



**United States  
Environmental Protection Agency**

**FISCAL YEAR 2023**

**Justification of Appropriation  
Estimates for the Committee  
on Appropriations**

**Tab 05: Environmental Programs and Management**

**EPA-190-R-22-001**

**April 2022  
[www.epa.gov/cj](http://www.epa.gov/cj)**

**Environmental Protection Agency  
FY 2023 Annual Performance Plan and Congressional Justification**

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**Environmental Protection Agency  
FY 2023 Annual Performance Plan and Congressional Justification**

**APPROPRIATION: Environmental Programs & Management  
Resource Summary Table  
(Dollars in Thousands)**

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b>Environmental Programs &amp; Management</b>				
Budget Authority	\$2,572,857	\$2,761,550	\$3,796,280	\$1,034,730
Total Workyears	8,677.8	8,883.4	10,332.1	1,448.7

**Bill Language: Environmental Programs and Management**

*For environmental programs and management, including necessary expenses not otherwise provided for, for personnel and related costs and travel expenses; hire and purchase of passenger motor vehicles, including zero emission passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; implementation of a coal combustion residual permit program under section 2301 of the Water and Waste Act of 2016; and not to exceed \$9,000 for official reception and representation expenses, 3,796,280,000, to remain available until September 30, 2024: Provided, That of the funds included under this heading, \$578,336,000 shall be for Geographic Programs specified in the explanatory statement: Provided further, That of the funds included under this heading, the Chemical Risk Review and Reduction program project shall be allocated for this fiscal year, excluding the amount of any fees appropriated, not less than the amount of appropriations for that program project for fiscal year 2014: Provided further, That of the funds included under this heading, \$140,000,000, to remain available until expended, shall be for environmental justice implementation grants, of which \$50,000,000 shall be for competitive grants to reduce the disproportionate health impacts of environmental pollution in the environmental justice community; \$25,000,000 shall be for an Environmental Justice Community Grant Program for grants to nonprofits to reduce the disproportionate health impacts of environmental pollution in the environmental justice community; \$25,000,000 shall be for an Environmental Justice State Grant Program for grants to states to create or support state environmental justice programs; \$25,000,000 shall be for a Tribal Environmental Justice Grant Program for grants to tribes or intertribal consortia to support tribal work to eliminate disproportionately adverse human health or environmental effects on environmental justice communities in Tribal and indigenous communities; and \$15,000,000 shall be for a competitive Community-based Participatory Research Grant Program for grants to institutions of higher education to develop partnerships with community-based organizations to improve the health outcomes of residents and workers in environmental justice communities: Provided further, That up to 5% of the funds provided by the previous proviso may be reserved for salaries, expenses, and administration: Provided further, That of the funds included under this heading, \$10,000,000,*

to remain available until expended, shall be for an Environmental Justice Training Program for grants to nonprofits for multi-media or single media activities to increase the capacity of residents of underserved communities to identify and address disproportionately adverse human health or environmental effects of pollution: Provided further, That up to 5% of the funds provided by the previous proviso may be reserved for salaries, expenses, and administration.

Note.—A full-year 2022 appropriation for this account was not enacted at the time the Budget was prepared; therefore, the Budget assumes this account is operating under the Continuing Appropriations Act, 2022 (Division A of Public Law 117-43, as amended). The amounts included for 2022 reflect the annualized level provided by the continuing resolution.

**Program Projects in EPM**  
(Dollars in Thousands)

<b>Program Project</b>	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
Clean Air and Climate				
Clean Air Allowance Trading Programs	\$12,920	\$13,153	\$23,523	\$10,370
Climate Protection	\$91,632	\$97,000	\$125,216	\$28,216
Federal Stationary Source Regulations	\$19,317	\$20,733	\$41,617	\$20,884
Federal Support for Air Quality Management	\$131,015	\$138,020	\$289,010	\$150,990
Stratospheric Ozone: Domestic Programs	\$4,805	\$4,633	\$26,607	\$21,974
Stratospheric Ozone: Multilateral Fund	\$8,326	\$8,711	\$18,000	\$9,289
Subtotal, Clean Air and Climate	\$268,013	\$282,250	\$523,973	\$241,723
Indoor Air and Radiation				
Indoor Air: Radon Program	\$2,224	\$3,136	\$5,004	\$1,868
Radiation: Protection	\$8,283	\$7,661	\$10,588	\$2,927
Radiation: Response Preparedness	\$2,703	\$2,404	\$3,004	\$600
Reduce Risks from Indoor Air	\$10,968	\$11,750	\$23,542	\$11,792
Subtotal, Indoor Air and Radiation	\$24,178	\$24,951	\$42,138	\$17,187
Brownfields				
Brownfields	\$22,136	\$24,000	\$36,842	\$12,842
Compliance				
Compliance Monitoring	\$97,583	\$102,500	\$144,770	\$42,270
Enforcement				

<b>Program Project</b>	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
Civil Enforcement	\$164,888	\$168,341	\$210,011	\$41,670
Criminal Enforcement	\$49,588	\$51,275	\$61,411	\$10,136
NEPA Implementation	\$15,809	\$16,943	\$19,883	\$2,940
Subtotal, Enforcement	\$230,285	\$236,559	\$291,305	\$54,746
Environmental Justice				
Environmental Justice	\$10,343	\$11,838	\$294,938	\$283,100
Geographic Programs				
Geographic Program: Chesapeake Bay	\$77,876	\$87,500	\$90,568	\$3,068
Geographic Program: Gulf of Mexico	\$5,335	\$20,000	\$22,524	\$2,524
Geographic Program: Lake Champlain	\$14,996	\$15,000	\$20,000	\$5,000
Geographic Program: Long Island Sound	\$30,361	\$30,400	\$40,002	\$9,602
Geographic Program: Other				
<i>Lake Pontchartrain</i>	\$0	\$1,900	\$1,932	\$32
<i>S.New England Estuary (SNEE)</i>	\$5,152	\$5,500	\$6,252	\$752
<i>Geographic Program: Other (other activities)</i>	\$1,579	\$3,000	\$3,024	\$24
Subtotal, Geographic Program: Other	\$6,731	\$10,400	\$11,208	\$808
Great Lakes Restoration	\$306,380	\$330,000	\$340,111	\$10,111
Geographic Program: South Florida	\$1,369	\$6,000	\$7,202	\$1,202
Geographic Program: San Francisco Bay	\$6,718	\$8,922	\$12,004	\$3,082
Geographic Program: Puget Sound	\$32,946	\$33,750	\$35,016	\$1,266
Subtotal, Geographic Programs	\$482,712	\$541,972	\$578,635	\$36,663
Homeland Security				
Homeland Security: Communication and Information	\$3,893	\$4,145	\$4,650	\$505
Homeland Security: Critical Infrastructure Protection	\$733	\$909	\$1,014	\$105
Homeland Security: Protection of EPA Personnel and Infrastructure	\$4,915	\$4,959	\$5,139	\$180
Subtotal, Homeland Security	\$9,540	\$10,013	\$10,803	\$790
Information Exchange / Outreach				



<b>Program Project</b>	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
State and Local Prevention and Preparedness	\$13,402	\$13,736	\$22,908	\$9,172
TRI / Right to Know	\$12,689	\$13,206	\$13,675	\$469
Tribal - Capacity Building	\$12,945	\$12,902	\$16,386	\$3,484
Executive Management and Operations	\$48,837	\$46,836	\$63,256	\$16,420
Environmental Education	\$3,311	\$8,580	\$8,668	\$88
Exchange Network	\$13,713	\$14,084	\$14,413	\$329
Small Minority Business Assistance	\$1,756	\$1,680	\$1,935	\$255
Small Business Ombudsman	\$1,250	\$1,778	\$2,183	\$405
Children and Other Sensitive Populations: Agency Coordination	\$8,277	\$6,173	\$6,362	\$189
Subtotal, Information Exchange / Outreach	\$116,181	\$118,975	\$149,786	\$30,811
International Programs				
US Mexico Border	\$2,818	\$2,837	\$3,275	\$438
International Sources of Pollution	\$6,409	\$6,746	\$11,758	\$5,012
Trade and Governance	\$5,894	\$5,292	\$6,187	\$895
Subtotal, International Programs	\$15,121	\$14,875	\$21,220	\$6,345
IT / Data Management / Security				
Information Security	\$6,765	\$8,285	\$23,739	\$15,454
IT / Data Management	\$74,013	\$82,715	\$98,452	\$15,737
Subtotal, IT / Data Management / Security	\$80,777	\$91,000	\$122,191	\$31,191
Legal / Science / Regulatory / Economic Review				
Integrated Environmental Strategies	\$9,614	\$9,475	\$40,912	\$31,437
Administrative Law	\$3,768	\$4,975	\$5,882	\$907
Alternative Dispute Resolution	\$533	\$864	\$1,175	\$311
Civil Rights Program	\$8,968	\$9,205	\$25,869	\$16,664
Legal Advice: Environmental Program	\$55,700	\$49,595	\$76,855	\$27,260
Legal Advice: Support Program	\$16,645	\$15,865	\$18,892	\$3,027
Regional Science and Technology	\$466	\$638	\$4,923	\$4,285
Science Advisory Board	\$3,422	\$3,205	\$3,981	\$776
Regulatory/Economic-Management and Analysis	\$13,850	\$12,421	\$16,247	\$3,826

<b>Program Project</b>	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
Subtotal, Legal / Science / Regulatory / Economic Review	\$112,967	\$106,243	\$194,736	\$88,493
Operations and Administration				
Central Planning, Budgeting, and Finance	\$71,528	\$76,718	\$89,154	\$12,436
Facilities Infrastructure and Operations	\$257,524	\$285,441	\$288,293	\$2,852
Acquisition Management	\$30,623	\$32,247	\$40,017	\$7,770
Human Resources Management	\$48,256	\$46,229	\$66,087	\$19,858
Financial Assistance Grants / IAG Management	\$27,294	\$25,430	\$33,040	\$7,610
Subtotal, Operations and Administration	\$435,225	\$466,065	\$516,591	\$50,526
Pesticides Licensing				
Science Policy and Biotechnology	\$1,287	\$1,546	\$1,580	\$34
Pesticides: Protect Human Health from Pesticide Risk	\$58,124	\$60,181	\$62,726	\$2,545
Pesticides: Protect the Environment from Pesticide Risk	\$36,714	\$39,543	\$45,876	\$6,333
Pesticides: Realize the Value of Pesticide Availability	\$6,034	\$7,730	\$7,979	\$249
Subtotal, Pesticides Licensing	\$102,159	\$109,000	\$118,161	\$9,161
Research: Chemical Safety for Sustainability				
Research: Chemical Safety for Sustainability	\$115	\$0	\$0	\$0
Resource Conservation and Recovery Act (RCRA)				
RCRA: Corrective Action	\$33,921	\$38,453	\$39,820	\$1,367
RCRA: Waste Management	\$59,769	\$70,465	\$79,743	\$9,278
RCRA: Waste Minimization & Recycling	\$8,404	\$9,982	\$10,444	\$462
Subtotal, Resource Conservation and Recovery Act (RCRA)	\$102,095	\$118,900	\$130,007	\$11,107
Toxics Risk Review and Prevention				
Endocrine Disruptors	\$5,209	\$7,533	\$7,614	\$81

<b>Program Project</b>	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
Pollution Prevention Program	\$11,476	\$12,558	\$17,121	\$4,563
Toxic Substances: Chemical Risk Review and Reduction	\$72,643	\$60,280	\$124,243	\$63,963
Toxic Substances: Lead Risk Reduction Program	\$11,991	\$13,129	\$13,749	\$620
Subtotal, Toxics Risk Review and Prevention	\$101,318	\$93,500	\$162,727	\$69,227
Underground Storage Tanks (LUST / UST)				
LUST / UST	\$10,373	\$11,250	\$12,564	\$1,314
Protecting Estuaries and Wetlands				
National Estuary Program / Coastal Waterways	\$29,496	\$31,822	\$32,184	\$362
Wetlands	\$18,562	\$19,300	\$25,637	\$6,337
Subtotal, Protecting Estuaries and Wetlands	\$48,058	\$51,122	\$57,821	\$6,699
Ensure Safe Water				
Beach / Fish Programs	\$1,146	\$1,584	\$1,827	\$243
Drinking Water Programs	\$97,190	\$106,903	\$133,258	\$26,355
Subtotal, Ensure Safe Water	\$98,335	\$108,487	\$135,085	\$26,598
Ensure Clean Water				
Marine Pollution	\$8,206	\$9,468	\$12,299	\$2,831
Surface Water Protection	\$197,137	\$206,882	\$239,688	\$32,806
Subtotal, Ensure Clean Water	\$205,343	\$216,350	\$251,987	\$35,637
Clean and Safe Water Technical Assistance Grants				
Water Quality Research and Support Grants	\$0	\$21,700	\$0	-\$21,700
<b>TOTAL EPM</b>	<b>\$2,572,857</b>	<b>\$2,761,550</b>	<b>\$3,796,280</b>	<b>\$1,034,730</b>

## **Brownfields**

## **Brownfields**

Program Area: Brownfields

Goal: Safeguard and Revitalize Communities

Objective(s): Clean Up and Restore Land for Productive Uses and Healthy Communities

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$22,136</b>	<b>\$24,000</b>	<b>\$36,842</b>	<b>\$12,842</b>
Total Budget Authority	\$22,136	\$24,000	\$36,842	\$12,842
Total Workyears	122.6	127.5	187.5	60.0

### **Program Project Description:**

Brownfields sites are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Brownfields can be found in the heart of America's main streets and former economic centers. The Brownfields Program supports efforts to revitalize these sites by awarding grants and providing technical assistance to states, tribes, local communities, and other stakeholders to work together to plan, inventory, assess, safely cleanup, and reuse brownfields. Approximately 143 million people (roughly 44 percent of the U.S. population) live within three miles of a brownfields site that receives EPA funding.<sup>1</sup> Similarly, within a half mile of a brownfields site receiving EPA funding, 21 percent of people live below the national poverty level, 17 percent have less than a high school education, 56 percent are people of color, and seven percent are linguistically isolated. As of March 2022, grants awarded by the Program have led to over 146,000 acres of idle land made ready for productive use and over 183,000 jobs and over \$35.0 billion leveraged.<sup>2</sup>

The Brownfields Program directly supports the goals of the Administration's Justice40 initiative. Operating activities include: 1) conducting the annual, high volume cooperative agreement competitions; 2) awarding new cooperative agreements; 3) managing the ongoing cooperative agreement workload; 4) providing technical assistance and ongoing support to grantees; 5) providing contractor supported technical assistance to non-grantee communities with brownfields; 6) collaborating with other agency programs; 7) operating the Assessment Cleanup and Redevelopment Exchange System (ACRES) online grantee reporting tool; 8) assisting communities to explore land reuse opportunities under the Land Revitalization Program; and 9) developing guidance and tools that clarify potential environmental cleanup liabilities.

<sup>1</sup> U.S. EPA, Office of Land and Emergency Management 2020. Data collected includes: (1) Superfund, Brownfield, and RCRA Corrective Action site information as of the end of FY 2019; (2) UST/LUST information as of late-2018 to mid-2019 depending on the state; and (3) 2015-2018 American Community Survey (ACS) Census data.

<sup>2</sup> From EPA website: <https://www.epa.gov/brownfields/brownfields-program-accomplishments-and-benefits#:~:text=Enrolled%20over%2034%2C191%20properties%20annually,3%2C478%2C000%20acres%20ready%20for%20reuse.>

## **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 6/Objective 6.1, Clean Up and Restore Land for Productive Uses and Healthy Communities in the *FY 2022 - 2026 EPA Strategic Plan*.

Today, there are more than 1,000 active Brownfields cooperative agreements (CAs) and hundreds of land revitalization projects, targeted assessments, financial planning, and visioning sessions taking place. All are supported and invigorated by the Brownfields Program's best tool – community development specialists. Specialists are the backbone of the success of the Agency broadly and they bring unique technical and program management experience, as well as public and environmental health expertise, to individual brownfield communities. The communities the program works with have achieved incredible things, but without the skilled guidance of EPA community development specialists, the Program would not have had the success that characterizes its history at the nexus between environmental revitalization and community development.

To continue to build on these successes, along with the historic investment from the Infrastructure Investment and Jobs Act, the Agency is investing \$11.9 million and an additional 60 FTE in FY 2023. In FY 2021, a detailed Workload Model Analysis identified a significant barrier to engaging with communities related to the availability of on-the-ground resources to conduct outreach and communication. This investment of 60 regional FTE will provide expanded technical assistance and build capacity in small, rural, Environmental Justice (EJ), and other historically disadvantaged communities and support the Program as it implements a responsive, expansive, and innovative environmental and economic community redevelopment program.

In FY 2023, the Brownfields Program will continue to manage approximately 1,000 assessment, cleanup, Revolving Loan Fund (RLF), multi-purpose, and Environmental Workforce Development and Job Training (EWDJT) cooperative agreements, as well as state and tribal assistance agreements; training, research, and technical assistance agreements; Targeted Brownfields Assessments; and land revitalization projects. The Brownfields Program also will continue to foster federal, state, tribal, and public-private partnerships to return properties to productive economic use, including in historically disadvantaged and EJ communities.

In FY 2023, the Brownfields Program will support the following activities:

- **Compete and Award New Cooperative Agreements:** Review, select, and award an estimated 355 new cooperative agreements, which will lead to approximately \$2.6 billion and 13,480 jobs leveraged in future years.
- **Oversight and Management of Existing Cooperative Agreements:** Continue federal fiduciary responsibility to manage approximately 1,000 existing brownfields cooperative agreements in a reduced capacity, while ensuring the terms and conditions of the agreements are met and provide limited technical assistance. The Program also will provide targeted environmental oversight support to grantees (*e.g.*, site eligibility determinations, review of environmental site assessment and cleanup reports).

- **Technical Assistance:** Provide technical assistance to states, tribes, and local communities in the form of research, training, analysis, and support for community led planning workshops. This can lead to cost effective implementation of brownfields redevelopment projects by providing communities with the knowledge necessary to understand market conditions, economic development and other community revitalization strategies, and how cleanup and reuse can be catalyzed by small businesses.
- **Collaboration:** The Program will work collaboratively with our partners at the state, tribal, and local level on innovative approaches to help achieve land reuse. It also will continue to develop guidance and tools that clarify potential environmental cleanup liabilities, thereby providing greater certainty for parties seeking to reuse these properties. The Program also can provide direct support to facilitate transactions for parties seeking to reuse contaminated properties.
- **Accomplishment Tracking:** Support the maintenance of the ACRES online grantee reporting tool. This enables grantees to track accomplishments and report on the number of sites assessed and cleaned up, and the amount of dollars and jobs leveraged with brownfields grants.
- **Land Revitalization Program Support:** Provide support for approximately two communities as part of EPA's Land Revitalization Program. The Land Revitalization Program supports communities in their efforts to restore contaminated lands into sustainable community assets.

#### **Performance Measure Targets:**

Work under this program supports performance results in the Brownfields Projects Program under the STAG appropriation.

#### **FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$953.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$11,889.0 / +60.0 FTE) This program change is an increase for community development specialists to manage land revitalization projects, provide one-on-one financial planning support, and educate tribal, rural, and EJ communities on how to address brownfields. This investment includes \$10.261 million in payroll.

#### **Statutory Authority:**

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), §§ 101(39), 104(k), 128(a); Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, § 8001.

## **Clean Air**



**Clean Air Allowance Trading Programs**

Program Area: Clean Air and Climate

Goal: Ensure Clean and Healthy Air for All Communities

Objective(s): Improve Air Quality and Reduce Localized Pollution and Health Impacts

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$12,920</i></b>	<b><i>\$13,153</i></b>	<b><i>\$23,523</i></b>	<b><i>\$10,370</i></b>
Science & Technology	\$4,809	\$6,793	\$8,800	\$2,007
Total Budget Authority	\$17,729	\$19,946	\$32,323	\$12,377
Total Workyears	66.2	63.7	82.0	18.3

**Program Project Description:**

The Clean Air Allowance Trading Programs are nationwide and multi-state programs that address air pollutants that are transported across state, regional, and international boundaries. The programs are designed to control sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>), key precursors of both fine particulate matter (PM<sub>2.5</sub>) and ozone (O<sub>3</sub>), include Title IV (the Acid Rain Program) of the Clean Air Act, the Cross-State Air Pollution Rule (CSAPR), the CSAPR Update, and the revised CSAPR Update. The infrastructure for the Clean Air Allowance Trading Programs also supports implementation of other state and federal programs to control SO<sub>2</sub>, hazardous air pollutants, and greenhouse gases.

The Clean Air Allowance Trading Programs establish a total emission limit across affected emission sources, which must hold allowances as authorizations to emit one ton of the regulated pollutant(s) in a specific emission control period. The owners and operators of affected emission sources may select among different methods of compliance—installing pollution control equipment, switching fuel types, shifting generation to lower-emitting units, purchasing allowances, or other strategies. By offering the flexibility to determine how the sources comply, the programs lower the overall cost, making it feasible to pursue greater emission reductions. These programs are managed through a centralized database system operated by EPA.<sup>3</sup> Data collected under these programs are made available to the public through EPA’s Clean Air Markets Data Resources website,<sup>4</sup> which provides access to both current and historical data collected as part of the Clean Air Allowance Trading Programs through charts, reports, and downloadable datasets. To implement the Clean Air Allowance Trading Programs, EPA operates an emission measurement and reporting program, market operations program, environmental monitoring programs, and a communication and stakeholder engagement program.

For emissions measurement and reporting, Part 75 requires almost 4,300 affected units to monitor and report emission and operation data.<sup>5</sup> The Part 75 program requires high degrees of accuracy

<sup>3</sup> Clean Air Act § 403(d).

<sup>4</sup> For additional information, please refer to <https://www.epa.gov/airmarkets/data-resources>.

<sup>5</sup> Clean Air Act § 412; Clean Air Act Amendments of 1990. P.L. 101-549 § 821.

and reliability from continuous emission monitoring systems or approved alternative methods at the affected sources. EPA provides the affected emission sources with technical assistance to facilitate compliance with the monitoring requirements, and software, the Emissions Collection and Monitoring Plan System (ECMPS), to process, quality assure, and report data to EPA. To assess the quality of the data, the Agency conducts electronic audits, desk reviews, and field audits of the emission data and monitoring systems. In addition to the Clean Air Allowance Trading Programs, the emission measurement program and ECMPS software support several state and federal emission control and reporting programs, including the Texas SO<sub>2</sub> Trading Program, Regional Greenhouse Gas Initiative (RGGI), and Mercury and Air Toxics Standards (MATS). It also interfaces with the Greenhouse Gas Reporting Program (GHGRP), ensuring the Part 75 data is seamlessly transferred to that program's infrastructure (Electronic Greenhouse Gas Reporting Tool (eGGRT)).

EPA's centralized market operation system (the allowance tracking system) manages accounts and records allowance allocations and transfers.<sup>6</sup> At the end of each compliance period, allowances are reconciled against reported emissions to determine compliance for every facility with affected emission sources. For over 20 years, the affected facilities have maintained near-perfect compliance under the trading programs.<sup>7</sup> In 2020, total annual SO<sub>2</sub> emissions from Acid Rain Program-affected emission sources were 788,000 tons, or over 90 percent below the statutory nationwide emissions cap, a level not seen since early in the 20<sup>th</sup> Century. Total annual 2020 NO<sub>x</sub> emissions were 759,000 tons, an almost nine million ton reduction from projected levels, exceeding the Program's goal of a two million ton reduction from projected levels.<sup>8</sup> The allowance tracking system also supports several state and federal emission control and reporting programs, including the Texas SO<sub>2</sub> Trading Program, RGGI, and MATS.

The Clean Air Act's Good Neighbor provision<sup>9</sup> requires states or, in some circumstances the Agency, to reduce interstate pollution that significantly contributes to nonattainment or interferes with maintenance of the National Ambient Air Quality Standards (NAAQS). Under this authority, EPA issued CSAPR, which requires 27 states in the eastern U.S. to limit their state-wide emissions of SO<sub>2</sub> and/or NO<sub>x</sub> to reduce or eliminate the states' contributions to PM<sub>2.5</sub> and/or ground-level ozone non-attainment of the NAAQS in downwind states. The emission limitations are defined in terms of maximum statewide "budgets" for emissions of annual SO<sub>2</sub>, annual NO<sub>x</sub>, and/or ozone-season NO<sub>x</sub> emissions from certain large stationary sources in each state. In 2016, EPA issued the CSAPR Update to address interstate transport of ozone for the 2008 ozone NAAQS in the eastern United States. EPA revised the CSAPR Update on March 15, 2021, to address a ruling of the U.S. Court of Appeals for the D.C. Circuit. In addition, EPA is supporting state efforts to address regional haze including best available retrofit technology and reasonable progress, as well as interstate air pollution transport contributing to downwind nonattainment of NAAQS as those obligations relate to emissions from electricity generating units.<sup>10</sup> EPA is conducting environmental justice analyses of the distribution of these emissions and associated public health impacts on overburdened communities.

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<sup>6</sup> Clean Air Act § 403(d).

<sup>7</sup> For more information, please refer to: <http://www3.epa.gov/airmarkets/progress/reports/index.html>.

<sup>8</sup> For more information, please refer to: <https://www.epa.gov/airmarkets/power-plant-emission-trends>.

<sup>9</sup> Clean Air Act § 110(a)(2)(D); also refer to Clean Air Act § 110(c).

<sup>10</sup> Clean Air Act § 110 and § 169A; refer to 40 CFR 52.2312.

EPA manages the Clean Air Status and Trends Network (CASTNET), which monitors ambient ozone, sulfate, and nitrate concentrations, dry sulfur and nitrogen deposition, and other air quality indicators. In addition, EPA participates in the National Atmospheric Deposition Program, which monitors wet deposition of sulfur, nitrogen, and mercury, as well as ambient concentrations of mercury and ammonia. EPA also manages the Long-Term Monitoring (LTM) program to assess how lakes, streams, and aquatic ecosystems are responding to reductions in sulfur and nitrogen emissions. Data from these air quality and environmental monitoring programs, in conjunction with SO<sub>2</sub>, NO<sub>x</sub>, mercury, and CO<sub>2</sub> emissions data from the Part 75 monitoring program and mercury emissions data from the MATS reporting program, have allowed EPA to develop a comprehensive accountability framework to track the results of its air quality programs. EPA applies this framework to the programs it implements and issues annual progress reports on compliance and environmental results achieved by the Acid Rain Program, CSAPR, and the CSAPR Update, and pollution controls installed and emissions reductions achieved by MATS.<sup>11</sup> Required by Congress since FY 2019 in the appropriations reports, these annual progress reports highlight reductions in SO<sub>2</sub> and NO<sub>x</sub> emissions, and impacts of these reductions on air quality (e.g., ozone and PM<sub>2.5</sub> levels), acid deposition, surface water acidity, forest health, and other environmental indicators.

EPA produces several tools to inform the public and key stakeholders about power sector emissions, operations, and environmental data. The Emissions & Generation Resource Integrated Database (eGRID)<sup>12</sup> is a comprehensive source of data on the environmental characteristics of almost all electric power generated in the U.S. Data from eGRID are used by other EPA programs, state energy and air agencies, and researchers. Between 2015 and 2020, eGRID was cited by more than 1,300 academic papers. Power Profiler<sup>13</sup> is a web application where electricity consumers can see the fuel mix and air emissions rates of their region's electricity and determine the air emissions associated with their electricity use. In keeping with the Agency's renewed commitment to energy equity and environmental justice, EPA is developing analytical and mapping tools to better understand and communicate the impact of electricity generation on low-income communities and communities of color. EPA also operates several initiatives to engage key stakeholders, including working closely with tribal governments to build tribal air monitoring capacity through partnerships with the CASTNET Program. The EmPOWER Air Data Challenge<sup>14</sup> encourages academic researchers to propose how to integrate the EPA emissions and/or environmental data in their research. The Ask Clean Air Markets Division (CAMD) webinars provide an opportunity for stakeholders to ask EPA about the Clean Air Allowance Trading Programs, Part 75 emission reporting program, and the emission and environmental data programs.

EPA also develops multiple models and tools to project future emissions from the power sector to inform EPA's air quality modeling, as well as water and land regulations affecting power plants. The Integrated Planning Model (IPM) is a state-of-the-art, peer-reviewed, dynamic linear programming model that EPA develops to project power sector behavior under future business-as-usual conditions and to examine prospective air pollution control policies throughout the contiguous United States for the entire electric power system. EPA uses IPM, along with the

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<sup>11</sup> To view the progress reports, please refer to: <http://www3.epa.gov/airmarkets/progress/reports/index.html>.

<sup>12</sup> To view eGRID, please refer to <https://www.epa.gov/egrid>.

<sup>13</sup> To view Power Profiler, please refer to <https://www.epa.gov/egrid/power-profiler>.

<sup>14</sup> For more information about the challenge, refer to <https://www.epa.gov/airmarkets/empower-air-data-challenge>.

National Energy Modeling System (NEMS) and the Regional Energy Deployment System (ReEDS), to estimate future electricity market conditions and associated pollutant emissions scenarios resulting from legislative and regulatory policies under consideration by Congress and the Administration. The National Electric Energy Data System (NEEDS) includes geographic, operating, air emissions, and other data on existing and planned grid-connected electric generating units across the contiguous United States. EPA updates and publishes NEEDS on a quarterly basis to inform emission modeling projections and to provide timely information to air quality planners and policymakers developing regulations to address power sector pollution. EPA is augmenting these power sector models and tools to include important information pertinent to environmental justice analyses and community-level impacts.

EPA implements the American Innovation and Manufacturing (AIM) Act, enacted to address climate damaging HFCs by phasing down HFC production and consumption, maximizing reclamation and minimizing releases of HFCs and their substitutes from equipment, and facilitating the transition to next-generation technologies through sector-based restrictions.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 4/Objective 4.1, Improve Air Quality and Reduce Localized Pollution and Health Impacts in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, EPA will continue to operate the Clean Air Allowance Trading Programs and the systems to assess compliance with the programs' regulatory requirements and the programs' progress toward the environmental goals required by the Clean Air Act. EPA will work to meet requirements and requests for modeling in support of the power sector and for legal defense of regulatory actions. The Program will continue to support emission reporting for other state and federal programs, including MATS and GHGRP.<sup>15</sup> In FY 2023, EPA anticipates work on several regulatory actions related to power plants including greenhouse gas emission guidelines for existing power plants (replacing the previously-promulgated Clean Power Plan and the Affordable Clean Energy Rule); interstate ozone transport obligations under the 2015 ozone standard; and continued review of the appropriate and necessary finding and risk and technology review for MATS.

This proposal expands EPA's ability to perform advanced power sector analyses to tackle the climate crisis, including developing environmental justice tools to consider the distributional impacts of emissions on overburdened communities.

#### Allowance tracking and compliance assessment

EPA will allocate SO<sub>2</sub> and NO<sub>x</sub> allowances to affected emission sources and other account holders as established in the Clean Air Act<sup>16</sup> and state and federal CSAPR implementation plans. These allowance holdings and subsequent allowance transfers will be maintained in an allowance

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<sup>15</sup> Refer to, 40 C.F.R. Part 63, Subpart UUUUU (*National Emission Standards for Hazardous Air Pollutants: Coal and Oil Fired Electric Utility Steam Generating Units*) and 40 C.F.R. Part 98, Subpart D (*Mandatory Greenhouse Gas Reporting: Electricity Generation*).

<sup>16</sup> Clean Air Act §§ 110 and 403.

tracking system (i.e., central database).<sup>17</sup> EPA will annually reconcile each facility's allowance holdings against its emissions to ensure compliance for all affected sources.<sup>18</sup>

#### Emission measurement and data collection and review

EPA will operate the Part 75 emission measurement program to collect, verify, and track emissions of air pollutants and air toxics from approximately 4,300 fossil-fuel-fired electric generating units.<sup>19</sup>

#### Program assessment and communication

EPA will continue to monitor ambient air, deposition, and other environmental indicators through the CASTNET and LTM programs, serve as a part of the National Atmospheric Deposition Program, publish the power sector progress reports required by Congress, and produce other information to communicate the extent of the progress made by the Clean Air Allowance Trading Programs.<sup>20</sup> EPA will publish emissions and environmental data on our Air Markets and eGRID websites.

#### Redesign system applications

In FY 2023, EPA will need to implement new HFC IT regulatory infrastructure to ensure EPA can fulfill its legal obligations under the AIM Act and leverage the Clean Air Act to advance climate and other air quality goals.

EPA will continue the redesign of its Air Markets Program Data (AMPD) website and Emission Collection Monitoring Plan System (ECMPS) software. These mission critical systems support the trading programs, as well as other emissions reporting programs operated by the states (e.g., RGGI) and EPA (e.g., MATS, GHGRP). Reengineering these decade-old systems will enable EPA to enhance the user experience, comply with EPA security and technology requirements, consolidate software systems, and reduce long-term operation and maintenance costs. The Clean Air Markets Program Data will be released in FY 2022 with the sunset of its predecessor, AMPD. ECMPS will be released in FY 2023.

#### Assistance to states

EPA will work with states to develop emission reduction programs to comply with the Clean Air Act Good Neighbor Provision and Regional Haze program requirements.<sup>21</sup>

#### Stakeholder engagement

EPA will continue to engage our stakeholder communities through efforts to maintain and strengthen current tribal air monitoring partnerships and build new ones to the extent possible. In addition, EPA has new efforts underway to identify how power plant pollution impacts historically marginalized and underserved communities, and how EPA air rules can mitigate those impacts. EPA also seeks to communicate information about power plant emissions and the contributions to low-income communities and communities of color, and encourage the use of the Clean Air Allowance Trading Programs' data for scientific analysis and communication through various

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<sup>17</sup> Clean Air Act §§ 110 and 403.

<sup>18</sup> Clean Air Act §§ 110 and 404-405, and state CSAPR implementation plans.

<sup>19</sup> Clean Air Act § 412; Clean Air Act Amendments of 1990. P.L. 101-549 § 821; and 40 C.F.R. Part 63, Subpart UUUUU.

<sup>20</sup> Government Performance and Results Act § 1115.

<sup>21</sup> Clean Air Act § 110(a)(2)(D).

programs and tools such as CAMD(ej), EmPOWER Air Data Challenge, and Ask CAMD webinars.

Policy and regulatory development

EPA will contribute multipollutant and multi-media (air, water, land) power sector analyses informing EPA’s policy agenda to tackle the climate crisis and protect public health and the environment, including environmental justice analyses to consider the distributional impacts of emissions on overburdened communities. Analytic and policy topics addressing climate change and air pollution that could be analyzed include a wide range of power sector actions under the CAA, as well as analysis of interactions between alternative vehicle electrification futures and associated changes in electric power generation.

**Performance Measure Targets:**

<b>(PM NOX) Tons of ozone season NOx emissions from electric power generation sources.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	355,000	344,000

For more information on program performance, please visit:

<https://www3.epa.gov/airmarkets/progress/reports/>.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$703.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$9,667.0 / +18.3 FTE) This program change is an increase in support for emissions trading programs, including associated data systems, that protect human health and the environment by delivering substantial emissions reductions in the power sector of SO<sub>2</sub>, NO<sub>x</sub>, and hazardous air pollutants. This also supports allowance trading IT infrastructure, including systems related to the implementation of the AIM Act which will reduce HFCs. This proposal expands EPA’s ability to perform advanced power sector analyses to tackle the climate crisis, including developing environmental justice tools to consider the distributional impacts of emissions on overburdened communities. This investment includes \$3.176 million in payroll.

**Statutory Authority:**

Clean Air Act.

**Climate Protection**

Program Area: Clean Air and Climate

Goal: Tackle the Climate Crisis

Objective(s): Reduce Emissions that Cause Climate Change

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$91,632</b>	<b>\$97,000</b>	<b>\$125,216</b>	<b>\$28,216</b>
Science & Technology	\$7,057	\$7,895	\$10,169	\$2,274
Total Budget Authority	\$98,689	\$104,895	\$135,385	\$30,490
Total Workyears	211.3	214.1	236.9	22.8

**Program Project Description:**

EPA’s Climate Protection Program is working to tackle the climate crisis at home and abroad through an integrated approach of regulations, partnerships, and technical assistance. This Program takes strong action to limit carbon dioxide (CO<sub>2</sub>) and methane emissions as well as working to reduce high-global warming potential greenhouse gases (GHG), like hydrofluorocarbons (HFCs), that will help the U.S. realize near-term climate benefits. Through this program, EPA works with federal, state, tribal, local government agencies and key GHG emitting sectors to tackle the climate crisis and deliver environmental and public health benefits for all Americans. EPA builds partnerships, provides tools, and verifies and publishes GHG data, economic modeling, and policy analysis, all of which increase the understanding of climate science, impacts, and protection. EPA also extends this expertise internationally and plays critical roles in shaping and advancing international agreements and solutions. This international collaboration helps to both improve public health and air quality in the United States and level the global playing field for American businesses.

**Greenhouse Gas Reporting Program:**

EPA implements the U.S. Greenhouse Gas Reporting Program under the Clean Air Act. In 2007, Congress directed EPA to “require mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the U.S.” EPA annually collects data from over 8,100 facilities from 41 industrial source categories, including suppliers (e.g., producers, importers, and exporters of GHGs) in the U.S. and uses this data to improve estimates included in the *Inventory of U.S. Greenhouse Gas Emissions and Sinks*; support federal and state-level policy and regulatory development; share GHG emissions; and share data with state and local governments, tribes, community groups, industry stakeholders, academia, the research community, and the general public.

**Inventory of U.S. Greenhouse Gas Emissions and Sinks:**

To fulfill U.S. Treaty obligations, under Article 4 of the 1992 Framework Convention on Climate Change, which was ratified by the U.S. Senate, EPA prepares the annual *Inventory of U.S. Greenhouse Gas Emissions and Sinks*. The *Inventory* provides information on total annual U.S.

emissions and removals by source, economic sector, and GHG. The Inventory is used to inform U.S. policy and for tracking progress towards the U.S. Nationally Determined Contribution under the Paris Agreement. EPA leads the interagency process of preparing the *Inventory*, working with technical experts from numerous federal agencies, including the Department of Energy's Energy Information Administration, Department of Agriculture, Department of Defense, U.S. Geological Survey, and academic and research institutions.

#### Managing the Transition from Ozone-Depleting Substances:

EPA implements efforts directed by Section 612 of the CAA to ensure a smooth transition away from ozone-depleting substances (ODS) to safer alternatives. Applying a comparative risk assessment, the Significant New Alternatives Policy (SNAP) program evaluates the health and environmental effects of alternatives in the sectors and subsectors where ODS and high-global warming potential HFCs are used, providing additional substitute options in key sectors such as refrigeration and air conditioning.

#### Phasing Down HFCs:

EPA implements the American Innovation and Manufacturing (AIM) Act, enacted to address climate damaging HFCs by phasing down HFC production and consumption, maximizing reclamation and minimizing releases of HFCs and their substitutes from equipment, and facilitating the transition to next-generation technologies through sector-based restrictions. This phasedown will decrease the production and import of HFCs in the United States by at least 85 percent by 2036, resulting in significant climate benefits.

#### ENERGY STAR:

ENERGY STAR provides information that consumers and businesses rely on to make informed decisions to reduce energy use, save money, and reduce harmful air pollutants. By reducing energy use, ENERGY STAR lowers costs for states and local governments as they design and implement plans to meet their air quality and climate goals. ENERGY STAR is the national symbol for energy efficiency, recognized by more than 90 percent of American households, and is a critical tool to fight the climate crisis.

ENERGY STAR achieves significant and growing GHG reductions by promoting the adoption of cost-effective, energy-efficient technologies and practices in the residential, commercial, and industrial sectors. The Program yields significant environmental and economic results through its network of thousands of partners. In 2019 alone, ENERGY STAR and its partners helped American families and businesses save nearly 500 billion kilowatt-hours of electricity and avoid \$39 billion in energy costs. These savings resulted in emission reductions of nearly 390 million metric tons of GHGs (roughly equivalent to 5 percent of U.S. total GHG emissions) and more than 470 thousand tons of criteria air pollutants (SO<sub>2</sub>, NO<sub>x</sub>, PM<sub>2.5</sub>). This reduction in criteria pollutants is estimated to result in \$7 billion to \$17 billion in public health benefits.<sup>22</sup> These investments in turn drive job creation across the economy. More than 800,000 Americans are employed in manufacturing or installing ENERGY STAR certified equipment alone – nearly 35 percent of all

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<sup>22</sup> For more information on ENERGY STAR's environmental, human health, and economic impacts, please see here: [https://www.energystar.gov/about/origins\\_mission/impacts](https://www.energystar.gov/about/origins_mission/impacts). For more information on ENERGY STAR calculation methods, see the Technical Notes, available here: <https://cmadmin.energystar.gov/sites/default/files/asset/document/Technical%20Notes.pdf>.



energy efficiency jobs in 2019, with energy efficiency accounting for 40 percent of all energy sector jobs overall.<sup>23</sup>

EPA manages the ENERGY STAR Program with clearly defined support from the U.S. Department of Energy. Specifically, EPA manages and implements the specification development process for more than 75 product categories and the ENERGY STAR Most Efficient recognition program; the ENERGY STAR Residential New Construction Program for single-family homes, manufactured homes, and multifamily buildings; and the ENERGY STAR commercial and industrial programs. This work includes activities such as certification monitoring and verification, setting performance levels for building types, managing and maintaining the ENERGY STAR Portfolio Manager tool to measure and track energy use in buildings, and managing the integrity of the ENERGY STAR brand.

ENERGY STAR also supports equitable energy solutions that can deliver significant cost savings for low-income families and other overburdened and underserved populations. The Program prioritizes outreach to low-income populations on products that have the greatest opportunity to save energy and dollars. The ENERGY STAR Program also looks for affordable alternatives to products that may be cost-prohibitive, such as replacement windows (e.g., storm windows). In addition, roughly 20 percent of ENERGY STAR home builder partners work in affordable housing, including 550 Habitat for Humanity affiliates (18,000 ENERGY STAR certified homes constructed), 80 manufactured housing plants (more than 66,500 ENERGY STAR certified manufactured homes built), and the multifamily sector (more than 75 percent of ENERGY STAR multifamily high-rise projects are identified as affordable housing).<sup>24</sup>

#### Renewable Energy Programs:

EPA works with industry and other key groups to encourage efficient, clean technologies and promote climate leadership. EPA's Green Power Partnership drives voluntary participation in the U.S. green power market. This program provides information, technical assistance, and recognition to companies that use green power at or above minimum partnership benchmarks. At the end of calendar year 2020, more than 700 EPA Green Power Partners reported the collective use of nearly 70 billion kilowatt-hours of green power annually. This amount of green power use represents nearly 43 percent of the U.S. voluntary green power market (that goes beyond required purchases under state renewable portfolio standards). Since 2001, the Program has helped prevent nearly 280 million metric tons of GHG emissions.<sup>25</sup> In addition, EPA's Green Power Partnership also recognizes more than 100 EPA Green Power Communities nationwide that advance green power access and use to their community members. The Combined Heat and Power Partnership offers tools and services to facilitate and promote cost-effective, highly efficient Combined Heat and Power (CHP) projects. The Center for Corporate Climate Leadership establishes norms of climate leadership by encouraging organizations with emerging climate objectives to identify and

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<sup>23</sup> NASEO and Energy Futures Initiative. (2020). U.S. Energy and Employment Report. <https://www.usenergyjobs.org/> (link is external). The survey does not account for retail employment.

<sup>24</sup> For more information on ENERGY STAR's environmental, human health, and economic impacts, please see here: [https://www.energystar.gov/about/origins\\_mission/impacts](https://www.energystar.gov/about/origins_mission/impacts). For more information on ENERGY STAR calculation methods, see the Technical Notes, available here: <https://cmadmin.energystar.gov/sites/default/files/asset/document/Technical%20Notes.pdf>.

<sup>25</sup> For more information on EPA's Green Power Partnership's environmental, human health, and economic impacts, please see here: <https://www.epa.gov/greenpower/green-power-partnership-program-success-metrics>.

achieve cost-effective GHG emission reductions, while helping more advanced organizations drive innovations in reducing their greenhouse gas impacts in their supply chains and beyond.

#### State, Tribal and Local Climate and Energy Programs:

EPA works with state, tribal and local governments to identify and implement cost-effective programs that reduce GHG emissions, save energy, improve air quality, and mitigate heat island effects. EPA provides tools, data, and technical expertise to help subnational governments implement clean energy policies and programs that reduce emissions, maximize co-benefits, and prioritize low-income communities and communities with environmental justice concerns. The Programs help governments develop emissions inventories, discover best practices for emissions reductions and heat island mitigation, and analyze the emissions and health benefits of clean energy strategies. These programs also highlight the best examples across the country on how to deliver inclusive climate programs and provide resources to help governments deliver energy efficiency and renewable energy to low-income communities.

#### SmartWay Transport:

Launched in 2004, SmartWay is the only voluntary program working across the entire freight system to comprehensively address economic and environmental goals related to sustainability. Nearly 4,000 businesses that receive, ship, or carry freight rely upon SmartWay supply chain accounting tools and methods to assess, track, and reduce transportation-related carbon, energy use, and air emissions. By accelerating deployment of cleaner, more efficient technologies and operational strategies across supply chains, SmartWay partners have avoided significant amounts of pollution, helping to address the climate crisis and contributing to healthier air for underserved and overburdened communities living close to freight hubs and routes. Improving supply chain efficiency also helps grow the economy and protect and create jobs while contributing to energy security.

EPA is the SmartWay brand manager and is responsible for the specification process for hundreds of product and vehicle categories, including both family (passenger) vehicles and commercial (heavy-duty freight truck and trailer) vehicles, and the SmartWay Partnership and SmartWay Affiliate recognition programs. EPA's technology verification program enables manufacturers to voluntarily demonstrate fuel saving and emission reduction performance using standard testing protocols. SmartWay partner fleets as well as others in the trucking industry use EPA's verified technology lists to identify products that have been demonstrated to save fuel and reduce emissions.

#### Partnerships to Reduce Methane Emissions:

EPA operates several partnership programs that promote cost-effective reductions of methane by working collaboratively with industry. Methane programs offer excellent opportunities for reducing the concentration of GHGs in the atmosphere and providing an energy resource in the process. Methane is a significant source of GHG emissions and has a relatively short atmospheric lifetime of about 9 to 15 years, which means that reductions made today will yield positive results in the near term. Unlike other GHGs, methane is an important energy resource that allows for cost-effective mitigation. There are many opportunities to recover and re-use or sell methane from the agriculture (manure management), coal mining, oil and gas, and landfill sectors. The AgSTAR program, which is a collaboration between EPA and the Department of Agriculture, focuses on

methane emission reductions from livestock waste management operations through biogas recovery systems. The Coalbed Methane Outreach Program promotes opportunities to profitably recover and use methane emitted from coal mining activities. The Landfill Methane Outreach Program promotes abatement and energy recovery of methane emitted from landfills. The Natural Gas STAR and Methane Challenge programs spur the adoption of cost-effective technologies and practices that reduce methane emissions from the oil and natural gas sector through collaborative partnerships with companies.

EPA also manages the implementation of the Global Methane Initiative (GMI), a U.S. led international public-private partnership that brings together over 45 partner governments and over 700 private sector and non-governmental organizations to advance methane recovery and use. GMI builds on the success of EPA's domestic methane programs and focuses on advancing methane reductions from agriculture, coal mines, landfills, oil and gas systems, and municipal wastewater. With assistance from several agencies—particularly EPA and U.S. State Department—the U.S. Government has supported identification and implementation of more than 1,100 methane mitigation projects since 2005. These projects have reduced methane emissions by about 500 million tons of carbon dioxide equivalent (MMTCO<sub>2e</sub>), including approximately 42 MMTCO<sub>2e</sub> in 2020. Since 2005, U.S. efforts under the auspices of GMI leveraged more than \$650 million for project implementation and training and provided trainings for more than 50,000 people in methane mitigation.<sup>26</sup>

#### Partnerships to Reduce Fluorinated Greenhouse Gas Emissions:

EPA operates partnership programs that promote cost-effective reductions of fluorinated greenhouse gases (FGHG) by working collaboratively with industry. EPA's FGHG partnership programs continue to make significant reductions in potent GHG emissions, such as perfluorocarbons, HFCs, nitrogen trifluoride, and sulfur hexafluoride. Through its partnership programs, EPA works closely with participating industries to identify cost-effective emissions reduction opportunities, recognize industry accomplishments, and facilitate the transition toward environmentally friendlier technologies and chemicals and best environmental practices. Although FGHGs account for a small portion of total U.S. GHG emissions, they have very high global warming potentials.

#### Science, Economic, and Technical Analyses:

EPA conducts a range of economic, scientific, and technical analyses for CAA regulatory actions and to support the Administration's efforts to address climate change. These efforts include the communication of the science of climate change to the public by providing information on the indicators of climate change, climate risks, and actions that can be taken to mitigate the impacts. EPA applies an analytical framework to evaluate avoided risk and economic impacts of GHG mitigation. These efforts also include the development of multiple models and tools to project future multipollutant emissions (including GHGs) from the power sector to inform EPA's air quality modeling and air, water, and land regulations affecting power plants. EPA applies modeling tools and expertise across a wide range of high priority work areas, including supporting U.S. participation in the Paris Agreement, providing analysis and technical expertise to the U.S. Special Presidential Envoy for Climate and other interagency partners to support U.S. engagement

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<sup>26</sup>For more information on the Global Methane Initiative's environmental, human health, and economic impacts, please see here: <https://www.epa.gov/gmi/us-government-global-methane-initiative-accomplishments>.

with foreign governments on climate change, and conducting legislative analyses as requested by Congressional staff. Furthermore, EPA provides critical, world-renowned non-CO<sub>2</sub>, agriculture, and forestry analyses and participates in the interagency process to improve and apply the models and analyses as needed. Finally, EPA is expanding its ability to conduct equity and environmental justice analyses to identify policy implications and improve collaboration with underserved and frontline communities.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.1, Reduce Emissions that Cause Climate Change in the *FY 2022 - 2026 EPA Strategic Plan*. Work in this program also directly supports progress toward the Agency Priority Goal: *Phase down the production and consumption of hydrofluorocarbons (HFCs). By September 30, 2023, annual U.S. consumption of HFCs will be 10 percent below the baseline<sup>27</sup> of 303.9 million metric tons of carbon dioxide equivalent (MMTCO<sub>2e</sub>) consistent with the HFC phasedown schedule in the American Innovation and Manufacturing (AIM) Act and codified in the implementing regulations. A 10 percent reduction would decrease the U.S. consumption limit to less than 273.5 MMTCO<sub>2e</sub> in 2023.*

In FY 2023, EPA is requesting \$21.4 million and 20.5 FTE in additional resources to help reduce greenhouse gas emissions while also addressing environmental justice through an integrated approach of regulations, partnerships, and technical assistance. The increase enables EPA to take strong action on CO<sub>2</sub> and methane as well as high-global warming potential climate pollutants such as HFCs; restores the capacity of EPA's climate partnership programs to provide essential contributions to our nation's climate, economic, and justice goals; and strengthens EPA's capacity to apply its modeling tools and expertise across a wide range of high priority work areas including supporting U.S. participation in the Paris Agreement.

In FY 2023, EPA will continue to implement the Greenhouse Gas Reporting Program covering a total of 41 sectors, with approximately 8,100 reporters. In FY 2023, EPA will verify 98 percent of Annual Greenhouse Gas Reports from these sectors. Focus areas for the Program will include:

- Completing a pending rulemaking to update, streamline, and enhance the scope and accuracy of the GHG Reporting Program across multiple sectors, including oil and gas as well as carbon capture projects;
- Aligning the electronic GHG reporting tool with those regulatory amendments;
- Ensuring that the electronic reporting system continues to meet all Agency security requirements;

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<sup>27</sup> EPA's final rule, "[Phasedown of Hydrofluorocarbons: Establishing the Allowance Allocation and Trading Program under the AIM Act](#)" establishes the HFC production and consumption baselines from which the phasedown steps are measured. Using the equation provided in the AIM Act and based on the data available to the Agency through the Greenhouse Gas Reporting Program (GHGRP) and outreach conducted for this rulemaking, EPA determined that the production baseline is 382.6 million metric tons of exchange value equivalent (MMTEVe) and the consumption baseline is 303.9 MMTEVe. EPA has determined that the exchange values included in subsection (c) of the AIM Act are identical to the GWPs included in IPCC (2007). Therefore, one million metric tons of carbon dioxide equivalent (MMTCO<sub>2e</sub>) is numerically equivalent to one MMTEVe. EPA is using the measurement MMTCO<sub>2e</sub> in this document since the public is more familiar with this term than MMTEVe.

- Ongoing system enhancements to the GHG Reporting Program’s electronic GHG reporting tool (eGGRT) to accommodate HFC supply data submitted by industry to meet the reporting requirements of the AIM Act regulations;
- Conducting a QA/QC and verification process through a combination of electronic checks, staff reviews, and follow-up with facilities when necessary;
- Publishing reported data while enhancing the Facility Level Information on GHG Tool (FLIGHT) mapping feature to visually display the distribution of GHG emissions and sources of GHG supply in areas of the country of environmental justice and equity concern; and
- Continued review and approval of the increased number of Carbon Capture and Storage Monitoring Reporting and Verification plans that are submitted to the GHG Reporting Program due to changes in the IRS 45Q tax code.

In addition, EPA will work to complete the annual *Inventory of U.S. Greenhouse Emissions and Sinks*. Focus areas will include:

- Continuing improvements to inventory methodologies in areas such as oil and gas, land-use, and waste, consistent with Intergovernmental Panel on Climate Change guidelines, and to meet upcoming Paris reporting requirements;
- Disaggregating the national *Inventory of U.S. Greenhouse Gas Emissions and Sinks* to the state level and publishing the results annually through the online Data Explorer tool;
- Furthering work to make use of advanced observation technologies, including through developing the capacity to publish an annual gridded methane inventory, which is essential for use by atmospheric researchers and as input to other studies;
- Creating a new GHG emission calculator, linked to Portfolio Manager, to develop building GHG inventories that fully comply with accounting protocols and local mandates; and
- Enhancing GHG inventory tools and technical assistance to states, local governments, and tribes.

In FY 2023, EPA will continue to implement the ENERGY STAR Program, partnering with more than 840 utilities (representing an annual collective investment of \$8.4 billion in energy efficiency programs) from state and local governments, plus nonprofits. These partners leverage ENERGY STAR in their efficiency programs to achieve GHG reductions in major economic sectors, consistent with national commitments.

ENERGY STAR will work in the Residential Sector to enable and accelerate the adoption of energy efficiency. In FY 2023, the Program will:

- Update up to five product specifications for ENERGY STAR-labeled products to ensure top efficiency performance;
- Further amend up to three ENERGY STAR specifications in response to changes in Department of Energy (DOE) minimum efficiency standards and test procedures;
- Maintain third-party certification to ensure consumer confidence in more than 75 categories for ENERGY STAR labeled products, which includes overseeing 500 recognized laboratories worldwide and 20 certification bodies;
- Further drive long-term climate goals by advancing the cutting edge of the current and

future market through the ENERGY STAR Emerging Technology Awards and the ENERGY STAR Most Efficient recognition program, which certifies 3,600 product models from over 280 manufacturers;

- Leverage the market power of the ENERGY STAR brand through the ENERGY STAR Home Upgrade to quickly scale home energy retrofits featuring the high impact, broadly applicable measures (e.g., heat pumps and heat pump water heaters) that are critical to efficiently decarbonizing the residential sector;
- Target energy-saving resources to underserved and energy burdened households with expanded efforts to leverage the ENERGY STAR market power to advance utility-scale uptake of equitable financing approaches for home energy upgrades, a key opportunity to support environmental justice goals;
- Implement critical program requirement updates for EPA's ENERGY STAR Residential New Construction programs, including development of a substantially revised program specification for manufactured homes in response to new code requirements for this sector to ensure at least 10 percent energy savings compared to the new code; and
- Develop and deploy a new ENERGY STAR-based whole-house certification program to recognize the next generation of new homes and apartments that incorporate advanced

efficient electric technologies such as heat pumps, heat pump water heaters, induction cooking, and electric vehicle charging capability.

In addition, ENERGY STAR will continue to partner with businesses and public-sector organizations to advance energy efficiency in the commercial sector. In FY 2023, the Program will:

- Continue to operate and maintain ENERGY STAR Portfolio Manager, as well as deliver critical enhancements to accommodate the more than 300 commercial software vendors and utilities that use the tool, and add reporting and tracking functionality and enhanced data quality checks to increase support to corporate and federal, state and local government users;
- Update and expand ENERGY STAR building scores, used to understand how a building's energy consumption compares with similar buildings nationwide;
- Verify the efficiency of more than 6,000 buildings with EPA's ENERGY STAR label, including conducting approximately 250 spot audits;
- Provide guidance and technical assistance to the roughly 50 local governments and states that have adopted mandatory or voluntary energy benchmarking and disclosure policies and/or building performance standards that require use of EPA's ENERGY STAR Portfolio Manager; and
- Produce a public dataset and data visualization tools from Portfolio Manager to understand the range of energy use and intensity across multiple building types and geographic locations.

ENERGY STAR will continue to work with partners in the industrial sector to improve efficiency and reduce costs while protecting the environment. In FY 2023, the Program will:

- Continue to support ENERGY STAR industrial partners across 33 diverse industrial sectors through webinars, focus industry meetings, company-to-company mentoring, and recognition of efficient plants;
- Update and develop new Energy Performance Indicators to incorporate key factors that impact energy use in the plant and converts electricity inputs to source energy; and
- Work with, review, and audit an expected 200 industrial plants applications registered to achieve the ENERGY STAR Challenge for Industry in which industrial sites commit to reducing their energy intensity by 10 percent within five years.

In FY 2023, EPA will implement the Green Power Partnership and accelerate the transition to a carbon-pollution free electricity sector. In FY 2023, the Program will:

- Update and develop new credible resources, educational tools, and recognition of actions and leadership to incentivize all sectors of Green Power Partners;
- Drive market leadership and impact by recognizing the actions of partnering organizations that significantly advance the development of green power markets and renewable energy development; and
- Partner with over 120 Green Power Communities to encourage local efforts to increase their use of and investment in renewable electricity, including underserved communities that have traditionally lacked adequate access to green power.

In FY 2023, EPA will implement other partnerships to achieve GHG reductions in major economic sectors, consistent with national climate commitments. Focus areas of the programs will include:

- Implementing the Center for Corporate Climate Leadership program, promoting cost-effective corporate GHG management practices that support the measurement and management of corporate-wide emissions; and
- Developing and enhancing guidance and tools to assist public companies with GHG emission reductions and climate disclosure of GHG emissions in their operations and supply chains.
- Operating the CHP Partnership, promoting efficient and environmentally beneficial CHP;

In FY 2023, EPA will implement the State, Tribal and Local Climate and Energy Program to support state and local activity that is essential to tackling the climate crisis and promoting equity and environmental justice in clean energy programs. Focus areas of the Program will include:

- Providing technical support to dozens of state, tribal and local governments as they implement climate and clean energy policies for efficiency, renewables, and beneficial electrification; provide increased support on equity and environmental justice in clean energy policy design;
- Updating major analytical tools to enable state, tribal and local governments to develop and analyze GHG inventories, pollutant emissions reductions, and public health co-benefits of efficiency and renewables; expand focus of tools to analyze beneficial electrification;
- Conducting significant outreach and training on tools with a focus on new tools such as the Energy Savings and Impacts Scenario Tool, which helps users assess a set of long-term

environmental, health, economic and equity impacts from utility energy efficiency programs;

- Launching updates to EPA's State Guide to Action on Clean Energy by hosting webinars and convenings or workshops for state policymakers; and
- Helping local governments implement heat island reduction initiatives that are a priority of communities with environmental justice concerns by promoting best practices, updating technical resources, and convening stakeholders.

In FY 2023, EPA will continue to achieve significant reductions in climate and other harmful emissions from freight transportation by expanding SmartWay efforts to:

- Develop and refine GHG accounting protocols for freight carriers and their customers;
- Continue to provide expertise and serve as a technical test bed in support of the Agency's efforts to reduce GHG emissions;
- Transition SmartWay partner tools to an online platform making it easier to benchmark and track performance and expanding access to SmartWay for smaller businesses;
- Encourage adoption of SmartWay approaches globally under international frameworks and agreements, including co-administering SmartWay with Canada and continue a SmartWay pilot in Mexico;
- Contribute to development and dissemination of an International Organization for Standardization (ISO) standard to calculate GHG from transportation operations; and,
- Update GHG requirements for federal purchases of passenger vehicles under the Energy Independence and Security Act as needed.

In FY 2023, EPA will continue to mitigate domestic methane and fluorinated greenhouse gases emissions by implementing partnership outreach programs focused on providing technical information on best practices and cost-effective technologies in the petroleum and natural gas systems, municipal solid waste landfills, livestock manure anaerobic digestion and biogas systems, coal mining, and electric power transmission sectors. EPA's GreenChill Advanced Refrigeration Partnership Program will continue to work with food retail partners transitioning from ozone-depleting substances and HFCs to promoting lower global warming potential and improved more energy-efficient technologies. The Responsible Appliance Disposal Program partners achieve emissions reductions by collecting and disposing of refrigerant-containing appliances.

EPA also will continue implementing and promoting global methane mitigation opportunities across multiple sectors (oil and gas, coal mining, municipal solid waste, wastewater, agriculture/manure management) in support of the GMI by:

- Running the secretariat of the GMI, coordinating and organizing overall activities;
- Providing technical leadership across multiple sectors;
- Coordinating with key methane-focused initiatives such as United Nations Economic Commission for Europe, Climate & Clean Air Coalition, and the International Energy Agency; and
- Serving Administration-level priorities, such as the Global Methane Pledge.



In FY 2023, EPA will maintain and enhance the climate change website by updating scientific material and further developing web products that reach the American public and effectively communicate the causes and effects of climate change and Administration priorities.

EPA also will support the State Department as the technical lead in developing both current and additional measure projections, and compiling information on GHG mitigation policies and measures to assess our progress towards meeting our Nationally Determined Contribution goal. These actions are part of the upcoming U.S. Biennial Report, as required by the U.N. Framework Convention on Climate Change. EPA also will prepare for the transition to the Paris Agreement requirements and submit new Biennial Transparency Reports in calendar year 2024.

EPA will continue our United Nations Framework Convention on Climate Change engagement by serving as negotiators on U.S. delegations, for example, on transparency and markets, and working to assess mitigation potential and information from other countries. EPA also will review national inventory and related reports submitted by other countries, including other major economies such as Brazil, Germany, and China.

EPA will continue to improve work on climate change impacts modeling including how risks and economic impacts can be reduced under mitigation and adaptation scenarios by:

- Advancing the scientific literature on climate impacts through the Climate Change Impacts and Risk Analysis project by publishing sectoral impact methodologies and reduced form approaches to improve analytical and communication capacity;
- Quantifying and monetizing the disproportionate risks of climate change on socially vulnerable populations;
- Continuing to make the Climate Change Indicators more accessible through enhanced visualization tools; and
- Collaborating with the interagency U.S. Global Change Research Program through participation in the National Climate Assessment and other key Program activities.

EPA also will analyze program data on GHG emissions from petroleum and natural gas facilities and support Agency regulatory development by:

- Developing more detailed oil and gas projections to support the nationally determined contributions under the Paris Agreement; and
- Performing technical analyses, regulatory development, regulatory impact analyses, and litigation support.

In FY 2022, through significant contributions to the Interagency Work Group, EPA is expected to complete work to finalize the Social Cost of Greenhouse Gases (SC-GHG) and recommend a process for reviewing and updating SC-GHG as required under Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. The final values are key to quantifying the benefits of actions across the federal government and beyond to address climate change. In FY 2023, we will engage in research in response to the IWG

recommendations for an ongoing updating process for the SC-GHG to ensure that they continue to reflect the latest science.<sup>28</sup>

**Performance Measure Targets:**

<b>(PM REP) Percentage of Annual Greenhouse Gas Emission Reports verified by EPA before publication.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	98	98
<b>(PM CPP) Million metric tons of carbon dioxide equivalent reduced annually by EPA’s climate partnership programs.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	486.9	500.7
<b>(PM HFC) Remaining U.S. consumption of hydrofluorocarbons (HFCs).</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	273.5	273.5

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$1,791.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$21,425.0 / +20.5 FTE) This program change is an increase for programs under this program project that help reduce greenhouse gas emissions while also addressing environmental justice through an integrated approach of regulations, partnerships, and technical assistance. The increase enables EPA to take strong action on CO<sub>2</sub> and methane as well as high-global warming potential climate pollutants, such as HFCs, as directed by the AIM Act; restores the capacity of EPA’s climate partnership programs to provide essential contributions to our nation’s climate, economic, and justice goals; and strengthens EPA’s capacity to apply its modeling tools and expertise across a wide range of high priority work areas including supporting U.S. participation in the Paris Agreement. This investment includes \$3.692 million in payroll.
- (+\$5,000.0) This program change is an increase for EPA to work closely with NASA on prototyping capabilities for a greenhouse gas monitoring and information system that will integrate data from a variety of sources with a goal of making data more accessible and usable to federal, state, and local governments, researchers, the public, and other users.

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<sup>28</sup> On March 16, 2022, the Fifth Circuit Court of Appeals stayed an injunction issued by the U.S. District Court for the Western District of Louisiana related to the social cost of carbon metric.

**Statutory Authority:**

Clean Air Act; Global Change Research Act of 1990; Global Climate Protections Act; Energy Policy Act of 2005 § 756; Pollution Prevention Act §§ 6602-6605; National Environmental Policy Act (NEPA) § 102; Clean Water Act § 104; Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) § 8001; American Innovation and Manufacturing (AIM) Act.

**Federal Stationary Source Regulations**

Program Area: Clean Air and Climate

Goal: Ensure Clean and Healthy Air for All Communities

Objective(s): Improve Air Quality and Reduce Localized Pollution and Health Impacts

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$19,317</i></b>	<b><i>\$20,733</i></b>	<b><i>\$41,617</i></b>	<b><i>\$20,884</i></b>
Total Budget Authority	\$19,317	\$20,733	\$41,617	\$20,884
Total Workyears	107.4	108.5	149.5	41.0

**Program Project Description:**

The Clean Air Act (CAA) requires EPA to take action to improve and protect air quality and limit emissions of harmful air pollutants from a variety of sources. The CAA directs EPA to set National Ambient Air Quality Standards (NAAQS) for six “criteria” pollutants considered harmful to public health and the environment. The NAAQS pollutants are particulate matter (PM), ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), and lead (Pb). The CAA requires EPA to review the science upon which the NAAQS are based and the standards themselves every five years. These national standards form the foundation for air quality management and establish goals that protect public health and the environment. Section 109 of the CAA Amendments of 1990 established two types of NAAQS. Primary standards are set at a level requisite to protect public health with an adequate margin of safety. Secondary standards are set at a level requisite to protect public welfare from any known or anticipated adverse effects.

Sections 111, 112, and 129 of the CAA direct EPA to take actions to control air emissions of toxic, criteria, and other pollutants from stationary sources. Specifically, to address air toxics, the CAA Section 112 Program provides for the development of National Emission Standards for Hazardous Air Pollutants (NESHAP) for major sources and area sources; the assessment and, as necessary, regulation of risks remaining after implementation of NESHAP that are based on Maximum Available Control Technology (MACT); the periodic review and revision of the NESHAP to reflect developments in practices, processes, and control technologies; and associated national guidance and outreach. In addition, EPA must periodically review, and, where appropriate, revise both the list of air toxics subject to regulation and the list of source categories for which standards must be developed.

The CAA Section 111 program requires issuing, reviewing, and periodically revising, as necessary, New Source Performance Standards (NSPS) for certain pollutants from listed categories of new, modified, or reconstructed sources of air emissions; issuing emissions guidelines for states to apply to certain existing sources; and providing guidance on Reasonably Available Control Technology through issuance and periodic review and revision of control technique guidelines. The CAA Section 129 program further requires EPA to develop and periodically review standards of performance and emissions guidelines covering air emissions from waste combustion sources.

Sections 169A and 169B of the CAA require protection of air quality related values (AQRV) for 156 congressionally mandated national parks and wilderness areas, known as Class I areas. Visibility is one such AQRV, and Congress established a national goal of returning visibility in the Class I areas to natural conditions, i.e., the visibility conditions which existed without manmade air pollution. The Regional Haze Rule sets forth the requirements that state plans must satisfy to make reasonable progress towards meeting this national goal.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 4/Objective 4.1, Improve Air Quality and Reduce Localized Pollution and Health Impacts in the *FY 2022 - 2026 EPA Strategic Plan*.

#### NAAQS

The President directed EPA to review the 2020 PM NAAQS and the 2020 Ozone NAAQS in accordance with Executive Order 13990: *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. EPA has requested resources in FY 2023 to better incorporate science and input from the reestablished Clean Air Scientific Advisory Committee and to assess information received during the public process for rulemakings to complete these reviews. In FY 2023, EPA will continue reviewing the NAAQS and make revisions, as appropriate, and has requested resources commensurate to support these reviews. Each review involves a comprehensive reexamination, synthesis, and evaluation of scientific information, the design and conduct of complex air quality and risk and exposure analyses, and the development of a comprehensive policy assessment providing analysis of the scientific basis for alternative policy options.

In FY 2023, EPA will initiate a multi-phased process for improving air pollution benefits analysis methods to improve the science it uses to quantify benefits from air quality regulations. This is one of the learning priority areas as part of the Agency's Learning Agenda in the *FY 2022-2026 EPA Strategic Plan*. EPA will develop a draft benefits *Guidelines* document outlining best practices for incorporating new scientific information into methods for benefits analysis. This will be followed by additional reviews of specific methods and applications. This effort will help ensure transparency and confidence in the process for selecting and applying the latest science in benefits analysis. EPA also will improve tools and approaches to enable more robust analysis of program impacts on communities with environmental justice concerns and vulnerable populations. EPA will work to achieve and maintain compliance with existing standards. These include the ozone standards established in 2015, 2008, 1997, and 1979; the 1987 PM<sub>10</sub> standards; the 2012, 2006, and 1997 PM<sub>2.5</sub> standards; the 2008 and 1978 lead standards;<sup>29</sup> the 2010 NO<sub>2</sub> standard;<sup>30</sup> the 1971 CO standard; and the 2010 SO<sub>2</sub> standard.<sup>31</sup> EPA, in close collaboration with states and tribes, will work to improve air quality in areas not in attainment with the NAAQS, including assisting states and tribes in developing CAA-compliant pollution reduction plans.

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<sup>29</sup> In September 2016, EPA completed the review of the 2008 Lead NAAQS and retained the standards without revision.

<sup>30</sup> In April 2018, EPA completed the review of the 2010 NO<sub>2</sub> NAAQS and retained the standards without revision.

<sup>31</sup> In February 2019, EPA completed the review of the 2010 SO<sub>2</sub> NAAQS and retained the standards without revision.

## Air Toxics

Section 112(d)(6) of the CAA requires EPA to review and revise, as necessary, all NESHAP (for both major and area sources) every eight years. These reviews include compiling information and data already available to the Agency; collecting new information and emissions data from industry; reviewing emission control technologies; and conducting economic analyses for the affected industries needed for developing regulations. Similarly, Section 112(f) of the CAA requires EPA to review the risk that remains after the implementation of MACT standards within eight years of promulgation. In addition, Section 112 requires EPA to periodically review, and, where appropriate, revise both the list of air toxics subject to regulation and the list of source categories for which standards must be developed. The CAA Section 129 Program further requires EPA to develop and periodically review standards of performance and emissions guidelines covering air emissions from waste combustion sources.

In FY 2023, EPA will undertake multiple CAA reviews and associated rulemakings. The air toxics program will prioritize conducting reviews of NESHAP for more than 32 source categories, many of which are subject to court-ordered or court-entered dates or are actions otherwise required by courts, as well as ethylene oxide source categories such as commercial sterilizers and chemical sectors. EPA also expects to undertake actions related to reviewing and revising the list of hazardous air pollutants, as Section 112 requires. EPA expects to propose or promulgate more than 20 rules in FY 2023. In meeting the requirements of Executive Order 13990, EPA also will continue review of the Mercury and Air Toxics Standards for power plants, including the appropriate and necessary finding and risk and technology review, and will take appropriate action resulting from that review in FY 2023. EPA will enhance risk assessment capabilities to better identify and determine impacts of exposures to air toxics on communities. The Program will prioritize its work, as resources allow, with an emphasis on meeting court-ordered deadlines, and also incorporate environmental justice considerations as part of the decision-making process.

As called for in the Administrator's April 27, 2021, *Memorandum Regarding Per- and Polyfluoroalkyl Substances*,<sup>32</sup> EPA will take actions to address PFAS pollution. The Agency's new EPA Council on PFAS will collaborate on cross-cutting strategies; advance new science; develop coordinated policies, regulations, and communications; and engage with affected states, tribes, communities, and stakeholders. This includes consideration of appropriate actions using existing CAA authorities.

As part of a forward-looking air toxics strategy, EPA will address these regulatory and emerging issues, and improve access to air toxics data. The Agency will transition to an approach to share air toxics data faster and more regularly to the public, allowing for increased transparency and the ability to see trends and risks over time. By 2023, EPA will report the most current air toxics data each year in the annual Air Trends Report and an online interactive tool instead of the current three - to four - year cycle and provide that data at increased spatial resolution.

## NSPS

Section 111 of the CAA requires EPA to set NSPS for new, modified, or reconstructed stationary sources of air emissions in categories that have been determined to cause, or significantly

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<sup>32</sup> [https://www.epa.gov/sites/default/files/2021-04/documents/per-and\\_polyfluoroalkyl\\_substances.memo\\_.signed.pdf](https://www.epa.gov/sites/default/files/2021-04/documents/per-and_polyfluoroalkyl_substances.memo_.signed.pdf).

contribute to, air pollution that may endanger public health or welfare. Section 111 also requires EPA, at least every eight years, to review and, if appropriate, revise NSPS for each source category for which such standards have been established. Under CAA Section 111, EPA must establish emission guidelines for existing sources for which air quality criteria have not been issued, are not included in the list published under Section 108(a) or are emitted from a source category that is regulated under Section 112, but to which a standard of performance would apply if such an existing source were a new source.

In meeting the requirements of Executive Order 13990 and as part of the Administration’s comprehensive approach to tackling the climate crisis, EPA also will issue rules to reduce CO<sub>2</sub> and methane from power plants and oil and gas facilities under Section 111. In FY 2023, EPA expects to finalize actions for the oil and gas sector that were proposed in FY 2022. The oil and natural gas industry is the largest industrial source of U.S. emissions of methane and its facilities and operations also emit smog-forming volatile organic compounds and toxic air pollutants such as benzene. Executive Order 13990 also directs EPA to revise and address as appropriate the regulation of GHGs from fossil-fuel fired power plants. Electricity production generates the second largest share of GHG emissions. EPA will carefully craft an equitable approach informed by engagement with communities and a fresh look at pertinent policies, technology, and data. EPA plans to propose emission guidelines and review new source performance standards under Section 111 in FY 2023. These actions are key steps toward EPA’s commitment to deliver public health protections from these pollutants for communities across America.

In FY 2023, EPA will work to fulfill the CAA’s Section 111 requirements for approximately fifteen source categories in 18 rulemaking actions, all of which are subject to court or executive orders or are in litigation.

In addition, under Section 129 of the CAA, in FY 2023 EPA plans to propose at least one rule regarding incineration and control technologies that supports other rules issued under Section 129.

EPA also will undertake other projects, such as those required by statute or executive order, such as overdue NSPS and area source technology reviews related to source categories in addition to those described above. EPA will continue work on case-by-case regional and national NESHAP and NSPS applicability determinations.

**Performance Measure Targets:**

<b>(PM NAAQS) Percentage of air quality improvement in counties not meeting current NAAQS.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	7	8
<b>(PM NAAQS2) Percentage of people with low SES living in areas where the air quality meets the PM<sub>2.5</sub> NAAQS.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	90	93

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$1,708.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefit costs.
- (+\$16,412.0 / +39.0 FTE) This program change is an increase to support the regulation of stationary sources of air pollution through developing and implementing emissions standards, regulations, and guidelines. This investment includes \$6.974 million in payroll.
- (+\$2,764.0 / +2.0 FTE) This program change is an increase in support implementation of the Foundations for Evidence-Based Policymaking Act of 2018, to help the Agency identify, prioritize, and undertake evidence-building activities and develop evidence-building capacity to inform policy and decisions. This investment includes \$358.0 thousand in payroll.

**Statutory Authority:**

Clean Air Act.



**Federal Support for Air Quality Management**

Program Area: Clean Air and Climate

Goal: Ensure Clean and Healthy Air for All Communities

Objective(s): Improve Air Quality and Reduce Localized Pollution and Health Impacts

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$131,015</i></b>	<b><i>\$138,020</i></b>	<b><i>\$289,010</i></b>	<b><i>\$150,990</i></b>
Science & Technology	\$8,661	\$7,154	\$10,420	\$3,266
Total Budget Authority	\$139,676	\$145,174	\$299,430	\$154,256
Total Workyears	832.7	843.0	945.4	102.4

**Program Project Description:**

The Federal Support for Air Quality Management Program assists states, tribes, and local air pollution control agencies in the development, implementation, and evaluation of programs for the National Ambient Air Quality Standards (NAAQS); establishes standards for reducing air toxics; and helps reduce haze and improve visibility in some of America’s largest national parks and wilderness areas. EPA develops federal measures and regional strategies that help to reduce emissions from stationary and mobile sources; delegated states have the primary responsibility (and tribes may choose to take responsibility) for developing clean air measures necessary to meet the NAAQS and protect visibility. At the core of this program is the use of scientific and technical air quality and emissions data. EPA, working with states, tribes, and local air agencies, develops methods for estimating and measuring air emissions and monitoring air quality concentrations, collects these data, and maintains databases (e.g., Emissions Inventory System, Air Quality System, etc.). EPA also supports training for state, tribal, and local air pollution professionals.

NAAQS Development

The Clean Air Act (CAA) requires EPA to set the NAAQS for six “criteria” pollutants considered harmful to public health and the environment. The NAAQS pollutants are particulate matter (PM), ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), and lead (Pb). Section 109 of the CAA Amendments of 1990 established two types of NAAQS - primary and secondary standards. Primary standards are set at a level requisite to protect public health with an adequate margin of safety, including the health of at-risk populations. Secondary standards are set at a level requisite to protect public welfare from any known or anticipated adverse effects, such as decreased visibility and damage to animals, crops, vegetation, and buildings. The CAA requires EPA to review the science upon which the NAAQS are based and the standards themselves every five years. These national standards form the foundation for air quality management and establish goals that protect public health and the environment.

Air Pollution Information Tracking

For each of the six criteria pollutants, under Section 110 of the CAA, EPA tracks two kinds of air pollution information: air pollutant concentrations based on actual measurements in the ambient

(outside) air at monitoring sites throughout the country; and pollutant emissions based on engineering estimates or measurements of the total tons of pollutants released into the air each year.

#### Air Quality Management Planning

Under CAA Section 110, EPA develops regulations and guidance to clarify requirements for state and local air agencies for developing State Implementation Plans (SIPs) for implementing the NAAQS. EPA works with state and local governments to ensure the technical integrity of emission source controls in SIPs and with tribes on Tribal Implementation Plans (TIPs). EPA also reviews SIPs to ensure they are consistent with applicable requirements of the CAA and takes regulatory action on SIP submissions consistent with CAA responsibilities.

#### New Source Review (NSR) Preconstruction Permit Program

The NSR preconstruction permit program in Title I of the CAA is a part of state plans to attain and maintain the NAAQS. The two primary aspects of this program are the Prevention of Significant Deterioration program, described in Section 165 of the CAA, and the Nonattainment NSR program, described in various parts of the CAA, including Sections 173 and 182.

#### Protection of Class I Areas

Sections 169A and 169B of the CAA require protection of visibility for 156 congressionally mandated national parks and wilderness areas, known as Class I areas. Congress established a national goal of returning visibility in the Class I areas to natural conditions (i.e., the visibility conditions that existed without manmade air pollution). The Regional Haze Rule sets forth the requirements that state plans must satisfy to make reasonable progress towards meeting this national goal.

#### Control of Air Toxics

Toxic air pollutants are known to cause or are suspected of causing increased risk of cancer and other serious health effects, such as neurological damage and reproductive harm. EPA assists state, tribal, and local air pollution control agencies in characterizing the nature and scope of their air toxics issues through modeling, emission inventories, monitoring, and assessments. For example, EPA maintains updated air toxic emission and exposure data, incorporating current toxicity data to provide recent information on air toxics risks from a national perspective. EPA also supports programs that reduce inhalation risk and multi-pathway risk posed by deposition of air toxics to water bodies and ecosystems, facilitates international cooperation to reduce transboundary and intercontinental air toxics pollution, develops risk assessment methodologies for toxic air pollutants, and provides training for air pollution professionals.

The provisions of the CAA that address the control of air toxics are located primarily in Section 112. This section requires issuing National Emission Standards for Hazardous Air Pollutants (NESHAP) for major sources and area sources; the assessment and, as necessary, regulation of risks remaining after implementation of NESHAP that are based on Maximum Available Control Technology (MACT); the periodic review and revision of all NESHAP to reflect developments in practices, processes, and control technologies; and associated national guidance and outreach. In addition, EPA must periodically review, and, where appropriate, revise both the list of air toxics subject to regulation and the list of source categories for which standards must be developed. EPA

has promulgated approximately 180 rules to control air toxics under Section 112 and is continually engaged in their periodic review and revision. EPA will enhance risk assessment capabilities to better identify and determine impacts of exposures to air toxics on communities. The Program will prioritize its work, as resources allow, with an emphasis on meeting court-ordered deadlines and also incorporating environmental justice considerations as part of the decision-making process. Section 129 of the CAA requires a similar approach to review regulations applicable to solid waste incinerators. EPA has promulgated approximately six rules to control air toxics under Section 129 and is continually engaged in their periodic review and revision. In addition to this regulatory work, EPA also provides determinations to states and industry seeking information about source-specific applicability of these regulations. EPA also is making improvements to the database that tracks applicability determinations.

### Climate Change

The President has prioritized action to tackle climate change with a focus on an equitable transition to clean energy. These plans call for cuts in greenhouse gas (GHG) pollution to reduce the contribution of human activities to climate change and its impacts on public health, while investing in communities that are on the front line of impacts. EPA issues regulations to limit GHGs and assists states, tribes, and local air pollution control agencies in the development, implementation, and evaluation of programs to reduce GHG pollution. The Program also supports the Agency's work with international partners to combat short-lived climate pollutants. These air pollutants, including black carbon (a component of PM), methane, and tropospheric ozone, are contributing to and accelerating the impacts of climate change.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 4/Objective 4.1, Improve Air Quality and Reduce Localized Pollution and Health Impacts in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, EPA is requesting an \$100 million increase to develop and implement a community air quality monitoring and notification program to provide real-time data to the public in areas with greatest exposure to harmful levels of pollution, as described in Executive Order 14008: *Tackling the Climate Crisis at Home and Abroad*. This increase supports work to reduce GHG emissions to tackle the climate crisis and ensure equitable environmental outcomes to advance environmental justice.

In FY 2023, EPA also is requesting \$41 million and 91.4 FTE to support critical work to implement climate and clean air regulations and programs. This includes anticipated emission guidelines for existing oil and gas facilities. Section 111(d) of the Clean Air Act provides states with a lead implementing role and considerable flexibility, and the development and implementation of the emission guidelines will require extensive work to develop program implementation infrastructure; engage states, tribal nations, and communities; assess environmental justice impacts; evaluate state plans; and ensure consistent application of the emissions guidelines nationwide. These resources will be used to continue developing a standard reporting system for states to use, or adapt as needed, for submitting plans and tracking their compliance data, and ensuring that communities have access to that data.

This also includes an increase in support for NAAQS review work and implementation activities, many of which are increasingly complex. Critical to successful implementation is timely issuance of guidances, ongoing outreach to states and other entities as well as development of NAAQS implementation tools. EPA will engage with states and develop guidance to assist air programs with meeting implementation deadlines. These critical resources also will support efforts to reduce the SIP backlog as well as ensure timeliness of review of incoming SIPs, permitting needs (both NAAQS and GHG-related), and air quality monitoring and analysis needs. This increase also will enhance EPA's abilities to forecast where smoke will impact people; identify and communicate when and where smoke events are occurring through monitoring and AirNow's Fire and Smoke Map; build local capacity to be Smoke Ready so exposure to smoke is reduced; and strengthen internal as well as state, local and tribal capacity to better coordinate and communicate regarding wildfire smoke and address related regulatory activities.

#### Addressing Climate Change

EPA expects to take final action under Section 111 in FY 2023 for actions that were proposed in FY 2022 in accordance with Executive Order 13990, which directed EPA to consider "proposing new regulations to establish comprehensive standards of performance and emission guidelines for methane and volatile organic compound emissions from existing operations in the oil and gas sector, including the exploration and production, transmission, processing, and storage segments, by September 2021." This request includes resources to fulfill the President's commitment to engage meaningfully with environmental justice communities during the entire rulemaking process, from pre-proposal through final promulgation and implementation. Executive Order 13990 also directs EPA to revise and address as appropriate the regulation of GHGs from fossil-fuel fired power plants. Electricity production generates the second largest share of GHG emissions. EPA will carefully craft an equitable approach informed by engagement with communities and a fresh look at the policies, technology, and data. EPA plans to propose these emission guidelines in FY 2023.

EPA will continue to work with other countries to take action to address climate change. EPA will consider the results of a range of international assessments to address the climate impacts of short-lived climate pollutants. Reducing emissions of these pollutants can create near-term climate and public health benefits. EPA will continue to identify the most significant domestic and international sources of black carbon and ozone precursor emissions by working with the multilateral Climate and Clean Air Coalition (CCAC), the Arctic Council, the Convention on Long-range Transboundary Air Pollution (LRTAP), and other related international efforts. Based on these findings and enhanced analytical capabilities, EPA will pursue effective steps for reducing these emissions. For instance, EPA is scaling up efforts in low-and middle-income countries to implement best practices for addressing air pollution in ways that achieve climate co-benefits.

Finally, in FY 2023, the Agency will provide on-the-ground resources to assist overburdened and underserved communities as they work to engage on EPA's regulatory efforts and address the impacts of climate change. These community resource coordinators will work with external partners, such as community stakeholder organizations, other federal agencies, state, local and regional governments, private sector entities, academic institutions, and foundations to assist

communities as they begin to plan for climate change and implement actions to increase resilience to climate impacts.

### Improving Air Quality

In FY 2023, resources are increased to support efforts to maintain and rebuild programmatic capabilities that focus on protecting clean air. Air quality has improved significantly for communities across the country since passage of the CAA in 1970 (with amendments in 1977 and 1990). Between 1990 and 2020, for example, national average levels have decreased by 25 percent for ozone, 26 percent for coarse particulate matter, 91 percent for sulfur dioxide, and 98 percent for lead.<sup>33</sup> In FY 2023, EPA will continue to prioritize key activities in support of attainment of the NAAQS and implementation of stationary source regulations by state, tribal, and local air agencies. This includes activities in key nonattainment areas along the U.S. -Mexico border as part of U.S. commitments under the *Border 2025* agreement.

### NAAQS Review

In FY 2023, EPA will continue its CAA-mandated responsibilities to review the science upon which the NAAQS are based and the standards themselves. Periodic review of the NAAQS requires significant resources and analysis of scientific and technical information to ensure for each NAAQS that public health is protected with an adequate margin of safety, considering at-risk populations.

The President directed EPA to review the 2020 PM NAAQS and the 2020 Ozone NAAQS in accordance with Executive Order 13990: *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. EPA has requested resources in FY 2023 to better incorporate science and input from the reestablished Clean Air Scientific Advisory Committee and to assess information received during the public process for rulemakings to finalize these reviews. In FY 2023, EPA will continue reviewing the NAAQS and has requested resources commensurate to support these reviews. Each review involves a comprehensive reexamination, synthesis, and evaluation of scientific information, the design and conduct of complex air quality and risk and exposure analyses, and the development of a comprehensive policy assessment providing analysis of the scientific basis for alternative policy options.

EPA will continue to administer the NAAQS by reviewing state plans and decisions consistent with statutory obligations; taking federal oversight actions, such as action on SIP and TIP submittals; and developing regulations and policies to ensure continued health and welfare protection during the transition between existing and new standards. EPA will work with air agencies to determine the need for additional federal rulemakings and guidance documents to support state and tribal efforts to implement CAA SIP requirements, in alignment with capacity and priorities. EPA will provide technical and policy assistance to states and tribes developing or revising SIPs/TIPs. To the extent that the above-referenced NAAQS reviews result in a change to the standards, air quality designations related activities for the changed standard(s) would be required. The timing of this work would depend on when the final NAAQS are promulgated.

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<sup>33</sup> For additional information on air quality trends, please see Air Quality -National Summary at: <https://www.epa.gov/air-trends/air-quality-national-summary> and at *Our Nation's Air: Status and Trends Through 2020*, found at: <https://gispub.epa.gov/air/trendsreport/2021/>.

### NAAQS Nonattainment Areas

EPA, in close collaboration with states and tribes, will work to improve air quality in areas not in attainment with the NAAQS. The Agency will continue to implement changes to improve the efficiency and effectiveness of the SIP process, with a goal of maximizing the timely processing of state-requested SIP actions and reducing the backlog. The Agency also will act on redesignation requests of nonattainment areas to attainment in a timely manner. EPA will maximize use of its comprehensive, online State Planning Electronic Collaboration System (SPeCS) to promote efficiencies for states to submit SIP revisions to EPA, and for EPA to track and process state submittals. Since it launched in January 2018, more than 1,250 SIP submittals (about 90 percent official submissions and 10 percent draft submittals) have come through SPeCS, and more than 400 users have registered from all 50 states and eight air districts. EPA also will further develop SPeCS functionality to provide additional transparency to the public about NAAQS nonattainment areas, state SIP requirements, and related EPA actions.

### SIPs for Regional Haze

In FY 2023, EPA will continue reviewing and taking action on regional haze SIP revisions for the second planning period. EPA would continue to work on any outstanding SIP matters and continue providing technical assistance to ensure that states are making reasonable progress towards their visibility improvement goals, consistent with statutory obligations. Under the Regional Haze Rule, states are required to submit updates to their plans to demonstrate how they have and will continue to make progress towards achieving their visibility improvement goals. EPA also may be working on regulatory updates for future planning periods.

### Fulfilling Legal Obligations

One of EPA's priorities is to fulfill its statutory and court-ordered obligations. Section 112 of the CAA sets deadlines for EPA to review and update, as necessary, all NESHAP every eight years, accounting for developments in practices, processes, and technologies related to those standards. Section 112 also requires that EPA conduct risk assessments within eight years of promulgation of each MACT-based NESHAP to determine if it appropriately protects public health and to revise it as needed. EPA also will be undertaking three actions related to reviewing and revising the list of hazardous air pollutants, as Section 112 requires. In FY 2023, EPA will undertake these required reviews and associated rulemakings. EPA will enhance risk assessment capabilities to better identify and determine impacts on communities. The Program will prioritize conducting reviews of NESHAP for more than 32 source categories, many of which are subject to court-ordered or court-entered dates or are actions otherwise required by courts, and incorporate environmental justice considerations as part of the decision-making process. From this work, EPA expects to propose or promulgate more than 20 rules in FY 2023. EPA also expects to be undertaking actions related to reviewing and revising the list of hazardous air pollutants, as Section 112 requires.

In addition, under Section 129 of the CAA, in FY 2023 EPA plans to propose one rule regarding incineration and control technologies that supports other rules issued under Section 129.

### Technical Assistance to External Government Partners

EPA will assist other federal agencies and state and local governments in implementing the conformity regulations promulgated pursuant to Section 176 of the CAA. These regulations require

federal agencies, taking actions in nonattainment and maintenance areas, to ensure that the emissions caused by their actions will conform to the SIP.

In FY 2023, EPA will provide technical assistance to state, local, and tribal air agencies for both NSR and Title V (operating) permits. This support will occur at appropriate times and as requested, consistent with applicable requirements, before and during the permitting process. EPA expects to implement such support in an efficient manner and consistent with established timeframes for applicable oversight of state, tribal, and local air agencies during the permitting process. EPA's Electronic Permitting System and Title V petition submittal portal will improve EPA interaction with state, local, and tribal air agencies and the general public, and improve data availability and transparency.

EPA will assist state, tribal, and local air agencies with various technical activities. EPA develops and provides a broad suite of analytical tools, such as: source characterization analyses; emission factors and inventories; statistical analyses; source apportionment techniques; quality assurance protocols and audits; improved source testing and monitoring techniques; source-specific dispersion and regional-scale photochemical air quality models; and augmented cost/benefit tools to assess control strategies.<sup>34</sup> The Agency will maintain the core function of these tools (e.g., integrated multiple pollutant emissions inventory, air quality modeling platforms, etc.) to provide the technical underpinnings for scientifically sound, efficient and comprehensive air quality management by state, local, and tribal agencies.

In FY 2023, EPA will continue to provide information and assistance to Tribes, states, and communities through documents, websites, webinars, and training sessions on tools to help them build capacity and to provide input into environmental justice assessments that can inform risk reduction strategies for air toxics. The Agency will continue to communicate and effectively collaborate with communities to address a myriad of environmental concerns.

In FY 2023, EPA will continue to support critical response to the growing number of wildfire smoke events through real-time, accessible air quality information, as well as supporting communication documents and websites. The Agency will partner with other federal agencies, such as the Center for Disease Control and the U.S. Forest Service to ensure a consistent and coherent response. EPA expects this work to support tribal, state, local, and community needs to prepare for an increasing number of wildfires and the impacts those fires have on public health across the country.

In FY 2023, state and local air agencies will continue to lead the implementation of the National Air Toxics Trends Sites (NATTS). The NATTS Program is designed to capture the impacts of widespread air toxics and is comprised of long-term monitoring sites throughout the Nation.<sup>35</sup> EPA will continue to consult on priority data gaps in order to improve the assessment of population exposure to toxic air pollution.

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<sup>34</sup> For additional information, please see: <https://www.epa.gov/technical-air-pollution-resources>.

<sup>35</sup> For additional information, please see: <https://www.epa.gov/amtic/air-toxics-ambient-monitoring>.

### Maintaining Analytical Capabilities and Continuing Data Management

EPA will maintain baseline analytical capabilities required to develop effective regulations including: analyzing the economic impacts and health benefits of regulations and policies; developing and refining source sampling measurement techniques to determine emissions from stationary sources; updating dispersion models for use in source permitting; and conducting air quality modeling that characterizes the atmospheric processes that disperse a pollutant emitted by a source. Resources from the Science and Technology appropriation component of this program support the scientific development of these capabilities.

The President's FY 2023 budget request included \$100 million for a new community air quality monitoring and notification program to support efforts to deliver environmental justice for overburdened and marginalized communities. This community air quality monitoring and notification program will be able to provide real-time data to the public in areas with greatest exposure to harmful levels of pollution, as described in Executive Order 14008: *Tackling the Climate Crisis at Home and Abroad*. In FY 2023, the Agency will continue to work closely with states, tribes, and local air quality agencies to develop the most effective approach to meet community concerns. Funds will support several efforts, including tribal, state, and local grants that supplement the national ambient air quality monitoring network including enhancement of air quality characterization in communities, a competitive grant program promoting air monitoring partnerships with communities, systems to manage and deliver real-time air quality data to the public, and management and implementation activities performed by the Agency.

In FY 2023, EPA will operate and maintain the Air Quality System (AQS), one of the Agency's mission-essential functions, which houses the Nation's air quality data. EPA will provide the core support needed for the AQS Data Mart, which provides access to the scientific community and others to obtain air quality data via the internet. The Agency is exploring a future combined ambient data process to facilitate a streamlined approach to improve the availability of air quality data for our regulatory partners and the public.

The Agency's national real-time ambient air quality data system (AirNow) will maintain baseline operations. Data show the public is increasingly relying on AirNow for air quality information during wildfires. In FY 2023, EPA will continue improving the Fire and Smoke map, including engaging tribal, state, and local agencies for input.

EPA will continue to operate and maintain the Emissions Inventory System (EIS), a system used to quality assure and store current and historical emissions inventory data, and to support development of the National Emissions Inventory (NEI). EPA, states, and others use the NEI to support state and local air agency SIP development, serve as a vital input to air quality modeling, help analyze public health risks from air toxics and develop strategies to manage those risks, as well as support multi-pollutant analysis for air emissions. The Agency is working on user-focused improvements to the EIS, including the addition of online user guides and changing the data submission format to make it easier to report emissions inventory data. EPA will streamline NEI development and reduce the burden for industry to meet emissions data reporting requirements through the Combined Air Emissions Reporting (CAER) e-Enterprise effort. The CAER project, when fully developed and deployed, will streamline multiple emissions reporting processes and is expected to reduce the cost to industry and government for providing and managing environmental data and improve decision-making capacity through more timely availability of the data.



In FY 2023, EPA will initiate a multi-phased process for strengthening air pollution benefits analysis methods in an effort to improve the science it uses to quantify benefits from air quality regulations. EPA will develop a draft benefits *Guidelines* document outlining best practices for incorporating new scientific information into methods for benefits analysis. This will be followed by additional reviews of specific methods and applications. This effort will help ensure transparency and confidence in the process for selecting and applying the latest science in benefits analysis. EPA also will improve tools and approaches to enable more robust analysis of program impacts on communities with environmental justice concerns and vulnerable populations.

As part of a forward-looking air toxics strategy, EPA will address these regulatory and emerging issues and improve access to air toxics data. The Agency will transition to a new approach to share air toxics data faster and more regularly to the public, allowing for increased transparency and the ability to see trends and risks over time. By 2023, EPA will start reporting the most current air toxics data each year in the annual Air Trends Report and an online interactive tool instead of the current three to four-year cycle and providing that data at an increased spatial resolution.

**Performance Measure Targets:**

<b>(PM NAAQS) Percentage of air quality improvement in counties not meeting current NAAQS.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	7	8

<b>(PM NAAQS2) Percentage of people with low SES living in areas where the air quality meets the PM<sub>2.5</sub> NAAQS.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	90	93

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$9,932.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$100,000.0) This program change is an increase to develop and implement a community air quality monitoring and notification program to provide real-time data to the public in areas with greatest exposure to harmful levels of pollution. This increase supports work to reduce GHG emissions to tackle the climate crisis and ensure equitable environmental outcomes to advance environmental justice.
- (+\$33,470.0 / +85.4 FTE) This program change is an increase in support for critical priority work for implementation of climate and clean air regulations, including anticipated emissions guidelines for oil and gas and NAAQS review work and related implementation activities, such as development of guidance, review of SIPs and permits, and air monitoring and analyses. This investment includes \$15.11 million in payroll.
- (+\$7,588.0 / + 6.0 FTE) This program change is an increase that will enhance EPA’s abilities to forecast where smoke will impact people; identify and communicate when and where smoke events are occurring through monitoring and AirNow’s Fire and Smoke Map;

build local capacity to be Smoke Ready so exposure to smoke is reduced; and strengthen internal as well as state, local, and tribal capacity to better coordinate and communicate regarding wildfire smoke and address related regulatory activities. This investment includes \$1.062 million in payroll.

**Statutory Authority:**

Clean Air Act.

**Stratospheric Ozone: Domestic Programs**

Program Area: Clean Air and Climate

Goal: Ensure Clean and Healthy Air for All Communities

Objective(s): Improve Air Quality and Reduce Localized Pollution and Health Impacts

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$4,805</b>	<b>\$4,633</b>	<b>\$26,607</b>	<b>\$21,974</b>
Total Budget Authority	\$4,805	\$4,633	\$26,607	\$21,974
Total Workyears	20.6	18.9	39.6	20.7

**Program Project Description:**

EPA’s stratospheric ozone protection program implements provisions of the Clean Air Act (CAA) and the *Montreal Protocol on Substances that Deplete the Ozone Layer* (Montreal Protocol), which facilitates a global phaseout of ozone-depleting substances (ODS). The Program also implements the American Innovation and Manufacturing (AIM) Act of 2020 to phase down climate-damaging hydrofluorocarbons (HFCs). These actions help protect both the climate system and the stratospheric ozone layer, which shields all life on Earth from harmful solar ultraviolet (UV) radiation.

Scientific evidence demonstrates that ODS used around the world destroy the stratospheric ozone layer,<sup>36</sup> which raises the incidence of skin cancer, cataracts, and other illnesses through overexposure to increased levels of UV radiation.<sup>37</sup> Based on recent updates to EPA’s peer-reviewed Atmospheric and Health Effects Framework model, the Montreal Protocol is expected to prevent approximately 443 million cases of skin cancer, 2.3 million skin cancer deaths, and 63 million cases of cataracts for people in the United States born in the years 1890–2100.<sup>38</sup> EPA developed this model to better understand the benefits to public health of stratospheric ozone protection. As a result of global action to phase out ODS, the ozone layer is expected to recover to its pre-1980 levels by mid-century. The AIM Act addresses the climate impact of HFCs by phasing down their production and consumption, maximizing reclamation and minimizing releases of HFCs and their substitutes from equipment, and facilitating the transition to next-generation technologies through sector-based restrictions. A global phasedown of HFCs is expected to prevent up to 0.5 °C of global warming by 2100.

<sup>36</sup> World Meteorological Organization (WMO). Scientific Assessment of Ozone Depletion: 2014. Global Ozone Research and Monitoring Project–Report No. 56, Geneva, Switzerland, 2014.

<sup>37</sup> Fahey, D.W., and M.I. Hegglin (Coordinating Lead Authors), Twenty questions and answers about the ozone layer: 2014 Update, In Scientific Assessment of Ozone Depletion: 2014, Global Ozone Research and Monitoring Project–Report No. 56, World Meteorological Organization, Geneva, Switzerland, 2014.

Available on the internet at: <https://csl.noaa.gov/assessments/ozone/2014/twentyquestions/>.

<sup>38</sup> U.S. Environmental Protection Agency (EPA). Updating the Atmospheric and Health Effects Framework Model: Stratospheric Ozone Protection and Human Health Benefits. EPA: Washington, DC. May 2020. Available on the internet at: [https://www.epa.gov/sites/production/files/2020-04/documents/2020\\_ahef\\_report.pdf](https://www.epa.gov/sites/production/files/2020-04/documents/2020_ahef_report.pdf).

EPA uses a combination of regulatory and partnership programs to implement Title VI of the CAA and the AIM Act and to further the protection of the ozone layer and climate system. Title VI provides for a phaseout of production and consumption of ODS and requires controls on their use, including banning certain emissive uses, requiring labeling to inform consumer choice, and requiring sound servicing practices for the use of refrigerants in air conditioning and refrigeration appliances. Title VI also prohibits venting ODS and their substitutes and requires listing of alternatives that reduce overall risks to human health and the environment, ensuring that businesses and consumers have alternatives that are safer for the ozone layer than the chemicals they replace.

The AIM Act provides for a phasedown of production and consumption of HFCs in the United States by 85 percent, supports industry's transition to next-generation technology, and requires management of HFCs and HFC substitutes. In September 2021, EPA issued a final rule establishing an allowance allocation program to implement the phasedown, as well as robust compliance assurance and enforcement mechanisms to provide a level playing field for producers and importers of HFCs and ensure the program delivers the intended environmental benefits. EPA also worked with U.S. Customs and Border Protection to create an interagency task force to prevent and deter illegal trade in HFCs, and support the enforcement of the phasedown.

As a signatory to the Montreal Protocol, the U.S. is committed to ensuring that our domestic program is at least as stringent as international obligations, and to regulating and enforcing the terms of the Montreal Protocol respective of domestic authority. In 2007, with U.S. leadership, the Parties to the Montreal Protocol agreed to a more aggressive phaseout for ozone-depleting hydrochlorofluorocarbons (HCFCs) equaling a 47 percent reduction in overall emissions during the period 2010 – 2040. The adjustment in 2007 also called on Parties to the Montreal Protocol to promote the selection of alternatives to HCFCs that minimize environmental impacts, in particular impacts on climate.<sup>39</sup> The CAA provides the necessary authority to ensure EPA can collect and validate data, and where appropriate, report data on production and consumption of ODS on behalf of the United States.<sup>40</sup> The Parties to the Montreal Protocol also agreed to the Kigali Amendment in 2016,<sup>41</sup> which seeks to globally phase down the production and consumption of HFCs consistent with the AIM Act. If the United States ratifies the Kigali Amendment, EPA will use the authority in the AIM Act to collect and validate data, and where appropriate, report data on production and consumption of HFCs on behalf of the United States.

Partnership programs are calibrated to increase benefits by focusing on specific areas where the Agency has identified significant opportunities. The Responsible Appliance Disposal (RAD) Program<sup>42</sup> is a partnership that protects the ozone layer and reduces emissions of greenhouse gases through the recovery of ODS and HFCs from old refrigerators, freezers, window air conditioners, and dehumidifiers prior to disposal. RAD has more than 50 partners, including manufacturers, retailers, utilities, and state governments. The GreenChill Partnership<sup>43</sup> helps

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<sup>39</sup> *Montreal Protocol Decision XIX/6: Adjustments to the Montreal Protocol with regard to Annex C, Group I, substances (hydrochlorofluorocarbons).*

<sup>40</sup> In the event that the United States ratifies the Kigali Amendment, EPA has authority under the AIM Act to collect the data needed for reporting on HFCs under the Montreal Protocol.

<sup>41</sup> Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Kigali 15 October 2016, found at: <https://treaties.un.org/doc/Publication/CN/2016/CN.872.2016-Eng.pdf>.

<sup>42</sup> For more information, see: <https://www.epa.gov/rad>

<sup>43</sup> For more information, see: <http://www.epa.gov/greenchill>.

supermarkets transition to environmentally friendlier refrigerants, reduce harmful refrigerant emissions, and move to advanced refrigeration technologies, strategies, and practices that lower the industry's impact on the ozone layer and climate. The Program includes stores in all 50 states and represents over 30 percent of the United States' supermarkets. GreenChill partners are reducing refrigerant leak rates to half the estimated national average and developing annual plans for further improvements.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 4/Objective 4.1, Improve Air Quality and Reduce Localized Pollution and Health Impacts in the *FY 2022 - 2026 EPA Strategic Plan*. Work in this program also supports progress toward the Agency Priority Goal to reduce the production and consumption of HFCs.

In carrying out the requirements of the CAA and the Montreal Protocol in FY 2023, EPA will continue to meet its ODS consumption caps and work toward the required gradual reduction in production and consumption of ODS. To meet the FY 2026 long-term performance goal for lowering consumption of HCFCs to 76.2 tons per year of ozone-depletion potential,<sup>44</sup> EPA will: issue allocations for HCFC production and import in accordance with the requirements established under CAA Sections 605 and 606; review petitions to import used ODS under sections 604 and 605; manage information that industry identifies as confidential under CAA Section 603; and implement regulations concerning the production, import, and export of ODS and maintenance of the tracking system used to collect the information. EPA intends to finalize a rule on process agent uses of ODS and propose a rule on feedstock uses of ODS in FY 2023. EPA also will prepare and submit the annual report under Article 7 of the Montreal Protocol on U.S. consumption and production of ODS consistent with the treaty.<sup>45</sup>

EPA will continue to implement the CAA Section 608 refrigerant management requirements related to the use and emission of ODS, HFCs and other substitutes.

CAA Section 612 requires continuous review of alternatives for ODS through EPA's Significant New Alternatives Policy (SNAP) program<sup>46</sup> to both find those that pose less overall risk to human health and the environment and ensure a smooth transition to safer alternatives. Through these evaluations, SNAP generates lists of acceptable and unacceptable substitutes for approximately 50 end-uses across eight industrial sectors. In *Mexichem Fluor v. EPA*, the DC Circuit Court partially vacated a 2015 rule "to the extent it requires manufacturers to replace HFCs with a substitute substance" and remanded the rule to EPA for further proceedings. A second court decision applies similarly to a 2016 rule. EPA expects to propose a notice-and-comment rulemaking in FY 2022 that would address the court decisions and intends to finalize the rule in FY 2023. In addition, in FY 2023, EPA expects to list through notice as well as propose notice-and-comment rulemaking that would expand the list of acceptable lower-GWP alternatives, particularly for end-uses where

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<sup>44</sup> The HCFC consumption cap of 15,240 ODP-weighted metric tons for the U.S. was effective January 1, 1996, and became the U.S. consumption baseline for HCFCs.

<sup>45</sup> The Article 7 report prepared by EPA on behalf of the United States contains chemical-specific production, import and export data that is not available publicly. To protect potential confidential information the report is not available on the internet; however, the data included in the report is aggregated and available at: <https://ozone.unep.org/countries/profile/usa>.

<sup>46</sup> For more information, please see: <https://www.epa.gov/snap>.

there is an urgent need for more options, which also will support implementation of the AIM Act. EPA also will continue to work towards ensuring the uptake of safer alternatives and technologies, while supporting innovation, and ensuring adoption of alternatives through support for changes to industry codes and standards.

With the decline in allowable ODS production, a significant stock of equipment that continues to use ODS will need access to recovered and recycled/reclaimed ODS to allow for proper servicing. EPA will continue to review available market and reported data to monitor availability of recycled and reclaimed ODS where production and import of new material is phased out to support this need. In addition, EPA will continue to implement a petition process to allow for the import of used ODS (primarily halon) for fire suppression purposes. EPA also will implement other provisions of the Montreal Protocol, including exemption programs to allow for a continued smooth phaseout of ODS, particularly for laboratory and analytical uses, feedstock, process agents, and HCFCs used consistent with the servicing tail.

In FY 2023, the Agency also will continue to implement the AIM Act HFC phasedown through an allowance allocation and trading program established in FY 2021 and this work will support implementation of EPA's Agency Priority Goal. To further this goal, the Agency has requested additional resources to restore staff capacity and develop a new grant program aimed at assisting small businesses with the purchase of specialized equipment for the recycling, recovery, or reclamation of a substitute for a regulated substance as authorized in the AIM Act.

The Agency will continue to implement an HFC reporting system and develop additional tracking and review tools to better ensure compliance with the phasedown regulations, and work with other agencies to prevent illegal imports. EPA also will finalize a regulation proposed in FY 2022 to issue allowances for HFC production and consumption for calendar years 2024 and future years.

Under subsection (h) of the AIM Act, in FY 2023 EPA will propose a notice and comment rulemaking to control certain practices, processes, or activities regarding the servicing, repair, disposal, or installation of equipment that involves a regulated substance, a substitute for a regulated substance, the reclaiming of a regulated substance used as a refrigerant, or the reclaiming of a substitute for a regulated substance used as a refrigerant.

Under subsection (i) of the AIM Act, the Agency will finalize regulations proposed in FY 2022 to restrict fully, partially, or on a graduated schedule, the use of a regulated substance in the sector or subsector in which the regulated substance is used, promoting a transition to next-generation technologies. Other activities under subsection (i) include granting and/or denying petitions for sector-based restrictions on HFCs.

The AIM Act also authorizes EPA to establish a grant program for small businesses for purchase of recycling, recovery, or reclamation equipment for HFC substitutes, including for servicing motor vehicle air conditioners. In FY 2023, additional funding is included for the development of a new grant program to assist small businesses with the purchase of specialized equipment for the recycling, recovery, or reclamation of a substitute for a regulated substance as authorized in the AIM Act.

In FY 2023, EPA will continue to provide technical expertise for the Montreal Protocol’s Technology and Economic Assessment Panel and its Technical Options Committees, advancing reductions of ODS and HFC consumption and ensuring U.S. interests are represented.

In FY 2023, EPA will continue to support a level playing field for companies operating legally under the CAA and AIM Act regulations and those that have transitioned to alternatives for ODS and HFCs. EPA exchanges data with U.S. Customs and Border Protection and Homeland Security Investigations on ODS and HFC importers and exporters to determine admissibility and target illegal shipments entering the United States, as well as reviews and approves imports flagged in the Automated Commercial Environment. This is particularly important in light of recent atmospheric measurements showing unexpected increased emissions of CFC-11, an ODS phased out of production globally,<sup>47,48</sup> and given the new AIM Act regulations. EPA also will work with partner agencies, including through the Interagency Task Force on Illegal HFC Trade, to detect, deter, and disrupt any attempt to illegally import or produce HFCs in the United States. In addition, EPA will work to support federal sector management and transition from HFCs through continued cooperation with organizations such as Department of Defense and the General Services Administration.

**Performance Measure Targets:**

<b>(PM HFC) Remaining U.S. consumption of hydrofluorocarbons (HFCs).</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	273.5	273.5

<b>(PM HCFC) Remaining U.S. consumption of hydrochlorofluorocarbons (HCFCs), chemicals that deplete the Earth's protective ozone layer, in ozone depletion potential (ODP)-weighted metric tons.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	76.2	76.2

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$572.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$16,402.0 / +20.7 FTE) This program change is an increase to implement provisions in the American Innovation and Manufacturing Act to phase down the use of HFCs, to facilitate U.S. entry to the Kigali amendment to the Montreal Protocol, and to restore staff capacity around efforts to tackle the climate crisis. This investment includes \$3.625 million in payroll.

<sup>47</sup> See, Montzka *et al.* An unexpected and persistent increase in global emissions of ozone-depleting CFC-11, *Nature*, volume 557, pages 413–417, 2018. Available on the internet at: <https://www.nature.com/articles/s41586-018-0106-2>.

<sup>48</sup> See, Rigby *et al.* Increase in CFC-11 emissions from eastern China based on atmospheric observations, *Nature*, volume 569, pages 546-550, 2019. Available on the internet at: <https://www.nature.com/articles/s41586-019-1193-4>.

- (+\$5,000.0) This program change is an increase for the development of a new grant program to assist small businesses with the purchase of specialized equipment for the recycling, recovery, or reclamation of a substitute for a regulated substance as authorized in the AIM Act.

**Statutory Authority:**

Title VI of the Clean Air Act and the American Innovation and Manufacturing Act.



**Stratospheric Ozone: Multilateral Fund**

Program Area: Clean Air and Climate

Goal: Ensure Clean and Healthy Air for All Communities

Objective(s): Improve Air Quality and Reduce Localized Pollution and Health Impacts

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$8,326</b>	<b>\$8,711</b>	<b>\$18,000</b>	<b>\$9,289</b>
Total Budget Authority	\$8,326	\$8,711	\$18,000	\$9,289

**Program Project Description:**

The *Montreal Protocol on Substances that Deplete the Ozone Layer* (Montreal Protocol) is the international treaty designed to protect the stratospheric ozone layer by facilitating a global phaseout of ozone-depleting substances (ODS) and since 2016, phasing down climate-damaging hydrofluorocarbons (HFCs) under its Kigali Amendment. EPA is phasing down ODS under Title VI of the Clean Air Act and HFCs under the American Innovation and Manufacturing (AIM) Act of 2020. As a result of global action to phase out ODS, the ozone layer is expected to recover to its pre-1980 levels by mid-century. A global phasedown of HFCs is expected to prevent up to 0.5 °C of global warming by 2100.

The *Multilateral Fund for the Implementation of the Montreal Protocol* (Multilateral Fund) was created by the Parties to the Montreal Protocol to provide funds that enable developing countries to comply with their Montreal Protocol obligations following agreed upon schedules. The United States and other developed countries contribute to the Multilateral Fund. The United States holds a permanent seat on the Multilateral Fund’s governing body (the Executive Committee) and can help focus efforts on cost-effective assistance and encourage climate-friendly transitions. The U.S. contribution to the Multilateral Fund is split between EPA and the Department of State.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 4/Objective 4.1, Improve Air Quality and Reduce Localized Pollution and Health Impacts in the *FY 2022 - 2026 EPA Strategic Plan*.

EPA’s contributions to the Multilateral Fund in FY 2023 will primarily continue to support cost-effective projects designed to build capacity and eliminate ODS production and consumption in over 140 developing countries and provide early support for the global phasedown of HFCs. Through 2020, the Multilateral Fund supported over 7,833 activities in 146 countries that, when fully implemented, will phase out more than 490,000 ozone-depletion potential metric tons. Additional projects will be submitted, considered, and approved in accordance with Multilateral Fund guidelines.

In FY 2023, the United States will continue to promote developing country transitions to climate-friendly alternatives and reduce HFC-23 byproduct emissions. The United States also will support preparatory activities such as establishing HFC baselines, phasedown starting points, and other activities to ensure that the global HFC phasedown will leverage the expertise and experience gained during the 30-year history with phasing out ODS. Taken together, this work will support developing country compliance with Protocol obligations.

**Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$9,289.0) This program change is an increase to help fund additional activities associated with the adoption of the Kigali Amendment and developing country phase down of HFCs while continuing to support ODS phaseout activities.

**Statutory Authority:**

Title VI of the Clean Air Act.

## **Compliance**

## **Compliance Monitoring**

Program Area: Compliance

Goal: Enforce Environmental Laws and Ensure Compliance

Objective(s): Detect Violations and Promote Compliance

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$97,583</i></b>	<b><i>\$102,500</i></b>	<b><i>\$144,770</i></b>	<b><i>\$42,270</i></b>
Inland Oil Spill Programs	\$132	\$139	\$2,146	\$2,007
Hazardous Substance Superfund	\$1,778	\$1,000	\$1,015	\$15
Total Budget Authority	\$99,493	\$103,639	\$147,931	\$44,292
Total Workyears	439.1	453.9	463.4	9.5

### **Program Project Description:**

The Compliance Monitoring Program is a key component of EPA's Enforcement and Compliance Assurance Program that supports both compliance with federal environmental laws as well as efforts to identify noncompliance. Compliance monitoring activities, such as inspections, investigations, and review of self-reported compliance monitoring information, or other forms of offsite compliance monitoring, are conducted by EPA and our coregulators (states, federally recognized tribes, and territories) to determine if regulated entities are complying with environmental statutes as well as applicable regulations and permit conditions. Compliance information gathered from these activities is reported into EPA's data systems and used for analyses and targeting, and to make information available to co-regulators and the public. These activities and data also can be utilized to identify programs and sectors with high noncompliance to be the subject of national compliance and enforcement initiatives, and to identify conditions that may present an imminent and substantial endangerment to human health and the environment and thereby warrant immediate attention. Given the large number of regulated entities, effective targeting of compliance monitoring and analysis of compliance data play a critical role in achieving the goals EPA has set forth for protecting health and the environment.

Tools in the Compliance Monitoring Program include:

- **Compliance Program Data Management and Electronic Reporting:** EPA has a national enforcement and compliance data system, the Integrated Compliance Information System (ICIS), which supports both the compliance monitoring and civil enforcement programs. As EPA's largest mission-focused data system, ICIS is a critical infrastructure tool used by the Agency, state, tribal, local and territorial governments, and the regulated community, to track compliance with and enforcement of all EPA statutes, which facilitates greater compliance and thus protection of human health and the environment. States are a major user of this resource. For instance, 21 state governments depend on ICIS to directly manage their clean water permitting and compliance activities. EPA utilizes ICIS enforcement and compliance data and other information technology tools to: (1) identify potential violations of the federal

environmental laws; (2) facilitate efficient enforcement; and (3) promote compliance with these requirements.

EPA also makes ICIS data available to the public via the internet-accessible Enforcement and Compliance History Online (ECHO) system. Using ICIS and ECHO to electronically track its civil enforcement work allows EPA to better ensure that its enforcement resources are used to facilitate transparency and address the most significant noncompliance problems, including noncompliance affecting overburdened, underserved, or vulnerable communities and noncompliance that leads to climate impacts. EPA collaborates with state, local, federal, tribal, and industry partners, through the E-Enterprise initiative, to leverage technologies such as in promoting electronic reporting and permitting. EPA and states implement the National Pollution Discharge Elimination System (NPDES) Electronic Reporting Rule through ICIS, one key tool for improving the availability of clean water compliance data to EPA, states, and the public.<sup>49</sup>

- **Support for the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) Program:** The Agency will continue to implement Phases 1 and 2 of the NPDES Electronic Reporting Rule which covers electronic permitting and compliance monitoring reporting and data sharing requirements for EPA and states. EPA will continue to work with states to ensure EPA has complete and high-quality permit, compliance, and enforcement data, and will evaluate and prioritize the development of additional electronic reporting tools that support states. EPA will continue to provide EPA and states with tools and support for tracking, interpreting, and reducing their NPDES noncompliance rate and will provide support to states in strengthening their NPDES compliance programs. In FY 2021, EPA reduced the percentage of permittees in significant noncompliance with their NPDES permits from a FY 2018 baseline of 20.3 percent to 12.6 percent.
- **Compliance Monitoring Inspector Credential Policies and Training for EPA, State, Tribal and Local Governments:** To ensure the quality of compliance monitoring activities, EPA develops national policies, updates inspection manuals, establishes training requirements for inspectors, and issues inspector credentials. EPA delivers critical in-person and online training courses to new and experienced federal, state, tribal and local inspectors to ensure the integrity of the national Compliance Monitoring Program, as well as other training for federal and state personnel on critical and emerging compliance issues. EPA hosts several in-person inspector training programs, such as the annual Clean Water Act NPDES Technical Inspector Workshop, the Public Water System Supervision (PWSS) Inspector Training Program, and the Federal Insecticide, Fungicide, and Rodenticide Act Pesticide Inspector Residential Training Program.
- **Compliance Assistance:** Compliance assistance is a valuable tool to assist regulated facilities in understanding their compliance obligations and achieving and maintaining compliance. EPA provides compliance assistance by working with third-party organizations and federal agencies to support 17 web-based, sector-specific compliance assistance centers and other web-based assistance resources. In addition, the Enforcement and Compliance Assurance Program develops webinars, Compliance Advisories, and other assistance materials to help EPA, and state regulators and the regulated community understand compliance rules and

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<sup>49</sup> For more information, please see: <https://www.epa.gov/compliance/npdes-ereporting>.

obligations. EPA also provides facility specific technical assistance to regulated entities such as the CWA and Safe Drinking Water Act (SDWA) regulated entities under the Compliance Advisor Program discussed in greater detail below.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.2, Detect Violations and Promote Compliance in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the Agency requests an additional \$42.3 million and 9.5 FTE to modernize our national enforcement and compliance data system and to expand compliance monitoring efforts to address environmental justice issues (including the Compliance Advisor Program and inspection program), Smart Tools for inspectors, implementation of the Evidence Act, per- and poly-fluoroalkyl substances (PFAS), and climate change concerns including reduction in the use of hydrofluorocarbons (HFCs). EPA will continue to implement its comprehensive action plan for integrating environmental justice (EJ) and climate change considerations throughout all aspects of the Program, including the addition of a performance measure tracking the percentage of inspections affecting communities with potential EJ concerns. This effort answers the President’s call to “strengthen enforcement of environmental violations with disproportionate impact on overburdened or underserved communities through the Office of Enforcement and Compliance Assurance” (EO 14008, sec. 222(b)(i)), and to “combat the climate crisis with bold, progressive action” (EO 14008, sec. 201).<sup>50</sup> This work includes, but is not limited to, multi-state/multi-regional matters, issues of national significance, and emergency situations. In addition, EPA also will provide some targeted oversight and support to state, local, and tribal programs. To accomplish this objective, the Agency will prioritize work with states to develop methods that successfully leverage advances in both monitoring and information technology. The Agency also will maintain accessibility to ICIS for EPA, states, and tribes.

EPA will continue the data system modernization effort to better support states, tribes, and local governments and the public’s need for information with modernized technology and implement EPA’s enterprise-wide Digital Strategy with shared IT services. Modernization will facilitate EPA’s efforts to better target noncompliance that impacts overburdened, underserved, or vulnerable communities and will increase the availability of information about environmental conditions in those communities and elsewhere.

In FY 2023, EPA will continue its efforts to modernize ICIS and support better integration with the public ECHO database. As a result of this data integration, EPA will be in a better position to focus compliance monitoring resources on areas of highest human and environmental risk, increase transparency to the public and improve data quality. EPA also will continue to improve ICIS and ECHO which will facilitate better access of compliance data and community information (*e.g.*, from EPA’s EJ screening tool) to EPA and states and to the public.

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<sup>50</sup> For additional information on the Executive Order on *Tackling the Climate Crisis at Home and Abroad*, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

In FY 2023, EPA also will continue to expand software solutions for field inspectors to improve the effectiveness and efficiency of compliance inspections conducted by EPA and authorized states. Beginning in FY 2020, EPA has rolled out its Smart Tools for inspectors in the Resource Conservation and Recovery Act (RCRA) Hazardous Waste Program and the NPDES Program. Smart Tools software makes the process of documenting field inspections and preparing inspection reports more efficient. This tool allows EPA to use its compliance monitoring resources more efficiently, including monitoring for noncompliance, which affect overburdened, underserved, or vulnerable communities, or which may have climate impacts. It also allows EPA to make inspection reports more readily and timely available to the regulated entity and to the public in affected communities. Work on design and development of software for additional inspection programs will continue through FY 2022 and beyond (e.g., Underground Storage Tanks, Clean Air Act, Toxic Substances Control Act, Federal Insecticide, Fungicide, and Rodenticide Act).

Additional funding will further allow EPA to increase its implementation of the Evidence Act<sup>51</sup> through the “Drinking Water Systems Out of Compliance” priority area in EPA’s Learning Agenda. Safe drinking water is critical to the health of communities and each year, thousands of community water systems violate one or more health-based drinking water standards. Drinking water noncompliance is greatest in small, under-resourced communities and may be higher than EPA data suggests due to failures to monitor and report. In FY 2023, EPA will continue to collect new information and conduct studies under this learning priority area to develop statistically valid data to identify effective policy instruments. Additional resources will allow for the involvement of more state partners in assessing drinking water data to determine how accurately the data measures national compliance and substantiates EPA policy decisions. EPA will evaluate other questions on noncompliance root causes and corresponding factors and the efficacy of technical assistance, enforcement, and state oversight. EPA also will conduct an analysis to identify metrics of system technical, managerial, and financial capacity for early identification of at-risk drinking water systems. The analysis will test existing and new predictive analytic tools designed to identify at-risk systems. EPA will continue to reach out to and work with states, tribes, and academic experts to implement OECA’s compliance learning agenda. The compliance learning agenda will improve the effectiveness of enforcement and compliance programs, approaches and tools by: prioritizing the most pressing programmatic questions; planning evidence-based studies to address these questions; and identifying effective and innovative approaches for improving compliance.

In FY 2023, EPA will continue the Agency’s Compliance Advisor Program (formerly known as OECA’s “Circuit Rider Program”), which reduces noncompliance at small public water systems (PWSs) and small wastewater treatment facilities (WWTFs) by providing hands-on technical assistance. Many small drinking water and wastewater systems are under-resourced or are in overburdened or underserved communities and are unable to achieve and maintain compliance due to lack of technical, managerial, and financial capacity. These communities are impacted by factors such as aging infrastructure, workforce shortages, and declining rate bases. These challenges are the root cause of most violations of the SDWA and CWA. Part trainer and part consultant, Compliance Advisors troubleshoot issues, develop plans to return systems to compliance, and increase the technical capacity of operators. The Compliance Advisors may revisit systems as needed, promoting sustainable compliance.

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<sup>51</sup> *Foundations for Evidence-Based Policymaking Act* (Public Law 115–435).

To date, Compliance Advisors have provided technical assistance to approximately 165 small PWSs and 68 WWTFs in under-resourced communities nationwide, across all Regions – covering 21 states, Puerto Rico, and seven tribes. An increase of approximately \$2 million plus 1 FTE will allow Compliance Advisors to provide much needed assistance for up to 100 new systems. There are hundreds more small systems and facilities that need technical support to help them achieve and stay in compliance and provide clean and safe water to the communities they serve. In general, the systems supported by the Compliance Advisor Program are small (serving populations of less than 10,000). Over 90 percent are in overburdened, underserved, or vulnerable communities. As of early 2022, Compliance Advisors have delivered approximately 100 Recommendations Reports to small drinking water and wastewater systems, and have provided more than 300 standard operating procedures, checklists, and other tools to help these small systems return to sustained compliance. Tribes, who are often small or isolated, also will be offered additional multimedia assistance with respect to underground injection wells, underground storage tanks, and other programs as appropriate. There is significant demand for assistance that is targeted where existing technical support efforts cannot meet the needs of the community. The Compliance Advisor Program supplements other technical assistance efforts across the Agency. As funds are available, the Regions are requested to work with their states to identify and nominate systems to receive Compliance Advisor help returning to and sustaining compliance.

In FY 2023, EPA will continue to utilize its Mission Contract to support inspections in all Regions and to fund compliance monitoring efforts that support development of hydrofluorocarbon (HFC) cases. Compliance monitoring funds will advance protection of communities by increasing inspections and compliance assistance to ensure nearby facilities are adhering to regulations designed to protect vulnerable populations, as well as creating and expanding programs to further environmental protections and increase monitoring capability.

The investment in resources will support enforcement and compliance inspections adhering to Clean Air Act requirements for motor vehicles, engines and fuels, stationary sources, chemical accident prevention, wood heaters, and stratospheric ozone; Clean Water Act requirements for preventing and addressing oil spills and spills of sewage or other hazardous substances, wetlands protection, and biosolids use and disposal; Toxic Substance Control Act requirements for new and existing chemicals, lead based paint and polychlorinated biphenyls (PCBs); Federal Insecticide, Fungicide, and Rodenticide Act requirements for pesticide registration; and Emergency Planning and Community Right to Know Act requirements for emergency planning; Toxics Release Inventory reporting; American Innovation and Manufacturing (AIM) Act requirements for HFC reductions; and for Resource Conservation and Recovery Act requirements for hazardous and non-hazardous solid waste.

In FY 2023, EPA will continue the Agency's efforts to develop actions to address PFAS. PFAS is an urgent public health and environmental threat facing communities across the United States, with significant equity and EJ implications. While these compounds have for decades played an important role to many areas of society, the Nation is now realizing the potential adverse effects of their widespread use. Today, PFAS have been found in surface water, groundwater, soil, and air across the country – from remote rural areas to densely-populated urban centers. Adverse health effects from PFAS contamination may most strongly threaten vulnerable populations (including pregnant women, children, and the elderly).



This proposed increase of approximately \$3 million in funding will support EPA’s PFAS Strategic Roadmap. EPA will utilize these resources to investigate and identify releases of PFAS to the air, land, and water by actively investigating under RCRA, Toxic Substances Control Act (TSCA), CWA, SDWA, and CAA at the yet-unknown number of processing facilities and waste disposal facilities where PFAS are suspected of contaminating various environmental media. Funds will support case development and issuance of information requests, including the potential identification of imminent and substantial endangerment issues under CWA, SDWA, or RCRA. These resources also will assist dispute resolution and case development against federal agencies responsible for PFAS contamination. Funds will be used to continue operation and development of the PFAS Analytic Tools, a data integration platform currently used by EPA and states to analyze national PFAS data sets. The funding will provide enhancements including making the information more available to the public, including communities with EJ concerns.

**Performance Measure Targets:**

<b>(PM 409) Number of federal on-site compliance monitoring inspections and evaluations and off-site compliance monitoring activities.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	10,000	10,000
<b>(PM 444) Percentage of EPA inspection reports sent to the facility within 70 days of inspection.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	75	75
<b>(PM 450) Percentage of EPA inspections at facilities affecting communities with potential environmental justice concerns.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	45	50

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$3,447.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$22,854.0 / +5.0 FTE) This program increase will allow EPA to accelerate the modernization of the Integrated Compliance Information System and enhance its integration with the Enforcement and Compliance History Online family of internet-based services. The increased resources will fund adjustments to ICIS and ECHO that will facilitate better access of compliance data and community information, for instance to EPA’s EJSCREEN tool and to other Federal systems like the Climate and Economic Justice Screening Tool) to EPA and states and to the public. This modernization will enhance EPA’s efforts to address compliance concerns in overburdened, underserved, or vulnerable communities. This investment includes \$854.0 thousand in payroll.
- (+\$6,391.0 / +2.0 FTE) This program increase will allow the Compliance Advisor Program to provide critical technical assistance to an additional 80-100 systems to achieve and maintain compliance. Funding also will be used to support inspections and case development in the Regions. Funds may be used to support underserved communities

identified by the Regions and states as having concerns because of lead Action Level exceedances. This investment includes \$342.0 thousand in payroll.

- (+\$1,071.0 / +2.0 FTE) This program increase will allow EPA to evaluate priority questions in the Drinking Water Learning Agenda, developed under the Evidence Act, and thereby test the efficacy of policies to address drinking water noncompliance. The increase also will allow EPA to conduct studies with broader participation (such as involving the states) to test the effectiveness of inspection and enforcement approaches to improve compliance in the drinking water program. This investment includes \$342.0 thousand in payroll.
- (+\$116.0 / +0.5 FTE) This program increase will allow EPA to fund required collaborative enforcement and compliance assurance efforts (assistance, targeting, monitoring, strategic planning, and enforcement) under development pursuant to the AIM Act to facilitate the next phasedown stages, for HFCs. This investment includes \$85.0 thousand in payroll.
- (+\$3,415.0) This program increase will build capacity for the inspection program, case development and provide increased training to staff to conduct inspections and perform other compliance monitoring activities at Headquarters and the Regions. This funding will enhance EPA's compliance monitoring programmatic capabilities to enhance efforts to address pollution in overburdened and vulnerable communities.
- (+\$2,976.0) This program increase will allow EPA to investigate and identify releases of PFAS to the air, land, and water by actively investigating under RCRA, TSCA, CWA, SDWA, and CAA at the yet-unknown number of processing facilities and waste disposal facilities where PFAS are suspected of contaminating various environmental media. In addition, these funds will allow EPA to continue operation and development of the PFAS Analytic Tools, a data integration platform currently used by EPA and states to analyze national PFAS data sets.
- (+\$2,000.0) This program increase will allow EPA to advance work on the Smart Tools for Field Inspectors to increase the efficiency of inspections and help develop the tool for some of the smaller programs that have more of a direct impact for communities with EJ concerns such as the TSCA lead-based paint programs.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute); Act to Prevent Pollution from Ships (MARPOL Annex VI); American Innovation and Manufacturing Act; Clean Air Act; Clean Water Act; Emergency Planning and Community Right-to-Know Act; Federal Insecticide, Fungicide, and Rodenticide Act; Marine Protection, Research, and Sanctuaries Act; Oil Pollution Act; Resource Conservation and Recovery Act; Rivers and Harbors Act; Safe Drinking Water Act; Toxic Substances Control Act.

## **Enforcement**

## **Civil Enforcement**

Program Area: Enforcement

Goal: Enforce Environmental Laws and Ensure Compliance

Objective(s): Hold Environmental Violators and Responsible Parties Accountable

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$164,888</i></b>	<b><i>\$168,341</i></b>	<b><i>\$210,011</i></b>	<b><i>\$41,670</i></b>
Leaking Underground Storage Tanks	\$625	\$620	\$653	\$33
Inland Oil Spill Programs	\$2,532	\$2,413	\$2,538	\$125
Total Budget Authority	\$168,045	\$171,374	\$213,202	\$41,828
Total Workyears	908.0	916.2	1,004.2	88.0

### **Program Project Description:**

The overall goal of EPA's Civil Enforcement Program is to protect human health and the environment by ensuring compliance with the Nation's environmental laws and regulations. The Civil Enforcement Program works in partnership with its state, local, tribal, and territorial regulatory partners to encourage compliance, compel regulated entities to correct and/or mitigate violations, and to assess appropriate penalties for violations, including removing any economic benefit that a violator gained from noncompliance.

The Civil Enforcement Program works closely with the U.S. Department of Justice, state and local governments, tribal governments, territories, and other federal agencies to ensure consistent and fair enforcement of all major environmental statutes and numerous regulations implementing each of those statutes. Millions of regulated public, federal, and private entities are subject to one or more of these statutory requirements. The Civil Enforcement Program develops, litigates, and settles administrative and civil judicial cases against violators of environmental laws. In FY 2021, because of EPA civil enforcement actions, approximately 285 million pounds of air, water, and toxic pollutants were reduced, treated, or eliminated, and approximately 7.6 billion pounds of hazardous and non-hazardous waste were treated, minimized, or properly disposed.<sup>52</sup>

EPA is responsible for direct implementation of programs that are not delegable or where a state or tribe has not sought or obtained the authority to implement a program (or program component). Examples of programs that are not delegable include the Clean Air Act (CAA) mobile source and Ozone Depleting Substances programs; pesticide labeling and registration under the Federal Insecticide, Fungicide, and Rodenticide Act; the new and existing chemicals program under the Toxic Substances Control Act (TSCA); and enforcement in Indian Country (except where the program has been delegated to the tribe). Many statutes have programs or regulations that states have not obtained authority to implement, including the American Innovation and Manufacturing

<sup>52</sup> For additional information on EPA's FY 2021 enforcement and compliance assurance program results, please see: <https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2021>.

Act, as well as portions of the Resource Conservation and Recovery Act (RCRA), the Clean Water Act (CWA), the Safe Drinking Water Act (SDWA), TSCA (lead-based paint program), and the CAA (chemical accident prevention).

EPA works with authorized states and tribes to ensure a level playing field and assists states and tribes in their implementation of delegated/authorized programs when needed, such as in cases where the Agency maintains a unique expertise or capability. The Agency also carries out its statutory oversight responsibilities to ensure states and tribes are meeting national compliance monitoring standards and taking timely and appropriate actions to return facilities to compliance. Our work to protect communities with environmental justice (EJ) concerns is a shared goal and responsibility of EPA and our partner agencies.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.1, Hold Environmental Violators and Responsible Parties Accountable in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the Agency requests an investment of 88 FTE and approximately \$41.7 million to expand civil enforcement efforts to address EJ issues (including protection of fenceline communities); climate change concerns (including a reduction in the use of hydrofluorocarbons (HFCs); and methane emissions from oil and gas facilities and landfills); per- and poly-fluoroalkyl substances (PFAS); and coal combustion wastes. In addition, EPA will continue to focus efforts toward areas where EPA's enforcement actions can have the most substantial impacts on human health and the environment. EPA will continue to focus its resources on the six current national compliance initiatives (seeking to improve air quality, provide for clean and safe water, and ensure chemical safety);<sup>53</sup> the enforcement of rules to prevent exposure to lead; and attention to emerging contaminants, like PFAS.

In FY 2023, EPA proposes to increase protection of fenceline communities at risk from cumulative impacts of large chemical manufacturing facilities, petrochemical operations, and refineries. Through coordinated assessment of noncompliance in multiple statutory areas, EPA's Civil Enforcement Program will plan inspections, case development, and enforcement actions to integrate RCRA, CWA, SDWA, CAA (including 112r), TSCA and EPCRA to ensure comprehensive compliance with environmental regulations, thereby reducing risk to human health and the environment by decreasing the likelihood of excess emissions, releases, and discharges.

In FY 2023, EPA will continue to integrate EJ and climate (including HFCs) considerations throughout all aspects of EPA's Civil Enforcement Program (*e.g.*, private parties, public and federal facilities) in headquarters and across EPA's 10 regional offices. This work will answer the President's call to "strengthen enforcement of environmental violations with disproportionate impact on underserved communities through the Office of Enforcement and Compliance Assurance" (EO 14008, sec. 222(b)(i)), and to "combat the climate crisis with bold, progressive

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<sup>53</sup> For additional information, please see: <https://www.epa.gov/enforcement/national-compliance-initiatives>.

action” (EO 14008, sec. 201).<sup>54</sup> EPA will focus on strengthening enforcement and resolving environmental noncompliance through remedies with tangible benefits for the impacted community by preventing further pollution due to noncompliance; mitigating past impacts from pollution; securing penalties to recapture economic benefit of noncompliance and deter future violations; seeking early and innovative relief (e.g., fence-line monitoring and transparency tools); and, incorporating Supplemental Environmental Projects (SEPs) in settlements, where appropriate and to the extent permitted by law and policy.

In FY 2023, EPA will continue to incorporate EJ and climate change considerations into case development while pursuing enforcement and compliance assurance work, including by increasing climate and EJ-focused inspections and community outreach, considering climate and EJ factors in case-selection (e.g., to emphasize areas where greenhouse gas emission can be reduced while providing benefits in underserved communities, such as reducing air emissions from landfills), and expanding inclusion of mitigation and resilience remedies in case resolutions. In addition, EPA will ensure that the increasing number of rules addressing climate change and affecting communities with EJ concerns, as well as permit-related provisions, are enforceable and implementable. EPA also will expand databases to track climate and EJ enforcement activities, enhance or create networks of staff focused on advancing the Administration’s climate and EJ goals, and develop and provide comprehensive and ongoing training on climate and EJ issues to equip staff for future challenges. A particular area of EPA’s climate change effort will be the work of the Interagency HFC Task Force, which was established to ensure compliance with the American Innovation and Manufacturing (AIM) Act. The task force will identify, intercept, and interdict illegal HFC imports (potent greenhouse gases), share data to support allowances, train customs officers and enforcement personnel, and address common HFC import experiences with other countries. EPA will vigorously enforce its regulations to prevent and deter illegal importation of HFCs. Additionally, EPA will continue its strong emphasis on identifying and resolving Clean Air Act noncompliance in the oil and gas sector and requiring compliance with the Renewable Fuel Standard regulations.

In FY 2023, EPA will utilize these resources to investigate and identify releases of PFAS to the air, land, and water by actively investigating under RCRA, TSCA, CWA, SDWA, and CAA at the yet-unknown number of processing facilities and waste disposal facilities where PFAS are suspected of contaminating various environmental media. PFAS is an urgent public health and environmental threat facing communities across the United States, with significant equity and EJ implications. EPA will continue to investigate releases, address imminent and substantial endangerment situations, and prevent exposure to PFAS, under multiple environmental statutes.

In FY 2023, new statutory and regulatory requirements will mean an increased need to evaluate and address noncompliance with these rules. In addition, the Agency will continue to use some of its funding to cover enforcement of the Coal Combustion Residuals (CCR) Rule. EPA’s review of publicly posted CCR Rule compliance information already suggests widespread noncompliance with CCR regulations. In enforcing the CCR Rule, coal ash units would be made more resilient to extreme weather events and contamination in communities near CCR units would be reduced.

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<sup>54</sup> For additional information on the Executive Order on *Tackling the Climate Crisis at Home and Abroad*, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

EPA expects that the six current national initiatives can have a significant impact on protecting the health of communities with potential EJ concerns and addressing climate change.

- Creating Cleaner Air for Communities – focuses on noncompliance that results in excess emissions of either volatile organic compounds or hazardous air pollutants, especially where emissions may adversely affect an area’s attainment of National Ambient Air Quality Standards or may adversely affect vulnerable populations.
- Stopping Aftermarket Defeat Devices for Vehicles and Engines – focuses on stopping the manufacture, sale, and installation of devices on vehicles and engines that defeat emissions controls, which contribute excess pollution, harming public health and air quality.
- Reducing Hazardous Air Emissions from Hazardous Waste Facilities – focuses on improving compliance with RCRA regulations that require the control of organic air emissions from certain hazardous waste management units and activities.
- Reducing Risks of Accidental Releases at Industrial and Chemical Facilities – focuses on decreasing the likelihood of chemical accidents, thereby reducing risk to communities.
- Reducing Significant Non-Compliance with National Pollutant Discharge Elimination System (NPDES) Permits – focuses on improving compliance rates with NPDES permits and ensuring the worst violations are timely and appropriately addressed.
- Reducing Non-Compliance with Drinking Water Standards at Community Water Systems – focuses on ensuring safe and clean drinking water from regulated community drinking water systems.

**Performance Measure Targets:**

<b>(PM 434) Millions of pounds of pollutants and waste reduced, treated, or eliminated through concluded enforcement actions.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	325	325
<b>(PM 436) Number of open civil judicial cases more than 2.5 years old without a complaint filed.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	99	96
<b>(PM 446) Quarterly percentage of Clean Water Act National Pollutant Discharge Elimination System (NPDES) permittees in significant noncompliance with their permit limits.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	10.1	10.1

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$6,907.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$24,696.0 / +49.0 FTE) This program change will support increased focus on EJ and climate change by developing and implementing a comprehensive action plan for integrating climate and EJ considerations throughout all aspects of EPA’s Civil Enforcement Program (e.g., private parties and federal facilities) in headquarters and across EPA’s 10 regional offices. This investment includes \$8.7 million in payroll.

- (+\$7,005.0 / +28.0 FTE) This program increase will allow EPA to address noncompliance with the CCR rule. Through enforcement, EPA will ensure that required corrective actions are taken at facilities nationwide and pursue enforcement in a sector that has shown widespread non-compliance. The Program will use these resources to enforce the regulatory requirements at noncomplying facilities thereby addressing the risks posed by CCR unlined impoundments and landfills, including risks to ecological and residential receptors, notably drinking water sources and nearby communities. This investment includes \$5.0 million in payroll.
- (+\$1,998.0 / +5.8 FTE) This program increase will allow EPA to expand the work of the Interagency HFC Task Force, which is focused on ensuring compliance with the AIM Act. The task force will identify, intercept, and interdict illegal HFC imports, share data to support allowances, train customs officers and enforcement personnel, and address common HFC import experiences with other countries. EPA also will need to implement new HFC allowance modules and expand its ozone depleting substances (ODS) tracking system to assess ongoing compliance. This investment includes \$1.0 million in payroll.
- (+\$646.0 / +3.0 FTE) This program increase will allow EPA to expand protection for fenceline communities via increased monitoring, inspections, community outreach, compliance assistance and enforcement to ensure facilities have measures in place to prevent oil discharges and chemical accidents, including those that result from extreme weather events (*e.g.*, flooding). This investment includes \$536.0 thousand in payroll.
- (+\$418.0 / +2.2 FTE) This program increase will allow EPA to identify releases of PFAS to the air, land, and water by actively investigating and pursuing civil enforcement to address endangerments and prevent exposure under RCRA, TSCA, CWA, SDWA, and CAA, at the yet-unknown number of processing facilities and waste disposal facilities where PFAS are suspected of contaminating various environmental media. This investment includes \$393.0 thousand in payroll.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute); Act to Prevent Pollution from Ships (MARPOL Annex VI); American Innovation and Manufacturing Act; Clean Air Act; Clean Water Act; Emergency Planning and Community Right-to-Know Act; Federal Insecticide, Fungicide, and Rodenticide Act; Marine Protection, Research, and Sanctuaries Act; Oil Pollution Act; Resource Conservation and Recovery Act; Safe Drinking Water Act; and Toxic Substances Control Act.



**Criminal Enforcement**

Program Area: Enforcement

Goal: Enforce Environmental Laws and Ensure Compliance

Objective(s): Hold Environmental Violators and Responsible Parties Accountable

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$49,588</i></b>	<b><i>\$51,275</i></b>	<b><i>\$61,411</i></b>	<b><i>\$10,136</i></b>
Hazardous Substance Superfund	\$8,469	\$7,647	\$8,088	\$441
Total Budget Authority	\$58,057	\$58,922	\$69,499	\$10,577
Total Workyears	238.6	257.7	291.0	33.3

**Program Project Description:**

EPA’s Criminal Enforcement Program enforces the Nation’s environmental laws through targeted investigation of criminal conduct, committed by individual and corporate defendants, that threatens public health and the environment. EPA’s criminal enforcement agents (Special Agents) investigate violations of environmental statutes and associated violations of Title 18 of the United States Code such as fraud, conspiracy, false statements, and obstruction of justice.

The Criminal Enforcement Program specifically collaborates with other EPA offices, the Environmental Justice (EJ) Program, and the U.S. Department of Justice (DOJ) to ensure that our enforcement and compliance assurance work addresses the impacts of illegal environmental pollution activities on overburdened communities and to expand outreach opportunities through those offices.

Criminal Enforcement Special Agents are assisted in the Criminal Enforcement Program by forensic scientists, attorneys, technicians, engineers, and other experts. EPA’s criminal enforcement attorneys provide legal and policy support for all the Program’s responsibilities, including forensics and expert witness preparation, to ensure that program activities are carried out in accordance with legal requirements and the policies of the Agency. These efforts support environmental crime prosecutions primarily by the U.S. Attorneys and the DOJ’s Environmental Crimes Section. In FY 2021, the conviction rate for criminal defendants charged as a result of EPA criminal enforcement investigations was 96 percent, with a total of twenty-eight years of incarceration for defendants sentenced in criminal enforcement investigations.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.1, Hold Environmental Violators and Responsible Parties Accountable in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the Agency requests an additional \$10.1 million and 33.1 FTE to expand EPA’s capacity for criminal enforcement and work to support the criminal program, with an emphasis in

several priority areas, including communities with EJ concerns and to combat climate change. This FTE increase will assist the EPA in rebuilding its Criminal Enforcement Agent workforce, working towards the goal of 200 Special Agents stipulated in the Pollution Prosecution Act of 1990.

In FY 2023, EPA will continue to focus on the most egregious cases (e.g., significant human health, environmental, and deterrent impacts), while balancing its overall case load across all environmental statutes. Program goals and priorities include the following:

- In FY 2023, EPA will continue to prioritize criminal enforcement resources for investigations which involve vulnerable communities or those that have historically been overburdened by pollution. This effort has been focused as a Criminal Enforcement Program Initiative with an emphasis on addressing environmental crime and crime victims in these areas. The Criminal Investigation Division (CID) works with partners at the DOJ to jointly prosecute wrongdoing and reduce the impact pollution has on these areas through investigation, judicial actions, and settlements while maintaining case initiation standards and reducing the impact of pollution.
- In FY 2023, EPA's Environmental Crime Victim Witness Assistance Program will closely align its implementation of the Criminal Victims' Rights Act and the Victims' Rights and Restitution Act with EPA's EJ work. Activities will include data mining and mapping to identify where communities with EJ concerns, crime victims, and public health impacts overlap. This strategy will aid the Program in identifying sources of pollution impacting these communities and to focus criminal enforcement resources on the Nation's most overburdened, underserved, or vulnerable populations and, where appropriate, use of crime victim program resources and emergency funds to assist individuals in such communities.
- In FY 2023, the Criminal Enforcement Program will continue implementing its responsibilities as a part of the HFC (Hydrofluorocarbons) Enforcement Task Force, working with OAR and the Department of Homeland Security to ensure U.S. compliance with the American Innovation and Manufacturing (AIM) Act. The Task Force will continue to identify, intercept, and interdict illegal HFC imports, share data to support allowances, train customs officers and enforcement personnel, and address common HFC import experiences with other countries. EPA will need to continue standing up its new enforcement and compliance regime. EPA would leverage our experience working with Customs and Border Protection (CBP), DOJ and other federal partners to successfully enforce federal laws related to HFCs. Critically important to success in this media, are dedicated analysts in the Criminal Enforcement Program to research, assess and coordinate with federal partners, private industry, and task force members.
- In addition, in FY 2023 the Criminal Enforcement Program will continue to work with Interpol and other federal partners to combat climate change through domestic and international law enforcement collaboration. This work will include formalized information sharing related to preventing illegal importation of prohibited products that contribute to global climate instability and capacity building with other countries.

- In FY 2023, the Criminal Enforcement Program also will increase its collaboration and coordination with the Civil Enforcement Program to ensure that EPA’s Enforcement Program identifies the most egregious cases and responds to them effectively and efficiently, to ensure compliance and defer future conduct. The Agency will continue to investigate violations of environmental statutes and associated violations of Title 18 of the United States Code to protect public health and the environment.

**Performance Measure Targets:**

EPA’s FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$2,536.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$7,120.0 / +32.0 FTE) This program increase supports expanding EPA’s capacity for criminal enforcement, the expansion of the enforcement in communities with EJ concerns, enforcement of climate-related regulations, and increased polluter accountability. This investment includes \$6.91 million in payroll.
- (+\$480.0 / +1.1 FTE) This program increase will ensure EPA has the capacity and technical expertise to investigate, analyze, sample, test, and transport HFCs. The increase in FTE will allow analysts to research, assess, and coordinate with federal partners, private industry, and task force members. This investment includes \$237.0 thousand in payroll.

**Statutory Authority:**

Title 18 of the U.S.C.; 18 U.S.C. § 3063; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute); Resource Conservation and Recovery Act; Clean Water Act; Safe Drinking Water Act; Clean Air Act; Toxic Substances Control Act; Emergency Planning and Community Right-To-Know Act; Federal Insecticide, Fungicide, and Rodenticide Act; Ocean Dumping Act; Rivers and Harbors Act; Pollution Prosecution Act of 1990; American Innovation and Manufacturing Act.

## **NEPA Implementation**

Program Area: Enforcement

Goal: Enforce Environmental Laws and Ensure Compliance

Objective(s): Detect Violations and Promote Compliance

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$15,809</i></b>	<b><i>\$16,943</i></b>	<b><i>\$19,883</i></b>	<b><i>\$2,940</i></b>
Total Budget Authority	\$15,809	\$16,943	\$19,883	\$2,940
Total Workyears	96.4	89.9	90.9	1.0

### **Program Project Description:**

EPA's National Environmental Policy Act (NEPA) Implementation Program implements the environmental requirements of NEPA and Section 309 of the Clean Air Act (CAA) to review other federal agency environmental impact statements (EIS) and other federal agencies' NEPA regulations. In addition, EPA's NEPA Implementation Program manages e-NEPA, a web-based application that serves as the official EIS filing system and clearinghouse for all federal EISs on behalf of the Council on Environmental Quality (CEQ) in accordance with a Memorandum of Understanding (MOU) with CEQ.<sup>55</sup> The Program also oversees EPA's actions subject to NEPA (40 CFR Part 6) and reviews of EISs for non-governmental activities in Antarctica (40 CFR Part 8). Under the CAA §309 Program, EPA's focus on early engagement with other federal agencies is consistent with NEPA planning principles and improves identification of potential issues and solutions early in the planning process to reduce impacts and improve environmental outcomes. EPA also assists agencies in the analyses of potential impacts related to climate change, including impacts from greenhouse gas (GHG) emissions, and potential impacts to communities with environmental justice (EJ) concerns.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.2, Detect Violations and Promote Compliance in the *FY 2022 - 2026 EPA Strategic Plan*.

EPA is pursuing a multi-year process of reconstructing the NEPA Program to both build basic capacities and inject significantly more robust considerations of climate change mitigation and adaptation, as well as EJ, across the Agency's NEPA practitioner community and into the reviews of every qualifying federal action and federal EIS. Contract support for non-inherently governmental functions coupled with review process efficiencies will assist in meeting current requirements to analyze and identify potential impacts of planned actions across the Federal government. Accordingly, this increase in FY 2023 resources will assist the Agency in fulfilling

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<sup>55</sup> Memorandum of Agreement No. 1 Between the Council on Environmental Quality and the Environmental Protection Agency, October 1977.

its current statutory obligation to review and comment on every federal agency EIS in advance of contemplated outyear FTE restoration requests.

EPA will continue to focus its reviews on areas where the Agency has statutory authority and subject matter expertise. EPA will continue to work with the Office of Management and Budget (OMB), CEQ, and other federal agencies to evaluate ways to coordinate, streamline, and improve the NEPA process, as well as to incorporate robust science-based analyses of project-related impacts and potential measures to minimize and mitigate those impacts. In FY 2023 and subsequent budget years, as a result of the American Rescue Plan Act of 2021 (P.L. 117-2),<sup>56</sup> the Infrastructure Investment and Jobs Act (IIJA) and other economic recovery actions, federal agencies expect a substantial increase in funded actions which will likely require EISs and EPA environmental review. In addition, due to policies and initiatives such as EO 14017 *America's Supply Chains*<sup>57</sup> and the Bureau of Land Management and EPA Energy Act MOU, EPA anticipates a substantial increase in priority actions requiring expedited reviews. Critical minerals mining projects are expected to trigger EISs and will require special expertise at EPA to facilitate timely inter-agency coordination on environmental reviews and permitting actions. EPA anticipates that the existing workload will likely double based on interagency discussions hosted by CEQ and OMB.

Drawing from experiences with FAST-41 and other priority initiatives, EPA's early engagement with lead federal agencies at the beginning of the NEPA scoping process improves the quality of EISs and minimizes delays. However, this early engagement will require substantially more staff time throughout the NEPA process.

Updates to the NEPA regulations (40 CFR Parts 1500-1518) and other related federal regulations may substantively impact the number or scope of environmental reviews. EPA regularly supports and assists CEQ in the development of guidance through the 1977 EPA and CEQ MOU. In FY 2023, the NEPA Implementation Program will continue to develop updated guidance, tools, and resources to assist federal agencies and CAA §309 reviewers in transparent, consistent, and high-quality identification and disclosure of opportunities to avoid, minimize, and mitigate impacts to communities with EJ concerns; reduce impacts of GHG emissions in all major sectors; and identify and develop climate-resilient alternatives. This will include identifying opportunities to update EPA's topic specific technical tools for NEPA reviews that are regularly used by multiple agencies;<sup>58</sup> improve and enhance the NEPAassist application to incorporate tools and/or additional layers of data or information, as needed, such as an enhanced interface between NEPAassist and EJSCREEN updates. It also will include identifying other tools and support resources as CEQ updates guidance and provides direction with respect to climate and EJ screening tools.

### **Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

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<sup>56</sup> For additional information, please refer to: <https://www.congress.gov/117/bills/hr1319/BILLS-117hr1319enr.pdf>.

<sup>57</sup> For additional information, please refer to: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/executive-order-on-americas-supply-chains/>.

<sup>58</sup> For additional information, please refer to: <https://www.epa.gov/nepa/national-environmental-policy-act-policies-and-guidance>.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$830.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$400.0) This program increase is to embed climate change and EJ considerations within the EPA's environmental review process.
- (+\$1,710.0 / +1.0 FTE) This program change is to support the increase in environmental reviews of Federal EISs and to enhance the interface between the NEPAssist geospatial planning tool and EJSCREEN screening and mapping tool to ensure EJ impacts are considered by all Federal NEPA planners when using the tool. This investment includes \$176.0 thousand in payroll.

**Statutory Authority:**

National Environmental Policy Act (NEPA); Clean Air Act (CAA) § 309; Antarctic Science, Tourism, and Conservation Act; Clean Water Act § 511(c); Endangered Species Act; National Historic Preservation Act; Archaeological and Historic Preservation Act; Fishery Conservation and Management Act; Fish and Wildlife Coordination Act; and Title 41 of the Fixing America's Surface Transportation Act.

## **Environmental Justice**

## Environmental Justice

Program Area: Environmental Justice

Goal: Take Decisive Action to Advance Environmental Justice and Civil Rights

Objective(s): Embed Environmental Justice and Civil Rights into EPA's Programs, Policies, and Activities

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$10,343</i></b>	<b><i>\$11,838</i></b>	<b><i>\$294,938</i></b>	<b><i>\$283,100</i></b>
Hazardous Substance Superfund	\$681	\$826	\$5,876	\$5,050
Total Budget Authority	\$11,024	\$12,664	\$300,814	\$288,150
Total Workyears	34.7	39.9	211.9	172.0

### **Program Project Description:**

EPA's Environmental Justice (EJ) Program coordinates the Agency's efforts to address the needs of overburdened and vulnerable communities by decreasing environmental burdens, increasing environmental benefits, and working collaboratively with all stakeholders to build healthy, sustainable communities based on residents' needs and desires. EPA's EJ Program focuses on collaboration as a central principle and method of advancing justice. The program provides grants, technical assistance, and expert consultative support to communities, partners at all levels of government, and other stakeholders such as academia, business, and industry to achieve protection from environmental and public health hazards for people of color, low-income communities, and indigenous communities.

Work in this program directly supports the *FY 2022-2026 EPA Strategic Plan Goal 2, Take Decisive Action to Advance Environmental Justice and Civil Rights*, and Administrator Michael Regan's message in the memo titled "Our Commitment to Environmental Justice" issued on April 7, 2021.<sup>59</sup> In addition, this work supports implementation of Executive Order (EO) 13985 *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*,<sup>60</sup> and EO 14008 *Tackling the Climate Crisis at Home and Abroad*.<sup>61</sup> In accordance with the American's Water Infrastructure Act of 2018 (P.L. 115-270), every EPA regional office employs a dedicated EJ coordinator, and the Agency maintains a list of these persons on EPA's website.<sup>62</sup>

<sup>59</sup> For additional information, please refer to: <https://www.epa.gov/sites/default/files/2021-04/documents/regan-messageoncommitmenttoenvironmentaljustice-april072021.pdf>.

<sup>60</sup> For additional information, please refer to: <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

<sup>61</sup> For additional information, please refer to: <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>.

<sup>62</sup> For additional information, please refer to: <https://www.epa.gov/environmentaljustice/forms/contact-us-about-environmental-justice>.



## **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 2/Objective 2.2, Embed Environmental Justice and Civil Rights into EPA's Programs, Policies, and Activities in the *FY 2022 - 2026 EPA Strategic Plan*. Work in this program also directly supports progress toward the Agency Priority Goal: *Deliver tools and metrics for EPA and its Tribal, state, local, and community partners to advance environmental justice and external civil rights compliance. By September 30, 2023, EPA will develop and implement a cumulative impacts framework, issue guidance on external civil rights compliance, establish at least 10 indicators to assess EPA's performance in eliminating disparities in environmental and public health conditions, and train staff and partners on how to use these resources.*

In FY 2023, EPA requests an additional \$283.1 million and 170 FTE for the Environmental Justice Program in the EPM appropriation. This investment will allow the Agency to develop, manage, and award competitive grants to reduce the historically disproportionate health impacts of pollution in communities with EJ concerns as well as to increase support for existing grant projects. This investment also will support climate initiatives in communities with EJ concerns, as well as EJ training, education, and outreach programs. This investment will provide paramount support to community-based organizations, indigenous organizations, states, tribes, local governments, and territorial governments in pursuit of identifying and addressing EJ issues.

In FY 2023, EPA will continue to support the successful completion of grant projects funded in previous fiscal years while continuing to improve the delivery of grant investments to develop partnerships with community entities to improve the health outcomes of residents and workers in communities with EJ concerns. This investment will support climate initiatives in communities with EJ concerns as well as provide critical support to community-based organizations, indigenous organizations, states, tribes, local governments, territorial governments, and State and local EJ advisory councils, in pursuit of identifying and addressing EJ issues through multi-partner collaborations.

In FY 2023, the existing and new grant programs include:

- 1) a \$50 million Environmental Justice Competitive Grant Program (formerly named Environmental Justice Collaborative Problem-Solving Cooperative Agreements);
- 2) a \$25 million Environmental Justice Community Grants Program (formerly named Environmental Justice Small Grants) that would continue to competitively award a comprehensive suite of grants to non-profit, community-based organizations to reduce the disproportionate health impacts of environmental pollution in communities with EJ concerns;
- 3) a \$25 million Environmental Justice State Grant Program (formerly named State Environmental Justice Cooperative Agreements) that would continue funding for states, local governments, and territories;
- 4) a \$25 million Tribal Environmental Justice Grant Program (formerly named Tribal Environmental Justice Cooperative Agreements) to support work to eliminate disproportionately adverse human health or environmental effects in Tribal and Indigenous communities; and

- 5) a \$15 million competitive, community-based Participatory Research Grant Program to award competitive grants to higher education institutions that develop partnerships with community entities to improve the health outcomes of residents and workers in communities with EJ concerns.

## **EJ National Program**

In FY 2023, EPA will continue to develop the EJ National Program to support the robust, consistent, and meaningful integration of EJ considerations across all EPA policies, programs, and activities in addition to providing much needed direct support to communities; partners at the state, tribal, and local levels; and other stakeholders, such as academia, business, and industry. The EJ National Program continues to provide essential support to other EPA programs working to consider environmental justice in environmental permitting, rulemaking, enforcement and compliance, emergency/disaster response and recovery, and climate change priorities. The EJ Program also continues to engage communities and provide tools, data, and methods to help other EPA programs analyze the EJ implications of policy decisions, such as through National Environmental Policy Act processes or the consideration of costs and benefits in economic analyses.

The FY 2023 investment also will provide EPA's regional offices with more capacity to integrate environmental justice across their programs and regularly engage with and support community and state, tribal, and local partners. Key activities to support EPA's ability to integrate EJ across all policies, programs, and activities are reflected in EPA's Agency Priority Goal (APG) related to EJ and civil rights compliance. Strategy 1 of this APG focuses on the development of a framework to consider cumulative impacts across the range of EPA's policies, programs, and activities, and Strategy 3 commits to development of 10 indicators for eliminating disparities in communities with EJ concerns. These are watershed commitments in EPA's three decades of EJ practice. EPA will initiate work on these strategies in FY 2022 and will prioritize completion by the APG's deadline at the end of FY 2023.

## **Engagement with Partners, Stakeholders, and Communities**

EPA pursues a broad array of activities to support efforts by partners, stakeholders, and communities to advance environmental justice. For instance, the EJ Program hosts a series of training webinars focused on integrating EJ at all levels of government, with special focus on state agencies, tribal governments and indigenous populations, and territorial governments and insular areas such as Pacific Island Nations. During FY 2022, this included partnership with the Environmental Council of States to provide additional and more finely tailored resources to support state efforts to advance equity and justice in their agencies.

The EJ webinar series for tribes and indigenous peoples enhances EJ integration, builds capacity, raises awareness of EPA and other federal programs and resources, and provides technical assistance to tribes and indigenous peoples on priority environmental, public health, and other EJ concerns. This webinar series began in November 2020 and is planned to continue for the

foreseeable future.<sup>63</sup> There have been 16 webinars, 10,395 registrants, and 3,948 participants. EPA also has offered two webinars to the Pacific Islands and their indigenous peoples to present information more specifically relevant to their concerns. The webinars have consistently received high ratings from the participants.

EPA also has hosted regular National EJ Community Engagement calls throughout FY 2021 and FY 2022 and will continue to do so in FY 2023.<sup>64</sup> During this time, EPA has completed 14 such national engagement calls, eight of which focused on Justice40 and the six EPA Justice40 pilot programs. During the calls held from February 17, 2021, through February 22, 2022, approximately 6,300 participants engaged on a wide spectrum of topics related to EJ, the Justice40 Initiative, and EJ mapping and screening. Each call featured opportunities, such as expansive listening sessions, during which speakers interacted with comments and questions from participants. EPA also has hosted three public “office hours” for users of EJScreen to engage with the EPA EJScreen team with questions and feedback for further enhancements to the tool. EPA also continues to communicate through its email listserv and social media presence.

EPA also continues to directly engage community organizations and leaders while supporting internal EPA efforts to integrate EJ considerations into all EPA policies, programs, and activities. In the first five months of FY 2022, EPA’s EJ Program executed more than 235 engagements and trainings inside of the Agency that reached more than 5,000 EPA staff. Additionally, the EJ Program completed more than 200 external engagements, collaborative initiatives, and trainings with and in support of community groups and other partners. The EJ Program also worked with an additional 94 partner organizations to directly engage and support over 4,000 community members.

In FY 2023, EPA will continue to develop education, training, and outreach resources associated with EJ, including 1) an EJ Training Program to increase the capacity of residents in communities with EJ concerns to identify and address negative impacts; 2) outreach centers in the EPA regional offices to work directly with communities with EJ concerns; and 3) an EJ Clearinghouse to serve as online resources for EJ information.

## **EJ Grants Program**

EPA’s FY 2021 EJ grants program saw a significant increase in the scope and level of funding due to additional Congressional resource allocation. EPA relaunched the State Environmental Justice Cooperative Agreement (SEJCA) Program. EPA made the SEJCA Program available to proposals from states, tribes, local governments, and territorial governments and emphasized projects focused on engaging and supporting community efforts in response to the COVID-19 pandemic. Over the course of FY 2021 and into FY 2022, EPA awarded an unprecedented \$18.4 million to 154 grant recipients through the EJ grants programs. This included:

- 21 SEJCA awards in fall 2021;
- 34 EJ Collaborative Problem Solving (EJCPS) awards;
- 99 EJ Small Grants selected in 2021 and awarded in winter/spring 2022;

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<sup>63</sup> For additional information, please refer to: <https://www.epa.gov/environmentaljustice/environmental-justice-tribes-and-indigenous-peoples>.

<sup>64</sup> For additional information, please refer to: <https://www.epa.gov/environmentaljustice/community-outreach-and-engagement>.

Of the total amount awarded, over \$13.5 million came from the American Rescue Plan (ARP) and approximately \$4.5 million from base EJ annual appropriations. Of the 154 projects funded, 128 received at least partial funding through the ARP, and 26 are receiving full funding through base EJ appropriations with additional funds from EPA’s Office of Transportation and Air Quality to support specific projects focused on EJ and transportation/goods movement issues.

The EJ grants program funding priorities over this period included projects addressing public education, training, emergency planning, and/or investigations on impacts of COVID-19 on underserved communities in addition to projects addressing climate and disaster resiliency and emergency preparedness. For the first time ever, EPA’s EJ Program created a set-aside exclusively for small nonprofit organizations (defined as organizations with 10 or fewer full-time employees) in an attempt to ensure the EJ funding reached lower-capacity and new organizations with capacity building needs. Of the proposals that received EJ Small Grant funding, 84 percent went to qualifying small nonprofits.

### **Interagency Coordination**

In FY 2023, EPA will continue to support the efforts of the National Environmental Justice Advisory Council (NEJAC) in addition to supporting the efforts of the White House Environmental Justice Advisory Council (WHEJAC) established by EO 14008.<sup>65</sup> EPA also will support the Council on Environmental Quality (CEQ) as it leads the Interagency Council on Environmental Justice as well as a suite of EPA bi- and multi-lateral initiatives to support and partner directly with other federal agencies.

### **EJScreen**

In FY 2023, EPA will continue to support and improve our national EJ screening and mapping tool (EJScreen). Efforts will focus on identifying and adding valuable new data sources to the tool with a focus on climate-relevant data, in addition to enhancing user interface elements. EPA will enhance EJScreen based upon user requests and feedback – from both within EPA and from external users – to further inform equitable decision making across the federal government in addition to providing more robust and diverse data to effectively prioritize communities in need. These enhancements will enable EPA to further focus program design to benefit communities with EJ concerns and those most at risk of climate change. In addition, EPA’s budget includes resources to update EPA’s IT systems to provide ongoing support, maintenance, and development of the Climate and Economic Justice Screening Tool (CEJST), as outlined in EO 14008.

### **Performance Measure Targets:**

<b>(PM EJCR01) Percentage of EPA programs that seek feedback and comment from the public that provide capacity-building resources to communities with environmental justice concerns to support their ability to meaningfully engage and provide useful feedback to those programs.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		40

<sup>65</sup> For more information, please visit: <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>

<b>(PM EJCR02) Percentage of EPA programs utilizing extramural vehicles to compensate organizations and individuals representing communities with environmental justice concerns when engaged as service providers for the Agency.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		75
<b>(PM EJCR03) Percentage of environmental justice grantees whose funded projects result in a governmental response.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		No Target Established
<b>(PM EJCR04) Percentage of written agreements between EPA and tribes or states implementing delegated authorities that include commitments to address disproportionate impacts.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		25
<b>(PM EJCR05) Percentage of state-issued permits reviewed by EPA that include terms and conditions that are responsive to environmental justice concerns and comply with civil rights obligations.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		TBD
<b>(PM EJCR07) Percentage of EPA national program and regional offices that extend paid internships, fellowships, or clerkships to college students from diverse backgrounds.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		50
<b>(PM EJCR08) Percentage of significant EPA actions with environmental justice implications that respond to environmental justice concerns and reduce or address disproportionate impacts.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		40
<b>(PM EJCR09) Percentage of programs that have developed clear guidance on the use of justice and equity screening tools.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		100
<b>(PM EJCR10) Percentage of EPA programs that work in and with communities that do so in ways that are community-driven, coordinated and collaborative, support equitable and resilient community development, and provide for meaningful involvement and fair treatment of communities with environmental justice concerns.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		TBD
<b>(PM EJCR11) Number of established EJ collaborative partnerships utilizing the Key Principles for Community Work (community-driven, coordinated, and collaborative).</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		TBD
<b>(PM EJCR12) Percentage of EPA programs and regions that have identified and implemented opportunities to integrate environmental justice considerations and strengthen civil rights compliance in their planning, guidance, policy directives, monitoring, and review activities.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	15	30
<b>(PM EJCR13) Percentage of EPA regions and national programs that have established clear implementation plans for Goal 2 commitments relative to their policies, programs, and activities and made such available to external partners.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		100
<b>(PM EJCR18) Number of information sharing sessions and outreach and technical assistance events held with overburdened and underserved communities and environmental justice advocacy groups on civil rights and environmental justice issues.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	8	12

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$113.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$89,586.0 / +69.5 FTE) This program change supports EJ work across the Agency, including substantial increases for FTE support. This investment supports the significantly expanded base activity and agencywide coordination required across the EJ Program. This increase includes \$11.536 million in payroll.
- (+\$11,501.0 / +51.5 FTE) This program change supports EJ work in the regions. This investment supports the significantly expanded base activity and agencywide coordination required in the regional offices. This increase includes \$8.309 million in payroll.
- (+\$10,000.0 / +12.0 FTE) This program change is an increase to establish EPA outreach centers housed in EPA regional offices to connect directly with communities, hold hearings, and support local EJ efforts. This investment includes \$1.936 million in payroll.
- (+\$50,000.0 / +5.0 FTE) This program change increases the Environmental Justice Competitive Grant Program aiming to broadly reduce the disproportionate health impacts of environmental pollution in communities with EJ concerns. This grant program was formerly known as the EJ Collaborative Problem-Solving Cooperative Agreements, and appropriations language has been provided in the proposed EPM Bill Language. This investment includes \$807.0 thousand in payroll.
- (+\$25,000.0 / +3.0 FTE) This program change increases the Environmental Justice Community Grant Program. Eligible recipients would be nonprofit, community-based organizations that conduct activities to reduce the disproportionate health impacts of environmental pollution in communities with EJ concerns. This grant program was formerly known as the EJ Small Grants, and appropriations language has been provided in the proposed EPM Bill Language. This investment includes \$484.0 thousand in payroll.
- (+\$25,000.0 / +3.0 FTE) This program change is an increase to establish an Environmental Justice State Grant Program that would establish or support state government EJ programs. Appropriations language has been provided in the proposed EPM Bill Language. This investment includes \$484.0 thousand in payroll.
- (+\$25,000.0 / +3.0 FTE) This program change is an increase to establish a Tribal Environmental Justice Grant Program. This program would support tribal work to eliminate disproportionately adverse human health or environmental effects in Tribal and Indigenous communities. Appropriations language has been provided in the proposed EPM Bill Language. This investment includes \$484.0 thousand in payroll.

- (+\$15,000.0 / +2.0 FTE) This program change is an increase to establish a competitive, community-based Participatory Research Grant Program. Eligible recipients would be higher education institutions that aim to develop partnerships with community entities to improve the health outcomes of residents and workers in communities with EJ concerns. Appropriations language has been provided in the proposed EPM Bill Language. This investment includes \$323.0 thousand in payroll.
- (+\$10,000.0 / +3.0 FTE) This program change is an increase to establish an Environmental Justice Training Program to increase the capacity of residents of underserved communities to identify and address disproportionately adverse human health or environmental effects. Appropriations language has been provided in the proposed EPM Bill Language. This investment includes \$484.0 thousand in payroll.
- (+\$5,900.0 / +4.0 FTE) This program change is an increase for EJScreen to improve how the Agency utilizes nationally consistent data that combines environmental and demographic indicators to map and identify communities with environmental justice concerns. In addition, resources are included to update EPA's IT systems to support the Climate and Economic Justice Screening tool. This investment includes \$645.0 thousand in payroll.
- (+\$4,000.0 / +5.0 FTE) This program change is an increase to support the National Environmental Justice Advisory Council (NEJAC) and other federal advisory council activities. The EJ Program will provide funding and support for the White House Environmental Justice Advisory Council (WHEJAC) to advise the Interagency Council and Chair of the Council on Environmental Quality (CEQ). This investment includes \$807.0 thousand in payroll.
- (+\$4,000.0 / +3.0 FTE) This program change increases legal support with a focus on EJ issues. This investment includes \$484.0 thousand in payroll.
- (+\$3,000.0 / +3.0 FTE) This program change increases external EJ coordination with other federal agencies. This includes developing and expanding federal best practices around EJ and supporting other federal efforts to expand EJ programs. This investment includes \$484.0 thousand in payroll.
- (+\$5,000.0 / +3.0 FTE) This program change is an increase to establish an Environmental Justice Clearinghouse, which would serve as an online resource for information on EJ, including training materials and a directory of experts and organizations with the capability to provide advice or technical assistance to underserved communities. This investment includes \$484.0 thousand in payroll.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute); American Rescue Plan Act of 2021 (Pub. L. 117-2).

## **Geographic Programs**



**Geographic Program: Chesapeake Bay**

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$77,876</i></b>	<b><i>\$87,500</i></b>	<b><i>\$90,568</i></b>	<b><i>\$3,068</i></b>
Total Budget Authority	\$77,876	\$87,500	\$90,568	\$3,068
Total Workyears	38.0	38.2	38.2	0.0

**Program Project Description:**

The Chesapeake Bay is the largest estuary in the United States with a drainage area that covers six states in the mid-Atlantic. The Bay is not only treasured for recreational purposes but also serves as a vital resource for ecological and economic activities in the region and beyond. The Chesapeake Bay Program is a voluntary partnership initiated in 1983 that now includes the Chesapeake Bay watershed states (Delaware, Maryland, New York, Virginia, Pennsylvania, and West Virginia), the District of Columbia, the Chesapeake Bay Commission, and the federal government. EPA represents the federal government on the partnership's Chesapeake Executive Council and, under the authority of Section 117 of the Clean Water Act, works with the Executive Council to coordinate activities of the partnership. On June 16, 2014, the Chesapeake Bay Program partners signed the most recent Chesapeake Bay Watershed Agreement,<sup>66</sup> which provides for the first time the Bay's headwater states (Delaware, New York, and West Virginia) with full partnership in the Bay Program. The Agreement establishes 10 goals and 31 outcomes including sustainable fisheries, water quality, vital habitats, climate change, and toxic contaminants, with Management Strategies and two-year Logic & Action Plans covering all 31 outcomes.<sup>67</sup>

EPA, the watershed jurisdictions, and other key federal agencies set two-year water quality milestones that measure progress made in achieving the Bay Total Maximum Daily Load (TMDL) and the jurisdictions' Watershed Implementation Plans.<sup>68</sup> The TMDL satisfies a requirement of the Clean Water Act and EPA commitments under Court-approved consent decrees for Virginia and the District of Columbia dating to the late 1990s.<sup>69</sup> The TMDL is designed to ensure all nitrogen, phosphorus, and sediment pollution control efforts needed to restore the Bay and its tidal rivers are in place by 2025.

<sup>66</sup> The Chesapeake Bay Watershed Agreement (2014) available at:

[http://www.chesapeakebay.net/documents/FINAL\\_Ches\\_Bay\\_Watershed\\_Agreement.withsignatures-Hires.pdf](http://www.chesapeakebay.net/documents/FINAL_Ches_Bay_Watershed_Agreement.withsignatures-Hires.pdf).

<sup>67</sup> For additional information on the progress being achieved, visit: <https://www.epa.gov/restoration-chesapeake-bay>.

<sup>68</sup> The federal milestones related to water quality in the Chesapeake Bay watershed are available at [http://executiveorder.chesapeakebay.net/EO\\_13508\\_Water\\_Quality\\_Milestones-2012-01-06.pdf](http://executiveorder.chesapeakebay.net/EO_13508_Water_Quality_Milestones-2012-01-06.pdf). The jurisdictional milestones are available at: <https://www.epa.gov/chesapeake-bay-tmdl/chesapeake-bay-milestones>.

<sup>69</sup> The Chesapeake Bay TMDL, available at: <http://www.epa.gov/chesapeake-bay-tmdl/>.

## **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 5/Objective 5.2, Protect and Restore Waterbodies and Watersheds in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, EPA will focus on supporting implementation of the two-year logic and action plans for the 25 management strategies developed under the Agreement, with particular focus on accelerating implementation of outcomes where progress is lagging. The program is increasing focus on environmental justice ensuring the benefits of the Chesapeake Bay Program are distributed equitably. In addition, the program is increasing efforts in the climate change space by focusing initiatives on the resiliency of the watershed. Specific emphases include:

- Implementing the water quality outcomes that describe the commitment of the Agreement signatories for having all practices in place by 2025 to achieve the necessary pollutant reductions;
- Accelerating implementation of outcomes that help keep the watershed resilient in the face of climate change (including forest and wetland protection and restoration);
- Maintaining the historically strong submerged aquatic vegetation, and tidal and non-tidal water quality monitoring programs implemented through state grants and federal interagency agreements;
- Ensuring the most up-to-date science is used throughout the Chesapeake Bay Program to support decision-making, implementation, and future condition assessment (for example, improving computer models to help predict the impact of climate change on the Chesapeake Bay Program's ability to meet water quality standards in the tidal waters of the Chesapeake Bay); and
- Implementing an action plan to improve diversity, equity, inclusion, and justice in Chesapeake Bay Program restoration efforts.

Environmental results, measured through data collected by the states and shared with the federal government, show the importance of the investment that federal, state, and local governments have made in providing clean and safe water. Every year, the Chesapeake Bay Program uses available monitoring information from the 92 segments of the Chesapeake Bay to estimate whether each segment is attaining criteria for one or more of its designated uses. EPA, along with other federal, state, and academic partners, are using this information to demonstrate progress toward meeting water quality standards and the Bay TMDL.

States have reported that, as of 2020, best management practices to reduce pollution are in place to achieve 45 percent of the nitrogen reductions, 65 percent of the phosphorus reductions, and 100 percent of the sediment reductions needed to attain applicable water quality standards when compared to the 2009 baseline established in the Bay TMDL.<sup>70</sup>

EPA will continue to provide the Chesapeake Bay Program partnership with funding and technical assistance, track and report progress, and coordinate and facilitate partnership efforts to reach our mutual goals of a healthy Bay and watershed. While continuing progress toward restoring the Bay watershed, EPA and other Executive Council members signed and released the historic *Statement*

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<sup>70</sup> For more information, please see <https://www.chesapeakeprogress.com/clean-water/watershed-implementation-plans>.

*in Support of Diversity, Equity, Inclusion and Justice.*<sup>71</sup> This statement reaffirmed the Executive Council’s commitment to recruit and retain staff and volunteers that reflect the diversity of the watershed, foster a culture of inclusion and respect across all partner organizations, and ensure the benefits of our science, restoration, and partnership programs are distributed equitably without disproportionate impacts on overburdened and underserved communities.

Additionally, EPA is working to integrate climate change in Bay restoration efforts. EPA is addressing climate change in three ways: 1) in 2025, predicting the impact of 2035 climate changes on water quality and adjusting pollution targets; 2) understanding adaptations needed in the watershed and coastal regions; and 3) maintaining or improving the watershed’s resiliency to climate change. Work is underway to develop state-of-the-science models of the Chesapeake airshed, watershed, and tidal waters to refine the 2035 climate risk in the 2025 Chesapeake Bay Assessment. Also, EPA and the Bay Program partnership are actively investigating best management practices to better protect the watershed and tidal Bay against the observed increased precipitation volumes and intensity brought about by climate change in urban and agricultural regions.

**Performance Measure Targets:**

EPA’s FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$114.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$2,954.0) This program change is an increase that supports projects to accelerate the restoration of the Chesapeake Bay.

**Statutory Authority:**

Clean Water Act, Section 117; Estuary Restoration Act of 2000; Chesapeake Bay Accountability and Recovery Act of 2014; Clean Air Act; Further Consolidated Appropriations Act, 2022, Pub. L. 117-103.

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<sup>71</sup> For more information, please see [https://www.chesapeakebay.net/channel\\_files/40996/deij\\_statement\\_final\\_all\\_signatures.pdf](https://www.chesapeakebay.net/channel_files/40996/deij_statement_final_all_signatures.pdf)

**Geographic Program: Gulf of Mexico**

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$5,335</b>	<b>\$20,000</b>	<b>\$22,524</b>	<b>\$2,524</b>
Total Budget Authority	\$5,335	\$20,000	\$22,524	\$2,524
Total Workyears	15.4	14.7	14.7	0.0

**Program Project Description:**

The Gulf of Mexico is the ninth largest body of water in the world. The Mississippi River is the main river system which drains into the Gulf. The Mississippi River watershed captures drainage from 41 percent of the land area of the contiguous United States (includes parts of 31 states). This area equals approximately 1,467,182 square miles. Through coordinated public collaboration, EPA works to restore the Gulf, and ultimately improve the health of the coastal area benefiting approximately 16 million Americans.<sup>72</sup>

The mission of the EPA’s Gulf of Mexico Division (GMD) is to facilitate collaborative actions which protect, maintain, and restore the health and productivity of the Gulf of Mexico in ways consistent with the economic well-being of the region. The GMD competitively funds projects and uses interagency agreements and strategic partnerships to accomplish its mission. All GMD projects and partnership work are linked to one or more of the following performance measures: 1) improve and/or restore water quality; 2) protect, enhance, or restore coastal and upland habitats; 3) promote and support environmental education and outreach to inhabitants of the Gulf watershed; and 4) support the demonstration of programs, projects, and tools which strengthen community resilience.<sup>73</sup> The GMD provides significant leadership and coordination among state and local governments, the private sector, tribes, scientists, and citizens to align efforts that address the challenges facing the communities and ecosystems of the Gulf Coast.

The GMD is committed to voluntary, non-regulatory actions and solutions based on scientific data and technical information informed by work conducted with partners and the public.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 5/Objective 5.2, Protect and Restore Waterbodies and Watersheds in the *FY 2022 - 2026 EPA Strategic Plan*.

<sup>72</sup> For more information please see: <https://www.census.gov/content/dam/Census/library/visualizations/2019/demo/coastline-america-print.pdf>

<sup>73</sup> For more information please see: <https://www.epa.gov/gulfofmexico/2021-gulf-mexico-division-annual-report>.

In FY 2023, the Agency will continue supporting specific actions and solutions designed to improve the environmental and economic health of the Gulf of Mexico region through cooperative efforts and partnerships. Specifically, the Agency will address nutrient reduction on agricultural lands with a targeted focus on minority farmers and ranchers. Additionally, GMD will center its focus on sustainable agriculture and resilience in the farming community. EPA will continue to expand Science, Technology, Engineering, and Mathematics (STEM) experiential and workforce development to overburdened, underserved and vulnerable communities beleaguered by environmental injustices. Through green infrastructure practices such as artificial reefs, riparian buffers, prairies, and living shorelines, GMD will continue to aid climate change practices, including helping communities increase resilience. The GMD projects are competitively funded and coordinated with and complement ongoing Resource and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies (RESTORE) and Natural Resource Damages Assessment (NRDA) activities related to the Deepwater Horizon oil spill. The GMD continues to seek broad participation and input from the diverse stakeholders who live, work, and recreate in the Gulf Coast region.

The GMD directly supports the following activities:

#### Environmental Education and Outreach

In FY 2023, the GMD will continue to promote the use of best available science and healthy environmental practices by developing programs, establishing partnerships, and competitively funding projects that increase environmental literacy. The GMD will enhance experiential learning opportunities for Gulf residents and visitors alike. The GMD will support practitioners of environmental education initiatives in using science-based data so Gulf residents can share a commonality of interest to preserve the Gulf of Mexico.

To ensure that environmental education and outreach efforts extend to overburdened and underserved populations, GMD will work with various sectors of government, community leaders, and academia on projects that improve conditions in communities with environmental justice concerns. Education and outreach are vital components and essential to accomplishing the Agency's mission to protect human health and the environment, to serve communities with environmental justice concerns, and to meet the GMD specific goals of promoting healthy and resilient coastal communities. All Gulf residents deserve the best information as it directly relates to their health, the economic vitality of their communities, and their overall quality of life.

#### Strengthen Community Resilience

Coastal and inland communities continuously face various natural and man-made challenges of living along the Gulf of Mexico coastline. These challenges include storm risk, land and habitat loss, depletion of natural resources, compromised water quality, and economic fluctuations. In FY 2023, the GMD will continue the robust partnerships and extensive community interactions to strengthen coastal and near-shore community preparedness. Through actions, activities, partnerships, and projects, communities throughout the Gulf will be more resilient, and thus better prepared for natural disasters or other situational emergencies. The Community Resilience Index

Tool provides municipalities with a method assessing vulnerabilities and creates a pathway for taking measures to improve conditions.

### Improve Water Quality

The Clean Water Act provides authority and resources to protect and improve the water quality in the Gulf of Mexico and all waters of the United States. The GMD implements projects and works with its partners, such as the Hypoxia Task Force, to improve water and habitat quality throughout the Gulf of Mexico watershed. The GMD funds projects which improve water quality on a watershed basis. The Mobile Bay National Estuary Program (MBNEP) developed a strategy for a trash abatement initiative in the Three Mile Creek (TMC) Watershed. The total trash removed over the life of the project was over 5 tons, with 20 percent recycled. This success led to additional funding and greater ownership by the local municipality and the approach has been replicated in other areas through collaboration and technology transfer.

### Enhance, Protect, or Restore Coastal Habitats

Managing critical ecosystems is widely recognized as a fundamental environmental challenge throughout the Gulf Coast region. The priority issues include, but are not limited to, sediment management, marsh/habitat loss due to subsidence, the continued reduction of freshwater in-flow, and climate change. For decades, the Gulf Coast has endured extensive natural and man-made damage to key habitats such as coastal wetlands, estuaries, barrier islands, upland habitats, seagrass vegetation, oyster reefs, coral reefs, and offshore habitats. In FY 2023, the GMD will continue working in close partnership to enhance coastal ecosystems, improve sediment movement/management, restore acreage where feasible and cost-effective, and reverse the effects of long-term habitat degradation.

### **Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

### **FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$80.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$2,444.0) This program change is an increase of resources that support projects to accelerate the restoration of the Gulf of Mexico.

### **Statutory Authority:**

Clean Water Act; Further Consolidated Appropriations Act, 2022, Pub. L. 117-103.

**Geographic Program: Lake Champlain**

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$14,996</i></b>	<b><i>\$15,000</i></b>	<b><i>\$20,000</i></b>	<b><i>\$5,000</i></b>
Total Budget Authority	\$14,996	\$15,000	\$20,000	\$5,000

**Program Project Description:**

The trans-boundary region of Lake Champlain is a resource of national significance and home to more than 600,000 people, about 35 percent of whom depend on the lake for drinking water. The 8,234-square mile basin includes areas in Vermont, New York, and the Province of Quebec. Lake Champlain draws millions of visitors annually. The Lake Champlain Basin Program (LCBP) supports implementation in Vermont and New York of a comprehensive pollution prevention, control, and restoration plan for protecting the future of the Lake Champlain Basin. Through the LCBP, EPA is addressing various threats to Lake Champlain's water quality, including phosphorus loadings, invasive species, and toxic substances.<sup>74</sup>

The Program's goal is to achieve clean waters that will sustain diverse ecosystems, vibrant communities, and working landscapes. These ecosystems should provide clean water for drinking and recreation and support a habitat that is resilient to extreme events and free of aquatic invasive species.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 5/Objective 5.2, Protect and Restore Waterbodies and Watersheds in the *FY 2022 - 2026 EPA Strategic Plan*.

EPA's budget request will allow the Program to address high levels of phosphorus by implementing priority actions identified in the Opportunities for Action management plan to reduce phosphorus loads. The 2016 Vermont Total Maximum Daily Load (TMDL) for Phosphorus for Lake Champlain is central to the planning and implementation work within the Lake Champlain Basin to reduce phosphorus loads and meet the wasteload and load allocations specified in the TMDL. Phosphorus reductions from the New York portion of the Basin continue to be subject to the TMDL approved in 2002.

The LCBP also will increase efforts to better understand how to address harmful algal blooms (HABs) and prevent the introduction and spread of invasive species.

<sup>74</sup> For additional information see: <https://www.epa.gov/tmdl/lake-champlain-phosphorus-tmdl-commitment-clean-water> and <http://www.lcbp.org>,

In FY 2023, EPA will focus on the following activities:

- Ninety-three percent of the total phosphorus load to the lake is from stormwater or nonpoint source runoff, and seven percent is from wastewater treatment plant sources in Vermont, New York, and Quebec. EPA and its partners will continue to reduce phosphorous pollution from wastewater treatment facilities, stormwater runoff, and nonpoint sources to meet reductions specified in the Vermont and New York Total Maximum Daily Loads (TMDLs). Specifically, EPA will focus on:
  - Ensuring that facilities' permits remain consistent with the Clean Water Act, necessary upgrades to treatment facilities are completed, and the treatment optimization efforts continue throughout the Basin.
  - Implementing stormwater planning, design, and construction of green stormwater infrastructure at Vermont public schools and state universities, and implementation of best management practices on rural roads in both Vermont and New York, thereby increasing their resiliency to climate impacts. Addressing agricultural nonpoint sources including continued research to determine the efficiency of agricultural best management practices; evaluating farm practices to identify where practices are needed; and decommissioning former agricultural lands better suited for habitat and floodplain restoration efforts.
- The Lake Champlain Special Designation Act calls for the review and revision, as necessary, of the Program management plan at least once every five years. The LCBP expects to approve an updated management plan, in FY 2022 and will work under the direction of the Lake Champlain Steering Committee to begin implementing the plan in FY 2023.
- Funding in FY 2023 will support work on aquatic invasive species that harm the environment, economy, or human health, including aquatic plants, animals, and pathogens. EPA will continue to work with partners to understand the impact of any potential spread. The Agency also will continue to monitor invasive water chestnuts and fund efforts to reduce their density and distribution. Additionally, EPA and its partners will continue to implement the activities identified in the Great Lakes and Lake Champlain Invasive Species Program Report<sup>75</sup> submitted to Congress under requirements of the Vessel Incidental Discharge Act.
- The LCBP will continue to support the development of new ways to understand the high seasonal concentrations of Harmful Algal Blooms, report on their potential health impacts, and provide necessary information to the health departments of New York and Vermont to close beaches, protect drinking water intakes, or take other actions. In addition, the Program will investigate developing new approaches for urban and agricultural stormwater control.

### **Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

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<sup>75</sup> For more information please visit: <https://www.epa.gov/greatlakes/great-lakes-and-lake-champlain-invasive-species-program-report>.



**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$5,000.0) This program change is an increase of resources that support projects to accelerate the restoration of Lake Champlain.

**Statutory Authority:**

Boundary Waters Treaty of 1909; Clean Water Act; Further Consolidated Appropriations Act, 2022, Pub. L. 117-103.

**Geographic Program: Long Island Sound**

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$30,361</i></b>	<b><i>\$30,400</i></b>	<b><i>\$40,002</i></b>	<b><i>\$9,602</i></b>
Total Budget Authority	\$30,361	\$30,400	\$40,002	\$9,602
Total Workyears	1.5	2.0	2.0	0.0

**Program Project Description:**

The Long Island Sound Program protects wildlife habitat and water quality in one of the most densely populated areas of the United States, with nearly nine million people living in the watershed. In total, the Long Island Sound watershed comprises more than 16 thousand square miles, including virtually the entire state of Connecticut, and portions of New York, Rhode Island, Massachusetts, Vermont, and New Hampshire. The Long Island Sound provides recreation for millions of people each year and provides a critical transportation corridor for goods and people. The Long Island Sound continues to provide feeding, breeding, nesting, and nursery areas for diverse animal and plant life. The ability of the Long Island Sound to support these uses is dependent on the quality of its waters, habitats, and living resources. The Long Island Sound watershed's natural capital provides between \$17 and \$37 billion in ecosystem goods and services every year.<sup>76</sup>

Improving water quality and reducing nitrogen pollution are priorities of the Long Island Sound Program. The Program is making measurable differences in the region. Through State Revolving Fund and local investments of more than \$2.5 billion to improve wastewater treatment, the total nitrogen load to the Long Island Sound in 2020 decreased by 47 million pounds from 1990 levels, a 60 percent reduction. This and other investments have enabled the EPA-State partnership to attain the pollution reduction targets set in 2000.

The Program also is focused on habitat protection and restoration. The Program has restored 459 acres of coastal habitat between 2015-2021 achieving 130 percent of the five-year goal set in 2015. The Program is currently ahead of schedule in restoring one thousand acres by 2035.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 5/Objective 5.2, Protect and Restore Waterbodies and Watersheds in the *FY 2022 - 2026 EPA Strategic Plan*.

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<sup>76</sup> For more information please see: Kocian, M., Fletcher, A., Schundler, G., Batker, D., Schwartz, A., Briceno, T. 2015. The Trillion Dollar Asset: The Economic Value of the Long Island Sound Basin. Earth Economics, Tacoma, WA.

In FY 2023 the Program will continue to oversee implementation of the Long Island Sound Study (LISS) Comprehensive Conservation and Management Plan (CCMP)<sup>77</sup> by coordinating the cleanup and restoration actions of the LISS Management Conference. The LISS CCMP is organized around four major themes: 1) Clean Waters and Healthy Watersheds; 2) Thriving Habitats and Abundant Wildlife; 3) Sustainable and Resilient Communities; and 4) Sound Science and Inclusive Management. Throughout the four themes, the CCMP incorporates key challenges and environmental priorities including resiliency to climate change, long-term sustainability, and environmental justice. The plan also set 20 quantitative ecosystem recovery targets to drive progress. In 2020, the LISS updated the CCMP with 136 implementation actions covering the period 2020-2024. In FY 2023, the EPA will focus on the following:

- Continue to reduce nitrogen pollution through implementing the Nitrogen Reduction Strategy. EPA will work cooperatively with Connecticut and New York to expand modeling and monitoring to develop numeric nitrogen targets that are protective of designated uses and set local nitrogen reduction targets where necessary.
- Coordinate priority watershed protection programs such as increasing streamside buffer zones as natural filters of pollution.
- Support community sustainability and resiliency through the new LISS Sustainable and Resilient Communities Work Group to help communities plan for climate change impacts while strengthening ecological health and protecting local economies.
- Integrate environmental justice considerations across program decision-making and implementation through the new LISS Environmental Justice Work Group.
- Conduct more targeted outreach and engagement efforts to understand community needs in areas with environmental justice concerns.
- Support an internal assessment to understand the diversity, equity, inclusion and justice training needs within the LISS partnership;
- Provide technical and financial assistance through an environmental justice subaward program.
- Continue exploring ways to support the participation of new and diverse partners in LISS programs and decision-making.
- Expand tracking and reporting of implementation efforts.
- Continue coordinated water quality monitoring.
- Coordinate the protection and restoration of critical coastal habitats to improve the productivity of tidal wetlands, inter-tidal zones, and other key habitats that have been adversely affected by unplanned development, overuse, land use-related pollution effects, and climate change (e.g., sea level rise, warming temperatures, changes in salinity and other ecological effects).
- Provide technical and financial assistance through the Long Island Sound Futures Fund.
- Conduct focused scientific research into the causes and effects of pollution on the Sound's living marine resources, ecosystems, water quality, and human uses to assist managers and public decision-makers in developing policies and strategies to address environmental, social, and human health impacts.

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<sup>77</sup> For more information please visit: <https://longislandsoundstudy.net/2015/09/2015-comprehensive-conservation-and-management-plan/>.

**Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$9.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$9,593.0) This program change is an increase of resources that support projects to accelerate the restoration of Long Island Sound.

**Statutory Authority:**

Clean Water Act § 119.

**Geographic Program: Other**

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$6,731</i></b>	<b><i>\$10,400</i></b>	<b><i>\$11,208</i></b>	<b><i>\$808</i></b>
Total Budget Authority	\$6,731	\$10,400	\$11,208	\$808
Total Workyears	4.8	5.7	5.7	0.0

**Program Project Description:**

EPA targets efforts to protect and restore many of the unique communities and ecosystems across the United States through the geographic programs. In order to protect these treasured resources impacted by environmental problems, the Agency develops and implements approaches to mitigate sources of pollution and cumulative risk. These approaches improve quality of the water resources in ecosystems and the health of residents that rely on them. While substantial progress has been made in all these programs, more work is required to further reduce toxins, lower nutrient loads into watersheds and water bodies, increase ecologically and economically important species, restore habitats, and protect human health.

The Northwest Forest Program

The Northwest Forest Program addresses water quality impairments in forested watersheds and works to improve the quality and quantity of surface water so that beneficial uses and drinking water/source water protection goals are met. Climate change is increasing the demands on the program due to the increase of catastrophic wildfires and resulting impacts to water quality and municipal drinking water.

The Northwest Forest Program supports monitoring of watershed conditions across 72 million acres of forest and rangelands in the Northwest. In Oregon and Washington, 40 to 90 percent of the land area within national forests supply drinking water to communities west of the Cascade Range crest. This program provides the data needed to help manage these drinking water resources. Funding allows EPA to provide critical support to the Aquatic Riparian Effectiveness Monitoring Program and the Pacfish/Infish Biological Opinion Effectiveness Monitoring Program. These regional scale watershed monitoring programs are essential to determining the effectiveness of riparian management in meeting aquatic/riparian habitat, ecosystem function, and water quality standards.

The Northwest Forest Program also helps EPA respond to tribal trust and treaty responsibilities. EPA staff are key to protection and restoration of watersheds and water quality important to tribes. EPA has tribal trust responsibilities in the Northwest for tribes reliant on salmon and shellfish.

## The Lake Pontchartrain Basin Restoration Program

The purpose of this Program is to restore the ecological health of the Lake Pontchartrain Basin<sup>78</sup> by developing and funding restoration projects and related scientific and public education projects. Program activities include conducting water quality monitoring, educating basin residents on water protection and pollution prevention, conducting sewer system evaluations and surveys and developing designs and studies to determine infrastructure upgrades to prevent or reduce pollution.

The Basin comprises over 5 thousand square miles of land in 16 Louisiana parishes and 4 Mississippi counties. The land use of the Basin ranges from rural to urban and is the most densely populated region in Louisiana, including metropolitan New Orleans and Louisiana's capitol, Baton Rouge. The Basin provides a home and natural habitat to 2.1 million people and many plants, animals and fish. It is one of the largest estuarine systems in the United States, containing over 22 essential habitats. The Basin's topography ranges from rolling woodlands in the north to coastal marshes in the south, with the 630 square mile Lake Pontchartrain, the second largest saltwater lake in the United States, as its centerpiece.

Projects funded under this program maintain, protect, and restore the water quality and ecosystems of the Basin. These projects reduce the risk of pollution, increase protection of fisheries and drinking water sources and enhance recreational opportunities for the citizens of Louisiana.

## Southeast New England Program (SNEP)

Southeast New England (from Westerly, Rhode Island, to Pleasant Bay, Massachusetts) faces environmental challenges that are both unique and highly representative of critical national problems, especially in coastal areas. Typical problems include rivers hydrologically disconnected by dams and restrictions, lost wetland functions, urbanization, and centuries-old infrastructure – all compounded by the increasing impacts of excess nutrients from wastewater, stormwater runoff, and atmospheric deposition. Excess nutrients have contributed to severe water quality problems including algal blooms, low dissolved oxygen conditions, fish kills, impaired benthic communities, and habitat loss (sea grass and salt marsh) in estuaries and near-coastal waters of this region and worldwide. The impacts of climate change, especially the likelihood of extreme weather events and increased precipitation, will further stress these systems in coming years, not only environmentally but also socially and economically. The program seeks to link environmental quality to economic opportunity and jobs by delivering local solutions in a regional and watershed context. Taking up and successfully addressing these issues will enable the Program to serve as a model for other areas.

SNEP serves as a hub to enable protection and restoration of the coastal watersheds of Southeast New England. Protecting these watersheds and the ecosystem services they provide will help sustain the region's communities and environmental assets into the future. SNEP draws upon networks of stakeholders and experts to seek out and support innovations in practices, technology, and policies that will enable better and more effective watershed protection and restoration. The

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<sup>78</sup> For more information please visit:  
[https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def\\_id=33-USC-63955993-1352769591&term\\_occur=999&term\\_src=title:33:chapter:26:subchapter:I:section:1273](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=33-USC-63955993-1352769591&term_occur=999&term_src=title:33:chapter:26:subchapter:I:section:1273).

goal is to create a sustainable path for change and to lead the next generation of environmental management by:

- Developing and investing in innovative, cost-effective restoration and protection practices, as well as new regulatory, economic, and technology approaches.
- Providing technical assistance to municipalities, tribes, and local organizations.
- Supporting local restoration efforts.
- Integrating delivery of programs to the public by our fellow agencies and partners.
- Focusing on ecosystem services.
- Improving technology transfer and delivery of restoration programs across the region.

### Columbia River Program (CRBRP)

The Columbia River Basin (Basin) is one of North America's largest watersheds, covering approximately 260 thousand square miles, originating in British Columbia, Canada, with seven states including significant portions of Idaho, Montana, Oregon, and Washington. The Basin provides environmental, economic, cultural, and social benefits and is vital to many entities and industries in the Pacific Northwest, including tribal, recreational, and commercial fisheries; agriculture; forestry; recreation; and electric power generation.

Human activities have contributed to impaired water quality that impacts human health, and fish and wildlife species survival. Tribal fish consumers, other high fish consumers and subsistence fishers, are exposed to known toxic contaminants and increased human health risks. Beginning in 2004, EPA has made a priority commitment to reducing toxics in the Basin reflecting a responsibility to environmental justice for tribal people to protect human health and help restore and protect fish and wildlife populations. There are several endangered fish and wildlife species throughout the Basin. A major salmon restoration effort is underway that has expended millions of dollars to restore salmon throughout the Basin.

In 2016, Congress adopted the Columbia River Basin Restoration Act as Section 123 of the Clean Water Act (CWA), which directs EPA to lead a Basin-wide collaboration and competitive grant program to assess and reduce toxics in the Basin. Section 123 also directs EPA to: establish a Columbia River Basin Restoration Program (CRBRP) to assess trends in water quality; collect and assess data to identify possible causes of environmental problems; provide grants for projects for specific purposes; and establish a voluntary Columbia River Basin Restoration Working Group.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 5/Objective 5.2, Protect and Restore Waterbodies and Watersheds in the *FY 2022 - 2026 EPA Strategic Plan*.

Funding will be split amongst the Northwest Forest Program, Lake Pontchartrain Program, Southern New England Program and Columbia River Basin Program for restoration of the four geographic programs with an emphasis on initiatives that advance environmental justice and address the threats exacerbated by climate change.

## Northwest Forest Program

In FY 2023, the Program will support the following activities:

- Wildfires impact monitoring and assessment of water quality in watersheds impacted by the catastrophic 2020 Labor Day fires in Oregon and anticipated future fire seasons in the Pacific Northwest.
- Aquatic and Riparian Effectiveness Monitoring (AREMP) of the Northwest Forest Plan and Bureau of Land Management (BLM) Western Oregon Resource Management Plan to help maintain and restore watersheds across 24 million acres of federal lands in western Washington and Oregon, and northern California.
- The PacFish/InFish Biological Opinion Effectiveness Monitoring Program to monitor stream and riparian habitats for both inland fish species and anadromous fish like salmon that rely on both the Pacific Ocean and freshwater rivers to ensure conservation strategies are working effectively to sustain fish populations.
- The Drinking Water Providers Partnership – an annual public-private funding opportunity for water providers and watershed restoration practitioners in Oregon and Washington to implement riparian or in-stream restoration actions to restore and protect the health of watersheds and drinking water.
- States’ implementation of forestry non-point source programs and development of Total Maximum Daily Loads (TMDLs) and Best Management Practices for forestry.
- Development of Spatial Statistical Network models to evaluate impacts of forest practices and climate change on stream temperatures across entire watersheds. Further support for watershed management and development and implementation of TMDLs.
- Collaboration with partners and local water providers to address sediment and temperature impairments in forested watersheds.

## Lake Pontchartrain

In FY 2023, the Program will help restore the ecological health of the Lake Pontchartrain Basin by:

- Continuing the implementation of the Lake Pontchartrain Basin Program Comprehensive Management Plan<sup>79</sup> and Comprehensive Habitat Management Plan, including implementation of restoration projects to address saltwater intrusion-wetland loss and sewage, agricultural, and stormwater runoff.
- Planning and design of consolidated wastewater treatment systems to support sustainable infrastructure.
- Conducting water quality monitoring outreach and public education projects.
- Protecting and restoring critical habitats and encouraging sustainable growth by providing information and guidance on habitat protection and green development techniques.

## Southeast New England Program (SNEP)

In FY 2023, the Program will support technical assistance, grants, interagency agreements, and contracts to spur investment in regionally significant and/or landscape-scale restoration

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<sup>79</sup> For more information please see: <https://scienceforourcoast.org/about-us/about-pc/management-plan/>.



opportunities, more fully integrate restoration actions, build local capacity, promote policy and technology innovation, encourage ecosystem (water quality and habitat) approaches, and enact the Southeast New England Program's new Five-Year Strategic Plan.<sup>80</sup> SNEP is tracking community engagement and is committed to trying to provide funding or technical assistance to 25 percent of regional municipalities (34 out of 133) and 50 percent of federally-recognized tribes (2 of 4) by the end of FY 2025. Specific activities include:

- Investing in on-the-ground environmental restoration/protection projects through the SNEP Watershed Implementation Grants (SWIG) Program.
- Building capacity of municipalities and other organizations to actively participate in implementing restoration projects and effectively managing their environmental programs through the SNEP Network.
- Promoting the development of next-generation watershed management tools.
- Collaborating among the Narragansett Bay and Buzzards Bay National Estuary Programs, the states of Rhode Island and Massachusetts, the Cape Cod Commission and other Cape organizations, municipalities, and key stakeholders to identify, test, promote, and implement approaches that can be replicated across Southeastern New England, with a focus on the nexus between habitat, nutrients, and stormwater and ecosystem and community resilience.
- Funding pilot projects and research to introduce innovations and practices that accelerate and guide ecosystem restoration and avoid or reduce nutrient impacts through interagency agreements with other federal agencies, including the U.S. Geological Survey and Department of Energy.
- Continuing the SNEP Pilot Watershed Initiative which seeks to concentrate and quantitatively evaluate the effectiveness of coordinated environmental restoration projects at a sub-watershed scale. Leveraging for efficiency and effectiveness by coordinating operations, resources, and funding principles among restoration partners, including federal and state agencies.
- Continuing development of a framework for a regional monitoring strategy that would ultimately provide data to inform a periodic report on the state of the SNEP region.

### Columbia River Basin Program (CRBRP)

The EPA CRBRP's vision is to be a catalyst for broad toxics reduction work efforts and basin-wide collaboration to achieve a healthy ecosystem with significantly reduced toxic levels in fish, wildlife, and water to enable communities to access unimpaired watersheds with healthy fish and wildlife habitat. Key FY 2023 plans for EPA's CRBRP include:

- Continuing to manage the implementation of the CRBRP grant program awards to monitor and reduce toxics in the Basin.
- Competing a third round of CRBRP funding assistance utilizing FY 2023 appropriations.
- Providing technical assistance and communication products for the Columbia River Basin Restoration Working Group and the general public.

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<sup>80</sup> For more information visit: <https://www.epa.gov/snep/snep-strategic-plan>

- Continuing to update the EPA Columbia River Basin website which serves as a source of technical references and other information on understanding and reducing toxics in the Basin.
- Integrating Environmental and Tribal Justice and Treaty Rights into the program.
- Supporting climate adaptation strategies and resilience as it relates to toxics reduction.

**Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$1.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$807.0) This program change is an increase of resources that support projects to accelerate the restoration of the Geographic Program: Other areas.

**Statutory Authority:**

Clean Water Act.

**Geographic Program: South Florida**

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$1,369</i></b>	<b><i>\$6,000</i></b>	<b><i>\$7,202</i></b>	<b><i>\$1,202</i></b>
Total Budget Authority	\$1,369	\$6,000	\$7,202	\$1,202
Total Workyears	1.3	1.3	1.3	0.0

**Program Project Description:**

The South Florida Program ecosystem extends from Chain of Lakes near Orlando, Florida, south about 250 miles to Florida Bay. Nine million people, two Federally Recognized Native American Tribes: Seminole and Miccosukee, three National Parks, 15 National Wildlife Refuges, Big Cypress National Preserve, the Florida Keys National Marine Sanctuary, the Everglades and unique coastal resources: St. Lucie and Caloosahatchee Estuaries, Indian River Lagoon, Biscayne Bay, Florida Bay, Florida Keys, and coral reefs make up this unique and sensitive ecosystem. These ecosystems support a multi-billion-dollar economy through outdoor tourism, boating, recreational and commercial fishing, coral reef diving, and world-class beaches.

Challenges faced include: the long-term sustainability of sensitive natural areas, agriculture, and the expanding human population; balancing the region’s often conflicting flood control, water supply and water quality needs; mitigating and adapting for extreme weather events and sea-level rise. EPA is committed to protecting and restoring these resources in South Florida.

EPA’s South Florida Program coordinates restoration activities in South Florida, including ongoing restoration efforts in the Everglades and the Florida Keys where water quality and habitat are directly affected by land-based sources of pollution. EPA implements, coordinates, and facilitates activities through a variety of programs including: the Clean Water Act (CWA) Section 404 Wetlands Program; the Everglades Water Quality Restoration Strategies Program; the Everglades Regional Environmental Monitoring and Assessment Program; the Florida Keys National Marine Sanctuary Water Quality Protection Program; the Florida Keys National Marine Sanctuary Water Quality Monitoring Program; the Coral Reef Environmental Monitoring Program; the Benthic Habitat Monitoring Program; the Southeast Florida Coral Reef Initiative, as directed by the U.S. Coral Reef Task Force; and other programs.<sup>81,2</sup> The South Florida Program furthers the goal of addressing water quality concerns in communities burdened with multiple sources of pollutions as well as builds resiliency against climate events in the region.

<sup>81</sup> For more information please see: <http://www.epa.gov/aboutepa/about-epa-region-4-southeast>.

<sup>2</sup> For more information please see: <https://www.epa.gov/everglades>.

## **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 5/Objective 5.2, Protect and Restore Waterbodies and Watersheds in the *FY 2022 - 2026 EPA Strategic Plan*.

The South Florida Program supports efforts to protect and restore ecosystems impacted by environmental challenges. In FY 2023, EPA will focus on the Florida Keys Water Quality Protection Program, Florida Coral Reef Tract, Everglades Restoration, nutrient reduction to reduce harmful algal blooms, and CWA Section 404 implementation.

- The Florida Keys National Marine Sanctuary Water Quality Protection Program engages stakeholders across the breadth of the Florida Keys to review long-term monitoring projects of water quality and ecosystems related to water quality in the Keys. Data generated by EPA partners informs these programs which have documented periodic oceanographic events such as algal blooms, seagrass die-offs, and coral diseases, and have provided the foundational data for the development of nutrient numeric criteria. The long-term status and trend collected by the Coral Reef Environmental Monitoring Program is tracking the ongoing Stony Coral Tissue Loss Disease that continues to decimate over 20 reef building corals species of the Florida Reef Tract. To date, the South Florida Program has provided more than \$3.0 million to support coral research to hinder or halt the disease destroying corals reefs that are vital to Florida's eco-tourism industry and that serve as a natural mitigation barrier from storms and hurricanes.
- The Everglades Regional Environmental Monitoring and Assessment Program is an EPA conducted extensive assessment of the Everglades' health since 1993. Federal and state agencies, tribes, agriculture, the public, non-governmental organizations, and the National Academies of Sciences use the data to understand water quality and ecological conditions and to assess restoration progress. The data also help to explain the effectiveness of control programs for phosphorus and mercury.
- The Comprehensive Everglades Restoration Plan (CERP) is a \$20 billion federal-state restoration effort with over 60 projects that affect aquatic resources throughout south Florida. EPA will continue CWA and National Environmental Policy Act coordination with the US Army Corps of Engineers, Florida Department of Environmental Protection, South Florida Water Management District and Tribes for CERP planning and implementation.
- This program will continue implementation of the Florida Keys Wastewater Master Plan to provide Advanced Wastewater Treatment or Best Available Technology services to all homes and businesses in the Florida Keys through the EPA and state co-chaired FKNMS Water Quality Protection Program. The goal is to remove from service all non-functioning septic tanks, cesspits, and non-compliant wastewater facilities. More than 90 percent of Florida Keys homes and business are on advanced wastewater treatment systems and more than 30 thousand septic tanks have been eliminated.
- This program will continue support for restoration, monitoring, and modeling of seagrass communities within St. Lucie Estuary, the Caloosahatchee Estuary, Indian River Lagoon, Biscayne Bay, and Florida Keys to address of loss of seagrass meadows from phosphorus

enrichment and chlorophyll increases resulting in dying seagrass beds, increasing harmful algal blooms, fish kills, and manatee deaths.

- EPA will continue work with State and local governments, universities, and non-governmental organizations to implement on-the-ground and satellite water quality monitoring programs for the Florida Keys, Biscayne Bay, St. Lucie Estuary, Florida Bay, and Caloosahatchee Estuary. EPA has provided more than \$4 million to support water quality that includes water quality monitoring; harmful algal blooms detection, nutrient source identification and tracking; bacteria (enterococcus) tracking for healthy beaches; and submarine groundwater discharge to evaluate groundwater as a potential nutrient source.
- The FY 2023 budget request continues support for oysters, seagrass, mangroves, and sponge restoration efforts that reestablish and rehabilitate these natural systems; identify and map habitat areas for protection, restoration and management; and develop conservation / restoration plans for these resilient ecosystems that provide habitat, food, nutrient removal, water filtration, storm attenuation, carbon storage and shoreline stabilization in South Florida.
- EPA will develop an annual Request for Applications for FY 2023 funds and continue management of more than \$20 million in South Florida prior-year projects enhancing water quality, coral, and seagrass monitoring; restoring coral, seagrass and sponge ecosystems; developing models to identify pollutant sources; investigating emerging contaminants and researching water quality environments conducive to algal blooms.
- EPA will continue to work with the Florida Department of Environmental Protection (FDEP), local municipalities, and grantees to quantifying the impact of shallow wastewater effluent injection on groundwater nutrient fluxes to surface waters in the Florida Keys National Marine Sanctuary.
- This program will support CWA Section 404 implementation, including wetlands conservation, permitting, dredge and fill, and mitigation banking strategies through collaboration with U.S. Army Corps of Engineers and FDEP.
- EPA will continue to work with the State of Florida on Everglades Water Quality Restoration Strategies to address pollution. Part of this work will be tracking progress on the National Pollutant Discharge Elimination System permits and consent orders within the Everglades, including discharge limits for phosphorus and corrective actions that are consistent with state and federal law and federal court consent decree requirements.

**Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$5.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$1,197.0) This program change is an increase of resources that support projects to accelerate the restoration of South Florida, including ongoing restoration efforts in the Everglades and the Florida Keys where water quality and habitat are directly affected by land-based sources of pollution.

**Statutory Authority:**

Florida Keys National Marine Sanctuary and Protection Act of 1990; National Marine Sanctuaries Program Amendments Act of 1992; Clean Water Act; Water Resources Development Act of 1996; Water Resources Development Act of 2000; National Environmental Policy Act.

**Geographic Program: San Francisco Bay**

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$6,718</i></b>	<b><i>\$8,922</i></b>	<b><i>\$12,004</i></b>	<b><i>\$3,082</i></b>
Total Budget Authority	\$6,718	\$8,922	\$12,004	\$3,082
Total Workyears	2.0	1.8	1.8	0.0

**Program Project Description:**

The San Francisco Bay-Delta Estuary has long been recognized as an estuary of national importance by EPA, other federal agencies, state partners, and local stakeholders. The Bay Area, home to over 7 million people, is one of the densest urban areas in the nation. While historically, San Francisco Bay had about 200 thousand acres of mudflats and tidal marshes, over 90 percent of that was lost to diking and filling for agriculture and urbanization. San Francisco Bay supports 500 species of wildlife, more than a quarter of which are either threatened or endangered. Investing in wetland restoration is pivotal to the bay’s resiliency to rising sea levels and other hydrologic changes.

Since 2008, EPA has received an annual appropriation for a competitive grant program, the San Francisco Bay Water Quality Improvement Fund (SFBWQIF), to support projects that protect and restore San Francisco Bay and advance Blueprint/Comprehensive Conservation and Management Plan (CCMP) restoration goals. Funding for the SFBWQIF is specifically targeted for the watersheds and shoreline areas of the nine San Francisco Bay Area counties that drain into the Bay. Since 2008, the SFBWQIF has invested over \$72.4 million in 59 grant awards to restore over four thousand acres of wetlands around the Bay and minimize polluted runoff from entering the San Francisco Bay. SFBWQIF grants have leveraged \$183 million in funding from partners and represents a collaborative investment with local partners guided by the consensus-based Blueprint/CCMP. The FY 2023 request will support increased investments in projects around San Francisco Bay that are designed for resiliency considering a wide range of climate change impacts. The Program will increase focus on historically underserved and overburdened communities through continued outreach and capacity building with partner organizations.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 5/Objective 5.2, Protect and Restore Waterbodies and Watersheds in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, EPA will focus on the following activities:

- Issue a Request for Applications soliciting proposals to restore wetlands, restore water quality, and implement green development practices that use natural hydrologic processes to treat polluted runoff around San Francisco Bay.
- Issue a Request for Applications soliciting proposals to support underserved populations in the Bay Area to improve the habitat and water quality in their local communities and improve the ease in which underserved community voices are included in the planning for regional environmental projects.
- Continue to administer the SF Bay Water Quality Improvement Fund, consistent with the San Francisco Estuary Partnership's (SFEP) Comprehensive Conservation and Management Plan (CCMP).<sup>82</sup>
- Continue to build the resilience of San Francisco Bay ecosystems, shorelines and communities to climate change and sea level rise.
- Continue to use EPA grants to fund climate resilient projects and improve access to funds for underserved communities.
- Provide funding and technical support to implement a new regional monitoring program for San Francisco Bay wetlands. The Wetlands Regional Monitoring Program will provide baseline data and include the following: a) Monitoring site network; b) Open data sharing platform; c) Comprehensive science framework.
- Continue technical support for the SF Bay Regional Monitoring Program (RMP), a 28-year-old partnership between regulatory agencies and the regulated community to provide a long-term data set and scientific foundation to make water quality management decisions. The RMP monitors water quality, sediment quality and bioaccumulation of priority pollutants in fish, bivalves and birds. To improve monitoring measurements or the interpretation of data, the RMP also regularly funds special studies.
- Seek to leverage other sources of funding such as the Clean Water State Revolving Fund and Federal Emergency Management Agency's pre-hazard mitigation funds in support of priority CCMP projects such as the San Francisco Estuary Partnership working with municipal partners on the Hayward Shoreline horizontal levee pilot project and the related "First Mile" project.
- Continue EPA's participation in the Bay Restoration Regulatory Integration Team (BRRIT), a five-year, multi-agency pilot effort to facilitate the complex permitting of restoration projects. The goal of BRRIT is for agencies with permitting jurisdiction over multi-benefit habitat restoration projects to improve the permitting process. BRRIT agencies use dedicated staff time to conduct early design review, provide written guidance and comments, identify Agency requirements that need to be met, and resolve regulatory issues early in the project planning and design phase. This permitting effort enables the accelerated implementation of our funded restoration projects.
- Continue to increase the reuse of dredged material for wetlands restoration, which is critical in preparing and responding to sea level rise in San Francisco Bay.
- Continue to partner with the academic and science organizations supporting the San Francisco Bay buoy array, partially funded by EPA, to monitor low-pH and low-oxygen events due to

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<sup>82</sup>Please see the SFEP Comprehensive Conservation and Management Plan (2016) at <https://www.sfestuary.org/wp-content/uploads/2017/08/CCMP-v26a-all-pages-web.pdf>.



intrusion of upwelled water from the ocean and assessing its impacts, as well as watershed nutrient inputs.

The San Francisco Estuary restoration community is working rapidly to meet its goal of restoring 100,000 acres of wetlands that can provide flood protection, recreation, water quality improvement, and habitat for surrounding communities. Since 2008, approximately \$32 million of the SFBWQIF funds have been provided through grants to restore wetland habitat.

Key actions include continued partnerships with state and federal agencies to implement and track fourteen TMDLs,<sup>83</sup> provide technical assistance when asked by Delta stakeholders to sustain the Delta Regional Monitoring Program (RMP), and work towards continued integration of long-term data sets in the Bay and Delta, such as the Bay Regional Monitoring Program for water quality (RMP) and the Interagency Ecological Program.

### **Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

### **FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$2.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$3,084.0) This program change is an increase of resources that support projects to accelerate the restoration of the San Francisco Bay.

### **Statutory Authority:**

Clean Water Act, Further Consolidated Appropriations Act, 2022, Pub. L. 117-103.

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<sup>83</sup> For more information, please see the SF Bay Delta TMDL Progress Assessment at <http://www2.epa.gov/sfbay-delta/sf-bay-delta-tmdl-progress-assessment>.

**Geographic Program: Puget Sound**

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$32,946</i></b>	<b><i>\$33,750</i></b>	<b><i>\$35,016</i></b>	<b><i>\$1,266</i></b>
Total Budget Authority	\$32,946	\$33,750	\$35,016	\$1,266
Total Workyears	6.2	7.0	7.0	0.0

**Program Project Description:**

Puget Sound is the southern portion of the international Salish Sea and is the largest estuary by water volume in the United States (U.S.). The Sound is an economic and cultural engine for the region’s more than 4.7 million people, including nineteen federally recognized tribes. Nearly 71 percent of all jobs and 77 percent of total income in Washington State are found in the Puget Sound Basin. By 2040, the population is projected to grow to seven million, the equivalent of adding approximately four cities the size of Seattle to the watershed.

Puget Sound’s beneficial uses are significant. In 2017, the value of Puget Sound commercial fishing (finfish and shellfish) was \$114 million, and the Gross Domestic Product from Puget Sound-related tourism and recreation activities was \$4.7 billion. Puget Sound’s shellfish industry is considered the Nation’s most valuable and is an important source of family wage jobs in economically challenged rural communities.

Development and land use conversion have adversely impacted the beneficial uses of Puget Sound’s waters. For example, pollution and agricultural runoff reduce the safe harvest and consumption of shellfish across 143 thousand acres of shellfish beds and cause the closure of popular swimming beaches and recreational sites annually. Southern resident killer whales and 59 populations of Chinook salmon, steelhead, and bull trout are listed under the Endangered Species Act. Tribal nations also are unable to sustain their culture and way of life.

A healthy and functioning Puget Sound benefits all who live, visit, or recreate there, or have a connection to the region. A properly functioning ecosystem provides residents with food, water, and raw materials; regulates and moderates harmful elements; and provides cultural, spiritual, and recreational experiences.

Federal support of Puget Sound recovery comes from many programs, most of which are administered by EPA, the National Oceanic and Atmospheric Administration, the U.S. Department of Agriculture, U.S. Department of Interior, and the U.S. Army Corps of Engineers.

Since 2010, Congress has appropriated over \$400 million using Clean Water Act Section 320 authority for Puget Sound. Under Section 320, EPA has provided the National Estuary Program and Geographic Program funding and support to help communities make on-the-ground improvements for clean and safe water, protect and restore habitat, allow for thriving species and a vibrant quality of life for all, while supporting local jobs.

EPA's work with the Puget Sound Partnership, state agencies, tribes, and other partners has supported important gains in recovery. Examples include:

- Comprehensive regional plans to restore the Sound;
- More than \$1 billion of non-federal dollars leveraged for recovery;
- Partnerships with 19 federally recognized tribes;
- Transboundary collaboration with Canada;
- Scientific gains on toxic effects of urban stormwater;
- Development and use of decision-making tools to integrate Environmental Justice and Climate Adaptation plans and projects;
- Since 2007, a net increase of harvestable shellfish beds;
- Over 41 thousand acres of habitat protected and/or restored (cumulative from 2006); and
- More than six thousand acres of shellfish harvest bed upgraded (cumulative from 2007).

#### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 5/Objective 5.2, Protect and Restore Waterbodies and Watersheds in the *FY 2022 - 2026 EPA Strategic Plan*.

Key FY 2023 activities for EPA's Puget Sound Program include:

- EPA will fund assistance agreements with the 19 federally recognized tribes in Puget Sound, three Tribal consortia, and the Northwest Indian Fisheries Commission. EPA proposes to provide funding to tribes for both capacity building and implementing priority tribal projects in the Puget Sound basin.
- EPA will fund over 8 million in tribal projects to support key local watershed science and monitoring; local partnerships in restoration projects to support habitat and water quality; enhancement of ongoing programs and policies for recovery.
- EPA is a co-chair the overall federal effort to address Tribal Treaty Rights at Risk consistent with the roles assigned by the Council on Environmental Quality. This is an essential role for EPA and our federal leaders in the region to meaningfully engage and develop actions with our Puget Sound tribes to address their important treaty rights.
- The Program will build on 20 years of international cooperation with Canada implementing the Canada-U.S. Cooperation in the Salish Sea: 2021-2024 Action Plan.<sup>84</sup> The Program will participate in a series of workshops on topics of shared interest in our transboundary work including joint efforts for Southern Resident Killer Whales, science collaboration and enhancing our transboundary governance opportunities.
- The FY 2023 budget request will help fulfill National Estuary Program responsibilities, including support for the implementation of the Comprehensive Conservation and Management Plan (CCMP) for recovering Puget Sound (the Action Agenda). The Program

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<sup>84</sup> For more information please see: <https://www.epa.gov/puget-sound/actions-plans-us-canada-cooperation-salish-sea>.

will be receiving, reviewing, and approving the next CCMP in FY 2023 that will set up our next four years of collaborative implementation of recovery efforts in Puget Sound.

- The Program will integrate climate adaptation and environmental justice while supporting local jobs. The Program is building climate resiliency into the actions and projects funded with Puget Sound assistance agreements for habitat, shellfish and water quality, which presents the opportunity to grow and integrate climate justice in all of our program areas with federal, state, tribal and local partners.
- The Program will be managing and awarding up to \$100 million in projects from Puget Sound funding over the next five years consistent with the EPA’s 2021 Strategic Initiative Lead Funding Model.<sup>85</sup> The Program will fund over \$15 million in shellfish, habitat and stormwater projects and programs.
- The Program will continue to fund and coordinate cutting-edge science in the Salish Sea with funding over \$6 million in science projects from Puget Sound funding and programs with federal, state, tribal and academic partners.
- The Program will enhance Federal Task Force leadership, including leadership and implementation of the FY 2022-2026 Action Plan. This leverages hundreds of millions of federal investments in Puget Sound and provides alignment of program and policies for recovery.

#### **Performance Measure Targets:**

EPA’s FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

#### **FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$58.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$1,208.0) This program change is an increase of resources that supports federal, state, tribal, and local efforts to protect and restore the Puget Sound.

#### **Statutory Authority:**

Clean Water Act. Consolidated Appropriations Act, 2022, Pub. L. 117-103.

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<sup>85</sup> For more information please visit: [https://snohomishcountywa.gov/DocumentCenter/View/87563/FY21-EPA-Funding-Guidance-to-SILs\\_FINAL](https://snohomishcountywa.gov/DocumentCenter/View/87563/FY21-EPA-Funding-Guidance-to-SILs_FINAL).

**Great Lakes Restoration**

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$306,380</i></b>	<b><i>\$330,000</i></b>	<b><i>\$340,111</i></b>	<b><i>\$10,111</i></b>
Total Budget Authority	\$306,380	\$330,000	\$340,111	\$10,111
Total Workyears	71.6	68.5	68.5	0.0

**Program Project Description:**

The Great Lakes are the largest system of surface freshwater on Earth, containing twenty percent of the world’s surface freshwater and 95 percent of the United States’ (U.S.) surface freshwater. The watershed includes eight U.S. states, two Canadian provinces, and 35 tribes.

Through a coordinated interagency process led by EPA, the implementation of the Great Lakes Restoration Initiative (GLRI) is helping to restore the Great Lakes ecosystem. This restoration effort provides environmental and public health benefits to the region’s thirty million Americans who rely on the Great Lakes for drinking water, recreation, and fishing. The restoration and protection of the Great Lakes also fuels local and regional economies and community revitalization efforts across the basin.

This interagency collaboration accelerates progress, promotes leveraging, avoids potential duplication of effort, and saves money. In accordance with the Clean Water Act (CWA), EPA and its partners are accomplishing this restoration through the implementation of a five-year GLRI Action Plan. The implementation of the GLRI Action Plan III, covering FY 2020 through FY 2024, began in October 2019.

EPA and its partners have achieved significant results since the GLRI started in 2010<sup>86</sup>, including:

- Five Areas of Concerns (AOCs) delisted, including the Ashtabula River AOC in FY 2021<sup>87</sup>;
- Eleven other AOCs have had the cleanup and restoration actions necessary for delisting completed;
- 97 Beneficial Use Impairments (BUIs) at 28 AOCs in the eight Great Lakes states have been removed, more than nine times the total number of BUIs removed in the preceding 22 years;
- Over 4.3 million cubic yards of contaminated sediment have been remediated;

<sup>86</sup> For more information, please see <https://www.epa.gov/greatlakes>.

<sup>87</sup> Prior to GLRI, only one Great Lakes AOC was delisted.

- Over 200 thousand acres on which invasive species control activities have been implemented;
- Self-sustaining populations of Silver and Bighead carp have been kept out of the Great Lakes;
- Over 10 million pounds of invasive carp have been removed from the Illinois River, reducing the potential for this invasive species to invade the Great Lakes;
- Loadings of over 2 million pounds of phosphorus were reduced through implementation of conservation practices (phosphorus is a major driver of harmful algal blooms in Great Lakes priority watersheds);
- More than 460 thousand acres of habitat have been protected, restored, or enhanced; and
- Over 575 thousand youths have benefited from Great Lakes-based education and stewardship projects.

Under the GLRI, funds are first appropriated to EPA. After annual evaluation and prioritization consistent with the GLRI Action Plan,<sup>88</sup> EPA and its partner agencies collaboratively identify projects and programs that will best advance progress under GLRI. EPA then provides a substantial portion of the appropriated funds to its partner federal agencies to implement GLRI projects and programs in partnership with EPA, states, and tribes. EPA and its partner federal agencies will directly implement projects and fund projects performed by other entities such as states, tribes, municipalities, counties, universities, and nongovernmental organizations. GLRI funding can supplement each Agency's base funding.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 5/Objective 5.2, Protect and Restore Waterbodies and Watersheds in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the GLRI will continue to support programs and projects which target the most significant environmental problems in the Great Lakes. Emphasis will continue to be placed on 1) cleaning up and delisting AOCs which has led to community revitalization, which is especially important in environmental justice communities and opportunity zones; 2) reducing phosphorus contributions that contribute to harmful algal blooms and other water quality impairments; and 3) invasive species prevention. GLRI Action Plan III targets GLRI restoration within the focus areas, objectives, and performance goals described below.

### **Toxic Substances and Areas of Concern Objectives:**

- *Remediate, restore, and delist AOCs.* EPA, U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USACE), United States Geological Survey (USGS), National Oceanic and Atmospheric Administration (NOAA), and other GLRI partners will continue accelerating the pace of U.S. BUI removals. EPA and its federal partners will work with and fund stakeholders to implement management actions necessary to remove the BUIs (indicators of poor environmental health) that will ultimately lead to the delisting of the remaining U.S. AOCs. Agencies target collective efforts under the GLRI to maximize removal of BUIs and

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<sup>88</sup> For more information please see <https://www.glri.us/action-plan>.

delisting of AOCs. Agencies will support BUI removal through sediment remediation under the Great Lakes Legacy Act (part of the GLRI) and other restoration activities. FY 2023 targets are:

- One AOC (20 AOCs cumulative since 1987) where all management actions necessary for delisting have been implemented;
  - Nine BUIs (118 BUIs cumulative since 1987) removed in AOCs; and
  - Two AOCs (28 AOCs cumulative since 1987 – more than 80 percent of the 31 total AOCs) with complete and approved lists of management actions necessary for delisting.
- *Share information on the risks and benefits of consuming Great Lakes fish, wildlife, and harvested plant resources with the people who consume them.* Federal agencies and their state and tribal partners will continue to help the public make informed decisions about healthy options for safe fish consumption. Expansion of successful pilot programs will increase the availability and accessibility of safe fish consumption guidelines to overburdened and vulnerable communities that consume Great Lakes fish. Additional emphasis will be placed on the safe consumption of wildlife and harvested plant resources.
  - *Increase knowledge about “Chemicals of Mutual Concern”, as identified pursuant to the Great Lakes Water Quality Agreement Annex,<sup>89</sup> 3 and other priority chemicals that have negatively impacted, or have the potential to negatively impact, the ecological or public health of the Great Lakes.* Federal agencies will coordinate with appropriate state and tribal partners to begin to fill critical monitoring and data gaps for priority chemicals in the Great Lakes. Monitoring data from this process will provide information on the magnitude and extent of these chemicals in the Great Lakes and help in the evaluation of associated ecological, economic, and recreational consequences.

### **Invasive Species Objectives:**

- *Prevent introductions of new invasive species.* Federal agencies and their partners will continue to prevent new invasive species (including invasive carp) from establishing self-sustaining populations in the Great Lakes ecosystem. Federal agencies and their partners will work to increase the effectiveness of existing surveillance programs by increasing detection abilities. Federal agencies will continue to support state and tribal efforts to develop and implement Aquatic Nuisance Species Management Plans which will be used for annual “readiness exercises” and actual responses to new detections of invasive species. GLRI partners will be able to use risk assessments in combination with updated “least wanted” lists to focus prevention activities. Increasing the ability and frequency of Great Lakes states to quickly address new invasions or range expansion of existing invasive species will be a key GLRI strategy. In FY 2023, the goal is to conduct eight rapid responses or exercises.
- *Control established invasive species.* Federal agencies and their partners will bring an enhanced focus to the quality of acreage to be restored as they restore sites degraded by aquatic,

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<sup>89</sup> For more information please visit: <https://www.epa.gov/glwqa/glwqa-annexes>.

wetland, and terrestrial invasive species. Federal agencies will implement control projects in national forests, parks, and wildlife refuges, and will partner with states and neighboring communities to promote larger scale protection and restoration through applicable control programs. GLRI funding will help the Great Lakes Sea Lamprey Control Program to locate and address strategic barriers while also advancing new control technologies. In FY 2023, the target is to control invasive species on six thousand acres.

- *Develop invasive species control technologies and refine management techniques.* Federal agencies and their partners will continue to develop and enhance technologies to control non-native phragmites, sea lamprey, and red swamp crayfish so that on-the-ground land managers can field test these new approaches. Federal agencies also will develop and enhance invasive species “collaboratives” to support rapid responses and to communicate the latest control and management techniques for non-native species such as Hydrilla, Dreissenidae mussels, hemlock wooly adelgid, and emerald ash borer. Federal agencies and their partners will support a Great Lakes telemetry network to track aquatic invasive species movements (e.g., grass carp) and refine rapid response actions.

### **Nonpoint Source Pollution Impacts on Nearshore Health Objectives:**

- *Reduce nutrient loads from agricultural watersheds.* EPA, federal agencies, and their partners will continue working on farms and in streams to reduce nutrient loads from agricultural watersheds, emphasizing utilization of conservation systems and work in priority watersheds, particularly the Lower Fox River (WI), Saginaw River (MI), Maumee River (OH), and Genesee River (NY). This work will reduce the most significant loadings from nutrient runoff. Federal agencies and their partners will improve the effectiveness of existing programs, encourage the adoption of technologies and performance-based approaches to reduce runoff and soil losses, expand demonstration farm networks to increase adoption of nutrient management practices, promote practices for slowing down and filtering stormwater runoff, and emphasize long-term and sustainable nutrient reductions. EPA and its federal partners will target resources and activities at locations that are the most significant cause of harmful algal blooms. In FY 2023, the targets are to:
  - Reduce 300 thousand pounds (2.5 million pounds cumulative since 2010) of phosphorus from conservation practice implementation throughout Great Lakes watersheds; and
  - 170 thousand acres (2.685 million acres cumulative since 2010) receiving technical or financial assistance on nutrient management in priority watersheds.
- *Reduce untreated stormwater runoff.* EPA and its federal partners will continue to accelerate implementation of green infrastructure projects to reduce the impacts of polluted urban runoff on nearshore water quality at beaches and in other coastal areas. These projects will capture or slow the flow of untreated runoff and filter out sediment, nutrients, toxic contaminants, pathogens, and other pollutants prior to entering Great Lakes tributaries and nearshore waters. Federal agencies and their partners also will continue to support watershed management projects that slow and intercept runoff, including installation of tributary buffers, restoration of coastal wetlands, and re-vegetation and re-forestation of areas near Great Lakes coasts and tributaries. In FY 2023, the targets are:



- Capture or treat 50 million gallons (500 million gallons cumulative since 2015) of untreated stormwater runoff captured or treated; and
  - Restore or protect seven miles (54 miles cumulative since 2015) of Great Lakes shoreline and riparian corridors restored or protected.
- *Improve effectiveness of nonpoint source control and refine management efforts.* EPA and its federal partners will continue to adaptively manage to maximize nonpoint source control efforts. Strategies include conducting edge-of-field monitoring studies in agricultural priority watersheds to test the effectiveness of innovative practices such as bioreactors; application of previously supported tools and lessons learned to optimize project results; and development of new strategies such as nutrient recovery and manure transformation technologies. In FY 2023, the targets are:
    - Conduct 30 nutrient monitoring and assessment activities; and
    - Develop or evaluate ten nutrient or stormwater runoff reduction practices or tools.

### **Habitats and Species Objectives:**

- *Protect and restore communities of native aquatic and terrestrial species important to the Great Lakes.* EPA and its federal partners will implement protection, restoration, and enhancement projects focused on open water, nearshore, connecting channels, coastal wetland, and other habitats to protect and restore native species. They will build upon and shore-up past investments while advancing protection and restoration in new areas important to targeted species. Projects will be largely based on priorities in regional scale conservation strategies and will include:
  - Protecting, restoring, and enhancing coastal wetlands;
  - Removing dams and replacing culverts to create fish habitat and reconnect migratory species to Great Lakes tributaries;
  - Restoring habitat necessary to sustain populations of migratory native species; and
  - Protecting, restoring, and managing existing wetlands and high quality upland areas to sustain diverse, complex, and interconnected habitats for species reproduction, growth, and seasonal refuge.

In FY 2023, the targets are:

- Restore, protect, or enhance 12 thousand acres of coastal wetland, nearshore, and other habitats; and
  - Increase connectivity between rivers, streams, and lakes by 200 miles (6,300 miles cumulative since 2010) providing passage for aquatic species.
- *Increase resiliency of species through comprehensive approaches that complement on-the-ground habitat restoration and protection.* EPA and its federal partners will maintain, restore, and enhance the habitats of native fish and wildlife species to increase the resiliency and overall health of these species. Agencies will maximize habitat improvements (coastal wetlands in particular) for aquatic and terrestrial species through collaborative conservation and monitoring at local and regional scales. Project benefits are expected to include avoiding species extinction, identification of key habitats and of limiting factors to species recovery and increasing or protecting population levels. GLRI agencies and their partners will continue to

support protection of native species that have cultural, subsistence, and economic value. In FY 2023, the target is to complete actions to significantly protect or promote recovery of populations of two species (six species cumulative since 2018).

**Foundations for Future Restoration Actions Objectives:**

- *Educate the next generation about the Great Lakes ecosystem.* EPA and its federal partners will promote Great Lakes-based environmental education and stewardship for students and other interested community members (e.g., courses at parks, nature centers, on board vessels, museums, and zoos). With an emphasis on educating kindergarten through grade 12 youth, GLRI partners will support experience-based learning opportunities. GLRI agencies and their partners also will continue to develop Great Lakes-literate educators to maximize the number of youths impacted using principles and concepts in the Great Lakes Literacy curriculum. These activities will support the overall goal of impacting youth to foster Great Lakes stewardship, promote conservation, and expose and prepare under-represented youth for higher education opportunities in natural resource management.
- *Conduct comprehensive science programs and projects.* EPA and its federal partners will continue to investigate the most significant ecological problems in the Great Lakes. Great Lakes monitoring will include coastal wetlands, water quality, and the lower food web in the offshore waters; nutrient cycling and harmful algal blooms in priority areas; and contaminants in Great Lakes fish, sediments, and air. Federal agencies and their partners will identify and address science priorities to support implementation of the GLRI and the Great Lakes Water Quality Agreement. They will continue to: develop new tools for monitoring and forecasting; measure project effectiveness; prioritize management activities; and consider environmental and health outcomes.

**GLRI Funding Allocations:**

EPA leads the cooperative process to determine funding allocations for programs and projects of the GLRI agencies. Under the CWA Section 118, EPA provides the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a yearly detailed description of the progress of the GLRI and amounts transferred to participating federal departments and agencies.

**Summary of FY 2016 - 2023 Allocations\* by Focus Area**  
(Dollars in Thousands)

<b>Focus Area</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Toxic Substances and AOC</b>	\$106,600	\$107,500	\$105,600	\$107,400	\$116,900	\$121,400	\$121,400	\$138,600
<b>Invasive Species</b>	\$56,400	\$62,200	\$56,700	\$57,000	\$62,900	\$65,700	\$65,700	\$60,700
<b>Nonpoint Source Pollution Impacts on Nearshore Health</b>	\$51,700	\$47,900	\$50,600	\$51,200	\$51,000	\$53,000	\$53,000	\$52,411
<b>Habitat and Species</b>	\$54,200	\$49,500	\$52,400	\$51,400	\$54,500	\$56,500	\$56,500	\$52,600
<b>Foundations for Future Restoration Actions</b>	\$31,100	\$32,900	\$34,700	\$33,000	\$34,700	\$33,400	\$33,400	\$35,800

<b>TOTAL</b>	\$300,000	\$300,000	\$300,000	\$300,000	\$320,000	\$330,000	\$330,000	\$340,111
* Final allocations for FY 2016 – FY 2019. FY 2020 and FY 2021 allocations are based on budgets approved by Regional Working Group agencies. Allocations for FY 2022 and FY 2023 are subject to approval by Regional Working Group agencies. FY 2022 numbers reflect the Annualized Continuing Resolution amount.								

**Summary of FY 2016 - 2023 Allocations\* by Agency**  
(Dollars in Thousands)

Agency	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
DHS-USCG	\$1,274	\$1,580	\$500	\$1,661	\$1,250	\$1,300	\$1,300	TBD
DOC-NOAA	\$30,740	\$12,027	\$24,629	\$29,405	\$28,163	\$16,800	\$16,800	TBD
DOD-USACE	\$33,369	\$55,940	\$43,559	\$37,387	\$30,665	\$48,128	\$48,128	TBD
DOI-BIA	\$6,203	\$10,904	\$11,617	\$9,842	\$15,840	\$15,765	\$15,765	TBD
DOI-NPS	\$3,799	\$4,379	\$3,940	\$3,822	\$3,794	\$4,993	\$4,993	TBD
DOI-USFWS	\$48,118	\$41,794	\$52,902	\$47,272	\$51,901	\$57,586	\$57,586	TBD
DOI-USGS	\$22,960	\$26,817	\$25,724	\$21,603	\$19,780	\$17,867	\$17,867	TBD
DOT-MARAD	\$2,106	\$800	\$675	\$803	\$5,500	\$8,000	\$8,000	TBD
HHS-ATSDR/CDC	\$1,692	\$593	\$590	\$0	\$0	\$0	\$0	TBD
USDA-APHIS	\$1,089	\$1,262	\$1,176	\$1,312	\$1,378	\$1,459	\$1,459	TBD
USDA-NRCS	\$19,062	\$22,072	\$25,096	\$20,697	\$22,239	\$24,374	\$24,374	TBD
USDA-USFS	\$10,822	\$11,355	\$10,153	\$11,646	\$9,921	\$12,464	\$12,464	TBD
Multi-agency	\$0	\$0	\$0	\$0	\$0	\$0	\$0	TBD
<b>IA Totals:</b>	\$181,234	\$189,522	\$200,560	\$185,448	\$190,432	\$208,736	\$208,736	TBD
<b>EPA and Misc IAs</b>	\$118,766	\$110,478	\$99,440	\$114,552	\$129,568	\$121,264	\$121,264	TBD
<b>Totals:</b>	\$300,000	\$300,000	\$300,000	\$300,000	\$320,000	\$330,000	\$330,000	\$340,111

\* Final allocations for FY 2016 – FY 2019. FY 2020 and FY 2021 allocations are based on budgets approved by Regional Working Group agencies. Allocations for FY 2022 and FY 2023 do not include adjustments that may be made in light of Bipartisan Infrastructure Law funding and are subject to approval by Regional Working Group agencies.

**Performance Measure Targets:**

EPA’s FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$304.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$9,807.0) This program change is an increase of resources that supports projects to accelerate the restoration of the Great Lakes.

**Statutory Authority:**

Clean Water Act Section 118.

## **Homeland Security**

## **Homeland Security: Communication and Information**

Program Area: Homeland Security

Goal: Safeguard and Revitalize Communities

Objective(s): Prepare for and Respond to Environmental Emergencies

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$3,893</b>	<b>\$4,145</b>	<b>\$4,650</b>	<b>\$505</b>
Total Budget Authority	\$3,893	\$4,145	\$4,650	\$505
Total Workyears	11.7	13.3	14.3	1.0

### **Program Project Description:**

There has been an evolution of the term and mission of national and homeland security since 9/11. National security is now widely understood to include non-military dimensions, such as climate and environmental security, economic security, energy security, and cybersecurity. Systematic preparation is essential for the threats that pose the greatest risk to the security of the Nation, including acts of terrorism, climate change, pandemics, catastrophic natural disasters, and cyberattacks. The White House, Congress, and the Department of Homeland Security (DHS) have defined responsibilities for EPA in several areas, including water critical infrastructure protection and response to chemical, biological, radiological, and nuclear events, through a series of statutes, presidential directives, and national plans. EPA's Homeland Security: Communication and Information Program is comprised of the Office of Homeland Security (OHS), which supports the Agency's coordination and communication activities related to national security and homeland security and the Agency's Enterprise Security Operations Center (SOC), which is responsible for the centralized, integrated, and coordinated cybersecurity prevention, detection, response, and supporting recovery capability for EPA networks.

OHS provides technical, policy, and intelligence advice to senior agency leadership related to national and homeland security. OHS coordinates the Agency's intelligence activities including EPA's engagement with the White House, National Security Council (NSC), and other federal departments and agencies on the development of new national and homeland security policy and requirements. OHS also ensures that the NSC and other lead federal entities understand the impacts of new national security initiatives and policies on existing EPA programs. OHS maintains intelligence operations and analyses capabilities focusing on EPA's equities, including the protection of critical infrastructure, specifically the water sector, climate change and security issues, and biodefense and global health security issues. OHS serves as the Federal Intelligence Coordinating Office (FICO) for EPA and coordinates with the Intelligence Community (IC) in support of policy development and consequence management efforts. OHS also focuses on coordination and integration of chemical, biological, and radiological preparedness and response programs as they relate to the protection of air and water quality and the prevention of land contamination through external engagement with federal departments and agencies and internal coordination with EPA program offices with homeland security responsibilities. OHS coordinates

with regional, state, and local Fusion Centers and Joint Terrorism Task Forces to focus on integrating EPA regional offices with the information sharing environment and DHS' intelligence sharing network. OHS also advances implementation of the following programs: EPA Insider Threat, Suspicious Activity Reporting, National Operations Security (OPSEC), Counterintelligence, and Committee on Foreign Investment in the United States.

In addition, OHS works closely with EPA's Water Program to coordinate and integrate water security efforts internally and externally with stakeholders regarding physical threats and contamination and cyber threats to operations. EPA serves as the Sector Risk Management Agency (SRMA) for the water sector. The October 2020 *DHS Homeland Threat Assessment* and the 2021 *Annual Threat Assessment of the U.S. Intelligence Community (IC)* (April 2021)<sup>90</sup> indicated that cyber threats from nation states and non-nation states remain an acute growing problem threatening U.S. critical infrastructure. Cyberattacks across critical infrastructure sectors are rapidly increasing in volume and sophistication, impacting both information technology (IT) and operational technology (OT) systems in the water sector.

EPA's SOC provides a centralized, integrated, and coordinated cybersecurity incident response capability that defends against unauthorized activity within computer networks, by preventing, detecting, monitoring, analyzing, and responding to suspicious or malicious activity through its Computer Security Incident Response Capability (CSIRC). The SOC and CSIRC also provide: situational and threat awareness; cyber network defense infrastructure; cybersecurity tool engineering and support; vulnerability and risk assessments; and threat intelligence processing and threat hunting capabilities. The SOC leverages endpoint detection and response and other capabilities to perform its mission. The SOC maintains communications with DHS' Liaison Officers to respond to alerts that have potential national security impact.

National and homeland security information technology efforts are closely coordinated with the agencywide information security and infrastructure activities, which are managed by EPA's Information Security and IT/Data Management programs. These IT support programs also enable contact among localities, EPA program and regional offices, and laboratories in emergency situations.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 6/Objective 6.3, Prepare for and Respond to Environmental Emergencies in the *FY 2022 - 2026 EPA Strategic Plan*. With the resources requested in FY 2023, this program will:

- Continue to promote a coordinated approach to EPA's homeland security activities and support the alignment of resources with government-wide national and homeland security priorities and requirements as defined by the NSC and the IC, including climate security, cybersecurity, and biodefense.

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<sup>90</sup> Please see the following for more information: [https://www.dhs.gov/sites/default/files/publications/2020\\_10\\_06\\_homeland-threat-assessment.pdf](https://www.dhs.gov/sites/default/files/publications/2020_10_06_homeland-threat-assessment.pdf)  
<https://www.dni.gov/files/ODNI/documents/assessments/ATA-2021-Unclassified-Report.pdf>

- Continue to build on and develop the Agency’s cybersecurity intelligence capabilities to provide a level of support that would enable EPA to better prepare for and respond timely to specific threats, mitigate attacks, assess evolving water sector cyber intelligence requirements, and assist in developing proposals to prevent/mitigate cyber incidents. By further building these capabilities, the Agency will be able to increase research, analyses, and engagement with the water and wastewater sector and partner agencies who deal with cybersecurity (i.e., DHS Cybersecurity and Infrastructure Security Agency (CISA)) and help EPA fulfill the requirements in Section 9002 of the FY 2021 National Defense Authorization Act. All indicators suggest cybersecurity threats and requirements, particularly those associated with the critical infrastructure sector, will only increase in number, complexity, and potential consequences for the foreseeable future.
  
- OHS and EPA’s Water Program will develop an integrated strategy to work together more effectively to coordinate water and wastewater sector-wide cybersecurity threat information and intelligence sharing efforts. Specific examples of OHS’ roles/responsibilities in this area include:
  - Engaging with the Water Sector Coordinating Council and the Water Information Sharing and Analysis Center (ISAC) to more closely work with CISA and the intelligence and law enforcement communities to facilitate access to, and exchange of, information and intelligence necessary to strengthen the security of critical infrastructure to obtain threat information and intelligence related to the water and wastewater sector to support emergency preparedness and planning efforts in a more timely manner;
  - Supporting risk assessment and risk management efforts by EPA in conjunction with CISA;
  - Engaging with the Water Sector Coordinating Council and the Water ISAC to more closely work with CISA and the intelligence and law enforcement communities to facilitate the identification of intelligence requirements and priorities of critical infrastructure owners and operators in the water and wastewater sector in coordination with the Director of National Intelligence and the heads of other Federal departments and agencies, as appropriate; and
  - Working with CISA to provide and facilitate awareness, within the water and wastewater sector, of ongoing, and where possible, real-time awareness of identified threats, vulnerabilities, mitigations, and other actions related to the security of the water and wastewater sector.
  
- Continue to develop new collaborative practices and methods with Intelligence Community agencies to meet the cybersecurity needs of the water and wastewater sector, along with other critical sectors, to address increasingly sophisticated and complex threat actor tactics and techniques. EPA has coordinated with NSC, CISA, and the water sector on several occasions regarding cyber-attacks on the water sector’s IT and OT systems,

which has resulted in a renewed emphasis on notification and communication efforts with the water utilities.

- Continue to develop new collaborative practices and methods with Intelligence Community agencies and the National Security Council to meet the requirement in Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*,<sup>91</sup> “to place the climate crisis at the forefront of this Nation’s foreign policy and national security planning.”
- Continue to develop new collaborative practices and methods with Intelligence Community agencies and the National Security Council to address emerging domestic and global biological risks, including pandemics and national bio-preparedness policies.
- Continue to engage with CISA’s Intelligence and Analysis Branch for greater information sharing and engagement. OHS has developed a new partnership with the National Security Agency office providing cybersecurity support to critical infrastructure agencies.
- Provide more comprehensive support to the expanding collaborations with DOE, CISA, WaterISAC, and other programs on cyber threat response.
- Promote a coordinated approach to communicating classified and sensitive information to EPA programs, laboratories, and regional offices via secure communications systems to support timely intelligence and information sharing to enable safe and effective operational preparedness and response.
- Support federal, state, tribal, and local efforts to prevent, protect, mitigate, respond to, and recover from the impacts of natural disasters, acts of terrorism, and other emergencies by providing leadership and coordination across EPA’s program offices and regions.
- Ensure appropriate agency representation in various White House and other federal national security and homeland security policy activities. These efforts include serving as EPA’s representative for homeland security, national disaster response, and mitigation and recovery policy in monthly meetings of the Homeland Preparedness and Response Interagency Policy Committee (IPC), the Homeland Critical Infrastructure Resilience Interagency Policy Committee, chaired by the NSC, and in weekly NSC Cyber Response Group meetings and other national security policy committees. In addition, OHS serves as EPA’s representative in monthly meetings of the Recovery Support Function Leaders Group, chaired by the Federal Emergency Management Agency (FEMA), and the Mitigation Framework Leadership Group, also chaired by FEMA, and on other interagency workgroups.
- Focus on filling critical policy, knowledge, and technology gaps that may be essential for an effective EPA response, including working with our interagency partners to define

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<sup>91</sup> For additional information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>



collective capabilities and resources that may contribute to closing common homeland security gaps, including emerging chemical threats and cybersecurity concerns for critical water infrastructure.

- Provide EPA end-users with relevant, accurate, reliable, objective, and timely intelligence bearing on matters of environmental policy and regulation and domestic threats and counterintelligence, where EPA functions to preserve or assist in the restoration of human health and the environment.
- Continue phased implementation of Executive Order 13587, *Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information*<sup>92</sup> to meet the main pillars of classified information protection with a focus on the implementation of an Insider Threat Program to address and mitigate threats to national security.
- Track emerging national and homeland security issues, through close coordination with the U.S. Intelligence Community, to anticipate and avoid crisis situations and target the agency's efforts proactively against threats to the United States.
- Phase in National Security Presidential Memorandum 28 (NSPM-28) to support OPSEC for the agency.
- Support the coordination and communication requirements of NSPM-32 to share information on critical incidents in a timely and effective manner.

In FY 2023, EPA also will support implementation of Executive Order 14028, *Improving the Nation's Cybersecurity*<sup>93</sup> through monitoring across the Agency's IT infrastructure to detect, remediate, and eradicate malicious activity/software from EPA's computer and data networks. Specific activities include:

- Continue to enhance internal Computer Security Incident Response Capability to ensure rapid identification and reporting of suspicious activity through increased training and awareness of cybersecurity threats. Training opportunities are provided to individual users to identify the most recent cybersecurity threats along with tabletop exercises to develop agency staff proficiency in responding to cyber security incidents.
- Improve threat intelligence sharing. EPA personnel are active participants in the United States Computer Emergency Readiness Team, a DHS-led group of experts from incident response and security response teams. Indicators and warnings are shared between EPA incident responders and their cleared counterparts in other agencies and with the Intelligence Community. This provides the ability to integrate actionable intelligence with deployed systems to improve cybersecurity defensive capabilities.

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<sup>92</sup> For more information, please see: <https://obamawhitehouse.archives.gov/the-press-office/2011/10/07/executive-order-13587-structural-reforms-improve-security-classified-net>.

<sup>93</sup> For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/05/12/executive-order-on-improving-the-nations-cybersecurity/>

- Continue maturation and refinement of Agency’s Incident Response procedures in compliance with CISA’s Playbook for Responding to Cybersecurity Vulnerabilities and Incidents.
- Continue work to integrate End Point Detection and Response (EDR) capabilities with the Continuous Diagnostics and Mitigation Program to support proactive detection of cybersecurity incidents within the EPA information environment, supporting active cyber hunting, containment and remediation, and incident response. This work includes extensive coordination with CISA and deployment of capabilities across the Agency to meet the requirements in OMB Memorandum M-22-01.<sup>94</sup>
- Mature the security logging capabilities as outlined in OMB Memorandum M-21-31,<sup>95</sup> “Improving the Federal Government’s Investigative and Remediation Capabilities Related to Cybersecurity Incidents.” EPA is on track to comply with the system logging requirements in FY 2023 to meet Event Logging (EL) level 2 for Intermediate Logging requirements of highest and intermediate criticality and EL level 3 for Advanced Logging requirements at all criticality levels.
- In compliance with OMB Memorandum M-22-09,<sup>96</sup> “Moving the U.S. Government Toward Zero Trust Cybersecurity Principles,” the SOC will support the implementation of a Zero Trust Architecture across the Agency.
- Continue to mature and refine the Vulnerability Disclosure Program (VDP) in compliance with Binding Operational Directive (BOD) 20-01,<sup>97</sup> “Develop and Publish a Vulnerability Disclosure Policy.” The Agency will increase the scope of the program and improve response capabilities to expedite remediation and improve status reporting.

**Performance Measure Targets:**

EPA’s FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$120.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.

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<sup>94</sup> For additional information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/10/M-22-01.pdf?ref=hackernoon.com>

<sup>95</sup> For additional information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/08/M-21-31-Improving-the-Federal-Governments-Investigative-and-Remediation-Capabilities-Related-to-Cybersecurity-Incidents.pdf>

<sup>96</sup> For additional information, please see: <https://www.whitehouse.gov/wp-content/uploads/2022/01/M-22-09.pdf>

<sup>97</sup> For additional information, please see: <https://cyber.dhs.gov/assets/report/bod-20-01.pdf>

- (+\$385.0 / +1.0 FTE) This program change is an increase in resources and FTE to support the Agency's homeland security coordination and intelligence efforts. This includes \$205.0 thousand in payroll.

**Statutory Authority:**

Resource Conservation and Recovery Act, §§ 1001, 2001, 3001, 3005; Safe Drinking Water Act; Clean Water Act, §§ 101, 102, 103, 104, 105, 107; Clean Air Act, §§ 102, 103, 104, 108; Toxic Substances Control Act, §§ 201, 301, 401; Federal Insecticide, Fungicide, and Rodenticide Act, §§ 136a-136y; Bio Terrorism Act of 2002, §§ 303, 305, 306, 307; Homeland Security Act of 2002; Post-Katrina Emergency Management Reform Act; Defense Against Weapons of Mass Destruction Act; and Food Safety Modernization Act, § 208.

**Homeland Security: Critical Infrastructure Protection**

Program Area: Homeland Security

Goal: Safeguard and Revitalize Communities

Objective(s): Prepare for and Respond to Environmental Emergencies

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$733</i></b>	<b><i>\$909</i></b>	<b><i>\$1,014</i></b>	<b><i>\$105</i></b>
Science & Technology	\$9,653	\$10,380	\$14,526	\$4,146
Total Budget Authority	\$10,386	\$11,289	\$15,540	\$4,251
Total Workyears	23.7	26.6	32.6	6.0

**Program Project Description:**

The Critical Infrastructure Protection Program supports EPA’s efforts to coordinate and provide technical expertise to enhance the protection of the Nation’s critical water infrastructure from terrorist threats and all-hazard events through effective information sharing and dissemination. This program provides water systems with current information on methods and strategies to build preparedness for natural and man-made threats.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 6/Objective 6.3, Prepare for and Respond to Environmental Emergencies in the *FY 2022 - 2026 EPA Strategic Plan*. The Program also will support the Agency’s Infrastructure Investment and Jobs Act implementation priorities including preparing for and responding to cybersecurity challenges so that water systems are more resilient.

In FY 2023, EPA will build the capacity at water systems to identify and respond to threats to critical national water infrastructure by:

- Providing timely information on contaminant properties, water treatment effectiveness, detection technologies, analytical protocols, and laboratory capabilities;
- Supporting effective communication conduits to disseminate threat and incident information and to serve as a clearinghouse for sensitive information;
- Promoting information sharing between the water sector and environmental professionals, scientists, emergency services personnel, law enforcement, public health agencies, the intelligence community, and technical assistance providers. Through this exchange, water systems can obtain up-to-date information on current technologies in water security, accurately assess their vulnerabilities to terror acts, and work cooperatively with public health officials, first responders, and law enforcement officials to respond effectively in the event of an emergency;

- Providing water utilities, of all sizes, with access to a comprehensive range of important materials, including the most updated information, tools, training, and protocols designed to enhance the security (including cybersecurity), preparedness, and resiliency of the water sector (including addressing natural hazards, including climate change); and
- Ensuring that water utilities receive timely and informative alerts about changes in the homeland security advisory level and regional and national trends in certain types of water-related incidents. For example, should there be types of specific, water-related threats or incidents that are recurring, EPA, in coordination with the Department of Homeland Security and other appropriate agencies, will alert utilities of the increasing multiple occurrences of or trends in these incidents.

Effective information sharing protocols allow the water sector to improve its understanding of the latest water security and resiliency protocols and threats. These protocols reduce risk by enhancing the water sector's ability to prepare for an emergency.

**Performance Measure Targets:**

Work under this program supports Safe Drinking Water Act (SDWA) implementation and compliance and performance results in the Drinking Water Programs, under the EPM appropriation, to support safe drinking water for the Nation.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$10.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$95.0) This program change is an increase in resources to support the protection of critical water infrastructure.

**Statutory Authority:**

Safe Drinking Water Act, §§ 1431-1435; Clean Water Act; Public Health Security and Bioterrorism Emergency and Response Act of 2002; Emergency Planning and Community Right-to-Know Act, §§ 301-305.

**Homeland Security: Protection of EPA Personnel and Infrastructure**

Program Area: Homeland Security

Goal: Safeguard and Revitalize Communities

Objective(s): Prepare for and Respond to Environmental Emergencies

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$4,915</i></b>	<b><i>\$4,959</i></b>	<b><i>\$5,139</i></b>	<b><i>\$180</i></b>
Science & Technology	\$500	\$501	\$501	\$0
Building and Facilities	\$7,006	\$6,676	\$6,676	\$0
Hazardous Substance Superfund	\$845	\$1,030	\$1,530	\$500
Total Budget Authority	\$13,266	\$13,166	\$13,846	\$680
Total Workyears	9.2	9.2	9.2	0.0

Total workyears in FY 2023 include 9.2 FTE to support Homeland Security Working Capital Fund (WCF) services.

**Program Project Description:**

Environmental Programs and Management resources for the Homeland Security: Protection of EPA Personnel and Infrastructure Program ensure that EPA maintains a robust physical security and preparedness infrastructure, ensuring that its numerous facilities are secured and protected in line with the federally mandated Interagency Security Committee standards.

In order to secure and protect EPA’s personnel and physical infrastructure, the Agency operates a USAccess Personal Identity Verification (PIV) program, which adheres to the requirements as set forth in Homeland Security Presidential Directive-12 (HSPD-12).<sup>98</sup> This program ensures the Agency complies with government-wide standards for the issuance of secure and reliable forms of identification to federal employees and contractors who require access to federally controlled facilities and networks. Additionally, EPA’s National Security Information (NSI) Program manages and safeguards EPA’s classified information for its federal workforce and contractors. Through the NSI program, EPA initiates and adjudicates personnel background investigations, processes fingerprint checks, determines individual eligibility to access classified NSI, maintains personnel security records for all federal and non-federal employees, and conducts federally mandated training and NSI inspections.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 6/Objective 6.3, Prepare for and Respond to Environmental Emergencies in the *FY 2022 - 2026 EPA Strategic Plan*.

As part of the nationwide protection of buildings and critical infrastructure, EPA performs vulnerability assessments on facilities each year. Through this program, the Agency also

<sup>98</sup> For additional information, please see: <https://www.dhs.gov/homeland-security-presidential-directive-12>.

recommends security risk mitigations, oversees access control measures, determines physical security measures for new construction and leases, and manages the lifecycle of security equipment.

In FY 2023, EPA will continue to partner with the General Services Administration (GSA) on the Enterprise Physical Access Control System (ePACS). ePACS supports the Agency's modernization of its security infrastructure in compliance with HSPD-12 and ensures that the Agency is undertaking every effort to enhance safety, security, and efficiency by more effectively controlling access into all EPA-controlled physical space and networks. In addition, the Agency will continue to utilize GSA's Managed Service Office program, *USAccess*, for PIV card enrollment and issuance. *USAccess* is a GSA managed, shared services solution that provides EPA the ability to produce and maintain secure and reliable forms of identification, as required per HSPD-12, for all EPA employees and contractors.

EPA complies with 5 CFR 1400, which requires that federal and non-federal positions are designated for both risk and sensitivity and that personnel have appropriate background investigations commensurate with their position's risk and sensitivity designation. EPA will continue to manage the personnel security, suitability, fitness, and NSI programs and conduct background investigations following appropriate federal guidance, ensuring that personnel are properly investigated for the positions they encumber and that classified material and activity is properly handled. As federal guidelines and policies change or are introduced, the systems supporting background investigations and the NSI Program will be updated and enhanced as needed.

**Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$180.0) This program change supports the protection of EPA personnel and infrastructure. These funds will support ePACS and the Agency's modernization of its security infrastructure efforts to control access into all EPA-controlled physical space and networks.

**Statutory Authority:**

Intelligence Reform and Terrorism Prevention Act of 2004; Privacy Act of 1974; REAL ID Act of 2005; Homeland Security Act of 2002; Americans with Disabilities Act; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute).

## **Indoor Air and Radiation**



**Indoor Air: Radon Program**

Program Area: Indoor Air and Radiation

Goal: Ensure Clean and Healthy Air for All Communities

Objective(s): Reduce Exposure to Radiation and Improve Indoor Air

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$2,224</b>	<b>\$3,136</b>	<b>\$5,004</b>	<b>\$1,868</b>
Science & Technology	\$112	\$157	\$157	\$0
Total Budget Authority	\$2,336	\$3,293	\$5,161	\$1,868
Total Workyears	8.8	9.0	12.4	3.4

**Program Project Description:**

Title III of the Toxic Substances Control Act (TSCA) authorizes EPA to take a variety of actions to address the public health risk posed by exposure to indoor radon. Under the statute, EPA studies the health effects of radon, assesses exposure levels, sets an action level, provides technical assistance to states, industry, and the public, advises the public of steps they can take to reduce exposure, and promotes the availability of reliable radon services and service providers to the public.

Radon is the second leading cause of lung cancer in the United States – and the leading cause of lung cancer mortality among non-smokers – accounting for about 21,000 deaths per year.<sup>99</sup> The EPA’s non-regulatory Indoor Air: Radon Program promotes actions to reduce the public’s health risk from indoor radon. EPA and the Surgeon General recommend that people do a simple home radon test and, if levels above the EPA’s guidelines are confirmed, reduce elevated levels by home mitigation using inexpensive and proven techniques. EPA also recommends that new homes be built using radon-resistant features in areas where there is elevated radon. Nationally, risks from radon have been reduced in many homes over the years, but many homes are still in need of mitigation. This voluntary program promotes partnerships among national organizations, the private sector, and more than 50 state, local, and tribal governmental programs to reduce radon risk.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 4/Objective 4.2, Reduce Exposure to Radiation and Improve Indoor Air in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, EPA is requesting additional resources to support restoration of core capacity in this Program, including building up staff expertise and analytical capabilities.

<sup>99</sup> <https://www.epa.gov/radon>.

EPA will continue to lead the federal government’s response to radon and to implement the Agency’s own multi-pronged radon program. Work in this program supports the President’s priority of advancing environmental justice. EPA will drive action at the national level to reduce radon risk in homes and schools through the National Radon Action Plan, partnerships with the private sector and public health groups, technical assistance to states and industry, public outreach, and education activities. The Agency will encourage radon risk reduction as a normal part of doing business in the real estate marketplace, will promote local and state adoption of radon prevention standards in building codes, and will participate in the development of national voluntary standards (e.g., mitigation and construction protocols) for adoption by states and the radon industry. EPA will continue working to update the framework that ensures a quality, credentialed radon workforce.

**Performance Measure Targets:**

<b>(PM LCD) Number of lung cancer deaths prevented through lower radon exposure.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	1,881	1,962

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$101.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$1,767.0 / +3.4 FTE) This increase in resources supports efforts to restore EPA's staff expertise, analysis, and capacity in the indoor air radon program in order to better lead the federal government’s response to radon and to implement the Agency’s own multi-pronged radon program. This investment includes \$647.0 thousand in payroll.

**Statutory Authority:**

Title III of the Toxic Substances Control Act (TSCA); Title IV of the Superfund Amendments and Reauthorization Act (SARA); Clean Air Act.

**Radiation: Protection**

Program Area: Indoor Air and Radiation

Goal: Ensure Clean and Healthy Air for All Communities

Objective(s): Reduce Exposure to Radiation and Improve Indoor Air

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$8,283</b>	<b>\$7,661</b>	<b>\$10,588</b>	<b>\$2,927</b>
Science & Technology	\$1,645	\$1,735	\$2,224	\$489
Hazardous Substance Superfund	\$1,973	\$1,985	\$2,872	\$887
Total Budget Authority	\$11,901	\$11,381	\$15,684	\$4,303
Total Workyears	60.0	53.8	66.7	12.9

**Program Project Description:**

EPA has general and specific duties to protect human health and the environment from harmful and avoidable exposure to radiation under multiple statutes. EPA's Radiation Protection Program carries out these responsibilities through its federal guidance and standard-setting activities, including: regulatory oversight and implementation of radioactive waste disposal standards for the Department of Energy's (DOE) Waste Isolation Pilot Plant (WIPP); the regulation of airborne radioactive emissions; general disposal standards for nuclear waste repositories; and the development and determination of appropriate methods to measure and to model radioactive releases and exposures under Section 112 of the Clean Air Act. The Radiation Protection Program also supports EPA, state, local and tribal authorities by providing radiation protection scientific analyses and recommendations needed to inform risk management policies, and the necessary radiation risk communications expertise to support local community engagement on issues related to legacy contamination and environmental justice needs.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 4/Objective 4.2, Reduce Exposure to Radiation and Improve Indoor Air in the *FY 2022 - 2026 EPA Strategic Plan*.

EPA will meet its statutory obligation to implement its regulatory oversight responsibilities for DOE activities at the WIPP facility, as mandated by Congress in the WIPP Land Withdrawal Act of 1992. In FY 2023, EPA anticipates conducting a detailed review of the DOE request for expanding the WIPP repository to address needs for more waste disposal area, permitting disposal of previously identified transuranic waste as well as more recently identified needs for disposal of surplus plutonium. EPA will review and implement regulations or guidance, as necessary. The Agency also will provide technical and policy analysis supporting scientific goals for space exploration. EPA serves on the Interagency Nuclear Safety Review Board with NASA and DOD to provide launch safety analysis. EPA scientists will participate, as appropriate, in interagency working groups to examine issues of low-dose radiation health impacts and identify any needed

changes to existing technical and policy guidance. EPA radiation risk communicators will provide radiation-related website and communications product content that is clear and accessible to the general public, including those with limited English proficiency.

**Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$315.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$2,612.0 / +8.3 FTE) This program change is an increase that supports efforts to restore EPA's staff expertise, analysis, and capacity in the radiation protection program to provide radiation protection scientific analyses and recommendations needed to inform risk management policies. It also supports the necessary radiation risk communications expertise for local community engagement on issues related to legacy contamination and environmental justice needs. This investment includes \$1.485 million in payroll.

**Statutory Authority:**

Atomic Energy Act of 1954; Clean Air Act; Energy Policy Act of 1992; Nuclear Waste Policy Act of 1982; Public Health Service Act; Safe Drinking Water Act; Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978; Waste Isolation Pilot Plant Land Withdrawal Act of 1992; Marine Protection, Research, and Sanctuaries Act; Clean Water Act.

**Radiation: Response Preparedness**

Program Area: Indoor Air and Radiation

Goal: Ensure Clean and Healthy Air for All Communities

Objective(s): Reduce Exposure to Radiation and Improve Indoor Air

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$2,703</b>	<b>\$2,404</b>	<b>\$3,004</b>	<b>\$600</b>
Science & Technology	\$3,063	\$3,096	\$4,383	\$1,287
Total Budget Authority	\$5,766	\$5,500	\$7,387	\$1,887
Total Workyears	32.1	33.3	41.4	8.1

**Program Project Description:**

EPA generates policy guidance and procedures for the Agency’s radiological emergency response under the National Response Framework (NRF) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The Agency maintains its own Radiological Emergency Response Team (RERT) and is a member of the Department of Homeland Security/Federal Emergency Management Agency Federal Radiological Preparedness Coordinating Committee (FRPCC) and the Federal Advisory Team for Environment, Food and Health (the “A-Team”). The A-Team includes radiation protection experts from EPA, the Centers for Disease Control and Prevention, the Food and Drug Administration and the Department of Agriculture, and their function is to advise federal, state, local and tribal authorities during radiological/nuclear emergencies on public safety issues including evacuation, sheltering, and contamination concerns for food, drinking water and other resources. EPA continues to respond to radiological emergencies; conducts essential national and regional radiological response planning and training; and develops response plans for radiological incidents or accidents.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 4/Objective 4.2, Reduce Exposure to Radiation and Improve Indoor Air in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, EPA will continue to streamline activities and fill gaps in the expertise that is critical for essential preparedness work, restoring critical capacity to meet EPA’s core mission. The RERT will maintain essential readiness to support federal radiological emergency response and recovery operations under the NRF and NCP. EPA will participate in interagency training and exercises to maintain readiness levels needed to fulfill EPA’s responsibilities.

Evaluation of Response Plans

In FY 2023, EPA will continue to work with interagency partners, including those under the FRPCC as well as those at the state, local and tribal levels to examine and, as needed, revise radiation emergency response plans, protocols, and standards. Under the NRF, EPA is the coordinating

agency for responding to foreign nuclear incidents, such as the Fukushima accident. In FY 2023, EPA will maintain staff readiness and training needed to meet the Agency’s mission during such incidents. EPA will review and revise preparedness guidance to ensure that the Agency’s response efforts address the needs of the public, with special emphasis on the most vulnerable. EPA will support the U.S. Government assessment of foreign nuclear technology used in space nuclear systems and advanced reactor technologies. Building on efforts started in FY 2022, EPA will continue work on the safety evaluation of the National Aeronautics and Space Administration’s DRACO mission for potential impacts to human health and the environment and begin contingency planning for its mission launch, scheduled for 2025.

Coordinating Preparedness Efforts

EPA will continue essential planning and will participate in interagency table-top and field exercises, including radiological accident and incident response and anti-terrorism activities with The Advisory Team for Environment, Food, and Health, the Nuclear Regulatory Commission, the Department of Energy, the Department of Defense, and the Department of Homeland Security. The Agency also will provide technical support on priority issues to federal, state, local and tribal radiation, emergency management, solid waste and health programs responsible for implementing radiological emergency response and preparedness programs. The Agency will continue to train and advise on the Protective Action Guidance<sup>100</sup> and use lessons learned from incidents and exercises to ensure the effective delivery of EPA support in coordination with other federal, state, local and tribal authorities.

**Performance Measure Targets:**

<b>(PM RAD2) Percentage of radiation emergency response program personnel and assets that meet functional readiness requirements necessary to support federal radiological emergency response and recovery operation.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	90	92

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$36.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$564.0 / +3.1 FTE) This net program change is an increase that supports efforts to restore EPA's staff expertise, analysis, and capacity in the radiation response program in order to examine and, as needed, revise radiation emergency response plans, protocols, and standards and continue essential planning for preparedness efforts. This investment includes \$565.0 thousand in payroll.

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<sup>100</sup> For additional information, please see: [https://www.epa.gov/sites/production/files/2017-01/documents/epa\\_pag\\_manual\\_final\\_revisions\\_01-11-2017\\_cover\\_disclaimer\\_8.pdf](https://www.epa.gov/sites/production/files/2017-01/documents/epa_pag_manual_final_revisions_01-11-2017_cover_disclaimer_8.pdf).

**Statutory Authority:**

Homeland Security Act of 2002; Atomic Energy Act of 1954; Clean Air Act; Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA); Public Health Service Act (PHSA); Robert T. Stafford Disaster Relief and Emergency Assistance Act; Safe Drinking Water Act (SDWA).

**Reduce Risks from Indoor Air**

Program Area: Indoor Air and Radiation

Goal: Ensure Clean and Healthy Air for All Communities

Objective(s): Reduce Exposure to Radiation and Improve Indoor Air

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$10,968</i></b>	<b><i>\$11,750</i></b>	<b><i>\$23,542</i></b>	<b><i>\$11,792</i></b>
Science & Technology	\$296	\$161	\$173	\$12
Total Budget Authority	\$11,264	\$11,911	\$23,715	\$11,804
Total Workyears	40.8	37.2	68.1	30.9

**Program Project Description:**

Title IV of the Superfund Amendments and Reauthorization Act of 1986 (SARA) authorizes EPA to conduct and coordinate research on indoor air quality, develop and disseminate information, and coordinate risk reduction efforts at the federal, state, and local levels. Poor indoor air quality represents one of the largest risks in EPA’s portfolio.<sup>101</sup> EPA uses a range of strategies to reduce health risks from poor indoor air quality in homes, schools, and other buildings through partnerships with non-governmental, professional, federal, state and local organizations. Through these partnerships EPA provides information, guidance and technical assistance that equips industry, the health care community, the residential, school and commercial building sectors, and the general public to take action. As technical experts working at the intersection of the built environment and health, EPA is focused on policy and guidance to improve building conditions, including for disproportionately impacted communities, to reduce indoor air risk and achieve improvements in environmental and health outcomes.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 4/Objective 4.2, Reduce Exposure to Radiation and Improve Indoor Air in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the Indoor Air Program will include efforts targeted to children, underserved communities and other vulnerable populations, with a particular focus on new demands and opportunities for improvements in ventilation, filtration, and other protective indoor air practices, including those created by the COVID-19 pandemic and wildfire events. EPA will continue to lead on these issues by providing technical assistance and guidance on upgrading public buildings including schools to protect against airborne disease transmission and wildfire smoke exposure and provide guidance to the general public to reduce harmful exposures indoors, emphasizing that these upgrades will be beneficial to not only pandemic preparedness and disaster resilience, but also improved public health in the long-term.

<sup>101</sup> <https://www.epa.gov/iaq>.



Additionally, EPA will collaborate with public and private sector organizations to provide clear and verifiable protocols and specifications for promoting good indoor air quality and support adoption of these protocols and specifications into existing healthy, energy efficiency, and green building programs and initiatives to promote healthy buildings for a changing climate. EPA also will equip the housing sector with guidance to promote the adoption of these best practices with the aim of creating healthier, more energy efficient homes, including for low-income families. EPA also will equip school leaders to make science-based decisions and implement sustainable ventilation, filtration and other indoor air quality improvements for healthy school environments. EPA will build the capacity of community-based organizations to provide comprehensive asthma care that integrates management of indoor environmental asthma triggers and health care services, with a particular focus on low-income, minority, and tribal communities. Through FY 2021, EPA has equipped 1,600 programs to support the infrastructure, delivery, and sustainability of comprehensive asthma care. Through FY 2023, EPA will equip an additional 2,100 programs.

Internationally, EPA will renew support of the household energy sector, providing technical assistance and promoting the adoption of voluntary international stove standards to accelerate adoption of clean cookstoves and fuels, in order to reduce the climate, health, and equity impacts of rudimentary stove use in developing nations. EPA will work with partners to increase the sustained use of clean and efficient cookstoves by helping ensure the distribution of 60 million clean cookstoves worldwide in FY 2023.

**Performance Measure Targets:**

<b>(PM IA) Number of additional programs, annually, equipped to support the infrastructure, delivery and sustainability of comprehensive asthma care.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	1,800	2,100
<b>(PM CS) Millions of demonstrably improved (field or lab tested) cookstoves sold.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	50	60

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$400.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$11,392.0 / +30.9 FTE) This program change is an increase that supports efforts to restore EPA's staff expertise, analysis, and capacity in the indoor air program. Funds also support efforts to address indoor air quality during wildfires, to reduce asthma disparities, to promote healthy school facilities in low-income communities in the U.S., and to address the international climate crisis by improving public health through the adoption of clean cookstoves. This investment includes \$5.606 million in payroll.

**Statutory Authority:**

Title IV of the Superfund Amendments and Reauthorization Act (SARA); Title III Toxic Substances Control Act; Clean Air Act.

## **Information Exchange**

## Children and Other Sensitive Populations: Agency Coordination

Program Area: Information Exchange / Outreach  
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$8,277</b>	<b>\$6,173</b>	<b>\$6,362</b>	<b>\$189</b>
Total Budget Authority	\$8,277	\$6,173	\$6,362	\$189
Total Workyears	18.2	18.4	18.4	0.0

### Program Project Description:

The Children's Health Program coordinates and advances the protection of children's environmental health across the EPA by assisting with developing regulations, improving risk assessment and science policy, implementing community-level outreach and education programs, and tracking indicators of progress on children's health. The Children's Health Program is directed by the *Policy on Evaluating Health Risks to Children*,<sup>102</sup> Executive Order (EO) 13045 *Protection of Children's Health from Environmental Health Risks and Safety Risks*,<sup>103</sup> statutory authorities addressing children's environmental health, and other existing guidance.<sup>104</sup>

In FY 2021, the Children's Health Program supported Pediatric Environmental Health Specialty Units by providing supplemental programming on children's health in Environmental Justice (EJ) communities, particularly during the COVID pandemic;<sup>105</sup> awarded two grants to provide technical assistance to support the improvement of school facilities<sup>106</sup> and announced a new grant opportunity<sup>107</sup> for up to 10 awardees to support healthy school environments with an emphasis on underserved communities; hosted a workshop for public health officials on children's health and wildfire smoke; partnered with Scholastic to host a challenge that reached over 68 percent of middle school teachers and 117,000 student participants regarding stormwater and children's health protection; conducted two plenary meetings of the Children's Health Protection Advisory Committee (CHPAC)<sup>108</sup> to receive advice on healthy school environments and TSCA, and launched a new charge regarding the Consideration of Legally Working Children in Pesticide Exposure Assessments; developed a video to provide basic children's environmental health information; and conducted events and outreach to stakeholders to reinvigorate EPA's presence and voice, among other initiatives.

<sup>102</sup> For more information, please see: <https://www.epa.gov/children/epas-policy-childrens-health>.

<sup>103</sup> For more information, please see: <https://www.govinfo.gov/content/pkg/FR-1997-04-23/pdf/97-10695.pdf>.

<sup>104</sup> For more information, please see: <https://www.epa.gov/children/rules-and-regulations-impact-childrens-health>.

<sup>105</sup> For more information, please see: <https://www.pehsu.net/>.

<sup>106</sup> For more information, please see: <https://www.epa.gov/newsreleases/epa-announces-selection-organizations-receive-funding-healthy-learning-environments>.

<sup>107</sup> For more information, please see: <https://www.epa.gov/newsreleases/epa-announces-request-applications-childrens-healthy-learning-environments-low-income>.

<sup>108</sup> For more information, please see: <https://www.epa.gov/children/childrens-health-protection-advisory-committee-chpac>.

The Children's Health Program has a successful track record of collaboration with non-governmental organizations, state, local and tribal governments, and other federal agencies. To further protection of children in EJ communities, and those affected by climate change, the Program led the steering committee of the President's Task Force on Environmental Health Risks and Safety Risks to Children to prepare for a meeting of cabinet-level principals which was held in early FY 2022 to establish a new subcommittee to focus on children's environmental health, climate change and disasters, and to rejuvenate subcommittees on lead and asthma disparities. Within EPA, the Office of Children's Health Protection (OCHP) collaborates closely with EPA's national program managers and regional offices, as well as EPA's Office of Environmental Justice, to develop effective tools and messages in support of children in underserved communities who disproportionately suffer from adverse environmental exposures, and to advance information and messaging to address health risks to children from climate change.

In FY 2021, the Children's Health Program contributed to the development of approximately 100 regulations, scientific assessments and/or policies, including actions under the Toxic Substances Control Act, Safe Drinking Water Act, Food Quality Protection Act, and Clean Air Act, among others. The Program finalized an update to EPA's *2021 Policy on Children's Health*<sup>109</sup> that considers scientific advances from the past 25 years and broadens scope to encompass the full breadth of activities performed by EPA in support of children, including EJ and climate change; and began formulation of metrics to report on progress. OCHP contributed to the Interagency Policy Councils on Child and Maternal Health to assist their development to all-of-government approaches for protecting children's health in schools and improving maternal health outcomes. OCHP partnered with the Department of Health and Human Services to support the Lead Exposure and Prevention Advisory Committee. OCHP reached stakeholders through nearly 135,000 web impressions, and instituted approaches to better coordinate headquarters and regional children's environmental health activities.

### **FY 2023 Activities and Performance Plan:**

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

Children's environmental health refers to the effect of the environment on children's growth, wellness, development, and risk of disease. EPA strives for all parts of the Agency to apply and promote the use of the best available science, policy, partnerships, communications, and action to protect children from adverse health effects resulting from harmful environmental exposures. In FY 2023, EPA will continue to protect children in underserved communities who suffer disproportionately from the effects of exposures enhanced by socio-economic determinants of health, and to address children's exposures which are exacerbated by climate change. EPA actions will be informed by two important considerations; first, the scientific understanding of childhood as a sequence of life stages, from conception through infancy and adolescence to early adulthood (age 21); and second, the recognition that protecting children's health is necessary to protect human health, because every adult was once a child.

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<sup>109</sup> For additional information, please see: <https://www.epa.gov/system/files/documents/2021-10/2021-policy-on-childrens-health.pdf>.

In FY 2023, the Children’s Health Program will focus on implementing the *2021 Policy on Children’s Health* to ensure that EPA consistently and explicitly considers early life exposures and lifelong health in all human health decisions. The Program will convene the steering committee of President’s Task Force on Environmental Health Risks and Safety Risks to Children to report on progress in the areas of climate change and disasters, childhood lead; asthma disparities; and climate, emergencies and disasters, among other topics. The Program will continue to build on partnerships with key stakeholders and leverage resources and work for durable, nationally relevant improvements in children’s health protection.

In FY 2023, the Program will evaluate and identify follow-up actions to an expected FY 2022 state-of-the-science report by the National Academies of Science, Engineering, and Medicine on the latest scientific advancements on children’s environmental health. The Program also will host a variety of activities to mark Children’s Health Month in October to educate parents, caregivers, teachers, and others on how to better protect children from adverse environmental exposure. The Program will coordinate two meetings of the Children’s Health Protection Advisory Committee, with delivery of expert responses to additional charge questions related to high priority children’s environmental health issues.

**Performance Measure Targets:**

<b>(PM CH01) Percentage of completed EPA actions that concern human health that include assessment and consideration of environmental health information and data for children at all life stages.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	50	70
<b>(PM CH02) Number of EPA regional offices with stakeholder engagement on children’s environmental health designed to provide durable, replicable, and widespread results.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	3	5

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$129.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$60.0) This program change is an increase to provide additional support for existing programs and workforce in the Children’s Health Program. This includes updating and expanding indicators and trends in America’s Children and the Environment by gathering evidence to better represent impacts of environmental exposures on children in underserved communities and by making improvements in the accessibility and presentation of the underlying data.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute); Toxic Substances Control Act (TSCA); Safe Drinking Water Act (SDWA); Comprehensive Environmental Response, Compensation, and

Liability Act (CERCLA); Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); and Food Quality Protection Act (FQPA).

**Environmental Education**

Program Area: Information Exchange / Outreach

Goal: Take Decisive Action to Advance Environmental Justice and Civil Rights

Objective(s): Promote Environmental Justice and Civil Rights at the Federal, Tribal, State and  
Local Levels

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$3,311</i></b>	<b><i>\$8,580</i></b>	<b><i>\$8,668</i></b>	<b><i>\$88</i></b>
Total Budget Authority	\$3,311	\$8,580	\$8,668	\$88
Total Workyears	10.1	9.2	9.2	0.0

**Program Project Description:**

In 1990, the National Environmental Education Act (NEEA) was established with the objective of improving the public's understanding and knowledge of the natural and built environment, enabling people to effectively solve environmental problems. NEEA states that “there is growing evidence of international environmental problems, such as global warming...that pose serious threats to human health and the environment.”<sup>110</sup> The Office of Environmental Education (OEE) has been tasked with implementing environmental education (EE) programming that helps EPA address these issues from the local community to national and international levels with a focus on frontline communities that are pollution-burdened and as well as underserved communities.

EPA’s OEE staff manage the National Environmental Education Act Federal Advisory Committee. Congress established the Agency’s NEEAC under the NEEA, to advise the Administrator on a wide range of environmental education matters.

The Program provides management and technical support to these advisory committees. The Committee provides EPA’s Administrator with independent advice on environmental issues, addresses environmental issues, like climate change, that impact frontline and underserved communities, through education, a commitment to equity, and stakeholder grants authorized by the NEEA. OEE also supports the Agency’s environmental and public health protection goals by empowering communities with expanded access to quality environmental and climate education, providing educational materials for teachers, hosting educational events and, engaging stakeholders through the National Environmental Education and Training Program (teacher training program), the Presidential Environmental Youth Award (PEYA) Program, and the Presidential Innovation Award for Environmental Educators (PIAEE) Program. These programs promote civic action to reduce the impacts of climate change and promote environmental and climate equity through an educational lens.

In FY 2021, OEE recognized 15 educators and 32 students for their leadership and commitment to environmental education and environmental stewardship. In FY 2021, five educators received

<sup>110</sup> For more information, please see: <https://www.epa.gov/sites/production/files/documents/needa.pdf>.



the 2021 PIAEE, and 10 educators were recognized with an honorable mention distinction. Winning educators demonstrated leadership by integrating environmental education into multiple subjects and using topics such as climate change, a healthy school environment, environmentally friendly agriculture practices, human contributions to ocean litter, Science, Technology, Engineering, and Mathematics education, and recycling or school gardens.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 2/Objective 2.1, Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels in the *FY 2022 - 2026 EPA Strategic Plan*.

OEE will implement the teacher training program and regional grant program with a focus on fighting climate change and protecting public health through EE and improved engagement with frontline communities that are pollution-burdened as well as underserved communities.

In FY 2023, OEE will:

- Support career development through education by funding innovative EE grant projects in frontline communities that can lead to inclusive, just, and pollution-free communities and an economy that supports high-quality jobs.
- Create an OEE's grant website tool for the public that provides detailed and valuable information on all OEE regional grants, including information on audience, project format and duration, environmental topic, and the environmental and educational impacts achieved.
- Ensure formal and non-formal educators have the knowledge and teaching skills necessary to help advance environmental and climate literacy in America through the National Environmental Education and Training Program.
- Build strategic partnerships that include underserved and overburdened communities to increase the conversation around using EE as a tool to achieve environmental protection goals while achieving environmental justice (EJ), climate equity, and economic prosperity.
- Ask the National Environmental Education Advisory Council (NEEAC) to provide a set of national recommendations on how frontline and underserved communities can use EE to build capacity to become resilient to the effects of climate change.
- Create public and private partnerships through the National Environmental Education Foundation (NEEF) to develop programs and initiatives that can empower frontline communities to address environmental threats, advance equity, and increase economic prosperity for all.

- Create a whole of federal government approach to environmental and climate education that promotes environmental stewardship and prioritizes equity, inclusion, EJ, and an improved economy. For example, collaborate with the Department of Education to enlist colleges and universities focusing on Minority Serving Institutions to assist underserved communities through student internships, practicums, and capstone projects.
- Utilize an information management system that will track outputs and outcomes for each grant to ensure program effectiveness, improve program efficiency, and improve OEE's overall customer service. The information tracking system also will be used for the PEYA and PIAEE Programs.

**Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$72.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$16.0) This program change is an increase to support building public awareness and knowledge through environmental education on issues such as climate change and environmental justice.

**Statutory Authority:**

National Environmental Education Act (NEEA); Clean Air Act (CAA), § 103; Clean Water Act (CWA), § 104; Solid Waste Disposal Act (SWDA), § 8001; Safe Drinking Water Act (SDWA), § 1442; Toxic Substances Control Act (TSCA), § 10; Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), § 20, and the Federal Advisory Committee Act (FACA).

**Exchange Network**

Program Area: Information Exchange / Outreach  
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$13,713</i></b>	<b><i>\$14,084</i></b>	<b><i>\$14,413</i></b>	<b><i>\$329</i></b>
Hazardous Substance Superfund	\$1,511	\$1,328	\$1,328	\$0
Total Budget Authority	\$15,224	\$15,412	\$15,741	\$329
Total Workyears	28.8	30.2	30.2	0.0

**Program Project Description:**

EPA’s Environmental Information Exchange Network (EN) is a standards-based, secure approach for EPA and its state, tribal, and territorial partners to exchange and share environmental data over the internet. Capitalizing on advanced technology, data standards, open-source software, shared services for EPA’s Digital Strategy, and reusable tools and applications, the EN offers its partners tremendous capabilities for managing and analyzing environmental data more effectively and efficiently, leading to improved decision-making.

The Central Data Exchange (CDX)<sup>111</sup> is the largest component of the EN Program and serves as the point of entry on the EN for environmental data transactions with the Agency. CDX provides a set of core shared services that promote a leaner and more cost-effective service framework for the Agency by avoiding the creation of duplicative applications. It enables faster and more efficient transactions for internal and external EPA clients, resulting in reduced burden.

Working in concert with CDX is EPA’s System of Registries, which is a system of shared data services designed to enhance efficiency, reduce burden on the regulated community, and improve environmental outcomes, including environmental justice. EPA and EN partners routinely reference these shared data registries, from commonly regulated facilities and substances to the current list of federally recognized tribes. They identify the standard or official names for these assets, which, when integrated into EPA and partner applications, foster data consistency and data quality as well as enable data integration.

**FY 2023 Activities and Performance Plan:**

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, EPA will continue to support core functions for the EN information technology (IT) systems. The EN Program will continue to be a pivotal component of EPA’s Digital Strategy that

<sup>111</sup> For more information on the Central Data Exchange, please see: <https://cdx.epa.gov/>.

supports business process change agencywide. Under this strategy and the 21<sup>st</sup> Century Integrated Digital Experience Act,<sup>112</sup> the Agency is streamlining business processes and systems to reduce reporting burden on states and regulated facilities and to improve the effectiveness and efficiency of environmental programs for EPA, states, and tribes. EPA also is responsible for managing EN technical governance groups and administering the pre- and post-award phases of the EN grants to states, tribes, and territories. These efforts support a standards-based, secure approach for EPA and its state, tribal, and territorial partners to efficiently exchange and share environmental data electronically. The Agency also administers and implements the Cross-Media Electronic Reporting Regulation (CROMERR) that removes regulatory obstacles for e-reporting to EPA programs under Title 40 of the Code of Federal Regulations (CFR).

EPA aims to reduce burden and avoid costs while improving IT. The Agency provisioned Virtual Exchange Services (VES), or virtual nodes, to facilitate data transactions supporting states and tribal partners. EPA will continue to carry out the baseline support for the adoption and onboarding of VES and associated services for EPA and its partners. This includes providing a technology framework – shared CROMERR services – which reduces the burden on programs and external reporters by providing CROMERR compliant solutions. For example, the shared electronic identity proofing and signature services for CROMERR supports 31 partner regulatory reporting programs to date. EPA estimates that partners adopting shared CROMERR services save \$120 thousand in development and at least \$30 thousand in operations each year, which results in a cost avoidance of greater than \$2.5 million for EN partners.

In FY 2023, EPA will continue to improve the functionality and use of the System of Registries.<sup>113</sup> In addition to streamlining the Registries, EPA will launch a broader effort across the enterprise to engage organizations and facilitate the adoption of these data services through Cloud technology and Representational State Transfer (REST or RESTful) application programming interfaces (API). Registries are shared data services in which common data are managed centrally but shared broadly. They improve data quality in EPA systems, enable integration and interoperability of data across program silos, and facilitate discovery of EPA information. An example of the Agency's effort to promote the adoption of data services is the integration of the tribal identification services (TRIBES) across EPA systems.

In FY 2023, EPA will continue implementing a solution related to shared facility identification information. Centralized facility management also is fundamental to better environmental management by bringing together EPA data across programmatic silos. Like facility data, substance information also is regulated across EPA programs, with many EPA programs relying on the Substance Registry Service (SRS) to improve data quality and reduce burden.

EPA tracks the number of registry webpages, users, and web service hits as one measure of usage. For example, the SRS website is visited by approximately 60 thousand users per month; many of these users visit SRS to understand regulatory information about chemicals. SRS also receives between 20 thousand and 140 thousand web service hits per month (depending on reporting cycles), mostly by EPA systems that have incorporated the web services into their online reporting

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<sup>112</sup> For more information on the 21<sup>st</sup> Century Integrated Digital Experience Act, please refer to: <https://www.congress.gov/115/plaws/publ336/PLAW-115publ336.pdf>.

<sup>113</sup> For more information, please see: [https://ofmpub.epa.gov/sor\\_internet/registry/sysofreg/about/about.jsp](https://ofmpub.epa.gov/sor_internet/registry/sysofreg/about/about.jsp).

forms. Priorities for EPA registries include improving registry technologies by moving them into an open-source platform, so they are cloud-ready.

In FY 2023, EPA will migrate TRIBES, SRS, and the Registry of EPA Applications, Models and Data Warehouses (READ) to a cloud-based open-source platform. EPA will continue to expand the number of EPA and partner systems that integrate registry services into their online reports and systems, reducing burden and improving data quality. This includes updating EPA's dataset registry to allow EPA scientists, external partners, and others to share information and make information easier to find in the cloud.

In FY 2023, EPA will continue to work with the Department of Homeland Security's Customs and Border Protection (CBP) to maintain, utilize, and improve systems to facilitate the import and export of legitimate goods and leverage big data and artificial intelligence tools to identify and prevent or stop illegal goods from entering or leaving the United States. EPA supports over 20 data exchange types within EPA and with CBP to automate and streamline over 8 million annual import and export filings. This automation is essential for managing a significantly increasing number of imports and exports (*e.g.*, due in large part to e-Commerce) and allows coordinators/officers to focus on compliance monitoring and key high-value targeting activities for non-compliant imports and exports, and to better coordinate with CBP.

**Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$329.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. This change also includes program increases for the Exchange Network Program to support environmental data sharing among EPA, state, tribes, and territories.

**Statutory Authority:**

Federal Information Security Management Act (FISMA); Clean Air Act (CAA); Clean Water Act (CWA); Toxic Substances Control Act (TSCA); Federal Insecticide Fungicide and Rodenticide Act (FIFRA); Resource Conservation and Recovery Act (RCRA); Government Performance and Results Act (GPRA); Government Management Reform Act (GMRA); Clinger-Cohen Act (CCA).

**Executive Management and Operations**

Program Area: Information Exchange / Outreach  
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$48,837</i></b>	<b><i>\$46,836</i></b>	<b><i>\$63,256</i></b>	<b><i>\$16,420</i></b>
Total Budget Authority	\$48,837	\$46,836	\$63,256	\$16,420
Total Workyears	263.6	272.1	309.1	37.0

Total workyears in FY 2023 include 6.2 FTE to support Executive Management and Operations working capital fund (WCF) services.

**Program Project Description:**

The Executive Management and Operations Program supports various offices that provide direct executive and logistical support to EPA’s Administrator. In addition to the Administrator’s Immediate Office (IO), the Program supports the Office of Congressional and Intergovernmental Relations (OCIR), Office of Administrative and Executive Services (OAES), Office of the Executive Secretariat (OEX), the Office of Public Affairs (OPA), and the Office of Public Engagement and Environmental Education (OPEEE).

The Program also supports EPA’s 10 regions. The Program’s management, coordination, and policy activities link the Agency’s engagement with outside entities, including Congress, state and local governments, tribes, nongovernmental organizations, national and community associations, and the public.

Within the Program, key functions include responding to congressional requests for information; coordinating and providing outreach to state and local governments, tribes, and rural communities; and supporting press and other communications activities. The Program also resources mission support functions, including but not limited to administrative management services involving correspondence control and records management systems, human resources management, budget formulation and execution, outsourcing, and information technology management services.

**FY 2023 Activities and Performance Plan:**

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the Agency requests an additional \$16.4 million to support engagement with state and local partners, enhance training of healthcare providers in underserved communities on the prevention, diagnosis, management, and treatment of children’s exposure to lead, implement and strengthen the Agency’s ability to carry out effective risk communication, restore core capacity to the Executive Management and Operations Program, provide contract support for the Agency’s

management operations and multi-media and risk communications, and support evidence building activities in support of the Foundations for Evidence-Based Policymaking Act of 2018.

OCIR serves as EPA's principal point of contact for Congress, regions, states, and local governments and as the coordination point for interaction with other agency offices and officials. OCIR is comprised of two main components: the Office of Congressional Affairs (OCA) and Office of Intergovernmental Relations (OIR). OCA facilitates all legislative activity and interactions with Congress. OIR manages interactions with state and local governments and serves as the liaison for the Agency with national associations for state and local officials.

In FY 2023, OCA will continue to prepare EPA officials for hearings, oversee responses to written inquiries and oversight requests from members of Congress, and coordinate and provide technical assistance and briefings on legislative areas of interest to members of Congress and their staff.

In FY 2023, OIR will continue to inform and consult with state and local governments on regulations and other EPA activities. Additionally, OIR will continue to lead the Agency's efforts to support and build partnerships with the states, local governments, and tribes on environmental priorities through regular engagements with intergovernmental associations and state and local officials, as well as through the National Environmental Performance Partnership System and the increased use of Performance Partnership Agreements and Grants with a focus on addressing climate change and ensuring underserved communities are considered throughout the process. OIR also will continue to operate its Local Government Advisory Committee and Small Communities Advisory Subcommittee, which provide critical advice to the Administrator.

In addition, OCIR will continue to regularly review and evaluate its processes for responding to congressional and intergovernmental correspondence and Freedom of Information Act (FOIA) requests; prepare for hearings or briefings; provide technical assistance; and coordinate with EPA's program offices, regional offices, states, local officials, and associations. In addition, the Agency requests an additional \$2.45 million to support EPA's implementation of the Foundations for Evidence-Based Policymaking Act of 2018. OCIR's activities supporting the Grant Commitments Met learning priority area in EPA's Learning Agenda, will include conducting reviews of select agency grant programs to learn if the commitments established and met are achieving the intended environmental results, and provide recommendations, as appropriate, to inform future grants management.

OPA facilitates the exchange of information between EPA and the public, media, Congress, and state and local governments; broadly communicates EPA's mission; assists in public awareness of environmental issues; and informs EPA employees of important issues that affect them. Annually, OPA issues nearly 1,500 press releases; responds to approximately 8,000 media inquiries; and oversees more than 150 audio-visual productions, 500 graphic productions, 2,700 event photographs, and 40 portraits. In addition, in terms of digital media, OPA receives over 160 million impressions on the internet, including [www.epa.gov](http://www.epa.gov) and EPA social media accounts, and posts nearly 100 unique EPA homepage internet news banners. Also, to facilitate communications with EPA employees nationwide, OPA annually posts over 200 intranet banners; issues 48 issues of a weekly e-newsletter - *This Week @ EPA* - with a total of 240 articles; and sends more than 100 agencywide employee Mass Mailers from EPA's Administrator, Deputy Administrator, and other

senior leaders. In FY 2023, OPA will continue to inform the media of agency initiatives and deliver timely, accurate information. The Office will continue to update the Agency's internet site to provide stakeholders with transparent, accurate, and comprehensive information on EPA's activities and policies. OPA will continue using social media, multimedia, and new media tools to provide stakeholders with information. The Office also will work with EPA's programs and regional offices to improve employee communication; external communication on relevant environmental and human health risks; collaboration and engagement with internal and external stakeholders; updates to the Agency's intranet site; and the use of other communication tools.

OPA also is responsible for ensuring that EPA carries out effective risk communication by sharing critical information on how we are addressing human health and environmental risks with the American public, communities, public officials, and other stakeholders in a way that it is tailored to their needs, reaching a wide audience, and providing meaningful actions they can take to reduce risk. This is integral to most of the work done across the Agency's offices and regions and is essential to carrying out EPA's mission of protecting human health and the environment.

Currently, we are working to ensure that risk communicators at the Agency are connected to best practices from the field, high quality training opportunities, and agencywide efforts underway to improve risk communication. Further, EPA regularly faces intractable risk communication issues that often need sustained focus by highly trained staff who can apply evidence-based practices. Addressing these issues and meeting the challenges of the future requires creating sustained culture change, building agency knowledge and a robust community of practice, and developing strong relationships with the academic community and our federal, state, and tribal partners.

In FY 2023, the Agency will continue to strengthen EPA's ability to carry out effective and consistent risk communication and position the Agency to meet the risk communication challenges of the future by:

- (1) Significantly expanding training across the Agency and with its partners, to create a community of practice and increase staff knowledge in a meaningful and sustainable way. This will increase the number of staff at the Agency and among partners who are using the same best practices in their risk communication efforts while at the same time building a network of staff located across all regions and offices who are well-positioned to share their risk communication expertise.
- (2) Launching an internal risk communication fellowship program to increase EPA's progress on the most difficult risk communication issues. The fellowship program will be open to EPA employees and will provide 10 weeks of intensive risk communication study and training followed by 10 to 13 weeks of applying the knowledge gained to an intractable risk communication problem facing the home office or region.
- (3) Developing academic partnerships to study EPA's risk communication challenges and improve the Agency's reliance on evidence-based practices. This includes increasing research partnerships to develop a research portfolio with the explicit goal of studying EPA-relevant risk communication questions, and then translating findings into usable tools, applications, and best practices for use across the Agency.



In FY 2022, the President’s Task Force on Environmental Health Risks and Safety Risks met, and the Lead Subcommittee focused on the next generation all of government approach to reducing exposures to lead, asthma disparities and addressing climate change, disasters and emergencies. There is an opportunity to improve the environmental education and training of healthcare providers and medical professionals in identifying and communicating the causes and impacts of childhood lead exposure in underserved communities in an effort to prevent and reduce exposures. The Agency requests an additional \$5.49 million for these efforts. EPA will work with healthcare providers and families to address this problem directly to prevent and reduce exposure to lead. To further support the Administration’s Lead Exposure Reduction Initiative, and in coordination with EPA’s program and regional offices, in FY 2023, the Agency will continue to lead ongoing efforts to: 1) strengthen EPA’s communications with the public on the risks of lead exposure by working with external leaders in the field to build upon the way the Agency conducts its outreach; and 2) leverage EPA’s existing relationship with Pediatric Environmental Health Specialty Units (PEHSUs)<sup>114</sup> to enhance and support training of healthcare providers in underserved communities to prevent and reduce children’s exposure to lead.

There are several unique risk communication challenges regarding lead, but also unique assets for the Agency to deploy to reduce risk to the American public—especially to children. Lead exposure to children can result from multiple sources and can cause irreversible and life-long health effects. There is no level of lead exposure which is safe. This means that anything the Agency can do to reduce exposure and lower children’s blood lead levels will lead to significant improvements in public health and brighter, more productive futures for America’s children. In FY 2023, EPA will facilitate interagency coordination under the auspices of the Lead Exposures Subcommittee of the Presidential Task Force on Environmental Health Risks and Safety Risks to Children around childhood lead exposures and related effects, including research activities and sharing information with the public, to better understand and prevent disease and disability. The specific goals for FY 2023 include: recommending coordinated federal strategies to prevent lead exposure and associated effects; disseminating information to diverse audiences, including policy makers, health care providers, the general public, and other stakeholders; and coordinating and disseminating an inventory of federal actions to reduce childhood lead exposures.

Activities related to enhancing training of healthcare providers in underserved communities will include expanding ongoing PEHSU activities with an increased focus on enhancing the education provided to medical professionals on how to identify causes and impacts of childhood lead exposure; and working with health care providers and families to address this problem directly in an effort to prevent and reduce exposure to lead.

As the central mission support administrative management component of the Administrator’s Office (AO), the OAES provides advice, tools, and assistance to the AO’s programmatic operations across 11 offices. In FY 2023, OAES will continue to conduct the following mission support functions: human resources management, budget and financial management, information

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<sup>114</sup> Pediatric Environmental Health Specialty Units (<https://www.pehsu.net/>) provide expert information, training and consultation for health care professionals and the public on evidence-based prevention, diagnosis, management, and treatment of children’s environmental health conditions. The PEHSU Program increases the ability of the general public to take simple steps to reduce harmful exposures by raising awareness among parents, school officials and community leaders.

technology and security, outsourcing, facilities management, and Government Accountability Office/Office of the Inspector General audit management.

In FY 2023, OEX will continue to provide critical administrative support to the Administrator, Deputy Administrator, Chief of Staff, senior agency officials, and staff to comply with the statutory and regulatory requirements under the Federal Records Act, FOIA, Plain Writing Act, and related statutes and regulations. OEX will continue to manage the AO's correspondence management, records management, Privacy Act implementation, and FOIA response activities. In FY 2022, the Office deployed a new enterprise correspondence tracking and workflow management application that is used by all EPA programs, regions, and labs. The application replaced the legacy Correspondence Management System, which provided paperless workflow, tracking and records management capabilities to agency staff since FY 2004. The new application seamlessly integrates with current information technology platforms, including Microsoft Outlook and Office, and will offer increased functionality and ease of use.

OEX also will revise EPA's Correspondence Manual (Publication 1322) to reflect current best practices, update stylistic and grammatical policies, and improve communications using plain language and gender inclusivity. The effort will include consultations with EPA's programs and regions as well as close coordination with the Office of Public Affairs.

Other OEX responsibilities include processing correspondence for the Administrator and Deputy Administrator; reviewing and preparing documents for their signature; managing the Administrator's primary email account; serving as custodian of the Administrator's, Deputy Administrator's, and IO senior officials' records; overseeing the records management program for all AO staff offices; and reviewing and issuing ethics determinations for gifts received by the Administrator and Deputy Administrator. OEX also manages the privacy program for the AO and monitors, reviews, and audits AO systems of records. Finally, OEX manages FOIA-related operations for the AO and responds to all requests for records held by any of the AO's five associate administrator offices, six staff offices, and the Immediate Office of the Administrator. OEX closed 414 FOIA requests in FY 2021 and has succeeded in reducing its backlog of open requests from 730 at the beginning of the fiscal year to 668. The pace of incoming requests remained high during the Presidential transition, with nearly 300 new requests, many of which are complex and seek significant volumes of records.

In FY 2023, OPEEE will continue providing advice to the Administrator and senior staff on activities surrounding different stakeholder groups, including generating and distributing outreach plans for most regulatory actions. Such plans often include meeting regularly with stakeholder groups to communicate the Administration's agenda at EPA; providing advance notification communications to relevant stakeholder groups on upcoming regulatory actions; facilitating in-state visits by the Administrator and/or senior staff to collect regulatory feedback; communicating key dates to stakeholders pertaining to opportunities to comment on EPA rulemakings; and organizing conference calls on regulatory topics with impacted stakeholders.

#### **Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$3,071.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$5,490.0 / +20.0 FTE) This program change is an increase to support engagement with state and local partners, enhanced training of healthcare providers in underserved communities on the prevention, diagnosis, management, and treatment of children's exposure to lead, and increased funding to implement and strengthen the Agency's ability to carry out effective risk communication. This investment includes \$3.6 million in payroll.
- (+\$5,409.0 / +9.0 FTE) This program change is an increase to restore core capacity to the Executive Management and Operations Program and provide contract support for the Agency's management operations and multi-media and risk communications. This investment includes \$1.6 million in payroll.
- (+\$2,450.0 / +8.0 FTE) This program change is an increase to support evidence building activities in support of the Foundations for Evidence-Based Policymaking Act of 2018. This investment includes \$1.4 million in payroll.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute); Environmental Research, Development, and Demonstration Authorization Act (ERDDAA).

## Small Business Ombudsman

Program Area: Information Exchange / Outreach  
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$1,250</i></b>	<b><i>\$1,778</i></b>	<b><i>\$2,183</i></b>	<b><i>\$405</i></b>
Total Budget Authority	\$1,250	\$1,778	\$2,183	\$405
Total Workyears	3.3	4.6	5.6	1.0

### Program Project Description:

The Small Business Ombudsman Program includes the Asbestos and Small Business Ombudsman (ASBO),<sup>115</sup> housed within the Office of Small and Disadvantaged Business Utilization (OSDBU). It also includes the Small Business Advocacy Chair and other small business activities located in the Office of Policy's Office of Regulatory Policy and Management.<sup>116</sup> The Program provides a comprehensive suite of resources, networks, engagement opportunities for training and advocacy on behalf of small businesses, and leads EPA's implementation of the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act.

The ASBO Program operates through two roles: EPA's Asbestos Ombudsman and EPA's Small Business Ombudsman. The Asbestos Ombudsman role services a toll-free hotline, functioning as an informational liaison and guide in responding to asbestos-related questions and concerns. The Small Business Ombudsman role provides informal guidance and support in regulatory compliance assistance for small business in the rulemaking process. The ASBO Program advocates and partners with a variety of internal and external stakeholders, including EPA programs and regional offices, State Small Business Environmental Assistance Programs (SBEAPs),<sup>117</sup> the U.S. Small Business Administration's Office of Advocacy, and Office of the National Ombudsman, as well as numerous local and national small business trade associations. ASBO's partnerships help advocate for the small business perspective, serving as a conduit of information, and offering a distinct perspective to help achieve better regulatory compliance and improved environmental outcomes.

Overall, the core functions of the ASBO include: providing access to information, training and resources that may assist small businesses in complying with EPA regulations; assisting EPA's program offices with analysis and consideration of their regulatory impacts on small businesses; supporting small entity engagement activities in evaluating upcoming environmental rules; ensuring oversight of EPA's asbestos and small business assistance programs; and serving as an informational liaison to the public and small business by operating the ASBO hotline. Based on

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<sup>115</sup> For more information, please see: <https://www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman>.

<sup>116</sup> For more information, please see: <https://www.epa.gov/aboutepa/about-office-policy-op#ORPM>.

<sup>117</sup> For more information, please see: <https://nationalsbeap.org/>.

the Agency’s overall small business regulatory and environmental compliance assistance efforts, EPA has earned a grade of “A” in the last 15 Small Business Administration (SBA) Office of the National Ombudsman Annual Reports to Congress.<sup>118</sup>

### **FY 2023 Activities and Performance Plan:**

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

Consistent with EPA’s priorities for addressing climate change, equity, and Environmental Justice (EJ) in FY 2023, the ASBO will:

- Finalize and launch a new strategy to better leverage the ASBO’s statutory monitoring and reporting responsibilities to achieve mission outcomes. Under the 1986 Asbestos Hazard Emergency Response Act (AHERA) (15 U.S.C. §2641-2656) and the 1990 Clean Air Act (CAA) Amendments, Small Business Stationary Source Technical and Environmental Compliance Assistance Program (42 U.S.C. §7661f), the ASBO is required to monitor and report on the effectiveness of EPA’s asbestos and small business compliance assistance programs. The ASBO’s monitoring and reporting strategy will provide an efficient and effective process for collecting and analyzing program performance, as well as assist in developing findings and value-added recommendations to ensure program effectiveness. The new strategy’s more agile and program centric monitoring and reporting approach will help expand public access to asbestos-related information, strengthen collaboration with state SBEAP providers, and enhance support to small entities to improve their environmental performance and compliance.
- Enhance the engagement of SBEAP stakeholders in EPA’s EJ efforts. The National SBEAPs recently developed an Environmental Justice Subcommittee that is aimed at supporting the implementation of *Executive Order (EO) 14008 Tackling the Climate Crisis at Home and Abroad*.<sup>119</sup> In FY 2023, the ASBO will support the EJ Subcommittee’s efforts through the ASBO’s five-year cooperative agreement, providing expanded training, technical assistance, and other EJ related activities to fully engage with small businesses located or operating within EJ communities. Through the cooperative agreement, the ASBO also will continue enhancing the newly updated [www.nationalsbeap.org](http://www.nationalsbeap.org) website, including expanding the dedicated foreign language page for non-English speaking small businesses to access environmental assistance resources.
- Continue to strengthen access to environmental compliance assistance resources and stakeholder collaboration through direct hotline assistance and small business outreach or engagement activities designed to assist overburdened and marginalized small business stakeholders. The Program will continue to support EPA program and regional office communication with small businesses by developing compliance assistance best practice tools and resources tailored to the unique needs of small businesses. Resources will include

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<sup>118</sup> For more information, please see: [https://www.sba.gov/sites/default/files/2021-01/SBA\\_Annual\\_Report\\_2019-508.pdf](https://www.sba.gov/sites/default/files/2021-01/SBA_Annual_Report_2019-508.pdf)

<sup>119</sup> For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>

templates for compliance assistance guides, fact sheets, FAQs, webinar and training announcements, and other targeted small business communication tools. Additionally, the ASBO will procure subscription services that will improve and expand its monthly newsletter distribution and communication to the small business community.

- Foster stronger partnerships with ASBO stakeholders, including state compliance assistance programs, small business trade associations, and other EPA regional offices to increase collaboration with underserved communities. To best support this engagement in accordance with EO 13985,<sup>120</sup> the ASBO will offer EPA rule writers professional coordination and facilitated engagement support services to allow for early listening and collaboration for specialized consideration and attention to the interests of small and disadvantaged businesses.
- Enhance underserved community engagement through the ASBO's newly expanded cooperative agreement for the National Small Business Environmental Assistance Program, which facilitates state and national collaboration on small businesses environmental assistance services. This ASBO-funded cooperative agreement will support the expansion of the National SBEAP website<sup>121</sup> and other collaboration tools, including a new compliance assistance web-resource, dedicated to non-English speaking small businesses to ensure that environmental assistance resources are available and understood by those traditionally underserved. Additionally, the cooperative agreement will allow for financial support in hosting and managing compliance assistance training events to better collaborate with the states.
- Implement a new ombudsman monitoring and reporting process to comply with both the Asbestos Ombudsman's and Small Business Ombudsman's statutory requirements. A new, less burdensome, and more agile data collection mechanism will be deployed to help monitor and periodically report on the effectiveness of the asbestos hotline services and the small business environmental assistance programs under the 1990 CAA Amendments.
- Convene multiple Small Business Advocacy Review Panels to inform the development of EPA rules, particularly those undertaken pursuant to the revised Toxic Substances Control Act (TSCA). Revised TSCA requirements have resulted in a considerable increase in the number of Small Business Advocacy Review Panels being initiated by the Agency.

### **Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

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<sup>120</sup> For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>

<sup>121</sup> For more information, please see: [www.nationalsbeap.org](http://www.nationalsbeap.org).

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$38.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$367.0 / +1.0 FTE) This program increase will support core operations in EPA's Small Business Ombudsman Program. This investment includes \$193.0 thousand in payroll.

**Statutory Authority:**

Asbestos Hazard Emergency Response Act (AHERA), 1986 (adding Title II to the Toxic Substances Control Act (TSCA)) (15 U.S.C. §2641-2656); Clean Air Act, Title 5, Section 507; Small Business Stationary Source Technical and Environmental Compliance Assistance Program (42 U.S.C. §7661f); Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. 104-121, as amended by Pub. L. 110-28; Small Business Paperwork Relief Act, 44 U.S.C. 35; 42 U.S.C. § 7661f; and 15 U.S.C. §§ 2641-2656.

**Small Minority Business Assistance**

Program Area: Information Exchange / Outreach  
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$1,756</i></b>	<b><i>\$1,680</i></b>	<b><i>\$1,935</i></b>	<b><i>\$255</i></b>
Total Budget Authority	\$1,756	\$1,680	\$1,935	\$255
Total Workyears	8.5	7.6	7.6	0.0

**Program Project Description:**

EPA’s Office of Small and Disadvantaged Business Utilization (OSDBU) manages the Agency’s Small Business Contracting Program mandated under Section 15(k) of the Small Business Act, 15 U.S.C. § 644(k). As prescribed under that section, the Program provides expertise in ensuring small business prime and subcontracting opportunities to help promote procurement equity and expand EPA’s competitive supplier base in carrying out the Agency’s mission. Under the Program, OSDBU provides EPA’s contracting community statutorily required counseling and training on all aspects of governing small business requirements throughout the federal acquisition cycle. It also engages in statutorily mandated advocacy on behalf of the various categories of small businesses, including disadvantaged businesses; small businesses located in Historically Underutilized Business Zones (HUBZones); service-disabled veteran-owned small businesses (SDVOSBs); and women-owned small businesses (WOSBs). In accordance with Section 15(k), OSDBU further hosts or participates in an average of one small business outreach and training conference each month, providing needed technical assistance to hundreds of small and disadvantaged businesses across the country.

In implementing the statutory responsibilities required under Section 15(k), OSDBU reviews acquisition strategies to maximize small business prime and subcontracting opportunities; provides expertise in conducting market research for EPA acquisitions; performs contract bundling reviews to avoid unnecessary or unjustified limitations on small business utilization; reviews purchase card transactions within the statutory threshold; and evaluates large prime contractor subcontracting plans. In addition, OSDBU assists in the coordination of unsolicited proposals for agency acquisitions and in the resolution of small business payment issues under EPA acquisitions. It further provides a broad range of training, outreach, and technical assistance to new and prospective small business contract awardees. Historically, data reported in the Federal Procurement Data Systems (FPDS) indicates that the EPA awards an average of 40 percent of total acquisition dollars to small businesses annually – far exceeding the government-wide goal of 23 percent. Based on the Agency’s record of excellence in affording small business contracting opportunities, the EPA is one of a handful of federal agencies that has earned an “A” on the last 12 Small Business Procurement Scorecards administered by the U.S. Small Business Administration (SBA).<sup>122</sup>

<sup>122</sup> For more information, please see: <https://www.sba.gov/sites/default/files/2021-07/EPA-508.pdf>.



## **FY 2023 Activities and Performance Plan:**

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

Consistent with EPA's priorities to advance Environmental Justice (EJ) and support to underserved communities, and to expand the country's domestic markets and capabilities, in FY 2023, the Program will:

- Develop a more targeted and data-driven outreach strategy to diversify the Agency's supplier base and optimize opportunities for socially and economically disadvantaged businesses. In FY 2023, OSDBU will build on its successful deployment of a new electronic vendor profile database to serve as a central repository of small businesses registered as ready, willing, and able to do business with EPA. OSDBU will continue efforts to expand the number of qualified small business vendors registered in the database. It will further customize the database and develop processes, procedures, and training for its utilization across EPA. The database will be used as a tool to match available socioeconomic sources and solutions with EPA procurement opportunities and outreach activities. This will include procedures for efficient and effective electronic dissemination of procurement and outreach information and a searchable functionality by EPA common spend categories. Additionally, OSDBU will develop a user guide and market the database to the broader federal contractor community to facilitate their identification of small and disadvantaged businesses for potential teaming and formal Mentor Protégé arrangements to perform EPA contract requirements. This will help the Agency and the contractor community maintain and connect with a diverse and robust small business vendor base capable of meeting the Agency's mission needs. It also will leverage technology to simplify market research and acquisition planning, thereby reducing the procurement action lead time.
- Partner with program offices to develop strategies for enhancing socioeconomic small business utilization in targeted categories of acquisitions through a combination of specifically tailored market research and leveraging of EPA technology solutions, such as the Cleanups in My Community (CIMC) Map and EJ Screening Tool. This will enable EPA to better leverage acquisition as a catalyst for advancing equity and economic development in marginalized communities.
- Expand EPA online acquisition resources and tools to provide technical assistance and support to small and disadvantaged businesses. EPA's procurement equity assessment and related industry listening sessions conducted in connection with Executive Order (EO) 13985,<sup>123</sup> and the subsequent Biden-Harris Administration Fact Sheet<sup>124</sup> issued on June 1, 2021, confirmed that small and disadvantaged businesses face unique challenges in navigating the federal acquisition landscape and accessing information on procurement

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<sup>123</sup> For more information please see: <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

<sup>124</sup> For more information please see: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/01/fact-sheet-biden-harris-administration-announces-new-actions-to-build-black-wealth-and-narrow-the-racial-wealth-gap/>.

opportunities. To address those inequities, in FY 2023, OSDBU will enhance its public-facing website to provide value-added resources and tools to assist small businesses in doing business with EPA. The resources will consist of a range of technical assistance tools that will meet small and disadvantaged businesses where they are. Collectively, they will provide maximum flexibility for underserved communities and business owners to easily access and navigate the information at any time, and will include video training and messaging, guides, fact sheets, information on procurement opportunities, and relevant links that extend OSDBU’s social media footprint. This will assist in leveling the playing field by connecting new and emerging federal contractors with information they need to improve their understanding of the federal marketplace and their competitiveness to win awards.

- Revamp the mechanism for requesting and conducting the required OSDBU review of EPA acquisitions above the Simplified Acquisition Threshold of \$250,000. In accordance with 15 U.S.C. § 644(k), this review is critical to verify that agency acquisitions are not unduly restrictive and that they provide the maximum practicable opportunity for small business participation. EPA conducted a procurement equity assessment following EO 13985 and identified the complexity of the federal acquisition process as a barrier to increasing small business utilization in federal acquisitions. In FY 2021, OSDBU instituted a new quarterly eLearning Power Hour to provide targeted training and education to the EPA acquisition community. In an effort to simplify the application of governing small business contracting requirements in structuring procurements, in FY 2023, OSDBU will launch a new fillable electronic form to guide and document the consideration of small business solutions in structuring EPA acquisitions. The new form will incorporate a streamlined decision tree, with guided logic to ensure contracting and program official compliance with governing requirements. It also will simplify OSDBU’s review to ensure the maximum practicable small business opportunities in accordance with applicable law and Administration priorities.
- Expand EPA outreach activities to promote mentoring and teaming opportunities for new and less experienced small business contractors. Many small businesses have long complained that their lack of an extensive past performance record as a federal prime contractor effectively forecloses their ability to successfully compete for federal prime contracts. In FY 2023, OSDBU will develop and conduct targeted outreach activities to connect small business vendors with more seasoned contractors to enhance their experience, capabilities, and past performance record. The outreach will help build a diverse pipeline of small and disadvantaged business contractors by facilitating opportunities for teaming relationships through joint ventures, subcontracts, and the SBA All Small Mentor Protégé Program.

**Performance Measure Targets:**

<b>(PM SB1) Percentage of EPA contract spending awarded to HUBZone businesses.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	3	3.2

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$199.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$56.0) This program change increases resources to help promote procurement equity through the Agency's Small Business Contracting Program.

**Statutory Authority:**

15 U.S.C § 644(k).

**State and Local Prevention and Preparedness**

Program Area: Information Exchange / Outreach

Goal: Safeguard and Revitalize Communities

Objective(s): Prepare for and Respond to Environmental Emergencies

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$13,402</i></b>	<b><i>\$13,736</i></b>	<b><i>\$22,908</i></b>	<b><i>\$9,172</i></b>
Total Budget Authority	\$13,402	\$13,736	\$22,908	\$9,172
Total Workyears	60.7	63.1	93.1	30.0

**Program Project Description:**

The State and Local Prevention and Preparedness Program establishes a structure composed of federal, state, local, and tribal partners who work together with industry to protect emergency responders, local communities, facility workers, the environment, and property from chemical accident risks through accident prevention and emergency response programs, community and facility engagement, and improved safety systems. This framework provides the foundation for community and facility chemical hazard response planning, and reduction of risk posed by chemical facilities.

Under Section 112(r) of the 1990 Clean Air Act (CAA) Amendments, chemical facilities that store more than a threshold quantity of listed extremely hazardous substances are required to implement a Risk Management Plan (RMP) program. These facilities, known as RMP facilities, take preventive measures, report data, mitigate and/or respond to chemical releases, and work with communities, response, and planning groups to increase understanding of risks.<sup>125</sup>

The Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 was enacted to help communities plan for chemical emergencies and to inform the public about chemicals in their community. Under EPCRA, facilities are required to report about the chemicals they produce, use, and store to state and local governments. States, tribes, and local governments use this information to prepare communities for potential chemical releases from these facilities through the development of local emergency response plans.<sup>126</sup>

Under Section 311(j)(5) of the Clean Water Act (CWA), EPA is required to issue regulations requiring certain facilities to develop plans to respond to worst case discharges of hazardous substances that could threaten navigable waters.

<sup>125</sup> For additional information, please refer to: <https://www.epa.gov/rmp>.

<sup>126</sup> For additional information, please refer to: <https://www.epa.gov/epcra>.

## **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 6/Objective 6.3, Prepare for and Respond to Environmental Emergencies in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the State and Local Prevention and Preparedness Program will perform the following activities:

- Support inspection of RMP and EPCRA facilities to ensure compliance with accident prevention and preparedness regulations and work with chemical facilities to reduce chemical risks and improve safety. There are approximately 12,000 chemical facilities that are subject to the RMP regulations. Of these, approximately 1,800 facilities have been designated as high-risk based upon their accident history, quantity of on-site dangerous chemicals stored, and proximity to large residential populations.<sup>127</sup> EPA prioritizes inspections at high-risk facilities. Using the additional funding and FTE provided for FY 2023, the Program will conduct an additional 150-200 inspections and provide compliance assistance at RMP and EPCRA-regulated facilities, checking measures to prevent chemical accidents. EPA will focus on high-risk facilities located in communities with environmental justice concerns and communities with increased climate-related risks (*e.g.*, extreme weather, flooding, wildfires, *etc.*).
- Protect fence-line communities through regulatory updates and increased outreach, compliance assistance, and inspections at regulated facilities, thereby reducing risks to human health and the environment by decreasing the likelihood and impacts of chemical accidents. EPA requests \$8.2 million and 30.0 FTE to support these efforts in this program.
- Provide basic and advanced RMP and EPCRA inspector training for federal and state inspectors.
- Maintain and upgrade the RMP national database, which is the Nation's premier source of information on chemical process risks and contains hazard information on all RMP facilities. Industry electronically submits updated RMPs to this secure database. Using additional funding requested in FY 2023, EPA will initiate improvements to the RMP national database to accommodate new risk management plan submission elements resulting from ongoing regulatory changes and provide increased public access to non-sensitive portions of the RMP database and resulting analytics.
- Develop updates to the Computer-Aided Management of Emergency Operations (CAMEO) software suite (*i.e.*, the CAMEO Chemicals, CAMEO $_{fm}$ , Areal Locations of Hazardous Atmospheres and Mapping Application for Response, Planning, and Local Operational Tasks applications), which provides free and publicly available information for firefighting, first aid, emergency planning, and spill response activities.

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<sup>127</sup> Located in the EPA RMP database.

- In accordance with the direction in Executive Order 13990: *Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis*,<sup>128</sup> continue the Agency’s review of the final RMP Reconsideration rule (84 FR 69834) and publish proposed and final rules to rescind or revise the action and address Administration priorities on environmental justice and climate change.
- Under Section 311(j)(5) of the CWA, EPA will develop regulations requiring certain facilities to develop plans for responding to a worst-case discharge, or to a substantial threat of such a discharge, of CWA-listed hazardous substances.
- Conduct outreach to regulated industry concerning changes or updates to RMP and EPCRA regulations and interpretive guidance.

**Performance Measure Targets:**

Work under this program directly supports performance results in the Superfund: EPA Emergency Preparedness program under the Superfund appropriation.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$464.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$8,208.0 / +30.0 FTE) This program change is an increase to support a multi-pronged approach to protect fence-line communities at risk from nearby chemical facilities, including providing increased outreach and inspections at regulated facilities to ensure facilities have measures in place to prevent chemical accidents. This investment includes \$4.96 million in payroll.
- (+\$500.0) This program increase is to upgrade and to support operations and maintenance of the existing RMP database.

**Statutory Authority:**

The Emergency Planning and Community Right-to-Know Act (EPCRA); the Clean Air Act (CAA) § 112(r); Clean Water Act (CWA) § 311(j)(5).

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<sup>128</sup> For additional information, please refer to: <https://www.federalregister.gov/documents/2021/01/25/2021-01765/protecting-public-health-and-the-environment-and-restoring-science-to-tackle-the-climate-crisis>.

**TRI / Right to Know**

Program Area: Information Exchange / Outreach

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Promote Pollution Prevention

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$12,689</i></b>	<b><i>\$13,206</i></b>	<b><i>\$13,675</i></b>	<b><i>\$469</i></b>
Total Budget Authority	\$12,689	\$13,206	\$13,675	\$469
Total Workyears	38.5	37.0	37.0	0.0

**Program Project Description:**

EPA's success in carrying out its mission to protect human health and the environment is contingent on collecting and making available to the public timely, accurate, and relevant information. The Toxics Release Inventory (TRI) Program<sup>129</sup> supports EPA's mission by annually collecting and publishing for the public: release, other waste management (e.g., recycling), and pollution prevention (P2) data on TRI-listed chemicals and chemical categories that include almost 200 per- and polyfluoroalkyl substances (PFAS).<sup>130</sup> Approximately 21,000 industrial and federal facilities report to TRI annually. The TRI Program is a premiere source of cross-media toxic chemical release information for communities, non-governmental organizations, industrial facilities, academia, and government agencies at the local, state, tribal, federal, and international levels. Using technological advances, the TRI Program has developed several analytical tools that provide the public with easy access, mapping, and analysis of information on TRI chemicals released or otherwise managed as waste at facilities in communities across the United States and its territories. Some of these tools incorporate demographic indicators such as low income, people of color, education level, linguistically isolated households, and young and elderly populations, as well as tribal land flags and risk indicators.

The Program collaborates with other EPA programs on sector analyses to describe relevant trends in pollutant releases, waste management, and P2 practices with respect to toxic chemicals and to support innovative approaches by industry and other partners to reduce pollution. As a robust, community-focused, annual, cross-media data set on toxic chemical information, the TRI lends itself to comparative analyses with other program-specific data managed by the Agency, providing insights that may not be apparent when viewing the data sets independently. Such insights are especially valuable when it comes to: (1) identifying opportunities based on TRI-reported, location-specific release trends to reduce toxic chemical releases in overburdened and underserved communities in accordance with the Administration's environmental justice (EJ) priorities, and (2) promoting TRI-reported P2 practices that reduce the release of toxic chemicals and/or emissions

<sup>129</sup> For additional information, please visit: <http://www.epa.gov/tri/>.

<sup>130</sup> Many per- and polyfluoroalkyl substances (PFAS) were added to the TRI chemical list as a component of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) when the Act was signed into law on December 20, 2019. The first year of TRI reporting these PFAS was calendar year 2020.

of greenhouse gases (GHGs). The TRI serves as a central component of EPA’s strategy to increase access to environmental pollution information and enable communities, scientists, policymakers and other stakeholders to apply the information in their decisions and engagements to address impacts and deter adverse burdens, particularly to low-income and marginalized communities.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 7/Objective 7.2, Promote Pollution Prevention in the *FY 2022 – 2026 EPA Strategic Plan*.

In FY 2023, EPA will continue to enhance the regulatory foundation of TRI to ensure that communities have access to timely and meaningful data on toxic chemical releases and other waste management and pollution prevention activities at facilities. As part of this effort, the TRI Program will continue to clarify toxic chemical reporting requirements, pursue additional chemical listings, expand the scope of industry coverage, respond to petitions, improve the reporting experience, take steps to further optimize the quality of TRI data, explore enhanced access and analytical capability with respect to this valuable information, identify opportunities to reduce toxic chemical releases, and share and promote pollution prevention approaches with industry. This work is in support of the Administration’s EJ priorities as the Program also will play an enhanced role in conducting analyses to support EPA’s goals for overburdened and underserved communities with EJ concerns. Additionally, the Program will work to identify instances where TRI-reported P2 practices reduce releases of TRI-listed toxic chemicals and/or GHGs in alignment with the Administration’s climate priorities.

EPA also will continue to provide reporting facilities with its online reporting application, *TRI-MEweb* (“*TRI Made Easy web*” reporting tool), to facilitate the electronic preparation and submission of TRI reports through EPA’s Central Data Exchange (CDX),<sup>131</sup> which manages TRI access and authentication services and provides identity proofing for reporting facilities. *TRI-MEweb* has built-in functionality that helps to prevent facilities from making reporting errors. In addition, the TRI data collected by EPA are shared with states, tribes, and territories that are partners of the TRI Data Exchange (TDX).<sup>132</sup> EPA will continue to maintain *TRI-MEweb* and the TDX throughout FY 2023. The Agency also will continue to support the TRI Processing System (TRIPS) database, which is the repository for TRI data. As a key element of its data quality assurance strategy, in FY 2023, the Program will conduct at least 600 data quality checks to help optimize the accuracy and completeness of the reported data and thereby improve the Program’s analyses and the utility of the data to the public. In FY 2023, EPA also will continue to improve its systems, processes, and products based on feedback from users (*i.e.*, communities; academia; industry; and state, tribal and local governments).

The Program also will continue to publish English and Spanish versions of the annual *TRI National Analysis*,<sup>133</sup> which describes relevant trends in toxic chemical releases and waste management practices and highlights innovative approaches by industry to reduce pollution. The Analysis will include industry sector profiles, parent company analyses, and TRI information reported from

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<sup>131</sup> To access the CDX, please visit: <https://cdx.epa.gov/>.

<sup>132</sup> For additional information, please visit: <https://www.epa.gov/toxics-release-inventory-tri-program/tri-data-exchange>.

<sup>133</sup> To access the *TRI National Analysis*, please visit: <https://www.epa.gov/trinationalanalysis>. EPA publishes each National Analysis approximately six months after that year’s data are reported.



facilities in specific urban communities, watersheds, and tribal lands. The TRI Program also will continue to make the preliminary data available to the public shortly after the reporting deadline as downloadable data files and through online analytical tools such as *Envirofacts*.<sup>134</sup> The Program will continue to provide support to EPA's Enforcement and Compliance Assurance programs by supplying facility target lists developed through the comparison of TRI reporting with facility reporting to other EPA programs (e.g., air permits required by the Clean Air Act). The TRI Program will continue to foster discussions and collaborations in analyzing and using its data with stakeholders such as industry, government, academia, non-governmental organizations, and the public. Engagement will include organizing targeted webinars, and, if resources permit, hosting a TRI National Conference and launching a TRI University Challenge.

Section 7321 of the National Defense Authorization Act of 2020 requires EPA to assess certain Per- and Per-fluoroalkyl Substances (PFAS) to determine whether they meet Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313 chemical listing criteria. During FY 2023, EPA will continue to assess these chemicals and develop associated hazard assessments to support any chemical listing activities. Further, in FY 2023, the TRI Program's information, data and analyses will support the Toxic Substances Control Act (TSCA) Program, helping to identify conditions of use and evaluate and estimate occupational, general population, and potentially exposed and susceptible subpopulation exposures for those chemicals undergoing risk evaluation and that are included on the TRI chemical list. This work altogether will assist Agency chemical programs in their prioritization work, from the identification of candidate chemicals for future risk evaluations to the support of other chemical assessments across program and regional offices, advancing the work of chemical safety agency-wide.

The TRI Program will additionally pursue chemical listings, including TSCA Work Plan chemicals and other substances of interest to the Agency that are not included on the TRI chemical list, as well as respond to TRI chemical listing petitions. Additional chemicals or sectors may be assessed for TRI listing suitability and associated listing actions, and as required by EPCRA, the Agency will respond to EPCRA chemical petitions regarding TRI within 180 days after receipt.<sup>135</sup> The quantity and complexity of petitions are unknown until submitted to EPA. EPA will continue with TRI rulemakings associated with two chemical petitions received during prior years and will respond to any chemical petitions received during FY 2023.

Because electronic systems that collect and disseminate TRI data largely have been developed, FY 2023 work will focus on the operations and maintenance of *TRI-MEweb*, TRIPS, and processes that contribute to quality control in the development of the annual *TRI National Analysis*. By leveraging agency cloud services, the TRI systems will improve system performance, reliability, efficiencies, portability, and administrative services (security, upgrades, patches, etc.). This also will improve integration/consistency with other cloud-based systems and applications and will provide quicker data processing. Moreover, this will enhance the capabilities of EPA's public-facing TRI analytical tools.

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<sup>134</sup> *EnviroFacts* may be accessed at: <https://enviro.epa.gov/>.

<sup>135</sup> Additional information on current petitions may be found at: <https://www.epa.gov/toxics-release-inventory-tri-program/toxics-release-inventory-laws-and-regulatory-activities>.

In FY 2023, the TRI Program will analyze and identify facilities and sectors releasing TRI-listed substances proximal to overburdened and underserved communities (using functionalities within EPA’s analytical tools, such as TRI Toxics Tracker and *EJScreen*). The Program also will develop maps and other products to help facilitate exploration and understanding of potential impacts from chemical releases to surrounding communities including those that might be more susceptible to climate change impacts (i.e., sea level rise). TRI will initiate this work for at least two EPA Regions and will provide outreach and training in how to use and interpret the information within those locations.

Additionally, TRI reporting includes information on institutional/firm environmental stewardship, P2, and other sustainability practices and activities (e.g., voluntary climate mitigation-, adaptation- or resilience-oriented work) undertaken by facilities during the reporting year. TRI’s P2 reporting data<sup>136</sup> include thousands of instances of source reduction implementation and other sustainability activities by facilities, which often reflect economic benefits coupled with improved environmental performance. TRI’s P2 data tools have a wide range of capabilities to help identify and amplify improvement to environmental practices, and the Program will continue to conduct analyses of these practices and develop profiles of these environmental improvements, which can be useful for P2 practitioners including those seeking to advance sustainability and strengthen the resilience of facilities near overburdened and underserved communities with EJ concerns. The Program will also continue to support the Agency’s P2 Program, and other agency source reduction and sustainability programs, specifically efforts to advance P2 best practices among national emphasis areas including tools to advance priorities such as the P2-EJ Facility Mapping Tool.<sup>137</sup>

### **Performance Measure Targets:**

EPA’s FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

### **FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$442.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$27.0) This program change is an increase in contract resources to support IT analytical tools that allow stakeholders to view and analyze the data reported to TRI in support of environmental justice and other initiatives.

### **Statutory Authority:**

Emergency Planning and Community Right-to-Know Act (EPCRA) § 313; Pollution Prevention Act of 1990 (PPA) § 6607.

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<sup>136</sup> For additional information, please visit: <https://www.epa.gov/tri/p2>.

<sup>137</sup> To access the P2 EJ Facility Mapping Tool, please visit <https://www.epa.gov/p2/p2-ej-facility-mapping-tool>.

## **Tribal - Capacity Building**

Program Area: Information Exchange / Outreach

Goal: Take Decisive Action to Advance Environmental Justice and Civil Rights

Objective(s): Promote Environmental Justice and Civil Rights at the Federal, Tribal, State and Local Levels

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$12,945</i></b>	<b><i>\$12,902</i></b>	<b><i>\$16,386</i></b>	<b><i>\$3,484</i></b>
Total Budget Authority	\$12,945	\$12,902	\$16,386	\$3,484
Total Workyears	72.8	75.6	87.9	12.3

### **Program Project Description:**

EPA is responsible for protecting human health and the environment under federal environmental statutes. Under the Agency's 1984 Indian Policy,<sup>138</sup> EPA works with federally recognized tribes on a government-to-government basis, in recognition of the federal government's trust responsibility to tribes, to implement federal environmental programs in Indian country.

To do this, EPA will:

- use key environmental justice principles, such as, equity, meaningful involvement, and fair treatment as it prioritizes implementation of EPA directly implemented programs, and for other activities;
- fully consider ways in which program funding can best be used to address climate change concerns to build climate resiliency for federally recognized tribes, and;
- work to enhance the integration of tribal treaty rights and reserved rights into EPA decision-making and regulatory development.

This program also supports the Categorical Grant: Tribal General Assistance Grants Program.

EPA's American Indian Environmental Office leads the agencywide effort to ensure environmental protection in Indian country. Please see <http://www.epa.gov/tribal> for more information.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 2/Objective 2.1, Promote Environmental Justice and Civil Rights at the Federal, Tribal, State and Local Levels in the *FY 2022-2026 EPA Strategic Plan*.

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<sup>138</sup> EPA Policy for the Administration of Environmental Programs on Indian Reservations, available at <https://www.epa.gov/tribal/epa-policy-administration-environmental-programs-indian-reservations-1984-indian-policy>.

Overall, the Agency continues to make steady progress towards strengthening human health and environmental protection in Indian country. EPA will further the following priorities in FY 2023:

- strengthening tribal partnerships and engagements, including through tribal consultation,
- building tribal capacity to administer and meaningfully participate in environmental programs,
- directly implementing programs in Indian country for equitable environmental protection, and
- enhancing the protection of tribal treaty rights in EPA activities.

**Tribal Consultation:** In working with the tribes, EPA follows its *Policy on Consultation and Coordination with Indian Tribes*.<sup>139</sup> The Consultation Policy builds on EPA's 1984 Indian Policy and establishes clear agency standards for a consultation process promoting consistency and coordination. From FY 2011 through FY 2022, EPA expects to complete over 860 Tribal Consultations, an important agency milestone under the EPA Tribal Consultation Policy. EPA anticipates completing 110 tribal consultations in FY 2023. In FY 2023, EPA will continue to support the Agency's web-based Tribal Consultation Opportunities Tracking System, a publicly accessible database used to communicate upcoming and current EPA consultation opportunities to tribal governments. The system provides a management, oversight, and reporting structure that helps ensure accountability and transparency.

**Capacity Building:** EPA will continue to provide assistance and to support mechanisms for tribes to pursue developing and implementing federal environmental programs, including the "treatment in a manner similar to a state" (TAS) process and the use of the Direct Implementation Tribal Cooperative Agreement (DITCA) authority. The Agency will continue to provide technical and financial assistance to ensure tribal governments have the opportunity to build the capacity to meaningfully participate and engage in environmental protection activities. As of March 2022, EPA has approved 100 TAS regulatory program delegations to tribes, including 21 approvals for compliance and enforcement authority. EPA had 16 DITCAs with tribes in place in FY 2022.

**Indian Environmental General Assistance Program Capacity Building Support:** General Assistance Program (GAP) grants to tribal governments help build the basic components of a tribal environmental program. The Agency manages GAP grants according to its *Guidance on the Award and Management of General Assistance Agreements for Tribes and Intertribal Consortia*.<sup>140</sup> In FY 2023, EPA will continue to administer GAP financial assistance to build tribal capacity and address environmental issues in Indian country. EPA's work in FY 2023 also will continue to enhance EPA-Tribal partnerships through development and implementation of EPA-Tribal Environmental Plans (ETEPs) with a continued focus on tracking and reporting measurable results of GAP-funded activities. GAP funding also continues to support EPA Performance Partnership Grant (PPG) goals. EPA will strive to incorporate environmental justice and climate change considerations in these activities.

**GAP Performance Measurement:** In FY 2020, EPA completed an evaluation of the Program implementation under the 2013 GAP guidance and anticipates new Guidance to be effective FY

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<sup>139</sup> Please refer to: <https://www.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

<sup>140</sup> Please refer to <https://www.epa.gov/tribal/2013-guidance-award-and-management-general-assistance-agreements-tribes-and-intertribal> for further information.

2023. EPA will adjust the performance management application to align with the revised guidance, after it is finalized in FY 2023, and begin compiling and analyzing data. The information technology-based performance application will provide a data-driven basis for supporting funding decisions, funding priorities, and contribute to program accountability.

**Direct Implementation:** In the absence of an authorized tribal program, EPA will continue to provide federal environmental program protections in Indian country by directly implementing programs. In FY 2023, EPA will continue to evaluate its direct implementation responsibilities and activities, on a program-by-program basis, in Indian country and make the data and information it relies upon available through EPA’s EJScreen application.

**Performance Measure Targets:**

(PM EC41) Percentage of EPA Tribal consultations that may affect Tribal treaty rights that consider those rights as part of the consultation.	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	20	25

(PM E21) Number of significant actions taken by EPA programs with direct implementation authority that will result in measurable improvements in Indian country.	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	No Target Established	25

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$1,186.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$2,298.0 / +12.3 FTE) This program change is an increase in resources and FTE to support core work in the capacity building program with an emphasis on addressing the climate crisis. This investment includes \$2.171 million in payroll.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute).

## **International Programs**

**International Sources of Pollution**

Program Area: International Programs

Goal: Tackle the Climate Crisis

Objective(s): Advance International and Subnational Climate Efforts

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$6,409</i></b>	<b><i>\$6,746</i></b>	<b><i>\$11,758</i></b>	<b><i>\$5,012</i></b>
Total Budget Authority	\$6,409	\$6,746	\$11,758	\$5,012
Total Workyears	29.6	32.4	39.4	7.0

**Program Project Description:**

The United States works with international partners to address global sources of pollution, including greenhouse gases, as well as the impacts of pollution from the United States on other countries and the global environment. International sources of pollution impact air, water, land, the oceans, food crops, and food chains. Healthy environments, ecosystems, and communities provide the foundation for protecting human health and the environment and creating sustainable economic development, job opportunities, and sustainable growth.

*Tackling the Climate Crisis, Accelerating Environmental and Economic Justice*

EPA works with international partners, such as foreign governments and international organizations, to deploy assistance that can strengthen on the ground action to tackle the climate crisis, reduce transboundary pollution that impacts local communities and travels through the environment to impact other communities across the globe, and that strengthen the fundamental environmental rule of law. These measures typically rely upon U.S. best practices, technical knowledge and expertise that promote U.S. priorities such as protecting underserved and vulnerable communities. EPA's international mission is essential to addressing transboundary pollution and adverse environmental impacts in the United States and helps facilitate a cleaner and healthier environment around the world. Strengthening environmental protection abroad so that it is on par with practices in the U.S. helps build a level playing field for industry and promotes opportunities for technologies and innovation. EPA's international programs also play an important role in fulfilling national security and foreign policy objectives and create a platform for promoting U.S. innovation and showcasing state and local breakthrough programs and policies.

An important example of this work is EPA's engagement in the Group of Seven (G7) and the Group of Twenty (G20) through environment ministerial meetings, which negotiate outcomes on key EPA issues such as climate change, food waste, marine litter, resource efficiency, and air quality. EPA's engagement with international financial institutions, United Nations (UN) entities, and the Organization for Economic Cooperation (OECD) has helped advance recognition of the critically important role of environmental factors, including air pollution and toxic chemicals, in the global burden of non-communicable diseases (NCDs), and of the role that sound environmental

laws can play in reducing these risks. Additionally, EPA's participation in the North American Commission for Environmental Cooperation (CEC) provides regional and international leadership to advance environmental protection, human health, and sustainable economic growth.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.3, Advance International and Subnational Climate Efforts in the *FY 2022 – 2026 EPA Strategic Plan*.

In FY 2023, EPA will continue to engage both bilaterally and through multilateral institutions to improve international cooperation to reduce greenhouse gases, increase resilience and adaptive capacity as well as prevent and address the transboundary movement of conventional pollution and waste.

#### *Climate and Equity*

Specifically, in line with the *FY 2022 – 2026 EPA Strategic Plan*, EPA will provide technical assistance through the transfer of tools to address climate change with partner countries, with the goal of leveling the playing field, addressing disproportionate adverse human health and environmental impacts in vulnerable and underserved communities, and helping to ensure that all countries make meaningful progress in implementing their nationally determined contributions under the Paris Agreement. This helps fulfill EPA's commitment to implementing, by 2026, at least 40 international climate engagements that result in an individual partner commitment or action to reduce greenhouse gas (GHG) emissions, adapt to climate change, or improve resilience in a manner that promotes equity. These actions will be consistent with EPA's draft International Climate Strategy Plan. Actions will include re-engaging the Secretariat of Partnership for Clean Fuels and Vehicles (PCFV) to identify project partners to assist in transitioning to electric mobility solutions in key countries, particularly in underserved and vulnerable communities, to finalize a high ambition workplan with the Secretariat. Additionally, EPA will initiate stakeholder consultations with key priority countries on critical mineral supply-chain transparency guidelines, focused on minerals needed for low carbon technology. For the pilot programs, EPA will provide meaningful technical assistance internationally on climate mitigation, adaptation, and resilience through expertise and capacity to key EPA partners and priority countries identified by the Biden-Harris Administration. This will enable countries to set and meet ambitious greenhouse gas reductions. In implementing these pilot programs, EPA will seek opportunities to engage with partner governments and organizations to develop and use best practices and tools to address the unique needs and challenges of vulnerable and underserved communities.

In FY 2023 the Agency will work in the Arctic Council to provide in-kind expertise and help to identify external resources to screen sources of black carbon that may impact local health conditions, with the potential of expanding across a wider range of Alaskan Native Villages (ANVs). EPA also will co-chair the Arctic Council expert group on short-lived climate pollutants (SLCP) to facilitate the development and implementation of projects to reduce SLCP emissions in and near the arctic. EPA also will continue to share Agency tools that can help partners increase their adaptive capacity to climate change and understand the impacts of climate change on



vulnerable and underserved communities through the UN Environment Program, the Global Adaptation Network and existing and new bilateral work programs.

### *Marine Litter*

EPA will continue to engage internationally to prevent and reduce marine litter, including plastics, through sharing best practices and U.S. innovation as well as through existing or new global instruments. Marine plastic litter is an increasingly prominent global issue that can negatively impact water quality, tourism, industry, and public health in the United States. Further, calls for the development of a new binding international arrangement of marine plastic litter are mounting, and EPA, working with other federal departments, will continue to provide leadership and expertise on how to best address land-based sources of marine litter, including plastics. Since 80 percent of plastic marine litter comes from land-based sources of waste,<sup>141</sup> countries with inadequate waste management contribute to the pollution in our shared oceans. Improving integrated waste management in these countries will be a priority.

In FY 2023, EPA will share tools and provide technical assistance, including through efforts related to Trash Free Waters, to key contributing countries in Asia and build on past projects in Latin America and the Caribbean. Technical support may include developing national, regional, and local action plans to reduce leakage of trash to the environment; identifying steps to implement relevant and applicable waste collection/management systems; and modest implementation projects where possible. In addition, EPA will support the development of an information clearinghouse on marine litter to be hosted by the United Nations Environment Program (UNEP). EPA will continue to collaborate with leaders in innovation in the domestic stakeholder community to identify ways to leverage efforts to tackle this pressing global problem. EPA will continue to strengthen actions with a regional focus on major source countries in Southeast Asia and key partners in Latin America and the Caribbean, and by partnering with UNEP leaders in implementing and disseminating governance measures, policies, and technology to prevent marine litter.

### *Air Quality*

EPA will engage with key priority countries and UN institutions to address air pollution that contributes significant pollution to the domestic and international environment. For example, several Asian countries are implementing national air quality monitoring, planning, and control strategies with advice and lessons learned from the United States. Environmental policies adopted and implemented overseas will improve competitiveness for U.S. businesses, drive demand for U.S. emissions control technologies, and expand exports of U.S. environmental goods and services, which will create green jobs at home and improve air quality conditions in the United States.

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<sup>141</sup> J. R. Jambeck, R. Geyer, C. Wilcox, T. R. Siegler, M. Perryman, A. Andrady, R. Narayan, and K. L. Law, "Plastic waste inputs from land into the ocean," *Science*, 2015, Volume 347, Number 622

## *Food Waste*

In FY 2023, EPA will continue to cooperate with the United Nations and the Office of Management and Budget to ensure that methodologies used to track international progress on reducing food waste accurately reflect U.S. progress and to better understand the climate benefits of reducing food waste. Approximately eight to ten percent of global greenhouse gas emissions are from food loss<sup>142</sup> in the agricultural supply chain and consumer food waste. The Agency will continue to advance food waste efforts, which is an increasing portion of landfill waste in rapidly urbanizing cities in developing countries. The problems of food insecurity, in particular for the most vulnerable, have been exacerbated by COVID-19, thus underscoring the need for greater attention to reducing food waste. For example, EPA will bring together experts from the U.S. and partner country governments, non-governmental organizations (NGOs), academia, the private sector, and the UN to promote programs, best practices, and technologies related to food loss and waste.

## *Chemicals*

EPA also will maintain efforts to reduce environmental threats to U.S. citizens from global contaminants impacting air, water, and land. EPA will continue technical and policy assistance for global, regional, and bilateral efforts to address international sources of harmful pollutants, such as mercury. Since 70 percent of the mercury deposited in the U.S. comes from global sources,<sup>143</sup> both domestic efforts and international cooperation are important to address mercury pollution. EPA will continue to work with international partners and key countries to fully implement obligations under the Minamata Convention on Mercury to protect the U.S. population from mercury emissions originating in other countries, including from artisanal and small-scale gold mining.

With respect to mercury, EPA's measures show that partner countries are on track to develop National Action Plans (NAPs) that demonstrate how they will reduce or eliminate the use of mercury in the Artisanal and Small-Scale Gold Mining (ASGM) sector. ASGM is the largest source of global mercury releases<sup>144</sup> and the development of NAPs called for by the Minamata Convention on Mercury is a critical first step to help major emitters reduce the use and release of mercury into the environment.

EPA will continue to play a leadership role in the Lead Paint Alliance to increase the number of countries that establish effective laws to limit lead in paint, which remains a priority health concern following successful efforts to eliminate lead in gasoline worldwide. EPA consistently meets objectives for reviewing the development of laws in other countries to control their levels of lead in paint, in a manner consistent with U.S. regulations. In doing so, these countries will not only reduce the exposure of their children to lead and prevent the subsequent health effects of this potent developmental neurotoxin, but also will reduce the amount of lead-based paint on products in international commerce that often reach U.S. markets.

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<sup>142</sup> For more information, please see: Intergovernmental Panel on Climate Change (IPCC) Special Report on Climate Change and Land, Chapter 5 Food Security, pg 440, [https://www.ipcc.ch/site/assets/uploads/sites/4/2021/02/08\\_Chapter-5\\_3.pdf](https://www.ipcc.ch/site/assets/uploads/sites/4/2021/02/08_Chapter-5_3.pdf).

<sup>143</sup> For more information, please see: <https://www.epa.gov/international-cooperation/minamata-convention-mercury> and [www.mercuryconvention.org](http://www.mercuryconvention.org).

<sup>144</sup> For more information, please see: [Global mercury assessment | UNEP - UN Environment Programme](#).

In addition, EPA will continue to work with the Arctic Council to further develop a joint project proposal on per- and polyfluoroalkyl substances (PFAS). This effort will focus on aqueous film-forming fire-fighting foams (AFFF) in arctic airports through in-kind technical expertise.

**Performance Measure Targets:**

(PM E13a) Number of climate engagements that result in an individual partner commitment or action to reduce GHG emissions, adapt to climate change, or improve resilience in a manner that promotes equity.	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	8	10

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$285.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$1,227.0 / +7.0 FTE) This net program change is an increase to address international sources of pollution that impact the nation’s air, water, land, the oceans, food crops / food chains, and climate change through coordination with international partners. This includes \$1.391 million in payroll.
- (+\$3,500.0) This program change is an increase for climate change work, including climate change mitigation. This will include indigenous engagement climate mitigation.

**Statutory Authority:**

In conjunction with the National Environmental Policy Act (NEPA) § 102(2)(F); Clean Air Act § 103(a); Clean Water Act § 104(a)(1)-(2); Safe Drinking Water Act (SDWA) § 1442(a)(1); Resource Conservation and Recovery Act (RCRA) § 8001(a)(1); Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) §§ 17(d), 20(a); Toxic Substances Control Act (TSCA) §10(a); Marine Protection, Research, and Sanctuaries Act (MPRSA) § 203(a)(1); E.O. 13547; E.O. 13689; U.S.-Mexico-Canada Agreement (USMCA) Implementation Act, 19 U.S.C. §§ 4501-4372.

## **Trade and Governance**

Program Area: International Programs

Goal: Tackle the Climate Crisis

Objective(s): Advance International and Subnational Climate Efforts

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$5,894</b>	<b>\$5,292</b>	<b>\$6,187</b>	<b>\$895</b>
Total Budget Authority	\$5,894	\$5,292	\$6,187	\$895
Total Workyears	12.7	15.3	18.0	2.7

### **Program Project Description:**

EPA has played a key role in trade policy development since the 1972 Trade Act mandated that the U.S. Trade Representative engage in interagency consultations. Specifically, EPA is a member of the Trade Policy Staff Committee, the Trade Policy Review Group, and relevant subcommittees—interagency mechanisms that provide advice, guidance, and clearance to the Office of the U.S. Trade Representative in the development of U.S. international trade and investment policy. Trade influences the nature and scope of economic activity and therefore the levels of pollutant emissions and natural resource use. EPA's role in trade negotiations is to ensure that agreements have provisions that are consistent with the Administration's environmental protection goals while not putting the United States at an economic disadvantage. EPA offers technical assistance and environmental governance capacity building for trade partners to support implementation of environmental commitments made in Free Trade Agreements. EPA also provides technical expertise on environmental governance and policy for international financial institutions, including environmental policy reviews and project-level environmental guidance.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.3, Advance International and Subnational Climate Efforts in the *FY 2022 – 2026 EPA Strategic Plan*.

#### *Free Trade Agreements and United States-Mexico-Canada Agreement (USMCA)*

In FY 2023, EPA will continue its participation in the North American Commission for Environmental Cooperation (CEC), which provides regional and international leadership to advance environmental protection, human health, and sustainable economic growth in North America. EPA also will continue work on implementation of the Environment Chapter of the United States-Mexico-Canada Agreement (USMCA) and other free trade agreements. EPA activities will include monitoring and verifying provisions pertaining to global and national environmental requirements in the agreement and providing subject matter expertise. EPA will continue active participation in the United States Trade Representative (USTR) led Interagency

Environment Committee for Monitoring and Environment (IECME) established to promote Mexican and Canadian compliance with their environmental obligations.

In addition, EPA will continue to play an active role in Free Trade Agreements (FTAs), and in the development of new FTAs and in the delivery of technical assistance to support implementation of environmental commitments within them. At present, EPA is working on the development of a new FTA, with the governments of the United Kingdom through the USTR-led interagency process. Further, given the President Biden 2021 Trade Agenda's emphasis on achieving climate change objectives and supporting underserved communities, including possibly through trade measures, EPA will provide technical advice and input on the implications of various tools such as carbon border adjustments and environmental goods agreements, and provide governance capacity building.

In FY 2023, EPA will continue to work with partners (including the Treasury Department, State Department, U.S. Agency for International Development, and the U.S. International Development Finance Corporation), to improve environmental governance of U.S. funded international development projects. EPA will support the environmental performance of international financial institutions such as the development of environmental safeguards, including climate performance.

#### **Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

#### **FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$274.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$621.0 / +2.7 FTE) This program change is an increase in resources and FTE to provide support and capacity building for regional and international Trade and Governance programs addressing climate change and environmental justice. This investment includes \$502.0 thousand in payroll.

#### **Statutory Authority:**

In conjunction with the National Environmental Policy Act (NEPA) § 102(2)(F); Clean Air Act § 103(a); Clean Water Act § 104(a)(1)-(2); Safe Drinking Water Act (SDWA) § 1442(a)(1); Resource Conservation and Recovery Act (RCRA) § 8001(a)(1); Federal Insecticide Fungicide and Rodenticide Act (FIFRA) §§ 17(d), 20(a); Toxic Substances Control Act (TSCA) §10(a); Marine Protection, Research, and Sanctuaries Act (MPRSA) § 203(a)(1); E.O. 12915; E.O. 13141; E.O. 13277; U.S.-Mexico-Canada Agreement (USMCA) Implementation Act, 19 U.S.C. §§ 4501-4372.

**US Mexico Border**

Program Area: International Programs

Goal: Tackle the Climate Crisis

Objective(s): Advance International and Subnational Climate Efforts

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$2,818</b>	<b>\$2,837</b>	<b>\$3,275</b>	<b>\$438</b>
Total Budget Authority	\$2,818	\$2,837	\$3,275	\$438
Total Workyears	13.3	12.4	14.4	2.0

**Program Project Description:**

The two- thousand-mile border between the United States and Mexico is one of the most complex and dynamic regions in the world. This region accounts for three of the 10 poorest counties in the U.S., with an unemployment rate 250-300 percent higher than the rest of the country.<sup>145</sup> In addition, over 430 thousand of the 14 million people in the region live in 1,200 colonias,<sup>146</sup> which are unincorporated communities characterized by substandard housing and unsafe drinking water or wastewater systems. In 2018 the poverty rate along the two-thousand-mile border was about twice the U.S. average. Population growth indexes show a trend of increasing growth, related among other factors to the influx of migrants from different regions.

This trend has increased the pressure on basic infrastructure and services in border cities, which struggle to keep up with population growth. This includes unincorporated communities characterized by substandard housing and unsafe drinking water. Colonias also exist in Arizona, California, New Mexico and Texas. The adoption of the Border Programs has gone a long way to protect and improve the health and environmental conditions along a border that extends from the Gulf of Mexico to the Pacific Ocean.

Building on the successes of the Border 2020 Program, the Border 2025 Program lays out a roadmap for continued environmental cooperation over the next several years. The Border 2025 Program, like its predecessors, continues to emphasize local priority-setting, focuses on measurable environmental results, and encourages broad public participation. Specifically, Border 2025 builds on earlier program work<sup>147</sup>, which includes removing more than 13 million scrap tires from the border, establishing drinking water connections for more than 54,000 homes and adequate wastewater connections for over half a million homes; in addition to highlighting regional areas where environmental improvements are most needed, establishing thematic goals supporting the

<sup>145</sup> For additional information, please see:

[http://www.nriir.org/drupal/sites/default/files/unm\\_the\\_us\\_mexico\\_border\\_region\\_at\\_a\\_glance.pdf](http://www.nriir.org/drupal/sites/default/files/unm_the_us_mexico_border_region_at_a_glance.pdf)

<sup>146</sup> For additional information, please see: <https://www.dallasfed.org/~media/documents/cd/pubs/lascalonias.pdf>.

<sup>147</sup> For additional information, please see: [https://www.epa.gov/sites/default/files/2021-05/documents/final\\_b2020\\_acc\\_report\\_may\\_24\\_2021.pdf](https://www.epa.gov/sites/default/files/2021-05/documents/final_b2020_acc_report_may_24_2021.pdf).

implementation of projects, considering new fundamental guiding principles, and encouraging the achievements of more ambitious environmental and public health goals.

The Border 2025 Program identifies four long-term goals to address the serious environmental and environmentally related public health challenges, including the impact of transboundary transport of pollutants in the border region. These strategic goals are: Reduce Air Pollution; Improve Water Quality; Promote Sustainable Materials and Waste Management; Clean Sites; and Improve Joint Preparedness for and Response to Hazardous Environmental Emergencies.

EPA and the Secretariat of Environment and Natural Resources (SEMARNAT) will continue to closely collaborate with the 10 border states (four U.S./six Mexican), 26 U.S. federally recognized Indian tribes and local communities in prioritizing and implementing projects that address their particular needs.

Note: The border water and wastewater infrastructure programs are described in the State and Tribal Assistance Grants (STAG) appropriation, Infrastructure Assistance: Mexico Border Program.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.3, Advance International and Subnational Climate Efforts in the *FY 2022-2026 EPA Strategic Plan*.

#### *Air Pollution:*

In FY 2023, EPA will continue to focus on air pollution reductions in binational airsheds, work on reducing emissions through implementing policy-based or technology-based programs, maintaining effective air quality monitoring networks and timely access to air quality data along the border region. This effort to meet health-based air quality standards, especially for particulate matter and ozone, is expected to mitigate negative effects on public health by deploying innovative strategies or technologies and building public awareness of associated health risks, including higher incidence rates for asthma and increased health-related school absences for children and vulnerable populations.

EPA and SEMARNAT will continue to build on the successful air quality efforts conducted under the Border 2020 Program, which has resulted in complete greenhouse gas emissions inventories for each Mexico border state and improved public health, especially in underserved communities. In addition, building upon over 20 years of binational air quality success within the shared New Mexico, Texas, and Chihuahua air basin, local coordinated efforts will advance work to address mobile sources at two designated Border cities.

EPA will assist in improved compliance with vehicle emission standards, establishment of and compliance with vehicle inspection and maintenance programs, increased data-sharing on used vehicle emissions testing, and strengthened Green Freight Programs such as Transporte Limpio (Mexico) and SmartWay (United States). The benefit in cooperation with Mexican border cities has a high positive impact on Texas' largest populated border city of El Paso in protecting U.S.

citizens and vulnerable populations, as Juarez and El Paso make up a metropolitan area that shares and breathes the same air. Along the U.S. border, California, Arizona, and New Mexico have completed Climate Change Action Plans.

*Water Management:*

In FY 2023, the Agency will continue to address border water management in the Tijuana River Watershed. The United States-Mexico-Canada Trade Agreement (USMCA) authorizes and directs EPA to coordinate with specific federal, state, and local entities to plan and implement high priority infrastructure projects that address transboundary pollution affecting San Diego County. EPA will advance implementation of projects to prevent and reduce the levels of trash and sediment from entering high priority binational watersheds. Other projects that prevent/reduce marine litter should primarily focus on preventing waste at the source through improvements to solid waste management systems, education campaigns, and monitoring as well as reducing trash from entering the aquatic environment through the capture of litter using river booms in known watershed litter hot spots.

*Sustainable Materials Management:*

In FY 2023, EPA will continue to collaborate and partner on sustainable materials management demonstration projects to prevent waste and improve the recovery of materials, such as plastic, e-waste, and scrap tires, through public-private partnership programs and infrastructure investments in the border region to mitigate public health and environmental impacts and avoid costly cleanup efforts. Each region of Mexico's northern border has different economic, social, and cultural situations, with different capacities to mitigate the generation and management of waste and secondary materials.

*Planning:*

EPA will continue to work to increase institutional capabilities in planning and technical assistance, enabling the development of programs, projects, or actions, which take into account the life cycle analysis of natural resource economics, manufacturing, transport, and other market factors to more effectively harvest and use materials and avoid them from being lost to landfills.

Additionally, the United States and Mexico will work together to enhance joint preparedness for environmental response and facilitate easier transboundary movement of emergency response equipment and personnel by activities such as updating Sister City Plans with preparedness and prevention and providing training to emergency responders on preparedness and prevention related activities. As part of the efforts for binational emergency preparedness and response, work will continue updating of the Mexico-U.S. Joint Contingency Plan in both Spanish and English. In addition, both countries will coordinate efforts in binational border wide work.



**Performance Measure Targets:**

<b>(PM E13b) Number of Border 2025 actions implemented in the U.S.-Mexico Border area to improve water quality, solid waste management and air quality including those that address climate change, and advance emergency response efforts.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	3	10

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$128.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$310.0 / +2.0 FTE) This net program change is an increase to support efforts in mitigating pollution and addressing climate change related activities along the United States and Mexico Border. To address the needs in the region and in support of the Border 2025 program priorities, this effort continues to focus on smaller scale sustainability and core capacity building projects designed to improve the environment and protect the health of the nearly 14 million people living along the U.S.-Mexico border. This investment includes \$354.0 thousand in payroll.

**Statutory Authority:**

In conjunction with the 1983 Agreement between the United States of America and the Mexican United States on Cooperation for the Protection and Improvement of the Environment in the Border Area (La Paz Agreement) and National Environmental Policy Act (NEPA) § 102(2)(F); Clean Air Act § 103(a); Clean Water Act § 104(a)(1)-(2); Safe Drinking Water Act (SDWA) §§ 1442(a)(1); Resource Conservation and Recovery Act (RCRA) § 8001(a)(1); Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) §§ 17(d), 20(a); Toxic Substances Control Act (TSCA) § 10(a); Marine Protection, Research, and Sanctuaries Act (MPRSA) § 203(a)(1); U.S.-Mexico-Canada Agreement (USMCA) Implementation Act, 19 U.S.C. §§ 4501-4372.

**IT/ Data Management/ Security**

**Information Security**

Program Area: IT / Data Management / Security  
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$6,765</b>	<b>\$8,285</b>	<b>\$23,739</b>	<b>\$15,454</b>
Hazardous Substance Superfund	\$752	\$659	\$7,859	\$7,200
Total Budget Authority	\$7,516	\$8,944	\$31,598	\$22,654
Total Workyears	16.6	13.1	17.1	4.0

**Program Project Description:**

Digital information is a valuable national resource and a strategic asset that enables EPA to fulfill its mission to protect human health and the environment. The Information Security Program's mission is to protect the confidentiality, integrity, and availability of EPA's information assets. The information protection strategy includes, but is not limited to, risk management, oversight, and training; network management and protection; and incident management.

**FY 2023 Activities and Performance Plan:**

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*. EPA will work toward full compliance with the five high priority directives (Adoption of Multifactor Authentication, Encryption of Data At Rest, Encryption of Data In Transit, Zero Trust Architecture, and Event Logging) in Executive Order (EO) 14028: *Improving the Nation's Cybersecurity*.<sup>148</sup>

Cybersecurity is a serious challenge to our Nation's security and economic prosperity. Effective information security requires vigilance and the ability to quickly adapt to new challenges. EPA maintains a robust, dynamic approach to cybersecurity risk management, governance, and oversight. In FY 2023, to further strengthen the Agency's security posture and to expand its risk management, continuous monitoring, security incident response programs, and to implement EO 14028, EPA requests an additional investment of \$15.5 million and 4.0 FTE. The Agency will continue its partnerships with public and private sector entities to promote the adoption of cybersecurity best practices and reporting to the White House and Congress on the status of these initiatives.

EPA will continue to strengthen information technology (IT) assets and develop resiliency against potential cybersecurity threats. This work includes increasing implementation of Multifactor Authentication to strengthen access controls to data and increasing implementation of encryption for Data at Rest and Data in Transit to protect data. EPA has prioritized investments in specific

<sup>148</sup> For more information on EO 14028, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/05/12/executive-order-on-improving-the-nations-cybersecurity/>.

capabilities that protect and defend the most sensitive systems and information, including those designated as high-value assets. These investments will ensure protections are in place commensurate with the impact of their potential compromise.

### **Risk Management, Oversight, and Training:**

In FY 2023, EPA will continue to include cybersecurity and privacy components in ongoing senior leadership program reviews. These reviews enhance Chief Information Officer (CIO) oversight by enabling better risk area determination and targeted improvement direction to system and mission program managers. While EPA programs and regions maintain responsibility for improving their performance in specific cybersecurity measures, EPA's senior leadership routinely reviews performance results and potential challenges for achieving continuous improvement.

In FY 2023, the Agency will continue to collect Federal Information Security Modernization Act (FISMA)<sup>149</sup> metrics and evaluate related processes, tools, and personnel to identify gaps and opportunities for improvement. EPA's CIO, who also is the Senior Agency Official for Privacy (SAOP), in coordination with the Chief Information Security Officer, will continue to monitor and report on these metrics, in line with OMB Memorandum M-22-05 *Fiscal Year 2021-2022 Guidance on Federal Information Security and Privacy Management Requirements*.<sup>150</sup>

The Agency will continue to update policies and procedures in line with the National Institute of Standards and Technology (NIST) in compliance with the release of Special Publications 800-53r5, *Security and Privacy Controls for Information Systems and Organizations*.<sup>151</sup> These updates will help to implement a series of controls to address increased threats in the information environment.

In compliance with OMB Memorandum M-21-30, *Protecting Critical Software Through Enhanced Security Measures*,<sup>152</sup> the Agency continues to work on refinements to improve the ability to track and report on critical software used by the Agency in compliance with Federal Information System Reporting and OMB direction.

EPA will further enhance Agency-specific role-based training to ensure personnel in key cybersecurity roles have the skills, knowledge, and capabilities to effectively support EPA's cybersecurity posture.

### **Network Management and Protection:**

In accordance with OMB Memorandum M-22-09 *Moving the U.S. Government Toward Zero Trust Cybersecurity Principles*,<sup>153</sup> EPA will continue to review and improve controls across several

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<sup>149</sup> Including those found in Federal Information Security Modernization Act of 2014 and Federal Information Security Cybersecurity Act of 2015.

<sup>150</sup> For more information, please see <https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-05-FY22-FISMA-Guidance.pdf>.

<sup>151</sup> For more information, please see: <https://csrc.nist.gov/publications/detail/sp/800-53/rev-5/final>.

<sup>152</sup> For more information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/08/M-21-30.pdf>.

<sup>153</sup> For more information, please see: <https://www.whitehouse.gov/wp-content/uploads/2022/01/M-22-09.pdf>.

pillars as outlined in the Zero Trust Architecture: protecting identity management capabilities through authentication infrastructure and system configurations. Agency staff will continue to use enterprise-managed identities to access the applications they use in their work and evaluate current solutions to ensure they are resistant to malicious phishing campaigns and can protect EPA assets from sophisticated online attacks. The Agency will continue streamlining processes for hardware and software inventory management, including the implementation of a Configuration Management Database. The Agency will continue to assess existing Encryption for Data at Rest and Data in Transit implementation and work to optimize these encryption capabilities to ensure critical information and network traffic is encrypted. EPA also will embark on an enterprise effort to perform detailed analysis of isolated environments and work on integrating those environments with continuous monitoring capabilities to reduce risk.

In FY 2023, EPA will continue to strengthen cloud security monitoring and access to sensitive data, cyber incident response, and cloud platform management services, which will enable remote workers to securely use systems and services in the cloud while also improving application performance and reducing costs associated with Trusted Internet Connections (TIC).<sup>154</sup> The Agency also will mature use of web content filtering tools to prevent malicious and unauthorized web content from impacting EPA systems and users. The Agency will continue to build its Insider Threat Program for the unclassified network to monitor Privileged Users and Systems Administrators activity, as recommended by several cybersecurity assessments,<sup>155</sup> and to monitor and report on EPA networks and systems.

By moving to Zero Trust Architecture, EPA can further strengthen network resiliency and reliability. The development of networks which can resist malevolent actions regardless of their origin is an information security priority. Zero Trust Architecture will grant authorized users with full access to the tools and resources needed to perform their jobs but limit further access to unnecessary areas. Proper permissions for a given user's needs is a critical component of Zero Trust Architecture and coding for more granular control over the network environment is an information security priority.

### **Incident Management:**

Cyberattacks across critical infrastructure sectors are rapidly increasing in volume and sophistication, impacting both IT and operational technology systems. EPA's Agency IT Security and Privacy (AITSP) Program enables agencywide implementation, management, and oversight of the CIO's Information Security and Privacy Programs through continuous monitoring functions. Continuous monitoring capabilities, which serve to identify and address security vulnerabilities and incidents quickly, are vital to ensure that EPA's information environment remains safe.

In FY 2023, EPA will continue to support the ongoing implementation of capabilities for data labeling and data loss prevention, as well as remote computer imaging and forensics, all of which

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<sup>154</sup> For more information, please see: <https://www.whitehouse.gov/wp-content/uploads/2019/09/M-19-26.pdf>.

<sup>155</sup> These assessments include Annual Assessments and Classified briefings with the Department of Homeland Security and EPA's Office of Homeland Security, as well as a 2017 OIG Report, available at: [https://www.epa.gov/sites/production/files/2017-10/documents/epa\\_oig\\_20171030-18-p-0031.pdf](https://www.epa.gov/sites/production/files/2017-10/documents/epa_oig_20171030-18-p-0031.pdf).

will improve security information and event management by collecting, synthesizing, managing, and reporting cybersecurity events for systems across the Agency.

The Information Security Program supports EPA's Security Operations Center (SOC), which manages the Computer Security Incident Response Capability (CSIRC) processes to support identification, response, alerting, and reporting of suspicious activity. In accordance with OMB Memorandum M-21-31 *Improving the Federal Government's Investigative and Remediation Capabilities Related to Cybersecurity Incidents*,<sup>156</sup> in FY 2023, EPA will continue to mature the system logging capabilities to meet Event Logging (EL) Level 2 for Intermediate Logging requirements of highest and intermediate criticality and EL Level 3 for Advanced Logging requirements at all criticality levels. Through CSIRC, EPA will continue to maintain relationships with other federal agencies and law enforcement entities, as needed, to support the Agency's mission. The incident response capability includes components such as detection and analysis, forensics, and containment and eradication activities.

In compliance with EO 14028, the Security Operations Center will continue maturation and refinement of the Agency's Incident Response procedures in compliance with Cybersecurity and Infrastructure Security Agency's Playbook for Responding to Cybersecurity Vulnerabilities and Incidents. In compliance with OMB Memorandum M-22-01 *Improving Detection of Cybersecurity Vulnerabilities and Incidents on Federal Government Systems through Endpoint Detection and Response*,<sup>157</sup> the Agency's Security Operations Center will work to integrate End Point Detection and Response capabilities with the Continuous Diagnostics and Mitigation Program to support proactive detection of cybersecurity incidents within EPA's information environment, active cyber hunting, containment and remediation, and incident response. EPA will continue modernizing its network and system logging capabilities (on-premises systems and connections hosted by third parties, such as Cloud Service Providers) for both investigation and remediation purposes.

Additionally, the Agency continues to mature Coordinated Vulnerability Disclosure (CVD), through program expansion and improved notification, response, and reporting activities. By working with internal stakeholders, private industry, and federal organizations to communicate vulnerabilities discovered or encountered, CVD decreases the harm or time an adversary can use to deny or disrupt services to the networks.

EPA leverages capabilities through the Continuous Diagnostics and Mitigation (CDM) Program, which addresses agencies' cybersecurity protection gaps and allows EPA to efficiently identify and respond to federal-wide cybersecurity threats and incidents. In FY 2023, as part of the work with the Department of Homeland Security to support implementation of current and future Phase CDM requirements, the CDM Program will continue closing remaining gaps in privileged access to EPA's network and continue to provide critical security controls for the Agency's cloud applications. The CDM Program also will review interior EPA network boundary protection from interconnections to external networks, expand endpoint detection and response capabilities, and integrate mobile device discovery to expand program capabilities. In FY 2023, EPA estimates a \$13.4 million budget for the CDM Program.

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<sup>156</sup> For more information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/08/M-21-31-Improving-the-Federal-Governments-Investigative-and-Remediation-Capabilities-Related-to-Cybersecurity-Incidents.pdf>.

<sup>157</sup> For more information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/10/M-22-01.pdf>.

**Supply Chain Risk Management:**

In FY 2023, EPA will continue to develop the Agency’s program to implement Cybersecurity Supply Chain Risk Management Controls to comply with the Government Accountability Office (GAO) findings<sup>158</sup> and *NIST 800-53 Rev 5 Security and Privacy Controls for Information Systems and Organization*.<sup>159</sup> This work includes coordinating across the Agency with professionals from Information Technology, Information Security, and Procurement to update the policy and obtain the necessary tools to address these critical security requirements, which were a vulnerability in the Log4J FY 2022 intrusion. In compliance with EO 14028, Sec. 4. *Enhancing Software Supply Chain Security*, EPA will implement standards, procedures, and criteria to harden and secure software development environments, and investigate the addition of automated tools to secure the development environment.

**Performance Measure Targets:**

<b>(PM MFA) Percentage of EPA systems in compliance with multifactor authentication requirements.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	75	85
<b>(PM DAR) Percentage of EPA data at rest in compliance with encryption requirements.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		No Target Established
<b>(PM DIT) Percentage of EPA data in transit in compliance with encryption requirements.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		No Target Established
<b>(PM ZTA) Percentage implementation of an approved “Zero Trust Architecture.”</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		No Target Established
<b>(PM ALR) Implementation of advanced event logging requirements (EL3) across EPA networks.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	EL1	EL3

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$106.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$15,348.0 / +4.0 FTE) This program change supports enhancements to protect the Agency’s information technology infrastructure and advance the implementation of EO 14028: *Improving the Nation’s Cybersecurity*. This investment will increase EPA's

<sup>158</sup> Government Accountability Office Report on information and communications technology (ICT) Supply Chain: GAO-21-164SU.

<sup>159</sup> For more information, please see: <https://csrc.nist.gov/publications/detail/sp/800-53/rev-5/final>.

information technology resiliency and limit vulnerabilities in the event of a malicious attack. This investment includes \$790.0 thousand in payroll.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute); Cybersecurity Act of 2015; Federal Information Security Modernization Act (FISMA); Government Performance and Results Act (GPRA); Government Management Reform Act (GMRA); Clinger-Cohen Act (CCA).



**IT / Data Management**

Program Area: IT / Data Management / Security  
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$74,013</i></b>	<b><i>\$82,715</i></b>	<b><i>\$98,452</i></b>	<b><i>\$15,737</i></b>
Science & Technology	\$2,782	\$3,072	\$3,195	\$123
Hazardous Substance Superfund	\$20,984	\$13,826	\$16,904	\$3,078
Total Budget Authority	\$97,779	\$99,613	\$118,551	\$18,938
Total Workyears	467.8	482.4	486.4	4.0

Total workyears in FY 2023 include 172.0 FTE to IT/Data Management working capital fund (WCF) services.

**Program Project Description:**

The work performed under the Information Technology/Data Management (IT/DM) Program supports human health and the environment by providing critical IT infrastructure and data management. The Program ensures analytical support for interpreting and understanding environmental information; exchange and storage of data, analysis, and computation; rapid, secure, and efficient communication; and access to scientific, regulatory, policy, and guidance information needed by the Agency, regulated community, and the public.

This program supports the maintenance of EPA's IT and Information Management (IT/IM) services that enable citizens, regulated facilities, states, and other entities to interact with EPA electronically to access, analyze and understand, and share environmental data on-demand. The IT/DM Program also provides support to other IT development projects and essential technology to EPA staff, enabling them to conduct their work effectively and efficiently in the context of federal IT requirements, including the Federal Information Technology Acquisition Reform Act (FITARA); Technology Business Management (TBM); Capital Planning and Investment Control; and the Open, Public, Electronic, and Necessary Government Data Act.

**FY 2023 Activities and Performance Plan:**

Work in this program provides Cross-Agency Mission and Science Support to strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the Agency requests an increase of \$4 million to support Future of Work efforts of the Agency, supporting an investment in the latest collaboration and productivity IT tools and software necessary for a modern hybrid workforce and in the IT infrastructure necessary to maintain a permanent increase in telework, remote work, and operational readiness.

Additionally, EPA requests \$6.16 million in FY 2023 to establish a dedicated funding source for the maintenance and modernization of the Agency's enterprise network switch infrastructure

necessary for the operations of the EPA network including data centers. This funding ensures critical infrastructure is replaced when it reaches end of life/end of support. Failure to replace switch infrastructure may result in network degradation, which leaves EPA vulnerable to cybersecurity threats, and can disrupt operations.

The Agency also requests an increase of \$4.7 million and 4 FTE across the EPM and Superfund appropriations to support implementation of the Agencywide Digitization Strategy, which includes the operation of two EPA digitization centers and the development and operation of a modernized records Management Technology, which is necessary to meet the requirements of Memoranda M-19-21 *Transition to Electronic Records*<sup>160</sup> issued by the Office of Management and Budget and the National Archives and Records Administration. EPA will leverage artificial intelligence and machine learning to assist staff with appropriately scheduling electronic records that are saved to the Record Management Technology. EPA will operate the Paper Asset Tracking Tool and Content Ingestion Services to track paper records as they are submitted and processed through the digitization centers.

EPA also will continue to maintain and manage its core IT/ DM services, including Information Collection Requests, the National Library Network, the Agency's Docket Center, and EPA's Section 508 Program. The Agency also will continue implementing the 21<sup>st</sup> Century Integrated Digital Experience Act (P.L. 115-336), which includes modernization of public-facing websites and digital services, as well as digitization of paper forms and non-digital services. EPA will finalize a complete inventory of the Agency's paper forms, develop the process to digitize these forms in compliance with the 21<sup>st</sup> Century Integrated Digital Experience Act, and begin digitizing the forms. EPA's Controlled Unclassified Information Program also will continue work to standardize, simplify, and improve information management and IT practices to facilitate the sharing of important sensitive data within the Agency, with key stakeholders outside of the Agency, and with the public, meeting federal standards as required by Executive Order 13556: *Controlled Unclassified Information*.<sup>161</sup>

In FY 2023, EPA will further strengthen its IT acquisition and portfolio review process as part of the implementation of FITARA. In the most recent FITARA scorecard, released in December 2021,<sup>162</sup> EPA scored an overall B+, the third highest rating among Chief Financial Officers Act agencies.

In FY 2023, EPA will continue work on converting prioritized internal administrative paper or analog workflows into modern digital workflows to speed up common administrative tasks, reduce burdensome paperwork for EPA employees and managers, and improve internal data collection and reporting. This work will build on work completed in FY 2022 to identify a set of processes which will yield the greatest benefit for the Agency upon automation and to complete a high priority pilot automation project.

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<sup>160</sup> For additional information, please refer to: <https://www.whitehouse.gov/wp-content/uploads/2019/08/M-19-21-new-2.pdf>.

<sup>161</sup> For more information, please refer to Executive Order: <https://www.federalregister.gov/documents/2010/11/09/2010-28360/controlled-unclassified-information>.

<sup>162</sup> For additional information, please refer to: <https://fitara.meritalk.com/>.

EPA’s Customer Experience (CX) Program will focus on improving the mission support experience of EPA staff to improve their ability to serve the public. The Program focuses on collaborations such as the System Lifecycle Management process, which collects feedback from IT professionals, regions, programs, and other stakeholders to improve the EPA system development process. In FY 2023, the CX Program will collect customer feedback, conduct data analytics, assess priorities within a governing community of practice, and present recommendations to senior leaders to allocate resources to improve CX initiatives.

The Agency’s Chief Technology Officer, Chief Architect, and Chief Data Officer will continue to enhance enterprise software development and architecture capabilities, including application development, deployment approaches, and technical platform support. EPA will identify and prioritize the interoperability of data within EPA and across federal agencies that benefits internal and public-facing services. Driven by demand from federal partners, EPA will identify opportunities to share data with other federal partners in the National Secure Data Service. EPA will support data collection in a few priority areas, where required, to improve our efforts to address our learning agenda priority questions, environmental justice, and other agency efforts focused on civil rights and equity challenges.

In FY 2023, the Agency will continue to support the essential capabilities of GeoPlatform, a shared technology enterprise for geospatial information and analysis. By implementing geospatial data, applications, and services such as the Facility Registry System, the Agency can integrate, interpret, and visualize multiple data sets and information sources to support environmental decisions. The Agency will continue developing and increasing capabilities of EPA’s Data Management and Analytics Platform, which has both internal and public facing elements such as Envirofacts. EPA will partner with other agencies, states, tribes, and academic institutions to propose innovative ways to use, analyze, and visualize data through EPA’s Data Management and Analytics Platform. After completing an alternatives analysis for regulatory data, EPA will begin implementing an enterprise full data life cycle approach for managing regulated facility data.

In FY 2023, the Agency’s One EPA Web will continue to manage content and support internal and external users with information on EPA business, support employees with internal information, and provide a clearinghouse for the Agency to communicate initiatives and successes. EPA also will continue to upgrade its web infrastructure, ensuring that it meets current statutory and evolving security requirements.

Registries are shared data services in which common data are managed centrally but shared broadly. They improve data quality in EPA systems, enable integration and interoperability of data across program silos, and facilitate discovery of EPA information publicly and internally. In FY 2023, EPA will increase the use of registries, migrate them to a cloud infrastructure, and improve their quality by modernizing them from custom built solutions to Commercial Off-The-Shelf tools with expanded capabilities.

**Performance Measure Targets:**

(PM GOPA) Percentage of priority internal administrative processes automated.	FY 2022 Target	FY 2023 Target
		10

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$2,178.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$6,160.0) This change to fixed and other costs is an increase to provide funding for the enterprise network switch infrastructure necessary for the operations of the EPA network including data centers. This funding ensures critical infrastructure is replaced when it reaches end of life/end of support. Failure to replace switch infrastructure may result in network degradation, leave EPA vulnerable to cybersecurity threats, and disrupt EPA operations.
- (+\$3,399.0 / +4.0 FTE) This program change is an increase to support operations of EPA's National Digitization Program and enterprise-wide records management system, which provide for the centralized management and digitization of the Agency's records in an electronic manner. This investment will improve records management, reduce records costs across EPA programmatic offices, and enable EPA to comply with statutory requirements under the Federal Records Act. This investment includes \$712.0 thousand for payroll.
- (+\$4,000.0) This program change is an increase to provide the necessary support for a hybrid modern workforce and will require the integration of facilities and infrastructure, human resources, and information technology programs in order to successfully re-envision the federal work environment.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute); Federal Information Technology Acquisition Reform Act; Federal Information Security Modernization Act (FISMA); Government Performance and Results Act (GPRA); Government Management Reform Act (GMRA); Clinger-Cohen Act (CCA); Rehabilitation Act of 1973 § 508.

**Legal/ Science/ Regulatory/ Economic Review**

**Administrative Law**

Program Area: Legal / Science / Regulatory / Economic Review  
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$3,768</b>	<b>\$4,975</b>	<b>\$5,882</b>	<b>\$907</b>
Total Budget Authority	\$3,768	\$4,975	\$5,882	\$907
Total Workyears	19.8	23.8	25.8	2.0

**Program Project Description:**

This program supports EPA's Administrative Law Judges (ALJs) and the Environmental Appeals Board (EAB).

*Administrative Law Judges*

The ALJs preside in hearings and issue initial decisions in cases initiated by EPA's enforcement program concerning environmental, civil rights, and government program fraud related violations. Additionally, pursuant to an interagency agreement providing for reimbursement of services, the ALJs also adjudicate enforcement actions brought by National Oceanic and Atmospheric Administration (NOAA), primarily under statutes protecting marine mammals and endangered species over which EPA and NOAA share jurisdiction, such as the Marine Protection, Research, and Sanctuaries Act and Endangered Species Act. The Fifth Amendment of the Constitution of the United States of America guarantees the regulated community the right to due process of the law. The ALJs issue orders and decisions under the authority of the Administrative Procedure Act (APA) and the various environmental, civil rights, and anti-fraud statutes that establish administrative enforcement authority and implement the Constitution's guarantee of due process.

The ALJs preside in hearings in cases initiated at EPA Headquarters and in each of EPA's 10 regional offices. Parties participating before the ALJs include local and national community groups, private parties, and federal, state, and local governments. The ALJs promote public participation in the administrative hearing process through remote hearings and prehearing conferences and maintain an extensive website, accessible to the public, containing all initial decisions and case filings. Additionally, to promote access to justice, participants in cases pending before the ALJs may file documents electronically and are not required to pay a filing fee or be represented by counsel. The ALJs also offer an opportunity for alternative dispute resolution to completely resolve disputed issues or narrow the issues to be decided after a hearing, which may further reduce costs.

The right of affected persons to appeal ALJ initial decisions is conferred by various statutes, regulations, and constitutional due process rights. A small subset of the initial decisions issued by the ALJs are appealed to the Environmental Appeals Board.

## *Environmental Appeals Board*

The Environmental Appeals Board (EAB) is a four-member appellate tribunal established by regulation in 1992 to hear appeals and issue decisions in environmental adjudications (primarily enforcement and permit related) under all major environmental statutes that EPA administers. The EAB promotes the rule of law and furthers the Agency's mission to protect human health and the environment. The EAB furthers the Agency's mission to advance environmental justice and address climate-related issues by ensuring the integrity of federal decision-making and fairness in its adjudication of administrative appeals.

Since the 1994 Executive Order on Environmental Justice was issued, the EAB has played a pioneering role in ensuring that the Agency meets its obligation with respect to environmental justice and, for example, in the context of permitting, has remanded several permit cases where the record did not support a finding that the permit authority reasonably considered the contested environmental justice issues in their permit decision making process.

To promote access to justice, parties appearing before the Board are not required to be represented by counsel or pay a filing fee. Additionally, the Board promotes public participation in the appeals process through remote oral arguments and maintains an extensive website, accessible to the public, containing all final Board decisions and case filings. Among others, parties participating before the Board include local and national community groups, tribal nations, private parties, and state and local governments.

The EAB decides petitions for reimbursement under the Comprehensive Environmental Response, Compensation, and Liability Act Section 106(b); hears appeals of pesticide licensing and cancellation proceedings under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); and serves as the final approving body for proposed settlements of enforcement actions initiated at EPA. The EAB issues decisions in a fair and timely manner consistent with the Administrative Procedure Act (APA) and the applicable environmental statutes, and under the authority delegated by the Administrator and pursuant to regulation, ensuring consistency in the application of legal requirements. In 90 percent of matters decided by the EAB, no further appeal is taken to federal court, providing a final resolution to the dispute. The EAB also offers an opportunity for alternative dispute resolution.

### **FY 2023 Activities and Performance Plan:**

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the ALJs will continue to convene formal hearings either remotely or in the location of the alleged violator or violation, as required by statute. In FY 2023, the EAB will continue to efficiently and fairly adjudicate permit and enforcement appeals under all statutes as well as petitions for reimbursement under Comprehensive Environmental Response, Compensation and Liability Act, expediting appeals such as Clean Air Act New Source Review cases and FIFRA licensing proceedings that are particularly time sensitive. The EAB and ALJs also anticipate addressing a potential increase in environmental justice-related issues and in new work assuring

access to justice, including for tribal nations and parties impacted by environmental justice related concerns.<sup>163</sup>

### **Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

### **FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$178.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$729.0 / +2.0 FTE) This program increase advances environmental justice through the Administrative Law Program. This investment includes \$431.0 thousand in payroll.

### **Statutory Authority:**

Administrative Procedure Act (APA); Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute); Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); Clean Water Act (CWA); Clean Air Act (CAA); Toxic Substance Control Act (TSCA); Solid Waste Disposal Act (SWDA); Resource Conservation and Recovery Act (RCRA); Safe Drinking Water Act (SDWA); Emergency Planning and Community Right-to-Know Act (EPCRA); Marine Protection, Research, and Sanctuaries Act (MPRSA); Mercury-Containing and Rechargeable Battery Management Act (MCRBMA); the Act to Prevent Pollution From Ships (APPS).

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<sup>163</sup> For additional information on the Administration's priority on "Tackling the Climate Crisis at Home and Abroad," please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.



**Alternative Dispute Resolution**

Program Area: Legal / Science / Regulatory / Economic Review

Goal: Enforce Environmental Laws and Ensure Compliance

Objective(s): Hold Environmental Violators and Responsible Parties Accountable

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$533</b>	<b>\$864</b>	<b>\$1,175</b>	<b>\$311</b>
Hazardous Substance Superfund	\$632	\$832	\$868	\$36
Total Budget Authority	\$1,165	\$1,696	\$2,043	\$347
Total Workyears	2.1	5.9	6.9	1.0

**Program Project Description:**

EPA’s Alternative Dispute Resolution (ADR) Program offers cost-effective processes for preventing and resolving conflicts on environmental matters and some workplace conflicts as an alternative to litigation. The Program provides facilitation, mediation, public involvement, training, consensus building advice and support, legal counsel, and organizational development support to external stakeholders and to all EPA programs.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.1, Hold Environmental Violators and Responsible Parties Accountable in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, EPA will continue to provide conflict prevention and ADR services to all EPA programs and external stakeholders on environmental matters. This program also supports implementation of Executive Order (EO) 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.<sup>164</sup>

Specifically, ADR will:

- Continue to administer its five-year, \$53 million Conflict Prevention and Resolution Services contract. The contract supports the ADR Program by providing the above services to more than 100 active projects and is expected to take on an additional 20-30 projects in FY 2023. The Program expects a growth in the areas of environmental justice, climate change, and Title VI civil rights cases.
- Directly provide facilitation, mediation, and training services through the conflict resolution specialists on staff. The ADR Program expects to directly support agency programs and stakeholders by providing facilitation, mediation, or other consensus building support on five to eight projects.

<sup>164</sup> For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

- Provide training to EPA staff in conflict resolution concepts and skills. The ADR Program offers this training through its cadre of eight interactively designed courses to all national program offices and regions. Adapting to a virtual environment in FY 2021 has allowed the ADR Program to reach many more programs throughout the Agency and expects that to increase in FY 2023.
- Help to achieve the goals of President Biden’s Justice40 initiative by tracking the number of CPRC projects in which services are provided to disadvantaged communities.

The following are examples of FY 2021 accomplishments:

- Successfully managed a \$53 million Conflict Prevention and Resolution Services contract and administered 203 contract actions valued at \$35.9 million in the first two years.
- Supported 95 environmental collaboration and conflict resolution cases nationwide, including multiple Administrator priority projects, such as the National Recycling Strategy, the Tijuana River Watershed, and implementation of the Save Our Seas legislation. Additional projects include the National Stakeholder Engagement on Disaster Debris and Community Support for Tribal Asthma.
- Trained more than 479 EPA personnel in conflict resolution skills through 11 courses and supported an additional six conflict resolution trainings for 164 EPA staff and managers.

**Performance Measures Targets:**

EPA’s FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$31.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$280.0 / +1.0 FTE) This program change is an increase for the use of alternative dispute resolution processes, such as mediation and facilitation, to promote equity by including underserved communities in negotiations. This includes \$196.0 thousand in payroll.

**Statutory Authority:**

Administrative Dispute Resolution Act (ADRA) of 1996; Negotiated Rulemaking Act of 1996; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute).

**Civil Rights Program**

Program Area: Legal / Science / Regulatory / Economic Review

Goal: Take Decisive Action to Advance Environmental Justice and Civil Rights

Objective(s): Strengthen Civil Rights Enforcement in Communities with Environmental Justice Concerns

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$8,968</b>	<b>\$9,205</b>	<b>\$25,869</b>	<b>\$16,664</b>
Total Budget Authority	\$8,968	\$9,205	\$25,869	\$16,664
Total Workyears	46.5	54.4	121.9	67.5

**Program Project Description:**

The Civil Rights Program enforces federal civil rights laws that prohibit discrimination by recipients of federal financial assistance and protect employees and applicants for employment from discrimination. There are two offices within the Agency’s Civil Rights Program, the Office of Civil Rights (OCR) and the External Civil Rights Compliance Office (ECRCO). OCR has responsibility for the internal enforcement of several civil rights laws related to equal employment opportunity (EEO), and ECRCO carries out the external enforcement of several civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from EPA.

OCR, within EPA’s Office of the Administrator, provides leadership, direction, and guidance in carrying out the Agency’s EEO Program. OCR is responsible for advising senior leadership and Agency managers in carrying out their EEO responsibilities. OCR also conducts workforce analysis to identify and eliminate barriers to employment and advancement. Additionally, OCR offers counsel to employees, promotes alternative dispute resolution mechanisms to resolve EEO disputes, investigates EEO complaints, and issues EEO decisions. Further, OCR assists managers in processing reasonable accommodation requests made by persons with disabilities or COVID-19 unvaccinated or partially vaccinated employees.

ECRCO, within the Office of General Counsel, investigates and resolves external complaints, develops policy guidance, conducts affirmative compliance reviews, and provides technical assistance to recipients of federal funds and outreach to communities. In FY 2021, ECRCO committed to strengthening civil rights enforcement to address health and environmental disparities, eliminate discriminatory barriers to clean air, water, and land, and ensure the protection of human health and the environment for all persons in the United States. This commitment includes the following: initiating pre-award and post-award proactive civil rights compliance activities, including affirmative compliance reviews; increasing transparency by affirmatively providing information to the public; developing guidance documents to clarify interpretations of requirements and expectations, including about adverse disparate impacts in the permitting context and the consideration of cumulative impacts in disparate impact analysis; partnering with the

Office of Environmental Justice (OEJ) to assist with the integration of environmental justice (EJ) principles in civil rights enforcement and to facilitate EPA responses to EJ issues; enhancing communication and engagement with environmentally overburdened and disadvantaged communities; and strengthening interagency collaboration across the federal government to enforce federal civil rights laws.

In FY 2021, ECRCO launched strategic planning efforts in response to Executive Order (EO) 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. ECRCO began developing criteria for the initiation of compliance reviews, starting by the first quarter of FY 2022, to address important civil rights issues in at least one environmentally burdened community. ECRCO also began to develop a compliance review planning process for prioritizing annual compliance reviews, beginning in FY 2022. On January 6, 2022, ECRCO issued “External Civil Rights Compliance Office (ECRCO) Process and Criteria for Prioritizing and Selecting Affirmative Compliance Reviews.” In addition, ECRCO is developing civil rights guidance for recipients on procedural safeguards to be issued in the near future in FY 2022.

In FY 2021, ECRCO also continued to meet its internal performance measures to ensure the timely resolution of discrimination complaints. ECRCO issued preliminary findings within 180 days of acceptance of the complaint, in two out of two cases, as required by EPA’s regulation. In addition, ECRCO continued to implement internal performance measures to ensure that all complaints resolved through Informal Resolution Agreements receive those resolutions in a timely fashion. ECRCO continued an EPA-wide contract to provide language assistance services to customers with limited-English proficiency. In addition, ECRCO continued to improve its process for and support of complaint docket management through investigations, informal resolution agreements, and mediation consistent with EPA’s nondiscrimination regulation and its revised Case Resolution Manual, issued in the second quarter of 2021. In addition, ECRCO conducted internal stakeholder engagement and reinvigorated comprehensive training efforts within EPA. On October 27, 2021, ECRCO held its first ever public listening session, which over 200 people attended. In FY 2021, ECRCO also finalized the development of additional tools and internal metrics to evaluate the progress and effectiveness of ECRCO's continued proactive initiatives with Regions 1, 5, and 7 and their respective states to promote states’ development of robust nondiscrimination programs.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 2/Objective 2.3, Strengthen Civil Rights Enforcement in Communities with Environmental Justice Concerns. Work in this program also directly supports progress toward the Agency Priority Goal: *Deliver tools and metrics for EPA and its Tribal, state, local, and community partners to advance environmental justice and external civil rights compliance. By September 30, 2023, EPA will develop and implement a cumulative impacts framework, issue guidance on external civil rights compliance, establish at least 10 indicators to assess EPA’s performance in eliminating disparities in environmental and public health conditions, and train staff and partners on how to use these resources.*

## **Office of Civil Rights**

In FY 2023, OCR will address potential barriers to employment and advancement, enhancing training and service delivery, and assessing organizational EEO efforts during Technical Assistant Visits (TAVs) with the Program and regional offices. Additionally, OCR will actively support, and as required, lead specific efforts to implement the Agency’s Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan as required by Executive Order (EO) 14035.<sup>165</sup>

### *Employee Complaints and Resolution (ECR)*

In FY 2023, OCR will dedicate a large portion of its resources to the processing of discrimination complaints, EEO-related training for management and staff, and marketing the benefits of the Alternative Dispute Resolution (ADR) Program. ECR is expected to engage in the following activities:

- Evaluate the effectiveness of the revised procedures for processing Final Agency Decisions.
- Implement strategies for transparently communicating and addressing trends in formal complaints at the Program office and regional office levels.
- Implement ADR training (for management and staff) and issue program manuals and other ADR marketing materials to strengthen participants’ knowledge and to increase offers and participation in the ADR process.
- Implement a revised TAV agenda based on feedback from previous TAVs completed to ensure an enhanced customer experience and usefulness.
- Recruit and train new collateral duty EEO Counselors.

### *Affirmative Employment, Analysis, and Accountability (AEAA)*

In FY 2023, AEAA will continue to focus on identifying and eliminating barriers to employment and advancement at the Agency. This will include enhanced data analysis and greater capacity to investigate workforce data triggers. In FY 2023, AEAA expects to engage in the following activities:

- Continue to monitor the effectiveness of measures implemented from the “Barrier Analysis Report: Increasing the Use of the Schedule A (Disability) Hiring Authority”.
- Finalize the “Upward Mobility of Employees into the Senior Grades through the Senior Executive Service (SES) based on the EEO Categories of Race and Sex”.
- Begin implementing recommendations resulting from the EPA MD-715<sup>166</sup> priority regarding the collection of applicant flow data for Career Development Opportunities.
- Evaluate the significant underrepresentation of demographics groups from the FY 2022 MD-715 report.

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<sup>165</sup> For more information, please see: <https://www.federalregister.gov/documents/2021/06/30/2021-14127/diversity-equity-inclusion-and-accessibility-in-the-federal-workforce>.

<sup>166</sup> For more information, please see: [https://www.epa.gov/sites/default/files/2021-05/documents/md-715\\_report\\_fy20\\_final\\_28\\_apr\\_21\\_signed.pdf](https://www.epa.gov/sites/default/files/2021-05/documents/md-715_report_fy20_final_28_apr_21_signed.pdf).

- Monitor and assist the Administrator’s Office and regional and program offices with implementation of EEO Actions Plans.
- Conduct assistance visits for a total of eight regional and program offices.
- Provide effective training and tools for managers to carry out their responsibilities under the MD-715.

*Reasonable Accommodations (RA) Program*

In FY 2023, the RA Program will work to enhance the effectiveness of services through training, policy development, and improving the support functions of the Local Reasonable Accommodation Coordinators (LORACs). In FY 2023, RA expects to engage in the following activities:

- Evaluate the procedures for providing Personal Assistant Services (PAS) to determine their effectiveness and, as necessary, revise procedures.
- Support the Agency’s efforts to improve accessibility for persons with disabilities in response to EO 14035.
- Evaluate the Reasonable Accommodations Management System (RAMS) and upgrade/enhance features as necessary.
- Conduct recertification training (every three years) for the LORACs.
- Conduct assistance visits for a total of eight EPA regional and program offices.

**External Civil Rights Compliance Office, Including Title VI**

In FY 2023, EPA requests an additional \$11.6 million and 50.0 FTE to enforce the Nation’s civil rights laws through ECRCO and the regional offices who provide support and assistance to investigate and resolve critical civil rights complaints and initiative affirmative compliance reviews. Only through a whole of EPA approach to external civil rights compliance can we achieve measurable environmental, public health, and quality of life improvements in the most overburdened, vulnerable, and underserved communities.

EPA will continue to overhaul and refocus the office to bring justice to frontline communities that experience the worst impacts of environmental pollution. EPA’s *FY 2022-2026 Strategic Plan* provides the framework for the Agency to center its mission on the integration of justice, equity, and civil rights across the Nation’s environmental protection enterprise. ECRCO and the OEJ will work closely to promote the integration of EJ and civil rights throughout EPA and carry out the objectives, sub-objectives, and annual and long-term goals articulated in Strategic Plan Goal 2: “Take Decisive Action to Advance Environmental Justice and External Civil Rights.” In addition, to drive short term action by the end of FY 2023, EPA also established an Agency Priority Goal in its strategic plan to “Deliver tools and metrics for EPA and its tribal, state, local, and community partners to advance environmental justice and external civil rights compliance.”

ECRCO will shift from being primarily reactive, responding only to complaints, to being proactive in initiating compliance activities. ECRCO will fully implement its authority to address actions, policies, and practices by recipients of EPA funding that have a discriminatory impact on overburdened and disadvantaged communities. Beginning in FY 2022 and in FY 2023, ECRCO

will continue to: initiate proactive pre-award and post-award civil rights compliance activities, including affirmative compliance reviews to address the impacts of potentially discriminatory activities on overburdened communities; develop and implement clear and strong civil rights guidance and corresponding training and technical assistance to increase recipients' compliance with civil rights laws, including on adverse disparate impacts, including in the permitting context; conduct timely and effective civil rights complaint investigations and resolutions – including investigations and informal resolution agreements that effectively address adverse disparate impacts; enhance communication and engagement with environmentally overburdened communities to meaningfully inform EPA's civil rights work and to empower and increase their participation in critical decision making; increase transparency by affirmatively providing information to the public; and strengthen federal interagency collaboration and coordination on complaints, compliance reviews, and policy guidance to enforce federal civil rights laws.

In addition, as civil rights vigilance is an Agencywide responsibility, ECRCO will work with OEJ and all EPA regional and program offices to: engage all EPA program and regional offices in civil rights compliance activities to identify whether recipient programs and activities are consistent with civil rights laws; communicate requirements and expectations to EPA staff through education, training, outreach, and technical assistance to enhance civil rights enforcement awareness and strengthen intra-agency collaboration; and include applicable civil rights requirements in EPA non-civil rights guidance, program strategic planning, environmental policy directives, rulemakings, enforcement, and siting and permitting decisions by EPA recipients.

In FY 2023, ECRCO will continue to ensure timely resolution of discrimination complaints and affirmative compliance reviews and implement Informal Resolution Agreements within the agreed-upon timeframes. Also, in FY 2023, ECRCO will continue to implement and refine the Case Resolution Manual that was reissued in FY 2021 and updated in FY 2022.

Specific ECRCO FY 2023 activities include:

- Continue to initiate affirmative civil rights compliance activities, including targeted post-award compliance reviews in environmentally overburdened and disadvantaged communities, and conduct pre-award applicant reviews that include greater accountability for applicants and recipients to ensure civil rights compliance.
- Fully implement the guidance to clarify investigative and legal standards that are applied to external civil rights claims, including how cumulative impacts will be evaluated when assessing whether an action, policy or practice, such as in the permitting context, has an unjustified disparate and adverse impact.
- Fully implement the civil rights procedural guidance for recipients.
- Fully implement the process (to be revised in FY 2022) for reviewing Form 4700-4, the "Preward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance." These revisions will aid in ensuring compliance with baseline foundational procedural requirements that all applicants and recipients of federal funds must meet to bring all applicants and recipients into compliance, address noncompliance through voluntary means whenever possible, and take appropriate action when voluntary means are not possible.
- Continue to conduct post-award audits of submitted Form 4700-4 forms.

- Complete the Technical Assistance Video planned to be posted publicly in FY 2022, to inform recipients of their nondiscrimination program obligations.
- Continue to increase transparency by proactively providing the public with access to ECRCO case information.
- Increase coordination, communication, and engagement with environmentally overburdened and disadvantaged communities.
- Continue to enhance ADR services, including increasing ECRCO’s capacity to offer services to a greater number of recipients and communities.
- Continue to strengthen interagency collaboration across the federal government to enforce federal civil rights laws.
- Develop programmatic guidance in FY 2023 to clarify that recipients must not only collect and maintain data about the composition of the communities they serve, but also evaluate and use those data to determine whether significant decisions, including permitting decisions, comply with civil rights laws.
- Develop and finalize EPA Directive/Order: Section 504 Procedures for Ensuring Meaningful Access for Persons with Disabilities to EPA Programs Services and Activities, including an EPA-Wide Disability Services Contract to ensure a clear, consistent, and well-coordinated process for ensuring meaningful access for persons with disabilities.
- Implement the “External Disability Complaint Process” that the public can use to file complaints against EPA alleging lack of meaningful access for persons with disabilities to EPA programs and activities.
- Create a Resources Page on the ECRCO website and populate with existing and new resources.
- Ensure broad dissemination of critical civil rights deliverables through partnerships with outside state, local and tribal councils, and alliances.

**Performance Measure Targets:**

<b>(PM EJCR05) Percentage of state-issued permits reviewed by EPA that include terms and conditions that are responsive to environmental justice concerns and comply with civil rights obligations.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		TBD
<b>(PM EJCR06) Percentage of elements completed by state recipients of EPA financial assistance toward having foundational civil rights programs in place.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	20	40
<b>(PM EJCR12) Percentage of EPA programs and regions that have identified and implemented opportunities to integrate environmental justice considerations and strengthen civil rights compliance in their planning, guidance, policy directives, monitoring, and review activities.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	15	30
<b>(PM EJCR13) Percentage of EPA regions and national programs that have established clear implementation plans for Goal 2 commitments relative to their policies, programs, and activities and made such available to external partners.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		100
<b>(PM EJCR14) Percentage of EPA programs and regions that have implemented program and region-specific language assistance plans.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	30	60



<b>(PM EJCR15) Percentage of EPA programs and regions that have implemented program and region-specific disability access plans.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		60
<b>(PM EJCR16) Number of proactive post-award civil rights compliance reviews initiated to address discrimination issues in environmentally overburdened and underserved communities.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	3	6
<b>(PM EJCR17) Number of audits completed to ensure EPA financial assistance recipients are complying with federal civil rights laws.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	25	75
<b>(PM EJCR18) Number of information sharing sessions and outreach and technical assistance events held with overburdened and underserved communities and environmental justice advocacy groups on civil rights and environmental justice issues.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	8	12

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$883.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$15,781.0 / +67.5 FTE) This program change is an increase in order to increase staffing and capacity in the External Civil Rights Compliance Office, to enforce the Nation’s civil rights laws and to work toward the goal of achieving measurable environmental, public health, and quality of life improvements in the most overburdened, vulnerable, and underserved communities. This investment will support activities including investigations into claims of discrimination in communities and pre-award and post-award compliance activities. This investment includes \$12.329 million in payroll.

**Statutory Authority:**

Title VI of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Rehabilitation Act of 1973 § 504; the Age Discrimination Act of 1975, and Federal Water Pollution Control Act Amendments of 1972 § 13; Title VII of the Civil Rights Act of 1964; Equal Pay Act of 1963; Rehabilitation Act of 1973 §§ 501, 504, 505, 508; Americans with Disabilities Act of 1990; ADA Amendments Act of 2008; Age Discrimination in Employment Act (ADEA) of 1967; and Genetic Information Nondiscrimination Act (GINA).

**Integrated Environmental Strategies**

Program Area: Legal / Science / Regulatory / Economic Review

Goal: Tackle the Climate Crisis

Objective(s): Accelerate Resilience and Adaptation to Climate Change Impacts

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$9,614</i></b>	<b><i>\$9,475</i></b>	<b><i>\$40,912</i></b>	<b><i>\$31,437</i></b>
Total Budget Authority	\$9,614	\$9,475	\$40,912	\$31,437
Total Workyears	46.4	48.5	76.5	28.0

**Program Project Description:**

The Integrated Environmental Strategies (IES) Program advances the Agency’s mission of protecting human health and the environment by focusing on cross-media environmental concerns. The IES Program provides tools, training, advice, and resources to help EPA work as a more effective organization. Nationally, IES is focused on: 1) supporting streamlining automation, oversight, and integration of EJ and climate in environmental permitting; 2) working with industrial sectors to identify and develop sensible approaches to better protect the environment and public health; 3) collaborating with partners, including federal, state, municipalities, communities, businesses, and other stakeholders, to implement locally-led, community-driven approaches to environmental protection through technical assistance, policy analysis, and training; and 4) partnering with other federal agencies, states, territories, tribes, local governments, businesses, and others to increase the resilience of the Nation to the impacts of climate change.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.2, Accelerate Resilience and Adaptation to Climate Change Impacts in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, EPA requests an investment of \$31.4 million and 28.0 FTE for the IES Program. The Program will focus on four major areas, each presenting unique opportunities to improve delivery of environmental protection across multiple media and stakeholders. These four areas include permitting strategies, sector strategies, climate adaptation and resilience, and community-driven environmental protection.

*Permitting Strategies*

One way that EPA implements its statutory authority is through various permitting programs. In FY 2023, the Agency will continue to focus on working across EPA program and regional offices and with state and tribal co-regulators to support coordination, streamlining, oversight, automation, and the integration of environmental justice (EJ) and climate change for environmental permitting.

EPA will work to transition EPA's major permitting programs from paper processes to electronic processes through the automation of permit application, review, and issuance processes. Expected benefits include reduced processing time on issuing permits, decreased time between receiving monitoring data and engaging in enforcement actions, and increased transparency by allowing communities to search, track, and access permitting actions easily. Permit automation will better enable the integration of climate change and EJ considerations into permit processes and ensure that they are addressed within the terms and conditions of the permit. For the regulated community, permit automation will allow for a simplified, streamlined, and transparent permitting process, which will result in both time and cost savings.

With a renewed focus on more effective integration of EJ and climate change considerations within the Agency's several decentralized permitting programs, EPA will continue to play a leading role coordinating efforts aligned with the Administration's priorities. In FY 2023, EPA will ensure continued oversight, coordination, and support of the goals of both established authorities and new priorities that include:

- 1) Working directly with EPA's regional permitting programs to coordinate permit support for major infrastructure projects, including carbon capture/use/sequestration and renewable energy projects requiring a permit.
- 2) Supporting EPA's permitting programs to integrate EJ and climate change analysis into permit development by establishing policy, guidance, and tools for consistency and building permit writers' proficiencies in EJ and climate resilience/adaptation/mitigation.
- 3) Supporting EPA oversight, permit quality, permit timelines, and permit program integrity of delegated state/local permitting programs.
- 4) Ensuring the documentation of best practices and addressing cross-cutting permitting and policy issues (e.g., Endangered Species Act and National Historic Preservation Act coordination); and, in partnership with other federal agencies, state and tribal permitting offices, continuing to streamline and gain efficiencies in the review of all permits.
- 5) Leading the expansion of a successfully piloted e-permitting application tool to other permitting program areas. The Program's vision entails working across the entire Agency on the development and implementation of an electronic permit platform for reviewing, preparing, processing, and issuing permits as well as monitoring compliance.

### *Smart Sectors*

EPA's Smart Sectors Program (SSP) provides a platform for the Agency to collaborate with industry to develop innovative approaches to protect the environment and public health from a multi-media perspective. SSP serves as a hub for understanding and addressing sector specific environmental challenges and opportunities, facilitating dialogue with industry representatives and other stakeholders, and managing a network of SSPs in all 10 EPA regions. The Program will continue serving a liaison function to connect, convene, and facilitate discussions among agency experts and business leaders to address discrete issues unique to each sector and help that sector drive improvements that serve the Agency's greater mission of protecting human health and the environment.

In FY 2023, SSP will focus activities in three areas: broad multi-stakeholder engagement, cross-agency coordination, and policy and program initiatives as they relate to industry sectors. Multi-stakeholder engagements will provide a platform for working with industry trade associations and leading companies, as well as other stakeholders on key issues such as climate change, EJ, and infrastructure. These other stakeholders include non-governmental organizations, organized labor, the academic community, state/local governments, and overburdened and vulnerable communities with EJ concerns, as appropriate. The Program will coordinate and/or lead cross-agency, sector-based projects and activities to address the Administration's priorities, including tackling climate change, delivering EJ, and securing environmentally responsible and resilient supply chains.

### *Community-Driven Environmental Protection*

The IES Program delivers technical assistance, training, and tools to economically distressed communities and coordinates the Agency's work with communities to increase efficiency, effectiveness, and accountability. In FY 2021, the Program delivered direct technical assistance to more than 35 communities. In FY 2022, the Program is developing new technical assistance approaches specifically focused on helping communities disproportionately impacted by the COVID-related economic downturn, attracting private investment, growing in more resilient ways, and rebuilding in a way that also improves environmental and human health outcomes. In FY 2023, EPA will deploy the tools, expertise, and technical assistance, that were piloted and deployed in FY 2022. These resources will continue to strengthen EPA's efforts to leverage public and private sector investments in support of improved economic development and environmental outcomes.

In FY 2023, the Program will continue to lead, along with the new Office of Environmental Justice, the application of community-driven solutions to local environmental challenges, focusing on the Administration's priorities, such as leveraging private investment and aligning federal investments to maximize benefits to vulnerable and underserved communities. Technical assistance and training are the cornerstones of EPA's cooperative approach to addressing environmental challenges in communities, particularly communities that are economically distressed. In FY 2023, the Program will continue to prioritize technical assistance, capacity building and training, with the objective of helping communities as well as tribal, state, and local governments increase their capacity to protect the environment while growing their economies, creating jobs, using public and private sector investments and other resources more efficiently, and promoting more equitable approaches to development. Where appropriate, EPA will partner with other agencies to help achieve locally led, community-driven approaches to protecting air, land, and water, while at the same time supporting equitable economic revitalization.

In FY 2023, the Program will continue analyses on emerging trends, innovative practices, and tools that support equity, climate resilience, Greenhouse Gas (GHG) reduction, and clean air, land, and water outcomes. EPA will continue to develop tools to help interested communities incorporate innovative, equitable approaches to infrastructure and land development policies. This assistance helps deliver on multiple economic, community, and human health goals embedded in EPA's core mission, including managing stormwater, improving local air and water quality, cleaning up and reusing previously developed sites, and supporting revitalization and

redevelopment in economically distressed communities to create economic opportunities while reducing GHG emissions and protecting the environment.

### *Climate Adaptation Program*

EPA is committed to identifying and responding to the challenges that a changing climate pose to human health and the environment. The goal of the Climate Adaptation Program is to ensure the Agency continues to fulfill its mission of protecting human health and the environment even as the climate changes and disruptive impacts increase.

In FY 2023, the Program will focus on integrating climate adaptation into EPA's programs and regions, policies, rules, financial mechanisms, and operations to ensure they are effective even as the climate changes, while the Agency also works to reduce GHG emissions. The Program will guide implementation of the 2021 EPA Climate Adaptation Action Plan, including advising and monitoring progress made by EPA National Program Offices and Regional Offices in integrating climate adaptation into their work. The Program will report on progress made using performance measures and targets identified in program and regional office Implementation Plans. Managers and staff at EPA will be trained on how to integrate climate adaptation into their work.

In FY 2023, the Program will develop decision-support tools and technical assistance to improve the effectiveness of decisions sensitive to climate change and related EJ considerations. These tools will empower EPA staff and their partners to consider climate, as well as changes in social and economic conditions that are influenced by climate change, and to identify strategies that will yield co-benefits. Such co-benefits include reductions in GHGs and other pollutants, improved public health, economic growth and job creation benefits, and national security and EJ benefits that will be central to building a more resilient future.

In FY 2023, the Program will strengthen the adaptive capacity of states, tribes, territories, local governments, EJ organizations, community groups, and businesses, with a particular focus on advancing EJ, by increasing the number EPA has assisted, through grants or technical assistance to 1) develop or update their climate resilience/adaptation plans, and/or 2) implement an action to anticipate, prepare for, and adapt to climate change. Particular attention will be given to ensuring that the outcomes of investments made with funds from the Infrastructure Investment and Job Act will be resilient to the impacts of climate change, as well as support climate mitigation goals. The Agency's partners share responsibility for protecting human health and the environment, and partnerships with EPA are at the heart of the Nation's environmental-protection system.

The desire is to empower communities and tribes across the Nation to manage the risks of climate change as we strive to attain the Agency's mission. The Program will produce and deliver training, tools, technical assistance, financial incentives, and information, so our partners can adapt to and increase resilience to climate change. The Program also will support federally recognized tribes in incorporating climate adaptation into at least one program supported by an EPA grant.

Lastly, EPA will provide financial incentives through grant programs to support climate-resilient investments in communities across the Nation. Certain parts of the population, such as communities of color, low-income communities, children, the elderly, tribes and indigenous

people, and small rural communities, can be especially vulnerable to the impacts of climate change. To that end, the Program will engage the most overburdened and vulnerable communities to improve their capacity to anticipate, prepare for, and adapt to or recover from climate change impacts.

**Performance Measure Targets:**

<b>(PM AD07) Number of priority actions completed in EPA’s Climate Adaptation Action Plan and Program and Regional Implementation Plans.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	100	100
<b>(PM AD08) Number of EPA national program offices that have developed adaptation training for programs and staff.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	4	10
<b>(PM AD09) Cumulative number of federally recognized tribes assisted by EPA to take action to anticipate, prepare for, adapt to, or recover from the impacts of climate change.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	100	150
<b>(PM AD10) Cumulative number of states, territories, local governments, and communities (i.e., EPA partners) assisted by EPA to take action to anticipate, prepare for, adapt to, or recover from the impacts of climate change.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	250	300
<b>(PM AD11) Number of tribal, state, regional, and/or territorial versions of the Climate Change Adaptation Resource Center (ARC-X) or similar systems developed by universities with EPA support.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	3	6
<b>(PM AD12) Hours of appropriate subject matter expert time provided by EPA to help communities adapt to climate impacts, build long-term resilience, and support the most underserved and vulnerable communities after federally declared disasters.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	No Target Established	No Target Established
<b>(PM PAT) Percentage of EPA permitting processes automated.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		10
<b>(PM CO1) Percentage of technical assistance projects in support of environmentally sustainable and community-driven revitalization that support or expand upon previous or ongoing federal investments.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		TBD

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$289.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$2,888.0 / +6.0 FTE) This program change is an increase to support the coordination, streamlining, oversight, automation, and integration of EJ and climate change into environmental permitting. This investment includes \$1.1 million in payroll.

- (+\$19,985.0 / +12.0 FTE) This program change is an increase provided for Climate Adaptation to strengthen the adaptive capacity of states, tribes, territories, local governments, communities, and businesses. This investment includes \$2.18 million in payroll.
- (+\$8,275.0 / +10.0 FTE) This program change is an increase to support core program capacity that is central to the Agency's mission. These resources will build the program by addressing the Administration's priorities, adhering to the goals of the *FY 2022 – 2026 EPA Strategic Plan*, with attention to the urgency of climate change. This investment includes \$1.8 million in payroll.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute); National Environmental Policy Act; CAA § 309; Endangered Species Act; National Historic Preservation Act; Archaeological and Historic Preservation Act; Fishery Conservation and Management Act; Fish and Wildlife Coordination Act; and Title 41 of the Fixing America's Surface Transportation Act.

**Legal Advice: Environmental Program**  
 Program Area: Legal / Science / Regulatory / Economic Review  
 Cross-Agency Mission and Science Support

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$55,700</b>	<b>\$49,595</b>	<b>\$76,855</b>	<b>\$27,260</b>
Hazardous Substance Superfund	\$1,161	\$443	\$461	\$18
Total Budget Authority	\$56,862	\$50,038	\$77,316	\$27,278
Total Workyears	257.6	263.9	316.5	52.6

Total workyears in FY 2023 include 8.8 FTE funded by TSCA fees and 17.1 FTE to support Legal Advice working capital fund (WCF) services.

**Program Project Description:**

The Legal Advice: Environmental Program provides legal representational services, legal counseling, and legal support for all the Agency's environmental activities. The legal support provided by this program is essential to the Agency's core mission. The personnel assigned to this program represent essential expertise in the critical fields that EPA relies on for all decisions and activities in furtherance of its mission: to protect human health and the environment.

The Program provides legal counsel on every major action the Agency takes. It plays a central role in all statutory and regulatory interpretation of new and existing rules, as well as rule and guidance development under EPA's environmental authorities. The Program also provides essential legal advice for every petition response, judicial response, and emergency response. When the Agency acts to protect the public from pollutants or health-threatening chemicals in the air we breathe, in the water we drink, or in the food we eat, the Program provides counsel on the Agency's authority to take that action. The Program then provides the advice and support necessary to finalize and implement that action. When that action is challenged in court, the Program defends it, in coordination with the Department of Justice (DOJ). The Program also supports EPA's National Freedom of Information Act (FOIA) Office, as part of the legal services activity within the Agency's Working Capital Fund.

**FY 2023 Activities and Performance Plan:**

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the Agency requests an investment of 52.6 FTE and \$27.3 million to strengthen and assist EPA's environmental programs in tackling the climate crisis; advancing environmental justice; responding to coal combustion residuals (CCR) actions and rulemakings and emerging issues like per- and polyfluoroalkyl substances (PFAS); supporting Toxic Substances and Control Act (TSCA) implementation; and enhancing transparency. During the past several years EPA's Office of General Counsel's (OGC) workload continues to significantly outpace staffing resources



The Program also will work on vital new Administration priorities including regulatory changes, climate, and environmental justice and will continue to provide legal representation in judicial and administrative litigation. The Program also will provide counseling outside of the litigation context in the highest priority issues arising under all the environmental statutes administered by EPA.

In FY 2023, the Agency will continue to focus on its core mission to apply the most effective approaches by implementing EPA's environmental programs under the Comprehensive Environmental Response, Compensation & Liability Act, Resource Conservation and Recovery Act, Clean Air Act, Clean Water Act, Toxic Substances and Control Act, Federal Insecticide Fungicide and Rodenticide Act, Food Quality Protection Act, Safe Drinking Water Act, and other authorities. This strategy will help ensure that human health and the environment are protected, including clean air, water, and land, and safe chemicals and pesticides.

EPA also will continue to strengthen its implementation of FOIA to enhance transparency, build public trust in Agency actions, and support public participation by working to achieve the *FY 2022-2026 EPA Strategic Plan* long-term performance goal to eliminate the backlog of overdue FOIA responses.

Finally, the Program includes the OGC Ethics Program which bolsters all of the principles articulated in the *FY 2022-2026 EPA Strategic Plan*. Public trust in the integrity of EPA's scientific and legal efforts necessarily depends upon all EPA employees faithfully carrying out their official duties ethically and impartially.

Legal counseling resources continue to be in high demand to support the Agency's response to states seeking assistance developing or implementing environmental programs, industrial facilities seeking permits to allow them to undertake new economic activity or continue existing activity, and citizens seeking actions to protect local environmental quality, among other things. The Program will prioritize resources after supporting judicial and administrative litigation to counsel agency clients on these matters.

The following are examples of recent accomplishments and work being completed to illustrate this program's role in implementing the Agency's core mission:

- EPA's Water Law Office (WLO) has provided critical legal support for implementing Executive Order 13990, *Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*<sup>167</sup> (86 Fed. Reg. 7037 January 25, 2021-EO 13990), under which EPA and the Army Corps of Engineers reviewed, reconsidered, and decided to undertake rulemaking to replace the previous Administration's definition of "waters of the United States" under the Clean Water Act. WLO expects to continue its work on legal issues associated with this agency priority in FY 2023, including supporting the Solicitor General's Office in addressing the *Sackett* petition in the Supreme Court. Additionally, WLO also has provided critical legal support for the decision to reconsider and revise the Agency's 2020 rule implementing CWA section 401.

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<sup>167</sup> For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-public-health-and-environment-and-restoring-science-to-tackle-climate-crisis/>.

- EPA's Pesticides and Toxic Substances Law Office (PTSLO) continues to provide critical legal advice in support of EPA's implementation of the Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act, which modernized and substantially overhauled the TSCA. PTSLO also provides substantial support to the Office of Pesticide Programs in its activities related to the operation of a national licensing program for pesticides sold and used in the United States, which involves the issuance of hundreds of reviewable final agency actions each year, including the grant of new pesticide registrations; amendments to existing pesticide registrations; new or amended tolerance regulations authorizing the presence of specific levels of pesticide residues on food sold in the United States; determinations related to the statutorily-mandated review of all existing pesticide registrations; state special local needs registrations; and emergency exemptions from the requirements of the pesticide statute.
- EPA's Air and Radiation Law Office (ARLO) has played a key role in implementing the American Innovation and Manufacturing (AIM) Act. ARLO attorneys played a critical role in helping EPA propose and finalize its first set of regulations implementing the AIM Act, which Congress passed in December of 2020. This law requires the phase down of Hydrofluorocarbons (HFCs), a potent class of greenhouse gases. ARLO also has played a key role in developing a rulemaking to regulate emissions from the oil & natural gas industry under Clean Air Act section 111, which requires EPA to regulate emissions from source categories that endanger public health or welfare as well as defending EPA's authority to effectively regulate greenhouse gas emissions from the power sector under Clean Air Act section 111. Additionally, ARLO played a key role in a number of recent actions to reduce greenhouse gas emissions from vehicles and will work closely with the Department of Justice to defend the recent light duty vehicle and aircraft greenhouse gas actions.
- EPA's Solid Waste and Emergency Response Law Office (SWERLO) provided critical legal advice on multiple EPA actions to protect communities and hold facilities accountable for controlling and cleaning up the contamination created by decades of coal ash disposal, which can pollute waterways, groundwater, drinking water, and the air. The actions advance the Agency's commitment to protecting groundwater from coal ash contamination and include: 1) proposing decisions on requests for extensions to the current deadline for initiating closure of unlined Coal Combustion Residuals (CCR) surface impoundments; 2) putting several facilities on notice regarding their obligations to comply with CCR regulations; and 3) laying out plans for future regulatory actions to ensure coal ash impoundments meet strong environmental and safety standards. SWERLO served as the Agency lead in D.C. Circuit litigation, including a challenge to the CCR Part A rule and a separate challenge to the approval of the Oklahoma CCR state program. SWERLO provided a significant amount of critical legal advice on a top Administration priority of addressing PFAS contamination. Additionally, SWERLO represented EPA's interests in the development of the U.S. litigating position in defensive litigation related to PFAS contamination at military bases.
- EPA's Cross-Cutting Issues Law Office (CCILO) is providing specialized legal and tactical expertise in legal counseling on a range of administrative law matters related to

implementing the President’s agenda, including reviewing, revising, and rescinding rules and guidance issued under the prior Administration. CCILO also has provided critical legal support to advance the Administration's Environmental Justice goal. CCILO provided critical legal support to the Council on Environmental Quality (CEQ) to set up the White House Environmental Justice Advisory Counsel, and counsel on paperwork reduction issues to allow CEQ to adopt EPA’s Paperwork Reduction Act for the Climate and Environmental Justice Screening Tool. CCILO also led the offer to update EJ Legal Tools to incorporate new and revised environmental and civil rights statutes to advance environmental justice. Finally, CCILO continues to support the Administration’s Memorandum on Tribal engagement in a variety of contexts, including in the context of addressing the inequity to Oklahoma tribes created by the SAFETEA decision.

- EPA’s National Freedom of Information Office (NFO) provided legal advice and support to the agencywide FOIA Program by reducing more than 24 percent of EPA’s backlog of overdue FOIA responses during FY 2021, down to 1,056 from 1,395 at the start of the fiscal year; undertook the initial review, and assignment of 6,531 FOIA requests; processed 253 applications for expedited response; and processed 974 applications for fee waivers. NFO also processed and closed more than 1,756 FOIA requests and issued new agencywide FOIA Policy and FOIA Procedures.
- The Ethics Office is solely responsible for assigning, reviewing, and certifying public financial disclosure reports and periodic transaction reports. These reports are due in quarter 3 of the fiscal year, and the OGC Ethics Program received more than 730 reports. Of these, 98 percent were reviewed on time and 96 percent were certified on time. EPA’s Ethics Program remains committed to the continuous improvement of accountability in its programs and employee compliance with ethics laws and regulations.

**Performance Measure Targets:**

(PM FO2) Number of FOIA responses in backlog.	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	845	634

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$9,431.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$14,098.0 / +37.6 FTE) This program change addresses a need for increased defensive litigation work in multiple environmental statutes, legal work in pesticides and toxics, and legal support for emerging issues like PFAS. This investment provides additional funding for essential core workforce support costs and includes \$8.726 million in payroll. These additional resources also will assist EPA in tackling the climate crisis and securing environmental justice.

- (+\$3,485.0 / +14.0 FTE) This program change is an increase for legal counseling and support for CCR actions and rulemakings. This investment includes \$3.249 million in payroll.
- (+\$246.0 / +1.0 FTE) This program change is an increase for legal support for TSCA implementation. This investment includes \$232.0 thousand in payroll.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute).

**Legal Advice: Support Program**  
 Program Area: Legal / Science / Regulatory / Economic Review  
 Cross-Agency Mission and Science Support

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$16,645</i></b>	<b><i>\$15,865</i></b>	<b><i>\$18,892</i></b>	<b><i>\$3,027</i></b>
Total Budget Authority	\$16,645	\$15,865	\$18,892	\$3,027
Total Workyears	80.2	89.2	89.2	0.0

Total workyears in FY 2023 include 5.6 FTE funded by TSCA fees.

**Program Project Description:**

The Legal Advice: Support Program provides legal representational services, legal counseling, and legal support for all activities necessary for EPA's operations. The Program provides legal counsel and support on a wide variety of issues and plays an important role in meeting and addressing legal support for work under the Civil Rights Statutes, contracts, grants, employment law, and Freedom of Information Act (FOIA) requirements. It provides critical counseling on a range of Information Law, Employment and Labor Law, Intellectual Property Law, Appropriations and National Security Law matters. With enhanced FOIA implementation, community consultations and other public participation opportunities, the beneficiaries of environmental protection – the American people including environmental justice (EJ) communities – will be able to engage more meaningfully through their communities, local governments, and state and tribal governments.

For example, if an EPA program office needs guidance on the legal parameters around giving grants, how to respond to a FOIA request, whether it may spend money on a certain activity, or what to do when a tort claim is filed with the Agency, this program provides answers, options, and legal advice. Additionally, the Program provides comprehensive advice on civil rights issues including equal protection. The Program provides counsel and advice for settlement on Equal Employment Opportunity mediations and counsels on a range of sensitive and complex national security law matters. The Program also supports EPA in maintaining high professional standards and in complying with all laws and policies that govern the Agency's operations.

**FY 2023 Activities and Performance Plan:**

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the Agency requests an investment of \$3.0 million to strengthen EPA's Legal Advice: Support Program. In FY 2023, EPA will continue to address and manage information requests, legal support for work under the Civil Rights Statutes, and employment law. There also is an ongoing need for a high level of involvement in questions related to contracts, ethics, grants, finance, appropriations, and employment.

The resources in this program are critical to maintain basic legal services for EPA. During the past several years, the Legal Advice: Support Program workload has outpaced staffing resources. Defending lawsuits on matters ranging from FOIA to torts to contracts to employment law is vital to ensure the Agency continues to be responsive to the public. The Agency's focus on responding to our significant FOIA workload and increasing our responsiveness to requesters has correspondingly increased the work of the FOIA attorneys. EPA's Federal Tort Claim Act portfolio also has increased with incredibly complex, billion-dollar cases such as Flint and Gold King Mine, which require significant resources. Further, the Civil Rights lawyers have a critical role to play in "Affirmatively advancing equity, civil rights, racial justice, and equal opportunity", pursuant to Executive Order 13985 (January 21, 2021).<sup>168</sup>

The following are examples of FY 2021 accomplishments:

- Provided ongoing agencywide legal support to address questions regarding the use of appropriated funds in unusual remote work environments due to the COVID-19 global pandemic, including the use of appropriated funds for vaccines and associated travel issues. Provided critical employment law advice and assistance in navigating a series of COVID related issues. This legal support also included providing extensive counsel to the Office of Grants and Debarment in updating guidance to agency programs in providing administrative relief to financial assistance recipients impacted by the COVID-19 response. The Office of Grants and Debarment (OGD) guidance was in furtherance of governmentwide administrative relief authorized by OMB and more specific EPA programmatic relief extended to recipients on a case-by-case basis. The Agency's primary guidance took the form of internal and external FAQs in addition to consultation to respond to specific questions raised by recipients across the country.
- Provided critical legal counsel and assistance to the Water Infrastructure Finance and Innovation Act of 2014 (WIFIA) Program by providing legal sufficiency review and concurrence for all loans in the WIFIA Program.
- Engaged in extensive and significant technical legislative drafting assistance for the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58). The proposed legislation includes approximately \$60 billion in proposed infrastructure funding for EPA projects across the Nation. Technical legislative drafting assistance and legal counseling on the scope of activities authorized in final legislation also was provided in support of the American Rescue Plan Act of 2021<sup>169</sup> which included \$100 million in grant funding for the Office of Air and Radiation and the Office of Environmental Justice to implement assistance programs; Urban Waters; and EJ-related Clean Air Act authorities.
- Created and beta tested training on how to promote diversity and comply with the Equal Protection Clause in support of E.O. 13985. Beta testing is continuing into fiscal year 2022.

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<sup>168</sup> For additional information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

<sup>169</sup> For additional information, please refer to: <https://www.congress.gov/117/bills/hr1319/BILLS-117hr1319enr.pdf>.

- Engaged with EPA program offices' efforts to advance Diversity, Equity, Inclusion and Accessibility (DEIA), as well as EJ by providing legal counsel, including risks assessments and the identification of pragmatic solutions, designed to position these efforts to have longevity. Also created and deployed multiple due process training sessions to explain the legal framework and how operating within this legal terrain will make all DEIA and EJ efforts sustainable. This diverse and varied work will continue into FY 2023.
- Provided essential counseling on employment and labor law matters associated with the Administration's transition; other employment law matters, including Equal Employment Opportunity mediations; a range of sensitive and complex national security law matters; and key confidential business information issues, including several rulemakings.
- Significantly furthered EPA's duties under the Toxic Substances Control Act (TSCA) by completing almost 2,400 Confidential Business Information (CBI) determinations on claims submitted in FY 2021.
- Defended the Agency in more than 60 Freedom of Information Act (FOIA) cases and more than 70 employment law matters. Completed 149 FOIA administrative appeals, eliminating the Agency's appeals backlog.
- Litigated and successfully resolved information law and employment law cases. Trained hundreds of management officials throughout the Agency on employment laws.

**Performance Measure Targets:**

Work under this program supports performance results in the Legal Advice: Environmental Program under the EPM appropriation.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$2,388.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$639.0) This program change is an increase to support Legal Advice: Support Program projects, with a priority for work related to defending the increase in litigation, addressing civil rights issues including External Civil Rights and equal protection, advising on FOIA requests, and ensuring the agencies work in contracts, grants, and appropriations is handled in accordance with the law.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute).

**Regional Science and Technology**

Program Area: Legal / Science / Regulatory / Economic Review  
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$466</i></b>	<b><i>\$638</i></b>	<b><i>\$4,923</i></b>	<b><i>\$4,285</i></b>
Total Budget Authority	\$466	\$638	\$4,923	\$4,285
Total Workyears	0.5	1.7	6.7	5.0

**Program Project Description:**

EPA’s Regional Science and Technology (RS&T) Program provides direct support to multiple programs for the Agency including implementing the Resource Conservation and Recovery Act (RCRA); Toxic Substances Control Act (TSCA); Clean Water Act (CWA); Safe Drinking Water Act (SDWA); Clean Air Act (CAA); and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The RS&T Program supports the Agency’s strategic goals by performing laboratory analysis, and mobile laboratory services to provide credible scientific data on environmental pollutants and conditions to Agency decision makers. The RS&T Program also assists state environmental agencies by providing specialized technical assistance including assistance to tribal communities to help build tribal capacity for environmental monitoring and assessment.

The RS&T Program provides essential expertise and scientific data for a wide array of environmental media, including ambient air; surface, drinking, and ground water; soil and sediment; solid and hazardous waste; and biological tissue. This work focuses on the immediate scientific information needed to make short-term local decisions. A strategic strength of the Regional Laboratory Network (RLN) is its ability to respond to events requiring surge capacity. In the event of an emergency or large-scale project, regional laboratories work together to leverage the strengths and capacities of individual lab facilities and deploy mobile laboratory services where needed.

Extreme weather events often disproportionately affect vulnerable populations including fence line communities most closely adjacent to chemical facilities. As extreme weather events increase in frequency, the public expectation for a rapid and effective response will continue to grow over time. These events often require assistance from the regional laboratory network for quick turnaround sample analyses as well as technical support. When extreme weather events occur, local area laboratories can become overwhelmed. For example, the response to winter storm Uri in 2021 required Region 4 and Region 7 to play a critical role in support of urgent analytical results needed in Region 6 to assist communities whose drinking water was threatened.<sup>170</sup>

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<sup>170</sup>For more information please see: <https://www.epa.gov/sciencematters/epa-deploys-mobile-labs-work-texas-restore-drinking-water-systems>.



The RS&T Program provides support for areas such as environmental biology, microbiology, chemistry, field sampling, enforcement and criminal investigations, and quality assurance, as well as support for special or non-routine analytical requests that EPA cannot readily obtain from other sources within required timeframes. Funding for scientific equipment under this program is essential for maintaining high level capabilities in EPA regional laboratories. New and improved technology strengthens science-based decision-making for regulatory efforts, environmental assessment of contaminants, and development of critical and timely environmental data in response to accidents and natural or man-made disasters. As technology improves, the sensitivity of equipment advances to detect lower levels of contaminants. Newer, more advanced instrumentation improves environmental data collection and laboratory analytical capability.

### **FY 2023 Activities and Performance Plan:**

Work in this Program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022-2026 EPA Strategic Plan*.

In FY 2023, resources will continue to support regional implementation of the Agency's statutory mandates through fixed and mobile laboratory operations for environmental sampling, monitoring and enforcement compliance support. Resources improve timely decision-making in regional program management and implementation of regulatory work across all media and enable the Agency to address environmental issues specific to geographic areas (e.g., energy extraction, mining, wood treating operations, specialty manufacturing), natural disasters (e.g., Winter Storm Uri), and homeland security threats.

In FY 2023, regional laboratories will continue to coordinate within the Regional Laboratory Network to provide needed expert analytical services. The regional laboratories have the capability to analyze a full suite of contaminants using an array of established methods, including regulatory or guidance methods such as the RCRA, CWA and SDWA methods. Laboratories also utilize new methods based on immediate needs or circumstances. These efforts help support the underserved communities that benefit from response times for both routine and enforcement sample analyses related to brownfield sites in urban areas where legacy contamination persists. Since brownfield sites tend to be in densely developed, centralized locations, redevelopment in these areas lead to multiple positive outcomes in urban communities including reducing exposure to toxic chemicals, increased access to green space and reducing vehicle miles driven due to more efficient home/work travel patterns.<sup>171</sup>

In FY 2023, a new investment will provide for replacement and upgrading of aging analytical equipment and modernization of associated critical IT infrastructure. This will support the risk identification and assessment associated with pesticides, organic chemicals, and other high-risk chemicals, as well as support the Agency's science priorities related to informing communities at risk from increasing challenges from climate change, chemical exposures, and aging infrastructure. The Agency's mission to protect human health and the environment often requires the availability of scientific data at lower detection levels, which requires specialized equipment. Almost all

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<sup>171</sup> For mor information please see: <https://www.epa.gov/brownfields/brownfields-program-environmental-and-economic-benefits>.

scientific instrumentation is computer-controlled or interfaced. As computer technology improves, instrument efficiencies and sensitivity also improve – these advances in technology leading to lower detection levels of contaminants are essential for some compounds where health-based risk levels are decreasing (e.g., hexavalent chromium). When measuring for these compounds, the instrument detection levels need to be as low as technically feasible, requiring laboratories to modify an existing method, modify existing equipment, or purchase newer instrumentation.

**Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$40.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$503.0) This increase will be used to support regional implementation of the Agency's statutory mandates through fixed and mobile laboratory operations for environmental sampling, monitoring and enforcement compliance support
- (+\$3,742.0 / +5.0 FTE) This new investment will be used to replace and upgrade aging analytical equipment and modernize associated critical IT infrastructure necessary to meet increasing demands for immediate scientific information needed to make short-term local decisions. This investment includes \$792.0 thousand in payroll.

**Statutory Authorities:**

Resource Conservation and Recovery Act (RCRA); Toxic Substances Control Act (TSCA); Clean Water Act (CWA); Safe Drinking Water Act (SDWA); Clean Air Act (CAA); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Pollution Prevention Act (PPA); Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)

## Regulatory/Economic-Management and Analysis

Program Area: Legal / Science / Regulatory / Economic Review

Goal: Take Decisive Action to Advance Environmental Justice and Civil Rights

Objective(s): Embed Environmental Justice and Civil Rights into EPA’s Programs, Policies, and Activities

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President’s Budget</b>	<b>FY 2023 President’s Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$13,850</i></b>	<b><i>\$12,421</i></b>	<b><i>\$16,247</i></b>	<b><i>\$3,826</i></b>
Total Budget Authority	\$13,850	\$12,421	\$16,247	\$3,826
Total Workyears	66.5	72.5	76.0	3.5

### Program Project Description:

The Regulatory/Economic, Management, and Analysis Program is responsible for reviewing the Agency’s regulations to ensure that they are developed in accordance with the governing statutes, executive orders, and Agency commitments and are based on sound technical, economic, scientific, and policy assumptions. Further, the Program ensures consistent and appropriate economic analysis of regulatory actions, conducts analyses of regulatory and non-regulatory approaches, and considers interactions between regulations across different environmental media. The Program provides all technical support to the Interagency Working Group on the Social Cost of Greenhouse Gases (GHGs) to develop final SC-CO<sub>2</sub>, SC-N<sub>2</sub>O and SC-CH<sub>4</sub> values required under Executive Order (EO) 13990, *Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis*.<sup>1</sup> The Program helps to implement the President’s Memorandum on *Modernizing Regulatory Review*<sup>172</sup> and EO 13985 *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*<sup>173</sup> by developing appropriate modeling, data, and analysis to inform the consideration of environmental justice (EJ) concerns in regulatory and non-regulatory actions. The Program ensures the Agency’s regulations comply with statutory and EO requirements, including the Congressional Review Act,<sup>174</sup> the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act),<sup>175</sup> and EOs 12866, *Regulatory Planning and Review*<sup>176</sup> and 13563, *Improving Regulation and Regulatory Review*<sup>177</sup> regarding the Office of Management and Budget (OMB) regulatory

<sup>172</sup> For more information on the Memorandum Modernizing Regulatory Review, please see:

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/modernizing-regulatory-review/>.

<sup>173</sup> For more information on EO 13985, please see to see: <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

<sup>174</sup> For more information on the Congressional Review Act, please see Subtitle E: <https://www.govinfo.gov/content/pkg/PLAW-104publ121/pdf/PLAW-104publ121.pdf>.

<sup>175</sup> For more information on the Regulatory Flexibility act, please see: <https://www.govinfo.gov/content/pkg/STATUTE-94/pdf/STATUTE-94-Pg1164.pdf>, and as amended by the Small Business Regulatory Enforcement and Fairness Act, please see: <https://www.govinfo.gov/content/pkg/PLAW-104publ121/pdf/PLAW-104publ121.pdf>.

<sup>176</sup> For more information on EO 12866 Regulatory Planning and Review, please see <https://www.archives.gov/files/federal-register/executive-orders/pdf/12866.pdf>.

<sup>177</sup> For more information on EO 13563 Improving Regulation and Regulatory Review, please see: <https://obamawhitehouse.archives.gov/the-press-office/2011/01/18/executive-order-13563-improving-regulation-and-regulatory-review>.

review. The Program manages the development and deployment of EPA's economy-wide model for analyzing the economic impacts of environmental regulations. The Program also includes the Agency's Chief Statistical Official charged with implementing major elements of the *Foundations for Evidence Based Policy Act*.<sup>178</sup>

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Strategic Goal 2/Objective 2.2, Embed Environmental Justice and Civil Rights into EPA's Programs, Policies, and Activities in the *FY 2022 - 2026 EPA Strategic Plan*.

The Program assists the Administrator and other senior agency leaders in implementing regulatory policy priorities.

In FY 2023, EPA will continue its efforts to assess and review the benefits and costs to communities, businesses, government entities, and the broader economy associated with each economically significant regulatory action to maximize the net benefits of policies protecting human health and the environment. EPA will conduct and integrate analysis of EJ concerns in the rulemaking process to address the Administration's priorities. EPA will collect data and build models to assess regulatory proposals and their impacts on benefits, economic performance, and EJ. Planned key program activities in FY 2023 include:

- Represent EPA on, and prepare information and analyses for, the Interagency Working Group on the Social Cost of GHGs, engage the public, stakeholders, and experts to provide recommendations for reviewing, and, as appropriate, updating, the social cost of carbon (SC-CO<sub>2</sub>), social cost of nitrous oxide (SC-N<sub>2</sub>O), and social cost of methane (SC-CH<sub>4</sub>) to ensure that these costs are based on the best available economics and science.
- Represent EPA in recommending improvements to modernize the regulatory review process to promote policies that reflect new developments in scientific and economic understanding, fully accounts for regulatory benefits that are difficult or impossible to quantify and does not have harmful anti-regulatory or deregulatory effects. Develop procedures that consider the distributional consequences of regulations as part of any quantitative or qualitative analysis of the benefits and costs of regulations, to ensure that regulatory initiatives appropriately benefit and do not inappropriately burden underserved, vulnerable, or marginalized communities across all life stages.
- Support EPA's Chief Statistical Official, who will provide technical support for projects under EPA's Learning Agenda, evaluation plan, and capacity assessment; design statistically sound policy analyses and evaluations; assist in the continued development of EPA's Learning Agenda; and promote a culture of evidence-based decision making.
- Conduct training for EPA regulatory staff on a broad range of topics, including EPA's internal Action Development Process, developing EJ analysis for rulemakings, updated

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<sup>178</sup> For more information, please see: <https://www.congress.gov/115/plaws/publ435/PLAW-115publ435.pdf>.

*Guidelines for Preparing Economic Analyses*, and Congressional Review Act requirements to help ensure that rules meet policy goals and address legal and administrative requirements and are informed by high quality EJ and economic analyses.

- Expand analytic capabilities for conducting EJ analyses for rulemaking through development of flexible analytic tools and novel datasets.
- Implement EPA’s updated EJ technical guidance, including new additions on addressing how the EJ analysis can be used to inform policy options to address EJ implications of rulemaking, and newer techniques and approaches to conducting EJ analyses.
- Release an updated version of *EPA’s Guidelines for Preparing Economic Analyses*, revised to incorporate updated analytic requirements and practices developed under the President’s Memorandum on *Modernizing Regulatory Review*<sup>179</sup> and the recommendations from the Science Advisory Board’s peer review. The updated guidelines will help ensure that EPA’s economic analyses provide a complete accounting of the economic benefits, costs and impacts of regulatory actions, including distributional consequences, and are consistent across EPA programs.
- Deploy a model of the U.S. economy so that EPA routinely assesses how regulations affect the economy, including distributional impacts, costs, and broader macro-economic performance. EPA will update the model consistent with recommendations from EPA’s Science Advisory Board, deploy the model in regulatory analyses where appropriate, and continue the development of open-source data resources to support transparent analyses. This model will provide critical evidence-based analyses to inform decision making.
- Continue to manage EPA’s response to recently issued EOs, particularly with an eye toward identifying previous regulatory actions that are not consistent with current policies and working to develop new actions that constructively advance current policy positions.
- Review economic analyses prepared by EPA to ensure compliance with statutory and other related requirements. Provide the Administrator and the public with high-quality analyses of the costs, benefits, and impacts on jobs, businesses, and communities of major regulatory proposals to better inform decision-making and ensure transparency about the consequences of regulation.<sup>180</sup>
- Apply the best modeling tools to assess the economic effects of approaches that reduce climate pollution in every sector of the economy, deliver EJ, and spur well-paying union jobs and economic growth, including methods designed to examine how alternative regulatory options affect employment. Continue development of open-source data and economic models, including sector-specific cost models, to support these efforts in a manner that maximizes the transparency of these EPA analyses.

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<sup>179</sup> For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/modernizing-regulatory-review/>.

<sup>180</sup> For more information, please see: <https://www.epa.gov/environmental-economics/guidelines-preparing-economic-analyses>.

- Continue development of a modeling platform capable of assessing the benefits of national regulations that affect water quality. This effort will provide important evidence-based data and analyses, consistent with economic science best practices, to inform decision making.
- Strengthen available data and methods to estimate the monetized benefits of health outcomes of chemical exposures, water pollution, and air pollution for use in EPA’s benefit cost analyses.
- Continue to develop EPA’s semiannual unified Regulatory Agenda and manage EPA’s compliance with the Congressional Review Act.<sup>181</sup>
- Manage EPA’s internal Action Development Process and expand and upgrade regulatory planning and tracking tools to facilitate timely decisions and coordination across programs, on multimedia regulatory and policy issues such as Per- and Polyfluoroalkyl Substances (PFAS), climate, and EJ. Review all regulatory actions prior to signature by the EPA Administrator to ensure Agency actions are of consistently high quality and supported with strong analysis.
- Serve as EPA’s liaison with the Office of Information and Regulatory Affairs within OMB.
- Serve as EPA’s liaison with the Office of the Federal Register by reviewing, editing, and submitting documents for publication, so that the public, states, other agencies, and Congress are informed about EPA’s regulatory activities in a timely manner.

**Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$811.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$2,356.0 / +2.0 FTE) This program change is an increase to support the Administration’s goal to tackle the climate crisis and ensures consistent and appropriate economic analysis of regulatory actions including advancement of the Social Cost of Greenhouse Gases (SC-GHG). The investment includes \$363.0 thousand in payroll.
- (+\$659.0 / +1.5 FTE) This program change is an increase to support cross-agency coordination, analysis, and review of regulatory activity across statutory programs. A

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<sup>181</sup> For more information on the Congressional Review Act, please see: <https://www.govinfo.gov/content/pkg/PLAW-104publ121/pdf/PLAW-104publ121.pdf>.

particular emphasis is to be placed on pending climate regulations. This investment includes \$273.0 thousand in payroll.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute).

**Science Advisory Board**

Program Area: Legal / Science / Regulatory / Economic Review  
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$3,422</b>	<b>\$3,205</b>	<b>\$3,981</b>	<b>\$776</b>
Total Budget Authority	\$3,422	\$3,205	\$3,981	\$776
Total Workyears	16.1	18.7	18.7	0.0

**Program Project Description:**

EPA's Science Advisory Board Staff Office (SABSO) manages two Federal Advisory Committees. Congress established the Agency's Science Advisory Board (SAB) in 1978, under the Environmental Research, Development, and Demonstration Act, to advise the Administrator on a wide range of highly visible and important scientific matters. The Clean Air Scientific Advisory Committee (CASAC) was established under the Clean Air Act Amendments of 1977 to provide independent advice to the EPA Administrator on the technical bases for EPA's National Ambient Air Quality Standards (NAAQS). The SAB and the CASAC, both statutorily mandated chartered Federal Advisory Committees, draw from a balanced range of non-EPA scientists and technical specialists from academia, states, independent research institutions, and industry. The Program provides management and technical support to these advisory committees. The Committees provide EPA's Administrator independent advice and objective scientific peer review on the technical aspects of environmental issues as well as the science used to establish criteria, standards, regulations, and research planning, as requested.<sup>182</sup>

In FY 2021, the SAB produced three scientific peer reviews while CASAC was not active. In March 2021, both the SAB and CASAC proceeded to reset membership (at the direction of the Administrator) to ensure the Board and Committee returned to its original, transparent process, and had adequate experts with the disciplines to align with the Agency's strategic priorities and forthcoming work. The temporary suspension explains the decrease of completed peer reviews from a combined 13 products the year prior, when the SAB produced two consultations and nine scientific peer reviews, and the CASAC produced two scientific peer reviews.

Since SABSO provides an in-house resource for EPA peer reviews, the Program costs are low in comparison to external peer review conducted by groups such as the National Academy of Sciences (NAS). Furthermore, agency costs have been significantly lower for virtual meetings due to the COVID-19 pandemic compared to face-to-face meetings.

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<sup>182</sup> For more information, please see: <http://www.epa.gov/sab/> and <http://www.epa.gov/casac/>.



## **FY 2023 Activities and Performance Plan:**

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

Using the best available science and a credible, defensible, and transparent scientific process to support sound regulatory actions is a cornerstone value of the EPA. SABSO supports the EPA's mission by conducting independent, scientific, public, peer reviews of some of the most challenging regulatory and science-based topics facing EPA and America. In FY 2023, SABSO anticipates completing 14 to 16 peer reviews, consultations, and regulatory reviews in accordance with the Biden Administration's science and policy agenda, commitment to scientific integrity, environmental justice (EJ), and public transparency. In FY 2023, the CASAC is expecting completing reviews of NAAQS for several critical pollutants. These reviews will include the reconsideration of ozone as well as Nitrogen Oxides (NOx), Sulfur Oxides (SOx), Particulate Matter (PM) secondary, and lead. The SAB will conduct peer reviews on the PFAS drinking water standard, risk assessment models, climate science reports, economic analyses, EJ reports, and other projects. In addition, SABSO also expects to conduct four to seven regulatory reviews.

In FY 2022, the SABSO completed seating two new standing committees. The first is the Environmental Justice Science Committee (EJSC), which will support the Agency's efforts to decrease the environmental burdens and increase the environmental benefits of overburdened and vulnerable communities through science-based decision making. The EJSC will review work done by the Office of Research and Development (ORD) and Office of Policy. Work in this program directly supports EPA Administrator Michael Regan's message "Our Commitment to Environmental Justice" issued on April 7, 2021,<sup>183</sup> in addition to supporting implementation of Executive Order (EO) 13985,<sup>184</sup> *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and EO 14008, *Tackling the Climate Crisis at Home and Abroad*.<sup>185</sup> The second new standing committee which SABSO created is the Climate Science Committee (CSC). The CSC will mainly review work by EPA's ORD and Office of Air and Radiation to support the new Strategic Goal 4, *Ensure Clean and Healthy Air for all Communities*. In 2023, the EJSC and CSC expect to complete three climate and EJ risk analyses.

## **Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

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<sup>183</sup> For more information, please see: <https://www.epa.gov/newsreleases/epa-administrator-regan-announces-new-initiatives-support-environmental-justice-and>.

<sup>184</sup> For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

<sup>185</sup> For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$193.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$400.0) This program increase is for conducting peer reviews to support priority rulemakings and analyses, including PFAS and several critical pollutants.
- (+\$183.0) This program increase will support with conducting climate and EJ risk analyses.

**Statutory Authority:**

Environmental Research, Development, and Demonstration Authorization Act (ERDDAA); Federal Advisory Committee Act (FACA); and Clean Air Act (CAA).

## **Operations and Administration**

**Acquisition Management**

Program Area: Operations and Administration  
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$30,623</b>	<b>\$32,247</b>	<b>\$40,017</b>	<b>\$7,770</b>
Leaking Underground Storage Tanks	\$245	\$132	\$132	\$0
Hazardous Substance Superfund	\$23,380	\$23,800	\$32,345	\$8,545
Total Budget Authority	\$54,248	\$56,179	\$72,494	\$16,315
Total Workyears	275.1	285.7	355.7	70.0

**Program Project Description:**

Environmental Programs and Management (EPM) resources in the Acquisition Management Program support EPA’s contract activities, which cover planning, awarding, and administering contracts for the Agency. Efforts include issuing acquisition policy and interpreting acquisition regulations; administering training for contracting and program acquisition personnel; providing advice and oversight to regional procurement offices; and providing information technology (IT) improvements for acquisition.

**FY 2023 Activities and Performance Plan:**

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the Agency requests an investment of 35.0 FTE and approximately \$7.8 million to strengthen EPA’s capacity to process new, increased, and existing award contract actions in a timely manner; advance EPA utilization of small and disadvantaged businesses; support "Made in America" initiatives; and support supply chain risk management activities for information and communication technology. This program will continue to assist the Agency in its efforts to process and award contract actions in a timely manner and in accordance with Federal Acquisition Regulation (FAR) and guidance from the Office of Management and Budget (OMB) Office of Federal Procurement Policy (OFPP). Timely and equitable procurement are crucial to EPA’s mission.

In FY 2023, EPA will continue to support the implementation of supply chain risk requirements in Section 889 of the 2019 National Defense Authorization Act and the “Made in America Laws” referenced in Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America's Workers*,<sup>186</sup> while furthering Category Management implementation requirements. EPA

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<sup>186</sup> For additional information, please refer to: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/25/executive-order-on-ensuring-the-future-is-made-in-all-of-america-by-all-of-americas-workers/>.

also will focus on establishing a comprehensive architecture for the Agency's supply chain as well as mechanisms to identify and mitigate risk. EPA also will continue to identify activities and resources to modernize the acquisition process that will allow the Agency to connect with a more diverse business base to address inequities in the acquisition process and, thus, build domestic markets and capabilities.

In FY 2023, EPA will continue working to eliminate barriers to full and equal participation in agency procurement and contracting opportunities for all communities, including underserved communities. The Agency will promote the equitable delivery of government benefits and opportunities by making contracting and procurement opportunities available on an equal basis to all eligible providers of goods and services. This work aims to increase the percentage of EPA contract spend awarded to small businesses located in Historically Underutilized Business Zones (HUBZones). EPA's acquisition equity assessment and related industry listening sessions confirmed that small and disadvantaged businesses face unique challenges in accessing procurement opportunities. These businesses often lack dedicated resources and in-house capacity to master the myriad of complex federal requirements needed to capitalize on Agency acquisition and financial assistance opportunities.

In FY 2023, in support of Administration climate sustainability initiatives, EPA will work with applicable program offices to identify and prioritize procurement plans that spur innovation, commercialization, and deployment of clean energy technologies.

EPA remains committed to leveraging Category Management, Spend Under Management (SUM), Best-In-Class (BIC), and strategic sourcing principles in each of its programs and purchasing areas to save taxpayer dollars and improve mission outcomes. In FY 2023, EPA will continue to leverage data provided by the General Service Administration and implement spend analysis, trend analysis, and data visualization tools to measure progress toward the implementation of Category Management and the adoption of Federal Strategic Sourcing vehicles and BIC acquisition solutions.

OMB's Category Management focuses on total acquisition spend transitioned from contract vehicles that are unaligned with Category Management principles to the SUM Program. In accordance with OMB Memorandum M-22-03, *Advancing Equity in Federal Procurement*,<sup>187</sup> EPA revised its Acquisition Guidance section 8.0.100, *Requirements for Mandatory Use of Common Contract Solutions*, to add clarification of the SUM Tier 2-SB designation which is afforded to contracts of any size awarded to small and disadvantaged businesses. The revision emphasizes EPA's focus on small business utilization and ensures continued alignment with federal category management and equity goals. EPA is currently projecting to reach its FY 2023 OMB-designated SUM spend goal of 52 percent of total addressable spend. The Agency has initiated a Category Management strategy for IT and will award a consolidated/enterprise-wide mission support services contract for the Office of Land and Emergency Management as a SUM Tier 1 solution.

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<sup>187</sup> For additional information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-03.pdf>.

Additionally, EPA is initiating strategic sourcing initiatives in the following areas while directing requirements resulting from the increased Bipartisan Infrastructure Law funding to SUM solutions:

- New Laboratory Equipment Maintenance solution
- Cell services (recompete)
- CyberFEDS resources software
- Office of Air & Radiation EARTH Agency-wide professional services solution
- Subscription solutions

In FY 2023, EPA will continue to implement SUM principles to leverage pre-vetted agency and government-wide contracts as part of the Agency's effort to utilize more mature, market-proven acquisition vehicles. Through SUM Tier 2 and BIC solutions, EPA will leverage acquisition experts to optimize spending within the government-wide category management framework and increase the transactional data available for agency-level analysis of buying behaviors. To modernize the acquisition process and remove barriers to entry for obtaining government contracts, EPA has developed two innovative tools available agencywide: the EPA Solution Finder, which provides solution and ordering information for all EPA enterprise-wide contract solutions; and the BIC Opportunity Tool, which recommends BIC solutions to address newly identified agency requirements for commodities and services and those supported on expiring contracts.

EPA also will continue to maximize its Strategic Sourcing Program (SSP), thereby enhancing purchase coordination, improving price uniformity and knowledge-sharing, and leveraging small business capabilities to meet acquisition goals. The SSP allows the Agency to research, assess, and award contract vehicles that will maximize time and resource savings. The SSP serves as a foundation for effective financial and resource management because it simplifies the acquisition process and reduces costs. Long-term implementation of the SSP is transforming the Agency's acquisition process into a strategically driven function, ensuring maximum value for every acquisition dollar spent. In the first quarter of FY 2022, EPA realized \$9.6 million cost avoidance in specific, measurable costs for: five agencywide software solutions; print services; cellular services; shipping; voice services; office supplies; lab supplies; computers; furniture and furniture management services; and laboratory equipment maintenance. Since the beginning of the Strategic Sourcing Program in FY 2013, EPA has achieved cost avoidance of \$38.1 million.

In FY 2023, EPA will continue to evaluate options for replacing the EPA Acquisition System with an approved government-wide Federal Shared Service Provider for a contract writing system in line with government-wide mandates to increase the use of shared services.<sup>188</sup> The Agency is focusing on a modern acquisition solution that reduces costs while increasing efficiency by standardizing federal procurement planning, contract award, administration, and close-out processes. Transition preparations include data management strategies, business process reviews, and user engagement to develop a business case and ensure data elements conform with Federal Government Procurement standards. As part of this effort, in FY 2023, EPA will utilize a new Government-wide Unique Entity Identifier for acquisition awards in line with General Services Administration and OMB requirements. EPA also will continue implementing the Financial

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<sup>188</sup> OMB-19-16 "Centralized Mission Support Capabilities for the Federal Government, for more information, please refer to: <https://www.whitehouse.gov/wp-content/uploads/2019/04/M-19-16.pdf>.

Information Technology Acquisition Reform Act (FITARA)<sup>189</sup> by competing contracts with multiple vendors or confining the scope of the contract to a limited task, thereby avoiding vendor lock-in, and developing acquisition vehicles that support the Agency in FITARA compliance and implementation.

**Performance Measure Targets:**

Work under this program supports performance results in the Small Minority Business Assistance Program under the EPM appropriation.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$1,214.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$6,556.0 / +35.0 FTE) This program change will strengthen EPA's capacity to process new, increased, and existing award contract actions in a timely manner; advance EPA utilization of small and disadvantaged business; support "Made in America" initiatives; and support supply chain risk management activities for information and communication technology. This investment includes \$6.0 million in payroll.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute).

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<sup>189</sup> For additional information, please refer to: <https://www.congress.gov/113/plaws/publ291/PLAW-113publ291.pdf#page=148%5D>.

**Central Planning, Budgeting, and Finance**  
Program Area: Operations and Administration  
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$71,528</b>	<b>\$76,718</b>	<b>\$89,154</b>	<b>\$12,436</b>
Leaking Underground Storage Tanks	\$343	\$416	\$448	\$32
Hazardous Waste Electronic Manifest System Fund	\$154	\$0	\$0	\$0
Hazardous Substance Superfund	\$26,775	\$26,561	\$28,806	\$2,245
Total Budget Authority	\$98,800	\$103,695	\$118,408	\$14,713
Total Workyears	438.8	462.0	470.0	8.0

Total workyears in FY 2023 include 2.0 FTE funded by TSCA fees.

Total workyears in FY 2023 include 39.0 FTE to support Central Planning, Budgeting, and Finance working capital fund (WCF) services.

**Program Project Description:**

Activities under the Central Planning, Budgeting, and Finance Program support the management of integrated planning, budgeting, financial management, performance and accountability processes, risk assessments and reporting, and financial systems to ensure effective stewardship of resources. This includes managing and supporting the Agency's financial management systems. Functions include financial payment and support services for EPA; general and specialized fiscal and accounting services for many of EPA's programs; strategic planning and accountability for environmental, fiscal, and managerial results; executing an Enterprise Risk Management Program to support effective and efficient mission delivery and decision-making; providing policy, systems, training, reports, and oversight essential for EPA's financial operations; managing the agencywide Working Capital Fund (WCF); and managing the Agency's annual budget process. This program supports agency activities to meet requirements of the Government Performance and Results Modernization Act (GPRMA) of 2010;<sup>190</sup> the Digital Accountability and Transparency (DATA) Act of 2014;<sup>191</sup> the Federal Information Technology Acquisition Reform Act (FITARA) of 2015;<sup>192</sup> the Federal Management Financial Integrity Act (FMFIA);<sup>193</sup> the Inspector General Act of 1978, as Amended;<sup>194</sup> and the Foundations for Evidence-Based Policymaking Act of 2018.<sup>195</sup>

<sup>190</sup> For more information, please see: <https://www.congress.gov/111/plaws/publ352/PLAW-111publ352.pdf>.

<sup>191</sup> For more information, please see: <https://www.congress.gov/113/plaws/publ101/PLAW-113publ101.pdf>.

<sup>192</sup> FITARA became law as a part of the National Defense Authorization Act for Fiscal Year 2015 (Title VIII, Subtitle D), <https://www.congress.gov/113/plaws/publ291/PLAW-113publ291.pdf>.

<sup>193</sup> For more information, please see: <https://www.govinfo.gov/content/pkg/STATUTE-96/pdf/STATUTE-96-Pg814.pdf>.

<sup>194</sup> For more information, please see: <https://www.govinfo.gov/content/pkg/STATUTE-92/pdf/STATUTE-92-Pg1101.pdf>.

<sup>195</sup> For more information, please see: <https://www.congress.gov/115/plaws/publ435/PLAW-115publ435.pdf>.



## **FY 2023 Activities and Performance Plan:**

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the Agency requests an additional \$12.4 million and 7.6 FTE. This increase is to support implementation of the Foundations for Evidence-Based Policymaking Act of 2018 and systems modernization and provide for necessary fixed costs increases. EPA will continue to provide resource stewardship to ensure that all agency programs operate with fiscal responsibility and management integrity, financial services are efficiently and consistently delivered nationwide, and programs demonstrate results. EPA will maintain key planning, budgeting, performance measurement, and financial management activities but also implement enhancements to technical training, outreach, and reporting to assistance recipients and programs with a goal of reducing the barriers to managing what can be complex federal requirements intended to ensure sound financial management. EPA will ensure secure and efficient operations and maintenance of core agency financial management systems: Compass, PeoplePlus (Time and Attendance), Budget Formulation System, which includes a Performance Module, and related financial reporting systems. The Agency continues to modernize its financial systems to gain greater efficiencies through leveraging the accounting system and eliminating legacy systems, as well as provide accessible tools to manage resources and track performance. For example, the Agency is implementing a new integration with its financial system, to better track and account for its bills associated with the e-Manifest Program (a national hazardous waste electronic manifest tracking system for transport activities). This integration will improve the data quality and timeliness for the manifest transactions, in addition to aligning more to federal accounting standards for receivables. Robotics Process Automation (BOTS) will be one part of the overall strategy to reduce manual work and improve efficiency. EPA will focus on ensuring a standardized approach across all financial systems for granting access, managing access and the ability to audit access in a structured manner. This will allow the Agency to address over 50 specific security controls. EPA will continue to expand and enhance easy to use dashboards for financial management. Dashboards are now in place to support payroll and FTE management, and to support GPRMA performance planning and systematic tracking of progress.

In FY 2023, EPA will continue to standardize and streamline internal business processes, reduce the number of administrative systems, and adopt federal shared services when supported by business case analysis. Modernizing or integrating legacy payment systems will continue to be a focus, and funds are requested to support the planning and analysis to start the next effort, as well as the analysis needed for the Agency's Time and Attendance system alternatives. For example, EPA has implemented Treasury's Invoice Processing Platform (IPP) for reviewing invoices and paying commercial vendors. As of February 2022, roughly 95 percent of contract invoices are being handled through this system, resulting in staff efficiencies for processing invoice payment due to increased automation. Beginning in FY 2023, EPA will add additional payment types to this system, including Superfund Contract Lab Program payments through a system interface and miscellaneous obligations, which will utilize the IPP Self-Service module. This implementation will greatly reduce manual effort, improve data quality, and allow for the elimination of two legacy administrative systems.

By the end of FY 2022 and through FY 2023, EPA will focus on the implementation of G-Invoicing, Treasury's Interagency Agreement system. G-Invoicing will integrate into the Agency's accounting system as part of a government-wide effort to standardize and improve financial management of interagency agreements. The goal of G-Invoicing is to align EPA's business processes to deliver a new and more streamlined approach for the end-to-end delivery of financial transactions for Interagency Agreements. This will involve implementing a new version of EPA's accounting systems software in FY 2022. Extensive testing and training will be needed to implement other associated business process changes and system touchpoints. By the end of FY 2022, the Agency will begin brokering and processing all new Interagency Agreements within G-invoicing. In FY 2023, the Agency will work on ensuring that all open Interagency Agreements are migrated into G-invoicing. The Agency's goal is to fully implement G-invoicing for new and existing agreements by the Treasury mandated date of October 1, 2023.

Over the next several years, other federal shared services that will impact financial transactions are likely to be offered. EPA will further standardize processes to prepare for the new shared federal payroll or time and attendance systems. Equally important is the ability to adapt systems to meet increased transparency needs, such as those prescribed in the DATA Act. The DATA Act reporting will continue to evolve with more stringent timelines, certification requirements, data standards and validation checks, as well as additional areas of federal financial spending. The Agency plans to be flexible to adapt to the new transparency needs, to provide timely and accurate spending information to the public.

In FY 2023, resources are requested to support formal evaluations as well as efforts to improve critical data collections and data sharing in priority areas as directed by the Foundations for Evidence-Based Policymaking Act of 2018. In alignment with the Act, EPA has been steadily building the capacity for this important work, and in FY 2022 established the policy framework for the Agency's evaluation program. In FY 2023, the Agency will start implementing the larger goals of the Act and is requesting resources to support the use of high-quality evaluation to ensure programs are effective as designed. In alignment with the Act, EPA will use findings from the FY 2022 capacity assessment to prioritize strategic investments at an enterprise level that will expand capacity for robust evaluation, data use, research and development, analysis, and Lean Management. The Act requires EPA to develop an evidence-building portfolio to support policy and program implementation decisions by generating evaluation studies to help the Agency improve, advance, or modify existing programs, policies, projects, or operations. In FY 2023, EPA will further develop the Agency's learning agenda, build evaluation and evidence-building into the planning for new and enhanced programs, enhance strategic and annual planning, collaborate with external evaluation experts, and produce implementation guidance for EPA's evaluation policy framework. EPA will invest in evaluation and other evidence-building activities addressing environmental justice (EJ), climate change, community engagement, equity, diversity, and inclusion. Also, as part of the Agency's FY 2023 evidence-building portfolio, EPA will lead a cross-government effort to develop evidence-building guidelines and initiate evaluation studies related to the execution of the Infrastructure Investment and Jobs Act of 2021 (IIJA) investments.

In FY 2023, the Program will continue to focus on core responsibilities in the areas of strategic planning; performance measurement, assessment, and reporting; enterprise risk management; budget preparation; financial reporting; and transaction processing. As the Agency lead in

designing and implementing performance measurement and risk management strategies that inform Agency decision-making and advance mission results, the Program will focus on driving progress toward the Administrator's priorities by regularly assessing performance results against ambitious targets, monitoring and mitigating risks, and adjusting strategies as needed. This includes convening Quarterly Performance Reviews (QPRs) to assess progress; promoting an increased use of data analytics and evidence-based decision-making practices; working collaboratively with Agency programs to assess and analyze performance and risk data; and providing technical assistance on agencywide measures of governance to enhance data quality. EPA also will continue to use the performance data and other evidence to answer fundamental business questions and identify opportunities for service improvements.

During FY 2023, EPA will continue to leverage a management system that uses Lean Management techniques and tools to promote continuous improvement. Lean Management techniques will continue to complement EPA's performance framework to help the Agency meet the requirements and spirit of the GPRMA. As of February 2022, EPA has improved nearly 1,100 processes and implemented over 5,000 employee ideas. Improvements and innovations have been made in administrative areas, such as acquisitions, Freedom of Information Act (FOIA) response, and in many programmatic areas. For example, the management system helped EPA reduce its water permit backlog and achieve reductions in areas not attaining air pollution standards by 25 percent. The management system also has helped EPA elevate and solve problems more effectively. For example, thanks to systematic problem-solving, EPA's Office of Enforcement and Compliance Assurance was able to help several EPA regions address challenges related to Internet sales of illegal vehicles and engines not meeting air quality standards.

Moving forward, EPA will continue measuring process improvements as a long-term performance goal in support of the *FY 2022 – 2026 EPA Strategic Plan*. EPA has worked to increase the flexibility of its Continuous Improvement Program to better integrate with the Agency's range of programs and approaches. EPA also expects to continue supporting states and tribes in adopting its Lean Management techniques to improve processes related to authorized or delegated federal programs, and in key priority areas, such as EJ. To date, environmental quality departments in Maryland, Connecticut, New Hampshire, Texas, Oklahoma and most recently the District of Columbia have adopted and deployed the Lean Management techniques in partnership with EPA.

EPA has made significant strides in recent years to bring programs that were considered susceptible to improper payments, to a point where the improper payments are at very low rates. However, the Agency continues to be vigilant in its payment reviews. Annually, EPA conducts Internal Control reviews of multiple programs. In addition, as required by Payment Integrity Information Act of 2019 (PIIA) (P.L. 116-117),<sup>196</sup> and OMB Memorandum M-21-19 Appendix C,<sup>197</sup> EPA is conducting a triennial risk assessment review of all of its payment streams. Other improvements include the recent implementation of upgraded systems used for payments and invoice processing through which the Agency anticipates even fewer payment errors moving forward. To strengthen our processes, EPA is developing risk assessment plans for significant new funding the Agency receives. These risk assessments will outline any differences in authorities or new requirements of the funding, potential areas that will need additional guidance as well as

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<sup>196</sup> For more information, please see: <https://www.congress.gov/116/plaws/publ117/PLAW-116publ117.pdf>.

<sup>197</sup> For more information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/03/M-21-19.pdf>.

tracking and reporting, performance measures and internal controls that will be established to prevent and detect possible improper payment activities.

The Program will continue to conduct internal control program reviews and use the results and recommendations from the Office of Inspector General to provide evidence of the soundness of EPA’s financial management program and identify areas for further improvement. The Program will collect key operational statistics for its financial management program to further evaluate its operations and for management decision-making. For example, in FY 2019, EPA observed a trend that Agency corrective actions were increasingly being implemented beyond the agreed upon resolution date. OCFO continues to engage more and more with the community to ensure the close out or extension requests were completed. Additionally, OCFO is adding in validation and documentation measures to ensure that the process is standardized across the Agency while providing more customer-level support. In addition, EPA is dedicated to reducing fraud, waste, and abuse, and strengthening internal controls over improper payments.

The Program will continue to support FITARA requirements in accordance with EPA’s Implementation Plan.<sup>198</sup> The Chief Information Officer will continue to be engaged throughout the budget planning process to ensure that information technology needs are properly planned and resourced in accordance with FITARA.

**Performance Measure Targets:**

<b>(PM CF2) Number of Agency administrative systems and system interfaces.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	17	17
<b>(PM OP1) Number of operational processes improved.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	200	200

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$6,425.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+5,027.0 / +6.0 FTE) This program change reflects an increase to support implementation of the Foundations for Evidence-Based Policymaking Act of 2018 in the regional offices. Funding also will allow headquarters offices to lead a coordinated cross-agency process supporting the design and execution of evaluations of IJJA investments. This investment includes \$1.051 million in payroll.
- (+\$984.0 / +1.6 FTE) This program change reflects an increase to allow the Agency to continue its efforts to modernize and streamline its financial systems and processes. This program change also funds the effort to scale up support needed to implement increased

<sup>198</sup> For more information, please see: <http://www.epa.gov/open/fitara-implementation-plan-and-chief-information-officer-assignment-plan>.

workload on grant payments and provide essential workforce support, training and working capital fund needs. This investment includes \$280.0 thousand in payroll.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified as Title 5 App.) (EPA's organic statute).

**Facilities Infrastructure and Operations**  
 Program Area: Operations and Administration  
 Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
<b>Environmental Programs &amp; Management</b>	<b>\$257,524</b>	<b>\$285,441</b>	<b>\$288,293</b>	<b>\$2,852</b>
Science & Technology	\$65,093	\$67,500	\$68,912	\$1,412
Building and Facilities	\$36,071	\$27,076	\$73,894	\$46,818
Leaking Underground Storage Tanks	\$932	\$836	\$724	-\$112
Inland Oil Spill Programs	\$628	\$682	\$641	-\$41
Hazardous Substance Superfund	\$81,976	\$68,727	\$71,219	\$2,492
Total Budget Authority	\$442,223	\$450,262	\$503,683	\$53,421
Total Workyears	334.2	315.4	325.4	10.0

Total work years in FY 2023 include 5.4 FTE to support Facilities Infrastructure and Operations working capital fund (WCF) services.

**Program Project Description:**

Environmental Programs and Management (EPM) resources in the Facilities Infrastructure and Operations Program fund the Agency's rent, utilities, and security. The Program also supports centralized administrative activities and support services, including health and safety, environmental compliance and management, facilities maintenance and operations, space planning, sustainable facilities and energy conservation planning and support, property management, mail, and transportation services. Funding for such services is allocated among the major appropriations for the Agency.

This program also includes the Agency's Protection Services Detail (PSD) that provides physical protection for the Administrator through security for daily activities and events. The PSD coordinates all personnel and logistical requirements including scheduling, local support, travel arrangements, and the management of special equipment.

**FY 2023 Activities and Performance Plan:**

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the Agency requests an investment of more than \$2.8 million and 9.0 FTE to support agencywide climate sustainability and resiliency initiatives and EPA facilities projects. EPA will continue to invest in the reconfiguration of EPA's workspaces, enabling the Agency to release office space and avoid long-term rent costs, consistent with HR 4465,<sup>199</sup> the *Federal Assets Sale*

<sup>199</sup> For additional information, please refer to: <https://www.congress.gov/bill/114th-congress/house-bill/4465>, *Federal Assets Sale and Transfer Act of 2016*.

*and Transfer Act of 2016*. EPA is implementing a long-term space consolidation plan that aims to reduce the number of occupied facilities, consolidate and optimize space within remaining facilities, and reduce square footage wherever practical. EPA also will continue working to enhance its federal infrastructure and operations in a manner that increases efficiency. For FY 2023 the Agency is requesting \$155.33 million for rent, \$4.57 million for utilities, and \$27.81 million for security in the EPM appropriation. EPA uses a standard methodology to ensure that rent charging appropriately reflects planned and enacted resources at the appropriation level.

EPA also will work to secure physical and operational resiliency for Agency facilities. As part of this work, EPA will continue conducting climate resiliency assessments at all EPA-owned facilities to identify critical upgrades that are necessary to improve facility resiliency against the impacts of climate change, such as roofing stability or seawall construction projects. In FY 2023, EPA will conduct climate assessments at the following facilities: Cincinnati Test and Evaluation Facility, Duluth Environmental Center, Ada Gaar Corner, Ada Environmental Research Center, Region 10 Laboratory – Manchester. EPA will initiate all high-priority projects within 24 months of the completion of a climate assessment.

Further, EPA will continue reconfiguring EPA’s workplaces with the goal of reducing long-term rent costs while increasing EPA facility sustainability to combat the effects of climate change and ensuring a space footprint that accommodates a growing workforce. Space reconfiguration enables EPA to reduce its footprint to create a more efficient, collaborative, and technologically sophisticated workplace. However, even if modifications are kept to a minimum, each move requires initial funding to achieve long-term cost avoidance and sustainability goals. These investments support sustainable federal infrastructure, a clean energy future, and goals to achieve net-zero emissions by 2050.

In FY 2023, EPA will pursue aggressive energy, water, and building infrastructure requirements with emphasis on environmental programs (e.g., Environmental Management Systems, Environmental Compliance Programs, Leadership in Energy and Environmental Design Certification, alternative fuel use, fleet reductions, telematics, sustainability assessments). This investment in infrastructure (e.g., architectural and design) and mechanical systems (e.g., Optimized Building Managements Systems for heating and cooling with load demand driven controls) is necessary to meet the Administration’s climate sustainability goals. Additionally, in 2023, EPA will direct \$1.4 million to continue the Agency’s transition to electric vehicles through direct purchase (mobile lab vehicles) or lease through the General Services Administration (GSA) for all future fleet procurements where economically feasible. EPA also will identify opportunities to build out necessary charging infrastructure at EPA facility locations. EPA’s goal is to use 100 percent carbon pollution-free electricity on a net annual basis by 2030.

EPA also will meet regulatory Occupational Safety and Health Administration (OSHA) obligations and provide health and safety training to field staff (e.g., inspections, monitoring, on-scene coordinators) and track capital equipment of \$25 thousand or more. The Agency will continue its partnership with GSA to utilize shared services solutions, *USAccess* and Enterprise Physical Access Control System (ePACS) programs. *USAccess* provides standardized HSPD-12 approved Personal Identity Verification (PIV) card enrollment and issuance and ePACS provides centralized access control of EPA space, including restricted and secure areas.

**Performance Measure Targets:**

(PM CRP) Percentage of priority climate resiliency projects for EPA-owned facilities initiated within 24 months of a completed facility climate assessment and project prioritization.	FY 2022 Target	FY 2023 Target
		100
(PM CAA) Number of EPA-owned facility climate adaptation assessments completed.	FY 2022 Target	FY 2023 Target
	2	5

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$863.0) This change to fixed and other costs is a net increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. This change includes adjustments to rent, utilities, security, and transit subsidy needs.
- (+\$1,989.0 / +9.0 FTE) This program change is an increase to support agencywide climate sustainability and resiliency initiatives and EPA facilities projects that will ensure the Agency has an optimal footprint to support the proposed FTE increase in the FY 2023 Budget request. This investment includes \$1.5 million in payroll.

**Statutory Authority:**

Federal Property and Administration Services Act; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute).



**Financial Assistance Grants / IAG Management**

Program Area: Operations and Administration  
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$27,294</b>	<b>\$25,430</b>	<b>\$33,040</b>	<b>\$7,610</b>
Hazardous Substance Superfund	\$4,224	\$3,210	\$4,403	\$1,193
Total Budget Authority	\$31,518	\$28,640	\$37,443	\$8,803
Total Workyears	137.0	139.5	184.5	45.0

**Program Project Description:**

Environmental Program and Management (EPM) resources in the Financial Assistance Grants and Interagency Agreement (IA) Management Program support the management of grants and IAs as well as suspension and debarment activities for assistance and procurement programs. Grants and IAs historically comprise approximately 60 percent of EPA’s annual appropriations. Resources in this program ensure EPA manages grants and IAs to meet the highest fiduciary standards and achieve measurable results for environmental programs and Agency priorities, and that the government’s financial resources and business interests are protected from fraud and mismanagement.

**FY 2023 Activities and Performance Plan:**

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, EPA requests an additional investment of \$7.6 million and 40.0 FTE to provide technical assistance and outreach to first time recipients of federal funding; improve capacity for oversight and tracking of new and increased grant investments; and process financial assistance agreements in a timely manner. EPA will continue to implement grants management activities to achieve efficiencies while enhancing quality and accountability and ensuring that opportunities for competitive grants are made publicly available so that all eligible applicants have an opportunity to compete for them. EPA also will explore methods to use or update the grant competition and grant-making processes to promote racial equity and support for underserved communities. For example, EPA will provide technical assistance to potential grantees from underserved communities on sound financial management practices to reduce barriers to competition for EPA grant resources. EPA also will track grant place of performance to determine whether underserved and environmental justice (EJ) communities are realizing the benefits of EPA grant programs.

EPA will continue investments in modernizing grant and IA information technology/information management (IT/IM) systems, support the improved capacity for oversight and tracking of new

and increased grant investments, and ensure the timely processing of financial assistance agreements. EPA will manage its Next Generation Grants System (NGGS) in conjunction with the retirement of an outdated legacy grants management system. NGGS aligns with the requirements of the Grant Reporting Efficiency and Agreements Transparency (GREAT) Act, applicable Office of Management and Budget (OMB) Quality Service Management Offices (QSMO) standards, and the Federal Integrated Business Framework for grants (e.g., required standard data elements for grants reporting). In FY 2023, EPA will operate and maintain an electronic grants record management system that integrates with EPA's enterprise records management system and aligns with applicable QSMO standards. The Agency also will utilize the government-wide Unique Entity Identifier system for grant awards to meet OMB requirements.

Further, EPA will continue to focus on reducing the administrative burden on EPA and grant applicants and recipients, and on improving grants management procedures. The Agency will continue implementing the FY 2021-2025 Grants Management Plan, focusing on the award and effective management of assistance agreements, enhancing partnerships within the grants management community, promoting environmental justice, and ensuring effective grant oversight and accountability.

By October 1, 2022, EPA will have completed activities to align its IA business processes to ensure compatibility with the government-wide mandate to adopt G-Invoicing, the federal shared service for intragovernmental transactions. EPA provides quarterly progress updates to Treasury that highlight activities under the Agency's approved G-Invoicing Implementation Plan.

In FY 2023, the Agency will continue to make use of discretionary debarments and suspensions as well as statutory disqualifications under the Clean Air Act and Clean Water Act to protect the integrity of federal assistance and procurement programs. Congress and federal courts have long recognized federal agencies' inherent authority and obligation to exclude non-responsible parties from eligibility to receive government contracts and federal assistance awards (e.g., grants, cooperative agreements, loans, and loan guarantees).

#### **Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

#### **FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$752.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$6,858.0 / +40.0 FTE) This program change will support technical assistance and outreach to first time recipients of federal funding; improve capacity for oversight and tracking of new and increased grant investments; and the timely processing of financial assistance agreements. This investment includes \$6.833 million in payroll.

**Statutory Authority:**

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute); Federal Grant and Cooperative Agreement Act; Federal Acquisition Streamlining Act § 2455.

**Human Resources Management**  
 Program Area: Operations and Administration  
 Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$48,256</i></b>	<b><i>\$46,229</i></b>	<b><i>\$66,087</i></b>	<b><i>\$19,858</i></b>
Hazardous Substance Superfund	\$7,200	\$6,202	\$8,476	\$2,274
Total Budget Authority	\$55,456	\$52,431	\$74,563	\$22,132
Total Workyears	228.3	229.9	316.4	86.5

Total workyears in FY 2023 include 0.2 FTE to support Human Resources Management working capital fund (WCF) services.

**Program Project Description:**

Environmental Programs and Management (EPM) resources for the Human Resources (HR) Management Program support human capital management (HCM) activities throughout EPA. To help achieve its mission and maximize employee productivity and job satisfaction, EPA continually works to improve business processes for critical HCM functions including recruitment, hiring, employee development, performance management, leadership development, workforce planning, and labor union engagement. This includes personnel and payroll processing through the Human Resources Line of Business. EPM resources also support overall federal advisory committee management and Chief Human Capital Officer Council activities under applicable statutes and guidance, including the Agency's Human Capital Operating Plan.

**FY 2023 Activities and Performance Plan:**

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the Agency requests an additional investment of \$19.9 million and 73.7 FTE to support the implementation of EPA's Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan, expand EPA's intern program, support EPA's Learning Agenda's evidence-gathering activities, and strengthen agencywide capacity to quickly increase staff levels in key offices and programs. Effective workforce management is critical to EPA's ability to accomplish its mission. EPA's efforts in HR functions are focused on strengthening the workforce, retaining critical expertise, and capturing institutional knowledge. EPA continues developing mechanisms to ensure that employees have the right skills to successfully achieve the Agency's core mission today and in the future.

The Agency is actively involved with OPM's Chief Human Capital Officer Council and the President's Management Council Agenda to address the challenges of the 21<sup>st</sup> Century federal workforce. In FY 2023, in line with President Biden's *Executive Order on Diversity, Equity,*

*Inclusion, and Accessibility in the Federal Workforce,*<sup>200</sup> EPA will implement the actions identified in the DEIA Strategic Plan to assess whether Agency recruitment, hiring, promotion, retention, professional development, performance evaluations, pay and compensation policies, reasonable accommodations access, and training policies and practices are equitable. EPA will take an evidence-based and data-driven approach to determine whether and to what extent Agency practices result in inequitable employment outcomes, and whether Agency actions may help to overcome systemic societal and organizational barriers. Further, the Agency will assess the status and effects of existing diversity, equity, inclusion, and accessibility initiatives or programs, and review the institutional resources available to support human resources activities. For areas where evidence is lacking, the Agency will propose opportunities to advance diversity, equity, inclusion, and accessibility, addressing those gaps. EPA will continue to involve employees at all levels of the organization in the assessment of DEIA initiatives and programs.

In FY 2023, EPA will support the following DEIA initiatives:

- EPA will plan a Senior Executive Service Candidate Development Program, projected to start in early FY 2024. The Program will focus on diversity, equity, inclusion, and accessibility so future executives reflect the diversity of the American people and are effectively trained in the skills necessary to lead a diverse workforce that operates in a hybrid work environment.
- EPA will develop and implement a centralized paid internship program, which expands on existing internship opportunities across the Agency to strengthen talent and workforce acquisition. This paid internship program will focus on expanding federal work experience opportunities for underrepresented and underserved populations, which may experience barriers to applying or fully participating in existing opportunities. EPA will provide approximately 180 four-month internship opportunities in every EPA Headquarters and Regional Office. Additionally, EPA will establish a plan to convert eligible interns to permanent federal service based on performance and completing program requirements.

EPA has increased efforts to improve Diversity and Inclusion with virtual outreach events, targeting diverse networks such as veterans, Historically Black Colleges and Universities, and Returned Peace Corps Volunteers. To recruit EPA's next generation of employees, EPA will continue outreach to new potential sources for future employees and use all available hiring authorities, including Schedule A, and recruitment incentives. In FY 2023, EPA will continue to work with Science, Technology, Engineering and Mathematics-focused institutions and organizations, like the Society of Hispanic Professional Engineers, and will participate in the President Management Council's Interagency Rotational Program to create leadership development assignments for GS 13-15 level employees. EPA reviews applicant flow data analysis on diversity every quarter to assess progress and identify areas for improvement.

In FY 2023, EPA will continue to implement flexible work policies in line with OMB Memoranda M-21-25 - *Integrating Planning for A Safe Increased Return of Federal Employees and Contractors to Physical Workplaces with Post-Reentry Personnel Policies and Work*

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<sup>200</sup> For additional information, please refer to: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/>.

*Environment*,<sup>201</sup> including designation of remote work status to certain positions, providing work schedule flexibilities, and increasing the use of telework. EPA strives to be a model federal employer and these efforts will strengthen the Agency's ability to attract, recruit, retain, and empower top talent while advancing diversity, equity, inclusion, and accessibility.

EPA will identify the most critical need for climate literacy training for its workforce. These efforts will focus on integrating climate adaptation, risk disclosure, and other education activities into the management of EPA's procurement, real property, public lands and waters, and financial programs.

EPA also will continue supporting evidence-building activities to implement a workforce strategy guided by data-driven decisions as part of its implementation of the Evidence Act through the Workforce Planning learning priority area in EPA's Learning Agenda. This work includes determining Mission Critical Competencies, enhancement of EPA's competency assessment tool, skills gap analysis across the Agency, and knowledge transfer strategies to support succession planning.

In FY 2023, EPA will continue to operate and maintain the Talent Enterprise Diagnostic (TED) tool to allow EPA to make data-driven, strategic workforce decisions. TED data will serve a crucial role in EPA's Workforce Planning and Succession Management activities by identifying potential competency gaps across the Agency and by increasing management's understanding of where needed skill sets should reside within EPA. Additionally, EPA will continue to maintain and operate dashboards related to Mission Critical Occupations, Workforce Demographics, and Diversity. These dashboards provide data visualizations and easy-to-understand information about the current workforce, assisting EPA with succession planning by identifying workforce gaps due to anticipated retirements and attrition trends, which is critical considering that approximately 25 percent of EPA's workforce is retirement eligible, and another 19 percent of the current workforce will become retirement eligible over the next five years.

The Agency will continue to implement Executive Order 14003, *Protecting the Federal Workforce*,<sup>202</sup> issued on January 22, 2021. EPA reviewed its unions' agreements to identify and eliminate provisions influenced by four revoked executive orders and will increase the focus on pre-decisional involvement and interest-based bargaining. In FY 2023, EPA will continue working to reset and repair relationships and involve unions in a collaborative way, promoting the Agency's and the unions' shared goal of the positive and equitable treatment of newly empowered employees.

Finally, EPA's advisory committees, operating as catalysts for public participation in policy development, implementation, and decision making, have proven effective in building consensus among the Agency's diverse external partners and stakeholders. In line with President Biden's *Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based*

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<sup>201</sup> For additional information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/06/M-21-25.pdf>.

<sup>202</sup> For additional information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/22/executive-order-protecting-the-federal-workforce/>.

*Policymaking*,<sup>203</sup> EPA remains committed to ensuring that highly qualified external experts serve on Agency committees and that those members and future nominees of EPA advisory committees reflect the diversity of America in terms of gender, race, ethnicity, geography, and other characteristics.

**Performance Measure Targets:**

(PM DEIA) Diversity, Equity, Inclusivity, and Accessibility (DEIA) Maturity Level achieved.	FY 2022 Target	FY 2023 Target
		L1

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$3,693.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE in this program project due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. This change also includes other Agency fixed costs such as sign language support for deaf and hard of hearing employees, workers compensation, and childcare tuition assistance programs.
- (+\$4,200.0 / +45.0 FTE) This program change is an increase to develop and implement a centralized paid internship program to strengthen talent and workforce acquisition. This paid internship program will focus on expanding federal work experience opportunities for underrepresented and underserved populations. This investment includes \$3.6 million in payroll.
- (+\$3,214.0 / +5.0 FTE) This program change is an increase to support the implementation Executive Order 14035 - Diversity, Equity, Inclusion, and Accessibility (DEIA) in the Federal Workforce and taking the actions identified in EPA's DEIA Strategic Plan. This investment includes \$859.0 thousand in payroll.
- (+\$1,000.0) This program change is an increase to support the establishment of a Senior Executive Service Candidate Development Program with a goal that EPA senior leaders reflect the diversity of the American people and will include a special focus on developing diversity, equity, accessibility, and inclusivity competencies.
- (+\$1,571.0 / +5.2 FTE) This program change is an increase in support of the Foundations for Evidence-Based Policymaking Act of 2018. Resources will be used for Learning Agenda's evidence-gathering activities. This investment includes \$893.0 thousand in payroll.

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<sup>203</sup> For additional information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/>.

- (+\$6,180.0 / +18.5 FTE) This program change strengthens agencywide capacity to quickly increase staff levels in key offices and programs (i.e., environmental justice, climate, infrastructure programs, etc.). This investment includes \$3.177 million in payroll.

**Statutory Authority:**

Title 5 of the U.S.C.; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute).



## **Pesticides Licensing**

**Science Policy and Biotechnology**

Program Area: Pesticides Licensing

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Ensure Chemical and Pesticide Safety

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$1,287</i></b>	<b><i>\$1,546</i></b>	<b><i>\$1,580</i></b>	<b><i>\$34</i></b>
Total Budget Authority	\$1,287	\$1,546	\$1,580	\$34
Total Workyears	4.1	4.6	4.6	0.0

**Program Project Description:**

The Science Policy and Biotechnology Program provides scientific and policy expertise, coordinates EPA’s intra/interagency efforts, and facilitates information-sharing related to core science policy issues concerning pesticides and toxic chemicals. Many offices within EPA regularly address cutting-edge scientific issues. Coordination among affected EPA programs including but not limited to air, pesticides, toxic substances, water, and research and development allows for coherent and consistent scientific policy from a broad Agency perspective. In addition, the Science Policy and Biotechnology Program provides for independent, external scientific peer review, primarily through two federal advisory committees: the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (FIFRA SAP), and the Science Advisory Committee on Chemicals (SACC).

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 7/Objective 7.1, Ensure Chemical and Pesticide Safety in the *FY 2022 – 2026 EPA Strategic Plan*.

In FY 2023, the Science Policy and Biotechnology Program continues its peer review role to evaluate the scientific and technical issues associated with chemical safety and biotechnology. In addition, other science policy and biotechnology issues will be supported by the Program when decisions require expert scientific advice from an independent scientific peer review panel.

FIFRA Scientific Advisory Panel

The FIFRA SAP, operating under the rules and regulations of the Federal Advisory Committee Act, will continue to serve as the primary external independent scientific peer review mechanism for EPA’s pesticide programs. As the Nation’s primary pesticide regulatory agency, EPA makes decisions that require EPA to review scientific data on pesticide risks to wildlife, farm workers, pesticide applicators, sensitive populations, and the general public. The scientific data involved in these decisions are complex, and a critical component of EPA’s use of the best available science to address such issues is seeking technical advice and scientific peer review from the FIFRA SAP.

The FIFRA SAP conducts reviews each year on a variety of scientific topics. Specific topics to be placed on the SAP agenda are usually confirmed in advance of each session and include difficult, new, or controversial scientific issues identified in the course of EPA's pesticide program activities. In FY 2021, EPA addressed expired membership terms on the FIFRA SAP. EPA appointed two new members and reappointed the recent Chair and one recent member. In FY 2022, EPA initiated the selection process for those members whose terms expire in FY 2023. EPA does not plan to conduct any FIFRA SAP meetings in FY2022. Based on the committee's objectives and scope of activities, the FIFRA SAP anticipates holding approximately 5 meetings in FY 2023. These meetings will focus on the impact of pesticides on health and the environment and include the peer review of scientific data, methodologies, models, and assessments, as needed.

#### Science Advisory Committee on Chemicals

The SACC, operating under the rules and regulations of the Federal Advisory Committee Act, will continue to serve as the primary external independent scientific peer review mechanism for EPA's chemical safety programs. EPA makes decisions that require the Agency to review scientific data on risks that chemicals pose to a variety of populations including women, children, and other potentially exposed or susceptible subpopulations. The scientific data, assessments, methodologies, and measures involved in these decisions are complex. Many of EPA's tools and models for examining exposures to industrial chemicals rely on inputs that are sensitive to climate data. The SACC provides independent, expert scientific advice and recommendations to EPA on the scientific basis for risk assessments, methodologies, and pollution prevention measures and approaches for chemicals regulated under the Toxic Substances Control Act (TSCA) and also is a critical component of EPA's use of the best available science.

The SACC conducts reviews each year on a variety of scientific topics. Similar to the FIFRA SAP, specific topics to be placed on the SACC agenda include difficult, new, or controversial scientific issues identified in the course of EPA's chemicals program activities. In FY 2021, EPA addressed expired membership terms on the SACC. EPA appointed nine new members and reappointed seven recent members. In FY 2022, EPA plans to initiate the selection process for those members whose terms expire in FY 2023. By the end of the second quarter of FY 2022, EPA has held one SACC meeting and plans to hold a second SACC meeting in the third quarter of FY 2022. Based on the committee's objectives and scope of activities, the SACC anticipates holding approximately 4 to 6 meetings in FY 2023. These meetings will focus on the impact of industrial chemicals on human health and the environment and include the peer review of scientific data, methodologies, models, and assessments, as needed.

#### Planned Committee Meetings

Based on the estimates reflected in the 2020-2022 committee charters,<sup>204</sup> the FIFRA SAP and SACC anticipate holding a total of nine to 11 meetings in FY 2023. These meetings will focus on the impact of pesticides and chemicals on human health and the environment and include the peer review of scientific data, methodologies, models, and assessments, as needed.

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<sup>204</sup> For additional information, please visit: <https://www.epa.gov/sap/fifra-scientific-advisory-panel-charter> and <https://www.epa.gov/tsca-peer-review/science-advisory-committee-chemicals-charter>.

**Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$140.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (-\$106.0) This change is the result of savings realized by the program's introduction and increased use of virtual meetings.

**Statutory Authority:**

Federal Insecticide Fungicide and Rodenticide Act (FIFRA); Federal Food, Drug and Cosmetics Act (FFDCA), §408; Toxic Substances Control Act (TSCA); Federal Advisory Committee Act (FACA).

**Pesticides: Protect Human Health from Pesticide Risk**

Program Area: Pesticides Licensing

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Ensure Chemical and Pesticide Safety

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$58,124</i></b>	<b><i>\$60,181</i></b>	<b><i>\$62,726</i></b>	<b><i>\$2,545</i></b>
Science & Technology	\$2,431	\$2,803	\$2,917	\$114
Total Budget Authority	\$60,555	\$62,984	\$65,643	\$2,659
Total Workyears	434.3	385.6	385.6	0.0

Total program work years in FY 2023 include 82.1 FTE funded by the Reregistration and Expedited Processing Revolving Fund.

**Program Project Description:**

Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)<sup>205</sup> and the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA) and the Pesticide Registration Improvement Extension Act of 2018 (PRIA 4),<sup>206</sup> EPA is charged with protecting people from the health risks that pesticide use can pose. FIFRA requires EPA to register pesticide products before they are marketed for use in the U.S. Registration is based on the review of scientific data sufficient to demonstrate that the product can perform its intended function without unreasonable adverse effects on people or the environment. This program emphasizes the use of reduced risk methods of pest control, including the use of reduced risk pesticides and helping growers and other pesticide users learn about new, safer products and methods of using pesticides.

Under FFDCA, if a pesticide is to be used in a manner that may result in pesticide residues in food or animal feed, EPA must establish a tolerance, or maximum legal residue level, or an exemption from the requirement of a tolerance, before it can be registered. To establish a tolerance, EPA must find that the residues are “safe,” which, under FFDCA, means that there is a reasonable certainty of no harm to human health from aggregate exposure to the pesticide residue in food and from all other exposure except occupational exposure.<sup>207</sup> EPA must periodically review the registration and tolerances that the Agency issues to ensure that public health is adequately protected.

<sup>205</sup> For additional information on FIFRA, please visit: <https://www.epa.gov/laws-regulations/summary-federal-insecticide-fungicide-and-rodenticide-act>.

<sup>206</sup> On Friday, March 8, 2019, Pesticide Registration Improvement Extension Act of 2018 (PRIA 4) was signed into law, which reauthorizes PRIA for 5 years through fiscal year 2023, and updates the fee collection provisions of the Federal Insecticide, Fungicide, and Rodenticide Act.

<sup>207</sup> Additional information related to pesticide registration, the setting of tolerance levels, and the pesticide risk assessment process can be found at the following location: <https://www.epa.gov/pesticide-tolerances/setting-tolerances-pesticide-residues-foods>.

## **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 7/Objective 7.1, Ensure Chemical and Pesticide Safety in the *FY 2022 – 2026 EPA Strategic Plan*.

### Pesticide Review and Registration

In FY 2023, EPA will continue to review and register new pesticides, new uses for existing pesticides, and other registration requests in accordance with statutory requirements, making sure exposure to infants and children is reflected in the human health risk assessments supporting these regulatory determinations. Many assessments also address potential exposure to pregnant women. In addition, the Agency will evaluate pesticides that are already in the market against current scientific standards for human health. To advance EPA's work supporting environmental justice (EJ) and children's health, EPA also will evaluate these registration requests with special consideration for impacts on members of overburdened communities and sensitive life stages, especially infants and children. Under the FQPA, EPA is statutorily required to ensure that its regulatory decisions are protective of children's health and other vulnerable subpopulations. EPA also will continue to emphasize the registration of reduced risk pesticides, including biopesticides, to provide farmers and other pesticide users with new, safer alternatives. The Agency, in collaboration with the U.S. Department of Agriculture (USDA), also will work to ensure that minor use registrations receive appropriate support and that needs are met for reduced risk pesticides for minor use crops. EPA also will assist farmers and other pesticide users in learning about new, safer products and methods of using existing products through workshops, demonstrations, small grants, and materials on the website and in print.

In FY 2023, EPA also will continue to review the registrations of existing pesticides with a focus on assessing and ensuring that pesticides are used safely, without unreasonable adverse effects to human health and the environment. The goal of the registration review process, as mandated by statute, is to review pesticide registrations every 15 years to determine whether they continue to meet the FIFRA standard for registration.<sup>208</sup> For pesticides registered before October 1, 2007, EPA is required to make registration review decisions by October 1, 2022. EPA has completed opening dockets for all 726 cases in registration review. EPA will focus its FY 2023 resources on completing decisions for cases that are not completed by the FY 2022 statutory deadline and on cases with 15-year due dates in FY 2023 and beyond. Through FY 2021, EPA has completed a total of 676 draft risk assessments and 556 final or interim decisions, with 50 draft risk assessments and 170 final or interim decisions remaining to be completed to meet the FY 2022 statutory deadline.

EPA fell short of the FY 2021 target of 110 decisions completed through pesticides registration review. As EPA approaches the October 1, 2022 deadline, many of the remaining cases involve highly complex scientific and regulatory issues, which have resulted in requests from stakeholders to extend the comment periods for proposed decisions, lengthening the amount of time needed to complete the necessary reviews. In addition, EPA continues to await data and/or registrant input critical to finalizing several registration review decisions. Further ongoing challenges in meeting the FY 2022 deadline included delayed registrant submittal of additional data, the need for inter- and intra-agency coordination, and resource constraints.

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<sup>208</sup> For additional information please visit the EPA Pesticide Registration Internet site: <https://www.epa.gov/pesticide-registration>.

In FY 2023, EPA will continue enhancements to the Pesticide Registration Information System (PRISM). Expanding the capabilities of PRISM by integrating more of EPA's regulatory workflow into a single system will reduce paperwork burden and maximize efficiency, in accordance with the President's Management Agenda (PMA), by converting paper-based processes into electronic processes and corresponding workflows for the Pesticide Program's regulated entities. In addition, PRISM will create an iterative/inclusive, streamlined electronic workflow to support pesticide product registration, chemical reviews, and assessments, and will be used as a centralized data repository to electronically store associated data as they relate to regulatory decisions and scientific information. Overall, the Agency projects that expanding PRISM and related projects will improve over 150 existing business process workflows supporting the implementation of PRIA. This digital transformation will consolidate over 30 different custom-built systems into a single platform to track registration or re-registration of a chemical from the moment EPA receives a case to the final regulatory decision. Being able to track all reviews in a single system will eliminate the need for hundreds of spreadsheets or Access databases that are currently used to track work at a team, branch, divisional or office level. This transformation focuses on improving the employee's experience only and not on the customer experience which will be the focus beyond FY 2023.

#### Reducing Pesticide Risks to People through the Registration of Lower Risk Pesticides

In FY 2023, EPA will continue to promote reduced-risk pesticides by giving registration priority to pesticides that have lower toxicity to humans and non-target organisms such as birds, fish, and plants; low potential for contaminating groundwater; lower use rates; low pest resistance potential; and compatibility with Integrated Pest Management (IPM).<sup>209</sup> Several other countries and international organizations also have instituted programs to facilitate registering reduced-risk pesticides. EPA works with the international scientific community and the Organization for Economic Cooperation and Development (OECD) member countries to register new reduced-risk pesticides and to establish related tolerances (maximum residue limits). Through these efforts, EPA will help reduce risks to Americans from foods imported from other countries.

#### Protecting Workers from On-the-Job Pesticide Risks

Millions of America's workers are exposed to pesticides in occupations such as agriculture, lawn care, food preparation, and landscape maintenance. A very large proportion of these workers are members of communities with EJ concerns. EPA's work in this area will be guided by Executive Order (EO) 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* and, where regulatory action is taken, by the Agency's *Guidance on Considering Environmental Justice During the Development of an Action*<sup>210</sup> and its companion *Technical Guidance for Assessing Environmental Justice in Regulatory Analysis*.<sup>211</sup> Protecting pesticide applicators, handlers and agricultural workers from potential effects of pesticides is an important role of the Pesticide Program. Pesticide handlers in a number of sectors may be exposed to pesticides when they prepare pesticides for use, such as by mixing a concentrate with water or loading and applying the pesticide. In FY 2023, EPA will continue to support the implementation

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<sup>209</sup>For more information, please see: <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/overview-risk-assessment-pesticide-program>. Please also see EPA's IPM website: [https://www.epa.gov/safepestcontrol/integrated-pest-management-ipm-principles#for more-information](https://www.epa.gov/safepestcontrol/integrated-pest-management-ipm-principles#for-more-information).

<sup>210</sup> For more information, please see: <https://www.epa.gov/environmentaljustice/guidance-considering-environmental-justice-during-development-action>.

<sup>211</sup> For more information, please see: <https://www.epa.gov/environmentaljustice/technical-guidance-assessing-environmental-justice-regulatory-analysis>.

of the Agricultural Worker Protection Standard (WPS)<sup>212</sup> and the Certification of Pesticide Applicators (CPA)<sup>213</sup> regulations through education and outreach, guidance development, and grant programs. Efforts to implement the WPS include addressing EJ issues in rural communities, especially by considering farmworkers and their families. Programs include National Farmworker Pesticide Safety Training and development of pesticide educational resources and training targeted toward agricultural workers and pesticide handlers. Efforts include addressing the education needs of the target audience to ensure trainings are effective and in the appropriate cultural context. EPA also will continue outreach and training to healthcare providers in the recognition and management of pesticide-related illnesses. Outreach will focus on training health care providers serving the migrant and seasonal farmworker community, further improving the treatment of agricultural workers and rural communities potentially exposed to pesticides. Support also will include efforts to improve reporting of occupation-related pesticide incidents. In addition, EPA will continue to support the development of resources, training, and educational forums for applicators, including the development of a virtual pesticide training for certification of private applicators in Indian Country covered under the EPA-administered plan to meet the requirements of using restricted use pesticides in agriculture.

Implementation of the CPA also includes continued support of state Pesticide Safety Education Programs, which play a crucial role in training and certifying pesticide handlers in proper pesticide use, thereby enabling the handlers to protect themselves and other workers, as well as the public and the environment. In FY 2023, EPA will focus on implementation of amended state, tribal, and federal certification programs based on the 2017 CPA rule. EPA will support that effort by providing technical assistance for updates to state/tribal applicator training materials including manuals, exams, and other recertification materials to meet the revised Part 171 rule requirements.

#### Preventing Disease through Public Health Pesticides: Antimicrobial Testing

In reviewing registrations for antimicrobials, EPA is required to ensure that antimicrobials maintain their effectiveness.<sup>214</sup> EPA's Antimicrobial Testing Program (ATP) has been testing hospital sterilants, disinfectants, and tuberculocides since 1991 to help ensure that products in the marketplace meet stringent efficacy standards. EPA is currently in the process of developing a new risk-based testing strategy in response to EPA Office of the Inspector General (OIG) recommendations made in FY 2016.<sup>215</sup> Consistent with the OIG recommendations, EPA suspended the ATP in November 2017 and released a draft risk-based strategy, renamed the Antimicrobial Performance Evaluation Program (APEP), in October 2019 for public comment and will continue to seek public input prior to implementation in FY 2023.

#### COVID Response

In FY 2023, EPA will continue to review registration requests for new surface and air disinfectants for SARS-CoV-2 as necessary via the standard registration process and associated deadlines required by FIFRA. EPA also will continue to update List N, which is a list of registered disinfectants for use against SARS-CoV-2.

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<sup>212</sup> For more information, please see: <https://www.epa.gov/pesticide-worker-safety/agricultural-worker-protection-standard-wps>.

<sup>213</sup> For additional information, please visit: <https://www.epa.gov/pesticide-worker-safety/revised-certification-standards-pesticide-applicators>.

<sup>214</sup> Please see FIFRA section 3(h)(3), 7 U.S.C. 136a(h)(3).

<sup>215</sup> For additional information, please visit: <https://www.epa.gov/pesticide-registration/antimicrobial-testing-program>.



### General Pesticide Outreach and Education

In FY 2023, the Pesticide Program will continue environmental education and training efforts for growers, pesticide applicators, and workers, as well as the public in general. Giving priority to reduced risk and Integrated Pest Management (IPM) friendly pesticides are two steps toward protecting human health. Also, the Pesticide Safety Education Program provides education through training and is a key component to the implementation of applicator certification programs across the nation, including on tribal lands and along the US-Mexico border, and helps ensure pesticides are used in a manner to protect human health and the environment. In addition, EPA will continue to make information easily accessible to the public and pesticide users, update safety information on pesticides, support the National Pesticide Information Center<sup>216</sup> that provides a bilingual hotline for pesticide information and develop outreach materials for the public and incident reporting.

### Tribal Pesticide Program Council (TPPC)

The Pesticide Program also will continue to manage the Tribal Pesticide Program Council (TPPC) cooperative agreement. This national partnership group was formed in 1999 as a forum for tribes and Alaska Native Villages to work with EPA to address pesticide issues and concerns. The TPPC also provides a forum for tribes and Alaska Native Villages to provide input in developing policies that would strengthen their pesticide programs, provide guidance for tribes that do not have such programs, and provide networking opportunities and support for tribal pesticide regulators. In FY 2023, EPA will work with the TPPC to identify concerns related to EJ and climate change that EPA can begin to address.

### Reducing Animal Testing

In FY 2023, the Agency will continue to use its guiding principles on data needs<sup>217</sup> to ensure that it has sufficient information to support strong regulatory decisions to protect human health, while reducing and, in some cases, eliminating unnecessary animal testing. EPA's Hazard and Science Policy Council (HASPOC) plays an important role in the implementation of the vision of the 2007 National Academy of Sciences (NAS) report on toxicity testing in the 21<sup>st</sup> Century—which recommended moving toward smarter testing strategies by waiving human health toxicity studies that do not provide useful information. Since its inception, HASPOC has waived hundreds of studies resulting in the saving of tens of thousands of animals and tens of millions of dollars without compromising the integrity of the science supporting EPA's regulatory decision-making for pesticides. In addition, the Agency will continue to develop and implement 21<sup>st</sup> Century toxicology and exposure methods, including additional retrospective analysis of the reproductive avian study, development of a waiver framework for carcinogenicity studies, and the use of computer-modeling and in vitro testing techniques for acute oral toxicity, skin and eye irritation, and inhalation toxicity. All of these activities advance more efficient and effective human health risk assessments that support sound, risk-based, regulatory decision-making.

In FY 2023, the Agency will be measuring performance for the second cycle of registration review, tracking intermediate stages such as docket openings, draft risk assessment completion, and final registration review case completions under the 15-year cycle of pesticide registration review. Additionally, EPA will be tracking metrics related to pesticide safety training of farmworkers

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<sup>216</sup> For additional information, please visit: <http://npic.orst.edu/>.

<sup>217</sup> Additional information on reducing animal testing may be found at: <https://www.epa.gov/pesticides/new-epa-guidance-testing-pesticides-will-reduce-animal-testing>.

funded through a 5-year cooperative grant; metric details will be provided by the grantee and will capture the number of farmworkers trained and knowledge comprehension based on pre- and post-training assessment.

**Performance Measure Targets:**

Work under this program supports performance results in the Pesticides: Protect the Environment from Pesticide Risk Program under the EPM appropriation.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$2,409.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$136.0) This program change is a rebalancing of resources among the Pesticides programs to increase outreach to overburdened and underserved communities with EJ concerns.

**Statutory Authority:**

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); Federal Food, Drug, and Cosmetic Act (FFDCA) § 408.

**Pesticides: Protect the Environment from Pesticide Risk**

Program Area: Pesticides Licensing

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Ensure Chemical and Pesticide Safety

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$36,714</b>	<b>\$39,543</b>	<b>\$45,876</b>	<b>\$6,333</b>
Science & Technology	\$1,805	\$2,207	\$2,252	\$45
Total Budget Authority	\$38,519	\$41,750	\$48,128	\$6,378
Total Workyears	322.1	249.6	259.6	10.0

Total program work years in FY 2023 include 53.2 FTE funded by the Reregistration and Expedited Processing Revolving Fund.

**Program Project Description:**

The goal of this program, authorized under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), is to protect the environment from the potential risks posed by pesticide use. To achieve this goal, EPA must conduct risk assessments before the initial registration of each pesticide for each use, as well as re-evaluate each pesticide at least every 15 years, as required by the Food Quality Protection Act (FQPA). This periodic review is accomplished through EPA's Pesticide Registration Review Program.<sup>218</sup> In addition to FIFRA responsibilities, the Agency has distinct obligations under the Endangered Species Act (ESA),<sup>219</sup> which include ensuring that pesticide regulatory decisions will not destroy or adversely modify designated critical habitat or jeopardize the continued existence of species listed as threatened or endangered by the U.S. Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS) (jointly, "the Services").

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 7/Objective 7.1, Ensure Chemical and Pesticide Safety in the *FY 2022 – 2026 EPA Strategic Plan*.

Assessing the Risks Pesticides Pose to the Environment

To accomplish the goals set out in the FIFRA, in FY 2023, EPA will continue to conduct ecological risk assessments<sup>220</sup> to determine what risks are posed by each pesticide to plants, animals, and ecosystems that are not the targets of the pesticide and whether changes are necessary to protect these resources.<sup>221</sup> In FY 2023, EPA will continue to examine all toxicity and environmental fate data submitted with each new pesticide registration application to determine what risks the new

<sup>218</sup> FIFRA requires EPA to register a pesticide if, among other things, the product "will also not generally cause unreasonable adverse effects on the environment" when used in accordance with labeling and common practices.

<sup>219</sup> For additional information, please visit: <https://www.epa.gov/endangered-species>.

<sup>220</sup> For additional information, please visit: <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/factsheet-ecological-risk-assessment-pesticides>.

<sup>221</sup> Additional information may be found at: <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/overview-risk-assessment-pesticide-program>.

active ingredient may pose to the environment. When complex scientific issues arise, the Agency may solicit external review, such as consultation with the FIFRA Scientific Advisory Panel,<sup>222</sup> for independent scientific advice.

#### Ensuring Proper Pesticide Use through Labeling

In FY 2023, EPA will continue to use pesticide labels to indicate what uses are appropriate and to ensure that the pesticide is used at the application rates and according to the methods and timing approved.<sup>223</sup>

#### Pesticide Registration Review

In FY 2023, EPA's activities will involve increased efforts on comprehensive risk assessments to protect the environment. For pesticides registered before October 1, 2007, EPA is required to make registration review decisions by October 1, 2022. EPA has completed opening dockets for all 726 cases in registration review. EPA will focus its FY 2023 resources on completing decisions for cases that are not completed by the FY 2022 statutory deadline and on cases with 15-year due dates in FY 2023 and beyond. Through FY 2021, EPA has completed a total of 676 draft risk assessments and 556 final or interim decisions, with 50 draft risk assessments and 170 final or interim decisions remaining to be completed to meet the FY 2022 statutory deadline.

EPA fell short of the FY 2021 target of 110 decisions completed through pesticides registration review. As EPA approaches the October 1, 2022, deadline, many of the remaining cases involve highly complex scientific and regulatory issues, which has resulted in requests from stakeholders to extend the comment periods for proposed decisions, lengthening the amount of time needed to complete the necessary reviews. In addition, EPA continues to await data and/or registrant input critical to finalizing several registration review decisions. Further ongoing challenges in meeting the FY 2022 deadline include delayed registrant submittal of additional data, and the need for inter- and intra-agency coordination, and resource constraints.

#### Pesticide Registration and Risk Reduction Through the Use of Safer Pesticides and Methods

EPA has promoted reduced risk pesticides since 1993 by giving registration priority to pesticides that have lower toxicity to people and non-target organisms such as birds, fish, and plants; low potential for contaminating groundwater; lower use rates; low pest resistance potential; and compatibility with Integrated Pest Management (IPM).<sup>224,225</sup> In FY 2023, EPA will continue to assist pesticide users in learning about new, safer products as well as safer methods for using existing products. Through its Center for IPM, educational webinars, science-based publications, informational social media outreach, and collaborations with federal partners, states, commodity

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<sup>222</sup> For additional information, please visit: <https://www.epa.gov/sap>.

<sup>223</sup> Under FIFRA, it is illegal to use a registered pesticide in a manner inconsistent with the label instructions and precautions.

<sup>224</sup> Attaining risk reduction would be significantly hampered without availability of alternative products to these pesticides for consumers. Consequently, the Registration Program's work in ensuring the availability of reduced risk pesticides plays a significant role in meeting the environmental outcome of improved ecosystem protection. For additional information on pesticide risk, please visit: <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/overview-risk-assessment-pesticide-program>.

<sup>225</sup> For additional information on IPM, please visit: <https://www.epa.gov/safepestcontrol/integrated-pest-management-ipm-principles>.

and other non-governmental organizations, the Agency also will encourage the use of IPM tools, biological pesticides and biotechnology, where they present lower-risk solutions to pest problems.

### Reducing Animal Testing

In FY 2023, EPA will continue its efforts to promote the use of alternative methods to whole animal toxicity testing for characterizing the effects of pesticide active ingredients on terrestrial and aquatic vertebrates. EPA also will continue its partnership with the National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM). A focus area will be the use of Collaborative Acute Toxicity Modeling Suite (CATMoS) estimates of acute oral toxicity to replace mammal testing in ecological risk assessment. EPA also will complete a study of the feasibility of reducing the number of tested species of fish used to characterize acute effects for the taxa. This effort is expected to complement EPA's work with other federal agencies to collect, describe, and develop performance-based evaluations for a suite of *in-silico* and *in-vitro* methods for estimating acute lethal endpoints in fish. By addressing both the endpoint needs and the available estimation tools concurrently, EPA expects to increase the efficiency of performance evaluation and narrow the scope of needed estimation methods for consideration, thereby expediting the acceptance process. Additionally, through stakeholder discussions and participation in intergovernmental working groups, the Agency will work to identify opportunities to reduce the use of animals in ecological hazard testing. EPA also will reach out to non-governmental organizations to collaborate on projects (*e.g.*, to retrospectively analyze the results of ecological hazard testing). Based on the results of those projects, EPA will then develop and disseminate guidance materials for companies to clarify ecotoxicology testing requirements/needs.

### Minimizing Environmental Impacts through Outreach and Education

Through public outreach, the Agency will continue to encourage the use of IPM and other practices to maximize the benefits pesticides can yield while minimizing their impacts on the environment. As a continued requirement of the Office of Chemical Safety and Pollution Prevention's National Program Guidance, regional pesticide offices will initiate specific IPM-related projects that target disadvantaged, overburdened or underserved communities, or vulnerable populations, such as children attending preschools and tribal schools. The Agency also will develop and disseminate pesticide safety brochures, videos, links, and webinars which provide education on potential benefits of IPM, and promote outreach through its Center for IPM on the success of IPM to encourage its use.<sup>226</sup> To encourage responsible pesticide use that does not endanger the environment, EPA also will reach out to the public through its website and social media accounts, and to workers and professional pesticide applicators through worker training programs. The Pesticide Safety Education Program<sup>227</sup> provides education to professional pesticide applicators through training and is a key component to the implementation of applicator certification programs across the nation and helps ensure pesticides are used in a manner to protect human health and the environment.

### Protection of Endangered Species

EPA is responsible for complying with the Endangered Species Act (ESA) and for ensuring that federally endangered and threatened species are not harmed from exposure when it registers

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<sup>226</sup> For additional information, please visit: <https://www.epa.gov/safepestcontrol/integrated-pest-management-ipm-principles>.

<sup>227</sup> For additional information, please visit: <https://www.epa.gov/pesticide-worker-safety/pesticide-safety-education-programs-0>.

pesticides. This presents a great challenge given that there are approximately 1,200 active ingredients in more than 17,000 pesticide products—many of which have multiple uses. Endangered species risk assessments are extraordinarily complex, national in scope, and involve comprehensive evaluations that consider risks to over 1,600 listed endangered species and 800 designated critical habitats in the U.S. with diverse biological attributes, habitat requirements, and geographic ranges. Given the complexity of evaluating potential effects to diverse listed species, EPA has been unable to perform ESA evaluations for the vast majority of its actions, which has resulted in numerous successful litigation challenges for registration and registration review actions.

In January 2022, EPA announced a new policy whereby all new active ingredient registrations will only be registered under conditions that comply with ESA.<sup>228</sup> To support this action and incrementally integrate ESA mandates into the pesticide registration process, EPA requests an additional \$4.9 million and 10 FTE for the Pesticide Program in FY 2023. These resources will support the Program in its efforts to begin making progress towards conducting risk assessments and making risk management decisions which protect federally threatened and endangered species from exposure to new active ingredients, in accordance with ESA mandates.

In FY 2023, the Agency also will assess whether listed endangered or threatened species or their designated critical habitat may be affected by use of pesticide products in a manner described in reports to Congress.<sup>229</sup> Where risks are identified in a biological evaluation, EPA also will work with the Services in a consultation<sup>230</sup> process to ensure these new or existing pesticide registrations also meet the ESA standard.<sup>231</sup> EPA also will continue to develop processes to protect listed species earlier in the regulatory and consultation processes as resources allow.

During registration review, EPA also will support obtaining risk mitigation earlier in the process by encouraging registrants to agree to changes in uses and applications of a pesticide that help protect endangered species prior to completion of EPA's consultations with the Services. In FY 2023, pesticide registration reviews are expected to contain environmental assessments. Selected assessments also will evaluate potential endangered species impacts. These efforts will continue to expand the Program's workload due to the need to conduct additional environmental assessments and identify, evaluate, and implement potential mitigations for listed species.

In FY 2023, in cooperation with the Services and the U.S. Department of Agriculture (USDA), the Agency will continue to implement its duties under the ESA. EPA also will continue to work with the Services and USDA to improve the Biological Evaluation methodology to inform the consultation process and will apply appropriate methods to selected pesticide risk assessments. The Agency will continue to provide technical support for compliance with the requirements of the ESA. In FY 2023, EPA also will continue the advancement and integration of state-of-the-art

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<sup>228</sup> For additional information, please visit: <https://www.epa.gov/newsreleases/epa-announces-endangered-species-act-protection-policy-new-pesticides>.

<sup>229</sup> For additional information, please visit: <https://www.epa.gov/endangered-species/reports-congress-improving-consultation-process-under-endangered-species-act>.

<sup>230</sup> For additional information, please visit: <https://www.epa.gov/endangered-species/assessing-pesticides-under-endangered-species-act>.

<sup>231</sup> Additional information on how EPA protects endangered species from pesticides can be found at: <https://www.epa.gov/endangered-species>.

science models, knowledge bases, and analytic processes to increase productivity and better address the challenge of potential risks of specific pesticides to specific species. Interconnection of the various databases within the Program also will provide improved support to the risk assessment process during registration review by allowing risk assessors to analyze complex scenarios more easily regarding endangered species. EPA also will continue to improve its system used to implement spatially explicit protections for listed species, *Bulletins Live! Two* (BLT).<sup>232</sup> EPA plans to continue to solicit and receive feedback on the usability of BLT, maintain and improve the underlying data, and enhance the usability of the system based on feedback as more bulletins continue to be created and released as part of registration and registration review decisions.

### Pollinator Protection

Bees and other pollinators play a critical role in ensuring the production of food. USDA is leading the federal government's effort to understand the causes of declining pollinator health and identify actions that will improve pollinator health. EPA is part of this effort and is focusing on the potential role of pesticides while ensuring that the pesticides used represent acceptable risks to pollinators and that products are available for commercial beekeepers to manage pests that impact pollinator health.

EPA continues to carefully evaluate potential effects that pesticides may have on bees through the registration of new active ingredients and registration review, in cooperation with the Government of Canada and the California Department of Pesticide Regulation. EPA is continuing to work with USDA to identify and address factors associated with declines in pollinator health. EPA also has been working with a wide range of stakeholders in the government and private sectors, both domestically and internationally, to develop and implement strategies to address factors associated with pollinator declines and to ensure that the best available science serves as a foundation for regulatory decisions. In FY 2023, EPA also will continue to apply the best available science and risk management methods to reduce potential exposures to pollinators from pesticides.<sup>233</sup>

### Protection of Water Resources

Reduced concentration of pesticides in water sources is an indication of the effectiveness of EPA's risk assessment, management, mitigation, and communication activities. In FY 2023, the Agency also will continue to evaluate monitoring data as it prepares aquatic exposure assessments and will continue to apply risk management measures, when appropriate, to reduce pesticide loadings in water. EPA also will update aquatic benchmarks so that states and other stakeholders can determine if measured pesticide levels might impact aquatic life. Water quality is a critical endpoint for measuring exposure and risk to the environment and a key factor in assessing EPA's ability to reduce exposure from these key pesticides of concern.<sup>234</sup>

### Performance Measurement

In FY 2023, the Agency will be measuring performance for the registration review cases with 15-year due dates in FY 2023 and beyond, tracking intermediate stages such as docket openings, draft

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<sup>232</sup> For additional information, please visit: <https://www.epa.gov/endangered-species/bulletins-live-two-bl-tutorial>.

<sup>233</sup> Additional actions EPA is taking to protect pollinators from pesticides can be found at: <https://www.epa.gov/pollinator-protection>.

<sup>234</sup> The most sensitive aquatic benchmarks for the chemicals are posted on the website: <http://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/aquatic-life-benchmarks-pesticide-registration>.

risk assessment completion, and final registration review case completions under the 15-year cycle of pesticide registration review. The Agency expects to improve protections to endangered species by increasing the percentage of new active ingredient registrations and registration review risk assessments that incorporate considerations of threatened and endangered species and leverage those improvements for other related processes in subsequent years (*e.g.*, new uses). Additionally, EPA will be tracking metrics related to pesticide safety training of farmworkers funded through a 5-year cooperative grant; metric details will be provided by the grantee and will capture the number of farmworkers trained and knowledge comprehension based on pre- and post-training assessment.

**Performance Measure Targets:**

<b>(PM FIFRA3a) Number of pesticide registration review cases completed with statutory due dates that fall after October 1, 2022.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	15	20
<b>(PM FIFRA3b) Number of pesticide registration review dockets opened for registration review cases with statutory completion dates that fall after October 1, 2022.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	25	27
<b>(PM FIFRA3c) Number of draft risk assessments completed for pesticide registration review cases with statutory completion dates that fall after October 1, 2022.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	9	21
<b>(PM ESA1) Percentage of risk assessments supporting pesticide registration decisions for new active ingredients that consider the effects determinations or protections for federally threatened and endangered species.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	40	50
<b>(PM ESA2) Percentage of risk assessments supporting pesticide registration review decisions that include effects determinations or protections of federally threatened and endangered species.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	20	30
<b>(PM WPS1a) Number of farmworkers receiving EPA-supported WPS pesticide safety training.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	20,000	20,000
<b>(PM WPS1b) Percentage of content knowledge learned by farmworker/trainees upon completion of EPA-supported WPS pesticide training.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	95	95

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$1,662.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$4,928.0 / +10.0 FTE) This program change will enable the Pesticide programs to begin to fully comply with the Endangered Species Act. Resources will support the program to incrementally address ESA mandates in pesticide risk assessments and making risk management decisions that protect federally threatened and endangered species from exposure to new active ingredients. This investment also includes \$1.818 million in payroll.



- (-\$257.0) This program change is a rebalancing of resources among the Pesticides programs to increase outreach to communities with EJ concerns under the Pesticides: Protection of Human Health Program.

**Statutory Authority:**

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); Endangered Species Act (ESA).

**Pesticides: Realize the Value of Pesticide Availability**

Program Area: Pesticides Licensing

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Ensure Chemical and Pesticide Safety

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$6,034</i></b>	<b><i>\$7,730</i></b>	<b><i>\$7,979</i></b>	<b><i>\$249</i></b>
Science & Technology	\$645	\$876	\$984	\$108
Total Budget Authority	\$6,680	\$8,606	\$8,963	\$357
Total Workyears	35.3	35.8	35.8	0.0

**Program Project Description:**

This program seeks to realize the value of pesticides that can be used safely to yield many benefits, such as killing viruses and bacteria in America’s hospitals. These benefits also include guarding the Nation’s abundant food supply, protecting the public from disease-carrying pests, and protecting the environment from the introduction of invasive species from other parts of the world. In fulfilling its mission, the Program manages the following types of pesticide registrations and regulatory actions under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA):<sup>235</sup>

- Special Local Needs under FIFRA Section 24(c);
- Federal registrations at the national level under FIFRA Section 3;
- Experimental Use Permit Section 5;
- Emergency, Quarantine, and Crisis Exemption Section 18; and
- Periodic review of existing chemicals under the Registration Review Program.<sup>236</sup>

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 7/Objective 7.1, Ensure Chemical and Pesticide Safety in the *FY 2022 – 2026 EPA Strategic Plan*.

Meeting Agriculture’s Need for Safe, Effective Pest Control Products

With the passage of the Food Quality Protection Act (FQPA), Congress acknowledged the importance of and need for “reduced-risk pesticides” and supported expedited agency review to

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<sup>235</sup> The primary federal law that governs how EPA oversees pesticide manufacture, distribution, and use in the United States is the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Originally enacted in 1947, FIFRA has been significantly amended several times, including by the Food Quality Protection Act of 1996 (FQPA) and the Pesticide Registration Improvement Extension Act of 2018 (PRIA). FIFRA requires that EPA register pesticides based on a finding that they will not cause unreasonable adverse effects to people and the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

<sup>236</sup> Additional information may be found here: <https://www.epa.gov/pesticide-registration/types-registrations-under-fifra>.

help these pesticides reach the market sooner and replace other pesticides of higher risk.<sup>237</sup> In FY 2023, EPA will continue to support and develop procedures and guidelines for expedited review of applications for registration or amendments for reduced risk pesticides.

### Registration of Generic Pesticides

FIFRA authorizes EPA to register products that are identical to or substantially similar to already registered products (also known as “me too products”). Applicants for these products may rely on, or cite data already submitted by another registrant. The entry of these new products into the market can cause price reductions resulting from new competition and broader access to products, benefitting farmers and consumers. The Agency will continue to prioritize and review generic registrations consistent with the statutory decision-making schedule. Application submissions for these actions can generally be reviewed in four months. The Agency completed 1,256 “me too” new products and amendments in FY 2021. The Agency expects to complete a similar volume of registrations in FY 2023.

### Outreach and Education

The Pesticide Program is invested in outreach and training efforts for people who use pesticides and the public in general. In FY 2023, the Agency will continue to encourage Integrated Pest Management (IPM), which emphasizes minimizing the use of broad-spectrum chemicals and maximizing the use of sanitation, biological controls, and selective methods of application. Providing on-the-ground assistance to our partners EPA’s regional offices work with states, tribes, and territories to implement their pesticide programs and carry out IPM projects that inform pesticide users about the pest control options, which pesticides to use, how to use them, and how to maintain the site so pests do not return. In addition, the Pesticide Program and its Center for IPM will provide outreach through webinars on a range of pest management and pollinator protection topics, many of which are of importance in areas with environmental justice (EJ) concerns and tribal communities.

### Review and Registration

During FY 2023, EPA will continue to review and register new pesticides and new uses for existing pesticides, and act on other registration requests in accordance with FIFRA and Federal Food, Drug, and Cosmetic Act standards, as well as Pesticide Registration Improvement Extension Act of 2018 (PRIA 4) timeframes. Many of these actions will be for reduced-risk conventional pesticides and biopesticides, which, once registered and used by consumers, will increase societal benefits, including for infants and children as well as susceptible subpopulations. Working together with the affected communities, through IPM and related activities, the Agency plans to accelerate the adoption of lower-risk products. EPA also will continue to support implementation of other IPM-related activities and partner in the development of tools and informational brochures to promote IPM efforts and provide guidance to schools, farmers, other partners, and stakeholders, ensuring that information and communications are accessible by members of communities with EJ concerns.

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<sup>237</sup> The law defines a reduced risk pesticide as one that “may reasonably be expected to accomplish one or more of the following: (1) reduces pesticide risks to human health; (2) reduces pesticide risks to non-target organisms; (3) reduces the potential for contamination of valued, environmental resources, or (4) broadens adoption of Integrated Pest Management (IPM) or makes it more effective.”

The Agency's work harmonizing pesticide tolerance levels with our top trade partners will reduce international trade barriers. For FY 2023, EPA will undertake regulatory decisions on an estimated seven new chemicals with food uses. For each of these evaluations, EPA will consider whether there are existing Maximum Residue Levels (MRLs) set by trade partners and whether the science supports harmonizing with those levels in which tolerance harmonization will be a component of a portion of these decisions. Also, during FY 2023, EPA will continue rule-making efforts to improve its crop group system which provides the regulatory definitions for crops which are in inter-state and international commerce. EPA is currently pursuing Phase VI of its proposed revisions to pesticide tolerance crop group regulations.

#### Emergency, Quarantine, and Crisis Exemptions

In FY 2023, EPA will continue to prioritize emergency exemptions under FIFRA Section 18, which authorizes EPA to allow an unregistered use of a pesticide for a limited time in the event of an emergency, such as a severe pest infestation, public health emergency, or invasive pest species quarantine. The economic benefit of the Section 18 Program to growers is the avoidance of losses incurred in the absence of pesticides exempted under FIFRA's emergency exemption provisions. In addition, exemptions serve as important public health controls to avert pests that may cause significant risk to human health. In FY 2021, the Agency received 76 requests for emergency uses and expects to receive a similar number of requests in FY 2023.

#### Performance Measurement

In FY 2023, the Agency will be measuring performance for the registration review cases with 15-year due dates in FY 2023 and beyond, tracking intermediate stages such as docket openings, draft risk assessment completion, and final registration review case completions under the 15-year cycle of pesticide registration review. The Agency expects to improve protections to endangered species by increasing the percentage of new active ingredient registrations and registration review risk assessments that incorporate considerations of threatened and endangered species and leverage those improvements for other related processes in subsequent years (*e.g.*, new uses). Additionally, EPA will be tracking metrics related to pesticide safety training of farmworkers funded through a 5-year cooperative grant; metric details will be provided by the grantee and will capture the number of farmworkers trained and knowledge comprehension based on pre- and post-training assessment.

#### **Performance Measure Targets:**

Work under this program supports performance results in the Pesticides: Protect the Environment from Pesticide Risk Program under the EPM appropriation.

#### **FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$301.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (-\$52.0) This program change is a rebalancing of resources among the Pesticides programs to increase outreach to overburdened and underserved communities with EJ concerns under the Pesticides: Protection of Human Health Program.

**Statutory Authority:**

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); Federal Food, Drug, and Cosmetic Act (FFDCA) § 408.

**Resource Conservation and Recovery Act (RCRA)**

**RCRA: Corrective Action**

Program Area: Resource Conservation and Recovery Act (RCRA)

Goal: Safeguard and Revitalize Communities

Objective(s): Clean Up and Restore Land for Productive Uses and Healthy Communities

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$33,921</i></b>	<b><i>\$38,453</i></b>	<b><i>\$39,820</i></b>	<b><i>\$1,367</i></b>
Total Budget Authority	\$33,921	\$38,453	\$39,820	\$1,367
Total Workyears	168.9	174.4	174.4	0.0

**Program Project Description:**

To reduce risks from exposure to hazardous wastes, EPA's Resource Conservation and Recovery Act (RCRA) Corrective Action Program ensures that contaminated facilities subject to RCRA requirements are cleaned up by the responsible party, returns contaminated property to productive use, and keeps costs from being transferred to the taxpayer-funded portion of the Superfund Program. Pursuant to EPA promulgated regulations and administrative orders under RCRA, EPA and authorized states will continue to oversee cleanups conducted by facility owner/operators to ensure that the facilities meet their cleanup obligations and to protect taxpayers from having to pay the bill. Approximately 113 million Americans live within three miles of a RCRA corrective action facility (roughly 35 percent of the U.S. population),<sup>238</sup> and the total area covered by these corrective action sites is approximately 18 million acres.<sup>239</sup>

EPA works in close partnership with 44 states and one territory authorized to implement the Corrective Action Program<sup>240</sup> to ensure that cleanups are protective of human health and the environment. The Corrective Action Program allows for the return of properties to beneficial use, which benefits the surrounding communities, reduces liabilities for facilities, and allows facilities to redirect resources to productive activities. The Agency provides program direction, leadership, and support to its state partners. This includes specialized technical and program expertise, policy development for effective program management, national program priority setting, measurement and tracking, training and technical tools, and data collection/management/documentation. In addition, through work-sharing, the Agency serves as lead or support for a significant number of complex and challenging cleanups in both non-authorized and authorized states.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 6/Objective 6.1, Clean Up and Restore Land for Productive Uses and Healthy Communities in the *FY 2022 - 2026 EPA Strategic Plan*.

<sup>238</sup> U.S. EPA, Office of Land and Emergency Management 2021. Data collected includes: (1) RCRA CA site information as of the end of FY2020; and (2) population data from the 2015-2019 American Community Survey.

<sup>239</sup> Compiled RCRAInfo data.

<sup>240</sup> State implementation of the Corrective Action Program is funded through the STAG Categorical Grant: Hazardous Waste Financial Assistance and matching state contributions.

In FY 2023, the Corrective Action Program will focus its resources on continuing cleanup of approximately 3,924 priority contaminated facilities (the Corrective Action Progress Track), which include highly contaminated and technically challenging sites, and on assessing others to determine whether cleanups are necessary. As of the end of FY 2021, only 40 percent of these facilities have completed final and permanent cleanups, leaving approximately 2,300 facilities still needing oversight and technical support to reach final site-wide cleanup objectives. In FY 2021, EPA approved 146 RCRA corrective action facilities as ready for anticipated use (RAU), bringing the total number of RCRA RAU facilities to 1,789. In addition, in FY 2021 the Program achieved remedy construction at 57 facilities, resulting in a total of 2,836 with remedies constructed, and achieved performance standards attained at 64 facilities, resulting in a total of 1,583 facilities with standards attained.<sup>241</sup> The Program's goals are to control human exposures, control migration of contaminated groundwater, complete final cleanups for the Corrective Action Progress Track facilities, and identify, assess, and clean up additional priority facilities.

In FY 2023, EPA will:

- Continue to make RCRA corrective action sites RAU, ensuring that where possible properties are returned to productive use and human health and the environment are protected into the future.
- Assess its universe of cleanup facilities, priorities, and measures to ensure that resources are focused on addressing those facilities that present risk to human health and the environment by implementing actions to end or reduce these threats.
- Provide technical assistance to authorized states in the areas of site characterization, sampling, remedy selection, reaching final cleanup goals, and long-term stewardship for cleanups with contamination remaining in place in order to support communities at risk from multiple health stressors and/or climate change impacts.
- Prioritize and focus the Program on completing site investigations to identify the most significant threats, establish interim remedies to reduce or eliminate exposure, and select and construct safe, effective long-term remedies that also maintain the economic viability of the operating facility.
- For high priority facilities, perform cleanup work under work-sharing agreements to assist with facilities that have complex issues<sup>242</sup> or special tasks.
- Continue to improve cleanup approaches and share best practices and cleanup innovations<sup>243</sup> to speed up and improve cleanups.

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<sup>241</sup> For more information, please refer to: <https://www.epa.gov/hw/lists-facilities-resource-conservation-and-recovery-act-rcra-2020-corrective-action-baseline>.

<sup>242</sup> For example, vapor intrusion, wetlands contamination, or extensive groundwater issues.

<sup>243</sup> For more information, please refer to: <https://www.epa.gov/hw/toolbox-corrective-action-resource-conservation-and-recovery-act-facilities-investigation-remedy>.



- Continue analysis on potential modifications to regulations to clarify the definition of hazardous waste found in RCRA section 1004(5) as it relates to corrective action for releases from solid waste management units.
- Update and maintain RCRAInfo, which is the primary data system that many states rely upon to manage their RCRA permitting, corrective action, and hazardous waste generator programs. RCRAInfo receives data from hazardous waste handlers for the National Biennial RCRA Hazardous Waste Report. The last biennial report in 2019 showed there were 26,284 generators of over 33 million tons of hazardous waste. RCRAInfo provides the only national-level RCRA hazardous waste data and statistics to track the environmental progress of approximately 20,000 hazardous waste units at 6,600 facilities.
- Contribute to efforts ensuring the proper management, disposal, and cleanup of per- and polyfluoroalkyl substances (PFAS).

**Performance Measure Targets:**

<b>(PM RSRAU) Number of RCRA corrective action facilities made ready for anticipated use.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	114	100

<b>(PM CA5RC) Number of RCRA corrective action facilities with final remedies constructed.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	55	55

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$1,339.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$28.0) This program change supports RCRA Corrective Action activities including cleanups.

**Statutory Authority:**

Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) §§ 3004, 3005, 8001.

**RCRA: Waste Management**

Program Area: Resource Conservation and Recovery Act (RCRA)

Goal: Safeguard and Revitalize Communities

Objective(s): Reduce Waste and Prevent Environmental Contamination

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$59,769</b>	<b>\$70,465</b>	<b>\$79,743</b>	<b>\$9,278</b>
Hazardous Waste Electronic Manifest System Fund	\$21,498	\$0	\$0	\$0
Total Budget Authority	\$81,267	\$70,465	\$79,743	\$9,278
Total Workyears	286.5	296.8	324.8	28.0

Total workyears in FY 2023 include 11.0 FTE funded by e-Manifest fees.

**Program Project Description:**

The Resource Conservation and Recovery Act (RCRA) established EPA’s role as a federal leader in the conservation and recovery of resources. Under RCRA, EPA sets national standards for managing solid and hazardous wastes and provides federal agencies, state, tribal, and local governments, and industries with technical assistance on solid waste management, resource recovery, and resource conservation. Approximately 60,000 facilities generate and safely manage hazardous waste in the United States.<sup>244</sup> Eighty percent of the U.S. population live within three miles of one of these facilities, making national standards and procedures for managing hazardous wastes a necessity.<sup>245</sup>

The Waste Management Program safeguards the American people while facilitating commerce by supporting an effective waste management infrastructure. Cradle-to-grave hazardous waste management regulations help ensure safe management practices through the entire process of generation, transportation, recycling, treatment, storage, and final disposal. The Program increases the capacity for proper hazardous waste management in states by providing grant funding and technical support.

The RCRA permitting program serves to protect the millions of people in surrounding communities by facilitating clean closure where applicable and managing permits and other controls to protect human health and the environment for the approximately 6,700 hazardous waste units (e.g., incinerators, landfills, and tanks) located at 1,300 treatment, storage, and disposal permit facilities.<sup>246</sup> Just as businesses innovate and grow, the waste management challenges they face also evolve; this requires new direction and changes in the federal hazardous waste program through updated regulations, guidance, and other tools.

<sup>244</sup> Memorandum, February 18, 2014, from Industrial Economics to EPA, Re: Analysis to Support Assessment of Economic Impacts and Benefits under RCRA Programs: Key Scoping Assessment, Initial Findings and Summary of Available Data (Section 1), pages 5-11.

<sup>245</sup> U.S. EPA, Office of Solid Waste and Emergency Response Estimate. 2014. Data collected includes: (1) site information as of the end of FY 2011 from RCRAInfo; and (2) census data from the 2007-2011 American Community Survey.

<sup>246</sup> As compiled by RCRAInfo.

EPA directly implements the RCRA Program in Iowa and Alaska and provides leadership, work-sharing, and support to the remaining states and territories authorized to implement the permitting program. Additionally, the Toxic Substances Control Act (TSCA) polychlorinated biphenyls (PCB) cleanup and disposal program is implemented under the Waste Management Program to reduce PCB exposure from improper disposal, storage, and spills. The Program reviews and approves PCB cleanup, storage, and disposal activities. This federal authority is not delegated to state programs. PCBs were banned in 1979, but legacy use and contamination still exists, and PCBs can still be released into the environment from poorly maintained hazardous waste sites that contain them.

Maintaining updated permits and controls ensures that facilities: 1) have consistent and protective standards to prevent release; 2) have proper standards for waste management to protect human health, prevent land contamination/degradation; and 3) avoid future cleanups and associated substantial costs. EPA will work with authorized states to ensure that permit decisions, including decisions to issue, renew, or deny permits, reflect the latest technology and standards. EPA also will work with authorized states to ensure that all communities, including those who are marginalized and overburdened, have an equitable opportunity to engage in the permitting process. In FY 2020, EPA and the states implemented the Generator Improvement Rule which updated and modernized the regulations for hazardous waste generators to bring them into the 21<sup>st</sup> Century.

There continues to be increased public and congressional attention to issues around post-consumer materials management, including plastics, in the environment and EPA's role in addressing them (e.g., ocean plastics, environmental justice concerns in countries to whom the U.S. exports plastics, and the climate impacts of single-use plastics). Marine litter is an increasingly prominent global issue that can negatively affect domestic water quality, tourism, industry, and public health. Some of this marine debris comes from human activity at sea, and it makes its way into our waterways from land, creating a direct link between waste management practices and ocean pollution.<sup>247</sup> The Save Our Seas 2.0 Act,<sup>248</sup> enacted in December 2020, demonstrates bipartisan congressional interest and provides EPA with authority to further act on post-consumer materials management.

The Program also plays a central role in establishing and updating standards for analytical test methods that are used across the country and the world to provide consistent, reliable determinations as to whether waste is hazardous, as well as the presence and extent of hazardous waste in the environment. This work provides the foundation that underlies waste management approaches and ensures that method standards evolve with technology for conducting these analyses.

In addition to overseeing the management of hazardous waste under RCRA Subtitle C, EPA also plays a role in solid waste management under Subtitle D. While much of this area is delegated to the states, EPA is actively working on aspects of coal combustion residuals (CCR) under this area of the law, including the establishment and refinement of appropriate regulations and, as directed by the 2016 Water Infrastructure Improvements for the Nation Act (WIIN Act), developing a new federal permitting program for CCR surface impoundments and landfills. In implementing

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<sup>247</sup> U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Service, "Ten Things you should Know about Marine Debris," <https://oceanservice.noaa.gov/news/marinedebris/ten-things.html>.

<sup>248</sup> For additional information, please refer to: <https://www.congress.gov/116/plaws/publ224/PLAW-116publ224.pdf>.

regulations for CCR, EPA is taking action to ensure that the concerns of nearby communities are addressed in a protective manner.

While the majority of the work is focused on domestic issues, the Program also is responsible for issues related to international movement of wastes. EPA oversees the tracking and management of hazardous waste imports and exports. Most of these movements are for recycling and, thus, are critical to resource conservation. In coordination with other agencies and departments, EPA represents the U.S. Government in numerous international forums concerned with waste issues. This representation is vital to protecting U.S. interests and furthering U.S. policy goals.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 6/Objective 6.2, Reduce Waste and Prevent Environmental Contamination in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the RCRA Waste Management Program will:

- Provide technical assistance, guidance, tools, and support to regions, states, and tribes regarding the development and implementation of solid waste programs (e.g., the RCRA hazardous waste generator, transporter, treatment, storage, and disposal regulations and implementing guidance; the RCRA non-hazardous waste program; the TSCA PCB disposal and cleanup program; and the hazardous waste import/export program).
- Provide technical and implementation assistance, oversight, and support to facilities that generate, treat, store, recycle, and dispose of hazardous waste.
- Review and approve PCB cleanup, storage, and disposal activities to reduce exposures, particularly in sensitive areas like schools and other public spaces. Issuing PCB approvals is a federal responsibility, non-delegable to states.
- Manage and monitor the RCRA permitting program and ensure the issuance of permit efficiently to achieve program goals. This includes progress towards meeting the Agency's goal of increasing the percentage of permits kept up to date for the approximately 6,700 hazardous waste units (e.g., incinerators, landfills, and tanks) located at 1,300 treatment, storage, and disposal permit facilities.
- Continue analysis of existing regulations to ensure protective standards for managing solid and hazardous waste and PCBs. In FY 2023, this includes assessment of standards related to open burning/open detonation of hazardous waste, PCB cleanup and disposal, and other regulatory amendments to reflect current standards, policies, and practices.
- Manage the hazardous waste import/export notice and consent process in order to make shipping hazardous waste across borders more efficient. Managing hazardous waste imports and exports is a federal responsibility, non-delegable to states.

- Provide technical hazardous waste management assistance to tribes to encourage sustainable practices and reduce exposure to toxins from hazardous waste.
- Directly implement the RCRA Program in unauthorized states, on tribal lands, and other unauthorized portions of state RCRA programs. Issue and update permits, including continuing to improve permitting processes.
- Establish and update standards for analytical test methods that are used across the country and the world to provide consistent, reliable determinations as to whether waste is hazardous, as well as the presence and extent of hazardous waste in the environment.
- Take action as necessary regarding regulations to ensure protective management of CCR. The Agency has promulgated regulations specifying improved management and disposal practices to ensure people and ecosystems are protected. The Agency will continue to work with our stakeholders as we develop and implement regulations, through technical assistance and guidance.
- Implement applicable provisions of the WIIN Act, which enables states to submit state CCR permit programs for EPA approval. The Agency will continue to work closely with state partners to review and make determinations on state programs. Subject to appropriations, EPA will implement a permit program for CCR disposal facilities on tribal lands as well as participating states.
- EPA requests approximately \$7.1 million and 28 FTE to support EPA’s CCR permit program. Activities include authorizing and working with authorized states that wish to stand up their own permit program and supporting the regulated community as they work to comply with the requirements of the CCR Program. Additional resources also will support the establishment, effective development, and launch of the federal permitting program. Without this investment, state permit programs may be put in place at a rate of 1-2 per year, needed rulemaking will extend into the future, and facilities will proceed along closure and corrective action paths that may be non-compliant and not protective of human health and the environment.
- As part of an EPA effort to reduce ocean pollution and plastics, the Program will provide technical expertise and funding to support development and implementation of solid waste management systems and infrastructure to help ensure that non-hazardous waste items are appropriately collected, recycled, reused, or properly disposed of to prevent litter from entering waterways from land.

**Performance Measure Targets:**

<b>(PM HW5) Number of updated permits issued at hazardous waste facilities.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	90	100

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$2,195.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$7,083.0 / +28.0 FTE) This program change is an increase to support the new CCR permit program, including working to authorize or with authorized state CCR programs as well as the establishment, effective development, and launch of the federal permitting program. This investment includes \$5.05 million in payroll.

**Statutory Authority:**

Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) §§ 3002, 3004, 3005, 3017; Toxic Substances Control Act (TSCA) § 6. Save our Seas 2.0, 2020, Pub. L. 116-224.

**RCRA: Waste Minimization & Recycling**

Program Area: Resource Conservation and Recovery Act (RCRA)

Goal: Safeguard and Revitalize Communities

Objective(s): Reduce Waste and Prevent Environmental Contamination

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$8,404</b>	<b>\$9,982</b>	<b>\$10,444</b>	<b>\$462</b>
Total Budget Authority	\$8,404	\$9,982	\$10,444	\$462
Total Workyears	44.2	43.4	43.4	0.0

**Program Project Description:**

The RCRA Waste Minimization and Recycling Program supports the sustainable management of resources, including managing materials that sustainably promote economic growth, reduce environmental impacts, and advance a circular economy for all.

The U.S. recycling industry provides approximately 680,000 jobs and \$5.5 billion annually in tax revenues and there is opportunity for greater contribution to the economy and environmental protection, as recent data indicate materials worth as much as \$9 billion are thrown away each year.<sup>249</sup> Recycling is an important part of a circular economy, which refers to a system of activities that is restorative to the environment, enables resources to maintain their highest values, and designs out waste. A circular economy approach provides direct, measurable reductions in greenhouse gas emissions, as natural resource extraction and processing make up approximately 50 percent of total global greenhouse gas (GHG) emissions.<sup>250</sup>

Further, living near waste and waste-related facilities can place burdens on communities when waste is not properly managed, which can lead to higher levels of chronic health issues. Communities whose residents are predominantly persons of color, Indigenous, or low-income continue to be disproportionately impacted by high pollution levels, resulting in adverse health and environmental impacts. It is critical to implement materials management strategies that are inclusive of communities with environmental justice concerns as well as pursue innovations that offer the benefits of cleaner processing of materials to all. Recycling is not enough to achieve a circular economy, but it is an important part of addressing climate change, creating jobs, and reducing environmental and social impacts.

As directed by Congress, EPA developed a draft National Recycling Strategy in 2020 to begin to address the challenges facing the recycling system to accelerate the move towards a circular economy both domestically and internationally. The Agency established a National Recycling

<sup>249</sup> For more information, please refer to: <https://www.epa.gov/smm/recycling-economic-information-rei-report>.

<sup>250</sup> U.N. Environment International Resource Panel, Global Resources Outlook, 2019, p. 8. <https://www.resourcepanel.org/reports/global-resources-outlook>.

Goal to increase the recycling rate from a rate of 32.1 percent in 2018 to 50 percent by 2030,<sup>251</sup> and finalized and released the National Recycling Strategy on November 15, 2021.<sup>252</sup> The National Recycling Strategy is part one of a series of strategies the Agency will be developing to build a stronger, more resilient, and cost-effective recycling system and a circular economy for all. Reducing waste helps alleviate burdens on populations that bear the brunt of poorly run waste management facilities and transfer stations. When applied to critical minerals, a circular economy approach facilitates end-of-life recycling and the recovery of critical minerals in order to support a secure supply chain. Future strategies will focus on plastics, critical minerals and electronics, food waste/organics, textiles, and the built environment (e.g., construction and demolition debris).

Congressional and public interest continues to grow regarding plastics in the environment and EPA's role in addressing them (e.g., ocean plastics, environmental justice concerns in countries to whom the U.S. exports plastics, and the climate impacts of single-use plastics). The Save Our Seas 2.0 Act,<sup>253</sup> enacted in December 2020, demonstrates bipartisan congressional interest and provided EPA with authority to further act on domestic recycling and address plastic waste through new grant programs, studies, and increased federal coordination. Additionally, IJA provides funding for grants under section 302(a) of the Save Our Seas 2.0 Act as well as education and outreach grants focused on improving material recycling, recovery, and management. The IJA also establishes new programs focused on battery recycling and directs EPA to develop a model recycling program toolkit, increase coordination and review of federal procurement guidelines, and provide assistance to the educational community to incorporate recycling best practices into curriculum.

The RCRA Waste Minimization and Recycling Program also promotes the efficient management of food as a resource. Reducing food loss and waste means more food for communities, fewer greenhouse gas emissions and climate impacts, and increased economic growth. EPA works to meet the national goal of reducing food loss and waste by 50 percent by 2030, by providing national estimates of food waste generation and management; convening, educating, and supporting communities seeking to reduce food waste; working collaboratively with the U.S. Department of Agriculture and U.S. Food and Drug Administration to reduce food waste; and providing funding to demonstrate anaerobic digester applications.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 6/Objective 6.2, Reduce Waste and Prevent Environmental Contamination in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, EPA will focus on efforts to strengthen the U.S. recycling system by investing in solid waste management infrastructure and consumer education and outreach, address the global issue

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<sup>251</sup> In 2018, in the United States, approximately 292 million tons of municipal solid waste (MSW) were generated. Of the MSW generated, approximately 94 million tons were recycled or composted, equivalent to a 32.1 percent recycling and composting rate. [https://www.epa.gov/sites/default/files/2021-01/documents/2018\\_ff\\_fact\\_sheet\\_dec\\_2020\\_fnl\\_508.pdf](https://www.epa.gov/sites/default/files/2021-01/documents/2018_ff_fact_sheet_dec_2020_fnl_508.pdf).

<sup>252</sup> For more information, please refer to: <https://www.epa.gov/system/files/documents/2021-11/final-national-recycling-strategy.pdf>.

<sup>253</sup> For more information, please refer to: <https://www.congress.gov/116/plaws/publ224/PLAW-116publ224.pdf>.



of plastic waste, engage communities, and prevent and reduce food loss and waste. The Program will conduct the following activities:

- Provide national leadership and direction on approaches to reduce environmental impacts and increase the safe and effective reuse/recycling of materials, with a special focus on plastic waste, critical minerals and electronics, and food waste.
- Contribute towards global climate change efforts and demonstrate U.S. leadership internationally through participation in resource efficiency dialogues.
- Implement the National Recycling Strategy collaboratively with stakeholders and track progress towards achieving the national recycling goal. Develop and implement additional strategies in key areas with the greatest potential to reduce the lifecycle impacts of materials, including municipal solid waste; plastic waste, food waste, critical minerals and electronics (*e.g.*, batteries), textiles, and construction and demolition debris.
- Expand efforts to gather data and provide high-quality scientific information on materials management, including finalizing an assessment of the investment required to modernize waste management infrastructure to achieve consistent collection across the Nation and to provide all citizens with access to recycling services on par with access to disposal; collecting data on curbside recycling and single-use plastics; conducting an analysis of different policy approaches for recovering materials; and finalizing a study on the social costs associated with nonrecycling or uncontrolled disposal.
- Administer grant programs for state, territorial, tribal, and local governments to build and enhance recycling capacity, infrastructure, and consumer education and outreach around the country. The grant programs will support state, territorial, and tribal communities seeking to enhance their capacity to recover and recycle materials by modernizing local waste management systems and improving education and outreach.
- Develop and administer a model recycling program toolkit for use in carrying out the consumer education and outreach grant program. Provide assistance to the educational community to promote the introduction of recycling principles and best practices into public school curricula.
- Continue developing and finalizing studies as required by Save Our Seas 2.0 Act to address post-consumer materials management, including plastic waste.
- Continue coordinating with federal agencies to reduce food waste in their facilities, initiate food waste prevention pilot projects, and connect stakeholders with food waste reduction technologies such as anaerobic digestion.

**Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$299.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$163.0) This program change increases programmatic activities including the reduction of waste generation at the source.

**Statutory Authority:**

Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA). Save our Seas 2.0 Act, 2020, Pub. L. 116-224, Consolidated Appropriations Act, 2022, Pub. L. 117-103.

## **Toxics Risk Review and Prevention**

## Endocrine Disruptors

Program Area: Toxics Risk Review and Prevention

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Ensure Chemical and Pesticide Safety

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
<b>Environmental Programs &amp; Management</b>	<b>\$5,209</b>	<b>\$7,533</b>	<b>\$7,614</b>	<b>\$81</b>
Total Budget Authority	\$5,209	\$7,533	\$7,614	\$81
Total Workyears	6.6	7.6	7.6	0.0

### Program Project Description:

The Endocrine Disruptor Screening Program (EDSP) was established in 1996 under authorities contained in the Food Quality Protection Act (FQPA) and the Safe Drinking Water Act (SDWA) amendments. The EDSP is transitioning to the use of high throughput (HT) screening and computational toxicology (*CompTox*)<sup>254</sup> tools to: screen thousands of chemicals for endocrine activity; establish policies and procedures for screening and testing; and evaluate data to ensure chemical safety by protecting public health and the environment from endocrine disrupting chemicals. Implementing EDSP work into the Agency's risk assessment and risk management functions supports EPA's environmental justice (EJ) priorities, both by targeting substances based on effects to sensitive life stages and deploying rapid methods for assessing disparate chemical exposures to vulnerable communities.

EPA has run thousands of chemicals through HT assays, including the estrogen receptor (ER) and androgen receptor (AR) pathway models and the HT steroidogenesis assay. To further support the evaluation and validation of HT approaches, the EDSP has completed some limited targeted *in vivo* Tier 1 & 2 assays and is conducting systematic reviews of relevant *in vivo* data meeting EPA guidelines.

The Agency continues to engage the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) in the scientific peer review of HT tools including *ToxCast*<sup>255</sup> to evaluate their use in chemical screening as alternatives to Tier 1 assays and to integrate into more complex evaluation frameworks. Embedded into the EDSP approach is a focus on sensitive life stages during the tiered testing and assessment processes. As this data is incorporated into conceptual risk assessment models, it can specifically inform decisions on vulnerable subpopulations. Further, as EDSP prioritizes future chemical assessments, HT tools such as *ExpoCast*<sup>256</sup> will assist in the identification of priority chemical targets with vulnerable subpopulations and EJ concerns for further investigation.

<sup>254</sup> For additional information, please visit: <https://www.epa.gov/endocrine-disruption/use-high-throughput-assays-and-computational-tools-endocrine-disruptor>.

<sup>255</sup> For additional information, please visit: <https://www.epa.gov/chemical-research/toxicity-forecasting>.

<sup>256</sup> For additional information, please visit: <https://www.epa.gov/chemical-research/rapid-chemical-exposure-and-dose-research>.

## **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 7/Objective 7.1, Ensure Chemical and Pesticide Safety in the *FY 2022 – 2026 EPA Strategic Plan*.

Under the current tiered framework, imposing the EDSP Tier 1 battery for all 10,000+ substances in the EDSP Universe of Chemicals would cost the regulated community more than \$10 billion in addition to EPA resources for staff to manage the regulatory infrastructure to order and review the tests. Given the current national and international laboratory testing capacity, it would take many years to complete, and involve the sacrifice of many millions of animals. To address these issues, in FY 2023, the Agency will:

- Continue collaborations with EPA’s research programs in order to increase scientific confidence in HT approaches which will support a more refined, integrated endocrine activity exposure-based approach to EDSP chemical screening;
- Continue execution of a multi-year plan for implementation of the EDSP for pesticide active ingredients and inerts; and,
- In collaboration with EPA’s research programs, continue HT screening on pesticide substances that were not part of the *ToxCast* chemical sets.

In FY 2023 these efforts will address several key milestones including: (1) working towards finalizing EDSP List 1, Tier 1 decisions including potential initiation of Tier 2 assays; and (2) implementing EDSP evaluations of pesticide active ingredients to support pesticide registrations and registration review, in line with Administration priorities on EJ. The EDSP screening and testing framework explicitly includes evaluations on vulnerable subpopulations such as differences among lifestages such as pregnancy, infants, and early childhood. Moreover, the EDSP Tier 1 battery is designed to identify potential effects on reproduction, a key indicator for EJ.

In FY 2021, the EDSP was the subject of an EPA Office of Inspector General (OIG) report;<sup>257</sup> the milestones above are consistent with that report. In response to this report, in FY 2022, the EDSP plans to begin annual reporting on progress, develop a short-term strategy to support implementation, develop short-term performance metrics, and release a key document related to use of new approach methodologies (NAMs) in the EDSP. In response to the OIG, EPA has already established better communications between offices with testing responsibilities and updated the EDSP webpage to be more informative for stakeholders.<sup>258</sup> In FY 2023, in addition to the milestones above, the EDSP will continue to make progress on additional items to meet FY 2024 deadlines, including potential issuance of test orders on outstanding chemicals and determinations of the endocrine-relevant data to make mandatory as part of the pesticide registration process.

As outlined in the OIG report, during FY 2023, EPA plans to begin and continue incorporating EDSP into the regulatory programs for which it was intended. Planning for this remains ongoing, including development of a new strategic planning document focused on implementation, development of performance measures, and annual reviews. Further, no program has

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<sup>257</sup> For additional information on OIG’s report “EPA’s Endocrine Disruptor Screening Program Has Made Limited Progress in Assessing Pesticides,” please visit: <https://www.epa.gov/office-inspector-general/report-epas-endocrine-disruptor-screening-program-has-made-limited>.

<sup>258</sup> For additional information, please visit: <https://www.epa.gov/endocrine-disruption>.

systematically incorporated HT and *CompTox* tools and results into their regulatory decision-making. A refined, multi-year estimate beyond the baseline testing and review costs cannot be established until the Program has gained more experience with actual decisions.

The EDSP will continue to collaborate with relevant bodies and international partners, such as the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) and the Organisation for Economic Co-operation and Development (OECD) to maximize the efficiency of EPA's resources and promote adoption of internationally harmonized test methods, particularly high throughput or computational approaches, for evaluating the potential endocrine effects of chemicals. EPA represents the U.S. as either the lead or a participant in OECD projects involving the improvement of assay systems, including the development of non-animal screening and testing methods.

**Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$66.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$15.0) This program change increases contractual support for pesticide evaluations under the EDSP.

**Statutory Authority:**

Federal Food Drug and Cosmetic Act (FFDCA), § 408(p); Safe Drinking Water Act (SDWA), § 1457.

**Pollution Prevention Program**

Program Area: Toxics Risk Review and Prevention

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Promote Pollution Prevention

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$11,476</i></b>	<b><i>\$12,558</i></b>	<b><i>\$17,121</i></b>	<b><i>\$4,563</i></b>
Total Budget Authority	\$11,476	\$12,558	\$17,121	\$4,563
Total Workyears	48.3	49.2	58.2	9.0

**Program Project Description:**

The Pollution Prevention (P2) Program is one of EPA’s primary tools for advancing environmental stewardship and sustainability by federal, state, and tribal governments, businesses, communities, and individuals. The Program also is the primary implementation mechanism for the Pollution Prevention Act (PPA) of 1990. The P2 Program seeks to alleviate environmental problems by leveraging business-relevant approaches to achieve significant reductions in the generation of hazardous releases to air, water, and land; reductions in the use of hazardous materials; reductions in the generation of greenhouse gases; and reductions in the use of water. As a result of these preventative approaches, the P2 Program helps businesses and others reduce costs and access market opportunities. The Program’s efforts advance the Agency’s priorities to pursue sustainability, to take action on climate change, to make a visible difference in communities, including overburdened and underserved communities with environmental justice (EJ) concerns, and to ensure chemical safety. The P2 Program includes a counterpart P2 Categorical Grants Program in the State and Tribal Assistance Grants (STAG) account.<sup>259</sup>

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 7/Objective 7.2, Promote Pollution Prevention in the *FY 2022 – 2026 EPA Strategic Plan*. FY 2023 funding will continue to support the following P2 programs:

**P2 Technical Assistance**

The P2 technical assistance program supports businesses, states, tribes, and other partners to promote and facilitate the adoption of approaches that make good business sense and improve multi-media environmental conditions and climate impacts through reductions in the release of hazardous materials and pollutants, such as greenhouse gases. EPA invests in analyses, tool development, training, outreach, and partnerships to provide the information and tools needed to bring awareness to industries of P2 approaches and benefits and to enable their widespread implementation to prevent or reduce pollution. The P2 Program leverages the success of EPA

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<sup>259</sup> For additional information about the EPA P2 Program, please visit: <http://www.epa.gov/p2/>.

grantees and client businesses by amplifying and replicating environmental stewardship, and sustainability successes to similar businesses in other locales.<sup>260</sup> Such economies of scale for P2 are central to maximizing the effectiveness of the Program. To further advance EJ in FY 2023, EPA will use analyses of toxic chemical releases from facilities and industries near to communities with EJ concerns (from Toxics Release Inventory [TRI] reporting and other chemical release data) and use sector-specific case studies and best practices—combined with outreach and training—to facilitate adoption of P2 practices in those industries.

### Safer Choice Program

EPA certifies and allows use of the Safer Choice label<sup>261</sup> on products containing ingredients that meet stringent health and environmental criteria and undergo annual audits to confirm the products are manufactured to the Safer Choice Standard's rigorous health and environmental requirements. With hundreds of partner companies and approximately 1,900 certified products in the marketplace, companies have invested heavily in this EPA partnership, and consumer, retailer, and industry interest in Safer Choice—and safer chemical products—continues to grow across chemical product value chains. The Safer Choice Program will expand into additional product categories and seek to increase consumer and commercial recognition of Safer Choice products. In FY 2023, EPA also will continue its Partner of the Year Awards Program,<sup>262</sup> which recognizes organizations and companies for their leadership in formulating, and making available to communities, products made with safer ingredients.

In FY 2023, Safer Choice will integrate and address EJ concerns through outreach and partnership activities. Efforts to make Safer Choice-certified products more accessible to communities with EJ concerns will be expanded upon with particular focus on people/communities of color, low-income, tribal and indigenous populations, and other vulnerable populations such as the elderly, children, and those with pre-existing medical conditions. Safer Choice will work with retailers and product manufacturers to help them develop even more products containing safer chemical ingredients that are easy to identify and purchase. Safer Choice also will strengthen partnerships with Minority/Women-owned Businesses (M/WBE) and organizations that serve communities with EJ concerns. Safer Choice will work to empower custodial staff and house cleaning companies through education to gain access to Safer Choice-certified products to improve indoor air quality and reduce exposure-related asthma.<sup>263</sup>

To enhance transparency and to facilitate expansion of safer chemical choices and products, EPA has included on the Program's website a list of non-confidential chemicals that meet the Safer Choice Program criteria and that are allowed in the Program's labeled products. To date in FY 2022, this Safer Chemical Ingredients List contains 1,033 safer chemicals, up from 997 in 2021, and EPA will continue to update this list in future years as the Program evaluates additional chemical ingredients and chemical categories and approves products for the use of the Safer Choice label.

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<sup>260</sup> For additional information, please see the Pollution Prevention Program narrative under the STAG account/appropriation.

<sup>261</sup> For additional information about the Safer Choice Program, please visit: <https://www.epa.gov/saferchoice>.

<sup>262</sup> For additional information on the Partner of the Year Awards program, please visit: <https://www.epa.gov/saferchoice/safer-choice-partner-year-awards>.

<sup>263</sup> For additional information, please see: [https://journals.lww.com/joem/Fulltext/2003/05000/Cleaning\\_Products\\_and\\_Work\\_Related\\_Asthma.17.aspx](https://journals.lww.com/joem/Fulltext/2003/05000/Cleaning_Products_and_Work_Related_Asthma.17.aspx).



### Environmentally Preferable Purchasing Program (EPP)

The Environmentally Preferable Purchasing Program (EPP)<sup>264</sup> implements the direction provided to EPA in the Pollution Prevention Act, the National Technology Transfer and Advancement Act,<sup>265</sup> Federal Acquisition Regulations, and Executive Orders which mandate sustainable federal procurement, including through the development and use of sustainability standards, specifications, and ecolabels. In FY 2015 the EPP Program issued the EPA Recommendations of Specifications, Standards, and Ecolabels for Federal Purchasing. Through FY 2021, these recommendations have been maintained and updated to include 48 private sector standards and ecolabels that cover 30 product and service categories. These recommendations help federal procurement officials determine which private sector standards and ecolabels, among sometimes dozens within a single purchase category, are appropriate and effective in meeting Federal procurement goals and mandates. The EPP Program's work has generated significant cost savings and environmental benefits to the federal government. For example, for electronics products, the federal government purchased nearly 7 million Electronic Product Environmental Assessment Tool (EPEAT)-registered products in 2018, resulting in a cost savings to the federal government of around \$182.5 million. EPEAT is one of over 40 referenced and relevant private sector standards and ecolabels which help federal purchasers identify and procure environmentally preferable products and services.<sup>266</sup> EPA also coordinates federal procurement programs that integrate environmental performance into procurement, including building tools for integrating sustainable procurement into government contracts, and putting tools into the hands of federal procurement officials, collaborating with federal agencies such as the General Services Administration, National Institute of Standards and Technology, the Departments of Defense and Energy, and more. EPA plans to expand its Recommendations for Specifications, Standards and Ecolabels for Federal Purchasing in categories that can support Administration priorities.

EPA is characterizing per- and polyfluoroalkyl substances (PFAS) provisions of existing private sector sustainability standards, ecolabels, and certifications to identify products and purchase categories associated with key PFAS use and to assess and prioritize PFAS conditions of use. With increased resources in FY 2023, EPA will enhance public protection from potential effects of PFAS through labeling to help purchasers identify products that meet specific environmental performance criteria. EPA will conduct the following activities:

- Assessing and recommending additional ecolabels and standards with criteria specifically supporting reduction or elimination of PFAS use in key product categories not yet covered by the EPA Recommendations for Standards, Specifications, and Ecolabels for Federal Purchasing.<sup>267</sup>
- Build, implement, maintain, and update tools for integrating EPA recommendations into federal e-procurement systems, initiate identification and monitoring of relevant government contracts for sustainable purchasing requirements, and develop tools to ensure that PFAS data is captured for compliance in the Federal Procurement Data System (FPDS).

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<sup>264</sup> For additional information on the EPP Program, please visit: <http://www.epa.gov/greenerproducts/buying-green-federal-purchasers>.

<sup>265</sup> For additional information on the National Technology Transfer and Advancement Act, please visit: <https://www.nist.gov/standardsgov/national-technology-transfer-and-advancement-act-1995>.

<sup>266</sup> For additional information on Recommendations for Specifications, Standards and Ecolabels for Federal Purchasing, please visit: <https://www.epa.gov/greenerproducts/recommendations-specifications-standards-and-ecolabels-federal-purchasing>.

<sup>267</sup> For additional information, please visit : <https://www.federalregister.gov/documents/2021/12/13/2021-27114/catalyzing-clean-energy-industries-and-jobs-through-federal-sustainability>.

- Initiate and engage in private sector standards development activities that address product categories known to contain PFAS.
- Create a central product registry to identify products that meet EPA’s assessment of PFAS specifications.
- Collaborate with the Department of Defense (DoD) on performance-based, rather than material-based, specifications and standards for equipment (e.g., textiles, coatings, firefighting foam) for DoD and Department of Homeland Security uses.
- Work with other federal agencies and the private sector to initiate a performance-based technology innovation challenge for a set of PFAS-free product categories for which use of non-PFAS options could be technically and economically feasible with respect to key federal purchasing categories.

To further support EPA’s goals for equity and EJ, the EPP Program will begin to develop and implement training and outreach for disproportionately affected communities, as well as state, tribal, and local governments, to assist in facilitating product and service procurement choices that are environmentally sound and promote human and environmental health.

### Green Chemistry

The Green Chemistry Program<sup>268</sup> fosters the sustainable design of chemical products and processes. The Program also analyzes green chemistry innovations and works with partners and external stakeholders to facilitate market adoption and penetration of new commercially successful chemistries and technologies. Its Green Chemistry Challenge Awards serve a critical role in raising the profile, importance, and credibility of innovative and market-ready green and sustainable chemistry technologies. During the Program’s more than 25 years of progress, EPA has received more than 1,800 nominations and presented awards to 123 technologies, demonstrating the interest among stakeholders to be recognized at the national level for developing market-ready and/or market-mature green chemistry solutions. The contribution of greener chemistries to addressing climate change is very clear. Winning technologies are estimated to eliminate 7.8 billion pounds of carbon dioxide equivalents released to air—the equivalent of taking 770,000 cars off the road each year.<sup>269</sup> In FY 2023, EPA will begin to utilize training materials developed in FY 2022 to help state, tribal, local, and industry stakeholders acquire information and understanding of the benefits from these innovations.<sup>270</sup>

In FY 2023, the Green Chemistry Program will begin to work with awardees and nominees to pursue the goal of market-oriented environmental and economic progress through increased adoption of these innovations. EPA will begin to develop training materials to help state, tribal, local, and industry stakeholders acquire information and understanding of the benefits from these innovations and will support and lead portions of EPA’s responsibilities for implementation of the Sustainable Chemistry Research and Development Act of 2020.

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<sup>268</sup> For additional information on the Green Chemistry Program, please visit: <https://www.epa.gov/greenchemistry>.

<sup>269</sup> For additional information, please visit: <https://www.epa.gov/greenchemistry/information-about-green-chemistry-challenge>.

<sup>270</sup> P2 Training materials are available to the public on various EPA websites including but not limited to: (1) <https://www.epa.gov/p2/grant-programs-pollution-prevention> (Grant Programs for P2); (2) <https://www.epa.gov/p2/p2-grant-program-resources-applicants> (Resources for grant applicants [FAQs, application checklist, P2-EJ Facility Mapping Tool and a recorded webinar]); (3) <https://www.epa.gov/p2/pollution-prevention-tools-and-calculators> (P2 Tools and calculators); and (4) <https://www.epa.gov/p2/p2-resources-business> (P2 resources for business).

**Performance Measure Targets:**

<b>(PM P2mtc) Reduction in million metric tons of carbon dioxide equivalent (MMTCO<sub>2</sub>e) released per year attributed to EPA pollution prevention grants.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	1.2	1.2
<b>(PM P2sc) Number of products certified by EPA’s Safer Choice program.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	1,950	2,000

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$355.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$4,208.0 / +9.0 FTE) This program change provides additional funding and FTE to enhance protection of the public from potential effects of PFAS through labeling as well as to implement Administration priorities related to PFAS. This investment also includes \$1.689 million in payroll.

**Statutory Authority:**

Pollution Prevention Act of 1990 (PPA); Toxic Substances Control Act (TSCA).

**Toxic Substances: Chemical Risk Review and Reduction**

Program Area: Toxics Risk Review and Prevention

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Ensure Chemical and Pesticide Safety

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$72,643</i></b>	<b><i>\$60,280</i></b>	<b><i>\$124,243</i></b>	<b><i>\$63,963</i></b>
Total Budget Authority	\$72,643	\$60,280	\$124,243	\$63,963
Total Workyears	259.2	331.7	532.3	200.6

Total program work years in FY 2023 include 51.6 FTE funded by TSCA fees. TSCA Service Fees are not included in the budget formulation, but EPA is projected to collect approximately \$4.65 million in fees in FY 2023, including fees collected from one TSCA Section 6 Manufacturer-Requested Risk Evaluations should the request be received and granted. Projected collections also are subject to potential changes in fee levels in response to statutory requirements for the TSCA User Fee Rule to be updated every three years.

**Program Project Description:**

EPA has significant responsibilities under the Toxic Substances Control Act (TSCA) for ensuring the safety of chemicals that are already in or are entering into commerce and addressing unreasonable risks to human health and the environment. These responsibilities are executed by the Agency through the Chemical Risk Review and Reduction (CRRR) Program, which works to ensure the safety of:

- Existing chemicals,<sup>271</sup> by collecting chemical data, prioritizing chemicals for risk evaluation on the basis of that data, conducting risk evaluations, and developing and implementing risk management actions to prevent any unreasonable risk posed by their manufacture, processing, use, distribution in commerce and/or disposal;
- New chemicals, by reviewing new chemical submissions from manufacturers and processors and taking action to mitigate potential unreasonable risks to health or the environment before those chemicals can enter the marketplace; and
- Other chemicals that may pose unreasonable risks to human health and the environment.

The CRRR Program will play an important role in achieving the Administration’s goals to enhance environmental justice (EJ) and tackle the climate crisis. Examples include: engaging tribes and other overburdened and underserved communities with EJ concerns in identifying exposure pathways; adhering to EPA’s Guidance on Considering Environmental Justice During the

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<sup>271</sup> “Existing Chemicals” are those already in use when TSCA was first enacted in 1976 and those which have since gone through review by the TSCA New Chemicals Program. These include certain prevalent, high-risk chemicals known generally as “legacy chemicals” (e.g., PCBs, mercury), which were previously covered in a separate Chemical Risk Management (CRM) budget justification. The CRM program area was combined with Chemical Risk Review and Reduction effective FY 2015.

Development of an Action<sup>272</sup>; and ensuring that TSCA chemical safety data analytical tools are made publicly available in ways that are accessible to communities with EJ concerns.

TSCA authorizes EPA to collect fees from chemical manufacturers and processors to defray up to 25 percent of the costs for administering certain sections<sup>273</sup> of TSCA.<sup>274</sup> Fee levels are set by regulation and may be adjusted on a three-year basis for inflation and to ensure that fees defray approximately 25 percent of relevant costs. The TSCA Fee rule became effective on October 1, 2018.<sup>275</sup> CRRR Program fees collected or projected to be collected in FY 2019–FY 2021 under this rule equated to approximately 14 percent of associated expenditures for those three fiscal years. EPA proposed revisions to the rule in December 2020 but plans to re-propose in light of public comments. As such, toward the end of FY 2023, EPA expects to finalize an amended fee rule that would defray up to 25 percent of relevant costs, as statutorily allowed.<sup>276</sup>

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 7/Objective 7.1, Ensure Chemical and Pesticide Safety in the *FY 2022 – 2026 EPA Strategic Plan*.

The 2016 amendments to TSCA imposed significantly increased responsibilities for the CRRR Program. Building on the request included in the FY 2022 President’s Budget, the Agency is requesting an additional 200.6 FTE and \$63.9 million for the CRRR Program in FY 2023, which includes \$4.7 million and 11 FTE to support the implementation of EPA’s PFAS Strategic Roadmap. EPA will emphasize the integrity of scientific products, adherence to statutory intent and requirements, and timelines applicable to pre-market review of new chemicals, chemical risk evaluation and management, data development and information collection, the review of Confidential Business Information (CBI) claims, and other statutory requirements. These requested resources are essential for EPA to address its workload, including:

- Maintaining at least 20 EPA-initiated existing chemical risk evaluations in development at all times and completing EPA-initiated existing chemical risk evaluations within 3.5 years.
- Issuing protective regulations in accordance with statutory timelines addressing all unreasonable risks identified in each risk evaluation.
- Establishing a pipeline of chemicals prioritized for future risk evaluation.
- Using test orders and a new strategy for tiered data collection, requiring development of data critical to existing chemical risk evaluation and risk management activities, and systematically

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<sup>272</sup> For more information, please visit: <https://www.epa.gov/environmentaljustice/guidance-considering-environmental-justice-during-development-action>.

<sup>273</sup> The costs of implementing TSCA Sections 4-6 are defrayable up to the statutory caps, as are the costs of collecting, processing, reviewing and providing access to and protecting from disclosure, as appropriate, chemical information under Section 14.

<sup>274</sup> The authority to assess fees is conditioned on appropriations for the CRRR Program, excluding fees, being held at least equal to the amount appropriated for FY 2014.

<sup>275</sup> The statute authorizes EPA to collect fees from chemical manufacturers (including importers) and, in limited instances, processors who: are required to submit information (Section 4); submit notification of or information related to intent to manufacture a new chemical or significant new use of a chemical (Section 5); manufacture, (including import) a chemical substance that is subject to an EPA-initiated risk evaluation (Section 6); or request that EPA conduct a risk evaluation on an existing chemical (Section 6), subject to the Agency’s approval of the request.

<sup>276</sup> This rule may not go into effect until FY 2023.

reviewing data submitted to the EPA for scientific reliability, relevance, and transparency as mandated by the 2016 TSCA Amendments.

- Conducting risk assessments for approximately 650 new chemical notices and exemption submissions, and manage the identified risks associated with the chemicals.
- Having up to five risk evaluations requested by manufacturers in development.
- Developing and implementing a collaborative research program focused on approaches for performing risk assessments on new chemical substances.
- Reviewing and making determinations on confidential business information (CBI) claims contained in TSCA submissions; making certain CBI information available to stakeholders; and publishing identifiers for each chemical substance for which a confidentiality claim for specific chemical identity is approved.
- Carrying out other required TSCA CRRR activities as described below.

### Primary TSCA Implementation Activities

*Section 4: Testing of Chemical Substances and Mixtures.* In January 2021, the Agency issued Test Orders for nine additional chemicals currently undergoing TSCA risk evaluation and will issue additional test orders for these chemicals and other chemicals undergoing risk evaluation in FY 2022. In addition, EPA will continue to implement and refine the National PFAS Testing Strategy in FYs 2022 and 2023. Accordingly, EPA is committed to issuing test orders for at least 24 PFAS chemicals in FY 2022. In FY 2023, the resources requested will enable the Agency to review test protocols and test data submitted in response to any recently issued Test Orders and previously issued Test Rules and Enforceable Consent Agreements (ECAs); begin implementation of additional phases of the National PFAS Testing Strategy; and issue additional Test Orders and promulgate Test Rules and/or ECAs. In addition, in FY 2023, EPA intends to further implement the PFAS Testing Strategy by refining the initial structural categories using data from EPA's Office of Research and Development (ORD) as well as further evaluating degradation products and exposure data. The EPA expects to issue further TSCA Test Orders after the categories are refined, as well as to promulgate test rules and/or ECAs.

*Section 5: New Chemicals.* The New Chemicals Program is important in ensuring the safety of new chemicals before they enter commerce. The 2016 TSCA amendments significantly changed the way EPA implemented the New Chemicals Program. Under the prior law, EPA only issued determinations for about 20 percent of new chemical submissions, whereas under the amended law, EPA is required to issue determinations for 100 percent of new chemical submissions (a five-fold increase). In FY 2023, the Agency expects to conduct risk assessments for approximately 650 new chemical notices and exemption submissions;<sup>277</sup> make affirmative determinations on whether unreasonable risks are posed under those chemicals' conditions of use; manage identified risks associated with the chemicals through the issuance of Orders and Significant New Use Rules (SNURs); and require the development of additional data where information is insufficient to conduct a reasoned evaluation.<sup>278</sup> EPA also intends to continue its commitment to transparency by

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<sup>277</sup> For example, Pre-Manufacture Notices (PMNs), significant new use notifications (SNUNs), microbial commercial activity notices (MCANs), low volume exemptions (LVEs), low releases and low exposures exemptions (LoREX), test marketing exemption (TME), TSCA experimental release application (TERA) and Tier 1 and 2 exemptions.

<sup>278</sup> For PMNs, MCANs and SNUNs, as required by law, the Agency must generally complete these review, determination, and associated risk management activities within 90-days of receiving the submission, subject to extensions or suspension under certain circumstances.

making new chemical notices and EPA information generated in the review of notices available to the public via the *ChemView* database<sup>279</sup> and on EPA websites. In FY 2023, EPA also will propose SNURs for approximately 150 consent orders. Additionally, EPA is implementing a performance metric to measure compliance with past TSCA regulatory actions. These actions include consents orders and SNURs issued for PFAS chemicals.

*Section 6: Existing Chemicals.* Where unreasonable risks in existing chemicals are found, the Agency also must commence risk management action under TSCA Section 6 to address those risks. The resources requested in FY 2023 are critical for the Agency to continue implementing these additional requirements to address the risks of existing chemicals, including:

- **Prioritization** is the initial step in the process of evaluating existing chemicals under TSCA and is codified in a final Chemical Prioritization Process rule.<sup>280</sup> The purpose of prioritization is to designate a chemical substance as either High-Priority for further risk evaluation, or Low-Priority for which risk evaluation is not warranted at the time.<sup>281,282</sup> TSCA requires that upon completion of a risk evaluation for a High-Priority chemical, EPA must designate at least one additional High-Priority chemical to take its place, ensuring that at least 20 EPA-initiated risk evaluations are constantly underway. In FY 2023, EPA will continue working to identify additional High-Priority chemicals by obtaining, validating, and analyzing chemical safety data to identify chemicals for which sufficient data are available to conduct scientifically sound risk evaluations and the order in which such chemicals are evaluated.
- **Risk Evaluation:** EPA initiated risk evaluations for the first 10 chemicals in December 2016. The Agency missed the 3.5-year statutory deadline for completing TSCA risk evaluations for nine of the chemicals, and work on many of those chemical risk evaluations has continued.<sup>283</sup> In FY 2021 and FY 2022, developed approaches for the consideration of exposure pathways (*i.e.*, air, water, disposal) that were originally omitted from the scopes of the HPS and MRRE risk evaluations, and to address “fenceline” risk (risks to exposed populations in communities adjacent to the perimeter of manufacturing facilities, often vulnerable and underserved populations) for 7 of the first 10 chemical risk evaluations. This work added to the challenge of completing additional risk evaluations, and in FY 2023 this work will continue.<sup>284</sup>

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<sup>279</sup> To access *ChemView*, please visit: <https://chemview.epa.gov/chemview>.

<sup>280</sup> For additional information, please visit: <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2016-0636-0074>.

<sup>281</sup> TSCA required that EPA designate by December 2019 at least 20 chemical substances as High-Priority for risk evaluation, and also at least 20 chemical substances as Low-Priority. On December 20, 2019, EPA finalized the designation of 20 chemical substances as High-Priority for upcoming risk evaluations. For additional information, please visit: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/chemical-substances-undergoing-prioritization-high>.

<sup>282</sup> On February 20, 2020, EPA finalized the designation of 20 chemical substances as Low-Priority. For additional information, please visit: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/low-priority-substances-under-tsca>.

<sup>283</sup> EPA removed consideration of personal protective equipment (PPE) unreasonable risk determinations for the first 10 chemical risk evaluations, re-examined the risk evaluations of seven of those chemicals to address overlooked and/or inadequately assessed exposure pathways (including those affecting fenceline, underserved or disproportionately burdened communities), is developing a supplemental RE for one chemical due to omission of exposure pathways, and, in part as a result of litigation against the Agency, is conducting a second risk evaluation for asbestos to include types and uses that were excluded from the first one.

<sup>284</sup> In January 2022, EPA released for public comment and peer review version 1.0 of a screening methodology that will be used to further examine whether the policy decision to exclude air and water exposure pathways from the risk evaluations will lead to a failure to identify and protect fenceline communities. Review of the screening level methodology will include review by the Science Advisory Committee on Chemicals (SACC). *See*, <https://www.epa.gov/newsreleases/epa-releases-screening-methodology-evaluate-chemical-exposures-and-risks-fenceline>.

EPA initiated risk evaluations for the first set of 20 High-Priority chemicals in December 2019.<sup>285</sup> On September 4, 2020, EPA released final scoping documents for these chemicals<sup>286</sup> with the 20 evaluations required to be completed by December 2022, or June 2023 if statutorily authorized extensions are required to be exercised. The Agency will expand the focus of the risk evaluations to ensure that exposure pathways affecting the general public, fenceline communities, and overburdened/underserved/disproportionately burdened communities are properly evaluated in accordance with the law. Specifically, it is expected that the Agency will include expanded consideration of potentially exposed and susceptible subpopulations, including environmental justice considerations, as a result of engagement with overburdened and underserved communities through mechanisms such as the National Tribal Operations Committee (NTOC)<sup>287</sup> and the National Tribal Toxics Council (NTTC).<sup>288</sup>

The Agency has experienced delays in obtaining responses from TSCA Section 4 Test Orders and Section 8 Data Gathering Rules intended to provide information critical to the completion of the evaluations. In addition, manufacturers may submit requests to EPA to evaluate specific additional chemicals. The first two Manufacturer Requested Risk Evaluations (MRREs) began in FY 2020. A third was started in FY 2021, and a fourth request is currently being considered. Those initial MRREs will continue throughout FY 2022 and are for chemicals that were on the 2014 TSCA Work Plan.<sup>289</sup> The resources requested for FY 2023 will support efforts to meet statutory mandates and other requirements while maintaining the Agency's commitment to evidence-based decisions guided by the best available science and data.

- **Risk Management:** When unreasonable risks are identified in the final risk evaluation, EPA must promulgate risk management action rulemakings under TSCA Section 6(a) to address the unreasonable risk. This work will adhere to EPA's Guidance on Considering Environmental Justice During the Development of an Action and its companion Technical Guidance for Assessing Environmental Justice in Regulatory Analysis.<sup>290</sup> EPA commenced development of risk management actions in FYs 2020 and 2021 after determining that each of the first 10 chemicals evaluated under Section 6 presented unreasonable risk of injury to health or the environment under the assessed conditions of use. EPA will continue development of these rulemaking actions in FY 2023, including issuance of proposed rules for certain chemicals. EPA also will continue or begin developing final rules for actions proposed in FY 2022 and FY 2023, with anticipated promulgation in FY 2024.<sup>291</sup>

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<sup>285</sup> For additional information, please visit: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/chemical-substances-undergoing-prioritization-high>.

<sup>286</sup> For additional information, please visit: <https://www.epa.gov/chemicals-under-tsca/epa-releases-final-scope-documents-and-list-businesses-subject-fees-next-20>.

<sup>287</sup> For additional information on NTOC, please visit: <https://www.epa.gov/tribal/tribal-partnership-groups#ntoc>

<sup>288</sup> For additional information on NTTC, please visit: <https://www.epa.gov/chemicals-under-tsca/national-tribal-toxics-council-nttc-technical-support-request-applications>

<sup>289</sup> See <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/tsca-work-plan-chemicals>.

<sup>290</sup> For additional information, please visit: <https://www.epa.gov/environmentaljustice/technical-guidance-assessing-environmental-justice-regulatory-analysis>.

<sup>291</sup> EPA is re-examining the risk evaluations of seven of those chemicals to address overlooked and/or inadequately assessed exposure pathways (including those affecting overburdened, underserved or disproportionately burdened communities), which may impact risk management actions under development. See, <https://www.epa.gov/newsreleases/epa-announces-path-forward-tsca-chemical-risk-evaluations>. As a result, proposed rulemakings will not be published for public comment until the review and any update of the risk evaluations are complete. EPA will continue to engage stakeholders in dialogue regarding these risk management actions to ensure the Agency has the benefit of input from interested parties. This engagement will include meetings



TSCA also mandated that EPA promulgate Section 6 risk management rules for certain Persistent, Bioaccumulative, and Toxic (PBT) chemicals on the 2014 TSCA Work Plan without undertaking further risk evaluation.<sup>292</sup> EPA issued five final rules in January 2021. EPA requested and received comment on the January 2021 PBT rules and, in September 2021, announced its intent to initiate a new rulemaking. EPA anticipates proposing new rules for five PBT chemicals. In FY 2023, EPA anticipates issuing further proposed revisions to the PBT rules.

*Section 14: Confidential Business Information.* EPA is required under TSCA Section 14 to review and make determinations on CBI claims contained in TSCA submissions; process requests for and make certain CBI information available to states, tribes, health and medical professionals, first responders, under defined circumstances; and assign and publish unique identifiers for each chemical substance for which a confidentiality claim for specific chemical identity is approved. In FY 2023, EPA will assign unique identifiers to chemicals where CBI claims for chemical identity are approved and expects to complete CBI claim reviews for more than 2,000 new cases, and approximately 1,500 chemical identity claims.

*TSCA Information Technology (IT) and Data Tools Infrastructure.* IT systems development and maintenance will continue in FY 2023 with the goal of minimizing reporting burdens on industry and streamlining data management by EPA, including the following activities:

- Continuing enhancement of the TSCA Chemical Information System to reduce manual handling of data and increase internal EPA access to data relevant to chemical assessments and expedite review of chemicals.
- Initiating development of new tools for hazard and exposure identification, assessment, and characterization, while improving existing tools to better assess chemical risks.
- Maintaining the functionality of *ChemView*<sup>293</sup> and plan for expanding the information it makes available to the public to include newly completed chemical assessments, worker protection information, and other new data reported to EPA under TSCA.
- Completing the TSCA CBI LAN assessment in preparation for network modernization.

Implementing TSCA depends on the collection and availability of information on chemicals from a wide variety of public and confidential sources. The EPA's data currently resides in multiple formats including paper files, microfiche, and numerous old electronic file formats. A critical need for improving EPA's performance on TSCA implementation is modernizing the IT systems necessary for chemical data collation, storage, and curation, and to make the data received under TSCA available in structured and consistent formats. The funding requested will support the following activities: initiating modernization of the existing TSCA IT infrastructure; enhancing the New Chemical Review (NCR) system; initiating steps toward automating publication of New Chemical Consent Orders and SNURs; continuing efforts regarding remaining TSCA CBI review workflow enhancements; analyzing and updating TSCA records data to identify and organize records for publication; making progress toward the development of a framework for enabling CIS

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with key stakeholders and participation in events such as conferences and trade association meetings where EPA and stakeholders can share information.

<sup>292</sup> TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act, Section 6(h) (1) and (2).

<sup>293</sup> For additional information, please visit: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/introduction-chemview>.

to automatically assign unique identifiers (UIDs) as CBI claims are approved; making progress in the effort to digitize the remaining legacy 8(e)s and publish in *ChemView*; and initiating digitization of legacy documents.

*Chemical Data Management Modernization.* The international regulatory community has been moving towards using the International Uniform Chemical Information Database (IUCLID) to capture, store, maintain, and exchange data on intrinsic and hazardous properties of chemical substances. Data in IUCLID is centered around standardized reporting templates consistent with internationally accepted test guidelines and has CBI protection built in. EPA has begun to pilot an IUCLID framework, but resource constraints have limited EPA's implementation and adoption of IUCLID. With increased resources in FY 2023, the TSCA Program will collaborate with ORD to implement IUCLID to capture, store, and maintain data on intrinsic and hazard properties of chemicals. The Agency also will work with international partners to modify software applications to ensure EPA's unique needs and federal IT requirements are incorporated. Along with integration and consolidation of other legacy data systems, this initiative will modernize EPA's chemical data management infrastructure and deliver more efficient searching, collating, managing, and integrating data on chemicals, resulting in significant time and cost savings.

*Collaborative Research Program to Support New Chemical Reviews.*<sup>294</sup> In FY 2023, EPA will develop and implement a multi-year collaborative research program in partnership with ORD and other federal agencies. This collaboration is focused on approaches for performing risk assessments on new chemical substances under TSCA. The results of the effort are expected to bring innovative science to new chemical reviews, modernize the approaches used, and increase the transparency of the human health and ecological risk assessment process. The resources requested for FY 2023 are essential for EPA to implement the new chemicals program in accordance with statutory mandates and to address the backlog of older submissions. These resources also are critical to ensuring that the Agency can conduct robust risk assessments using best available science and data within the statutory timelines.

#### Other TSCA Sections, Mandates and Activities

*Chemical Data Reporting (CDR) & Tiered Data Reporting (TDR) Rule.*<sup>295</sup> In FY 2023, EPA plans to publish a rule that expands reporting requirements for chemicals that are candidates for—or selected as—high priority substances. The purpose is to acquire the most relevant and applicable data that will support risk evaluation. In FY 2023, EPA plans to finalize the Rule, responding to comments from the proposed rulemaking and modifying CDR requirements.

*Other Section 8 Activities.* In FY 2023, EPA will: publish a final section 8(a) rule for Asbestos; publish a final section 8(a)(7) rule for Per- and Polyfluoroalkyl Substances (PFAS); analyze 300

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<sup>294</sup> See, <https://www.epa.gov/newsreleases/epa-announces-collaborative-research-program-support-new-chemical-reviews>.

<sup>295</sup> Section 8(a) of TSCA requires manufacturers (including importers) to provide EPA with information on the production and use of chemicals in commerce. In March 2020, EPA amended the Chemical Data Reporting (CDR) rule to reduce burden for certain CDR reporters, improve data quality and align reporting requirements with amended TSCA. The recent Calendar Year 2020 CDR Reporting Cycle, which occurs every four years and covers CY 2016-2019, commenced on June 1, 2020, and concluded on January 29, 2021.

Substantial Risk (Section 8(e)) Notifications submitted by industry;<sup>296</sup> and continue issuing other data gathering rules to obtain data needed for Section 6 prioritization and risk evaluations.

*PFAS Roadmap Support.* Per- and polyfluoroalkyl substances (PFAS) have been manufactured and used in a variety of industries globally since the 1940s, and they are still being used today. FY 2023 work will include: publishing and implementing a PFAS national testing strategy; ensuring a robust review process for new PFAS; reviewing previous decisions on PFAS; closing the door on abandoned PFAS and uses; and implementing a new PFAS reporting rule; and leading the development of a voluntary PFAS Stewardship Program. The funding requested in the FY 2023 President’s Budget will allow EPA to: improve the Agency data submission process for test data and ensuring engagement with test order recipients to facilitate robust data collection; review study plans required to be submitted as a result of test orders and data submitted pursuant to the first round of test orders issued under TSCA for human health effects; integrate submitted data into systematic review databases; and analyze existing data in preparation for issuing additional orders to require additional testing for chemicals already subject to testing.

*Polychlorinated Biphenyls (PCBs).* PCBs are a nationwide problem and found in every region. TSCA requires essential work in evaluating a site for PCB exposures and reducing risks at that site. EPA regions do this by making site-specific PCB “use” determinations, evaluating exposures, and providing recommendations and specialized technical support to address the risks associated with PCBs legally and illegally “in use.” EPA’s regional offices will work with building owners to implement practical interim measures; develop outreach and technical assistance materials to prevent or reduce exposure to PCBs; and conduct risk evaluation of PCB exposure at local sites.

*Mercury.* In FY 2023, EPA will maintain the Mercury Electronic Reporting Application<sup>297</sup> and conduct outreach to stakeholders on reporting requirements. EPA also will continue work under the Mercury Export Ban Act and related amendments related to the prohibition of export of certain mercury compounds, to support compliance with the Minamata Convention on Mercury, to which the United States is a party. EPA will collect and prepare information for publication in the CY 2023 update to the national mercury inventory and consider recommending actions to further reduce mercury use.

*TSCA Citizen Petitions.* In FY 2023, EPA will continue to meet the requirements of Section 21 of TSCA, which authorizes citizen petitions for the issuance, amendment, or repeal of certain actions (rules and orders) promulgated under specific components of TSCA Sections 4, 5, 6, and 8. The Agency must grant or deny a Section 21 petition within 90 days. If EPA grants a petition, the requested action must be initiated in a timely fashion. EPA has received 29 TSCA Section 21 petitions since September 2007.<sup>298</sup>

*Formaldehyde Standards for Composite Wood Products.* In FY 2023, EPA will continue implementing regulations under the TSCA Title VI Formaldehyde Standards for Composite Wood

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<sup>296</sup> TSCA Section 8(e) Notifications require EPA be notified immediately when a company learns that a substance or mixture presents a substantial risk of injury to health or the environment.

<sup>297</sup> The Mercury Electronic Reporting application is an electronic reporting interface and database within the Central Data Exchange (CDX).

<sup>298</sup> For additional information, please visit: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/tsca-section-21>.

Products Act (Public Law 111-199), which established national emission standards for formaldehyde in new composite wood products.<sup>299</sup>

*TSCA User Fees.* Section 26 of TSCA authorizes EPA to collect user fees to offset 25 percent of the Agency's full costs for implementing TSCA sections 4, 5, 6, and 14.<sup>300</sup> In FY 2021, EPA collected \$28.65 million: \$3.35 million from section 5, \$24.05 million from 19 of the 20 section 6 EPA-Initiated Risk Evaluations, and \$1.25 million from one section 6 MRRE for a TSCA Work Plan chemical.<sup>301,302</sup> EPA's FY 2021 collections were as follows:

<b>TSCA Section</b>	<b>Amount Collected</b>
Section 5	\$3.35 million
Section 6 EPA-Initiated Risk Evaluations	\$24.05 million
Section 6 MRREs	\$1.25 million
<i>Total</i>	<i>\$28.65 million</i>

Because nearly \$17 million of the collections for the 19 section 6 Risk Evaluations was not due to be paid until September 2, 2021, those funds were not accessible to EPA until FY 2022. EPA will apportion FY 2021 section 6 collections over the risk evaluation lifecycle (3.5 years). EPA expects to collect approximately \$5.0 million in FY 2022<sup>303</sup> and \$4.65 million in FY 2023.<sup>304</sup> Projected collections also are subject to potential changes in fee levels, which are required to be updated every three years under TSCA.<sup>305</sup>

*Cumulative risk methodologies.* EPA is conducting aggregate exposure and cumulative risk approaches to characterizing chemical exposure and risk in risk evaluations under TSCA. In FY 2023, the following foundational activities will be conducted to support statutory deadlines:

- Develop approaches to determine when aggregating chemical exposure across conditions of use is applicable.
- Develop approaches to identify co-exposure to chemicals to inform prioritization and to determine when cumulative assessments should be considered for relevant chemicals.
- Develop approaches for conducting aggregate exposure and cumulative risk assessments.
- Evaluate applicability and feasibility of biomonitoring data.
- Update and develop exposure and hazard models.
- Support for scientific and other publications.

*Continuous Improvement of TSCA Implementation.* In FY 2023, the Agency will continue to monitor and evaluate its progress related to core responsibilities under TSCA, such as completing

<sup>299</sup> For additional information, please visit: <http://www2.epa.gov/formaldehyde/formaldehyde-emission-standards-composite-wood-products>.

<sup>300</sup> TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act, Section 26(b) (1) and (4).

<sup>301</sup> The Agency invoiced \$88.2 thousand for Section 4 Test Orders in FY 2020 and FY 2021 but did not start receiving submissions until FY 2022.

<sup>302</sup> The Agency invoiced \$88.2 thousand for Section 4 Test Orders in FY 2020 and FY 2021 but did not start receiving submissions until FY 2022.

<sup>303</sup> \$1.6 million from the remaining section 6 EPA-Initiated Risk Evaluations invoices and \$3.4 million from section 5 submissions and section 4 Test Orders.

<sup>304</sup> \$3.4 million in section 5 submissions and section 4 Test Orders and an additional amount from one TSCA section 6 Manufacturer-Requested Risk Evaluation at \$1.25M if the MRRE request is granted.

<sup>305</sup> For additional information, please visit: <https://www.epa.gov/tsca-fees/fees-administration-toxic-substances-control-act>.

all EPA-initiated risk evaluations and associated risk management actions for existing chemicals within statutory timelines. In addition, EPA plans to further reduce review times and reduce the number of cases under review for more than 90 days for Section 5 new chemicals (PMNs, MCANs, and SNUNs). EPA also will undertake other forms of assessment and data gathering in FY 2023. Based on experience and peer review feedback, EPA is further refining its methods for conducting systematic review and will seek peer review of its TSCA Systematic Review Protocol in FY 2022. The Agency is collaborating with other agencies in this effort, including with the Interagency Testing Committee (ITC). In FY 2023, EPA will evaluate the information reported in response to the 8(d) rule for relevance to the risk evaluations for High-Priority chemicals using systematic review methods, which will enhance risk evaluations and EPA’s ability to determine potential risk.

**Performance Measure Targets:**

<b>(PM TSCA4) Number of HPS TSCA risk evaluations completed within statutory timelines.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	0	8
<b>(PM TSCA5) Percentage of existing chemical TSCA risk management actions initiated within 45 days of the completion of a final existing chemical risk evaluation.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	100	100
<b>(PM TSCA6a) Percentage of past TSCA new chemical substances decisions with risk mitigation requirements reviewed.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	5	25
<b>(PM TSCA6b) Percentage of TSCA new chemical substances with risk mitigation requirements reviewed for adherence/non-adherence with TSCA Section 5 risk mitigation requirements that are determined to adhere to those requirements.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
		25

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$3,173.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$51,796.0 / +181.6 FTE) This increase enables EPA to develop and review data critical to existing chemical risk evaluation and risk management activities; update and develop 21<sup>st</sup> century information technology and data tools to meet the increasing demands; and begin to transform New Chemicals review into an efficient and sustainable process to complete cases in keeping with the statutory requirements. This investment includes \$32.035 million in payroll.
- (+\$4,736.0 / +11.0 FTE) This program change supports the implementation of the PFAS Strategic Roadmap. With these resources, EPA will fund the PFAS national testing strategy, review previous decisions on PFAS, establish a voluntary PFAS stewardship program, create/update IT infrastructure, and list and analyze new PFAS data. This investment includes \$1.936 million in payroll.

- (+\$2,528.0 / +3.0 FTE) This program change allows EPA to advance cumulative risk methodologies, which includes developing approaches for conducting aggregate exposure and cumulative risk assessments under TSCA that will be particularly important in evaluating high priority chemicals. This investment includes \$528.0 thousand in payroll.
- (+\$1,730.0 / +5.0 FTE) This program change provides regional capacity to carry out site-specific PCB “use” determinations, evaluating exposures and providing recommendations and specialized technical support to address the risks associated with PCBs legally and illegally “in use.” These efforts will contribute to reduce risks and current exposures to workers and children, particularly in overburdened and underserved communities, and to advance agency commitments to EJ. This investment includes \$880.0 thousand in payroll.

**Statutory Authority:**

Toxic Substances Control Act (TSCA).

**Toxic Substances: Lead Risk Reduction Program**

Program Area: Toxics Risk Review and Prevention

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Ensure Chemical and Pesticide Safety

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$11,991</i></b>	<b><i>\$13,129</i></b>	<b><i>\$13,749</i></b>	<b><i>\$620</i></b>
Total Budget Authority	\$11,991	\$13,129	\$13,749	\$620
Total Workyears	63.0	62.9	62.9	0.0

**Program Project Description:**

EPA’s Lead Risk Reduction Program contributes to the goal of reducing lead exposure and works toward addressing historic and persistent disproportional vulnerabilities of certain communities.<sup>306</sup> This program thereby plays an important role in achieving the Administration’s goals to enhance environmental justice (EJ) and equity by:

- Establishing standards governing lead paint hazard identification and abatement practices;
- Establishing and maintaining a national pool of certified firms and individuals who are trained to carry out lead paint hazard identification and abatement practices and/or renovation, repair, and painting projects while adhering to the lead-safe work practice standards and minimizing lead dust hazards created in such projects; and
- Providing information and outreach to housing occupants and the public so they can make informed decisions and take actions about lead paint hazards in their homes.

Lead is highly toxic, especially to young children. Exposure to lead is associated with decreased intelligence, impaired neurobehavioral development, decreased stature and growth, and impaired hearing acuity. According to the Centers for Disease Control and Prevention (CDC), no safe blood lead level in children has been identified, and effects of lead exposure cannot be corrected.<sup>307,308</sup> Reducing exposure to lead-based paint (LBP) in old housing continues to offer the potential to significantly decrease blood lead levels in the largest number of children. Housing units constructed before 1950 are most likely to contain LBP. The most recent national survey estimated that 37.1 million homes in the U.S. have LBP and that 23.2 million homes have significant LBP hazards.<sup>309</sup> Children living at or below the poverty line who live in older housing are at greatest risk. Additionally, some racial and ethnic groups and those living in older housing are

<sup>306</sup> Childhood blood lead levels (BLL) have declined substantially since the 1970s, due largely to the phasing out of lead in gasoline and to the reduction in the number of homes with lead-based paint hazards. The median concentration of lead in the blood of children aged 1 to 5 years dropped from 15 micrograms per deciliter in 1976–1980 to 0.7 micrograms per deciliter in 2013–2014, a decrease of 95%. *See, America's Children and the Environment* (EPA, 2019), found at: <https://www.epa.gov/americaschildrenenvironment>.

<sup>307</sup> Centers for Disease Control and Prevention, Blood Lead Levels in Children, found at: <http://www.cdc.gov/nceh/lead/prevention/blood-lead-levels.htm>.

<sup>308</sup> *America's Children and the Environment* (EPA, 2019), found at: <https://www.epa.gov/americaschildrenenvironment>.

<sup>309</sup> *See, American Healthy Homes Survey, Lead and Arsenic Findings* (HUD, 2011), found at: [https://www.hud.gov/sites/documents/AHHS\\_REPORT.PDF](https://www.hud.gov/sites/documents/AHHS_REPORT.PDF).

disproportionately affected by LBP.<sup>310</sup> Because of historic and persistent disproportional vulnerabilities of certain racial, low-income, and overburdened and underserved communities, the Lead Risk Reduction Program has the potential to create significant EJ gains and provides strategic opportunities to advance EPA's work in support of the Administration's goals to enhance EJ and equity as seen in the draft *Strategy to Reduce Lead Exposures and Disparities in U.S. Communities*.<sup>311</sup>

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 7/Objective 7.1, Ensure Chemical and Pesticide Safety in the *FY 2022 – 2026 EPA Strategic Plan*.

In FY 2023, EPA will conduct technical analyses and rulemaking efforts to address issues related to preventing childhood lead poisoning, including reviewing the definition of LBP; revising the dust-lead hazard standards (DLHS), the dust-lead clearance levels (DLCL), and the soil-lead hazard standards (SLHS); and continuing work to identify and subsequently address LBP hazards identified in public and commercial buildings. As a result of a May 2021 decision by the U.S. Court of Appeals for the Ninth Circuit, the DLHS, the definition of LBP, and the DLCL regulations have been identified by the Administration as rules to reconsider.<sup>312</sup> FY 2023 funding will enable EPA to propose revisions to the DLHS and DLCL, while conducting activities necessary to revisit the definition of LBP and SLHS. In addition, EPA must continue work to evaluate whether hazards are created from renovations of public and commercial buildings (P&CBs). Reconsideration and development of these rulemakings will help ensure the most protective approaches are taken to reduce lead exposure in homes and child-occupied facilities, with benefits for overburdened and underserved communities where disproportionate impacts occur from LBP in support of the Administration's goals to enhance EJ and equity.

### Renovation, Repair and Painting Program

In FY 2023, EPA will continue to implement the Renovation, Repair and Painting (RRP) Rule to address lead hazards created by renovation, repair, and painting activities in homes and child-occupied facilities<sup>313</sup> and to advance EPA's EJ goals. Fourteen states and one tribe have been authorized to administer this program and rule. In the remaining non-authorized states, tribes, and territories, EPA will continue to accredit training providers, track training class notifications, and certify renovation firms. EPA also will assist in the development and review of state and tribal applications for authorization to administer training and certification programs, provide information to renovators and homeowners, provide oversight and guidance to all authorized programs, and disseminate model training courses for lead-safe work practices. As of January

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<sup>310</sup> Among children ages 1 to 5 years in families with incomes below poverty level, the 95<sup>th</sup> percentile blood lead level (BLL) was 3.0 µg/dL, and among those in families at or above the poverty level, it was 2.1 µg/dL, a difference that was statistically significant. The 95<sup>th</sup> percentile BLL among all children ages 1 to 5 years was 2.5 µg/dL. The 95<sup>th</sup> percentile BLL in Black non-Hispanic children ages 1 to 5 years was 3.0 µg/dL, compared with 2.4 µg/dL for White non-Hispanic children, 1.8 µg/dL for Mexican-American children, and 2.7 µg/dL for children of "All Other Races/Ethnicities." The differences in 95<sup>th</sup> percentile BLL between race/ethnicity groups were all statistically significant, after accounting for differences by age, sex, and income. See *America's Children and the Environment* (EPA, 2019), found at: <https://www.epa.gov/americaschildrenenvironment>.

<sup>311</sup> Draft Strategy to Reduce Lead Exposures and Disparities in U.S. Communities (EPA, 2021) found at

<https://www.epa.gov/system/files?file=documents/2021-11/updated-public-comment-draft-lead-strategy-11-16-2021.pdf>.

<sup>312</sup> For additional information, please visit: <https://cdn.ca9.uscourts.gov/datastore/opinions/2021/05/14/19-71930.pdf>.

<sup>313</sup> For additional information, please visit: <https://www.epa.gov/lead/lead-renovation-repair-and-painting-program>.



2022, there were 308 accredited RRP training providers and more than 55,000 certified renovation firms. In FY 2021, about 33 percent of renovation firms with expiring certifications were recertified before their certifications expired.

#### DLHS, Definition of LBP, DLCL, and Public and Commercial Buildings (P&CBs)

In FY 2023, as noted above, EPA will review the DLHS/LBP and DLCL rules and continue analytical work to support the P&CB rule. These regulations, which reduce lead exposure, can aid in addressing historic and persistent disproportional vulnerabilities of certain racial, low-income, and overburdened and underserved communities, and can play an important role toward achieving the Administration's goals to enhance EJ and equity. The DLHS defines hazardous levels of lead in residential paint, dust, and soil, and post abatement clearance levels for lead in interior house dust.

In FY 2019, EPA revised the DLHS.<sup>314</sup> EPA also finalized its 2018 proposal to make no change to the definition of LBP. On January 7, 2021, the final DLCL rule reduced the amount of lead that can remain in dust on floors and windowsills after lead removal activities to better protect children from the harmful effects of lead exposure from 40 to 10  $\mu\text{g}/\text{ft}^2$  on floors, and 250 to 100  $\mu\text{g}/\text{ft}^2$  on windowsills. In accordance with the EO 13990 and consistent with a May 2021 court decision in the Ninth Circuit,<sup>315</sup> EPA has initiated a rulemaking to reconsider the DLHS and DLCL. Additionally, in light of a May 2021 court decision, EPA will revise the 2001 soil-lead hazard standards and revisit the definition of lead-based paint. The definition of lead-based paint is incorporated throughout the lead-based paint regulations, and application of this definition is central to how the lead-based paint program functions. EPA will, in collaboration with the Department of Housing and Urban Development (HUD), revisit the definition of LBP and, as appropriate, revise the definition to make it more protective. EPA is currently evaluating how best to move forward on this issue.

In FY 2023, EPA will continue to evaluate risk from renovations of public and commercial buildings pursuant to TSCA §402(c)(3), which directs EPA to promulgate regulations for renovations in target housing, public buildings built before 1978, and commercial buildings that create lead-based paint hazards. EPA will determine whether such renovations create LBP hazards and, if they do, EPA will address those hazards by promulgating work practice, training, and certification requirements for public and commercial buildings. Low-income, minority children are disproportionately vulnerable to lead exposure and therefore these efforts, as well as others that focus on reducing environmental lead levels, have the potential to create significant EJ gains.

#### Lead-Based Paint (LBP) Activities

In FY 2023, EPA will continue to implement the LBP Activities (Abatement, Risk Assessment, and Inspection) Rule by administering the federal program to review and certify firms and individuals and to accredit training providers. Ensuring that those who undertake LBP Activities are properly trained and certified is a critical aspect of federal efforts to reduce lead exposure and work towards addressing the historic and persistent disproportional vulnerabilities of certain racial, low-income, and overburdened and underserved communities. Additionally, the Agency will

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<sup>314</sup> For details on the revised rule, please visit: <https://www.federalregister.gov/documents/2021/01/07/2020-28565/review-of-dust-lead-post-abatement-clearance-levels>.

<sup>315</sup> For additional information, please visit: <https://cdn.ca9.uscourts.gov/datastore/opinions/2021/05/14/19-71930.pdf>.

continue to review and process requests by states, territories, and tribes for authorization to administer the lead abatement program *in lieu* of the federal program. Thirty-nine states, four tribes, the District of Columbia, and Puerto Rico have been authorized to run the LBP abatement program.

**Education and Outreach**

In FY 2023 the Agency will continue to provide education and outreach to the public on the hazards of LBP, emphasizing compliance assistance and outreach to support implementation of the RRP rule and to increase public awareness about preventing childhood lead poisoning. The Program will continue to focus on reducing harm in communities disproportionately affected by lead exposure, including a focus on low income, overburdened, underserved, and tribal communities, and providing community leaders a means to educate their own communities about lead hazards and the importance of lead poisoning prevention. Finally, EPA will continue to provide support to the National Lead Information Center (NLIC) to disseminate information to the public.<sup>316</sup>

**Performance Measure Targets:**

<b>(PM RRP30) Percentage of lead-based paint RRP firms whose certifications are scheduled to expire that are recertified before the expiration date.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	32	33

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$620.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.

**Statutory Authority:**

Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.* – Sections 401-412.

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<sup>316</sup> For additional information, please visit: <https://www.epa.gov/lead/forms/lead-hotline-national-lead-information-center>.

## **Underground Storage Tanks (LUST/UST)**

**LUST / UST**

Program Area: Underground Storage Tanks (LUST / UST)

Goal: Safeguard and Revitalize Communities

Objective(s): Reduce Waste and Prevent Environmental Contamination

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$10,373</i></b>	<b><i>\$11,250</i></b>	<b><i>\$12,564</i></b>	<b><i>\$1,314</i></b>
Leaking Underground Storage Tanks	\$9,561	\$9,470	\$9,811	\$341
Total Budget Authority	\$19,931	\$20,720	\$22,375	\$1,655
Total Workyears	88.1	91.6	95.6	4.0

**Program Project Description:**

Environmental Program Management (EPM) resources fund EPA's work in the Leaking Underground Storage Tank (LUST)/UST Program to help prevent releases of petroleum through activities such as inspection and compliance assistance support. The EPM LUST/UST Program provides states<sup>317</sup> and tribes with technical assistance and guidance, and by directly funding projects that assist states and tribes in their program implementation, such as the Tribal Underground Storage Tanks Database (TrUSTD). EPA is the primary implementer of the UST Program in Indian Country. With few exceptions, tribes do not have independent UST program resources. EPA will provide facility-specific compliance assistance for UST facility owners and operators in communities with environmental justice concerns in Indian country.

This program supports the Administration's priority of mitigating the negative environmental impacts to communities that are historically underserved, marginalized, and adversely affected by persistent poverty and inequality, as articulated in Executive Order 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.<sup>318</sup> As of July 2021, approximately 53 million people lived within a quarter mile of an active UST facility, representing 16 percent of the total U.S population. These communities tend to be more minority and lower income than the U.S. population as a whole.<sup>319</sup>

In 2005, Congress passed the Energy Policy Act (EPAAct) which, along with other release prevention measures, requires states to inspect facilities at least once every three years. EPA has

<sup>317</sup> States as referenced here also include the District of Columbia and five territories as described in the definition of state in the Solid Waste Disposal Act.

<sup>318</sup> For more information, please refer to: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

<sup>319</sup> U.S. EPA, Office of Land and Emergency Management 2021. Data collected includes: (1) UST information as of late-2018 to mid-2019 depending on the state from ORD & OUST, UST Map, <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=b03763d3f2754461adf86f121345d7bc>; and (2) population data from the 2015-2019 American Community Survey.

been supporting states in these efforts. Between 2008 and 2021, the number of annual confirmed releases has decreased by 33 percent (from 7,364 to 4,991).<sup>320</sup>

A recent EPA study suggests that increased UST compliance is a result of increasing inspection frequency. EPA's statistical analysis, using the State of Louisiana's and Arkansas's UST data, showed a positive and statistically significant effect of increased inspection frequency on facility compliance.<sup>321</sup> This evidence supports the data trends the Agency witnessed: compliance rates rose notably after fully implementing the three-year inspection requirement.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 6/Objective 6.2, Reduce Waste and Prevent Environmental Contamination in the *FY 2022 - 2026 EPA Strategic Plan*.

EPA estimates that only 2 percent of the Nation's 125,000 retail fuel locations have the appropriate equipment to store higher blends of ethanol, which means that the remaining UST systems will need some level of upgrade before they can safely and legally store E15. This poses a greater risk of having an accidental fuel release in nearby communities. To help address this, EPA is requesting additional resources to establish a targeted, national program to improve the compatibility of UST systems with E15 in fenceline communities where E15 is more prevalently used.

Requested resources will be used to:

- Conduct outreach and education to UST owners to ensure they both understand the regulatory requirements to store E15 and the technical process they can use to determine their compatibility in complying with those requirements so they can safely store E15; and
- Hire staff to support state inspection programs and to conduct direct E15 compliance inspections in Indian Country.

This investment is one part of a collective plan to support the use of E15, while protecting the surrounding communities and compliments investments being proposed in LUST Prevention and Research: Sustainable and Healthy Communities.

In FY 2023, EPA will continue to engage in the following core activities:

- Support enhanced inspections and evaluations for UST owners/operators to ensure that UST systems meet current regulations. This will include expanded development and use of a facility specific compliance assistance application for use in Indian Country.
- Develop tools and resources to assist states in adapting to the impacts of climate change and extreme weather events. This includes developing tools and resources to assist states in identifying facilities that are more prone to flooding or wildfires and helping these facilities prepare for these events before they occur.

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<sup>320</sup> For more information, please refer to <https://www.epa.gov/system/files/documents/2021-11/ca-21-34.pdf>.

<sup>321</sup> Sullivan, K. A.; Kafle, A (2020). *The Energy Policy Act of 2005: Increased Inspection Frequency and Compliance at Underground Storage Tank Facilities*. OCPA Working Paper No. 2020-01.

- Provide oversight for state LUST prevention grants and provide compatibility compliance assistance for tribal facilities.
- Continue research studies that identify the compatibility of new fuel formulations with current tank systems.
- Continue to coordinate with state UST prevention programs.
- Provide technical assistance, compliance help, and expert consultation to state, tribal, and stakeholders on both policy and technical matters. This support strives to strengthen the network of federal, state, tribal, and local partners (specifically communities and people living and working near UST sites) and assists implementation of the UST regulations.
- Provide guidance, training, and assistance to the regulated community to improve understanding and compliance.
- Continue to work with industry, states, and tribes to identify causes and potential solutions for corrosion in diesel tanks. Work in this area is important given the significant findings regarding the increasing prevalence of corrosion of UST system equipment containing ethanol or diesel fuels.<sup>322</sup>

EPA will continue to collect data regarding both the compliance rate and the number of new releases for UST systems in Indian Country. The compliance rate will help determine progress toward meeting EPA’s revised regulations and help identify any areas that need specific attention. In addition, EPA will continue its work to evaluate the effectiveness of its 2015 regulations, which are designed to ensure existing UST equipment continues to function properly.

**Performance Measure Targets:**

Work under this program supports performance results in the LUST Prevention Program under the LUST appropriation.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$344.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$970.0 / +4.0 FTE) This program change requests additional FTE to support the new fenceline communities program and to conduct direct E15 compliance inspections in Indian Country. Resources also will be used for the development and coordination of outreach materials to the regulated community. This investment includes \$705.0 thousand in payroll.

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<sup>322</sup> For more information, please refer to: [www.epa.gov/ust/emerging-fuels-and-underground-storage-tanks-usts#tab-3](http://www.epa.gov/ust/emerging-fuels-and-underground-storage-tanks-usts#tab-3).

**Statutory Authority:**

Resource Conservation and Recovery Act §§ 8001, 9001-9011.

## **Water Ecosystems**



**National Estuary Program / Coastal Waterways**

Program Area: Protecting Estuaries and Wetlands

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$29,496</b>	<b>\$31,822</b>	<b>\$32,184</b>	<b>\$362</b>
Total Budget Authority	\$29,496	\$31,822	\$32,184	\$362
Total Workyears	35.5	36.9	36.9	0.0

**Program Project Description:**

The National Estuary Program (NEP)/Coastal Waterways Programs work to restore the physical, chemical, and biological integrity of estuaries of national significance and coastal watersheds by protecting and restoring water quality, habitat, and living resources.<sup>323</sup>

The Nation’s coasts are facing devastating ecological and societal stress now, and communities with environmental justice concerns, especially people of color, low-income, and Indigenous communities, are experiencing disproportionate climate impacts. Sea level rise and shoreline loss, dead zones, harmful algal blooms, coral bleaching, coastal acidification, wetland and habitat loss, shifts in species composition and habitat, frequent flooding, degraded water quality, and billion-dollar storms are becoming routine. The water quality and ecological integrity of estuarine and coastal areas is critical to the economic vitality of the U.S. While the estuarine regions of the U.S. comprise just 12.6 percent of U.S. land area, they contain 43 percent of the U.S. population and provide 49 percent of all U.S. economic output.<sup>324</sup> The economic value of coastal recreation in the U.S. – for beach going, fishing, bird watching, and snorkeling/diving – has been conservatively estimated by the National Oceanic and Atmospheric Administration to be in the order of \$20 billion to \$60 billion annually.<sup>325</sup> Wetlands also protect coastal property by absorbing storms, floods, and high waves. They stabilize shorelines and prevent land from eroding. The storm damage services provided by wetlands are valued at over \$23 billion dollars annually.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 5/Objective 5.2, Protect and Restore Waterbodies and Watersheds in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, EPA will provide \$19.6 million in Clean Water Act Section 320 grants for 28 NEPs (\$700 thousand per NEP). This is a highly leveraged program with projects that address coastal,

<sup>323</sup> For more information, please visit <https://www.epa.gov/nep>.

<sup>324</sup> For more information, please visit <https://www.fisheries.noaa.gov/national/habitat-conservation/estuary-habitat>.

<sup>325</sup> For more information, please visit <https://www.fisheries.noaa.gov/national/habitat-conservation/coastal-wetlands-too-valuable-lose>.

estuarine, and inland freshwater ecosystem needs. On average, NEPs leverage over \$20 for every dollar provided by EPA. This funding will strengthen EPA's staff and internal resource capacity to support and manage core NEP programmatic activities, including the implementation of the NEP Comprehensive Conservation and Management Plans, addressing findings from regular program evaluations of individual NEPs, oversight of the day-to-day operations of the NEPs, and management of Clean Water Act Section 320 grant funds. The FY 2023 funding will provide capacity to support NEP programs that address priority issues such as nutrient management, habitat protection and restoration, water quality, and climate adaptation and resiliency. In addressing climate issues, NEPs will assess climate change vulnerabilities, develop and implement adaptation and resiliency strategies, engage and educate stakeholders, and implement collaborative projects with regional, state, and local partners. Funding also will support the NEPs in developing the skills and capacity to integrate environmental and climate justice into their guiding documents and daily operations. The FY 2023 request includes \$2 million for the NEP Coastal Watersheds Grant program. FY 2023 funding will be used to reinvigorate the Climate Ready Estuaries (CRE) program<sup>326</sup> and other important coastal program activities. CRE provides technical support to NEPs and other coastal community leaders and advises on climate resiliency nationally. EPA also will continue to work with other federal agencies, states, and tribes to assess ocean and coastal acidification and identify opportunities to implement actions to mitigate the effects of acidification.

EPA continues to work with states, tribes, trust territories, NEPs, and other Federal agencies to implement the National Aquatic Resource Survey (NARS) in coastal/estuarine waters. In FY 2022, the NARS coastal survey will complete processing of samples collected during FY 2021 and provide validated sample results to partners. Analysis and interpretation of the sample results will be used for the next National Coastal Condition Report targeted for publication in FY 2023.

EPA, as the federal chair of the Gulf Hypoxia Task Force, will work with other task force member federal agencies and twelve member states to continue implementation of the 2008 Gulf Hypoxia Action Plan. This activity complements other coordination and implementation resources in the Geographic Program: Gulf of Mexico and Surface Water Protection Program. A key goal of the Gulf Hypoxia Action Plan is to improve water quality in the Mississippi River Basin and reduce the size of the hypoxic zone in the Gulf of Mexico by implementing existing and innovative approaches to reduce nitrogen and phosphorus pollution in the Basin and the Gulf. Hypoxia Task Force member states are implementing their nutrient reduction strategies, partnering with land grant universities, reporting on measures to track progress, and identifying a need for adaptive management., while the Task Force is developing basin-wide metrics. Excessive nutrients can have both ecological and human health effects. For example, high nitrate levels in drinking water have been linked to serious illness.<sup>327</sup> In addition to the public health risks, there are considerable economic costs from impaired drinking water. State support for effective nutrient reduction in the

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<sup>326</sup> For more information, please visit: <https://www.epa.gov/cre>.

<sup>327</sup> For more information, please visit:

<https://nepis.epa.gov/Exe/ZyNET.exe/P100U1TD.TXT?ZyActionD=ZyDocument&Client=EPA&Index=2006+Thru+2010&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C06thru10%5CTxt%5C00000039%5CP100U1TD.txt&User=ANONYMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL>.

Gulf will be coordinated with other Hypoxia Task Force federal member agencies, such as the U.S. Department of Agriculture and U.S. Geological Survey, in high-priority watersheds.

**Performance Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$296.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$66.0) This program change is an increase of resources to support the restoration of the water quality and ecological integrity of estuaries of national significance.

**Statutory Authority:**

2021 Protect and Restore America's Estuaries Act; 1990 Great Lakes Critical Programs Act of the Clean Water Act; Great Lakes Legacy Reauthorization Act of 2008; Clean Water Act Section 320; Estuaries and Clean Waters Act of 2000; Protection and Restoration Act of 1990; North American Wetlands Conservation Act; Water Resources Development Act; 2012 Great Lakes Water Quality Agreement; 1987 Montreal Protocol on Ozone Depleting Substances; 1909 Boundary Waters Treaty.

## Wetlands

Program Area: Protecting Estuaries and Wetlands

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$18,562</i></b>	<b><i>\$19,300</i></b>	<b><i>\$25,637</i></b>	<b><i>\$6,337</i></b>
Total Budget Authority	\$18,562	\$19,300	\$25,637	\$6,337

### **Program Project Description:**

EPA's Wetlands Protection Program has two primary components: 1) the Clean Water Act (CWA) Section 404 regulatory program and 2) the state and the tribal wetland development program. Major activities of the Wetlands Protection Program include timely and efficient review of CWA Section 404 permit applications submitted to the United States Army Corps of Engineers (USACE) or authorized states; engaging and partnering with USACE, states, and other stakeholders to develop stream and wetland assessment tools, and improving compensatory mitigation effectiveness and availability of credits; assisting in the development of state and tribal wetlands protection and restoration programs under CWA; and providing technical assistance to the public on wetland management and legal requirements.

### **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 5/Objective 5.2, Protect and Restore Waterbodies and Watersheds in the *FY 2022 - 2026 EPA Strategic Plan*. In FY 2023, EPA is requesting an additional \$6.3 million and 21.6 FTE to build back core capacity to support EPA's state and tribal partners through enhancing their wetlands protection programs.

Working with federal, state, tribal, and local partners, EPA will strive to ensure an effective, consistent approach to wetlands protection, restoration, and permitting. To achieve this goal, the Agency will continue its collaborative relationship with the USACE in the CWA Section 404 permitting program and continue its work with states and tribes to build their wetlands programs to monitor, protect, and restore wetlands to achieve multiple societal benefits, including adapting and mitigating the effects of climate change.

### CWA Section 404

Section 404 of the CWA is an established program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. USACE is responsible for managing the day-to-day permit processes nationwide under CWA Section 404.<sup>328</sup> EPA engages in the CWA

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<sup>328</sup> Currently three states, Michigan, New Jersey, and Florida have assumed the CWA Section 404 permit program. CWA Section 404(g) gives states and tribes the option of assuming, or taking over, the permitting responsibility and administration of CWA Section 404 permit program for certain waters.

404 permit process to ensure compliance with the CWA Section 404(b)(1) guidelines as the permitting authority formulates their proposed permits. In 2008, EPA and USACE issued a final rule governing compensatory mitigation for activities authorized by the CWA 404 and associated losses of aquatic resources. The current regulation prescribes a review and approval process for the establishment and management of mitigation banks and in-lieu of fees program. EPA and USACE will continue to work together to evaluate the effectiveness of the program, provide training to regulators and the public, and consider further enhancements to the rule and program.

In FY 2023, EPA will support the development of stream and wetland assessment methods, trainings for regulators, and regional crediting protocols for compensatory mitigation to improve the efficiency and environmental outcomes of federal and state agency review. In addition, EPA and USACE will continue improving efficiencies in federal CWA Section 404 permitting that would help reduce potential costs and delays; increasing consistency and predictability; improving protection of public health and the environment, including assessing climate impacts and impacts to disadvantaged communities; and ensuring permit decisions are legally defensible.

EPA also will continue carrying out its responsibilities as a member of the Gulf Coast Ecosystem Restoration Council authorized under the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States (RESTORE) Act, and as a Natural Resource Damage Assessment (NRDA) Trustee for the Deepwater Horizon oil spill under the Oil Pollution Act (OPA). Under CWA Section 404, the RESTORE Act, and OPA, EPA's responsibilities include timely, environmentally sound, and compliant implementation of National Environmental Policy Act (NEPA) review and associated permitting. Under NRDA, EPA is a cooperating or lead federal agency for NEPA on all Deepwater Horizon Trustee Implementation Group restoration plans and ensures the appropriate level of NEPA analysis is integrated into those referenced restoration plans. EPA's RESTORE responsibilities include NEPA analysis for projects that the Council assigns to EPA. As a NRDA Trustee, EPA undertakes mandatory independent third-party financial audits every three years to ensure accountability regarding the use of funds provided under a 2016 consent decree.<sup>329</sup> The first independent third-party financial audit was initiated in FY 2018 and concluded in FY 2020 with no negative findings. The second audit is underway and will conclude in FY 2022.

#### Building State and Tribal Wetlands Programs

EPA will continue to work with states and tribes to target Wetlands Protection Program funds to core statutory requirements while providing states and tribes flexibility to best address their priorities. This includes providing assistance to states and tribes interested in assuming administration of the CWA Section 404 program. EPA intends to propose a rule in FY 2023 to update the existing assumption regulations and provide greater clarity to state and tribes on what waters may be assumed. The Agency anticipates taking final action in FY 2024. EPA also will continue to administer Wetlands Program Development grants in support of state and tribal wetlands programs. The Agency will focus on working more efficiently with states and tribes to achieve specific program development outcomes including protecting and restoring wetlands to address climate impacts and supporting state and tribal assumption of the CWA Section 404 program.<sup>330</sup>

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<sup>329</sup> For more information, please see: <https://www.epa.gov/sites/production/files/2016-02/documents/deepwaterhorizon-cd.pdf>.

<sup>330</sup> For more information, please see: <https://www.epa.gov/wetlands>.

**Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$864.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$5,473.0 / +21.6 FTE) This program change is an increase of resources and FTE to support the implementation of the Clean Water Act to protect and restore wetlands. This investment includes \$3.569 million in payroll.

**Statutory Authority:**

CWA § 404.

## **Water: Human Health Protection**

**Beach / Fish Programs**

Program Area: Ensure Safe Water

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$1,146</i></b>	<b><i>\$1,584</i></b>	<b><i>\$1,827</i></b>	<b><i>\$243</i></b>
Total Budget Authority	\$1,146	\$1,584	\$1,827	\$243
Total Workyears	1.7	3.2	3.8	0.6

**Program Project Description:**

The Beach/Fish Program provides up-to-date science, guidance, technical assistance, and nationwide information to state, tribal, and federal agencies to protect human health of beach goers from contaminated recreation waters, as well as recreational and subsistence fishers (e.g., tribal communities and other underserved populations) from consumption of contaminated fish.

The Agency implements the following activities under this program:

- Develop and disseminate methodologies and guidance that states and tribes use to sample, analyze, and assess fish tissue in support of waterbody specific or regional consumption advisories.
- Develop and disseminate guidance that states and tribes can use to conduct local fish consumption surveys.
- Develop and disseminate guidance that states and tribes can use to communicate the risks of consuming chemically contaminated fish.
- Gather, analyze, and disseminate information to the public and health professionals that informs decisions on when and where to fish, and how to prepare fish caught for recreation and subsistence.
- Provide best practices on public notification of beach closures and advisories.
- Develop tools such as the sanitary survey app, predictive modeling, and improved analytical methods.
- Maintain the E-Beaches IT system to collect data required by the BEACH Act.

In addition to providing technical support to states and tribes on beach monitoring and data reporting, these programs are part of EPA’s ongoing effort to increase public awareness of the risks to human health associated with contact with recreational water contaminated with pathogens and Harmful Algal Blooms and with eating locally caught fish with pollutants such as mercury, PCBs, or PFAS, at levels of concern. These efforts are directly linked to the Agency’s mission to protect human health.



## **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 5/Objective 5.2, Protect and Restore Waterbodies and Watersheds in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, EPA will continue to:

- Update science and public policy to assess and manage the risks and benefits of fish consumption.
- Provide analytical tools and collect data associated with beach monitoring.
- Provide technical support to states in the operation of their fish consumption advisories and beach monitoring programs, including revision of recommended target analytes per the Agency's PFAS Roadmap.
- Build program capacity, particularly in areas related to environmental justice, water infrastructure support and oversight, climate change resilience, and regulatory reviews.
- Per the Agency's PFAS Roadmap, complete human biomarker report on PFAS in blood serum and relationship with consumption of fish.
- Per the Agency's PFAS Roadmap, conduct analysis and data reporting for contaminants including PFAS for the first time in a national lake study, as a human health indicator.

In FY 2023, EPA also will make investments in providing up-to-date science, guidance, and technical assistance so states and tribes have equitable and effective beach and fish advisory programs. This allows the public, including underserved communities, to make informed choices about recreational activities in local waters and eating locally caught fish. EPA will upgrade the E-Beaches IT system.

## **Performance Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

## **FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$30.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$213.0 / +0.6 FTE) This program change is an increase of resources and FTE to build program capacity, particularly in areas related to environmental justice, water infrastructure support and oversight, climate change resilience, and regulatory reviews. This investment includes \$115.0 thousand in payroll.

## **Statutory Authority:**

Clean Water Act, § 101, 104, and 303.

## Drinking Water Programs

Program Area: Ensure Safe Water

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Ensure Safe Drinking Water and Reliable Water Infrastructure

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$97,190</b>	<b>\$106,903</b>	<b>\$133,258</b>	<b>\$26,355</b>
Science & Technology	\$4,088	\$4,364	\$6,776	\$2,412
Total Budget Authority	\$101,278	\$111,267	\$140,034	\$28,767
Total Workyears	480.3	475.2	547.2	72.0

### Program Project Description:

Safe drinking water is critical for protecting human health and the economic vitality of the Nation. Approximately 320 million Americans rely on public water systems to deliver safe tap water that complies with national drinking water standards.<sup>331</sup> EPA's Drinking Water Program is based on a multiple-barrier and source-to-tap approach to protect public health from contaminants in drinking water.<sup>332</sup> EPA protects public health through:

- Source water assessment and protection;
- Promulgation of new or revised National Primary Drinking Water Regulations (NPDWRs);
- Training, technical assistance, and financial assistance programs to enhance public water system capacity to comply with regulations and provide safe drinking water;
- Underground injection control (UIC) programs;
- Support for implementation of NPDWRs by state and tribal drinking water programs through regulatory, non-regulatory, and voluntary programs and policies; and
- Resources and tools for states and tribes to support the financing of water infrastructure improvements, that are more resilient to threats, human threats like cyber-attacks and natural hazards such as climate change.<sup>333</sup>

Current events, including the detection of lead and per- and polyfluoroalkyl substances (PFAS) in drinking water, highlight the importance of drinking water protection programs that safeguard public health. It is particularly important to prioritize threats and protect the sources of drinking water from those threats. Moreover, the detection of lead and PFAS, such as perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), and GenX chemicals, exemplifies the increased demand for risk communication and other resources that can help communities protect public health and address these chemicals.

<sup>331</sup> For more information on the U.S. Environmental Protection Agency Safe Drinking Water Information System (SDWIS/FED), please see: <http://water.epa.gov/scitech/datait/databases/drink/sdwisfed/index.cfm>.

<sup>332</sup> For more information, please see: [https://www.epa.gov/sites/production/files/2015-10/documents/guide\\_swppocket\\_2002\\_updated.pdf](https://www.epa.gov/sites/production/files/2015-10/documents/guide_swppocket_2002_updated.pdf).

<sup>333</sup> For more information, please see: <https://www.epa.gov/ground-water-and-drinking-water>.

## **FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 5/Objective 5.1, Ensure Safe Drinking Water and Reliable Water Infrastructure in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2023, the program will support the Agency's national drinking water priorities and implementation of the Infrastructure Investment and Jobs Act of 2021(IIJA), including:

- addressing lead and emerging contaminants such as PFAS;
- improving resilience in drinking water systems, to address natural hazards, including climate change, and human threats by enhancing cybersecurity; and,
- improving drinking water and water quality across the Nation, especially in rural, small, underserved, and disadvantaged communities across the country.

In FY 2023, EPA's requested additional resources will support the development and/or implementation of regulatory activities, including:

- developing the new regulation, Lead and Copper Rule Improvements;
- promulgating a PFAS drinking water rule, including public outreach activities; and,
- conducting PFAS monitoring under the fifth cycle of the Unregulated Contaminant Monitoring Rule (UCMR), consistent with EPA's PFAS Strategic Roadmap.

Collectively, additional resources for these efforts will support community engagement activities and help local communities ensure their residents have access to safe drinking water.

The Agency will continue to improve the effectiveness and efficiency of its programs for states and tribes, including work to ensure EPA water programs and resources reach communities that too often have been left behind, including rural and tribal communities. The Drinking Water Program supports this effort by providing training and assistance to state drinking water programs, tribal drinking water officials, and technical assistance providers. The training includes:

- achieving and maintaining compliance at drinking water systems;
- developing and amplifying best practices;
- strengthening state and tribal program capacity; and,
- certifying drinking water operators and maintaining an essential workforce.

The Agency will continue to provide funding to states to assist underserved, small and disadvantaged communities with Safe Drinking Water Act (SDWA) compliance, and providing households access to drinking water services and household water quality testing, including unregulated contaminants.

EPA is overseeing state drinking water programs by completing the annual public water system supervision program review for each primacy agency as required under SDWA. The Agency is also continuing to modernize the Safe Drinking Water Information System for states (SDWIS-State). Information gained during the program reviews, which occur throughout the year, includes an analysis of the completion of sanitary surveys by the primacy agency and an evaluation of whether the primacy agency is implementing its programs in accordance with SDWA. The annual program reviews directly support the work of the states and the Agency to reduce the number of community water systems still in noncompliance with health-based standards. As of January 2022,

more than 2,880 systems have returned to compliance since 2017. EPA continues to work with states towards long-term remediation of health-based system violations. The information gained from the reviews and the SDWIS modernization efforts also support evidence-building activities as part of EPA's implementation of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act). The Agency also continues to work with states on:

- maintaining their capacity development programs and providing resources and tools to assist water systems with SDWA compliance;
- effectively coordinating with Public Water System Supervision (PWSS) programs; and,
- providing operator certification programs to support the water sector workforce.

### Water Infrastructure

Infrastructure investment is essential as the Nation's aging infrastructure poses a significant challenge for the drinking water and wastewater sectors to protect public health and the environment. These challenges are particularly pressing in small, rural, overburdened, and underserved communities. In FY 2023, EPA will continue to support funding of the Nation's drinking water infrastructure, including infrastructure needs and assistance for disadvantaged and tribal communities. The Agency also will support activities to leverage and encourage public and private collaborative efforts and investments. This Program also supports the Agency's efforts in implementing the IIJA. EPA will focus on helping disadvantaged communities access the funding provided by IIJA.

EPA will continue to work on the seventh Drinking Water Infrastructure Needs Survey, which EPA expects to release in early 2023. This survey provides a 20-year capital investment need for public water systems that are eligible to receive funding from state Drinking Water State Revolving Fund (DWSRF) programs. The survey also informs the DWSRF allocation formula as required under SDWA.

In addition to the DWSRF Program, in FY 2023 EPA will continue to support drinking water infrastructure programs by implementing the following statutes:

- the Drinking Water and Wastewater Infrastructure Act of 2021 (DWWIA) within IIJA;
- Water Infrastructure Improvements for the Nation Act of 2016 (WIIN);
- America's Water Infrastructure Act of 2018 (AWIA); and,
- The Water Infrastructure Finance and Innovation Act of 2014 (WIFIA).

Collectively, these laws strengthened existing programs and created new ones to tackle significant public health concerns and environmental needs. The programs created in these laws are vital to protecting public health, continuing to grow the United States' economy, and ensuring that rural and urban communities from coast-to-coast can thrive. EPA will continue to provide WIIN, AWIA, and IIJA grant funding for drinking water lead reduction projects and to enhance water system resiliency to natural hazards such as climate change and man-made threats such as cybersecurity, with a focus on small and disadvantaged communities.

Funding for infrastructure supports EPA's goal to increase the cumulative amount of non-federal dollars leveraged by water infrastructure finance programs by \$9 billion in FY 2023. These water infrastructure finance programs include the Clean Water State Revolving Fund, DWSRF, and the WIFIA program. Over \$22.3 billion has been leveraged in FY 2020 and FY 2021.

### Drinking Water Program Implementation

In FY 2023, the Agency will continue to work with states to implement requirements for all NPDWRs to ensure that systems install, operate, and maintain appropriate levels of treatment and effectively manage their drinking water plants and distribution systems. The program activities are designed to improve drinking water and water quality across the Nation, especially in tribal and underserved and vulnerable communities. Activities include:

- Working with states to provide training and resources to replace lead service lines and optimize corrosion control treatment, develop other strategies to minimize exposure to lead, and maintain simultaneous compliance;
- Developing guidance, tools, and trainings to support water systems and primacy agencies in implementing the Lead and Copper Rule;
- Developing regulations to improve the clarity, readability, and accuracy of information in Consumer Confidence Reports;
- Developing regulations to implement SDWA Section 1414 requirements allowing states to mandate water system restructuring assessments; and,
- Focusing on the reduction of the number of community water systems with health-based violations, especially small systems, tribal systems, and systems in underserved communities.

EPA will continue the development of modernized SDWIS-State and support state migration to the Compliance Monitoring Data Portal, which enables drinking water utilities and laboratories to report drinking water data electronically. In addition, EPA will continue the development of efficient program data management and reporting tools focusing on drinking water regulation, system technical, managerial, and financial capacity, and activities that inform status of SDWA compliance and decisions to support human health protection.

In FY 2023, EPA will conduct the following activities to facilitate compliance with drinking water rules:

- Overseeing the national PWSS Program by administering grants to states and measuring program results based on state reporting of health-based rule violations at public water systems for over 90 drinking water contaminants;
- Offering training and technical assistance to states, tribes, and public water systems, especially those in underserved and disadvantaged communities, with a priority on addressing significant noncompliance with the NPDWRs;
- Bolstering its strong partnership with the states to provide small system technical assistance, especially in disadvantaged communities, with a focus on compliance with rules, operational efficiencies, and system sustainability to ensure public health protection;
- Directly implementing the Aircraft Drinking Water Rule, designed to protect millions of people who travel on approximately 5,700 aircraft in the United States annually; and,
- Directly implementing the Drinking Water Program where states and tribes do not have primacy (e.g., Wyoming, the District of Columbia, and tribal lands excluding the Navajo Nation).

In FY 2023, EPA is requesting an additional \$185,000 and 1 FTE to augment its efforts to implement the Evidence Act. This Administration is committed to making evidence-based decisions guided by the best available science and data. These resources will help develop statistical evidence where it is lacking and improve EPA's capacity to generate and share science and data, and use it in policy, budget, operational, regulatory, and management processes and decisions. Specifically, the Agency will be conducting evidence-building activities and gathering information from SDWIS and the Compliance Monitoring Data Portal that inform the data quality of the Agency's drinking water compliance information. EPA will pilot a compliance verification tool to directly analyze state compliance data and compare it to reported violations. Through these efforts, EPA expects to identify additional data needs, potential sources of additional information, and mechanisms to fill data gaps. EPA also will identify system characteristics that support compliance and those that cause compliance challenges. EPA will use these findings to inform and develop policy instruments.

### Drinking Water Standards

To assure the American people that their water is safe to drink, EPA's drinking water regulatory program monitors for a broad array of contaminants, evaluates whether contaminants are a public health concern, and regulates contaminants when there is a meaningful opportunity for health risk reduction for persons served by public water systems. In FY 2023, the Agency also will address drinking water risks with the following actions:

- Continuing to develop the new regulation, Lead and Copper Rule Improvements (LCRI), announced by EPA on December 16, 2021, to better protect communities from exposure to lead in drinking water. In FY 2021, EPA announced the delay of the effective date of the Lead and Copper Rule Revisions (LCRR) until December 16, 2021, and the compliance date to October 16, 2024. The delay in the effective date is consistent with presidential directives issued on January 20, 2021, to the heads of federal agencies to review certain regulations, including the LCRR (Executive Order 13990).<sup>334</sup> Following the Agency's review of the LCRR under Executive Order 13990, EPA concluded that the rule should go into effect because it provides improved protections of public health. EPA also concluded there are significant opportunities to improve the rule to support the overarching goal of proactively removing lead service lines and more equitably protecting public health.
- Conducting human health effects assessments for water contaminants to support SDWA actions, including the derivation of maximum contaminant level goals, drinking water health advisories, and human health benchmarks. Consideration of those potentially most at risk – especially sensitive subpopulations and critical life stages (e.g., infants and children) – is key in development of health effects assessments for contaminants in water.
- After a thorough review in accordance with the Administration's executive orders and other directives, EPA reissued the final regulatory determination to regulate PFOA and PFOS in drinking water on February 22, 2021 without substantive change. In FY 2021, EPA began the process to establish enforceable limits for two PFAS chemicals, PFOA and PFOS, under SDWA. EPA intends to propose NPDWRs for PFOA and PFOS in FY 2023, supported by: health effects assessments/science; external consultations; peer reviews. and

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<sup>334</sup> For additional information, please see: <https://www.federalregister.gov/documents/2021/01/25/2021-01765/protecting-public-health-and-the-environment-and-restoring-science-to-tackle-the-climate-crisis>

other work being undertaken in FY 2022. EPA also will begin to respond to public comments; conduct additional analyses (if needed) in response to public comments; conduct stakeholder engagement activities; and revise support documents and draft the final regulation.

- After the expected completion of the final fifth Contaminant Candidate List (CCL 5) in FY 2022, EPA will begin developing the SDWA-mandated draft Regulatory Determinations for the CCL 5.
- Continuing to participate in interagency actions and support cross-agency efforts to address PFAS; better understand the health impacts and extent of their occurrence in the environment and resulting human exposures; and support priorities identified by the EPA Council on PFAS.
- Developing drinking water health advisories for PFAS with final toxicity values, including GenX chemicals and PFBS (anticipated in Spring 2022), and updated health advisories for PFOA and PFOS as quickly as possible following Science Advisory Board review of the toxicity values.
- Continuing to develop risk communication and other tools to support states, tribes, and localities in managing PFAS and other emerging contaminants in their communities.
- Continuing to conduct analyses in support of the fourth six-year review of existing NPDWRs, utilizing state data for regulated contaminants collected between 2012-2019.
- Continuing to support state and tribal efforts to manage cyanotoxins in drinking water, including providing technical assistance.
- Continuing to conduct technical analyses, develop draft technical support documents and other materials, and form and support a focused National Drinking Water Advisory Council workgroup seeking input and advice to support revisions to the existing Microbial and Disinfection Byproducts Rules.
- Beginning PFAS monitoring under UCMR 5, conducting occurrence analyses, and providing support to drinking water systems and laboratories as they collect and analyze samples during implementation.
- Collecting Community Water System Survey data to capture changes in the conditions of public water systems that have taken place in water systems over the past 16 years.

### Source Water Protection

SDWA requires drinking water utilities that meet the definition of a public water system to meet requirements for source water protection set by EPA and state primacy agencies. Protecting source water from contamination helps reduce treatment costs and may avoid or defer the need for complex treatment. EPA will continue to partner with states, federal counterparts, drinking water utilities, and other stakeholders to identify and address current and potential threats to sources of drinking water. In FY 2023, the Agency will be:

- Continuing to develop data-layers and decision support tools to assist source water assessment, planning, and emergency preparation including updates to the Drinking Water Mapping Application for Protecting Source Waters (DWMAPS) on EPA's web-based geospatial platform, *GeoPlatform*.<sup>335</sup>

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<sup>335</sup> For more information, please see: <https://www.epa.gov/sourcewaterprotection/dwmaps>.

- Working with state, federal, utility, and local stakeholders to leverage resources, support efforts to assist communities in source water protection activities and projects, and promote ongoing efforts to protect drinking water sources.
- Continuing to partner with the Department of Agriculture (USDA)'s Natural Resources Conservation Service and Forest Service, and state partners to support implementation of the source water protection provisions of the Agriculture Improvement Act of 2018 (2018 Farm Bill). This presents an opportunity to forge stronger connections between EPA and USDA to address agriculture-related impacts to drinking water sources.
- Continuing to provide support for workshops that promote source water protection at the local level and support the integration of source water protection into related programs at the state and federal levels, focusing on reducing nutrient pollution impacts on drinking water sources.
- Working with stakeholders to implement source water protection provisions mandated by AWIA. EPA will support the implementation of the AWIA revisions to the Emergency Planning and Community Right-to-Know Act as it relates to notification of releases of hazardous chemicals that potentially affect source water. In addition, the Agency will support community water systems having access to hazardous chemical inventory data.
- Continuing to serve as an expert on sources of emerging drinking water contaminants and options for limiting or preventing such contamination through source water protection and integration of SDWA and Clean Water Act (CWA), particularly through development and implementation of ambient water quality criteria for the protection of human health.
- Supporting the development of outreach and training materials on incorporating source water protection into asset management to further the concept that source water protection is an integral part of the overall planning and management of a utility.

#### Underground Injection Control

Roughly one-third of the United States' population is served by public water systems that receive water from ground water. To safeguard current and future underground sources of drinking water from contamination, the UIC Program regulates the use of injection wells that place fluids underground for storage, disposal, enhanced recovery of oil and gas, and minerals recovery. Protecting ground water requires proper permitting, construction, operation, and closure of injection wells. In FY 2023, activities in the UIC Program include:

- Working with the Ground Water Protection Council, Interstate Oil and Gas Compact Commission, and the National Rural Water Association to identify best practices in oil and gas development, such as reuse and recycling of produced water, that can help safeguard public health.
- Supporting the Administration's efforts to tackle the climate crisis and implementing the Drinking Water and Wastewater Infrastructure Act of 2021 to support comprehensive carbon dioxide infrastructure in the United States, by working with permit applicants on Class VI permits for secure geologic storage of carbon dioxide and with state UIC programs seeking to obtain state primacy for the Class VI program.
- Working with authorized state and tribal agencies in their efforts to effectively manage Class II enhanced oil and gas recovery wells and oil and gas-related disposal wells.
- Supporting states and tribes in applying for primary enforcement responsibility and implementing UIC Program revisions.



- Continuing to provide technical assistance, tools, and strategies to states to improve implementation of UIC programs, including development of e-learning material.
- Using national UIC data to assist with promoting consistent approaches to program oversight of state and EPA’s UIC programs.
- Developing tools to support permitting in direct implementation and state implementation of the Class VI program.
- Streamlining EPA’s UIC direct implementation permitting process and reducing the permit application backlog.

Water Sector Cybersecurity

Based on recent cyber-attacks on water systems, EPA requests \$400,000 and 2 FTE to administer the new Water Sector Cybersecurity Grant in FY 2023. This new competitive grant will be targeted toward cybersecurity infrastructure needs within the water sector.

Water Reuse

To assure a safe and reliable source of water that is resilient to drought, flooding, and population growth, EPA is working to advance the consideration of water reuse nationwide. This work is being done in collaboration with a broad group of stakeholders including non-governmental organizations, states, tribes, and local governments. In FY 2023, EPA will continue to support the National Water Reuse Action Plan. The Agency will develop and pursue actions that prioritize advancing technical and scientific knowledge on water reuse to ensure its safety across a range of uses and applications. EPA also will pursue actions in the Plan that provide financial tools for stakeholders to ensure the accessibility of water reuse.<sup>336</sup>

One Water/One Community

EPA will coordinate CWA and SDWA investments toward historically underserved and overburdened communities that are facing greater climate and water equity challenges to achieve greater resilience, access to clean and safe water, and an improved quality of life. This program will provide holistic support to communities as they respond to the climate crisis by increasing funding for planning and implementation actions across the country. Additionally, EPA will work with tribes to meet the unique needs of their communities.

**Performance Measure Targets:**

<b>(PM DW-02) Number of community water systems still in noncompliance with health-based standards since March 31, 2021.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	640	590
<b>(PM DWT-02) Number of community water systems in Indian Country still in noncompliance with health-based standards since March 31, 2021.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	100	90
<b>(PM DW-07) Number of drinking water and wastewater systems, tribal and state officials, and water sector partners provided with security, emergency preparedness, and climate resilience training and technical assistance.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	2,000	2,000

<sup>336</sup> For more information, please see <https://www.epa.gov/waterreuse>.

<b>(PM INFRA-06) Number of tribal, small, rural, or underserved communities provided with technical, managerial, or financial assistance to improve system operations.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	339	448

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$3,936.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$10,255.0 / +51.8 FTE) This program change is an increase in resources and FTE to support regulatory analysis, development and training, technical assistance for state, tribal, and local communities to address drinking water contaminants (including Lead and PFAS) in their efforts to ensure safe and affordable drinking water. This increase also supports development of the LCRR and the UCMR. This investment also includes \$9.054 million in payroll.
- (+\$4,843.0 / +7.2 FTE) This program change is an increase in resources and FTE to support coordinated community assistance work in support of the One Water/One Community initiative and the Environmental Finance Centers. This investment also includes \$1.259 million in payroll.
- (+\$5,736.0 / +3.0 FTE) This program change is an increase in resources and FTE to support the implementation of the Agency’s *PFAS Action Plan*, including development of the PFAS regulation, UCMR implementation, and the CCL. This investment also includes \$524.0 thousand in payroll.
- (+\$1,000.0 / +2.0 FTE) This program change is an increase in resources and FTE to support the implementation of the Agency’s lead action plan including work on the LCRI. This investment also includes \$350.0 thousand in payroll.
- (+\$400.0 / +2.0 FTE) This program change is an increase in resources and FTE to implement the new water sector cybersecurity grant program. This investment also includes \$350.0 thousand in payroll.
- (+\$185.0 / +1.0 FTE) This program change is an increase in resources and FTE to support the activities associated with the Evidence Act. This investment also includes \$175.0 thousand in payroll.

**Statutory Authority:**

SDWA; CWA.

## **Water Quality Protection**

**Marine Pollution**

Program Area: Ensure Clean Water

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b>\$8,206</b>	<b>\$9,468</b>	<b>\$12,299</b>	<b>\$2,831</b>
Total Budget Authority	\$8,206	\$9,468	\$12,299	\$2,831
Total Workyears	29.7	31.8	38.0	6.2

**Program Project Description:**

EPA's Marine Pollution Program: 1) aims to reduce marine litter in our waterways and communities in coastal regions and on major river systems, improve trash capture activities across the country, and supports the Trash Free Waters Program; 2) addresses incidental discharges under the Clean Water Act Section 312; and 3) protects human health and the marine environment from pollution caused by dumping by implementing the Marine Protection, Research and Sanctuaries Act (MPRSA) and supports the Ocean Dumping Management Program.

**FY 2023 Activities and Performance Plan:**

Work in this program directly supports Goal 5/Objective 5.2, Protect and Restore Waterbodies and Watersheds in the *FY 2022 - 2026 EPA Strategic Plan*. To support this work, additional resources totaling \$2.8 million and 6.2 FTE are requested in FY 2023 to fund fixed cost increases and build core program capacity.

*Trash Free Waters Program.* The FY 2023 request includes resources and FTE to support trash capture and prevention programs across the United States tied to water quality and waste management goals and to implement activities under the Save Our Seas 2.0 Act. This program provides support to states and municipalities in coastal regions and on major river systems, with a special focus on lower-income areas with environmental justice concerns.

FY 2023 funding will allow the Program to:

- support the installment of trash capture systems in stormwater conveyance systems and in waterways using technologies that are cost-effective and that have high trash-removal efficiencies;
- provide assistance on integrating trash prevention provisions into municipal stormwater management permits and practices, as well as broader watershed plans;
- aid targeted source reduction efforts;
- promote appropriate protocols for trash monitoring efforts;
- research and address microplastics (including microfibers) in waterways;
- engage in comprehensive outreach and education efforts for trash reduction; and,

- validate and replicate the most effective tools, projects, metrics, and partnerships across the Nation for subsequent application in locations within the United States and in countries with the greatest need.

The Trash Free Waters program has been able to increase the number of place-based projects year by year through active engagement with partners. Since 2013, over 280 Trash Free Water projects have been undertaken with EPA assistance, public education and outreach, research, and regional program planning. EPA will continue to work with its partners to advance this initiative in FY 2023.

*Vessels Program.* In December 2018, the Vessel Incidental Discharge Act (VIDA) was signed into law establishing a new framework for the regulation of discharges incidental to the normal operation of vessels. EPA is reviewing and considering public comments on the proposed rule to set national performance standards for approximately thirty different categories of discharges from commercial vessels greater than 79 feet in length, and for ballast water from commercial vessels of all sizes. Following finalization of the regulations, EPA will coordinate with the United States Coast Guard on their implementing regulations. In FY 2022, EPA plans to issue revised sewage no-discharge zone guidance for public comment and continue to work with states on designating no-discharge zones within their waters.

*Ocean Dumping Management Program.* The MPRSA regulates the disposition of any material in the ocean unless expressly excluded under MPRSA. In the United States, the MPRSA implements the requirements of the London Convention. In FY 2023, EPA will evaluate MPRSA permitting requests for the ocean dumping of all materials except dredged materials and, as appropriate, issue MPRSA emergency, research, general, and special permits. This may include addressing MPRSA permitting requests for sub-seabed sequestration of CO<sub>2</sub> in geological formations, ocean-based carbon dioxide removal activities, or ocean-based solar radiation management activities. The U.S. Army Corps of Engineers uses EPA's ocean dumping criteria when evaluating requests for MPRSA permits and MPRSA federal project authorizations for the ocean dumping of dredged material (e.g., to support the expansion of ports and harbors or maintenance of navigation channels). All dredged material MPRSA permits and federal project authorizations are subject to EPA review and written concurrence. In FY 2023, EPA will manage approximately 100 EPA-designated ocean disposal sites, conduct ocean monitoring surveys at approximately six to ten sites, evaluate requests to designate (through rulemaking) new ocean disposal sites and/or modify (i.e., expand the capacity of) existing EPA-designated sites. EPA will maintain national program capacity by training EPA staff and developing technical/regulatory tools to improve MPRSA permitting, site designation, and site management. EPA will provide training for new Chief Scientist candidates and existing Chief Scientists responsible for designing and implementing ocean monitoring surveys. In FY 2023, EPA will serve as the Head of the United States Delegation for the annual London Convention (LC) and London Protocol (LP) Scientific Groups Meetings, Alternate Head of the United States Delegation for the annual Consultative Meeting of the LC and LP Parties, and Chair of the annual LC/LP Consultative Meeting. With the U.S. Army Corps of Engineers, EPA will submit the annual United States Ocean Dumping Report to the International Maritime Organization.

**Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$228.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$2,603.0 / +6.2 FTE) This program change is an increase of resources and FTE to build program capacity, particularly in areas related to environmental justice, water infrastructure support and oversight, climate change resilience, and regulatory reviews. This investment includes \$1.144 million in payroll.

**Statutory Authority:**

Clean Water Act; Marine Protection, Research, and Sanctuaries Act (Ocean Dumping Act); Marine Debris Research, Prevention and Reduction Act of 2006; Marine Plastic Pollution Research and Control Act of 1987; Save Our Seas Act 2.0.

## Surface Water Protection

Program Area: Ensure Clean Water

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
<b>Environmental Programs &amp; Management</b>	<b>\$197,137</b>	<b>\$206,882</b>	<b>\$239,688</b>	<b>\$32,806</b>
Total Budget Authority	\$197,137	\$206,882	\$239,688	\$32,806
Total Workyears	937.8	944.2	1,020.8	76.6

### Program Project Description:

The Surface Water Protection Program, under the Clean Water Act (CWA), directly supports efforts to protect, improve, and restore the quality of our Nation's coasts, rivers, lakes, and streams. EPA works with states and tribes to make continued progress toward clean water goals.

EPA uses a suite of regulatory and non-regulatory programs to protect and improve water quality and ecosystem health in the nation's watersheds. In partnership with other federal agencies, tribes, states, territories, local governments, and non-governmental partners, EPA will work collaboratively with public and private sector stakeholders nationally and locally to establish innovative, location-appropriate programs to achieve the Agency's goals.

This program also supports implementation of water quality standards, effluent guidelines, impaired waters listing, water quality monitoring and assessment, water quality certification, National Pollutant Discharge Elimination System (NPDES) permitting, and management and oversight of the Clean Water State Revolving Fund (CWSRF).

### FY 2023 Activities and Performance Plan:

Work in this program directly supports Goal 5/Objective 5.2, Protect and Restore Waterbodies and Watersheds in the *FY 2022 - 2026 EPA Strategic Plan*. Work in this program also directly supports progress toward the Agency Priority Goal: *Clean up contaminated sites and invest in water infrastructure to enhance the livability and economic vitality of overburdened and underserved communities. By September 30, 2023, EPA will provide technical assistance to at least 10 communities to help achieve clean and safe water and reduced exposures to hazardous substances.*<sup>337</sup> Current work is focused on developing a map-based screening tool to assist regions in identifying these communities.

In FY 2023, EPA will work with states and tribes to target funds to core requirements while providing states and tribes with flexibility to best address their priorities for surface water protection. The FY 2023 request will allow EPA to focus on advancement of clean water

<sup>337</sup> This Agency Priority Goal is implemented jointly with Goal 6.

infrastructure programs, with an emphasis on building climate change resilience, conducting CWA regulatory reviews, and advancing environmental justice through technical assistance and stakeholder engagement.

### Program Implementation

*Water Quality Criteria and Standards.* Water quality criteria and standards provide the scientific and regulatory foundation for water quality protection programs under the CWA. EPA will provide new and revised national recommended ambient water quality criteria as required by CWA Section 304. EPA also will be adopting and implementing water quality standards in accordance with 40 CFR part 131. In FY 2023, the Agency will place special emphasis on engaging with underserved communities in the review and setting of state water quality standards. Many underserved communities face contamination of their local waters. This work will help empower these communities to secure adequate water quality standards for their local waters and to drive attainment of those standards through technical assistance and stakeholder engagement. The Agency will place special emphasis on improving the water quality standards in tribal waters on reserved lands and in waterways where tribes retain treaty rights to better ensure that tribes' health and natural resources are protected.

*Effluent Limitations Guidelines (ELGs).* As required under the CWA, EPA will continue to annually review industrial sources of pollution and publish a preliminary ELG plan for public review, followed by a final biennial ELG plan informed by public comment. These plans will identify any industrial categories where ELGs need to be revised or where new ELGs need to be developed. In FY 2023, EPA intends to increase the capability of EPA's Effluent Guidelines program to reduce industrial pollutant discharges through innovative technology nationwide. These discharges often directly and disproportionately affect underserved downstream communities by contaminating their water sources and fish caught for consumption. The Agency will invest in engaging communities that are so often bearing the brunt of the industrial discharges that are the focus of ELGs, through surface water and fish contamination, drinking water contamination, stress on drinking water treatment systems, and impairment of aquatic ecosystems.

In addition, EPA is initiating a new ELG rulemaking to strengthen wastewater guidelines for power plants that use steam to generate electricity. EPA has decided to implement the 2020 Steam Electric Reconsideration Rule and simultaneously conduct a rulemaking to potentially strengthen the Steam Electric ELGs (40 CFR Part 423) under the Clean Water Act. As part of the rulemaking EPA is committed to meaningful engagement of impacted communities and other stakeholders on potential revisions to the Steam Electric ELGs. Work in FY 2023 will allow EPA to develop the new proposed rule which could lead to additional water pollutant reductions by requiring more stringent pollution control technologies for the waste stream. EPA expects to complete the proposed rule in FY 2023.

*Biosolids.* EPA will continue to implement the biosolids (sewage sludge) program as required under CWA Section 405, including reviewing the biosolids regulations at least every two years to identify additional toxic pollutants and promulgate regulations for such pollutants consistent with the CWA. EPA also will continue to develop tools to conduct risk assessments for chemicals and pathogens found in biosolids. EPA will focus resources on obtaining and using the latest scientific



knowledge to identify resource recovery and reuse alternatives, understanding and managing the biosolids lifecycle, engaging partners—particularly those communities most affected—and conducting research. Investment in the biosolids program is critical to addressing near term risks from PFAS, dioxins and dibenzofurans, PCBs, and other chemicals known to be in domestic sewage sludge that is currently applied to land.

*Impaired Waters Listings and Total Maximum Daily Loads (TMDLs).* EPA will work with states and other partners to identify impaired waters, as required by CWA Section 303(d), and on developing TMDLs followed by waterbody restoration plans for listed impaired waterbodies. Climate change is increasing the need for this work as it drives more severe weather events, which in turn may carry higher volumes of pollution into waterways. TMDLs focus on clearly defined environmental goals and establish a pollutant budget, which is then implemented through local, state, and federal watershed plans and programs to restore waters. EPA also will work with states and tribes on their CWA Section 303(d) programs, TMDLs, and other restoration and protection plans to ensure they are effective and can be implemented. EPA will provide support to promote implementation ready TMDLs and the protection of unimpaired or high-quality waters. This program is at an important inflection point as we build on the significant progress implementing the state-EPA collaborative 10-year program vision, “A Long-Term Vision for Assessment, Restoration, and Protection under the Clean Water Act Section 303(d) Program,” announced in December 2013. EPA is now working with states and other partners to develop the vision for the Program for the next 10 years. The announcement of a new long-term program framework is expected by September 2022. As part of developing the new framework, EPA will be evaluating how the Program can best address equity, environmental justice, climate, and tribal considerations.

*Monitoring and National Aquatic Resource Surveys (NARS).* EPA will continue working with states and tribes to support the National Aquatic Resource Survey’s statistically representative monitoring of the condition of the Nation’s waters which supports CWA Section 305(b). EPA will explore opportunities to leverage NARS data analysis to gain insight on disparities in water quality and the impacts of climate change. EPA will leverage NARS training programs to support workforce development in water quality monitoring and build tribal capacity for monitoring and assessment. EPA also will continue working with states and tribes to support base water quality monitoring programs and priority enhancements that serve state and tribal CWA programs in a cost-efficient and effective manner. EPA will continue supporting state and tribal water quality data exchange and tools to maximize the use of data from multiple organizations to support water quality management decisions.

*Waters of the United States.* EPA and the Department of the Army published the final Navigable Waters Protection Rule (NWPR) in April 2020. In accordance with Executive Order 13990: *Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis*,<sup>338</sup> EPA and the Department of the Army completed their review of the NWPR and proposed a new rule on December 7, 2021. The proposal recommends putting back into place the pre-2015 definition of “waters of the United States,” updated to reflect consideration of Supreme Court decisions. This familiar “waters of the United States” approach had been in place for decades and

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<sup>338</sup> For more information, please see: <https://www.federalregister.gov/documents/2021/01/25/2021-01765/protecting-public-health-and-the-environment-and-restoring-science-to-tackle-the-climate-crisis>

would solidify the rules of the road while the agencies continue to consult with stakeholders to build upon that regulatory foundation in an anticipated second rulemaking action.

*Water Quality Certification.* In response to Executive Order 13868: *Promoting Energy Infrastructure and Economic Growth*,<sup>339</sup> issued in April 2019, EPA finalized a rule to update the CWA Section 401 certification regulations in June 2020. In accordance with Executive Order 13990, EPA completed a review of the rule and has initiated a new rulemaking to revise the 2020 rule. EPA's intent is to propose a new rule in FY 2022 to update the Agency's longstanding 1971 regulatory requirements for water quality certification under CWA Section 401. The Agency will provide robust engagement with states, tribes, and stakeholders during the rulemaking process. Section 401 of the CWA gives states and authorized tribes the authority to assess potential water quality impacts of discharges from federally permitted or licensed infrastructure projects that may affect "waters of the United States."

*Water Quality Programs.* The NPDES Program protects human health, safety, and the environment by regulating point sources that discharge pollutants into waters of the United States. In an average year, over 10,000 permits are issued to address discharges from among the approximately 15,000 wastewater treatment facilities, nearly 60 categories of industries, and almost 300,000 stormwater facilities. EPA authorizes the NPDES permit program to state, tribal, and territorial governments, and currently 47 states, tribes in Maine, and U.S. Virgin Islands have authorized programs.

In FY 2023, EPA will continue to implement the water quality programs that control point source discharges through permitting and pretreatment programs. The permitting process is a vital tool for protecting waterways, particularly in underserved communities that may suffer from a combination of economic, health, and environmental burdens, by setting effluent limits, monitoring, and reporting requirements, and other provisions to protect water quality and public health. In addition, as climate change increases the stress on waterways, these permits allow EPA and the states to set appropriate requirements for the waste streams that cause harmful algal blooms (HABs) and increase the temperature of rivers and streams.

In addition, as required under the CWA and Executive Order 12866: *Regulatory Planning and Review*,<sup>340</sup> EPA will continue to support cost-benefit analysis for CWA regulatory actions. EPA will work with states, tribes, territories, and local communities to safeguard human health; maintain, restore, and improve water quality; and make America's water systems sustainable and secure, supporting new technology and innovation wherever possible.

*Nutrient and HAB Reductions.* The FY 2023 request includes resources and FTE to support efforts to reduce nutrient pollution and HABs, which remain the most significant widespread water quality challenge across the country, despite decades of efforts to achieve reductions.<sup>341</sup> Climate change is exacerbating HABs. The sources and impacts of nutrient pollution and HABs vary depending on geographic location, and span urban, rural, and coastal landscapes. EPA has been working with

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<sup>339</sup> For more information, please see: <https://www.federalregister.gov/documents/2019/04/15/2019-07656/promoting-energy-infrastructure-and-economic-growth>

<sup>340</sup> For more information, please see: <https://www.epa.gov/laws-regulations/summary-executive-order-12866-regulatory-planning-and-review>.

<sup>341</sup> For more information, please see <https://www.epa.gov/nutrientpollution>.

its partners to address these challenges. As of January 2022, more than 19,900 square miles of watersheds with waters identified as impaired by nutrients in October 2019 are now attaining standards. In FY 2021, EPA released revised ambient water quality criteria under the CWA to address nutrient pollution in lakes and reservoirs. The FY 2023 request will allow EPA to assist states, territories, and authorized tribes in the development of numeric nutrient criteria through the Nutrient Scientific Technical Exchange Partnership & Support (N-STEPS) Program and support science research related to HABs.

*Per- and Polyfluoroalkyl Substances (PFAS).* The FY 2023 request directs resources toward addressing PFAS in surface waters through the development of national recommended ambient water quality criteria for PFOA and PFOS; biosolids risk assessments for PFOA and PFOS; methods for detecting PFAS in wastewater; collection of information on discharges of PFAS from nine industrial point source categories to determine if revisions to one or more ELGs is warranted; incorporating PFAS monitoring requirements in NPDES permits and fish tissue monitoring. In FY 2023, EPA will build on the Agency's PFAS Action Plan with the four-year PFAS Strategic Roadmap and comprehensive set of actions that the EPA Council on PFAS is collaboratively developing to guide the Agency's efforts on PFAS.

*Water Reuse.* To assure that communities have safe, reliable sources of water that are resilient to drought, flooding, and population growth, EPA is working to advance the consideration of water reuse nationwide. This work is being done in collaboration with a broad group of stakeholders including non-governmental organizations, states, tribes, and local governments. In FY 2023, EPA will continue to support the National Water Reuse Action Plan and develop and pursue actions that prioritize advancing technical and scientific knowledge on water reuse to ensure its safety across a range of uses and applications. EPA also will pursue actions in the Plan that provide financial tools to stakeholders to ensure the accessibility of water reuse.<sup>342</sup>

*Water Sense.* The WaterSense Program is a key component of the Agency's efforts to ensure long-term sustainable water infrastructure, reduce GHG emissions, and help communities adapt to drought and climate change. WaterSense provides consumers with a simple label to identify and select water-efficient products to help them save water and money and provides resources and tools to help water utilities carry out efforts to manage water demand and wastewater flows. As of 2022, the Agency has voluntary specifications for three water-efficient service categories and nine product categories. The Program also has a specification to label water-efficient single and multifamily homes that are designed to save water indoors as well as outdoors. Product specifications include water efficiency as well as performance criteria to ensure that products not only save water but also work as well as standard products in the marketplace. Products and homes may only bear the WaterSense label after being independently certified to ensure that they meet WaterSense specifications. As of March 2022, the Program has labeled more than 38,000 models of plumbing and irrigation products and more than 4,200 homes have earned the WaterSense label.<sup>343</sup> In FY 2023, the Program will work with its partners to carry out consumer campaigns that encourage consumers to switch to WaterSense-labeled products and practice other water-efficient behaviors in their homes, outdoors, and in the workplace. EPA also will continue support to

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<sup>342</sup> For more information, please see <https://www.epa.gov/waterreuse>.

<sup>343</sup> WaterSense Accomplishment Reports (updated annually). For more information visit: <https://www.epa.gov/watersense/accomplishments-and-history>.

additional sectors by working with the ENERGY STAR Program to achieve multiple benefits of water and energy savings.

*Urban Waters Federal Partnership Program.* The Urban Waters Federal Partnership Program (UWFP) reconnects urban communities with their waterways, particularly communities that are overburdened or economically distressed. The Program supports urban champions, UWFP Ambassadors who work with diverse local stakeholder groups to collaborate on community-led revitalization efforts to improve our Nation's water systems and promote their economic, environmental, and social well-being. At the national level, EPA leads a coalition of 20 federal agencies that support 20 UWFP partnership locations in cities in all ten regions. In FY 2022, all UWFP partners recommitted their support for the Program and endorsed bold new goals for program operations, growth, and actions to address Administration priorities, particularly environmental justice, which is a core goal of the Program. Through this partnership, EPA will continue to revitalize urban waters and the communities that surround them by leading the UWFP Steering Committee, managing national program operations, funding Ambassadors, funding priority improvement projects defined by communities, and maintaining the Urban Waters Learning Network, which provides resources and assistance to hundreds of community leaders nationwide. Starting in FY 2022, the UWFP is expanding its environmental justice role, addressing water equity issues in the context of utility services, disproportionate flood impacts, equitable access to clean water, and youth job creation.

*One Water/One Community:* EPA will coordinate CWA and Safe Drinking Water Act investments toward historically underserved and overburdened communities that are facing greater climate and water equity challenges to achieve greater resilience, access to clean and safe water, and an improved quality of life. This program will provide holistic support to communities as they respond to the climate crisis by increasing funding for planning and implementation actions across the country. Additionally, EPA will work with tribes to meet the unique needs of their communities.

### Infrastructure

EPA will continue its support of the Nation's infrastructure, focusing on efforts to leverage and encourage public and private collaborative efforts and investments in improving the Nation's water infrastructure. This program supports the policy and fiduciary oversight of the CWSRF Program, which provides low-interest loans and additional subsidization to help finance wastewater treatment facilities and other water quality projects.<sup>344</sup> The Program supports policies and outreach that help ensure the good financial condition of the State Revolving Funds. Federal capitalization to the SRFs is significantly leveraged; since 1988, the CWSRF Program has made 42,842 assistance agreements, funding over \$145 billion in wastewater infrastructure and other water quality projects.

The FY 2023 request:

- Supports funding for the Environmental Finance Centers Program which will help communities across the country improve their wastewater and stormwater systems, particularly through innovative financing.

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<sup>344</sup> For more information, please see <https://www.epa.gov/cwsrf>.

- Drives progress on water infrastructure by increasing non-federal dollars leveraged by EPA water infrastructure finance programs (CWSRF, DWSRF and WIFIA). Between FY 2020 and FY 2021, EPA has leveraged over \$22.3 billion in non-federal dollars.
- Supports decentralized (septic or onsite) systems that provide communities and homeowners with a safe, affordable wastewater treatment option by implementing the 2020 Decentralized Wastewater Management MOU. Decentralized wastewater systems are used throughout the country for both existing and new homes as well as commercial or large residential settings; they are in small, suburban, and rural areas where connecting to centralized treatment is often too expensive or may not be available.
- Supports the Wastewater Technology Center that provides accurate and objective resources on innovative and alternative wastewater technologies with a focus on small, mid-sized, and underserved communities. The Center serves to support effective investments in 21<sup>st</sup> century utilities and will support utilities holistically as they embark on adopting technologies; serve as a forum between the sector and government to identify synergies; share information and springboard new initiatives; support the adoption of innovative and alternative technologies; and increase and facilitate our understanding of the opportunities and impacts of emerging technologies to the National Water Program.
- Supports the Wastewater Technology Clearinghouse, a searchable database that will provide reliable, objective information on proven innovative and alternative technologies for decentralized and centralized alternative wastewater treatment, such as water reuse, small system technologies used by lagoons, resource recovery, and nutrients.
- Supports the Sustainable Utility Management programs, implemented in partnership with industry associations and designed to protect and improve infrastructure investments through the Effective Utility Management Program, the Water Workforce Initiative, and tools such as augmented alternatives analysis that help communities leverage investments to achieve water protection goals and other community economic and societal goals.
- Supports the Water Infrastructure and Resiliency Finance Center in assisting local leaders in identifying financial approaches for their drinking water, wastewater, and stormwater infrastructure needs.
- Supports the Agency's efforts in implementing the Infrastructure Investment and Jobs Act of 2021 (IIJA). EPA will focus on helping disadvantaged communities, ensuring they are able to access the funding provided by IIJA.
- Works on the Clean Water Needs Survey (CWNS).

#### Program Oversight/Accountability

*The Assessment TMDL Tracking Implementation System (ATTAINS)*. ATTAINS is an online system for accessing information about the conditions in the Nation's surface waters. It provides key information to the Agency, as well as states and tribes, who play a critical role in implementing the CWA. For programs where states and tribes have primacy, the Agency will focus on providing oversight and assistance. The Agency will continue to support tribes and states in electronically reporting CWA Section 303(d) and Section 305(b) assessment conclusions through ATTAINS to track improvements in impaired waters. This tool reduces burden on states to track and report progress in meeting water quality standards in waters targeted for local action and greatly improves evidence-based tracking of local actions to improve water quality.

EPA will continue to track state progress in completing TMDLs, alternative restoration approaches, or protection plans with the goal of 84 percent of plans in place at state identified priority waters by the end of FY 2022. As of January 2022, over 75 percent of state priority waters were addressed by a TMDL, alternative restoration plan, or protection approach. Following the conclusion of this CWA Section 303(d) Vision metric in FY 2022, states will set a new 2-year priority universe and EPA will continue to track new state progress in completing TMDLs, alternative restoration approaches, or protection plans with the goal of 35 percent of plans in place for state identified priority waters by the end of FY 2023. This 2-year “bridge metric” will serve as a transition period before states set priorities under EPA’s new CWA section 303(d) Vision 2.0, which is still in development and expected to be released by September 2022.

EPA continues to support streamlining efforts to allow states to reduce the time they spend on administrative reporting. We will work on improved reporting of the Agency’s metric to reduce the number of square miles of watershed with surface water not meeting standards. Between August 2019 and January 2022, over 55,200 square miles of watershed that contained impaired waters in FY 2019 attained compliance with water quality standards.

*NPDES Oversight.* The Program continues to work with states to provide oversight and technical assistance to the permit program, support program implementation and pursue comprehensive protection of water quality on a watershed basis. This review also evaluates pretreatment programs across the country. The pretreatment program is a cooperative effort of federal, state, and local governments that perform permitting and enforcement tasks for discharges to publicly owned treatment works.

EPA continues to collaborate with the permitting authorities (states) to identify opportunities to enhance the integrity and timely issuance of NPDES permits. EPA is making efforts to modernize permitting and oversight practices by eliminating its permitting backlog and implementing programmatic measures. Factors that contribute to delays in the permit issuance process include increased complexity of permitting emerging contaminants and permit litigation. After program improvements, between March 2018 and September 2021, the backlog of EPA-issued new and existing NPDES permits decreased from 106 to 22 and 284 to 322, respectively. In FY 2023, EPA will continue to host NPDES-related workshops and provide technical assistance to build permit writer capacity on a range of topics including permit writing, pretreatment, whole effluent toxicity, stormwater, nutrients, and issue general permits where appropriate to address permit integrity and timeliness to continue to reduce the backlog of permits.

In FY 2023, EPA will continue to work with the federal permitting authorities to address PFAS in NPDES permitting. The recently released *Interim Strategy for PFAS in Federally Issued NPDES Permits*, recommends that permit writers include permit requirements for phased-in monitoring and best management practices, as well as a continuing education on permitting practices. In FY 2023, EPA will continue to build upon this strategy by conducting training, collaborating with state permitting authorities, and sharing the latest research and state practices, to prevent this contaminant from reaching surface waters.

EPA will work on addressing court decisions related to Maui, Hawaii in the permitting program. In *County of Maui v. Hawaii Wildlife Fund*, the Supreme Court held that discharges from point

sources through groundwater that eventually reach a water of the United States require an NPDES permit if they are the “functional equivalent” of a direct discharge to a water of the United States. In FY 2023, EPA will continue to provide technical assistance to permit writers to implement this decision effectively in permits.

*Integrated Planning.* Clean water infrastructure investment needs are documented to be several hundred billion dollars, with wet weather improvements (CSOs, SSOs, bypasses, and stormwater discharges) comprising a significant portion of this total. Investment needs of this magnitude affect utility rates, and disproportionately impact underserved communities. Integrated planning, utilizing green infrastructure, and other tools allow communities to synchronize infrastructure investments with broader community development goals. An integrated approach creates opportunities for affordable, multi-benefit investments that protect public health and enhance resiliency. As an effort to promote the adoption of green or nature-based infrastructure as effective solutions to advance climate resilience or support the resilience of traditional hard infrastructure, EPA has reinvigorated the Green Infrastructure Federal Collaborative.<sup>345</sup> This cooperative effort fosters engagement and cooperation between agencies that actively work to promote the implementation of green infrastructure. In FY 2023, EPA will continue to implement integrated planning and green infrastructure practices to address wet weather challenges and increase infrastructure resiliency.

*Building Coalitions to Advance the Permitting Program.* EPA continues to work with our stakeholders and industry to identify challenges in implementation and best management practices. In FY 2023, EPA will continue to lead the Animal Agriculture Discussion Group (AADG), which consists of animal agriculture representatives from U.S. Department of Agriculture, the animal feeding industry, and the states. AADG provides a forum for industry to engage with permitting authorities, resulting in a shared understanding of how to enhance agricultural practices that lead to greater water quality protection.

*Improving NARS Data.* Another process improvement effort is focused on streamlining the flow of NARS data from EPA labs to state partners and data analysts. The Agency will continue to implement these process improvements and monitor impact of data delivery on timeliness of analysis and reporting.

*Improving timeliness of water quality standards actions.* EPA is investing in reducing the backlog of water quality standards (WQS) actions. The Agency will continue to work to decrease the number of state and tribal WQS revision actions that have been submitted to EPA that EPA neither approved nor disapproved within the first 60 days after submittal, and that have yet to be acted upon. The CWA requires EPA to review state and tribal WQS revisions and either approve within 60 days or disapprove within 90 days.

*401(a)(2) Notifications.* In FY 2022, EPA will develop a system to track 401(a)(2) notifications. EPA will track whether a “may effect” determination has been made and to who (state or tribe) and then note the follow-up coordination, including potential public hearings, EPA recommendations, and whether the EPA recommendation led to improvements in the federal

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<sup>345</sup> For more information please visit: <https://www.epa.gov/green-infrastructure/green-infrastructure-federal-collaborative>.

permit or license. The notifications will mostly come from the Army Corps of Engineers but can come from any federal permitting or licensing agency.

**Performance Measure Targets:**

<b>(PM SWP-01) Annual increase in square miles of watersheds with surface water meeting standards that previously did not meet standards.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	8,000	5,000
<b>(PM SWP-02) Annual increase in square miles of watersheds with previously impaired surface waters due to nutrients that now meet standards for nutrients.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	2,100	1,400
<b>(PM TMDL-02) Percentage of priority TMDLs, alternative restoration plans, and protection approaches in place.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	100	35
<b>(PM NPDES-03) Number of existing EPA-issued NPDES individual permits in backlog.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	250	210
<b>(PM INFRA-06) Number of tribal, small, rural, or underserved communities provided with technical, managerial, or financial assistance to improve system operations.</b>	<b>FY 2022 Target</b>	<b>FY 2023 Target</b>
	339	448

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$7,417.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$9,761.0 / +45.8 FTE) This program change is an increase in resources and FTE to support the advancement of clean water infrastructure programs, with an emphasis on building climate change resilience, conducting Clean Water Act regulatory reviews, and advancing environmental justice. This investment also includes \$8.102 million in payroll.
- (+\$7,219.0 / +17.8 FTE) This program change is an increase in resources and FTE to support coordinated community assistance work in support of the One Water/One Community initiative and the Environmental Finance Centers. This investment also includes \$3.149 million in payroll.
- (+\$6,092.0 / +9.0 FTE) This program change is an increase in resources and FTE to support the implementation of the Agency’s *PFAS Action Plan* including development of national recommended ambient water quality criteria for PFOA and PFOS; biosolids risk assessments for PFOA and PFOS; methods for detecting PFAS in wastewater; and collection of information on discharges of PFAS from nine industrial point source categories. This investment also includes \$1.592 million in payroll.



- (+\$2,317.0 / +4.0 FTE) This program change is an increase in resources and FTE to expand the Program's existing water workforce initiative to develop a coordinated federal response and action plan to support the water workforce. This will enable EPA to collaborate with our partners to identify the top workforce priorities and implement actions to address those priorities. This investment also includes \$708.0 thousand in payroll.

**Statutory Authority:**

CWA; Marine Protection, Research, and Sanctuaries Act; Marine Debris Research, Prevention and Reduction Act of 2006; Marine Plastic Pollution Research and Control Act of 1987.

## **Congressional Priorities**

**Water Quality Research and Support Grants**

Program Area: Clean and Safe Water Technical Assistance Grants

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Ensure Safe Drinking Water and Reliable Water Infrastructure

(Dollars in Thousands)

	<b>FY 2021 Final Actuals</b>	<b>FY 2022 Annualized CR</b>	<b>FY 2023 President's Budget</b>	<b>FY 2023 President's Budget v. FY 2022 Annualized CR</b>
<b><i>Environmental Programs &amp; Management</i></b>	<b><i>\$0</i></b>	<b><i>\$21,700</i></b>	<b><i>\$0</i></b>	<b><i>-\$21,700</i></b>
Science & Technology	\$0	\$7,500	\$0	-\$7,500
Total Budget Authority	\$0	\$29,200	\$0	-\$29,200

**Project Description:**

The purpose of the Water Quality Research and Support Grants Program is to provide training and technical assistance for small public water systems, to help such systems achieve and maintain compliance with the Safe Drinking Water Act (SDWA), and to provide training and technical assistance for small publicly-owned wastewater systems, communities served by onsite/decentralized wastewater systems, and private well owners improving water quality under the Clean Water Act (CWA).

**FY 2023 Activities and Performance Plan:**

Resources are proposed for elimination for this program in FY 2023. States have the ability to develop technical assistance plans for their water systems using Public Water System Supervision Program grant funds and set-asides from the Drinking Water State Revolving Fund.

**Performance Measure Targets:**

EPA's FY 2023 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2023 Change from FY 2022 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$21,700.0) This program change proposes to eliminate the Water Quality Competitive Grant Program. Resources are available through other existing programs and states are best positioned to develop technical assistance plans for their water systems.

**Statutory Authority:**

SDWA § 1442(e); Federal Food, Drug and Cosmetic Act; Food Quality Protection Act; Endangered Species Act; CWA § 104(b)(3).