water utilities may incur as they are forced to react to the impacts of changing climate conditions on their communities and their water supplies.

In fact, a 2009 study by the Association of Metropolitan Agencies and others estimated that adaptation measures could cost America's water systems up to \$900 billion through 2050.

Are there some programs in place—that you are putting into place at EPA at helping State and communities adapt their operations and infrastructure to changing climate conditions over the next several decades?

Ms. JACKSON. EPA has a focus on what is kind of—the buzz word is green infrastructure; the idea being that as much as possible, you work with nature. You understand that in those places where you might have wetlands, or wetlands in the future, those provide an opportunity to filter water. I know New Orleans has a pretty innovative project that way.

So we do try to work with systems, but it would be unfair for me not to say that that is a significant issue facing water and wastewater systems as our climate changes.

Mrs. CAPPS. I am just curious. Are you getting into that topic as you assess infrastructure needs? Is it compounding the way you are making it—more complex as you the way you are looking at the fu-

ture as you think about infrastructure needs just based on current situations?

Ms. JACKSON. Yes. Yes.

Mrs. CAPPS. So your model is including adapting.

Ms. JACKSON. Well, yes. But our cost estimates, the numbers you gave, the \$335 billion doesn't really look at adaptation costs. But we know that costs are going to increase dramatically if you project out 10, 20, or 30 years in terms of need.

Mrs. CAPPS. Are you trying to put a dollar on that?

Ms. JACKSON. I will check to see what we have.

Mrs. CAPPS. I would be interested to know how you are doing that.

Mrs. CAPPS. Another topic. EPA has a long history of providing categorical grants to States and tribes to implement environmental laws. These grants are designed to help States clean up hazardous waste, enforce drinking water standards, and reduce exposure to toxins such as leads and PCBs.

In these economic times, State budgets are spread way too thin and these funds that they may have allocated maybe have been squandered for other needs. I know we both agree that these are essential grants. The President's 2012 budget requests an increase for these grant programs. Would you talk about the ways that that might fit into the States' budget woes?

Ms. JACKSON. It is a recognition, Congresswoman, that States are strapped and that States are the primary deliverers of environmental protection. They write the vast majority of permits, inspections, and enforcement. Many States implement their own hazardous waste cleanup programs, air, water quality; tribal assistance also. So we felt that in these tight times it was a prudent investment to invest in the States, even though we are having to cut back.

Mrs. CAPPS. And that leads to a follow-up question, which the Republican continuing resolution, H.R. 1, cuts funding for these very grants by \$60 million from 2010 levels and \$220 million from the Agency's 2011 request. And we are doing this believing that doing—the majority thinks they are doing the right thing for the Federal Government's response to our deficits. But what we are doing to States is leaving them high and dry.

In general, would you specify what the impact of this kind of decrease would have on the States' ability to address, for example, public health?

Ms. JACKSON. Well, ECOS, the Environmental Council of the States, they are very concerned about cuts to State programs. As I said, this is the meat and potatoes of environmental protection. These are the folks who are on the front line having to respond to a plant who wants to expand but needs an air permit in order to do it.

So you will have an impact on public health because you will either have unpermitted expansions, which is not good, or you will have an impact on economic development because they can't get timely action. So we are trying to invest in State-level environmental protection.

Mrs. CAPPS. OK. I have another question but I will yield back in the interest of getting to more people before we vote. Thank you very much.

Mr. SHIMKUS. The chair thanks our friend from California.

The chair now recognizes the chairman of the full committee, Mr. Upton, for 5 minutes.

The CHAIRMAN. Let me just defer.

Mr. SHIMKUS. The chair now recognizes the gentleman from Pennsylvania, Mr. Murphy, for 5 minutes.

Mr. MURPHY. Thank you, Mr. Chairman.

Madam Administrator, I assume you are committed to good scientific knowledge and a commitment to communication with States. But let me ask you a couple of things. Have you read the whole New York Times series on fracking from Pennsylvania?

Ms. JACKSON. I have, sir.

Mr. MURPHY. Was it fully scientifically accurate?

Ms. JACKSON. No, I think—

Mr. MURPHY. Did you respond in any public way to challenge the scientific accuracy of anything in that article?

Ms. JACKSON. Me personally, no. I—

Mr. MURPHY. Were you aware that although the reporter extensively quotes former Pennsylvania Secretary John Hanger in the article, that he never actually talked to him?

Ms. JACKSON. Yes. I have read Mr. Hanger's blog on this.

Mr. MURPHY. Who is the EPA employee or consultant that spoke anonymously with the New York Times for this article, and will you give us their name?

Ms. JACKSON. They are anonymous, sir. How would I know?

Mr. MURPHY. Just trying to get scientific data here. Can you get us the unpublished EPA report from 2009 that is referenced in the article?

Ms. JACKSON. Certainly.

Mr. MURPHY. Continuing on with the scientific accuracy of the article, the article says that DEP employees doubled in the last 2 years who would look at fracking. Do you have any idea how many that was?

Ms. JACKSON. I just spoke to former Governor Rendell, who I think said it went from 85 to 200-plus employees.

Mr. MURPHY. It went from 88 to 202. That is not doubling. Did you meet or call or otherwise directly communicate with the Secretary of the Pennsylvania Department of Environmental Protection, Mike Krancer?

Ms. JACKSON. I attempted to, sir, but he didn't—

Mr. MURPHY. Are you aware that your Regional Director Garvin has also not spoken to Secretary Krancer until moments before the public letter was released?

Ms. JACKSON. That is because Secretary Krancer canceled the call that we had set up with him—

Mr. MURPHY. A letter was nonetheless released. Are you aware of the content of that letter that says basically that EPA is claiming jurisdiction on a number of water issues and telling Pennsylvanians what to do about this?

Ms. JACKSON. That is not at all true. I have the letter, sir; I am happy to share it.

Mr. MURPHY. I have it, too. What specific actions—are you aware of what specific actions DEP—

Mr. WAXMAN. Will the gentleman yield?

Mr. SHIMKUS. The chairman emeritus will not interject. The gentleman from Pennsylvania has the time. The gentleman from Pennsylvania will continue.

Mr. MURPHY. Do you have a list of what specific actions DEP is doing or not doing which you believe is in violation of water standards?

Ms. JACKSON. Sir, we haven't claimed that DEP is in violation. If you read the letter, it talks about necessary sampling to ensure public health and safety.

Mr. MURPHY. The letter does indeed claim—and I will submit it for the record, if that is all right. It says: The EPA will take additional steps, directly using our authorities. And it goes on to claim those. So it does do that.

Ms. JACKSON. That is out of context, sir. It talks about the State. But it assures the State that we will take the steps if necessary to—

Mr. MURPHY. But I would still like you to provide this committee with a list of what specific things you are claiming the DEP is doing or not doing.

Now, on the issue of radiation, the New York Times article claims it is hundreds or thousands of times the level of radiation. Do you have information you can provide this committee on naturally occurring background levels of radium that occurs when someone drills a water well or when someone digs a basement for a house; can you provide that information so we can compare it with these claims. Will you do that?

Ms. JACKSON. Certainly. I think it is going to be based on DEP sampling, Pennsylvania sampling. Certainly.

Mr. MURPHY. Is the Department of Environmental Protection in Pennsylvania tolerating the dumping of untreated water now?

Ms. JACKSON. I don't know that to be the case, sir. I know the article alleges that, but I don't know that to be the case.

Mr. MURPHY. Yet the EPA has not made any public statements regarding the scientific—

Ms. JACKSON. We are attempting to get data with the State—

Mr. MURPHY. You have sent a letter to Pennsylvania, claiming jurisdiction of actions you are going to take.

Ms. JACKSON. No, we have not, sir.

Mr. MURPHY. Prior to your regional director, or you, you still have not spoken with our Secretary.

Ms. JACKSON. I reached out to the Governor, who did not take my call, and we reached out to the director. We actually had a call scheduled.

Mr. MURPHY. I was meeting on Monday with the Secretary of DEP who said he would be glad to take your call but you haven't called him.

Ms. JACKSON. Well, same. I would be happy to take his if he would like to speak to me.

Mr. MURPHY. Given you haven't reviewed the New York Times for scientific comment or its accuracies or inaccuracies, you have not spoken to the Secretary of DEP, your regional director only

spoke with them after this letter was publicly released—we don't have the scientific data on that—it begs the question: Do you believe the Federal and the Environmental Protection Agency cares more about Pennsylvania's families than Pennsylvanians do?

Ms. JACKSON. No, sir, not necessarily.

Mr. MURPHY. Then I would certainly hope that you would start to communicate with Pennsylvanians and our DEP and ask them what they are doing and review that before EPA—

Ms. JACKSON. That is precisely what the letter does, sir.

Mr. MURPHY. The EPA claims they are taking action there.

I yield back.

Mr. SHIMKUS. The gentleman's time has expired.

The chair recognizes the gentlewoman from California, Ms. Matsui, for 5 minutes.

Ms. MATSUI. Thank you, Mr. Chairman. And I would like to thank you, Administrator, too, for being here with us today, and thank you for your leadership on embracing environmental stewardship.

In my home district of Sacramento we have over 220 clean energy companies that are selling and manufacturing advanced technologies. I routinely hold clean energy roundtable and convening forums with CEOs, utilities, colleges, and local business leaders in Sacramento. And they all are eager to see national energy standards.

It is critical that we continue to invest in the future of our clean energy economy to create jobs, preserve the environment, and to establish energy independence. And I believe the EPA's budget does just that.

More than half of the total renewable energy supply to electricity users in Sacramento last year came from biomass waste and residues. EPA recently announced it would defer for 3 years greenhouse gas-permitting requirements for industries that use biomass. I understand the Agency intends to use this time to further analyze scientific issues associated with carbon dioxide emissions from biomass-fired sources. How does EPA's budget proposal address the planned study and rulemaking associated with biomass?

Ms. JACKSON. The budget proposal envisions using that time to do a peer-reviewed study—I believe with the National Academy of Sciences, but let me confirm that for you—to look at the carbon footprint essentially of various forms of biomass.

Ms. MATSUI. So would cuts to EPA's budget affect the Agency's timelines to determine rules on biomass?

Ms. JACKSON. I think there are some concerns that, depending on the cut and also potential rider language that we have seen, that there could be some impacts. But it is not intended in the President's budget that there be any impact.

Ms. MATSUI. Certainly. I hope you will be able to provide regions like Sacramento regulatory certainty soon on this biomass issue as we look to increase our use of renewable energy resources.

In Sacramento, businesses with projects that are potential sources of air emissions are currently required to obtain permits from our local air district and separately from the EPA. I understand the implementation of the State Implementation Plan for the Sacramento region would streamline the administrative process

and help prevent this dual-permitting requirement. Does your budget address the timely implementation of SIPs? If so, how?

Ms. JACKSON. Well, our budget does include funding for States for development of SIPs and for the air programs review of SIPs. Although we are trying to do more and more with less and less, I believe that the money we have is adequate to fund our needs in that manner.

Ms. MATSUI. During the CR debate we saw a number of amendments that would block any EPA action on anything to do whatsoever with any greenhouse gas. From my understanding of the impacts of this provision, this would have serious unintended consequences for job creation and public health throughout the country. Could you explain how H.R. 1 would have affected the greenhouse gas reporting rule?

Ms. JACKSON. Certainly. I believe there is a rider in H.R. 1 that would have prevented EPA's implementation of the reporting rule for all major sources. Actually, for all sources. We simply would not have had implementation.

Ms. MATSUI. So what would happen to new projects seeking a preconstruction permit in States like Arkansas, California, Wyoming, and Oregon, that have Federal implementation plans for permitting for greenhouses gases? Would they still be able to get a permit if EPA is stopped from taking action; or to the Energy Star program, which saved consumers \$17 billion in 2009?

Ms. JACKSON. With respect to the Energy Star program, the original language in the rider that had to do with greenhouse gases appeared to put in jeopardy implementation of Energy Star. I am not sure that new language would do that. Actually, excuse me; in the riders, yes, it would put into jeopardy the Energy Star program. As far as permitting, yes; major source permitting would be in jeopardy, depending on the rider that passed.

Ms. MATSUI. I thank you.

Mr. SHIMKUS. The gentlelady yields back her time. The chair now recognizes the gentleman from Texas, Mr. Burgess, for 5 minutes.

Mr. BURGESS. Madam Administrator, I thank you for being here. As you recall when you were here before, a month ago, I submitted to you a list of six or questions, obviously still waiting on the answers of those. I won't revisit them today, but just to emphasize that I would like to have answers to those questions.

Let me spend a minute and give you a chance to clarify some of your testimony that you gave a response to Ranking Member Waxman's questions to you. Perhaps you could define what you mean by the "opposite of true."

Ms. JACKSON. The opposite of truth is untruth, a lie, not accurate, fiddle-faddle.

Mr. BURGESS. Did you mean to imply that the chairman of the full committee had lied?

Ms. JACKSON. It is not true to say that greenhouse gas regulation of automobiles, which has already been successfully accomplished in this country, has had any impact on gas prices. And, further, it is just the opposite. It—

Mr. BURGESS. Here is the deal. The bill could not be more clear, because it explicitly preserves the Car Rule. There is no secret

here. There is nothing done to disturb the Car Rule. In fact, it is the chairman's stated goal that the rule will be protected and proceed. The language contained in his bill was carefully drafted and vetted to ensure that the Car Rule remains effective.

I would encourage you to reevaluate your comments in light of the fact of what is actually contained within the bill. And I will be happy to provide you a copy of the bill if that would be helpful to you.

Let me ask you a question. Perhaps we are going to run out of time because of the vote.

Ms. JACKSON. I would like to be able to respond, but I will do it on the record.

Mr. BURGESS. I would very much like for you to clarify the record because that is important. I don't think you meant to say what you said.

Mr. BURGESS. Let me ask you a question about your tenure at the EPA. There have been a lot of court cases that you have settled with environmental groups where the settlement resulted in a new rulemaking. Do you have an idea of how many times that has happened?

Ms. JACKSON. I know it happens. It is not unique to my tenure at EPA, but it certainly happens quite often we settle cases rather than litigate them.

Mr. BURGESS. It would be, I think, instructive for this committee to see how the number of cases that you have settled in this way compared with predecessors. It seems like we are quick to cite judicial reasons for the making of the new rules. But how many rules have been promulgated absent a judge's order under your tenure? Do we have an idea about that?

Ms. JACKSON. I can certainly get you that. We promulgate many minor rules but our major rules are either under court-ordered deadline because prior rules were thrown out—those are the Clean Air Act rules—or the results of settlements or litigation where EPA had a clear duty to propose a rule to protect human health, but had not—

Mr. BURGESS. Generally, is it more cost effective to enter into an agreement with the parties in a dispute or go to judicial action?

Ms. JACKSON. Well, that goes to litigation risk. That is a determination made by the Department of Justice and EPA together.

Mr. BURGESS. Whether it is fair or not, the implication is that your administration tends to go more quickly the judicial—

Ms. JACKSON. I don't know that is fair. I think that is not a fair conclusion. All administrations of the—

Mr. BURGESS. I would like, I don't know about the rest of the committee, but I would like to see the data to be able to make that determination.

Let me ask you a question. Are you familiar with a case that has occurred down in Texas, in Parker County, dealing with a drilling company known as Range Drilling and the appearance of methane gas in some water wells?

Ms. JACKSON. I am generally familiar.

Mr. BURGESS. Are you familiar with the Railroad Commission of Texas, that they held a hearing in January and they recently published their report from that? Have you a copy of that?

Ms. JACKSON. I don't have a copy but I am generally familiar with their findings.

Mr. BURGESS. Can I encourage you to get a copy? Because your regional administrator went on television in early December with some fairly inflammatory remarks. The result of the investigation, in which the EPA did not participate, I might add, although it was requested by the State Regulatory Agency for the EPA to participate, but the EPA chose not to, but the conclusions that were put forward on the television remarks were in fact not accurate. The source of the gas present in the water wells in question was from an entirely different geological strata than the strata that has been used for extraction of natural gas with hydrologic fracturing.

So I think it is so important that the EPA work closely and not in an adversarial relationship with the State agency. Texas is a big State. You can't possibly be everywhere all the time. In my opinion, you should rely on the State agencies to help you rather than be always at a 90-degree angle. This activity by your Region 6 administrator in December I found to be very injurious. And I would like for you to look into that and provide us your evaluation of those activities.

I yield back, Mr. Chairman.

Mr. MURPHY [presiding]. The chair recognizes the gentlelady from Wisconsin, Ms. Baldwin.

Ms. BALDWIN. Thank you, Mr. Chairman. Thank you for your testimony, Administrator Jackson.

EPA's mission, which you know well, is to protect human health and the environment, on which we all rely. It is a mission that is critically important to children and families in communities across America. In my home State of Wisconsin, we treasure and cherish our environmental resources. We rely heavily on groundwater and fresh water from abundant lakes through the State. We believe in protecting our wetlands and ensuring our air is clean to breathe.

The means by which you carry out your mission is by enforcement of laws and regulations.

Briefly, about the budget. At first review, I believe the President's budget recognizes the importance of EPA's mission while responsibly cutting spending. These cuts have been proposed after serious evaluation and careful consideration. And they demonstrate an effort to responsibly reduce the deficit during these very difficult economic times.

In sharp contrast, H.R. 1, as passed by the House Republicans, would cut EPA's overall budget by 30 percent this year. It is the largest cut to any Federal agency. It would impose deep cuts to State drinking water and clean water State Revolving Funds, programs to clean up brownfields and Superfund sites, and efforts to address greenhouse gas emissions and other pollutants. In fact, I believe H.R. 1 strips EPA of its ability to meet its basic and important mission.

Now, I am certainly not naive. Times are tough. The economy is struggling to recover from a deep recession. And I agree with my Republican colleagues that we must reduce the deficit and bring our budget into balance. But we have to be smart about it. We have to be smart about it. We can't halt efforts to ensure clean air, safe water, and the sustainable environment by putting our heads

in the sand and blindly cutting critical programs. Such action is irresponsible.

I agree with our President when he said in the State of the Union that if we are to win the future, we must out-educate, out-innovate, and out-build the rest of the world. By making sound investments in our environmental resources, we are creating jobs, growing our economy, and protecting our national security.

These days, it seems that every regulation has folks and industry crying wolf about the dire consequences that such regulations will have on our economy. For decades now we have heard that regulations to address, for example, lead in paint or acid rain or CFCs would cause great suffering. And today we are often hearing the same story about regulating greenhouse gases, air hazards, and toxic chemicals. We hear cries that they will force firms out of business, et cetera.

Administrator Jackson, can you speak to this doomsday scenario that we are hearing all around us? Historically speaking, when EPA regulations have gone into effect, have the economic costs been on a par with the estimates? Just broadly.

Then I would like to address a couple of specific historical regulations.

Ms. JACKSON. Historically, the costs are much, much less than industry estimates, and often less than EPA's. The Acid Rain Trading Program was 20 times cheaper than what industry said it would be. We already know that we hear often times—I remember with the stratospheric ozone program that when we switched CFCs it would cause a quiet death for the refrigeration industry. Nothing of the kind happened. We saw the industry thrive.

So over 40 years of the Clean Air Act, GDP is up 207 percent and air pollution is down 50-plus percent. I think you can have both economic growth and clean air and public health.

Ms. BALDWIN. So when the Energy and Commerce Committee was considering the Clean Air Act's Amendments of 1990 and industry estimated that the measure would cost between \$51 and \$91 billion, was that accurate?

Ms. JACKSON. No. I know that the estimates were much, much less than the 1990 industry estimates. It was not accurate at all.

Ms. BALDWIN. Utilities estimated that SO<sub>2</sub> allowances would cost \$1,000 to \$1,500 per ton. Did that end up ringing true?

Ms. JACKSON. No, that was not true either.

Ms. BALDWIN. I was going to go on to another question but I see I only have 15 seconds left. So I think I will rest there and submit that separately in writing. Thank you.

Mr. MURPHY. The chair recognizes Mr. Latta of Ohio.

Mr. LATTA. Thank you very much, Mr. Chairman. And, Administrator, thanks for being with us today. Good seeing you again. I appreciated our meetings that we have had in the past.

If I could, I know it has kind of come up already on the clean water and drinking water revolving funds, if I can bring that up a little bit. On page 2 of your testimony you said that: Because of the constrained fiscal environment, the budget decreases the State Revolving Fund by nearly \$950 million while supporting a long-term goal of providing about 5 percent of the total water infrastructure spending and spurring more efficient systemwide planning.

But when you are cutting \$947 million from these funds and you are allocating at the same time about \$252 million in climate change, and even though we have been talking about that \$252 million is an increase of \$56 million from those that were enacted in fiscal year 2010, it is getting to the point, as we have talked, that these localities just can't afford this.

I guess my question is that, as we are increasing funds for the climate fund programs that Congress has made clear for weeks you don't have the authority to regulate, my question is: What are we going to do for these communities out there that are really suffering?

Ms. JACKSON. We continue to fund in the President's proposed budget the State Revolving Funds. The goal is to try to get to a point—remember, they are revolving. So there are loan paybacks that come in that also go into the funds to get to a point where we are funding about 5 percent of need on an annual basis, not the cumulative need. And there are tough choices, I would certainly admit that. But after unprecedented expenditures in the Recovery Act, we had \$6 billion there, plus the President had a huge increase in the SRF in his 2010 budget in a tough year. It seemed that we just would not be able to be as generous this year.

Mr. LATTA. Also, I know some other members have brought this question on the green side. Under your budget proposal for the Agency, it mandates that no less than 10 percent of the Drinking Water Fund capitalization grant be made available for projects that include these green infrastructure water or energy-efficient improvements or other environmentally innovative projects.

Again, when the communities back home don't have the dollars to comply right now, what do I tell them when they call me saying, How are we going to comply with the mandates?

Ms. JACKSON. Well, the State Revolving Funds are meant to supplement communities, especially small communities. We work very hard with rural communities, the rural associations, as well to put money to try to help communities comply. But obviously the vast majority of systems are paid for by fees. So this money which goes out in low-interest loans for large systems can be grant forgiveness. I admit that there is a huge need out there. But we can only invest what we can in tight budget times.

Mr. LATTA. Could you define for me what are spurring more efficient systemwide planning as a goal of providing 5 percent of the water infrastructure spending and spurring more efficient systemwide planning?

Ms. JACKSON. Well, I think in many cases you have opportunities, I just know this from my State experience, to look at regional opportunities where you might have a municipal system, rural systems nearby that might be able to hook in so that you don't have to make the same expenditures. The money is intended to try to get communities to look at the most cost-effective way to deliver clean water and wastewater services, recognizing the Federal Government simply cannot pay the whole tab, and not even the majority of it.

Mr. LATTA. The way you described it right there, when I think about my area and a lot of the districts out there, we have a problem, of course, that we are very, very rural in a lot of areas and

there is absolutely no way one community can say, Well, we are going to work with another community because it would be just too expensive to try to get one to have “a” system for that area.

I guess when you are looking at using 5 percent of those dollars for that, wouldn't that be, in some cases, more beneficial to be using those dollars to help these communities that don't have the money? I had a courthouse conference recently in one of my counties. I had the mayor there. I can't tell you how many citizens. They are all talking about the same thing; they cannot afford this. It is going to drive everybody out that can get out, if they can sell their homes now, because the cost is going to be so great on the water and the sewer site. But I am very, very concerned about these communities not being able to meet these goals that the EPA has mandated on them.

Ms. JACKSON. Sir, the standards for drinking water are Federal standards that are intended to protect health. My belief is every community should have clean water. But I also recognize that some communities are financially strapped. So it is incumbent upon us, not just as EPA but as a government, to try to help those communities. But not to say—not tell them what the standards are either for drinking water or discharge of raw sewage. Those things impact our water quality.

Mr. LATTA. I yield back.

Mr. MURPHY. The gentleman's time has expired.

The chair recognizes the gentleman from New Jersey, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Chairman. It is good to see Lisa Jackson here this morning. I have known her from her days as the Commissioner of the New Jersey DEP, and I am proud to have her at the helm of the U.S. EPA.

I know we are here this morning to discuss the fiscal year 2012 proposed budget, but I wanted to put the issue in a broader context. EPA has a very simple but important mission to protect human health and the environment. As Administrator Jackson noted in her testimony, without adequate funding EPA would be unable to implement or enforce the laws that protect America's health.

When crafting this budget, President Obama had to make tough choices. But the proposed EPA budget will provide EPA with the funding it needs to meet its core mission. The same cannot be said, unfortunately, about the draconian cuts included in H.R. 1, the continuing resolution crafted by the Republicans. I wish I had time to go through all the misguided budget cuts and anti-environmental riders, but I only have 5 minutes.

So I wanted to cite two examples. First, with regard to a rider on the issue of mountaintop mining, H.R. 1 contains a provision that would block EPA's oversight of mountaintop removal mining. In January, EPA took the rare action of vetoing the Clean Water Act permit application for Spruce Mine number one. I sent a letter to the administrator late last year, signed by 50 of my colleagues supporting her efforts to curtail mountaintop removal mining under the Clean Water Act. Mountaintop removal mining is a dangerous practice that is harmful to our environment and unsafe for

those living in nearby communities. And EPA must have the tool to regulate this practice. But essentially H.R. 1 would take it away.

Now, let me talk about brownfields. H.R. 1 also cuts \$30 million from EPA's brownfields program. Over the years, EPA has invested approximately \$1.5 billion in brownfields site assessment and cleanup, leveraging 12.9 billion in cleanup and redevelopment dollars, a return on public investment of 8.5 to 1.

EPA's brownfields program has resulted in the assessments of more than 14,000 properties, helped to create more than 60,000 new jobs. These numbers only tell part of the story, as communities across the country report that brownfields projects are often linchpins to spurring larger revitalization efforts, increasing local tax revenue, and bringing new vitality to struggling neighborhoods and communities.

My colleagues on this panel know that the brownfields program was created with bipartisan legislation, myself and Representative Gilmore, signed into law by President George W. Bush. So I was rather shocked to see the cuts in this program in the continuing resolution. H.R. 1 cuts the budget for EPA's brownfields revitalization grant program by \$30 million relative to the fiscal year 2010 enacted budget, and by 68 million relative to the President's fiscal year 2011 request.

I wanted to ask two questions of Ms. Jackson about brownfields. First, if you would, what would the cuts in the CR mean for clean-up and redevelopment under the brownfields program? And then, what would those cuts mean for private investment in redeveloping these sites?

Ms. JACKSON. The CR has, I think, a 30 percent cut in the brownfields funding for fiscal year 2011. We haven't done an impact on sites specifically, but I will simply say that studies have shown that up to 20-to-1 is the leverage of private money to public money. So for every dollar spent of brownfields grant funding, usually by a local community, they can leverage that to investments as high as—not always as high as 20-to-1, but as high as 20-to-1.

Mr. PALLONE. The thing that bothers me is what we should be doing with the Federal dollars is trying to create jobs. I know this isn't for you to comment on, but it disturbs me because whether I go to the Health Subcommittee or I go to the Environment Subcommittee or the Energy Subcommittee, I just don't see any effort on the part of the Republicans here or on the floor to create jobs. And we have a very good program here which really was—I am not going to say it was a Republican program, but it was touted by President Bush in the beginning of his term. He thought it was a very good environmental program because of the fact that it brought money back to communities and invested and leveraged the private dollars to create jobs, create new businesses. And I just cannot see any justification for slashing funding for brownfields and other programs that create private sector jobs in this economic climate.

It is cuts like this that lead many economists to say that the Republican CR would simply destroy hundreds of thousands of jobs. And this is a perfect example of it. I think it is wrong. And I think that there are many other situations like this. Brownfields is only one example.

Thank you, Mr. Chairman.

Mr. MURPHY. The gentleman yields back.

The chair recognizes the gentleman from New Hampshire, Mr. Bass.

Mr. BASS. Thank you. I want to thank you, Administrator Jackson, for your testimony here this morning.

As you know—as you may know, I represent the Second District of New Hampshire. It is a district in the northeastern State where biomass is a vital part of our clean renewable energy strategy, both as a fuel for the generation of electricity from biomass as well as an alternative heating fuel. We are 86 percent dependent on heating oil in Maine and New Hampshire and, I would assume, also Vermont. We use it to heat houses, businesses, and so forth.

I want to express my appreciation for your flexibility in delaying the consideration of how biomass CO<sub>2</sub> emissions will be regulated under the Clean Air Act through your December announcement regarding the so-called tailoring rule.

Secondly, I also want to express my appreciation in your recent release of the boiler MACT rule, which allows for far greater flexibility and more realistic and economically achievable regulation in meeting emissions targets, especially the part that raises the exemption of smaller boilers up to 10 million—I think it is 10 million BTUs.

Getting back to the tailoring rule, I believe also in that December announcement—yes, the December announcement, you discussed that in July, the Agency would be rolling out their rules or proposed rules include involving the long—what I would consider the long held and internationally recognized presumption that biomass is a carbon neutral energy source. And I am just wondering if you could share with me any observations that you have concerning what that announcement may be and what base assumptions the EPA will be making, if any, involving the carbon neutrality of biomass.

Ms. JACKSON. Thank you, Mr. Bass.

Well, we are committed to the 3-year study we believe there will be very likely be biomass sources that carbon neutral, there may well be some that are carbon positive, if you will. They actually are sources that are greenhouse gas positive in, terms of the sequestration of carbon and sort of the anyway affect that if you just left that biomass there, it would still release carbon as it decayed. The July rulemaking we remain committed to, it will almost certainly move to ensure that biomass sources to not fall subject to greenhouse gas regulation while we complete that study.

Mr. BASS. Biomass resources don't fall, what do you mean by that?

Ms. JACKSON. Don't become subject to regulation.

Mr. BASS. Oh, in other words, what you are saying is the assumptions are likely to presume that sustainably harvested biomass resources will be likely to be considered biomass neutral—I mean, carbon neutral.

Ms. JACKSON. It will defer, for 3 years to allow to us to complete the study. But what we wanted to ensure didn't happen is that biomass sources not become regulated while we have time to get the

science to make further determinations. So it is intended to be a deferral, so biomass sources will not be regulated come July.

Mr. BASS. But at this time, you are not in a position to talk about assumptions brought to that study involving the 3-year deferral if you will?

Ms. JACKSON. No, I can say, Mr. Bass, that we would not have gone so far as to propose a deferral to invest in the study had we not agreed that some sources are most certainly going to turn out to be carbon neutral, and that there may be some sources that are of concern, but we believe there is a good chance that many sources are not at all a concern.

Mr. BASS. I would appreciate the opportunity to continue to communicate with you on this and to assure—my interest is obviously to assure in a State where there is no gas, no coal, no oil, we have a little sunlight in the summer and quite a lot of wind, we need to make sure that in America, our biomass resources are, to the extent it is at all possible and appropriate, that they are considered carbon neutral and a renewable energy resource. And I thank four your attention to that. I yield back.

Mr. MURPHY. The gentleman yields back. The chair recognizes Mr. Cassidy of Louisiana.

Mr. CASSIDY. Hello fellow Louisianian.

Ms. JACKSON. Hello, Mr. Cassidy.

Mr. CASSIDY. Nice to have you here. And thank you for being so patient with us. Because we are both from Louisiana, you will be familiar with this,

Region 6, Chairman Barton brought up in the past. Louisiana, Baton Rouge, has been under a nonattainment order for maybe 3 to 5 years, even though we achieved attainment 3 years ago.

Now, I have here that we have been in the 8-hour ozone standard for over 3 years, and this has been communicated to region 6, that apparently two of the five criteria to be designated attainment area have been fulfilled, but that we can't get a decision on the other three.

Now these were submitted in 5/9/05, 12/20/05 all the way up until last year. It apparently is region 6, because I have documentation here that the other regions are processing these sorts of requests to transition from nonattainment to attainment in half the time or less. Most recently, we were told that our decision published in the Federal Register on February the 25th. And all that was published was that there will be another VISSA, public comment period. It is sort of like Waiting for Godot, it never happens.

In the meantime, of course, Mr. Pallone, my colleague, was concerned about jobs. We have industry which cannot expand because we are nonattainment, that is what I am told. That projects that could convert to cheaper feed stock are not taking place. Products to produce new grades of products at the request of customers on short deadlines are not happening. Products to increase production on a unit by small amount with minimal process changes are not happening the jobs that are going with them.

Now frankly, when you say that you need more money because otherwise there will be a delay on the permit, I have to say based on our experience in region 6, it doesn't matter how much money you have, clearly error bummed up your funding tremendously, be-

cause we still are not getting our stuff processed and there has been a cost in jobs. Now I guess it is a twofold question, what is happening in region 6? Why are we always being told, wait a little longer and it never happens?

And secondly, that is what gives your agency a bad name. People do their best to fulfill the regulations and it just never happens. So your comments.

Ms. JACKSON. I can't comment specifically on the SIP, although I am happy to look into it and make sure our staff follow up from my office.

Mr. CASSIDY. If you would, please. We will give you a copy of the letter and by unanimous consent, I will submit a copy for the record.

Secondly—oh my gosh, you and I are so concerned about the oil spill. When I look through your budget bill, I recall one of the issues is that EPA had not allowed there to be a test spill in the past, that had done that off the coast of Norway taking, I think, 500 barrels down to 500 feet, released it and saw what happened. And so when the spill happened in the Gulf of Mexico we were ill prepared. And obviously although we had approved dispersants, we had no real-time study of the affect of such. I don't see in your budget any research as regard that now. Is that in there and I just didn't see it?

Ms. JACKSON. I believe we have \$2 million for research on dispersants that we achieved through another piece of legislation, so we don't have—for this year—we are spending it this year.

Mr. CASSIDY. Next. The Gulf of Mexico you mentioned that in your budget as one of the areas that you have concern, and laudably there is increased funding for the Mississippi River Basin, but there is like tremendous cuts for the Gulf of Mexico. So I see you are on a Presidential Commission to address the environmental issues. Lake Ponchartrain is losing 500 million, Gulf of Mexico is, I think, losing 1.5 billion. If you assume people's priorities of where they put their money, it doesn't seem like a heck of a lot of priority—do you see what I am saying?

Ms. JACKSON. I certainly understand. And having grown up in the shadow of Lake Ponchartrain, a beautiful water body made incredible progress in cleaning itself up. The Commission and the Foundation have done a wonderful job. We certainly continue to support them. Our work on the Gulf Coast task force with the President, we just had a meeting in New Orleans to talk about clean up opportunities.

Mr. CASSIDY. Now with all the money that is obviously in the Gulf Coast region from penalties, from Clean Water Act penalties, et cetera, would you support channeling, since there is a cutback in the Federal support, and since the Gulf of Mexico is obviously hit, would you support directing that money toward the States most affected by the oil spill?

Ms. JACKSON. The President has said he supports a significant amount of the penalties from the BP oil spill being returned back to the Gulf Coast region.

Mr. CASSIDY. Thank you, Ms. Administrator. I yield back.

Mr. MURPHY. The chairman now yields back. The chair now recognizes the gentleman from California, Mr. Bilbray, for 5 minutes.

Mr. BILBRAY. Thank you, Mr. Chairman. Let me say as somebody who married a young lady from New Orleans a block uptown from Domilises's.

Ms. JACKSON. Ah, nice.

Mr. BILBRAY. Spent a lot of time over there with the Zephyr back when it was still operating. Let me suggest one thing when you talk about the issue that one wanted to risk putting oil in the environment and thus doing testing on it. The Gulf of Guinea has plenty of places that we could test and we talked about that before. You had more oil spills happening in one area than all the rest of the world combined. And it should be a great opportunity for international—and I know in the science community, we raise this issue. You don't have to do it there, why don't you go over and work with the international effort.

What is the cost for greenhouse gas management, or greenhouse gas reduction, in this year's proposed budget?

Ms. JACKSON. The President's proposed budget, I believe, has \$202 million. I will confirm that amount for climate change altogether.

Mr. BILBRAY. Now, are you planning on in the next 10 years basically that being a flat level or are you talking about increasing?

Ms. JACKSON. We haven't—I don't think the President budget speaks to a 10-year forecast for that figure, sir.

Mr. BILBRAY. But you can pretty well predict that at least that would be maintained over the next decade?

Ms. JACKSON. No, I can't say that, sir.

Mr. BILBRAY. OK. Then let me ask you this: What is the percentage of reduction that you are projecting with this 200 investment?

Ms. JACKSON. Well, I do believe that we will need to invest in greenhouse gas science, research, permitting. Some of that money is for States for permitting issues as well.

Mr. BILBRAY. What is your—what I am asking is, if you implement this, what is the reduction that you are planning on getting within the decade on with the strategies at this cost annually?

Ms. JACKSON. I see. In greenhouse gas emissions, you mean?

Mr. BILBRAY. Yes.

Ms. JACKSON. I am sorry, I thought you meant budget. I apologize. We estimate that we can make moderate reductions in greenhouse gas, but primarily we can't estimate—

Mr. BILBRAY. What moderate—what is your term "moderate"?

Ms. JACKSON. I can't estimate it, sir, because—

Mr. BILBRAY. 10, 15, a 2?

Ms. JACKSON. The rulemaking has yet to be proposed, sir. It is not going to come out until July. The only rulemaking for greenhouse—

Mr. BILBRAY. I know when we promulgate a rule, there is a target. And the whole rule is designed for hitting certain targets. That is one of the great breakthroughs of the Clean Air Act is it was outcome-based. Are you saying that we do not have a projected reduction within the decade with the plan that has been proposed by EPA?

Ms. JACKSON. Only because the rules have yet to be proposed. We finalized rules for cars, that is a million tons of greenhouse gas pollution—

Mr. BILBRAY. But the low-lying fruit is the stationary sources, but you don't have a projection right now? Will it be, can you give me any idea at all, 5 percent, 10 percent, 20 percent?

Ms. JACKSON. We are in the middle of listening sessions around the country on the rules that we would propose.

Mr. BILBRAY. Madam Administrator, I really have a problem with—you are giving us a price tag, but you are not even willing to give us a target of the benefit of the price tag.

Ms. JACKSON. Business would not like me to sit here and tell them the outcome of the rule—

Mr. BILBRAY. I am not asking about business. I am asking about what we are going to give the American people for what is being projected. This is just the government expense. But you cannot tell me that what you are proposing to spend, you can't tell me even a ballpark figure of what the reductions are going to be, where the benefit is. Because let me tell you something, when we do ozone reduction, we go after toxic missions, when we go after dioxin, we basically project here is the cost, here is the benefit—the reduction, and here is the benefit in health. You are telling me with this strategy we don't even have a ballpark figure?

Ms. JACKSON. No, no, no. I am telling you that as we develop the rules, we will be happy to put out what the ballpark figures and what the costs are—

Mr. BILBRAY. In other words, give you the money first, and then you will tell us what the—pay the price and tell us what the product's going to be.

Ms. JACKSON. No, no, no, sir. The money goes among other things to helping us develop those rules, to have the listening sessions, to be able to make informed rule—

Mr. BILBRAY. I have a real problem with that. Let me just tell you something, I don't think that at the ARB, staff would ever be given a budget at least if there wasn't a projection of the problem, the answer and what the benefit was.

Let me quickly say one thing. You brought up an issue about—do you believe that secondary sewage mandate should be universally applied in this country?

Ms. JACKSON. Secondary treatment for—

Mr. BILBRAY. Yes, the activated slugs, secondary mandate under the Clean Water Act.

Ms. JACKSON. I believe that we are required under the Clean Water Act to do sec—

Mr. BILBRAY. Are you required to mandate it even if science tells you otherwise?

Ms. JACKSON. The regulations currently in effect mandate it, I suppose if science tells us otherwise—

Mr. BILBRAY. I just want to say I want to put a plug in, California has the National Academy of Science and the Scripps Institution of Oceanography, that has said not only the implementation of the Clean Water Act secondary mandate at the San Diego outfall will not only not benefit, will be adversely impacted.

And that finding was so clear that EPA and the County of San Diego's Health Department sued EPA—the Sierra Club, and the local Health Department sued EPA to stop a mandate that is, in theory, good, but the ability—let me just tell you, 20 years later,

we are still going through that. And my question is this: If science tells you not to implement a reg, does that have the same weight and science telling you you should implement a reg.

Ms. JACKSON. Science is science, sir. We should follow science. I absolutely agree with that. I do know that there is still a problem with the San Diego outfall and water qualities.

Mr. BILBRAY. And what is the problem?

Ms. JACKSON. I do believe that there is still water quality concerns.

Mr. BILBRAY. Let me tell you what the water quality concerns are, as Mexico is being allowed to dump into our non point source, a Federally-owned flight control channel and that the major water quality problem in the area, it is a Federal responsibility.

Mr. SHIMKUS [presiding]. The gentlemen's time expired. The chair now recognizes the gentleman from Colorado, Mr. Gardner, for 5 minutes.

Mr. GARDNER. Thank you, Mr. Chairman. And thank you, Administrator Jackson, for your time today.

I wanted to follow up on a conversation that is disturbing to me because I am troubled by the misrepresentation you have made regarding statements made by our chairman and the misunderstanding of the legislation that is currently moving through this committee. We have argued before and accurately that the regulations that the EPA is currently proposing will drive gas prices up even further.

The reports that I have seen on previous carbon legislation, carbon greenhouse gas legislation, show that gas prices in my district alone will increase by over 60 cents a gallon. That is as a result of greenhouse gas legislation. We know that your proposals will increase the price of fuel of gasoline. We have heard it from the refiners, we have heard it time and time again from witnesses in this committee.

A major reason for this is because your proposed regulation will hit those refiners which convert oil to gasoline. If we drive up costs for refiners, we drive up costs to consumers. It is as simple as that. We can have a debate about whether the regulatory threat from your agency has already chilled investment, and I think it probably has. But no one can argue that impending regulations will not affect those refiners.

I also would like to point out that your point you are comparing mixing apples to oranges in your comments about the effect of EPA regulations on those gas prices. The car rule that you mentioned for model years 2012 through 2016 has not increased gasoline prices. I agree they have not. No one said they did. That is why our legislation expressly and clearly preserves this rule and makes it the law. Like it or not, this rule is in place and we believe it is imperative to maintain certainty for auto manufacturers.

Our legislative experts agree that the car rule is preserved in the bill. If you have a different legal opinion we can certainly discuss it, but let's not attack the individuals or question the integrity of individuals on this committee. Thank you.

Ms. JACKSON. Are you going to let me respond, Mr. Gardner?

Mr. GARDNER. I would like to have a couple of questions.

Ms. JACKSON. May I respond? May I respond?

Mr. GARDNER. I think you have made your position clear and again—

Ms. JACKSON. May I respond, please?

Mr. SHIMKUS. The time is of the gentleman from Colorado, so the gentleman my proceed.

Ms. JACKSON. But it deserves—

Mr. SHIMKUS. Madam Administrator, Madam Administrator, the time is a Member of Congress's, the gentleman from Colorado, and he may proceed on his time.

Mr. GARDNER. Thank you. Administrator Jackson, earlier in front of this committee, you testified that there are tremendous opportunities in rural America for the economy to continue to grow as it has thrived over the past several years. Further you said that rural America's economy has done fairly well as the rest of the country has seen the housing market and economy really do poorly.

Seventeen mostly rural counties in my State of Colorado have seen the population decline according to the 2010 Census. With population decline comes economic decline, and my question is do you believe that rural America is in a position to absorb the costs associated with EPA's proposal to regulate greenhouse gases?

Ms. JACKSON. Sir, EPA's regulations on greenhouse gases have not impacted rural America to date. Any EPA regulations that come out will be—

Mr. GARDNER. They won't impact rural Colorado?

Ms. JACKSON. I didn't say there will be no impact, sir. There will be a cost analysis that will explain how those regulations might impact any American, including rural Colorado.

Mr. GARDNER. How much of your budget is currently set aside, you have about \$219.5 million for climate change. How much of that is set aside for economic impact benefit—economic cost benefit analysis?

Ms. JACKSON. I am happy to get you details of how the budget deals with economic impact.

Mr. GARDNER. Going to the State Revolving Fund for Drinking Water a couple of years ago, the funding was tied to certain wage requirements that has increased the cost of local water projects. I was wondering if you knew whether or not the States—what total costs have increased by State water projects as a result of the language on wage requirements.

Ms. JACKSON. I don't have any estimate of that, sir.

Mr. GARDNER. Is there any way EPA would provide what it costs around the country in terms of increase costs to local water projects.

Ms. JACKSON. I don't know if we have it. If we have it, I am happy to have the data. But I can't do that study if I don't have it.

Mr. GARDNER. Any way you could ask the people who received funding through the State revolving fund of what their costs have increased as a result of that requirement?

Ms. JACKSON. I don't know if we have the authority to do an information request like that, but if we have the data, I am happy to get it.

Mr. GARDNER. In Colorado, we saw tremendous cost increases as a result of those requirements on the State revolving fund. Some

increased by as much as 20 to 25 percent. And I would like see that information of what it costs around this country. And with that, Mr. Chairman, I yield back my time.

Mr. SHIMKUS. The gentleman yields back his time. Seeing no other members the hearing is now adjourned.

The chair reminds members they have 10 business days to submit questions for the record to the chairman. Your compliance is appreciated. Thank you, Madam Administrator.

[Whereupon, at 12:23 p.m., the subcommittee was adjourned.]

[Material submitted for inclusion in the record follows:]

**Opening Statement of Chairman Upton  
Joint Hearing of Subcommittees  
on Environment & the Economy and Energy & Power  
March 11, 2011  
“EPA Budget Overview”**

Chairman Shimkus and Chairman Whitfield, thank you for calling this hearing. And Administrator Jackson, thank you for appearing today.

No issue looms larger for every single American--and therefore for every Member of Congress--than stopping the runaway spending by the Federal government. With each spending proposal we can no longer just ask, “Is this a good idea?” We must ask, “Can we afford it?”

Every line item in every agency faces the same budgetary pressure. Soon we’ll face painful decisions about reducing entitlement spending. When we find ourselves making necessary reductions in those important areas we will look back at programs like EPA’s and ask:

“Do we dare trim spending on programs our constituents have been counting on, and leave agencies such as EPA unscathed?”

While the President would trim a few EPA programs, it’s not enough. In fact, the President and Congress do not even agree on a total cap on spending. The President’s overall budget across government calls for more spending and higher deficits than the House of Representatives can accept. And EPA is part of that.

There are two sets of costs you are in charge of, Ms. Jackson. Obviously, the nearly nine billion dollars you ask that Congress entrust you with. However, the less transparent and vastly larger cost that job

creators must pay to comply with your regulations is especially concerning. We want to trim both.

The regulatory avalanche that the agency has scheduled to be implemented over the next three years on manufacturing and utility sectors is staggering by anyone's estimation.

This Committee remains vitally interested in arriving at a credible figure for exactly how much this regulatory cascade will cost American manufacturers. But make no mistake, the cost to comply with these regulations will ultimately be borne by American consumers in the form of higher prices--- higher gasoline prices, higher electricity prices, and higher prices on groceries.

This Committee's oversight of EPA costs and spending will include, but certainly not end with, moving policies such as H.R. 910, the Energy Tax Prevention Act, to stop these gasoline and electricity price hikes on American families as they struggle to recover from the recession.  
Thank you, Mr. Chairman.

**Statement of Rep. Lois Capps  
“The FY2012 EPA Budget”  
Energy and Power and Environment and Economy  
Subcommittees Joint Hearing  
March 11, 2011**

I want to thank the Chairmen for holding this hearing and would especially like to thank Administrator Jackson for coming here today to discuss the President's FY2012 budget proposal and the agency's many important programs.

As a nation, we rely on the EPA to make sure that our air is clean and breathable, to make sure that toxic chemicals aren't making it into our drinking water, and to make sure that areas where dirty air and chemical contamination have already affected communities are cleaned up and made safe again.

As Members of Congress, we must ensure that the EPA is fully equipped to carry out their responsibilities and protect public welfare.

After reviewing the President's budget proposal, it is clear that he had to make some very difficult decisions.

However, it is also clear that his focus has remained on preserving EPA's priorities that protect public health, our economy and the environment.

Unfortunately, these same priorities are not shared by the Leadership of the House and this Committee.

As you know, the new Republican majority's spending bill was approved by the House last month.

This reckless bill made broad scale cuts that undermine EPA's most important functions.

Compared to President's FY11 budget request, H.R. 1 cut the EPA's budget by \$3 billion – nearly one third of its entire budget.

Cuts of this magnitude would gut the EPA's ability to do its job and will have major impacts on states and at the local level.

For example, air quality grants for local governments were reduced in H.R. 1 by \$100 million.

Without this funding, the heavy burden of air pollution monitoring and control will fall on the shoulders of states and local residents.

These grants are especially important to my district, which continues to suffer from the effects of air pollution.

My constituents also continue to deal with the impacts of a Superfund site.

The EPA has taken several steps to address the contamination from this site over the last several years.

But the cuts to the Superfund program in H.R. 1 could force work to stop – allowing pollution to continue plaguing my community for years.

Finally, Mr. Chairman, H.R. 1 would slash funding for the Drinking Water SRF.

This program is particularly important to the residents in the coastal communities I represent.

As sea levels rise and water sources in the West become scarcer, local governments will be required to relocate infrastructure and undertake new water programs.

It's essential to have access to programs like the SRF to make sure these communities have the support they need to prepare for the impacts of climate change and to continue providing safe drinking water to the public.

Mr. Chairman, we must continue to support EPA's balanced approach to safeguarding our health, economy and environment by making sure they have the resources to do their job.

The debate over federal funding is about reducing our deficit and getting our fiscal house in order again.

But it's also about priorities.

The President has laid out a plan that will help America out innovate America's competitors in a fiscally responsible way.

I commend him for his leadership and for this budget.

I look forward to the testimony of the Administrator, and I yield back.

FRED UPTON, MICHIGAN  
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA  
RANKING MEMBER

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641  
March 29, 2011

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Jackson:

Thank you for appearing before the Subcommittee on Energy and Power and the Subcommittee on Environment and the Economy joint hearing on March 11, 2011, to testify at the hearing entitled "The FY2012 EPA Budget."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions to witnesses, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and then (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions by the close of business on Tuesday, April 12, 2011. Your responses should be e-mailed to the Legislative Clerk, in Word or PDF format, at [Allison.Busbee@mail.house.gov](mailto:Allison.Busbee@mail.house.gov).

Thank you again for your time and effort preparing and delivering testimony before the Subcommittees.

Sincerely,



Ed Whitfield  
Chairman  
Subcommittee on Energy  
and Power



Lynn Shimkus  
Chairman  
Subcommittee on Environment  
and the Economy

cc: The Honorable Bobby L. Rush, Ranking Member,  
Subcommittee on Energy and Power

The Honorable Gene Green, Ranking Member,  
Subcommittee on Environment and the Economy

Attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 28 2011

OFFICE OF CONGRESSIONAL AND  
INTERGOVERNMENTAL RELATIONS

The Honorable Ed Whitfield  
Chairman  
Subcommittee on Energy and Power  
Committee on Energy and Commerce  
U. S. House of Representatives  
Washington, DC 20515

The Honorable John Shimkus  
Chairman  
Subcommittee on Energy and Power  
U. S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairmen:

Thank you for the opportunity to respond to questions for the record that followed a March 11, 2011 hearing entitled "The FY2012 EPA Budget." I hope the information contained in these responses will be helpful to you and the members of the Committee.

If you have any further questions, please contact me at (202) 564-5200 or your staff may contact Christina Moody at (202) 564-0260.

Sincerely,

A handwritten signature in black ink, appearing to read "Arvin Ganesan".

Arvin Ganesan  
Associate Administrator

cc: The Honorable Bobby L. Rush, Ranking Member,  
Subcommittee on Energy and Power

The Honorable Gene Green, Ranking Member,  
Subcommittee on Environment and the Economy

Post- Hearing Questions for the Record  
Subcommittee on Energy and Power  
The FY2012 EPA Budget  
March 11, 2011

**Chairman Fred Upton and Subcommittee Chairman Ed Whitfield:**

**Upton Q1:**

You testified that EPA is doing jobs analyses for its regulations and that you would provide the criteria by which EPA does jobs analyses. Please provide that information, including in your response:

- a. A description of what is EPA is doing to analyze the job impacts of its regulations;
- b. The criteria by which EPA does jobs analysis for its regulations;
- c. Whether EPA is preparing job analysis for all of its regulations.

**Answer:**

In determining whether to analyze the employment impacts of a regulation, EPA considers a variety of factors. These include statutory context, the magnitude of the regulation's direct compliance costs, the potential for "ripple" effects to occur outside directly regulated industries, and the extent to which overall levels of production may be significantly affected in specific sectors of the economy. While employment impacts are not generally considered within a benefit-cost analysis, EPA has estimated employment impacts for analyses of economic impacts of certain rules. For instance, employment impacts were estimated for the Architectural Coatings VOC rule (1998), the Boiler MACT rule (2010), and the Portland Cement rule (2010), as well as numerous other rules. In these analyses EPA has strived to present a balanced picture of the effects of its regulations by carefully accounting for both the positive and negative effects of our regulations.

Current labor market conditions, which are unprecedented in EPA's history, have heightened interest in the potential employment impacts of environmental regulation. As a result, EPA is evaluating whether and how to extend our existing analytical frameworks and tools to incorporate employment impacts analyses.

EPA is not preparing employment impact analyses for all of our regulations. EPA promulgates about 350 final rules in a typical year,<sup>1</sup> most of which are not economically significant. Regulations are considered on a case-by-case basis to determine whether an analysis of employment impacts is appropriate.

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[http://www.epa.gov/regstat/total\\_activity\\_stage2.html](http://www.epa.gov/regstat/total_activity_stage2.html), Final rules

**Upton Q2:**

In its FY 2012 budget, is EPA planning to devote any staff or funding to examining the cumulative impacts of its current and future greenhouse gas (GHG) regulations on the economy or jobs in the United States? If yes, please describe.

**Answer:**

Assuming funding at the President's 2012 budget levels, EPA plans to utilize approximately 1-3 FTEs and \$300-500K in extramural resources to examining the cumulative impacts of future greenhouse gas (GHG) new source performance standards (NSPS) on the economy.

**Upton Q3:**

In your testimony, you stated you would provide information regarding the amount of funding, if any, by EPA of the Intergovernmental Panel on Climate Changes (IPCC). Please provide:

- a: The amount of funding, if any, by EPA of the IPCC;
- b: The amount of EPA staff time and resources [that] has been devoted in the past to IPCC related work and;
- c: The amount of funding, staff time and/or resources to IPCC related work that is budgeted for FY 2012.

**Answer:**

EPA does not provide direct funding to the IPCC. From 2004-2006, ten EPA greenhouse gas monitoring experts contributed to the development of standardized IPCC Task Force on Inventories (TFI) methodologies for preparing national greenhouse gas inventories.

From 2006-2007, three EPA staffers served as authors and contributing authors for the IPCC Working Group III volume on mitigation of climate change of the 2007 Fourth Assessment Report. During that same time, five additional staffers from EPA served as reviewers during the government review process of the Fourth Assessment Report. This entailed attending approximately 6-7 meetings, each averaging about 2 days.

From 2007-2011, EPA greenhouse gas monitoring experts have attended 3-4 IPCC-TFI technical meetings per year. Each meeting lasts approximately 3 days.

Most recently one EPA staffer has served as a government reviewer of the draft IPCC Special Report on managing the risks of extreme events, totaling about one day's worth of time.

EPA is supporting one consultant to cover and report on relevant activities for the preparation of the IPCC Fifth Assessment Report in FY2012. EPA also plans to send 1-2 greenhouse gas monitoring experts to participate in 4 IPCC-TFI expert meetings in FY2012.

Finally, as a U. S. Global Change Research Program agency, EPA supports the IPCC through annual allocations determined by the USGCRP. Typically, the EPA allotment is about 1% of the total amount of the USGCRP provides to the IPCC.

**Upton Q4:**

In your testimony relating to EPA's budget, you stated that you would provide information concerning how many lawsuits are currently pending against the EPA. Please provide that information.

**Answer:**

This information was provided to your staffs on April 7, 2011.

**Upton Q5:**

The question refers to NSPS lawsuits generally. The introduction to the answer refers more specifically to NSPS lawsuits that include GHGs? Is that because the Administrator's statement in the hearing referred only to NSPS lawsuits that include GHGs? If so, then the introduction to the answer should explain that that's why the answer is limited to GHGs. Also, is the list of cases in the answer even limited to GHGs (as the introduction to the answer suggests.) or is it all NSPS?

In your testimony, you stated that EPA faces a number of lawsuits to promulgate New Source Performance Standards (NSPS). Please provide a list of all such lawsuits and the source categories or sectors that are the subject of the lawsuits.

**Answer:**

My testimony referred to lawsuits relating to promulgation of NSPS for greenhouse gases (GHGs). The following list of lawsuits includes deadline suits and substantive challenges to NSPS in which petitioners or plaintiffs referenced greenhouse gases.

Deadline suits seeking to compel EPA to review and, if appropriate, revise NSPSs in accordance with Clean Air Act section 111(b)(1)(B):

1. Wild Earth Guardians v. Johnson, Case No. 1:09-cv-00089-CKK (D.C. District Court) – Crude Oil and Natural Gas Production
2. Environmental Integrity Project v. EPA, Case No. 09-00218 (D.C. District Court) – Nitric Acid Manufacturing
3. American Petroleum Institute v. EPA No. 06-1321 (D.C. Cir.) – Compression-Ignition Internal Combustion Engines

Challenges in the Court of Appeals to final NSPS:

4. American Petroleum Institute v. EPA, No. 08-1277 (D.C. Cir.) – Petroleum Refineries
5. State of New York et al., v. EPA, No. 06-1322 (D.C. Cir.) – Electric Utilities
6. Portland Cement Association v. EPA, 10-1358 (D.C. Cir.) – Portland Cement

Notices of Intent to file suit to compel review and, if appropriate, revision of the NSPS in accordance with Clean Air Act section 111(b)(1)(B):

7. Landfill NSPS
8. Pulp and Paper NSPS

Notice of Intent to sue for unreasonable delay in responding to petition to list a category for regulation under section 111:

9. Coal Mines

**Upton Q6:**

In your testimony, you stated that the only two specific source categories that EPA is currently reviewing for greenhouse gas NSPS are power plants and refineries. Is that statement accurate, or are there other source categories for which EPA is also considering setting such standards?

**Answer:**

EPA is planning to propose GHG NSPS for only the power plants and refinery sectors. EPA has received petitions to evaluate a number of other source categories (e.g., nitric acid plants, municipal landfills, coal mines) for setting GHG NSPS.

**Upton Q7:**

EPA in its FY 2012 Budget requests an extra \$2M to support implementation of GHG standards for passenger cars and trucks, and extra \$4M relating to standards for the transportation sector, including trucks, locomotives, marine, and aircraft engines.

- a: Which specific mobile sources is EPA focused upon in FY 2012?
- b: Is EPA considering issuing new GHG-related rulemakings for any of these mobile sources in FY 2012?

**Answer:**

The FY 2012 request for an additional \$4 million relating to standards for the transportation sector will primarily be focused on implementing heavy-duty vehicle and engine GHG standards. EPA anticipates finalizing its GHG emission standards rule in late FY 2011 and to begin implementation in FY 2012. EPA will have significant implementation requirements to facilitate the success of this program. In comparison to the existing heavy-duty program, this new GHG program is expected to include more participants as well as include new compliance tools to address the significant complexity of this sector. These additional efforts would include new IT structures, additional models and test procedures to ensure compliance, and enhanced outreach efforts to ensure participants understand and comply with program requirements. EPA's actions in FY 2012 regarding marine and aircraft standards will be to participate in appropriate international forums such as the International Maritime Organization and the International Civil Aviation Organization.

**Upton Q8:**

With regard to GHG regulations of mobile sources, please provide the total amount of funds expended by EPA in setting motor vehicle GHG standards since April 2007 by year. Please also provide the total amount of funds budgeted by EPA for FY 2012.

**Answer:**

The following amounts have been allocated since 2007 for work supporting the development and implementation of GHG emissions standards for mobile sources: 2007: \$6.7 million; 2008: \$4.3 million; 2009: \$3.1 million; 2010: \$3.2 million; 2011: \$9.2 million requested in the President's Budget proposal. For FY 2012, the total amount of funds requested in the President's Budget proposal is \$9.2 million.

**Upton Q9:**

As you know, EPA sets a GHG standard for vehicles under the criteria set out in the Clean Air Act. NHTSA establishes a fuel economy standard under a different set of criteria mandated by the Energy Policy and Conservation Act. The Administration, pursuant to the "national program", has sought to "harmonize" both standards.

- a. Does the Clean Air Act permit EPA to set a lower standard to achieve the goal of "harmonization" with another agency's standard? If yes, please describe the basis for your response.

**Answer:**

EPA and NHTSA achieved the goal of a harmonized national program for greenhouse gases and fuel economy in the joint final rule for 2012-2016 model year light-duty vehicles. This harmonization—as described below—resulted in a national program where automakers could produce and sell a single fleet of vehicles nationally, mitigating the potential for additional cost that manufacturers would otherwise face in having to comply with multiple sets of Federal and State standards. This National Program was developed with the broad support of a wide range of stakeholders, including the automakers, unions, states and NGOs.

EPA and NHTSA discussed their respective statutory authorities in detail in this rulemaking. See 74 FR 49454, 49460-467 (September 28, 2009). Under their respective authorities, both agencies consider the same or similar factors in setting standards, factors relating to the cost and effectiveness of control technology, lead time, the economic and other impacts of the program on the manufacturers, the need of the country for emissions reductions and conservation of energy, and the impact of other governmental standards. Each agency has significant discretion in weighing and balancing these factors in determining the appropriate standards under their respective authorities. The two agencies harmonized the joint rulemaking by adopting CAFE and GHG standards that reflect these statutory similarities and differences, and by establishing a common set of technical assumptions and analyses, for example on the cost to comply with the joint rule. For example, the air conditioning credits allowed under EPA's GHG program provide an additional flexibility for automakers to achieve the standards.

Because the Clean Air Act allows for somewhat different compliance mechanisms than under the NHTSA statutory authorities, EPA's model year 2016 standards are estimated to be equivalent to 35.5 mpg, while DOT estimated the 2016 CAFE standards would achieve a level of 32.7 mpg, for virtually the same per-vehicle cost. Therefore, if one were to separate the two rules, for comparable levels of technology cost the EPA standards achieve greater GHG reductions than the CAFE standards. As a harmonized joint rulemaking for model year 2012-2016 cars and light trucks, the oil consumption of the affected vehicles will be 1.85 billion barrels less than it otherwise would be.<sup>2</sup>

**Upton Q10:**

If the California Air Resources Board does not accept EPA's GHG mobile source standards for model year 2017-25 as compliance with its own regulation, do you anticipate that EPA will revoke the waiver granted in July 2009? If not, why not?

**Answer:**

The waiver issued in 2009 covered the standards CARB adopted in 2005. EPA would address any new CARB standards in a future waiver proceeding, using the criteria in section 209 of the

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<sup>2</sup> May 7, 2010, 75 FR 25347 (Table I.C.2-2).

Clean Air Act. EPA and NHTSA are currently working towards a proposal later this year covering 2017 and later model years, as is CARB. As the President requested, the agencies are working to extend the successful national program into future model years.

**The Honorable John Shimkus:**

**Shimkus Q1:**

How much did you spend in 2008 solely on enforcement activities under the Clean Water Act, CERCLA, and RCRA? What is your 2012 Budget request for these same enforcement activities?

**Answer:**

EPA does not request or allocate the enforcement and compliance assurance budget by media program, and therefore, we cannot provide a separate breakout of the CWA and RCRA enforcement activities. Since Congress appropriates the Agency's budget by appropriation, we can provide the enforcement budget by appropriation (as follows).

Appropriation	FY 2008 Obligations*	FY 2012 Pres. Budget
Environmental Program and Mgmt.	\$331.0 M	\$393.3 M
Science and Technology	\$14.0 M	\$15.3 M
State and Tribal Assistance Grants	\$27.0 M	\$24.3 M
Leaking Underground Storage Tanks	\$0.8M	\$0.8 M
Oil Spill Response	\$2.1 M	\$3.0 M
Hazardous Substance Superfund	\$184.7 M	\$183.8 M
<b>TOTAL:</b>	<b>\$559.6 M</b>	<b>\$620.5 M</b>

\*FY 2008 obligations include approximately \$36 million in prior year appropriated funds.

**Shimkus Q2:**

If you only received the amount of funding EPA got in Fiscal 2008 which programs under the following EPA functions would you consider essential to protecting human health and the environment – Environmental Program & Management, State & Tribal Assistance Grants, Hazardous Substance Superfund, Science and Technology? For each, what are the minimum funding levels to achieve those purposes?

**Answer:**

EPA has worked very hard -- at the frequent urging of Congress -- to ensure that its programs work together and support each other as an integrated whole in fulfillment of EPA's mission to protect human health and the environment.

I believe that the funding levels in the President's proposed FY 2012 budget for EPA are sufficient to achieve the purposes of protecting human health and the environment.

**Shimkus Q3:**

How much of your 2012 Budget request is to repair or replace broken water systems? What did you obligate in 2008 for these same activities?

**Answer:**

EPA has no set budget targeted annually to repair or replace "broken" water systems. EPA does manage the Drinking Water State Revolving Fund (DWSRF) to make funds available to drinking water systems to finance infrastructure improvements. Many public water systems find it difficult to obtain affordable financing for infrastructure improvements which would enable systems to comply with national primary drinking water standards and protect public health. The goal of the program is to provide States with a financing mechanism for ensuring safe drinking water to the public. States can use federal capitalization grant money awarded to them to set up and run their State revolving fund from which assistance is made available to public water systems. States can use optional set-asides to provide additional assistance to small and disadvantaged communities and can use the SRF for protection of source water. Please note, on an annual basis approximately 40 percent of the total assistance provided from the loan fund is used by systems to improve transmission and distribution components of a water system. In 2008, \$746M was directed for improving these components.

**Shimkus Q4:**

What do you consider to be the appropriate criteria to define "unnecessary and overly burdensome regulations that negatively impact business without any net benefit?"

- a. Would you consider regulations that force reporting of information EPA already has under another statute to fit this criterion?
- b. Would you consider regulations that require someone to do something that the Regulated entity already does for another Federal department or agency to fit this criteria?

**Answer:**

As called for by President Obama in Executive Order 13563 "to facilitate the period review of existing significant regulations," EPA will consider how best to promote retrospective analysis of rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand or repeal them in accordance with what has been learned."

To assist the Agency in identifying potential regulations, from February 18, 2011 to April 4, 2011, EPA solicited public input on how to design its plan for periodic retrospective review. As part of that process, EPA noted that it is proceeding with several key goals in mind:

- EPA will uphold our mission to protect human health and the environment.
- EPA's approach will be tailored to reflect our resources, rulemaking history, and volume.
- EPA will continue to meet existing statutory requirements that already direct us to regularly review certain regulations.

To help commenters formulate their ideas, but not intended to restrict the issues that commenters addressed, EPA provided questions related to potential areas for improvement and addressing regulations that "unnecessary and overly burdensome regulations that negatively impact business without any net benefit." See attached list.

- Would you consider regulations that force reporting of information EPA already has under another statute to fit this criterion?

Answer: Potentially, contingent on statutory and programmatic considerations.

- Would you consider regulations that require someone to do something that the regulated entity already does for another Federal department or agency to fit this criteria?

Answer: Potentially, contingent on statutory and programmatic considerations.

## Attachment:



Improving Our Regulations Through Periodic Retrospective Review

## Questions to Help You Formulate Your Comments

 Note: EPA no longer updates this information, but it may be useful as a reference or resource.

**Editor's Note:** From 02/18/2011 to 04/04/2011, EPA accepted public comment on how to design our plan for periodic retrospective reviews of existing regulations. The comment period is now closed. This document is provided for historical reference only.

EPA is beginning a new periodic retrospective review of our existing significant regulations, to determine whether any such regulations should be modified, streamlined, expanded, or repealed, so as to make the Agency's regulatory program more effective or less burdensome in achieving the regulatory objectives.

We want you to help us design the plan we will use to periodically review our regulations. We're accepting your comments from now through 04/04/2011. (This is an extension of the original comment period end date of 03/20.) We won't be able to respond to every individual comment, but we value your input and will give your ideas careful consideration.

To share your ideas, follow these steps:

1. Review the categories below, and select the topic that best fits how you wish to comment.
2. As you do, keep these key considerations in mind:
  - We will uphold our mission to protect human health and the environment.
  - Our plan will be tailored to reflect our resources, rulemaking history, and volume.
  - A number of laws already direct us to regularly review certain regulations. We seek your input on developing a plan that is integrated with those existing requirements.

Please be as specific as possible when submitting your comments. We have provided the following questions and categories to help you formulate your ideas, but do not intend to restrict the issues that you may wish to address.

- How should we identify candidate regulations for periodic retrospective review?
- What criteria should we use to prioritize regulations for review?
- How should our review plan be integrated with our existing requirements to conduct retrospective reviews?

- How often should we solicit input from the public?
- What should be the timing of any given regulatory review (e.g., should a regulation be in effect for a certain amount of time before it is reviewed)?

**Categories by which you may comment**

1. **By issue or impact** – You may wish to suggest that we focus our review based on the impacts of our rules. We have provided a non-exhaustive list of issues or impacts to help you formulate your ideas, but do not intend to restrict the issues that you may wish to address. The dockets pertaining to a particular issue or impact are listed on the following pages.
2. **By program area** - You may wish to suggest that we evaluate our rules by subject matter, or program area:
  - i. Air ([Regulations.gov](#) Docket #EPA-HQ-OA-2011-0155)
  - ii. Pesticides (EPA-HQ-OA-2011-0157)
  - iii. Toxic Substances (EPA-HQ-OA-2011-0159)
  - iv. Waste (EPA-HQ-OA-2011-0160)
  - v. Water (EPA-HQ-OA-2011-0154)
3. **General comments** (EPA-HQ-OA-2011-0156) – Use this category if you're not sure what other category to choose or if your comment spans multiple categories. Also, you may use this category if you wish to provide other general comments on the factors we should consider in conducting our review, the process we will use in setting priorities, or the identification of candidate rules for review.

**Issue or Impact Areas for Consideration**

**Integration and Innovation**

(EPA-HQ-OA-2011-0161)

- Which regulations could achieve the intended environmental results using less costly methods, technology, or innovative techniques? How could the regulations be changed? What data support this?
- Which regulations could be improved by harmonizing requirements across programs or agencies to better meet the regulatory objectives? What suggestions do you have for how the Agency can better harmonize these requirements?
- Which regulations have requirements that are overlapping and could be streamlined or eliminated? What suggestions do you have for how the Agency could modify the regulations? Be specific about how burden can be reduced from gained efficiencies related to streamlining the requirements.
-

- What opportunities exist for the Agency to explore alternatives to existing regulations? How can these alternatives be designed to ensure that environmental objectives are still met?

**Environmental Justice / Children's Health / Elderly**

(EPA-HQ-OA-2011-0168)

- Which regulations have exacerbated existing impacts or created new impacts on vulnerable populations such as low-income or minority populations, children, or the elderly? Which ones and how? What suggestions do you have for how the Agency could change the regulations? What data support this?
- Which regulations have failed to protect vulnerable populations (minority or low-income, children or elderly) and why?
- Which regulations could be streamlined, modified, tightened, or expanded to mitigate or prevent impacts to vulnerable populations (minority or low-income, children or elderly)? What suggestions do you have for changing the regulations? What data support this?

**Science / Obsolete / Technology Outdated**

(EPA-HQ-OA-2011-0162)

- Which regulations could be modified because the underlying scientific data has changed since the regulation was issued, and the change supports revision to the original regulation? What data support this? What suggestions do you have for changing the regulations?
- Which regulations have achieved their original objective and have now become unnecessary or obsolete? What data support this? What suggestions do you have for how the Agency could modify, streamline, expand, or repeal the regulation?
- Have circumstances surrounding any regulations changed significantly such that the regulation's requirements should be reconsidered? Which regulations? What data support this? What suggestions can you provide the Agency about how these regulations could be changed?
- Which regulations or reporting requirements have become outdated? How can they be modernized to accomplish their regulatory objectives better? What data support this? What suggestions do you have for how the Agency could change the regulations?

- Which regulations have new technologies that can be leveraged to modify, streamline, expand, or repeal existing requirements? What data support this? What suggestions do you have for how the Agency could change these regulations?

**State, Local and Tribal Governments**

(EPA-HQ-OA-2011-0163)

- Which regulations impose burden on state, local or tribal governments? How could these regulations be changed to reduce the burden without compromising environmental protection?
- What opportunities are there within existing regulations to better partner with state, local and/or tribal governments? If so, do you have suggestions for how to better utilize those opportunities?

**Least Burdensome / Flexible Approaches**

(EPA-HQ-OA-2011-0165)

- Which regulations have proven to be excessively burdensome? What data support this? How many facilities are affected? What suggestions do you have for reducing the burden and maintaining environmental protection?
- Which regulations impose paperwork activities (reporting, recordkeeping, or 3rd party notifications) that would benefit from online reporting or electronic recordkeeping? Tell us whether regulated entities have flexibility in providing the required 3<sup>rd</sup> party disclosure or notification. What data support this? What suggestions do you have for how the Agency could change the regulation?
- Which regulations could be made more flexible within the existing legal framework? What data support this? What suggestions do you have for how the Agency could change the regulations to be more flexible?

**Benefits and Costs**

(EPA-HQ-OA-2011-0158)

- Which regulations have high costs and low benefits? What data support this?
- Which regulations could better maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity)? What data support this? What quantitative and qualitative benefits and costs justify your suggestion (recognizing that some benefits and costs are difficult to quantify)?

**Small Business**

(EPA-HQ-OA-2011-0164)

- Which regulations have large impacts on small businesses? How could these regulations be changed to reduce the impact while maintaining environmental protection? Are there flexible approaches that might help reduce these impacts? Which of these regulations have high costs and low benefits? What data support this?
- Are there any regulations where flexible approaches for small businesses have proven successful and could serve as a model? Where else and how could these approaches be utilized?

**Compliance**

(EPA-HQ-OA-2011-0166)

- Which regulations have complicated or time consuming requirements? To what extent are alternative compliance tools available? Could the regulations be modified to improve compliance? What data support this?
- Which regulations or regulated sectors have particularly high compliance? How could the factors or approaches that lead to high compliance be utilized in other regulations and sectors? What data is available to support this?

**Economic Conditions/ Market**

(EPA-HQ-OA-2011-0167)

- Which regulations have impacted an industry sector(s) that was hard hit by high unemployment in the past three years? What changes to the regulation would promote economic growth or job creation without compromising environmental protection? What data support this?
- How can regulations spur new markets, technologies, and new jobs? What suggestions do you have to support this idea?
- Which regulations have impeded economic growth in an affected industry sector? What information is available to support this? How could the regulations be modified to improve both economic growth and environmental protection? What data support this?
- Where can EPA examine market-based incentives as an option to regulation? What program would you design that utilizes market-based incentives and ensures environmental objectives are still met?
- How can a regulation be improved so as to create, expand or transform a market?
- Which regulations could be modified so as to invite public/private partnerships, and how?

**Shimkus Q5:**

Which regulations do you anticipate deleting or modifying because they are “unnecessary and overly burdensome regulations that negatively impact business without any net benefit”? What steps have already been accomplished to screen such regulations, including pending ones?

**Answer:**

The EPA moved quickly to accept public comment on potential regulations for review under EO 13563. On February 18, the Agency launched its Improving Regulations website ([www.epa.gov/improvingregulations](http://www.epa.gov/improvingregulations)); we also opened 15 dockets to receive public comments. On February 23 we published a Federal Register notice soliciting public comments over the next 30 days. EPA advertised and hosted a national meeting on March 14 in Arlington, VA, to solicit public comment on how we should design our Plan for retrospective review and how we should conduct our periodic reviews. Moreover, each EPA Regional office held one or more listening sessions for the public and key stakeholders. A schedule was posted in advance on our Improving Regulations website. When we heard from the public that they needed more time to comment on the Plan, we immediately responded to the concern, extended the public comment period from March 20 to April 4, and published another Federal Register Notice to

announce the change. EPA received over 1,400 submissions to the public dockets and hosted over 600 attendees at our meetings and listening sessions.

The Agency is now working hard to read, digest, categorize and evaluate all the public input, which ranged from targeted suggestions on regulatory text in particular rules to broad suggestions on how the Agency should design its plans for periodic retrospective reviews.

The Agency delivered a preliminary plan for retrospective review to OMB on May 24, which is accessible from the Improving Regulations website. The preliminary plan includes broad initiatives to work toward a 21<sup>st</sup> century approach to environmental protection, a list of rules for review in the near term and a roadmap on how the Agency will carry out regular, periodic reviews going forward. The plan is now open for a second round of public comment; this second comment period is scheduled to close on June 27. A final version of the plan is due to OMB in August. The list of rules for review has been and will be shaped by a detailed review of the public comments received in both the first and second comment periods, the expertise of EPA offices writing the regulations, existing priorities, the principles and directives of EO 13563, and EPA resources.

**Shimkus Q6:**

According to the EPA budget justification, the Administration will “pull together portions of five research areas into one function (Human Health, Ecosystems Services, Land Protection – Preservation, Pesticides & Toxics, and Sustainability Research). The SHC will address local environmental needs by conducting research on green development, waste reduction, and environmental justice concerns and sustainability as the community scale”.

a: Since EPA is a Federal agency with limited resources, as opposed to a state or local organizations, will you explain the U.S. EPA’s role in community planning?

**Answer:**

EPA does not plan communities, but EPA’s research can offer assistance in addressing local challenges to human health and the environment. EPA’s Sustainable and Healthy Communities Research Program (SHCRP) will develop the tools, methods, approaches, and databases to identify the environmental or human health problems faced by National, Regional, State and local decision-makers. While States typically implement environmental regulations where they are statutorily delegated, communities are often responsible for meeting the requirements of State-issued permits. Consequently, communities need tools to adequately assess how alternative solutions could best protect human health and the environment. This research program will provide tools to help with these choices.

These tools include human exposure models, databases, sampling/analytical methods, GIS maps, and web applications. A primary example of the products that will be developed under

this program is the Community Focused Exposure and Risk Screening Tool (C-FERST). It will provide state-of-the-science approaches for characterizing exposures to environmental contaminants that lead to cumulative risks. With these tools, communities, regions, states, and tribes can better plan resource allocations to address local environmental problems. To help decision-makers understand the implications of management options resulting from utilizing these tools, EPA's SHCRP will provide limited technical support. While EPA's SHCRP is not designed to make decisions about community planning, it is designed to inform such decisions.

b: How is this program essential to your statutory obligations?

**Answer:**

The SHCRP will continue to provide scientific research and analysis that supports the Agency's policy and regulatory decisions under statutes such as the Safe Drinking Water Act, the Clean Water Act, the Comprehensive Environmental Response, Compensation and Liability Act, and the Clean Air Act. Most of the core functions of the programs being merged into SHCRP will be maintained in 2012, though EPA is placing additional focus on sustainability. While States typically implement environmental regulations where they are statutorily delegated, communities are often responsible for meeting the requirements of State-issued permits. Thus, while EPA regulations often set national standards, it may be possible for compliance to be achieved through novel or alternative methods. ORD research and alternatives assessments may illustrate that communities can meet regulatory standards in ways that maximize co-benefits and minimize net costs and unintended consequences. Thus, research and information dissemination to communities could increase compliance, leading to even greater improvements in human health and the environment.

**Shimkus Q7:**

Do you envision the data gathered from this program will contribute to EPA's regulatory decision making process?

**Answer:**

The mission of EPA's research program is to provide the scientific underpinnings of environmental decisions. Most of the core functions of the programs being merged into SHCRP will be maintained in 2012 and research necessary for EPA regulatory and policy development will be continued, though EPA is placing additional focus on sustainability. The SHCRP will produce data, information, and tools that EPA offices, regions and communities can use to more effectively make and implement environmental decisions. The research program is designed to inform, but not make, decisions about community planning. To the extent that the information gathered indicates that compliance with regulatory standards could be achieved

through novel methods that are easier to implement or produce co-benefits, it would certainly contribute to the agency's future regulatory decision-making process in a very positive manner.

**Shimkus Q8:**

How much of the SHC budget is EPA staff dollars: how much is grants and contracts?

Answer:

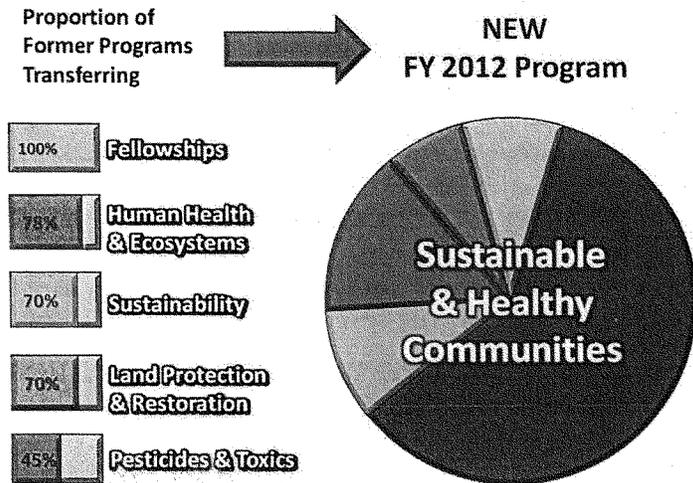
The following table provides funding levels for those broad categories.

SHC FY 2012 President's Budget Request (\$M)	
Research Grants and Contracts	\$105.7
Payroll	\$83.6
SHC Total	\$189.3

**Shimkus Q9:**

Are you shifting staff to accommodate this new program?

Answer:



As part of a broader systems approach to addressing the complex environmental challenges of the 21<sup>st</sup> century, EPA is realigning resources (dollars and work years) and integrating the following individual research programs, or parts thereof, as listed below:

- 367.9 FTE from Human Health and Ecosystems,
- 65.1 FTE from Sustainability,
- 58.2 FTE from Pesticides and Toxics,
- 124.1 FTE from Land Protection and Restoration, and
- 6.4 FTE from Fellowships.

**Shimkus Q10:**

Please explain the transfers that will be necessary for the SHC Program and how these transfers impact existing research functions. Which accounts, programs, or environmental concerns will suffer or have to be delayed in order to staff and fund this effort?

**Answer:**

Implementation of the SHCRP is intended to facilitate a systems approach to addressing 21<sup>st</sup> century problems by realigning resources as shown in the above figure, and is not intended to negatively impact accounts, important programs, or high priority environmental concerns. As part of a broader systems approach to addressing the increasingly complex environmental science challenge, EPA is realigning and integrating its research portfolio to better support the overall Agency's mission. The SHC research program integrates research from the five program areas cited in response to the previous question. This systems approach will lead to more effective, sustainable solutions to environmental problems facing communities.

**Shimkus Q11:**

You cite authorities from some of your organic statutes such as LUST to justify the SHC program. Does this mean that elsewhere, in your budget documents, portions of funding proposed for carrying out programs such as LUST will actually be transferred to SHC? Or will the SHC/LUST funds be in addition to the base LUST funds? If it is a transfer, how do you take otherwise dedicated funds – and the state arrangements that provide this funding – from these programs to satisfy the new SHC?

**Answer:**

Research conducted to support the organic statutes such as LUST will continue under the new program structure. EPA did not request Congress to authorize transfers between appropriation accounts to support SHC, but rather that funds appropriated for sub-account programs will complement the SHC program as a whole. For example, resources appropriated to the LUST account will continue to focus on developing methods, tools, and approaches for supporting regulatory and policy decisions with respect to environmental and human health issues surrounding leaking underground storage tanks.

**Shimkus Q12:**

Please list all grantees and contractors that will be funded under the new SHC and the amounts of awards for each.

**Answer:**

Decisions about new contract or grant awards for FY 2012 have not yet been made. EPA funds research through several methods, including contracts, interagency agreements, and grants. Our largest grant program, the Science To Achieve Results (STAR) program, awards competitive research grants and graduate fellowships. EPA's request for FY 2012 includes \$31.3 million for STAR in SHCRPC. STAR grants function through proposals from scientists at universities and nonprofit institutions in response to targeted Requests for Application (RFAs). These grants support both individual investigator research and multi-disciplinary research grants and centers. STAR fellowships are solicited Nation-wide through RFAs and awarded to graduate students studying for their master's or doctoral degrees in the environmental or health sciences, engineering, or related areas. Both STAR research grants and fellowship recipients are selected through highly competitive peer-review processes. Both programs are administered in accordance with the Code of Federal Regulations and Agency grant policy. STAR grantees and fellows funded in FY 2012 will include both new and continuing commitments.

Our contracts are solicited through Requests for Proposals (RFP) published in the Commerce Business Daily (CBD). In accordance with Federal Acquisition Regulations (FAR) and Agency contracting policy, contracts are awarded both competitively and noncompetitively. The Small Business Innovation Research (SBIR) program, for example, awards contracts through a highly competitive external peer review process.

**Shimkus Q13:**

When units of local government are receiving SHC funds, do they, in turn, distribute funds to others? Does EPA know to whom it goes? How is oversight conducted?

**Answer:**

The predominant portion of SHC extramural funding is provided to institutions of higher learning and other not-for-profits through assistance agreements (e.g., grants and cooperative agreements) and to for-profit enterprises through contracts. In all cases, EPA conducts oversight in accordance with applicable laws and regulations, such as the Code of Federal Regulation and Federal Acquisition Regulations.

**Shimkus Q14:**

What is the PART performance measure for this program?

**Answer:**

EPA is evaluating its performance measures for the new research programs, and is participating in an interagency pilot through OSTP known as STAR-metrics.

Since SHC reflects a new systems approach to conducting research, FY 2012 performance measures are being incorporated into research action plans, which will be implemented in FY 2012. In FY 2011, there were a number of measures associated with the programs that were realigned and integrated to form the SHC program (i.e., Human Health, Ecosystems Services, Land Protection: Preservation, Pesticides & Toxics, and Sustainability Research Programs). Measures included annual output measures that reported on the percentage of planned outputs delivered in support of long term goals, biennial output measures that reported on rates of publication in highly cited and high impact journals, and efficiency measures that reported on such items as "Average time to process research grant proposals."

EPA is also participating in STAR METRICS Program (that is the Science and Technology in America's Reinvestment – Measuring the Effect of Research on Innovation, Competitiveness and Science Program) which is a collaboration of multiple science agencies, the Office of Science and Technology Policy, and the research community to build a data infrastructure to enable science agencies and organizations to more effectively assess the long-term and short-term outcomes of research.

**Shimkus Q15:**

How many employees do you consider to be essential vs. non-essential? How many of each work in the Washington, DC metropolitan area?

**Answer:**

As of April 8, 2011, EPA has a total of 17,721 employees, of which 797 employees are considered excepted and an additional 843 necessary to support exempted activities.

As of April 8, 2011, there are 9,311 EPA employees working in Headquarters and their field and laboratory components of which 233 employees are considered excepted and 65 necessary to support EPA's exempted activities that work directly in the Washington, DC metropolitan area.

**Shimkus Q16:**

Did the EPA direct ARRA funds to ongoing projects in order to speed completion? What was the cost of each job?

**Answer:**

Of the \$7.2 billion EPA received in ARRA funding, 85.3 percent was to State programs allowing the States to make the project-level funding decisions, 13.5 percent was directed to programs within EPA under which EPA makes the project-level funding decisions, and 1.2 percent was set aside for the Inspector General and EPA internal management and oversight costs.

85.3 percent of EPA's appropriation under ARRA was directed to the Drinking Water SRF, the Clean Water SRF, and the Leaking Underground Storage Tank Program. In addition, some portion of the State Clean Diesel Program funding was allocated by the States. Consistent with the authorizing statutes for these programs, EPA provided awards based on formula distributions and the States made subsequent project funding decisions. EPA encouraged the states to focus on "shovel ready" projects to speed completion and use of ARRA funds, but the Agency did not select the projects or direct funding to projects.

13.5 percent of EPA's appropriation under ARRA was directed to the Diesel Emissions Reduction, Brownfields, and Superfund programs. With respect to these programs, EPA had a stronger role in selecting projects or directing funding to ready projects since project funding decisions for these programs are project specific and not by mandatory formula. This was consistent with the Vice President's charge to all agencies and departments to focus on "shovel ready" work.

**Brownfields Funding Decisions:**

For the Brownfields program, EPA awarded Brownfields Assessment, Cleanup, new and supplemental Revolving Loan Fund (RLF), and job training cooperative agreements through an existing competitive process and is providing technical assistance and training to Brownfields communities through regional contracts and Interagency Agreements (IA).

EPA awarded \$37.3 million in ARRA funds to Assessment, Revolving Loan Fund (RLF), and Cleanup cooperative agreements through an existing competition to applicants that ranked highest on Brownfields statutory criteria. Additionally, \$7.4 million in ARRA funds is directly funding Targeted Brownfields Assessments (TBAs) through existing Regional contracts and the National Service-Disabled Veteran Owned Small Business TBA Contract; \$6.9 million in funding Recovery Act Job Training cooperative agreements to applicants that ranked highest on the statutory criteria and also demonstrated an ability to place graduates in full-time, long-term, green-collar positions; and \$42.5 million in funding RLF supplemental cooperative agreements to existing, high-performing RLF recipients who demonstrated imminent loans and sub grants to clean up sites and a high likelihood of job creation.

The following table provides project-level funding amounts for the Brownfields Assessment, Cleanup, Revolving Loan Fund, and Job Training Awards as of May, 2011:

State	Cong. Dist.	Location*	Project Description	Additional Information	Recovery Act Funds Obligated
Alabama	02	Montgomery	AL Dept of Environmental Management	RLF Supplemental	\$1,860,000
Alabama	03	Talladega	Talladega - City of Talladega	Assessment	\$400,000
Arizona	01	Flagstaff	City of Flagstaff	Cleanup	\$126,898
Arizona	07	South Tucson	City of South Tucson	Assessment	\$800,000
California	01	Rio Dell	City of Rio Dell	Assessment	\$350,000
California	01	Trinidad	Trinidad Rancheria	Cleanup	\$200,000
California	01	West Sacramento	Cty WS - City of West Sacramento	Cleanup	\$200,000
California	03	Sacramento	CA Dept of Toxic Subs Control	RLF Supplemental	\$1,800,000
California	04	Grass Valley	City of Grass Valley	Assessment	\$800,000
California	07	Richmond	City of Richmond	Job Training	\$500,000
California	09	Emeryville	City of Emeryville	RLF Supplemental	\$500,000

California	09	Oakland	City of Oakland - Environmental Services Div	Assessment	\$800,000
California	09	Oakland	Cypress Mandela Training Center Inc	Job Training	\$500,000
California	09	Oakland	Oakland Housing Authority	Cleanup	\$200,000
California	18	Merced	Redevelopment Agency of the City of Merced	Assessment	\$200,000
California	20	Firebaugh	City of Firebaugh	Assessment	\$800,000
California	21	Tulare	Tulare Redevelopment Agency	Assessment	\$400,000
California	31	Los Angeles	Los Angeles Conservation Corps	Job Training	\$500,000
California	37	Long Beach	City of Long Beach - Human Resources Department	Job Training	\$452,212
California	40, 42, 47	Anaheim	Anaheim Redevelopment Agency	RLF Supplemental	\$450,000
California	44	Riverside	County of Riverside Econ Dev Agcy	Cleanup	\$200,000
California	49	Vista	City of Vista	Assessment	\$800,000
Colorado	01	Denver	CO Department of Public Health and Environment	RLF Supplemental	\$1,350,000
Colorado	04	Kit Carson	KitCarsonRD - Kit Carson Rural Development	Cleanup	\$196,900
Colorado	07	Aurora	City of Aurora	RLF Supplemental	\$1,450,000
Connecticut	01	Hartford	North Star Center for Human Dev. Inc.	Job Training	\$500,000
Connecticut	01, 02, 05	Hartford	Capitol Region Council of Governments	Assessment	\$400,000
Connecticut	03, 04	Derby	Valley Council of Governments	RLF Supplemental	\$900,000

Connecticut	04	Bridgeport	City of Bridgeport	RLF Supplemental	\$400,000
Connecticut	05	Meriden	City of Meriden	Assessment	\$200,000
Connecticut	06	Bristol	City of Bristol	Cleanup	\$345,033
Florida	03	Jacksonville	Florida State College at Jacksonville	Job Training	\$500,000
Florida	05	Bartow	CentralFLRPC - Central Florida Regional Planning Council	Assessment	\$1,000,000
Florida	09	Clearwater	ClearwaterFL - City of Clearwater	Assessment	\$400,000
Florida	11	Tampa	City of Tampa	Assessment	\$400,000
Florida	15	Cocoa	City of Cocoa	Assessment	\$400,000
Florida	15, 16, 19	Stuart	Treasure Coast Regional Planning Council	RLF Supplemental	\$450,000
Florida	17	Miami	City of Miami	Job Training	\$500,000
Georgia	01	Valdosta	ValdostaCity - City of Valdosta	Assessment	\$400,000
Idaho	01	Garden City	IDA-ORE Planning & Development Inc Assoc	RLF Supplemental	\$400,000
Idaho	02	Boise	ID Dept. of Environmental Quality	Assessment	\$1,300,000
Illinois	04	Chicago	Office of Applied Innovations	Job Training	\$999,047
Illinois	17	Rock Island	City of Rock Island	Assessment	\$150,000
Illinois	Statewide	Chicago Heights	City of Chicago Heights	Assessment	\$600,000
Indiana	03	South Bend	City of South Bend	RLF Supplemental	\$360,000
Indiana	07	Indianapolis	Indiana Finance Authority	RLF Supplemental	\$2,500,000
Iowa	01	Maquoketa	City of Maquoketa	Cleanup	\$200,000
Iowa	01, 04	Postville	Upper Explorerland Regional Planning Commission	Assessment	\$200,000
Iowa	05	Sioux City	City of Sioux City Iowa	RLF Supplemental	\$1,300,000
Kansas	04	Cherryvale	City of Cherryvale KS	Assessment	\$400,000

Kentucky	06	Georgetown	Georgetown - City of Georgetown	Cleanup	\$200,000
Louisiana	05	Alexandria	City of Alexandria	Assessment	\$200,000
Maine	01	Bath	City of Bath	Assessment	\$1,320,000
Maine	01	Bath	City of Bath	RLF Supplemental	\$1,320,000
Maine	01	Portland	Greater Portland Council of Governments	Assessment	\$400,000
Maine	01	Sanford	Town of Sanford	Cleanup	\$200,000
Maine	02	Howland	Town of Howland	Cleanup	\$600,000
Maine	Statewide	Augusta	Maine D.E.P.	Assessment	\$399,996
Massachusetts	01	Fitchburg	Montachusett Regional Planning Commission	Assessment	\$200,000
Massachusetts	01	Pittsfield	Berkshire Regional Planning Commission	Assessment	\$895,000
Massachusetts	02	North Brookfield	Town of North Brookfield	Cleanup	\$200,000
Massachusetts	03	Worcester	City of Worcester	Assessment	\$2,040,000
Massachusetts	03	Worcester	City of Worcester	RLF Supplemental	\$2,040,000
Massachusetts	04	New Bedford	City of New Bedford	Assessment	\$200,000
Massachusetts	07	Framingham	Town of Framingham	Assessment	\$200,000
Massachusetts	08, 09	Boston	Boston Redevelopment Authority	RLF Supplemental	\$720,000
Massachusetts	Statewide	Greenfield	Franklin Regional Council of Governments	Assessment	\$200,000
Massachusetts	Statewide	Haverhill	Merrimack Valley Planning Commission	Assessment	\$400,000
Massachusetts	Statewide	Holyoke	City of Holyoke	Cleanup	\$200,000
Michigan	04	Roscommon	Roscommon County	Assessment	\$200,000
Michigan	06	Paw Paw	Van Buren County	Assessment	\$400,000
Michigan	07	Adrian	Lenawee County	Assessment	\$400,000
Michigan	07	Jackson	Brownfield Redevelopment Authority of Jackson Cnty	RLF	\$2,000,000

Michigan	08	Mason	Ingham County MI BRA	Assessment	\$500,000
Michigan	11	Detroit	Wayne County Brownfield Redevelopment Authority	Cleanup	\$699,904
Michigan	13	Lincoln Park	City of Lincoln Park		\$0
Michigan	16	Southgate	Downriver Community Conference	RLF Supplemental	\$1,200,000
Michigan		Battle Creek	City of Battle Creek	Assessment	\$600,000
Minnesota	04	Saint Paul	City of St. Paul	Cleanup	\$200,000
Minnesota	04	Saint Paul	St. Paul Port Authority	Assessment	\$2,000,000
Minnesota	04	Saint Paul	St. Paul Port Authority	Cleanup	\$2,000,000
Minnesota	04	Saint Paul	St. Paul Port Authority	RLF	\$2,000,000
Minnesota	05	Minneapolis	Hennepin County	RLF Supplemental	\$1,800,000
Missouri	01	Saint Louis	St. Louis Community College	Job Training	\$500,000
Missouri	01	Saint Louis	St. Louis Development Corporation	RLF Supplemental	\$1,920,000
Missouri	04	Jefferson City	State Envnmntl Improvement & Energy Resources Auth	RLF Supplemental	\$2,320,000
Missouri	05	Kansas City	City of Kansas City Missouri	Cleanup	\$760,000
Missouri	05	Kansas City	City of Kansas City Missouri	RLF Supplemental	\$760,000
Missouri	07	Springfield	City of Springfield	Assessment	\$1,620,000
Missouri	07	Springfield	City of Springfield	Cleanup	\$1,620,000
Missouri	07	Springfield	City of Springfield	RLF Supplemental	\$1,620,000
Montana	01	Havre	Bear Paw Development Corporation	Assessment	\$400,000
Montana	01	Missoula	City of Missoula	RLF Supplemental	\$900,000

New Hampshire	01, 02	Concord	New Hampshire D.E.S.	RLF Supplemental	\$1,800,000
New Hampshire	Statewide	Exeter	Rockingham Planning Commission	Assessment	\$400,000
New Jersey	01	Camden	Camden Redevelopment Agency	Assessment	\$600,000
New Jersey	06	Plainfield	City of Plainfield	Cleanup	\$200,000
New Jersey	09	Jersey City	Jersey City Redevelopment Agency	Cleanup	\$600,000
New Jersey	10, 13	Newark	City of Newark	Cleanup	\$600,000
New Mexico	03	Santa Fe	New Mexico Environment Department	RLF	\$3,680,000
New Mexico	03, 02	Gallup	Northwest NM Council of Govts.	Assessment	\$1,000,000
New York	15	New York	East Harlem Employment Service Inc DBA STRIVE	Job Training	\$500,000
New York	29	Lockport	County of Niagara New York	RLF Supplemental	\$900,000
New York	34	Brooklyn	St. Nicholas Neighborhood Preservation Corporation	Job Training	\$500,000
North Carolina	04	Durham	City of Durham	Assessment	\$400,000
North Carolina	08	Concord	CtyofCon - City of Concord	Assessment	\$200,000
North Carolina	11	Asheville	Land-of-Sky Regional Council	RLF Supplemental	\$1,320,000
North Carolina	12	Greensboro	City of Greensboro	Assessment	\$400,000
Ohio	05	Defiance	Defiance County	Assessment	\$400,000
Ohio	09	Port Clinton	Ottawa County Commissioners	Assessment	\$400,000
Ohio	09	Toledo	City of Toledo	Assessment	\$1,140,000
Ohio	09	Toledo	City of Toledo	RLF Supplemental	\$1,140,000
Ohio	10	Columbus	Ohio Department of Development	RLF Supplemental	\$1,800,000
Ohio	11	Cleveland	Cuyahoga County	RLF	\$3,800,000

				Supplemental	
Ohio	13	Barberton	City of Barberton	Cleanup	\$200,000
Ohio	14	Geneva	City of Geneva	Assessment	\$400,000
Ohio	16	Canton	Canton City of DBA	Job Training	\$444,004
Ohio	18	Coshocton	Coshocton Port Authority	Assessment	\$600,000
Ohio		Sandusky	City of Sandusky Ohio	Cleanup	\$200,000
Oklahoma	03, 04, 05	Oklahoma City	City of Oklahoma City	Assessment	\$1,300,000
Oklahoma	03, 04, 05	Oklahoma City	City of Oklahoma City	RLF Supplemental	\$1,300,000
Oklahoma	05	Oklahoma City	OK Dept of Env Quality	RLF	\$3,911,160
Oklahoma	05	The Village	City of the Village	Cleanup	\$200,000
Oregon	Statewide	Salem	Oregon Business Development Dept.	RLF Supplemental	\$1,228,000
Pennsylvania	10	Towanda	Central Bradford Progress Authority	Cleanup	\$200,000
Pennsylvania	12	Central City	Borough of Central City	Cleanup	\$200,000
Pennsylvania	12	Johnstown	Johnstown Redevelopment Authority	Assessment	\$1,460,000
Pennsylvania	12	Johnstown	Johnstown Redevelopment Authority	RLF Supplemental	\$1,460,000
Pennsylvania	13	Blue Bell	Montgomery County Community College	Cleanup	\$200,000
Pennsylvania	14	Pittsburgh	North Side Industrial Development Co. Inc.	Assessment	\$1,800,000
Pennsylvania	15	Allentown	County of Lehigh	RLF Supplemental	\$900,000
Pennsylvania	15	Easton	County of Northampton	RLF Supplemental	\$257,474
Pennsylvania	17	Steelton	Borough of Steelton	Assessment	\$200,000
Rhode Island	01	Providence	Rhode Island	Assessment	\$1,000,000

			D.E.M.		
Rhode Island	01	Woonsocket	City of Woonsocket	Cleanup	\$200,000
South Carolina	02	Columbia	City of Columbia	Assessment	\$1,000,000
South Carolina	03	Aiken	Aiken Housing - Housing Authority for City of Aiken	Assessment	\$600,000
South Carolina	99	Columbia	SC DHEC	RLF Supplemental	\$3,700,000
South Dakota	01	Agency Village	Sisseton-Wahpeton Sioux Tribal Council	Cleanup	\$200,000
Texas	13	Throckmorton	Throckmorton County	Cleanup	\$32,200
Texas	27	Corpus Christi	City of Corpus Christi	Assessment	\$400,000
Utah	01	Salt Lake City	UT Department of Environmental Quality	Assessment	\$200,000
Vermont	01	Ascutney	Southern Windsor County Reg. Plng. Comm.	RLF Supplemental	\$1,180,000
Vermont	01	Brattleboro	Windham Regional Commission	Assessment	\$400,000
Vermont	Statewide	Montpelier	VT Agency of Commerce and Community Development	RLF Supplemental	\$612,000
Virginia	09	Pulaski	Town of Pulaski	Assessment	\$400,000
Washington	06, 08, 09	Tacoma	Tacoma Pierce County Health Department	Assessment	\$200,000
Washington	07	Seattle	Southeast Effective Development	Cleanup	\$200,000
Washington	09	Tacoma	City of Tacoma	Job Training	\$500,000
Washington	Statewide	Olympia	Washington State Dept. of Commerce	RLF Supplemental	\$5,251,840
West Virginia	01	Moundsville	City of Moundsville	Cleanup	\$200,000
West Virginia	10	Kingwood	Preston County Economic	Assessment	\$400,000

			Development Authority		
Wisconsin	02	Baraboo	City of Baraboo	Assessment	\$400,000
Wisconsin	02	Madison	Wisconsin Department of Natural Resources	RLF	\$2,000,000
Wisconsin	04	Milwaukee	Redevelopment Authority - Milwaukee	Assessment	\$850,000
Wisconsin	04	Milwaukee	Redevelopment Authority - Milwaukee	RLF Supplemental	\$850,000
Wisconsin	05	Wauwatosa	City of Wauwatosa	Assessment	\$600,000

**Superfund Funding Decisions:**

EPA distributed nearly \$600 million in Recovery Act funding for the Superfund Remedial Program in a manner that promoted a healthier environment and created jobs that would benefit local communities. Particular attention was given to the readiness of the project to obligate and expend the funds quickly. Recovery Act funding started new cleanup projects, accelerated cleanups at projects already underway, increased the number of workers and activities at cleanup projects, and is returning affected sites to more productive use. In all, the Agency Recovery Act funds supported 61 design and construction projects at 51 National Priorities List (NPL) Superfund sites in 28 states across the country.

The following table provides project-level funding amounts awarded for the Superfund Programs of May, 2011:

State	Cong. Dist.	Location*	Project Description	Recovery Act Funds Obligated
California	1	Clearlake Oaks	SULPHUR BANK MERCURY MINE	\$1,000,000
California	1	Davis	FRONTIER FERTILIZER	\$2,500,000
California	2	Redding	IRON MOUNTAIN MINE	\$20,692,770
Colorado	2	Central City	CENTRAL CITY, CLEAR CREEK	\$3,560,000
Colorado	3	Del Norte	SUMMITVILLE MINE	\$17,000,000
Delaware		New Castle	STANDARD CHLORINE OF DELAWARE, INC.	\$1,348,475
Delaware		New Castle	STANDARD CHLORINE OF DELAWARE, INC.	\$1,150,000

Florida	1	Pensacola	ESCAMBIA WOOD	\$3,498,213
Florida	2	Marianna	UNITED METALS	\$7,866,000
Florida	5	Clermont	TOWER CHEMICAL CO.	\$5,517,955
Georgia	1	Brunswick	BRUNSWICK WOOD PRESERVING	\$8,300,000
Georgia	3	Fort Valley	WOOLFOLK CHEMICAL WORKS	\$1,800,000
Idaho	1	Kellog	BUNKER HILL MINING & METALLURGICAL COMPLEX	\$16,800,000
Illinois	10	Waukegan	OUTBOARD MARINE CORP.	\$18,532,507
Indiana	5	Kokomo	CONTINENTAL STEEL CORP.	\$4,600,000
Indiana	5	Kokomo	CONTINENTAL STEEL CORP.	\$1,300,000
Indiana	8	Evansville	JACOBSVILLE NEIGHBORHOOD SOIL CONTAMINATION	\$6,570,000
Kansas	2	Galena	CHEROKEE COUNTY	\$10,688,519
Kansas	2	Galena	CHEROKEE COUNTY	\$3,966,521
Massachusetts	4	Mansfield/ Foxborough	HATHEWAY & PATTERSON	\$13,703,000
Massachusetts	4	New Bedford	NEW BEDFORD	\$44,500,000
Massachusetts	5	Lowell	SILRESIM CHEMICAL CORP.	\$18,697,000
Minnesota	5	Minneapolis	SOUTH MINNEAPOLIS RESIDENTIAL SOIL CONTAMINATION	\$20,000,000
Missouri	7	Joplin	ORONOGO-DUENWEG MINING BELT	\$12,676,830
Missouri	8	Fredericktown	MADISON COUNTY MINES	\$2,547,405
Montana		Near Helena	UPPER TENMILE CREEK MINING AREA	\$2,000,000
Montana		Near Helena	UPPER TENMILE CREEK MINING AREA	\$1,650,000
Montana		Near Helena	UPPER TENMILE CREEK MINING AREA	\$1,500,000
Nebraska	2	Omaha	OMAHA LEAD	\$25,274,340
New Hampshire		Kingston	OTTATI & GOSS/KINGSTON STEEL DRUM	\$1,848,840
New Jersey	1	Camden/Gloucester County	WELSBACH & GENERAL GAS MANTLE	\$28,000,000
New Jersey	2	Pleasantville	PRICE LANDFILL	\$16,300,000

New Jersey	2	Vineland	VINELAND CHEMICAL CO., INC.	\$20,000,000
New Jersey	4	Florence	ROEBLING STEEL CO.	\$27,000,000
New Jersey	6	Syreville	HORSESHOE ROAD	\$5,000,000
New Jersey	7	South Planfield	CORNELL DUBILIER ELECTRONICS INC.	\$30,000,000
New Jersey	12	Morganville	IMPERIAL OIL CO., INC./CHAMPION CHEMICALS	\$30,626,549
New Jersey		Galloway	EMMELL'S SEPTIC LANDFILL	\$3,958,000
New Jersey		Wall	MONITOR DEVICES, INC./INTERCIRCUITS, INC.	\$3,000,000
New Mexico	2	Grants	GRANTS CHLORINATED SOLVENTS, INC.	\$3,908,945
New York	1	Port Jefferson	LAWRENCE AVIATION INDUSTRIES, INC.	\$4,700,000
New York	4	Garden City	OLD ROOSEVELT FIELD CONTAMINATED GW AREA	\$8,281,698
North Carolina	13	Roxboro	GMH ELECTRONICS	\$1,512,000
North Carolina		Statesville	SIGMON'S SEPTIC TANK SERVICE	\$216,493
North Dakota		Southeast	ARSENIC TRIOXIDE SITE	\$9,698,492
Oklahoma	2	Ottawa	TAR CREEK	\$20,000,000
Oklahoma	2	Ottawa	TAR CREEK	\$15,760,000
Pennsylvania	7	Havertown	HAVERTOWN PCP	\$3,400,000
Pennsylvania		Huff's Church	CROSSLEY FARM	\$6,478,000
South Carolina	1	Near Lead	GILT EDGE MINE	\$3,500,000
Texas	1	Longview	GARLAND CREOSOTING	\$5,986,410
Utah	1	Bountiful	BOUNTIFUL/WOODS CROSS 5TH S. PCE PLUME	\$5,000,000
Utah	1	Eureka	EUREKA MILLS	\$22,566,688
Vermont		Stafford	ELIZABETH MINE	\$8,000,000

Virginia	3	Portsmouth	ATLANTIC WOOD INDUSTRIES, INC.	\$3,700,000
Washington	1	Bainbridge Island	WYCKOFF CO./EAGLE HARBOR	\$2,399,446
Washington		Tacoma	COMMENCEMENT BAY, NEAR SHORE/TIDE FLATS	\$5,217,396

**Diesel Emission Reductions Act (DERA) Clean Diesel Funding Decisions:**

The Diesel Emissions Reduction Program (DERA) received \$294 million under the Recovery Act for diesel emissions reduction projects that target older, more polluting engines in the legacy fleet (engines built prior to the establishment of strict emissions standards in 2007). Per DERA, 70% of the ARRA funding was awarded competitively through EPA. The remaining 30% is allocated to States in a noncompetitive program to develop clean diesel programs.

The 30% (\$88.2 million) for Recovery Act State Clean Diesel programs was divided equally amongst the 50 States and the District of Columbia (D.C.), or \$1.73M per grant. Each State submitted a work plan for clean diesel activities and projects.

The 70% (\$206 million) was divided among three competitive programs: 1) National Clean Diesel Competitive Grant Program; 2) Emerging Technologies Clean Diesel Program; 3) SmartWay Clean Diesel Finance Program.

Under the National Clean Diesel Competitive Grant Program (\$156 million), ninety grants were awarded across the Agency's ten regions for various clean diesel projects. The grants targeted all types of diesel engines for retrofit, idling reduction, replacement or other emission control strategies.

Per the DERA legislation, up to 10% of the ARRA funding for the National program (\$20 million) could have been used to encourage the commercialization of emerging technologies for controlling diesel emissions. Several manufacturers applied to be placed on EPA's Emerging Technologies List and eligible entities partner with the manufacturers to conduct projects to evaluate these cutting edge technologies in a "real world" setting. Through this program, thirteen grants were awarded

Finally, the SmartWay Clean Diesel Finance program (\$30 million) provided ARRA funding to establish third party financial programs (such as revolving loan programs) for diesel vehicle owners to assist them with purchasing fuel saving and emissions lowering equipment. Five grants were awarded to organizations to create finance assistance programs.

The following table provides project-level funding amounts awarded for the three DERA programs not allocated by formula by the States.

as of May, 2011:

## National Clean Diesel Funding Assistance Program

State	Sector/Fleet	Recipient	Description	Recovery Act Funds Obligated
Al, GA, KY, FL, MS, NC, SC, TN	Freight	American Lung Association	Install 200 low rolling resistance (LRR) tires; 55 battery powered air conditioners (AC) and seven engine replacement and repowers	\$1.2 million
AR	Construction	Arkansas Department of Environmental Quality	Upgrade 39 pieces of construction equipment	\$793,566
AZ	Public Fleet	City of Phoenix Department of Public Works	Retrofit 46 Refuse Haulers with diesel oxidation catalysts and/or diesel particulate filters	\$829,697
CA	Ports, Freight	Bay Area Air Quality Management District (BAAQMD)	Install diesel particulate filters (DPF) on 103 delivery trucks	\$2 million
CA	Freight	California Air Resources Board	Repower eight older switch yard (three engines per switcher) locomotives with new Tier 3 nonroad electrical generator set (genset) engines to operate in the South Coast	\$8.89 million
CA	Construction	California Department of Transportation	Install Level 3 diesel particulate filters (DPF) on 46 engines	\$951,431
CA	Freight, Ports	City of Los Angeles Harbor Department	Retrofit 27 vehicles including harbor vessels, trucks, sweepers, loaders, cranes, forklifts	\$1.99 million
CA	Ports	Port of Long Beach	Replace, repower, or retrofit 118 pieces of cargo handling equipment	\$4.01 million

CA	School Bus	San Diego County Air Pollution Control District	Replace, repower, or install diesel particulate filters (DPF) on 125 school buses	\$1.56 million
CA	Agriculture	San Joaquin Valley Unified Air Pollution Control District	Repower 30 nonroad vehicles used by agriculture sector in San Joaquin Valley	\$2 million
CA	School Bus	San Joaquin Valley Unified Air Pollution Control District	Install diesel particulate filters (DPF) on 190 school buses operating in San Joaquin Valley	\$4 million
CO	Construction , Public Fleet	City and County of Denver	Install heaters on 48 refuse vehicles, nine snowplows; retrofit 53 vehicles with diesel oxidation catalysts; purchase 262,844 gallons of biodiesel	\$700,000
CO	Freight	Colorado Department of Public Health and Environment	Retrofit 180 long haul trucks with auxiliary power units (APU)	\$850,000
CO	Freight, Public Fleet	Regional Air Quality Council	Retrofit 100 vehicles with auxiliary power units; repower one vehicle; retrofit 21 vehicles with diesel oxidation catalysts; purchase 56 heaters, 44 thermal coolers, 20 SmartWay trailer gap fairings, and 10 Smartway low rolling resistance tires	\$1.25 million
CO, MT, ND, SD, UT, WY	Freight	Cascade Sierra Solutions	Retrofit 51 trucks with diesel particulate filters (DPF) and 105 trucks with auxiliary power units (APU)	\$850,000
CT	Freight	Northeast States for Coordinated Air Use Management	Repower one vintage switch locomotive from one engine configuration to a three engine set (nonroad Tier 3 certified genset engines)	\$1.05 million

CT, ME, MA, NH, RI, VT	Freight	Cascade Sierra Solutions (SmartWay Rebate)	Subsidize the purchase of approximately 1,887 pieces of idle reduction, reduced rolling resistance, aerodynamic, and emissions control equipment by owners of class eight trucks and trailers	\$1.15 million
FL	Public Fleet	City of Miami	Replace 17 refuse haulers and switch to biodiesel	\$731,850
FL	School Bus	Leon County School Board	Replace six school buses with compressed natural gas buses	\$347,288
FL	Agriculture	Miami-Dade Agriculture	Repower 300 agricultural pumps	\$2 million
FL	Public Fleet	Miami-Dade County	Replace five buses with hybrid electrics and replace eight buses with newer engines	\$731,850
GA	Freight	Georgia Department of Natural Resources	Install a truck stop electrification (TSE) station with 85 spaces for long haul trucks	\$748,000
GA	Ports	Georgia Port Authority	Install diesel oxidation catalysts (DOC) and closed crankcase ventilation (CCV) on 47 marine engines	\$164,000
GA	School Bus	Cobb County Schools	Install diesel particulate filters (DPF) on 108 school buses	\$829,697
GA	Public Fleet, School Bus	University of Georgia Research Foundation, Inc.	Install diesel particulate filters (DPF) on 238 vehicles (buses, emergency vehicles, and utility vehicles)	\$1.71 million
IL	Public Fleet	City of Chicago Department of the Environment	Retrofit vehicles with 163 diesel fired heaters, 35 diesel oxidation catalysts (DOCs), and replace two old vehicles with two hybrid electric aerial trucks	\$1 million

IL	ALL	Illinois Environmental Protection Agency	Retrofit 21 fleets (approximately 675 diesel vehicles and/or engines) with auxiliary power units, diesel oxidation catalysts, diesel multi-stage filters, direct-fired heaters and engine repowers (replace with cleaner engines)	\$4.17 million
IN, WI, OH, MN	Freight	American Lung Association - Upper Midwest	Diesel emission reduction projects for 502 total vehicles in 22 fleets; includes engine repowers, retrofits, and idle reduction technologies	\$3.72 million
KS	Construction, Public Fleet	Johnson County Kansas Government	Repower, replace, or install diesel oxidation catalysts (DOC), diesel multi-stage filters (DMF), diesel particulate filters (DPF) on 176 vehicles/equipment	\$1 million
KS	Construction, Freight, Public Fleet	Kansas Department of Health and the Environment	Replace, repower, and/or install automatic shutdown systems, diesel oxidation catalysts (DOC), low pressure resistance (LRR) tires on 176 vehicles	\$4 million
KY	Construction	Kentucky Association of General Contractors	Retrofit 87 pieces of construction equipment	\$2 million
LA	Freight	Railroad Research Foundation	Repower four locomotives	\$2.93 million
MA	Ports	Chelsea Collaborative	Repower 79 diesel transportation refrigeration units (TRU) with electric versions	\$1.56 million
MA	Construction, Freight, Public Fleet	Chelsea Collaborative, Inc	Retrofit four long haul trucks, nine municipal vehicles, one rubber tire loader. Perform engine upgrades on four rubber tire loaders.	\$357,946

MA	Public Fleet	Massachusetts Department of Environmental Protection	Install a combination of diesel multi-stage filters (DMF) and diesel oxidation catalysts (DOC) on 132 state-owned diesel vehicles	\$502,500
MD	School Bus	Maryland Department of the Environment	Retrofit 76 school buses	\$1 million
MD	Ports, Freight	Port of Baltimore (Maryland Environmental Services)	Retrofit two tugboats, seven locomotives, 50 short haul trucks, and 83 units of cargo handling equipment	\$3.5 million
MD, PA, VA	Construction, Ports, Freight, Public Fleet	Mid-Atlantic Regional Air Management Association	Retrofit 14 and replace six transit buses, repower two harbor craft, retrofit 25 dump trucks, replace six cement trucks, repower one locomotive, replace one truck	\$4.32 million
MD, VA	Ports	Chesapeake Bay Foundation	Repower three education vessels, nine watermen work boats, two tug boats	\$1.3 million
ME	Construction	Maine Department of Environmental Protection	Retrofit nine highway construction vehicles and repower/retrofit twelve nonroad pieces of construction equipment	\$746,715
ME	Freight	Maine Turnpike Authority	Install truck stop electrification with 30 spots at state-owned rest stop on I-95 corridor in Gardner, ME	\$1.21 million
ME, NH, VT	Ports	Northeast States for Coordinated Air Use Management	Repower eight marine vessels to EPA Tier 2 certified engines. Vessels include: four ferries, three tugboats and one sight-seeing excursion vessel	\$1.65 million
MI	Ports	Great Lakes Commission	Repower four marine engines from Tier 0 to Tier 2; repowering service generator sets on two Great Lakes bulk carriers	\$1.21 million

MI	School Bus	Greater Lansing Area Clean Cities	Retrofit 405 public school buses with diesel oxidation catalysts (DOCs) and replace six public school buses with newer, cleaner 2010 models	\$1.07 million
MI	School Bus	Lenawee School District	Replace older buses with two hybrid electric school buses, ten 2010-compliant school buses; retrofit 41 school buses with diesel particulate filters (DPFs) and closed crankcase ventilation (CCV)	\$1.23 million
MN	Construction, Locomotive, Long Haul, School Bus	Minnesota Environmental Initiative	Emissions reductions from 684 diesel vehicles/equipment including school buses, construction equipment, locomotives, and long haul trucks; Includes 588 diesel retrofit technologies, 72 idle reduction technologies, 22 engine repowers and two vehicle replacements	\$3 million
MO	Construction, Freight, Ports, School Bus, Public Fleet	Grace Hill	Retrofit, repower, and/or replace than 575 vehicles will be targeted for retrofits; install idle reduction technologies on some of the vehicles; vehicle/engine types include barge, airport ground support equipment, delivery trucks, school buses, construction	\$2 million
MO	School Bus	Missouri Department of Natural Resources	Replace, repower, or install diesel oxidation catalysts (DOC), diesel particulate filters (DPF) on 142 vehicles	\$975,609
MS	School Bus	Columbus, MS Municipal School District	Replace 30 school buses	\$1.45 million
MT	Public Fleet	Montana Department of	Repower four coal dump trucks	\$700,000

		Environmental Quality and Decker Coal		
NC	Agriculture, Construction	Mecklenburg County	Repower 28 engines and replace six engines	\$1.12 million
NC	School Bus	North Carolina Department of Public Instruction	Retrofit or replace 127 school buses	\$509,000
ND	School Bus	Mid-Dakota Education Cooperative	Emission reduction on 142 school buses. Include replacing nine school buses and install heaters on 66 engines	\$450,000
NE	Freight	University of Nebraska-Lincoln Nebraska Transportation Center (UNL/NTC)	Retrofit approximately 187 vehicles with EPA-verified idle reduction technologies	\$1 million
NE	Construction, Freight, Public Fleet, School Bus	Lincoln-Lancaster County Health Department	Retrofit 211 vehicles with EPA-verified idle reduction technologies	\$1 million
NJ	Freight	Cascade Sierra Solutions	Retrofit 789 trailers with aerodynamic technology	\$1.4 million
NJ, NY	Ports	Port Authority of New York and New Jersey	Replace 636 drayage trucks	\$7 million
NJ, NY, PR	Ports	Northeast States for Coordinated Air Use Management	Repower two ferries and three tugboats with Tier 2 engines	\$2.8 million
NY	Construction	Columbia University	Retrofit 78 pieces of construction equipment with diesel particulate filters (DPFs)	\$2 million
NY	Freight	New York State Department of Transportation	Replace one switcher locomotive engine with three engines	\$1.05 million
NY	Ports	Port Authority of New York and New Jersey	Install shore power at the Brooklyn Cruise Terminal	\$2.86 million
OH	School Bus	Hamilton County Environmental	Replace 60 school buses	\$1.08 million

		Services		
OH	Construction, School Bus, Freight	Ohio Department of Development	Thirteen projects include rail engine repowers, municipal and school bus replacements, hybrid electric school bus replacements, construction repowers and retrofits, municipal vehicle retrofits, and idle reduction technologies	\$5 million
OK	School Bus	Oklahoma Department of Environmental Quality	Retrofit or replace 180 school buses	\$1.85 million
OR	Freight	Cascade Sierra Solutions - Trailer Aerodynamics Program	Retrofit 1,554 heavy-duty diesel-powered trailers with verified aerodynamic technologies	\$907,072
OR	Construction, Public Fleet	City of Portland	Install verified diesel particulate filters (DPFs), partial flow filters (PFFs), and diesel oxidation catalysts (DOCs) on construction equipment; Pilot a clean diesel contracting policy	\$1.62 million
PA	Construction, Freight, Public Fleet	Allegheny County Health Department	Replace two transit buses with diesel hybrid; retrofit 35 dump trucks; repower one locomotive; upgrade 23 construction vehicles	\$3.5 million
PA	Freight	Department of Environmental Protection	Repower pre-1973 locomotives with a four-axle locomotive powered with an engine approaching Tier 3 emission standards (Mother) and a four-axle platform consisting of four traction motors without an engine (Slug)	\$1.5 million

RI	Public Fleet	City of Providence	Retrofit 40 Class 7 trucks and two dumpers/tenders with DPFs	\$565,100
SC	School Bus	South Carolina Department of Education	Retrofit and replace 504 school buses	\$553,918
SC	Ports	South Carolina Port Authority	Repower 36 pieces of cargo handling equipment, two tugboats, and one dredge. Install diesel multi-stage filters (DMF) on 40 trucks	\$2 million
SD	School Bus	Sioux Falls School District	Replace ten school buses and install heaters on 20 school buses	\$500,000
TN	Freight	East TN Clean Fuel Coalition Crossville	Install 50 truck stop electrification (TSE) spaces in two locations	\$581,849
TN	Freight	Tennessee Department of Transportation	Install truck stop electrification area with 175 spaces	\$2 million
TX	Freight	City of Houston	Replace 72 long haul trucks with hybrids	\$2.37 million
TX	Freight	North Central Texas Council of Governments	Replace/repower 180 long haul trucks	\$2.19 million
TX	Freight	North Central Texas Council of Governments	Install low rolling resistance (LRR) tires, aerodynamics, and auxiliary power units (APU) on 390 long haul trucks	\$1.55 million
TX	Ports	Port of Houston Authority	Replace/repower 96 marine engines	\$2.86 million
TX	Ports	Port of Houston Authority	Replace/repower 25 marine engines	\$611,466
TX	Public Fleet	VIA Metropolitan Transit	Repower approximately 75 transit buses	\$1.6 million
UT	Agriculture	Utah Department of Environmental Quality	replace 12 engines, repower 26 engines and install 25 auxiliary power units (APU)	\$750,000

VA	Public Fleet, School Bus	Virginia Clean Cities (Hampton Roads)	Retrofit with 35 transit buses with diesel particulate filters (DPFs) and/or diesel oxidation catalysts plus closed crankcase ventilation; retrofit one refuse hauler, replace four school buses, and replace of 24 refuse haulers.	\$1 million
WA	Ports	Port of Tacoma	Retrofit two ocean-going vessels; Add certified ship-side technology	\$1.49 million
WA	Freight	Puget Sound Clean Air Agency	Repower three locomotive switcher engines	\$2.53 million
WI	Freight	Wisconsin Department of Commerce	Retrofit approximately 444 vehicles with various idle reduction technologies	\$2.07 million
WI	Freight	Wisconsin Department of Natural Resources	Install an idle reduction system on 40 switcher locomotives (Wisconsin & Southern Railroad and Canadian Pacific Railroad)	\$571,107
WI, MN	School Bus	National School Transportation Association	Replace 98 older school buses with 2007 busses; retrofit 62 busses with diesel particulate filters; install 26 fuel operated heaters	\$2.42 million
WY	Construction	Wyoming Department of Environmental Quality	Repower ten engines; install 50 diesel oxidation catalysts (DOCs) and 13 diesel particulate filters (DPF); install 17 engine upgrades	\$1.34 million

## National Clean Diesel Emerging Technologies Projects

State	Sector/Fleet	Recipient	Description	Recovery Act Funds Obligated
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CA	Freight	San Joaquin Valley	This project will retrofit 33 class 8A privately-owned, long-haul diesel trucks that travel in the San Joaquin Valley with emerging Johnson Matthey Selective Catalytic Reduction technologies.	\$1.3 million
CA	Freight	South Coast Air Quality Management District	This project will retrofit 100 heavy-duty on-highway diesel trucks with Johnson Matthey Selective Catalytic Reduction Technology. This project will create long and short term economic benefits for the surrounding area.	\$2 million
CA	Freight	South Coast Air Quality Management District	This project will retrofit 100 heavy-duty on-highway diesel trucks with Johnson Matthey Selective Catalytic Reduction Technology. These vehicles move goods throughout the South Coast Air Basin.	\$2 million
IN	Construction	Indiana Department of Environmental Management	This project will install emerging technology TECT PM/NOx 3126 reduction systems in up to 30 on-road construction Caterpillar 3126 engines - five for Duke Energy and 25 for IDEM. It will take place in central, northwestern and southern Indiana. This project will help the areas most affected by the current economic conditions in Indiana.	\$1 million

NC	Construction , Public Fleet	Southern Research Institute	This project will retrofit 12 garbage trucks and four pieces of construction equipment owned by the City of Durham, NC, using Nett technologies Inc. and Engine Control Systems' Selective catalytic Reduction Technologies.	\$1 million
PA	Ports	Pennsylvania Department of Environmental Protection - CONSOL Energy	This project will repower one towboat used in Pittsburgh, PA, and conduct a sea trial to verify engine system performance using Caterpillar's Marine Emissions Upgrade Kit. The current Caterpillar Tier1 engine will be upgraded to a Tier2 engine.	\$1.5 million
TN	Ports	Mississippi River Corridor - Tennessee Inc	This project will achieve significant reductions in particulate matter through the use of ESW Canada's emerging technology XtrmCat DOC Kit having Diesel Oxidation Catalyst and Closed Crankcase Ventilation system on six (6) high horsepower Marine vessels for a total of 13 engine retrofits. This project will positively impact job retention and creation.	\$2 million
TX	Public Fleet	City of Irving	This project will retrofit approximately 25 municipal service vehicles owned by the City of Irving, TX, with Johnson Matthey Selective Catalyst Reduction Technology.	\$937,605

TX	Construction , Public Fleet	Houston Advanced Research Center	This project will retrofit more than 14 privately-owned on-highway diesel vehicles and 20 publicly-owned on-highway and non-road diesel vehicles with Johnson Matthey Selective Catalytic Reduction Technology, Tinnerman/Shadowood TEC2010, and Nett Technology BlueMax. Vehicles and equipment will operate in the state of Texas. The project will reduce emissions of criteria pollutants, and it is estimated to preserve four to six permanent manufacturing jobs and create new operator and training positions.	\$2.36 million
TX	Ports	Houston Advanced Research Center	This project will retrofit a marine vessel owned by the Marquette Transportation Company (private), which operates between Baton Rouge/New Orleans, LA and Houston, TX. Two Caterpillar 3508 engines will be retrofitted with 3500 Marine Emissions Upgrade Kit, Tier 1. This project will reduce emissions of criteria pollutants, and it is estimated to create or preserve 33 jobs for local skilled trade workers.	\$1.6 million
TX	Freight, Public Fleet	University of Houston	This project will retrofit more than twenty on-highway class 8 diesel trucks owned by the City of Houston with Truck	\$1.74 million

			Emission Control Technologies Inc's retrofit system.	
TX	School bus	University of Houston	This project will retrofit 15 school buses from the Houston Independent School District fleet with Tinnerman/Shadowood TEC 2010 system. In addition, portable emission measurement system testing will be conducted.	\$1.8 million
VA	School bus	Fairfax County	This project will significantly reduce emissions by installing and using the Tinnerman/Shadowood TEC 2010 retrofit system on 28 Fairfax County School buses. In addition, this project will include evaluating the in-use emission performance of these vehicles with portable emission measurement systems.	\$1.3 million
WA	Ports	Puget Sound Clean Air	This project will explore the feasibility of reducing particulate matter emissions from two private marine harbor vessels operating in the Puget Sound.	\$42,000

## SmartWay Clean Diesel Finance Projects

State	Sector/Fleet	Recipient	Description	Recovery Act Funds Obligated
CA	Agriculture, Construction, Ports	California Air Resources Board (CARB)	<u>Offers an innovative finance program for nonroad small fleet retrofits. This program uses EPA funding as a loan guarantee to leverage loan</u>	\$5 million

			<u>funds via California's Providing Loan Assistance for California Equipment (PLACE) finance program.</u>	
KY	Agriculture, Construction, Ports	Louisville Jefferson County Metro Government	Offers low-interest loans for nonroad diesel equipment retrofits, repowers and replacements. Targets businesses within Jefferson County; equipment can be commercial, construction or industrial.	\$2 million
NY	School Bus	National Association for Pupil Transportation (NAPT)	Reduces local school districts' monthly lease payments for the repowering of 175 or more school buses with compressed natural gas (CNG) engines.	\$5 million
OR	Freight	Cascade Sierra Solutions (CSS)	Creates a national revolving loan program for heavy-duty diesel trucks to save fuel and reduce emissions. The program includes leases for truck replacements, retrofits, repowers, idle reduction technology, aerodynamic technology, and/or low rolling resistance tires	\$9 million
TX	Freight	Houston-Galveston Area Council (HGAC)	Establishes a Bridge Loan (revolving loan) program to help drayage (regional and short haul) owner-operators and related small businesses purchase and operate cleaner more fuel efficient trucks at the Port of Houston and Greater Houston-Galveston area.	\$9 million

**Shimkus Q17:**

How does/did the EPA capture and analyze data to improve program performance under ARRA?

**Answer:**

EPA developed plans for each program that received funding from ARRA in order to ensure accountability and promote transparency ([www.epa.gov/recovery/plans.html](http://www.epa.gov/recovery/plans.html)). The plans include performance measures for each program to track and assess progress. Each quarter the programs collect performance data from recipients and submit it into the Agency's performance database for quality review by program managers. At the end of each quarter, the Agency produces a quarterly performance report and publishes it online ([www.epa.gov/recovery/plans.html#quarterly](http://www.epa.gov/recovery/plans.html#quarterly)).

The report contains the programmatic performance measures and their quarterly data and long-term targets. The report also presents highlights of progress within each area to spotlight accomplishments. Using the long-term targets, the Agency analyzes the results based on the "percent complete" of each measure. Along with the most recent results (updated every quarter), the report tracks data from the start of recipient reporting (data as of September 30, 2009) that allows the Agency to review trends in performance. The trend data helps the Agency assess progress each quarter and determine whether or not a program will meet its targets.

To improve performance, the ARRA Steering Committee, composed of senior executives from the Agency, reviews the report and discusses programmatic achievements, areas where more management attention may be necessary, and ways to improve program effectiveness.

**Shimkus Q18:**

How many times has EPA been sued over regulations either proposed or finalized over the last four years?

**Answer:**

EPA has identified 235 suits challenging EPA regulations proposed or finalized over the last four years. Some of these suits are separate challenges to the same regulation.

As part of a consent decree, how many times has EPA settled the suit by issuing regulations?

**Answer:**

EPA has identified 10 consent decrees in the last four years that required the Agency to issue regulations. None of these decrees specified the substantive outcome of the rulemaking.

How many regulations have been issued, revised, amended, withdrawn, or proposed during the Obama Administration in which the judge actually instructed, in writing, the Agency to issue, revise, amend, withdraw the regulation in question, or propose new regulations on a subject?

**Answer:**

EPA has identified 21 actions, since January 20, 2009, involving proposal, issuance, revision, amendment, or withdrawal of a regulation based upon a written instruction from a judge or court requiring the Agency to take such action.

**Shimkus Q19:**

For grants awarded in the past from fiscal year 2007 to present, how many EPA grantees have also been plaintiffs against the EPA?

**Answer:**

EPA has identified 21 parties that are lead plaintiffs or petitioners in active lawsuits against EPA that have received a grant from EPA from fiscal year 2007 to present. Of these, 11 are State or local government entities and four are tribal government entities. If a State environmental agency is considered to be a co-plaintiff with the State filing one of the 11 lawsuits mentioned above, the number is instead 35 parties who have received EPA grants and also been plaintiffs against EPA – 25 of which are State or local government entities and four of which are tribal government entities.

**Shimkus Q20:**

How many programs, grants, and initiatives rely on funding from multiple legal authorities?

**Answer:**

The following table provides EPA's FY2012 programs and their respective statutory authorities.

**Program Projects in S&T**

**(Dollars in Thousands)**

Program Project	Statutory Authority	FY12 Pres Budget
<i>Climate and Air</i>		
Clean Air Allowance Trading Programs	CAA (42 U.S.C. 7401-7661f).	\$9,797.0

Climate Protection Program	CAA Amendments, 42 U.S.C. 7401 et seq. - Sections 102, 103, 104, and 108; Pollution Prevention Act, 42 U.S.C. 13101 et seq. - Sections 6602, 6603, 6604, and 6605; NEPA, 42 U.S.C. 4321 et seq. - Section 102; Global Climate Protection Act, 15 U.S.C. 2901 - Section 1103; FTTA, 15 U.S.C. - Section 3701a.	\$16,345.0
Federal Support for Air Quality Management	CAA (42 U.S.C. 7401-7661f).	\$7,650.0
Federal Vehicle and Fuels Standards and Certification	CAA (42 U.S.C. 7401-7661f); Motor Vehicle Information Cost Savings Act; Alternative Motor Fuels Act of 1988; National Highway System Designation Act; NEP Act, SAFETEA-LU of 2005; EPA Act of 2005; EISA of 2007; Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards (40 CR Parts 85, 86 and 600); Control of Emissions from New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder (40 CFR 80, 85, 86, 94, 1027, 1033, 1039, 1042, 1043, 1045, 1048, 1051, 1054, 1060, 1065, and 1068).	\$100,578.0
<b><u>Indoor Air and Radiation</u></b>		
Indoor Air: Radon Program	CAA Amendments of 1990; Radon Gas and Indoor Air Quality Research Act; Title IV of the SARA of 1986; TSCA, section 6, Titles II and Title III (15 U.S.C. 2605 and 2641-2671); and IRAA, Section 306.	\$210.0
Reduce Risks from Indoor Air Radiation: Protection	CAA Amendments of 1990; Title IV of the SARA of 1986. Atomic Energy Act (AEA) of 1954, as amended, 42 U.S.C. 2011 et seq. (1970), and Reorganization Plan #3 of 1970; Clean Air Act (CAA) Amendments of 1990; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the SARA of 1986; Energy Policy Act (EPA) of 1992, P.L. 102-486; Executive Order 12241 of September 1980, National Contingency Plan, 3 CFR, 1980; National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR 300; Nuclear Waste Policy Act (NWPA) of 1982; Public Health Service Act (PHSA), as amended, 42 U.S.C. 201 et seq.; Safe Drinking Water Act (SDWA); Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978; Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act of 1992.	\$370.0 \$2,096.0

Radiation: Response Preparedness	Atomic Energy Act (AEA) of 1954, as amended, 42 U.S.C. 2011 et seq. (1970), and Reorganization Plan #3 of 1970; Clean Air Act (CAA) Amendments of 1990; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR 300; Executive Order 12241 of September 1980, National Contingency Plan, 3 CFR, 1980; Executive Order 12656 of November 1988, Assignment of Emergency Preparedness Responsibilities, 3 CFR, 1988; Homeland Security Act of 2002; Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA); Public Health Service Act (PHSA), as amended, 42 U.S.C. 201 et seq.; Robert T. Stafford Disaster Relief and EAA, as amended, 42 U.S.C. 5121 et seq.; Safe Drinking Water Act (SDWA); and Title XIV of the Natural Disaster Assistance Act (NDA) of 1997, PL 104-201 (Nunn-Lugar II).	\$4,082.0
<b><u>Enforcement</u></b>		
Forensics Support	RCRA; CWA; SDWA; CAA; TSCA; Residential Lead-Based Paint Hazard Reduction Act (RLBPHRA); FIFRA; Ocean Dumping Act (i.e., MPRSA); EPCRA.	\$15,360.0
<b><u>Homeland Security</u></b>		
Homeland Security: Critical Infrastructure Protection	SDWA 42 U.S.C. §300f-300j-9 as added by Public Law 93-523 and the amendments made by subsequent enactments, Sections – 1431, 1432, 1433, 1434, 1435; CWA, 33 U.S.C. §1251 et seq.; Public Health Security and Bioterrorism Emergency and Response Act of 2002; Emergency Planning and Community Right-to-Know Act, 42 U.S.C. §11001 et seq – Sections 301, 302, 303, and 304.	
Water Sentinel		\$8,632.0
Homeland Security: Critical Infrastructure Protection (other activities)		\$2,747.0
Homeland Security: Preparedness, Response, and Recovery	AEA of 1954, as through P.L. 105-394, November 13, 1998, 42 U.S.C. 2011 et seq. - Section 275 Reorganization Plan #3 of 1970; CAA Amendments 42 U.S.C. 7401 et seq – Sections 102 and 103; CERCLA, as amended by the SARA 42 U.S.C. 9601 et seq., Sections 104, 105 and 106; Executive Order 12241 of September 1980, National Contingency Plan, 3 CFR, 1980; Executive Order 12656 of November 1988, Assignment of Emergency Preparedness Responsibilities, 3 CFR, 1988; PHSA, as amended, 42 U.S.C. 201 et seq., Section 241; Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5121 et seq. – Sections 201, 204, 303, 402, 403, and 502; SDWA 42 U.S.C. 300 et seq. – Sections 1433, 1434 and 1442; NDA of 1997, Public Law 104-201, Sections 1411 and 1412; PHSBPRA of 2002, Public Law 107-188, 42 U.S.C. 201 et seq., Sections 401 and 402 (amended the SDWA); TSCA, 15 U.S.C. 53 – Section 2609; OPA, 33 U.S.C. 40; PPA, 42 U.S.C. 133; RCRA 42 U.S.C. 6901 et seq; EPCRA 42 U.S.C. §11001 et seq.; CWA 33 U.S.C. 1251 et seq.; FIFRA 7 U.S.C. 136 et seq.; FFDCA, 21 U.S.C. 9; FQPA 7 USC 136 et seq. Executive Order 10831 (1970); PRIA; FSMA, Sections 203 and 208; Executive Order 13486: Strengthening Laboratory Biosecurity in the United States (2009); HSPD-5; HSPDs 7-10; HSPD-19.	
Decontamination		\$17,382.0
Homeland Security: Preparedness, Response, and Recovery (other activities)		\$12,960.0

Homeland Security: Protection of EPA Personnel and Infrastructure	Public Health Security and Bioterrorism Emergency and Response Act of 2002; Secure Embassy Construction and Counterterrorism Act (Sections 604 and 629); CAA (42 U.S.C. 7401-7661f); Motor Vehicle Information Cost Savings Act; Alternative Motor Fuels Act of 1988; National Highway System Designation Act; NEP Act, SAFETEA-LU of 2005; EPAct of 2005; EISA of 2007.	\$579.0
<u>IT / Data Management / Security</u>		
IT / Data Management	Federal Advisory Committee Act (FACA), 42 U.S.C. 553 et seq. and Government Information Security Act (GISRA), 40 U.S.C. 1401 et seq. – Sections 3531, 3532, 3533, 3534, 3535 and 3536 and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9606 et seq. – Sections 101-128, 301-312 and 401-405 and Clean Air Act (CAA) Amendments, 42 U.S.C. 7401 et seq. – Sections 102, 103, 104 and 108 and Clean Water Act (CWA), 33 U.S.C. 1314 et seq. – Sections 101, 102, 103, 104, 105, 107, and 109 and Toxic Substances Control Act (TSCA), 15 U.S.C. 2611 et seq. – Sections 201, 301 and 401 and Federal Insecticide Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 36 et seq. – Sections 136a – 136y and Food Quality Protection Act (FQPA), 7 U.S.C. 136 et seq. – Sections 102, 210, 301 and 501 and Safe Drinking Water Act (SDWA) Amendments, 42 U.S.C. 300 et seq. – Sections 1400, 1401, 1411, 1421, 1431, 1441, 1454 and 1461 and Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346 et seq. and Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. 11001 et seq. – Sections 322, 324, 325 and 328 and Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6962 et seq. – Sections 1001, 2001, 3001 and 3005 and Government Performance and Results Act (GPRA), 39 U.S.C. 2803 et seq. – Sections 1115, 1116, 1117, 1118 and 1119 and Government Management Reform Act (GMRA), 31 U.S.C. 501 et seq. – Sections 101, 201, 301, 401, 402, 403, 404 and 405 and Clinger-Cohen Act (CCA), 40 U.S.C. 1401 et seq. – Sections 5001, 5201, 5301, 5401, 5502, 5601 and 5701 and Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq. – Sections 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113 and Freedom of Information Act (FOIA), 5 U.S.C. 552 et seq. and Controlled Substances Act (CSA), 21 U.S.C. 802 et seq. – Sections 801, 811, 821, 841, 871, 955 and 961 and Electronic Freedom of Information Act (EFOIA), 5 U.S.C. 552 et seq. – Sections 552(a)(2), 552 (a)(3), 552 (a)(4) and 552(a)(6).	\$4,108.0
<u>Operations and Administration</u>		
Facilities Infrastructure and Operations	FPASA; PBA; Annual Appropriations Act; CWA; CAA; D.C. Recycling Act of 1988; Executive Orders 10577 and 12598; United States Marshals Service, Vulnerability Assessment of Federal Facilities Report; Presidential Decision Directive 63 (Critical Infrastructure Protection); Energy Policy Act of 2005; Energy Independence and Security Act of 2007.	
Rent		\$35,611.0
Utilities		\$20,195.0

Security		\$10,714.0
Facilities Infrastructure and Operations (other activities)		\$9,951.0
<b><u>Pesticides Licensing</u></b>		
Pesticides: Protect Human Health from Pesticide Risk	Pesticide Registration Improvement Renewal Act (PRIIRA); Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended; Federal Food, Drug and Cosmetic Act (FFDCA) as amended, § 408 and 409.	\$3,839.0
Pesticides: Protect the Environment from Pesticide Risk	Pesticide Registration Improvement Renewal Act (PRIIRA); Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended; Federal Food, Drug and Cosmetic Act (FFDCA) as amended § 408 and 409.	\$2,448.0
Pesticides: Realize the Value of Pesticide Availability	Pesticide Registration Improvement Renewal Act (PRIIRA); Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended; Federal Food, Drug and Cosmetic Act (FFDCA) as amended, § 408 and 409.	\$544.0
<b><u>Research: Air, Climate and Energy</u></b>		
Research: Air, Climate and Energy	CAA 42 U.S.C. 7401 et seq. Title 1, Part A – Sec. 103 (a) and (d) and Sec. 104 (c); CAA 42 U.S.C 7402(b) Section 102; CAA 42 U.S.C 7403(b)(2) Section 103(b)(2); Clinger Cohen Act, 40 U.S.C 11318; Economy Act, 31 U.S.C 1535; EISA, Title II Subtitle B; ERDDA, 33 U.S.C. 1251 – Section 2(a); Intergovernmental Cooperation Act, 31 U.S.C. 6502; NCPA; NEPA, Section 102; PPA; USGCRA 15 U.S.C. 2921.	
Global Change	Clinger Cohen Act, 40 U.S.C 11318; Economy Act, 31 U.S.C 1535; ERDDA, 33 U.S.C. 1251 – Section 2(a); Intergovernmental Cooperation Act, 31 U.S.C. 6502; NCPA; NEPA, Section 102; PPA; USGCRA 15 U.S.C. 2921.	\$20,805.0
Clean Air	CAA 42 U.S.C. 7401 et seq. Title 1, Part A – Sec. 103 (a) and (d) and Sec. 104 (c); CAA 42 U.S.C 7402(b) Section 102; CAA 42 U.S.C 7403(b)(2) Section 103(b)(2); Clinger Cohen Act, 40 U.S.C 11318; Economy Act, 31 U.S.C 1535; ERDDA, 33 U.S.C. 1251 – Section 2(a); Intergovernmental Cooperation Act, 31 U.S.C. 6502; NEPA, Section 102; PPA.	\$83,102.0
Research: Air, Climate and Energy (other activities)		\$4,093.0
<b><u>Research: Safe and Sustainable Water Resources</u></b>		
Research: Safe and Sustainable Water Resources	SDWA Part E, Sec. 1442 (a)(1); CWA Title I, Sec. 101(a)(6) 33 U.S.C. 1254 – Sec 104 (a) and (c) and Sec. 105; ERDDA 33 U.S.C. 1251 – Section 2(a); MPRSA Sec. 203, 33 U.S.C. 1443; ODBA Title II; SPA; CVA; WRDA; WWWQA; MPPRCA; NISA; CZARA; CWPPRA; (ESA; NAWCA; FIFRA 7 U.S. C. 135 et seq; TSCA U.S. C. 136 et seq.	
Drinking Water	SDWA Part E, Sec. 1442 (a)(1); CWA Title I, Sec. 101(a)(6) 33 U.S.C. 1254 – Sec 104 (a) and (c) and Sec. 105; ERDDA 33 U.S.C. 1251 – Section 2(a); MPRSA Sec. 203, 33 U.S.C.	\$52,495.0
Water Quality	CWA Title I, Sec. 101(a)(6) 33 U.S.C. 1254 – Sec 104 (a) and (c) and Sec. 105; ERDDA 33 U.S.C. 1251 – Section 2(a); MPRSA Sec. 203, 33 U.S.C. 1443; ODBA Title II; SPA; CVA; WRDA; WWWQA; MPPRCA; NISA; CZARA; CWPPRA; ESA; NAWCA; FIFRA 7 U.S. C. 135 et seq; TSCA U.S. C. 136 et seq.	\$66,229.0
Research: Safe and Sustainable Water Resources (other activities)		\$52.0
<b><u>Research: Sustainable Communities</u></b>		

Research: Sustainable and Healthy Communities	CAA, Sections 103 and 104. 42 U.S.C. 7403, 42 U.S.C. 7404, 103; 104; CWA, Sections 101, 104 & 404, 33 U.S.C. 1254; CCA, 40 U.S.C. 11318; CZMA, 16 U.S.C. 1451 - Section 302; Executive Order 12866; ERDDAA; ESA, 16 U.S.C. 1531 - Section 2; FIFRA Sections 18 and 20; TSCA, Section 10. 15 U.S.C. 2609; WRRRA.	
Human Health	CAA, 42 U.S.C. 7403, 7404; SDWA, 42 U.S.C. 300j-1; ERDDA; CWA, 33 U.S.C. 1254; FIFRA, 7 U.S.C. 136; FFDCA, 21 U.S.C.; RCRA 42 U.S.C. 6981; FQPA; TSCA, 15 U.S.C.; USGCRA, 15 U.S.C. 2921	\$45,392.0
Ecosystems	CAA, 42 U.S.C. 7403, 7404; SDWA, 42 U.S.C. 300j-1; ERDDA; CWA, 33 U.S.C. 1254; FIFRA, 7 U.S.C. 136; FFDCA, 21 U.S.C.; RCRA 42 U.S.C. 6981; FQPA; TSCA, 15 U.S.C.; USGCRA, 15 U.S.C. 2921	\$60,905.0
Research: Sustainable and Healthy Communities (other activities)		\$64,729.0

**Research: Chemical Safety and Sustainability**

Human Health Risk Assessment	CAA Amendments, 42 U.S.C. 7403 et seq. - Sections 103, 108, 109, and 112; CERCLA (Superfund, 1980) Section 209(a) of Public Law 99-499; FIFRA (7 U.S.C. s/s 136 et seq. (1996), as amended), Sec. 3(c)(2)(A); FQPA PL 104-170; SDWA (1996) 42 U.S.C. Section 300j-18; TSCA (Public Law 94-469): 15 U.S.C. s/s 2601 et seq. (1976), Sec. 4(b)(1)(B), Sec. 4(b)(2)(B).	\$42,400.0
Research: Chemical Safety and Sustainability	CAA, Sec. 103, 104 & 154; CCA, 40 U.S.C 11318; CERCLA; Children's Health Act; 21st Century Nanotechnology Research and Development Act, 15 U.S.C. 750; CWA, Sec. 101 - 121; Economy Act, 31 U.S.C 1535; ERDDAA, 42 U.S.C. 4361-4370; FFDCA, 21 U.S.C. Sec. 346; FIFRA; FQPA; Intergovernmental Cooperation Act, 31 U.S.C. 6502; National Environmental Policy Act of 1969, Section 102; PPA, 42 U.S.C. 13103; RCRA; SDWA, 42 U.S.C.; TSCA, Section 10, 15, 26 U.S.C.	
Endocrine Disruptors	CAA, 42 U.S.C. Sec. 103, 104 & 154; CWA, 33 U.S.C. Sec. 101-121; CERCLA, 42 U.S.C.; ERDDAA, 42 U.S.C. 4361-4370; FIFRA, 7 U.S.C. Sec. 136; FQPA, 7 U.S.C.; Pollution Prevention Act PPA, 42 U.S.C. 13103; RCRA 42 U.S.C.; SDWA, 42 U.S.C. 1457 Sec. 136-137, 201-203; TSCA, 15 U.S.C. Sec. 2609.	\$16,883.0
Computational Toxicology	SDWA; Hazardous and Solid Waste Amendments; Environmental Research, Development and Demonstration Authorization Act; SARA; CERCLA; RCRA; Oil Pollution Act; BRERA; Midcoast Regional Redevelopment Authority.	\$21,209.0
Research: Chemical Safety and Sustainability (other activities)		\$57,565.0

**Water: Human Health Protection**

Drinking Water Programs	SDWA, 42 U.S.C. §300f-300j-9 as added by Public Law 93-523 and the amendments made by subsequent enactments.	\$3,787.0
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**Program Projects in EPM  
(Dollars in Thousands)**

Program Project	Statutory Authority	FY12 Pres Budget
<b><u>Clean Air and Climate</u></b>		
Clean Air Allowance Trading Programs	CAA (42 U.S.C. 7401-7661f).	\$20,842.0

Climate Protection Program	CAA Amendments, 42 U.S.C. 7401 et seq. – Sections 102, 103, 104 and 108; Pollution Prevention Act (PPA), 42 U.S.C. 13101 et seq. – Sections 6602, 6603, 6604 and 6605; National Environmental Policy Act (NEPA), 42 U.S.C. 4321 et seq. – Section 102; Grand Canyon Protection Act (GCPA), 15 U.S.C. 2901 – Section 1103; Federal Technology Transfer Act (FTTA), 15 U.S.C. – Section 3701a; CWA, 33 U.S.C. 1251 et seq. – Section 104; SWDA, 42 U.S.C. 6901 et seq.- Section 8001; EPA, 42 U.S.C. 16104 et seq.	
Energy STAR		\$55,628.0
Methane to markets		\$5,616.0
Greenhouse Gas Reporting Registry		\$17,646.0
Climate Protection Program (other activities)		\$32,529.0
Federal Stationary Source Regulations	CAA (42 U.S.C. 7401-7661f).	\$34,096.0
Federal Support for Air Quality Management	CAA Amendments of 1990 (42 U.S.C. 7401-7661f).	\$133,822.0
Federal Support for Air Quality Management		\$133,822.0
Stratospheric Ozone: Domestic Programs	CAA Amendments of 1990, Title I, Parts A and D (42 U.S.C. 7401-7434, 7501-7515), Title V (42 U.S.C. 7661-7661f), and Title VI (42 U.S.C. 7671-7671q); The Montreal Protocol on Substances that Deplete the Ozone Layer.	\$5,612.0
Stratospheric Ozone: Multilateral Fund	CAA Amendments of 1990, Title 1, Parts A and D (42 U.S.C. 7401-7434, 7501-7515), Title V (42 U.S.C. 7661-7661f), and Title VI (42 U.S.C. 7671-7671q); The Montreal Protocol on Substances that Deplete the Ozone Layer.	\$9,495.0
<b><u>Indoor Air and Radiation</u></b>		
Indoor Air: Radon Program	CAA Amendments of 1990; Radon Gas and Indoor Air Quality Research Act; Title IV of the SARA of 1986; TSCA, Section 6, Titles II and Title III (15 U.S.C. 2605 and 2641-2671); and IRAA, Section 306.	\$3,901.0
Reduce Risks from Indoor Air Radiation: Protection	CAA Amendments of 1990; Title IV of the SARA of 1986. AEA of 1954, as amended, 42 U.S.C 2011 et seq. (1970), and Reorganization Plan #3 of 1970; CAA Amendments of 1990; CERCLA as amended by the SARA of 1986; Energy Policy Act of 1992, P.L. 102-486; Executive Order 12241 of September 1980, National Contingency Plan, 3 CFR, 1980; NWPA of 1982; PHSA as amended, 42 U.S.C 201 et seq.; SDWA; Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978; WIPP Land Withdrawal Act.	\$17,198.0 \$9,629.0

Radiation: Response Preparedness	Atomic Energy Act (AEA) of 1954, as amended, 42 U.S.C 2011 et seq. (1970), and Reorganization Plan #3 of 1970; Clean Air Act (CAA) Amendments of 1990; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR 300; Executive Order 12241 of September 1980, National Contingency Plan, 3 CFR, 1980; Executive Order 12656 of November 1988, Assignment of Emergency Preparedness Responsibilities, 3 CFR, 1988; Homeland Security Act of 2002; Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA); Public Health Service Act (PHSA), as amended, 42 U.S.C 201 et seq.; Robert T. Stafford Disaster Relief and EAA, as amended, 42 U.S.C 5121 et seq.; Safe Drinking Water Act (SDWA); and Title XIV of the Natural Disaster Assistance Act (NDAA) of 1997, PL 104-201 (Nunn-Lugar II).	\$3,042.0
<b><u>Brownfields</u></b>		
Brownfields	Comprehensive Environmental Response, Compensation and Liability Act, as amended by the Small Business Liability Relief and Brownfields Revitalization Act, 42 U.S.C. 9601 et seq. – Sections 101, 107 and 128 and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq. – Section 8001.	\$26,397.0
<b><u>Compliance</u></b>		
Compliance Monitoring	RCRA; CWA; SDWA; CAA; TSCA; EPCRA; RLBPHRA; FIFRA; ODA; NEPA; NAAEC; LPA-US/MX-BR.	\$119,648.0
<b><u>Enforcement</u></b>		
Civil Enforcement	RCRA; CWA; SDWA; CAA; TSCA; EPCRA; RLBPHRA; FIFRA; ODA; NAAEC; LPA-US/MX-BR; NEPA; SBLRBRERA; CERCLA; PPA; CERFA; AEA; PPA; UMTRLWA; EPAct.	\$191,404.0
Criminal Enforcement	RCRA; CWA; SDWA; CAA; TSCA; EPCRA; Residential Lead-Based Paint Hazard Reduction Act (RLBPHRA); FIFRA; Ocean Dumping Act (i.e., MPRSA); Pollution Prosecution Act; Title 18 General Federal Crimes (e.g., false statements, conspiracy); Powers of Environmental Protection Agency (18 U.S.C. 3063).	\$51,345.0
Environmental Justice	Executive Order 12898; RCRA; CWA; SDWA; CAA; TSCA; EPCRA; FIFRA; NEPA; Pollution Prevention Act.	\$7,397.0
NEPA Implementation	CAA; NEPA; ASTCA; CWA; ESA; NHPA; AHPA; FCMA; FWCA; EO 12898.	\$18,072.0
<b><u>Geographic Programs</u></b>		

Great Lakes Restoration	1990 Great Lakes Critical Programs Act; 2002 Great Lakes and Lake Champlain Act (Great Lakes Legacy Act); CWA; Coastal Wetlands Planning, Protection, and Restoration Act of 1990; Estuaries and Clean Waters Act of 2000; North American Wetlands Conservation Act; US-Canada Agreements; WRDA; 1909 The Boundary Waters Treaty; 1978 Great Lakes Water Quality Agreement (GLWQA); 1987 GLWQA; 1987 Montreal Protocol on Ozone Depleting Substances; 1996 Habitat Agenda; 1997 Canada-U.S. Great Lakes Bi-national Toxics Strategy. EPA is again proposing the statutory language pertaining to administrative provisions which was included in the FY 2010 Department of the Interior, Environment, and Related Agencies Appropriations Act. Among other things, the language would give EPA independent statutory interagency agreement authority and implementing grant authority in support of the Initiative and the Great Lakes Water Quality Agreement, and additional sediment remediation authority. Continuation of this authority is important to the success of the Initiative. Agencies are expected to use numerous other statutory authorities, intrinsic to their programs, in support of the Initiative.	\$350,000.0
Geographic Program: Chesapeake Bay	Clean Water Act (CWA), 33 U.S.C. 26 et seq. – Sections 1267 and 1313. Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 et seq. Clean Air Act (CAA), 42 U.S.C. 85 et seq.	\$67,350.0
Geographic Program: San Francisco Bay	Clean Water Act (CWA).	\$4,847.0
Geographic Program: Puget Sound	Clean Water Act (CWA); Water Resources Development Act of 1996; Water Resources Development Act of 2000; Resource Conservation and Recovery Act of 1976 (RCRA); Comprehensive Environmental Response Compensation and Liability Act (CERCLA); Economy Act of 1932; Intergovernmental Cooperation Act; Clean Air Act (CAA); Safe Drinking Water Act (SDWA); Toxic Substances Control Act (TSCA); Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); Pollution Prevention Act; Marine Protection, Research, and Sanctuaries Act; National Environmental Education Act.	\$19,289.0
Geographic Program: South Florida	Florida Keys National Marine Sanctuary and Protection Act of 1990; National Marine Sanctuaries Program Amendments Act of 1992; CWA; Water Resources Development Act of 1996; Water Resources Development Act of 2000.	\$2,061.0
Geographic Program: Mississippi River Basin	Clean Water Act.	\$6,000.0
Geographic Program: Long Island Sound	Long Island Sound Restoration Act, P.L. 106-457 as amended by P.L. 109-137; 33 U.S.C. 1269. Long Island Sound Stewardship Act, P.L. 109-353; 33 U.S.C.	\$2,962.0
Geographic Program: Gulf of Mexico	Clean Water Act.	\$4,464.0
Geographic Program: Lake Champlain	1909 The Boundary Waters Treaty; 1990 Great Lakes Critical Programs Act; 2002 Great Lakes and Lake Champlain Act; Clean Water Act (CWA); North American Wetlands Conservation Act; U.S.-Canada Agreements; National	\$1,399.0

	Heritage Areas Act of 2006; Water Resources Development Act (WRDA) of 2000 and 2007.	
Geographic Program: Other	The Lake Pontchartrain Basin Restoration Act of 2000, codified as Clean Water Act (CWA) §121, 33 U.S.C. §1273, directed EPA to establish a Lake Pontchartrain Basin Restoration Program —to restore the ecological health of the Basin by developing and funding restoration projects and related scientific and public education projects.    CWA §121(b); CWA; Water Resources Development Act of 1996; Water Resources Development Act of 2000; Resource Conservation and Recovery Act (RCRA); Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); Economy Act of 1932; Intergovernmental Cooperation Act; Clean Air Act (CAA); Solid Waste Disposal Act (SWDA); Toxic Substances Control Act (TSCA); Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); Pollution Prevention Act; Marine Protection, Research, and Sanctuaries Act; and National Environmental Education Act.	
Lake Pontchartrain		\$955.0
Community Action for a Renewed Environment (CARE)		\$2,384.0
Geographic Program: Other (other activities)		\$1,296.0
<b><u>Homeland Security</u></b>		
Homeland Security: Communication and Information	Homeland Security Presidential Directives, 5 U.S.C. 101 et seq. – Sections HSPD 1 – 25 and National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 42 U.S.C. 3231 et seq. – Sections 300, 300.1, 300.2, 300.3, 300.4, 300.5, 300.6 and 300.7 and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9606 et seq. – Sections 101-128, 301-312 and 401-405 and Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6962 et seq. – Sections 1001, 2001, 3001 and 3005 and Safe Drinking Water Act (SDWA) Amendments, 42 U.S.C. 300 et seq. – Sections 1400, 1401, 1411, 1421, 1431, 1441, 1454 and 1461 and Clean Water Act (CWA), 33 U.S.C. 1314 et seq. – Sections 101, 102, 103, 104, 105, 107, and Clean Air Act (CAA) Amendments, 42 U.S.C. 7401 et seq. – Sections 102, 103, 104 and 108 and Toxic Substances Control Act (TSCA), 15 U.S.C. 2611 et seq. – Sections 201, 301 and 401 and Federal Insecticide Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 36 et seq. – Sections 136a – 136y and Bio Terrorism Act of 2002, 42 U.S.C. 201 et seq. – Sections 303, 305, 306 and 307 and Homeland Security Act of 2002, 116 U.S.C. 2135 et seq. – Sections 101, 102, 103, 201, 202, 211-215, 221-225, 231-235 and 237 and Post-Katrina Emergency Management Reform Act, 6 U.S.C. 772 et seq. – Sections 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512 and 513 and Defense Against Weapons of Mass Destruction Act, 50 U.S.C. 2302 et seq. - (Title XIV of Public Law 104-201).	\$4,257.0

Homeland Security: Critical Infrastructure Protection	SDWA, 42 U.S.C. §300f-300j-9 as added by Public Law 93-523 and the amendments made by subsequent enactments, Sections – 1431, 1432, 1433, 1434, 1435; CWA, 33 U.S.C. §1251 et seq.; Public Health Security and Bioterrorism Emergency and Response Act of 2002.	
Homeland Security: Critical Infrastructure Protection (other activities)		\$1,065.0
<b><u>Homeland Security: Preparedness, Response, and Recovery</u></b>		
Homeland Security: Protection of EPA Personnel and Infrastructure		\$5,978.0
<b><u>Information Exchange / Outreach</u></b>		
Children and Other Sensitive Populations: Agency Coordination	EO 13045; Energy Independence and Security Act of 2007; Food Quality Protection Act of 1996; Safe Drinking Water Act Amendments Of 1996.	\$10,795.0
Environmental Education	National Environmental Education Act (PL 101-619); Section 103 of the Clean Air Act; Section 104 of the Clean Water Act; Section 8001 of the Solid Waste Disposal Act; Section 1442 of the Safe Drinking Water Act; Section 10 of the Toxic Substances Control Act; Section 20 of the Federal Insecticide, Fungicide, and Rodenticide Act.	\$9,885.0
Congressional, Intergovernmental, External Relations	As provided in Appropriations Act funding; FACA; EAIA; NAFTA Implementation Act; RLBPHRA; NAAED; LPA-US/MX-BR; CERCLA.	\$52,268.0
Exchange Network	Federal Advisory Committee Act (FACA), 42 U.S.C. 553 et seq. and Government Information Security Act (GISRA), 40 U.S.C. 1401 et seq. – Sections 3531, 3532, 3533, 3534, 3535 and 3536 and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9606 et seq. – Sections 101-128, 301-312 and 401-405 and Clean Air Act (CAA) Amendments, 42 U.S.C. 7401 et seq. – Sections 102, 103, 104 and 108 and Clean Water Act (CWA), 33 U.S.C. 1314 et seq. – Sections 101, 102, 103, 104, 105, 107, and 109 and Toxic Substances Control Act (TSCA), 15 U.S.C. 2611 et seq. – Sections 201, 301 and 401 and Federal Insecticide Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 36 et seq. – Sections 136a – 136y and Food Quality Protection Act (FQPA), 7 U.S.C. 136 et seq. – Sections 102, 210, 301 and 501 and Safe Drinking Water Act (SDWA) Amendments, 42 U.S.C. 300 et seq. – Sections 1400, 1401, 1411, 1421, 1431, 1441, 1454 and 1461 and Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346 et seq. and Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. 11001 et seq. – Sections 322, 324, 325 and 328 and Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6962 et seq. – Sections 1001, 2001, 3001 and 3005 and Government Performance and Results Act (GPRA), 39 U.S.C. 2803 et seq. – Sections 1115, 1116, 1117, 1118 and 1119 and Government Management Reform Act (GMRA), 31 U.S.C.	\$20,883.0

501 et seq. – Sections 101, 201, 301, 401, 402, 403, 404 and 405 and Clinger-Cohen Act (CCA), 40 U.S.C. 1401 et seq. – Sections 5001, 5201, 5301, 5401, 5502, 5601 and 5701 and Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq. – Sections 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113 and Freedom of Information Act (FOIA), 5 U.S.C. 552 et seq. and Controlled Substances Act (CSA), 21 U.S.C. 802 et seq. – Sections 801, 811, 821, 841, 871, 955 and 961; Privacy Act; Electronic Freedom of Information Act, Security and Accountability of Every (SAFE) Port Act, Executive Order 13439. Exchange Network Program funding has been provided by the annual appropriations for EPA: FY 2002 (Public Law 107-73), FY 2003 (Public Law 108-7), FY 2004 (Public Law 108-199) FY 2005 (Public Law 108-447) and FY 2006 (Public Law 109-54), FY 2007 (Public Law 110-5), FY 2008 (Public Law 110-161), and FY 2009 (Public Law 111-8).

Small Business Ombudsman	CAA, section 507.	\$2,953.0
Small Minority Business Assistance	Small Business Act, sections 8 and 15, as amended; Executive Orders 12073, 12432, 12138, 13256, 13270, 13230, 13360 and 13216; P.L. 106-50; CAA.	\$2,280.0
State and Local Prevention and Preparedness	Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. 11001 et seq. – Sections 11001-11023 and the Clean Air Act, as amended by the Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act, 42 U.S.C. 7401 et seq. – Section 112(r).	\$14,613.0
TRI / Right to Know	Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and Section 6607 of the Pollution Prevention Act of 1990 (PPA).	\$16,463.0
Tribal - Capacity Building	Annual Appropriation Acts; Indian Environmental General Assistance Program Act; PPA; FIFRA; CAA; TSCA; NEPA; CWA; SDWA; RCRA; CERCLA; NAFTA; MPRSA; Indoor Radon Abatement Act; OPA; and additional authorities. Work within this Tribal Capacity Building Program supports the above authorities as well as additional statutory authorities that influence environmental protection and affect human health and environmental protection in Indian country.	\$15,070.0
<b><u>International Programs</u></b>		
US Mexico Border	In conjunction with NEPA section 102(2)(F)63; CAA 103(a), 42 USC 7403(a); CWA 104(a)(1) and (2), 33 USC 1254(a)(1) and (2); SDWA 1442(a)(1), 42 USC 300j-1(a)(1); SWDA 8001(a)(1), 42 USC 6981(a)(1); FIFRA §17(d) and 20(a), 7 U.S.C. §136o(d) and 136r(a); TSCA §10(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2609(a) (in consultation and cooperation with the Department of Health and Human Services and with other appropriate departments and agencies); MPRSA 203(a)(1), 33 USC 1443(a)(1), 42 USC 4332; Annual Appropriation Acts.	\$4,912.0

International Sources of Pollution	In conjunction with NEPA section 102(2)(F)66: CAA 103(a), 42 USC 7403(a); CWA 104(a)(1) and (2), 33 USC 1254(a)(1) and (2); SDWA 1442(a)(1), 42 USC 300j-1(a)(1); SWDA 8001(a)(1), 42 USC 6981(a)(1); FIFRA §17(d) and 20(a) , 7 U.S.C. §136o(d) and 136r(a); TSCA§10(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2609(a) (in consultation and cooperation with the Department of Health and Human Services and with other appropriate departments and agencies); MPRSA 203(a)(1), 33 USC 1443(a)(1), 42 USC 4332; Annual Appropriation Acts.	\$8,302.0
Trade and Governance	In conjunction with NEPA section 102(2)(F)70: CAA 103(a), 42 USC 7403(a); CWA 104(a)(1) and (2), 33 USC 1254(a)(1) and (2); SDWA 1442(a)(1), 42 USC 300j-1(a)(1); SWDA 8001(a)(1), 42 USC 6981(a)(1); FIFRA §17(d) and 20(a) , 7 U.S.C. §136o(d)and 136r(a); TSCA§10(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2609(a) (in consultation and cooperation with the Department of Health and Human Services and with other appropriate departments and agencies); MPRSA 203(a)(1), 33 USC 1443(a)(1), 42 USC 4332; Annual Appropriation Acts; Executive Order 12915 (May 13, 1994) (implementation of NAFTA environmental side agreement); Executive Order 13141 (Environmental Review of Trade Agreements); Executive Order 13277 (Delegation of Certain Authorities and Assignment of Certain Functions Under the Trade Act of 2002), as amended by E.O. 13346 (July 8, 2004);	\$6,233.0
<u>IT / Data Management / Security</u> Information Security	Federal Information Security Management Act (FISMA), 44 U.S.C. 3541 et seq. – Sections 301, 302, 303, 304, 305, 401 and 402 and Government Performance and Results Act (GPRA), 39 U.S.C. 2803 et seq. – Sections 1115, 1116, 1117, 1118 and 1119 and Government Management Reform Act (GMRA), 31 U.S.C. 501 et seq. – Sections 101, 201, 301, 401, 402, 403, 404 and 405 and Clinger-Cohen Act (CCA), 40 U.S.C. 1401 et seq. – Sections 5001, 5201, 5301, 5401, 5502, 5601 and 5701 and Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq. – Sections 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113 and Freedom of Information Act (FOIA), 5 U.S.C. 552 et seq. and Electronic Freedom of Information Act (EFOIA), 5 U.S.C. 552 et seq. – Sections 552(a)(2), 552 (a)(3), 552 (a)(4) and 552(a)(6).	\$6,837.0

IT / Data Management	Federal Advisory Committee Act (FACA), 42 U.S.C. 553 et seq. and Government Information Security Act (GISRA), 40 U.S.C. 1401 et seq. – Sections 3531, 3532, 3533, 3534, 3535 and 3536 and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9606 et seq. – Sections 101-128, 301-312 and 401-405 and Clean Air Act (CAA) Amendments, 42 U.S.C. 7401 et seq. – Sections 102, 103, 104 and 108 and Clean Water Act (CWA), 33 U.S.C. 1314 et seq. – Sections 101, 102, 103, 104, 105, 107, and 109 and Toxic Substances Control Act (TSCA), 15 U.S.C. 2611 et seq. – Sections 201, 301 and 401 and Federal Insecticide Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 36 et seq. – Sections 136a – 136y and Food Quality Protection Act (FQPA), 7 U.S.C. 136 et seq. – Sections 102, 210, 301 and 501 and Safe Drinking Water Act (SDWA) Amendments, 42 U.S.C. 300 et seq. – Sections 1400, 1401, 1411, 1421, 1431, 1441, 1454 and 1461 and Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346 et seq. and Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. 11001 et seq. – Sections 322, 324, 325 and 328 and Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6962 et seq. – Sections 1001, 2001, 3001 and 3005 and Government Performance and Results Act (GPRA), 39 U.S.C. 2803 et seq. – Sections 1115, 1116, 1117, 1118 and 1119 and Government Management Reform Act (GMRA), 31 U.S.C. 501 et seq. – Sections 101, 201, 301, 401, 402, 403, 404 and 405 and Clinger-Cohen Act (CCA), 40 U.S.C. 1401 et seq. – Sections 5001, 5201, 5301, 5401, 5502, 5601 and 5701 and Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq. – Sections 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113 and Freedom of Information Act (FOIA), 5 U.S.C. 552 et seq. and Controlled Substances Act (CSA), 21 U.S.C. 802 et seq. – Sections 801, 811, 821, 841, 871, 955 and 961 and Electronic Freedom of Information Act (EFOIA), 5 U.S.C. 552 et seq. – Sections 552(a)(2), 552 (a)(3), 552 (a)(4) and 552(a)(6).	\$88,576.0
<u>Legal / Science / Regulatory / Economic Review</u>		
Administrative Law	CERCLA; FIFRA; CWA; CAA; TSCA; RCRA; SDWA; EPCRA; APA; as provided in Appropriations Act funding.	\$5,386.0
Alternative Dispute Resolution	Administrative Dispute Resolution Act (ADRA) of 1996, 5 U.S.C. Sections 571, 572, and 573, Negotiated Rulemaking Act of 1996, 5 U.S.C. Sections 563, 565, 566, and 568; EPA's General Authorizing Statutes.	\$1,329.0
Civil Rights / Title VI Compliance	CRA VII, as amended; FWPCA amended; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination Act of 1975; Rehabilitation Act of 1974, as amended; Americans with Disabilities Act of 1990, The ADA Amendments Act of 2008, OWBPA as amended; ADEA as amended EEOC Management Directive 715; Executive Orders 13163, 13164, 13078, 13087, 13171, 11478, 13125, 13096, 13230, 13270 July 3, 2002 (Tribal Colleges), 13339 May 13, 2004 (Asian American Participation in Federal Programs).	\$11,685.0

Legal Advice: Environmental Program	Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d – 2000d-7; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; Section 13 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1251; Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 – 1688; The Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107; Section 311 of the Clean Water Act, 33 U.S.C. 1251 et seq.; Oil Pollution Act of 1990, 33 U.S.C. 2701 et seq.; EPA's General Authorizing Statutes.	\$45,352.0
Legal Advice: Support Program	Toxic Substances Control Act, 15 USC 2601 et seq.; Pollution Prevention Act, 42 USC 13101 et seq.; Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 et seq.; Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a; Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11023; Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq.; Safe Drinking Water Act, 42 U.S.C. 300f et seq.; Marine Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. 1401 et seq.; Solid Waste Disposal Act as Amended by the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6901 et seq., Sections 2002, 3001 – 3023, 4001 – 4010, 6001 – 6004, 7003 – 7006, 8001 – 8007, and 9001 – 9010; Clean Water Act (CWA), 33 U.S.C. § 1321, Section 311; Oil Pollution Act (OPA), 33 U.S.C. § 2701 – 2762, Sections 1001 – 7002; Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11001 et seq., Sections 302-304, 311 – 313, and 325, 326; Mercury Export Ban Act (MEBA), Public Law No. 110-414; EPA's General Authorizing Statutes.	\$15,873.0
Regional Science and Technology	CWA; CAA; TSCA; CERCLA; SDWA; PPA; RCRA; FIFRA.	\$3,283.0
Integrated Environmental Strategies	CWA, Section 104(b)(3); CAA, Section 104(b)(3).	\$17,509.0
Regulatory/Economic-Management and Analysis	TSCA sections 4, 5, and 6 (15 U.S.C. 2603, 2604, and 2605); CWA sections 304 and 308 (33 U.S.C. 1312, 1314, 1318, 1329-1330, 1443); SDWA section 1412 (42 U.S.C. 210, 300g-1); RCRA/HSWA: (33 USC 40(iv)(2761), 42 USC 82(viii)(6981-6983)); CAA: 42 USC 85(j)(A)(7403, 7412, 7429, 7545, 7612); CERCLA: 42 USC 103(iii)(9651); PPA (42 U.S.C. 13101-13109); FTTA.	\$22,326.0
Science Advisory Board	Environmental Research, Development, and Demonstration Authorization Act (ERDDAA); 42 U.S.C. § 4365; FACA, 5 U.S.C. App. C; CAA Amendments of 1977; 42 U.S.C. 7409(d)(2); CAA Amendments of 1990; 42 U.S.C. 7612.	\$5,867.0
<b><u>Operations and Administration</u></b>		
Facilities Infrastructure and Operations	Federal Property and Administration Services Act; Public Building Act; Annual Appropriations Act; Robert T. Stafford Disaster Relief and Emergency Assistance Act; CWA; CAA; RCRA; TSCA; NEPA; CERFA; D.C. Recycling Act of 1988; Energy Policy Act of 2005; Executive Orders 10577, 12598, 13150 and 13423; Emergency Support Functions (ESF) #10 Oil and Hazardous Materials Response Annex; Department of Justice United States Marshals Service, Vulnerability Assessment of Federal Facilities Report; Presidential Decision Directive 63 (Critical Infrastructure Protection).	

Rent		\$170,807.0
Utilities		\$11,221.0
Security		\$29,266.0
Facilities Infrastructure and Operations (other activities)		\$113,671.0
Central Planning, Budgeting, and Finance	Annual Appropriations Act; CCA; CSA; E-Government Act of 2002; EFOIA; EPA's Environmental Statutes, and the FGCAA; FAIR; Federal Acquisition Regulations, contract law and EPA's Assistance Regulations (40 CFR Parts 30, 31, 35, 40,45,46, 47); FMFIA(1982); FOIA; GMRA(1994); IPIA; IGA of 1978 and Amendments of 1988; PRA; PR; CFOA (1990); GPRA (1993); The Prompt Payment Act (1982); Title 5, USC; National Defense Authorization Act.	\$77,548.0
Acquisition Management	EPA's Environmental Statutes; annual Appropriations Acts; FAR. Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.).	\$34,119.0
Financial Assistance Grants / IAG Management	EPA's Environmental Statutes; Annual Appropriations Acts; Federal Grant and Cooperative Agreement Act; Title 2 Code of Federal Regulations; Title 40 Code of Federal Regulations, Parts 30, 31, 35, 40, 45, 46, and 47; American Recovery and Reinvestment Act of 2009.	\$26,223.0
<b><u>Pesticides Licensing</u></b>		
Pesticides: Protect Human Health from Pesticide Risk	Pesticide Registration Improvement Renewal Act (PRIIRA); Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended; Federal Food, Drug and Cosmetic Act (FFDCA) as amended, § 408 and 409.	\$58,304.0
Pesticides: Protect the Environment from Pesticide Risk	Pesticide Registration Improvement Renewal Act; Endangered Species Act; Federal Insecticide, Fungicide and Rodenticide Act; Toxic Substances Control Act; Food Quality Protection Act; Federal Food, Drug, and Cosmetic Act.	\$37,913.0
Pesticides: Realize the Value of Pesticide Availability	Pesticide Registration Improvement Renewal Act (PRIIRA); Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended; Federal Food, Drug and Cosmetic Act (FFDCA) as amended, § 408 and 409.	\$12,550.0
Science Policy and Biotechnology	Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) 7 U.S.C. 136(a),136(c),136(e),136(f),136(g),136(j),136(o),136w(a)(b)(d)(e); Toxic Substances Control Act (TSCA) 15 U.S.C. 2604h (5) (A), 2607b; Federal Food, Drug and Cosmetics Act (FFDCA) 21 U.S.C. 346a, 371; Federal Advisory Committee Act (FACA) 5a U.S.C. 9,10,11,12 & 14	\$1,756.0
<b><u>Resource Conservation and Recovery Act (RCRA)</u></b>		
RCRA: Waste Management	Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq. – Sections 3004, 3005, 8001 and the Toxic Substance Control Act, 15 U.S.C. 2605 et seq. – Section 6.	
eManifest		\$2,000.0
RCRA: Waste Management (other activities)		\$64,854.0
RCRA: Corrective Action	Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq. – Sections 3004, 3005, 8001and the Toxic Substance Control Act, 15 U.S.C. 2605 et seq. – Section 6.	\$40,266.0

RCRA: Waste Minimization & Recycling	Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq. – Sections 1002, 1003, 2002 and 8001.	\$9,751.0
<b><u>Toxics Risk Review and Prevention</u></b>		
Endocrine Disruptors	Federal Food Drug and Cosmetic Act (FFDCA) 21 U.S.C. 346a (p); Safe Drinking Water Act (SDWA) 42 U.S.C. 300j-17.	\$8,268.0
Toxic Substances: Chemical Risk Review and Reduction	Toxic Substances Control Act, 15 U.S.C. 2601 et seq. -- Sections 1-31.	\$70,939.0
Pollution Prevention Program	Pollution Prevention Act of 1990, 42 U.S.C. et seq. -- Sections 6601-6610; Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 et seq. -- Section 10.	\$15,653.0
Toxic Substances: Chemical Risk Management	Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 et seq. – Sections 1-31. Asbestos School Hazard Abatement Act (ASHAA), 20 U.S.C. 4011 et seq. – Sections 502-512. Asbestos Hazard Emergency Response Act (AHERA), 15 U.S.C. 2641 et seq. – Sections 201-216.	\$6,105.0
Toxic Substances: Lead Risk Reduction Program	Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 et seq. – Sections 401-412.	\$14,332.0
<b><u>Underground Storage Tanks (LUST / UST)</u></b>		
LUST / UST	Solid Waste Disposal Act, as amended by the Energy Policy Act, 42 U.S.C. 6901 et seq. – Section 8001 and Sections 9001 -9011.	\$12,866.0
<b><u>Water: Ecosystems</u></b>		
National Estuary Program / Coastal Waterways	1990 Great Lakes Critical Programs Act; 2002 Great Lakes and Lake Champlain Act; Clean Water Act (CWA); Estuaries and Clean Waters Act of 2000; Protection and Restoration Act of 1990; North American Wetlands Conservation Act (NAWCA); Water Resources Development Act (WRDA); 1909 The Boundary Waters Treaty; 1987 Great Lakes Water Quality Agreement; 1987 Montreal Protocol on Ozone Depleting Substances; 1996 Habitat Agenda; 1997 Canada-U.S. Great Lakes Bi-national Toxics Strategy; Coastal Wetlands Planning; U.S.-Canada Agreements.	\$27,058.0
Wetlands	1990 Great Lakes Critical Programs Act; Great Lakes and Lake Champlain Act; Clean Water Act (CWA); Coastal Wetlands Planning, Restoration and Restoration Act of 2002 (CWPPR); Estuaries and Clean Waters Act of 2000; North American Wetlands Conservation Act (NAWCA); Wetlands Resources Development Act (WRDA); 1909 The Boundary Waters Treaty; Great Lakes Water Quality Agreement of 1978 (GLWQA); 1996 Habitat Agenda; 1997 Canada-U.S. Great Lakes Bi-national Toxics Strategy; U.S.-Canada Agreements.	\$27,368.0
<b><u>Water: Human Health Protection</u></b>		
Beach / Fish Programs	Clean Water Act (CWA); Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000. 33 USC 1313.	\$2,708.0
Drinking Water Programs	SDWA; CWA.	\$104,616.0
<b><u>Water Quality Protection</u></b>		

Marine Pollution	Certain Alaskan Cruise Ship Operations Act (PL 106-554); Clean Boating Act (PL 110-288); Clean Water Act (CWA); Coastal Zone Act Reauthorization Amendments of 1990 (CZARA); Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); Liberty Ship Act (16 U.S.C. §§ 1220, et seq.), Marine Debris Research, Prevention and Reduction Act of 2006 (MDRPRA); Marine Plastic Pollution Research and Control Act of 1987 (MPPRCA); Marine Pollution Research Sanctuaries Act (MPRSA); National Defense Authorization Act for Fiscal Year 2004, Section 3516; National Environmental Policy Act (NEPA), Section 102; NISA of 1996; North American Free Trade Agreement (NAFTA); Ocean Dumping Ban Act of 1988; Olympic Air Pollution Control Authority (OAPCA); Pension Protection Act (PPA); Resource Conservation and Recovery Act (RCRA); Safe Drinking Water Act (SDWA); Shore Protection Act (SPA); Toxic Substances Control Act (TSCA); Water Resources Development Act (WRDA); Wet Weather Water Quality Act of 2000.	\$13,417.0
Surface Water Protection	Clean Water Act, 33 U.S.C. – Various Sections 1251 to 1387	\$212,069.0
<u><b>Congressional Priorities</b></u>		
<b>Program Projects in IG</b>		
(Dollars in Thousands)		
<u><b>Audits, Evaluations, and Investigations</b></u>		
Audits, Evaluations, and Investigations	Inspector General Act, as amended; Inspector General Reform Act; Reports Consolidation Act; Single Audit Act; CFO Act; GMRA; PRIA; RCRA; FFMA; FISMA; FQPA; TSCA.	\$45,997.0
<b>Program Projects in B&amp;F</b>		
(Dollars in Thousands)		
<u><b>Homeland Security</b></u>		
Homeland Security: Protection of EPA Personnel and Infrastructure	Public Health Security and Bioterrorism Emergency and Response Act of 2002; Secure Embassy Construction and Counterterrorism Act (Sections 604 and 629).	\$8,038.0
<u><b>Operations and Administration</b></u>		
Facilities Infrastructure and Operations	Federal Property and Administration Services Act; Public Building Act; Annual Appropriations Act; Robert T. Stafford Disaster Relief and Emergency Assistance Act; CWA; CAA; RCRA; TSCA; NEPA; CERFA; D.C. Recycling Act of 1988; Energy Policy Act of 2005; Executive Orders 10577, 12598, 13150, 13423, and 13514; Emergency Support Functions (ESF) #10 Oil and Hazardous Materials Response Annex; Homeland Security Presidential Decision Directive 63 (Critical Infrastructure Protection).	\$33,931.0
<b>Program Projects in Superfund</b>		
(Dollars in Thousands)		
<u><b>Indoor Air and Radiation</b></u>		
Radiation: Protection	CERCLA, as amended by the SARA of 1986.	\$2,487.0

**Audits, Evaluations, and Investigations**

Audits, Evaluations, and Investigations	Inspector General Act, as amended; Inspector General Reform Act; SARA; CERCLA.	\$10,009.0
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**Compliance**

Compliance Monitoring	CERCLA as amended; RCRA; CWA; SDWA; CAA; TSCA; EPCRA; RLBPHRA; FIFRA; ODA; NAAEC; LPA-US/MX-BR; NEPA.	\$1,222.0
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**Enforcement**

Environmental Justice	Executive Order 12898; CERCLA, as amended.	\$600.0
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Superfund: Enforcement	Comprehensive Environmental Response, Compensation, and Liability Act; CERCLA; SBLRBREERA; CERFA; NEPA; AEA; UMTLWA; PHSa; Safe Drinking Water Act; CCA; FGCAA; FAIR; Federal Acquisition Regulations; FMFIA; FOIA; GMRA; IPIA; IGA; PRA; Privacy Act; CFOA; Government Performance and Results Act; The Prompt Payment Act; Executive Order 12241; Executive Order 12656.	\$169,844.0
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Superfund: Federal Facilities Enforcement	CERCLA; SBLRBREERA; DBCRA; Defense Authorization Amendments; BRAC; PPA; CERFA; NEPA; AEA; UMTLWA; PHSa; DRAA; SDWA; Executive Orders 12241, 12656 and 12580.	\$10,530.0
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Criminal Enforcement	CERCLA; EPCRA; Pollution Prosecution Act; Title 18 General Federal Crimes (e.g., false statements, conspiracy); Power of Environmental Protection Agency (18 U.S.C. 3063).	\$8,252.0
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Forensics Support	CERCLA; EPCRA.	\$2,389.0
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**Homeland Security**

Homeland Security: Critical Infrastructure Protection	CERCLA, as amended; Public Health Security and Bioterrorism Emergency and Response Act of 2002.	
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Homeland Security: Preparedness, Response, and Recovery	Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA), 42 U.S.C. 9601 et seq. – Sections 104, 105, and 106.	
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Decontamination		\$5,908.0
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Laboratory Preparedness and Response		\$5,635.0
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Homeland Security: Preparedness, Response, and Recovery (other activities)		\$29,119.0
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Homeland Security: Protection of EPA Personnel and Infrastructure	Public Health Service Act Amendments, 42 U.S.C. 201 et seq. - Section 2801; Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq. - Sections 104, 105, and 106.	\$1,172.0
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**Information Exchange / Outreach**

Exchange Network

Federal Advisory Committee Act (FACA), 42 U.S.C. 553 et seq. and Government Information Security Act (GISRA), 40 U.S.C. 1401 et seq. – Sections 3531, 3532, 3533, 3534, 3535 and 3536 and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9606 et seq. – Sections 101-128, 301-312 and 401-405 and Clean Air Act (CAA) Amendments, 42 U.S.C. 7401 et seq. – Sections 102, 103, 104 and 108 and Clean Water Act (CWA), 33 U.S.C. 1314 et seq. – Sections 101, 102, 103, 104, 105, 107, and 109 and Toxic Substances Control Act (TSCA), 15 U.S.C. 2611 et seq. – Sections 201, 301 and 401 and Federal Insecticide Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 36 et seq. – Sections 136a – 136y and Food Quality Protection Act (FQPA), 7 U.S.C. 136 et seq. – Sections 102, 210, 301 and 501 and Safe Drinking Water Act (SDWA) Amendments, 42 U.S.C. 300 et seq. – Sections 1400, 1401, 1411, 1421, 1431, 1441, 1454 and 1461 and Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346 et seq. and Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. 11001 et seq. – Sections 322, 324, 325 and 328 and Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6962 et seq. – Sections 1001, 2001, 3001 and 3005 and Government Performance and Results Act (GPRA), 39 U.S.C. 2803 et seq. – Sections 1115, 1116, 1117, 1118 and 1119 and Government Management Reform Act (GMRA), 31 U.S.C. 501 et seq. – Sections 101, 201, 301, 401, 402, 403, 404 and 405 and Clinger-Cohen Act (CCA), 40 U.S.C. 1401 et seq. – Sections 5001, 5201, 5301, 5401, 5502, 5601 and 5701 and Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq. – Sections 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113 and Freedom of Information Act (FOIA), 5 U.S.C. 552 et seq. and Controlled Substances Act (CSA), 21 U.S.C. 802 et seq. – Sections 801, 811, 821, 841, 871, 955 and 961; Privacy Act; Electronic Freedom of Information Act, Security and Accountability of Every (SAFE) Port Act, Executive Order 13439. Exchange Network Program funding has been provided by the annual appropriations for EPA: FY 2002 (Public Law 107-73), FY 2003 (Public Law 108-7), FY 2004 (Public Law 108-199) FY 2005 (Public Law 108-447) and FY 2006 (Public Law 109-54), FY 2007 (Public Law 110-5), FY 2008 (Public Law 110-161), and FY 2009 (Public Law 111-8).

\$1,433.0

IT / Data Management / Security

Information Security	Federal Information Security Management Act (FISMA), 44 U.S.C. 3541 et seq. – Sections 301, 302, 303, 304, 305, 401 and 402 and Government Performance and Results Act (GPRA), 39 U.S.C. 2803 et seq. – Sections 1115, 1116, 1117, 1118 and 1119 and Government Management Reform Act (GMRA), 31 U.S.C. 501 et seq. – Sections 101, 201, 301, 401, 402, 403, 404 and 405 and Clinger-Cohen Act (CCA), 40 U.S.C. 1401 et seq. – Sections 5001, 5201, 5301, 5401, 5502, 5601 and 5701 and Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq. – Sections 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113 and Freedom of Information Act (FOIA), 5 U.S.C. 552 et seq. and Electronic Freedom of Information Act (EFOIA), 5 U.S.C. 552 et seq. – Sections 552(a)(2), 552 (a)(3), 552 (a)(4) and 552(a)(6).	\$728.0
IT / Data Management	Federal Advisory Committee Act (FACA), 42 U.S.C. 553 et seq. and Government Information Security Act (GISRA), 40 U.S.C. 1401 et seq. – Sections 3531, 3532, 3533, 3534, 3535 and 3536 and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9606 et seq. – Sections 101-128, 301-312 and 401-405 and Clean Air Act (CAA) Amendments, 42 U.S.C. 7401 et seq. – Sections 102, 103, 104 and 108 and Clean Water Act (CWA), 33 U.S.C. 1314 et seq. – Sections 101, 102, 103, 104, 105, 107, and 109 and Toxic Substances Control Act (TSCA), 15 U.S.C. 2611 et seq. – Sections 201, 301 and 401 and Federal Insecticide Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 36 et seq. – Sections 136a – 136y and Food Quality Protection Act (FQPA), 7 U.S.C. 136 et seq. – Sections 102, 210, 301 and 501 and Safe Drinking Water Act (SDWA) Amendments, 42 U.S.C. 300 et seq. – Sections 1400, 1401, 1411, 1421, 1431, 1441, 1454 and 1461 and Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346 et seq. and Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. 11001 et seq. – Sections 322, 324, 325 and 328 and Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6962 et seq. – Sections 1001, 2001, 3001 and 3005 and Government Performance and Results Act (GPRA), 39 U.S.C. 2803 et seq. – Sections 1115, 1116, 1117, 1118 and 1119 and Government Management Reform Act (GMRA), 31 U.S.C. 501 et seq. – Sections 101, 201, 301, 401, 402, 403, 404 and 405 and Clinger-Cohen Act (CCA), 40 U.S.C. 1401 et seq. – Sections 5001, 5201, 5301, 5401, 5502, 5601 and 5701 and Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq. – Sections 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113 and Freedom of Information Act (FOIA), 5 U.S.C. 552 et seq. and Controlled Substances Act (CSA), 21 U.S.C. 802 et seq. – Sections 801, 811, 821, 841, 871, 955 and 961 and Electronic Freedom of Information Act (EFOIA), 5 U.S.C. 552 et seq. – Sections 552(a)(2), 552 (a)(3), 552 (a)(4) and 552(a)(6).	\$15,352.0

Legal / Science / Regulatory / Economic Review

Alternative Dispute Resolution	Administrative Dispute Resolution Act (ADRA) of 1996, 5 U.S.C. Sections 571, 572, and 573, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Section 1111; EPA's General Authorizing Statutes.	\$927.0
Legal Advice: Environmental Program	Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601 – 9659, Sections 101 – 310; EPA's General Authorizing Statutes.	\$750.0
<b><u>Operations and Administration</u></b>		
Facilities Infrastructure and Operations	Federal Property and Administration Services Act; Public Building Act; Annual Appropriations Act; Robert T. Stafford Disaster Relief and Emergency Assistance Act; CWA; CAA; RCRA; TSCA; NEPA; CERFA; D.C. Recycling Act of 1988; Energy Policy Act of 2005; Executive Orders 10577, 12598, 13150 and 13423; Emergency Support Functions (ESF) #10 Oil and Hazardous Materials Response Annex; Presidential Decision Directive 63 (Critical Infrastructure).	
Rent		\$47,112.0
Utilities		\$3,765.0
Security		\$8,282.0
Facilities Infrastructure and Operations (other activities)		\$22,272.0
<b><u>Financial Assistance Grants / IAG Management</u></b>	Comprehensive Environmental Response, Compensation, and Liability Act; EPA's Environmental Statutes; Annual Appropriations Acts; Federal Grant and Cooperative Agreement Act; the Economy Act; Title 2 Code of Federal Regulations; Title 40 Code of Federal Regulations, Parts: 30, 31, 35, 40, 45, 46, and 47; American Recovery and Reinvestment Act of 2009.	
Acquisition Management	EPA's Environmental Statutes; Annual Appropriations Acts; contract law. Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.).	\$24,097.0
Human Resources Management	Title V USC, FAIR Act.	\$7,046.0
Central Planning, Budgeting, and Finance	Annual Appropriations Act; CCA; CERCLA; CSA; E-Government Act of 2002; EFOIA; EPA's Environmental Statutes, and the FGCAA; FAIR; Federal Acquisition Regulations, contract law and EPA's Assistance Regulations (40CFR Parts 30, 31, 35, 40,45,46, 47); FMFIA(1982); FOIA; GMRA(1994); IPIA; IGA of 1978 and Amendments of 1988; PRA; PR; CFOA (1990); GPRA (1993); The Prompt Payment Act (1982); Title 5 USC.	\$22,252.0
<b><u>Research: Sustainable Communities</u></b>		
Research: Sustainable and Healthy Communities	BRERA; CERCLA 104(i), Section 105(a) (4), Section 115, Section 311, 42 U.S.C 9604 (i) (1); SARA 42 U.S.C. 7401 – Sec. 209 (a) and Sec. 403 (a,b).	\$17,706.0
<b><u>Research: Chemical Safety and Sustainability</u></b>		
Human Health Risk Assessment	CAA Amendments, 42 U.S.C. 7403 et seq. - Sections 103, 108, 109, and 112; CERCLA (Superfund, 1980), Section 209(a) of Public Law 99-499; FIFRA (7 U.S.C. s/s 136 et seq. (1996), as amended), Sec. 3(c)(2)(A); FQPA PL 104-170; SDWA (1996) 42 U.S.C. Section 300j-18; TSCA (Public Law 94-469): 15 U.S.C. s/s 2601 et seq. (1976), Sec. 4(b){1}(B), Sec. 4(b){2}(B).	\$3,342.0
<b><u>Superfund Cleanup</u></b>		

Superfund: Emergency Response and Removal	Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 USC 9601 et seq. - Sections 104, 105 and 106	\$194,895.0
Superfund: EPA Emergency Preparedness	Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9601 et seq. - Sections 104, 105 and 106; Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. 5121 et seq.	\$9,263.0
Superfund: Federal Facilities	Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601 et seq. - Section 120; the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq. - Section 7003; and the Defense Base Closure and Realignment Acts of 1988, 1990, 1992, 1994, and 2004 as amended by the National Defense Authorization Acts and the Base Closure Community Redevelopment and Homeless Assistance Act.	\$26,242.0
Superfund: Support to Other Federal Agencies	Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq. - Sections 104, 105 and 120.	\$5,858.0
<b>Program Projects in LUST</b>		
<b>(Dollars in Thousands)</b>		
<b><u>Enforcement</u></b>		
Civil Enforcement	PPA; CERFA; NEPA; AEA; UMTRLWA; RCRA.	\$832.0
<b><u>Operations and Administration</u></b>		
Facilities Infrastructure and Operations	Federal Property and Administration Services Act; Public Building Act; annual Appropriations Acts; CWA; CAA; D.C. Recycling Act of 1988; Executive Orders 10577 and 12598; Homeland Security Presidential Decision Directive 63 (Critical Infrastructure Protection).	
Rent		\$696.0
Facilities Infrastructure and Operations (other activities)		\$220.0
Acquisition Management	EPA's Environmental Statutes; Annual Appropriations Acts; FAR; contract law. Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.)	\$163.0
Central Planning, Budgeting, and Finance	Annual Appropriations Act; CCA; Solid Waste Disposal Act, as amended by the Energy Policy Act, 42 U.S.C. 6901 et seq. Sections 9001 - 9011; CSA; E-Government Act of 2002; EFOIA; EPA's Environmental Statutes, and the FGCAA; FAIR; Federal Acquisition Regulations, contract law and EPA's Assistance Regulations (40CFR Parts 30, 31, 35, 40,45,46, 47); FMFIA (1982); FOIA; GMRA(1994); IPIA; IGA of 1978 and Amendments of 1988; PRA; PR; CFOA (1990); GPRA (1993); The Prompt Payment Act (1982); Title 5 USC.	\$512.0
<b><u>Underground Storage Tanks (LUST / UST)</u></b>		
LUST / UST	Solid Waste Disposal Act, as amended by the Energy Policy Act, 42 U.S.C. 6901 et seq. - Section 8001(a) and Sections 9001-9014.	\$11,982.0

LUST Cooperative Agreements	SWDA of 1976, as amended by the Superfund Amendments and Reauthorization Act of 1986 (Subtitle I), Section 9003(h); Section 9004(f); Section 8001(a)(1); Section 9003(h)(7) of the SWDA, American Recovery and Reinvestment Act of 2009.	\$63,192.0
LUST Prevention	Solid Waste Disposal Act, as amended, 42 U.S.C. 6901 et seq. – Sections 9001-9011 and Energy Policy Act of 2005 42 USC 15801 – Section 1529.	\$34,430.0
<b><u>Research: Sustainable Communities</u></b>		
Research: Sustainable and Healthy Communities	HSWA; RCRA Subtitle I; LUST; Energy Policy Act of 2005; SDWA Section 1442. 42 U.S.C. 300j-1; SWDA Section 8001, as amended; RCRA, 42 U.S.C. 6901; SWDA, 42 U.S.C. 6901 - Section 1002, 42 U.S.C. 6905 - Section 1006; SWDA Section 8001. 42 U.S.C. 6981	\$454.0
<b>Program Projects in Inland Oil Spills (Dollars in Thousands)</b>		
<b><u>Compliance</u></b>		
Compliance Monitoring	OPA; CWA; CERCLA; PPA; NEPA; PHSA; DREAA; SDWA; Executive Order 12241; Executive Order 12656.	\$138.0
<b><u>Enforcement</u></b>		
Civil Enforcement	OPA; CWA; CERCLA; NEPA; Pollution Prosecution Act.	\$2,902.0
<b><u>Oil</u></b>		
Oil Spill: Prevention, Preparedness and Response	Section 311 of the Federal Water Pollution Control Act as amended by section 4202 of the Oil Pollution Act of 1990 (OPA). The regulatory framework includes National Oil and Hazardous Substances Pollution Contingency Plan (NCP) under 40 CFR Part 300. Subpart J is a section of the NCP which stipulates the criteria for listing and managing the use of dispersants and other chemical and biological agents used to mitigate oil spills. The Oil Pollution Prevention regulation (40 CFR Part 112) includes the SPCC and FRP regulatory requirements. The purpose of the SPCC requirements is to help facilities prevent a discharge of oil into navigable waters or adjoining shorelines while the focus of the FRP requirements is to prepare a plan that describes equipment, personnel and strategies to respond to an oil discharge to navigable waters or adjoining shorelines.	\$19,472.0
<b><u>Operations and Administration</u></b>		
Facilities Infrastructure and Operations	Federal Property and Administration Services Act; Public Building Act; Annual Appropriations Act; CWA; CAA; D.C. Recycling Act of 1988; Executive Orders 10577 and 12598; Department of Justice United States Marshals Service, Vulnerability Assessment of Federal Facilities Report; Presidential Decision Directive 63 (Critical Infrastructure Protection).	
Rent		\$438.0
Facilities Infrastructure and Operations (other activities)		\$98.0
<b><u>Research: Sustainable Communities</u></b>		

Research: Sustainable and Healthy Communities	OPA, 33 U.S.C. Chapter 40; CWA, Section 311, 33 U.S.C. §1321.	\$614.0
<b>Program Projects in STAG</b>		
<b>(Dollars in Thousands)</b>		
<b><u>State and Tribal Assistance Grants (STAG)</u></b>		
Infrastructure Assistance: Clean Water SRF	Clean Water Act, CWA; 33 U.S.C 1381 – Section 1381	\$1,550,000.0
Infrastructure Assistance: Drinking Water SRF	SDWA, 42 U.S.C. §300j-12, Section 1452.	\$990,000.0
Infrastructure Assistance: Alaska Native Villages	Safe Drinking Water Act (SDWA) Amendments of 1996, Public Law 104-182, Section 303. 33 U.S.C. § 1263a. Public Law 111-18, Department of Interior, Environment, and Related Agencies Appropriations Act 2010.	\$10,000.0
Brownfields Projects	Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Small Business Liability Relief and Brownfields Revitalization Act, 42 U.S.C. 9601 et seq. – Sections 101, 104 (k), and 107.	\$99,041.0
Infrastructure Assistance: Mexico Border	Treaty entitled —Agreement between the United States of America and the United Mexican States on Cooperation for the Protection and Improvement of the Environment in the Border Area, August 14, 1983;   Public Law 111-18, Department of Interior, Environment, and Related Agencies Appropriations Act 2010.	\$10,000.0
<b><u>Categorical Grants</u></b>		
Categorical Grant: Beaches Protection	Clean Water Act (CWA); Beach Act of 2000.	\$9,900.0
Categorical Grant: Brownfields	Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Small Business Liability Relief and Brownfields Revitalization Act, 42 U.S.C. 6901 et seq. – Section 128.	\$49,495.0
Categorical Grant: Environmental Information	Exchange Network Grant Program has been provided by the annual appropriations for EPA: FY 2002 (Public Law 107-73), FY 2003 (Public Law 108-7), FY 2004 (Public Law 108-199) FY 2005 (Public Law 108-447) and FY 2006 (Public Law 109-54), FY 2007 (Public Law 110-5), FY 2008 (Public Law 110-161), FY 2009 (Public Law 111-8), and FY 2010 (Public Law 111-88).	\$10,200.0
Categorical Grant: Hazardous Waste Financial Assistance	Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq. - Section 3011, and the Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act; Public Law 105-276; 112 Stat. 2461, 2499 (1988).	\$103,412.0
Categorical Grant: Lead	Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 et seq. – Section 404(g).	\$14,855.0

Categorical Grant: Multi-Media Tribal Implementation	Annual Appropriation Acts Note: EPA is currently seeking authorization of appropriations language to support this program: —\$20,000,000 shall be for grants to federally recognized Indian tribes for implementation of environmental programs and projects as defined by the Administrator that complement existing Tribal environmental program grants, including interagency agreements.	\$20,000.0
Categorical Grant: Nonpoint Source (Sec. 319)	Clean Water Act Section 319	\$164,757.0
Categorical Grant: Pesticides Enforcement	FIFRA.	\$19,085.0
Categorical Grant: Pesticides Program Implementation	Pesticide Registration Improvement Renewal Act (PRIRA), Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); Federal Food, Drug and Cosmetic Act (FDCA); Food Quality Protection Act (FQPA) of 1996; Endangered Species Act (ESA).	\$13,140.0
Categorical Grant: Pollution Control (Sec. 106)	Clean Water Act (CWA), 33 U.S.C. 1256 et seq. — Section 106.	
Monitoring Grants		\$11,300.0
Categorical Grant: Pollution Control (Sec. 106) (other activities)	Pollution Prevention Act (PPA) of 1990, 42 U.S.C. 13101 et seq. -- Sections 6601-6610; Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 et seq. . . .	\$238,964.0
Categorical Grant: Pollution Prevention		\$5,039.0
Categorical Grant: Public Water System Supervision (PWSS)	SDWA, 42 U.S.C. §300f–300j–9 as added by Public Law 93–523 and the amendments made by subsequent enactments, Section 1443.	\$109,700.0
Categorical Grant: Radon	CAA Amendments of 1990; Radon Gas and Indoor Air Quality Research Act; Title IV of the SARA of 1986; TSCA, Section 6, Titles II and Title III (15 U.S.C. 2605 and 2641-2671); and IRAA, Section 306.	\$8,074.0
Categorical Grant: State and Local Air Quality Management	CAA, Sections 103, 105, and 106.	\$305,500.0
Categorical Grant: Toxics Substances Compliance	TSCA.	\$5,201.0
Categorical Grant: Tribal Air Quality Management	CAA, Sections 103 and 105.	\$13,566.0
Categorical Grant: Tribal General Assistance Program	Indian Environmental General Assistance Program Act, 42 U.S.C. § 4368b (1992), as amended.	\$71,375.0
Categorical Grant: Underground Injection Control (UIC)	SDWA, 42 U.S.C. §300j–2, Section 1443.	\$11,109.0
Categorical Grant: Underground Storage Tanks	Solid Waste Disposal Act, as amended by the Superfund Amendments and Reauthorization Act and the Energy Policy Act, 42 U.S.C. 6901 et seq. - Section 2007(f)and Sections 9001-9014, Resource Conservation and Recovery Act – Subtitle I.	\$1,550.0

Categorical Grant: Wetlands Program Development	1990 Great Lakes Critical Programs Act; 2002 Great Lakes and Lake Champlain Act; Clean Water Act (CWA); Coastal Wetlands Planning, Protection, and Restoration Act of 1990; Estuaries and Clean Waters Act of 2000; North American Wetlands Conservation Act; Water Resources Development Act (WRDA); 1909 The Boundary Waters Treaty; 1978 Great Lakes Water Quality Agreement (GLWQA); 1987 GLWQA; 1996 Habitat Agenda; 1997 Canada-U.S. Great Lakes Bi-national Toxics Strategy; U.S.-Canada Agreements.	\$15,167.0
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**Shimkus Q21:**

Despite proposed efficiency measures OSWER's travel budget is nearly \$10 million a year. Can't staying at home and using your teleconference equipment save more dollars?

**Answer:**

While the use of teleconference and video conferencing equipment is an increasing part of our conference and communication plans, there is still a need to hold national conferences due to the number and kinds of stakeholders attending our conferences. Many attendees, particularly those from smaller organizations, lack access to the necessary equipment to make the meeting as productive as face to face communications. Further, some of the training and discussions held at these conferences are not easily replicable using teleconferencing technology. OSWER has recently taken steps to reduce its travel budget from the \$10.1 million budgeted in FY 2009 and 2010 to the approximately \$9.1 million in the FY 2012 request. Due to the number of site visits, inspections, and public hearings that OSWER must attend to perform its duties, finding cuts in the travel budget will remain a challenge. However, reducing travel costs remains an Agency priority and we will continue to identify potential savings, best practices, and efficiencies in this area in the future.

The annual Brownfields conferences cost EPA \$2 million each. Are there any private groups, including mayors, developers, or investors who would like to hold the conference?

**Answer:**

EPA cosponsors the EPA National Brownfields Training Conference (Conference) with the International City/County Management Association (ICMA), and is holding the Conference approximately every 18 months. The Conference is widely attended by State, Tribal, municipal, nonprofit and community groups from across the country. The most recent Conference in Philadelphia, Pennsylvania was attended by approximately 6,000 participants. EPA funding to support the Conference is provided through a cooperative agreement with ICMA, under the authority of 42 U.S.C. 9604(k)(6), and a support contract with SRA International. The approximate total funding from EPA has been \$1.7 million for each Conference. The FY 2012 budget requests reflects a reduction of \$.9 million in EPA's share of the conference costs due to increased contributions from external partners.

In 2008, the National Brownfields Association (a nonprofit organization) did inquire about cosponsoring the Conference with EPA, but that entity did not submit an application when the cooperative agreement was competed and awarded in 2008. EPA is preparing for a new competition for that agreement, and will include provisions in that competition that will reduce the overall costs to EPA.

**Shimkus Q22:**

How many chemicals are in commerce in the United States?

**Answer:**

EPA does not have information on exactly how many industrial chemicals are currently in commerce; however, there are roughly 84,000 chemicals currently included on the TSCA Inventory. After TSCA was passed in 1976, there were 60,000 chemicals reported to EPA as being in commerce; these chemicals were used to form an inventory of existing chemicals. Another 24,000 or so chemicals have entered the marketplace following Agency new chemical review and have been added to the Inventory for a current total of more than 84,000 chemicals.

While EPA does not know how many of the 84,000 chemicals on the TSCA Inventory are currently in commerce, EPA collects manufacturing data on about 7,000 chemicals under its Inventory Update Reporting (IUR) rule. While this represents only a percentage of the total chemicals on the TSCA Inventory, it does represent chemicals that are manufactured and/or imported at production volumes of 25,000 pounds or above at individual sites. In addition, use and exposure information is collected on the subset of these chemicals produced in volumes greater than 300,000 lb/yr. at individual sites. In August 2010, EPA proposed modifications to the IUR rule that would require expanded reporting on manufacturing, processing, and use information which would provide more complete data for both EPA and the public to understand the potential exposures – and potential risks - associated with the manufacturing, processing, and use of these chemicals.

**Shimkus Q23:**

What has EPA done to cost-effectively manage the most pressing chemical issues by establishing a prioritization process and system?

**Answer:**

In September 2009, Administrator Jackson announced a fundamental transformation of EPA's approach for ensuring chemical safety under existing TSCA authority, to make significant and

long overdue progress in protecting human health and the environment – particularly from existing chemicals that have not been tested for safety.

Building off of the Agency's previous approach that largely relied on voluntary chemical data submissions by industry, throughout FY 2010 EPA has continued developing the Enhanced Chemical Management approach, which is focused on 1) mitigating chemical information gaps on existing chemicals by improving chemical information collection and management; 2) screening and assessing chemical hazards and identifying health and environmental risks; and 3) managing identified chemical risks.

During FY 2010, the Agency identified an initial list of widely recognized chemicals for action plan development based on multiple factors, including, among others their presence in human blood; persistent, bioaccumulative, and toxic (PBT) characteristics; use in consumer products; high production volume; potential concerns for children's health because of reproductive or developmental effects in animal studies; and other similar factors. The resulting action plans reflect EPA's initial review of readily available use, exposure, and hazard information.

EPA is planning to provide an opportunity for public and stakeholder engagement during FY 2011 on the criteria the Agency will use to select future priority chemicals. Using that input, EPA will apply the criteria to select priority chemicals for assessment and other work, as described in the FY 2012 President's Budget. As also described in the Budget, EPA's Office of Research and Development (ORD) is collaborating with the Office of Chemical Safety and Pollution Prevention and other EPA offices to develop a work plan that will allow the Agency to incorporate efficient toxicological assessment approaches into its prioritization of chemical assessments and other decision-making processes.

**Shimkus Q24:**

How do you know you are focusing on the ones of greatest concern?

**Answer:**

As you may know, many chemicals on the TSCA inventory lack the toxicity and exposure information needed to assess risk. EPA is using available data to apply the criteria referenced in our response to Question 23. Independent of specific EPA actions, some of the same criteria EPA references are used individually and in various combinations by many EPA programs, states, other nations and non-government organizations to identify and prioritize chemicals that the agency believes pose public health or environmental concerns.

As part of the Agency's enhanced chemical management program, EPA evaluated an initial set of chemicals, based on available hazard, exposure, and use information, for potential action. The initial chemicals selected were chosen on the basis of multiple factors, including, among others: use in consumer products; presence in human blood; persistent, bioaccumulative and toxic characteristics; toxicity; and production volume. EPA to date has developed ten Action Plans that have addressed the following chemicals and groups of chemicals:

- Phthalates
- Short-chain chlorinated paraffins
- Perfluorinated chemicals (PFCs)
- Polybrominated diphenyl ethers (PBDEs)
- Bisphenol-A (BPA)
- Benzadine dyes
- Hexabromocyclododecane (HBCD)
- Nonylphenol/Nonylphenol ethoxylates (NP/NPE) mixtures
- Methylene Diphenyl Diisocyanate (MDI)
- Toluene Diisocyanate (TDI)

Also as noted earlier, EPA is planning to provide an opportunity for public and stakeholder engagement this summer on criteria the Agency will use to select future priority chemicals for assessment and other work, and is making use of available authorities and mechanisms to obtain and make more publicly available the information needed to effectively assess and prioritize chemicals for further assessment.

**Shimkus Q25a:**

Your budget proposes that the Agency concentrate on identifying safer alternatives. Don't you *first* need to do prioritizations and safety assessments before we jump to finding "safer" alternatives?

**Answer:**

As outlined in the response to Q. 24, EPA has developed ten action plans that outline the agency's concern with the chemicals and potential actions EPA will consider to address those concerns. These actions include a range of potential regulatory actions under TSCA as well as the development of alternative assessments to identify proven safer alternatives. EPA has begun conducting alternatives assessments for some of the initial set of chemicals the Agency has already reviewed, as listed in response to Question 24. EPA is planning to provide an opportunity for public and stakeholder engagement this summer on the criteria the Agency will use to select future priority chemicals for assessment and other work. Based on the results of EPA's assessments of priority chemicals, EPA may initiate alternative assessments for chemicals that the Agency believes present health and environmental risks.

**Shimkus Q25b:**

How will you know that these alternatives are really safer and more efficacious than what is on the market?

**Answer:**

Alternatives assessments provide a basis for informed decision making about chemicals' safety and efficacy by developing an in-depth comparison of potential human health and environmental impacts. In conducting these assessments, EPA is employing Alternatives Assessment Partnerships that bring together environmental organizations, industry leaders, academia, and others to evaluate the environmental and health impacts of potential alternatives to problematic chemicals. The outcome of an Alternatives Assessments Partnership provides EPA, industry and the public with the information needed to choose safer chemicals, as well as to avoid unintended consequences of switching to poorly understood substitutes.

**Shimkus Q26:**

Assuming the test data meet minimum quality standards, will EPA use the information being assembled in Europe under REACH to save money and resources by not needlessly repeating the same type of exercise here in the U.S.?

**Answer:**

EPA is committed to minimizing the duplication of time and resources devoted to complying with REACH and is working with the EU to maximize the sharing of information. On December 17, 2010, EPA and the European Chemicals Agency (ECHA) signed a partnership agreement (Statement of Intent) that will promote enhanced technical cooperation on chemical management activities. The partnership is part of EPA's commitment to improve chemical safety. ECHA is the agency that implements the European Union's chemical management program known as REACH.

The statement puts in place a process for working together on a range of issues of mutual interest including toxicity testing, the hazard and risk assessment of chemicals, risk management tools, scientific collaboration, and information exchange. One of the major anticipated areas of collaboration will be on the exchange of data and information. For example, the statement of intent will promote the exchange of non-confidential information on hazards, uses, and substance identification between ECHA and EPA, including data collected under REACH.

**Shimkus Q27:**

What process will exist to ensure that legitimate CBI is still protected under this effort to promote transparency?

**Answer:**

EPA's efforts to promote transparency in no way affect the way legitimate confidential business information (CBI) is handled or protected by EPA. The Agency has long established, well developed processes for the management and handling of all materials directed to it under the authority of the Toxic Substances Control Act (TSCA) and claimed by submitters as CBI. EPA also

has long existing and well understood regulations which implement TSCA Section 14 (Disclosure of data). CBI may only be declassified through the regulatory processes provided at 40 CFR Part 2 and also the TSCA-specific regulations at 40 CFR 700 et seq.

The identities of nearly 17,000 chemicals out of the roughly 84,000 chemicals on EPA's TSCA Inventory are currently classified as confidential. EPA has been moving forward to declassify information which is not entitled to confidential treatment under TSCA, while respecting legitimate CBI claims. TSCA Section 14 provides that, with limited exceptions, health and safety data in health and safety studies submitted under TSCA are not entitled to CBI status. EPA also is working with a number of companies and trade associations to voluntarily declassify information for which CBI claims were made inappropriately in the past or for which a claim of confidentiality is no longer necessary.

**Shimkus Q28:**

What process will industry have to substantiate their claims to legitimate CBI?

**Answer:**

The Agency's regulations at 40 CFR Part 2 and the TSCA-specific regulations at 40 CFR 700 et seq provide provisions for substantiation of CBI claims.

**Shimkus Q29:**

Both the remedial and removal budget requests (the actual cleanup money in Superfund) are being reduced. Have you found efficiencies that can be brought to bear that decrease the cost of cleanup?

**Answer:**

While the federal government is currently facing fiscal constraints that necessitate difficult budget choices, the Agency has launched a three year strategy, the Integrated Cleanup Initiative (ICI), to identify and implement improvements to the Agency's site cleanup programs. One of the principle elements of the ICI for the Superfund Remedial Program is to increase focus on project management and to manage projects to completion. In this regard, the Program is taking a number of actions to achieve these goals by broadening the use of regional best management practices, improving Headquarters and regional coordination, piloting or demonstrating process improvements in the field, strengthening Superfund site technical support and increasing the visibility of site cleanup schedules. All of these efforts and activities are designed to improve the way site remediation projects are managed.

Further information on the ICI can be found on EPA's Internet site:

<http://www.epa.gov/oswer/integratedcleanup.htm>

**Shimkus Q30:**

The Agency is recommending that trust fund taxes be reinstated to raise more money. Your ARRA funding/cleanup results show that more money does not mean greater cleanups. Is this tax going directly and entirely to the Superfund Trust Fund or will the revenue be collected for other purposes?

**Answer:**

On June 21, 2010, EPA on behalf of the Administration transmitted a legislative proposal to Congress to reinstate Superfund taxes.

Since the expiration of Superfund taxes, Superfund program funding (the "Superfund appropriation") has been largely financed from General Revenue transfers to the Superfund Trust Fund, thus burdening the individual taxpayer with the costs of cleaning up hazardous waste sites. In order to provide a stable, dedicated source of revenue for the Superfund Trust Fund and to restore the historic nexus that parties who benefit from the manufacture or sale of substances that commonly contaminate hazardous waste sites should bear the cost of cleanup when viable potentially responsible parties cannot be identified, the Administration supports reinstating Superfund taxes. It is intended that all of the revenues generated from reinstated Superfund taxes would be credited to the Superfund Trust Fund, the balance of which will be available for annual appropriation by Congress to EPA for CERCLA activities.

**Shimkus Q31:**

On January 31, 2011, EPA issued a notice announcing that it is considering changing the way it adds sites to the National Priorities List to allow site to be added based solely on the fact that vapors may intrude into a building.

It is difficult to understand why EPA would want to call these sites "National Priorities" with the implication that federal funding will be used to address these sites, when vapor intrusion can be addressed by the same simple technology that addresses radon: a blower. In its 2012 budget request, EPA is proposing to reduce Superfund remedial funding by \$31 million and Superfund removal funding by \$7.4 million.

Given these fiscal constraints, why would the Agency propose to add a large number of small, simple sites to the NPL when these sites can be addressed by states?

**Answer:**

While mitigation systems (similar to radon mitigation systems) are effective measures for addressing the immediate human exposure problem in the short term, these technologies do not address the contamination source and the long term cleanup challenge that is resulting in the vapor intrusion. Depending on site specific conditions, some vapor intrusion problems can only be solved in the long-term by addressing the source of contamination, contaminated soils

and contaminated groundwater. EPA is in a fact-finding process to determine whether there needs to be a revision to the Hazard Ranking System (HRS) because soil vapor intrusion is not a scoring pathway. EPA is considering the input of stakeholders and the scientific community and has made no final determination to develop a regulation that would add vapor intrusion as a pathway for scoring sites under the HRS at this time.

Having said that, just like other contaminated sites evaluated for inclusion on the National Priorities List (NPL), EPA generally does not add small, less complex sites to the NPL that can be effectively cleaned up under other programs such as state voluntary cleanup, RCRA corrective action or Superfund removal response authority, and does not expect that process to change if soil vapor intrusion is added to the scoring mechanism in the HRS.

**Shimkus Q32:**

How many buildings could potentially become part of a Superfund site based solely on the vapor intrusion pathway?

**Answer:**

EPA does not have an estimate on the number of buildings which could potentially be impacted by vapor intrusion that are located on Superfund sites. The location, size and nature of the contamination at a particular site in question would need to be known in order to begin to determine how many buildings could potentially become part of a Superfund site.

**Shimkus Q33:**

What is the average cost of addressing vapor intrusion in a single building? What would be the total cost of addressing vapor intrusion in all impacted buildings? Does EPA's 2012 Budget Request account for these costs? How does EPA plan to make sure that it does not violate the limits on its authority to address workplace exposures?

**Answer:**

The average cost to address vapor intrusion varies widely and depends upon whether the source of the vapor intrusion (ground water plume or soil contamination) is being addressed under a long-term remedial action or a short-term mitigation system (such as a blower). Costs for investigating and remediating vapor intrusion at existing Superfund sites are included as part of EPA's remedial action and removal action budget requests, as are costs for the investigation and remediation of any exposure route.

With respect to workplace exposures, the Occupational Safety and Health Administration (OSHA) under existing safety and health standards, has the primary responsibility for worker

protection at Superfund sites. OSHA carries out this responsibility by inspecting Superfund sites for compliance with OSHA standards and providing employers, employees, and other on-site personnel with the most current technical experience or knowledge in this area. In acknowledging OSHA's authority, EPA will continue to ensure that it does not violate the limits on its authority to address workplace exposures while exercising its authority to protect human health and the environment under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

**Shimkus Q34:**

Does the current HRS prevent EPA from listing a site that should be addressed at the federal level?

**Answer:**

EPA is considering whether the Hazard Ranking System (HRS) needs to be revised to include vapor intrusion as an exposure pathway. The present HRS does not provide for potential or actual indoor air exposures that may result from a significant environmental release of hazardous substances to soil and groundwater. Currently, NPL sites with vapor intrusion exposures are being addressed at the federal level if they have been scored on other exposure pathways. For example, the current human exposure at a site may be from vapor intrusion into houses from a contaminated ground water plume, but the HRS score is typically based on the characteristics (e.g. toxicity and waste quantity) of the hazardous substances detected in the drinking water wells, the location of the drinking water wells, and the number of people utilizing the drinking water wells. If no one or very few people are utilizing the drinking water wells in that area, under the current HRS, the site may not score. The addition of a vapor intrusion component to the HRS would allow EPA to directly consider human exposure to contaminants entering houses and other buildings from significant environmental releases of hazardous substances to soil and groundwater. Earlier this year, EPA held four listening sessions to allow interested parties to present feedback on the potential addition of vapor intrusion to the HRS. The Agency's solicitation of comments recently closed on April 16, 2011. EPA is considering the input from stakeholders and the scientific community and has made no final determination to develop a regulation that would add vapor intrusion as a pathway for scoring sites under the HRS at this time.

**Shimkus Q35:**

The Administration's proposed FY 2012 EPA Budget states as follows:

In FY 2012, EPA will begin a multi-year transition from the Endocrine Disruptor Screening (EDSP) to validate and more efficiently use computational toxicology methods and high throughput

screens that will allow the Agency to more quickly and cost-effectively assess potential chemical toxicity. As reflected in Figure V, testing 300 chemicals with computational toxicology methods costs on average about \$20,000 per chemical compared to more a traditional approaches that can cost more than \$6 million per chemical. In FY 2012 EPA will begin to evaluate endocrine relevant ToxCast assays.

Is EPA planning to move forward with Phase 2 of the EDSP despite problems with the current approach being applied in Phase 1? If so, why, particularly given recommendations from EPA's independent scientific review panels and given the Administration's plans for employing endocrine relevant ToxCast assays?

**Answer:**

Yes, EPA intends to continue validation of Tier 2 assays not yet validated while also exploring improvements to Tier 1 screens, including the use of relevant validated ToxCast assays in the future. This approach is in line with the Food Quality Protection Act which requires validated assays and tests as well as consistent with a scientifically defensible approach. EPA believes that as the science continues to develop on endocrine disruption, EPA should continue review, refine, and develop screening tools to improve the Agency's overall approach to the EDSP.

Consistent with the findings of the March 2008 FIFRA Scientific Advisory Panel (SAP), EPA will continue to use the current available set of validated Tier 1 screening assays, which EPA believes is adequate for screening chemicals for their potential to interact with the estrogen, androgen, or thyroid hormone systems (EAT). EPA will also continue to complete the validation of the Tier 2 assays which are projected for completion in FY 2013. This approach is consistent with the original recommendations of the EDSTAC and our SAP reviews.

**Shimkus Q36:**

What are the Agency's plans to compare the first round of EDSP results to the ToxCast results and have this analysis independently peer reviewed for ascertaining problems with the current EDSP and for validation of the new ToxCast screens?

**Answer:**

As part of our ongoing effort to improve the EDSP, EPA plans to conduct an evaluation including appropriate comparisons between the screening results for the first 67 compounds and alternative screening approaches that are being developed (such as ToxCast). This effort will be conducted collaboratively between OCSPP and ORD within the developing research program of Chemical Safety and Sustainability, also described in the 2012 President's Budget Proposal. This evaluation will be used to identify improvements to EDSP Tier 1 screening (e.g., selecting assays for screening a particular chemical based on pathway predictions for that chemical). Such proposed improvements to EDSP Tier 1 screening, as well as the evaluations used to identify these improvements, will be subjected to independent scientific peer review.

**Shimkus Q37:**

How quickly can this scientific peer review occur?

**Answer:**

The scientific peer review cannot occur until data from the first list of chemicals have been submitted and properly reviewed. The first sets of data from EDSP List 1 are not due until October of this year. The last due date for the submission of data from EDSP List 1 is generally around June of 2012. After submission of the data, the individual studies must be reviewed and integrated into decisions about the potential of the chemical to interact with the endocrine system. Only after completion of these chemical by chemical evaluations can EPA scientists then evaluate the battery and coordinate a scientific peer review. The earliest timeframe for this would be 2014.

**Shimkus Q38:**

Is EPA developing EDSP test orders for these chemicals? EDSP screening alone would cost up to \$1,000,000 for each of these chemicals and require extensive use of lab animals. By EPA's own estimates, complete EDSP testing of all the chemicals on both lists could cost \$1.2 billion.

**Answer:**

The 2010 House Appropriations Committee Report (111-180) directs EPA to publish a second list for screening of no less than 100 chemicals and to issue 25 orders per year for the testing of these chemicals. EPA is in the process of developing an information collection request and associated policies and procedures for issuing test orders for these chemicals.

**Shimkus Q38a:**

Doesn't it make more sense for the Agency to focus additional resources towards accelerating validation of the more efficient, cost-effective and modernized ToxCast approach instead of requiring testing of second list chemicals using the current EDSP assays?

**Answer:**

EPA is keenly interested in incorporating efficient and rapid tools for screening chemicals for endocrine activity. ToxCast is an EPA program that develops chemical prioritization methods based on fast, automated chemical screening (or high throughput screening assays) and computational tools. EPA's Office of Research and Development is currently developing the relevant science that will significantly enhance the EDSP as well as for general toxicity screening. In addition to running an additional 1000-2000 chemicals through the ToxCast high-throughput screening for prioritization battery, computer models and additional high-throughput, non whole animal-based, assays are being improved and developed that focus on endocrine-related pathways including some beyond the estrogen, androgen, and thyroid systems. As these methods come on line and are appropriately validated, as per FQPA, they

can be incorporated into the screening program. With additional data, analysis, peer-review, and application of suitable acceptability criteria, it is projected that new assays will emerge as alternatives to some of the current EDSP Tier 1 screening assays.

To take full advantage of computational toxicology tools, EPA's Office of Chemical Safety and Pollution Prevention is coordinating across EPA to develop work plans which describe the application of 21<sup>st</sup> century tools in chemical programs, including the EDSP. One early, specific goal is to use computational tools, including high-throughput screening assays, to help prioritize additional chemicals for screening in the EDSP.

**Shimkus Q38b:**

Given that it is phasing out the current EDSP approach, there should be a clear plan to eliminate the \$6 million per chemical EDSP testing in favor of the \$20,000 per chemical ToxCast testing before any further test orders are issued. Do you agree?

**Answer:**

The Agency does not believe that the transition to using more computational toxicology tools in the EDSP should be viewed as being capable of shifting program costs from \$6 million per chemical to \$20,000 per chemical. EPA believes that the estimate of \$6 million per chemical cited in your question was obtained from a discussion of EPA research projects in the President's 2012 EPA budget in a document entitled "FY 2012 EPA Budget in Brief" (EPA document EPA-190-S-11-001, February 2011, page 61). It is important to note that this figure of \$6 million per chemical is an estimated cost to produce traditional Part 158 data in support of a pesticide's registration, not the estimated cost of running a chemical through Tier 1 and Tier 2 of the EDSP. This estimate, therefore, is not the appropriate figure to be used in a discussion regarding the estimation of potential cost savings that would be possible with increased use of 21<sup>st</sup> century tools.

EPA supports reducing the costs of test orders where practical when EPA can also ensure scientifically relevant information meets data needs and data quality guidelines.

Computational toxicology tools such as ToxCast are only envisioned to replace some existing EDSP Tier 1 assays in the near future and are not predicted to replace any Tier 2 tests. Therefore, even under a new approach that makes increasing use of tools such as ToxCast, some chemicals will still proceed to the more expensive tests in Tier 2 of the EDSP.

EPA does recognize the benefits and savings of both time and expenses that could be realized through increased use of computational toxicology tools in the EDSP. As noted above, the Agency is developing a plan to take full advantage of computational toxicology tools. EPA's Office of Chemical Safety and Pollution Prevention is coordinating across EPA to develop work plans that describe the initial steps toward application of 21<sup>st</sup> century tools in chemical programs, including the EDSP. One early, specific goal is to use computational tools (*i.e.*, computer based screening models, ToxCast) to help prioritize additional chemicals for screening

in the EDSP. Additional goals include refining and evolving computational methods and models for use in the EDSP as alternatives to the *in vitro* assays by building confidence in their ability to predict *in vivo* adverse outcomes. Use of properly validated and reviewed, as per FQPA, computational methods and models including ToxCast high-throughput assays as a full replacement of the EDSP Tier 1 Screening Battery (both *in vitro* and *in vivo* assays) is a longer-term goal.

Again, EPA believes that chemical screening using the current set of validated assays should proceed until appropriately validated alternatives are available for use in the EDSP.

**Shimkus Q39:**

Why did EPA mandate a blanket approach to third party certification instead of a targeted approach? In light of the President's Executive Order calling for "least burdensome" approaches will EPA revisit its approach to third party certification?

**Answer:**

EPA recently implemented new certification and testing requirements for all ENERGY STAR products to address vulnerabilities in the ENERGY STAR product qualification process. These new requirements are important for preserving consumer confidence in the ENERGY STAR mark – a mark that is of great value to all manufacturers of ENERGY STAR products. ENERGY STAR manufacturing partners voluntarily participate in the ENERGY STAR program because of the value their customers place in the ENERGY STAR mark. When developing these new testing and certification requirements for strengthening the mark, EPA took a number of steps to address the concerns manufacturers voiced regarding the cost and burden of testing products in accredited labs, including leveraging existing programs for safety and sanitation, making allowances for the use of in-house labs, and limiting the number of products subject to verification testing (i.e., 10% of products "off-the-shelf").

**Shimkus Q40:**

User fees – The 2012 budget calls for user fees on Energy Star program participants. Isn't this an additional disincentive to participate? Are the fees needed to cover the unneeded new cost of third party certification? Can EPA state without qualification that there are enough third party certifiers to handle the glut of unnecessary certifications without causing delays, discouraging innovation, or increasing costs on final products?

**Answer:**

In the Federal Receipts section of the Analytical Perspectives component of the "Budget of the United States Government, Fiscal Year 2012," there is an indication that "Fee collection would start in 2013 after EPA undertakes a rulemaking process to determine products to be covered by fees and the level of fees, and to ensure that a fee system would not discourage manufacturers from participating in the program or result in a loss of environmental benefits"

(p. 230). Fees are not needed to cover third-party certification as this cost is borne by manufacturers seeking to participate in the ENERGY STAR program. Since third-party certification and testing requirements went into place on January 1, 2011, as of April 5, ENERGY STAR manufacturers have certified over 6000 products. Manufacturers have a number of labs and Certification Bodies to choose from when testing and certifying products for ENERGY STAR.

**The Honorable David B. McKinley:**

**McKinley Q1:**

On March 8, 2011, U.S. District Court Judge, Robert "Chuck" Chambers, in West Virginia issued a temporary injunction to halt a Section 404 permit your Agency and the Corps of Engineers approved at the Reylas Surface Mine in Logan County, West Virginia. EPA initially signed off on its portion under the Agency's Section 404 authority. Will EPA be working with the Corps of Engineers and Massey Energy to: (i) review this injunction, and (2) seek to lift this injunction and allow the permit to operate?

**Answer:**

On April 19, 2011, the U.S. Corps of Engineers (the Corps) sought, and was granted, a remand of this 404 permit from the district court. EPA will coordinate with DOJ and the Corps, as appropriate and necessary, with respect to any future proceedings regarding the Reylas permit.

**McKinley Q2:**

Please specify under the President's Fiscal Year 2012 proposed budget, the dollar amount and number of employees of EPA employees, both full-time equivalents and part-time or contract workers, that will be used to carry out your Section 404 authority? Please also specify how much funding as well as EPA employees, both full-time equivalents and part-time or contract workers, are needed to carry out EPA's Section 404 authority with respect to mining in the Appalachian Region.

**Answer:**

Resources supporting carrying out EPA's responsibilities under CWA Section 404 are found in the Wetlands Protection program/project, which funds both Section 404 regulatory activities and non-regulatory activities. The Section 404 portion of the President's Fiscal Year 2012 request is approximately 99 FTE and \$16.8 million (of which approximately \$14.0 million funds EPA staffing). Resources to carry out Section 404 activities related to surface coal mining operations in the Appalachian Region include approximately 13 FTE and \$3.5 million (of which \$1.7 million funds EPA staffing).

**McKinley Q3:**

Under EPA's proposal to regulate fossil fuel combustion residuals under Subtitle C of the Solid Waste Disposal Act, your agency's Regulatory Impact Analysis (RIA) did not include any qualitative or quantitative estimation of the potential effects of the proposed rule on economic productivity, economic growth, employment, job creation, or international economic competitiveness. President Obama's Executive Order 13563 of January 18, 2011 state: "Our regulatory system must take into account benefits and cost, both quantitative and qualitative."

**a. Do you agree with the President's Executive Order?**

**Answer:** Yes

**b. Can you provide a full quantitative and qualitative economic analysis for your coal ash proposed rule?**

**Answer:** The Regulatory Impact Assessment (RIA) for the 2010 CCR proposed rule can be found at <http://www.regulations.gov>, EPA-HQ-RCRA-2009-0640-0003.

**McKinley Q4:**

Can you cite any new scientific or technical information that overturns your Agency's 1993 (Fed. Reg. 42466) and 2000 (Fed. Reg. 32214) Final Regulatory determinations that both concluded that fossil fuel combustion wastes do not warrant regulation under subtitle C? Do you believe EPA is in full compliance with the statutory language of the Bevill Amendment? If so, please explain how?

**Answer:**

Since EPA's Regulatory Determinations, EPA has conducted considerable data gathering and analysis. EPA made significant portions of these analyses available for public comment in August 2007 as part of a Notice of Data Availability; EPA made other information available in the docket to the proposed CCR rule (June 2010). These included new reports from industry and environmental groups on damage cases, our risk analyses, and information on State programs. EPA specifically sought comments on the extent of existing damage cases, the extent of the risks posed by the mismanagement of CCRs and the adequacy of State programs to ensure proper management of CCRs. Finally, EPA stated that a decision to revisit the regulatory determinations was driven in part by the failure of the surface impoundment retaining wall in Kingston, TN in December 2009 and that whatever regulatory approach EPA ultimately selects will need to ensure that catastrophic releases are prevented. EPA believes it is in compliance with the Bevill Amendment. On June 21, 2010 EPA co-proposed two options for regulating the disposal of coal combustion residuals (CCRs) under the Resource

Conservation and Recovery Act (RCRA), one under subtitle C and one under subtitle D. In the proposed rule, EPA specifically stated that deciding whether or not to maintain the Bevill exemption for CCRs entails an evaluation of the eight RCRA Section 8002(n) study factors. EPA then proceeded to explain the data and information we have on each of these factors. The comment period closed on November 19, 2010. EPA received more than 450,000 comments on the proposal and EPA is currently analyzing and evaluating all of the comments received.

**McKinley Q5:**

Does your Agency plan on using fiscal year 2012 funding to finalize and implement your proposal to regulate under subtitle C? If so, could you please submit the exact dollar figure dedicated under FY12 funding which will be used to do so, as well as how many employees, both full-time equivalent and part-time or contract workers, will be needed for this task?

**Answer:**

EPA is still in the process of evaluating all of the public comments received on the June 2010 proposed regulation and has not made a decision on the appropriate regulatory regime for CCRs, and a final rule is not expected in calendar year 2011. EPA is still considering regulations under both RCRA subtitle C and subtitle D and cannot at this time indicate whether funds will be used specifically for a subtitle C regulation. However, EPA will certainly use FY 2012 resources to review and consider the 450,000 comments received on both the subtitle C and subtitle D options in the proposed rule. Once the decision is made on how to proceed in the final rule, the Agency will be in a position to identify the Agency resources needed for the effort and would be pleased to provide you with that information.

**McKinley Q6:**

Does EPA plan to use any existing studies regarding fossil fuel combustion residuals in any new determinations or in a final rule to regulate fossil fuel combustion residuals under subtitle C? If so, please cite those.

**Answer:**

As noted in question # 5, EPA conducted a great deal of additional data gathering and analysis and made that available to the public as part of the proposed CCR rule (June 2010). In addition, in response to that proposal, EPA received more than 450,000 public comments. EPA is currently analyzing those comments, including data and other studies that have been submitted. All of the information is currently in the rulemaking docket. We are currently planning the appropriate next steps based on the comments received.

**The Honorable John Sullivan:**

**Sullivan Q1:**

On July 20, 2010, the EPA and the California Air Resources Board (CARB) held a joint, public workshop to examine selective catalytic reduction (SCR). At the workshop, EPA and CARB found that SCR systems were vulnerable to tampering. According to the agency's charts from the workshop, SCR "systems should be designed to be tamper resistant to reduce the likelihood of circumvention."

On September 29, 2010, I wrote to you to acknowledge the EPA's finding that SCR systems are vulnerable to tampering and to encourage the Agency to review the rules governing the operation of such systems.

On November 19, 2010, the Assistant Administrator for Air and Radiation responded to my letter with a letter of her own. In that correspondence, Ms. Gina McCarthy indicated that the EPA planned "to issue new [SCR] guidance by the end of the year."

It is now mid-February, and the new guidance is nowhere to be found.

As independent testing has shown that trucks equipped with SCR systems can run for thousands of miles without functioning emissions reductions systems, new guidance is urgently needed to protect America's air from elevated levels of NOx. When do you expect the EPA will issue the new guidance document that it said it would produce in December?

**Answer:**

Since July 2010, EPA has been reviewing comments and information submitted in response to the public workshop and drafting updated guidance. We plan to publish the guidance in the Federal Register for public comment within the next few months.

**Sullivan Q2:**

I understand that EPA Region 6 just announced that it was going to reject the state of Oklahoma's State Implementation Plan (SIP) for regional haze in favor of imposing its own Federal Implementation Plan (FIP). This action is of enormous consequence to Oklahomans in general and to my Tulsa constituents in particular since it appears that the EPA's FIP will mandate the use of very expensive scrubbers on utility plants resulting in multiples of the cost associated with the less expensive approach chosen in the Oklahoma SIP which would achieve the same environmental results. What is EPA's cost-benefit analysis that justifies insisting on its FIP approach?

**Answer:**

EPA must carry out Congress's direction under the federal Clean Air Act sections 169A and 169B to improve visibility at certain national parks and wilderness areas. This includes a requirement that certain major stationary sources of air pollution built between 1962 and 1977 that are causing or contributing to visibility impairment be required to install modern pollution equipment, or Best Available Retrofit Technology (BART).

Oklahoma submitted a plan intended to address the Clean Air Act's Regional Haze requirements including BART. As part of its regional haze plan, Oklahoma determined that Units 4 and 5 of the Oklahoma Gas and Electric (OG&E) Muskogee plant, Units 1 and 2 of the OG&E Sooner plant; and Units 3 and 4 of the American Electric Power/Public Service Company of Oklahoma (AEP/PSO) Northeastern plant should not be controlled for sulfur dioxide (SO<sub>2</sub>) under the BART requirement of the regional haze rule. The State's BART determination would have resulted in no reduction in SO<sub>2</sub> emissions from these plants.

EPA Region 6 had previously notified Oklahoma in December 2009, that it considered the power plants' cost estimates for the controls in question unreasonably high, and in August 2010 that Oklahoma's plan did not appear to satisfy Clean Air Act requirements. We have more recently proposed to disapprove the SO<sub>2</sub> BART determinations made by Oklahoma for these six units because Oklahoma's plan does not comply with the requirements of the Clean Air Act or our regulations. In particular, we believe these power plants can put into place cost effective controls that will improve visibility and help protect public health. Our proposed limits are expected to reduce emissions of SO<sub>2</sub> from the plants by about 95 percent, resulting in a reduction of approximately 61,000 tons of SO<sub>2</sub> per year. This will result in a significant environmental improvement over what Oklahoma had proposed. Under our FIP, these six units will be required to meet an SO<sub>2</sub> emission rate of 0.06 pounds per million British Thermal Units (lbs/MMBtu) on a 30 day rolling average. This is achievable through the installation of SO<sub>2</sub> scrubbers, a control device that is used at coal-fired power plants throughout the United States. EPA is not mandating any particular control equipment, but rather proposing SO<sub>2</sub> emission limits that can be achieved through either the installation of SO<sub>2</sub> scrubbers, or by switching the units in question over to burn natural gas. We believe SO<sub>2</sub> scrubbers are a cost effective way to improve visibility and protect human health. We estimate these scrubbers can be installed for about one third the cost OG&E claimed and about one half of what AEP/PSO claimed. Furthermore, our proposal supports future actions Oklahoma may need to take to comply with EPA's proposed new health and technology-based standards for power plants. Additional detail concerning how we estimated the costs of these controls and their associated visibility benefits can be found in our technical support document here: <http://www.regulations.gov/#!documentDetail;D=EPA-R06-OAR-2010-0190-0019>

**Sullivan Q3:**

During this period in which EPA's budget is necessarily constrained, why does it make any sense for EPA to spend its limited resources imposing what appears will be a much more costly approach to addressing regional haze, when the state of Oklahoma has already carefully constructed a far less expensive approach in its SIP that gets the same environmental results

and simultaneously accomplishes other important objectives of the state in terms of maintaining electric generation flexibility, reliability, and minimizing costs to electric consumers?"

**Answer:**

EPA is required by the Clean Air Act to take action at this time to assess Oklahoma's approach to addressing regional haze. As described above in more detail, we believe that the scrubbers can cost-effectively control SO<sub>2</sub> emissions at the OG&E Muskogee and Sooner plants and the AEP/PSO Northeastern plant. Unfortunately, Oklahoma's approach would not have achieved the same environmental results. We do not expect that the installation of SO<sub>2</sub> scrubbers at these power plants as a result of our proposed our FIP will affect their ability to reliably deliver electricity to their customers.

**Sullivan Q4:**

How long will it take to develop the EPA FIP? How much does that generally cost in EPA administrative and personnel time as well as financial resources? If Oklahoma were to sue EPA over this, how much would that litigation generally cost EPA and how much delay in implementation of a plan--whether the FIP or the SIP--would that entail? Is the cost of developing the FIP and defending any litigation regarding the FIP in terms of EPA's limited budget and constraints on personnel worth such commitments of resources given the ability of the EPA to implement the Oklahoma SIP immediately with the benefit of seeing on the ground results immediately?

**Answer:**

EPA is required to assess Oklahoma's approach to addressing regional haze and to issue a FIP if we find that the State's plan is deficient. Because the Clean Air Act requires the installation of BART as expeditiously as possible, but no later than five years after EPA's approval of a SIP or issuance of a FIP, we do not expect litigation regarding the Oklahoma FIP to delay the installation of controls. EPA is required to follow the Clean Air Act; it cannot make decisions on actions based on the threat of litigation. In addition, approval of the Oklahoma SIP might also result in litigation.

**Sullivan Q5:**

What is the cost-benefit analysis of insisting on the FIP?

**Answer:**

The FIP is being proposed under the Best Available Retrofit (BART) requirements of the regional haze rule (RHR). Specifically, the RHR (40 CFR 51.308(e)(1)(ii)(A)) requires the determination of BART to be based on the technology available, the costs of compliance, the energy and non-air

quality environmental impacts of compliance, any pollution control equipment in use at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. The decision-maker must take these various factors into account in making a BART-determination. Although the Clean Air Act does not require a cost-benefit analysis in assessing appropriate BART controls, see *American Corn Growers Ass'n v. EPA*, 291 F.3d 1 (D.C. Cir. 2002), we did take into account the visibility improvement resulting from the use of scrubbers in weighing the cost of the BART controls. Our analysis (see link to our technical support document, above) demonstrates that cost effective controls are available that will result in a significant improvement in visibility at several national parks and wilderness areas. Although not a factor in our analysis, we anticipate that the significant reduction in SO2 emissions from these power plants will also have ancillary health benefits as well.

**The Honorable Jim Matheson:**

**Matheson Q1:**

An issue I continue to hear about from industry is concern over the suite of regulations expected to come from EPA over the next couple of years. Can you identify those regulations, including greenhouse gas, air toxics, water, coal combustion byproducts, that EPA considers the most economically significant?

**Answer:**

The following is a list of the Agency's active rules that are "Economically Significant" per E.O. 12866 based on the Agency's RAPIDS database as of 04.06.11.<sup>3</sup>

	Office	Title	Next Projected Pub Date	Deadlines
	OAD - Rules			
(1)		Transport Rule (CAIR Replacement Rule) (RIN:2060-AP50) (SAN:5336)	Final 07/00/2011	
(2)		Control of Greenhouse Gas Emissions from Medium and Heavy-Duty Vehicles (RIN:2060-AP61) (SAN:5355)	Final 08/00/2011	

<sup>3</sup> iReports\EconSig\Active Econ Sig by Program only with Deadlines

<sup>(3)</sup>	Reconsideration of the 2008 Ozone Primary and Secondary National Ambient Air Quality Standards (RIN:2060-AP98) (SAN:5405)	Final 08/00/2011	
<sup>(4)</sup>	Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards (RIN:2060-AQ86) (SAN:5541)	NPRM 01/00/2012  Final 10/00/2012	
<sup>(5)</sup>	National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Electric Utility Steam Generating Units (RIN:2060-AP52) (SAN:5349)	NPRM 04/00/2011  Final 11/00/2011	Judicial NPRM, 03/16/2011  Judicial Final, 11/16/2011
<sup>(6)</sup>	Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Oxides of Sulfur (RIN:2060-AQ72) (SAN:5170)	NPRM 07/00/2011  Final 03/00/2012	Judicial NPRM, 07/12/2011  Judicial Final, 03/20/2012
<sup>(7)</sup>	Review of the National Ambient Air Quality Standards for Ozone (RIN:2060-AP38) (SAN:5306)	NPRM 07/00/2013  Final 04/00/2014	
<sup>(8)</sup>	Implementing Periodic Monitoring in Federal and State Operating Permit Programs (RIN:2060-AN00) (SAN:4699.2)	NPRM 12/00/2011  Final 02/00/2013	
<sup>(9)</sup>	Petroleum Refinery Sector Risk and Technology Review and NSPS (RIN:2060-AQ75) (SAN:5532)	NPRM 12/00/2011  Final 12/00/2012	Judicial NPRM, 12/10/2011  Judicial Final, 11/10/2012
<sup>(10)</sup>	Review of the National Ambient Air Quality Standards for Lead (RIN:2060-AQ44) (SAN:5475)	NPRM 12/00/2013  Final 10/00/2014	
<sup>(11)</sup>	Joint Rulemaking to Establish 2017 and Later Model Year Light Duty Vehicle GHG Emissions and CAFE Standards (RIN:2060-AQ54) (SAN:5504)	NPRM 9/00/2011  Final	

			00/00/0000	
	OCSPP - Rules			
(12)		Lead; Renovation, Repair, and Painting Program for Public and Commercial Buildings (RIN:2070-AJ56) (SAN:5381)	NPRM 12/00/2011  Final 07/00/2013	Judicial NPRM, 06/15/2012  Judicial Final, 01/15/2014  Judicial Other, 04/22/2010
(13)		Formaldehyde Emissions from Pressed Wood Products (RIN:2070-AJ44) (SAN:5287)	NPRM 1/00/2012	Statutory Final, 01/01/2013
	OSWER - Rules			
(14)		Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers (RIN:2050-AE81) (SAN:4470)	Final 00/00/0000	
(15)		Oil Pollution Prevention: Spill Prevention, Control, and Countermeasure Rule Requirements - Amendments for Milk Containers (RIN:2050-AG50) (SAN:2634.8)	Final 04/12/2011	
(16)		Financial Responsibility Requirements under CERCLA Section 108(b) for Classes of Facilities in the Hard Rock Mining Industry (RIN:2050-AG61) (SAN:5350.1)	NPRM 02/00/2012	
(17)		Revising Underground Storage Tank Regulations - Revisions to Existing Requirements and New Requirements for Secondary Containment and Operator Training (RIN:2050-AG46) (SAN:5284)	NPRM 7/00/2011  Final 00/00/0000	
	OW - Rules			
(18)		National Primary Drinking Water Regulations: Radon (RIN:2040-AA94) (SAN:2281)	Final 00/00/0000	
(19)		Criteria and Standards for Cooling Water Intake Structures (RIN:2040-AE95) (SAN:5210)	NPRM 04/00/2011  Final 07/00/2012	

**Matheson Q2:**

I have heard from many in industry that the primary concern with many of these regulations is not that industry has to comply, but the timeline in which they must do so. What is your plan for allowing entities subject to these various regulations adequate time to make the right investments that will improve air and water quality and provide certainty to energy consumers?

**Answer:**

In developing a regulation, EPA evaluates all the options available under our authorizing statutes for providing affected sources with flexibility in the timing and the means by which they demonstrate compliance. For instance, our recently proposed cooling water intake rule (promulgated under section 316(b) of the CWA) provides, in the case of existing facilities, up to 8 years for compliance with impingement controls and compliance with entrainment controls on a schedule developed by the permit writer. As part of our efforts to implement the recently proposed EGU MACT air toxics rule Air Toxics Rule for Power Plants, we are working with States and other stakeholders to ensure that all the flexibilities available under section 112 of the CAA are available to electric utilities. We are also reaching out to ISOs, etc. to ensure an orderly process.

**Matheson Q3:**

Would EPA consider conducting a cost benefit analysis of these regulations in the aggregate so we have a better sense of their cumulative impact?

**Answer:**

Regulatory impact analyses isolate the effects of a single rule, so that each rule can be evaluated on its own merits. This long-established practice provides the greatest possible transparency, and minimizes the risk that unintended consequences or undesirable impacts of regulations will be obscured from policymakers or the public. EPA estimates and reports the social costs, benefits and economic impacts of every economically significant regulation, following guidance provided by OMB and detailed in our Guidelines for Economic Analysis. The cumulative impact of a series of regulations affecting a given sector could be approximated by considering the impacts reported in the relevant RIAs. For instance, the cumulative impact of several regulations could be approximated by the benefits number reported in the RIAs accompanying each rule.

EPA recently completed an important cost-benefit analysis of the cumulative regulations under the Clean Air Act. In March 2011, EPA issued the Second Prospective Report, The Benefits and Costs of the Clean Air Act from 1990 to 2020, which looked at the estimated results of the Clean Air Act from 1990 to 2020. It looks at cumulative costs and benefits to society, and has some limited information on cumulative impacts to particular sectors of the economy from the macroeconomic analysis prepared for the study. According to this study, the direct benefits from the 1990 Clean Air Act Amendments are

estimated to reach almost \$2 trillion for the year 2020, a figure that dwarfs the annual direct costs of implementation (\$65 billion).<sup>4</sup> Eighty five percent (85%) of the \$2 trillion in benefits in the report are associated with avoiding premature mortality; the report estimates that each incidence of avoided premature mortality is worth \$8.9 million, and that approximately 230,000 premature mortalities will be prevented in 2020 due to the implementation of the Clean Air Act. This study was conducted with a high level of rigor and transparency; there were more than 30 public review meetings and teleconferences under a federal advisory committee process held throughout the ten year process of designing, implementing, and reviewing the results of the study.

**Matheson Q4:**

I'd like to ask about the proposed ozone rule currently under development. The Uintah Basin in the eastern part of Utah suffers from some of the worst smog and pollution in the state. While there is significant oil and gas production in the Basin, we know that most of the smog is the unfortunate result of geography – the pollution coming from cities further west gets trapped in the Basin between the mountains, particularly in winter, and causes many problems for residents. The area is just able to stay at attainment for the current ozone standard. The difficulty is even if there were no people and no production in the Basin, there would still be smog. Because of this, there is actually very little that can be done to mitigate the problem. Residents, local officials, and industry have come together to continue to study the source of the smog and monitor it to the best of their ability.

- a: As you prepare to issue the final rule that would further lower the current ozone standard – which folks in the Basin are just meeting – I would ask if the rule provides exceptions for areas of the country that are “geographically challenged” like the Basin?

**Answer:**

The Clean Air Act does not explicitly provide such exceptions, nor does it give EPA authority to create such exceptions through rule. While the Uintah Basin does have complex terrain that contributes to the ozone problem there, it is not the only factor. Under stagnant wintertime conditions, minimal transport of pollutants is expected, so this suggests that a major portion of the pollution leading to ozone formation in the Basin is coming from local sources. The primary pollutants linked to ozone formation are volatile organic compounds (VOCs) and nitrogen oxides (NOx). Local sources of VOC within the Basin include vehicle emissions and VOC released from industrial operations such as oil and gas development and production. For NOx, sources are generally combustion processes, including natural gas plants, compressor stations, and on-road and off-road internal combustion engines. More investigation is needed to definitively identify the relative contribution of sources of emissions leading to the high ozone observed in the Basin.

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<sup>4</sup> <http://www.epa.gov/oar/sect812/prospective2.html>

- b: I think situations like this demonstrate that a one size fits all standard doesn't work – especially in cases like the Uintah Basin where we know much of the pollution was not generated in the location where the smog is worst. Can anything be done to provide additional time for these areas to ascertain just how bad the smog is and where exactly the pollution comes from? This would contribute to our understanding of what mitigation tools can actually be effective.

**Answer:**

As discussed above, the evidence suggests that a major portion of the pollution leading to ozone formation in the Basin is coming from local emissions. However, if transport of pollutants into the Basin is determined to be significant, interstate transport provisions in the Clean Air Act are designed to address this situation. Regarding timing, the process and timelines for EPA to designate an area as nonattainment are specified in the Act. However, when an area is designated nonattainment the Act does not mandate a “one-size-fits-all” implementation approach. The Act requires the States (and EPA for Indian country) to develop plans, customized for each nonattainment area, to bring the areas back into attainment. One of the first steps for these plans is to determine the actual sources and their relative contribution to pollution levels. The Act also provides specific schedules that give States and EPA time to develop these customized plans. This will allow current and future research in the Uintah Basin to identify effective mitigation tools that could be used if the area is designated nonattainment.

**Matheson Q5:**

I would like to ask about another issue that affects energy development in the Uintah Basin. I know that EPA is planning to release a rule governing permitting for minor sources on all tribal lands. The Ute Tribe in my district and the Council of Energy Resource Tribes (CERT) have indicated that they believe this rule will significantly slow down, or even halt, oil and gas development on Indian lands. I have heard similar concerns from producers in the region that the rule has the potential to slow down or halt drilling and operations because the EPA is not prepared to handle permit requests.

- a: When does EPA expect to issue the final rule?

**Answer:**

EPA expects to promulgate the Tribal New Source Review rule in spring 2011.

- b: Have you estimated how many additional permit applications you expect you will receive?

**Answer:**

EPA anticipates that approximately 2,150 small sources will be built and modified during the first 3 years after the rule is finalized.

c: Do you believe you have the resources and staff to meet this increased demand?

**Answer:**

The Agency believes enough resources are currently available to implement the program for the first 18 months and we are currently looking at options for facilitating implementation to minimize the workload, including the use of general permits for prevalent sources guidance documents for tribes on implementing the rule, and training sessions.

d: Would EPA consider using a standardized permit to streamline efficiency of this process?

**Answer:**

Yes, EPA is currently developing general permits for many of the common source categories in Indian country, including for oil and gas sources, and we expect the general permits to streamline the implementation of the rule.

e: Can you elaborate on how you have worked with Tribes as this rule has been developed, and your plan for working with tribes and energy producers on tribal lands for a smooth implementation?

**Answer:**

EPA initiated this effort in 2002 because of the concerns from tribes about impacts caused by the inability of new sources in obtaining permits. Particularly, EPA heard from tribes about the following issues;

- Tribes were concerned about the unequal economic playing field caused by sources inability to obtain minor source permits. Many tribes were losing economic development because with no access to minor source permits, new sources had to get Title V permits or undergo source specific rulemaking both of which much more onerous than minor source permitting requirements.
- Some Tribes were concerned that because there was not a permit mechanism for Indian country some sources were locating in Indian country without meeting environmental standards causing environmental problems for the tribes.
- Some Tribes expressed concerns that because there wasn't a permitting mechanism for Indian country, States were inappropriately issuing permits to sources and thus encroaching on tribal sovereignty.

Because of these concerns and because this rule would have significant impacts in Indian country, EPA used this rule to pilot a consultation process that will be followed in the future. The Agency initiated consultation by sending letters to tribal leaders across the country offering consultation and asking how the tribes would like to be consulted. The Agency received 75 responses from tribal leaders and most of them suggested that EPA work with their staff on the development of this rule. Twelve tribes asked for face to face consultation and all but one agreed to joint meetings with EPA and other tribes. One tribe requested individual consultation. In response, EPA established a standing monthly call with interested tribal environmental professionals to discuss issues associated with the development of this rule. EPA also held a series of 4 meetings (the meetings were held at Menominee, Keshena WI, the Institute of Tribal Environmental Professionals (ITEP) in Flagstaff AZ, Mohegan tribe in Uncasville, CT and the Chehalis in Rochester WA). EPA also met with the Hualapai on their reservation at their request.

In developing the proposed rule EPA took into consideration all of these discussions. Since the rule was proposed in 2006, many tribal leaders requested we do an additional round of consultation. EPA re-initiated consultation by sending letters to all tribal leaders and followed this with four meetings with tribes across the country to help them understand the proposed rule. These meetings were held at Salt River Pima-Maricopa Indian community, Pechanga Band of Luecinio Indians, in the EPA Region 5 and Region 10 offices. We also provided a webcast to help tribes understand the proposal and worked with ITEP to hold a training session on the New Source Review programs. Because of the importance of this rule, some tribes requested an extension of the comment period for the rule. Extensions were granted twice and the comment period closed on March 20, 2007. In the intervening years, EPA has held monthly conference calls with interested tribal environmental professionals to discuss issues around implementation of the rule once it is final. In this last year, EPA also did extensive outreach on the rule including presenting at the following: Regional Tribal Operations Committees for EPA Regions 7 and 9, the National Tribal Operations Committee, the National Tribal Air Association monthly calls, the National Tribal Forum, The Tribal Air Monitoring Support Center, the Region 10 Tribal leaders summit, the Region 6 Inter-Tribal Environmental Council meeting, the Region 9 Inter-tribal council of Arizona and in your Region the Tribal Energy Conference in Billings MT.

EPA intends to hold a series of trainings with tribes to help them participate in the implementation of this rule. Some tribes may want to work with EPA on permit review and public involvement, some tribes may want to take delegation of the rule and run the programs and some may want to develop their own regulations under a Tribal Implementation Plan. EPA is planning three face to face meetings in the year after promulgation of the rule to help the tribes build capacity to participate in implementing the rule in a way that best fits their needs.

**Matheson Q6:**

The technical assistance funds available through the Safe Drinking Water Act are crucial to small communities in Utah that depend on the assistance provided to them for on-site and on training that allow them to efficiently operate their drinking water and wastewater systems in

compliance with EPA regulations. Given the importance of this program, I am going to cosponsor legislation with Rep. Harper that authorizes technical assistance for small and rural communities from local non-profit associations that have expertise in this field.

a: Can you elaborate on the EPA's budget for rural water technical assistance?

**Answer:**

Recent Congressional appropriations have typically included specific funding and direction for approximately \$16M annually in small system technical assistance. Absent this directed funding, EPA has two other avenues where systems may receive resources to support technical assistance needs. Since 1976 EPA has annually received a Congressional appropriation under section 1443(a) of the Safe Drinking Water Act (SDWA) to assist states, territories, and tribes in carrying out their Public Water System Supervision programs. The 2012 budget includes a request to again fund the Public Water System Supervision (PWSS) programs. These grants help eligible states, territories, and tribes develop and implement a PWSS program adequate to enforce the requirements of the SDWA and ensure that water systems comply with the National Primary Drinking Water Regulations. EPA will continue to be an active partner in the PWSS State program to assist all communities, including rural ones, in providing safe drinking water.

In addition, the drinking water state revolving loan fund (DWSRF) provides states with the flexibility to take a variety of "set-asides" from their federal capitalization grant to fund technical assistance, state programs, and special assistance to water systems. These optional "set-asides" total up to 31% of a states capitalization grant: 1) 4 percent for administration of the DWSRF program; 2) 2 percent for technical assistance to systems serving 10,000 or fewer persons (project planning, circuit riders, and special small system training); 3) 10 percent for development and implementation of state programs (PWSS, source water protection, capacity development, and operator certification); and 4) 15 percent for local assistance (part of a capacity development strategy; establishment and implementation of a wellhead protection program; and loans for source water protection). States use set-aside funds to provide technical assistance and training to help small systems build the capacity they need to comply with current and future drinking water rules. EPA continues to encourage states to carefully consider how to balance utilization of the available "set-asides" as they administer their State program and small system technical assistance needs.

b: Would EPA consider prioritizing funds that are available for technical assistance for the qualified non-profit organizations that have effectively helped rural and small communities manage their drinking water systems? Utah Rural Water Association is a prime example of a non-profit that has provided critical, beneficial technical assistance to small communities throughout my state.

**Answer:**

EPA believes that States are more effective at targeting assistance to local water systems than EPA because they interact regularly with all public water systems in their state. Many states do provide those funds to non-profit entities such as state Rural Water Associations. With respect to Safe Drinking Water Act technical assistance funds, EPA looks forward to working with States to effectively target use of these funds consistent with the Act and in a way that maximizes the benefits that they provide.

**The Honorable Gregg Harper****Harper Q1:**

I have a question for you about an EPA regulatory action that will have an impact on the people in my district who are employed at a facility there. The facility produces household-use rodent control products that the facility will have to stop producing very soon if EPA's *Risk Mitigation Decision for Rodenticides* goes into effect this June as planned. I am aware that a federal judge recently ruled that EPA has acted *arbitrarily and capriciously* and has enjoined EPA from using its enforcement authority to implement this Decision. Can you tell me whether EPA intends to follow the judge's ruling and halt further action on this requirement until the Agency can use the appropriate regulatory mechanisms in the law that provides the manufacturer of those rodent control products the right to an administrative hearing on the merits of EPA's Decision?

I am concerned because it appears EPA is trying to avoid the requirement that EPA consult with the Department of Agriculture and the Department of Health and Human Services and EPA's own Scientific Advisory Panel about the scientific basis of its decisions before taking these kinds of actions.

**Answer:**

EPA is abiding by the Court's ruling and will not use misbranding authority to ensure compliance. In January 2011, the U.S. District Court for the District of Columbia ruled that EPA could not use its misbranding authority under FIFRA to implement the Risk Management Decision (RMD). However, the Court did not rule on the merits of the RMD itself. EPA continues to believe that the identified mitigation measures are needed to protect human health and the environment, and is preparing to take the appropriate steps under FIFRA to implement these needed protections.