



**United States  
Environmental Protection Agency**

**FISCAL YEAR 2019**

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

**Environmental Programs and Management**

EPA-190-R-18-001

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**Environmental Protection Agency  
2019 Annual Performance Plan and Congressional Justification**

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**Environmental Protection Agency  
FY 2019 Annual Performance Plan and Congressional Justification**

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

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b>Environmental Program &amp; Management</b>				
Budget Authority	\$2,639,159.5	\$2,602,009.0	\$1,738,852.0	-\$863,157.0
Total Workyears	9,368.4	9,758.2	7,331.6	-2,426.6

**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 of 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; and not to exceed \$19,000 for official reception and representation expenses, \$1,738,852,000, to remain available until September 30, 2020: Provided, That of the amounts provided under this heading, the Chemical Risk Review and Reduction program project shall be allocated for this fiscal year, excluding the amount of any fees made available, not less than the amount of appropriations for that program project for fiscal year 2014.*

*In addition, \$46,000,000, to remain available until September 30, 2020, for necessary expenses of the Energy Star program established by section 324A of The Energy Policy and Conservation Act (42 U.S.C. 6294a): Provided, That the Administrator of the Environmental Protection Agency shall collect fees pursuant to section 324A(e) (42 U.S.C. 6294a(e)), as added by this Act, and such fees shall be credited to this appropriation as offsetting collections: Provided further, That the sum herein appropriated in this paragraph from the general fund shall be reduced as such collections are received during fiscal year 2019 so as to result in a final fiscal year appropriation from the general fund estimated at \$0: Provided further, That to the extent such collections received in fiscal year 2019 exceed \$46,000,000, those excess amounts shall be deposited in the general fund.*

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

<b>Program Project</b>	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
Clean Air				
Clean Air Allowance Trading Programs	\$15,236.6	\$16,060.0	\$12,574.0	-\$3,486.0
Atmospheric Protection Program	\$89,143.7	\$94,788.0	\$13,542.0	-\$81,246.0
Federal Stationary Source Regulations	\$20,282.9	\$21,736.0	\$16,898.0	-\$4,838.0
Federal Support for Air Quality Management	\$127,113.4	\$125,387.0	\$96,097.0	-\$29,290.0
Stratospheric Ozone: Domestic Programs	\$4,709.1	\$4,606.0	\$3,790.0	-\$816.0
Stratospheric Ozone: Multilateral Fund	\$8,326.0	\$8,677.0	\$0.0	-\$8,677.0
Subtotal, Clean Air	\$264,811.7	\$271,254.0	\$142,901.0	-\$128,353.0
Indoor Air and Radiation				
Indoor Air: Radon Program	\$2,985.9	\$3,115.0	\$0.0	-\$3,115.0
Radiation: Protection	\$7,780.1	\$8,519.0	\$2,000.0	-\$6,519.0
Radiation: Response Preparedness	\$2,543.1	\$2,573.0	\$2,221.0	-\$352.0
Reduce Risks from Indoor Air	\$13,389.1	\$13,242.0	\$0.0	-\$13,242.0
Subtotal, Indoor Air and Radiation	\$26,698.2	\$27,449.0	\$4,221.0	-\$23,228.0
Brownfields				
Brownfields	\$25,411.8	\$25,419.0	\$16,082.0	-\$9,337.0
Compliance				
Compliance Monitoring	\$98,283.6	\$100,975.0	\$86,374.0	-\$14,601.0
Enforcement				
Civil Enforcement	\$172,309.6	\$170,849.0	\$140,677.0	-\$30,172.0
Criminal Enforcement	\$48,039.2	\$45,333.0	\$41,107.0	-\$4,226.0
Environmental Justice	\$6,401.5	\$6,691.0	\$2,000.0	-\$4,691.0
NEPA Implementation	\$16,098.2	\$16,130.0	\$13,496.0	-\$2,634.0
Subtotal, Enforcement	\$242,848.5	\$239,003.0	\$197,280.0	-\$41,723.0
Geographic Programs				
Geographic Program: Chesapeake Bay	\$66,773.5	\$72,504.0	\$7,300.0	-\$65,204.0
Geographic Program: Gulf of Mexico	\$3,395.8	\$8,484.0	\$0.0	-\$8,484.0
Geographic Program: Lake Champlain	\$4,395.0	\$4,369.0	\$0.0	-\$4,369.0
Geographic Program: Long Island Sound	\$7,989.8	\$7,946.0	\$0.0	-\$7,946.0
Geographic Program: Other				
<i>Lake Pontchartrain</i>	\$0.0	\$942.0	\$0.0	-\$942.0
<i>S.New England Estuary (SNEE)</i>	\$5,020.0	\$4,965.0	\$0.0	-\$4,965.0

<b>Program Project</b>	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<i>Geographic Program: Other (other activities)</i>	\$1,374.7	\$1,436.0	\$0.0	-\$1,436.0
Subtotal, Geographic Program: Other	\$6,394.7	\$7,343.0	\$0.0	-\$7,343.0
Great Lakes Restoration	\$353,207.0	\$297,963.0	\$30,000.0	-\$267,963.0
Geographic Program: South Florida	\$1,624.0	\$1,692.0	\$0.0	-\$1,692.0
Geographic Program: San Francisco Bay	\$4,493.7	\$4,786.0	\$0.0	-\$4,786.0
Geographic Program: Puget Sound	\$27,971.9	\$27,810.0	\$0.0	-\$27,810.0
Subtotal, Geographic Programs	\$476,245.4	\$432,897.0	\$37,300.0	-\$395,597.0
Homeland Security				
Homeland Security: Communication and Information	\$3,480.0	\$3,834.0	\$3,511.0	-\$323.0
Homeland Security: Critical Infrastructure Protection	\$936.9	\$956.0	\$1,263.0	\$307.0
Homeland Security: Protection of EPA Personnel and Infrastructure	\$4,918.0	\$5,336.0	\$4,986.0	-\$350.0
Subtotal, Homeland Security	\$9,334.9	\$10,126.0	\$9,760.0	-\$366.0
Information Exchange / Outreach				
State and Local Prevention and Preparedness	\$14,413.1	\$15,269.0	\$10,031.0	-\$5,238.0
TRI / Right to Know	\$12,556.8	\$14,187.0	\$7,726.0	-\$6,461.0
Tribal - Capacity Building	\$14,760.7	\$14,448.0	\$12,631.0	-\$1,817.0
Executive Management and Operations	\$47,207.3	\$46,398.0	\$39,431.0	-\$6,967.0
Environmental Education	\$8,930.9	\$8,643.0	\$0.0	-\$8,643.0
Exchange Network	\$16,483.8	\$16,578.0	\$11,784.0	-\$4,794.0
Small Minority Business Assistance	\$1,704.6	\$1,573.0	\$0.0	-\$1,573.0
Small Business Ombudsman	\$2,102.2	\$2,080.0	\$1,965.0	-\$115.0
Children and Other Sensitive Populations: Agency Coordination	\$6,294.6	\$6,504.0	\$2,018.0	-\$4,486.0
Subtotal, Information Exchange / Outreach	\$124,454.0	\$125,680.0	\$85,586.0	-\$40,094.0
International Programs				
US Mexico Border	\$2,864.8	\$3,012.0	\$0.0	-\$3,012.0
International Sources of Pollution	\$6,338.3	\$6,506.0	\$4,188.0	-\$2,318.0
Trade and Governance	\$5,857.8	\$5,777.0	\$0.0	-\$5,777.0
Subtotal, International Programs	\$15,060.9	\$15,295.0	\$4,188.0	-\$11,107.0
IT / Data Management / Security				
Information Security	\$9,166.5	\$6,742.0	\$13,755.0	\$7,013.0
IT / Data Management	\$82,580.0	\$83,179.0	\$69,264.0	-\$13,915.0
Subtotal, IT / Data Management / Security	\$91,746.5	\$89,921.0	\$83,019.0	-\$6,902.0



<b>Program Project</b>	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
Legal / Science / Regulatory / Economic Review				
Integrated Environmental Strategies	\$10,732.3	\$10,581.0	\$9,496.0	-\$1,085.0
Administrative Law	\$4,533.9	\$4,381.0	\$4,557.0	\$176.0
Alternative Dispute Resolution	\$1,142.0	\$1,015.0	\$0.0	-\$1,015.0
Civil Rights Program	\$10,101.9	\$9,699.0	\$8,545.0	-\$1,154.0
Legal Advice: Environmental Program	\$52,889.7	\$49,657.0	\$42,292.0	-\$7,365.0
Legal Advice: Support Program	\$14,489.7	\$15,170.0	\$16,451.0	\$1,281.0
Regional Science and Technology	\$1,398.2	\$1,406.0	\$0.0	-\$1,406.0
Science Advisory Board	\$3,820.3	\$3,736.0	\$3,779.0	\$43.0
Regulatory/Economic-Management and Analysis	\$15,498.4	\$15,011.0	\$15,532.0	\$521.0
Subtotal, Legal / Science / Regulatory / Economic Review	\$114,606.4	\$110,656.0	\$100,652.0	-\$10,004.0
Operations and Administration				
Central Planning, Budgeting, and Finance	\$73,003.2	\$71,493.0	\$68,635.0	-\$2,858.0
Facilities Infrastructure and Operations	\$293,997.9	\$305,844.0	\$300,738.0	-\$5,106.0
Acquisition Management	\$31,042.0	\$30,803.0	\$25,438.0	-\$5,365.0
Human Resources Management	\$50,608.8	\$43,930.0	\$40,860.0	-\$3,070.0
Financial Assistance Grants / IAG Management	\$24,444.8	\$25,416.0	\$18,986.0	-\$6,430.0
Workforce Reshaping	\$0.0	\$0.0	\$25,549.0	\$25,549.0
Subtotal, Operations and Administration	\$473,096.7	\$477,486.0	\$480,206.0	\$2,720.0
Pesticides Licensing				
Science Policy and Biotechnology	\$1,210.0	\$1,479.0	\$0.0	-\$1,479.0
Pesticides: Protect Human Health from Pesticide Risk	\$56,911.0	\$55,696.0	\$45,949.0	-\$9,747.0
Pesticides: Protect the Environment from Pesticide Risk	\$36,654.9	\$38,302.0	\$28,727.0	-\$9,575.0
Pesticides: Realize the Value of Pesticide Availability	\$5,554.3	\$6,191.0	\$5,084.0	-\$1,107.0
Subtotal, Pesticides Licensing	\$100,330.2	\$101,668.0	\$79,760.0	-\$21,908.0
Resource Conservation and Recovery Act (RCRA)				
RCRA: Corrective Action	\$36,129.6	\$36,584.0	\$31,944.0	-\$4,640.0
RCRA: Waste Management	\$58,277.0	\$58,439.0	\$41,907.0	-\$16,532.0
RCRA: Waste Minimization & Recycling	\$9,254.1	\$9,141.0	\$0.0	-\$9,141.0
Subtotal, Resource Conservation and Recovery Act (RCRA)	\$103,660.7	\$104,164.0	\$73,851.0	-\$30,313.0
Toxics Risk Review and Prevention				
Endocrine Disruptors	\$6,006.4	\$7,502.0	\$0.0	-\$7,502.0

<b>Program Project</b>	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
Pollution Prevention Program	\$11,338.1	\$12,194.0	\$0.0	-\$12,194.0
Toxic Substances: Chemical Risk Review and Reduction	\$64,329.5	\$58,995.0	\$58,626.0	-\$369.0
Toxic Substances: Lead Risk Reduction Program	\$12,780.9	\$13,203.0	\$0.0	-\$13,203.0
Subtotal, Toxics Risk Review and Prevention	\$94,454.9	\$91,894.0	\$58,626.0	-\$33,268.0
Underground Storage Tanks (LUST / UST)				
LUST / UST	\$10,654.3	\$11,218.0	\$5,615.0	-\$5,603.0
Water: Ecosystems				
National Estuary Program / Coastal Waterways	\$26,759.1	\$26,542.0	\$0.0	-\$26,542.0
Wetlands	\$20,448.7	\$20,922.0	\$17,913.0	-\$3,009.0
Subtotal, Water: Ecosystems	\$47,207.8	\$47,464.0	\$17,913.0	-\$29,551.0
Water: Human Health Protection				
Beach / Fish Programs	\$1,364.0	\$1,638.0	\$0.0	-\$1,638.0
Drinking Water Programs	\$95,917.2	\$96,200.0	\$80,543.0	-\$15,657.0
Subtotal, Water: Human Health Protection	\$97,281.2	\$97,838.0	\$80,543.0	-\$17,295.0
Water Quality Protection				
Marine Pollution	\$11,694.4	\$10,102.0	\$0.0	-\$10,102.0
Surface Water Protection	\$198,589.4	\$198,886.0	\$174,975.0	-\$23,911.0
Water Infrastructure Finance and Innovation	\$0.0	\$0.0	\$0.0	\$0.0
Subtotal, Water Quality Protection	\$210,283.8	\$208,988.0	\$174,975.0	-\$34,013.0
Congressional Priorities				
Water Quality Research and Support Grants	\$12,688.0	\$12,614.0	\$0.0	-\$12,614.0
Rescission of Prior Year Funds; Offsetting Receipt				
Not Specified	\$0.0	\$0.0	\$0.0	\$0.0
<b>TOTAL EPM</b>	<b>\$2,639,159.5</b>	<b>\$2,602,009.0</b>	<b>\$1,738,852.0</b>	<b>-\$863,157.0</b>

\*For ease of comparison, Superfund transfer resources for the audit and research functions are shown in the Superfund account.

## **Clean Air**

**Clean Air Allowance Trading Programs**

Program Area: Clean Air

Goal: Core Mission

Objective(s): Improve Air Quality

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$15,236.6</i></b>	<b><i>\$16,060.0</i></b>	<b><i>\$12,574.0</i></b>	<b><i>-\$3,486.0</i></b>
Science & Technology	\$6,045.0	\$7,518.0	\$5,739.0	-\$1,779.0
Total Budget Authority	\$21,281.6	\$23,578.0	\$18,313.0	-\$5,265.0
Total Workyears	68.4	71.4	63.7	-7.7

**Program Project Description:**

Sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>) are precursors for fine particulate matter (PM<sub>2.5</sub>), while NO<sub>x</sub> also is a precursor for ground-level ozone (O<sub>3</sub>). Researchers have associated PM<sub>2.5</sub> and O<sub>3</sub> exposure with adverse health effects in toxicological, clinical, and epidemiological studies. Lowering exposure to PM<sub>2.5</sub> and O<sub>3</sub> contributes to significant human health benefits.

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, such as those covered by the Cross-State Air Pollution Rule (CSAPR). In addition, under Title IV of the Clean Air Act, the Acid Rain Program (ARP), EPA operates a national annual SO<sub>2</sub> trading program and a NO<sub>x</sub> emissions reduction program for the power sector.<sup>1</sup>

The Clean Air Allowance Trading Programs establish a total emission limit that is allocated to affected emission sources in the form of allowances; authorizations to emit one ton of a pollutant. The owners and operators of affected emission sources may select among different methods of compliance – install pollution control equipment, purchase allowances, or switch fuel types. These programs are managed through a centralized database system operated by EPA.<sup>2</sup> Select data, collected under these programs, is made available to the public through EPA’s Air Markets Program Data (AMPD) website. AMPD provides access to both current and historical data collected as part of the Clean Air Allowance Trading Programs through interactive maps, charts, reports, and pre-packaged datasets.

To implement the Clean Air Allowance Trading Programs, EPA operates the Part 75 emission measurement program that requires approximately 4,500 affected units to monitor and report emission and operation data.<sup>3</sup> The emission measurement program requires high degrees of accuracy and reliability from continuous emission monitoring systems (CEMS) or approved alternative methods at the affected sources. EPA provides the affected emission sources with a

<sup>1</sup> Clean Air Act § 401

<sup>2</sup> Clean Air Act § 403(d)

<sup>3</sup> Clean Air Act § 412; Clean Air Act Amendments of 1990, P.L. 101-549. § 821

software tool, the Emissions Collection and Monitoring Plan System (ECMPS), to process and quality assure the data and facilitate reporting to EPA. The Agency conducts electronic audits, desk reviews, and field audits of the emission data and monitoring systems. The emission measurement program supports a number of other state and federal emission control and reporting programs.

EPA's centralized database system, the allowance tracking system, records allowance allocations and transfers.<sup>4</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. In 2016, total SO<sub>2</sub> emissions from emission sources subject to the Acid Rain Program were 1.5 million tons, or approximately one-sixth of the statutory nationwide emissions cap. Total NO<sub>x</sub> emissions were 1.2 million tons in 2016, reflecting a reduction of over 6 million tons from projected 2000 NO<sub>x</sub> levels absent the Acid Rain Program, exceeding the program's total targeted reduction of 2 million tons.<sup>5</sup>

The Clean Air Act's Good Neighbor provision<sup>6</sup> requires states or, in some circumstances, the Agency to reduce interstate pollution that interferes with the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). Under this authority, EPA issued the Cross-State Air Pollution Rule, 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> in order to reduce or eliminate the states' contributions to PM<sub>2.5</sub> and/or ground-level O<sub>3</sub> pollution in other downwind states. The emission limitations are defined in terms of maximum state-wide "budgets" for emissions of annual SO<sub>2</sub>, annual NO<sub>x</sub>, and/or ozone-season NO<sub>x</sub> from certain large stationary sources in each state.

EPA relies on the Clean Air Status and Trends Network (CASTNET) for monitoring deposition, ambient sulfate and nitrate concentrations, and other air quality indicators. EPA uses the Long-Term Monitoring (LTM) program for assessing how water bodies 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> and NO<sub>x</sub> emissions data from the Part 75 monitoring 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 and Cross-State Air Pollution Rule. Previous reports have covered progress under the Clean Air Interstate Rule and the NO<sub>x</sub> Budget Trading Program. These annual progress reports not only track reductions in SO<sub>2</sub> and NO<sub>x</sub> emissions from affected sources, but assess the 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.

### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.1, Improve Air Quality in EPA's FY 2018 - 2022 Strategic Plan. EPA will continue to operate the Clean Air Allowance Trading

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<sup>4</sup> Clean Air Act § 403(d).

<sup>5</sup> <https://www3.epa.gov/airmarkets/progress/datatrends/index.html>.

<sup>6</sup> Clean Air Act § 110(a)(2)(D); see also Clean Air Act § 110(c).

Programs and the systems to assess 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 support emission reporting for the Mercury and Air Toxics Standard (MATS) Rule,<sup>7</sup> aligned with capacity.

*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>8</sup> and state and federal CSAPR implementation plans. These allowance holdings will be maintained in an updated allowance tracking system (i.e., central database) that will record allowance transfers.<sup>9</sup> At the end of each compliance period, EPA will reconcile each facility’s allowance holdings against its emissions to ensure compliance for all affected sources.<sup>10</sup>

*Emission measurement and data collection and review*

EPA will operate the Part 75 emission measurement program to collect, quality assure, and track emissions of air pollutants and air toxics, from approximately 4,500 fossil-fuel-fired electric generating units.

*Program assessment*

EPA will develop progress reports and other information to communicate the extent of the progress made by the Clean Air Allowance Trading Programs.<sup>11</sup>

*Assistance to states*

EPA will work with states to develop emission reduction programs to comply with Clean Air Act Good Neighbor Provision requirements.<sup>12</sup> This includes implementation of the CSAPR Update regulation finalized on September 7, 2016.

**Performance Measure Targets:**

(NO <sub>x</sub> ) Ozone Season emissions of nitrogen oxides (NO <sub>x</sub> ) from electric power generation sources (tons).	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	590,000	580,000

For more information on program performance, see <http://www.epa.gov/airmarket/progress/progress-reports.html>.

<sup>7</sup> 40 C.F.R. pt. 63, subpt. UUUUU (National Emission Standards for Hazardous Air Pollutants: Coal and Oil Fired Electric Utility Steam Generating Units).

<sup>8</sup> Clean Air Act §§ 110 and 403

<sup>9</sup> Clean Air Act §§ 110 and 403

<sup>10</sup> Clean Air Act §§ 110 and 404-405 and state CSAPR implementation plans

<sup>11</sup> Government Performance and Results Act § 1115

<sup>12</sup> Clean Air Act § 110(a)(2)(D)

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$775.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$2,711.0/ -7.7 FTE) This program change streamlines the program's modeling and reporting activities and focuses the program on core statutory requirements.

**Statutory Authority:**

Clean Air Act.

**Atmospheric Protection Program**

Program Area: Clean Air

Goal: Core Mission

Objective(s): Improve Air Quality

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$89,143.7</b>	<b>\$94,788.0</b>	<b>\$13,542.0</b>	<b>-\$81,246.0</b>
Science & Technology	\$7,050.8	\$7,964.0	\$0.0	-\$7,964.0
Total Budget Authority	\$96,194.5	\$102,752.0	\$13,542.0	-\$89,210.0
Total Workyears	217.3	224.1	120.0	-104.1

**Program Project Description:**

EPA’s Atmospheric Protection Program develops and delivers data, analysis, and technical information and assistance to identify technologies and strategies for industries, states, communities and tribes to meet Clean Air Act (CAA) obligations and other statutory requirements.

ENERGY STAR: EPA manages the ENERGY STAR program with clearly defined support from the U.S. Department of Energy. ENERGY STAR is the recognized symbol for energy efficiency; the program 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 through voluntary action, ENERGY STAR lowers costs for states and local governments as they design and implement plans to meet their air quality and other environmental goals. Specifically, EPA manages and implements the following activities: the specification process for more than 75 product categories and the ENERGY STAR Most Efficient recognition program; the ENERGY STAR Certified Homes program for both single family homes and multifamily buildings; and the ENERGY STAR commercial and industrial programs. This work includes activities such as managing the ENERGY STAR brand, monitoring and verification, setting performance levels for building types, and managing and maintaining the ENERGY STAR Portfolio Manager to measure and track energy use in buildings.

Greenhouse Gas Reporting Program: EPA implements the U.S. Greenhouse Gas Reporting Program under statutory authority that directs 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 8,000 facilities from 41 large industrial source categories in the U.S. and uses this data to improve estimates included in the *Inventory of U.S. Greenhouse Gas Emissions and Sinks*, to support federal and state-level policy development, and to share with industry stakeholders, state and local governments, the research community, and the public.

Inventory of U.S. Greenhouse Gas Emissions and Sinks: In order to fulfill U.S. Treaty obligations, under Article 4 of the 1992 Framework Convention on Climate Change, which was ratified by the Senate, EPA prepares the annual *Inventory of U.S. Greenhouse Gas Emissions and Sinks*, to provide



information on total annual U.S. emissions and removals by source, economic sector, and greenhouse gas. 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 Agency; U.S. 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 Clean Air Act to ensure a smooth transition from ozone depleting substances (ODS) to safer alternatives.

Science, Economic, and Technical Analyses: EPA conducts a range of economic, scientific and technical analyses for CAA regulatory actions and technical input.

### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.1, Improve Air Quality in EPA's FY 2018 – 2022 Strategic Plan. In FY 2019, EPA will provide technical, analytical and scientific support for regulatory action consistent with Presidential Executive Order on Promoting Energy Independence and Economic Growth dated March 28, 2017.

In FY 2019, EPA will establish user fees for entities that participate in the ENERGY STAR program. Fee collection would start in FY 2019 after EPA undertakes a rulemaking and finalizes a fees rule. By requesting an advance appropriation of \$46 million for FY 2019, the budget provides the program the authority to use fees to operate the program in advance of collections. The fees would provide for necessary expenses, including the development, operation, and maintenance of the ENERGY STAR program. The legislative proposal to authorize collection and spending of the fees is included as an administrative provision in the President's Budget Appendix.

The Agency will continue to implement priorities and efficiencies as called for in the January 24, 2017 Presidential Memorandum on *Streamlining Permitting and Reducing Burden to Domestic Regulatory Manufacturing*. These efforts are expected to dovetail with previously identified Executive Orders, including implementation of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs and Executive Order 13777, Enforcing the Regulatory Reform Agenda. EPA will evaluate recommendations, and where appropriate, take action to repeal, replace, or modify existing regulations to make them less burdensome.

In FY 2019, EPA will continue to implement the Greenhouse Gas Reporting Program covering a total of 41 sectors, with approximately 8,000 reporters. Focus areas for the program will include:

- Implementing regulatory revisions across multiple sectors to address stakeholder concerns associated with collection and potential release of data elements considered to be sensitive business information;
- Aligning the database management systems with those regulatory amendments; and
- Conducting a QA/QC and verification process through a combination of electronic checks, staff reviews, and follow-up with facilities when necessary.

EPA will work to complete the annual Inventory of U.S. Greenhouse Emissions and Sinks.

**Performance Measure Targets:**

(G18) Percentage of Annual Greenhouse Gas Emission Reports verified by EPA before publication.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	65	65

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$2,896.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$78,350.0/ -140.3 FTE) This program change reflects a reduction in the GHG Reporting program and eliminates appropriated funding for the partnership programs with industry, businesses, states, tribes, and localities which will transition to fee funding.
- (+70.0 FTE) This program change reflects an increase in reimbursable FTE for the development, operation, and maintenance of a fee-supported ENERGY STAR program. By requesting an advance appropriation of \$46 million for FY 2019, the budget allows for the time involved in both a fee rulemaking and developing and enacting new authorizing legislation by providing the program the authority to use fees to operate the program in advance of collections.

**Statutory Authority:**

Clean Air Act; FY 2008 Consolidated Appropriations 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.

## Federal Stationary Source Regulations

Program Area: Clean Air

Goal: Core Mission

Objective(s): Improve Air Quality

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$20,282.9</b>	<b>\$21,736.0</b>	<b>\$16,898.0</b>	<b>-\$4,838.0</b>
Total Budget Authority	\$20,282.9	\$21,736.0	\$16,898.0	-\$4,838.0
Total Workyears	102.2	122.5	79.1	-43.4

### **Program Project Description:**

Under the Clean Air Act (CAA), EPA is required to set National Ambient Air Quality Standards (NAAQS) for ambient pollutants considered harmful to public health and the environment. The six “criteria” pollutants for which EPA has established NAAQS are: particulate matter (PM), ozone, sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), and lead. The CAA requires EPA to periodically review the science upon which the NAAQS are based and the standards themselves. 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.

This program also includes activities directed toward reducing air emissions of toxic, criteria, and other pollutants from stationary sources mandated under Sections 111 and 112 of the CAA. Specifically, to address air toxics, this program provides for the development of National Emission Standards for Hazardous Air Pollutants (NESHAP) for major sources (i.e., Maximum Achievable Control Technology - MACT standards) and area sources; the development of standards of performance and emissions guidelines for waste combustion sources; the assessment and, as necessary, regulation of residual risk remaining after implementation of the NESHAP; 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 to existing CAA and court-ordered mandates, EPA is required 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 program also includes issuing, reviewing, and periodically revising, as necessary, New Source Performance Standards (NSPS) for criteria and certain listed pollutants, and providing guidance on Reasonably Available Control Technology (RACT) through issuance and periodic review and revision of control technique guidelines (CTG).

Sections 169A and 169B of the CAA also 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 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.1, Improve Air Quality in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, the Agency will continue to implement priorities and efficiencies as called for in the January 24, 2017 Presidential Memorandum, *Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing*. These efforts are expected to dovetail with previously identified Executive Orders, including implementation of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs and Executive Order 13777, Enforcing the Regulatory Reform Agenda. EPA will evaluate recommendations, and where appropriate, take action to repeal, replace, or modify existing regulations to make them less burdensome.

NAAQS: In FY 2019, EPA will continue its reviews of the NAAQS and make revisions, as appropriate. In FY 2019, EPA will finalize its review of the SO<sub>2</sub> primary NAAQS, which is currently required pursuant to consent decree. Each review involves a comprehensive reexamination, synthesis, and evaluation of the scientific information, the design and conduct of complex air quality and risk and exposure analyses, the development of a comprehensive policy assessment providing a analysis of the scientific basis for alternative policy options.

EPA will continue work to achieve and maintain compliance with existing standards. These include the ozone standards established in 2015, 2008, 1997, and 1979; the 1997 PM<sub>10</sub> standards; the 2012, 2006 and 1997 PM<sub>2.5</sub> standards; the 2008 lead standard<sup>13</sup>; the 2010 NO<sub>2</sub> standard; the 1971 CO standard; and the 2010 SO<sub>2</sub> standard.

Section 111 of the CAA requires EPA to set NSPS for industrial categories that cause, or significantly contribute to, air pollution that may endanger public health or welfare. In FY 2019, EPA will continue work to address NSPS for sources of air pollutants, consistent with the requirements of the CAA. Section 111 of the CAA 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.

Air Toxics: Section 112(d)(6) of the CAA requires EPA to review and revise, as necessary, within eight years, all of the MACT standards for air toxics that have been promulgated under CAA Section 112 since 1990. These reviews include collection of new information and emissions data from industry; review of emission control technologies; and associated economic analyses for the affected industries. Similarly, Section 112(f) of the CAA requires EPA to conduct reviews of the risk that remains after the implementation of MACT standards within eight years of promulgation.

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<sup>13</sup> In September 2016, EPA completed the review of the 2008 Lead NAAQS and retained the standards without revision.

In FY 2019, EPA will engage in rulemaking efforts to review and revise, as necessary and appropriate, emissions standards for seven source categories, including Leather Finishing Operations; Surface Coating of Wood Building Products; Printing, Coating, and Dyeing of Fabric and Other Textiles; Surface Coating of Metal Furniture; Surface Coating of Large Appliances; Friction Products Manufacturing; and Wet Formed Fiberglass Mat Production. This is pursuant to a court order with a deadline of December 31, 2018 for the final rules. EPA also is under court orders to complete risk and technology review rulemakings under Section 112 of CAA by 2020 for 26 additional source categories. A substantial portion of the work for these rulemakings under Section 112 of the CAA will need to occur in FY 2019. In addition, under Section 129 of the CAA, EPA plans to continue efforts to address the risk and technology review for Large Municipal Waste Combustors. Compliance testing and monitoring methodologies will continue to be developed and improved in support of these risk determination and rulemaking efforts.

EPA will continue to develop the next National Air Toxics Assessment (NATA). The purpose of NATA is to identify and prioritize air toxics, emission source types, and locations that are of greatest potential concern in terms of contributing to population risk. The results are used in many ways, including: to assist states in designing their own local-scale assessments; to set priorities and help states improve emissions inventories; and to help direct priorities for expanding and improving the air toxics monitoring network.

In FY 2019, EPA will continue to address program-wide issues, including court-vacated rules that apply across many industrial sources.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$1,904.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$6,742.0/ -43.4 FTE) This program change is a reduction in the Federal Stationary Source Regulations program. As a result of this change, the Agency will work to develop a more efficient approach to meeting its statutorily-required NAAQS reviews. In addition, EPA will rely on states and other stakeholders to identify burden and cost-reduction actions needed to improve the federal-state partnership and the stationary source regulatory process as a whole.

**Statutory Authority:**

Clean Air Act.

**Federal Support for Air Quality Management**

Program Area: Clean Air

Goal: Core Mission

Objective(s): Improve Air Quality

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$127,113.4</i></b>	<b><i>\$125,387.0</i></b>	<b><i>\$96,097.0</i></b>	<b><i>-\$29,290.0</i></b>
Science & Technology	\$7,283.8	\$7,280.0	\$4,031.0	-\$3,249.0
Total Budget Authority	\$134,397.2	\$132,667.0	\$100,128.0	-\$32,539.0
Total Workyears	812.6	842.0	601.8	-240.2

**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 sustains visibility protection. EPA develops federal measures and regional strategies that help to reduce emissions from stationary and mobile sources; whereas 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 emissions data. EPA, working with states, tribes, and local air agencies, develops methods for estimating and measuring emissions and 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.

Under the Clean Air Act (CAA), EPA is required to set the NAAQS for ambient pollutants considered harmful to public health and the environment. The six “criteria” pollutants for which EPA has established NAAQS are: particulate matter (PM), ozone, sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), and lead (Pb). The CAA requires EPA to periodically review the science upon which the NAAQS are based and the standards themselves. 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 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 provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings.

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. EPA works with state and local governments to ensure the technical integrity of emission source controls in State Implementation Plans (SIPs) and with tribes on Tribal Implementation Plans (TIPs).

The new source review (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 (PSD) program, described in Section 165 of the CAA and the nonattainment NSR program, which is described in various parts of the CAA, to include Sections 173 and 182; among others.

Sections 169A and 169B of the CAA also 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 which existed without manmade air pollution). The Regional Haze Rule, which sets forth the requirements that state plans must satisfy to make reasonable progress towards meeting this national goal.

The provisions in the Clean Air Act that address the control of air toxics are found in Section 112 of the CAA. This section requires that the emissions control bases for all Maximum Achievable Control Technology (MACT) standards be reviewed and updated, as necessary, every eight years.

#### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.1, Improve Air Quality in EPA's FY 2018 - 2022 Strategic Plan. Air quality has improved significantly for communities across the country since passage of the CAA in 1970 (with amendments in 1977 and 1990). Since 1990, for example, national average levels have decreased by 22 percent for ozone, 39 percent for particulate matter, 85 percent for sulfur dioxide, and 99 percent for lead.<sup>14</sup> In FY 2019, EPA will continue to prioritize key activities in support of attainment of the NAAQS and implementation of stationary source regulations support by state, tribal, and local air quality programs.

In FY 2019, EPA will continue its review of the NAAQS in accordance with the CAA. During FY 2019, EPA will finalize its review of the 2010 SO<sub>2</sub> primary NAAQS, which is currently required pursuant to a consent decree. In addition, EPA will continue its CAA mandated responsibilities to administer the NAAQS by reviewing state plans and decisions consistent with statutory obligations; taking federal oversight actions such as acting on State Implementation Plan/Tribal Implementation Plan (SIP/TIP) submittals; and by developing regulations and policies to ensure continued health and welfare protection during the transition between existing and new standards. EPA will work with states to adjust the schedules, as appropriate, for additional state-requested rulemakings and guidance documents to support state and tribal efforts to implement CAA SIP requirements to align with capacity and priorities. EPA will provide prioritized technical and policy assistance to states and tribes developing or revising SIPs/TIPs.

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<sup>14</sup>*Our Nation's Air: Status and Trends Through 2016* <https://gispub.epa.gov/air/trendsreport/2017/#highlights>.

EPA, in close collaboration with states and tribes, will work to reduce the number of areas not in attainment with the NAAQS. The agency will continue to look for ways to improve the efficiency and effectiveness of the SIP process, including its own review process, with a goal of maximizing timely processing of state-requested SIP actions. The Agency will take action on designation or redesignation of nonattainment areas to attainment, as appropriate, pursuant to Sections 107 and 110 of the CAA, respectively. A focus will be placed on states achieving attainment, looking at improved processes, and implementation options. Also, a new SIP-focused IT system currently under development called SPeCS (the State Plan Electronic Collection System), is expected to improve EPA tracking of SIP submittals and EPA action on SIPs in FY 2018 and beyond.

EPA will continue reviews to approve SIPs for regional haze to ensure that states are making reasonable progress towards their visibility improvement goals, consistent with statutory obligations. In FY 2019, EPA will continue to assist states that are developing plan revisions. Section 169A of the CAA requires EPA to assess and approve the plans.

EPA will continue to 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 determine that the emissions caused by their actions will conform to the SIP.

One of EPA's priorities is to fulfill its CAA and court-ordered obligations. Section 112 of the CAA requires that the emissions control bases for all MACT standards are reviewed and updated, as necessary, every eight years. In FY 2019, EPA will continue to conduct risk assessments to determine whether the MACT rules appropriately protect public health. EPA also will review developments in practices, processes and technologies pursuant to Section 112(d)(6). The program will prioritize its work with an emphasis on meeting court-ordered deadlines.

EPA will work to meet its Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) obligations pursuant to Sections 165 and 173 of the CAA. EPA will continue to review and respond to reconsideration requests and, take actions necessary to respond to court decisions, and work with states and industries on NSR applicability issues. In aligning this effort with Executive Order 13777, Enforcing the Regulatory Reform Agenda and Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, EPA will evaluate existing regulations and pursue opportunities to make them less burdensome.

EPA maintains the RACT/BACT/LAER clearinghouse (RBLC) to help permit applicants and reviewers make pollution prevention and control technology decisions for stationary air pollution sources. The RBLC includes data submitted by several U.S. territories and all 50 states on over 200 different air pollutants and 1000 industrial processes<sup>15</sup>. EPA expects to consider opportunities to improve the RBLC to support efficiency in permitting for air agencies and sources.

In FY 2019, EPA will continue to 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

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<sup>15</sup> Please see <http://cfpub.epa.gov/RBLC/> for more information.



timeframes for applicable oversight of state, tribal, and local air agencies during the permitting process.

The Agency will continue to implement priorities and efficiencies as called for in the January 24, 2017 Presidential Memorandum, Streamlining Permitting and Reducing Regulatory Burden for Domestic Manufacturing. These efforts are expected to dovetail with previously identified Executive Orders, including implementation of Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs and Executive Order 13777, Enforcing the Regulatory Reform Agenda. EPA will evaluate recommendations, and where appropriate, take action to repeal, replace, or modify existing regulations to make them less burdensome.

In FY 2019, EPA will provide assistance to state, tribal, and local agencies for various technical activities. EPA uses 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>16</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 more efficient and comprehensive air quality management by state, local and tribal agencies.

In FY 2019, EPA will maintain baseline analytical capabilities required to develop effective regulations including: analyzing the economic impacts of regulations and policies; developing and refining existing emission test methods for measuring pollutants from smokestacks and other industrial sources; developing and refining existing source sampling measurement techniques to determine rates of emissions from stationary sources; updating existing 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.

In FY 2019, state and local agencies will have the lead in implementing the National Air Toxics Trends Sites (NATTS). The NATTS, designed to capture the impacts of widespread pollutants, is comprised of 27 permanent monitoring sites<sup>17</sup>. EPA will consult on priority data gaps to better assess population exposure to toxic air pollution.

In FY 2019, EPA will 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's national real-time ambient air quality data system (AirNow) will maintain baseline operations. 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 generate the National Emissions Inventory (NEI). The NEI is used by EPA, states, and others to analyze the public health risks from air toxics and to develop strategies to manage those risks and support multi-pollutant analysis covering air emissions. EPA

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<sup>16</sup> Please see <https://www.epa.gov/technical-air-pollution-resources> for more information.

<sup>17</sup> See <http://www.epa.gov/ttn/amtic/airtoxpg.html> for additional information.

will continue to implement previously identified Lean strategies to streamline NEI development and to reduce burden for industry for meeting their emissions data requirements through the Combined Air Emissions Reporting (CAER) effort.

**Performance Measure Targets:**

(NA2) Percent of U.S. Population Living in Nonattainment Areas.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	36	34

(DV) Percent of measured air quality improvement in counties not meeting the NAAQS from the 2016 baseline.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	-2	-3

(SIP) Number of SIPs acted on by the regional offices.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	150	175

(NA1) Number of Nonattainment Areas.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	155	138

(M92) Cumulative percentage reduction in the number of days with Air Quality Index (AQI) values over 100 since 2003, weighted by population and AQI value.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	67	70

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$4,897.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$34,187.0/ -237.1 FTE) This program change is a reduction in technical assistance to and support of state, tribal and local air programs, including those that develop and implement clean air plans, issue air permits, and provide air quality information to the public. The Agency will prioritize supporting state and local air agencies in obtaining air quality improvements necessary to bring areas into attainment.

**Statutory Authority:**

Clean Air Act.

## **Stratospheric Ozone: Domestic Programs**

Program Area: Clean Air

Goal: Core Mission

Objective(s): Improve Air Quality

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$4,709.1</i></b>	<b><i>\$4,606.0</i></b>	<b><i>\$3,790.0</i></b>	<b><i>-\$816.0</i></b>
Total Budget Authority	\$4,709.1	\$4,606.0	\$3,790.0	-\$816.0
Total Workyears	20.2	22.0	18.0	-4.0

### **Program Project Description:**

The stratospheric ozone layer protects life by shielding the Earth's surface from harmful ultraviolet (UV) radiation. Scientific evidence demonstrates that ozone-depleting substances (ODS) used around the world destroy the stratospheric ozone layer,<sup>18</sup> which raises the incidence of skin cancer and other illnesses through overexposure to increased levels of UV radiation.<sup>19</sup>

EPA estimates that in the United States alone, the worldwide phase out of ODS will avert millions of cases of non-fatal and fatal skin cancers (melanoma and non-melanoma), as well as millions of cataract cases, which is the leading cause of blindness. Full implementation of the *Montreal Protocol on Substances that Deplete the Ozone Layer* (Montreal Protocol) globally, including its amendments and adjustments, is expected to avoid more than 280 million cases of skin cancer, approximately 1.6 million skin cancer deaths, and more than 45 million cases of cataracts in the United States among individuals born between 1890 and 2100.<sup>20</sup>

EPA implements provisions of the Clean Air Act Amendments of 1990 (CAA) and the Montreal Protocol, resulting in the reduction of ODS in the U.S. and lower health risks to the American public. EPA uses a combination of regulatory and partnership programs to protect and restore the ozone layer. The CAA provides for a phase-out 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. The CAA also prohibits venting ODS and their substitutes and requires listing of alternatives that reduce overall risk to human health or the environment, ensuring that businesses and consumers have alternatives that are safer for the ozone layer than the chemicals they replace.

<sup>18</sup> World Meteorological Organization (WMO). Scientific Assessment of Ozone Depletion: 2014. Global Ozone Research and Monitoring Project–Report No. 56, Geneva, Switzerland. 2014.

<sup>19</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://www.esrl.noaa.gov/csd/assessments/ozone/2014/twentyquestions2014update.pdf>.

<sup>20</sup> EPA, Updating ozone calculations and emissions profiles for use in the Atmospheric Health Effects Framework Model (2015). Available on the internet at: [https://www.epa.gov/sites/production/files/2015-11/documents/ahef\\_2015\\_update\\_report-final\\_508.pdf](https://www.epa.gov/sites/production/files/2015-11/documents/ahef_2015_update_report-final_508.pdf).

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. With U.S. leadership, the Parties to the Montreal Protocol agreed to a more aggressive phase-out for ozone-depleting hydrochlorofluorocarbons (HCFCs) equaling a 47 percent reduction in overall emissions during the period 2010-2040. An adjustment in 2007 also calls on Parties to promote the selection of alternatives to HCFCs that minimize environmental impacts, in particular impacts on climate.<sup>21</sup> In 2016, the parties to the Montreal Protocol agreed to the Kigali Amendment,<sup>22</sup> which will globally phase down production and consumption of hydrofluorocarbons (HFCs). HFCs are internationally manufactured fluorinated greenhouse gases used in all the same sectors as ODS such as air conditioning, refrigeration, fire suppression, solvents, foam blowing agents, and aerosols.

### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.1, Improve Air Quality in EPA's FY 2018 - 2022 Strategic Plan. In carrying out the requirements of the CAA and the Montreal Protocol in FY 2019, EPA will continue to meet its ODS import caps and work toward the gradual reduction in production and consumption of ODS. This will likely require finalization of a notice-and-comment rulemaking in FY 2019. To meet FY 2019 targets and out year targets, EPA will issue allocations for HCFC production and import in accordance with the requirements established under CAA Sections 605 and 606; manage information that industry identifies as Confidential Business Information (CBI) under CAA Section 603; and implement current regulations concerning the production, import, and export of ODS and maintenance of the tracking system used to collect the information. EPA also will prepare and submit an annual report under Article 7 of the Montreal Protocol on U.S. consumption and production of ODS.

CAA Section 612 requires continuous review of alternatives for ODS through EPA's Significant New Alternatives Policy (SNAP) program<sup>23</sup> to find those that pose less overall risk to human health and the environment and to promote 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. EPA will act upon a number of submissions and petitions in FY 2019 that expand the list of acceptable alternatives, particularly for end-uses where there is an urgent need for more options. The schedule for other approvals will be adjusted at least until FY 2019. Certain approvals adjusted for FY 2018 will be taken up with other pending approvals in FY 2019, to the extent practicable, as EPA seeks to minimize the risk to the investment made by companies in R&D and testing phases given that SNAP listings are critical to the commercialization of many substitutes and alternative technologies in key sectors of use. Final Agency action can include notices of acceptability listings as well as notice-and-comment rulemaking. EPA also will continue to work towards ensuring the uptake of safer alternatives and technologies, while supporting innovation, and ensuring adoption through support for changes to industry codes and standards.

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<sup>21</sup> *Montreal Protocol Decision XIX/6: Adjustments to the Montreal Protocol with regard to Annex C, Group I, substances (hydrochlorofluorocarbons).*

<sup>22</sup> Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Kigali 15 October 2016, <https://treaties.un.org/doc/Publication/CN/2016/CN.872.2016-Eng.pdf>.

<sup>23</sup> For more information, see: <http://www.epa.gov/ozone/snap/index.html>.

In FY 2019, EPA will continue efforts under CAA Section 608 to reduce emissions of refrigerants during the service, maintenance, repair and disposal of air conditioning and refrigeration equipment. EPA will issue a final rule revisiting aspects of the extension of the Section 608 requirements to substitutes, including HFCs; and also will provide a minimal level of compliance assistance for rules concerning servicing, maintenance, repair and disposal of air conditioning and refrigeration appliances.

EPA will continue to support the CAA Section 609 motor vehicle air conditioning (MVAC) servicing program to reduce emissions of refrigerants from MVAC systems. Where industry consensus standards are available that EPA considers to be sufficient for protection of human health and the environment, EPA may adopt the standards into its regulations through incorporation by reference. EPA is aware of such standards developed by the Society of Automotive Engineers (SAE) for recovery equipment for new alternatives and will engage with the SAE and others on potential options.

In FY 2019, EPA will continue to support implementation of the Montreal Protocol domestically by ensuring U.S. interests are represented at Montreal Protocol meetings by providing technical expertise. The Agency will provide technical expertise for the Montreal Protocol’s Technology and Economic Assessment Panel and its Technical Options Committees.

With the decline in allowable HCFC production, a significant stock of air conditioning and refrigeration equipment that continues to use HCFCs will need access to recovered and recycled/reclaimed HCFCs to ensure proper servicing. EPA reviews available market data to ensure that future demand for virgin HCFCs can be satisfied under production and import caps. EPA also will implement other provisions of the Montreal Protocol, including exemption programs to allow for a continued smooth phase out of ODS.

Additionally, EPA will continue to work with federal and international agencies to stem illegal imports of ODS in order to support a level playing field for companies that produce and import ODS. EPA will continue data exchange with U.S. Customs and Border Protection and Homeland Security Investigations on ODS importers and exporters for Customs to determine admissibility and target illegal ODS shipments entering the United States as well as reviewing and approving ODS imports flagged in the Automated Customs Environment.

**Performance Measure Targets:**

(S01) Remaining US Consumption of hydrochlorofluorocarbons (HCFCs), chemicals that deplete the Earth's protective ozone layer, measured in tons of Ozone Depleting Potential (ODP).	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	1,520	1,520

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$364.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.

- (-\$1,180.0/ -4.0 FTE) This program change is a reduction to the program resources related to the following activities: development of outreach and compliance assistance materials; adoption of SAE standards for recycling equipment for alternative refrigerants; support to Customs and Border Protection at ports; and assistance to refrigeration and air-conditioning technicians.

**Statutory Authority:**

Title VI of the Clean Air Act.

**Stratospheric Ozone: Multilateral Fund**

Program Area: Clean Air

Goal: Core Mission

Objective(s): Improve Air Quality

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$8,326.0</b>	<b>\$8,677.0</b>	<b>\$0.0</b>	<b>-\$8,677.0</b>
Total Budget Authority	\$8,326.0	\$8,677.0	\$0.0	-\$8,677.0

**Program Project Description:**

The *Montreal Protocol on Substances that Deplete the Ozone Layer* (Montreal Protocol) facilitates a global phaseout of ozone-depleting substances (ODS). The United States implements its treaty obligations primarily through Title VI of the Clean Air Act.

The *Multilateral Fund for the Implementation of the Montreal Protocol* (Multilateral Fund) was created by the Parties to the Montreal Protocol to provide funds to enable developing countries to comply with their Montreal Protocol obligations to phase out the use of ODS on an agreed schedule. The United States and other developed countries contribute to the Multilateral Fund. The U.S. contribution to the Multilateral Fund is split between EPA and the Department of State.

**FY 2019 Activities and Performance Plan:**

Resources for this program are proposed for elimination in FY 2019. EPA will continue domestic ODS reduction work.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$8,677.0) This program change eliminates funding for the Stratospheric Ozone: Multilateral Fund program.

**Statutory Authority:**

Title VI of the Clean Air Act.

## **Brownfields**



**Brownfields**

Program Area: Brownfields

Goal: Core Mission

Objective(s): Revitalize Land and Prevent Contamination

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$25,411.8</b>	<b>\$25,419.0</b>	<b>\$16,082.0</b>	<b>-\$9,337.0</b>
Total Budget Authority	\$25,411.8	\$25,419.0	\$16,082.0	-\$9,337.0
Total Workyears	141.2	149.8	92.6	-57.2

**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 these efforts 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 129 million people (roughly 40 percent of the U.S. population) live within three miles of a Brownfields site that receives EPA funding.<sup>24</sup> As of the end of FY 2017, grants awarded by the program have led to over 69,200 acres of idle land made ready for productive use and over 129,240 jobs and \$24.7 billion leveraged.<sup>25</sup>

This funding supports the operating expenses for the program. 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) collaborating with other agency programs; 6) operating the Assessment Cleanup and Redevelopment Exchanges System (ACRES) online grantee reporting tool; 7) assisting communities to explore land reuse opportunities under the Land Revitalization program; 8) developing guidance and tools that clarify potential environmental cleanup liabilities; and 9) potentially organizing National Brownfields Training Conference.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.3, Revitalize Land and Prevent Contamination in EPA's FY 2018 – 2022 Strategic Plan. In FY 2019, the Brownfields program will support the following activities:

<sup>24</sup> U.S. EPA, Office of Land and Emergency Management Estimate 2017. Data collected includes: (1) site information as of the end of FY16; and (2) census data from the 2011-2015 American Community Survey.

<sup>25</sup> EPA's ACRES database.

- **Compete and Award New Cooperative Agreements:** Review, select, and award an estimated 355 new cooperative agreements which will lead to over 1,000 projects and approximately \$1.1 billion and 5,800 jobs leveraged.
- **Oversight and Management of Existing Cooperative Agreements:** Continue federal fiduciary responsibility to manage approximately 900 existing brownfields cooperative agreements in a reduced capacity while ensuring the terms and conditions of the agreements are met, and provide limited technical assistance. 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, and analysis. 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.
- **National Brownfields Training Conference:** EPA will explore options for hosting a National Brownfields Training Conference in FY 2019 or FY 2020. This is the largest and most comprehensive training conference in the nation focused on environmental revitalization and economic redevelopment issues.

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

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$200.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefits costs.
- (-\$9,537.0/ -57.2 FTE) This program change reduces funding for managing and closing out assistance agreements, data collection analysis, and system enhancements.

**Statutory Authority:**

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended by the Small Business Liability Relief and Brownfields Revitalization Act, §§ 101, 104, 107, 128; Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, § 8001.

## **Compliance**

## **Compliance Monitoring**

Program Area: Compliance

Goal: Cooperative Federalism

Objective(s): Enhance Shared Accountability

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$98,283.6</i></b>	<b><i>\$100,975.0</i></b>	<b><i>\$86,374.0</i></b>	<b><i>-\$14,601.0</i></b>
Inland Oil Spill Programs	\$145.2	\$138.0	\$0.0	-\$138.0
Hazardous Substance Superfund	\$1,028.8	\$988.0	\$988.0	\$0.0
Total Budget Authority	\$99,457.6	\$102,101.0	\$87,362.0	-\$14,739.0
Total Workyears	506.4	538.9	428.7	-110.2

### **Program Project Description:**

The Compliance Monitoring program is a key component of EPA's compliance assurance program that allows the controlling regulatory authority to detect noncompliance and promote compliance with the nation's environmental laws. Effective targeting of compliance monitoring plays a critical role in achieving the goals EPA has set forth for protecting health and the environment. The states and EPA use compliance monitoring tools and activities to identify whether regulated entities are in compliance with environmental laws enacted by Congress, as well as applicable regulations and permit conditions. In addition, compliance monitoring activities, such as inspections and investigations, are conducted to determine whether conditions exist that may present imminent and substantial endangerment to human health and the environment.

The Compliance Monitoring program promotes joint governance and the expanded use of compliance assurance tools (such as compliance assistance) among state, tribal, local, and federal partners. States, tribes, and EPA have policies/procedures on the appropriate use of the tools in our compliance assurance tool box, with states taking the majority of actions in authorized programs. Tools in the compliance monitoring program include:

- Compliance Assistance. EPA collaborates with state, local, federal, tribal, and industry partners with the E-Enterprise Portal, a website which allows the states, the regulated community, and EPA to transact business such as permitting and reporting, and provides easy access to needed compliance assistance information. Also, EPA partners with third party organizations and federal agencies to support our 17 existing web-based, sector-specific Compliance Assistance Centers.
- Full Electronic Reporting with Compliance Assistance. EPA has an internet-accessible, national enforcement and compliance data system, the Integrated Compliance Information System (ICIS), which supports both the compliance monitoring and civil enforcement programs. Currently, EPA and states are implementing the National Pollution Discharge

Elimination System (NPDES) Electronic Reporting Rule through ICIS.<sup>26</sup> Phase 1 of the rule was implemented in FY 2017 for NPDES Discharge Monitoring Reports (DMRs), including compliance assistance features such as electronic reminders to state and federal permittees that may have missed their compliance monitoring report deadlines. More than 20 states currently use EPA’s electronic reporting tool to collect DMRs and use these electronic compliance assistance reminders. Further, ICIS also provides email reminders to permittees that have an upcoming report due under their NPDES general permit.

- Smart Tools for Field Inspectors. These are software solutions to improve the effectiveness and efficiency of how EPA and states conduct Resource Conservation and Recovery Act (RCRA) Subtitle C (hazardous waste) inspections.
- Compliance Training for EPA and States. To ensure the quality of compliance monitoring activities, EPA develops national policies, updates inspection manuals, provides required training for inspectors, and issues inspector credentials. EPA’s National Enforcement Training Institute (NETI) has provided online, e-learning courses for 2,500 EPA, state and tribal inspectors, and has made available over 165 online training courses in the NETI e-Learning Center for EPA and state, local, and tribal enforcement partners.

#### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 2/Objective 2.1, Enhance Shared Accountability in EPA’s FY 2018 - 2022 Strategic Plan. Work in this program also supports the Agency Priority Goal Increase Environmental Law Compliance Rate. Through FY 2019, EPA will increase compliance by reducing the percentage of Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) permittees in significant noncompliance with their permit limits to 21 percent from a baseline of 24 percent.

In FY 2019, EPA will continue to streamline its compliance monitoring activities such as field inspections, data tools, and assistance. EPA will focus principally on 1) those programs that are not delegated to states (“direct implementation”), and 2) where EPA’s expertise or unique role is best suited to address the issue. This includes, but is not limited to, multi-state/multi-regional matters, issues of national significance, and emergency situations. In addition, EPA will provide some targeted oversight and support to state, local, and tribal programs. To accomplish this, the Agency will prioritize work with states to develop methods that successfully leverage advances in both monitoring and information technology. Also, the Agency will maintain accessibility to ICIS for EPA, states, the public, and the tribes.

Also in FY 2019, the Agency expects to pilot the use of “informal” enforcement actions to address less serious violations, especially where EPA is directly implementing the program. Informal actions are when the government identifies in writing a violation by regulated entities and requests that they correct the violations, but the written request is not independently enforceable.

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<sup>26</sup> For more information, refer to: <https://www.epa.gov/compliance/npdes-ereporting>.

In addition, the Agency will continue to implement Phase 2 of the NPDES Electronic Reporting Rule which covers the e-reporting rule permitting requirements for EPA and states on a prolonged schedule. EPA will work with states to evaluate and prioritize the development of additional electronic reporting tools that support states. EPA’s centralized development of electronic reporting tools saves the states significant resources in development.

**Performance Measure Targets:**

(432) Percentage of Clean Water Act National Pollutant Discharge Elimination System (NPDES) permittees not in significant noncompliance with their permit limits.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	76	79
(427) Number of regulatory sectors served by national web-based compliance assistance centers.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	17	18
(428) Number of in-person and live webinar trainings provided to states to expand capacity building.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	100	100
(409) Number of federal on-site compliance monitoring inspections and evaluations and off-site compliance monitoring activities.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	10,000	10,000
(433) By FY 2018, develop a compliance rate pilot in a second program (in addition to NPDES) and implement in FY 2019.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	Identify Pilot	Implement Pilot

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$2,632.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$17,233.0/ -109.3 FTE) This program change reflects a recognition that states conduct the vast majority of inspections, an EPA focus on direct implementation programs, and an increased reliance on technology rather than on-site inspections to monitor compliance.

**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); Asbestos Hazard Emergency Response Act; Atomic Energy Act; Clean Air Act; Certain Alaskan Cruise Ship Operations; Clean Water Act; Community Environmental Response Facilitation Act; Emergency Planning and Community Right-to-Know Act; Energy Policy Act; Federal Insecticide, Fungicide, and Rodenticide Act; Marine Protection, Research, and Sanctuaries

Act; Mercury-Containing and Rechargeable Battery Management Act; National Environmental Policy Act; Noise Control Act; Oil Pollution Act; Program Fraud Civil Remedies Act; Residential Lead-Based Paint Disclosure Program; Resource Conservation and Recovery Act; Safe Drinking Water Act; Small Business Regulatory Enforcement Fairness Act; Small Business Liability Relief and Brownfields Revitalization Act; Toxic Substances Control Act; Uranium Mill Tailings Radiation Control Act; North American Agreement on Environmental Cooperation; La Paz Agreement on US/Mexico Border Region.



## **Enforcement**

**Civil Enforcement**

Program Area: Enforcement

Goal: Rule of Law and Process

Objective(s): Compliance with the Law

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$172,309.6</i></b>	<b><i>\$170,849.0</i></b>	<b><i>\$140,677.0</i></b>	<b><i>-\$30,172.0</i></b>
Leaking Underground Storage Tanks	\$584.7	\$616.0	\$589.0	-\$27.0
Inland Oil Spill Programs	\$2,342.8	\$2,397.0	\$2,219.0	-\$178.0
Total Budget Authority	\$175,237.1	\$173,862.0	\$143,485.0	-\$30,377.0
Total Workyears	1,061.0	1,080.4	857.1	-223.3

**Program Project Description:**

The overall goal of EPA’s Civil Enforcement program is to maximize compliance with the nation’s environmental laws and regulations to protect human health and the environment. EPA will seek to strengthen environmental partnerships with its state and tribal partners, encourage regulated entities to correct violations rapidly, ensure that violators do not realize an economic benefit from noncompliance, and pursue enforcement to deter future violations.

The Agency works closely with the U.S. Department of Justice, states, tribal governments, territories, and local agencies to ensure consistent and fair enforcement of all major environmental statutes, distinct programs under those statutes, and numerous regulatory requirements under those programs, which apply in various combinations to millions of regulated federal and private entities. The Civil Enforcement program develops, litigates, and settles administrative and civil judicial cases against serious violators of environmental laws.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.1, Compliance with the Law in EPA’s FY 2018 - 2022 Strategic Plan. Work in this program also supports the Agency Priority Goal Increase Environmental Law Compliance Rate.

In FY 2019, EPA will refocus efforts toward areas with significant noncompliance issues and where enforcement can address the most substantial impacts to human health and the environment. Recognizing the role of states and tribes as the primary implementers where authorized by EPA to implement the federal statutes, EPA will focus civil enforcement resources on direct implementation responsibilities and the most significant violations, and assisting authorized states and tribes in meeting national standards, such as by providing expertise and implementing compliance monitoring and civil enforcement strategies that will ensure a level playing field. EPA is responsible for direct implementation for programs that are not delegable or where a state or tribe has not sought or obtained the authority to implement a particular program (or program

component). Examples include the Clean Air Act (CAA) mobile source program, pesticide labeling and registration under the Federal Insecticide, Fungicide, and Rodenticide Act, enforcement in Indian Country, enforcement of the federal Superfund cleanup program, and enforcement of non-delegated portions of various other laws, including the Resource Conservation and Recovery Act, the Clean Water Act, and the CAA.

Even for states and tribes authorized to implement a program, EPA serves a critical role in addressing serious national noncompliance problems, such as those affecting multiple states or tribes, and in serving as a backstop for instances when a state or tribe does not address serious noncompliance timely or appropriately. EPA also may assist a state or tribe in remedying noncompliance problems when it is unable to address the problem because it lacks the capability or resources, such as in actions against federal or state agencies. And for some serious violations, the Agency and states or tribes may decide that the best approach is a joint enforcement action. Further, EPA will take immediate action when there is an environmental emergency, such as an oil spill or chemical accident. In addition, EPA ensures cleanup (corrective action) at RCRA facilities. Closely coordinating with states, EPA can issue cleanup orders to RCRA facilities to help meet the RCRA corrective action program's goals. EPA also will pursue enforcement actions at federal facilities where significant violations are discovered and ensure that federal facilities are held to the same standards as the private sector and will provide technical and scientific support to states and tribes with authorized programs. The Agency also will carry out its statutory oversight responsibilities and offer assistance to states in their implementation of delegated programs when needed or in cases where the Agency maintains a unique expertise or capability.

**Performance Measure Targets:**

(426) Number of compliance assurance actions in accordance with EPA's civil enforcement response policies.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	No Target Established	4,000
(434) Millions of pounds of pollutants and waste reduced, treated, or eliminated through concluded enforcement actions.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	325	325
(431) By FY 2018, identify one or two direct implementation programs that use administrative and informal enforcement tools to pilot for reducing the time between identification of a violation to correction. Also in FY 2018, gather data to establish baselines against which to measure progress.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	Identify Pilot Program(s) and Establish Baselines	Implement Pilot
(430) Average time to move EPA civil cases referred to the Department of Justice in FY 2013 or later to settlement or having a complaint filed (years).	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	No Target Established	3.0

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$5,641.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to the adjustments in salary, essential workforce support, and benefit costs.
- (-\$35,813.0/ -221.8 FTE) This program change reflects the fact that states are primary implementers of our nation's environmental laws. EPA will focus on matters affecting multiple states or tribes, serve as a backstop in instances when a state or tribe does not address serious noncompliance timely or appropriately, and assist a state or tribe in remedying noncompliance problems when it is unable to address the problem because it lacks the capability or resources. This change includes a reduction in resources for cases that do not meet these criteria.

**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); Asbestos Hazard Emergency Response Act; Atomic Energy Act; Clean Air Act; Certain Alaskan Cruise Ship Operations; Clean Water Act; Emergency Planning and Community Right-to-Know Act; Energy Policy Act; Federal Insecticide, Fungicide, and Rodenticide Act; Marine Protection, Research, and Sanctuaries Act; Mercury-Containing and Rechargeable Battery Management Act; National Environmental Policy Act; Noise Control Act; Oil Pollution Act; Residential Lead-Based Paint Disclosure Program; Resource Conservation and Recovery Act; Safe Drinking Water Act; Small Business Regulatory Enforcement Fairness Act; Small Business Liability Relief and Brownfields Revitalization Act; Toxic Substances Control Act; Uranium Mill Tailings Radiation Control Act; North American Agreement on Environmental Cooperation; La Paz Agreement on US/Mexico Border Region.

**Criminal Enforcement**

Program Area: Enforcement

Goal: Rule of Law and Process

Objective(s): Compliance with the Law

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$48,039.2</b>	<b>\$45,333.0</b>	<b>\$41,107.0</b>	<b>-\$4,226.0</b>
Hazardous Substance Superfund	\$6,815.3	\$7,135.0	\$7,135.0	\$0.0
Total Budget Authority	\$54,854.5	\$52,468.0	\$48,242.0	-\$4,226.0
Total Workyears	237.9	268.6	209.6	-59.0

**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 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 of 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 United States Attorneys and the Department of Justice’s Environmental Crimes Section. In FY 2017, the conviction rate for criminal defendants was 91 percent.<sup>27</sup>

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.1, Compliance with the Law in EPA’s FY 2018 - 2022 Strategic Plan. In FY 2019, EPA will continue to focus its resources on the most egregious cases (e.g., significant human health, environmental, and deterrent impacts), while balancing its overall case load across all environmental statutes. The Criminal Enforcement program 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 as effectively as possible. The Agency will perform targeted investigations of violations of environmental statutes and associated violations of Title 18 of the United States Code to protect public health and the environment.

<sup>27</sup> For additional information, refer to: <https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2017>.

**Performance Measure Targets:**

(419) Percentage of criminal cases with individual defendants.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	75	75
(418) Percentage of criminal cases having the most significant health, environmental, and deterrence impacts.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	65	65
(421) Percentage of conviction rate for criminal defendants.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	85	85

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$4,739.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$8,965.0/ -59.0 FTE) This program change reflects a focus on the most egregious cases and increased coordination with the Civil Enforcement program, and a reduction in resources for small cases that have limited deterrence value.

**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; Residential Lead-Based Paint Hazard Reduction Act; Federal Insecticide, Fungicide, and Rodenticide Act; Ocean Dumping Act (i.e., MPRSA); Pollution Prosecution Act; Title 18 General Federal Crimes (e.g., false statements, conspiracy); Powers of Environmental Protection Agency (18 U.S.C. 3063).

**NEPA Implementation**

Program Area: Enforcement

Goal: Cooperative Federalism

Objective(s): Enhance Shared Accountability

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$16,098.2</b>	<b>\$16,130.0</b>	<b>\$13,496.0</b>	<b>-\$2,634.0</b>
Total Budget Authority	\$16,098.2	\$16,130.0	\$13,496.0	-\$2,634.0
Total Workyears	107.8	104.8	80.5	-24.3

**Program Project Description:**

Pursuant to the National Environmental Policy Act (NEPA) and as mandated by Section 309 of the Clean Air Act, EPA’s NEPA Implementation program coordinates the environmental review of major federal actions. The NEPA Implementation program guides EPA’s compliance with NEPA, the National Historic Preservation Act, and other relevant statutes and Executive Orders. The program also manages the official Environmental Impact Statement (EIS) filing system for all federal EISs, in accordance with a Memorandum of Understanding with the Council on Environmental Quality (CEQ).<sup>28</sup> Additionally, the program manages the review of Environmental Impact Assessments of non-governmental activities in Antarctica, in accordance with the Antarctic Science, Tourism and Conservation Act.

The program uses and promotes *NEPAassist*, a geographic information system (GIS) tool developed to assist users (EPA, other federal agencies, and the public) with environmental reviews under NEPA. Approximately 900 users visit the website each month and 83 percent are return visitors. EPA also promotes *e-NEPA*, a web-based system for federal agencies to file EISs and to make comments on EISs accessible to the public on a centralized public website.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 2/Objective 2.1, Enhance Shared Accountability in EPA’s FY 2018 - 2022 Strategic Plan. In FY 2019, EPA will focus its reviews on areas where EPA has statutory authority and expertise. EPA also will continue to work with OMB, CEQ, and other federal agencies to evaluate ways to coordinate, streamline, and improve the NEPA process. Additionally, EPA will continue to work with agencies as they implement the FAST-41 Act, which sets requirements to streamline infrastructure permitting project reviews.<sup>29</sup> EPA also will continue implementing Executive Order 13766: “Expediting Environmental Reviews and Approvals for High Priority Infrastructure Projects.”<sup>30</sup>

<sup>28</sup> Memorandum of Agreement No. 1 Between The Council on Environmental Quality and The Environmental Protection Agency, October 1977.

<sup>29</sup> For additional information, refer to: <https://www.gpo.gov/fdsys/pkg/PLAW-114publ94/pdf/PLAW-114publ94.pdf>.

<sup>30</sup> For additional information, refer to: <https://www.whitehouse.gov/the-press-office/2017/01/24/executive-order-expediting-environmental-reviews-and-approvals-high>.

**Performance Measure Targets:**

(429) Percentage of early Environmental Impact Statement (EIS) engagement	FY 2018 Target	FY 2019 Target
	60	70

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$873.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$3,507.0/ -24.3 FTE) This program change streamlines the NEPA Implementation program. NEPA Implementation is proposed for transfer from the Office of Enforcement and Compliance Assurance to the Office of Policy as the Agency continues to support this program. This change will ensure staff are able to quickly elevate issues directly to the Administrator for resolution and allow the Agency to expedite environmental reviews and approvals of high-priority infrastructure projects, as directed by the President under Executive Order 13766.<sup>31</sup>

**Statutory Authority:**

National Environmental Policy Act (NEPA); Clean Air Act, § 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; Fixing America’s Surface Transportation Act Title 41.

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<sup>31</sup> For additional information, refer to: <https://www.whitehouse.gov/presidential-actions/executive-order-expediting-environmental-reviews-approvals-high-priority-infrastructure-projects/>.



**Environmental Justice**

Program Area: Enforcement

Goal: Cooperative Federalism

Objective(s): Increase Transparency and Public Participation

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$6,401.5</b>	<b>\$6,691.0</b>	<b>\$2,000.0</b>	<b>-\$4,691.0</b>
Hazardous Substance Superfund	\$732.9	\$554.0	\$0.0	-\$554.0
Total Budget Authority	\$7,134.4	\$7,245.0	\$2,000.0	-\$5,245.0
Total Workyears	34.9	40.3	0.0	-40.3

**Program Project Description:**

The Environmental Justice program fosters environmental and public health in communities disproportionately burdened by pollution by integrating and addressing issues of environmental programs and collaboration with interagency partners to develop guidance documents and tools to incorporate environmental justice considerations into decision making.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 2/Objective 2.2, Increase Transparency and Public Participation in EPA’s FY 2018 – 2022 Strategic Plan. In FY 2019, EPA will use \$2 million dedicated to the Environmental Justice program to support the Environmental Justice Small Grants program to support community-based organizations; Environmental Justice Technical Assistance for Communities to support the technical needs of low income, minority and tribal/indigenous populations; and address the continued maintenance and enhancement of environmental justice tools, such as EJSCREEN. This work will be accomplished within the Office of Policy. As cross-cutting organization, the Office of Policy can better ensure integration for the Environmental Justice program overall. This move will strengthen and complement the work already being done by the Office of Community Revitalization (formerly the Office of Sustainable Communities) within the Office of Policy, and provide better support to communities as they work to improve health, protect the environment and grow their economies.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$289.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.

- (-\$4,402.0/ -36.8 FTE) This net program change reflects the proposed transfer of the Environmental Justice program from the Office of Enforcement and Compliance Assurance into the Office of Policy. The Office of Policy can ensure integration across the full range of EPA's programs. The budget request maintains support for financial assistance grants to community-based organizations and technical assistance to low income, minority, and tribal/indigenous populations.

**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); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended.

## **Geographic Programs**

**Geographic Program: Chesapeake Bay**

Program Area: Geographic Programs

Goal: Core Mission

Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$66,773.5</b>	<b>\$72,504.0</b>	<b>\$7,300.0</b>	<b>-\$65,204.0</b>
Total Budget Authority	\$66,773.5	\$72,504.0	\$7,300.0	-\$65,204.0
Total Workyears	37.3	39.9	0.0	-39.9

**Program Project Description:**

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 (EC) and, under the authority of Section 117 of the Clean Water Act, works with the EC to coordinate activities of the partnership. On June 16, 2014, the Chesapeake Bay Program partners signed the most recent Chesapeake Bay Watershed Agreement,<sup>32</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 for sustainable fisheries, water quality, vital habitats, climate change, toxic contaminants, and other areas.

EPA, the watershed jurisdictions, and other key federal agencies set two-year milestones for water quality to support the Bay Total Maximum Daily Load and the jurisdictions’ Watershed Implementation Plans.<sup>33</sup> The TMDL satisfies a requirement of the Clean Water Act and EPA commitments under Court-approved consent decrees for Virginia and Washington, D.C. dating to the late 1990s.<sup>34</sup> The TMDL is designed to ensure all nitrogen, phosphorus, and sediment pollution control efforts needed to fully restore the Bay and its tidal rivers are in place by 2025.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.2, Provide Clean and Safe Water in EPA’s FY 2018 - 2022 Strategic Plan. In FY 2019, EPA is requesting \$7.3 million for support of state and local collection of water quality monitoring data and coordination of science, research, and modeling.

<sup>32</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>33</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 <http://www.epa.gov/reg3wapd/tmdl/ChesapeakeBay/EnsuringResults.html>.

<sup>34</sup> The Chesapeake Bay TMDL available at <http://www.epa.gov/chesapeakebaytmdl/>.

The \$7.3 million requested in FY 2019 would support the following activities:

- Water quality monitoring (\$5.2 million). This funding would leverage between \$10-\$12 million in combined federal, state, and local funds.
  - Tidal and non-tidal monitoring (\$4.8 million)
  - Submerged Aquatic Vegetation (SAV) monitoring (\$400 thousand).
- Provide facilitation to build capacity at the state level (\$2.1 million).
  - Coordinate modeling, decision support services, data collection, analysis, storage, and access;
  - Support information dissemination and transparency; and
  - Provide consistency and efficiency in communications and data management.

The activities described above would help protect the important investment that federal, state and local governments have made in providing clean and safe water. These activities also support the Goal 3 Rule of Law and Process. Environmental results are measured through data collected by the states and shared with the federal government. This information also will support measuring progress toward existing Agency nutrient and sediment performance goals and measures as well as other Chesapeake Bay Agreement outcome indicators.

In FY 2017, Chesapeake Bay Program partners surpassed their phosphorus- and sediment-reducing goals. Nitrogen reductions, however, fell short of the target for the fifth year in a row, due in large part to a gap in reported and implemented agricultural best management practices in Pennsylvania.

By the end of FY 2018, the program expects to achieve 60 percent of its goals for implementing nitrogen, phosphorus and sediment reduction actions to achieve final TMDL allocations, as measured through the Partnership's Phase 5.3.2 Chesapeake Bay Watershed Model.

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

Currently there are no performance measures specific to this program.

#### **FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$65,204.0/ -39.9 FTE) This program change reduces funding for the Chesapeake Bay Program. Remaining resources will support critical activities in water quality monitoring.

#### **Statutory Authority:**

Clean Water Act, Section 117; Estuary Restoration Act of 2000, as amended; Chesapeake Bay Accountability and Recovery Act of 2014; Clean Air Act of 1970; Consolidated and Further Continuing Appropriations Act, 2015, P.L. 113-235.

**Geographic Program: Gulf of Mexico**

Program Area: Geographic Programs

Goal: Core Mission

Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$3,395.8</b>	<b>\$8,484.0</b>	<b>\$0.0</b>	<b>-\$8,484.0</b>
Total Budget Authority	\$3,395.8	\$8,484.0	\$0.0	-\$8,484.0
Total Workyears	12.0	14.3	0.0	-14.3

**Program Project Description:**

The efforts of EPA’s Gulf of Mexico Program Office (GMPO) are dedicated to the protection, restoration and enhancement of the water bodies and coastal environments associated with the greater Gulf of Mexico region.

**FY 2019 Activities and Performance Plan:**

Resources and FTE have been eliminated for this program in FY 2019. EPA will encourage the five Gulf of Mexico states to continue to make progress in restoring the Gulf of Mexico from within core water programs.

**Performance Measure Targets:**

This proposed disinvestment means that the Agency will no longer publish measures associated with this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$8,484.0/ -14.3 FTE) This program change eliminates the Gulf of Mexico program. This change returns the responsibility for funding local environmental efforts and programs to state and local entities.

**Statutory Authority:**

Clean Water Act.

**Geographic Program: Lake Champlain**

Program Area: Geographic Programs

Goal: Core Mission

Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$4,395.0</b>	<b>\$4,369.0</b>	<b>\$0.0</b>	<b>-\$4,369.0</b>
Total Budget Authority	\$4,395.0	\$4,369.0	\$0.0	-\$4,369.0

**Program Project Description:**

EPA supports efforts to protect Lake Champlain through partnerships to implement the “Opportunities for Action” management plan. The plan was developed to bring together people with diverse interests in the lake to create a comprehensive pollution prevention, control, and restoration plan for protecting the future of the Lake Champlain Basin.

**FY 2019 Activities and Performance Plan:**

Resources have been eliminated for this program in FY 2019. EPA will encourage New York and Vermont to continue to make progress in restoring Lake Champlain from within core water programs.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$4,369.0) This program change eliminates the Lake Champlain program. This change returns the responsibility for funding local environmental efforts and programs to state and local entities.

**Statutory Authority:**

1909 Boundary Waters Treaty; Clean Water Act.

**Geographic Program: Long Island Sound**

Program Area: Geographic Programs

Goal: Core Mission

Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$7,989.8</b>	<b>\$7,946.0</b>	<b>\$0.0</b>	<b>-\$7,946.0</b>
Total Budget Authority	\$7,989.8	\$7,946.0	\$0.0	-\$7,946.0

**Program Project Description:**

EPA and the States of Connecticut and New York work in partnership to restore and protect Long Island Sound. EPA assists states in implementing the Long Island Sound’s Comprehensive Conservation and Management Plan by coordinating the cleanup and restoration actions of the Long Island Sound Study Management Conference.

**FY 2019 Activities and Performance Plan:**

Resources have been eliminated for this program in FY 2019. EPA will encourage Long Island Sound states and local entities to continue to make progress in restoring the Sound from within core water programs.

**Performance Measure Targets:**

This proposed disinvestment means that the Agency will no longer publish measures associated with this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$7,946.0) This program change eliminates the Long Island Sound program. This change returns the responsibility for funding local environmental efforts and programs to state and local entities.

**Statutory Authority:**

Clean Water Act.



**Geographic Program: Other**

Program Area: Geographic Programs

Goal: Core Mission

Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$6,394.7</b>	<b>\$7,343.0</b>	<b>\$0.0</b>	<b>-\$7,343.0</b>
Total Budget Authority	\$6,394.7	\$7,343.0	\$0.0	-\$7,343.0
Total Workyears	3.8	4.9	0.0	-4.9

**Program Project Description:**

Under this program, the Agency develops and implements approaches to mitigate pollution for specific and targeted geographic areas, including the Northwest Forest Program, Lake Pontchartrain Basin Restoration Program, and the Southeast New England Coastal Watershed Restoration Program.

Northwest Forest Program

The Northwest Forest Program supports interagency and intergovernmental efforts that coordinate and leverage resources for water quality and drinking water efforts in seven<sup>35</sup> western states.

Lake Pontchartrain Basin Restoration Program

The Lake Pontchartrain Basin Restoration Program, through a collaborative and voluntary effort, strives to restore ecological health by developing and funding restoration projects within the sixteen parishes in the basin.

Southeast New England Coastal Watershed Restoration Program (SNECWRP)

The Southeast New England Program serves as a hub to enable protection and restoration of the coastal watersheds of Southeast New England, including the ecosystem services that sustain the region's communities.

**FY 2019 Activities and Performance Plan:**

Resources and FTE have been eliminated for this program in FY 2019. EPA will encourage states and local entities to continue to make progress in restoring these major aquatic ecosystems from within core water programs.

<sup>35</sup> California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$7,343.0 / -4.9 FTE) This program change eliminates the Geographic Other program. This change returns the responsibility for funding local environmental efforts and programs to state and local entities.

**Statutory Authority:**

Clean Water Act.

**Geographic Program: Puget Sound**

Program Area: Geographic Programs

Goal: Core Mission

Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$27,971.9</b>	<b>\$27,810.0</b>	<b>\$0.0</b>	<b>-\$27,810.0</b>
Total Budget Authority	\$27,971.9	\$27,810.0	\$0.0	-\$27,810.0
Total Workyears	6.6	6.0	0.0	-6.0

**Program Project Description:**

The Puget Sound Program works with partners to implement the Puget Sound Action Agenda, the long-term plan for Puget Sound basin protection and restoration. In addition, the Puget Sound Program funds assistance agreements with the federally recognized tribes in Puget Sound, Tribal consortia, and the North West Indian Fisheries Commission.

**FY 2019 Activities and Performance Plan:**

Resources and FTE have been eliminated for this program in FY 2019. EPA will encourage state, tribal, and local entities to continue to make progress in restoring the Puget Sound from within core water programs.

**Performance Measure Targets:**

This proposed disinvestment means that the Agency will no longer publish measures associated with this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$27,810.0/ -6.0 FTE) This program change eliminates the Puget Sound program. This change returns the responsibility for funding local environmental efforts and programs to state and local entities.

**Statutory Authority:**

Clean Water Act.

**Geographic Program: San Francisco Bay**  
 Program Area: Geographic Programs  
 Goal: Core Mission  
 Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$4,493.7</b>	<b>\$4,786.0</b>	<b>\$0.0</b>	<b>-\$4,786.0</b>
Total Budget Authority	\$4,493.7	\$4,786.0	\$0.0	-\$4,786.0
Total Workyears	1.9	1.9	0.0	-1.9

**Program Project Description:**

EPA collaborates with agencies and non-governmental organizations to implement the seven-point *Bay Delta Action Plan (2012)*<sup>36</sup> designed to protect and restore water quality, aquatic life, and ecosystem processes in the San Francisco Bay/Sacramento-San Joaquin Delta. EPA assists the State Water Resources Control Board with the comprehensive update of the Bay Delta Water Quality Control Plan.<sup>37</sup>

**FY 2019 Activities and Performance Plan:**

Resources and FTE have been eliminated for this program in FY 2019. EPA will encourage the state of California and local entities to continue to make progress in restoring the San Francisco Bay from within core water programs.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$4,786.0/ -1.9 FTE) This program change eliminates the San Francisco Bay program. This change returns the responsibility for funding local environmental efforts and programs to state and local entities.

**Statutory Authority:**

Clean Water Act.

<sup>36</sup> EPA Bay Delta Action Plan (2012). <http://www2.epa.gov/sfbay-delta/bay-delta-action-plan>.

<sup>37</sup> State Water Board Bay Delta Water Quality Control Plan. [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/).

**Geographic Program: South Florida**

Program Area: Geographic Programs

Goal: Core Mission

Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$1,624.0</i></b>	<b><i>\$1,692.0</i></b>	<b><i>\$0.0</i></b>	<b><i>-\$1,692.0</i></b>
Total Budget Authority	\$1,624.0	\$1,692.0	\$0.0	-\$1,692.0
Total Workyears	1.1	1.4	0.0	-1.4

**Program Project Description:**

EPA’s South Florida program coordinates restoration activities in South Florida, including the Florida Keys.

**FY 2019 Activities and Performance Plan:**

Resources and FTE have been eliminated for this program in FY 2019. EPA will encourage state, tribal, and local entities to continue to make progress in protecting and restoring sensitive aquatic ecosystems in South Florida from within core water programs.

**Performance Measure Targets:**

This proposed disinvestment means that the Agency will no longer publish measures associated with this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$1,692.0/ -1.4 FTE) This program change eliminates the South Florida program. This change returns the responsibility for funding local environmental efforts and programs to state and local entities.

**Statutory Authority:**

Florida Keys National Marine Sanctuary and Protection Act of 1990; Clean Water Act; Water Resources Development Act of 1996; Water Resources Development Act of 2000.

**Great Lakes Restoration**

Program Area: Geographic Programs

Goal: Core Mission

Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$353,207.0</b>	<b>\$297,963.0</b>	<b>\$30,000.0</b>	<b>-\$267,963.0</b>
Total Budget Authority	\$353,207.0	\$297,963.0	\$30,000.0	-\$267,963.0
Total Workyears	74.3	71.7	5.0	-66.7

**Program Project Description:**

The Great Lakes are the largest system of surface freshwater on Earth, containing 20 percent of the world’s surface freshwater and 95 percent of the United States’ surface freshwater. The watershed includes two nations, eight U.S. states, two Canadian provinces, and more than 35 tribes and tribal organizations.

Through a coordinated interagency process led by EPA, this program establishes a Great Lakes system-wide surveillance network to monitor the water quality of the Great Lakes.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.2, Provide Clean and Safe Water in EPA's FY 2018 - 2022 Strategic Plan. EPA will support states and tribes through Great Lakes system-wide monitoring for the improved collection, evaluation, management, and reporting of Great Lakes environmental information. By supporting programs that measure and assess the physical, biological, and chemical integrity of the Great Lakes, this program will link numerous existing Great Lakes monitoring activities to improve the scientific basis for policy decisions by environmental managers.

The Agency will partner with agencies involved in Great Lakes monitoring and natural resource management including states and tribes and, as appropriate, federal agencies such as NOAA, BIA, and USGS. This coordinated monitoring function is assigned to the federal government under Section 118 of the Clean Water Act and under the Great Lakes Water Quality Agreement. It also is a unique federal function because it involves coordination and collaboration among 8 states, numerous local governments, 35 tribes and tribal organizations, and Canada. Increased state involvement will embody cooperative federalism by better targeting resources to state and regional needs. As appropriate, EPA can invest in state monitoring infrastructure that supports public health, environmental benefits, and economic growth.

This work will measure and assess the overall results of activities that affect the environmental condition of the Great Lakes. A successful monitoring system requires the ability to perform an

overall assessment of the Great Lakes, particularly when it can be used to support environmental management decisions that improve the environment and allow economic growth. Performance can be assessed annually through the State of the Great Lakes report. The United States and Canada, together with many partners have a suite of 9 indicators of ecosystem health, supported by 44 sub-indicators to assess the state of the Great Lakes. Maintaining this annual assessment will help Governments evaluate the effectiveness of existing programs, policies and practices and to address, inform, and engage others. Objectives for ongoing activities in FY 2019 are listed below:

- Continuation and enhancement of the long-term trend monitoring that is needed to assess Great Lakes environmental conditions. This includes monitoring for detection of invasive species and for nutrients that contribute to harmful algal blooms.
- Building state monitoring capacity to participate in and lead regional collection, evaluation, management, and reporting of Great Lakes environmental information.
- Enhancement coordination, and management of Great Lakes data systems for the benefit of environmental decision makers and the public.

Numerous accomplishments under the GLRI in FY 2017 advanced priorities in the FY 2018-2022 Strategic Plan such as: working with partners to protect and restore wetlands; conducting monitoring and assessment so we know the status of the nation's waters; enhancing shared accountability; and increasing transparency and public participation. GLRI accomplishments included:

- Since 2010, the Presque Isle (PA), Deer Lake (MI), and White Lake (MI) AOCs have been delisted. In addition, federal agencies and their partners have completed the cleanup and restoration actions necessary for delisting at seven additional AOCs, including three in FY 2017: River Raisin (MI), St. Marys River (MI), and Lower Menominee, (MI/WI).
- Since 2010, a total of 66 Beneficial Use Impairments (BUIs), at 24 AOCs in the eight Great Lakes States, have been removed, more than six times the total number of BUIs removed in the preceding 22 years. Eight BUIs were removed in FY 2017 at: Black River, OH (2); St. Marys River, MI; Lower Menominee River, MI/WI (2); St. Clair River, MI (2); and Rochester Embayment, NY.
- Since 2010, over 4 million cubic yards of contaminated sediment (over 51,000 in FY 2017) has been remediated through GLRI-associated projects.
- Since 2010, GLRI partners implemented invasive species control activities on over 134,000 acres, more than 18,000 in FY 2017.
- GLRI has been central to efforts that keep self-sustaining populations of silver, bighead, and black carp out of the Great Lakes.
- Since 2015, GLRI has implemented projects that have resulted in a projected reduction of over 767,000 pounds of phosphorus (over 360,000 in FY 2017) which contributes to harmful algal blooms around the Great Lakes in priority watersheds.
- Since 2010, more than 225,000 acres of habitat (over 40,000 in FY 2017), including coastal wetlands, have been protected, restored, or enhanced.
- In FY 2017, EPA worked with 4 Federal Agencies and 5 States to develop Lake Erie phosphorus reduction plans to meet a binational 40 percent phosphorus reduction target.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$1,012.0) This net change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$266,951.0/ -66.7 FTE) This program change reduces support for the Great Lakes Program. This returns responsibility for local environmental efforts to state and local entities.

**Statutory Authority:**

Clean Water Act as amended, including references to Great Lakes Water Quality Agreement.



## **Homeland Security**

**Homeland Security: Communication and Information**

Program Area: Homeland Security

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$3,480.0</b>	<b>\$3,834.0</b>	<b>\$3,511.0</b>	<b>-\$323.0</b>
Total Budget Authority	\$3,480.0	\$3,834.0	\$3,511.0	-\$323.0
Total Workyears	12.2	11.7	11.3	-0.4

**Program Project Description:**

This program supports EPA’s coordination and communication activities related to homeland security. The White House, Congress, and the Department of Homeland Security (DHS) have defined responsibilities for EPA in the event of a homeland security incident through a series of statutes, presidential directives, and national plans. The Office of Homeland Security (OHS) leads and coordinates EPA’s engagement with the White House and other federal departments and agencies on the development of new homeland security policy and requirements. As EPA Federal Intelligence Coordination Office (FICO), OHS coordinates analytic intelligence support capacity across the Agency to meet EPA requirements and EPA whole-of-government obligations.

EPA uses both the Homeland Security Executive Steering Committee, composed of senior executives from the program and regional offices, and the Homeland Security Collaborative Network (HSCN), a cross-agency leadership group, to support its ability to implement EPA’s broad range of homeland security responsibilities, ensure consistent development and implementation of homeland security policies and procedures, avoid duplication, and build a network of partnerships.

Homeland security information technology efforts are closely coordinated with the agencywide information security and infrastructure activities, which are managed in the Information Security and Information Technology (IT)/Data Management programs. These IT support programs also enable video contact among localities, EPA Headquarters, Regional offices, and laboratories in emergency situations.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA’s FY 2018 - 2022 Strategic Plan. In FY 2019, EPA’s Homeland Security Program will:

- Ensure a coordinated approach to EPA’s homeland security activities and resources that align with government-wide homeland security priorities and requirements.
- Support federal, state, tribal, and local efforts to prevent, protect, mitigate, respond to, and recover from 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 homeland security policy activities.
- Focus on filling critical knowledge and technology gaps that may be essential for an effective EPA response, including working with our interagency partners to define collective capabilities and resources that may contribute to closing common homeland security gaps.
- Provide EPA end-users with relevant, accurate, reliable, objective, and timely intelligence bearing on matters of environmental policy and regulation, 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*) to meet the main pillars of classified information protection with a focus on the implementation of an Insider Threat Program (ITP) to address and mitigate threats to national security.
- Track emerging national/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.

EPA’s FY 2019 resources support national cybersecurity efforts through monitoring across the Agency’s IT infrastructure to detect, remediate, and eradicate malicious software or Advanced Persistent Threats (APT) from EPA’s computer and data networks and through improved detection capabilities. EPA will enhance internal Computer Security Incident Response Capability (CSIRC) to ensure rapid identification and reporting of suspicious activity and will increase training and awareness of cybersecurity threats. EPA’s personnel are active participants in Government Forum of Incident Response Teams (GFIRST), 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.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$181.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$171.0/ -0.4 FTE) This program change reduces resources for activities related to communication, policies, and procedures to support and coordinate homeland security efforts across the Agency.
- (-\$333.0) This program change is a reduction to IT efforts coordinating homeland security across the Agency. The Agency will refocus on core functions that improve foundational capabilities and close gaps in IT security architecture.

**Statutory Authority:**

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Resource Conservation and Recovery Act (RCRA), §§ 1001, 2001, 3001, 3005; Safe Drinking Water Act (SDWA); Clean Water Act, §§ 101, 102, 103, 104, 105, 107; Clean Air Act, §§ 102, 103, 104, 108; Toxic Substances Control Act (TSCA), §§ 201, 301, 401; Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), §§ 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; Food Safety Modernization Act, § 208.

**Homeland Security: Critical Infrastructure Protection**

Program Area: Homeland Security

Goal: Core Mission

Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$936.9</i></b>	<b><i>\$956.0</i></b>	<b><i>\$1,263.0</i></b>	<b><i>\$307.0</i></b>
Science & Technology	\$9,950.4	\$9,153.0	\$5,216.0	-\$3,937.0
Total Budget Authority	\$10,887.3	\$10,109.0	\$6,479.0	-\$3,630.0
Total Workyears	22.5	23.1	18.1	-5.0

**Program Project Description:**

This 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. The program provides water systems with current information on methods and strategies to build preparedness for natural and manmade threats.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.2, Provide Clean and Safe Water in EPA’s FY 2018 - 2022 Strategic Plan. In FY 2019, EPA will build capacity 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 access to a comprehensive range of important materials, including the most updated information, tools, training, and protocols designed to enhance the security, preparedness, and resiliency of the water sector; and
- Ensuring that water utilities receive timely and informative alerts about changes in the homeland security advisory level or about 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 DHS and other appropriate agencies, needs to alert the utilities of the increasing multiple occurrences or “trends” of these incidents.

Effective information sharing protocols allow the water sector not only to improve their understanding of the latest water security and resiliency protocols and threats, but also to reduce their risk by enhancing their ability to prepare for an emergency.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 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 due to adjustments in salary, essential workforce support, and benefit costs.
- (+\$298.0/ +2.0 FTE) This program change reflects an increase to carry out EPA’s mission as the Sector-Specific Agency for drinking water and wastewater infrastructure security. Funding is critical to protect water infrastructure from natural disasters and terrorist threats.

**Statutory Authority:**

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

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

Program Area: Homeland Security

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$4,918.0</i></b>	<b><i>\$5,336.0</i></b>	<b><i>\$4,986.0</i></b>	<b><i>-\$350.0</i></b>
Science & Technology	\$438.0	\$446.0	\$500.0	\$54.0
Building and Facilities	\$6,119.2	\$6,631.0	\$6,176.0	-\$455.0
Hazardous Substance Superfund	\$1,306.2	\$934.0	\$934.0	\$0.0
Total Budget Authority	\$12,781.4	\$13,347.0	\$12,596.0	-\$751.0
Total Workyears	5.9	12.2	12.2	0.0

**Program Project Description:**

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 (ISC) standards.

In order to secure and protect EPA’s personnel and physical infrastructure, the Agency operates a federally mandated Personal Identity Verification (PIV) program, which adheres to the requirements as set forth in Homeland Security Presidential Directive 12 (HSPD-12). This program ensures the Agency is in compliance 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 initiates and adjudicates personnel background investigations, processes fingerprint checks, determines individual eligibility to access classified National Security Information (NSI), and maintains personnel security records for all federal and non-federal employees.

The NSI Program manages and safeguards EPA’s classified information for its federal workforce and contractors. The Program ensures federal mandates are followed to protect national security information, conduct federally mandated training, and conduct NSI inspections.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA’s FY 2018 - 2022 Strategic Plan. As part of nationwide protection of buildings and critical infrastructure, EPA performs vulnerability assessments on facilities each year. Through this program, the Agency also recommends security risk mitigations, oversees access control measures, determines physical security measures for new construction and leases, and manages the lifecycle of security equipment. EPA is entering into a multi-year modernization

effort to implement enterprise-wide Physical Access Control Systems (PACS) in all facilities in five years.

EPA's PIV Program ensures that the Agency is undertaking every effort to enhance safety, security, and efficiency by more effectively controlling access into EPA-controlled physical space and networks. It 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 will begin migrating the existing Agency PIV program to GSA's managed service *USAccess*, and expects full implementation within two years of initiation. Participating in this shared service ensures that EPA will be consistent with other government agencies and will be able to comply with new legislation or GSA requirements timely and in a manner that does not diminish core activities.

EPA is complying with 5 CFR 1400, which requires that federal and non-federal positions are re-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:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$350.0) This program change reduces funding for physical security and preparedness infrastructure. The Agency will focus on performing the highest priority annual facility assessments.

**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).



## **Information Exchange**

**Children and Other Sensitive Populations: Agency Coordination**

Program Area: Information Exchange / Outreach

Goal: Core Mission

Objective(s): Ensure Safety of Chemicals in the Marketplace

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$6,294.6</b>	<b>\$6,504.0</b>	<b>\$2,018.0</b>	<b>-\$4,486.0</b>
Total Budget Authority	\$6,294.6	\$6,504.0	\$2,018.0	-\$4,486.0
Total Workyears	19.2	21.8	6.9	-14.9

**Program Project Description:**

The program coordinates and advances the protection of children’s environmental health across EPA by: assisting with developing regulations; improving risk assessment and science policy; implementing community-level programs; and tracking and communicating measures, indicators, and progress on children’s health. In addition, the Children’s Health program is directed by EPA’s *Policy on Evaluating Health Risks to Children*, Executive Order 13045 *Protection of Children’s Health from Environmental Health Risks and Safety Risks*, EPA’s memorandum *EPA’s Leadership in Children’s Environmental Health*, and other existing guidance.<sup>38</sup>

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.4, Ensure Safety of Chemicals in the Marketplace. In FY 2019, the Children’s Health program will:

- Continue to serve as co-lead for the interagency efforts of the President’s Task Force on Environmental Health Risks and Safety Risks to Children alongside the Department of Health and Human Services. This effort will focus on co-chairing the Senior Steering Committee and implementing priority strategies, including the *Key Federal Programs to Reduce Childhood Lead Exposures and Eliminate Associated Health Impacts*.<sup>39</sup> Implementation efforts associated with federal initiatives may be supported by other Task Force agencies or EPA program offices.
- Identify both potential health benefits and/or health risks to children during the development of Agency regulations and policies with targeted participation on regulatory workgroups.
- Coordinate two in-person plenary meetings of the Children’s Health Protection Advisory Committee (CHPAC).<sup>40</sup>

<sup>38</sup> For more information: <https://www.epa.gov/children/history-childrens-environmental-health-protection-epa>.

<sup>39</sup> Key Federal Programs to Reduce Childhood Lead Exposures and Eliminate Associated Health Impacts Report: [https://ptfkeh.niehs.nih.gov/features/assets/files/key\\_federal\\_programs\\_to\\_reduce\\_childhood\\_lead\\_exposures\\_and\\_eliminate\\_associated\\_health\\_impactspresidents\\_508.pdf](https://ptfkeh.niehs.nih.gov/features/assets/files/key_federal_programs_to_reduce_childhood_lead_exposures_and_eliminate_associated_health_impactspresidents_508.pdf). New federal strategy to eliminate childhood lead exposure expected to be released in FY2018.

<sup>40</sup> For more information: <https://www.epa.gov/children/childrens-health-protection-advisory-committee-chpac>.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$262.0) This net change to fixed and other costs is a decrease due to the recalculation of base workforce cost for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$4,224.0/ -14.9 FTE) This program change reflects a reduction in the Children's Health program due to streamlining activities including: 1) the Pediatric Environmental Health Specialty Units; 2) grants to state or local organizations; 3) IRIS reviews; 4) regionally-selected community-based projects addressing local children's environmental health issues; 5) indicators presented in *America's Children and Environment* and *America's Children: Key National Indicators of Well-Being*; and 6) other streamlined efforts.

**Statutory Authority:**

Toxic Substances Control Act (TSCA); Safe Drinking Water Act (SDW); Comprehensive Environmental Response, Compensation, and Liability Act; Federal Insecticide (CERCLA), Fungicide, and Rodenticide Act (FIFRA); and the Food Quality Protection Act.

**Exchange Network**

Program Area: Information Exchange / Outreach

Goal: Rule of Law and Process

Objective(s): Streamline and Modernize

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$16,483.8</i></b>	<b><i>\$16,578.0</i></b>	<b><i>\$11,784.0</i></b>	<b><i>-\$4,794.0</i></b>
Hazardous Substance Superfund	\$1,316.3	\$1,319.0	\$1,319.0	\$0.0
Total Budget Authority	\$17,800.1	\$17,897.0	\$13,103.0	-\$4,794.0
Total Workyears	28.7	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 and portal services for the E-Enterprise business 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>41</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 enterprise architecture for the Agency by avoiding the creation of duplicative services. It also provides a set of value-added features and services that enable faster and more efficient transactions for internal and external clients of EPA, resulting in reduced burden.

CDX data exchange services are leveraged by EPA’s programs, regions, states, tribes, territories and other federal agencies to meet their different business needs. With CDX, a stakeholder can submit data through one centralized point of access, exchange data with target systems using web services and utilize publishing services to share information collected by EPA and other stakeholders. By managing loosely connected and interoperable services, data exchange needs can be met using one or all of the available services such as:

- User registration;
- External user identity management;
- Electronic signature;
- Encryption and transmission;
- Virtual exchange services (VES); and
- Data quality assurance.

<sup>41</sup> For more information on the Central Data Exchange, please visit: <http://www.epa.gov/cdx/>.

Working in concert with CDX are EPA's System of Registries, which are centralized shared data services to improve data quality in EPA, state, and tribal program data, while promoting burden reduction for the reporting community. The following registries manage shared data centrally for reuse by the following EN partners:

- Facility Registry Service (FRS);
- Substance Registry Services (SRS);
- Tribes;
- Laws and Regulations Services (LRS);
- Terminology Services (TS);
- Reusable Component Services (RCS);
- Environmental Dataset Gateway (EDG);
- Registry of EPA Applications, Models, and Databases (READ); and
- Data Element Registry Services (DERS)

These shared data services catalog entities routinely referenced by EPA and EN partners, 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 fosters data consistency and data quality as well as enabling data integration. By integrating these shared data services into their online reporting forms, EPA and its EN partners make it easier for the reporting community to discover the correct information to submit, reducing burden, which enables reuse by partner programs.

#### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.4, Streamline and Modernize in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, EPA will continue to support core functions for the EN IT systems. The potential for burden reduction and savings from IT improvements are significant. Schedules and plans for upgrades and modernization will be adjusted to align with resources. As part of the E-Enterprise business strategy, EPA will continue to carry out the baseline support for the following projects under the EN program: roll out of Federated Identity Management system for EPA and its partners; promote existing shared facility and substance identification services that improve quality and reduce burden on states and tribes; utilize current services for EPA's Laws and Regulations registry, which will standardize identification of and associations between regulations, laws, and EPA's programs; and deploying established reusable electronic signature services to streamline Cross-Media Electronic Reporting Regulation (CROMERR) compliance. Advancements in data transport services, such as Virtual Exchange Services, will continue to provide cloud-based solutions for EPA's state and tribal partners. Examples of important enhancements that could greatly streamline operations for states, tribes, industry and the Agency include a tool that helps industry identify potentially applicable regulations, and electronic filing capacity for imports and exports of environmentally sensitive products through the DHS/US Customs system, which reduces processing time from days or weeks to minutes or days.

In FY 2019, EPA will:

- Support existing outreach activities to increase awareness of CROMERR services and the savings to states and tribes from using these services; and
- Approve essential CROMERR applications from authorized programs that propose to use EPA's shared CROMERR services and assist co-regulators with integrating these services into their systems.

CROMERR activities are intended to assist states and tribes in the development activities associated with establishing a point of presence, exchanging data on the Network, and supporting local electronic reporting programs in a more cost effective way.

EPA will prioritize areas of support for the System of Registries and partner applications. Keeping the information current in the registries requires constant maintenance and research. This includes:

- An adjusted schedule for priority updates to EPA's enterprise dataset registry, the Environmental Dataset Gateway, to meet EPA's priority of improving data accessibility, achieve compliance with Open Data Policy requirements (OMB M-13-13) and pursue the establishment of an administrative dataset registry; and
- Maintaining the list of previously entered IT resources, on an adjusted schedule, through its catalog of IT services (e.g., widgets, web services, reusable code). The Reusable Component Services is a resource that enables EPA and its EN partners to reuse standard system functions in whole or in part, thus saving money and time for states and tribal governments and EPA.

EPA also will continue to work with the Department of Homeland Security's Customs and Border Protection (CBP) to maintain systems that support the importation process of products that are of dual interest to EPA and CBP. Due to the successful conclusion of the limited pilot test for electronic reporting and processing of EPA-regulated imports for vehicles and engines, pesticides and toxic substances, EPA will continue to support mission essential activities of the program in FY 2019. Such electronic reporting will aid regional enforcement coordinators by automating what is currently a manual review process and allow them to focus on key high-value monitoring and targeting activities for noncompliant imports.

In FY 2019, the EN program will continue to be a pivotal component of the E-Enterprise for the Environment strategy that supports business process change agencywide. E-Enterprise is a transformative 21st century strategy – jointly governed by states, tribes, and EPA – that rethinks how government agencies deliver environmental protection. Under this strategy, the Agency will streamline its business processes and systems to reduce reporting burden on states and regulated facilities, and improve the effectiveness and efficiency of environmental programs for EPA, states, and tribes. In this context, the Agency will maintain the E-Enterprise Portal that transforms the EN to a more open platform of services and make environmental data reporting, sharing and analysis faster, simpler and less expensive.

**Performance Measure Targets:**

(053) Number of states, tribes and territories able to exchange data with CDX through nodes in real time, using standards and automated data-quality checking.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	110	115
(052) Number of major EPA environmental systems that use the CDX electronic requirements enabling faster receipt, processing, and quality checking of data.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	85	90
(999) Number of active unique users from states, tribes, laboratories, regulated facilities and other entities that electronically report environmental data to EPA through CDX.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	100,000	110,000

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$583.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$5,377.0) This program change modifies the timeline to address required modifications to the Exchange Network IT systems; streamlines quality assurance of registries; refocuses modernization efforts; and reduces the collection and exchange of environmental data with states, tribes, and regulated entities.

**Statutory Authority:**

Federal Information Security Management Act (FISMA); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); 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); Paperwork Reduction Act (PRA); Controlled Substances Act (CSA); The Privacy Act of 1974; Freedom of Information Act (FOIA).

**Executive Management and Operations**

Program Area: Information Exchange / Outreach

Goal: Cooperative Federalism

Objective(s): Enhance Shared Accountability

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$47,207.3</b>	<b>\$46,398.0</b>	<b>\$39,431.0</b>	<b>-\$6,967.0</b>
Total Budget Authority	\$47,207.3	\$46,398.0	\$39,431.0	-\$6,967.0
Total Workyears	284.4	309.4	235.6	-73.8

**Program Project Description:**

This program supports various offices that provide direct executive and logistical support to EPA’s Administrator. In addition to the Administrator’s Immediate Office (IO), resources in this program support the Office of Congressional and Intergovernmental Relations (OCIR), Office of Administrative and Executive Services, Office of the Executive Secretariat, the Office of Public Affairs, and the Office of Public Engagement.

This program also supports EPA’s Regional Administrators’ offices. The program and regional offices’ activities link the Agency’s engagement with outside entities, including: Congress, state and local governments, nongovernmental organizations, national and community associations, and the public. These activities include management, coordination, and establishing policy.

Within this program, key functions include: responding to congressional requests for information; coordinating and providing outreach to state and local governments and rural communities; and supporting press and other communications activities. This program also supports administrative management services involving correspondence control and records management systems, human resources management, budget formulation and execution, and information technology management services.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 2/Objective 2.1, Enhance Shared Accountability in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, the IO will continue providing management, leadership, and direction to all of EPA's programs and activities and develop the guidance necessary to ensure achievement of the Agency’s core statutory responsibilities. In FY 2019, IO resources will primarily support critical needs for staff, including travel and workforce support.

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 with these entities. OCIR is comprised of two main components: the Office of Congressional Affairs (OCA) and the Office of Intergovernmental Relations (OIR). Interactions with Congress



are managed out of the Office of Congressional Affairs, the staff of which is responsible for specific programmatic areas of the Agency. The Office of Intergovernmental Relations 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 2017, OCIR managed over 700 letters from members of Congress and governors, received over 140 Freedom of Information Act requests (FOIAs), and prepared senior leadership for several hearings including the confirmation of Administrator Pruitt.

In FY 2019, OCIR's OCA will 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. OIR will continue to inform state and local governments of regulatory and other EPA activities. Additionally, OIR will lead the Agency's efforts to support productive working relationships with states through a renewed focus on cooperative federalism.

The Office of Public Affairs (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. OPA generally responds to approximately 8.9 thousand media inquiries annually, oversees the production of more than 300 videos annually, and manages more than 500 thousand webpages on EPA's website. In FY 2019, 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 multimedia and new media tools to provide stakeholders with information. The office also will work with EPA's programs to improve employee communications and collaboration, update the Agency's intranet site, and use other tools to provide agency information to employees.

As the central administrative management component of the Administrator's Office (AO), the Office of Administrative and Executive Services (OAES) provides advice, tools, and assistance to the AO's programmatic operations. In FY 2019, OAES will continue to conduct the following activities: human resources management, budget and financial management, information technology and security, and audit management.

The Office of the Executive Secretariat (OEX) manages the AO's correspondence, records management, and FOIA activities. The OEX correspondence team processes correspondence for the Administrator and Deputy Administrator and reviews and prepares documents for their signature. The team also manages the Administrator's primary email account. Finally, OEX operates the Correspondence Management System, which provides paperless workflow, tracking, and records management capabilities to more than three thousand registered users agencywide. In FY 2019, the OEX will maintain critical administrative support to the Administrator, Deputy Administrator, senior agency officials, and staff in order to comply with the statutory and regulatory requirements under the Federal Records Act (FRA), FOIA, and related statutes and regulations. The OEX will continue in the development and acquisition of the next-generation correspondence tracking tool and will implement the system agencywide.

The Office of Public Engagement (OPE) in the Office of the Administrator advises the Administrator and senior staff on activities surrounding different stakeholder groups. Also, OPE generates and distributes 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 hosting conference calls on regulatory topics with impacted stakeholders.

**Performance Measure Targets:**

(ST1) Number of grant commitments achieved by states, tribes, and local communities.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	No Target Established	TBD

(ST2) Number of alternative shared governance approaches to address state, tribal, and local community reviews.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	No Target Established	TBD

Work related to the results of measure Number of grant commitments achieved by states, tribes, and local communities, is agencywide in scope. The lead office is Office of the Administrator.

Work related to the results of measure Number of alternative shared governance approaches to address state, tribal, and local community reviews, is agencywide in scope. The lead office is Office of the Administrator.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (\$3,626.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$10,593.0/ -73.8 FTE) This program change reflects EPA’s efforts to focus on the core legal requirements, federal-only and national efforts, provide support to states in implementing environmental laws, and ease burden.

**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

Goal: Rule of Law and Process

Objective(s): Create Consistency and Certainty

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$2,102.2</b>	<b>\$2,080.0</b>	<b>\$1,965.0</b>	<b>-\$115.0</b>
Total Budget Authority	\$2,102.2	\$2,080.0	\$1,965.0	-\$115.0
Total Workyears	4.7	4.9	4.6	-0.3

**Program Project Description:**

EPA’s Office of Small and Disadvantaged Business Utilization includes the Small Business Ombudsman program, the Small Business Contracting program, and the Disadvantaged Business Enterprise (DBE) program.

The Small Business Ombudsman program includes the Asbestos and Small Business Ombudsman (ASBO)<sup>42</sup>, as well as the Small Business Advocacy Chair and other small business activities located in the Office of Policy’s Office of Regulatory Policy and Management.<sup>43</sup> The program provides a comprehensive suite of resources, networks, tools, and forums for education 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 (SBREFA).

The ASBO serves as the Agency’s principal advocate for small business regulatory issues through its partnership with EPA Regional Small Business Liaisons, state Small Business Environmental Assistance Programs (SBEAPs)<sup>44</sup> nationwide, the U.S. Small Business Administration (SBA) Office of Advocacy, and hundreds of small business trade associations. These partnerships provide the information and perspective EPA needs to help small businesses achieve their environmental goals.

Overall, the core functions of the Small Business Ombudsman program include assisting EPA’s program offices with analysis and consideration of the impact of their regulatory actions on small businesses; engaging small entity representatives, and other federal agencies in evaluating the potential impacts of rules; operating and supporting the program’s hotline and homepage; and supporting internal and external small business activities. The program helps small businesses learn about new actions and developments within EPA and helps the Agency learn about the concerns and needs of small businesses.

<sup>42</sup> For more information, <https://www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman>.

<sup>43</sup> For more information, <https://www.epa.gov/aboutepa/about-office-policy-op#ORPM>.

<sup>44</sup> For more information, <https://nationalsbeap.org/>.

The Small Business Contracting program is 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 subcontract opportunities to expand the competitive supplier base in furthering the Agency's mission. The program offers statutorily required counselling to EPA's contracting community on all aspects of the acquisition cycle. It also affords statutorily mandated advocacy and technical assistance to the various categories of small businesses, including, disadvantaged businesses; certified small businesses located in Historically Underutilized Business Zones (HUBZones); service-disabled veteran-owned small businesses (SDVOSBs); and women-owned small businesses.

In accordance with the many statutory responsibilities required under Section 15(k), the Small Business Contracting program provides expertise in conducting market research for EPA acquisitions; works with acquisition officials to advise on the structure of procurements and to revise solicitations to maximize small business participation; and performs contract bundling reviews to ensure a pipeline of responsible small business suppliers to compete for the Agency's procurements. In addition, the program processes unsolicited proposals to help the Agency identify new and innovative ways to support the Agency's mission, and assists small businesses in resolving payment issues regarding contract performance. It further provides a broad range of training, outreach and technical assistance to small businesses seeking to do business with EPA.

The DBE program<sup>45</sup> provides national outreach, education, and assistance to increase the utilization of businesses owned and controlled by socially and economically disadvantaged individuals in procurements funded under EPA financial assistance agreements. The DBE Program implements the Clean Air Act Amendments of 1990, 42 U.S.C. § 7601, which establishes a 10 percent DBE goal for Clean Air Act research projects, and Public Law 102-389, 42 U.S.C. § 4370d, which establishes an 8 percent DBE Goal for prime and subcontracts awarded in support of all other authorized programs. Under the program, OSDBU negotiates DBE goals with each financial assistance agreement recipient based on the availability of DBE certified firms. OSDBU closely monitors each recipient's procurement activities to confirm compliance with the Good Faith Effort requirements to meet the goals.

### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.2, Create Consistency and Certainty in EPA's FY 2018 – 2022 Strategic Plan. In FY 2019, the programs will:

- Improve environmental protection by working with EPA program offices and state SBEAPs to share information and leverage resources, provide compliance assistance resources and enhance the compliance assistance tool box available to the small business community.
- The ASBO will continue to implement a new internal and external outreach program focused on increasing outreach platforms for more effective public engagement.

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<sup>45</sup> For more information, [www.epa.gov/resources-small-businesses/disadvantaged-business-enterprise-resources-and-training](http://www.epa.gov/resources-small-businesses/disadvantaged-business-enterprise-resources-and-training).

- Serve as the Agency’s point of contact for the Small Business Paperwork Relief Act<sup>46</sup> by coordinating efforts with the Agency’s program offices to further reduce the information collection burden for small businesses with fewer than 25 employees.
- Streamline the review process and analysis of forecasted and proposed EPA acquisitions above the simplified acquisition threshold to ensure the maximum practicable contracting opportunities for small business concerns, in accordance with Section 15 of the Small Business Act.
- Support EPA’s efforts to expand regulatory consistency and certainty by strengthening the outreach and engagement efforts of the Agency’s Small Business Advocacy Review Panel process performed under Section 609 of the Small Business Regulatory Enforcement Fairness Act. The engagement will ensure appropriate dissemination of relevant information and opportunity for public input to help build trust and create positive environmental outcomes.

Additionally, OSDDBU is currently exploring options to transfer the DBE program to another office within EPA, in part as a result of a corrective action measure recommended in GAO Report, GAO-17-675, entitled: *Small Business Contracting: Actions Needed to Demonstrate and Better Review Compliance with Select Requirements for Small Business Advocates*.

**Performance Measure Targets:**

Currently, there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$126.0) This net change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (+\$11.0/ -0.3 FTE) With a limited change in resources, the Agency will prioritize activities to ensure compliance with its statutory obligations under the Small Business act. This net program change incorporates the statutory functions of the Small Minority Business Assistance program project, under the Office of Small and Disadvantaged Business Utilization into this program.

**Statutory Authority:**

Toxic Substances Control Act (TSCA); Clean Air 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.); 42 U.S.C. § 7661f; 15 U.S.C § 644(k); 42 U.S.C. § 4370d and 7601 note.

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<sup>46</sup> For more information: <https://www.whitehouse.gov/sites/default/files/omb/assets/omb/infoeg/sbpra-hr327.pdf>.

**State and Local Prevention and Preparedness**

Program Area: Information Exchange / Outreach

Goal: Core Mission

Objective(s): Revitalize Land and Prevent Contamination

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$14,413.1</i></b>	<b><i>\$15,269.0</i></b>	<b><i>\$10,031.0</i></b>	<b><i>-\$5,238.0</i></b>
Total Budget Authority	\$14,413.1	\$15,269.0	\$10,031.0	-\$5,238.0
Total Workyears	68.5	74.2	46.9	-27.3

**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, and property from chemical accident risks through advanced technologies, community and facility engagement, and improved safety systems. This framework provides the foundation for community emergency responders, facility hazard response planning, and reduction of risk posed from chemical facilities.

Under Section 112(r) of the 1990 Clean Air Act, chemical facilities that store more than a certain amount 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>47</sup>

The Emergency Planning and Community Right –to-Know Act (EPCRA) of 1986 was created 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 federal, state, and local governments. States, tribes, and local governments use this information to prepare communities from potential releases from these facilities through the development of local emergency response plans.<sup>48</sup>

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.3, Revitalize Land and Prevent Contamination. In FY 2019, the State and Local Prevention and Preparedness program will perform the following activities:

- Inspect RMP and EPCRA facilities to ensure compliance with accident prevention and preparedness regulations, work with facilities to reduce chemical risks and improve

<sup>47</sup> For additional information, refer to: <https://www.epa.gov/rmp>.

<sup>48</sup> For additional information, refer to: <https://www.epa.gov/epcra>.

chemical facility safety. There are approximately 12,500 chemical facilities that are subject to the RMP regulations. Of these, approximately 1,900 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. EPA prioritizes inspections at high-risk facilities.

- Provide basic and advanced RMP and EPCRA inspector training for federal and state inspectors.
- Maintain the national Central Data Exchange (CDX) RMP reporting center 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.
- Develop limited updates to the Computer-Aided Management of Emergency Operations (CAMEO) software suite, *i.e.*, the CAMEO Chemicals application, which will provide free and publically available information for firefighting, first aid, and spill response activities.
- Complete reconsideration of the RMP Amendments final rule as a result of three petitions for reconsideration requested under the Clean Air Act. Reconsideration may result in further amendments to the final rule.

EPA is proposing to develop a new program that would authorize EPA to collect and use fees for compliance assistance. This fee and service will be voluntary and EPA would conduct an on-site walk through within one-year of the accepted request and provide a report to assist RMP facilities in complying with EPA regulations. Authorizing language is proposed with this budget submission.

**Performance Measure Targets:**

(CH2) Number of risk management plan inspections conducted.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	175	175

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$689.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$5,927.0/ -27.3 FTE) This program change reduces resources for technical support and outreach, and eliminates grant support for certified RMP inspectors in FY 2019.

**Statutory Authority:**

The Emergency Planning and Community Right-to-Know Act (EPCRA); the Clean Air Act (CAA) § 112(r), as amended by the Chemical Safety Information, Site Security, and Fuels Regulatory Relief Act.



**TRI / Right to Know**

Program Area: Information Exchange / Outreach

Goal: Core Mission

Objective(s): Ensure Safety of Chemicals in the Marketplace

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$12,556.8</i></b>	<b><i>\$14,187.0</i></b>	<b><i>\$7,726.0</i></b>	<b><i>-\$6,461.0</i></b>
Total Budget Authority	\$12,556.8	\$14,187.0	\$7,726.0	-\$6,461.0
Total Workyears	37.7	43.5	20.8	-22.7

**Program Project Description:**

EPA’s success in carrying out its mission to protect human health and the environment is contingent on collecting timely, high-quality, and relevant information. The Toxics Release Inventory (TRI) program<sup>49</sup> supports EPA’s mission by annually publishing, for the public, release and other waste management (e.g., recycling) and pollution prevention data on over 650 toxic chemicals from approximately 20,000 industrial and federal facilities. The TRI Program is a premiere source of toxic chemical release data for communities, non-governmental organizations, industrial facilities, academia, and government agencies.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.4, Ensure Safety of Chemicals in EPA’s FY 2018 - 2022 Strategic Plan. In FY 2019, EPA will focus on the collection of the chemical release data and making the data available to governments and the public.

EPA’s Office of Environmental Information will continue to provide reporting facilities with an online reporting application, TRI-MEweb, to facilitate the electronic preparation and submission of TRI reports through EPA’s Central Data Exchange (CDX). In addition, the TRI data collected by EPA are shared with states who have an active node on CDX and are partners of the TRI Data Exchange (TDX). EPA will continue to maintain the TDX used by states, tribes and territories. OEI also will continue to support the TRIPS database, which is the repository for TRI data. Maintaining the TRI data includes data quality activities and transmitting the data to the Envirofacts web portal in support of the public’s access to TRI data.

In FY 2019, the TRI program will continue to conduct approximately 600 data quality checks to help ensure the accuracy and completeness of the reported data. The TRI program will continue to publish the annual TRI National Analysis, including describing relevant trends in toxic chemical releases and other waste management and innovative approaches by industry to reduce pollution. Since electronic systems that collect and disseminate TRI data have already been largely developed, operations and maintenance of TRI-MEweb, TRIPS, and its processes that contribute

<sup>49</sup> Please see: <http://www.epa.gov/tri/>.

to the annual TRI National Analysis will be reduced and streamlined while allowing the TRI program to continue to meet statutory requirements for industry reporting and public access to TRI data. This will be accomplished by leveraging the cloud environments and OEI enterprise infrastructure and services. This includes optimizing search and data transfers within EnviroFacts, the system that provides public access to the statutorily required data submitted by industry.

As required by the Emergency Planning and Community Right-to-Know Act (EPCRA), the Agency will respond to EPCRA petitions regarding TRI within 180 days after receipt. Petitions may request to add or delete chemicals or industry sectors on the TRI. The quantity and complexity of petitions are unknown until submitted to the Agency.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$459.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to adjustments in salary and benefit costs.
- (-\$4,384.0/ -19.7 FTE) This program change eliminates funding for the TRI National Training Conference, TRI University Challenge, TRI Tools (other than for operations and maintenance), and other TRI communication initiatives, and reflects planned streamlining of the TRI program as TRI information can increasingly be accessed remotely via databases and web tools. This program change also reflects a reduction in contractual costs for producing TRI annual reports as a result of the 2013 TRI Electronic Reporting Rule.
- (-\$2,536.0/ -3.0 FTE) This program change reduces resources for operations and maintenance for the OEI TRI tools in EnviroFacts, Data Processing Center operations, Help Desk activities, and security upgrades. In addition, enhancements for TRI-MEweb and TRIPS are eliminated.

**Statutory Authority:**

Emergency Planning and Community Right-to-Know Act (EPCRA), § 313; Pollution Prevention Act of 1990 (PPA), § 6607.

**Tribal Capacity Building**

Program Area: Information Exchange / Outreach

Goal: Cooperative Federalism

Objective(s): Enhance Shared Accountability

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$14,760.7</i></b>	<b><i>\$14,448.0</i></b>	<b><i>\$12,631.0</i></b>	<b><i>-\$1,817.0</i></b>
Total Budget Authority	\$14,760.7	\$14,448.0	\$12,631.0	-\$1,817.0
Total Workyears	86.3	87.9	72.0	-15.9

**Program Project Description:**

Under federal environmental statutes, EPA has responsibility for protecting human health and the environment in Indian country. Under EPA’s 1984 Indian Policy<sup>50</sup>, the Agency works with federally recognized tribes (tribes) on a government-to-government basis in recognition of the federal government’s trust responsibility to tribes to implement federal environmental programs. In the 1984 Indian Policy, the “EPA recognizes tribes as the primary parties for setting standards, making environmental policy decisions, and managing programs for reservations consistent with agency standards and regulations” and therefore, EPA assists tribes in developing the program to make such decisions. In the absence of a program delegation to a tribe, EPA directly implements the program.

EPA’s American Indian Environmental program leads the agencywide efforts to ensure environmental protection in Indian country. Please see <http://www.epa.gov/tribal> for more information.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 2/Objective 2.1, Enhance Shared Accountability in EPA’s FY 2018 – 2022 Strategic Plan. Overall, the Agency has made steady progress towards strengthening human health and environmental protection on tribal lands. The Agency will further its priority of strengthening tribal partnerships and continue to work toward its goal of building tribal capacity through a number of mechanisms in FY 2019. In addition, EPA continues the direct implementation assessment effort to better understand EPA’s direct implementation responsibilities and activities on a program-by-program basis in Indian country.

**Capacity Building:** EPA will provide technical assistance to tribes developing and implementing federal environmental programs through several means, including the “treatment in a manner similar to a state” (TAS) process and the use of the Direct Implementation Tribal Cooperative Agreement (DITCA) authority. EPA will provide technical and financial assistance to ensure

<sup>50</sup> EPA Policy for the Administration of Environmental Programs on Indian Reservations available at <http://www.epa.gov/tribalportal/pdf/indian-policy-84.pdf>.

tribal governments have the opportunity to build the capacity to meaningfully participate and engage in environmental protection activities. To date, EPA has approved 110 TAS program delegations to tribes, including 12 with compliance and enforcement authority. EPA also has entered into 49 DITCAs, with 19 active DITCAs in FY 2017.

**Indian Environmental General Assistance Program (GAP) Capacity Building Support:** 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>51</sup> In FY 2019, EPA will continue to implement this Guidance, planned to be modified in FY 2018, to build tribal capacity and address environmental issues in Indian country. EPA’s work in FY 2019 also will continue to enhance EPA-Tribal partnerships supported by the framework for joint strategic planning set forth in the 2013 Guidance.

The Agency is continuing a process to establish a performance information management system to track the progress tribes achieve for developing and implementing environmental protection programs in Indian Country. This effort builds on the 2013 (GAP) Guidance,<sup>52</sup> which provides measurable tribal capacity indicators within a national capacity development framework. In FY 2019, EPA will work with regional and tribal early adopters of the system to define, select, complete, and report on indicators of capacity and other performance management information relevant to tribal environmental conditions and the operation of tribal environmental programs. Using an agile system development methodology, EPA will refine the system with early adopters prior to broader deployment. Establishing the performance information management system is an important component of EPA’s efforts to track and measure tribal accomplishments through GAP.

**GAP Online:** In addition to the improved measurement scheme noted above, EPA will continue to use GAP Online, an internet-based database that assists tribes and EPA in developing, reviewing, and archiving GAP work plans and progress reports. EPA and tribes use the database to negotiate plans and track progress with individual grantees. GAP Online creates an easily accessible record to help mitigate challenges associated with relatively high rates of staff turnover in many tribal environmental departments.

**Tribal Consultation:** In working with the tribes, EPA follows its “*Policy on Consultation and Coordination Policy with Indian Tribes*”<sup>53</sup>. The Consultation Policy builds on EPA’s 1984 Indian Policy and establishes clear agency standards for a consultation process promoting consistency and coordination. In FY 2019, EPA will continue to support the Agency’s web-based Tribal Consultation Opportunities Tracking System (TCOTS), a publically 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.

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<sup>51</sup> Please refer to: <https://www.epa.gov/tribal/2013-guidance-award-and-management-general-assistance-agreements-tribes-and-intertribal> for further information.

<sup>52</sup> Please refer to: <http://www.epa.gov/tribalportal/GAP-guidance-final.pdf> for further information.

<sup>53</sup> Please refer to: <http://www.epa.gov/tribalportal/pdf/cons-and-coord-with-indian-tribes-policy.pdf> for further information.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$229.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to adjustments in salary and benefit costs.
- (-\$2,046.0/ -15.9 FTE) This net program change includes an increase for the Tribal GAP performance management system, reductions in some tribal capacity building efforts, and eliminates: grants to tribal colleges and universities; certain tribal small-grant programs; contract support for assessing EPA's direct implementation responsibilities in Indian country; and contract and staff support.

**Statutory Authority:**

Annual Appropriation Acts; Indian Environmental General Assistance Program Act; PPA; FIFRA; CAA; TSCA; NEPA; CWA; SDWA; RCRA; CERCLA; NAFTA; MPRSA; Indoor Radon Abatement Act; OPA; and additional authorities.

Work within this Tribal Capacity Building Program supports the above authorities, as well as additional statutory authorities that influence environmental protection and affect human health and environmental protection in Indian country.

**Environmental Education**

Program Area: Information Exchange / Outreach

Goal: Cooperative Federalism

Objective(s): Increase Transparency and Public Participation

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$8,930.9</b>	<b>\$8,643.0</b>	<b>\$0.0</b>	<b>-\$8,643.0</b>
Total Budget Authority	\$8,930.9	\$8,643.0	\$0.0	-\$8,643.0
Total Workyears	9.5	11.1	0.0	-11.1

**Program Project Description:**

The Environmental Education (EE) program provides guidance and financial support to both rural and urban focused grassroots and nonprofit organizations, local educational institutions, universities, community colleges and state and local environmental agencies. Financial support from EE received by these entities is via the competitive grant process and cooperative agreements. EE also administers the Presidential Environmental Education Awards Program.

**FY 2019 Activities and Performance Plan:**

Resources have been proposed for elimination for this program in FY 2019. EPA will continue to find ways to streamline education activities and leverage funding outside the Agency for environmental stewardship activities via existing cooperative agreements and at the state and local level.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$8,643.0/ -11.1 FTE) This funding change proposes to eliminate the Environmental Education program.

**Statutory Authority:**

National Environmental Education Act (NEEA); Clean Air Act, § 103; Clean Water Act, § 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.

**Small Minority Business Assistance**

Program Area: Information Exchange / Outreach

Goal: Rule of Law and Process

Objective(s): Create Consistency and Certainty

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$1,704.6</i></b>	<b><i>\$1,573.0</i></b>	<b><i>\$0.0</i></b>	<b><i>-\$1,573.0</i></b>
Total Budget Authority	\$1,704.6	\$1,573.0	\$0.0	-\$1,573.0
Total Workyears	8.1	8.9	0.0	-8.9

**Program Project Description:**

EPA’s Office of Small and Disadvantaged Business Utilization (OSDBU) manages the Agency’s Small Business Contracting and Disadvantaged Business Enterprise (DBE) programs.

The Small Business Contracting program is mandated under Section 15(k) of the Small Business Act, 15 U.S.C. § 644(k). The program provides expertise in expanding small business prime and subcontracting opportunities. The program offers counselling to EPA’s contracting community on all aspects of the acquisition cycle. It also provides a range of advocacy, outreach and technical assistance to the various categories of small businesses, including, disadvantaged and women-owned small businesses; businesses located in Historically Underutilized Business Zones (HUBZone); and service-disabled veteran-owned small businesses (SDVOSBs).

The DBE program provides national outreach, education and assistance to increase the utilization of businesses owned and controlled by socially and economically disadvantaged individuals in procurements funded under EPA financial assistance agreements. Under the DBE program, OSDBU issues the governing program eligibility and compliance requirements.

**FY 2019 Activities and Performance Plan:**

Resources and FTE for this program have been proposed for elimination for this program in FY 2019. The Agency will integrate its resources for Small and Disadvantaged Business activities under the Small Business Ombudsman program.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$1,573.0/ -8.9 FTE) This funding change proposes to eliminate the Small Minority Business Assistance program as part of the effort to streamline functions that can be absorbed into other programs. Key portions of this program's activities will be shifted to the Small Business Ombudsman program.

**Statutory Authority:**

15 U.S.C § 644(k); 42 U.S.C. § 4370d; Clean Air Act Amendments of 1990, Public Law 101-549 (codified at 42 U.S.C. § 7601 note).



## **International Programs**

**International Sources of Pollution**

Program Area: International Programs

Goal: Cooperative Federalism

Objective(s): Enhance Shared Accountability

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$6,338.3</b>	<b>\$6,506.0</b>	<b>\$4,188.0</b>	<b>-\$2,318.0</b>
Total Budget Authority	\$6,338.3	\$6,506.0	\$4,188.0	-\$2,318.0
Total Workyears	36.7	38.2	14.2	-24.0

**Program Project Description:**

To achieve our domestic environmental and human health objectives, the U.S. works with international partners to address international sources of pollution, as well as the impacts of pollution from the U.S. on other countries and the global environment. International sources of pollution impacts air, water, food crops and food chains, and can accumulate in foods such as fish. Achieving healthy environments, ecosystems, and communities provides the foundation for economic development, food security, and sustainable growth.

EPA’s work with international partners and organizations is essential to successfully addressing transboundary pollution adversely impacting the U.S. Strengthening environmental protection abroad so that it is on par with practices in the U.S. helps build a level playing field for U.S. industry and promotes opportunities for U.S. technologies and innovation. EPA’s international programs also play an important role in fulfilling national security and foreign policy objectives.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 2/Objective 2.1, Enhance Shared Accountability in EPA’s FY 2018 - 2022 Strategic Plan. In FY 2019, EPA will continue to engage both bilaterally and through multilateral institutions to improve international cooperation to prevent and address the transboundary movement of pollution. Specifically, EPA will engage with key priority countries like China to address air pollution that contributes significant pollution to the domestic and international environment. For example, China is implementing national air quality monitoring, planning, and control strategies with advice and lessons learned from the U.S. Environmental policies adopted and implemented in China will improve competitiveness for U.S. businesses, drive demand for US emissions control technologies, and expand exports of U.S. environmental goods and services to China while improving air quality conditions in the United States.

EPA will maintain efforts to reduce environmental threats to U.S. citizens from global contaminants impacting air, water, and food safety. In particular, EPA will continue technical and policy assistance for global and regional 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>54</sup> both domestic efforts and international cooperation are important to address mercury pollution. For example, EPA will continue to work with international partners and key countries to fully implement obligations under the Minamata Convention on Mercury in order to protect the U.S. population from mercury emissions originating in other countries from artisanal and small-scale gold mining. EPA also 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.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$387.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to adjustments in salary and benefit costs.
- (-\$2,705.0/ -24.0 FTE) This program change reflects a reduction to support reprioritization of Agency activities. The program will focus efforts on highest priority international issues.

**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), 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.

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<sup>54</sup> For more information, see: <http://www.epa.gov/international/toxics/mercury/mnegotiations.html> and [www.mercuryconvention.org](http://www.mercuryconvention.org).

**Trade and Governance**

Program Area: International Programs

Goal: Cooperative Federalism

Objective(s): Enhance Shared Accountability

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$5,857.8</b>	<b>\$5,777.0</b>	<b>\$0.0</b>	<b>-\$5,777.0</b>
Total Budget Authority	\$5,857.8	\$5,777.0	\$0.0	-\$5,777.0
Total Workyears	17.5	18.0	0.0	-18.0

**Program Project Description:**

EPA is a member of the Trade Policy Staff Committee (TPSC) and the Trade Policy Review Group (TPRG) - interagency mechanisms that provide advice, guidance, and clearance to the Office of the U.S. Trade Representative (USTR) in the development of U.S. international trade and investment policy. It is understood that 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 strong environmental provisions that are consistent with the Administration’s goal to protect the environment while not putting the U.S. at an economic disadvantage.

**FY 2019 Activities and Performance Plan:**

Resources and FTE are proposed for elimination in FY 2019.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$5,777.0/ -18.0 FTE) This program change eliminates the Trade and Governance program.

**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), 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, as amended by E.O. 13346.

**US Mexico Border**

Program Area: International Programs

Goal: Cooperative Federalism

Objective(s): Enhance Shared Accountability

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$2,864.8</b>	<b>\$3,012.0</b>	<b>\$0.0</b>	<b>-\$3,012.0</b>
Total Budget Authority	\$2,864.8	\$3,012.0	\$0.0	-\$3,012.0
Total Workyears	13.7	14.7	0.0	-14.7

**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, where the benefits of international programs are perhaps most apparent. This region accounts for three of the ten poorest counties in the U.S., with an unemployment rate 250-300 percent higher than the rest of the United States.<sup>55</sup> In addition, over 430 thousand of the 14 million people in the region live in 1,200 colonias,<sup>56</sup> which are unincorporated communities characterized by substandard housing and unsafe drinking water. The 1983 La Paz Agreement<sup>57</sup> and the adoption of the Border Programs have 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.

**FY 2019 Activities and Performance Plan:**

Resources and FTE are proposed for elimination in FY 2019.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$3,012.0/ -14.7 FTE) This program change eliminates the U.S. Mexico Border Program. Projects historically funded along the two thousand mile border between the United States and Mexico may be eligible for funding under the Clean Water and Drinking Water State Revolving Funds.

<sup>55</sup> <http://hsc.unm.edu/community/toolkit/docs2/10.USMBHC-TheBorderAtAGlance.pdf>

<sup>56</sup> <http://hsc.unm.edu/community/toolkit/docs2/10.USMBHC-TheBorderAtAGlance.pdf>

<sup>57</sup> <https://www.epa.gov/sites/production/files/2015-09/documents/lapazagreement.pdf>

**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), 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).

**IT/ Data Management/ Security**

**Information Security**

Program Area: IT / Data Management / Security

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$9,166.5</b>	<b>\$6,742.0</b>	<b>\$13,755.0</b>	<b>\$7,013.0</b>
Hazardous Substance Superfund	\$654.9	\$666.0	\$5,186.0	\$4,520.0
Total Budget Authority	\$9,821.4	\$7,408.0	\$18,941.0	\$11,533.0
Total Workyears	21.6	14.3	12.8	-1.5

**Program Project Description:**

Information is a valuable national resource and a strategic asset to EPA. It enables the Agency to fulfill its mission to protect human health and the environment. The Agency’s Information Security program is designed to protect the confidentiality, availability and integrity of EPA’s information assets. The information protection strategy includes, but is not limited to:

- Policy, procedure and practice management;
- Information security awareness, training and education;
- Risk-based governance and oversight;
- Weakness remediation;
- Operational security management;
- Incident response and handling; and
- Federal Information Security Modernization Act (FISMA) compliance and reporting.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA's FY 2018 - 2022 Strategic Plan. Cybersecurity is a serious challenge to our nation’s security and economic prosperity. EPA will maintain continuous monitoring of security controls in FY 2019. Effective information security requires vigilance and the ability to adapt to new challenges every day. EPA will continue to manage information security risk and build upon efforts to protect, defend and look to improve information security business processes to improve efficiency and effectiveness.

In FY 2019, EPA will sustain some existing improvements. EPA expects to leverage the Continuous Diagnostics and Mitigation (CDM) program to close existing gaps by improving audit capabilities, ensuring accountability and adding protections directly associated with the information. The requested funding is essential to maintain the mandated CDM capabilities. To realize these improvements, the Agency will need to sustain the tools and processes implemented



to date. The security architecture, associated processes, and expert personnel comprise an ecosystem with cross dependencies, and the system is strongest when operating as a whole.

The CDM program, centrally managed by the Department of Homeland Security, provides tools that will give near real-time awareness of EPA's networks and environments. CDM consists of four implementation phases with an estimated cost of over \$10 million in FY 2019 across all appropriations once all capabilities are in place. Data from the individual agency dashboards across the federal government will be aggregated into one federal-level dashboard maintained by the CDM program, which allows DHS to monitor and respond to federal cybersecurity threats and incidents much more quickly and efficiently. The Agency will continue to work with DHS to implement future phases based on capacity. Costs of operating and maintaining CDM capabilities are anticipated to increase significantly in FY 2019 as more capabilities come online. The Agency will prioritize security capabilities based on an evaluation of evolving threats.

The Information Security program also will continue to detect and remediate the effects of Advanced Persistent Threats to the Agency's information and information systems. The Agency will continue to focus on training and user-awareness to foster desired behavior, asset definition and management, compliance, incident management, knowledge and information management, risk management and technology management. These efforts will strengthen the Agency's ability to adequately protect information assets. The final result will be an information security program that can rely on effective and efficient controls and processes to counter cybersecurity threats.

EPA will look to refine its Computer Security Incident Response Capability (CSIRC) processes to support identification, response, alerting and reporting of suspicious activity. CSIRC's mission is to protect EPA's information assets and respond to security incidents – actual and potential. This includes detecting unauthorized attempts to access, destroy, or alter EPA's data and information resources. CSIRC will 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.

### **Performance Measure Targets:**

Currently there are no performance measures specific to this program.

### **FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$172.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE.
- (+\$5,185.0) This change to fixed and other costs is an increase needed for mandatory cyber security requirements<sup>58</sup>, including CDM. Funding will be used to close existing gaps by improving audit capabilities, ensuring accountability and adding protections directly associated with the information. This change also supports CDM phase three which will continue implementation in FY 2019.

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<sup>58</sup> Including those found in Federal Information Security Modernization Act of 2014, and Federal Information Security Cybersecurity Act of 2015.

- (+\$2,273.0) This program change reflects an increase in funding needed to continue operations and maintenance previously provided by DHS for mandatory protections implemented in CDM phase one and two focusing on endpoint integrity, least privilege and infrastructure integrity.
- (-\$273.0/ -1.5 FTE) This program change reflects a reduction in the startup cybersecurity related improvement activities funded in FY 2016.

**Statutory Authority:**

Federal Information Security Cybersecurity Act of 2015; Government Performance and Results Act (GPRA); Government Management Reform Act (GMRA); Clinger-Cohen Act (CCA); Paperwork Reduction Act (PRA); the Privacy Act of 1974; Freedom of Information Act (FOIA) Government Performance and Results Act (GPRA); Government Management Reform Act (GMRA); Clinger-Cohen Act (CCA); Paperwork Reduction Act (PRA); the Privacy Act of 1974; Freedom of Information Act (FOIA).

**IT / Data Management**

Program Area: IT / Data Management / Security

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$82,580.0</b>	<b>\$83,179.0</b>	<b>\$69,264.0</b>	<b>-\$13,915.0</b>
Science & Technology	\$3,342.0	\$3,068.0	\$2,725.0	-\$343.0
Hazardous Substance Superfund	\$14,691.5	\$13,720.0	\$13,720.0	\$0.0
Total Budget Authority	\$100,613.5	\$99,967.0	\$85,709.0	-\$14,258.0
Total Workyears	441.0	498.3	457.9	-40.4

**Program Project Description:**

The work performed under the Information Technology/Data Management (IT/DM) program supports human health and environmental protection by providing critical IT infrastructure and data management needed for:

- 1) Access to scientific, regulatory, policy, and guidance information needed by the Agency, the regulated community, and the public;
- 2) Analytical support for interpreting and understanding environmental information;
- 3) Exchange and storage of data, analysis, and computation; and
- 4) Rapid, secure, and efficient communication.

These areas are then organized into the following functional areas: information analysis and access; data management and collection; information technology and infrastructure; and geospatial information and analysis. 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 get the information they need on demand, to understand what it means, and to submit and share environmental data with the least cost and burden. The program also provides support to other agency IT development projects and essential technology to agency staff, enabling them to conduct their work effectively and efficiently. In the context of the Federal Information Technology Acquisition Reform Act (FITARA), EPA is bringing its IT acquisition, portfolio review, and governance processes together to adopt practices that improve delivery of capability to users, drive down lifecycle costs, and leverage shared services.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA's FY 2018 - 2022 Strategic Plan. EPA has progressively integrated new and transformative approaches to the way IT is managed across the Agency. The goal of EPA’s IT/DM services is to enhance the power of information by delivering on demand data to the right people

at the right time. In FY 2019, the program will strive to meet EPA's IT/IM service need while continuously improving customer experiences to allow EPA, its partners, and the public to acquire, generate, manage, use, and share information as a critical resource to protect human health and the environment. To accomplish this, the program will focus available capacity on the following areas:

- Improve the way EPA supports and manages the lifecycle of information and information products;
- Modernize EPA's IT/IM infrastructure, applications and services;
- Empower a mobile workforce using innovative and agile solutions; and
- Empower state and tribal partnerships using innovative and agile solutions.

In FY 2019, EPA will continue to implement the E-Enterprise business strategy, a transformative 21<sup>st</sup> century strategy – jointly governed by states, tribes, and EPA - for modernizing government agencies' delivery of services to support the protection of human health and the environment. EPA is building on progress made using E-Enterprise for the Environment, a platform for transformative change that operationalizes cooperative federalism principles. EPA's E-Enterprise partnership with states and tribes modernizes the way we do the business of environmental protection. IT/DM activities will continue to facilitate shared services and electronic transactions with the regulated community and external partners who routinely conduct environmental business with EPA. The Agency will use E-Enterprise to deliver streamlined processes as well as accessible, reliable information and data that benefit co-regulators and the regulated community.

In FY 2019, EPA will continue to implement its IT acquisition review process as part of the implementation of federal Common Baseline Controls for FITARA. In addition, FITARA controls include an established solid communication and engagement strategy for the CIO with the Agency's programs and regional offices to ensure that their IT plans are well designed, directly drive agency strategic objectives, and follow best practices. Lastly, the controls ensure the CIO engages closely with key IT decision-makers across EPA and fosters plans to refresh IT skills within the Agency.

In FY 2019, the following IT/DM activities will continue:

- **Data Management and Collection:** Data Management and Collection efforts include support for a variety of essential information management. For example, the National Records Management Program provides the framework within which program/regional records activities are conducted. These national activities include providing regulations, policies/procedures, coordination, and support to help fulfill EPA's statutory obligations to maintain records. Records management activities will be prioritized to align with available resources. Additionally, Discovery Services technology will continue to support the search/collection of agency information needed to help respond to requests for information from external stakeholders. EPA staff manage the agency's docket center and information collection requests, as required by the Paperwork Reduction Act. Since October 2002, EPA has served as the managing partner of the interagency shared service e-Rulemaking Program; however, in FY 2019 EPA will work with the Office of Management and Budget and the National Archives and Records Administration (NARA) towards transferring management services to the NARA/Office of the Federal Register.

- **Digital Services:** The FY 2019 budget includes funding to continue modest transformation of the Agency’s digital services to make them more cost-effective for the agency to build and maintain. This includes some support to develop cloud computing approaches for the agency.
- **Geospatial:** In addition to meeting ongoing program needs, Geospatial information and analysis play a critical role in the Agency’s ability to respond rapidly and effectively in times of emergency. In FY 2019, 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, the Agency is able to integrate and interpret multiple data sets and information sources to support environmental decisions. During FY 2019, the Agency will continue to focus on Geoplatform data services, dashboards, and story boards based on provided geographic information to support programmatic analysis and decision making. It also will better inform the public about EPA’s use of grant funding to protect the environment and public health. In FY 2019, EPA also will provide support to the Geoplatform to publish internal and public mapping tools and make available a number of shareable maps, geodata services, and applications. EPA will continue to play a role in both the Federal Geographic Data Committee and the National Geospatial Platform, working with partner agencies to share geospatial technology capabilities across government.
- **Information Access and Analysis:** In FY 2019, EPA will focus on providing core support to agency infrastructure and utilizing tools that will harness the power of data across the Agency to drive better environmental decision making. The Agency will pause efforts to replace the data management functionality in the legacy EnviroFacts data warehouse. EPA will provide partnership support to other agencies, states, tribes, and academic institutions to propose innovative ways to use, analyze and visualize data.

In addition, the program will provide support for maintenance of E-Enterprise capabilities and provide analysis of environmental information to the public and EPA’s staff. The program will continue to ensure compliance of EPA’s public systems with Section 508 of the Rehabilitation Act of 1973.

- **Information Technology and Infrastructure:** In FY 2019, the Agency will continue to maintain essential information technology and infrastructure. The Agency will adjust the schedule for replacement or upgrades to align with resources. EPA will continue to maintain and provision: desktop computing equipment, network connectivity, e-mail and collaboration tools, application hosting, remote access, telephone services, web and network services, and other IT-related equipment. In FY 2019, the Agency will continue efforts to consolidate EPA’s data centers and computer rooms and to optimize operations within EPA’s remaining data centers.

### **Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$1,336.0) This net change to fixed and other costs is a decrease due to the recalculation of base workforce costs.
- (-\$12,579.0/ -44.8 FTE) This program change reflects a reduction to enterprise IT systems/tools and emergency response including shared services for Facility Registries, Geographic Information System platform support for emergency response and reduced support for regional libraries. It also modifies the timeline for development of new technologies such as new assistive technology tools, ability to re-platform legacy applications, and replace end of service IT equipment that provides basic workforce support across the agency.

**Statutory Authority:**

Modernizing Government Technology (MGT) Act, Federal Information Security Management Act; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Clean Air Act (CAA); Clean Water Act (CWA); Toxic Substances Control Act (TSCA); Federal Insecticide Fungicide and Rodenticide Act (FIFRA); Food Quality Protection Act (FQPA); Safe Drinking Water Act (SDWA); Resource Conservation and Recovery Act (RCRA); Government Performance and Results Act (GPRA); Government Management Reform Act (GMRA); Clinger-Cohen Act (CCA); Paperwork Reduction Act (PRA); Freedom of Information Act (FOIA); Controlled Substances Act (CSA).

**Legal/ Science/ Regulatory/ Economic Review**

**Administrative Law**

Program Area: Legal / Science / Regulatory / Economic Review

Goal: Rule of Law and Process

Objective(s): Compliance with the Law

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$4,533.9</b>	<b>\$4,381.0</b>	<b>\$4,557.0</b>	<b>\$176.0</b>
Total Budget Authority	\$4,533.9	\$4,381.0	\$4,557.0	\$176.0
Total Workyears	24.4	25.8	23.8	-2.0

**Program Project Description:**

This program supports EPA’s Administrative Law Judges (ALJ) and the Environmental Appeals Board (EAB). By adjudicating disputed matters, the ALJ furthers the Agency’s mission to protecting human health and the environment. The ALJ 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. 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 ALJ provides the constitutionally guaranteed legal process and review for hearings and issues initial decisions in cases brought by the Agency’s enforcement program against those accused of violations under various environmental, civil rights, and anti-fraud statutes. The right of affected persons to appeal those decisions is conferred by various statutes, regulations, and constitutional due process rights. The ALJ also offers an opportunity for alternative dispute resolution.

The EAB is a four-member appellate tribunal established by regulation in 1992 to hear appeals and issue final 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 protecting human health and the environment. The EAB decides petitions for reimbursement under CERCLA 106(b), hears appeals of pesticide licensing and cancellation proceedings under FIFRA, and serves as the final approving body for proposed settlements of enforcement actions initiated at EPA headquarters. The EAB issues decisions consistent with the APA and under the authority delegated by the Administrator and pursuant to regulation.

The EAB adjudicates administrative appeals in a fair and timely manner in accord with the APA, ensuring consistency in the application of legal requirements. The EAB also resolves disputes efficiently, avoiding protracted federal court review. In over ninety 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 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/ Objective 3.1, Compliance with the Law in EPA's FY 2018 – 2022 Strategic Plan. In FY 2019, the ALJ will convene formal hearings in the location of the alleged violator or violation, as required by statute. In FY 2019, the ALJ will continue to modernize its electronic filing and case management system to reduce mailing delays and costs. In FY 2019, the EAB will continue to implement its streamlined procedures for adjudicating permit appeals under all statutes, and will continue to expedite appeals in Clean Air Act New Source Review cases and in FIFRA licensing proceedings.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$650.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$474.0/ -2.0 FTE) This change is a reduction of funds for managing an electronic filing and case docketing system and for travel.

**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).

**Civil Rights Program**

Program Area: Legal / Science / Regulatory / Economic Review

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$10,101.9</i></b>	<b><i>\$9,699.0</i></b>	<b><i>\$8,545.0</i></b>	<b><i>-\$1,154.0</i></b>
Total Budget Authority	\$10,101.9	\$9,699.0	\$8,545.0	-\$1,154.0
Total Workyears	53.8	64.0	48.3	-15.7

**Program Project Description:**

The Civil Rights program enforces federal civil rights laws that prohibit discrimination by recipients of federal financial assistance from EPA and also enforces federal civil rights laws that promote equal employment opportunity and protect employees and applicants for employment from discrimination. In addition, the program provides policy guidance and technical assistance to external recipients and also internally on Equal Employment Opportunity (EEO) and is responsible for carrying out the following functions:

- External Civil Rights Compliance (Title VI) functions include the enforcement of several civil rights laws, including Title VI of the Civil Rights Act of 1964, that prohibit discrimination on the basis of race, color, national origin (including limited-English proficiency), disability, sex, and age, in programs or activities that receive federal financial assistance from EPA. The Agency investigates and resolves external complaints, develops policy, conducts compliance reviews, and provides technical assistance to recipients.
- Employment Complaints Resolution (Title VII) functions address complaints of employment discrimination, including those filed under Title VII of the Civil Rights Act of 1964 and pursuant to Executive Order 13672 (July 21, 2014), alleging discrimination based on race; color; religion; sex, including pregnancy, sex stereotyping, gender identity or gender expression; national origin; sexual orientation; physical or mental disability; age; protected genetic information; status as a parent; marital status; political affiliation; or retaliation based on previous EEO activity, against EPA employees and applicants for EPA employment.
- Affirmative Employment Analysis and Accountability (AEAA) functions provide leadership, direction, and advice to managers and supervisors to assist them in carrying out equal opportunity and civil rights responsibilities. In addition, the Civil Rights program oversees EPA’s continuing affirmative activities to promote EEO. The program also is responsible for reporting under the EEO Commission’s Management Directive 715 (MD-

715),<sup>59</sup> which provides guidelines for identifying triggers and conducting barrier analysis within EPA’s workforce.

- Reasonable Accommodation functions carry out EPA’s responsibilities under the Rehabilitation Act of 1973, which requires the Agency to provide reasonable accommodation for individuals with disabilities, unless it would cause undue hardship for the Agency.

### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA’s FY 2018 – 2022 Strategic Plan. The Civil Rights program is developing strategic plans for each of the functions, including specific goals, implementation steps, and benchmarks that will serve as internal performance measures to ensure accountability for all of the functions. In FY 2019, EPA will continue the strategic planning process with an emphasis on process improvement, internal performance measures, technology resources, and strategic human capital planning. These actions are consistent with measures called for in the EPA Report “Developing a Model Civil Rights Program at the EPA.”<sup>60</sup>

### **External Civil Rights, Including Title VI**

In FY 2019, the program will continue to implement the External Compliance Program Strategic Plan for FY 2015-2020 and support complaint docket management through investigations, informal resolution agreements and mediation. Providing proactive reviews and technical assistance to recipients, strategic policy development, and the program’s workforce planning and training will be prioritized. Specific initiatives may continue as resources are available, including:

- Deployment of a collaborative “State Empowerment Initiative” that would help enhance effective civil rights programs related to environmental efforts at the state level; and
- Implementation of the program’s Functional Competency Framework which strengthens the Agency’s workforce by promoting the development of a highly effective, performance-based organization.

### **Title VII**

In FY 2019, EPA will continue to prioritize its resources for the EEO programs by dedicating most of its financial resources to the processing of discrimination complaints, including EEO counseling, investigations, and drafting final Agency decisions. The program will focus on process improvements to: 1) ensure prompt, effective, and efficient EEO complaint docket management; 2) enhance the proactive EEO compliance program through strategic policy and training development, and the engagement of critical internal EPA partners; and 3) strengthen the Title VII workforce through strategic human capital planning, training, and the use of organizational

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<sup>59</sup> Equal Employment Opportunity Commission, *Equal Employment Opportunity Management Directive 715, October 1, 2013.*

<sup>60</sup> For more information: <http://intranet.epa.gov/civilrights/pdfs/training/ecfr-developing-a-model-civil-rights-program.pdf>.

development and technology resources to promote a forward looking organization. In addition, the program will:

- Continue to train additional collateral-duty EEO Counselors by providing them with at least 32 hours of mediation training and by training the available workforce. The EEO Counselor is a mandatory function under federal regulations.
- Continue to execute timely investigations by identifying methods to further reduce, by an additional 10 percent from the prior year's performance, the number of days that complaints are under investigation to less than the regulatory 180 days.
- Continue to identify methods to reduce the number of days needed to issue final Agency decisions to ensure compliance with the 60-day regulatory timeframe. In FY 2017, the Office of Civil Rights improved regulatory compliance, and issued 32 decisions, which is nearly three times the number issued in the prior two fiscal years. By December 22, 2017 with the assistance of Agency volunteers from program and regional offices, the Office of Civil Rights had resolved 82 percent of the backlog of overdue decisions.
- Improve efficiency and effectiveness of the EEO process by identifying and revising EEO complaint and other Agency forms. The Office of Civil Rights initiated and continues to implement a Lean process to improve critical phases of the overall EEO process.

#### **Affirmative Employment Analysis and Accountability (AEAA)**

In FY 2019, the program will continue to focus on process improvement to: 1) ensure prompt, effective, and efficient development of critical and required reports, such as MD-715; 2) enhance the proactive Affirmative Employment function through development of strategic policy, and, training and the engagement of critical internal EPA partners; and 3) strengthen the AEAA workforce through strategic human capital planning, training, and the use of organizational development and technology resources to promote a forward looking organization. Consistent with this strategic approach, the program will continue to:

- Increase collaboration among program offices to ensure coordination of related EEO and diversity and inclusion missions.
- Ensure integration of civil rights into EPA's strategic planning processes, organizational assessments, operating plans, and other relevant reporting vehicles.
- Develop and implement activities, trainings, and educational events that assist EPA's programs in these relevant areas.
- Develop a process for conducting periodic surveys/focus groups in collaboration with EPA partners and through the Equal Employment Opportunity Officers, Program Management Officers, and Deputy Civil Rights Officials to collect information on best practices to ensure effective affirmative employment programs.

- Provide effective support tools for managers and supervisors in carrying out their responsibilities under MD-715 and the Diversity and Inclusion Strategic Plan.
- Ensure EPA-wide implementation of a critical activities and document management system for AEAA.

### **Reasonable Accommodations (RA) Program**

In FY 2019, the RA program will continue to focus on process and technology improvements to ensure prompt, effective, and efficient RA request docket management. The program also will enhance the proactive RA compliance function through development of strategic policy; training and the engagement of critical internal EPA partners; and strengthen the RA program's workforce through strategic human capital planning, training, and the use of organizational development and technology resources to promote a forward looking organization. The program will continue to:

- Update and enhance the comprehensive, user-friendly electronic case, activity, and document management system.
- Update reasonable accommodation processes and templates to improve the timeliness, efficiency, and consistency of communications and to avoid release of sensitive personally identifiable information.
- Assess, evaluate, and further develop the online training curriculum for reasonable accommodation and Section 508 compliance.

### **Performance Measure Targets:**

Currently there are no performance measures specific to this program.

### **FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$1,140.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$2,294.0/ -15.7 FTE) This program change reflects a reduction in the Civil Rights program through the streamlining of support for the processing of investigations for Title VI and Title VII complaints, enhancement of mandatory reporting, and improvements in the overall management of complaints and reporting processes.

### **Statutory Authority:**

Title VI of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, and Section 13 of the Federal Water Act of the Federal Water Pollution Control Act of 1972; 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; Genetic Information Nondiscrimination Act (GINA).

**Integrated Environmental Strategies**

Program Area: Legal / Science / Regulatory / Economic Review

Goal: Rule of Law and Process

Objective(s): Streamline and Modernize

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$10,732.3</i></b>	<b><i>\$10,581.0</i></b>	<b><i>\$9,496.0</i></b>	<b><i>-\$1,085.0</i></b>
Total Budget Authority	\$10,732.3	\$10,581.0	\$9,496.0	-\$1,085.0
Total Workyears	49.4	55.8	46.0	-9.8

**Program Project Description:**

The Integrated Environmental Strategies (IES) program advances the Agency’s mission while promoting economic growth from the national level to the community level and providing tools and resources to transform EPA into a more effective organization. Nationally, IES is focused on 1) streamlining EPA’s permitting processes and 2) using business process improvement approaches more broadly. The intent is to increase EPA’s efficiency and reduce unnecessary burden on states and the regulated community. IES also collaborates with federal, state, and municipal partners, communities, businesses, and other stakeholders to implement locally-led, community-driven approaches to environmental protection through technical assistance, policy analysis, and training.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.4, Streamline and Modernize in EPA's FY 2018 - 2022 Strategic Plan. This program demonstrates new approaches to streamline and reduce unnecessary burdens and to help communities meet their environmental and economic needs. In FY 2019, the program will focus on permit streamlining, sector strategies, Lean, and community-driven environmental protection.

***Permit Streamlining***

One way EPA implements its statutory authority is through various permitting programs. These programs are based on a set of processes that vary across EPA program and regional offices. This program focuses on streamlining EPA’s permitting processes in support of the President’s Memorandum “Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing” and Executive Orders 13771, “Reducing Regulation and Controlling Regulatory Costs” and Executive Order 13777, “Enforcing the Regulatory Reform Agenda.”<sup>61</sup> In FY 2019, EPA also will strengthen its partnership with state permitting offices to streamline our review of state-issued permits.

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<sup>61</sup> For more information: <https://www.whitehouse.gov/presidential-actions/presidential-executive-order-reducing-regulation-controlling-regulatory-costs/>.

### Smart Sectors

In October 2017, EPA reinstated a successful initiative to address information gaps between the Agency and regulated entities in the largest sectors of our economy. This program will receive input from industry associations, as well as individual businesses, to better inform the Agency's policy work, especially with respect to regulatory reform and our own internal business processes. In FY 2019, EPA will continue this effort to identify collaborative and innovative solutions to environmental problems. This will lead to better-informed rulemakings, reduced unnecessary burden on the regulated community, and increased transparency about environmental performance.

### Lean

EPA continually seeks to improve the quality, transparency, and speed of its business processes. During the last several years, EPA has conducted more than 250 Lean projects across the Agency to achieve this goal, reducing process times by about 50 percent on average. For example, an effort to streamline cleanup decisions under the Resource Conservation and Recovery Act succeeded in cutting investigation times by at least five years. In FY 2019, this program will continue to support the use of Lean tools across the Agency by providing access to process improvement experts, identifying projects of high strategic value, measuring process improvements (e.g., time savings and satisfaction rates), and expanding the transfer of successful approaches across EPA programs and organizations. EPA also will continue implementation of an agencywide Lean management system to institutionalize the benefits Lean can provide.

### Community-Driven Environmental Protection

This 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 2019, the IES program will continue to lead the existing Cross-Agency Communities team, with particular focus on the new Administration's priorities, such as leveraging private investment and aligning federal investments to maximize benefits to communities.

Technical assistance and training is the cornerstone of EPA's cooperative approach to addressing environmental challenges in communities, particularly communities that are economically distressed. The objective is to help 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. Where appropriate, EPA will partner with other agencies to help achieve locally-led, community-driven approaches to protecting clean air, land, and water, while at the same time supporting economic revitalization.

The program will continue analyses on emerging trends, innovative practices, and tools that support clean air, land, and water outcomes. EPA will develop tools to help interested communities incorporate innovative approaches to infrastructure and land development policies that deliver multiple economic, community, and quality of life benefits while also managing stormwater, reducing combined sewer overflows, improving local air quality, facilitating private investment in Brownfield and Superfund site redevelopment, and achieving other environmental benefits.

**Performance Measure Targets:**

(PE1) Percentage of permitting-related decisions issued within 6 months.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	No Target Established	TBD

(OP1) Number of operational processes improved.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	25	50

(AD4) Cumulative number of state, tribal, and community partners that have integrated data, models, information, and other decision-support tools developed by EPA for climate resiliency into their planning processes.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	150	200

(AD5) Cumulative number of state, tribal, and community partners that have incorporated climate resiliency into the implementation of their environmental programs supported by major EPA financial mechanisms (grants, loans, contracts, and technical assistance agreements).	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	150	200

Work related to the results of measure Percentage of permitting-related decisions issued within 6 months, is agencywide in scope. The lead office is the Office of the Administrator.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$1,198.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to the adjustments in salary, essential workforce support, and benefit costs.
- (-\$2,283.0/ -9.8 FTE) This program change reflects a reduction in the Integrated Environmental Strategies program through streamlining of the community work and climate adaptation efforts within the IES program.

**Statutory Authority:**

Clean Water Act (CWA), § 104(b)(3); Clean Air Act (CAA), § 103; 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: Environmental Program**

Program Area: Legal / Science / Regulatory / Economic Review

Goal: Rule of Law and Process

Objective(s): Create Consistency and Certainty

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$52,889.7</b>	<b>\$49,657.0</b>	<b>\$42,292.0</b>	<b>-\$7,365.0</b>
Hazardous Substance Superfund	\$691.2	\$577.0	\$577.0	\$0.0
Total Budget Authority	\$53,580.9	\$50,234.0	\$42,869.0	-\$7,365.0
Total Workyears	277.4	274.6	221.8	-52.8

**Program Project Description:**

This program provides legal representational services, legal counseling and legal support for all of the Agency’s environmental activities.<sup>62</sup> 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 these critical fields that the Agency relies on for all of its decisions and activities in furtherance of its mission: to protect human health and the environment.

This program provides counsel on every major action the Agency takes. It plays a central role in all statutory and regulatory interpretation of new and existing rules and all rule and guidance development under EPA’s environmental authorities. This program provides essential legal advice for every petition response, every judicial response and every 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, this program provides counsel on the Agency’s authority to take that action; it then provides the advice and support necessary to finalize and implement that action. When that action is challenged in court, this program defends it.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.2, Create Consistency and Certainty in EPA's FY 2018 - 2022 Strategic Plan. This program provides legal representation in approximately 350 defensive judicial cases each year. It is projected that the number of cases in FY 2019 will exceed this number. The program will continue to provide legal representation in judicial and administrative litigation for core agency environmental programs and for agency priorities. The program also will provide counseling outside of the litigation context in the highest priority issues arising under all the legal environmental statutes administered by EPA.

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<sup>62</sup> Resources for legal services for Support programs are included in the Legal Advice: Support program.

In FY 2019, the Agency will continue to focus on its core mission to apply the most effective approaches by implementing EPA’s environmental programs under the Resource Conservation and Recovery Act (RCRA), Leaking Underground Storage Tanks (LUST), Clean Air Act (CAA), Clean Water Act (CWA), Toxic Substances Control Act (TSCA), Federal Insecticide Fungicide and Rodenticide Act (FIFRA), Food Quality Protection Act (FQPA), Safe Drinking Water Act (SDWA), and other authorities. This strategy will help ensure that human health and the environment are protected and provided with clean air, water, and land, and safe chemicals and pesticides in the most effective way.

Legal counseling resources also 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 that are required to undertake new economic 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 counseling agency clients on these matters.

The following examples illustrate this program’s important role in implementing the Agency’s core mission:

- Played a substantial role in the promulgation of three TSCA final rules, a significant guidance document, and the scoping documents for the first 10 chemical risk evaluations under the amended TSCA, all by a very ambitious deadline and
- Provided critical legal support for implementing a Presidential Executive Order directing EPA and the Army Corps to review and publish for notice and comment a proposed rule rescinding or revising the definition of “Waters of the United States” under the Clean Water Act.

**Performance Measure Targets:**

(RG1) Percentage of legal deadlines met by EPA.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	No Target Established	TBD

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$2,864.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$10,229.0/ -58.3 FTE) This net program change is a reduction in FTE and non-pay resources for lower priority activities as EPA will focus on litigation support for core environmental programs.
- (+5.5 FTE) This program change reflects an increase in fee funded reimbursable FTE to support planned TSCA fee workload.

**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

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$14,489.7</i></b>	<b><i>\$15,170.0</i></b>	<b><i>\$16,451.0</i></b>	<b><i>\$1,281.0</i></b>
Total Budget Authority	\$14,489.7	\$15,170.0	\$16,451.0	\$1,281.0
Total Workyears	77.7	92.8	90.4	-2.4

**Program Project Description:**

This program provides legal representational services, legal counseling and legal support for all activities necessary for EPA’s operations.<sup>63</sup> It provides legal counsel and support on issues including, but not limited to: appropriations, claims, contracts, employment law, grants, information law, intellectual property law, real property, and all aspects of civil rights law.

For example, if an EPA program office needs to know how to respond to a Freedom of Information Act (FOIA) request, whether it may spend money on a certain activity, or what to do when a plaintiff files a tort claim against the Agency, this program is the source of answers, options, and advice. This program supports EPA in maintaining high ethical standards and in complying with all laws and policies that govern the Agency’s operations.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, EPA will continue to address and manage information requests, legal support for work under the Civil Rights Act, and employment law. There also is an ongoing need for a high level of involvement in questions related to contracts, grants, finance, appropriations, and employment.

In addition to the increase in employee and labor relations matters, litigation and appeals under the Freedom of Information Act (FOIA) have continued to increase steadily in both number and complexity. In FY 2019, EPA anticipates additional support to focus on responding to the increased number of complex and challenging information requests. In FY 2019, EPA will work to centralize our management of FOIA requests to achieve efficiencies in processing. While the Agency will provide targeted counselling on the most complex and challenging FOIA requests, it will redirect other counselling resources to litigation.

<sup>63</sup> Resources for legal services to support Environmental programs are included in the Legal Advice: Environmental program.

The following examples illustrate this program’s important role in increasing transparency and public participation:

- Partnered with the Office of Environmental Information to develop FOIA training opportunities. More than 180 Agency FOIA professionals were trained to ensure that EPA is effectively and efficiently responding to the public’s FOIA requests. These training opportunities are particularly critical given that the Agency expects to receive as many as 12,500 FOIA requests in FY 2018, which is about 2,000 requests more than received in FY 2016 and the most FOIA requests the Agency has received in at least 10 years.

**Performance Measure Targets:**

(FO1) Reduce the FOIA backlog.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	No Target Established	TBD

(FO2) Percentage of FOIA requests completed within statutory deadlines.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	No Target Established	TBD

**FY 2019 Change from FY 2018 Annualized Continue Resolution (Dollars in Thousands):**

- (+\$2,244.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$963.0/ -5.9 FTE) This program change is a reduction in FTE and non-pay resources for lower priority activities. EPA will focus on counseling and legal advice to the highest agency priorities and focus on litigation support.
- (+3.5 FTE) This program change is an increase in fee funded reimbursable FTE to support planned TSCA fee workload.

**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).

**Regulatory/Economic-Management and Analysis**

Program Area: Legal / Science / Regulatory / Economic Review

Goal: Rule of Law and Process

Objective(s): Create Consistency and Certainty

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$15,498.4</i></b>	<b><i>\$15,011.0</i></b>	<b><i>\$15,532.0</i></b>	<b><i>\$521.0</i></b>
Total Budget Authority	\$15,498.4	\$15,011.0	\$15,532.0	\$521.0
Total Workyears	82.4	81.3	74.0	-7.3

**Program Project Description:**

The Regulatory/Economic, Management and Analysis program is responsible for reviewing Agency 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 and policy assumptions. Further, the program ensures consistent and appropriate economic analysis of regulatory actions, analyzes regulatory and non-regulatory approaches, and considers interactions between regulations across different environmental media. The program establishes compliance with Executive Order (EO) 13771 by ensuring that the costs and cost savings of EPA’s actions are fully and appropriately estimated. This program also ensures Agency regulations comply with additional statutory and EO requirements, including the Congressional Review Act, the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act), and EOs 12866 and 13563 regarding the Office of Management and Budget (OMB) regulatory review.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.2, Create Consistency and Certainty in EPA's FY 2018 - 2022 Strategic Plan. The program assists the Administrator and senior agency staff in implementing new regulatory policy priorities, including EO 13771 (Reducing Regulation and Controlling Regulatory Costs), EO 13777 (Enforcing the Regulatory Reform Agenda), EO 13783 (Promoting Energy Independence and Economic Growth), and EO 13790 (Promoting Agriculture and Rural Prosperity in America).

In FY 2019, EPA will continue its efforts to assess, review, and improve its regulations while considering costs and burdens to businesses, jobs, communities, government entities, and the economy, and maximizing the net benefits to protect human health and the environment. Key program activities planned include:

- Continue to manage EPA’s implementation of EOs, including development and management of the annual regulatory budget, analyzing potential areas of cost savings, and maintaining a new website that provides information about deregulatory actions.

- Continue to manage the costs of EPA’s regulations, ensuring that the Agency complies with its regulatory budget and ensuring that EPA continues to meet or exceed the goal of repealing two regulations for each new regulation issued, pursuant to EO 13771.
- Review economic analyses prepared by EPA to ensure compliance with OMB Circular A-4 on Regulatory Analysis, EO 12866, and other related requirements. Provide the Administrator and the public with high-quality analysis of the costs, benefits, and impacts on jobs, businesses, and communities to better inform decision-making and ensure transparency about the consequences of regulation.<sup>64</sup>
- Update EPA’s *Guidelines for Preparing Economic Analyses* to ensure that analyses provide a complete accounting of the impacts of regulatory actions, including involuntary unemployment and distributional consequences. Apply the best economy-wide modeling tools to assess the economic effects of environmental regulatory options, including methods designed to examine the distribution of regulatory burdens.
- Continue to develop EPA’s semiannual unified Regulatory Agenda, while ensuring EPA complies with requirements under EO 13771.
- Manage EPA’s internal Action Development Process, and expand and upgrade regulatory planning and tracking tools to facilitate timely decisions and coordination across programs.
- Serve as EPA’s liaison with the Office of Information and Regulatory Affairs (OIRA) 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.
- Develop, in conjunction with other EPA programs (i.e., air, water, etc.), improved analytical tools to advance EPA’s risk assessment methods used in quantifying human health effects.

**Performance Measure Targets:**

(RG5) Total incremental cost of all EO 13771 regulatory and deregulatory actions.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	-\$40 Million	TBD

(RG3) Number of EO 13771 regulatory actions issued.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	No Target Established	TBD

<sup>64</sup> For more information: <https://www.epa.gov/environmental-economics/guidelines-preparing-economic-analyses>.

<b>(RG4) Number of EO 13771 deregulatory actions issued.</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	No Target Established	TBD

<b>(RG2) Hours of unnecessary or duplicative reporting burden to the regulated community eliminated.</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	2,000,000	2,000,000

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$863.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$342.0/ -7.3 FTE) This net program change reflects a focus to implement regulatory policy priorities and to assess, review, and improve the Agency’s regulations and underlying economic tools, in accordance with new Executive Orders.

**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

Goal: Rule of Law and Process

Objective(s): Prioritize Robust Science

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$3,820.3</b>	<b>\$3,736.0</b>	<b>\$3,779.0</b>	<b>\$43.0</b>
Total Budget Authority	\$3,820.3	\$3,736.0	\$3,779.0	\$43.0
Total Workyears	18.4	21.6	18.7	-2.9

**Program Project Description:**

Congress established EPA’s Science Advisory Board 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 was established in 1977, under the Clean Air Act Amendments of 1977, to provide independent advice to EPA’s Administrator on the technical bases for EPA’s National Ambient Air Quality Standards. 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. This program provides management and technical support to these advisory committees, which provide EPA’s Administrator with independent advice and objective scientific peer review on technical aspects of environmental issues, as well as, the science used to establish criteria, standards, regulations, and research planning.<sup>65</sup>

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.3, Prioritize Robust Science in EPA’s FY 2018 - 2022 Strategic Plan. FY 2019 resource levels are an opportunity for EPA’s SAB to reprioritize activities. Authorizing legislation and scientific integrity mandate that each peer review meets certain minimum standards for a successful independent review.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$904.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.

<sup>65</sup> For more information: "<http://www.epa.gov/sab/>, <http://www.epa.gov/casac/>".

- (-\$861.0/ -2.9 FTE) This program change reflects a reduction in the Science Advisory Board program through streamlined support for conducting peer reviews, hosting meetings to assess Integrated Risk Information System chemicals, and implementing business process improvements to assure logistical support is provided to help the SAB and CASAC adhere to the provisions of Federal Advisory Committee Act.

**Statutory Authority:**

Environmental Research, Development, and Demonstration Authorization Act (ERDDAA); Federal Advisory Committee Act (FACA); Clean Air Act (CAA).

**Alternative Dispute Resolution**

Program Area: Legal / Science / Regulatory / Economic Review

Goal: Cooperative Federalism

Objective(s): Enhance Shared Accountability

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$1,142.0</i></b>	<b><i>\$1,015.0</i></b>	<b><i>\$0.0</i></b>	<b><i>-\$1,015.0</i></b>
Hazardous Substance Superfund	\$591.3	\$667.0	\$0.0	-\$667.0
Total Budget Authority	\$1,733.3	\$1,682.0	\$0.0	-\$1,682.0
Total Workyears	7.5	6.7	0.0	-6.7

**Program Project Description:**

EPA’s General Counsel and Regional Counsel Offices provide environmental Alternative Dispute Resolution (ADR) services and workplace conflict prevention. EPA utilizes ADR as a method for preventing or resolving conflicts prior to engaging in formal litigation. ADR includes the provision of legal counsel, facilitation, mediation and consensus building advice and support. This program oversees a strategically-sourced contract for these services that provides mediation, facilitation, public involvement, training, and organizational development support to all headquarters and regional programs.

**FY 2019 Activities and Performance Plan:**

Resources and FTE have been proposed for elimination for this program in FY 2019.

**Performance Measures Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$1,015.0/ -5.3 FTE) This program change eliminates the centralization of the conflict prevention and ADR program. Programs across the Agency may pursue ADR support services and training individually.

**Statutory Authority:**

Administrative Dispute Resolution Act (ADRA) of 1996; Negotiated Rulemaking Act of 1996; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), §§ 111, 117, 122; 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

Goal: Rule of Law and Process

Objective(s): Prioritize Robust Science

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$1,398.2</i></b>	<b><i>\$1,406.0</i></b>	<b><i>\$0.0</i></b>	<b><i>-\$1,406.0</i></b>
Total Budget Authority	\$1,398.2	\$1,406.0	\$0.0	-\$1,406.0
Total Workyears	3.7	2.0	0.0	-2.0

**Program Project Description:**

The Regional Science and Technology (RS&T) program provides assistance to programs implementing the Resource Conservation and Recovery Act; Toxic Substances Control Act; Clean Water Act; Safe Drinking Water Act; Clean Air Act; and Comprehensive Environmental Response, Compensation and Liability Act. The RS&T program performs laboratory analysis, field monitoring, and sampling investigations in order to provide credible scientific data on environmental pollutants and conditions to agency decision makers.

**FY 2019 Activities and Performance Plan:**

Resources and FTE have been proposed for elimination for this program in FY 2019. The Agency is working to establish a comprehensive enterprise-wide laboratory approach.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$1,406.0/ -2.0 FTE) This funding change proposes to eliminate the RS&T program. The Agency is working to establish a comprehensive enterprise-wide laboratory approach.

**Statutory Authorities:**

Resource Conservation and Recovery Act; Toxic Substances Control Act; Clean Water Act; Safe Drinking Water Act; Clean Air Act; Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); Pollution Prevention Act; Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); 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).

## **Operations and Administration**

**Acquisition Management**

Program Area: Operations and Administration

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$31,042.0</i></b>	<b><i>\$30,803.0</i></b>	<b><i>\$25,438.0</i></b>	<b><i>-\$5,365.0</i></b>
Leaking Underground Storage Tanks	\$144.7	\$146.0	\$138.0	-\$8.0
Hazardous Substance Superfund	\$22,103.1	\$21,296.0	\$21,296.0	\$0.0
Total Budget Authority	\$53,289.8	\$52,245.0	\$46,872.0	-\$5,373.0
Total Workyears	277.0	304.5	259.5	-45.0

**Program Project Description:**

Environmental Program and Management (EPM) resources in the Acquisition Management program support EPA’s contract activities, which coverplanning, 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 improvements for acquisition.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA’s FY 2018 – 2022 Strategic Plan. In FY 2019, EPA will continue to process contract actions in accordance with Federal Acquisition Regulation (FAR) and guidance from the Office of Federal Procurement Policy (OFPP). With its contract expiring in FY 2019, EPA will evaluate options for replacing EPA’s Acquisition System (EAS) with a government-wide shared service for contract writing system. EPA will target a strategic, government-wide solution that leverages economies of scale using the shared knowledge and processes from other federal agencies. The Agency will focus on a solution that reduces costs while increasing efficiency by standardizing federal procurement planning, contract award, administration, and close-out processes.

In FY 2019, EPA will continue to implement Best-in-Class (BIC) solutions to identify pre-vetted, government-wide contracts as part of the Agency’s effort to utilize more mature, market-proven acquisition vehicles.<sup>66</sup> Through 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. In FY 2019, EPA also will continue to maximize its Strategic Sourcing Program (SSP), thereby enhancing purchase

<sup>66</sup> For additional information, refer to: <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/M-17-29.pdf> Best-in-Class Mandatory Solution -Package Delivery Services.

coordination, improving price uniformity and knowledge-sharing, and leveraging small business capabilities to meet acquisition goals.

The SSP also 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 can transform the Agency's acquisition process into a strategically driven function, ensuring maximum value for every acquisition dollar spent. The Agency has established a goal of obtaining at least five percent savings for all strategically sourced categories of goods and services. Through FY 2017, EPA has saved approximately \$10 million from strategic sourcing initiatives focused on VoIP, laboratory supplies, print, cellular services, shipping, office supplies, equipment maintenance, and software. In FY 2019, EPA anticipates between \$4 and \$4.5 million in savings. In FY 2019, EPA will continue to focus on implementing the Financial Information Technology Acquisition Reform Act (FITARA) by:

- Avoiding vendor lock-in by competing contracts with multiple vendors or confining the scope of the contract to a limited task; and
- Developing acquisition vehicles that support the Agency in FITARA implementation.

**Performance Measure Targets:**

	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
<b>(PR1) Percentage of contract actions processed within the Procurement Action Lead Time (PALT) Standards.</b>	SA: 75%	SA: 80%
	CP: 65%	CP: 70%
	FAA: 80%	FAA: 85%

	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
<b>(PR2) Acquisition costs avoided through use of strategic sourcing.</b>	\$3,000,000	\$4,000,000

SA: Simplified Acquisition; CP: Competitive Proposals; FAA: Funding and Administrative Actions

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$727.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$6,092.0/ -30.0 FTE) This program change streamlines contractor support for: helpdesk services for EPA’s Acquisition System; the closeout of contracts; and the Defense Contract Management Agency for Audit Services and the Virtual Acquisition Office (a source for up-to-date government acquisition news, research, and analysis). This reduction also eliminates funding for Contracts Management Assessment Program Reviews which enable the agency to self-identify and remedy internal weaknesses, and reduces the Agency’s training for its acquisition community.

**Statutory Authority:**

Office of Federal Procurement Policy 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).



**Central Planning, Budgeting, and Finance**

Program Area: Operations and Administration

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$73,003.2</i></b>	<b><i>\$71,493.0</i></b>	<b><i>\$68,635.0</i></b>	<b><i>-\$2,858.0</i></b>
Leaking Underground Storage Tanks	\$373.2	\$404.0	\$420.0	\$16.0
Hazardous Substance Superfund	\$22,511.4	\$21,345.0	\$21,152.0	-\$193.0
Total Budget Authority	\$95,887.8	\$93,242.0	\$90,207.0	-\$3,035.0
Total Workyears	450.5	493.4	430.6	-62.8

**Program Project Description:**

Activities under the Central Planning, Budgeting and Finance program support the management of integrated planning, budgeting, financial management, performance and risk assessments and reporting, and financial systems to ensure effective stewardship of resources. This includes managing and supporting the Agency's performance management system consistent with the Government Performance and Results Modernization Act of 2010 that involves: 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; providing financial payment and support services for EPA through three finance centers, as well as specialized fiscal and accounting services for many of EPA programs; and managing the Agency's annual budget process. This program also supports the Digital Accountability and Transparency (DATA) Act of 2014 and Federal Information Technology Acquisition Reform Act (FITARA) of 2015 requirements.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA's FY 2018 - 2022 Strategic Plan. 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, and financial management activities. EPA will sustain basic operations and maintenance of core agency financial management systems: Compass, PeoplePlus (Time and Attendance), Budget Formulation System, and related financial reporting systems. In addition, the Agency is reviewing its financial systems for efficiencies and effectiveness, identifying gaps, and targeting legacy systems for replacement.

EPA will continue to modernize and streamline business processes and operations to promote transparency and efficiency. The program will apply Lean principles and leverage input from

customer-focused councils, advisory groups and technical workgroups to continue improving as a high performance organization. EPA will standardize and streamline internal business processes and use additional federal and/or internal shared services when supported by business case analysis.

In FY 2019, the program will continue to focus on core responsibilities in the areas of strategic planning, performance assessment and reporting, and enterprise risk management; budget preparation; financial reporting; and, transaction processing. As the Agency lead in designing and implementing performance 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 regular Performance Reviews 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 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 2019, EPA will focus on the Financial Management - Payment Processing Modernization (PPM) project. The goal of PPM is to deliver a streamlined approach for the end-to-end delivery of financial transactions from the commitment through the payment. Through coordination across EPA, this project seeks to standardize the processing of financial transactions and reduce the total number of electronic systems used for processing the financial activity associated with contracts, grants, and interagency agreements. This approach will deliver an integrated financial and acquisition/grants systems that meets user needs, supports data quality, and enables data analytics. This project will reduce the IT costs, streamline business processes, improve data reliability and security, and position the Agency to leverage additional federal/non-federal financial services and systems capabilities.

The program will continue to support FITARA requirements in accordance with EPA's Implementation Plan.<sup>67</sup> The Chief Information Officer will continue to be engaged throughout the budget planning process to ensure that IT needs are properly planned and resourced in accordance with FITARA.

EPA is dedicated to reducing fraud, waste, and abuse and strengthening internal controls over improper payments. Since the implementation of the Improper Payments Information Act of 2002, EPA has reviewed, sampled, and monitored its payments to protect against erroneous payments. The Agency's payment streams are consistently well under the government-wide threshold of 1.5 percent and \$10 million of estimated improper payments. EPA conducts risk assessments in its principal payment streams, including grants, contracts, commodities, payroll, travel, purchase cards, and the Clean and Drinking Water State Revolving Funds. When overpayments are identified, they are promptly recovered. EPA has expanded its risk assessments, performed statistical sampling, set appropriate reduction/recovery targets, and implemented corrective action plans. The Agency conducts these activities to reduce the potential for improper payments and

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<sup>67</sup> For more information: <http://www.epa.gov/open/fitara-implementation-plan-and-chief-information-officer-assignment-plan>.

ensure compliance with the Improper Payments Information Act, as amended by the Improper Payments Elimination and Recovery Act of 2010 (P.L. 111-204) and the Improper Payments Elimination and Recovery Act of 2012 (P.L. 112-248).

**Performance Measure Targets:**

(CF2) Number of agency administrative subsystems.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	24	22

(CF1) Number of administrative shared services.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	6	7

(CF3) Average cost per payment transaction.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	34.99	34.99

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$1,368.0) This net change to fixed and other costs is an increase due to the recalculation of base essential workforce support costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$6,864.0/ -50.0 FTE) This program change streamlines efforts in the areas of strategic planning, budget preparation, financial reporting and transaction processing.
- (+\$2,638.0) This program change is an increase that supports the Financial Management - Payment Processing Modernization project. This project will reduce IT costs, streamline business processes, improve the data reliability and security, and position the Agency to leverage additional federal/non-federal financial services and systems capabilities.

**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

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$293,997.9</i></b>	<b><i>\$305,844.0</i></b>	<b><i>\$300,738.0</i></b>	<b><i>-\$5,106.0</i></b>
Science & Technology	\$64,642.7	\$67,875.0	\$68,834.0	\$959.0
Building and Facilities	\$26,065.5	\$27,602.0	\$33,377.0	\$5,775.0
Leaking Underground Storage Tanks	\$502.2	\$793.0	\$773.0	-\$20.0
Inland Oil Spill Programs	\$376.2	\$580.0	\$665.0	\$85.0
Hazardous Substance Superfund	\$69,651.3	\$75,985.0	\$74,144.0	-\$1,841.0
Total Budget Authority	\$455,235.8	\$478,679.0	\$478,531.0	-\$148.0
Total Workyears	323.4	356.7	318.0	-38.7

**Program Project Description:**

Environmental Program and Management (EPM) resources in the Facilities Infrastructure and Operations program fund the Agency’s rent, utilities, and security. This 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, printing, mail, and transportation services. Funding is allocated for such services among the major appropriations for the Agency.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA’s FY 2018 – 2022 Strategic Plan. In FY 2019, EPA will continue to invest to reconfigure EPA’s workspaces, enabling the Agency to release office space and reduce long-term rent costs, consistent with HR 4465,<sup>68</sup> the *Federal Assets Sale and Transfer Act of 2016*. EPA is implementing a long-term space consolidation plan that will reduce the number of occupied facilities, consolidate space within remaining facilities, and reduce square footage wherever practical.

Between FY 2015 and FY 2019 EPA will have released over 850,000 square feet of space nationwide, resulting in a cumulative annual rent avoidance of nearly \$30 million across all appropriations. These savings help offset EPA’s escalating rent and security costs. Currently planned consolidations through FY 2019 will allow EPA to release an estimated 306,000 square

<sup>68</sup> For additional information, refer to: <https://www.congress.gov/bill/114th-congress/house-bill/4465>, *Federal Assets Sale and Transfer Act of 2016*.

feet of space. For FY 2019, the Agency is requesting \$157.89 million for rent, \$8.83 million for utilities, and \$23.50 million for security in the EPM appropriation.

In FY 2019, the Agency will continue to explore opportunities to reconfigure EPA’s workplaces with the goal of reducing long-term rent costs. Through FY 2019, space consolidation (i.e. releasing floors or portions of leased space) in Regions 2, 3, 6 and 8 will cumulatively release over 226,000 square feet and save approximately \$7.8 million in rent. Space consolidation and 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 B&F funding to achieve long-term cost avoidance.

At the requested resource levels, EPA will continue to manage lease agreements with GSA and other private landlords, maintain EPA facilities, fleet, equipment, and fund costs associated with utilities and building security needs. 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.

**Performance Measure Targets:**

(FA1) Reduction in EPA Space (sq. ft. owned and leased).	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	241,000	65,000

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$3,839.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$6,284.0) This change to fixed and other costs rebalances funding proportions across major appropriation accounts. This change also includes a decrease to other fixed costs (e.g., utilities, security).
- (-\$2,661.0/ -36.4 FTE) This net program change reflects a reduction in programs associated with environmental management systems, comprehensive facility energy audits, re-commissioning, and sustainable building design. Activities impacted in FY 2019 include:
- support for employee wellness and worklife initiatives such as federal cost sharing for health wellness and CPR/AED training services, and libraries;
  - preventative maintenance of facilities, equipment, and vehicle fleet;
  - custodial services; and
  - Agency’s mail delivery services.

**Statutory Authority:**

Federal Property and Administration Services Act; Public Building Act; Robert T. Stafford Disaster Relief and Emergency Assistance Act; Clean Water Act; Clean Air Act; Resource Conservation and Recovery Act (RCRA); Toxic Substances Control Act (TSCA); National Environmental Policy Act (NEPA); Community Environmental Response Facilitation Act (CERFA); Energy Policy Act of 2005; 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

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$24,444.8</b>	<b>\$25,416.0</b>	<b>\$18,986.0</b>	<b>-\$6,430.0</b>
Hazardous Substance Superfund	\$2,997.4	\$2,611.0	\$2,611.0	\$0.0
Total Budget Authority	\$27,442.2	\$28,027.0	\$21,597.0	-\$6,430.0
Total Workyears	152.4	161.2	115.7	-45.5

**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, and suspension and debarment activities. Grants comprise approximately 40 percent of EPA’s overall budget. Resources in this program ensure that EPA’s management of grants and IAs meet the highest fiduciary standards, that grant and IA funding produces measurable results for environmental programs, and that the suspension and debarment program effectively protects the government’s business interest.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA’s FY 2018 – 2022 Strategic Plan. In accordance with the overarching 2016-2020 EPA Grants Management Plan (GMP), and EPA’s Strategic Plan, EPA will continue to implement activities to achieve efficiencies while enhancing quality and accountability. EPA will invest to modernize grant and IA IT systems by:

- Completing the migration away from aging Lotus Notes technology. For Grants, EPA is evaluating a federal Centers of Excellence solution for comprehensive and cost-effective grants management. EPA is targeting a platform that will streamline and standardize Agency processes, using the shared knowledge from other cabinet level and independent agencies. EPA is currently evaluating solutions based on their access to information, services, and reporting while enhancing the overall user experience. For IAs, EPA will integrate business solution using EPA’s Interagency Document Online Tracking System (IDOTS).
- Eliminating reliance on paper for records and improving records management. For Grants, EPA will identify a solution that adopts electronic records management capabilities. For IAs, EPA will integrate with the Agency’s internal electronic records management tool (ECMS) using Documentum technology.

- Strengthening decision making with improved and standardized reporting capabilities. For Grants, EPA will centralize common reporting tools and other capabilities through a standardized platform. For IAs, EPA will consolidate technology and capabilities to leverage the Agency's existing financial reporting system.

In addition to IT-related investments, the GMP focuses on reducing the administrative burden on EPA and grants recipients, and on improving grants management procedures. Specifically, the Agency will continue to: 1) fully implement the streamlining reforms in OMB's Uniform Grants Guidance; 2) streamline EPA's grants management by ensuring policies conform to a new comprehensive framework; 3) review, refine, and streamline Lean grants management processes; and 4) Implement Lean recommendations for Intergovernmental Review (IR), which includes reducing the number of programs that require IR, automating the IR process as much as possible, and superseding/archiving EPA's IR policy. This will ensure that EPA is compliant with IR requirements without placing additional burden on EPA staff and applicants.

EPA is a recognized leader in suspension and debarment. The Agency will continue to make aggressive use of discretionary debarments and suspensions as well as statutory debarments under the Clean Air Act and Clean Water Act to protect the government's business interests. In FY 2019, EPA will focus suspension and debarment activity to the most egregious violations. 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 non-procurement awards (for example: grants, cooperative agreements, loans, and loan guarantees). A number of recent federal statutes, GAO reports, and OMB directives require that federal agencies administer effective suspension and debarment programs in order to protect taxpayers from bad actors.

### **Performance Measure Targets:**

Currently there are no performance measures specific to this program.

### **FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$643.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$5,962.0/ -43.1 FTE) This program change reflects expected efficiencies in the processing of grant and IA awards, lower requested grant funding levels throughout the Agency and a review of unliquidated obligations. EPA will target funds to core grant and IA activities.
- (-\$1,111.0) This program change is a decrease based on the Agency's shift to focusing on core grants management operations, which include pre-award reviews; post-award monitoring; compliance; administrative advanced monitoring reviews; management effectiveness reviews; baseline monitoring; and audit follow-up activities on the highest risk awards.



**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

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$50,608.8</b>	<b>\$43,930.0</b>	<b>\$40,860.0</b>	<b>-\$3,070.0</b>
Hazardous Substance Superfund	\$5,380.1	\$5,997.0	\$5,497.0	-\$500.0
Total Budget Authority	\$55,988.9	\$49,927.0	\$46,357.0	-\$3,570.0
Total Workyears	249.5	247.9	223.8	-24.1

**Program Project Description:**

Environmental Programs and Management (EPM) resources for the Human Resources (HR) Management program support human capital activities throughout EPA. To help achieve its mission and maximize employee productivity and job satisfaction, EPA continually works to improve business processes for critical human capital functions including recruitment, hiring, employee development, performance management, and workforce planning. EPM resources also support overall federal advisory committee management under applicable statutes and guidance.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA’s FY 2018 – 2022 Strategic Plan. Effective workforce management is critical to EPA’s ability to accomplish its mission. EPA’s efforts in HR enterprise risk management include attracting and retaining a high-performing, diverse workforce; implementing training and development programs; delivering employee services; streamlining HR processes; and strengthening performance management, labor, and employee relations programs. EPA will continue to support efforts that increase the quality of core operations, improve productivity, and achieve cost savings in mission-support functions including human capital management.

In FY 2019, the Agency will continue to strengthen its performance management activities, including implementing the Agency’s 2017 performance management plan. EPA will procure and deploy a learning management system through the Department of Interior’s Interior Business Center or the Office of Personnel Management. The system will assist in developing and delivering management tools, targeting and providing timely and high-impact training that streamlines administrative functions, leverages EPA’s First Line Supervisors Advisory Group, and assists with organizing mentoring on an as-needed basis.

EPA will continue to focus on delivering statutorily required services associated with the Employee Counseling Assistance Program, the Federal Worker’s Compensation Program, the Drug-free Workplace Program, and Unemployment Compensation. Furthermore, the Agency will

continue its focus on Labor and Employee Relations (LER) by administering and/or negotiating national labor agreements and providing advice, guidance, and assistance to regional and local level negotiations. EPA also will continue its efforts to strengthen managers' and supervisors' institutional knowledge on LER related matters through training and outreach; provide advisory and counseling support agencywide; and conduct analysis of human capital information to help managers be more successful.

EPA's advisory committees, which operate as a catalyst 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. The Agency will continue to manage participation and collaboration to maximize the value these communities add to important policy considerations. EPA also will modernize the advisory committee administrative processes by implementing an electronic committee membership nomination and appointment process to improve operational efficiency, effectiveness, accuracy, and timeliness.

### **Performance Measure Targets:**

Currently there are no performance measures specific to this program.

### **FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$1,562.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$4,632.0/ -24.1 FTE) This program change reflects a reduction for:
  - Operational support for the following HR programs being utilized agencywide: EPA's Child Care Subsidies; the Agency's recruitment and diversity and inclusion activities; EPA's Human Resources Council (HRC) and National Partnership Council (NPC); the Leave Bank; and the Workplace Solutions.
  - Enhancements and maintenance of EPA's HR IT Systems including HR Line of Business (LoB), data management and analysis, troubleshooting, and change requests;
  - Maintenance of EPA's University portal that provides online training and professional development;
  - Support for Federal Advisory Committees not mandated by statute; and
  - Centrally-provided, non-mandatory training.

### **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).

**Workforce Reshaping**

Program Area: Operations and Administration

Goal: Rule of Law and Process

Objective(s): Improve Efficiency and Effectiveness

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$0.0</i></b>	<b><i>\$0.0</i></b>	<b><i>\$25,549.0</i></b>	<b><i>\$25,549.0</i></b>
Science & Technology	\$0.0	\$0.0	\$5,994.0	\$5,994.0
Total Budget Authority	\$0.0	\$0.0	\$31,543.0	\$31,543.0

**Program Project Description:**

Environmental Programs and Management (EPM) resources for the workforce reshaping program support organizational restructuring efforts throughout the U.S. Environmental Protection Agency. To help achieve its mission, EPA will develop, review and analyze mission requirements and implement options to effectively align and redistribute the Agency’s workforce based on program priorities, resource reallocation, and technological advances.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 3/Objective 3.5, Improve Efficiency and Effectiveness in EPA's FY 2018 - 2022 Strategic Plan. Effective workforce reshaping is critical to EPA’s ability to accomplish its mission. EPA will be examining our statutory functions and processes to eliminate inefficiencies and streamline our processes. Primary criteria will include effectiveness and accountability, as EPA is focused on greater value and real results. These analyses will likely create a need to reshape the workforce. The Agency anticipates the need to offer voluntary early out retirement authority (VERA) and voluntary separation incentive pay (VSIP), and potentially relocation expenses, as part of the workforce reshaping effort.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$25,549.0) In support of the reprioritization of agency activities, this increase will support:
  - Voluntary early out retirement authority
  - Voluntary separation incentive pay
  - Workforce support costs for relocation of employees as we realign work assignments.

**Statutory Authority:**

5 U.S.C. 8336(d)(2) includes the statutory VERA provisions for employees covered by the Civil Service Retirement System. 5 U.S.C. 8414(b)(1)(B) includes the statutory VERA provisions for employees covered by the Federal Employees Retirement System. Section 1313(b) of the Chief Human Capital Officers Act of 2002 (Public Law 107-296, approved November 25, 2002) authorized the VSIP option under regulations issued by OPM, as codified in sections 3521 to 3525 of title 5, United States Code (U.S.C.).

## **Pesticides Licensing**

**Pesticides: Protect Human Health from Pesticide Risk**

Program Area: Pesticides Licensing

Goal: Core Mission

Objective(s): Ensure Safety of Chemicals in the Marketplace

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$56,911.0</i></b>	<b><i>\$55,696.0</i></b>	<b><i>\$45,949.0</i></b>	<b><i>-\$9,747.0</i></b>
Science & Technology	\$2,938.3	\$3,090.0	\$2,406.0	-\$684.0
Total Budget Authority	\$59,849.3	\$58,786.0	\$48,355.0	-\$10,431.0
Total Workyears	413.6	418.7	416.5	-2.2

**Program Project Description:**

Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of 1996 and the Pesticide Registration Improvement Extension Act of 2012<sup>69</sup> (or subsequent legislation), 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 allowed to be marketed for use in the United States. Registration is based on review of scientific data sufficient to demonstrate that the product can perform its intended function without unreasonable adverse effects on people or the environment.

The statutes above charge EPA with issuing pesticide registrations and setting tolerances (maximum residue levels) for pesticides in food and animal feed and with periodically reviewing the registrations and tolerances that the Agency issues, to ensure that public health is adequately protected. The program addresses these requirements by conducting risk assessments using the latest scientific methods for new and existing pesticides. Agency scientists examine the risks that pesticides pose to human health through the diet and through exposure at work, at home, in school, or at play. EPA’s Pesticide Program also reduces the risks of disease by ensuring the efficacy of public health pesticides (pesticides that control pests or bacteria that are a vector for disease or for other recognized health protection uses). EPA encourages the development and use of safer pesticides and educates pesticide users and the public in general through labeling as well as public outreach.

*Pesticide Registration and Tolerance Setting*

Under the FFDCA, if a pesticide is to be used in a manner that may result in pesticide residues in food or animal feed, before it can be registered, EPA must establish a tolerance, or maximum legal residue level or exemption from the requirement of a tolerance, for each affected food or feed

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<sup>69</sup> Authority provided under the Pesticide Registration Improvement Extension Act of 2012 expired on September 30, 2017. Authority to continue to collect fees has been authorized by H.R. 601 - Continuing Appropriations Act, 2018, and subsequent Continuing Resolutions through February 8, 2018.

commodity. 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.

The passage of FQPA in 1996, which amended both FIFRA and FFDCA, not only introduced this stricter safety standard, it also mandated the consideration of a number of other factors including cumulative and aggregate effects. When assessing a pesticide registration or tolerance, EPA must consider the cumulative effects of related pesticides with a common mode of toxicity and the potential for endocrine disruption effects, and apply an appropriate safety factor to ensure the protection of infants and children as outlined below. In addition, EPA must include aggregate exposure, including all dietary exposure, drinking water, and non-occupational exposures. All these pesticide exposures from food, drinking water, and home and garden use must be considered when determining allowable levels of pesticides in food. Since the passage of FQPA, EPA’s risk assessment process must incorporate a 10-fold safety factor (10X) for infants and children unless reliable information in the database on the chemical indicates that it can be reduced or removed. Under FQPA, even the limited, temporary use under an emergency exemption may not be allowed without the establishment of a tolerance.

To comply with statutory mandates, EPA conducts risk assessments using the latest scientific methods to determine the risks that pesticides pose to human health, including reviewing comprehensive toxicity, residue chemistry, and other data submitted by pesticide manufacturers (registrants) as required by EPA, and consulting public literature or other sources of supporting information regarding the pesticide’s effects or exposure. Toxicity data is used to identify the hazard potential of a pesticide. Residue chemistry data is used to determine the identity and amount of pesticide in or on food. The Agency reviews all data to make sure they were developed according to standard practices within the discipline and EPA’s test guidelines. In addition to toxicity and residue chemistry data, EPA also may use other data to refine and make more realistic exposure assessments for residues on food and exposure to workers, bystanders and people who live, work, play, and go to school in treated areas. The result of these assessments could be the need for label restrictions in certain areas to reduce the exposure to safe levels. Risk assessments undergo an internal peer review, and regulatory decisions are posted on the Internet for review and comment to ensure that these actions are transparent and stakeholders are engaged in decisions affecting their health and environment. When complex scientific issues arise, the Agency consults the FIFRA Scientific Advisory Panel (<http://www.epa.gov/scipoly/sap/>) for independent scientific advice.

### *Periodic Review of Registrations and Tolerances*

Not only must EPA conduct risk assessments before the initial registration of each pesticide for each use, but the FQPA amendments introduced the requirement that every pesticide registration be reviewed at least every 15 years. This periodic review is accomplished through our Registration Review Program.<sup>70</sup> In the interest of efficiency and fairness and to facilitate the assessment of cumulative exposures, the Agency reviews certain related pesticides (such as the pyrethroids and pyrethrins, the neonicotinoids, or the fumigants) at the same time. Pesticide cases may be related by chemical class or structure, mode of action, use, or for other reasons.

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<sup>70</sup> For more information, see <https://www.epa.gov/pesticide-reevaluation>.



### *Ensuring Proper Use and Mitigating Risks of Pesticides through Labeling*

Under FIFRA, it is illegal to use a registered pesticide in a manner inconsistent with the label instructions and precautions. Therefore, EPA uses pesticide labels to indicate what uses are appropriate in order to ensure that the pesticide does not cause unreasonable adverse effects on human health or the environment, as determined by the risk assessment. EPA pesticide product registrations include required labeling instructions and precautions. When risks are identified during the initial registration or during registration review, the Agency may mitigate those risks by requiring label changes, for example, requiring personal protective equipment for applicators, or changing the application method or rate or the time when the treated area may be reentered. Ensuring the proper use of pesticides prevents unnecessary pesticide exposure to the person applying the pesticide and people working, living, or playing nearby. It also prevents excessive residues in the food people eat and in animal feed.

### *Reducing Pesticide Risks to People through the Registration of Lower Risk Pesticides*

To further protect human health, 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. EPA began promoting reduced risk pesticides in 1993 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>71</sup> Biological pesticides and biotechnology often represent lower risk solutions to pest problems.

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 can 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. Protecting workers from potential effects of pesticides is an important role of the pesticide program. Workers in several occupations may be exposed to pesticides when they prepare pesticides for use, such as by mixing a concentrate with water or loading the pesticide into application equipment; applying pesticides, such as in an agricultural or commercial setting; or when they enter an area where pesticides have been applied to perform allowed tasks such as picking crops.

The Worker Protection Standard (WPS) and the certification and training rule are key elements of EPA's strategy for reducing occupational exposure to agricultural pesticides. Following signature of the revised rule, EPA immediately began an extensive schedule of trainings for state regulators

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<sup>71</sup> See U.S. Environmental Protection Agency, Pesticides: Health and Safety, Reducing Pesticide Risk internet site: <http://www.epa.gov/pesticides/health/reducing.htm>.

and state inspectors, because training our state co-regulators is a top priority. While resource intensive, the Agency prioritized providing in-person training to states and regions to allow for face-to-face dialogue on the new requirements in the final rule issued in 2015.

In FY 2016 and FY 2017, EPA provided guidance materials to assist states and agricultural employers to understand the new WPS requirements that went into effect on January 2, 2017. In early 2017, the National Association of State Departments of Agriculture (NASDA) petitioned EPA to extend the implementation date for the WPS to allow for additional time for EPA to work with the states to ensure that sufficient materials were available to the agricultural community to successfully implement the new requirements. After working with NASDA and the States and Tribes to address their implementation issues, and in consideration of the regulatory burden associated with making the rule changes to legally delay the rule, EPA decided not to delay the implementation dates of the revised rule. Instead, EPA will focus on proposing revisions to targeted sections of the WPS based on stakeholder input received since issuance of the rule.

In FY 2017, EPA solicited comments on regulations that may be appropriate for repeal, replacement, or modification in keeping with Executive Order 13777, entitled "Enforcing the Regulatory Reform Agenda." EPA also held a public meeting of the Pesticide Program Dialogue Committee in May 2017 that included a session specifically devoted to receiving public feedback on potential pesticide regulatory reform opportunities for EPA's Regulatory Reform Task Force to consider. Although many commenters expressed their support for EPA's pesticide safety regulations, EPA also received comments that suggested specific changes were needed to the January 4, 2017, Certification of Pesticide Applicators final rule (amending the requirements at 40 CFR 171) and to the November 2, 2015, Worker Protection Standard final rule (which amended the regulations at 40 CFR 170). EPA expects to publish separate Notices of Proposed Rulemaking in FY 2018 to solicit public input on revisions to these rules." In FY 2019, EPA will work to finalize those proposed rule revisions and develop implementation plans for rolling out the final rules and necessary communications. EPA also will be planning numerous webinars and will respond to stakeholder requests as it continues with implementation of those parts of the two rules that are unaffected by the proposed revisions. For more information, see <https://www.epa.gov/pesticide-worker-safety/agricultural-worker-protection-standard-wps>.

### *Preventing Disease through Public Health Pesticides*

Antimicrobial pesticides play an important role in public health and safety by killing germs, bacteria, viruses, fungi, protozoa, algae, and slime. Some of these products are used to sterilize hard surfaces in hospitals. Chemical disinfection of hard, non-porous surfaces such as floors, bed rails and tables is one component of the infection control systems in hospitals, food processing operations, and other places where disease-causing microorganisms, such as bacteria and viruses, may be present. In reviewing registrations for antimicrobials, EPA is required to ensure that antimicrobials maintain their effectiveness.<sup>72</sup> EPA's Antimicrobial Testing Program has been testing hospital sterilants, disinfectants, and tuberculocides since 1991 to help ensure that products in the marketplace meet stringent efficacy standards. Other pesticides also protect public health, such as insecticides and rodenticides that combat insects and other pests that carry diseases such as West Nile virus, Lyme disease, and rabies.

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<sup>72</sup>FIFRA section 3(h)(3), 7 U.S.C. 136a(h)(3).

## *Outreach and Education*

Giving priority to reduced risk and Integrated Pest Management (IPM)-friendly pesticides are two steps toward protecting human health. It is important for people using pesticides to be well informed, to understand the importance of reading and following label directions and the importance of proper disposal, and they also need to understand how to protect themselves from pests that can transmit disease. The Pesticide Program invests in environmental education and training efforts for growers, pesticide applicators, and workers, as well as the public in general. EPA will continue to work to reduce the number and severity of pesticide exposure incidents by developing effective communication, environmental education, and training programs.

### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.4, Ensure Safety of Chemicals in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, EPA will review and register new pesticides, new uses for existing pesticides, and other registration requests in accordance with statutory requirements. In addition, the Agency will be reviewing under the registration review program pesticides that are already in the market against current scientific standards for human health. To further advance EPA's work supporting environmental justice and children's health, EPA will process these registration requests with special consideration for susceptible populations, especially children. Specifically, EPA will focus on the foods commonly eaten by children in order to reduce children's pesticide exposure where the science identifies potential concerns. EPA uses data from various sources, including the Pesticide Data Program (PDP) and the National Health and Nutrition Examination Survey (NHANES), to assess children's potential risk from pesticides. Pesticide registration actions focus on the evaluation of pesticide products before they enter the market. EPA will review pesticide data and impose use restrictions and instructions needed to ensure that pesticides used according to label directions also will not result in unreasonable risk. During its pre-market review, EPA will consider human health and environmental concerns as well as the pesticide's potential benefits.

In FY 2019, as part of the Agency implementation of a Lean Management System, the program, in collaboration with stakeholders, will review business process and procedures to improve results and drive efficiencies while sustaining quality environmental outcomes. Among other efforts, the program will better leverage IT systems, such as the PRISM projects described below, which will enhance approximately 150 business processes. Over time, similar efforts in other programs have yielded significant results, including up to 40 percent reduction in business process steps or overall reduced burden in delivering environmental benefits.

EPA will continue to emphasize the registration of reduced risk pesticides, including biopesticides, in order to provide farmers and other pesticide users with new safer alternatives. In FY 2019, the Agency, in collaboration with the United States Department of Agriculture (USDA), will work to ensure that minor use registrations receive appropriate support. EPA will ensure that needs are met for reduced risk pesticides for minor use crops. Additionally, EPA 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 available on the website and in

print. EPA also will continue to support biotechnology efforts to educate the American public about pesticides related water quality issues and standards.

During FY 2019, EPA will continue to review the registrations of existing pesticides and develop work plans for pesticides entering the review pipeline. The priority will be toward reviewing those pesticides where there is indication of a need to mitigate risk. The goal of the registration review process is to review pesticide registrations every fifteen years to ensure that pesticides already in the marketplace meet the most current scientific standards and to address concerns identified after the original registration.<sup>73</sup> The completion of the first round of these reviews is due in FY 2022. This program, as mandated by statute, supports EPA's priorities including ensuring the safety of chemicals and protecting America's waters.

For pesticides registered before October 1, 2007, EPA has a statutory mandate to make registration review decisions by October 1, 2022. There are a total of 725 such cases. For each case, the steps in this process include, in this order, opening dockets, developing work plans, completing risk assessments, and making decisions regarding any risk management measures. It is important to open dockets and develop work plans for as many cases as possible early in the process so that there is time to complete the risk assessments and make decisions by the 2022 deadline. The Agency met its obligations for opening dockets and completing work plans so it can now focus its resources on completing risk assessments and making decisions to meet its statutory deadline by 2022. EPA completed the opening of all 725 dockets in 2017 and shifted the focus in FY 2019 to continue analysis of these documents.

In FY 2019, the Agency will continue to work toward our commitment to environmental justice and protection of children's health. Under the Food Quality Protection Act, EPA is statutorily required to ensure that its regulatory decisions are protective of children's health and other vulnerable subpopulations. EPA will continue to provide locally-based technical assistance and guidance by partnering with states and tribes on implementation of pesticide decisions. Technical assistance and outreach such as workshops, demonstration projects, briefings, and informational meetings also will continue in areas including pesticide safety training and use of lower risk pesticides.

EPA will continue to engage the public, the scientific community, and other stakeholders in its policy development and implementation. This will encourage a reasonable transition for farmers and others from the older, potentially more hazardous pesticides, to the newer pesticides that have been registered using the latest available scientific information.

In FY 2019, EPA will continue ongoing work to implement improvements to the Pesticide Registration Information System (PRISM). Work on PRISM and other areas will include streamlining operations and merging compatible and related work areas in order to maximize resources through management efficiencies and direct reporting improvements. The focus of the project is to achieve paperwork burden reduction by converting paper-based processes into electronic processes for the Pesticide program's regulated entities, creating a streamlined electronic workflow to support pesticide product registration and chemical review, and creating a

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<sup>73</sup> See U.S. Environmental Protection Agency, Registration Review Internet site: [http://www.epa.gov/oppsrrd1/registration\\_review/index.htm](http://www.epa.gov/oppsrrd1/registration_review/index.htm)

centralized repository of regulatory decisions and scientific information. Overall, the PRISM project will streamline approximately 150 existing business processes.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$249.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs due to adjustments in salary and benefit costs.
- (-\$9,996.0/ -45.6 FTE) This program change reflects a reduction in funding for pesticide program activities from annual appropriations with the intent to increase utilization of pesticide user fee collections. Proposed legislative language accompanying the President's Budget will expand EPA's scope of activities that can be funded with user fees.

**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: Core Mission

Objective(s): Ensure Safety of Chemicals in the Marketplace

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$36,654.9</b>	<b>\$38,302.0</b>	<b>\$28,727.0</b>	<b>-\$9,575.0</b>
Science & Technology	\$2,046.2	\$2,325.0	\$2,122.0	-\$203.0
Total Budget Authority	\$38,701.1	\$40,627.0	\$30,849.0	-\$9,778.0
Total Workyears	271.1	269.3	268.4	-0.9

**Program Project Description:**

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) requires EPA to register a pesticide if, among other things, when used in accordance with labeling and common practices, the product “also will not generally cause unreasonable adverse effects on the environment.” The goal of this program is to protect the environment from the potential risks posed by pesticide use. 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.

In addition to FIFRA responsibilities, the Agency has distinct obligations under the Endangered Species Act (ESA). These include ensuring that pesticide regulatory decisions also 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 National Marine Fisheries Service (NMFS) (jointly, the Services).

*Assessing the Risks Pesticides Pose to the Environment*

To accomplish the goals set out in the two statutes, EPA conducts ecological risk assessments<sup>74</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 the environment. EPA has extensive authority to require the submission of data to support its scientific decisions and uses the latest scientific methods to conduct these ecological risk assessments. The Agency requires applicants for pesticide registration to conduct and submit a wide range of environmental laboratory and field studies. These studies examine the ecological effects or toxicity of a pesticide and its breakdown products on various terrestrial and aquatic animals and plants, and the chemical fate and transport of the pesticide (how it behaves and where it enters the soil, air, and water). EPA uses these and other data to prepare an environmental fate assessment and a hazard, or

<sup>74</sup> <https://www.epa.gov/endangered-species>

ecological effects, assessment that interprets the relevant toxicity information for the pesticide and its degradation products. Using environmental fate data and exposure models, EPA's scientists estimate exposure of different animals and plants to pesticide residues in the environment. Finally, these scientists integrate the toxicity information with the exposure data to determine the ecological risk from the use of the pesticide, or whether it is safe for the environment and wildlife. These processes are described more fully below.

### *Assessing Toxicity to Wildlife and Plants*

Toxicology studies are carried out on plants and animals that have been chosen for testing because they broadly represent non-target organisms (living things the pesticide is not intended to kill or otherwise control). Animals and plants are exposed to different amounts of a pesticide to determine short- and long-term responses to varying concentrations. Some of the impacts on animals EPA evaluates are the short- and long-term effects of varying amounts of pesticide exposure to insects and other invertebrates, fish, and birds. For plants, EPA scientists assess how poisonous a pesticide is to plants, how the pesticide affects a seed's ability to germinate and emerge, as well as how healthy and vigorous the plant grows to be. Toxicological testing and scientific measurements are conducted under strict guidelines and approved methods.<sup>75</sup> Exacting standards are necessary for consistency in evaluations of pesticide safety and for comparisons among chemicals.

### *Determining the Environmental Fate of a Pesticide*

After determining the toxicity of a pesticide, it is important to find out what happens to it in the environment after it has been applied, and therefore, how it might affect the environment. Required studies measure the interaction of pesticides with soils, air, sunlight, surface water and ground water. Some of the basic questions that must be answered in these studies are: (1) How fast and by what means does the pesticide degrade? (2) What are the breakdown chemicals? and (3) How much of the pesticide or its breakdown chemicals will travel from the application site, and where will they accumulate in the environment? These tests include how the pesticide breaks down in water, soil, and light, how easily it evaporates in air and how quickly it travels through soil. EPA uses these tests to develop estimates of pesticide concentrations in the environment. EPA scientists evaluate the role of the drift of spray and dust from pesticide applications on pesticide residues that can cause health and environmental effects and property damage.

### *Putting the Pieces Together*

To evaluate a pesticide's environmental risks, EPA examines all of the toxicity and environmental fate data together to determine what risks its use may pose to the environment. The process of comparing toxicity information and the amount of the pesticide a given organism may be exposed to in the environment is called risk assessment. A pesticide can be toxic at one exposure level, and have little or no effect at another. Thus, the risk assessor's job is to determine the relationship between possible exposure to a pesticide and the resulting harmful effects.

If the ecosystem will not be exposed to levels of a pesticide shown to cause problems, EPA concludes that the pesticide is not likely to harm plants or wildlife. On the other hand, if the

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<sup>75</sup><http://www.epa.gov/raf/publications/guidelines-ecological-risk-assessment.htm> http

ecosystem exposure levels are suspected or known to produce problems, the program will then work to better understand and reduce the risks to acceptable levels. If the risk assessment indicates a high likelihood of hazard to wildlife, the program may require additional testing, require that the pesticide be applied only by specially-trained people (restricted use), or decide not to allow its use. In addition, EPA may require monitoring of environmental conditions, such as effects on water sources, or may require additional data from the registrant. Decisions on risk reduction measures are based on a consideration of both pesticide risks and benefits.

The Agency reviews all data to make sure they were developed according to standard practices within the discipline and EPA's test guidelines. Risk assessments are peer reviewed, and regulatory decisions are posted on the Internet for review and comment to ensure that these actions are transparent and stakeholders are engaged in decisions that affect their environment. When complex scientific issues arise, the Agency consults the FIFRA Scientific Advisory Panel (<http://www.epa.gov/scipoly/sap/>) for independent scientific advice.

### *Risk Mitigation*

To ensure unreasonable risks are avoided, EPA may impose risk mitigation measures such as modifying use rates or application methods, restricting uses, or denying uses. In some regulatory decisions, EPA may determine that uncertainties in the risk determination need to be reduced and may subsequently require monitoring of environmental conditions, such as effects on water sources or the development and submission of additional laboratory or field study data by the pesticide registrant.

EPA's Pesticide Program has been actively engaged in a number of initiatives to help prevent problems related to the drift of spray and dust from pesticide applications. These initiatives include: broadening the understanding of the science and predictability of pesticide drift based on many new studies; improving the clarity and enforceability of product label use directions and drift restrictions; facilitating the use of drift-reducing application technologies and best management practices to minimize drift; and promoting applicator education and training programs.

### *Ensuring Proper Pesticide Use through Labeling*

Under FIFRA, it is illegal to use a registered pesticide in a manner inconsistent with the label instructions and precautions. EPA uses 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 as a condition of registration. When EPA registers a pesticide product, it requires specific labeling instructions and precautions. When risks are identified during the initial registration or during registration review, the Agency may mitigate those risks by requiring label changes. For example, EPA may require buffer zones around water sources to prevent contamination of water or endangering aquatic plants and wildlife. Other examples are changing the application method, or rate or timing of applications when pollinators are not present to prevent risks to pollinators such as bees.



### *Reducing Risk Through the Use of Safer Pesticides and Methods*

To further protect the environment, the program<sup>76</sup> 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. EPA began promoting reduced risk pesticides in 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 (<http://www.epa.gov/pesticides/ipm/>). Biological pesticides and biotechnology often represent lower risk solutions to pest problems.

### *Protecting Endangered Species*

EPA is responsible for complying with the ESA. This presents a great challenge given that there are approximately 1,200 active ingredients in more than 17,000 products – many of which have multiple uses – and over 1,600 listed endangered species in the US with diverse biological attributes, habitat requirements, and geographic range.<sup>77</sup> As part of EPA's determination of whether a pesticide product may be registered for a particular use, the Agency assesses whether listed endangered or threatened species or their designated critical habitat may be affected by use of the product. Where risks are identified, EPA must work with the FWS and the NMFS in a consultation<sup>78</sup> process to ensure these new or existing pesticide registrations also will meet the ESA standard. EPA's Endangered Species Protection Program (ESPP) helps promote the recovery of listed species by determining whether pesticide use in a certain geographic area may affect any listed species. If limitations on pesticide use are necessary to protect listed species in that area, the information is communicated through Endangered Species Protection Bulletins. The goal of this program is to carry out the Agency's responsibilities under FIFRA in compliance with the ESA, without placing unnecessary burdens on agriculture and other pesticide users.

### *Minimizing Environmental Impacts through Outreach and Education*

Through public outreach, the Agency continues to encourage the use of Integrated Pest Management (IPM) and other practices to maximize the benefits pesticides can yield while minimizing the impacts on the environment. The Agency develops and disseminates brochures, provides education on potential benefits of IPM, and promotes outreach on the success of IPM to encourage its use.<sup>79</sup> To encourage responsible pesticide use that does not endanger the environment, EPA reaches out to the public through the Internet and to workers and professional pesticide applicators through worker training programs.

### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.4, Ensure Safety of Chemicals in EPA's FY 2018 - 2022 Strategic Plan. In FY2019, EPA's activities will involve increased efforts on

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<sup>76</sup> Reducing Pesticide Risk (<http://www.epa.gov/pesticides/health/reducing.htm>).

<sup>77</sup> <https://ecos.fws.gov/ecp0/reports/box-score-report>.

<sup>78</sup> For additional information, see <https://www.epa.gov/endangered-species/assessing-pesticides-under-endangered-species-act>.

<sup>79</sup> <http://www.epa.gov/pesp/ipminschoools/implementation.html>.

comprehensive risk assessments to protect the environment. For the 725 cases covering all pesticides registered before October 1, 2007, EPA has a statutory mandate to make registration review decisions by October 1, 2022. For each case, the steps in this process include, in this order opening; dockets, developing work plans, completing risk assessments, and making decisions regarding any risk management measures. It is important to open dockets and develop work plans for as many cases as possible early in the process so that there is time to complete the risk assessments and make decisions by the 2022 deadline. The Agency met its obligations for opening dockets and completing work plans so it could now focus its resources on completing risk assessments and making decisions in order to meet the statutory deadline by 2022. EPA completed the opening of all 725 dockets in 2017 and shifted the focus to analysis of these documents in FY 2018. In working towards meeting 2022 deadline for registration review, EPA expects to complete approximately 50 draft risk assessments during FY 2019. The draft risk assessments will be published for public comments

In FY 2019, as part of the Agency implementation of a Lean Management System, the program, in collaboration with stakeholders, will review business process and procedures to improve results and drive efficiencies while sustaining quality environmental outcomes. Among other efforts, the program will better leverage IT systems, such as PRISM, which will enhance approximately 150 business processes. Over time, similar efforts in other programs have yielded significant results, including up to 40 percent reduction in business process steps or overall reduced burden in delivering environmental benefits.

The review of pesticides currently in the marketplace and implementation of decisions made as a result of these reviews are a necessary element of meeting EPA's goals. However, attaining risk reduction would be significantly hampered without availability of alternative products to these pesticides for consumers. Consequently, the success of the Registration program in ensuring the availability of effective alternative products plays a significant role in meeting the environmental outcome of improved ecosystem protection. EPA also will continue to assist pesticide users in learning about new, safer products and methods for using existing products. The Agency also will continue encouraging the use of IPM tools.

### *Protection of Endangered Species*

Under the ESA, federal agencies must ensure that the "actions" they authorize will not result in jeopardy to species listed as endangered or threatened by the Services, or adversely modify designated critical habitat. While EPA authorizes the sale, distribution, and use of pesticides according to the product labeling the Agency also will do more comprehensive risk assessments for registration activities that are protecting endangered species. During registration review, EPA will support obtaining risk mitigation earlier in the process by encouraging registrants to agree to changes in uses and applications of a pesticide that are beneficial to the protection of endangered species prior to completion of EPA's consultations with FWS and NMFS. In FY 2019, pesticide registration reviews are expected to contain comprehensive environmental assessments, including determining potential endangered species impacts. This effort will continue to expand the program's workload due to the necessity of issuing data call-ins and conducting additional environmental assessments for pesticides already in the review pipeline.

In FY 2019, in cooperation with the Services and the United States Department of Agriculture (USDA), the Agency will continue to work toward improving compliance with the ESA. To this end, the Agency continues to consider recommendations from the National Academy of Sciences (NAS) National Research Council regarding scientific and technical issues related to the methods and assumptions used by EPA and the Services to carry out their joint responsibilities under the ESA and FIFRA. The four agencies jointly asked the NAS to identify approaches to: collect the best available scientific data and information; consider sub-lethal, indirect and cumulative effects; assess the effects of chemical mixtures and inert ingredients; use models to assist in analyzing the effects of pesticide use; effectively incorporate uncertainties into the evaluations; and use geospatial information and datasets in the course of these assessments. Since receiving the NAS report, the agencies have developed shared scientific approaches, solicited input from stakeholders, and presented those approaches to stakeholders. During FY 2019, EPA will continue to improve the Biological Evaluations methodology and will apply the revised approaches to selected pesticide risk assessments. These assessments will continue to improve the shared scientific approaches for the Biological Evaluations.

EPA will continue to impose use limitations through appropriate label statements, referring pesticide users to EPA-developed Endangered Species Protection Bulletins, which are available on the Internet via *Bulletins Live Two!*<sup>80</sup> These bulletins also will, as appropriate, contain maps of pesticide use limitation areas necessary to ensure protection of listed species and compliance with the ESA. Any such limitations on a pesticide's use will be enforceable under the misuse provisions of FIFRA. Bulletins are a critical mechanism for ensuring protection of listed species from pesticide applications while minimizing the burden on agriculture and other pesticide users by limiting pesticide use in the smallest geographic area necessary to protect the species. In FY 2019, EPA will continue revising and updating *Bulletins Live Two!* to provide a more interactive and more geographically discrete platform for pesticide users to understand the use limitations necessary to protect endangered or threatened species.

The Agency will continue to provide technical support for compliance with the requirements of the ESA. In FY 2019, EPA will continue the integration of state-of-the-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 office also will provide improved support to the risk assessment process during registration review by allowing risk assessors to more easily analyze complex scenarios relative to endangered species.

### *Pollinator Protection*

Bees play a critical role in ensuring the production of food. The USDA is leading the federal government's effort to understand the causes of declining pollinator health and identify actions that also will improve pollinator health. EPA is part of this effort and is focusing on the potential role of pesticides. EPA's emphasis is to ensure that the pesticides used represent acceptable risks to pollinators and that products are available for commercial bee keepers to manage pests that impact pollinator health. EPA is working with pesticide registrants to change pesticide labels to reduce acute exposure and ensure that pollinators are protected.

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<sup>80</sup><https://www.epa.gov/endangered-species/endangered-species-protection-bulletins>.

EPA implemented a pollinator risk assessment framework to assess the potential effects that pesticides may have on bees through the registration and registration review programs, in cooperation with Canada and the California Department of Pesticide Regulation. In addition, EPA is working with several other federal agencies, including USDA and DOI, to increase and improve pollinator habitat. As a part of these activities, EPA also will continue to assess the effects of pesticides, including neonicotinoids, on bee and other pollinator health and take action as appropriate to protect pollinators, engage state and tribal agencies in the development of pollinator protection plans, and expedite review of registration applications for new products targeting pests harmful to pollinators. EPA also is working with seed companies to develop and implement strategies to reduce the release of pesticide residues during the planting process of treated seed.

Other efforts include working with stakeholders to identify and consolidate Best Management Practices (BMPs) for honey bee health and developing a web page of these BMPs with cooperation from the National Integrated Pest Management Centers and the USDA. EPA is providing funds to land grant universities to conduct research on alternative pest control methods and BMPs that lower risks to bees while effectively controlling pests.

In 2014, EPA required changes to pesticide labels for four neonicotinoid insecticides to limit applications to protect bees, as well as provide users of these products with more precise safety information about bees, improving and clarifying the pollinator protection requirements for 240 approved pesticide labels. These changes were made to the pesticide labels for imidacloprid, thiamethoxam, clothianidin, and dinotefuran. In FY 2019, EPA will continue to require the new pollinator protection labeling for other outdoor foliar products that are acutely toxic and pose risk to bees.<sup>81</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. Using monitoring data collected under the U.S. Geological Survey (USGS) National Water Quality Assessment (NWQA) program for urban watersheds, EPA will continue to monitor the impact of our regulatory decisions for three priority chemicals – diazinon, chlorpyrifos, and carbaryl. In agricultural watersheds, the program will monitor the impact of our regulatory decisions on azinphos-methyl and chlorpyrifos and consider whether any additional action is necessary.<sup>82</sup> These four organophosphate insecticides most consistently exceeded EPA's aquatic life benchmarks for aquatic ecosystems<sup>83</sup> during the last ten years of monitoring by the USGS NAWQA program. Overall trends since 2008 have shown reductions in pesticide exceedances due to mitigation implemented by EPA though some limited exceedances have occurred in recent years. In FY 2019, the Agency will continue to work with USGS to develop sampling plans and refine program goals. Water quality is a critical endpoint for measuring exposure and risk to the environment and a measure of EPA's ability to reduce exposure from these key pesticides of concern.

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<sup>81</sup> For additional information on EPA's role in pollinator protection see: <http://www2.epa.gov/pollinator-protection/epa-actions-protect-pollinators> and <http://www2.epa.gov/pollinator-protection/new-labeling-neonicotinoid-pesticides>.

<sup>82</sup> Gilliom, R.J., et al. 2006. *The Quality of Our Nation's Waters: Pesticides in the Nation's Streams and Ground Water, 1992–2001*. Reston, Virginia: U.S. Geological Survey Circular 1291, p 171. Available on the Internet at: <http://pubs.usgs.gov/circ/2005/1291/>.

<sup>83</sup> [http://www.epa.gov/oppefed1/ecorisk\\_ders/aquatic\\_life\\_benchmark.htm](http://www.epa.gov/oppefed1/ecorisk_ders/aquatic_life_benchmark.htm)

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>.

**Performance Measure Targets:**

(091) Percentage of decisions (registration actions) completed on time (on or before PRIA or negotiated due dates).	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	99	99
(FIFRA2) Number of FIFRA registration review draft risk assessments completed.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	70	72
(FIFRA1) Number of FIFRA decisions completed through pesticides registration review.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	58	75
(PRIA2) Average number of days exceeding the PRIA decision timeframes for new active ingredients where the original PRIA due date was not met.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	303	291
(PRIA1) Average number of days to complete PRIA decisions for new active ingredients.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	643	631

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$1,551.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs due to adjustments in salary and benefit costs.
- (-\$8,024.0/ -31.8 FTE) This program change reflects the reduction of funding for pesticide program activities from annual appropriations with the intent to increase utilization of pesticide user fee collections. Proposed legislative language accompanying the President’s Budget will expand EPA’s scope of activities that can be funded with user fees.

**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: Core Mission

Objective(s): Ensure Safety of Chemicals in the Marketplace

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$5,554.3</b>	<b>\$6,191.0</b>	<b>\$5,084.0</b>	<b>-\$1,107.0</b>
Science & Technology	\$548.1	\$571.0	\$530.0	-\$41.0
Total Budget Authority	\$6,102.4	\$6,762.0	\$5,614.0	-\$1,148.0
Total Workyears	34.9	46.5	46.3	-0.2

**Program Project Description:**

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, this law has been significantly amended several times, most recently by the Food Quality Protection Act of 1996 (FQPA) and the Pesticide Registration Improvement Extension Act of 2012 (or subsequent legislation). 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. Each time the law has been amended, while Congress has strengthened the safety standards of the act, it continues to recognize the benefits of pesticides.

This program seeks to realize the value of pesticides that can be used safely to yield many benefits, including: to generate the nation’s abundant and wholesome food supply, to protect the public from disease-carrying pests, to protect our environment from the introduction of invasive species from other parts of the world, to kill viruses and bacteria in America’s hospitals, and to protect the nation’s homes and schools from invasive insects, rodents, molds, and other unwelcome guests.

*Addressing Special Local Needs*

FIFRA Section 24(c), and EPA’s implementing regulations give states the authority to issue their own state-specific registrations under certain conditions, while EPA is responsible for overseeing the general program. States may register a new end use product or an additional use of a federally registered pesticide product if the following conditions exist:

- A Special Local Need – an existing or imminent pest problem within a state for which the state lead agency, based on satisfactory supporting information, has determined that an appropriate federally registered pesticide product is not sufficiently available.
- The additional use is covered by any necessary tolerances (maximum legal residue levels) or other clearances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

- Registration for the same use has not previously been denied, disapproved, suspended, or canceled by EPA or voluntarily canceled by the registrant subsequent to issuance of a notice of intent to cancel because of health or environmental concerns.
- Registration is in accord with the purposes of FIFRA.

These 24(c) registrations become federal registrations in 90 days unless EPA objects to them. EPA's role is to ensure that each 24(c) registration meets the requirements of FIFRA.

### *Emergency, Quarantine, and Crisis Exemptions*

FIFRA Section 18, and EPA's implementing regulations, authorize EPA, in the event of an emergency, such as a severe pest infestation, to allow an unregistered use of a pesticide for a limited time, if EPA determines that emergency conditions exist which require such an exemption.<sup>84</sup>

An "Emergency Condition" is an urgent, non-routine situation that requires the use of a pesticide(s). Emergency exemptions may be requested by any state or federal agency, but typically come from state lead agricultural agencies. EPA also must establish any necessary tolerances to cover pesticide residues in food, if applicable. Tolerances established for emergency exemption uses are time-limited, corresponding to the time that commodities treated under the exemption might be found in channels of trade. When needed, the program chemistry laboratory evaluates pesticide residues on certain foods. These real-world residue monitoring data can be used to accurately assess the risk and determine whether the acceptable risk level would be exceeded.

A second type of emergency exemption is allowed for "public health" emergencies. A state or federal agency may request a public health emergency exemption to control a pest that will cause a significant risk to human health. The third type of exemption, the "Quarantine" exemption, is allowed to control the introduction or spread of an invasive pest species not previously known to occur in the United States and its territories.

Finally, when the emergency is so immediate that there is not enough time to go through the normal review for an exemption, following communication with clearance by EPA, a state or federal agency may issue a "crisis exemption" allowing the unregistered use to proceed for up to 15 days. During the consultation before the state or federal agency declares a crisis, EPA performs a review to determine whether there are any apparent concerns, and whether the appropriate safety findings required by FIFRA likely may be made. If EPA identifies concerns, the crisis exemption may not be allowed unless those concerns can be resolved.

### *Meeting Agriculture's Need for Safe, Effective Pest Control Products*

With the passage of FQPA, Congress acknowledged the importance of and need for "reduced-risk pesticides" and supported expedited agency review to help these pesticides reach the market sooner and replace older and potentially riskier chemicals. 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

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<sup>84</sup> <http://www.epa.gov/opprd001/section18/>



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)<sup>85</sup> or makes it more effective.” EPA developed procedures and guidelines for expedited review of applications for registration or amendments for a reduced risk pesticide. The Agency expanded the reduced risk pesticide program to include consideration of new active ingredients, new uses of active ingredients already deemed to be reduced risk, and amendments to all uses deemed to be reduced risk. EPA gives priority to review of reduced risk pesticides and works with the regulated community and user groups to refine review and registration procedures.

### *FIFRA’s Version of “Generic” Pesticides*

FIFRA authorizes EPA to register products that are identical to or substantially similar to already registered products (known as “me too” products). Applicants for these substantially similar products may rely on, or “cite” (and offer to pay a fair share for) 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. These price declines generate competition that benefits farmers and other consumers.

### *“Minor Crops” – Addressing Growers’ Need for Pest Control*

The FQPA amendments made special provisions for minor uses of pesticides. Minor uses of pesticides are defined as uses for which pesticide product sales do not provide sufficient economic incentive to justify the costs of developing and maintaining its registrations with EPA. “Minor” crops include many fruits and vegetables. Minor uses also include use on commercially grown flowers, trees and shrubs, certain applications to major crops such as wheat or corn where the pest problem is not widespread, and many public health applications<sup>86</sup>.

Some minor uses have been lost through lack of registrant support during the reregistration process, resulting in grower concerns that adequate pest control tools will no longer be available for many minor crops. The agency works closely with the USDA’s Inter-Regional Research Project No. 4 (IR-4)<sup>87</sup> to generate residue data for tolerances on minor crops in order to minimize the burden of data generation for minor uses. EPA and the USDA operate early alert systems to notify growers when a pesticide use for a minor crop is about to be canceled. EPA provides advance public notice of a proposed cancellation to allow time for another registrant to consider maintaining the pesticide use.

### *Meeting the Need for Non-agricultural Pesticides*

Farmers are not the only ones who need pesticides. Pest control also is needed in our homes, schools, and workplaces. Pesticides control pests that spread disease like West Nile Virus, malaria and rabies, to name a few. They disinfect our swimming pools and sanitize bathrooms; they combat mold and are essential to sterilize surfaces in hospitals and other health care facilities.

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<sup>85</sup> <http://www.epa.gov/pesticides/factsheets/ipm.htm>

<sup>86</sup> [http://www.epa.gov/pesticides/regulating/laws/fqpa/fqpa\\_accomplishments.htm](http://www.epa.gov/pesticides/regulating/laws/fqpa/fqpa_accomplishments.htm)

<sup>87</sup> [http://www.csrees.usda.gov/nea/pest/in\\_focus/pesticides\\_if\\_minor.html](http://www.csrees.usda.gov/nea/pest/in_focus/pesticides_if_minor.html)



## *Outreach and Education*

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, and relies on pesticide users being well-informed about the pest control options available and how to best use them. It is not enough to have pesticide products registered to control pest infestations. Pesticide users need to know which pesticides to use, how to use them, and how to maintain the site, so pests do not return. The Pesticide Program is invested in outreach and training efforts for people who use pesticides and the public in general.

### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.4, Ensure Safety of Chemicals in the Marketplace in EPA's FY 2018 – 2022 Strategic Plan. During FY 2019, EPA will review and register new pesticides, new uses for existing pesticides, and act on other registration requests in accordance with FIFRA and FFDCA standards as well as PRIA timeframes. Many of these actions will be for reduced-risk pesticides, which, once registered and used by consumers, will increase benefits to society. Working together with the affected user communities, through IPM and related activities, the Agency plans to accelerate the adoption of these lower-risk products.

EPA will continue to support implementation of other IPM-related activities. The Agency will engage partners in the development of tools and informational brochures to promote IPM efforts and to provide guidance to schools, farmers, other partners, and stakeholders.

Similarly, the Agency will continue its work-sharing efforts with its international partners. Through these collaborative activities and resulting international registrations, international trade barriers will be reduced. When nations with whom we trade accept imported crops treated with newer, lower-risk pesticides, domestic users can more readily adopt these newer pesticides into their crop protection programs. Work-sharing efforts also reduce the costs of registration to governments by sharing the expenses.

In FY 2019, EPA will continue to prioritize emergency exemptions. The economic benefit of the Section 18 emergency exemptions program to growers is the avoidance of losses incurred in the absence of pesticides exempted under FIFRA's emergency exemption provisions.

### **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 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$74.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs due to adjustments in salary and benefit costs.

- (-\$1,033.0) This program change reflects a reduction in funding for pesticide program activities from annual appropriations with the intent to increase utilization of pesticide user fee collections. Proposed legislative language accompanying the President's Budget will expand EPA's scope of activities that can be funded with user fees. This reduction recognizes the adoption of some process improvements in the registration and registration review processes and the completion of some upgrades to program IT systems.

**Statutory Authority:**

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); Federal Food, Drug, and Cosmetic Act (FFDCA), §408.

**Science Policy and Biotechnology**  
 Program Area: Pesticides Licensing  
 Goal: Rule of Law and Process  
 Objective(s): Prioritize Robust Science

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$1,210.0</i></b>	<b><i>\$1,479.0</i></b>	<b><i>\$0.0</i></b>	<b><i>-\$1,479.0</i></b>
Total Budget Authority	\$1,210.0	\$1,479.0	\$0.0	-\$1,479.0
Total Workyears	5.1	5.4	0.0	-5.4

**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. In addition, the Science Policy and Biotechnology program provides for independent, external scientific peer review through the Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel (FIFRA SAP), a federal advisory committee and the newly-formed Science Advisory Committee on Chemicals (SACC).

**FY 2019 Activities and Performance Plan:**

Resources and FTE have been eliminated for this program in FY 2019. Statutory requirements will be absorbed by the pesticides and toxics programs.

**Performance Measure Targets:**

This proposed disinvestment means that the Agency will no longer publish measures associated with this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$1,479.0/ -5.4 FTE) This program change eliminates the Science Policy and Biotechnology program. The science advisory committee oversight, including peer review, required by FIFRA and TSCA, will be conducted by the pesticides and toxics program offices.

**Statutory Authority:**

Federal Insecticide Fungicide and Rodenticide Act (FIFRA); Federal Food, Drug and Cosmetics Act (FFDCA), §408; Toxic Substances Control Act.

**Resource Conservation and Recovery Act (RCRA)**

**RCRA: Corrective Action**

Program Area: Resource Conservation and Recovery Act (RCRA)

Goal: Core Mission

Objective(s): Revitalize Land and Prevent Contamination

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$36,129.6</b>	<b>\$36,584.0</b>	<b>\$31,944.0</b>	<b>-\$4,640.0</b>
Total Budget Authority	\$36,129.6	\$36,584.0	\$31,944.0	-\$4,640.0
Total Workyears	204.7	205.4	172.0	-33.4

**Program Project Description:**

To reduce risks from exposure to toxics, EPA's Resource Conservation and Recovery Act (RCRA) Corrective Action program ensures that contaminated facilities subject to RCRA are cleaned up by the responsible party, returns contaminated property to productive use, and keeps costs from being transferred to the largely taxpayer-funded Superfund program. Pursuant to EPA promulgated regulations and administrative orders under RCRA, EPA will continue to direct financial assurance funds set aside by members of the regulated community to ensure that the funds are used to meet regulated entities' obligations and to protect taxpayers from having to pay the bill. Approximately 111 million Americans live within three miles of a RCRA corrective action facility (roughly 35 percent of the U.S. population),<sup>88</sup> and the total area covered by these corrective action sites is approximately 18 million acres.<sup>89</sup>

EPA works in close partnership with 44 states and one territory authorized to implement the Corrective Action program<sup>90</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 worksharing, the Agency serves as lead or support for a significant number of complex and challenging cleanups in both non-authorized and authorized states.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/ Objective 1.3, Revitalize Land and Prevent Contamination in EPA's FY 2018 – 2022 Strategic Plan. The program focuses its resources on

<sup>88</sup> U.S. EPA, Office of Land and Emergency Response Estimate 2017. Data collected includes: (1) site information as of the end of FY 2016 from RCRAInfo; and (2) census data from the 2011-2013 American Community Survey.

<sup>89</sup> As compiled by RCRAInfo.

<sup>90</sup> State implementation of the Corrective Action program is funded through the STAG Categorical Grant: Hazardous Waste Financial Assistance and matching state contributions.

cleaning up 3,779 priority contaminated facilities (the “2020 Baseline”), which includes highly contaminated and technically challenging sites. Currently, only 32 percent of the 2020 Baseline facilities have completed final and permanent cleanups, leaving over 2,500 facilities still needing oversight and technical support to reach final site-wide cleanup objectives. Additionally, the 2020 Baseline is a subset of a larger group of facilities with potential corrective action obligations under the RCRA. The program’s goals are to control human exposures, control migration of contaminated groundwater, complete final cleanups for the 2020 Baseline facilities, and assess and cleanup identified non-2020 Baseline facilities.

In FY 2019, EPA will:

- Prioritize and focus resources on those facilities that present the highest risk to human health and the environment and implement actions to end or reduce these threats.
- Provide technical assistance to authorized states in the areas of site characterization, sampling, remedy selection, and long-term stewardship at 2020 Baseline facilities.
- Prioritize and focus the program on completing site investigations to identify the most significant threats, establish interim remedies to reduce and eliminate exposure, and select and construct safe, effective long-term remedies that 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>91</sup> or special tasks (*e.g.*, ecological risk assessments).
- Continue to improve cleanup approaches and share best practices and cleanup innovations, such as the use of the Lean RCRA FIRST<sup>92</sup> toolbox developed to speed up and improve cleanups by eliminating inefficiencies in key procedural steps.
- 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, which is mandated by RCRA Sections 3002 and 3004. The last biennial report 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.

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<sup>91</sup> For example, vapor intrusion, wetlands contamination, or extensive groundwater issues.

<sup>92</sup> For more information, visit: <https://www.epa.gov/hw/toolbox-corrective-action-resource-conservation-and-recovery-act-facilities-investigation-remedy>.

**Performance Measure Targets:**

<b>(CA2) Percentage of RCRA corrective action facilities with migration of contaminated groundwater under control.</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	88	89
<b>(CA1) Percentage of RCRA corrective action facilities with human exposures to toxins under control.</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	94	95
<b>(CA5) Percentage of RCRA corrective action facilities with final remedies constructed.</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	70	71
<b>(CA6) Percentage of RCRA corrective action facilities with corrective action performance standards attained.</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	33	34
<b>(RSRAU) Number of RCRA corrective action facilities made ready for anticipated use.</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	75	91

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$901.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$5,541.0/ -33.4 FTE) This program change modifies the timeline for initiating cleanups and ongoing cleanups. EPA will prioritize resources on those facilities that present the highest risk to human health and the environment.

**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: Core Mission

Objective(s): Revitalize Land and Prevent Contamination

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$58,277.0</b>	<b>\$58,439.0</b>	<b>\$41,907.0</b>	<b>-\$16,532.0</b>
Hazardous Waste Electronic Manifest System Fund	\$4,915.4	\$3,156.0	\$0.0	-\$3,156.0
Total Budget Authority	\$63,192.4	\$61,595.0	\$41,907.0	-\$19,688.0
Total Workyears	310.2	333.7	213.2	-120.5

**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 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>93</sup> Eighty percent of the U.S. population lives within three miles of one of these facilities,<sup>94</sup> making national standards and procedures for managing hazardous wastes a necessity.

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.

EPA and its state partners issue, update, maintain, and oversee RCRA controls for approximately 20,000 hazardous waste units (*e.g.*, incinerators, landfills, and tanks) located at 6,600 treatment, storage, and disposal facilities.<sup>95</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.

EPA directly implements the entire RCRA program in Iowa and Alaska and provides leadership, work-sharing, and support to the states and territories authorized to implement the permitting

<sup>93</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>94</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>95</sup> As compiled by RCRAInfo.



program. Additionally, the Toxic Substances Control Act 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 can still be released into the environment from poorly maintained hazardous waste sites that contain them.

### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.3, Revitalize Land and Prevent Contamination in EPA's FY 2018 – 2022 Strategic Plan. In FY 2019, the RCRA Waste Management program will:

- Provide technical assistance to regions, states, and tribes regarding the development and implementation of solid waste programs.
- 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. EPA will prioritize PCB cleanup approvals and expedite high priority cleanups or address those unaddressed in a timely fashion. Issuing PCB approvals is a federal responsibility, non-delegable to states.
- Managing the Waste Import Export Tracking System (WIETS) system, which provides for the electronic submission of hazardous waste import and export notices. This saves businesses time and effort and makes shipping hazardous waste across borders more efficient. Managing hazardous waste imports and exports is a federal responsibility, nondelegable to states.
- Provide technical hazardous waste management assistance to tribes to encourage sustainable practices and reduce exposure to toxins from hazardous waste.<sup>96</sup>
- 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.
- Implement regulations to ensure protective management of coal combustion residuals (CCR). In response to historic management practices, 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 through technical assistance and guidance.

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<sup>96</sup> Of the 567 federally recognized tribes, as of September 30, 2016, 224 have an integrated waste management plan.

- Implement applicable provisions of the Water Infrastructure Improvements for the Nation Act of 2016, which enables states to submit for EPA approval state CCR permit programs. 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.

**Performance Measure Targets:**

<b>(HW4) Percentage of hazardous waste units with initial controls in place to prevent release.</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	45	48

<b>(HW5) Number of renewals or clean-closures at permitted hazardous waste facilities.</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	64	64

<b>(PCB) Number of approvals issued for polychlorinated biphenyl (PCB) cleanup, storage and disposal activities.</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	160	160

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$2,126.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$18,658.0/ -122.6 FTE) This program change reflects a focus on PCB cleanup and hazardous waste disposal programs, while reducing technical assistance to stakeholders regarding the development and implementation of solid waste management programs.

**Statutory Authority:**

Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), §§ 3004, 3005, 3024, 8001; Toxic Substances Control Act (TSCA), § 6.

**RCRA: Waste Minimization & Recycling**

Program Area: Resource Conservation and Recovery Act (RCRA)

Goal: Core Mission

Objective(s): Revitalize Land and Prevent Contamination

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$9,254.1</i></b>	<b><i>\$9,141.0</i></b>	<b><i>\$0.0</i></b>	<b><i>-\$9,141.0</i></b>
Total Budget Authority	\$9,254.1	\$9,141.0	\$0.0	-\$9,141.0
Total Workyears	50.6	51.0	0.0	-51.0

**Program Project Description:**

The Resource Conservation and Recovery Act (RCRA) established EPA’s role as a federal leader in the conservation and recovery of material. Charged to provide federal agencies, state, local governments, and industries with technical assistance on solid waste management, resource recovery, and resource conservation, EPA established the RCRA Waste Minimization program.

Through the RCRA Waste Minimization program, EPA collects, maintains, and shares information on the market potential of energy and materials recovered from solid waste, including information regarding the savings potential of conserving resources that go into the waste stream.<sup>97</sup> As a result, industries are able to more efficiently conserve virgin resources, including natural resources, fossil fuels, minerals, and precious metals.

Efforts in Sustainable Materials Management (SMM) seeks to efficiently and effectively minimize environmental impacts throughout the full life cycle of materials—from raw materials extraction, through transportation, processing, manufacturing, and use, as well as reuse, recycling, and disposal. This approach highlights ways to reduce waste throughout the life-cycle and to use waste materials as commodities to grow industries and associated jobs.

**FY 2019 Activities and Performance Plan:**

Resources and FTE have been proposed for elimination for this program in FY 2019. State and local entities or industry groups may elect to continue promote reuse and recycling of materials based on previous work supported by the program.

**Performance Measure Targets:**

The proposed disinvestment means that the Agency will no longer publish measures associated with this program.

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<sup>97</sup> For additional information, refer to: <https://www.epa.gov/smm>.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$9,141.0/ -51.0 FTE) This funding change proposes to eliminate the RCRA Waste Minimization and Recycling program in FY 2019. EPA will focus on core waste management work.

**Statutory Authority:**

Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA).

## **Toxics Risk Review and Prevention**

**Toxic Substances: Chemical Risk Review and Reduction**

Program Area: Toxics Risk Review and Prevention

Goal: Core Mission

Objective(s): Ensure Safety of Chemicals in the Marketplace

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$64,329.5</b>	<b>\$58,995.0</b>	<b>\$58,626.0</b>	<b>-\$369.0</b>
Total Budget Authority	\$64,329.5	\$58,995.0	\$58,626.0	-\$369.0
Total Workyears	255.5	238.7	238.7	0.0

**Program Project Description:**

Under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act, EPA has significant responsibilities for ensuring that chemicals in or entering commerce do not present unreasonable risks to human health or 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 (those already in use when TSCA was first enacted in 1976 and those which have gone through review by the TSCA New Chemicals Program since),<sup>98</sup> by obtaining and evaluating chemical data and by taking regulatory action, where appropriate, to prevent any unreasonable risk posed by their use; and
- New chemicals by reviewing and taking action on new chemical notices submitted by industry, including Pre-Manufacture Notices (PMNs), to ensure that no unreasonable risk will be posed by such chemicals upon their entry into U.S. commerce.

The new law, signed on June 22, 2016, substantially amended TSCA by providing EPA with significant new authorities and obligations:

- *Clear and enforceable deadlines.* EPA is now required to systematically prioritize and evaluate existing chemicals on a specific schedule, complete specified numbers of chemical risk evaluations within specified time frames, complete risk management actions within specified time frames where warranted by the findings of the evaluations, and review and make determinations on Confidential Business Information (CBI) claims within specified time frames, among other actions.
- *Requirement to address risks.* EPA is required to take timely action to address risks identified in the risk evaluations by applying by rule one or more of the requirements

<sup>98</sup> 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.

specified in TSCA Section 6(a), which can include: prohibiting or otherwise restricting the manufacture, processing or distribution in commerce of the chemical substance or mixture for a particular use; limiting the amount of the substance or mixture that may be manufactured, processed or distributed in commerce for a particular use; or imposing requirements affecting labeling, recordkeeping or any manner of method of commercial use or disposal of the substance or mixture; to the extent necessary so that the chemical will no longer present an unreasonable risk.

- *Increased transparency of chemical data while protecting legitimate confidential information.* EPA is required to review all chemical identity Confidential Business Information (CBI) claims for certain types of submissions and for 25 percent of most other CBI claims within 90 days of receipt.
- *Requirement that EPA make an affirmative determination of safety on every new chemical.* Previously, new chemicals were reviewed in 90 days and were allowed to enter the marketplace unless EPA made a specific determination that regulatory controls were needed. Now, continuing with a mandated 90-day timeframe, an affirmative determination must be made by EPA that a new chemical substance will present, may present, or is not likely to present an unreasonable risk to human health or the environment; or that the available information is insufficient to enable the Agency to make any of the above determinations. Unless EPA determines that the substance is not likely to present unreasonable risk, the Agency must issue an order or rule that imposes conditions sufficient to protect against any such unreasonable risk before the chemical can enter the marketplace.

In addition, the Act provided a sustainable source of funding for EPA to carry out its new responsibilities. The Agency will now be able to collect user fees from chemical manufacturers and processors to defray up to 25 percent of its costs for administering certain sections<sup>99</sup> of TSCA, as amended.<sup>100</sup> Fee levels may be adjusted on a recurring three-year basis for inflation and to ensure that fees are sufficient to defray up to 25 percent of the costs to carry out certain sections of TSCA, as amended.

A rule to implement the fee collection provisions of the new law will become effective and allow EPA to begin collecting fees in FY 2019. The statute authorizes EPA to collect fees from chemical manufacturers (including importers) and processors who:

- Are required to submit test data (TSCA section 4);
- Submit notification of or information related to intent to manufacture a new chemical or significant new use of a chemical (TSCA section 5);
- Manufacture or process a chemical substance that is subject to a risk evaluation (TSCA section 6); or

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<sup>99</sup> The costs of implementing TSCA (as amended) Sections 4, 5 and 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>100</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.

- Request that EPA conduct risk evaluation on an existing chemical (TSCA section 6), subject to the Agency's approval of the request.

### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.4, Ensure Safety of Chemicals in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, the resources requested by EPA will support continued implementation of the new TSCA law, with emphasis on the critical mandates and timelines applicable to chemical testing, pre-market review of new chemicals, chemical risk evaluation and management, review and determinations on incoming CBI claims and other statutory priorities. At the same time, the Agency will continue to carry out ongoing base program activities.

To monitor and evaluate its progress on critical implementation activities, EPA has developed and included in its FY 2018-2022 Strategic Plan three strategic measures and targets establishing ambitious five-year performance goals. The Agency will use these metrics to determine whether it is carrying out its core responsibilities under the new law in a timely manner. Through FY 2022, EPA expects to complete all EPA-initiated risk evaluations and all associated risk management actions for existing chemicals within statutory timelines. In addition, EPA plans to ramp up its performance on reviewing new chemical notifications so that by FY 2022, EPA will be making all final determinations within 180 days of receipt. EPA will maintain corresponding annual performance measures and two-year Agency Priority Goals to keep track of its progress on a year-to-year basis.

The Agency has already made considerable progress in carrying out work activities required under the new law. Key achievements include:

- Commencing risk evaluations for an initial set of 10 priority chemicals and issuing scoping documents on schedule;
- Finalizing several key framework rules needed to carry out provisions of the new TSCA law (Inventory Rule, Risk Evaluation Process Rule, Prioritization Process Rule);
- Releasing guidance for external parties interested in submitting draft risk evaluations to EPA for consideration;
- Completing reviews under the new law of more than 1,150 new chemical notifications<sup>101</sup>;
- Eliminating a backlog of more than 300 new chemical submissions that required re-review under the new law;
- Publishing a list of five mercury compounds that are to be made subject to export restrictions; and
- Conducting a series of public meetings and webinars to gather public input on TSCA implementation activities.

Future implementation activities will build on the progress EPA has already made.

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<sup>101</sup>See <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/statistics-new-chemicals-review#chart>.



## *Primary TSCA Implementation Activities – TSCA Sections 4, 5, 6, 8 and 14*

The new law, amending several elements of TSCA, provided mandates and authorities to EPA for implementation responsibilities in the following primary areas: mandatory requirement for EPA to evaluate and manage existing chemicals with clear and enforceable deadlines; ; new requirement that EPA must make an affirmative finding on the safety of a new chemical or significant new use of an existing chemical before it is allowed to be commercialized; and increased public transparency for chemical information. This section describes activities associated with these primary mandates and authorities.

Under TSCA Section 5, as amended, EPA is responsible for reviewing all new chemical submissions to determine whether the chemicals may pose unreasonable risk to human health or the environment if they were to enter U.S. commerce, and, when necessary, require restrictions or testing prior to being allowed to be commercialized. Each year, EPA assesses and manages, as necessary, the potential risks from approximately thousand new chemicals, including nanoscale materials and products of biotechnology, prior to their entry into the marketplace.

The law's new requirements made significant changes to the new chemical review process. The new law requires that an affirmative determination be made by EPA on whether or not a new chemical substance will present, may present, or is not likely to present an unreasonable risk (or that available information is insufficient to enable any of these determinations to be made) before the chemical substance can proceed to the marketplace. Since enactment, the program has been developing and implementing a process for administering affirmative determinations for both intended and reasonably foreseen uses of new chemicals as well as findings of "insufficient information to make a reasoned evaluation." As a result, the workload involved in new chemical review has increased.

In FY 2019, the Agency expects to review over one thousand new chemical submissions, take appropriate testing and risk management actions, including orders and Significant New Use Rules (SNURS) where appropriate, and make affirmative determinations. The program also will evaluate the data submitted under requirements of Section 5 Consent Orders and address the Notices of Commencement (NOCs) submitted when a new chemical enters commerce. In FY 2019, the Agency will continue to effectuate improvements to internal data and tracking systems to address the new mandates under TSCA as amended.

Under TSCA Section 6, as amended, EPA is required to maintain an ambitious schedule for initiating and completing chemical risk evaluations of existing chemicals. Where risks are identified, timelines are delineated for initiating and completing regulatory actions to address those risks.

- *Risk Evaluations:* On December 19, 2016, EPA identified the first 10 chemicals to undergo risk evaluation under the new law (Designation of Ten Chemical Substances for Initial Risk Evaluations Under the Toxic Substances Control Act, 81 FR 91927), triggering a statutory deadline to issue documents identifying the scope of those evaluations within six months and to complete the risk evaluations within three years. Scoping documents for all 10 evaluations were released by EPA in June 2017. In FY 2019, the Agency will be

working to advance these risk evaluations through the draft, peer review/public comment and final stages, with a goal of completion no later than December 2019.

For EPA-initiated risk evaluations beyond the first 10 chemicals noted above, EPA must establish and implement a risk-based prioritization process to determine which chemicals will be evaluated, identifying them as either “high” or “low” priority substances as set forth in TSCA section 6(b)(1)(A). A high priority designation is required when EPA determines, without consideration of cost or other non-risk factors, that the chemical may present an unreasonable risk of injury to health or the environment due to potential hazard and a route of exposure, including to susceptible subpopulations [TSCA section 6(b)(1)(B)]. High priority designation triggers a requirement that EPA conduct a risk evaluation to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulations [TSCA section 6(b)(4)(F)]. The statute also expands the scope of EPA’s risk evaluations to include conditions of use of the chemical intended, known, or reasonably foreseen and requires that they be completed within 3 years (with a possibility of 6-month extension) [TSCA section 6(b)(4)(G)].

EPA is required to begin a risk evaluation for another chemical each time a risk evaluation is completed such that EPA maintains the pace of 20 EPA-initiated risk evaluations underway from the end of calendar year 2019 forward [TSCA section 6(b)(2)]. The law also directs the Agency to designate at least 20 chemicals, by the end of calendar year 2019, as low-priority substances, for which risk evaluation is not warranted at this time; in FY 2019, the Agency will be working to finalize the identification of these low-priority substances.

The law includes provisions allowing manufacturers to request EPA to conduct evaluations of specific chemicals. EPA is required to undertake manufacturer-requested risk evaluations that meet the Agency’s acceptance criteria at levels up to 50 percent of the number of EPA-initiated evaluations underway.

- *Risk Management Actions:* When unreasonable risks are identified through the risk evaluations, EPA must finalize risk management actions to address the unreasonable risk within two years, or up to four years if an extension is needed. Costs and availability of alternatives will be considered when determining appropriate action to address risks. Implementation must begin as quickly as possible, but no later than five years after the final regulation in cases of bans or phase-outs of chemicals.

TSCA Section 6(h), establishes a fast-track process to address certain persistent, bioaccumulative, and toxic (PBT) chemicals on the 2014 TSCA Work Plan. For these chemicals, unless a manufacturer requests that they undergo a risk evaluation, a risk evaluation is not required, and action to reduce exposure to the extent practicable must be proposed no later than three years after enactment of the Lautenberg amendments (by June 2019) and finalized 18 months later. EPA determined that seven chemicals met the PBT criteria set forth in the new law and subsequently received a request that two be evaluated under TSCA section 6. Risk evaluations for these two

chemicals will begin after the Fees rule becomes effective. EPA is continuing efforts to assess exposure and use, in order to address any risks identified for the five remaining PBT chemicals within the prescribed period mandated by the law.

The Agency typically receives and analyzes about 300 Substantial Risk Notifications submitted by industry annually pursuant to Section 8(e), which requires EPA be notified immediately when a company learns that a substance or mixture presents a substantial risk of injury to health or the environment. EPA may use the information it receives in 8(e) notices in determining whether to take further action.

TSCA Section 4, as amended, authorizes EPA to require testing of a chemical substance or mixture by manufacturers (including importers). The 2016 TSCA amendments provided new test order and consent agreement authorities which are designed to expedite the Agency's collection of testing information for prioritizing and conducting chemical risk evaluations for new and existing chemicals. In FY 2019, EPA may utilize these authorities to require testing on chemicals in connection with the prioritization and risk evaluation processes, where such testing is needed. The Agency will continue to review test data submitted from prior test rules, enforceable consent agreements and test orders. As in past years, EPA will make use of Toxics Release Inventory (TRI) data in prioritizing chemicals for collection of testing information and evaluation of potential risks.

TSCA Section 4, as amended, also promotes the use of non-animal alternative testing methodologies. The Agency will publish an Alternative Testing Methods Strategy by June 2018, two years after the date of enactment, as required by the new law, and begin implementing the strategy moving forward with implementation of the amended TSCA.

In addition, in FY 2019, EPA will continue to issue Significant New Use Rules (SNURs) for existing chemicals where applicable. The Agency has the authority to monitor and control significant new uses of existing chemical substances where such uses are no longer ongoing. With a notification of a new use, the Agency initiates an evaluation focusing on the health and environmental effects of the substance's significant new use.

Under Section 8 of TSCA, as amended, EPA is required to designate chemical substances on the TSCA Chemical Substance Inventory as either "active" or "inactive" in U.S. commerce. To facilitate this, EPA, as required by law, promulgated a rule one year after enactment requiring industry to report chemical substances on the TSCA Inventory that were manufactured (including any that were imported) for non-exempt commercial purposes during the ten-year time period prior to enactment. Reporting began during the last quarter of FY 2017, with a 180-day timeline for manufacturers, followed by additional time for processors. EPA will use notices received to identify reported substances as active on the TSCA Inventory. Substances for which no notices are received will be identified as inactive on the Inventory. EPA expects to publish the first TSCA Inventory with active and inactive designations by the first quarter of FY 2019.

Section 8 of TSCA, as amended, also requires both manufacturers and processors to notify EPA in the future when they anticipate re-introducing into U.S. commerce substances listed as inactive on the TSCA Inventory. This future reporting will commence after the publication of the TSCA Inventory with active and inactive designations.

TSCA Section 14, as amended, makes significant changes to the CBI process. It establishes new substantiation requirements for certain types of confidentiality (CBI) claims from submitters, requires EPA to review and make determinations on most new CBI claims for the identity of chemicals and a subset of other types of CBI claims, directs EPA to develop policies and procedures for sharing TSCA CBI with states, tribes, health and medical professionals, first responders and others; requires EPA to review CBI claims for chemical identity relating to active chemical substances in commerce to determine if they are still warranted; and directs EPA to establish guidance for structurally descriptive generic names that must be provided when specific chemical identity is claimed as CBI. In addition, any CBI claim made for a chemical identity by manufacturers or processors during reporting to establish the active TSCA Inventory must be reviewed and determinations made no later than five years after the establishment of the active inventory listing. In FY 2019, in follow-up to the initial list of the active inventory, the Agency will finalize a rule on a plan to review claims to protect chemical identities. The current Inventory has over 17 thousand chemicals on the confidential portion. In order to comply with these new provisions, EPA is developing new or enhanced information systems to accommodate tracking of CBI reviews and changes to electronic reporting applications.

#### *Other TSCA Mandates and Activities*

In April 2017, as required under Section 8 of TSCA, as amended, EPA published in the Federal Register an inventory of supply, use and trade of mercury and mercury compounds in the U.S., to be updated every three years. EPA expects to be engaged in this process during FY 2019. In addition, by June 2018, the Agency must promulgate a rule establishing reporting requirements for persons who manufacture or import mercury and mercury-added products, or intentionally use mercury in a manufacturing process. In FY 2019, EPA will complete and maintain an electronic reporting interface and database within the Central Data Exchange (CDX), EPA's electronic reporting system, and conduct outreach to instruct potentially affected stakeholders on how to report required information.

The Mercury Export Ban Act prohibits the export of certain specific mercury compounds. Section 12 of TSCA, as amended, directs EPA to publish a list of additional mercury compounds that will be subject to export bans. The Agency completed this step in 2016. Every five years, the Agency also must submit a report to Congress addressing any continuing export of those mercury compounds, with recommendations as to whether further regulation is warranted.

Section 21 of TSCA, as amended, authorizes citizen petitions for the issuance, amendment or repeal of certain actions (rules and orders) promulgated under TSCA: §4 (rules and orders requiring chemical testing); §6 (rules imposing risk mitigation controls on chemicals); §8 (rules requiring submission of information); §5 (orders affecting new chemical substances). Since September 2007, 22 citizen petitions have been filed with EPA under this authority. 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.

*Other Business Lines in Support of TSCA Implementation*

- Continuing enhancement of the TSCA Chemical Information System (CIS) to reduce manual handling of data, increase internal EPA access to data relevant to chemical assessments and expedite review of chemicals;
- Continuing integration of TSCA information management, e-Reporting and public access systems with the Agency’s E-Enterprise business strategy, leveraging the E-Enterprise portal to provide better customer service for external users;
- Developing new tools for hazard and exposure identification assessment and characterization, while improving existing tools to better assess risks from both new and existing chemicals
- Maintaining and enhancing the functionality of ChemView and expanding the information it makes available to the public to include newly completed chemical assessments, as well as other new data reported to EPA under TSCA (e.g., Section 5 Pre-manufacture Notices (PMNs), Section 12(b) data, and Section 8 (d), 8(e), and 8(c) submissions).

In FY 2019, the Agency will continue implementation of required TSCA activities not affected by the Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act amendments. These activities include:

- Implementing regulations under the TSCA Title VI Formaldehyde Standards for Composite Wood Products Act (Public Law 111-199). Title VI establishes national emission standards for formaldehyde in new composite wood products;<sup>102</sup>
- Continuing to implement the Mercury Export Ban Act (MEBA);<sup>103</sup> and providing responses to any requests for exemption from applicable export prohibitions. Continuing to carry out work necessary to support compliance with the Minamata Convention on Mercury, to which the U.S. is a party.
- Providing firm and individual certifications for safe work practices for lead-based paint abatement and renovation and repair efforts, as well as provide for operation and maintenance of the online database (FLPP)<sup>104</sup> that supports the processing of applications for training providers, firms and individuals.

**Performance Measure Targets:**

(TSCA3) Percent of final TSCA new chemical determinations for Pre-Manufacture Notices, Significant New Use Notices and Microbial Commercial Activity Notices completed within statutory timelines.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	65	80

<sup>102</sup> See <http://www2.epa.gov/formaldehyde/formaldehyde-emission-standards-composite-wood-products>.

<sup>103</sup> MEBA prohibits the export of elemental mercury as of January 1, 2013, among other requirements for EPA, DOE, and other federal agencies.

<sup>104</sup> See <https://ssoprod.epa.gov/sso/jsp/flppLogin.jsp>.

(TSCA2) Number of TSCA risk management actions for existing chemicals completed within statutory timelines.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	No Target Established	5

(TSCA1) Number of final EPA-initiated TSCA risk evaluations completed within statutory timelines.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	No Target Established	1

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$381.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to adjustments in salary and benefit costs.
- (-\$8,180.0/ -51.6 FTE) This program change shifts funding for 51.6 FTE from annual appropriations to new TSCA user fee collections. Fee collections are expected to begin in quarter one of FY 2019.
- (+51.6 FTE) This program change shifts 51.6 FTE to new TSCA fee collections from annual appropriations.
- (-\$315.0/ -2.0 FTE) This realignment of FTE from appropriated Chemical Risk Review and Reduction FTE to TSCA user fee collections results in a decrease of 2.0 FTE with associated payroll of \$315.0. Resources have been realigned to the Office of Research and Development's Chemical Safety and Sustainability research program's Computational Toxicology (CompTox) program to support risk assessment and evaluation science that is needed to address new TSCA requirements.
- (+\$7,745.0/ +2.0 FTE) This program change provides funding to support implementation of new responsibilities required by the Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act. This change also provides minimal resources and FTE to continue certain activities from the Lead-based paint program. This includes associated payroll of \$315.0.

**Statutory Authority:**

Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act (enacted June 2016).

**Endocrine Disruptors**

Program Area: Toxics Risk Review and Prevention

Goal: Core Mission

Objective(s): Ensure Safety of Chemicals in the Marketplace

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$6,006.4</i></b>	<b><i>\$7,502.0</i></b>	<b><i>\$0.0</i></b>	<b><i>-\$7,502.0</i></b>
Total Budget Authority	\$6,006.4	\$7,502.0	\$0.0	-\$7,502.0
Total Workyears	6.6	8.9	0.0	-8.9

**Program Project Description:**

The Endocrine Disruptor Screening Program (EDSP) was established in 1996 under authorities contained in the Federal Food, Drug and Cosmetic Act (FFDCA) and the Safe Drinking Water Act (SDWA) amendments. Current activities within the EDSP include transitioning to the use of high throughput screening (HTS) and computational toxicology (CompTox) tools to screen thousands of chemicals for endocrine activity, establishing policies and procedures for screening and testing, and evaluating data to ensure chemical safety by protecting public health and the environment from endocrine disrupting chemicals.

**FY 2019 Activities and Performance Plan:**

Resources and FTE have been eliminated for this program in FY 2019. EPA will absorb the remaining functions within the pesticides program using the currently available tiered testing battery.

**Performance Measure Targets:**

This proposed disinvestment means that the Agency will no longer publish measures associated with this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$7,502.0/ -8.9 FTE) This program change eliminates the Endocrine Disruptors program. The ongoing functions of the program can be absorbed into the pesticides program.

**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: Cooperative Federalism

Objective(s): Enhance Shared Accountability

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$11,338.1</i></b>	<b><i>\$12,194.0</i></b>	<b><i>\$0.0</i></b>	<b><i>-\$12,194.0</i></b>
Total Budget Authority	\$11,338.1	\$12,194.0	\$0.0	-\$12,194.0
Total Workyears	45.9	58.1	0.0	-58.1

**Program Project Description:**

The Pollution Prevention (P2) program is a tool for advancing environmental stewardship and sustainability by federal, state and tribal governments; businesses; communities and individuals. The P2 program seeks to alleviate environmental problems by achieving 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. The P2 program also helps businesses and others reduce costs as a result of implementing these preventative approaches.

**FY 2019 Activities and Performance Plan:**

Resources and FTE have been eliminated for this program in FY 2019. Based on previous investments in P2 solutions made under this program project, partners are expected to be able to continue to share best practices and pursue additional pollution prevention solutions.

**Performance Measure Targets:**

This proposed disinvestment means that the Agency will no longer publish measures associated with this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$12,194.0/ -58.1 FTE) This program change eliminates the Pollution Prevention program.

**Statutory Authority:**

Pollution Prevention Act of 1990 (PPA), §§ 6602-6610; Toxic Substances Control Act (TSCA), § 10.



**Toxic Substances: Lead Risk Reduction Program**

Program Area: Toxics Risk Review and Prevention

Goal: Core Mission

Objective(s): Ensure Safety of Chemicals in the Marketplace

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$12,780.9</b>	<b>\$13,203.0</b>	<b>\$0.0</b>	<b>-\$13,203.0</b>
Total Budget Authority	\$12,780.9	\$13,203.0	\$0.0	-\$13,203.0
Total Workyears	68.7	72.8	0.0	-72.8

**Program Project Description:**

EPA is working to reduce the number of children with blood lead levels of five micrograms per deciliter or higher through multiple programs.<sup>105</sup> The Lead Risk Reduction program also has worked to reduce the disparities in blood lead levels between low-income children and non-low-income children.<sup>106</sup>

**FY 2019 Activities and Performance Plan:**

Resources and FTE have been eliminated for this program in FY 2019. Lead paint certifications will continue under Chemical Risk Review Reduction program. Other forms of lead exposure are addressed through other targeted programs such as lead pipe replacement with the SRFs.

EPA will continue to provide firm and individual certifications for safe work practices for lead-based paint abatement and renovation and repair efforts, as well as provide for operation and maintenance of the online database (FLPP) that supports the processing of applications for training providers, firms and individuals, through the Chemical Risk Review and Reduction program.

**Performance Measure Targets:**

This proposed disinvestment means that the Agency will no longer publish measures associated with this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$13,203.0/ -72.8 FTE) This program change eliminates the Lead Risk Reduction program. Firm and individual certifications for safe work practices for lead-based paint

<sup>105</sup> Jacobs, D.E.; Clickner, R.P.; Zhou, J.Y.; Viet, S.M.; Marker, D.A.; Rogers, J.W.; Zeldin, D.C.; Broene, P.; and Friedman, W. (2002). The prevalence of lead-based paint hazard in U.S. housing. *Environmental Health Perspectives*, 110(10): A599-A606.

<sup>106</sup> Centers for Disease Control and Prevention. Fourth Report on Human Exposure to Environmental Chemicals, Updated Tables, (September, 2012). Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. <http://www.cdc.gov/exposurereport/>.

abatement and renovation and repair efforts will be funded through the Chemical Risk Review and Reduction program.

**Statutory Authority:**

Toxic Substances Control Act (TSCA), §§ 401-412.

## **Underground Storage Tanks (LUST/UST)**

**LUST / UST**

Program Area: Underground Storage Tanks (LUST / UST)

Goal: Core Mission

Objective(s): Revitalize Land and Prevent Contamination

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$10,654.3</i></b>	<b><i>\$11,218.0</i></b>	<b><i>\$5,615.0</i></b>	<b><i>-\$5,603.0</i></b>
Leaking Underground Storage Tanks	\$9,554.5	\$9,177.0	\$6,452.0	-\$2,725.0
Total Budget Authority	\$20,208.8	\$20,395.0	\$12,067.0	-\$8,328.0
Total Workyears	98.8	108.1	68.8	-39.3

**Program Project Description:**

Releases of petroleum from underground storage tanks (UST) can contaminate groundwater, the drinking water source for many Americans. Environmental Program Management funding helps prevent releases by providing states<sup>107</sup> and tribes with technical assistance and guidance, and by funding work that assists states and tribes.

EPA partners with tribes to maintain information on tribal USTs and is the primary implementer of the UST program in Indian country. With few exceptions, tribes do not have independent UST program resources. This funding supports direct implementation of UST program in Indian country.

In 2005, Congress passed the Energy Policy Act which, along with other release prevention measures, required states to inspect all facilities in their jurisdictions at least once every three years. EPA has been supporting states in these efforts (and ensuring these requirements are met before continuing to grant additional funding for this). A recent EPA study suggests that increased UST compliance is a result of increasing inspection frequency prompted by the Act. EPA’s statistical model, using the State of Louisiana’s UST data, showed a positive and statistically significant effect of increased inspection frequency on facility compliance.<sup>108</sup> This evidence supports the data trends the agency has been witnessing: compliance rates are higher today than they were a decade ago as a result of the three-year inspection requirement.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.3, Revitalize Land and Prevent Contamination in EPA’s FY 2018 – 2022 Strategic Plan. EPA, with its state and tribal partners,

<sup>107</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>108</sup> Sullivan, K. A. and A. Kafle. Do more frequent inspections improve compliance? Evidence from underground storage tank facilities in Louisiana. OCPA Working Paper No. 2017-05. May 2017. [https://www.epa.gov/sites/production/files/2017-06/documents/olem\\_ocpa\\_working\\_paper\\_do\\_more\\_frequent\\_inspections\\_improve\\_compliance.pdf](https://www.epa.gov/sites/production/files/2017-06/documents/olem_ocpa_working_paper_do_more_frequent_inspections_improve_compliance.pdf).

works to prevent releases of contamination and in partnership with tribes, provides training, compliance assistance, and inspection support to implement the 2015 underground storage tank (UST) regulations in Indian country. In FY 2017, EPA developed an inspector training course and an operator exam to be made available in FY 2018. These tools support the priorities included in the FY 2018-2022 Strategic Plan.

In FY 2019, EPA will:

- Implement a targeted UST Tribal program, including inspections, enforcement, compliance assistance, and data management.
- 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 our 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.
- Work with states and tribes regarding UST compatibility with alternative fuels. Work in this area is important given the national growth in biofuels and other emerging fuels, and the significant findings regarding the increasing prevalence of corrosion of UST system equipment containing ethanol or diesel fuels.<sup>109</sup>

**Performance Measure Targets:**

(114) Number of confirmed releases at UST facilities in Indian country.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	11	11

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$375.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$5,978.0/ -27.2 FTE) This program change reflects a reduced workload due to the proposed elimination of the LUST Prevention and the Categorical Grant Underground Storage Tanks programs. With remaining resources, the program will continue to directly implement a targeted compliance and release prevention program in Indian country and work with any state partners who choose to maintain an UST program after the elimination of the federal grant funds.

<sup>109</sup> See EPA website – [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**

**Wetlands**

Program Area: Water: Ecosystems

Goal: Core Mission

Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$20,448.7</b>	<b>\$20,922.0</b>	<b>\$17,913.0</b>	<b>-\$3,009.0</b>
Total Budget Authority	\$20,448.7	\$20,922.0	\$17,913.0	-\$3,009.0
Total Workyears	133.0	137.3	115.0	-22.3

**Program Project Description:**

EPA’s Wetlands Protection program has two primary components: the Clean Water Act (CWA) Section 404 regulatory program and the state and tribal development program. Major activities of the program include timely and efficient review of Section 404 permit applications submitted to the U.S. Army Corps of Engineers (USACE) or authorized states; partnering with the USACE, states and other stakeholders to improve compensatory mitigation effectiveness and availability of credits; assisting in the development of state and tribal wetland protection programs under the CWA; and providing technical assistance to the public on wetland management and legal requirements.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.2, Provide Clean and Safe Water in EPA’s FY 2018 - 2022 Strategic Plan.

Clean Water Act Section 404:

The USACE is responsible for managing the day-to-day permit processes nationwide under Section 404 of the CWA. EPA provides input to the USACE as it develops proposed permits. EPA and USACE will work together to evaluate options for improving efficiencies in federal CWA 404 permitting that would help reduce potential costs and delays, increase consistency and predictability, and improve protection of public health and the environment.

EPA will continue carrying out its responsibilities as a member of the Gulf Coast Ecosystem Restoration Council authorized under the RESTORE Act, and as a Natural Resource Damage Assessment Trustee for the Deepwater Horizon oil spill under the Oil Pollution Act. With specific regards to Section 404 of the CWA, the RESTORE Act, and OPA, EPA responsibilities include timely, environmentally-sound, and compliant implementation of National Environmental Policy Act review and associated permitting. Under NRDA, EPA is a cooperating or lead federal agency for NEPA on all Trustee Implementation Group (TIG) restoration plans, and the appropriate level



of NEPA analysis is integrated into the restoration plans. EPA's RESTORE responsibilities include NEPA analysis for projects that EPA has been assigned by the Council.

**Build State and Tribal Wetlands Program:**

EPA will work with states and tribes to target the Wetlands Protection program funds to core statutory requirements while providing states and tribes with the flexibility they need to best address their particular priorities. This includes continued EPA assistance for states and tribes interested in assuming administration of the CWA Section 404 program. EPA will continue to administer Wetland Program Development Grants in support of state and tribal wetland programs, with a focus on working more efficiently with states and tribes to achieve specific program development outcomes.<sup>110</sup>

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$507.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$3,516.0/ -22.3 FTE) This program change reduces resources for the Wetlands program. EPA will work with USACE, states, and tribes to increase consistency and predictability in the Wetlands program as well as streamlining business processes.

**Statutory Authority:**

Clean Water Act, § 404.

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<sup>110</sup> For more information, visit <https://www.epa.gov/wetlands> or <http://www.cfda.gov>.

**National Estuary Program / Coastal Waterways**

Program Area: Water: Ecosystems

Goal: Core Mission

Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$26,759.1</i></b>	<b><i>\$26,542.0</i></b>	<b><i>\$0.0</i></b>	<b><i>-\$26,542.0</i></b>
Total Budget Authority	\$26,759.1	\$26,542.0	\$0.0	-\$26,542.0
Total Workyears	34.3	43.6	0.0	-43.6

**Program Project Description:**

The National Estuary Program (NEP)/Coastal Waterways programs works to restore the physical, chemical, and biological integrity of estuaries of national significance and coastal watersheds to protect and restore water quality, habitat, and living resources.<sup>111</sup>

**FY 2019 Activities and Performance Plan:**

Resources and FTE have been eliminated for this program in FY 2019.

**Performance Measure Targets:**

This proposed disinvestment means that the Agency will no longer publish measures associated with this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$26,542.0/ -43.6 FTE) This program change eliminates the National Estuary Program/Coastal Waterways programs. EPA will encourage states to continue this work and continue to implement conservation management plans.

**Statutory Authority:**

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.

<sup>111</sup> For more information, visit <https://www.epa.gov/nep>.

## **Water: Human Health Protection**

**Drinking Water Programs**

Program Area: Water: Human Health Protection

Goal: Core Mission

Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$95,917.2</b>	<b>\$96,200.0</b>	<b>\$80,543.0</b>	<b>-\$15,657.0</b>
Science & Technology	\$3,517.0	\$3,495.0	\$3,595.0	\$100.0
Total Budget Authority	\$99,434.2	\$99,695.0	\$84,138.0	-\$15,557.0
Total Workyears	505.3	522.7	443.3	-79.4

**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 the safety of tap water provided by public water systems (PWSs) that are subject to national drinking water standards.<sup>112</sup> EPA’s Drinking Water Program is based on a multiple-barrier and source-to-tap approach to protecting public health from contaminants in drinking water. EPA protects public health through: (1) source water assessment and protection; (2) promulgation of new or revised National Primary Drinking Water Regulations (NPDWRs); (3) training, technical assistance, and financial assistance programs to enhance public water system capacity to comply with regulations and provide safe drinking water; (4) underground injection control (UIC) programs; (5) supporting implementation of NPDWRs by state and tribal drinking water programs through regulatory, non-regulatory, and voluntary programs and policies; and (6) providing states and tribes with resources and tools to support the financing of water infrastructure improvements.<sup>113</sup>

In recent years, water contamination from harmful algal blooms on Lake Erie, and a chemical storage tank leak on the Elk River that lead to “do not drink” and “do not use” advisories in Toledo, OH and Charleston, WV, respectively, prevented access to safe drinking water for residents, hospitals, schools, and businesses in these communities, causing economic impacts in the tens of millions of dollars. The drinking water issues in Flint, Michigan and East Chicago, Indiana highlighted the need for additional attention to lead in drinking water. In addition [per- and polyfluoroalkyl substances](#) (PFAs) such as Perfluorooctanoic acid (PFOA), Perfluorooctanesulfonic acid (PFOS) and Gen-X have been detected in drinking water systems and there is increased demand for tools that can help communities across the country protect public health and address these chemicals. These events highlight the importance of safe drinking water to public health and local economies, and in particular, the need to prioritize threats and protect drinking water sources.

<sup>112</sup> U.S. Environmental Protection Agency Safe Drinking Water Information System (SDWIS/FED), <http://water.epa.gov/scitech/datait/databases/drink/sdwisfed/index.cfm>.

<sup>113</sup> For more information, please see <https://www.epa.gov/ground-water-and-drinking-water> and <https://www.cfda.gov>.

In FY 2017, 92.8 percent of the population served by Community Water Systems (CWSs) received drinking water that met all applicable health-based drinking water standards. Ongoing compliance challenges include violations related to the Lead and Copper, the revised Total Coliform, the Stage 2 Disinfectants and Disinfection Byproducts, and the Nitrates Rules.

### **FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.2, Provide Clean and Safe Water in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, EPA will continue its core mission to protect the public from contaminants in drinking water by: (1) developing new and revised drinking water standards; (2) supporting states, tribes, and water systems in implementing standards; (3) enabling financing of infrastructure projects while promoting partnerships and sustainable management of drinking water systems; and (4) promoting source water protection and implementing the underground injection control (UIC) program. In FY 2019, the Agency will continue to streamline its business processes and systems to reduce reporting burden on states and regulated facilities, and improve the effectiveness and efficiency of regulatory programs for EPA, states, and tribes.

#### Water Infrastructure

With the aging of the nation's critical water infrastructure and a growing need for investment, the drinking water and wastewater sectors face a significant challenge to maintain and advance the achievements attained in protecting public health and the environment. In FY 2019, EPA will continue its robust funding of the nation's infrastructure. EPA will focus 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 Drinking Water State Revolving Fund (DWSRF) program, which provides low-interest loans to help finance drinking water infrastructure improvements needed to achieve compliance with the Safe Drinking Water Act (SDWA). The program supports policies and outreach that help ensure the good financial condition of the State Revolving Funds.

The FY 2019 budget continues to provide funding for the Environmental Finance program which will help communities across the country improve their wastewater, drinking water, and stormwater systems, particularly through innovative financing. EPA will continue to support financing and construction of drinking water infrastructure and encourage public water systems to adopt sustainable management practices by doing the following:

- Provide states with funds, through the DWSRF capitalization grants, for low-interest loans to assist utilities with financing drinking water infrastructure needs and to support utility compliance with SDWA standards;
- Provide non-infrastructure support for states to use the set-asides in the DWSRF to build water system technical and managerial capacity;
- Provide effective oversight of the DWSRF funds;
- Advise states on maintaining their capacity development and operator certification programs to support compliance by public water systems with the SDWA and to enable

water systems, especially small systems, to meet statutory prerequisites for receiving infrastructure financing;

- Encourage states to develop state-centric tools, in lieu of national tools, to assist water systems with capacity development; and
- Continue to support close coordination between state infrastructure and PWSS programs.

### Drinking Water Implementation

In FY 2019, 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 distribution systems. In particular, EPA will continue to focus on working with states to optimize corrosion control treatment and develop other strategies to minimize exposure to lead. EPA also will continue to require states to report violations data at all public water systems for all rules, including requirements to protect against *Cryptosporidium*, to control disinfection byproducts and to implement the Revised Total Coliform Rule.

While most small systems consistently provide safe and reliable drinking water to their customers, many small systems face challenges with aging infrastructure, complying with regulatory requirements, workforce shortages and high staff turnover, increasing costs, and declining rate bases. In FY 2017, small community water system violations made up 94 percent of overall violations,<sup>114</sup> and in Indian Country, 90.5 percent of the population served by CWSs received drinking water that met all applicable health-based standards. EPA will continue to focus on small systems by strengthening and targeting financial assistance, in coordination with state infrastructure programs, to support rehabilitation of the nation's infrastructure.

Drinking water system partnerships provide opportunities to increase capacity by working together to solve compliance challenges, share costs of operations and maintenance activities, and leverage other resources. EPA's new website highlights ways partnerships can address these challenges, leading to enhanced public health by working together and sharing information: <https://www.epa.gov/dwcapacity/water-system-partnerships>. The Agency will continue to promote partnerships among water systems to build capacity and work with states and tribes, as well as with utility associations, third-party technical assistance providers and other federal partners, to promote the sustainability practices that are the foundation for building technical, managerial, and financial capacity, known as Capacity Development.<sup>115</sup>

Key to addressing the most pressing public water system issues is being able to identify which systems have the greatest need and then efficiently interacting with those systems. In FY 2019, EPA will continue working with states to transition to the SDWIS Prime program management and reporting tool. SDWIS Prime is a centralized infrastructure technology system that will replace SDWIS State, currently used by the majority of state drinking water programs, and other systems that are hosted and operated separately by each primacy agency. Benefits of this transition to SDWIS Prime include improvements in program efficiency and data quality, greater public access to drinking water data, facilitation of electronic reporting, reductions in reporting burdens on

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<sup>114</sup> For more information, see: <https://www.epa.gov/waterdata/drinking-water-tools>.

<sup>115</sup> For more information, see: <http://water.epa.gov/type/drink/pws/smallsystems/index.cfm>.

laboratories and water utilities, reductions in data management burden for states, and ultimately reduction in public health risk.

In FY 2016, EPA released the Compliance Monitoring Data Portal (CMDP) enabling drinking water utilities and laboratories to report drinking water data electronically to primacy agencies. In FY 2017, EPA provided support for the first three primacy agencies to receive utility compliance data electronically, and supported over twenty additional primacy agencies with testing CMDP and preparation to move to the system. The portal increases data accuracy and completeness and, once fully implemented, could decrease the overall reporting burden for primacy agencies by hundreds of thousands of hours. Primacy agencies can use the portal-reported data to make more informed decisions about water system compliance and focus their limited resources on preventing and responding to public health problems. In FY 2018 and FY 2019, EPA will be assisting additional primacy agencies in testing and utilizing CMDP to receive drinking water compliance sampling data electronically.

In FY 2019, EPA also will conduct the following activities to facilitate compliance with rules:

- Oversee the national Public Water System Supervision (PWSS) program by administering the PWSS 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 (i.e., microbial pathogens and disinfection byproducts, other chemicals, and radiological contaminants);
- Offer training and technical assistance on a prioritized basis to states, tribes, and public water systems for the Lead and Copper Rule (LCR);
- Directly implement the Aircraft Drinking Water Rule, designed to protect millions of people who travel on approximately 5,700 aircraft in the U.S., if necessary to address identified significant risks; and
- Directly implement the drinking water program where states and tribes do not have primacy (e.g., Wyoming, the District of Columbia, and tribal lands), focused on actions that are under court order or address significant identified risks.

### 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 of public health concern, and regulates contaminants when there is a meaningful opportunity for health risk reduction for persons served by public water systems. In addition, EPA will work to reduce lead risks by continuing to work on revisions to the LCR, and regulations to implement the Water Infrastructure Improvement for the Nation Act and the Reduction of Lead in Drinking Water Act (RLDWA). EPA will continue its communication with states, tribes, and communities, to understand local perspectives on the quality of drinking water.

The Agency also will continue to evaluate and address drinking water risks in FY 2019, including:

- Preparing regulatory decisions for perchlorate by October 2018 in accordance with a consent decree.

- Evaluating recommendations from stakeholders to develop revisions to the LCR.
- Evaluating the public comments and any additional data received on the proposed rule that makes changes to existing “lead free” regulations based on the 2011 RLDWA and the 2013 Community Fire Safety Act that prohibits the use and introduction into commerce of lead pipes, plumbing fittings or fixtures, and solder and flux.<sup>116</sup>
- Collecting and analyzing health effects and occurrence data to assess contaminants on the fourth contaminant candidate list (CCL 4), that includes PFOA, PFOS, and 1-4 Dioxane, for regulatory determinations. Continued evaluation of these contaminants in FY 2019 is critical for the Agency to publish preliminary determinations,
- Leading a cross-agency effort to address PFAs, which include PFOA, PFOS and GenX to better understand the health impacts, the extent of occurrence in the environment and exposures to PFAS and to develop tools for states, tribes and local communities.
- Providing support to and oversight of drinking water systems and laboratories as they collect and analyze samples during the implementation of the fourth Unregulated Contaminant Monitoring Rule (UCMR 4). UCMR 4 requires monitoring for 30 chemical contaminants between 2018 and 2020.

### Source Water Protection

EPA will continue to partner with states, drinking water utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination. These efforts are integral to the sustainable infrastructure effort because source water protection can reduce the need for additional drinking water treatment and the associated additional infrastructure costs and energy usage, while better protecting public health.

In FY 2019, the Agency will:

- Work with state, utility, and local stakeholder organizations to encourage continuing engagement in the Source Water Collaborative,<sup>117</sup> which works to leverage resources, support efforts to assist communities in source water protection activities and projects, and promote ongoing efforts to protect drinking water sources.
- Continue to support users of the existing data-layers of the Drinking Water Mapping Application for Protecting Source Waters (DWMAPS)<sup>118</sup> through EPA’s geoplatform. This online GIS-based application enables states, utilities and others to combine national datasets previously integrated with DWMAPS with their own datasets, such as chemical storage facilities and sensitive drinking water intakes, to evaluate threats to drinking water. DWMAPS also allows users to leverage CWA data to analyze and coordinate water quality assessments, impaired waters, and point source permit information to protect drinking water sources.

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<sup>116</sup> For more information, see: <https://www.epa.gov/dwstandardsregulations/use-lead-free-pipes-fittings-fixtures-solder-and-flux-drinking-water>.

<sup>117</sup> For more information, see: <https://www.epa.gov/sourcewaterprotection/source-water-collaborative>.

<sup>118</sup> For more information, see: <https://www.epa.gov/sourcewaterprotection/dwmaps>.



## Underground Injection Control (UIC)

In order to safeguard current and future underground sources of drinking water from contamination, the UIC program regulates the construction, operation, permitting, and closure of injection wells that place fluids underground for storage, disposal, enhanced recovery of oil and gas, and minerals recovery. The number of UIC wells, especially Class II oil- and gas-related wells, has risen significantly in recent years, and this trend is expected to continue. Additionally, as population growth, land use changes and drought exacerbate water supply challenges in many areas of the country, management of water availability has become increasingly important in providing safe and reliable drinking water to communities.

In FY 2019, EPA will continue to provide technical support to states and tribes in making permitting decisions, providing training for and oversight to implementation of underground injection regulations, and directly implement the UIC regulations where EPA has primary authority. Activities 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, recognizing the important role that energy extraction, including natural gas development plays in our energy future;
- 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 in a rapidly growing energy sector to protect underground sources of drinking water;
- Working towards transferring primary enforcement authority from EPA direct implementation to state and tribal programs that apply for primacy.
- Reviewing, approving, and codifying state UIC program changes, such as updates to Class V regulations in Oregon and Class V and Class II changes in Idaho.
- Promoting implementation of a nationally consistent and predictable approach to reviewing and approving aquifer exemption requests;
- Working with the State of California to review and approve aquifer exemptions so that the state program is consistent with the SDWA and UIC regulations. EPA approved six aquifer exemptions in 2017, and will continue to review as they are submitted to EPA;
- Providing technical assistance, tools and strategies to states for improving implementation of UIC programs, including approaches to reduce the number of earthquake events related to underground injection activities; and
- Using national UIC data to assist with program oversight of state and EPA UIC programs.

### **Performance Measure Targets:**

<b>(DW-04) Percentage of the population in Indian Country served by community water systems that receive drinking water that meets all applicable health-based drinking water standards.</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	87	88

<b>(DW-03) Percentage of population served by CWSs that receive drinking water that meets all applicable health-based drinking water standards through approaches including effective treatment and source water protection.</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	92	92
<b>(DW-02) Number of community water systems without a sanitary survey within the last three years (five years for outstanding performance).</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	4,473	4,373
<b>(DW-01) Number of community water systems out of compliance with health-based standards.</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	3,510	3,420

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$2,122.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$17,779.0 / -77.3 FTE) This program change represents a reduction in the Drinking Water Programs and streamlining activities. The program will continue to seek efficiencies in operations and evaluate and prioritize resources across activities.

**Statutory Authority:**

Safe Drinking Water Act (SDWA); Clean Water Act.

**Beach / Fish Programs**

Program Area: Water: Human Health Protection

Goal: Core Mission

Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$1,364.0</i></b>	<b><i>\$1,638.0</i></b>	<b><i>\$0.0</i></b>	<b><i>-\$1,638.0</i></b>
Total Budget Authority	\$1,364.0	\$1,638.0	\$0.0	-\$1,638.0
Total Workyears	1.2	3.8	0.0	-3.8

**Program Project Description:**

The Fish component of the Beach/Fish Programs provides up-to-date-science, guidance, technical assistance, and nationwide information to state, tribal, and federal agencies on the human health risks associated with eating potentially contaminated locally caught fish.

The Beach component of the Beach/Fish Programs provides up-to-date science, guidance, technical assistance and nationwide information to state, tribal, and federal agencies on the human health risks of swimming in pathogen contaminated waters.

**FY 2019 Activities and Performance Plan:**

Resources and FTE have been eliminated for this program in FY 2019. The Agency will encourage states to continue this work within ongoing core programs.

**Performance Measure Targets:**

This proposed disinvestment means that the Agency will no longer publish measures associated with this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$1,638.0/ -3.8 FTE) This program change eliminates the Beach/Fish Programs, which is a mature, well-established program with objectives that can continue to be implemented at the local level.

**Statutory Authority:**

Clean Water Act, § 104.

## **Water Quality Protection**

**Surface Water Protection**

Program Area: Water Quality Protection

Goal: Core Mission

Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$198,589.4</i></b>	<b><i>\$198,886.0</i></b>	<b><i>\$174,975.0</i></b>	<b><i>-\$23,911.0</i></b>
Total Budget Authority	\$198,589.4	\$198,886.0	\$174,975.0	-\$23,911.0
Total Workyears	994.1	1,015.9	937.1	-78.8

**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 rivers, lakes, and streams. EPA works with states and tribes to make continued progress toward clean water goals.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.2, Provide Clean and Safe Water in EPA's FY 2018 - 2022 Strategic Plan. EPA will work with states and tribes to target funds to core requirements while providing states and tribes with flexibility to best address their particular priorities for Surface Water Protection.

**Program Implementation**

In FY 2019, EPA will continue to provide scientific water quality criteria information, review and approve state water quality standards, and review and approve state lists of impaired waters. Water quality criteria and standards provide the scientific and regulatory foundation for water quality protection programs under the CWA. EPA will continue to support state and tribal programs by providing scientific water quality criteria information as required by CWA section 304. EPA also will continue to support states and authorized tribes in adopting and implementing water quality standards in accordance with the water quality standards regulation at 40 CFR part 131.

EPA will continue to establish or revise effluent guidelines as required under the CWA, including the completion of annual reviews of industrial wastewater discharges, publishing preliminary effluent limitation guideline plans for public review, and then final biennial plans informed by public comment. As required under CWA Section 304(h), EPA will revise existing and adopt new analytical test methods for measuring pollutants in wastewater to incorporate cheaper, safer, faster, more sensitive and/or more accurate analytical test methods.

EPA will work with states and other partners on Total Maximum Daily Loads (TMDLs) as required by CWA section 303(d) and on other waterbody restoration plans for listed impaired

waterbodies. 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 will work with states and tribes on their section 303(d) program and plans and ensure they are effective. Support also will be provided to control nonpoint sources of pollution and ensure the protection of high-quality waters.

EPA will continue working with states and tribes to support the National Aquatic Resource Surveys (NARS) statistically representative monitoring of the condition of the nation's waters which support CWA section 305(b). EPA will continue working with states and tribes to support base water quality monitoring 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 use of data from multiple organizations to support water quality management decisions.

EPA and the Department of the Army are implementing the President's Executive Order directing the Administrator of EPA and the Assistant Secretary of the Army for Civil Works to review the 2015 Clean Water Rule (CWR) and publish for notice and comment a proposed rule rescinding or revising the rule, as appropriate and consistent with law. To date, the agencies have published a proposed rule to rescind the definition of "Waters of the United States" promulgated in the CWR and re-codify the previous definition in place prior to the rule. In addition, while the agencies substantively reconsider the definition of "Waters of the United States," they have finalized a rule which will have the effect of delaying any implementation of the 2015 Clean Water Rule for two years.

In FY 2019, EPA will continue to implement and support the core water quality programs that control point source discharges through permitting and pretreatment programs. The National Pollutant Discharge Elimination System (NPDES) program under the CWA works with states to structure the permit program to better support comprehensive protection of water quality on a watershed basis.

### Infrastructure

EPA will continue its support of the nation's infrastructure. EPA will focus 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 Clean Water State Revolving Fund Loan program, which provides low-interest loans to help finance wastewater treatment facilities and other water quality projects. The program supports policies and outreach that help ensure the good financial condition of the State Revolving Funds.

Part of this program supports the Clean Watershed Needs Survey (CWNS). The CWNS is an assessment of the capital needs to meet the water quality goals set in the Clean Water Act.

The FY 2019 budget supports funding for the Environmental Finance program which will help communities across the country improve their wastewater and stormwater systems, particularly through innovative financing.

Program Oversight/Accountability

States and tribes 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 states in electronically reporting 303(d) and 305(b) assessment conclusions through the Assessment and TMDL Tracking Implementation System (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 improve evidence-based tracking of local actions to improve water quality. In addition, as required under the CWA and Executive Orders 12866, 135638, and 13771, EPA will continue to support cost-benefit analysis for CWA regulatory and deregulatory actions.

**Performance Measure Targets:**

(SWP-01) Reduction in the number of square miles of watershed with surface water not meeting standards (cumulative).	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	No Target Established	9,000
(NPDES-02) Percentage of high-priority EPA and state NPDES permits (including tribal) that are issued in the fiscal year.	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	80	80

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$4,255.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$28,166.0/ -78.8 FTE) This program change reduces Surface Water Protection program resources, including the elimination of the WaterSense program and certain activities in the Urban Waters program. EPA will focus remaining resources on statutory requirements and highest priority work.

**Statutory Authority:**

Clean Water Act; 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.

**Marine Pollution**

Program Area: Water Quality Protection

Goal: Core Mission

Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$11,694.4</i></b>	<b><i>\$10,102.0</i></b>	<b><i>\$0.0</i></b>	<b><i>-\$10,102.0</i></b>
Total Budget Authority	\$11,694.4	\$10,102.0	\$0.0	-\$10,102.0
Total Workyears	36.1	37.4	0.0	-37.4

**Program Project Description:**

EPA’s Marine Pollution Program partners with other agencies, including the Department of Defense, the National Oceanic and Atmospheric Administration, and others to integrate management of oceans and coasts. This program aims to: 1) ensure marine ecosystem protection; 2) manage ocean dumping of dredged material and limit and prevent disposal of wastes and other materials in the ocean; 3) address emerging environmental threats to the marine and coastal water quality; 4) protect sensitive marine habitats; and 5) gather data and undertake research to inform policy and program decisions for protection of the marine and near coastal environment.

**FY 2019 Activities and Performance Plan:**

Resources and FTE have been eliminated for this program in FY 2019. EPA will seek opportunities to continue to meet statutory mandates through the national water program.

**Performance Measure Targets:**

This proposed disinvestment means that the Agency will no longer publish measures associated with this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$10,102.0/ -37.4 FTE) This program change eliminates the Marine Pollution program. Other federal agencies may continue to support these efforts.

**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.



## **Indoor Air and Radiation**

**Radiation: Response Preparedness**  
 Program Area: Indoor Air and Radiation  
 Goal: Core Mission  
 Objective(s): Improve Air Quality

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$2,543.1</i></b>	<b><i>\$2,573.0</i></b>	<b><i>\$2,221.0</i></b>	<b><i>-\$352.0</i></b>
Science & Technology	\$3,785.0	\$3,658.0	\$3,666.0	\$8.0
Total Budget Authority	\$6,328.1	\$6,231.0	\$5,887.0	-\$344.0
Total Workyears	39.7	39.2	31.5	-7.7

**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 Federal Radiological Preparedness Coordinating Committee (FRPCC) and the Federal Advisory Team for Environment, Food and Health (the “A-Team”). 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 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.1, Improve Air Quality in EPA's FY 2018 - 2022 Strategic Plan. In FY 2019, EPA will continue to evaluate its resources and streamline activities across radiological emergency response activities and assets to focus on essential preparedness work. The RERT will maintain essential readiness to support federal radiological emergency response and recovery operations under the NRF and NCP. EPA will design and conduct essential training and exercises to maintain the RERT’s ability to fulfill EPA’s responsibilities and improve overall radiation response preparedness.<sup>119</sup>

*Evaluation of Response Plans*

In FY 2019, EPA will continue to work with interagency partners under the FRPCC to revise federal radiation emergency response plans and develop radiological emergency response protocols and standards as resources dictate. The Agency will continue to use guidance addressing lessons learned from incidents and exercises to ensure the effective delivery of EPA support in coordination with other federal and state response agencies.

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<sup>119</sup> For additional information see: <https://www.epa.gov/radiation/radiological-emergency-response-expertise-and-equipment>.

### *Coordinating Preparedness Efforts*

EPA will continue essential planning and participation in international and federal table-top and field exercises, including radiological anti-terrorism activities with the Nuclear Regulatory Commission (NRC), the Department of Energy (DOE), the Department of Defense (DOD), and the Department of Homeland Security (DHS). The Agency also will continue to train state, local and federal officials; provide technical support on priority issues to federal and state radiation, emergency management, solid waste and health programs responsible for radiological emergency response; and develop preparedness programs.

### *Assessment*

EPA will continue to develop and use both laboratory and field measurement methods; procedures and quality systems to support expedited assessment; and characterization of areas impacted with radiological contamination. These methods and procedures will support rapid assessment and triage of impacted areas (including buildings, indoor environments and infrastructure) and the development of cleanup strategies.

### **Performance Measure Targets:**

<b>(R35) Percentage level of readiness of radiation program personnel and assets to support federal radiological emergency response and recovery operations.</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	80	80

<b>(R36) Average number of days before availability of quality assured ambient radiation air monitoring data during an emergency.</b>	<b>FY 2018 Target</b>	<b>FY 2019 Target</b>
	0.3	0.3

### **FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (+\$162.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$514.0/ -3.4 FTE) This program change is a reduction in the Radiation: Response Preparedness program, decreasing technical support for stakeholders that are responsible for radiological emergency response.

### **Statutory Authority:**

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); Homeland Security Act of 2002; Atomic Energy Act of 1954; 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); 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).

**Indoor Air: Radon Program**

Program Area: Indoor Air and Radiation

Goal: Core Mission

Objective(s): Improve Air Quality

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$2,985.9</b>	<b>\$3,115.0</b>	<b>\$0.0</b>	<b>-\$3,115.0</b>
Science & Technology	\$145.0	\$158.0	\$0.0	-\$158.0
Total Budget Authority	\$3,130.9	\$3,273.0	\$0.0	-\$3,273.0
Total Workyears	9.2	10.6	0.0	-10.6

**Program Project Description:**

Title III of the Toxic Substances Control Act (TSCA) authorizes EPA to undertake a variety of activities 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, and advises the public of steps they can take to reduce exposure. For over 30 years EPA’s radon program has provided important guidance and significant funding to help states establish their own programs.

**FY 2019 Activities and Performance Plan:**

Resources and FTE for this program are proposed for elimination in FY 2019. This is a mature program where states have technical capacity to continue this work.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$3,115.0/ -10.6 FTE) This program change proposes to eliminate the Indoor Air: Radon program.

**Statutory Authority:**

Title III of the Toxic Substances Control Act (TSCA); Title IV of the Superfund Amendments and Reauthorization Act of 1986 (SARA); Clean Air Act.

**Radiation: Protection**

Program Area: Indoor Air and Radiation

Goal: Core Mission

Objective(s): Improve Air Quality

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b>\$7,780.1</b>	<b>\$8,519.0</b>	<b>\$2,000.0</b>	<b>-\$6,519.0</b>
Science & Technology	\$2,328.6	\$1,996.0	\$1,000.0	-\$996.0
Hazardous Substance Superfund	\$1,833.6	\$1,972.0	\$1,972.0	\$0.0
Total Budget Authority	\$11,942.3	\$12,487.0	\$4,972.0	-\$7,515.0
Total Workyears	58.9	59.1	25.0	-34.1

**Program Project Description:**

EPA has general and specific duties to protect human health and the environment from harmful and avoidable exposure to radiation under the Atomic Energy Act; Clean Air Act; Comprehensive Environmental Response, Compensation and Liability Act; Energy Policy Act; Nuclear Waste Policy Act; Public Health Service Act; Safe Drinking Water Act; Uranium Mill Tailings Radiation Control Act; Waste Isolation Pilot Plant Land Withdrawal Act; Marine Protection, Research, and Sanctuaries Act; and Clean Water Act.

EPA’s Radiation Protection Program carries out these responsibilities through its federal guidance and standard-setting activities, including: regulatory oversight of radioactive waste disposal standards at the Department of Energy’s Waste Isolation Pilot Plant (WIPP);<sup>120</sup> the regulation of airborne radioactive emissions; and the development and determination of appropriate methods to measure radioactive releases and exposures under Section 112 of the Clean Air Act.

**FY 2019 Activities and Performance Plan:**

Work in this program directly supports Goal 1/Objective 1.1, Improve Air Quality in EPA's FY 2018 - 2022 Strategic Plan. EPA will meet its statutory obligation to implement its regulatory oversight responsibilities for Department of Energy (DOE) activities at the Waste Isolation Pilot Plant (WIPP) facility, as mandated by Congress in the WIPP Land Withdrawal Act of 1992. EPA also will review and update regulation or guidance, as necessary.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

<sup>120</sup> Additional information at: <http://www.epa.gov/radiation/wipp/background.html>.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$396.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to adjustments in salary, essential workforce support, and benefit costs.
- (-\$6,123.0/ -26.8 FTE) This program change reduces support activities in the Radiation: Protection program to focus Agency resources on priority activities, including implementation of waste disposal standards at the WIPP.

**Statutory Authority:**

Atomic Energy Act of 1954; 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); Clean Air Act; Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); 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.

**Reduce Risks from Indoor Air**

Program Area: Indoor Air and Radiation

Goal: Core Mission

Objective(s): Improve Air Quality

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$13,389.1</i></b>	<b><i>\$13,242.0</i></b>	<b><i>\$0.0</i></b>	<b><i>-\$13,242.0</i></b>
Science & Technology	\$253.3	\$144.0	\$0.0	-\$144.0
Total Budget Authority	\$13,642.4	\$13,386.0	\$0.0	-\$13,386.0
Total Workyears	38.6	40.7	0.0	-40.7

**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. EPA utilizes a range of strategies, including partnerships with non-governmental, professional, federal, state and local organizations, to educate and prepare individuals, school districts, industry, the health care community, and others to take action to reduce health risks from poor indoor air quality in homes, schools, and other buildings.

**FY 2019 Activities and Performance Plan:**

Resources and FTE for this program are proposed for elimination in FY 2019. This is a mature program where states have technical capacity to continue this work.

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$13,242.0/ -39.1 FTE) This change proposes to eliminate funding for the Reduce Risks from Indoor Air program.

**Statutory Authority:**

Title III of the Toxic Substances Control Act (TSCA); Title IV of the Superfund Amendments and Reauthorization Act of 1986 (SARA); Clean Air Act.

## **Congressional Priorities**



**Water Quality Research and Support Grants**

Program Area: Congressional Priorities

Goal: Core Mission

Objective(s): Provide Clean and Safe Water

(Dollars in Thousands)

	<b>FY 2017 Actuals</b>	<b>FY 2018 Annualized CR</b>	<b>FY 2019 Pres Budget</b>	<b>FY 2019 Pres Budget v. FY 2018 Annualized CR</b>
<b><i>Environmental Program &amp; Management</i></b>	<b><i>\$12,688.0</i></b>	<b><i>\$12,614.0</i></b>	<b><i>\$0.0</i></b>	<b><i>-\$12,614.0</i></b>
Science & Technology	\$7,803.4	\$4,072.0	\$0.0	-\$4,072.0
Total Budget Authority	\$20,491.4	\$16,686.0	\$0.0	-\$16,686.0

**Program Project Description:**

The purpose of this 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 to improve water quality under the Clean Water Act (CWA).

**FY 2019 Activities and Performance Plan:**

Resources and FTE have been eliminated for this program in FY 2019. States have the ability to develop technical assistance plans for their water systems using Public Water System Supervision funds and set-asides from the Drinking Water State Revolving Fund (DWSRF).

**Performance Measure Targets:**

Currently there are no performance measures specific to this program.

**FY 2019 Change from FY 2018 Annualized Continuing Resolution (Dollars in Thousands):**

- (-\$12,614.0) This funding change eliminates the Water Quality competitive grant program since resources are available through other existing programs and states are best positioned to develop technical assistance plans for their water systems.

**Statutory Authority:**

SDWA, 42 U.S.C. §300j-1c, Section 1442. CWA.104(b)(3).