



**United States
Environmental Protection Agency**

FISCAL YEAR 2023

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

Tab 08: Superfund

EPA-190-R-22-001

**April 2022
www.epa.gov/cj**

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

Table of Contents – Superfund

Program Projects in Superfund.....	567
Audits, Evaluations, and Investigations.....	570
Audits, Evaluations, and Investigations.....	571
Compliance	577
Compliance Monitoring.....	578
Enforcement	580
Criminal Enforcement.....	581
Forensics Support	584
Superfund: Enforcement.....	587
Superfund: Federal Facilities Enforcement	591
Environmental Justice	593
Environmental Justice	594
Homeland Security.....	596
Homeland Security: Preparedness, Response, and Recovery.....	597
Homeland Security: Protection of EPA Personnel and Infrastructure	601
Indoor Air and Radiation.....	603
Radiation: Protection.....	604
Information Exchange / Outreach.....	606
Exchange Network	607
IT/ Data Management/ Security	610
Information Security	611
IT / Data Management.....	617
Legal / Science / Regulatory / Economic Review.....	621
Alternative Dispute Resolution.....	622
Legal Advice: Environmental Program.....	625
Operations and Administration.....	628
Acquisition Management.....	629
Central Planning, Budgeting, and Finance	633
Facilities Infrastructure and Operations	637

Financial Assistance Grants / IAG Management.....	640
Human Resources Management.....	643
Research: Chemical Safety and Sustainability.....	647
Health and Environmental Risk Assessment	648
Research: Chemical Safety for Sustainability	653
Research: Sustainable Communities.....	657
Research: Sustainable and Healthy Communities.....	658
Superfund Cleanup.....	662
Superfund: Emergency Response and Removal	663
Superfund: EPA Emergency Preparedness.....	666
Superfund: Remedial.....	668
Superfund: Federal Facilities.....	672
Superfund Special Accounts	676

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

**APPROPRIATION: Hazardous Substance Superfund
Resource Summary Table
(Dollars in Thousands)**

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Hazardous Substance Superfund				
Budget Authority	\$1,326,363	\$1,205,811	\$1,154,168	-\$51,643
Total Workyears	2,681.8	2,636.5	2,714.2	77.7

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

Bill Language: Hazardous Substance Superfund

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and hire, maintenance, and operation of aircraft, \$1,154,168,000, to remain available until expended, consisting of such sums as are available in and not already appropriated from the Trust Fund on September 30, 2022, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,154,168,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, \$12,062,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2024, and \$31,368,000 shall be paid to the "Science and Technology" appropriation, to remain available until September 30, 2024: Provided further, That of the amounts provided under this heading for Superfund—Enforcement, up to eleven percent shall be transferred to "Department of Justice—Legal Activities—Salaries and Expenses—General Legal Activities" and shall remain available until expended for expenses of CERCLA-related activities conducted by the Environment and Natural Resources Division on behalf of the Environmental Protection Agency.

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

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

Program Project	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Indoor Air and Radiation				
Radiation: Protection	\$1,973	\$1,985	\$2,872	\$887

Program Project	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Audits, Evaluations, and Investigations				
Audits, Evaluations, and Investigations	\$11,634	\$11,586	\$12,062	\$476
Compliance				
Compliance Monitoring	\$1,778	\$1,000	\$1,015	\$15
Enforcement				
Criminal Enforcement	\$8,469	\$7,647	\$8,088	\$441
Forensics Support	\$1,250	\$1,145	\$1,263	\$118
Superfund: Enforcement	\$164,461	\$156,773	\$166,487	\$9,714
Superfund: Federal Facilities Enforcement	\$6,974	\$7,424	\$9,863	\$2,439
Subtotal, Enforcement	\$181,153	\$172,989	\$185,701	\$12,712
Environmental Justice				
Environmental Justice	\$681	\$826	\$5,876	\$5,050
Homeland Security				
Homeland Security: Preparedness, Response, and Recovery	\$31,897	\$33,020	\$43,796	\$10,776
Homeland Security: Protection of EPA Personnel and Infrastructure	\$845	\$1,030	\$1,530	\$500
Subtotal, Homeland Security	\$32,742	\$34,050	\$45,326	\$11,276
Information Exchange / Outreach				
Exchange Network	\$1,511	\$1,328	\$1,328	\$0
IT / Data Management / Security				
Information Security	\$752	\$659	\$7,859	\$7,200
IT / Data Management	\$20,984	\$13,826	\$16,904	\$3,078
Subtotal, IT / Data Management / Security	\$21,735	\$14,485	\$24,763	\$10,278
Legal / Science / Regulatory / Economic Review				
Alternative Dispute Resolution	\$632	\$832	\$868	\$36
Legal Advice: Environmental Program	\$1,161	\$443	\$461	\$18
Subtotal, Legal / Science / Regulatory / Economic Review	\$1,793	\$1,275	\$1,329	\$54

Program Project	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Operations and Administration				
Central Planning, Budgeting, and Finance	\$26,775	\$26,561	\$28,806	\$2,245
Facilities Infrastructure and Operations	\$81,976	\$68,727	\$71,219	\$2,492
Acquisition Management	\$23,380	\$23,800	\$32,345	\$8,545
Human Resources Management	\$7,200	\$6,202	\$8,476	\$2,274
Financial Assistance Grants / IAG Management	\$4,224	\$3,210	\$4,403	\$1,193
Subtotal, Operations and Administration	\$143,554	\$128,500	\$145,249	\$16,749
Research: Sustainable Communities				
Research: Sustainable and Healthy Communities	\$13,458	\$16,463	\$16,927	\$464
Research: Chemical Safety for Sustainability				
Health and Environmental Risk Assessment	\$3,654	\$12,824	\$4,896	-\$7,928
Research: Chemical Safety for Sustainability	\$6,065	\$0	\$8,060	\$8,060
Subtotal, Research: Chemical Safety for Sustainability	\$9,719	\$12,824	\$12,956	\$132
Superfund Cleanup				
Superfund: Emergency Response and Removal	\$233,104	\$190,000	\$199,835	\$9,835
Superfund: EPA Emergency Preparedness	\$7,555	\$7,700	\$8,056	\$356
Superfund: Federal Facilities	\$24,264	\$21,800	\$36,272	\$14,472
Superfund: Remedial	\$639,714	\$589,000	\$454,601	-\$134,399
Subtotal, Superfund Cleanup	\$904,636	\$808,500	\$698,764	-\$109,736
TOTAL Superfund	\$1,326,363	\$1,205,811	\$1,154,168	-\$51,643

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

Audits, Evaluations, and Investigations

Audits, Evaluations, and Investigations

Program Area: Audits, Evaluations, and Investigations
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Inspector General	\$38,174	\$43,500	\$55,865	\$12,365
<i>Hazardous Substance Superfund</i>	<i>\$11,634</i>	<i>\$11,586</i>	<i>\$12,062</i>	<i>\$476</i>
Total Budget Authority	\$49,807	\$55,086	\$67,927	\$12,841
Total Workyears	266.6	270.0	301.0	31.0

Program Project Description:

EPA's Office of Inspector General (OIG) is an independent office of the U.S. Environmental Protection Agency, created by the Inspector General Act of 1978, as amended. In support of that independence, Congress provides the OIG with a separate appropriation, within the Agency's budget to support OIG's Superfund activities. The vision of the OIG is to be a premier oversight organization trusted to speak the truth, promote good governance, and contribute to improved human health and the environment. This vision is met through the mission of the OIG.

The OIG conducts independent audits, special reviews, evaluations, and investigations. The OIG also makes evidence-based recommendations to promote economy, efficiency, and effectiveness. The OIG seeks to identify risks and vulnerabilities within the Agency to prevent and detect fraud, waste, abuse, mismanagement, and misconduct for the U.S. Environmental Protection Agency as well as the U.S. Chemical Safety and Hazard Investigation Board (CSB).

The OIG promotes public trust and safety by keeping the head of the Agency and Congress fully and immediately informed of deficiencies, vulnerabilities, and other agency activities that indicate the presence of fraud, waste and/or abuse, and the necessity for and progress toward OIG recommended corrective actions and being responsive with a sense of urgency to hotline and whistleblower complaints submitted for our immediate action. The OIG's activities assist in the prevention and detection of fraud in EPA's Superfund programs and operations. The OIG consistently provides a significant positive return on investment to the public in the form of recommendations for improvements in the delivery of EPA's mission, reduction in operational and environmental risks, costs savings and recoveries, and improvements in program efficiencies and integrity.¹

OIG's auditing arm resides within the Office of Audit (OA). The OA is comprised of five directorates: Financial; Business Operations; Information Resources Management; Pollution Control and Cleanup; and Environmental Investment and Infrastructure. Together, they are responsible for independent oversight of EPA and CSB programs and for recommending needed

¹ For more information, please see: <https://www.epa.gov/office-inspector-general/epa-oig-organization-profile>.

improvements to programs and operations. Specifically, the Office of Audit conducts performance audits to assess the economy, efficiency, and effectiveness, internal control, and compliance of EPA Superfund programs and EPA Superfund business operations.

OIG's evaluations arm resides with the Office of Special Review and Evaluation (OSRE). OSRE is comprised of three directorates. OSRE's two evaluation directorates are responsible for independent oversight of EPA programs and recommending needed improvements to programs and operations. The two evaluation directorates within OSRE are: (1) Programs, Offices, and Centers Oversight Directorate and (2) the Implementation, Execution, and Enforcement Directorate. OSRE's third directorate is the newly formed Administrative Investigations Directorate which conducts administrative investigations into allegations of misconduct by senior agency employees and complaints of whistleblower reprisal by agency employees, or employees of agency contractors, subcontractors, grantees, subgrantees or personal services contractors. The directorate also performs special reviews of significant events and emergent issues of concern that involve a suspected or alleged violation of law, regulation, or policy, or allegations of serious mismanagement.

OA and OSRE conduct their mission in compliance with the Inspector General Act, as amended, the Generally Accepted Government Accounting Standards, and the Council of Inspectors General on Integrity and Efficiency's *Quality Standards for Federal Offices of Inspector General*, as applicable based upon the work performed. Work efforts focus on efficiency and program operations: program performance, including a focus on the award and administration of grants and contracts; statutorily mandated audits; financial reviews of grantees and contractors; and information resources management. In addition, performance audits, program reviews and evaluations, as well as inspections are conducted specifically to ensure targeted coverage of EPA programs and offices providing the greatest impact and receiving the greatest resources.

The investigative mission of the OIG is to conduct criminal, civil, and administrative investigations into fraud and serious misconduct within the EPA that undermine the organization's integrity and public trust or creates an imminent risk or danger. OIG investigations are coordinated with the Department of Justice and other federal, state, and local law enforcement entities. These investigations may lead to prosecution and civil judgments wherein there is a recovery and repayment of financial losses. The major areas of investigative focus include fraudulent practices, program integrity, laboratory fraud, serious employee misconduct, and cyber-crimes.

The audit, special review and evaluations, and investigative core mission program offices are directly supported by the OIG's management and administrative functions of its Office of the Chief of Staff, Office of Management, Office of Counsel and Congressional and Public Affairs.

FY 2023 Activities and Performance Plan:

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

The activities of the OIG are supported through the core value to be the best in public service through customer service, integrity, and accountability. The summary of this value is to contribute

to improved EPA Superfund and other cleanup programs and operations protecting human health and the environment, and enhancing safety; conduct audits, evaluations, and investigations that enable EPA to improve business practices and accountability to meet stakeholders' needs. The OIG assists the Agency in its efforts to develop and enforce regulations that implement environmental laws by making recommendations to improve program operations; save taxpayer dollars; reduce the potential for fraud, waste, and abuse; respond to cybercrimes; and resolve previously identified major management challenges and internal control weaknesses resulting in cleaner air, land, and water, and ensured chemical safety for America.

In FY 2023, the OIG will: target initiatives supporting EPA's Top Management Challenges and stated priorities. To execute this mission, the OIG will increase its agility to assess emerging environmental threats; increase its use of data analytics, business analytics, and business intelligence to better target resources to address high risk, high vulnerability areas of interest; employ best practices in support of improving efficiency, effectiveness, accountability, and monetary benefits; focus on measurable impact; and increase its return on investment to the American public regarding issues related to the Superfund Program.

Based on prior work, agency challenges, cross-agency risk assessment, future priorities, and extensive stakeholder input, the OIG will focus its resources on efforts in the following areas of concentration during FY 2023:

Audits and Evaluations

The OIG Office of Audit and Office of Special Review and Evaluation conduct projects to oversee EPA's efforts to improve human health and the environment. The Offices will identify program and management risks and determine if EPA is efficiently and effectively reducing human health risks; taking effective enforcement actions; cleaning up hazardous waste; managing waste; restoring previously polluted sites to appropriate uses; and ensuring long-term stewardship of those sites. The OIG assignments will include: assessment of the adequacy of internal controls in EPA (and its grantees and contractors) to protect resources and achieve program results; project management to ensure that EPA (and its grantees and contractors) have clear plans and accountability for performance progress; enforcement to evaluate whether there is consistent, adequate, and appropriate application of the laws and regulations across jurisdictions with coordination between federal, state, and local law enforcement activities; and evaluation of grants and contracts to verify that such awards are made based upon uniform risk assessment, and that grantees and contractors perform with integrity.

Prior audits and evaluations of the Superfund Program have identified numerous barriers to implementing effective resource management and program improvements. Therefore, the OIG will concentrate its resources on efforts in the following assignment areas:

- EPA's Superfund institutional controls achievement of their stated goal for preventing human exposure at Superfund sites
- EPA's progress in ensuring private party Superfund liabilities are adequately covered by sufficient financial assurance mechanisms

- Superfund portion of EPA’s legislatively mandated audits, such as financial statement and Federal Information Security Modernization Act, to include sampling, monitoring, communication, and opportunities for cleanup efficiencies
- Survey of remedial project managers on impacts for long-term cleanup due to operational effects of COVID-19 such as: shutdown of pump and treat system, inability to monitor remedy operations, or inability to transport hazardous waste to accomplish remedial objectives
- Assess the effectiveness of actions taken as a result of the 2017 Superfund Task Force Report
- Evaluate ways to minimize fraud, waste, and abuse, with emphasis on identifying opportunities for cost savings and reducing risk of resource loss, while maximizing results achieved from Superfund contracts and assistance agreements

Investigations

The Inspector General Act identifies the Assistant Inspector General for Investigations as responsible for developing and implementing an investigative program that furthers OIG objectives. The OIG’s Office of Investigations (OI) conducts independent investigations to detect and prevent fraud, waste, and abuse, while protecting the integrity of EPA’s Superfund Program. Investigations focus on allegations of criminal activity and serious misconduct in EPA Superfund programs and operations. The OIG performs its proactive work strategically as opportunities and resources allow. Investigations are opened in accordance with priorities set forth in the OIG Strategic Plan for FY 2019 – 2023 and in consideration of prosecutorial guidelines established by U.S. Attorneys. OIG investigations are governed by the *Attorney General Guidelines for Offices of Inspector General with Statutory Law Enforcement Authority* and by the Council of the Inspectors General on Integrity and Efficiency’s *Quality Standards for Investigations*, as well as other federal statutes and regulations.

The investigative mission of the OIG continues to evolve in conducting criminal and civil investigations into fraud and serious misconduct within EPA Superfund programs and operations that undermine the organization’s integrity and public trust or create an imminent risk or danger. Special Agents within the OI are duly appointed federal criminal investigators and have statutory authority to carry firearms, make arrests, execute search and seizure warrants, and perform other law enforcement duties. The OI often collaborates with other law enforcement entities and external stakeholders to enhance the effectiveness of its work. The OIG investigations are coordinated with the Department of Justice and other federal, state, and local law enforcement entities for criminal and civil litigation or with EPA management for administrative action. Investigative efforts may lead to criminal convictions, administrative sanctions, civil monetary penalties, and judgments wherein there is a recovery and repayment of financial losses. In addition, during and at the conclusion of investigations, the OI works with the Suspension and Debarment Office within EPA, “whose actions protect the government from doing business with entities that pose a business risk to the government.”

The OIG plays a critical oversight role helping to ensure that EPA and U.S. Chemical Safety and Hazard Investigation Board (CSB) funds are properly expended and not subject to fraud, waste, or abuse. Investigative focus in this oversight include: 1) fraudulent practices in awarding, performing, and paying Superfund contracts, grants, or other assistance agreements; 2) program fraud or other acts that undermine the integrity of, or confidence in the Superfund Program and create imminent environmental risks; 3) laboratory fraud relating to data, and false claims, or erroneous laboratory results that undermine the basis for decision-making, regulatory compliance, or enforcement actions in the Superfund Program; 4) criminal conduct or serious administrative misconduct by EPA employees involved in the Superfund Program; and 5) intrusions into and attacks against EPA's network supporting Superfund Program data, contractors and grant recipients handling sensitive EPA data, as well as incidents of computer misuse and theft of intellectual property or sensitive/proprietary Superfund data.

Finally, the OI often makes observations or "lessons learned" for EPA's management to reduce the Agency's vulnerability to criminal activity in the Superfund Program. The results of OI's investigations are published and can serve as a deterrent to future misconduct. In addition, the OI's investigations provide measurable results wherein recovery and restitution of financial losses are achieved, and administrative actions are taken to prevent those involved from further participation in any Superfund Program or operation which may lead to better accountability and deterrence.

The OI has reorganized its Field Operations Directorate by realigning the four field offices into two regional offices - the Eastern Region Field Office and the Western Region Field Office. The Eastern Region Field Office is responsible for matters within EPA Regions 1 through 5 while the Western Region Field Office is responsible for matters within EPA Regions 6 through 10. This realignment has improved the efficiency, effectiveness, and consistency of the OI's operations by allowing the Field Operations Directorate to better oversee its field operations and investigations. In addition, the OI Headquarters hired two attorney-advisors to assist with investigative operations.

Follow-up and Policy/Regulatory Analysis

To further promote economy, efficiency, and effectiveness, the OIG will conduct follow-up reviews of agency responsiveness to the OIG's recommendations for the Superfund Program and other land issues to determine if appropriate actions have been taken and intended improvements have been achieved. This process will serve as a means for keeping Congress and EPA leadership apprised of accomplishments and opportunities for needed corrective actions and facilitate greater accountability for results from the OIG operations.

Additionally, as directed by the IG Act, as amended, the OIG's audits and evaluations often cover assessment of proposed and existing policies, rules, regulations, and legislation pertaining to the clean-up programs, to include Superfund, to identify vulnerability to waste, fraud, and abuse. These assessments also consider possible duplication, gaps, or conflicts with existing authority, leading to recommendations for improvements in their structure, content, and application.

Performance Measure Targets:

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

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

- (+\$350.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$47.0) This change to fixed and other costs is an increase due to an adjustment for transit subsidy costs.
- (+\$79.0) This program change is an increase to support audits, investigations, increased risk vulnerabilities to fraud, waste, and abuse, and the operations of EPA's Superfund Program.

Statutory Authority:

Inspector General Act of 1978.

Inspector General Reform Act:

The following information is provided pursuant to Section 6(g)(2) of the Inspector General Reform Act:

- The aggregate budget request from the Inspector General for the operations of the OIG is \$67.9 million (\$55.8 million Inspector General: \$12.1 million Superfund Transfer)
- The aggregate President's Budget for the operations of the OIG is \$67.9 million (\$55.8 million Inspector General: \$12.1 million Superfund Transfer)
- The portion of the aggregate President's Budget needed for training is \$1.1 million (\$864 thousand Inspector General: \$190 thousand Superfund Transfer)
- The portion of the aggregate President's Budget needed to support the Council of the Inspectors General on Integrity and Efficiency is \$243 thousand (\$194.4 thousand Inspector General: \$48.6 thousand Superfund Transfer)

"I certify as the Inspector General of the Environmental Protection Agency that the amount I have requested for training satisfies all OIG training needs for FY 2023".

Compliance

Compliance Monitoring

Program Area: Compliance

Goal: Enforce Environmental Laws and Ensure Compliance

Objective(s): Detect Violations and Promote Compliance

(Dollars in Thousands)

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

Program Project Description:

The Superfund Compliance Monitoring program supports enforcement of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or “Superfund” law. EPA’s national enforcement and compliance data system, the Integrated Compliance Information System (ICIS), provides information and tracks Superfund-related enforcement activities. Electronic tracking of Superfund enforcement work allows EPA to ensure that its enforcement resources are allocated to address the most significant concerns and facilitates transparency.

FY 2023 Activities and Performance Plan:

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

In FY 2023, EPA will focus on timely enforcement in communities with potential environmental justice concerns. EPA also will continue to support tracking of CERCLA compliance and enforcement activities.

Performance Measure Targets:

(PM 409) Number of federal on-site compliance monitoring inspections and evaluations and off-site compliance monitoring activities.	FY 2022 Target	FY 2023 Target
	10,000	10,000

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

- (+\$15.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.

Statutory Authority:

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA);
Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485
(codified at Title 5, App.).

Enforcement

Criminal Enforcement

Program Area: Enforcement

Goal: Enforce Environmental Laws and Ensure Compliance

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

(Dollars in Thousands)

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

Program Project Description:

The Criminal Enforcement Program investigates and helps prosecute criminal violations of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and associated violations of Title 18 of the United States Code such as fraud, conspiracy, false statements, and obstruction of justice. EPA's criminal enforcement agents (Special Agents) do this through targeted investigation of criminal conduct, committed by individual and corporate defendants, that threatens public health and the environment.

The Criminal Enforcement Program is strengthened by an ongoing collaboration with the Environmental Justice (EJ) Program, other EPA offices, and the U.S. Department of Justice (DOJ) to ensure our Superfund enforcement work is informed and targeted to address overburdened, underserved and vulnerable communities and to expand outreach opportunities through those offices.

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

FY 2023 Activities and Performance Plan:

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

In FY 2023, the Agency requests an additional \$441.0 thousand and 0.2 FTE. to build core capacity for criminal enforcement work, with an emphasis on overburdened, underserved, and vulnerable communities with EJ concerns and to support the implementation of the American Innovation and Manufacturing (AIM) Act. EPA will continue efforts to devote resources toward, and effectively focus on those areas and communities that are disproportionately affected by pollution and environmental crime.

EPA will continue to address Superfund-related EJ issues within criminal enforcement. The Criminal Investigation Division (CID) works with partners at the DOJ to jointly prosecute wrongdoing and reduce the impact pollution has on these areas through investigation, judicial actions, and settlements. The Criminal Enforcement Initiative focuses prioritization of investigative resources to overburdened and vulnerable communities, while maintaining case initiation standards and reducing the impact of pollution. EPA Program goals and priorities include the following:

- In FY 2023 EPA's Environmental Crime Victim Witness Assistance Program will closely align its implementation of the Criminal Victims' Rights Act and the Victims' Rights and Restitution Act with EPA's environmental justice work. Activities will include data mining and mapping to identify where communities with EJ concerns, crime victims, and public health impacts overlap. This strategy will aid the Program in identifying sources of pollution impacting these communities and will focus criminal enforcement resources on the nation's most overburdened and vulnerable populations and, where appropriate, use of crime victim program resources and emergency funds to assist individuals in overburdened, underserved, and vulnerable communities.
- In FY 2023, the Criminal Enforcement Program, working with OAR and the Department of Homeland Security, will continue implementing its responsibilities as a part of the HFC (hydrofluorocarbons) Enforcement Task Force, whose permanent mission is to ensure U.S. compliance with the AIM Act. The Task Force will continue to identify, intercept, and interdict illegal HFC imports, share data to support allowances, train customs officers and enforcement personnel, and address common HFC import experiences with other countries. EPA will need to continue standing up its new enforcement and compliance framework. EPA would leverage our experience working with Customs and Border Protection (CBP), DOJ, and other federal partners to successfully enforce federal laws related to HFCs. Critically important to success in this media, are dedicated analysts in the criminal enforcement program to research, assess and coordinate with federal partners, private industry, and task force members.

Performance Measure Targets:

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

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

- (+\$290.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$151.0 / +0.2 FTE) This program increase will ensure EPA has the capacity and technical expertise to investigate, analyze, sample, test, transport, and store HFCs. The increase in FTE will allow analysts to research, assess, and coordinate with federal partners, private industry, and task force members. This investment includes \$43.0 thousand in payroll.

Statutory Authority:

Title 18 of the U.S.C.; 18 U.S.C. § 3063; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); American Innovation and Manufacturing Act.

Forensics Support

Program Area: Enforcement

Goal: Enforce Environmental Laws and Ensure Compliance

Objective(s): Detect Violations and Promote Compliance

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Science & Technology	\$11,761	\$14,000	\$15,532	\$1,532
<i>Hazardous Substance Superfund</i>	<i>\$1,250</i>	<i>\$1,145</i>	<i>\$1,263</i>	<i>\$118</i>
Total Budget Authority	\$13,010	\$15,145	\$16,795	\$1,650
Total Workyears	59.9	68.9	70.3	1.4

Program Project Description:

The Forensics Support Program provides expert scientific and technical support for Superfund civil and criminal enforcement cases, as well as technical expertise for the Agency's compliance efforts. EPA's National Enforcement Investigations Center (NEIC) is an environmental forensic center accredited for both laboratory analysis and field sampling operations that generate environmental data for law enforcement purposes. It is fully accredited under International Standards Organization (ISO) 17025, the main standard used by testing and calibration laboratories, as recommended by the National Academy of Sciences.² The NEIC maintains a sophisticated chemistry and physical science laboratory, and a corps of highly trained inspectors and scientists with expertise across environmental media. The NEIC works closely with EPA's Criminal Enforcement Program to provide technical support (e.g., sampling, analysis, consultation, and testimony) to criminal investigations. The NEIC also works closely with other EPA programs to provide technical assistance, consultation, and on-site inspection, investigation, and case resolution services in support of the Agency's Superfund Enforcement Program.

The Forensics Support Program will continue to provide expert scientific and technical support for EPA's Superfund enforcement efforts, focus its work on collecting and analyzing materials to characterize contamination, and attribute it to individual sources and/or facilities. The work NEIC performs typically represents the most complex cases nationwide, requiring a level of expertise and equipment not found elsewhere in EPA, as well as support to evaluate and leverage emerging technologies. The Laboratory also will continue to coordinate its support for the Agency's Superfund, Research and Development, and Land and Emergency Management Programs.

FY 2023 Activities and Performance Plan:

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

² *Strengthening Forensic Science in the United States: A Path Forward*, National Academy of Sciences, 2009, available at: http://www.nap.edu/catalog.php?record_id=12589.

In FY 2023, the Agency requests an additional \$118.0 thousand and 0.1 FTE to ensure EPA has the capacity and technical expertise to investigate, analyze, sample, test, and transport hydrofluorocarbons (HFCs). Effective enforcement relies on the best available science.

In FY 2023, NEIC will support the President's directive to deliver environmental justice (EJ) to communities across America and to hold polluters accountable for their actions. To achieve these goals, the Agency will employ NEIC's environmental forensics expertise to investigate violations of environmental statutes and prosecute environmental crimes in communities that are disproportionately affected by pollution and environmental crime, and to target those areas more effectively. Additionally, the budget supports critical climate change initiatives, including forensics support of climate change enforcement efforts both in civil and criminal enforcement. This is vital to EPA's ability to enforce the hydrofluorocarbons (HFCs) phase down regulations which are imperative to reducing climate impacts. NEIC will be making significant investments to assist with HFC-related enforcement capabilities, including inspector training, acquisition of field sampling equipment, and expansion of laboratory analytical capabilities to meet the urgent demand for highly complex HFC analysis.

In FY 2023, NEIC will continue to streamline its forensics work and identify enhancements to the Agency's sampling and analytical methods, using existing and emerging technology. NEIC supports EJ by targeting critical industry inspections in overburdened, underserved, and vulnerable communities, and utilizes the data we collect to work with the EPA regional office to take enforcement action that could ultimately improve air and water quality in such communities.

The NEIC also will build on its previous progress to maximize the efficiency and effectiveness of its operations, reduce the time for completion of civil inspection reports, improve procurement processes, and continue to identify and implement further efficiencies in laboratory operations. Of paramount importance, NEIC will build on the work completed in FY 2021 and FY 2022 to support criminal and civil program efforts to combat climate change. The results of these efforts will inform EPA's work in FY 2023 and beyond.

Performance Measure Targets:

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

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

- (+\$37.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$81.0 / +0.1 FTE) This program increase will ensure EPA has the capacity and technical expertise to investigate, analyze, sample, test, transport, and store HFCs. This investment includes \$18.0 thousand in payroll.

Statutory Authority:

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); American Innovation Manufacturing Act.

Superfund: Enforcement

Program Area: Enforcement

Goal: Enforce Environmental Laws and Ensure Compliance

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

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
<i>Hazardous Substance Superfund</i>	<i>\$164,461</i>	<i>\$156,773</i>	<i>\$166,487</i>	<i>\$9,714</i>
Total Budget Authority	\$164,461	\$156,773	\$166,487	\$9,714
Total Workyears	740.4	771.3	771.8	0.5

Program Project Description:

The Superfund Enforcement Program protects communities by ensuring prompt site cleanup by using an “enforcement first” approach that maximizes the participation of liable and viable parties in performing and paying for cleanups and preserving federal dollars for sites where there are no viable contributing parties. In both the Superfund Remedial and Superfund Emergency Response and Removal Programs, the Superfund Enforcement Program obtains potentially responsible parties’ (PRPs) commitments to perform or pay for cleanups through civil, judicial and administrative site actions. The Superfund Enforcement Program works closely with the Superfund Remedial and Superfund Emergency Response and Removal Programs and the U.S. Department of Justice (DOJ) to combine legal and technical skills to bring enforcement actions and address emerging issues.

The Superfund Enforcement Program:

- Obtains cleanup commitments from responsible parties and other third parties, thereby providing long-term human health and environmental protections and making contaminated properties available for reuse.
- Negotiates site cleanup agreements and, where necessary, takes enforcement actions to require cleanup and recover costs, thereby preserving federal taxpayer dollar for sites where there are no viable contributing parties.
- Develops cleanup enforcement policies.
- Provides guidance and tools that clarify potential environmental cleanup liability, with specific attention to the cleanup, reuse, and revitalization of contaminated properties.

In FY 2021, the Superfund Enforcement Program secured commitments for cleanup and cost recovery and billed parties for oversight costs, all totaling more than \$2.1 billion. The use of Superfund enforcement tools resulted in cleanup and redevelopment at 153 private party sites in FY 2021.

Payments for cleanups, in addition to the performance of cleanup work, help accomplish cleanup efforts. Payments may be paid into special accounts, which may be created when EPA receives funds as part of a settlement agreement. Funds received in settlements with PRPs are then used to clean up the specific Superfund sites that were the subject of the settlement agreement. Having the ability to use special accounts provides needed cleanup dollars at many sites that otherwise may not have received funding absent EPA's enforcement efforts. In FY 2021, EPA created 135 special accounts and collected \$221.9 million for response work. The Agency disbursed or obligated \$217.0 million from special accounts for response work (excluding reclassifications).

The Superfund Enforcement Program continues to encourage and facilitate PRPs' expeditious and thorough cleanup of sites, to create oversight efficiencies, and to promote the redevelopment and reuse of sites by encouraging PRPs to invest in reuse outcomes. In addition, the Superfund Enforcement Program encourages new private investment in the cleanup and reuse of sites by optimizing tools to encourage third-party investment. EPA also works to ensure that legally enforceable institutional controls and financial assurance requirements are in place at Superfund sites to ensure the long-term protectiveness of Superfund cleanup remedies.

FY 2023 Activities and Performance Plan:

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

In FY 2023, the Agency requests an additional \$9.7 million and 0.5 FTE to strengthen EPA's Superfund Enforcement Program, complement work in the Superfund Remedial and Superfund Emergency Response and Removal programs, provide financial support for DOJ to pursue judicial actions to compel PRP cleanup, and support possible actions in response to per- and polyfluoroalkyl substances (PFAS) releases at federal facilities. EPA will continue its work to achieve prompt site cleanup, maximize the work participation by PRPs, and secure private party funding of cleanups. In addition, the Agency will prioritize its efforts on the most significant sites in terms of human health and environmental impact. To support the Agency's focus on environmental justice and climate change, the Superfund Enforcement Program intends to:

- Require Responsible Parties to Take Early Cleanup Actions
- Ensure Prompt Cleanup Actions by Responsible Parties
- Develop Robust Enforcement Instruments That Address Impacts on Communities and Climate Change Vulnerabilities
- Increase Oversight of Enforcement Instruments
- Build Trust and Capacity Through Community Engagement
- Integrate sustainability principles into enforcement tools, policies, and guidance used for the cleanup and reuse of contaminated sites.

The Agency will continue its efforts to establish special accounts to facilitate cleanup. As special account funds may only be used for sites and uses specified in the settlement agreement, both special account resources and annually appropriated resources are critical to the Superfund Program to clean up Superfund sites. In addition, the Agency will work under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to address per- and polyfluoroalkyl substances (PFAS) contamination by gathering information to support possible actions under multiple statutory authorities in response to PFAS releases.

DOJ's participation in CERCLA cases is statutorily mandated for settlements related to remedial action cleanups, most cost recovery settlements, and is required for all judicial enforcement matters. DOJ's support will be prioritized to negotiate and to enter consent decrees with PRPs to perform remedial actions, to pursue judicial actions to compel PRP cleanup, and to pursue judicial actions to recover monies spent in cleaning up contaminated sites. EPA provides financial support to DOJ for these activities. In FY 2023, EPA proposes an appropriations language change to provide up to 11 percent from the Superfund Enforcement program to DOJ through a transfer. This change is being requested to assist in the support of DOJ's salaries and expenses for legal activities under CERCLA.³

Cost Recovery Support

In FY 2023, the Agency also will continue to standardize and streamline the financial management processes for the financial management aspects of Superfund cost recovery and the collection of debt to the federal government. EPA's financial, programmatic, and legal offices will continue to maintain the accounting and billing of Superfund oversight costs attributable to responsible parties. These costs represent EPA's cost of overseeing Superfund site cleanup efforts by responsible parties as stipulated in the terms of settlement agreements. In FY 2021, the Agency collected \$249.9 million in cost recoveries, of which \$43.7 million were returned to the Superfund Trust Fund and \$206.2 million were deposited in site-specific, interest-bearing special accounts.

The Agency will continue to pursue an "enforcement first" approach that maximizes PRP participation at Superfund sites by performing enforcement activities such as conducting PRP searches, negotiating site-specific settlements, and preparing cost recovery packages. These activities ensure that responsible parties conduct or pay for cleanups and preserve federal dollars for sites where there are no viable contributing parties. EPA also will work to increase opportunities for community engagement.

Performance Measure Targets:

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

³ These resources shall only be used for DOJ's salaries and expenses directly related to supporting EPA's Superfund/CERCLA Enforcement Program.

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

- (+\$5,806.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$93.0 / +0.5 FTE) This program increase will be used to gather information about PFAS contamination and releases, and to support possible actions by the Agency. This investment includes \$87.0 thousand in payroll.
- (+\$3,815.0) This program increase will be used to strengthen the Agency's Superfund Enforcement Program, complement work in the Superfund Remedial and Superfund Emergency Response and Removal programs, provide financial support for DOJ to pursue judicial actions to compel PRP cleanup, and to pursue judicial actions to recover monies spent in cleaning up contaminated sites.

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).

Superfund: Federal Facilities Enforcement

Program Area: Enforcement

Goal: Enforce Environmental Laws and Ensure Compliance

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

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
<i>Hazardous Substance Superfund</i>	\$6,974	\$7,424	\$9,863	\$2,439
Total Budget Authority	\$6,974	\$7,424	\$9,863	\$2,439
Total Workyears	34.6	40.9	45.2	4.3

Program Project Description:

EPA’s Superfund Federal Facilities Enforcement Program ensures that sites where federal entities are performing Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or “Superfund”) responses and/or CERCLA sites with federal ownership are monitored and that appropriate enforcement responses are pursued. After years of service and operation, some federal facilities are contaminated with hazardous wastes, pollutants, and contaminants, such as unexploded ordnance, radioactive wastes, and other toxic substances. Enforcement actions can facilitate cleanup and potential redevelopment of these sites.

Pursuant to CERCLA Section 120, EPA must enter into Interagency Agreements, commonly referred to as Federal Facility Agreements (FFAs), with responsible federal entities to ensure protective and timely cleanup of their National Priorities List (NPL) sites. The agreements provide that EPA will oversee the cleanups to ensure that they protect public health and the environment. These FFAs govern cleanups at 174 federal facility Superfund sites, which include many of the nation’s largest and most complex cleanup projects.

FY 2023 Activities and Performance Plan:

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

In FY 2023, the Agency requests an additional \$2.4 million and 4.3 FTE to complement work in the Superfund Federal Facilities Program and to support possible actions in response to per- and polyfluoroalkyl substances (PFAS) releases at federal facilities. EPA will continue to focus its resources on the highest priority sites, particularly those that may present an imminent and/or substantial endangerment, have human exposure not yet under control, have the potential for beneficial redevelopment, or have an impact on communities with environmental justice concerns. EPA also will negotiate and amend, as appropriate, FFAs for federal facility sites on the NPL. EPA will work with federal agencies to encourage greater community outreach and transparency. EPA will continue to monitor FFAs for compliance, take enforcement actions at priority sites, and expedite cleanup and redevelopment of federal facility sites. EPA will use alternative dispute

resolution processes and other approaches to expeditiously resolve formal and informal disputes. EPA also will continue to seek ways to improve its engagement with other federal agencies, and state, tribal, and local governments and their partners, emphasizing protective, timely cleanups that address communities' needs.

The Agency also will work to address PFAS contamination by gathering information to support possible actions under multiple statutory authorities in response to PFAS releases. Federal facilities (e.g., military bases and Department of energy sites) are starting to take action at their PFAS-contaminated NPL sites. As federal agencies conduct their work at their federal facility NPL sites, CERCLA requires EPA to oversee the work. An increased investment for EPA's Superfund Federal Facilities Program will support EPA's efforts to oversee the increasing number of initiated remedial investigations projected to occur at federal facilities in the coming years to ensure the expeditious action to address PFAS releases.

Performance Measure Targets:

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

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

- (+\$306.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$2,133.0 / +4.3 FTE). This program increase will be used to complement work in the Superfund Federal Facilities Program and to support possible actions in response to PFAS contamination at federal facilities. This investment includes \$759.0 thousand in payroll.

Statutory Authority:

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) § 120.

Environmental Justice

Environmental Justice

Program Area: Environmental Justice

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

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

(Dollars in Thousands)

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

Program Project Description:

EPA's Environmental Justice (EJ) Program coordinates the Agency's efforts to address the needs of overburdened, underserved, and vulnerable communities by decreasing environmental burdens, increasing environmental benefits, and working collaboratively with all stakeholders to build healthy, sustainable communities based on residents' needs and desires. The Program provides financial and technical assistance to communities working constructively and collaboratively to address EJ issues. The EJ Program also works with local, state, tribal, and federal governments; community organizations and their stakeholders; business and industry; and academia to establish partnerships seeking to achieve protection from environmental and public health hazards for people of color, low-income, and indigenous communities at or near Superfund sites.

Work in this Program directly supports Administrator Michael Regan's message "Our Commitment to Environmental Justice" issued on April 7, 2021,⁴ in addition to supporting implementation of Executive Order (EO) 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*,⁵ and EO 14008, *Tackling the Climate Crisis at Home and Abroad*.⁶ In accordance with the American Water Infrastructure Act of 2018 (P.L. 115-270), every EPA regional office employs a dedicated EJ coordinator and the Agency maintains a list of these persons on the EPA's website.⁷ The Superfund portion of this Program has focused on issues that affect people of color, low income, and indigenous communities at or near Superfund sites. The EJ Program complements the Agency's community outreach and other work done under the Superfund Program at affected sites.

⁴ For more information, please see: <https://www.epa.gov/newsreleases/epa-administrator-regan-announces-new-initiatives-support-environmental-justice-and>.

⁵ For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

⁶ For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

⁷ For more information on EPA's regional office contacts, please see: <https://www.epa.gov/environmentaljustice/forms/contact-us-about-environmental-justice>.

FY 2023 Activities and Performance Plan:

Work in this program directly supports Goal 2/Objective 2.2, Embed Environmental Justice and Civil Rights into EPA's Programs, Policies, and Activities in the *FY 2022 - 2026 EPA Strategic Plan*.

EPA will continue to implement EJ activities in support of the Superfund Program. The EJ Program will continue to promote the active engagement of community-based organizations, other federal agencies, and tribal, state, and local governments to recognize, support, and advance environmental protection and public health for overburdened communities at or near Superfund sites. The EJ Program will guide EPA's efforts to empower communities to identify and develop solutions to address environmental harms, working to utilize nationally consistent data that combines environmental and demographic indicators in mapping and prioritizing communities with EJ concerns at or near Superfund sites. These efforts help build healthy and sustainable communities through technical assistance, enabling overburdened and vulnerable communities to participate in the new green economy while also better facilitating EPA efforts to further focus federal resources and program design to benefit communities with EJ concerns and those most at risk of climate change impacts at or near Superfund sites.

The EJ Program will continue to partner with and support other agency programs in their efforts to fully integrate EJ considerations into all of EPA's policies, programs, and activities while also better developing nationally consistent data that combines environmental and demographic indicators in mapping and prioritizing communities with EJ concerns at or near Superfund sites.

Performance Measure Targets:

Work under this program supports performance results in the Environmental Justice Program under the EPM appropriation.

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

- (+\$65.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$4,985.0 / +2.0 FTE) This program change increases resources to support the development and implantation of a cross-agency effort to advance environmental justice and coordinate EJ activities. This investment includes \$393.0 thousand in payroll.

Statutory Authority:

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute); and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Homeland Security

Homeland Security: Preparedness, Response, and Recovery

Program Area: Homeland Security

Goal: Safeguard and Revitalize Communities

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

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Science & Technology	\$21,877	\$24,852	\$25,890	\$1,038
<i>Hazardous Substance Superfund</i>	<i>\$31,897</i>	<i>\$33,020</i>	<i>\$43,796</i>	<i>\$10,776</i>
Total Budget Authority	\$53,774	\$57,872	\$69,686	\$11,814
Total Workyears	127.2	124.1	125.8	1.7

Program Project Description:

EPA leads or supports many aspects of preparing for and responding to a nationally significant incident involving possible chemical, biological, radiological, and nuclear (CBRN) agents. The Homeland Security Preparedness, Response, and Recovery Program implements a broad range of activities for a variety of federal efforts, including:

- National trainings;
- Participation in national interagency exercises with federal and state partners;
- Support for headquarters and regional Emergency Operations Centers;
- Support for the Agency's continuity of operations devolution site in the EPA Colorado office;
- Enhancements for national information technology systems;
- Secured warehouse space for homeland security operations and storage; and
- Laboratory analyses of environmental samples and site decontamination projects.

EPA's homeland security effort develops these responsibilities through research and maintaining a level of expertise, training, and preparedness specifically focused on threats associated with CBRN. This work is consistent with the Department of Homeland Security's (DHS') National Response Framework.

EPA assists with multi-media training and exercise development and implementation for responders, which establishes and sustains coordination with states, local communities, tribes, and other federal agencies (OFAs). The Agency also provides technical assistance to OFAs, including DHS, the Department of Defense (DOD), the Department of Justice (DOJ), and the Department of Health and Human Services (HHS), in the areas of environmental characterization,

decontamination, and waste disposal methods. In addition, the program operates a national environmental laboratory for chemical warfare agents and implements EPA's National Approach to Response.

FY 2023 Activities and Performance Plan:

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

In FY 2023, the Homeland Security Preparedness, Response, and Recovery Program will:

- Participate in trainings and exercises on CBRN preparedness and response topics with key federal response partners (e.g., DHS, DOD, and DOJ) on select inter-agency workgroups.
- Target exercises to improve preparedness for communities with environmental justice concerns and increase incorporation of environmental justice into preparedness activities.
- Provide expertise on detection, environmental characterization, decontamination, and waste disposal methods following the release of a CBRN agent.
- Maintain operational support for the Emergency Management Portal and *WebEOC* response systems.
- Conduct research to enhance response capabilities by developing methods, tools, and information for site characterization, decontamination, waste management, and clearance for priority chemical, biological, and radiological threats while reducing time and cost and ensuring safety.
- Conduct research to generate resources, tools, and training for risk communication, outreach, building relationships, and community engagement to empower under-resourced communities and communities with environmental justice concerns.
- Proceed with the development of sample collection protocols and analysis methods for inclusion in the Environmental Sampling & Analytical Methods (ESAM)⁸ on-line tool. The ESAM detection, sampling, and analysis tool helps local, state, tribal, and federal emergency response field personnel and their supporting laboratories more efficiently respond to incidents, enabling smooth transitions of samples and data from the field to the laboratory to the decision makers.
- Utilize the Airborne Spectral Photometric Environmental Collection Technology (ASPECT) aircraft. ASPECT aids first responders by providing aerial surveillance screening for wide-area chemical, radiological, and nuclear detection, as well as infrared and advanced imagery products with real-time data delivery. ASPECT is pursuing a multi-

⁸ For more information, please see: <https://www.epa.gov/esam>.

year strategic modernization and is poised to support relevant climate crisis and environmental justice missions.

- Operate and enhance the Portable High-Throughput Integrated Identification System (PHILIS). PHILIS units provide the Nation with mobile analytical “all hazards” confirmatory labs (qualitative and quantitative) with unique capability to analyze chemical and biological warfare threat agents. PHILIS provides on-scene, high-throughput analyses of air, soil, and water samples in areas that have experienced a significant incident. PHILIS can support risk mitigation of contaminated sites which face climate change impacts and affect disadvantaged communities by mobilizing laboratory capabilities to areas of need.
- Significantly overhaul the aging PHILIS capability. This modernization will upgrade the platform (mobility) and the laboratory (analytical equipment). The platform replacements will provide greatly improved long-distance mobility, reliability, maintenance and operating costs, and operational uniformity. The equipment investment will procure state-of-the-art systems to increase overall automation, throughput, and sensitivity of the PHILIS assets as well as bring parity in capabilities between the two (“East” and “West”) PHILIS labs.
- Maintain a highly skilled, well-trained, and well-equipped response workforce that has the capacity to respond to simultaneous incidents as well as threats involving CBRN substances. This includes training On-Scene Coordinators and volunteers of the Response Support Corps (RSC) and members of Incident Management Teams. RSC volunteers provide critical support to headquarters and regional Emergency Operations Centers and assist with operations in the field. To ensure technical proficiency, this cadre of response personnel requires initial training and routine refresher training.

Performance Measure Targets:

Work under this program directly supports performance results in the Superfund: EPA Emergency Preparedness program under the Superfund appropriation.

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

- (+\$511.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$150.0) This program change is an increase in resources to support the protection of fenceline communities at risk from nearby oil and chemical facilities and underground storage tank releases.
- (+\$10,000.0) This program change is an increase in resources to replace outdated PHILIS equipment. These funds will allow the program to complete a PHILIS equipment upgrade, update all mobile lab technology, and replace vehicle platforms.

- (+\$112.0) This program change is an increase in resources to support core work in Homeland Security: Preparedness and Response activities.
- (+\$3.0) This program change is an increase in resources for research to enhance response capabilities by developing methods, tools, and information for site characterization and decontamination.

Statutory Authority:

Comprehensive Environmental Response, Compensation, and Liability Act, §§ 104, 105, and 106; Homeland Security Act of 2002.

Homeland Security: Protection of EPA Personnel and Infrastructure

Program Area: Homeland Security

Goal: Safeguard and Revitalize Communities

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

(Dollars in Thousands)

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

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

Program Project Description:

The federal government develops and maintains Continuity of Operations (COOP) plans and procedures that provide for the continued performance of its essential functions. The Homeland Security COOP Program works with other government and non-government organizations to ensure that Mission Essential Functions (MEFs) and Primary Mission Essential Functions (PMEFs) continue to be performed during emergency situations. The Department of Homeland Security/Federal Emergency Management Agency's (FEMA) Federal Continuity Directive-1 requires EPA to develop a continuity plan that ensures its ability to accomplish its MEFs from an alternate site, during a national disaster, continues and that the Agency be able to do so with limited staffing and without access to resources available during normal activities.

FY 2023 Activities and Performance Plan:

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

In FY 2023, EPA will:

- Expand efforts under FEMA's Federal Mission Resiliency (FMR) directives including assessment of the FMR strategy, building upon existing National Continuity Policy, updating training and exercise materials to incorporate FMR constructs, and developing assessment tools to measure progress.
- Conduct selected annual reviews of regional COOP plans, PMEFS and MEFs, and make updates as needed.

- Monitor the continuity programs across the Agency, focusing on testing, training, and exercises as related to general COOP awareness and procedures.
- Undergo a monthly evaluation of the headquarters' COOP Program, including program plans and procedures, risk management, budgeting, and essential functions. Further, FEMA will perform an in-person biannual review of EPA's COOP Program and provide the results to the Administrator and to the Executive Office of the President.

Performance Measure Targets:

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

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

- (+\$500.0) This program change is an increase in resources to support EPA's COOP implementation and training.

Statutory Authority:

Comprehensive Environmental Response, Compensation, and Liability Act §§ 104, 105, 106; Intelligence Reform and Terrorism Prevention Act of 2004; Homeland Security Act of 2002; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute).

Indoor Air and Radiation

Radiation: Protection

Program Area: Indoor Air and Radiation

Goal: Ensure Clean and Healthy Air for All Communities

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

(Dollars in Thousands)

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

Program Project Description:

This program addresses potential radiation risks that may be found at Superfund and hazardous waste sites. Through this program, EPA ensures that Superfund site cleanup activities reduce and/or mitigate the health and environmental risks of radiation by including support of removal actions, as needed.

FY 2023 Activities and Performance Plan:

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

Work in this program directly supports protecting communities from hazardous waste and environmental damage, thereby protecting human health and the environment and contributing to the well-being of disadvantaged communities that may be disproportionately impacted by radioactive releases. In FY 2023, EPA's National Analytical Radiation Environmental Laboratory (NAREL) in Montgomery, Alabama, and National Center for Radiation Field Operations (NCRFO) in Las Vegas, Nevada, will continue to provide analytical and field support to manage and mitigate radioactive releases and exposures. These two organizations provide analytical and technical support for the characterization and cleanup of Superfund and hazardous waste sites.

NAREL and NCRFO provide data evaluation and assessment, document review, and field support through ongoing fixed and mobile analytical capability. Thousands of radiochemical analyses are performed annually at NAREL on a variety of samples from contaminated sites. NAREL is EPA's only radiological laboratory with in-house radiochemical analytical capability. NCRFO provides field-based technical support for screening and identifying radiological contaminants at Superfund and non-Superfund sites across the country, including air sampling equipment and expert personnel.

More specifically, these organizations focus on providing technical support and high-quality data to support agency decisions at sites across the country. They also develop guidance for cleaning up Superfund and other sites that are contaminated with radioactive materials.

Performance Measure Targets:

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

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

- (+\$88.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$192.0) This change to fixed and other costs is an increase due to the recalculation of lab utilities.
- (+\$607.0 / +2.4 FTE) This program change is an increase in program capacity for activities such as analytical and field support to manage and mitigate radioactive releases and exposures at contaminated sites. This investment includes \$400.0 thousand in payroll costs and essential workforce support costs.

Statutory Authority:

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Information Exchange / Outreach

Exchange Network

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

(Dollars in Thousands)

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

Program Project Description:

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

The Central Data Exchange (CDX)⁹ is the largest component of the EN Program and serves as the point of entry on the EN for environmental data transactions with the Agency. CDX provides a set of core shared services that promote a leaner and more cost-effective service framework for the Agency by avoiding the creation of duplicative applications. It enables faster and more efficient transactions for internal and external EPA clients, resulting in reduced burden.

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

FY 2023 Activities and Performance Plan:

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

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

⁹ For more information on the Central Data Exchange, please see: <https://cdx.epa.gov/>.

supports business process change agencywide. Under this strategy and the 21st Century Integrated Digital Experience Act,¹⁰ the Agency is streamlining business processes and systems to reduce reporting burden on states and regulated facilities and to improve the effectiveness and efficiency of environmental programs for EPA, states, and tribes. EPA also is responsible for managing EN technical governance groups and administering the pre- and post-award phases of the EN grants to states, tribes, and territories. These efforts support a standards-based, secure approach for EPA and its state, tribal, and territorial partners to efficiently exchange and share environmental data electronically. The Agency also administers and implements the Cross-Media Electronic Reporting Regulation (CROMERR) that removes regulatory obstacles for e-reporting to EPA programs under Title 40 of the Code of Federal Regulations (CFR).

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

In FY 2023, EPA will continue to improve the functionality and use of the System of Registries.¹¹ In addition to streamlining the Registries, EPA will launch a broader effort across the enterprise to engage organizations and facilitate the adoption of these data services through Cloud technology and Representational State Transfer (REST or RESTful) application programming interfaces (API). Registries are shared data services in which common data are managed centrally but shared broadly. They improve data quality in EPA systems, enable integration and interoperability of data across program silos, and facilitate discovery of EPA information. An example is the Agency's effort to promote the adoption of data services is the integration of tribal identification services (TRIBES) across EPA systems.

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

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

¹⁰ For more information on the 21st Century Integrated Digital Experience Act, please refer to: <https://www.congress.gov/115/plaws/publ336/PLAW-115publ336.pdf>.

¹¹ For more information, please see: https://ofmpub.epa.gov/sor_internet/registry/sysofreg/about/about.jsp.

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

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

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

Performance Measure Targets:

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

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

- There is no change in program funding.

Statutory Authority:

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

IT/ Data Management/ Security

Information Security

Program Area: IT / Data Management / Security
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Environmental Programs & Management	\$6,765	\$8,285	\$23,739	\$15,454
<i>Hazardous Substance Superfund</i>	\$752	\$659	\$7,859	\$7,200
Total Budget Authority	\$7,516	\$8,944	\$31,598	\$22,654
Total Workyears	16.6	13.1	17.1	4.0

Program Project Description:

Digital information is a valuable national resource and a strategic asset that enables EPA to fulfill its mission to protect human health and the environment. The Information Security Program's mission is to protect the confidentiality, availability, and integrity of EPA's information assets. The information protection strategy includes, but is not limited to; risk management, oversight, and training; network management and protection; and incident management.

FY 2023 Activities and Performance Plan:

Work in this program provides Cross-Agency Mission and Science Support and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*. EPA will work toward full compliance with the five high priority directives (Adoption of Multifactor Authentication, Encryption of Data At Rest, Encryption of Data In Transit, Zero Trust Architecture, and Event Logging) in Executive Order (EO) 14028: *Improving the Nation's Cybersecurity*.¹²

Cybersecurity is a serious challenge to the Nation's security and economic prosperity. Effective information security requires vigilance and the ability to quickly adapt to new challenges. EPA maintains a robust, dynamic approach to cybersecurity risk management, governance, and oversight. In FY 2023, to further strengthen the Agency's security posture and to expand its risk management, continuous monitoring, security incident response programs, and to implement EO 14028, EPA requests an additional investment of \$7.2 million. The Agency will continue its partnerships with public and private sector entities to promote the adoption of cybersecurity best practices and reporting to the White House and Congress on the status of these initiatives.

EPA will continue to strengthen information technology (IT) assets and develop resiliency against potential cybersecurity threats. This work includes increasing implementation of multifactor authentication to strengthen access controls to data and increasing implementation of encryption for Data at Rest and Data in Transit to protect data. EPA has prioritized investments in specific capabilities that protect and defend the most sensitive systems and information, including those

¹² For more information on EO 14028, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/05/12/executive-order-on-improving-the-nations-cybersecurity/>.

designated as high-value assets. These investments will ensure protections are in place commensurate with the impact of their potential compromise.

Risk Management, Oversight, and Training:

In FY 2023, EPA will continue to include cybersecurity and privacy components in ongoing senior leadership program reviews. These reviews enhance Chief Information Officer (CIO) oversight by enabling better risk area determination and targeted improvement direction to system and mission program managers. While EPA programs and regions maintain responsibility for improving their performance in specific cybersecurity measures, EPA's senior leadership routinely reviews performance results and potential challenges for achieving continuous improvement.

In FY 2023, the Agency will continue to collect Federal Information Security Modernization Act (FISMA)¹³ metrics and evaluate related processes, tools, and personnel to identify areas of weakness and opportunities for improvement. EPA's CIO, who also is the Senior Agency Official for Privacy (SAOP), in coordination with the Chief Information Security Officer, will continue to monitor and report on these metrics, in line with Office of Management and Budget Memorandum (OMB) M-22-05 *Fiscal Year 2021-2022 Guidance on Federal Information Security and Privacy Management Requirements*.¹⁴

The Agency will continue to update policies and procedures in line with the National Institute of Standards and Technology (NIST) in compliance with the release of Special Publications 800-53r5, *Security and Privacy Controls for Information Systems and Organizations*.¹⁵ These updates will help to implement a series of controls to address increased threats in the information environment.

In compliance with OMB Memorandum M-21-30, *Protecting Critical Software Through Enhanced Security Measures*,¹⁶ the Agency continues to work on refinements to improve the ability to track and report on critical software used by the Agency in compliance with Federal Information System Reporting and OMB direction.

EPA will further enhance Agency-specific role-based training to ensure personnel in key cybersecurity roles have the skills, knowledge, and capabilities to effectively support EPA's cybersecurity posture.

Network Management and Protection:

In accordance with OMB Memorandum M-22-09 *Moving the U.S. Government Toward Zero Trust Cybersecurity Principles*,¹⁷ EPA will continue to review and improve controls across several

¹³ Including those found in Federal Information Security Modernization Act of 2014 and Federal Information Security Cybersecurity Act of 2015.

¹⁴ For more information, please see <https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-05-FY22-FISMA-Guidance.pdf>.

¹⁵ For more information, please see: <https://csrc.nist.gov/publications/detail/sp/800-53/rev-5/final>.

¹⁶ For more information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/08/M-21-30.pdf>.

¹⁷ For more information, please see: <https://www.whitehouse.gov/wp-content/uploads/2022/01/M-22-09.pdf>.

pillars as outlined in Zero Trust Architecture: protecting identity management capabilities through authentication infrastructure and system configurations. Agency staff will continue to use enterprise-managed identities to access the applications they use in their work and evaluate current solutions to ensure they are resilient to malicious phishing campaigns and can protect EPA assets from sophisticated online attacks. The Agency will continue streamlining processes for hardware and software inventory management, including the implementation of a Configuration Management Database. The Agency will continue to assess existing Encryption for Data at Rest and Data in Transit implementation and work to optimize these encryption capabilities to ensure critical information and network traffic is encrypted. EPA also will embark on an enterprise effort to perform detailed analysis of isolated environments and work on integrating those environments with continuous monitoring capabilities to reduce risk.

In FY 2023, EPA will continue to strengthen cloud security monitoring and access to sensitive data, cyber incident response, and cloud platform management services, which will enable remote workers to securely use systems and services in the cloud while also improving application performance and reducing costs associated with Trusted Internet Connections (TIC).¹⁸ The Agency also will mature use of web content filtering tools to prevent malicious and unauthorized web content from impacting EPA systems and users. The Agency will continue to build an Insider Threat Program for the unclassified network to monitor Privileged Users and Systems Administrators activity, as recommended by several cybersecurity assessments,¹⁹ and to monitor and report on EPA networks and systems.

By moving towards using Zero Trust Architecture, EPA can further strengthen network resiliency and reliability. The development of networks which can resist malevolent actions regardless of their origin is an information security priority. Zero Trust Architecture will grant authorized users with full access to the tools and resources needed to perform their jobs but limit further access to unnecessary areas. Proper permissions for a given user's needs is a critical component of Zero Trust Architecture, and coding for more granular control over the network environment is an information security priority.

Incident Management:

Cyberattacks across critical infrastructure sectors are rapidly increasing in volume and sophistication, impacting both IT and operational technology systems. EPA's Agency IT Security and Privacy (AITSP) Program enables agencywide implementation, management, and oversight of the CIO's Information Security and Privacy Programs through continuous monitoring functions. Continuous monitoring capabilities, which serve to identify and address security vulnerabilities and incidents quickly, are vital to ensure that EPA's information environment remains safe.

In FY 2023, EPA will continue to support the ongoing implementation of capabilities for data labeling and data loss prevention, as well as remote computer imaging and forensics, all of which

¹⁸ For more information, please see: <https://www.whitehouse.gov/wp-content/uploads/2019/09/M-19-26.pdf>.

¹⁹ These assessments include Annual Assessments and Classified briefings with the Department of Homeland Security and EPA's Office of Homeland Security, as well as a 2017 OIG Report, available at: https://www.epa.gov/sites/production/files/2017-10/documents/epa_oig_20171030-18-p-0031.pdf.

will improve security information and event management by collecting, synthesizing, managing, and reporting cybersecurity events for systems across the Agency.

The Information Security Program supports EPA's Security Operations Center (SOC), which manages the Computer Security Incident Response Capability (CSIRC) processes to support identification, response, alerting, and reporting of suspicious activity. In accordance with OMB Memorandum M-21-31 *Improving the Federal Government's Investigative and Remediation Capabilities Related to Cybersecurity Incidents*,²⁰ in FY 2023, EPA will continue to mature the system logging capabilities to meet Event Logging (EL) Level 2 for Intermediate Logging requirements of highest and intermediate criticality and EL Level 3 for Advanced Logging requirements at all criticality levels. Through CSIRC, EPA will continue to maintain relationships with other federal agencies and law enforcement entities, as needed, to support the Agency's mission. The incident response capability includes components such as detection and analysis, forensics, and containment and eradication activities.

In compliance with EO 14028, the Security Operations Center will continue maturation and refinement of Agency's Incident Response procedures in compliance with the Cybersecurity and Infrastructure Security Agency's Playbook for Responding to Cybersecurity Vulnerabilities and Incidents. In compliance with OMB Memorandum M-22-01 *Improving Detection of Cybersecurity Vulnerabilities and Incidents on Federal Government Systems through Endpoint Detection and Response*,²¹ the Agency's Security Operations Center will work to the Agency's Security Operations Center will work to integrate End Point Detection and Response (EDR) capabilities with the Continuous Diagnostics and Mitigation Program to support proactive detection of cybersecurity incidents within EPA's information environment, active cyber hunting, containment and remediation, and incident response. EPA will continue modernizing its network and system logging capabilities (on-premises systems and connections hosted by third parties, such as Cloud Service Providers) for both investigation and remediation purposes.

Additionally, the Agency continues to mature Coordinated Vulnerability Disclosure (CVD), through program expansion and improved notification, response, and reporting activities. By working with internal stakeholders, private industry, and federal organizations to communicate vulnerabilities discovered or encountered, CVD decreases the harm or time an adversary can use to deny or disrupt services to the networks.

EPA leverages capabilities through the Continuous Diagnostics and Mitigation (CDM) Program, which addresses agencies' cybersecurity protection gaps and allows EPA to efficiently identify and respond to federal-wide cybersecurity threats and incidents. In FY 2023, as part of the work with the Department of Homeland Security to support implementation of current and future Phase CDM requirements, the CDM Program continue closing remaining gaps in privileged access to EPA's network and continue to provide critical security controls for the Agency's cloud applications. The CDM Program also will review interior EPA network boundary protection from interconnections to external networks, expand endpoint detection and response capabilities, and

²⁰ For more information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/08/M-21-31-Improving-the-Federal-Governments-Investigative-and-Remediation-Capabilities-Related-to-Cybersecurity-Incidents.pdf>.

²¹ For more information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/10/M-22-01.pdf>.

integrate mobile device discovery to expand program capabilities. In FY 2023, EPA estimates a \$13.4 million budget for the CDM Program.

Supply Chain Risk Management:

In FY 2023, EPA will continue to develop the Agency’s program to implement Cybersecurity Supply Chain Risk Management Security Controls to comply with the Government Accountability Office (GAO) findings²² and *NIST 800-53 Rev 5 Security and Privacy Controls for Information Systems and Organization*.²³ This work includes coordinating across the Agency with professionals from Information Technology, Information Security, and Procurement to update the policy and obtain the necessary tools to address these critical security requirements, which were a vulnerability in the Log4J FY 2022 intrusion. In compliance with Executive Order 14028, Sec. 4. *Enhancing Software Supply Chain Security*, EPA will implement standards, procedures, and criteria to harden and secure software development environments, and investigate the addition of automated tools to secure the development environment.

Performance Measure Targets:

(PM MFA) Percentage of EPA systems in compliance with multifactor authentication requirements.	FY 2022 Target	FY 2023 Target
	75	85

(PM DAR) Percentage of EPA data at rest in compliance with encryption requirements.	FY 2022 Target	FY 2023 Target
		No Target Established

(PM DIT) Percentage of EPA data in transit in compliance with encryption requirements.	FY 2022 Target	FY 2023 Target
		No Target Established

(PM ZTA) Percentage implementation of an approved “Zero Trust Architecture.”	FY 2022 Target	FY 2023 Target
		No Target Established

(PM ALR) Implementation of advanced event logging requirements (EL3) across EPA networks.	FY 2022 Target	FY 2023 Target
	EL1	EL3

²² Government Accountability Office Report on information and communications technology (ICT) Supply Chain: GAO-21-164SU.

²³ For more information, please see: <https://csrc.nist.gov/publications/detail/sp/800-53/rev-5/final>.

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

- (+\$7,200.0) This program change supports enhancements to protect the Agency's information technology infrastructure and advance the implementation of Executive Order 14028: *Improving the Nation's Cybersecurity*. This investment will increase EPA's information technology resiliency and limit vulnerabilities in the event of a malicious attack.

Statutory Authority:

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute); Cybersecurity Act of 2015; Federal Information Security Modernization Act (FISMA); Government Performance and Results Act (GPRA); Government Management Reform Act (GMRA); Clinger-Cohen Act (CCA).

IT / Data Management

Program Area: IT / Data Management / Security
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Environmental Programs & Management	\$74,013	\$82,715	\$98,452	\$15,737
Science & Technology	\$2,782	\$3,072	\$3,195	\$123
<i>Hazardous Substance Superfund</i>	<i>\$20,984</i>	<i>\$13,826</i>	<i>\$16,904</i>	<i>\$3,078</i>
Total Budget Authority	\$97,779	\$99,613	\$118,551	\$18,938
Total Workyears	467.8	482.4	486.4	4.0

Total workyears in FY 2023 include 172.0 FTE to IT/Data Management working capital fund (WCF) services.

Program Project Description:

The work performed under the Information Technology/Data Management (IT/DM) Program supports human health and the environment by providing critical IT infrastructure and data management. The Program ensures analytical support for interpreting and understanding environmental information; exchange and storage of data, analysis, and computation; rapid, secure, and efficient communication; and access to scientific, regulatory, policy, and guidance information needed by the Agency, regulated community, and the public.

This program supports the maintenance of EPA's IT and Information Management (IT/IM) services that enable citizens, regulated facilities, states, and other entities to interact with EPA electronically to access, analyze and understand, and share environmental data on-demand. The IT/DM Program also provides support to other IT development projects and essential technology to EPA staff, enabling them to conduct their work effectively and efficiently in the context of federal IT requirements, including the Federal Information Technology Acquisition Reform Act (FITARA); Technology Business Management (TBM); Capital Planning and Investment Control; and the Open, Public, Electronic, and Necessary Government Data Act.

FY 2023 Activities and Performance Plan:

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

EPA requests \$1.6 million in FY 2023 to establish a dedicated funding source for the maintenance and modernization of the Agency's enterprise network switch infrastructure necessary for the operations of the EPA network including data centers. This funding ensures critical infrastructure is replaced when it reaches end of life/end of support. Failure to replace switch infrastructure may result in network degradation, which leaves EPA vulnerable to cybersecurity threats, and can disrupt operations.

The Agency also requests an increase of \$4.7 million and 4 FTE across the EPM and Superfund appropriations to support implementation of the Agencywide Digitization Strategy, which includes the operation of two EPA digitization centers and the development and operation of a modernized records Management Technology, which is necessary to meet the requirements of Memoranda M-19-21 *Transition to Electronic Records*.²⁴ issued by the Office of Management and Budget and the National Archives and Records Administration. EPA will leverage artificial intelligence and machine learning to assist staff with appropriately scheduling electronic records that are saved to the Record Management Technology. EPA will operate the Paper Asset Tracking Tool and Content Ingestion Services to track paper records as they are submitted and processed through the digitization centers.

EPA also will continue to maintain and manage its core IT/ DM services, including Information Collection Requests, the National Library Network, the Agency's Docket Center, and EPA's Section 508 Program. The Agency also will continue implementing the 21st Century Integrated Digital Experience Act (P.L. 115-336), which includes modernization of public-facing websites and digital services, as well as digitization of paper forms and non-digital services. EPA will finalize a complete inventory of the Agency's paper forms, develop the process to digitize these forms in compliance with the 21st Century Integrated Digital Experience Act, and begin digitizing the forms. EPA's Controlled Unclassified Information Program also will continue work to standardize, simplify, and improve information management and IT practices to facilitate the sharing of important sensitive data within the Agency, with key stakeholders outside of the Agency, and with the public, meeting federal standards as required by Executive Order 13556: *Controlled Unclassified Information*.²⁵

In FY 2023, EPA will further strengthen its IT acquisition and portfolio review process as part of the implementation of FITARA. In the most recent FITARA scorecard, released in December 2021,²⁶ EPA scored an overall B+, the third highest rating among Chief Financial Officers Act agencies.

In FY 2023, EPA will continue work on converting prioritized internal administrative paper or analog workflows into modern digital workflows to speed up common administrative tasks, reduce burdensome paperwork for EPA employees and managers, and improve internal data collection and reporting. This work will build on work completed in FY 2022 to identify a set of processes which will yield the greatest benefit for the Agency upon automation and to complete a high priority pilot automation project.

EPA's Customer Experience (CX) Program will focus on improving the mission support experience of EPA staff to improve their ability to serve the public. The Program focuses on collaborations such as the System Lifecycle Management process, which collects feedback from IT professionals, regions, programs, and other stakeholders to improve the EPA system development process. In FY 2023, the CX Program will collect customer feedback, conduct data

²⁴ For additional information, please refer to: <https://www.whitehouse.gov/wp-content/uploads/2019/08/M-19-21-new-2.pdf>.

²⁵ For more information, please refer to EO 13556: <https://www.federalregister.gov/documents/2010/11/09/2010-28360/controlled-unclassified-information>.

²⁶ For additional information, please refer to: <https://fitara.meritalk.com/>.

analytics, assess priorities within a governing community of practice, and present recommendations to senior leaders to allocate resources to improve CX initiatives.

The Agency's Chief Technology Officer, Chief Architect, and Chief Data Officer will continue to enhance enterprise software development and architecture capabilities, including application development, deployment approaches, and technical platform support. EPA will identify and prioritize the interoperability of data within EPA and across federal agencies that benefits internal and public-facing services. Driven by demand from federal partners, EPA will identify opportunities to share data with other federal partners in the National Secure Data Service. EPA will support data collection in a few priority areas, where required, to improve our efforts to address our learning agenda priority questions, environmental justice, and other agency efforts focused on civil rights and equity challenges.

In FY 2023, the Agency will continue to support the essential capabilities of GeoPlatform, a shared technology enterprise for geospatial information and analysis. By implementing geospatial data, applications, and services such as the Facility Registry System, the Agency can integrate, interpret, and visualize multiple data sets and information sources to support environmental decisions. The Agency will complete developing and increasing capabilities of EPA's Data Management and Analytics Platform, which has both internal and public facing elements such as Envirofacts. EPA will partner with other agencies, states, tribes, and academic institutions to propose innovative ways to use, analyze, and visualize data through EPA's Data Management and Analytics Platform. After completing an alternatives analysis for regulatory data, EPA will begin implementing an enterprise full data life cycle approach for managing regulated facility data.

In FY 2023, the Agency's One EPA Web will continue to manage content and support internal and external users with information on EPA business, support employees with internal information, and provide a clearinghouse for the Agency to communicate initiatives and successes. EPA also will continue to upgrade its web infrastructure, ensuring that it meets current statutory and evolving security requirements.

Performance Measure Targets:

Work under this program supports performance results in the Information Technology/Data Management Program under the EPM appropriation.

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

- (+\$218.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$1,550.0) This change to fixed and other costs is an increase to provide funding for the enterprise network switch infrastructure necessary for the operations of the EPA network including data centers. This funding ensures critical infrastructure is replaced when it reaches end of life/end of support. Failure to replace switch infrastructure may result in

network degradation, leave EPA vulnerable to cybersecurity threats, and disrupt EPA operations.

- (+\$1,310.0) This program change is an increase to support operations of EPA's National Digitization Program and enterprise-wide records management system, which provide for the centralized management and digitization of the Agency's records in an electronic manner. This investment will improve records management, reduce records costs across EPA programmatic offices, and enable EPA to comply with statutory requirements under the Federal Records Act.

Statutory Authority:

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute); Federal Information Technology Acquisition Reform Act; Federal Information Security Modernization Act (FISMA); Government Performance and Results Act (GPRA); Government Management Reform Act (GMRA); Clinger-Cohen Act (CCA); Rehabilitation Act of 1973 § 508.

Legal / Science / Regulatory / Economic Review

Alternative Dispute Resolution

Program Area: Legal / Science / Regulatory / Economic Review

Goal: Enforce Environmental Laws and Ensure Compliance

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

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Environmental Programs & Management	\$533	\$864	\$1,175	\$311
<i>Hazardous Substance Superfund</i>	\$632	\$832	\$868	\$36
Total Budget Authority	\$1,165	\$1,696	\$2,043	\$347
Total Workyears	2.1	5.9	6.9	1.0

Program Project Description:

EPA's Alternative Dispute Resolution (ADR) Program offers cost-effective processes for preventing and resolving conflicts on Superfund Program matters as an alternative to litigation. The Program provides facilitation, mediation, public involvement, training, consensus building advice and support, and legal counsel. The Program supports the use of ADR in the Superfund Program's work with communities and Potentially Responsible Parties.

FY 2023 Activities and Performance Plan:

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

In FY 2023, EPA will continue to provide conflict prevention and ADR services on Superfund Program matters. This program also supports implementation of Executive Order (EO) 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.²⁷

Specifically, ADR will:

- Continue to administer its five-year, \$53 million Conflict Prevention and Resolution Services contract. The contract supports more than 20 Superfund projects by providing facilitators to work with Community Advisory Groups and is expected to take on an additional 10-15 sites in FY 2023.
- Directly provide the above services through the conflict resolution specialists on staff. The ADR Program expects to directly support agency programs and stakeholders by providing facilitation of public meetings, mediation, or other consensus building support on two to four Superfund projects.

²⁷ For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

- Provide training to EPA staff in conflict resolution concepts and skills. The ADR Program offers this training through its cadre of eight interactively designed courses to all national program offices and regional offices. Adapting to a virtual environment in FY 2021 has allowed the ADR Program to reach Superfund Community Involvement Coordinators in each of the 10 EPA regions and expects that to increase in FY 2023.
- Help to achieve the goals of President Biden’s Justice40 initiative by tracking the number of CPRC projects in which services are provided to disadvantaged communities.

The following are examples of FY 2021 accomplishments supporting the Superfund Program:

- Provided facilitation and mediation assistance for more than 30 Superfund projects, both in HQ and in all EPA regions, including multiple sites with challenging community engagement issues.
- Conducted a conflict assessment through in-depth community interviews prior to a large public meeting for the Baird & McGuire Superfund Site in Region 1. The assessment report summarized key stakeholder concerns to inform the public meeting agenda, and it provided the site team with essential information about community concerns as they consider a change to the site remedy.
- Provided facilitation services to support multi-party negotiations at the Pristine, Inc. Superfund Site in Region 5. The facilitator conducted interviews and meetings with key parties to address the status of remediation and facilitated sessions with the hydrogeologists on site conditions and the current approach to remediation. The process reduced conflict among the parties and led to a better understanding of options for future remediation.
- Provided training support for Superfund audiences, including a new conflict management course for Remedial Project Managers at Federal Facility sites, a course on engaging constructively in difficult conversations for all Superfund staff, and a requested short training on the process of Appreciative Inquiry for Superfund Community Involvement staff.

Performance Measures Targets:

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

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

- (+\$33.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.

- (+\$3.0) This program change is an increase to support core capacity on Superfund Program alternative dispute resolution matters.

Statutory Authority:

Administrative Dispute Resolution Act (ADRA) of 1996; Negotiated Rulemaking Act of 1996; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Legal Advice: Environmental Program

Program Area: Legal / Science / Regulatory / Economic Review
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Environmental Programs & Management	\$55,700	\$49,595	\$76,855	\$27,260
<i>Hazardous Substance Superfund</i>	<i>\$1,161</i>	<i>\$443</i>	<i>\$461</i>	<i>\$18</i>
Total Budget Authority	\$56,862	\$50,038	\$77,316	\$27,278
Total Workyears	257.6	263.9	316.5	52.6

Total workyears in FY 2023 include 8.8 FTE funded by TSCA fees and 17.1 FTE to support Legal Advice working capital fund (WCF) services.

Program Project Description:

The Legal Advice: Environmental Program provides legal representation, legal counseling, and legal support for environmental activities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Funding supports legal advice needed in the Superfund Program’s extensive work to clean up contaminated sites, which advances environmental justice for neighboring communities and supports EPA’s state, tribal and local partners. For example, the Program provides legal analysis and advice to help inform EPA’s decisions regarding the assessment of certain contaminants at a given Superfund site under federal law, and a party’s potential liability under CERCLA.

The Program supports EPA’s Superfund work at thousands of sites spanning the wide array of Superfund legal issues regarding removal and remedial cleanups costing billions of dollars. The Program is essential to providing the high-quality legal work to ensure that EPA’s decisions protect human health and the environment.

FY 2023 Activities and Performance Plan:

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

In FY 2023, EPA will prioritize its legal support capabilities for the Superfund Program in order to assist with the Administration’s priorities including: tackling the climate crisis, advancing environmental justice, and supporting state, tribal and local partners. The Program will work to support CERCLA activities and these priorities, to include: counseling on how to address environmental justice and climate resiliency in EPA’s remedy decisions at Superfund sites, defensibility of agency actions, drafting significant portions of agency actions, and participating in litigation in defense of agency actions.

The Program will continue to provide key legal advice related to designating Per- and polyfluoroalkyl substances (PFAS) as a CERCLA hazardous substance, an action that would significantly advance environmental justice for communities across the country impacted by PFAS. Legal review is critical to the Superfund Program at many points throughout the cleanup process. This program also provides legal advice and counseling for final rules adding Superfund sites to the National Priorities List (NPL), an important step in advancing cleanup at the Nation's most contaminated sites. This benefits states, tribes, and local communities, who may not have adequate resources to address these sites on their own.

The following are examples of recent favorable case outcomes and FY 2021 accomplishments, which illustrate this program's important role in implementing the Agency's core priorities and mission:

- Favorable Decisions in Superfund Litigation (*Troy Chemical Corp. v. EPA*, No. 14-1290 (D.C. Cir. November 13, 2020); *State of NY v. EPA*, 1:19-cv-1029 (N.D.N.Y. Mar. 11, 2021); *Resort Center v. EPA*, No. 2:21-cv-00078 (D. Utah); and *Tetra Tech v. EPA*, No. 4:20-cv-08100 (N.D. Ca.)): Served as the Agency lead in successfully defending EPA actions at four Superfund sites. In *Troy*, the Solid Waste and Emergency Response Law Office (SWERLO) served as the Agency lead in the D.C. Circuit case challenging EPA's placement of the Pierson's Creek Superfund site in Newark, New Jersey, on the Superfund National Priorities List (NPL). The D.C. Circuit upheld EPA's listing. SWERLO also served as the Agency lead in litigation by the State of New York challenging EPA's issuance of a Certification of Completion to General Electric at the Hudson River PCBs Superfund Site. The court dismissed New York's claims in total. In *Resort Center*, SWERLO developed a successful defense that resulted in dismissal of multiple claims (under CERCLA, takings and tort) related to the Richardson Flat site. Finally, SWERLO served as the Agency lead in winning a motion to dismiss (without prejudice) a case related to remedy selection at the Former Hunters Point Naval Shipyard.
- Legal Support on PFAS: Provided a significant amount of critical legal advice on a top Administration priority of addressing PFAS contamination. SWERLO has counseled on multiple issues, including designation of perfluorooctanoic acid (PFOA)/perfluorooctane sulfonate (PFOS) as CERCLA hazardous substances, the use of CERCLA authority to compel potentially responsible parties to address PFAS, the use of Resource Conservation and Recovery Act (RCRA) corrective action authority for PFAS, and the impacts of proposed legislation on EPA's authorities. SWERLO also represented EPA's interests in the development of the U.S. litigating position in defensive litigation related to PFAS contamination at military bases.
- Partial Favorable Decision in Gold King Mine litigation (Updated): (*In re Gold King Mine Release*, No. 1:18-md-02824, (D.N.M., May 13, 2021)). Served as the Agency lead in multidistrict litigation in which New Mexico, the Navajo Nation, and individual plaintiffs allege \$300 million in damages related to the 2015 Gold King Mine release. Based on a legal argument that SWERLO developed, the district court dismissed a novel Clean Water Act claim for lack of jurisdiction due to EPA's ongoing CERCLA work at the Bonita Peak Mining District Superfund Site. Additionally, SWERLO led EPA's efforts on fact

discovery, overseeing collection of over a half-million documents, preparing EPA employees for depositions, and responding to a motion for sanctions.

- Legal Support on briefs to Supreme Court: (*Guam v. United States*, No. 20-382, (S. Ct. May 24, 2021) and *FMC Corporation v. Shoshone-Bannock Tribes*, No. 19-1143, (S. Ct., Jan. 11, 2021). Served as agency lead in representing EPA's interest to the Department of Justice in the development of the U.S. position on a pending case and separate petition for certiorari before the U.S. Supreme Court. The central issue in *Guam* was whether an EPA consent decree (entered under the Clean Water Act) precluded Guam from seeking contribution from the Navy under CERCLA. The case had significant implications for EPA's enforcement program, and SWERLO worked diligently to develop the Agency's legal position, coordinate with the enforcement program, the Superfund cleanup program and the Region, and prepare the OGC Front Office for high-level discussions with DOJ on the Agency's position. In *FMC*, SWERLO and the Cross-Cutting Issues Law Office developed legal arguments for this complex case involving the intersection of environmental response actions and Indian law.

Performance Measure Targets:

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

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

- (+\$15.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$3.0) This program change is an increase to provide legal representation, legal counseling, and legal support for EPA's Superfund Program.

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).

Operations and Administration

Acquisition Management

Program Area: Operations and Administration
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Environmental Programs & Management	\$30,623	\$32,247	\$40,017	\$7,770
Leaking Underground Storage Tanks	\$245	\$132	\$132	\$0
<i>Hazardous Substance Superfund</i>	<i>\$23,380</i>	<i>\$23,800</i>	<i>\$32,345</i>	<i>\$8,545</i>
Total Budget Authority	\$54,248	\$56,179	\$72,494	\$16,315
Total Workyears	275.1	285.7	355.7	70.0

Program Project Description:

Superfund resources in the Acquisition Management Program support EPA’s contract activities, which cover planning, awarding, and administering contracts for the Agency. Efforts include issuing acquisition policy and interpreting acquisition regulations; administering training for contracting and program acquisition personnel; providing advice and oversight to regional procurement offices; and providing information technology (IT) improvements for acquisition.

FY 2023 Activities and Performance Plan:

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

In FY 2023, the Agency requests an investment of \$8.5 million and 35.0 FTE to strengthen EPA’s capacity to process new, increased, and existing award contract actions in a timely manner; advance EPA utilization of small and disadvantaged businesses; support "Made in America" initiatives; and support supply chain risk management activities for information and communication technology. This program will continue to assist the Agency in its efforts to process and award contract actions in a timely manner and in accordance with Federal Acquisition Regulation (FAR) and guidance from the Office of Management and Budget (OMB) Office of Federal Procurement Policy (OFPP). Timely and equitable procurement are crucial to EPA’s mission.

In FY 2023, EPA will continue to support the implementation of supply chain risk requirements in Section 889 of the 2019 National Defense Authorization Act and the “Made in America Laws” referenced in Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America's Workers*,²⁸ while furthering Category Management implementation requirements. EPA also will focus on establishing a comprehensive architecture for the Agency’s supply chain as well

²⁸ For additional information, please refer to: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/25/executive-order-on-ensuring-the-future-is-made-in-all-of-america-by-all-of-americas-workers/>.

as mechanisms to identify and mitigate risk. EPA also will continue to identify activities and resources to modernize the acquisition process that will allow the Agency to connect with a more diverse business base to address inequities in the acquisition process and, thus, build domestic markets and capabilities.

In FY 2023, EPA will continue working to eliminate barriers to full and equal participation in agency procurement and contracting opportunities for all communities including underserved communities. The Agency will promote the equitable delivery of government benefits and opportunities by making contracting and procurement opportunities available on an equal basis to all eligible providers of goods and services. This work aims to increase the percentage of EPA contract spend awarded to small businesses located in Historically Underutilized Business Zones (HUBZones). EPA's acquisition equity assessment and related industry listening sessions confirmed that small and disadvantaged businesses face unique challenges in accessing procurement opportunities. These businesses often lack dedicated resources and in-house capacity to master the myriad of complex federal requirements needed to capitalize on agency acquisition and financial assistance opportunities.

In FY 2023, in support of Administration climate sustainability initiatives, EPA will work with applicable program offices to identify and prioritize procurement plans that spur innovation, commercialization, and deployment of clean energy technologies.

EPA remains committed to leveraging Category Management, Spend Under Management (SUM), Best-In-Class (BIC), and strategic sourcing principles in each of its programs and purchasing areas to save taxpayer dollars and improve mission outcomes. In FY 2023, EPA will continue to leverage data provided by the General Service Administration and implement spend analysis, trend analysis, and data visualization tools to measure progress toward the implementation of Category Management and the adoption of Federal Strategic Sourcing vehicles and BIC acquisition solutions.

OMB's Category Management focuses on total acquisition spend transitioned from contract vehicles that are unaligned with Category Management principles to the SUM Program. In accordance with OMB Memorandum M-22-03, *Advancing Equity in Federal Procurement*,²⁹ EPA revised its Acquisition Guidance section 8.0.100, *Requirements for Mandatory Use of Common Contract Solutions*, to add clarification of the SUM Tier 2-SB designation which is afforded to contracts of any size awarded to small and disadvantaged businesses. The revision emphasizes EPA's focus on small business utilization and ensures continued alignment with federal category management and equity goals. EPA is currently projecting to reach its FY 2023 OMB-designated SUM spend goal of 52 percent of total addressable spend. The Agency has initiated a Category Management strategy for IT and will award a consolidated/enterprise-wide mission support services contract for the Office of Land and Emergency Management as a SUM Tier 1 solution.

Additionally, EPA is initiating strategic sourcing initiatives in the following areas while directing requirements resulting from the increased Bipartisan Infrastructure Law funding to SUM solutions:

- New Laboratory Equipment Maintenance solution

²⁹ For additional information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-03.pdf>.

- Cell services (recompete)
- CyberFEDS resources software
- Office of Air & Radiation EARTH Agency-wide professional services solution
- Subscription solutions

In FY 2023, EPA will continue to implement SUM principles to leverage pre-vetted agency and government-wide contracts as part of the Agency’s effort to utilize more mature, market-proven acquisition vehicles. Through SUM Tier 2 and BIC solutions, EPA will leverage acquisition experts to optimize spending within the government-wide category management framework and increase the transactional data available for agency level analysis of buying behaviors. To modernize the acquisition process and remove barriers to entry for obtaining government contracts, EPA has developed two innovative tools available agencywide: the EPA Solution Finder, which provides solution and ordering information for all EPA enterprise-wide contract solutions; and the BIC Opportunity Tool, which recommends BIC solutions to address newly identified agency requirements for commodities and services and those supported on expiring contracts.

EPA also will continue to maximize its Strategic Sourcing Program (SSP), thereby enhancing purchase coordination, improving price uniformity and knowledge-sharing, and leveraging small business capabilities to meet acquisition goals. The SSP allows the Agency to research, assess, and award contract vehicles that will maximize time and resource savings. The SSP serves as a foundation for effective financial and resource management because it simplifies the acquisition process and reduces costs. Long-term implementation of the SSP is transforming the Agency's acquisition process into a strategically driven function, ensuring maximum value for every acquisition dollar spent. In the first quarter of FY 2022, EPA realized \$9.6 million cost avoidance in specific, measurable costs for: five agencywide software solutions; print services; cellular services; shipping; voice services; office supplies; lab supplies; computers; furniture and furniture management services; and laboratory equipment maintenance. Since the beginning of the Strategic Sourcing Program in FY 2013, EPA has achieved cost avoidance of \$38.1 million.

In FY 2023, EPA will continue to evaluate options for replacing the EPA Acquisition System with an approved government-wide Federal Shared Service Provider for a contract writing system in line with government-wide mandates to increase the use of shared services.³⁰ The Agency is focusing on a modern acquisition solution that reduces costs while increasing efficiency by standardizing federal procurement planning, contract award, administration, and close-out processes. Transition preparations include data management strategies, business process reviews, and user engagement to develop a business case and ensure data elements conform with Federal Government Procurement standards. As part of this effort, in FY 2023, EPA will utilize a new Government-wide Unique Entity Identifier for acquisition awards in line with General Services Administration and OMB requirements. EPA also will continue implementing the Financial

³⁰ OMB-19-16 “Centralized Mission Support Capabilities for the Federal Government”, for more information, please refer to: <https://www.whitehouse.gov/wp-content/uploads/2019/04/M-19-16.pdf>.

Information Technology Acquisition Reform Act (FITARA)³¹ by competing contracts with multiple vendors or confining the scope of the contract to a limited task, thereby avoiding vendor lock-in, and developing acquisition vehicles that support the Agency in FITARA compliance and implementation.

Performance Measure Targets:

Work under this program supports performance results in the Small Minority Business Assistance Program under the EPM appropriation.

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

- (+\$2,241.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$6,304.0 / +35.0 FTE) This program change will strengthen EPA's capacity to process new, increased, and existing award contract actions in a timely manner; advance EPA utilization of small and disadvantaged business; and support "Made in America" initiatives. This investment includes \$6.27 million in payroll.

Statutory Authority:

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

³¹ For additional information, please refer to: <https://www.congress.gov/113/plaws/publ291/PLAW-113publ291.pdf#page=148%5D>.

Central Planning, Budgeting, and Finance
Program Area: Operations and Administration
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Environmental Programs & Management	\$71,528	\$76,718	\$89,154	\$12,436
Leaking Underground Storage Tanks	\$343	\$416	\$448	\$32
Hazardous Waste Electronic Manifest System Fund	\$154	\$0	\$0	\$0
<i>Hazardous Substance Superfund</i>	<i>\$26,775</i>	<i>\$26,561</i>	<i>\$28,806</i>	<i>\$2,245</i>
Total Budget Authority	\$98,800	\$103,695	\$118,408	\$14,713
Total Workyears	438.8	462.0	470.0	8.0

Total workyears in FY 2023 include 2.0 FTE funded by TSCA fees.

Total workyears in FY 2023 include 39.0 FTE to support Central Planning, Budgeting, and Finance working capital fund (WCF) services.

Program Project Description:

EPA's financial management community maintains a strong partnership with the Superfund Program. EPA's Office of the Chief Financial Officer (OCFO) supports this continuing partnership by providing a full array of financial management support services and systems necessary to pay Superfund bills and recoup cleanup and oversight costs for the Trust Fund. EPA's OCFO manages Superfund activities under the Central Planning, Budgeting, and Finance Program in support of integrated planning, budget formulation and execution, financial management, performance and accountability processes, financial cost recovery, and systems to ensure effective stewardship of Superfund resources. This program supports the requirements of the Government Performance and Results Modernization Act (GPRMA) of 2010;³² Digital Accountability and Transparency (DATA) Act of 2014;³³ the Federal Information Technology Acquisition Reform Act (FITARA) of 2015;³⁴ the Federal Management Financial Integrity Act (FMFIA),³⁵ and the Inspector General Act of 1978, as Amended.³⁶

FY 2023 Activities and Performance Plan:

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

In FY 2023, EPA will continue to provide resource stewardship to ensure that all agency programs operate with fiscal responsibility and management integrity, financial services are efficiently and

³² For more information, please see: <https://www.congress.gov/111/plaws/publ352/PLAW-111publ352.pdf>.

³³ For more information, please see: <https://www.congress.gov/113/plaws/publ101/PLAW-113publ101.pdf>.

³⁴ FITARA became law as a part of the National Defense Authorization Act for Fiscal Year 2015 (Title VIII, Subtitle D), <https://www.congress.gov/113/plaws/publ291/PLAW-113publ291.pdf>.

³⁵ For more information, please see: <https://www.govinfo.gov/content/pkg/STATUTE-96/pdf/STATUTE-96-Pg814.pdf>.

³⁶ For more information, please see: <https://www.govinfo.gov/content/pkg/STATUTE-92/pdf/STATUTE-92-Pg1101.pdf>.

consistently delivered nationwide, and programs demonstrate results. EPA will maintain key planning, budgeting, and financial management activities. EPA will ensure secure and efficient operations and maintenance of core agency financial management systems: Compass, PeoplePlus (Time and Attendance), Budget Formulation System, which includes a Performance Module, and related financial reporting systems. The Agency is reviewing its financial systems for modernization opportunities to support greater efficiencies and effectiveness and targeting legacy systems for replacement. Dashboards are now in place to support payroll and FTE management, and to support GPRMA performance planning and systematic tracking of progress.

In FY 2023, EPA also will continue to standardize and streamline business processes and operations to promote transparency and efficiency. The Program will apply Lean Management techniques and leverage input from customer-focused councils, advisory groups, and technical workgroups to continue improving as a high-performance organization. For example, because of EPA's new Superfund billing process, by the end of FY 2021, 94 percent of all Superfund bills to potentially responsible parties were submitted within 100 days and, on average, it only took 63 days to complete a bill. These improvements will continue, into the future to allow for quicker reimbursement of EPA expenses on Superfund clean-up efforts. Additionally, EPA has implemented Treasury's Invoice Processing Platform (IPP) for reviewing invoices and paying commercial vendors. As of February 2022, roughly 95 percent of contract invoices are being handled through this system. Beginning in FY 2023 EPA will add additional payment types to this system, including Superfund Contract Lab Program payments through a system interface and miscellaneous obligations which will utilize the IPP Self-Service module. This implementation will greatly reduce manual effort, improve data quality, and allow for the elimination of two legacy administrative systems.

Through FY 2022 and FY 2023, EPA will focus on the implementation of G-Invoicing, Treasury's Interagency Agreement system. G-Invoicing will integrate into the Agency's accounting system as part of a government-wide effort to standardize and improve financial management of interagency agreements. The goal of G-Invoicing is to align EPA's business processes to deliver a new and more streamlined approach for the end-to-end delivery of financial transactions for Interagency Agreements. This will involve implementing a new version of EPA's accounting systems software in FY 2022. Extensive testing and training will be needed to implement the associated business process changes and system touchpoints. By the end of FY 2022, the Agency will begin brokering and processing all new Interagency Agreements within G-invoicing. In FY 2023, the Agency will work on ensuring that all open Interagency Agreements are migrated into G-invoicing. The Agency goal is to fully implement G-invoicing for new and existing agreements by the Treasury mandated date of October 1, 2023.

In FY 2023, the Program also will continue to focus on core responsibilities in the areas of strategic planning and budget preparation, financial reporting, transaction processing, and Superfund Cost Recovery. In FY 2022, EPA plans to deploy the eRecovery system for Superfund, Federal Emergency Management Agency, and Oil Spill billing and cost recovery. This new system modernizes and replaces the legacy system and improves functionality and security. In FY 2023, EPA will decommission the legacy cost recovery system, Superfund Cost Recovery Package Imaging and On-line System (SCORPIOS) and deploy a minor release of eRecovery to address any user concerns noted during the FY 2022 implementation. The Program will continue to

implement FITARA requirements in accordance with EPA's Implementation Plan.³⁷ The Chief Information Officer will continue to be engaged throughout the budget planning process to ensure that information technology (IT) needs are properly planned and resourced in accordance with FITARA. In addition, the Program will continue work to implement the OMB-mandated framework under Technology Business Management (TBM) to create transparency under IT resource management and facilitate data-driven decision-making and communication between IT and finance.

EPA will continue to conduct internal control program reviews and use the results and recommendations from the Office of Inspector General to provide evidence of the soundness of EPA's financial management program and identify areas for further improvement. The Agency will collect key operational statistics for its financial management program to further evaluate its operations and for management decision-making. For example, in FY 2019, EPA observed a trend that agency corrective actions were increasingly being implemented beyond the agreed upon resolution date. OCFO continues to engage more and more with the community to ensure the close out or extension requests were completed. Additionally, OCFO is adding in validation and documentation measures to ensure that the process is standardized across the Agency while providing more customer-level support.

EPA has made significant strides in recent years to bring programs that were considered susceptible to improper payments, to a point where the improper payments are at very low rates. However, the Agency continues to be vigilant in its payment reviews. Annually, EPA conducts internal control reviews of multiple programs. In addition, as required by Payment Integrity Information Act of 2019 (PIIA) (P.L. 116-117),³⁸ and OMB Memorandum M-21-19 Appendix C,³⁹ EPA is conducting a triennial risk assessment review of all of its payment streams. Other improvements include the recent implementation of upgraded systems used for payments and invoice processing through which the Agency anticipates even fewer payment errors moving forward. To strengthen our processes, EPA is developing risk assessment plans for any additional funding the Agency receives. These risk assessments will outline any differences in authorities or new requirements of the funding, potential areas that will need additional guidance as well as tracking and reporting, performance measures and internal controls that will be established to prevent and detect possible improper payment activities.

Performance Measure Targets:

Work under this program supports performance results in the Central Planning, Budgeting, and Finance Program under the EPM appropriation.

³⁷ For more information please see: <http://www.epa.gov/open/fitara-implementation-plan-and-chief-information-officer-assignment-plan>.

³⁸ For more information, please see: <https://www.congress.gov/116/plaws/publ117/PLAW-116publ117.pdf>.

³⁹ For more information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/03/M-21-19.pdf>.

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

- (+\$1,637.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE from annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$608.0 / +0.4 FTE) This program change reflects an increase to allow the Agency to continue its efforts to modernize and streamline its financial systems and processes. This program change also funds the effort to scale up support needed to implement increased workload on grant payments and provide essential workforce support, training and working capital fund needs. This investment includes \$70.0 thousand in payroll.

Statutory Authority:

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified as Title 5, App.) (EPA's organic statute); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Facilities Infrastructure and Operations
Program Area: Operations and Administration
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Environmental Programs & Management	\$257,524	\$285,441	\$288,293	\$2,852
Science & Technology	\$65,093	\$67,500	\$68,912	\$1,412
Building and Facilities	\$36,071	\$27,076	\$73,894	\$46,818
Leaking Underground Storage Tanks	\$932	\$836	\$724	-\$112
Inland Oil Spill Programs	\$628	\$682	\$641	-\$41
Hazardous Substance Superfund	\$81,976	\$68,727	\$71,219	\$2,492
Total Budget Authority	\$442,223	\$450,262	\$503,683	\$53,421
Total Workyears	334.2	315.4	325.4	10.0

Total workyears in FY 2023 include 5.4 FTE to support Facilities Infrastructure and Operations working capital fund (WCF) services.

Program Project Description:

Superfund resources in the Facilities Infrastructure and Operations Program fund the Agency's rent, utilities, and security. The Program also supports centralized administrative activities and support services, including health and safety, environmental compliance and management, facilities maintenance and operations, space planning, sustainable facilities and energy conservation planning and support, property management, mail, and transportation services. Funding for such services is allocated among the major appropriations for the Agency.

FY 2023 Activities and Performance Plan:

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

In FY 2023, the Agency requests an investment of 1.0 FTE and approximately \$2.5 million to support agencywide climate sustainability and resiliency initiatives and EPA facilities projects to ensure the Agency has an optimal footprint. EPA will continue to invest in the reconfiguration of the Agency's workspaces, enabling the Agency to release office space and avoid long-term rent costs, consistent with HR 4465,⁴⁰ the *Federal Assets Sale and Transfer Act of 2016*. EPA is implementing a long-term space consolidation plan that aims to reduce the number of occupied facilities, consolidate and optimize space within remaining facilities, and reduce square footage wherever practical. EPA also will continue working to enhance its federal infrastructure and operations in a manner that increases efficiency. For FY 2023 the Agency is requesting \$41.94

⁴⁰ For additional information, please refer to: <https://www.congress.gov/bill/114th-congress/house-bill/4465>, *Federal Assets Sale and Transfer Act of 2016*.

million for rent, \$2.24 million for utilities, and \$8.95 million for security in the Superfund appropriation. EPA uses a standard methodology to ensure that rent charging appropriately reflects planned and enacted resources at the appropriation level.

EPA also will work to secure physical and operational resiliency for agency facilities. As part of this work, EPA will continue conducting climate resiliency assessments at all EPA-owned facilities to identify critical upgrades that are necessary to improve facility resiliency against the impacts of climate change, such as roofing stability or seawall construction projects. In FY 2023, EPA will conduct climate assessments at the following facilities: Cincinnati Test and Evaluation Facility, Duluth Environmental Center, Ada Gaar Corner, Ada Environmental Research Center, and Region 10 Laboratory–Manchester. EPA will initiate all high-priority projects within 24 months of a climate assessment.

Further, EPA will continue reconfiguring EPA’s workplaces with the goal of reducing long-term rent costs while increasing EPA facility sustainability to combat the effects of climate change and ensuring a space footprint that accommodates a growing workforce. Space reconfiguration enables EPA to reduce its footprint to create a more efficient, collaborative, and technologically sophisticated workplace. However, even if modifications are kept to a minimum, each move requires initial funding to achieve long-term cost avoidance and sustainability goals. These investments support sustainable federal infrastructure, a clean energy future, and goals to achieve net-zero emissions by 2050.

In FY 2023, EPA will pursue aggressive energy, water, and building infrastructure requirements with emphasis on environmental programs (e.g., Environmental Management Systems, Environmental Compliance Programs, Leadership in Energy and Environmental Design Certification, alternative fuel use, fleet reductions, telematics, sustainability assessments). This investment in infrastructure (e.g., architectural and design) and mechanical systems (e.g., electrical, water/steam, HVAC) is necessary to meet the Administration’s climate sustainability goals. Additionally, in 2023, EPA will continue to transition to electric vehicles through direct purchase (mobile lab vehicles) or lease through the General Services Administration (GSA) for all future fleet procurements where economically feasible. EPA also will identify opportunities to build out necessary charging infrastructure at EPA facility locations. EPA’s goal is to use 100 percent carbon pollution-free electricity on a net annual basis by 2030.

EPA also will meet regulatory Occupational Safety and Health Administration (OSHA) obligations and provide health and safety training to field staff (e.g., inspections, monitoring, on-scene coordinators), and track capital equipment of \$25 thousand or more. The Agency will continue its partnership with GSA to utilize shared services solutions, *USAccess* and Enterprise Physical Access Control System (ePACS) programs. *USAccess* provides standardized HSPD-12 approved Personal Identity Verification (PIV) card enrollment and issuance and ePACS provides centralized access control of EPA space, including restricted and secure areas.

Performance Measure Targets:

(PM CRP) Percentage of priority climate resiliency projects for EPA-owned facilities initiated within 24 months of a completed facility climate assessment and project prioritization.	FY 2022 Target	FY 2023 Target
		100

(PM CAA) Number of EPA-owned facility climate adaptation assessments completed.	FY 2022 Target	FY 2023 Target
	2	5

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

- (+\$213.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$2,279.0 / +1.0 FTE) This program change is an increase to support EPA facilities projects that will ensure EPA has optimal footprint to support the proposed FTE increase in the FY 2023 Budget request and agencywide climate sustainability and resiliency initiatives. It is offset by a net decrease from the recalculation of rent, utilities, and security, and transit subsidy costs needs. This investment includes \$175.0 thousand in payroll.

Statutory Authority:

Federal Property and Administration Services Act; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute). at Title 5, App.) (EPA’s organic statute).

Financial Assistance Grants / IAG Management

Program Area: Operations and Administration
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Environmental Programs & Management	\$27,294	\$25,430	\$33,040	\$7,610
<i>Hazardous Substance Superfund</i>	<i>\$4,224</i>	<i>\$3,210</i>	<i>\$4,403</i>	<i>\$1,193</i>
Total Budget Authority	\$31,518	\$28,640	\$37,443	\$8,803
Total Workyears	137.0	139.5	184.5	45.0

Program Project Description:

Superfund resources in the Financial Assistance Grants and Interagency Agreement (IA) Management Program support the management of grants and IAs as well as suspension and debarment activities for assistance and procurement programs. Grants and IAs historically comprise approximately 60 percent of EPA’s annual appropriations. Resources in this program ensure that EPA manages grants and IAs to meet the highest fiduciary standards and achieve measurable results for environmental programs and agency priorities, and that the government’s financial resources and business interests are protected from fraud and mismanagement. These objectives are critically important for the Superfund program, as a substantial portion of the Program is implemented through IAs with the U.S. Army Corps of Engineers and the U. S. Coast Guard.

FY 2023 Activities and Performance Plan:

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

In FY 2023, EPA requests an additional investment of \$1.19 million and 5.0 FTE to provide technical assistance and outreach to first time recipients of federal funding; improve capacity for oversight and tracking of new and increased grant investments; and process financial assistance agreements in a timely manner. EPA will continue to implement grants management activities to achieve efficiencies while enhancing quality and accountability and ensuring that opportunities for competitive grants are made publicly available so that all eligible applicants have an opportunity to compete for them. EPA also will explore methods to use or update the grant competition and grant-making processes to promote racial equity and support for underserved communities. For example, EPA will provide technical assistance to potential grantees from underserved communities on sound financial management practices to reduce barriers to competition for EPA grant resources. EPA also will track grant place of performance to determine whether underserved and environmental justice (EJ) communities are realizing the benefits of EPA grant programs.

EPA will continue investments in modernizing grant and IA information technology/information management (IT/IM) systems, support the improved capacity for oversight and tracking of new and increased grant investments, and ensure the timely processing of financial assistance agreements. EPA will manage its Next Generation Grants System (NGGS) in conjunction with the retirement of an outdated legacy grants management system. NGGS aligns with the requirements of the Grant Reporting Efficiency and Agreements Transparency Act, applicable Office of Management and Budget (OMB) Quality Service Management Offices (QSMO) standards, and the Federal Integrated Business Framework for grants (e.g., required standard data elements for grants reporting). In FY 2023, EPA will operate and maintain an electronic grants records management system that integrates with EPA's enterprise records management system and aligns with applicable QSMO standards. The Agency also will utilize the government-wide Unique Entity Identifier system for grant awards to meet OMB requirements.

Further, EPA will continue to focus on reducing the administrative burden on EPA and grant applicants and recipients, and on improving grants management procedures. The Agency will continue implementing the FY 2021-2025 Grants Management Plan, focusing on the award and effective management of assistance agreements, enhancing partnerships within the grants management community, promoting environmental justice, and ensuring effective grant oversight and accountability.

By October 1, 2022, EPA will have completed activities to align its IA business processes to ensure compatibility with the government-wide mandate to adopt G-Invoicing, the federal shared service for intragovernmental transactions. EPA provides quarterly progress updates to Treasury that highlight activities under the Agency's approved G-Invoicing Implementation Plan.

In FY 2023, the Agency will continue to make use of discretionary debarments and suspensions as well as statutory disqualifications under the Clean Air Act and Clean Water Act to protect the integrity of federal assistance and procurement programs. Congress and federal courts have long recognized federal agencies' inherent authority and obligation to exclude non-responsible parties from eligibility to receive government contracts and federal assistance awards (e.g., grants, cooperative agreements, loans, and loan guarantees).

Performance Measure Targets:

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

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

- (+\$240.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$953.0 / +5.0 FTE) This program change will support technical assistance and outreach to first time recipients of federal funding; improve capacity for oversight and tracking of

new and increased grant investments; and the timely processing of financial assistance agreements. This investment includes \$889.0 thousand in payroll.

Statutory Authority:

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute); Federal Grant and Cooperative Agreement Act; Federal Acquisition Streamlining Act § 2455.

Human Resources Management

Program Area: Operations and Administration
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Environmental Programs & Management	\$48,256	\$46,229	\$66,087	\$19,858
<i>Hazardous Substance Superfund</i>	\$7,200	\$6,202	\$8,476	\$2,274
Total Budget Authority	\$55,456	\$52,431	\$74,563	\$22,132
Total Workyears	228.3	229.9	316.4	86.5

Total workyears in FY 2023 include 0.2 FTE to support Human Resources Management working capital fund (WCF) services.

Program Project Description:

Superfund resources for the Human Resources (HR) Management Program support human capital management (HCM) activities throughout EPA. To help achieve its mission and maximize employee productivity and job satisfaction, EPA continually works to improve business processes for critical HCM functions including recruitment, hiring, employee development, performance management, leadership development, workforce planning, and labor union engagement. This includes personnel and payroll processing through the Human Resources Line of Business. These resources also support overall federal advisory committee management and Chief Human Capital Officer Council activities under applicable statutes and guidance, including the Agency's Human Capital Operating Plan.

FY 2023 Activities and Performance Plan:

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

In FY 2023, the Agency requests an additional investment of \$2.27 million and 12.8 FTE to support the implementation of EPA's Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan, expand EPA's intern program, support EPA's Learning Agenda's evidence-gathering activities, and strengthen agencywide capacity to quickly increase staff levels in key offices and programs. Effective workforce management is critical to EPA's ability to accomplish its mission. EPA's efforts in HR functions are focused on strengthening the workforce, retaining critical expertise, and capturing institutional knowledge. EPA continues developing mechanisms to ensure employees have the right skills to successfully achieve the Agency's core mission today and in the future.

The Agency is actively involved with OPM's Chief Human Capital Officer Council and the President's Management Council Agenda to address the challenges of the 21st Century federal workforce. In FY 2023, EPA will implement the actions identified in the DEIA Strategic Plan to

assess whether agency recruitment, hiring, promotion, retention, professional development, performance evaluations, pay and compensation policies, reasonable accommodations access, and training policies and practices are equitable. EPA will take an evidence-based and data-driven approach to determine whether and to what extent agency practices result in inequitable employment outcomes, and whether agency actions may help to overcome systemic societal and organizational barriers. Further, the Agency will assess the status and effects of existing diversity, equity, inclusion, and accessibility initiatives or programs, and review the institutional resources available to support human resources activities. For areas where evidence is lacking, the Agency will propose opportunities to advance diversity, equity, inclusion, and accessibility, addressing those gaps. EPA will continue to involve employees at all levels of the organization in the assessment of DEIA initiatives and programs.

In FY 2023, EPA will support the following DEIA initiatives:

- EPA will plan a Senior Executive Service Candidate Development Program, projected to start in early FY 2024. The Program will focus on diversity, equity, inclusion, and accessibility so future executives reflect the diversity of the American people and are effectively trained in the skills necessary to lead a diverse workforce that operates in a hybrid work environment.
- EPA will develop and implement a centralized paid internship program which expands on existing internship opportunities across the Agency to strengthen talent and workforce acquisition. This paid internship program will focus on expanding federal work experience opportunities for underrepresented and underserved populations, , which may experience barriers to applying or fully participating in existing opportunities. EPA will provide approximately 180 four-month internship opportunities in every EPA Headquarters and Regional Office. Additionally, EPA will establish a plan to convert eligible interns to permanent federal service based on performance and completing program requirements.

EPA has increased efforts to improve Diversity and Inclusion, hosting virtual outreach events targeting diverse networks such as veterans, Historically Black Colleges and Universities, and Returned Peace Corps Volunteers. To recruit EPA's next generation of employees, EPA will continue outreach to new potential sources for future employees and use all available hiring authorities, including Schedule A, and recruitment incentives. In FY 2023, EPA will continue to work with Science, Technology, Engineering and Mathematics-focused institutions and organizations, like the Society of Hispanic Professional Engineers, and will participate in the President Management Council's Interagency Rotational Program to create leadership development assignments for GS 13-15 level employees. EPA reviews applicant flow data analysis on diversity every quarter to assess progress and identify areas for improvement.

In FY 2023, EPA will continue to implement flexible work policies in line with OMB Memoranda M-21-25 - *Integrating Planning for A Safe Increased Return of Federal Employees and Contractors to Physical Workplaces with Post-Reentry Personnel Policies and Work Environment*,⁴¹ including designation of remote work status to certain positions, providing work schedule flexibilities, and increasing the use of telework. EPA will strive to be a model federal

⁴¹ For additional information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/06/M-21-25.pdf>.

employer, and these efforts will strengthen the Agency's ability to attract, recruit, retain, and empower top talent while advancing diversity, equity, inclusion, and accessibility.

EPA will identify the most critical need for climate literacy training for its workforce. These efforts will focus on integrating climate adaptation, risk disclosure, and other education activities into the management of EPA's procurement, real property, public lands and waters, and financial programs.

EPA also will continue supporting evidence-building activities to implement a workforce strategy guided by data-driven decisions as part of its implementation of the Evidence Act through the Workforce Planning learning priority area in EPA's Learning Agenda. This work includes determining Mission Critical Competencies, enhancement of EPA's competency assessment tool, skills gap analysis across the Agency, and knowledge transfer strategies to support succession planning.

In FY 2023, EPA will continue to operate and maintain the Talent Enterprise Diagnostic (TED) tool to allow EPA to make data-driven, strategic workforce decisions. TED data will serve a crucial role in EPA's Workforce Planning and Succession Management activities by identifying potential competency gaps across the Agency and by increasing management's understanding of where needed skill sets should reside within EPA. Additionally, EPA will continue to maintain and operate dashboards related to Mission Critical Occupations, Workforce Demographics, and Diversity. These dashboards provide data visualizations and easy-to-understand information about the current workforce, assisting EPA with succession planning by identifying workforce gaps due to anticipated retirements and attrition trends, which is critical considering that approximately 25 percent of EPA's workforce is retirement eligible, and another 19 percent of the current workforce will become retirement eligible over the next five years.

The Agency will continue to implement Executive Order 14003, *Protecting the Federal Workforce*,⁴² issued on January 22, 2021. EPA reviewed its Unions' agreements to identify and eliminate provisions influenced by four revoked executive orders and will increase the focus on pre-decisional involvement and interest-based bargaining. In FY 2023, EPA will continue working to reset and repair relationships and involve unions in a collaborative way, promoting the Agency's and the unions' shared goal of the positive and equitable treatment of newly empowered employees.

Finally, EPA's advisory committees, operating as catalysts for public participation in policy development, implementation, and decision making, have proven effective in building consensus among the Agency's diverse external partners and stakeholders. In line with President Biden's *Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking*,⁴³ EPA remains committed to ensuring that highly qualified external experts serve on agency committees and that those members and future nominees of EPA advisory committees

⁴² For additional information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/22/executive-order-protecting-the-federal-workforce/>.

⁴³ For additional information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/>.

reflect the diversity of America in terms of gender, race, ethnicity, geography, and other characteristics.

Performance Measure Targets:

Work under this program supports performance results in the Human Resources Management Program under the EPM appropriation.

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

- (+\$685.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$948.0 / +12.0 FTE) This program change is an increase to develop and implement a centralized paid internship program to strengthen talent and workforce acquisition. This paid internship program will focus on expanding Federal work experience opportunities for underrepresented and underserved populations. This investment includes \$840.0 thousand in payroll.
- (+\$360.0) This program change is an increase to support the establishment of a Senior Executive Service Candidate Development Program with a goal that EPA senior leaders reflect the diversity of the American people and will include a special focus on developing diversity, equity, accessibility, and inclusivity competencies.
- (+\$281.0 / +0.8 FTE) This program change is an increase in support of the Foundations for Evidence-Based Policymaking Act of 2018. Resources will be used for Learning Agenda's evidence-gathering activities. This investment includes \$137.0 thousand in payroll.

Statutory Authority:

Title 5 of the U.S.C.; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute).

Research: Chemical Safety and Sustainability

Health and Environmental Risk Assessment

Program Area: Research: Chemical Safety for Sustainability
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Science & Technology	\$35,251	\$37,482	\$42,355	\$4,873
<i>Hazardous Substance Superfund</i>	\$3,654	\$12,824	\$4,896	-\$7,928
Total Budget Authority	\$38,905	\$50,306	\$47,251	-\$3,055
Total Workyears	163.3	154.9	174.9	20.0

Program Project Description:

EPA’s Health and Environmental Risk Assessment (HERA) Program is focused on the science and practice of assessments that inform decisions made by EPA and others, including states and tribes. These assessments provide the scientific basis for decisions under an array of environmental laws including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). HERA supports the risk assessment needs of the Agency’s Superfund Program and regional risk assessors. With funding from Superfund, the HERA Research Program provides Provisional Peer-Reviewed Toxicity Values (PPRTVs) and other ‘fit-for-purpose’ assessments to respond to emergent scenarios, and technical support on the application of human health and ecological risk assessment practices at hazardous waste sites for Superfund. These assessment tools and activities support risk-based management decisions at contaminated Superfund and hazardous waste sites.

The HERA Research Program supports the Agency’s mission to protect human health and the environment by identifying and characterizing the health hazards of chemicals of concern to the Superfund Program and responding to technical requests on topics relevant to human health or ecological risk assessment at hazardous waste sites. Scientists in the HERA Research Program synthesize available scientific information on the potential health and environmental impacts of exposures to individual chemicals and chemical mixtures in the environment, such as per- and polyfluoroalkyl substances (PFAS). PPRTVs and other HERA assessments are an important source of toxicity information and toxicity values to ensure improvements in human health and the environment in communities near Superfund sites.

Priorities for PPRTV development are based on the needs of the Agency’s Land and Emergency Management Program, with input from Agency regional offices, and are evaluated annually. HERA research areas include applying new data streams; read-across approaches and computational tools; enhancement of supporting data/knowledge bases; and efficiency of derivation for PPRTV values.

There are over 1,300 Superfund sites on the National Priorities List.⁴⁴ Communities near Superfund sites or in emergency situations are faced with an urgent need for coordinated assistance to assess and address issues of environmental contamination. The HERA Research Program anticipates environmental contamination issues and develops new assessment approaches to enhance rapid response and screening capabilities and to augment toxicity value derivation procedures for health assessments.

Recent Accomplishments of the HERA Research Program include:

The HERA Research Program has been developing assessment products to inform science-based decision-making, enhance timely responses, improve screening capabilities, and augment toxicity value derivations for use in risk assessments.

- **Portfolio of Chemical Assessments:** In FY 2021, nine PPRTV assessments were finalized, and HERA anticipates delivering at least nine additional high-priority PPRTV assessments in FY 2022⁴⁵ based on the needs and priorities of EPA's Superfund Program. HERA also supports the needs of EPA's Land and Emergency Management Program through the development of other assessment products of priority chemicals, such as PFAS, polychlorinated biphenyls, methylmercury, hexavalent chromium, and inorganic arsenic.⁴⁶
- **Advancements in Lead Modeling:** In FY 2021, HERA, in coordination with EPA's Land and Emergency Management Program, released updates to the Integrated Exposure Uptake Biokinetic (IEUBK) model to support lead biokinetic modeling in children. HERA anticipates finalizing updates to the All-Ages Lead Model (AALM) in the fall of 2022 which will include improved lead biokinetic modeling in adults and children.
- **Technical Support:** HERA responds to ongoing requests for scientific support on human and ecological assessment via the Superfund Health Risk Technical Support Center⁴⁷ and Ecological Risk Assessment Support Center.⁴⁸ Recent efforts have included providing risk assessment support at Plattsburg Air Force Base (Vermont), Velsicol Chemical Corp (Michigan), Tittabawassee River (Michigan), LA. Clarke & Son (Virginia), and ASARCO Superfund Site (Nebraska). Ongoing requests include assistance with employing new approach methods, review of probabilistic risk assessment models, and continued stakeholder engagement on complex science to address needs of Superfund sites across the United States. Additionally, issue papers on nominated topics of interest have also been developed to support risk assessment activities including, "Allometric Scaling of Terrestrial Wildlife Oral Toxicity Measurements and Comparison of Ecological to Human Health Assessment Contexts"⁴⁹ and "Summary Report, Separating Anthropogenic Metals Contamination from Background: A Critical Review of Geochemical Evaluations and Proposal of Alternative Methodology."⁵⁰

⁴⁴ For more information, please see: <https://www.epa.gov/superfund/superfund-national-priorities-list-npl>.

⁴⁵ For more information, please see: <https://www.epa.gov/pprtv>

⁴⁶ For more information, please see: <https://www.epa.gov/iris/iris-recent-additions>.

⁴⁷ For more information, please see: <https://www.epa.gov/land-research/superfund-health-risk-technical-support-center-stsc>

⁴⁸ For more information, please see: <https://www.epa.gov/land-research/epas-technical-support-centers>.

⁴⁹ For more information, please see: <https://cfpub.epa.gov/ncea/erasc/recordisplay.cfm?deid=353936>

⁵⁰ For more information, please see: <https://cfpub.epa.gov/ncea/erasc/recordisplay.cfm?deid=347774>

FY 2023 Activities and Performance Plan:

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

In FY 2023, the HERA Research Program's work will focus explicitly on efforts integral to achieving the Agency's priorities and informing EPA's implementation of key environmental regulations. Examples of this work include:

- **PFAS Research:** Per- and polyfluoroalkyl substances (PFAS) are a class of chemicals of concern in the environment, and EPA is committed to pursuing all options to address PFAS pollution and protect human health and the environment. Decision-making on PFAS chemicals is hindered by a limited number of standard toxicity values. There are still large numbers of PFAS, of high interest to partners, that currently have no federal published, peer-reviewed toxicity values. As described in the PFAS Strategic Roadmap,⁵¹ within the HERA Research Program, EPA is prioritizing additional PFAS for development of peer-reviewed toxicity values. This will result in an expanded set of high-quality peer-reviewed toxicity values for use by federal, state, and tribal decision makers in making risk assessment and management decisions.
- **PPRTV Assessments:** In FY 2023, the HERA Program will provide at least nine additional PPRTV assessments as prioritized by EPA's Land and Emergency Management Program.
- **Portfolio of Assessment Products:** In FY 2023, the HERA Program will complement the PPRTVs by providing additional 'fit-for-purpose' assessment products for priority chemicals, such as for up to six perfluorinated compounds as prioritized by the Land and Emergency Management Program. Having modernized its assessment infrastructure, HERA will use evidence mapping to provide a better understanding of the extent and nature of evidence available to address Agency needs (i.e., 'fit for purpose'). This approach is expected to improve throughput for PPRTV development.
- **Linking Databases and Management Tools:** In FY 2023, the HERA Program will continue to collaborate with the Chemical Safety for Sustainability (CSS) Research Program to link the architecture of HERA's assessment databases and literature management tools, including *Health and Environmental Research Online*⁵² and the *Health Assessment and Workplace Collaborative*⁵³ with the *CompTox Chemicals Dashboard*⁵⁴ being developed in CSS.
- **Rapid Technical Support:** In FY 2023, the HERA Program will continue essential technical assistance across EPA to provide rapid technical support to programs and regions. These activities will provide expedited technical support for evaluating chemical-specific

⁵¹ For more information, please see EPA's PFAS Strategic Roadmap at: https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap_final-508.pdf

⁵² For more information, please see: <https://hero.epa.gov/hero/>.

⁵³ For more information, please see: <https://hawcprd.epa.gov/>.

⁵⁴ For more information, please see: <https://comptox.epa.gov/dashboard>.

exposures at Superfund and contaminated sites, as well as incorporating case-specific information related to urgent situations.

- **Lead:** Childhood lead exposure continues to be one of the highest priorities for EPA. To advance the application of lead exposure and biokinetic models in EPA regulatory decisions and site assessments, HERA research will enhance, evaluate, and apply lead biokinetic models for estimating potential blood lead levels for regulatory determinations.⁵⁵ Additionally, the Exposure Factors Handbook⁵⁶ provides up-to-date data on various human factors, including soil and dust ingestion rates, used by risk assessors.

Research Planning:

EPA is built around six integrated and transdisciplinary research programs. Each of the six programs is guided by a Strategic Research Action Plan (StRAP) that reflects the research needs of Agency program and regional offices, states, and tribes, and is planned with their active involvement. Each research program is in the process of developing the fourth generation of the StRAPs, which will continue the practice of conducting innovative scientific research aimed at solving the problems encountered by the Agency and its stakeholders.

The Office of Research and Development (ORD) works with various groups, including communities, to ensure the integrity and value of its research through a variety of mechanisms that include:

- EPA's Board of Scientific Counselors (BOSC)
 - ORD meets regularly with this committee, which provides advice and recommendations to ORD on technical and management issues of its research programs.
- State Engagement
 - EPA's state engagement⁵⁷ is designed to inform states about their role within EPA and EPA's research programs, and to better understand the science needs of state environmental and health agencies.
- Tribal Partnerships
 - Key tribal partnerships are established through the Tribal Science Program which provides a forum for the interaction between tribal and Agency representatives. These interactions identify research of mutual benefit and lead to collaborations on important tribal environmental science issues.

Performance Measure Targets:

Work under this program supports performance results in the Research: Chemical Safety for Sustainability Program under the S&T appropriation.

⁵⁵ For more information, please see: <https://www.epa.gov/superfund/lead-superfund-sites-software-and-users-manuals>.

⁵⁶ For more information, please see: <https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=236252>.

⁵⁷ For more information, please see: <https://www.epa.gov/research/epa-research-solutions-states>.

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

- (+\$108.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$24.0) This program change is an increase to funding for research related to identifying and characterizing the health hazards of chemicals of concern to the Superfund Program.
- (-\$8,060.0) This program change reallocates resources within the Superfund appropriation from the Human and Environmental Risk Assessment (HERA) program to the Chemical Safety and Sustainability (CSS) program to continue support for PFAS research not focused on the science of assessments. There is no programmatic impact associated with this change.

Statutory Authority:

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Research: Chemical Safety for Sustainability

Program Area: Research: Chemical Safety for Sustainability
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Environmental Programs & Management	\$115	\$0	\$0	\$0
Science & Technology	\$75,966	\$89,518	\$98,093	\$8,575
<i>Hazardous Substance Superfund</i>	<i>\$6,065</i>	<i>\$0</i>	<i>\$8,060</i>	<i>\$8,060</i>
Total Budget Authority	\$82,146	\$89,518	\$106,153	\$16,635
Total Workyears	278.1	273.9	300.9	27.0

Program Project Description:

EPA's Chemical Safety for Sustainability (CSS) Research Program provides scientific and technical approaches, information, tools, and methods to support the Agency and others to make better-informed, more-timely decisions about chemicals and their potential risks to human health and the environment.⁵⁸ CSS products strengthen the Agency's ability to use the best available science to evaluate and predict human health and ecological impacts from the use, reuse, recycling, and disposal of manufactured and naturally occurring chemicals and their by-products.

CSS research informs Agency decisions about chemicals, accelerates the pace of chemical assessment and decision-making, and helps to replace, reduce, and refine the use of mammals used to evaluate chemical risk to ecological and human health. CSS products inform Agency programs as they implement environmental regulations that govern Agency actions, including the evaluation of existing and new chemicals (Toxic Substances Control Act [TSCA]), development and use of alternative testing protocols (TSCA, Federal Insecticide Fungicide and Rodenticide Act [FIFRA], Food Quality Protection Act [FQPA], Federal Food Drug Cosmetics Act [FFDCA]), chemical prioritization (TSCA, Safe Drinking Water Act [SDWA]), evaluation of pesticide registrations (FIFRA, Endangered Species Act), and mitigation activity at Superfund sites (Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA]). CSS research activities are coordinated with the activities of other national research programs to inform high priority research topics, such as research focused on per- and polyfluoroalkyl substances (PFAS). Coordination with the Health and Environmental Risk Assessment (HERA) Program ensures that the approaches, tools, and information produced by CSS can be used to improve chemical risk assessments, reduce uncertainties associated with those assessments, and increase the speed of delivering chemical information to the Agency.

⁵⁸ For the CSS StRAP, please see: <https://www.epa.gov/research/chemical-safety-sustainability-strategic-research-action-plan-2019-2022>.

FY 2023 Activities and Performance Plan:

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

In FY 2023, CSS research will continue to provide information needed to inform Agency decisions about chemicals, with a special emphasis on PFAS. PFAS are a large class of fluorinated substances of growing concern and EPA is committed to supporting tribes, states, and local communities to understand and manage risks associated with these chemicals.⁵⁹ CSS research on PFAS represents a major integrative effort that will provide systematic information on a broad range of topics. CSS scientists will continue to identify, curate, evaluate, and extract available physicochemical, structural, exposure, and toxicological data from the published and gray literature to inform study design, categorization approaches, and interpretation of emerging studies.

PFAS chemicals will be acquired to expand the existing PFAS physical library of compounds to include those PFAS of interest to Agency and external partners. Relevant PFAS data will be incorporated into the CompTox Chemicals Dashboard.⁶⁰ PFAS fate, transport, occurrence, and persistence in the environment and in consumer products will be evaluated to help understand exposure scenarios. In addition, a tiered toxicity testing strategy will be executed which utilizes new approach methods (NAMs) to evaluate single PFAS chemicals and mixtures in a high throughput manner, followed by targeted *in vivo* testing for chemicals identified as priorities. This testing approach will include several systems-specific toxicity tests, including developmental neurotoxicity, thyroid toxicity, immunotoxicity, and developmental and reproductive toxicity. Various types of modeling will be used to translate *in vitro* results into *in vivo* outcomes and will include the use of adverse outcome pathway (AOP) models that link *in vitro* results to outcomes relevant to regulatory objectives and *in silico* predictive toxicity models.

In the ecological domain, CSS is developing multispecies approaches to evaluate species sensitivity differences across taxa to inform aquatic risk benchmarks. Furthermore, work continues to determine the bioaccumulation of PFAS in aquatic species which also is relevant to human health in the context of exposure via fish consumption. This work is being done in collaboration with the National Institute of Environmental Health Sciences: National Toxicology Program. Resources requested in FY 2023 will build upon the research foundation formed from completed work outlined in the *PFAS Strategic Roadmap*.⁶¹

Research Planning:

EPA's Office of Research and Development (ORD) is built around six integrated and transdisciplinary research programs. CSS research addresses real-world problems, informs Agency implementation of environmental regulations, and helps EPA and its stakeholders make timely decisions based on the best available science. Each of the six integrated and

⁵⁹ For more information, please see: <https://www.epa.gov/pfas/pfas-community-engagement>.

⁶⁰ For more information, please see: <https://comptox.epa.gov/dashboard>.

⁶¹ For more information, please see: <https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>

transdisciplinary research programs is guided by a Strategic Research Action Plan (StRAP)⁶² that reflects the research needs of Agency program and regional offices, states, and tribes, and is implemented with their active collaboration and involvement. The CSS FY 2019-2022 StRAP builds upon the science foundation for chemical evaluations built by research in prior years and continues a practice of conducting innovative scientific research aimed at solving the problems encountered by the Agency and its stakeholders. ORD is in the beginning stages of developing the fourth iteration of the StRAPs, which will cover FY 2023-2026.

ORD works with various groups, including communities, to ensure the integrity and value of its research through a variety of mechanisms that include:

- EPA's Board of Scientific Counselors (BOSC)
 - ORD meets regularly with this committee, which provides advice and recommendations to ORD on technical and management issues of its research programs.
- State Engagement
 - EPA's state engagement⁶³ is designed to inform states about their role within EPA and EPA's research programs, and to better understand the science needs of state environmental and health agencies.
- Tribal Partnerships
 - Key tribal partnerships are established through the Tribal Science Program which provides a forum for the interaction between tribal and Agency representatives of mutual benefit and responsibility to work collaboratively on environmental science issues.

Performance Measure Targets:

Work under this program supports performance results in the Research: Chemical Safety for Sustainability Program under the S&T appropriation.

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

- (+\$8,060.0) This program change reallocates resources within the Superfund appropriation from the Human and Environmental Risk Assessment (HERA) program to the Chemical Safety and Sustainability (CSS) program to continue PFAS research. There is no programmatic impact associated with this change.

Statutory Authority:

Clean Air Act §§ 103, 104; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Children's Health Act; 21st Century Nanotechnology Research and Development Act; Clean Water Act; Federal Food, Drug, and Cosmetic Act (FFDCA); Federal Insecticide,

⁶² For all ORD StRAPs, please see: <https://www.epa.gov/research/strategic-research-action-plans-2019-2022>

⁶³ For more information, please see: <https://www.epa.gov/research/epa-research-solutions-states>.

Fungicide and Rodenticide Act (FIFRA); Pollution Prevention Act (PPA); Resource Conservation and Recovery Act (RCRA); Safe Drinking Water Act (SDWA); Toxic Substances Control Act (TSCA).

Research: Sustainable Communities

Research: Sustainable and Healthy Communities

Program Area: Research: Sustainable Communities
Cross-Agency Mission and Science Support

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
Science & Technology	\$112,717	\$133,000	\$141,477	\$8,477
Leaking Underground Storage Tanks	\$303	\$320	\$337	\$17
Inland Oil Spill Programs	\$1,149	\$664	\$674	\$10
<i>Hazardous Substance Superfund</i>	<i>\$13,458</i>	<i>\$16,463</i>	<i>\$16,927</i>	<i>\$464</i>
Total Budget Authority	\$127,626	\$150,447	\$159,415	\$8,968
Total Workyears	442.3	421.8	441.8	20.0

Program Project Description:

This area of EPA's Sustainable and Healthy Communities (SHC) Research Program responds directly to the Superfund law requirements for a comprehensive and coordinated federal "program of research, evaluation, testing, development, and demonstration of alternative or innovative treatment technologies...which may be utilized in response actions to achieve more permanent protection of human health and welfare and the environment."⁶⁴

SHC has made a commitment to foster environmental, public health, and economic benefits for overburdened communities. Superfund remedial technologies will directly support communities with environmental justice concerns and accelerate solutions to ameliorate the negative impacts Superfund sites pose for underserved communities. SHC also will emphasize remediation technologies that improve long-term site resilience including to the impacts and potential future impacts of climate change (e.g., flooding, fire, sea level rise). SHC will apply an integrated systems approach to incorporate diverse data streams for increased understanding of linkages between the total environment (built, natural and social) and public health to support communities and will highlight climate change and environmental justice related research throughout the program.

SHC's research under the Superfund appropriation provides federal, regional, and community decision-makers with 1) engineering tools, methods, and information to assess current conditions at Superfund sites; 2) decision support tools to evaluate the implications of alternative remediation approaches and technologies, and reuse of sites; 3) the latest science to support policy development and implementation; and 4) rapid access to technical support through EPA's Superfund Technical Support Centers.

⁶⁴ 42 U.S.C. § 9660(b).

Recent Accomplishments of the SHC Research Program include:

- **Application of Passive Sampling for Making Management Decisions based on Contaminant Bioavailability at Contaminated Sediment Superfund Sites (Published in March 2021):**⁶⁵ This research was performed to evaluate the use of passive sampling to assess the risk associated with petroleum hydrocarbon-contaminated sediments and provide data for remediation decisions. The study investigated polycyclic aromatic hydrocarbons (PAHs) in Saint Jones River soils next to the Dover Gas Light Superfund site. The freely dissolved concentrations of total PAHs were estimated based on equilibrium partitioning and the passive sampling findings. Freely dissolved concentrations of PAHs showed greater toxicity with deeper sediments. Results indicated that natural clean sediments can be used to bury less contaminated sites whereas other techniques such as dredging could be focused on highly contaminated areas. This research provides an evidence base for remedial project managers to use in site clean-up decisions.
- **Strategies for Managing Risk due to Back Diffusion (Publication Date: Winter 2021 Edition):**⁶⁶ This review provides a state-of-the-science resource to evaluate treatment options at sites where back diffusion has been identified as a significant factor. Back diffusion is backwards movement of contaminants into areas of relatively higher permeability that makes cleanup more challenging unless it is addressed in the remedial design. This research effort reviewed characteristics of sites with contaminant plume persistence due to back diffusion, and remedial strategies used to manage the issue. Remedial project managers can use the reported research results as a resource during the initial process of screening remedial technologies and strategies to help select those that hold the most promise and warrant further evaluation for application at a given site.

FY 2023 Activities and Performance Plan:

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

In FY 2023, EPA research under SHC will support the Land and Emergency Management Program, regional offices, tribes, and states, by providing technical assistance and support to help characterize, remediate, and manage contaminated sites and groundwater—issues which are especially concerning to vulnerable, overburdened communities. The tools developed under the SHC Research Program will help the Agency address complex contamination problems, which may be made more complex by the impacts of climate change, at Superfund, Resource Conservation Recovery Act (RCRA), and Brownfields sites in the United States. EPA research personnel and associated support staff also will collect data to model vapor intrusion in multicompartments and large buildings, as well as sample and analyze contaminated groundwater and sediments at high priority sites (*e.g.*, mining influenced waters). Scientific journal articles, datasets, models, and tools will be published to disseminate findings associated with the data.

⁶⁵ For more information, please see: <https://setac.onlinelibrary.wiley.com/doi/abs/10.1002/ieam.4409?af=R>.

⁶⁶ For more information, please see: <https://ngwa.onlinelibrary.wiley.com/doi/epdf/10.1111/gwmr.12423>.

Per- and polyfluoroalkyl substances (PFAS) will continue to be a priority research topic for SHC. SHC is specifically researching analytical methods, human exposure, contaminated sites source zones, hard to treat streams such as landfill leachate, fate and transport of PFAS in groundwater, remediation performance (treatability and cost models), immobilization/stabilization of PFAS, and novel remedial technologies. This work provides technical support and assistance to states, tribes, and local communities on issues pertaining to ecological and human health risk assessment and site engineering challenges related to PFAS.

Research Planning:

EPA research is built around six integrated and transdisciplinary research programs. Each of the six programs is guided by a Strategic Research Action Plan (StRAP) that reflects the research needs of Agency program and regional offices, states, and tribes, and is planned with their active involvement. Each research program is in the process of developing the fourth generation of the StRAPs, which will continue the practice of conducting innovative scientific research aimed at solving the problems encountered by the Agency and its partners.

The Office of Research and Development (ORD) works with various groups, including communities, to ensure the integrity and value of its research through a variety of mechanisms that include:

- EPA's Board of Scientific Counselors (BOSC)
 - ORD meets regularly with this committee, which provides advice and recommendations to ORD on technical and management issues of its research programs.
- State Engagement
 - EPA's state engagement⁶⁷ is designed to inform states about their role within EPA and EPA's research programs, and to better understand the science needs of state environmental and health agencies.
- Tribal Partnerships
 - Key tribal partnerships are established through the Tribal Science Program which provides a forum for the interaction between tribal and Agency representatives. These interactions identify research of mutual benefit and lead to collaborations on important tribal environmental science issues.

Performance Measure Targets:

Work under this program supports performance results in the Research: Sustainable and Healthy Communities Program under the S&T appropriation.

⁶⁷ For more information, please see: <https://www.epa.gov/research/epa-research-solutions-states>.

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

- (+\$356.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$7.0) This change to fixed and other costs is an increase due to the recalculation of laboratory fixed costs.
- (+\$101.0) This increase to SHC's Superfund Research Program will build capacity to help respond directly to the Superfund law requirements.

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

Superfund Cleanup

Superfund: Emergency Response and Removal

Program Area: Superfund Cleanup

Goal: Safeguard and Revitalize Communities

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

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
<i>Hazardous Substance Superfund</i>	<i>\$233,104</i>	<i>\$190,000</i>	<i>\$199,835</i>	<i>\$9,835</i>
Total Budget Authority	\$233,104	\$190,000	\$199,835	\$9,835
Total Workyears	268.0	244.7	250.7	6.0

Program Project Description:

The Emergency Response and Removal Program (Superfund Removal) is the foundation of federal emergency response to releases of hazardous substances, pollutants, or contaminants and is essential to managing the associated risks. In the case of a national emergency, EPA is charged with preventing, limiting, mitigating, or containing chemical, oil, radiological, biological, or hazardous materials released during and in the aftermath of an incident. Situations requiring emergency response and removal actions vary greatly in size, nature, and location, and include chemical releases, fires or explosions, natural disasters, and other threats to people from exposure to hazardous substances. EPA's 24-hour-a-day response capability is a cornerstone element of the National Contingency Plan.⁶⁸ Further, this program is responsible for the Agency's only Primary Mission Essential Function. Superfund Removal cleanups vary in complexity and contain a wide variety of contaminants including mercury, lead, and asbestos.⁶⁹

Over the last ten fiscal years (2012-2021), EPA completed or oversaw more than 2,653 Superfund removal actions across the country. Superfund Removal sites can be found in remote rural areas as well as large urban settings. Approximately 41 million people, or about 13 percent of the population, live within 3 miles of a Superfund Removal site where EPA completed a removal action between FY 2016 and FY 2020.⁷⁰ In addition, over 41 percent of removal completions in FY 2019 and FY 2020 were in communities with populations over the 80th percentile for being people of color, low income, or having less than a high school education.⁷¹

The Superfund Removal Program provides technical assistance and outreach to industry, states, tribes, and local communities as part of the Agency's effort to ensure national safety and security for chemical and oil responses. EPA trains, equips, and deploys resources to manage, contain, and remove contaminants. These substances, until contained or removed, have the potential to significantly damage property, endanger public health, and have critical environmental impact on

⁶⁸ For more information, please refer to: <https://www.epa.gov/emergency-response/national-oil-and-hazardous-substances-pollution-contingency-plan-ncp-overview>.

⁶⁹ Data from US EPA Superfund Enterprise Management System.

⁷⁰ U.S. EPA, Office of Land and Emergency Management 2021. Data collected includes: (1) Superfund removal site information from SEMS from FY2016-FY2020; and (2) population data from the 2015-2019 American Community Survey.

⁷¹ Data from US EPA Superfund Enterprise Management System and US EPA EJ Screen.

communities. Restoration of Superfund Removal sites directly support Executive Order 14008: *Tackling the Climate Crisis at Home and Abroad*.⁷²

EPA Federal On-Scene Coordinators (OSCs) make up the core of the Superfund Removal Program. These trained and equipped EPA personnel respond to, assess, mitigate, and clean up environmental releases regardless of the cause. States, local, and tribal communities rely upon the OSC's expertise and support to deal with environmental emergencies that are beyond their capabilities and resources.

FY 2023 Activities and Performance Plan:

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

In FY 2023, the Superfund Removal Program will:

- In addition to other work addressing abandoned uranium mines (AUM) in other EPA program projects, address AUM impacts on the Navajo Nation (NN). The Agency requests \$3.0 million and 6 FTE to advance cleanup through removal actions at NN AUM sites. These additional resources will assist EPA and NN to accelerate actions laid out in the 2020 Ten Year Plan: Federal Actions to Address Impacts of Uranium Contamination on the Navajo Nation.⁷³
- Respond to, and provide technical assistance for, emergency responses, removal assessments, and limited time critical response actions (non-emergency responses). The Agency requests \$5.0 million for the removal of hazardous waste from communities, an amount that allows for approximately 11 more removal completions a year, a six percent increase from our FY 2023 target. This work would be conducted with an emphasis on advancing environmental justice and equitable outcomes.
- Conduct and participate in selected multi-media training and exercises for emergency responders. These events ensure readiness by focusing on necessary coordination and consistency across the Agency, enhance specialized technical skills and expertise, and strengthen partnerships with state, local, tribal, and other federal responders.
- Support the Environmental Response Team (ERT), which provides nationwide assistance and consultation for emergency response actions, including unusual or complex incidents. In such cases, the ERT supplies the OSC, or lead responder, with special equipment and technical or logistical assistance.
- Continue to deploy its National Incident Management Assistance Team to set up organizational systems that help with the long-term strategic planning and response efforts.

⁷² For additional information, please refer to: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

⁷³ For more information, please refer to: <https://www.epa.gov/sites/default/files/2021-02/documents/nnaum-ten-year-plan-2021-01.pdf>.

Performance Measure Targets:

(PM 137) Number of Superfund removals completed.	FY 2022 Target	FY 2023 Target
	183	183

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

- (+\$1,804.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$3,008.0 / +6.0 FTE) This program change supports the implementation of the Navajo mining work in support of tribal and disadvantaged communities, including providing additional assistance to Navajo Nation to advance cleanup through removal actions. This investment includes \$1.06 million in payroll.
- (+\$5,023.0) This program change increases support for the removal of hazardous waste from communities, with an emphasis on advancing environmental justice and equitable outcomes.

Statutory Authority:

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) §§ 104, 105, 106; Clean Water Act (CWA); and Oil Pollution Act (OPA).

Superfund: EPA Emergency Preparedness

Program Area: Superfund Cleanup

Goal: Safeguard and Revitalize Communities

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

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
<i>Hazardous Substance Superfund</i>	\$7,555	\$7,700	\$8,056	\$356
Total Budget Authority	\$7,555	\$7,700	\$8,056	\$356
Total Workyears	33.8	37.4	37.4	0.0

Program Project Description:

The Superfund Emergency Preparedness Program provides for EPA’s engagement on the National Response Team (NRT) and Regional Response Teams (RRT) where it ensures federal agencies are prepared to respond to national incidents, threats, and major environmental emergencies. EPA implements the Emergency Preparedness Program in coordination with Department of Homeland Security and other federal agencies to deliver federal hazard assistance to state, local, and tribal governments.

The Agency carries out its responsibility under multiple statutory authorities as well as the National Response Framework (NRF), which provides the comprehensive federal structure for managing national emergencies. EPA is the designated lead for the NRF’s Oil and Hazardous Materials Response Annex - Emergency Support Function #10 which covers responsibilities for responding to releases of hazardous materials, oil, and other contaminants that are a threat to human health and the environment. As such, the Agency participates and leads applicable interagency committees and workgroups to develop national planning and implementation policies at the operational level.

FY 2023 Activities and Performance Plan:

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

EPA continuously works to improve its management of emergency response assets to be better prepared to handle large, unprecedented incidents which increase cost effectiveness and avoid costly cleanup actions. The Superfund Emergency Preparedness Program participates in national and local exercises and drills, coordinates with stakeholders to develop Area and Regional Contingency Plans, and provides technical assistance to industry, states, tribes, and local communities. Specific activities include:

- Chair the NRT⁷⁴ and co-chair the 13 RRTs. The NRT and RRTs are the only active environmentally focused interagency executive committees addressing oil and hazardous substance emergencies. They serve as multi-agency coordination groups supporting emergency responders when convened as incident specific teams.
- Participate in the development of limited, scenario-specific exercises and regional drills designed to assess national emergency response management capabilities. These activities will involve the RRTs, NRT, and/or principal level participants.
- Continue to implement the National Incident Management System⁷⁵ which provides the approach to manage incidents and works hand in hand with the NRF.

Performance Measure Targets:

(PM ER01) Number of emergency response and removal exercises that EPA conducts or participates in.	FY 2022 Target	FY 2023 Target
	120	120

(PM ER02) Percentage of emergency response and removal exercises that EPA conducts or participates in that incorporate environmental justice.	FY 2022 Target	FY 2023 Target
	14	21

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

- (+\$290.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$66.0) This program change increases essential support for Superfund Emergency Preparedness Program core activities, such as national and local exercises and drills.

Statutory Authority:

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), §§ 104, 105, 106; Robert T. Stafford Disaster Relief and Emergency Assistance Act.

⁷⁴ For more information, please refer to: <https://www.nrt.org/>.

⁷⁵ For more information, please refer to: <http://www.fema.gov/national-incident-management-system>.

Superfund: Remedial

Program Area: Superfund Cleanup

Goal: Safeguard and Revitalize Communities

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

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
<i>Hazardous Substance Superfund</i>	<i>\$639,714</i>	<i>\$589,000</i>	<i>\$454,601</i>	<i>-\$134,399</i>
Total Budget Authority	\$639,714	\$589,000	\$454,601	-\$134,399
Total Workyears	936.8	868.8	873.8	5.0

Program Project Description:

The Superfund Remedial Program addresses many of the worst contaminated areas in the United States by investigating contamination and implementing long-term cleanup remedies at sites on the National Priorities List (NPL). The Program also oversees response work conducted by potentially responsible parties (PRPs) at NPL and Superfund Alternative Approach (SAA) sites.

By cleaning up and returning land to productive use, the Superfund Remedial Program improves the health and livelihood of all Americans and supports the Administration's goal to reduce exposure to Superfund site contamination, especially in disadvantaged communities. Approximately 22 percent of the U.S. population lives within three miles of a Superfund site, and this population is predominantly minority, low income, linguistically isolated, and less likely to have a high school education than the U.S. population as a whole.⁷⁶

Based on FY 2021 data more than 70 percent of Superfund Remedial site-specific funds were obligated to Superfund NPL sites where there is potential for environmental justice concerns. In the same period, 65 percent of the Superfund Program's accomplishments for Human Exposures Under Control and 50 percent of the accomplishments for Sitewide Ready for Anticipated Reuse were at sites where there is potential for environmental justice concern.⁷⁷

While conducting cleanup at NPL and SAA sites, remedial construction projects can enhance our national infrastructure while addressing harmful exposures. Cleanup work lowers human health risk; for example, recent research indicates that Superfund cleanup actions lowered the risk of elevated blood lead levels by roughly 13 to 26 percent for children living within 2 kilometers of a Superfund NPL site where lead is a contaminant of concern.⁷⁸ For Superfund sites contaminated with lead, 18 percent of the surrounding population is below poverty level, 15 percent is without a high school degree, and 51 percent of the population is minority.

⁷⁶ U.S. EPA, Office of Land and Emergency Management 2021. Data collected includes: (1) Superfund site information from SEMS as of the end of FY2020 and site boundary data from FY 2014 FOIA Request; and (2) population data from the 2015-2019 American Community Survey.

⁷⁷ Data from EPA's Superfund Enterprise Management System and EPA's EJSCREEN.

⁷⁸ For more information, please refer to: <https://www.epa.gov/environmental-economics/research-environmental-economics-ncee-working-paper-series>.

By addressing the human health and environmental risks posed by releases at NPL and SAA sites, the Superfund Remedial Program strengthens the economy and spurs economic growth for all Americans by returning Superfund sites to productive use. Reuse and restoration of Superfund NPL sites directly support the Administration’s Justice40 initiative, as articulated in President Biden’s Executive Order 14008: *Tackling the Climate Crisis at Home and Abroad* (January 27, 2021) as this EO acknowledges the urgent need to restore lands and natural assets.⁷⁹ The Superfund Remedial Program is one of EPA’s Justice40 pilot programs. A key goal of the White House Justice40 Initiative is to ensure that the benefits of federal investments flow to underserved communities. The Superfund Remedial Program is currently looking at ways to increase the delivery of benefits to disadvantaged communities to achieve the 40-percent goal within existing legal authorizations. The goal of Superfund’s implementation plan is to maximize benefits currently offered in all aspects of the Superfund process. This includes maximizing cleanup benefits as well as state and tribal benefits, enforcement opportunities, and enhancements to community involvement and the Superfund Redevelopment Program.

In FY 2021, EPA made 26 Superfund sites ready for anticipated use. As of FY 2021, EPA data show that approximately 1,000 Superfund sites are in reuse - more than half the total number of sites placed on the NPL over the Program’s existence. EPA has data on more than 10,230 businesses at 650 of these sites. These businesses’ ongoing operations generate annual sales of \$65.8 billion. These businesses provided more than 246,000 jobs who earned a combined income of \$18.6 billion. Over the last eight years, these businesses generated at least \$384 billion in sales.

Additionally, cleanup work under the Superfund Remedial Program improves property values. A study conducted by researchers at Duke University and the University of Pittsburgh found that residential property values within 3 miles (4.8 kilometers) of Superfund sites increased between 18.7 and 24.4 percent when sites were cleaned up and deleted from the NPL.⁸⁰

FY 2023 Activities and Performance Plan:

Work in this program directly supports Goal 6/Objective 6.1, Clean Up and Restore Land for Productive Uses and Healthy Communities in the *FY 2022 - 2026 EPA Strategic Plan*. Work in this program also directly supports progress toward the Agency Priority Goal: *Clean up contaminated sites and invest in water infrastructure to enhance the livability and economic vitality of overburdened and underserved communities. By September 30, 2023, EPA will provide technical assistance to at least 10 communities to help achieve clean and safe water and reduced exposures to hazardous substances.*⁸¹

In FY 2023, the Agency requests \$454.6 million for the Superfund Remedial Program to continue cleaning up some of the Nation’s most contaminated land, while beginning to adjust for revenue

⁷⁹ For more information, please refer to: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

⁸⁰ Shanti Gamper-Rabindran and Christopher Timmons. 2013. “Does cleanup of hazardous waste sites raise housing values? Evidence of spatially localized benefits,” *Journal of Environmental Economics and Management* 65(3): 345-360, <http://dx.doi.org/10.1016/j.jeem.2012.12.001>.

⁸¹ This Agency Priority Goal is implemented jointly with Goal 5.

from the Superfund chemical taxes.⁸² EPA will prioritize resources to execute its non-delegable, federal responsibility to remediate sites and protect human health, welfare, and the environment. EPA endeavors to maximize the use of special account resources collected from PRPs for site-specific response actions as stipulated in settlement agreements. More than half of non-federal sites on the final NPL do not have an associated open special account and must rely on annually appropriated funds or funds provided by the Infrastructure Investment and Jobs Act of 2021 (IIJA).

The IIJA invests \$3.5 billion in environmental remediation at Superfund sites and reinstates the Superfund chemical taxes, making it one of the largest investments in American history to address the legacy pollution that harms public health in communities and neighborhoods, creating good-paying jobs advancing economic and environmental justice in the process. This funding will allow EPA to initiate work on all backlogged remedial construction projects and accelerate cleanups at NPL sites across the country.

The FY 2023 Superfund funding requested will be used to start critical pre-construction projects such as site characterization and construction design, which will complement construction projects that utilize IIJA funding. The funding request also supports the Superfund's community involvement and outreach activities at sites. These activities play a pivotal role in ensuring communities have the resources they need to meaningfully participate in the decision-making process, including an increased involvement of communities to develop their visions for revitalization by identifying economic drivers and connecting community needs to federal investments. These funds will support capacity building technical assistance, and the Superfund Job Training Initiative.

In FY 2023, EPA will reduce exposure to lead and associated health impacts including the risk of elevated blood lead levels for children by completing at least 45 Superfund lead cleanup projects. EPA also will continue to support the cleanup of Per- and Polyfluoroalkyl Substances (PFAS) and will collaborate on cross-cutting strategies; advance new science; develop coordinated policies, regulations, and communications; assess the nature and extent of PFAS contamination and other contaminants of concern at sites; and engage with affected states, tribes, communities, and stakeholders. Additionally, completing these cleanup projects advances work in cancer prevention as part of President Biden's reignited Cancer Moonshot Initiative as many of these legacy sites expose Americans to contaminants that have been shown to cause an increased risk of cancer.

EPA's regional labs provide cutting-edge science to inform immediate and near-term, multi-media decisions on environmental conditions, emergency response, and enforcement. Regional laboratory science also helps inform communities about the risks the site may pose in terms of chemical exposures and cumulative environmental impacts. Strong science needs state-of-the-art equipment and the scientists to operate it. This investment will provide approximately \$3.9 million and 5 FTE to be allocated strategically across all ten Regions for replacement and upgrading of aging analytical equipment and modernization of the associated critical IT infrastructure. This new

⁸² On November 15, 2021, the Infrastructure Investment and Jobs Act [(IIJA), P.L. 117-58] reinstated and modified the excise taxes on certain listed chemicals and imported substances that are used as materials in their manufacture or production one or more of those listed chemicals ("Superfund chemical taxes"). The Superfund chemical taxes go into effect beginning July 1, 2022 and expire on December 31, 2031. In FY 2022, the U.S. Treasury forecasts collecting \$388 million in Superfund chemical taxes which will be available for use in FY 2023. EPA will utilize resources to carry out the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended.

analytical equipment will support the ambitious environmental and clean up goals of President Biden’s agenda.

Performance Measure Targets:

(PM 151) Number of Superfund sites with human exposures brought under control.	FY 2022 Target	FY 2023 Target
	12	12

(PM 155) Number of Superfund cleanup projects completed that address lead as a contaminant.	FY 2022 Target	FY 2023 Target
	45	45

(PM 170) Number of remedial action projects completed at Superfund sites.	FY 2022 Target	FY 2023 Target
	80	75

(PM S10) Number of Superfund sites made ready for anticipated use site-wide.	FY 2022 Target	FY 2023 Target
	25	15

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

- (+\$9,031.0) This change to fixed and other costs is an increase due to the recalculation of base payroll costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (-\$147,286.0) This program change is a decrease to the Superfund Remedial Program. This reduction recognizes the additional funding invested in the Superfund Remedial Program by IIJA and availability of Superfund chemical tax revenues beginning in FY 2023.
- (+\$3,856.0 / +5.0 FTE) This investment will be allocated strategically across the regions for replacement and upgrading of aging analytical equipment and modernization of associated critical IT infrastructure. Regional EPA laboratories support EPA’s mission by providing sound, and legally defensible scientific data to support decisions by EPA’s Superfund Remedial Program. This investment includes \$906.0 thousand in payroll.

Statutory Authority:

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Superfund: Federal Facilities

Program Area: Superfund Cleanup

Goal: Safeguard and Revitalize Communities

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

(Dollars in Thousands)

	FY 2021 Final Actuals	FY 2022 Annualized CR	FY 2023 President's Budget	FY 2023 President's Budget v. FY 2022 Annualized CR
<i>Hazardous Substance Superfund</i>	\$24,264	\$21,800	\$36,272	\$14,472
Total Budget Authority	\$24,264	\$21,800	\$36,272	\$14,472
Total Workyears	107.6	109.7	112.7	3.0

Program Project Description:

The Superfund Federal Facilities Program oversees and provides technical assistance for the protective and efficient cleanup and reuse of Federal Facility National Priorities List (NPL) sites. Program responsibilities include: 1) inventory and assess potentially contaminated sites; 2) select and implement protective remedies; 3) facilitate early transfer of property; and 4) ensure ongoing protectiveness of completed cleanups.

The Federal Facility NPL sites, where the other federal agencies (OFAs) are the lead agency and EPA is the lead oversight agency, are among the largest in the Superfund Program and can encompass specialized environmental contaminants such as munitions and radiological waste, and contaminants of emerging concern such as per-and polyfluoroalkyl substances (PFAS). EPA jointly selects site remedies with OFAs and uses its oversight authority to provide an independent assessment of federal cleanups to ensure work conducted is in accordance with site cleanup plans and yields protective remedies. To ensure efficiencies and consistent approaches to cleanup, the Program collaborates with OFAs and state, local, and tribal governments. There are 174 Federal Facility sites on the NPL, which are part of the approximately 2,400 sites on the Federal Agency Hazardous Waste Compliance Docket maintained by EPA. The sites result in nearly \$9 billion per year expended by OFAs under EPA oversight. The resulting cleanup, restoration, and reuse of Federal Facility NPL sites contributes significantly to Superfund program accomplishments. In FY 2021, the Program completed response action decisions at 48 federal facility sites to address environmental contamination. The Program also achieved 32 Remedial Action Project Completions and reviewed 55 Five-Year Reviews to confirm protective remedies remain in place.

The Superfund Federal Facilities Program supports President Biden's Executive Order 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*⁸³ by recognizing and working to repair inequities that serve as barriers to equal opportunity in the Federal Facility Superfund Program. This is accomplished by working to improve the health and livelihood of communities through cleaning up and returning land to productive use. Over 68 percent of Federal Facility NPL sites are in communities

⁸³ For additional information, please refer to: <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

disproportionately affected by environmental burdens. Cleaning up contaminated sites at federal facilities also can serve as a catalyst for economic growth and community revitalization.

The Superfund Federal Facilities Program has successfully worked with EPA's partners to facilitate the redevelopment of Federal Facility NPL sites across the country. Since Federal Facility NPL sites often encompass thousands of acres with buildings, roads, and other infrastructure, their effective and efficient cleanup and reuse can play a pivotal role in a community's economic growth and environmental vitality. Reuse and restoration of Federal Facility NPL sites directly support President Biden's Executive Order 14008: *Tackling the Climate Crisis at Home and Abroad*.⁸⁴ Redevelopment projects have included ecological preserves, recreational areas, cultural/historical resources, public transit infrastructure, and alternative energy sources. A 2021 economic analysis of 50 Federal Facility NPL sites identified over 2,000 businesses that generated \$17 billion in annual sales, provided over 220,000 jobs and \$19 billion in estimated annual employment income.⁸⁵ Future climate impact priorities for the Superfund Federal Facility program include the release of the FY 2022-2023 OLEM Climate Change Adaptation Plan, development of climate impact consideration training for Remedial Project Managers, and continuing collaboration with OFAs to include climate impact considerations in remedial actions.

FY 2023 Activities and Performance Plan:

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

In FY 2023, the Superfund Federal Facilities Program, as part of its statutorily mandated oversight responsibilities will support the EPA PFAS Strategic Roadmap by overseeing the growing number of PFAS cleanups at Department of Defense (DOD), the Department of Energy (DOE), and OFA sites. The Program will benefit from a significant investment to keep pace with the surge of PFAS cleanups under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and restore core program capacity. Currently, the Program is challenged to keep pace with our oversight role at the 96 Federal Facility NPL sites with PFAS detections. Additionally, DOD is expected to initiate approximately 50 additional PFAS investigations in FY 2023.

An investment of \$13 million and 3 FTE in the Federal Facilities PFAS Program, in FY 2023, will allow EPA to minimize disruptions and delays to oversight responsibilities and enable DOD and other Federal Agencies to meet their Congressional cleanup obligations under the 2022 National Defense Authorization Act. EPA also is able to leverage knowledge and best practices developed from Federal Facilities PFAS investigations to aid PFAS cleanups across the country.

In addition to the growing workload related to PFAS, the Program will prioritize and continue to partner with OFAs; state, local, and tribal governments; and communities to limit human exposure to potentially harmful levels of lead in the environment. EPA will continue to oversee complex cleanups at Federal Facility NPL sites, such as contamination in groundwater, munitions and

⁸⁴ For additional information, please refer to: <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>.

⁸⁵ For additional information, please refer to: <https://www.epa.gov/fedfac/redevelopment-economics-federal-facilities>.

explosives of concern, contaminants of emerging concern, and contamination from legacy nuclear weapons development and energy research. For example, while the DOE has completed cleanup work at many of its sites, DOE estimates that the remaining legacy Cold War sites will take decades to complete due to groundwater, soil, and waste processing. Similarly, the DOD inventory includes sites that contain chemical and explosive compounds which require special handling, storage, and disposal practices, as well as cleanup. EPA will continue to provide oversight and technical assistance at DOD's military munitions response sites and support DOD's development of new technologies to streamline cleanups.

To ensure the long-term protectiveness of the remedies, the Agency will continue monitoring, overseeing progress, and improving the quality and consistency of Five-Year Reviews conducted at federal sites where waste has been left in place and land use is restricted. Five-Year Reviews are required under Section 121(c) of CERCLA and EPA's role is to concur or make its own independent protectiveness determination. EPA has been working collaboratively with DOD, DOE, and Department of the Interior (DOI) to improve the technical quality, timeliness, and cost of the five-year review reports and to ensure engagement with pollution-burdened and underserved communities. In FY 2023, the Superfund Federal Facilities Program will review approximately 35 five-year review reports to fulfill statutory requirements and to inform the public about the protectiveness of remedies.

In FY 2023, the Superfund Federal Facilities Program will target the highest risk sites and focus on activities that bring human exposure and groundwater migration under control. In addition, EPA manages the Federal Agency Hazardous Waste Compliance Docket (Docket) which contains information reported by federal facilities that manage hazardous waste or from which hazardous substances, pollutants, or contaminants have been or may be released. The Docket: 1) identifies all federal facilities that must be evaluated through the site assessment process; 2) determines whether they pose a risk to human health and the environment sufficient to warrant inclusion on the NPL; and 3) provides a mechanism to make the information available to the public. The Docket is updated semi-annually and has approximately 2,400 facilities listed.

Performance Measure Targets:

Work under this program supports performance results in the Superfund Remedial Program under the Superfund appropriation.

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

- (+\$760.0) This change to fixed and other costs is an increase due to the recalculation of base payroll costs for existing FTE, adjustments to provide essential workforce support, and changes to benefits costs.
- (\$13,712.0 / +3.0 FTE) This program change is an increase to address critical gaps in EPA's ability to oversee DOD PFAS cleanup under CERCLA and to restore core program capacity, including keeping pace with the Agency's oversight role at Federal Facilities NPL sites. This investment includes \$547.0 thousand in payroll.

Statutory Authority:

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) § 120.

Superfund Special Accounts

Background

EPA has the authority to collect funds from parties to support Superfund investigations and cleanups. Section 122(b)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) authorizes EPA to retain and use funds received pursuant to a settlement agreement with a party to carry out the purpose of that agreement. Funds are deposited in Superfund special accounts for cleanup at the sites designated in individually negotiated settlement agreements. Through use of special accounts, EPA ensures responsible parties pay for cleanup so that annually appropriated resources from the Superfund Trust Fund and resources made available through the Infrastructure Investment and Jobs Act of 2021 are generally conserved for sites where no viable or liable potentially responsible parties (PRPs) can be identified. Each account is set up separately and distinctly and may only be used for the sites and uses outlined in the settlement(s) with the party or parties.

Special accounts are sub-accounts in the Superfund Trust Fund. Pursuant to the specific agreements, which typically take the form of an Administrative Order on Consent or a Consent Decree, EPA uses special account funds to finance site-specific CERCLA response actions at the site for which the account was established. Of the current 1,322 Superfund sites listed as final on the National Priorities List, more than half do not have special account funds available for use. As special account funds may only be used for sites and uses specified in the settlement agreement, both special account resources and appropriated resources are critical to the Superfund Program to clean up Superfund sites.

Special account funds are used to conduct many different site-specific CERCLA response actions, including, but not limited to, investigations to determine the nature and extent of contamination and the appropriate remedy, design, construction and implementation of the remedy, enforcement activities, and post-construction activities. EPA also may provide special account funds as an incentive to another PRP(s) who agrees to perform additional work beyond the PRP's allocated share at the site, which EPA might otherwise have to conduct. Because response actions may take many years, the full use of special account funds also may take many years. Once all site-specific response work pursuant to the settlement agreement is complete and site risks are addressed, special account funds may be used to reimburse EPA for site-specific costs incurred using appropriated resources (*i.e.*, reclassification), allowing the latter resources to be allocated to other sites. Any remaining special account funds are transferred to the Superfund Trust Fund, where they are available for future appropriation by Congress to further support response work.

FY 2021 Special Account Activity

Since the inception of special accounts through the end of FY 2021, EPA has collected \$7.8 billion from parties and earned approximately \$734.4 million in interest. Approximately 59 percent of the funds have been disbursed or obligated for response actions at sites and plans have been developed to guide the future use of the remaining 41 percent of available special account funds. In addition, at sites with no additional work planned or costs to be incurred by EPA, EPA has transferred over \$55.1 million to the Superfund Trust Fund. As of the end of FY 2021, over \$4.6 billion has been

disbursed for site response actions and approximately \$340.3 million has been obligated but not yet disbursed.

The Agency continues to receive site-specific settlement funds that are placed in special accounts each year, so progress on actual obligation and disbursement of funds may not be apparent upon review solely of the cumulative available balance. In FY 2021, EPA deposited more than \$221.8 million into special accounts and disbursed over \$251.4 million from special accounts (including reclassifications). At the end of FY 2021, the cumulative amount available in special accounts was over \$3.5 billion.

Special accounts vary in size. A limited set of accounts represent the majority of the funds available. At the end of FY 2021, 4 percent of open accounts had greater than \$10 million available and approximately 69 percent of all available funds in open accounts. There are many accounts with lower available balances. 74 percent of all open accounts with up to \$1 million available represent approximately 6 percent of available funds in all open accounts.

The balance of over \$3.5 billion is not equivalent to an annual appropriation. The funds collected under settlements are intended to finance future response work at particular sites for the length of the project. EPA is carefully managing those funds that remain available for site response work and develops plans to utilize the available balance. EPA will continue to plan the use of funds received to conduct site-specific response activities or reclassify and/or transfer excess funds to the Superfund Trust Fund to make annually appropriated funds available for use at other Superfund sites.

For some Superfund sites, although funds are readily available in a special account, remedial action may take time to initiate and complete. The timeframe required to implement a given remedial action is driven largely by site-specific conditions, such as the specific requirements for special account use set forth in the settlement agreement, the stage of site cleanup, the viability of other responsible parties to conduct site cleanup, and the nature of the site contamination. EPA has plans to spend approximately \$1.4 billion of currently available special account funds over the next 5 years, but funds also are planned much further into the future to continue activities, such as conducting five-year reviews or remedy optimization, at sites where waste has been left in place.

Over the past five fiscal years, the EPA has obligated or disbursed more than \$1.2 billion from special accounts (excluding reclassifications), resulting in the Superfund Program performing a significant amount of work in addition to work the Agency performed using annually appropriated funds. In FY 2021, EPA disbursed and obligated approximately \$217.0 million from special accounts (excluding reclassifications) for response work at more than 700 Superfund sites. Site-specific examples of this work include \$30.1 million to support work at Welsbach & General Gas Mantle site in New Jersey; \$15.2 million to support work at the New Bedford Harbor site in Massachusetts; \$11.7 million for the Cornell Dubilier Electronics Inc. site in New Jersey; and \$9.7 million for the Oklahoma Refining Co. site in Oklahoma. In the absence of special account funds, appropriated funds would have been necessary for these response actions to be funded. In other words, EPA was able to fund approximately \$217.0 million in response work at sites in addition to the work funded through appropriated funds obligated or disbursed in FY 2021.

The summary charts below provide additional information on the status of special accounts. Exhibit 1 illustrates the cumulative status of open and closed accounts, FY 2021 program activity, and planned multi-year uses of the available balance. Exhibit 2 provides the prior year (FY 2021), current year (FY 2022), and estimated future budget year (FY 2023) activity for special accounts. Exhibit 3 provides prior year data (FY 2021) by EPA regional offices to exhibit the geographic use of the funds.

**Exhibit 1: Summary of FY 2021 Special Account Transactions
and Cumulative Multi-Year Plans for Using Available Special Account Funds**

Account Status¹	Number of Accounts
Cumulative Open	1,232
Cumulative Closed	441
FY 2020 Special Account Activity	\$ in Thousands
Beginning Available Balance	
FY 2021 Activities	
+ Receipts	\$221,871.0
- Transfers to Superfund Trust Fund (Receipt Adjustment)	(\$11,632.6)
+ Net Interest Earned	\$67,702.0
- Net Change in Unliquidated Obligations	\$14,111.6
- Disbursements - For EPA Incurred Costs	(\$223,824.0)
- Disbursements - For Work Party Reimbursements under Final Settlements	(\$7,290.9)
- Reclassifications	(\$20,305.0)
End of Fiscal Year (EOFY) Available Balance ²	\$3,506,736.7
Multi-Year Plans for EOFY 2021 Available Balance³	\$ in Thousands
2021 EOFY Available Balance	\$3,506,736.7
- Estimates for Future EPA Site Activities based on Current Site Plans ⁴	\$3,359,172.1
- Estimates for Potential Disbursement to Work Parties Identified in Final Settlements ⁵	\$73,116.8
- Estimates for Reclassifications for FYs 2022-2024 ⁶	\$35,885.7
- Estimates for Transfers to Trust Fund for FYs 2022-2024 ⁶	\$27,687.4
- Available Balance to be Planned for Site-Specific Response ⁷	\$10,874.6

¹ FY 2021 data is as of 10/01/2021. The Beginning Available Balance is as of 10/01/2020.

² Numbers may not add due to rounding.

³ Planning data were recorded in the Superfund Enterprise Management System (SEMS) as of 11/01/2021 in reference to special account available balances as of 10/01/2021.

⁴ "Estimates for EPA Future Site Activities" includes all response actions that EPA may conduct or oversee in the future, such as removal, remedial, enforcement, post-construction activities as well as allocation of funds to facilitate a settlement to encourage PRPs to perform the cleanup. Planning data are multi-year and cannot be used for annual comparisons.

⁵ "Estimates for Potential Disbursements to Work Parties Identified in Finalized Settlements" includes those funds that have already been designated in a settlement document, such as a Consent Decree or Administrative Order on Consent, to be available to a PRP for reimbursements but that have not yet been obligated.

⁶ "Reclassifications" and "Transfers to the Trust Fund" are estimated for three FYs only. These amounts are only estimates and may change as EPA determines what funds are needed to complete site-specific response activities.

⁷ These include resources received by EPA at the end of the fiscal year and will be assigned for site-specific response activities.

Exhibit 2: Actual and Estimated Special Account Transactions FY 2021 – FY 2023¹

	FY 2021	FY 2022 estimate	FY 2023 estimate
	\$ in Thousands		
Beginning Available Balance	\$3,466,104.7	\$3,506,736.7	\$3,700,941.7
Receipts ²	\$221,871.0	\$350,000.0	\$350,000.0
Transfers to Trust Fund (Receipt Adjustment) ³	(\$11,632.6)	(\$7,348.5)	(\$7,348.5)
Net Interest Earned ⁴	\$67,702.0	\$100,000.0	\$100,000.0
Net Obligations ^{3,5}	(\$217,003.4)	(\$230,085.4)	(\$230,085.4)
Reclassifications ³	(\$20,305.0)	(\$18,361.1)	(\$18,361.1)
End of Year Available Balance ⁶	\$3,506,736.7	\$3,700,941.7	\$3,895,146.6

¹ FY 2021 data is as of 10/01/2021. The Beginning Available Balance is as of 10/01/2020.

² The estimates for Receipts are in line with more typical years.

³ The estimates for Transfers to Trust Fund, Net Obligations, and Reclassifications are based on a three-year historical average.

⁴ Net interest earned in FY 2022 and FY 2023 are estimated utilizing economic assumptions for the FY 2023 President's Budget.

⁵ Net Obligations reflect special account funds no longer available for obligation, excluding reclassifications and receipts transferred to the Trust Fund.

⁶ Numbers may not add due to rounding.

Exhibit 3: FY 2021 Special Account Transactions by EPA Regional Offices

Dollars in Thousands

	Beginning Available Balance	Receipts	Transfers to Trust Fund (Receipt Adjustment)	Net Interest Earned	Net Obligations	Reclassifications	End of Year Available Balance ²
Region 1	\$187,105.8	\$7,584.3	(\$3,773.0)	\$4,020.7	(\$22,524.8)	(\$4,633.8)	\$167,779.2
Region 2	\$570,336.8	\$53,831.5	\$0.0	\$11,111.2	(\$70,905.5)	(\$557.3)	\$563,816.6
Region 3	\$171,375.8	\$13,482.1	(\$0.0)	\$3,181.5	(\$13,777.2)	(\$7,079.4)	\$167,182.8
Region 4	\$63,402.9	\$7,441.2	(\$198.6)	\$1,198.5	(\$3,905.8)	(\$3,391.4)	\$64,546.9
Region 5	\$414,742.0	\$56,102.6	(\$0.3)	\$10,318.6	(\$13,142.6)	(\$395.4)	\$467,624.9
Region 6	\$119,010.1	\$3,637.3	(\$4,907.3)	\$496.3	(\$16,489.5)	(\$2,178.1)	\$99,568.9
Region 7	\$148,474.0	\$5,455.6	(\$2,502.7)	\$2,422.7	(\$13,655.3)	(\$1,266.9)	\$138,927.3
Region 8	\$266,770.0	\$29,153.1	(\$75.4)	\$7,342.0	(\$22,515.3)	(\$222.2)	\$280,452.2
Region 9	\$1,371,820.8	\$18,714.1	(\$175.2)	\$24,052.3	(\$22,601.8)	(\$402.2)	\$1,391,408.0
Region 10	\$153,066.5	\$26,469.1	\$0.0	\$3,558.2	(\$17,485.5)	(\$178.4)	\$165,429.9
Total	\$3,466,104.7	\$221,871.0	(\$11,632.6)	\$67,702.0	(\$217,003.4)	(\$20,305.0)	\$3,506,736.7

¹ FY 2021 data is as of 10/01/2021. The Beginning Available Balance is as of 10/01/2020.

² Numbers may not add due to rounding.