



**United States  
Environmental Protection Agency**

**FISCAL YEAR 2024**

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

**Tab 08: Superfund**

**EPA-190-R-23-001**

**March 2023  
[www.epa.gov/cj](http://www.epa.gov/cj)**

**Environmental Protection Agency  
2024 Annual Performance Plan and Congressional Justification**

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**Environmental Protection Agency  
FY 2024 Annual Performance Plan and Congressional Justification**

**APPROPRIATION: Hazardous Substance Superfund**

**Resource Summary Table**

(Dollars in Thousands)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
<b>Hazardous Substance Superfund</b>				
Budget Authority	\$1,249,039	\$1,282,700	\$355,856	-\$926,844
Total Workyears	2,623.2	2,678.0	2,726.4	48.4

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, \$355,856,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2023, and not otherwise appropriated from the Trust Fund, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$355,856,000 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, \$13,847,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2025, and \$31,928,000 shall be paid to the "Science and Technology" appropriation to remain available until September 30, 2025.*

**Program Projects in Superfund**

(Dollars in Thousands)

<b>Program Project</b>	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Indoor Air and Radiation				
Radiation: Protection	\$2,011	\$2,472	\$3,010	\$538
Audits, Evaluations, and Investigations				

<b>Program Project</b>	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Audits, Evaluations, and Investigations	\$8,706	\$11,800	\$13,847	\$2,047
Compliance				
Compliance Monitoring	\$1,278	\$1,017	\$1,032	\$15
Enforcement				
Criminal Enforcement	\$8,149	\$7,999	\$8,644	\$645
Forensics Support	\$1,676	\$1,240	\$1,648	\$408
Superfund: Enforcement	\$169,444	\$171,347	\$0	-\$171,347
Superfund: Federal Facilities Enforcement	\$7,263	\$8,192	\$10,366	\$2,174
Subtotal, Enforcement	\$186,532	\$188,778	\$20,658	-\$168,120
Environmental Justice				
Environmental Justice	\$1,065	\$5,876	\$5,888	\$12
Homeland Security				
Homeland Security: Preparedness, Response, and Recovery	\$35,026	\$34,661	\$56,484	\$21,823
Homeland Security: Protection of EPA Personnel and Infrastructure	\$1,201	\$1,029	\$1,530	\$501
Subtotal, Homeland Security	\$36,226	\$35,690	\$58,014	\$22,324
IT / Data Management / Security				
Exchange Network	\$1,137	\$1,328	\$1,328	\$0
Information Security	\$1,209	\$1,062	\$7,859	\$6,797
IT / Data Management	\$16,075	\$19,764	\$17,727	-\$2,037
Subtotal, IT / Data Management / Security	\$18,421	\$22,154	\$26,914	\$4,760
Legal / Science / Regulatory / Economic Review				
Alternative Dispute Resolution	\$698	\$791	\$880	\$89
Legal Advice: Environmental Program	\$475	\$599	\$477	-\$122
Subtotal, Legal / Science / Regulatory / Economic Review	\$1,173	\$1,390	\$1,357	-\$33
Operations and Administration				
Central Planning, Budgeting, and Finance	\$29,102	\$31,338	\$30,207	-\$1,131
Facilities Infrastructure and Operations	\$76,108	\$65,634	\$71,540	\$5,906
Acquisition Management	\$23,550	\$27,247	\$33,758	\$6,511
Human Resources Management	\$7,253	\$7,419	\$8,751	\$1,332
Financial Assistance Grants / IAG Management	\$4,188	\$4,002	\$4,601	\$599
Subtotal, Operations and Administration	\$140,202	\$135,640	\$148,857	\$13,217

<b>Program Project</b>	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Research: Sustainable Communities				
Research: Sustainable and Healthy Communities	\$16,562	\$16,937	\$17,364	\$427
Research: Chemical Safety for Sustainability				
Health and Environmental Risk Assessment	\$9,405	\$4,901	\$5,005	\$104
Research: Chemical Safety for Sustainability	\$2,579	\$8,060	\$8,060	\$0
Subtotal, Research: Chemical Safety for Sustainability	\$11,984	\$12,961	\$13,065	\$104
Superfund Cleanup				
Superfund: Emergency Response and Removal	\$239,807	\$195,000	\$0	-\$195,000
Superfund: EPA Emergency Preparedness	\$9,071	\$8,056	\$8,445	\$389
Superfund: Federal Facilities	\$23,911	\$26,189	\$37,405	\$11,216
Superfund: Remedial	\$552,089	\$618,740	\$0	-\$618,740
Subtotal, Superfund Cleanup	\$824,879	\$847,985	\$45,850	-\$802,135
<b>TOTAL Superfund</b>	<b>\$1,249,039</b>	<b>\$1,282,700</b>	<b>\$355,856</b>	<b>-\$926,844</b>

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 2022 Final Actuals	FY 2023 Enacted Operating Plan	FY 2024 President's Budget	FY 2024 President's Budget v. FY 2023 Enacted Operating Plan
Inspector General	\$48,605	\$44,030	\$64,526	\$20,496
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$8,706</i></b>	<b><i>\$11,800</i></b>	<b><i>\$13,847</i></b>	<b><i>\$2,047</i></b>
Total Budget Authority	\$57,310	\$55,830	\$78,373	\$22,543
Total Workyears	285.0	270.0	333.5	63.5

### 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 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 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.<sup>1</sup> In FY 2021, the OIG's appropriation was \$55,086,000, with a return of investment of \$149,632,858. The results were a 272 percent return on investment from audits and investigations.

OIG's Office of Audit (OA) is comprised of five permanent directorates: Financial; Business Operations; Information Resources Management; Pollution Control and Cleanup; and Environmental Investment and Infrastructure. In addition to these five directorates, OA established

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

another four directorates to provide oversight of the EPA's implementation of the Infrastructure Investment and Jobs Act: Drinking Water Investments; Special Drinking Water Projects; Clean Water Investments; and Recycling, Clean Up, and Pollution Prevention. Together, they are responsible for independent oversight of EPA and CSB programs and for recommending needed improvements to programs and operations. Specifically, OA conducts financial and 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 four directorates. OSRE's three evaluation directorates are responsible for independent oversight of EPA programs and recommending needed improvements to programs and operations. The three evaluation directorates within OSRE are: 1) Programs, Offices, and Centers Oversight Directorate; 2) the Implementation, Execution, and Enforcement Directorate; 3) the Environmental Infrastructure Oversight Directorate. OSRE's fourth directorate the Administrative Investigations Directorate, 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 conducts its mission in compliance with the Inspector General Act, as amended, and the Generally Accepted Government Accounting Standards. OSRE conducts its mission in compliance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspection and Evaluation* and *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 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, evaluations, and 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, as appropriate. 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, and Office of Counsel and Congressional and Public Affairs.

## **FY 2024 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; and 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. During FY 2021, the Agency implemented 122 corrective actions in response to OIG's recommendations to improve EPA programs and/or processes.

In FY 2024, 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 2024:

### **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:

- Whether EPA is managing its Superfund special accounts in accordance with statutory and regulatory requirements and EPA's policy and guidance.
- Whether EPA is using funds from the Infrastructure and Investment Jobs Act to begin construction projects at Superfund sites awaiting funding as required by the Act.
- Whether EPA has achieved its goal, through Superfund institutional controls, to prevent human exposure at Superfund sites.
- How the EPA's Office of Land and Emergency Management allocates funding and staffing resources to accomplish work required by statute or executive order versus work that is not statutorily required.

In addition, the OIG will assess 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’s measure to capture criminal, civil, and administrative actions showed a result of 58 OIG investigations on fraud, waste, and abuse in FY 2021.

The OIG plays a critical oversight role helping to ensure that EPA and 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 organized its Field Operations Directorate into two regional offices – the Eastern Region Field Office and the Western Region Field Office, with five associated field offices – the Northeast, Washington Metropolitan, Southeast reporting to the Eastern region and Southwest and Western reporting to the Western region. 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 an attorney-advisor to support its investigative operations.

### **Follow-up and Policy/Regulatory Analysis**

To further promote economy, efficiency, and effectiveness, the OIG will publish compendiums of unimplemented recommendations, which report instances where appropriate agency corrective actions have not been planned or implemented for OIG recommendations or where intended improvements have not 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 2024 Annual Performance Plan does not include annual performance goals specific to this program.

### **FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (+\$649.0) 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. It also includes support for critical agencywide infrastructure support for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$1,300.0 / +6.0 FTE) This investment provides resources to create a standalone IT system and to conduct audits, evaluations, and investigations relating to oversight of the Agency's Superfund Program. This investment includes \$1.2 million for payroll.
- (+\$98.0 / +0.5 FTE) This program change increases FTE to support agencywide implementation of EPA's Diversity, Equity, Inclusion, and Accessibility Strategic Plan and Evidence Act data stewardship and governance requirements.

### **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 \$78.4 million (\$64.5 million Inspector General: \$13.8 million Superfund Transfer)
- The aggregate President's Budget for the operations of the OIG is \$78.4 million (\$64.5 million Inspector General: \$13.8 million Superfund Transfer)
- The portion of the aggregate President's Budget needed for training is \$1.1 million (\$864.0 thousand Inspector General: \$190.0 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 \$282.4 thousand (\$231.6 thousand Inspector General: \$50.8 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 2024".

## **Compliance**

## Compliance Monitoring

Program Area: Compliance

Goal: Enforce Environmental Laws and Ensure Compliance

Objective(s): Detect Violations and Promote Compliance

(Dollars in Thousands)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Environmental Programs & Management	\$108,996	\$112,730	\$162,105	\$49,375
Inland Oil Spill Programs	\$278	\$649	\$2,152	\$1,503
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$1,278</i></b>	<b><i>\$1,017</i></b>	<b><i>\$1,032</i></b>	<b><i>\$15</i></b>
Total Budget Authority	\$110,552	\$114,396	\$165,289	\$50,893
Total Workyears	438.5	478.9	520.4	41.5

### 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) and the Enforcement Compliance History Online (ECHO), include 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 2024 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 2024, EPA will focus on timely enforcement in communities with potential environmental justice (EJ) concerns. The Program will continue to support tracking of CERCLA compliance and enforcement activities in ICIS and ECHO.

### Performance Measure Targets:

**(PM 409) Number of federal on-site compliance monitoring inspections and evaluations and off-site compliance monitoring activities.**

	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>Units</b>
<b>Target</b>	14,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	Inspections & Evaluations
<b>Actual</b>	11,800	10,600	10,300	8,500	10,800	13,900			

**FY 2024 Change from FY 2023 Enacted Budget (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.).

## Exchange Network

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

(Dollars in Thousands)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Environmental Programs & Management	\$13,016	\$14,995	\$14,685	-\$310
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$1,137</i></b>	<b><i>\$1,328</i></b>	<b><i>\$1,328</i></b>	<b><i>\$0</i></b>
Total Budget Authority	\$14,153	\$16,323	\$16,013	-\$310
Total Workyears	25.2	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) 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.<sup>2</sup> 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 (EJ). 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 2024 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 2024, 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

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<sup>2</sup> For more information on the Central Data Exchange, please see: <https://cdx.epa.gov/>.

supports business process change agencywide. Under this strategy and the 21<sup>st</sup> Century Integrated Digital Experience Act,<sup>3</sup> the Agency is streamlining business processes and systems to reduce reporting burden on states and regulated facilities and to improve the effectiveness and efficiency of environmental programs for EPA, states, and tribes. EPA also is responsible for managing EN technical governance groups and administering the pre- and post-award phases of the EN grants to states, tribes, and territories. These efforts support a standards-based, secure approach for EPA and its state, tribal, and territorial partners to efficiently exchange and share environmental data electronically. The Agency also administers and implements the Cross-Media Electronic Reporting Regulation (CROMERR) that removes regulatory obstacles for e-reporting to EPA programs under Title 40 of the Code of Federal Regulations (CFR).

EPA aims to reduce burden and avoid costs while improving IT. The Agency provisioned Virtual Exchange Services (VES), or virtual nodes, to facilitate data transactions supporting states and tribal partners. EPA will continue to carry out the baseline support for the adoption and onboarding of VES and associated services for EPA and its partners. This includes providing a technology framework – shared CROMERR services – which reduces the burden on programs and external reporters by providing CROMERR compliant solutions. For example, the shared electronic identity proofing and signature services for CROMERR 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 2024, EPA will continue to improve the functionality and use of the System of Registries.<sup>4</sup> In addition to streamlining the Registries, EPA will continue to implement 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 2024, 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 a wide range of data for each registry to measure customer usage and engagement. The Agency also tracks web service hits to measure the number of users leveraging publicly available APIs. For example, the SRS website receives approximately 90 thousand pageviews per month; many of these pageviews are users visiting SRS web area to understand regulatory information about chemicals. SRS also receives between 20 thousand and 140 thousand web service hits per

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<sup>3</sup> For more information on the 21<sup>st</sup> Century Integrated Digital Experience Act, please refer to: <https://www.congress.gov/115/plaws/publ336/PLAW-115publ336.pdf>.

<sup>4</sup> For more information, please see: [https://ofimpub.epa.gov/sor\\_internet/registry/sysofreg/about/about.jsp](https://ofimpub.epa.gov/sor_internet/registry/sysofreg/about/about.jsp).

month (depending on reporting cycles), mostly by EPA systems that have incorporated the web services into their online reporting forms. In FY 2024, priorities for EPA registries include continually improving registry technologies by migrating the registries to the cloud environment to make them easier to locate, access, and utilize.

In FY 2024, 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.

**Performance Measure Targets:**

EPA's FY 2024 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2024 Change from FY 2023 Enacted Budget (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).

## **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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Environmental Programs & Management	\$55,343	\$62,704	\$66,487	\$3,783
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$8,149</i></b>	<b><i>\$7,999</i></b>	<b><i>\$8,644</i></b>	<b><i>\$645</i></b>
Total Budget Authority	\$63,492	\$70,703	\$75,131	\$4,428
Total Workyears	252.9	269.3	296.0	26.7

### **Program Project Description:**

The Criminal Enforcement Program investigates and works with the U.S. Department of Justice (DOJ) to 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 investigators (Special Agents) do this through 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 program offices, and DOJ to ensure our Superfund enforcement work is informed and targeted to address overburdened or 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 2022, the Criminal Enforcement Program opened 117 new cases. The conviction rate for criminal defendants charged because of EPA criminal enforcement investigations in FY 2022 is 94 percent, with a total of 21 years of incarceration given for defendants sentenced in criminal enforcement investigations.

### **FY 2024 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 2024, the Agency requests an additional \$546.0 thousand and 0.7 FTE to support efforts to interdict the illegal import, manufacture, and use of certain hydrofluorocarbon (HFC) products, pursuant to 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 issues within criminal enforcement, including in overburdened communities. The Criminal Investigation Division (CID) works with partners at DOJ to jointly prosecute wrongdoing and reduce the impact pollution has on these areas through investigation, judicial actions, and settlements. The Environmental Justice Criminal Initiative focuses prioritization of investigative resources to overburdened and vulnerable communities,<sup>5</sup> while maintaining case initiation standards and reducing the impact of pollution. In FY 2024, EPA will continue to prioritize criminal enforcement resources for investigations which involve vulnerable communities or those that have historically been overburdened by pollution. This effort has been focused as a Criminal Enforcement Program Initiative with an emphasis on addressing environmental crimes and crime victims in these areas. EPA program goals and priorities include the following:

- In FY 2024, 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 such communities. EPA conducts outreach to crime victims and overburdened communities using the social media platform Nextdoor, sharing information relating to EJ, sources of pollution, and links to EPA's Report a Violation webpage directly to households in overburdened communities.
- In FY 2024, the Criminal Enforcement Program, working with Office of Air and Radiation and the Department of Homeland Security, will continue implementing its responsibilities as a part of the HFC 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.

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<sup>5</sup> For additional information, please see: <https://www.govinfo.gov/content/pkg/FR-2023-01-12/pdf/2023-00500.pdf>.

**Performance Measure Targets:**

EPA's FY 2024 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (+\$99.0) 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.
- (+\$546.0 / +0.7 FTE) This program investment 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 \$157.0 thousand for 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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Science & Technology	\$14,815	\$15,532	\$18,657	\$3,125
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$1,676</i></b>	<b><i>\$1,240</i></b>	<b><i>\$1,648</i></b>	<b><i>\$408</i></b>
Total Budget Authority	\$16,491	\$16,772	\$20,305	\$3,533
Total Workyears	71.6	70.3	76.3	6.0

### **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.<sup>6</sup> 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 2024 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*.

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<sup>6</sup> *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](http://www.nap.edu/catalog.php?record_id=12589).

In FY 2024, the Agency requests an additional \$109.0 thousand and 0.2 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, and the additional funding and FTE will help ensure the Agency is well positioned to address the harm presented by HFCs. The additional funding 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 HFC phase down regulations which are imperative to reducing climate impacts. In FY 2024, NEIC will make 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 2024, 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. NEIC supports EJ concerns by targeting critical industry inspections in overburdened or vulnerable communities and utilizes the data to work with the EPA regional office to take an enforcement action that could ultimately improve air and water quality in such communities. NEIC also will further develop and deploy the Agency's Geospatial Measurement of Air Pollution (GMAP) van, a mobile tool to help identify Clean Air Act noncompliance throughout the United States.

In FY 2024, NEIC will continue to streamline its forensics work and identify enhancements to the Agency's sampling and analytical methods, using existing and emerging technology. The NEIC will continue to 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. NEIC will continue to enhance 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 2024 and beyond.

### **Performance Measure Targets:**

EPA's FY 2024 Annual Performance Plan does not include annual performance goals specific to this program.

### **FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (+\$12.0) 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, changes to benefits costs, and changes to lab utilities and security costs.

- (+\$109.0 / +0.2 FTE) This program investment will ensure EPA has the capacity and technical expertise to investigate, analyze, sample, test, transport, and store HFCs. This investment includes \$37.0 thousand for payroll.
- (+\$287.0) This program net increase will be used to support the Agency's forensics laboratory at the National Enforcement Investigations Center.

**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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$169,444</i></b>	<b><i>\$171,347</i></b>	<b><i>\$0</i></b>	<b><i>-\$171,347</i></b>
Total Budget Authority	\$169,444	\$171,347	\$0	-\$171,347
Total Workyears	737.9	771.3	771.8	0.5

In FY 2024, the Budget proposes to transition the Superfund 771.3 FTE from the annual Superfund appropriated resources to the Superfund tax receipts as reimbursable FTE. These FTE are built into the Agency's FTE ceiling.

### **Program Project Description:**

The Superfund Enforcement Program protects communities by ensuring prompt site cleanup 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 liable or viable parties. The Superfund Enforcement Program obtains potentially responsible parties' (PRPs) commitments to perform or pay for cleanups through judicial and administrative enforcement 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. Superfund enforcement efforts ensure that Superfund sites with responsible parties are cleaned up in a timely manner and result in more site cleanups than would be possible using only government funds.

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 dollars 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 2022, the Superfund Enforcement Program secured commitments for cleanup and cost recovery and billed parties for oversight costs, all totaling more than \$670.2 million. The use of Superfund enforcement tools resulted in cleanup and redevelopment at 131 private party sites in FY 2022.

Payments received pursuant to settlement agreements with responsible parties for past costs EPA expended on cleanups as well as cash-out funds received from parties for future site cleanup may be deposited into site-specific special accounts established for use consistent with a settlement agreement for a specific site. Site specific special accounts provide needed cleanup dollars at many sites that otherwise may not have received funding. In FY 2022, EPA collected \$280.9 million from responsible parties to deposit into special accounts and disbursed or obligated approximately \$237.7 million from special accounts to perform cleanup actions at sites (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 cleanup that facilitate 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 2024 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 2024, the President's Budget proposes to transition the Superfund Enforcement Program from the annual Superfund appropriated resources to the Superfund tax receipts.<sup>7</sup> The Program will continue to encourage and facilitate PRP's prompt site cleanup in FY 2024 to preserve more of the tax dollars for cleanups where there are no viable PRPs.

In FY 2024, the Agency will continue 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. 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 increased community engagement; and

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<sup>7</sup> The U.S Treasury forecasts collecting a total of \$2.54 billion in Superfund tax receipts in FY 2023 which will be available for use in FY 2024 across EPA Superfund programs.

- 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 site-specific special accounts to facilitate cleanup. As special account funds may only be used for sites and uses specified in the settlement agreement, special account resources, annually appropriated resources, and Superfund tax receipts are critical to the Superfund Program to clean up Superfund sites. In addition, the Agency continues to work under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to address PFAS contamination by gathering information to support possible actions under multiple statutory authorities in response to PFAS releases. In anticipation of PFAS being designated as CERCLA hazardous substances, the Agency expects the Superfund enforcement workload to increase significantly. In addition, the Superfund Enforcement Program will continue its efforts to address contamination at historically impacted communities, focusing on community engagement and facilitating cleanup at such sites.

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 maximize PRP performance of cleanup, particularly protection of human health at sites located in historically impacted communities. EPA provides financial support to DOJ for these activities. In FY 2024, similar to the Superfund Enforcement program, DOJ's support is proposed to be transitioned to the Superfund tax receipts through an interagency agreement.

### **Cost Recovery Support:**

In FY 2024, 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 2022, the Agency collected \$303.9 million in cost recoveries, of which \$24.9 million were returned to the Superfund Trust Fund and \$279 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 recovering costs. 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 2024 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (-\$171,347.0 / -771.3 FTE) In FY 2024, the Superfund Enforcement Program is proposed to be transitioned from the annual Superfund appropriated resources to the Superfund tax receipts. In FY 2023, the U.S Treasury forecasts collecting a total of \$2.54 billion in Superfund taxes which will be available for use in FY 2024 across EPA Superfund programs. As a result, the pace of work is not expected to be impacted.
- (+771.8 FTE) In FY 2024, the Agency proposes to transition 771.8 Superfund Enforcement FTE from the annual Superfund appropriated resources to the Superfund tax receipts as reimbursable FTE.

**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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$7,263</i></b>	<b><i>\$8,192</i></b>	<b><i>\$10,366</i></b>	<b><i>\$2,174</i></b>
Total Budget Authority	\$7,263	\$8,192	\$10,366	\$2,174
Total Workyears	33.6	40.9	45.2	4.3

### **Program Project Description:**

EPA's Superfund Federal Facilities Enforcement Program monitors compliance and pursues enforcement primarily at sites where there is federal ownership or a federal operator, whether full or partial, and the federal owner conducts or is involved in the cleanup under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund"). After years of service and operation, many federal facilities are contaminated with hazardous substances, pollutants, and contaminants, such as unexploded ordnance and radioactive wastes. Enforcement actions can facilitate timely cleanup and potential redevelopment of these sites to protect public health and the environment.

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. While only 10 percent of the NPL sites are federal facility sites, over 41 percent of the total Operable Units in the Superfund Program are at these sites. Operable units are sites that can be divided into a number of distinct areas depending on the complexity of the problems associated with the site. These areas called operable units may address geographic areas of a site, specific site problems, or areas where a specific action is required. An example of a typical operable unit could include removal of drums and tanks from the surface of a site.

### **FY 2024 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 2024, the Agency will continue to support possible actions in response to significant contamination from federal facilities, including a request for an increase of approximately \$2.2 million and 4.3 FTE to address per- and polyfluoroalkyl substances (PFAS) releases. EPA will

continue to focus its enforcement resources on the highest priority sites, particularly those that may present an imminent and substantial endangerment, have human exposure not yet under control, have an impact on overburdened or vulnerable communities with environmental justice concerns, or have the potential for beneficial redevelopment. EPA also will negotiate and amend, as appropriate, FFAs for federal facility sites on the NPL, and continue to monitor FFAs for compliance. EPA will expedite cleanup and redevelopment of federal facility sites, particularly those located in communities with environmental justice concerns, and will use alternative dispute resolution processes and other approaches to timely resolve formal and informal cleanup disputes. EPA also will continue to seek ways to improve its engagement with other federal agencies, state, tribal, local governments, and their partners, emphasizing protective, timely cleanups that address communities' needs. EPA will work with its federal partners to encourage greater community outreach and transparency.

The Agency also will work to address PFAS contaminations and releases by developing information to support possible actions under multiple statutory authorities. Federal facilities (*e.g.*, Department of Defense military bases and Department of Energy sites) are starting to act at their PFAS-contaminated NPL sites. As federal agencies conduct this work at their federal facility NPL sites, CERCLA requires EPA to oversee the work. An increased investment for EPA's Superfund Federal Facilities Enforcement Program will support EPA's efforts to monitor the increasing number of initiated PFAS remedial investigations projected to occur at federal facilities in the coming years. In FY 2024, the Program will pursue enforcement actions, where needed, to ensure compliance with CERCLA and other federal environmental laws, and to protect public health.

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

EPA's FY 2024 Annual Performance Plan does not include annual performance goals specific to this program.

#### **FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (-\$1.0) This net change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. The reduction is offset by an increase in critical agencywide infrastructure support for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$2,175.0/ +4.3 FTE). This program increase will be used to address PFAS contamination by overseeing the increasing number of initiated remedial investigations projected to occur at federal facilities. This investment includes \$792.0 thousand for 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**

Program Area: Environmental Justice

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

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

(Dollars in Thousands)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Environmental Programs & Management	\$20,455	\$102,159	\$369,106	\$266,947
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$1,065</i></b>	<b><i>\$5,876</i></b>	<b><i>\$5,888</i></b>	<b><i>\$12</i></b>
Total Budget Authority	\$21,520	\$108,035	\$374,994	\$266,959
Total Workyears	51.8	223.6	264.6	41.0

### **Program Project Description:**

EPA's Environmental Justice (EJ) Program coordinates the Agency's efforts to address the needs of overburdened and vulnerable communities by decreasing environmental burdens, increasing environmental benefits, and building collaborative partnerships with all stakeholders to build healthy, sustainable communities based on residents' needs and desires. EPA's EJ Program focuses on collaboration as a central principle and method of advancing justice. The Program's core philosophy is that EJ challenges need strong collaborative partnerships that include federal, state, local, and tribal governments along with the private sector, academia, and philanthropy—to support communities in addressing multifaceted problems and positively changing conditions on the ground. The Program provides technical assistance and expert consultative support to communities, partners at all levels of government, and other stakeholders such as business and industry, to achieve protection from environmental and public health hazards for people of color, low-income communities, 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,<sup>8</sup> in addition to supporting implementation of Executive Order (EO) 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*,<sup>9</sup> EO 14008: *Tackling the Climate Crisis at Home and Abroad*,<sup>10</sup> and Goal 2, Take Decisive Action to Advance Environmental Justice and Civil Rights, of the *FY 2022 - 2026 EPA Strategic Plan*. In accordance with the American Water Infrastructure Act of 2018 (P.L. 115-270), every EPA regional office employs a dedicated

<sup>8</sup> For more information, please see: <https://www.epa.gov/newsreleases/epa-administrator-regan-announces-new-initiatives-support-environmental-justice-and>.

<sup>9</sup> For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

<sup>10</sup> For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

EJ coordinator, and the Agency maintains a list of these persons on the EPA's website.<sup>11</sup> 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.

### **FY 2024 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 advance implementation of EJ activities in support of the Superfund Program. The EJ Program will elevate and expand the use of coordinated and collaborative community-driven partnerships to address community priorities by promoting the active engagement of community-based organizations, other federal agencies, and tribal, state, and local governments. This will 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 revitalize their local economies 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 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 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (+\$12.0) 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. This funding change includes a slight reduction to the Program. The Agency will continue to address the needs of overburdened, underserved, and vulnerable communities.

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<sup>11</sup> For more information on EPA's regional office contacts, please see: <https://www.epa.gov/environmentaljustice/forms/contact-us-about-environmental-justice>.

**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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Science & Technology	\$24,536	\$25,347	\$39,539	\$14,192
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$35,026</i></b>	<b><i>\$34,661</i></b>	<b><i>\$56,484</i></b>	<b><i>\$21,823</i></b>
Total Budget Authority	\$59,561	\$60,008	\$96,023	\$36,015
Total Workyears	121.8	124.1	138.3	14.2

### **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 that cover multifaceted federal efforts, including:

- National trainings;
- Participation in national interagency exercises with federal and state partners;
- Support for headquarters and regional Emergency Operations Centers;
- 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 2024 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 2024, the Homeland Security Preparedness, Response, and Recovery Program will:

- 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.
- Initiate a multi-year strategic modernization of the ASPECT airborne screening capability to the Chemical Incident and Radiological Reconnaissance on Unmanned Systems (CIRRUS) program. In FY 2024, EPA is requesting an increase of \$12.3 million and 1.8 FTE to support CIRRUS needed to expedite emergency response. Transition this capability to remotely piloted platforms to more effectively and efficiently support emergency response, climate crisis, and environmental justice missions. This system would simultaneously reduce response time to a broader geographic area, enhance response redundancy, capitalize on potential cost-efficiencies of remotely piloted vehicles, and significantly reduce the hazards associated with crewed flight operations at extremely low altitudes.
- Operate, enhance, and significantly overhaul the aging Portable High-Throughput Integrated Identification System (PHILIS) capability. 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 communities with environmental justice concerns by mobilizing laboratory capabilities to areas of need. In FY 2024, EPA is requesting an increase of \$10 million to replace outdated PHILIS equipment. 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.
- 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 all 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 populations with environmental justice concerns.
- Proceed with the development of sample collection protocols and analysis methods for inclusion in EPA's Environmental Sampling & Analytical Methods (ESAM)<sup>12</sup> on-line tool. EPA's ESAM detection, sampling, and analysis tool helps local, state, territorial, tribal, and federal emergency response field personnel and their supporting laboratories more effectively and efficiently respond to incidents, enabling smooth transitions of samples and data from the field to the laboratory to decision makers.
- 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, 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 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (-\$531.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$12,346.0 / +1.8 FTE) This program change is an increase in resources and FTE to support Chemical Incident and Radiological Reconnaissance on Unmanned Systems (CIRRUS) needed to expedite emergency response and provide additional assistance to

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<sup>12</sup> For more information, please see: <https://www.epa.gov/esam>.

partners external to the agency. These efforts will assist in improving preparedness for communities with environmental justice concerns such as fenceline communities. This investment includes \$332.0 thousand in payroll costs.

- (+\$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. These efforts will assist in improving preparedness for communities with environmental justice concerns such as fenceline communities.
- (-\$178.0) This program change is a decrease in resources for site characterization and decontamination research.
- (+\$186.0 / +1.2 FTE) This program change increases resources and FTE for homeland security preparedness efforts. This includes \$186.0 thousand in payroll costs.

**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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Environmental Programs & Management	\$4,903	\$5,188	\$5,158	-\$30
Science & Technology	\$501	\$625	\$501	-\$124
Building and Facilities	\$7,049	\$6,676	\$6,676	\$0
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$1,201</i></b>	<b><i>\$1,029</i></b>	<b><i>\$1,530</i></b>	<b><i>\$501</i></b>
Total Budget Authority	\$13,653	\$13,518	\$13,865	\$347
Total Workyears	12.0	13.3	9.2	-4.1

Total workyears in FY 2024 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 will be able to continue operations successfully with limited staffing and without access to resources available during normal activities.

**FY 2024 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 2024, 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 2024 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (+\$501.0) 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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Environmental Programs & Management	\$8,244	\$9,088	\$11,638	\$2,550
Science & Technology	\$2,224	\$1,683	\$2,349	\$666
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$2,011</i></b>	<b><i>\$2,472</i></b>	<b><i>\$3,010</i></b>	<b><i>\$538</i></b>
Total Budget Authority	\$12,479	\$13,243	\$16,997	\$3,754
Total Workyears	53.9	54.8	67.2	12.4

### **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 2024 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 2024, 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 2024 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (-\$31.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$37.0) This change to fixed and other costs is an increase due to the recalculation of lab utilities.
- (+\$532.0 / +2.4 FTE) This program change reflects an increase in program capacity for activities such as analytical and field support to assess, manage, and mitigate radioactive releases and exposures at contaminated sites. This investment includes \$418.0 thousand in payroll.

**Statutory Authority:**

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

**IT/ Data Management/ Security**

## Information Security

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

(Dollars in Thousands)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Environmental Programs & Management	\$10,450	\$9,142	\$23,889	\$14,747
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$1,209</i></b>	<b><i>\$1,062</i></b>	<b><i>\$7,859</i></b>	<b><i>\$6,797</i></b>
Total Budget Authority	\$11,659	\$10,204	\$31,748	\$21,544
Total Workyears	10.9	14.1	17.1	3.0

### Program Project Description:

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

### FY 2024 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 2024, EPA requests \$6.8 million to support enhancements to protect the Agency's information technology portfolio. This investment will increase EPA's information technology resiliency and limit vulnerabilities in the event of a malicious attack. EPA will work toward full compliance with the five high priority directives (Adoption of Multifactor Authentication, Encryption of Data At Rest, Encryption of Data In Transit, Zero Trust Architecture, and Event Logging) in Executive Order (EO) 14028: *Improving the Nation's Cybersecurity*.<sup>13</sup>

<sup>13</sup>Work in this program takes direction for IT implementation practices and priorities from the following:

- EO 14028: *Improving the Nation's Cybersecurity* (<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/05/12/executive-order-on-improving-the-nations-cybersecurity/>)
- OMB Memo M-23-03: *Fiscal Year 2023 Guidance on Federal Information Security and Privacy Management Requirements* (<https://www.whitehouse.gov/wp-content/uploads/2022/12/M-23-03-FY23-FISMA-Guidance-2.pdf>)
- OMB Memo M-19-26: *Update to the Trusted Internet Connection (TIC) Initiative* (<https://www.whitehouse.gov/wp-content/uploads/2019/09/M-19-26.pdf>)
- OMB Memo M-21-30: *Protecting Critical Software Through Enhanced Security Measures* (<https://whitehouse.gov/wp-content/uploads/2021/08/M-21-30.pdf>)
- OMB Memo M-21-31: *Improving the Federal Government's Investigative and OMB Memorandum Remediation Capabilities Related to Cybersecurity Incidents* (<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>)
- OMB Memo M-22-01: *Improving Detection of Cybersecurity Vulnerabilities and Incidents on Federal Government Systems through Endpoint Detection and Response* (<https://www.whitehouse.gov/wp-content/uploads/2021/10/M-22-01.pdf>)
- OMB Memo M-22-09: *Moving the U.S. Government Toward Zero Trust Cybersecurity Principles* (<https://www.whitehouse.gov/wp-content/uploads/2022/01/M-22-09.pdf>)

## **Improving the Defense and Resilience of Government Networks**

### *Zero Trust Architecture (ZTA)*

A key priority for EPA's information security needs is the development of networks which can resist malevolent actions regardless of their origin. ZTA will grant authorized users full access to the tools and resources needed to perform their jobs but limit access to unnecessary areas. Proper permissions for a given user's needs are a critical component of Zero Trust Architecture and coding for more granular control over the network environment is an information security priority.

EPA will continue to improve defense and resilience of government networks in accordance with ZTA security principles, which focuses on virtual identity management capabilities. These improvements ensure agency staff can access necessary software applications while providing resistance to malicious phishing campaigns and sophisticated online attacks. For those system environments not integrated into the larger enterprise system, which may not be compatible with the enterprise-wide identity management capabilities, EPA will continue efforts to harden those systems with continuous monitoring capabilities to reduce risk.

EPA will continue to implement cybersecurity enhancements necessary to support a larger remote workforce, which includes strengthening cloud security monitoring and access to sensitive data, cyber incident response, and cloud platform management services. These enhancements allow agency staff to securely use systems and services in the cloud while also improving application performance and reducing costs associated with Trusted Internet Connections (TIC). The Agency also will pilot enterprise web application control tools to protect web applications by preventing malicious traffic from accessing the web application or agency data. The Agency will continue to build its Insider Threat Program for the unclassified network to monitor Privileged Users and Systems Administrators activity, as recommended by several cybersecurity assessments,<sup>14</sup> and to monitor and report on EPA networks and systems.

### *IT Modernization for Federal Cybersecurity by Design*

EPA will continue to strengthen information technology (IT) assets and develop resiliency against potential cybersecurity threats. This work includes enhancing Multifactor Authentication to strengthen access controls to data and evaluating areas which still may require implementation of encryption for Data at Rest and Data in Transit to protect data. EPA has prioritized investments to protect the most sensitive systems and information. Additionally, EPA will work with the Department of Homeland Security and the Continuous Diagnostics and Mitigation Program (CDM) to ensure up-to-date technologies are implemented.

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- OMB Memo M-22-16: *Administration Cybersecurity Priorities for the FY 2024 Budget* (<https://www.whitehouse.gov/wp-content/uploads/2022/07/M-22-16.pdf>)
  - OMB Memo M-23-03: *Fiscal Year 2023 Guidance on Federal Information Security and Privacy Management Requirements* (<https://www.whitehouse.gov/wp-content/uploads/2022/12/M-23-03-FY23-FISMA-Guidance-2.pdf>)
  - NIST 800-53

<sup>14</sup> These assessments include Annual Assessments and Classified briefings with the Department of Homeland Security and EPA's Office of Homeland Security, as well as a 2017 OIG Report, available at: [https://www.epa.gov/sites/production/files/2017-10/documents/epaig\\_20171030-18-p-0031.pdf](https://www.epa.gov/sites/production/files/2017-10/documents/epaig_20171030-18-p-0031.pdf).

Cyberattacks 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. These capabilities serve to identify and address security vulnerabilities and incidents quickly, ensuring that EPA's information environment remains safe.

EPA will continue to support the ongoing implementation of capabilities for data labeling and data loss prevention, which 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 Enterprise Security Operations Center (SOC), which manages the Computer Security Incident Response Capability (CSIRC) processes to support identification, response, alerting, and reporting of suspicious activity. EPA will mature the system logging capabilities in Event Logging (EL) Level 3 for Advanced Logging requirements at all criticality levels, leveraging Security Orchestration, Automation, and Response tools to streamline threat and vulnerability management, incident response, and security operations automation. Additionally, EL 3 will employ User Behavior Monitoring analytics to enable early detection of malicious behavior. 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 Agency's Security Operations Center will continue work to integrate End Point Detection and Response capabilities with the CDM Program to support proactive detection of cybersecurity incidents, 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.

EPA leverages CDM capabilities to address the Agency's cybersecurity security gaps and efficiently identify and respond to government-wide cybersecurity threats and incidents. In FY 2024, as part of the work with the Department of Homeland Security to support implementation of current and future Phase CDM requirements, the CDM Program will continue closing gaps in privileged access to EPA's network and will 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. In line with OMB and DHS direction, the CDM Program will implement priority capabilities as they are identified. In FY 2024, EPA estimates a \$13 million budget for the CDM Program.

## **Strengthening the Foundations of our Digitally-Enabled Future**

### *Securing Infrastructure Investments*

The Agency collects Federal Information Security Modernization Act (FISMA) metrics and evaluates related processes, tools, and personnel to identify gaps and opportunities for

improvement.<sup>15</sup> 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. EPA will:

- Modernize and automate the methodology and workflow for collecting Federal Information Registry data supporting the System of Record Notice Management process.
- Continue implementing Ground Truth Testing to validate security and find weaknesses through manual and automated penetration testing and red team exercises.

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 includes cybersecurity and privacy components in senior leadership program reviews. These reviews enhance CIO oversight by enabling better risk area determination and targeted improvement to system and mission program managers. While EPA program and regional offices 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.

### *Human Capital*

EPA will further enhance agency-specific role-based training to ensure personnel in key cybersecurity roles have a comprehensive understanding of modern, secure IT and cybersecurity requirements, with the skills, knowledge, and capabilities to effectively support EPA's cybersecurity posture.

### *Technology Ecosystems*

EPA will build on efforts to fully carry out the Agency's program to implement Cybersecurity Supply Chain Risk Management Controls to comply with the Government Accountability Office findings and *NIST 800-53 Rev 5 Security and Privacy Controls for Information Systems and Organization*.<sup>16,17</sup> This work includes coordinating across the Agency with professionals from Information Technology, Information Security, and Procurement to update the policy and obtain the necessary tools to address these critical security requirements. EPA will continue to implement standards, procedures, and criteria to harden and secure software development environments, and investigate the addition of automated tools to secure the development environment.

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<sup>15</sup> Including those found in Federal Information Security Modernization Act of 2014 and Federal Information Security Cybersecurity Act of 2015.

<sup>16</sup> Government Accountability Office Report on information and communications technology (ICT) Supply Chain: GAO-21-164SU.

<sup>17</sup> For more information, please see: <https://csrc.nist.gov/publications/detail/sp/800-53/rev-5/final>.

**Performance Measure Targets:**

**(PM ALR) Implementation of advanced event logging requirements (EL3) across EPA networks.**

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Units
Target						EL1	EL3	EL3	Tier
Actual						EL0			

**(PM DAR) Percentage of EPA data at rest in compliance with encryption requirements.**

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Units
Target							90	95	Percent
Actual									
Numerator									Systems
Denominator									

**(PM DIT) Percentage of EPA data in transit in compliance with encryption requirements.**

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Units
Target							90	95	Percent
Actual									
Numerator									Systems
Denominator									

**(PM MFA) Percentage of EPA applications in compliance with multifactor authentication requirements.**

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Units
Target						75	85	90	Percent
Actual						48			
Numerator						223			Applications
Denominator						463			

**(PM ZTA) Percentage of “Zero Trust Architecture” projects completed on time.**

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Units
Target							100	100	Percent
Actual									
Numerator									TBD
Denominator									

**FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (+\$6,797.0) 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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Environmental Programs & Management	\$90,029	\$91,821	\$105,868	\$14,047
Science & Technology	\$2,799	\$3,197	\$3,313	\$116
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$16,075</i></b>	<b><i>\$19,764</i></b>	<b><i>\$17,727</i></b>	<b><i>-\$2,037</i></b>
Total Budget Authority	\$108,903	\$114,782	\$126,908	\$12,126
Total Workyears	463.6	490.9	503.9	13.0

Total work years in FY 2024 include 172.0 FTE to support 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 2024 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 2024, the Agency will continue to support Future of Work efforts of the Agency through maintaining and enhancing the IT infrastructure required to support a permanent increase in telework, remote work, and operational readiness, consistent with Office of Management and Budget Memorandum M-21-25.<sup>18</sup> This includes modernizing the Agency's obsolete voice

<sup>18</sup> For additional information, please refer to: <https://www.whitehouse.gov/wp-content/uploads/2021/06/M-21-25.pdf>

communications system and investing in the enterprise network to support enhanced collaboration flowing smoothly and efficiently within a widely distributed community.

In FY 2024, EPA will continue to maintain and modernize the Agency's enterprise network switch infrastructure necessary for the operations of the EPA network including data centers. This will ensure 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.

In FY 2024, EPA will continue implementation of the Agencywide Digitization Strategy, which includes the operation of two EPA digitization centers and the development and operation of a modernized electronic Agency Records Management System (ARMS), which is necessary to meet the requirements of Memoranda M-19-21 *Transition to Electronic Records* issued by the Office of Management and Budget and the National Archives and Records Administration.<sup>19</sup> In FY 2024, two EPA digitization centers will digitize, validate, and upload electronic files into the ARMS. Additionally, EPA will leverage artificial intelligence and machine learning to assist staff with appropriately scheduling electronic records that are saved to ARMS. The Agency will operate the Paper Asset Tracking Tool (PATT) to track paper records as they are submitted and processed through the digitization centers.

In FY 2024, EPA 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, which directly supports the requirements under Executive Order 14035.<sup>20</sup> Key initiatives include,

- Further strengthening the Agency's IT acquisition and portfolio review process as part of the implementation of FITARA. In the most recent FITARA scorecard, released in December 2022,<sup>21</sup> EPA scored an overall B. EPA will continue to use the results of the FITARA scorecard to drive Agency priorities and investments.
- Continuing 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, improve internal data collection and reporting, and improve cross-agency data interoperability and delivery to the public. This work includes identifying a set of processes which will yield the greatest benefit for the Agency upon automation and complete a high priority pilot automation project.
- Continuing work on EPA's Controlled Unclassified Information Program 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,

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

<sup>20</sup> For more information, please refer to Executive Order: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/>. For more information, please refer to Executive Order: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/>.

<sup>21</sup> For additional information, please refer to: <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/COR%20Scorecard%202014.pdf>.

and with the public, meeting federal standards as required by Executive Order 13556: *Controlled Unclassified Information*.<sup>22</sup>

- Increasing the use of registries, continue migration to a cloud infrastructure, and improve registry quality by modernizing from custom built solutions to commercial off-the-shelf tools with expanded capabilities. Registries are shared data services in which common data are managed centrally but shared broadly; they improve data quality in EPA systems, enable integration and interoperability of data across program silos, and facilitate discovery of EPA information publicly and internally.

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, in line with the guidance in Executive Order 14058.<sup>23</sup> The Program focuses on collaborations such as the Hiring and Onboarding process, which collects feedback from IT professionals, hiring managers, regions, programs, and other stakeholders to improve the experience for hiring authorities and new employees at EPA. The CX Program collects customer feedback, conducts data analytics, assesses priorities within a governing community of practice, and presents 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 and other sharing platforms. 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 2024, the Agency will continue to support the essential capabilities of GeoPlatform, a shared technology enterprise for geospatial information and analysis. By implementing geospatial data, applications, and services such as the Facility Registry System, the Agency can integrate, interpret, and visualize multiple data sets and information sources to support environmental decisions. The Agency will continue developing and increasing capabilities of EPA's Data Management and Analytics Platform, which has both internal and public facing elements, such as Envirofacts. EPA will partner with other agencies, states, tribes, and academic institutions to propose innovative ways to use, analyze, and visualize data through EPA's Data Management and Analytics Platform. Throughout FY 2023 and FY 2024, based on the Agency's assessment of options for improving regulated facility data, EPA will establish a governance framework for implementing an enterprise data life cycle approach for managing regulated facility data.

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<sup>22</sup> For more information, please refer to Executive Order: <https://www.federalregister.gov/documents/2010/11/09/2010-28360/controlled-unclassified-information>.

<sup>23</sup> For additional information, please refer to: <https://www.federalregister.gov/documents/2021/12/16/2021-27380/transforming-federal-customer-experience-and-service-delivery-to-rebuild-trust-in-government>. For additional information, please refer to: <https://www.federalregister.gov/documents/2021/12/16/2021-27380/transforming-federal-customer-experience-and-service-delivery-to-rebuild-trust-in-government>.

In FY 2024, Web Infrastructure Management will continue to modernize EPA's web presence to 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 upgrading its web infrastructure to ensure that it meets current statutory and security requirements.

**Performance Measure Targets:**

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

**FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (+\$14.0) 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.
- (-\$2,051.0) This decrease represents a resource shift within the Information Technology/Data Management/Security Program Area to support the high-priority implementation of Executive Order 14028 – Improving the Nation's Cybersecurity in the Information Security Program Project.

**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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Environmental Programs & Management	\$1,196	\$972	\$2,194	\$1,222
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$698</i></b>	<b><i>\$791</i></b>	<b><i>\$880</i></b>	<b><i>\$89</i></b>
Total Budget Authority	\$1,894	\$1,763	\$3,074	\$1,311
Total Workyears	5.5	5.9	10.0	4.1

### **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, and consensus building advice and support for the entire Agency. The Program's ADR services support the Superfund Program's work with communities, Potentially Responsible Parties, and other stakeholders, and in particular assist the Superfund Program in meeting their legal requirements to engage meaningfully with communities by helping to develop collaborative and effective partnerships.

Significantly, the ADR Program provides conflict resolution and community engagement support for the Superfund Program to assist with contentious situations at some of the most challenging sites, including a recent request for ADR Program support for public meetings in Ohio in the wake of the Norfolk Southern freight train derailment. In addition to the conflict prevention and resolution support that the ADR Program provides at several Superfund sites across the country, the ADR Program also supports the Superfund Program's needs for training in negotiation, public involvement, and other similar topics. Beginning in FY 2023, for the first time in nearly a decade, the ADR Program will deliver conflict resolution training for the Community Involvement Training Program, the National Association of Remedial Project Managers Training Program, and the On-Scene Coordinators Readiness Training Program. The Program expects to do so again in FY 2024.

### **FY 2024 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 2024, EPA expects to provide conflict prevention and ADR services on an increasing number of Superfund Program matters. This program also supports implementation of Executive

Order 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.<sup>24</sup>

Specifically, the ADR Program will:

- Administer its five-year, \$53 million Conflict Prevention and Resolution Services contract, through which it provides most of its conflict prevention and resolution services to the Agency. The contract supports more than 34 Superfund projects by providing facilitators and mediators to resolve conflicts at Superfund sites and is expected to take on an additional 20 to 30 projects in FY 2024. The ADR Program has experienced an increase in requests for contract services to support community involvement at Superfund sites in FY 2022 and thus far in FY 2023, and the trend is expected to continue. Contract support contributes to more productive engagement between the Superfund Program and affected communities, especially underserved and overburdened communities.
- Provide the services described above through the four conflict resolution specialists on staff and Regional Environmental Collaboration and Conflict Resolution (ECCR) Specialists, who perform environmental ADR work as collateral duty with support from the ADR Program. The ADR Program expects to provide support through conflict resolution specialists and ECCR Specialists for agency programs and stakeholders by providing facilitation of public meetings, mediation, or other consensus building support on 6 to 10 Superfund projects. As with contract support, direct staff support promotes greater collaboration and the inclusion of underserved and overburdened communities at Superfund sites experiencing conflict.
- Provide training to EPA staff in conflict resolution concepts and skills. The ADR Program offers this training through eight interactively designed courses to all national program offices and regional offices. The ADR Program delivered two trainings to agencywide Superfund audiences in FY 2022, including negotiation training for the National Association for Remedial Project Managers' annual conference. As of February 2023, the ADR Program has delivered two trainings to Superfund audiences and has at least two more planned. The ADR Program expects to increase routine training for Superfund Community Involvement Coordinators in FY 2024. Trainings include the building of critical skills for Superfund personnel, such as working across cultural divides and supporting productive dialogue. These skills help Superfund Program staff better engage with communities.
- Help to achieve the goals of President Biden's Justice40 initiative by tracking the number of ADR program projects in which services are provided to underserved and overburdened communities. In FY 2024 the ADR Program expects to increase services to underserved and overburdened communities.

The following are examples of FY 2022 accomplishments supporting the Superfund Program:

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<sup>24</sup> For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

- Provided facilitation and mediation assistance for more than 41 agency supported Superfund projects, an increase of 37 percent over FY 2021, including multiple sites with challenging community engagement issues.
- Developed a Community Involvement Plan for the Baird & McGuire Superfund Site in Region 1 after completing a conflict assessment. The detailed plan guides community involvement efforts to support environmental justice at the site, design meetings and materials that are accessible to marginalized communities, provide access to site information and cleanup efforts, practice consistent outreach and communication, and coordinate with state, local, and tribal governments.
- Provided facilitation services for a Region 2 Superfund Community Advisory Group with a high degree of ethnic, religious, and socio-economic diversity. The facilitator has assisted the group with conflicts related to issues of diversity and inclusion, and they have helped the group improve communication and engagement practices.
- Provided training support for Superfund audiences, including negotiation and other courses for Community Involvement Coordinators, Remedial Project Managers, and others working on Superfund sites.

#### **Performance Measures Targets:**

EPA's FY 2024 Annual Performance Plan does not include annual performance goals specific to this program.

#### **FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (+\$89.0) 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. This change includes a program increase for the use of alternative dispute resolution processes, such as mediation and facilitation, to promote equity by including underserved communities in negotiations.

#### **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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Environmental Programs & Management	\$63,795	\$60,061	\$85,252	\$25,191
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$475</i></b>	<b><i>\$599</i></b>	<b><i>\$477</i></b>	<b><i>-\$122</i></b>
Total Budget Authority	\$64,270	\$60,660	\$85,729	\$25,069
Total Workyears	262.6	273.3	343.5	70.2

Total Workyears in FY 2024 include 8.3 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 (EJ) 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 2024 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 2024, EPA will prioritize legal support for the Superfund Program in order to assist with the Administration's priorities including: tackling the climate crisis, advancing EJ, and supporting state, tribal and local partners. The Program's increasing work to support CERCLA activities and these priorities includes but is not limited to: counseling on how to address EJ and climate resiliency in EPA's remedy decisions at Superfund sites, counseling on authorities to address emergencies and disasters, counseling on the defensibility of agency actions, drafting significant portions of agency actions, and participating in litigation in defense of agency actions.

In particular, the Program expects a continued significant increase in work to provide key legal advice related to cleanups, enforcement, rulemakings, guidance, and litigation concerning PFAS. The Program provides critical legal advice on actions that are part of the EPA's "PFAS Strategic Roadmap", an Administration priority which takes a whole-of-agency approach to address per- and polyfluoroalkyl substances (PFAS). For example, the Program will provide significant counsel on EPA's proposal to designate PFAS as a CERCLA hazardous substance, an action that, if finalized, could significantly advance EJ goals for communities across the country impacted by PFAS. Similarly, the Program provides legal counsel on other agency actions, including an advance notice of proposed rulemaking on various PFAS and guidance related to the destruction and disposal of 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 Program also provides legal advice on the statutory and regulatory requirements governing the remedy selection process (such as the consideration of state and tribal standards). This work also benefits states, tribes and local communities to allow for state/tribal and public engagement on cleanups in their communities.

The following are examples of FY 2022 accomplishments, which illustrate this program's important role in implementing the Agency's core priorities and mission:

- Legal Support on PFAS: Provided a significant amount of critical legal advice on a top Administration priority of addressing PFAS contamination. The Solid Waste and Emergency Response Law Office (SWERLO) counseled on multiple complex issues, including a proposed rule to designate Perfluorooctanoic acid (PFOA)/Perfluorooctane sulfonic acid (PFOS) as CERCLA hazardous substances (published Sept. 6, 2022), the use of CERCLA authority to compel potentially responsible parties to investigate and address PFAS, and the impacts of proposed legislation on EPA's authorities. SWERLO also represented EPA's interests in ongoing interagency discussions related to the federal government's approach to PFAS investigation and cleanup, including at military bases.
- Gold King Mine Litigation Settlements (In re Gold King Mine Release, No. 1:18-md-02824, (D.N.M., May 13, 2021)): Served as the Agency lead in settlement negotiations with New Mexico and Navajo Nation, resulting in a \$32 million and a \$31 million settlement, respectively, in exchange for dismissal of all claims – valued by plaintiffs at approximately \$300 million – pending against EPA and the United States. As a result of these settlements, EPA will not further litigate its potential CERCLA liability for involvement with the 2015 Gold King Mine release. An adverse outcome on EPA's liability could have had significant implications for the Superfund Program.
- Favorable Decision in Superfund Litigation (*Daikin Applied Americas, Inc., et al v. EPA*, No. 20-1479 (D.C. Cir. July 8, 2022)): Served as the Agency lead in successfully defending EPA in the D.C. Circuit case challenging EPA's placement of the Highway 100 and County Road 3 Groundwater Plume site near Minneapolis, Minnesota on the Superfund NPL. The D.C. Circuit upheld EPA's listing, concluding that EPA properly followed the Hazard

Ranking System (HRS) scoring procedures, supported its conclusions with substantial evidence and adequately addressed the petitioners' comments.

- Legal Support for Superfund cleanups: Provided critical legal support related to cleanup of Superfund and related sites, including performing legal review of Action Memos for almost \$100 million in CERCLA removal actions and counseling on remedial action legal issues at numerous high-profile sites, such as Hunters Point Naval Shipyard, Agriculture Street Landfill, and Oak Ridge Reservation.

**Performance Measure Targets:**

EPA's FY 2024 Annual Performance Plan does not include annual performance goals specific to this program.

**FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (-\$122.0) This net change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. This funding change includes a slight reduction to the Program. The Program will continue to provide legal representation, counsel, and support for the Agency's CERCLA activities.

**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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Environmental Programs & Management	\$36,051	\$37,251	\$41,609	\$4,358
Leaking Underground Storage Tanks	\$158	\$181	\$136	-\$45
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$23,550</i></b>	<b><i>\$27,247</i></b>	<b><i>\$33,758</i></b>	<b><i>\$6,511</i></b>
Total Budget Authority	\$59,759	\$64,679	\$75,503	\$10,824
Total Workyears	281.7	307.7	355.7	48.0

### 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 2024 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 2024, the Agency will continue 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. Efforts to process and award contract actions in a timely manner will be in accordance with Federal Acquisition Regulation (FAR) and guidance from the Office of Management and Budget (OMB) Office of Federal Procurement Policy (OFPP).

In FY 2024, EPA will continue to support the implementation of supply chain risk requirements in Section 889 of the 2019 National Defense Authorization Act and the "Made in America" laws referenced in Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America's Workers*,<sup>25</sup> while furthering Category Management implementation requirements. The Agency will develop a Made in America Acquisition training curriculum to help educate the acquisition workforce on navigating the process. EPA also will focus on establishing a

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

comprehensive architecture for the Agency's supply chain as well as mechanisms to identify and mitigate risk.

In FY 2024, EPA will continue working to eliminate barriers to full and equal participation in agency procurement and contracting opportunities for all 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). These businesses often lack dedicated resources and in-house capacity to master complex federal requirements needed to capitalize on agency acquisition and financial assistance opportunities.

In FY 2024, 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 2024, EPA will continue to utilize data provided by the General Services 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 SUM initiative focuses on managed total acquisition spend and agency activities which transition spend to contract vehicles unaligned with Category Management principles. In accordance with OMB Memorandum M-22-03, *Advancing Equity in Federal Procurement*,<sup>26</sup> EPA revised its Acquisition Guidance section 8.0.100, *Requirements for Mandatory Use of Common Contract Solutions*, to add clarification of the SUM Tier 2-SB designation which is afforded to contracts of any size awarded to small and disadvantaged businesses. The revision emphasizes EPA's focus on small business utilization and ensures continued alignment with federal category management and equity goals.

In FY 2024, EPA will continue to implement SUM principles to leverage pre-vetted agency and government-wide contracts. Through SUM Tier 2 and BIC solutions, acquisition experts will 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 elevate its focus on the Category Management approach to improvement management and results of its portfolio of contracts. EPA will continue to maximize considerations for implementing Strategic Sourcing Initiatives (SSIs), thereby enhancing purchase coordination,

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<sup>26</sup> For additional information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-03.pdf>.

improving price uniformity and knowledge-sharing, and leveraging small business capabilities to meet acquisition goals. EPA will continue to implement strategic sourcing initiatives first launched in FY 2023 in the areas of Lab Equipment Maintenance; Diversity, Equity, Inclusion, and Accessibility (DEIA); Memberships; Freight Services; Business and Financial Services; and Intellitrak software.

In FY 2024, EPA will continue to evaluate options for replacing the EPA Acquisition System with an approved government-wide Federal Shared Service Provider for a contract writing system in line with government-wide mandates to increase the use of shared services.<sup>27</sup> The Agency is focusing on a modern acquisition solution that reduces costs while increasing efficiency by standardizing federal procurement planning, contract award, administration, and close-out processes. Transition preparations include data management strategies, business process reviews, and user engagement to develop a business case and ensure data elements conform with Federal Government Procurement standards. As part of this effort, in FY 2024, EPA will continue to utilize a government-wide Unique Entity Identifier for acquisition awards in line with General Services Administration and OMB requirements. EPA will continue implementing FITARA through competing contracts with multiple vendors and avoid vendor lock-in by confining the scope of a contract to a limited task. Additionally, the Agency will develop acquisition vehicles to further support 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 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (+\$2,350.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$5,231.0 / +28.0 FTE) This program change will strengthen EPA's capacity to process new, increased, and existing award contract actions in a timely manner; advance EPA utilization of small and disadvantaged business; support "Made in America" initiatives; and support supply chain risk management activities for information and communication technology. This investment includes \$5.2 million for payroll.
- (-\$1,070.0) The program change is a reduction in system operations and development resources for EPA's Acquisition System.

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<sup>27</sup> OMB-19-16 "Centralized Mission Support Capabilities for the Federal Government, for more information, please refer to: <https://www.whitehouse.gov/wp-content/uploads/2019/04/M-19-16.pdf>.

**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).

## Central Planning, Budgeting, and Finance

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

(Dollars in Thousands)

	FY 2022 Final Actuals	FY 2023 Enacted Operating Plan	FY 2024 President's Budget	FY 2024 President's Budget v. FY 2023 Enacted Operating Plan
Environmental Programs & Management	\$82,781	\$87,099	\$99,812	\$12,713
Leaking Underground Storage Tanks	\$360	\$457	\$469	\$12
Hazardous Waste Electronic Manifest System Fund	\$149	\$0	\$0	\$0
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$29,102</i></b>	<b><i>\$31,338</i></b>	<b><i>\$30,207</i></b>	<b><i>-\$1,131</i></b>
Total Budget Authority	\$112,392	\$118,894	\$130,488	\$11,594
Total Workyears	435.5	469.0	480.0	11.0

Total workyears in FY 2024 include 2.0 FTE funded by TSCA fees.

Total workyears in FY 2024 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 agency activities to meet requirements of the Government Performance and Results Modernization Act (GPRMA) of 2010,<sup>28</sup> as amended by the Foundations for Evidence-Based Policymaking Act of 2018 ("Evidence Act"), with an emphasis on Title I of the Act;<sup>29</sup> the Digital Accountability and Transparency (DATA) Act of 2014;<sup>30</sup> the Federal Information Technology Acquisition Reform Act (FITARA) of 2015;<sup>31</sup> the Federal Management Financial Integrity Act (FMFIA);<sup>32</sup> the Inspector General Act of 1978.<sup>33</sup>

### FY 2024 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*.

<sup>28</sup> For more information, please see: <https://www.congress.gov/111/plaws/publ352/PLAW-111publ352.pdf>

<sup>29</sup> For more information, please see: <https://www.congress.gov/115/plaws/publ435/PLAW-115publ435.pdf>.

<sup>30</sup> For more information, please see: <https://www.congress.gov/113/plaws/publ101/PLAW-113publ101.pdf>.

<sup>31</sup> FITARA became law as a part of the National Defense Authorization Act for Fiscal Year 2015 (Title VIII, Subtitle D), <https://www.congress.gov/113/plaws/publ291/PLAW-113publ291.pdf>.

<sup>32</sup> For more information, please see: <https://www.govinfo.gov/content/pkg/STATUTE-96/pdf/STATUTE-96-Pg814.pdf>.

<sup>33</sup> For more information, please see: <https://www.govinfo.gov/content/pkg/USCODE-2012-title5/pdf/USCODE-2012-title5-app-inspector.pdf>

In FY 2024, the Agency requests an additional 0.5 FTE in this program project. This increase invests in a solution that would move the Agency forward in assessing enterprise and programmatic risk, internal control, and audit management and provides for necessary fixed costs increases. EPA will continue to provide resource stewardship to ensure that all agency programs operate with fiscal responsibility and management integrity, financial services are efficiently and consistently delivered nationwide, and programs demonstrate results. EPA will maintain key planning, budgeting, 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 2024, 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. Additionally, EPA has implemented Treasury's Invoice Processing Platform (IPP) for reviewing invoices and paying commercial vendors. As of July 2023, roughly 98 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 Laboratory Program and Simplified Acquisition payments through a system interface. This implementation will greatly reduce manual effort, improve data quality, and allow for the elimination of two legacy administrative systems. By the end of FY 2023, the Agency will have fully implemented G-invoicing for new and existing agreements, which will streamline processing and improve management of Interagency Agreements (IA) with the Army Corps of Engineers for Superfund site clean-up. In FY 2024, EPA will focus on post implementation activities and review and address system user process concerns.

In FY 2024, the Program 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 2024, EPA will be using a new eRecovery system for Superfund, Federal Emergency Management Agency, and Oil Spill billing and cost recovery. This new system will modernize and replace the legacy system to improve functionality and security. The Program will continue to implement FITARA requirements in accordance with EPA's Implementation Plan.<sup>34</sup> 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.

The Program will continue to conduct internal control program reviews and use the results and recommendations from the Office of Inspector General (OIG) to provide evidence of the soundness of EPA's financial management program and identify areas for further improvement. Annually, EPA conducts internal control reviews of multiple programs. The Program also will collect key

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<sup>34</sup> For more information please see: <http://www.epa.gov/open/fitara-implementation-plan-and-chief-information-officer-assignment-plan>.

operational statistics for its financial management program to further evaluate its operations and for management decision-making. For example, in FY 2022, OCFO recognized additional opportunities for engagement with the OIG by providing an Audit Preparedness Guide. The Audit Preparedness Guide is intended as a tool to encourage a proactive approach to addressing common OIG and Government Accountability Office findings before audits are initiated. Additionally, OCFO is utilizing data analytics in validating and documenting measures to ensure that the process is standardized across the Agency while providing more customer-level support.

With increased focus on internal controls, audit management, and enterprise risk assessment, in FY 2024, the Agency requests resources to oversee an integrated solution. The new Integrity Tool would allow the Agency to easily crosswalk the anticipated increase in the number of audits related to Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA) activities for program integrity to the 600+ risks and internal controls. The Integrity Tool will help the Agency to better monitor the effectiveness and impact of the internal controls set in place.

EPA has made significant strides in recent years to strengthen programs considered susceptible to improper payment. However, the Agency continues to be vigilant in reducing fraud, waste, and abuse, and strengthening internal controls over improper payments. In addition, as required by the Payment Integrity Information Act of 2019 (PIIA) (P.L. 116-117),<sup>35</sup> and OMB Memorandum *M-21-19 Appendix C*,<sup>36</sup> EPA conducts risk assessments of all its payment streams. Other improvements include the recent implementation of upgraded systems used for payments and invoice processing through which the Agency anticipates even fewer payment errors moving forward. To strengthen our processes, EPA is developing risk assessment plans for significant increases or new funding the Agency receives. These risk assessments outline 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.

### **FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (+\$1,481.0) 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. It also includes support for critical agencywide infrastructure support for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$91.0 / +0.5 FTE) This program change invests in a management integrity tool to turn manual data collection and analysis activities into a streamlined, customer-focused and

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<sup>35</sup> For more information, please see: <https://www.congress.gov/116/plaws/publ117/PLAW-116publ117.pdf>.

<sup>36</sup> For more information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/03/M-21-19.pdf>.

agencywide tool that meets the analytical needs for IIJA and IRA activities and agencywide needs of enterprise risk, internal control, and audit environments. The FTE will support system configuration, training, on-going administrative functions and expanded agency analysis and compilation activities. This investment includes \$91.0 thousand for payroll.

- (-\$1,203.0) This disinvestment reflects the cost savings from the decommissioning of the SCORPIOS cost recovery system in FY 2023 and the development costs of the replacement system, e-recovery, which will fully transition to operations and maintenance status in FY 2024. The program change also includes efficiencies gained in adopting G-Invoicing for IAs.
- (-\$1,500.0) This disinvestment reflects a one-time cost to complete enhancements for the agency infrastructure investment for devolution and Continuity of Operations projects and other workforce support needs.

**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 2022 Final Actuals	FY 2023 Enacted Operating Plan	FY 2024 President's Budget	FY 2024 President's Budget v. FY 2023 Enacted Operating Plan
Environmental Programs & Management	\$291,501	\$283,330	\$305,753	\$22,423
Science & Technology	\$68,347	\$67,500	\$72,043	\$4,543
Building and Facilities	\$24,681	\$42,076	\$105,009	\$62,933
Leaking Underground Storage Tanks	\$922	\$754	\$727	-\$27
Inland Oil Spill Programs	\$854	\$682	\$641	-\$41
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$76,108</i></b>	<b><i>\$65,634</i></b>	<b><i>\$71,540</i></b>	<b><i>\$5,906</i></b>
Total Budget Authority	\$462,412	\$459,976	\$555,713	\$95,737
Total Workyears	310.6	321.8	330.4	8.6

Total work years in FY 2024 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 2024 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 2024, the Agency the Agency proposes an investment of \$5.9 million and 0.5 FTE for the Facilities Infrastructure and Operations Program. These additional resources will support agencywide climate sustainability and resiliency, EPA facilities projects, and EPA's Climate Adaptation Plan. The Agency will continue to pursue agencywide climate sustainability and resiliency initiatives and EPA facilities projects. Investing in the reconfiguration of EPA's workspaces enables the Agency to release office space and avoid long-term rent costs, consistent with HR 4465, the *Federal Assets Sale and Transfer Act of 2016*.<sup>37</sup> 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. The

<sup>37</sup> For additional information, please refer to: <https://www.congress.gov/bill/114th-congress/house-bill/4465>, *Federal Assets Sale and Transfer Act of 2016*.

Agency's space consolidation efforts are expected to result in cost avoidances due to projected rent increases over ten years. EPA also will continue working to enhance its federal infrastructure and operations in a manner that increases efficiency. These enhancements also support the Future of Work as the Agency continues to implement hybrid, remote, and physical workspaces, consistent with Office of Management and Budget Memorandum M-21-25.<sup>38</sup> For FY 2024, the Agency is requesting \$41.41 million for rent, \$2.46 million for utilities, and \$9.27 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 2024, EPA will conduct climate assessments at the following facilities: Office of Air and Radiation Laboratory – Montgomery; Edison Environmental Center; Region 4 Field Annex – Athens; Athens Environmental Center; Corvallis Environmental Laboratory; and Newport Environmental Laboratory. EPA will initiate all high-priority projects within 24 months of the completion of a climate assessment.

Further, EPA will continue reconfiguring EPA's workplaces with the goal of reducing long-term rent costs while increasing EPA facility sustainability to combat the effects of climate change and ensuring a space footprint that accommodates a growing workforce.<sup>39</sup> 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 2024, EPA will pursue aggressive energy, water, and building infrastructure requirements with emphasis on environmental programs (e.g., Environmental Management Systems, Environmental Compliance Programs, Leadership in Energy and Environmental Design Certification, alternative fuel use, fleet reductions, telematics, sustainability assessments). This investment in infrastructure (e.g., architectural and design) and mechanical systems (e.g., Optimized Building Managements Systems for heating and cooling with load demand driven controls) is necessary to meet the Administration's climate sustainability goals. Additionally, in 2024, 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. In line with federal sustainability goals,

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<sup>38</sup> For additional information, please refer to: <https://www.whitehouse.gov/wp-content/uploads/2021/06/M-21-25.pdf>.

<sup>39</sup> Work in this program takes direction for climate change and sustainability related initiatives from the following: EO 14008: *Tackling the Climate Crisis at Home and Abroad* (<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>)  
EO 14057: *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability* (<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/12/08/executive-order-on-catalyzing-clean-energy-industries-and-jobs-through-federal-sustainability/>)

EPA will work to utilize 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 CAA) Number of EPA-owned facility climate adaptation assessments completed.**

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Units
<b>Target</b>						2	5	6	Assessments
<b>Actual</b>						1			

**(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 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Units
<b>Target</b>							100	100	Percent
<b>Actual</b>									
<b>Numerator</b>									Projects
<b>Denominator</b>									

**FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (+\$1,379.0) 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. This change includes adjustments to rent, utilities, security, and transit subsidy needs.
- (+\$4,527.0 / +0.5 FTE) This program change supports implementation of EO 14057: *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability* requirements that will require EPA to increase facility resiliency against the impact of climate change and to advance sustainability of EPA operations. EPA will invest in facility climate assessments and Optimized Building Managements Systems; EPA facilities projects to optimize space, avoid costs, and increase efficiency; and EPA’s Climate Adaptation Plan. This investment includes \$92.0 thousand for 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 2022 Final Actuals	FY 2023 Enacted Operating Plan	FY 2024 President's Budget	FY 2024 President's Budget v. FY 2023 Enacted Operating Plan
Environmental Programs & Management	\$29,070	\$30,188	\$34,350	\$4,162
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$4,188</i></b>	<b><i>\$4,002</i></b>	<b><i>\$4,601</i></b>	<b><i>\$599</i></b>
Total Budget Authority	\$33,258	\$34,190	\$38,951	\$4,761
Total Workyears	141.1	156.8	184.5	27.7

### 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 2024 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 continue 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 efficiency, enhance quality, and ensure fiscal accountability. In addition, EPA will conduct a robust training program for EPA staff and grant applicants and recipients. In FY 2024, the training program will focus on helping applicants find and apply for competitive and non-competitive grant opportunities, compliance-assistance under the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA); and understanding the federal requirements that are passed down to subrecipients, and the oversight that pass-through entities are responsible for on EPA's behalf. EPA also will explore methods to use or update the grant competition and grant-making processes to promote 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 help 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) to ensure it aligns with the requirements of the Grant Reporting Efficiency and Agreements Transparency (GREAT) Act, applicable OMB Quality Service Management Offices (QSMO) standards, and the Federal Integrated Business Framework for grants (*i.e.*, required standard data elements for grants reporting). In FY 2024, EPA will operate and maintain an electronic grants record management system that integrates with EPA's enterprise records management system and aligns with applicable QSMO standards. The Agency also will utilize the government-wide Unique Entity Identifier system for grant awards to meet OMB requirements.

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

EPA will complete all 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 met the October 1, 2022, deadline for new IAs, and will complete the transition for existing IAs by Treasury's October 1, 2023, deadline. EPA provides quarterly progress updates to Treasury that highlight activities under the Agency's approved G-Invoicing Implementation Plan.

In FY 2024, 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 2024 Annual Performance Plan does not include annual performance goals specific to this program.

### **FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (-\$220.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.

- (+\$872.0 / +4.7 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 \$872.0 thousand for payroll.
- (-\$53.0) This program change is attributed to completing development on an interagency agreement pre-work processing system.

**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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Environmental Programs & Management	\$56,709	\$51,261	\$71,093	\$19,832
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$7,253</i></b>	<b><i>\$7,419</i></b>	<b><i>\$8,751</i></b>	<b><i>\$1,332</i></b>
Total Budget Authority	\$63,963	\$58,680	\$79,844	\$21,164
Total Workyears	221.8	254.4	327.4	73.0

Total work years in FY 2024 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 2024 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 2024, the Agency's HR Management Program will continue to implement EPA's Diversity, Equity, Inclusion, and Accessibility (DEIA) Strategic Plan, establishment of a centralized EPA intern program, evidence-gathering under EPA's Learning Agenda, and strengthening agencywide capacity to hire and onboard staff in a timely and equitable manner. The activities supported by EPA's HR Management Program contribute to effective workforce management and are critical for strengthening the workforce, retaining expertise, and capturing institutional knowledge. EPA continues developing mechanisms to ensure that employees have the right skills to successfully achieve the Agency's core mission today and in the future.

EPA is committed to advancing equity, in line with President Biden’s Executive Orders (EOs) 13985,<sup>40</sup> 13988,<sup>41</sup> 14020,<sup>42</sup> 14035,<sup>43</sup> and 14075.<sup>44</sup> In FY 2024, in line with EO 14035, 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 undertake 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 DEIA 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 DEIA. EPA will continue to involve employees at all levels of the organization in the assessment of DEIA initiatives and programs.

In FY 2024, EPA will continue its Senior Executive Service Candidate Development Program launched in FY 2023. The Program will focus on incorporating DEIA strategies so that future executives reflect the diversity of the American population and possess the skills necessary to lead a diverse and talented workforce operating in a hybrid work environment. The Agency will 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 focuses on expanding federal work experience opportunities for underrepresented and underserved populations, which may experience barriers to applying or fully participating in existing opportunities. EPA’s program will provide a total of approximately 180 four-month internship opportunities across EPA Programs and Regional Offices. Additionally, EPA will implement a plan to convert eligible interns to permanent federal service based on performance and completing program requirements.

EPA has increased efforts to improve DEIA with virtual outreach events, targeting diverse networks such as veterans, persons with disabilities, Returned Peace Corps Volunteers, and Historically Black Colleges and Universities and other Minority Serving Institutions. 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 2024, EPA will continue to work with Science, Technology, Engineering, and Mathematics-focused institutions and organizations such as the Society of Hispanic Professional Engineers and National Society of Black Engineers. EPA also will participate in the President’s Management Council Interagency Rotational Program to create leadership development assignments for GS 13-15 level employees. EPA will continue to review applicant flow diversity data every quarter to assess progress and identify areas for improvement.

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<sup>40</sup> For additional information, please refer to: <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

<sup>41</sup> For additional information, please refer to: <https://www.federalregister.gov/documents/2021/01/25/2021-01761/preventing-and-combating-discrimination-on-the-basis-of-gender-identity-or-sexual-orientation>.

<sup>42</sup> For additional information, please refer to: <https://www.federalregister.gov/documents/2021/03/11/2021-05183/establishment-of-the-white-house-gender-policy-council>.

<sup>43</sup> For additional information, please refer to: <https://www.federalregister.gov/documents/2021/06/30/2021-14127/diversity-equity-inclusion-and-accessibility-in-the-federal-workforce>.

<sup>44</sup> For additional information, please refer to: <https://www.federalregister.gov/documents/2022/06/21/2022-13391/advancing-equality-for-lesbian-gay-bisexual-transgender-queer-and-intersex-individuals>.

In FY 2024, 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*,<sup>45</sup> including designation of remote work status to certain positions, providing work schedule flexibilities, and increasing the use of telework. EPA strives to be a model federal employer and these efforts will strengthen the Agency's ability to attract, recruit, retain and empower top talent while advancing DEIA.

EPA also will continue to support front-line supervisor training for managing individuals and teams working in hybrid environments, with a focus on employee communication, mentorship, and equity. 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 as well as financial programs.

The Agency will continue to build Talent Teams to effectively expand recruitment and hiring to meet critical agency skill needs, as well as continue to leverage childcare subsidies to support retention. EPA also will continue to support evidence-building activities to carry out 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 Management.

In FY 2024, 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. This is critical considering approximately 23 percent of EPA's workforce is retirement eligible and another 15 percent of the current workforce will become retirement eligible over the next five years.

The Agency will continue to implement Executive Order 14003, *Protecting the Federal Workforce*,<sup>46</sup> issued on January 22, 2021. EPA reviewed its Unions' agreements to identify and eliminate provisions influenced by four revoked executive orders and will increase the focus on pre-decisional involvement and interest-based bargaining. In FY 2024, 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.

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<sup>45</sup> For additional information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/06/M-21-25.pdf>.

<sup>46</sup> For additional information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/22/executive-order-protecting-the-federal-workforce/>.

Finally, EPA's advisory committees 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*,<sup>47</sup> EPA remains committed to ensuring that highly qualified external experts serve on agency committees and that those members and future nominees of EPA advisory committees reflect the diversity of America in terms of gender, race, ethnicity, geography, and other characteristics.

### **Performance Measure Targets:**

EPA's FY 2024 Annual Performance Plan does not include annual performance goals specific to this program.

### **FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (+\$1,685.0 / +10 FTE) This program change is an increase to develop and implement a new paid internship program to strengthen talent and workforce acquisition and focus on expanding Federal work experience opportunities for underrepresented and underserved populations. This investment includes \$1,130.0 thousand in payroll.
- (+\$200.0 / +0.6 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 \$68.0 thousand in payroll.
- (-\$913.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$360.0) This program change is an increase to support the continuation of the 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.

### **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).

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<sup>47</sup> For additional information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/>.

## **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 2022 Final Actuals	FY 2023 Enacted Operating Plan	FY 2024 President's Budget	FY 2024 President's Budget v. FY 2023 Enacted Operating Plan
Science & Technology	\$38,740	\$39,918	\$44,942	\$5,024
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$9,405</i></b>	<b><i>\$4,901</i></b>	<b><i>\$5,005</i></b>	<b><i>\$104</i></b>
Total Budget Authority	\$48,145	\$44,819	\$49,947	\$5,128
Total Workyears	159.5	155.9	177.9	22.0

### Program Project Description:

EPA's Health and Environmental Risk Assessment (HERA) Research 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). With funding from Superfund, the HERA program supports the risk assessment needs of the Agency's Superfund Program and regional risk assessors by providing Provisional Peer-Reviewed Toxicity Values (PPRTVs) and other fit-for-purpose human health assessments. The HERA Research Program also provides 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. EPA 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 assessments under the HERA program 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 Office of Land and Emergency Management (OLEM), with input from Agency regional offices, and are re-evaluated annually. Research areas under the HERA program 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.<sup>48</sup> 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 2022, EPA finalized seven PPRTV assessments under the HERA program, including updating *PPRTVs for Complex Mixtures of Total Petroleum Hydrocarbons*.<sup>49</sup> In FY 2023, EPA anticipates delivering four to nine additional high-priority PPRTV assessments<sup>50</sup> based on the needs and priorities of EPA's Superfund Program. The HERA Research Program also continues to support the needs of EPA's Office of Land and Emergency Management through the development of other assessment products of priority chemicals, such as PFAS, polychlorinated biphenyls, methylmercury, hexavalent chromium, and inorganic arsenic.<sup>51</sup>
- **Advancements in Lead Modeling:** In FY 2021, EPA released updates to the Integrated Exposure Uptake Biokinetic (IEUBK) model to support lead biokinetic modeling in children. The agency anticipates finalizing updates to the All-Ages Lead Model (AALM) in FY 2023 which will include improved lead biokinetic modeling in adults and children.
- **Technical Support:** The HERA Research Program responds to ongoing requests for scientific support on human and ecological assessment via the Superfund Health Risk Technical Support Center<sup>52</sup> and Ecological Risk Assessment Support Center.<sup>53</sup> Recent efforts have included providing risk assessment support at Saint-Gobain McCaffrey Street (New York), 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*"<sup>54</sup> and "*Summary Report, Separating*

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<sup>48</sup> For more information, please see: <https://www.epa.gov/superfund/superfund-national-priorities-list-npl>.

<sup>49</sup> For more information, please see: <https://cfpub.epa.gov/ncea/pprtv/recordisplay.cfm?deid=355902>.

<sup>50</sup> For more information, please see: <https://www.epa.gov/pprtv>.

<sup>51</sup> For more information, please see: <https://www.epa.gov/iris/iris-recent-additions>.

<sup>52</sup> For more information, please see: <https://www.epa.gov/land-research/superfund-health-risk-technical-support-center-stsc>.

<sup>53</sup> For more information, please see: <https://www.epa.gov/land-research/epas-technical-support-centers>.

<sup>54</sup> For more information, please see: <https://cfpub.epa.gov/ncea/erasc/recordisplay.cfm?deid=353936>.

*Anthropogenic Metals Contamination from Background: A Critical Review of Geochemical Evaluations and Proposal of Alternative Methodology.”*<sup>55</sup>

## **FY 2024 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 2024, 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. 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*,<sup>56</sup> 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 2024, the HERA Research Program anticipates delivering four to nine additional high-priority PPRTV assessments as prioritized by EPA’s Office of Land and Emergency Management.
- **Portfolio of Assessment Products:** In FY 2024, EPA will complement the PPRTVs by providing additional human health assessment products for priority chemicals. Having modernized its assessment infrastructure, the Agency will use evidence mapping to provide a better understanding of the extent and nature of evidence available to address program needs (i.e., ‘fit for purpose’).
- **Linking Databases and Management Tools:** In FY 2024, the HERA Program will continue to collaborate with the Chemical Safety for Sustainability (CSS) Research Program to link the architecture of assessment databases and literature management tools, including *Health and Environmental Research Online*<sup>57</sup> and the *Health Assessment and Workplace Collaborative*<sup>58</sup> with the *CompTox Chemicals Dashboard*.<sup>59</sup>
- **Rapid Technical Support:** In FY 2024, 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 exposures

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<sup>55</sup> For more information, please see: <https://cfpub.epa.gov/ncea/erasc/recordisplay.cfm?deid=347774>.

<sup>56</sup> 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](https://www.epa.gov/system/files/documents/2021-10/pfas-roadmap_final-508.pdf).

<sup>57</sup> For more information, please see: <https://hero.epa.gov/hero/>.

<sup>58</sup> For more information, please see: <https://hawcprd.epa.gov/>.

<sup>59</sup> For more information, please see: <https://comptox.epa.gov/dashboard>.

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, the HERA Research Program will enhance, evaluate, and apply lead biokinetic models for estimating potential blood lead levels for regulatory determinations.<sup>60</sup> Additionally, the Exposure Factors Handbook<sup>61</sup> will be continually updated to provide up-to-date data on various human factors, including soil and dust ingestion rates, used by risk assessors.

Please note that certain activities within this program could have implications associated with the Administration's Cancer Moonshot Initiative.

### **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 has developed and published the fourth generation of the StRAPs,<sup>62</sup> 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 engagement<sup>63</sup> 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.

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<sup>60</sup> For more information, please see: <https://www.epa.gov/superfund/lead-superfund-sites-software-and-users-manuals>.

<sup>61</sup> For more information, please see: <https://cfpub.epa.gov/ncea/risk/recordisplay.cfm?deid=236252>.

<sup>62</sup> The StRAPs are available and located here: <https://www.epa.gov/research/strategic-research-action-plans-fiscal-years-2023-2026>.

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

- 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.

**FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (-\$47.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$151.0) This program change reflects an increase for the Health and Environmental Assessment program. This increase will assist in advancing science assessments like PPRTV's as well as analytical approaches for the applications of risk assessments.

**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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
Environmental Programs & Management	\$178	\$0	\$0	\$0
Science & Technology	\$92,353	\$92,550	\$103,878	\$11,328
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$2,579</i></b>	<b><i>\$8,060</i></b>	<b><i>\$8,060</i></b>	<b><i>\$0</i></b>
Total Budget Authority	\$95,110	\$100,610	\$111,938	\$11,328
Total Workyears	275.2	276.7	307.4	30.7

### **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 and more timely decisions about chemicals and their potential risks to human health and the environment.<sup>64</sup> 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.

The CSS Research Program 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 under the Superfund appropriation conduct mitigation activities at Superfund sites under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Research activities under CSS 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 under the CSS Research Program 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.

### **FY 2024 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 2024, the CSS Research Program will continue to provide information needed to inform Agency decisions about PFAS. PFAS are a large class of fluorinated substances of concern. EPA is committed to supporting tribes, states, and local communities to understand and manage risks

<sup>64</sup> For the CSS StRAP, please see: [Strategic Research Action Plans Fiscal Years 2023-2026 \(Drafts\) | US EPA](#).

associated with these chemicals.<sup>65</sup> EPA research on PFAS represents a major integrative effort that will provide systematic information on a broad range of topics. EPA 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 and maintain the existing PFAS physical library of compounds to include those PFAS of interest to agency and external partners. Relevant PFAS data were included in the most recent CompTox Chemicals Dashboard<sup>66</sup> release and will continue to be added in future releases. 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. NAMs can be used to group and prioritize chemicals, e.g., as illustrated in the recent PFAS categorization paper.<sup>67</sup> In the ecological domain, EPA 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, because fish consumption is relevant to human health and exposure. Resources requested in FY 2024 will build upon the research foundation formed from completed work outlined in the *PFAS Strategic Roadmap*.<sup>68</sup>

### **Research Planning:**

EPA's research is built around six integrated and transdisciplinary research programs. Each of the six integrated and transdisciplinary research 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 implemented with their active collaboration and involvement. Each research program has developed and published the fourth generation of the StRAPs,<sup>69</sup> 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:

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<sup>65</sup> For more information, please see: <https://www.epa.gov/pfas/pfas-community-engagement>.

<sup>66</sup> For more information, please see: <https://comptox.epa.gov/dashboard>.

<sup>67</sup> For more information, please see <https://www.sciencedirect.com/science/article/pii/S246811132200038X>

<sup>68</sup> For more information, please see: <https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>.

<sup>69</sup> The StRAPs are available and located here: <https://www.epa.gov/research/strategic-research-action-plans-fiscal-years-2023-2026>

- 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 engagement<sup>70</sup> 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 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

There are no changes to program funding.

**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, 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).

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<sup>70</sup> For more information, please see: <https://www.epa.gov/research/epa-research-solutions-states>.

## **Research: Sustainable Communities**

## Research: Sustainable and Healthy Communities

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

(Dollars in Thousands)

	FY 2022 Final Actuals	FY 2023 Enacted Operating Plan	FY 2024 President's Budget	FY 2024 President's Budget v. FY 2023 Enacted Operating Plan
Science & Technology	\$133,808	\$137,857	\$146,642	\$8,785
Leaking Underground Storage Tanks	\$312	\$341	\$351	\$10
Inland Oil Spill Programs	\$782	\$675	\$681	\$6
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$16,562</i></b>	<b><i>\$16,937</i></b>	<b><i>\$17,364</i></b>	<b><i>\$427</i></b>
Total Budget Authority	\$151,463	\$155,810	\$165,038	\$9,228
Total Workyears	422.1	421.8	444.3	22.5

### 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."<sup>71</sup>

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. The research will emphasize remediation technologies that improve long-term site resilience including to the current 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 to increase 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.

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<sup>71</sup> 42 U.S.C. § 9660(b).

## Recent Accomplishments of the SHC Research Program include:

- **PFAS Human Exposure Modeling Methodology (published January 2022 - January 2023):**<sup>72</sup> This research provided a protocol to investigate household exposure to **Per- and polyfluoroalkyl substances (PFAS)** via non-drinking water pathways. While exposure to PFAS in impacted communities is generally through contaminated drinking water, the presence of PFAS chemicals in 98% of NHANES samples implies that other sources, such as household dust, and/or pathways may be important exposure routes. The PFAS human exposure modeling methodology was published as a series of journal articles and databases that provide scientific evidence of important exposure sources and pathways and their contributions to PFAS body burdens. Collectively, this body of work provides concordant exposure data on PFAS data in indoor media and serum; identifies important exposure pathways for 20 PFAS chemicals; provides detailed information on PFAS occurrence in household and environmental media; and outlines the development of a human cohort study. The results of these studies provide important information required to characterize the contribution of these exposure sources to body burden PFAS in highly exposed communities.
- **Soil Amendment Technologies to Stabilize Mercury: Sediment, Soil, Mine Tailing and MIW Remediation (published February 2022 and January 2023):**<sup>73</sup> Hundreds of thousands of mercury (Hg) contaminated sites within the U.S. have contributed to elevated fish methylmercury (MeHg) concentrations in downstream waterbodies. These sites include abandoned mines and former industrial/manufacturing facilities, only a small fraction of which are currently being remediated. This work, a state of science review, addresses critical issues related to the processes controlling mercury mobilization and methylation at a range of Superfund sites. The state of the science review is intended for use by Superfund regional project managers, state environmental departments, academics, and others working in the field of mercury contamination. The review provides a detailed listing of the tools currently available for site assessment for a wide variety of landscapes, the specific techniques that are required for analysis, and the most up to date verified remediation techniques. This research is being used by regional project managers and on-scene site coordinators to better understand the fate of mercury present and the types of issues that will need to be addressed or monitored during remedy selection and implementation.

## FY 2024 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 2024, SHC will conduct research, and provide technical assistance and support, to inform analyses and decisions by the Office of Land and Emergency Management (OLEM), regional offices, tribes, and states regarding characterization, remediation, and management of contaminated soil, sediment, and groundwater—issues which are especially concerning to vulnerable, overburdened communities. The tools developed under the SHC Research Program

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<sup>72</sup> For more information, please see: <https://pubmed.ncbi.nlm.nih.gov/34373583/>, <https://pubmed.ncbi.nlm.nih.gov/35240384/>, and <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8118191/>.

<sup>73</sup> For more information, please see: <https://pubmed.ncbi.nlm.nih.gov/36279994/> and <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7903515/>.

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 identify, monitor, and develop options to control vapor intrusion to reduce exposures, reduce contaminant sources, and define sampling strategies that address when, where, and how to sample. SHC researchers will evaluate source control technologies at mine waste sites and investigate remediation and recovery for reuse of critical minerals from contaminated sites. Scientific journal articles, datasets, models, and tools will be published and used to support communities.

PFAS will continue to be a priority research topic for SHC. SHC will develop methods to evaluate PFAS presence and characteristics in wastes, soils, and sediments, and investigate PFAS fate and transport in the environment to support the need of EPA partners, states, tribes, and local communities to identify and characterize PFAS concentrations and distributions at contaminated sites and solid waste sites. Additionally, SHC will identify locations and source contributors to high potential human exposure for children and other populations by evaluating multimedia PFAS sources and pathways. SHC will also investigate approaches, methodologies, and technologies to treat, remove, destroy, and dispose of PFAS in environmental matrices.

### **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 has developed and published their fourth generation of the StRAPs,<sup>74</sup> 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 engagement<sup>75</sup> 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.

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<sup>74</sup> The StRAPs are available and located here: <https://www.epa.gov/research/strategic-research-action-plans-fiscal-years-2023-2026>

<sup>75</sup> For more information, please see: <https://www.epa.gov/research/epa-research-solutions-states>.

- 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.

**FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (-\$206.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$15.0) This change to fixed and other costs is an increase due recalculation of laboratory fixed costs.
- (+\$618.0) This program change reflects an increase that will build capacity to help respond directly to the Superfund law research 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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$239,807</i></b>	<b><i>\$195,000</i></b>	<b><i>\$0</i></b>	<b><i>-\$195,000</i></b>
Total Budget Authority	\$239,807	\$195,000	\$0	-\$195,000
Total Workyears	261.7	247.7	250.7	3.0

In FY 2024, the Budget proposes to transition the Superfund Removal FTE from the annual Superfund appropriation to the Superfund tax receipts as reimbursable FTE. These FTE are built into the Agency's FTE ceiling.

### **Program Project Description:**

The Emergency Response and Removal Program (Superfund Removal) is the cornerstone and principal institution of federal emergency response to releases of hazardous substances, pollutants, or contaminants and is paramount to managing corresponding threats and dangers that occur. During a national emergency, EPA takes action to prevent, limit, mitigate, or contain chemical, oil, radiological, biological, or hazardous materials releases. Circumstances requiring emergency response and removal actions vary considerably in size, nature, and location, and includes 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 critical component of the National Contingency Plan.<sup>76</sup> 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 lead, mercury, and asbestos.<sup>77</sup>

Since 2013, EPA has completed or managed more than 2,420 Superfund removal actions across the country. Responses are a multilayered activity that can fluctuate due to requirements for supplies and customized instruments, specialized training and instruction, and the intricate measures taken to ensure ongoing assessments and responses are appropriate to meet the demands of site conditions. Superfund Removal sites are found in remote rural areas as well as large urban settings. Nearly 41 million people, or about 13 percent of the population, live within 3 miles of a Superfund Removal site where EPA addressed a removal action between FY 2016 and FY 2020.<sup>78</sup> In addition, over 41 percent of removal completions in FY 2019 and FY 2020, and 36 percent in FY 2021 were in communities with populations surpassing the 80<sup>th</sup> percentile for being people of color, low income, or having less than a high school education.<sup>79</sup>

<sup>76</sup> For more information, please refer to: <https://www.epa.gov/emergency-response/national-oil-and-hazardous-substances-pollution-contingency-plan-nep-overview>.

<sup>77</sup> Data from US EPA Superfund Enterprise Management System.

<sup>78</sup> 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.

<sup>79</sup> Data from US EPA Superfund Enterprise Management System and US EPA EJ Screen.

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. Until contained or removed, these substances have the potential to significantly damage property, endanger public health, and have critical environmental impact on communities.

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 experience and assistance to address environmental emergencies that are beyond their capabilities and resources.

Climate change, emerging contaminants, and new scientific developments are adding to the demands of the Superfund Removal Program. The greater frequency of intense weather events that lead to releases of hazardous substances, pollutants, or contaminants increases the workload on the Program. In addition, emerging contaminants such as PFAS are expected to significantly expand the Program as the understanding of the toxicity levels of these compounds continue to drive down cleanup levels.

#### **FY 2024 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 2024, the President's Budget proposes to transition the Superfund Removal Program from the annual Superfund appropriation to the Superfund tax receipts.<sup>80</sup> The Program will continue to:

- Respond to and provide technical assistance for emergency responses and removal assessments and time critical response actions (non-emergency responses). The removal program conducts its work with an emphasis on advancing environmental justice and equitable outcomes by working through possible candidate time critical actions that exist in the regions.
- In addition to other work addressing abandoned uranium mines (AUM) in other EPA program projects, this program addresses AUM impacts on the Navajo Nation (NN). EPA is working to establish a Region 9 based NN field office allowing for 3 FTE to focus on work specific to this area needed to advance cleanup through removal actions at NN AUM sites. This additional capacity will assist EPA and NN in accelerating actions articulated in the 2020 Ten Year Plan: Federal Actions to Address Impacts of Uranium Contamination on the Navajo Nation.<sup>81</sup>
- Support the EPA Special Teams (e.g., Chemical, Biological, Radiological, and Nuclear Consequence Management Advisory Team, Environmental Response Team (ERT),

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<sup>80</sup> The U.S Treasury forecasts collecting a total of \$2.54 billion in Superfund tax receipts in FY 2023 which will be available for use in FY 2024 across EPA Superfund programs.

<sup>81</sup> For more information, please refer to: <https://www.epa.gov/sites/default/files/2021-02/documents/nnaum-ten-year-plan-2021-01.pdf>.

Radiological Emergency Response Team, or the National Criminal Enforcement Response Team), which provide nationwide assistance and consultation for emergency response and removal actions, including unusual or complex incidents. In such cases, the Special Teams provide the OSC, or lead responder, with direct support from an operational asset, special equipment, and/or technical or logistical assistance.

- 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 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 train and deploy the National Incident Management Assistance Team and regional Incident Management Teams to set up organizational systems that help with the long-term strategic planning and response efforts.

**Performance Measure Targets:**

**(PM 137) Number of Superfund removals completed.**

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Units
<b>Target</b>	275	175	175	141	141	183	183	183	Removals
<b>Actual</b>	255	242	233	197	150	195			

**FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (-\$195,000.0 / -247.7 FTE) In FY 2024, the Superfund Emergency Response and Removal Program is proposed to be transitioned from the annual Superfund appropriated resources to the Superfund tax receipts. In FY 2023, the U.S. Treasury forecasts collecting a total of \$2.54 billion in Superfund taxes which will be available for use in FY 2024 across EPA Superfund programs. As a result, the pace of work is not expected to be negatively impacted.
- (+250.7 FTE) In FY 2024, the Agency proposes to transition 250.7 Superfund Removal FTE from the annual Superfund appropriation to the Superfund tax receipts as reimbursable FTE.

**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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$9,071</i></b>	<b><i>\$8,056</i></b>	<b><i>\$8,445</i></b>	<b><i>\$389</i></b>
Total Budget Authority	\$9,071	\$8,056	\$8,445	\$389
Total Workyears	33.9	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), Regional Response Teams (RRT), and Inland Area Committees where it ensures federal, state, and tribal agencies are prepared to respond to national incidents, threats, and major environmental emergencies. EPA implements the Emergency Preparedness Program in coordination with the 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 2024 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 2024, EPA will continue working to improve its oversight of emergency response assets to more appropriately manage 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 NRT<sup>82</sup> 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.
- Lead Inland Area Committees to ensure policies, procedures and tools are in place to assist federal, state, tribal, local, and industry responders effectively address spills.
- 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 System<sup>83</sup>, which provides the approach to manage incidents and closely works with the NRF.

**Performance Measure Targets:**

**(PM ER01) Number of emergency response and removal exercises that EPA conducts or participates in.**

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Units
<b>Target</b>						120	120	120	Exercises
<b>Actual</b>					120	164			

**(PM ER02) Percentage of emergency response and removal exercises that EPA conducts or participates in that incorporate environmental justice.**

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Units
<b>Target</b>						14	30	40	Percent
<b>Actual</b>						49			
<b>Numerator</b>						80			Exercises
<b>Denominator</b>						164			

**FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (+\$286.0) 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.
- (+\$103.0) This program change increases essential support for Superfund Emergency Preparedness Program core activities, such as national and local exercises and drills.

<sup>82</sup> For more information, please refer to: <https://www.nrt.org/>.

<sup>83</sup> For more information, please refer to: <http://www.fema.gov/national-incident-management-system>.

**Statutory Authority:**

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

## **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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$552,089</i></b>	<b><i>\$618,740</i></b>	<b><i>\$0</i></b>	<b><i>-\$618,740</i></b>
Total Budget Authority	\$552,089	\$618,740	\$0	-\$618,740
Total Workyears	910.0	890.8	874.8	-16.0

In FY 2024, the Budget proposes to transition the Superfund Remedial FTE from the annual Superfund appropriated resources to the Superfund tax receipts as reimbursable FTE. These FTE are built into the Agency's FTE ceiling.

### **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.<sup>84</sup>

In FY 2022, more than 75 percent of Superfund Remedial appropriated and Infrastructure Investment and Jobs Act (IIJA) site-specific funds were obligated to Superfund NPL sites where there is potential for addressing environmental justice concerns. In the same period, more than 90 percent of the Superfund sites that achieved Human Exposure Under Control and more than 40 percent of sites that achieved Sitewide Ready for Anticipated Reuse had potential for environmental justice concern.<sup>85</sup>

While conducting cleanup at NPL and SAA sites, remedial construction projects can enhance our national infrastructure while addressing harmful exposures. 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 two kilometers of a Superfund NPL site where lead is a

<sup>84</sup> 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.

<sup>85</sup> Data from EPA's Superfund Enterprise Management System and EPA's EJSCREEN Version 2.1.

contaminant of concern.<sup>86</sup> For Superfund sites contaminated with lead, 18 percent of the surrounding population is below poverty level, 15 percent is without a high school diploma, and 51 percent of the population is minority.

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<sup>87</sup>, as articulated in President Biden's Executive Order (EO) 14008: *Tackling the Climate Crisis at Home and Abroad* (January 27, 2021)<sup>88</sup>, as this EO acknowledges the urgent need to restore lands and natural assets.<sup>89</sup> The Superfund Remedial Program is one of EPA's Justice40 pilot programs. The Superfund Remedial Program considers environmental burdens and other socio-economic challenges when developing community involvement and cleanup plans. Assessing environmental justice concerns in the communities we serve provides important information which influences how EPA communicates, makes cleanup decisions, and plans for future reuse of Superfund sites. The Program also works to maximize cleanup benefits as well as state and tribal benefits, enforcement opportunities, enhancements to community involvement, and the Superfund Redevelopment Program.

In FY 2022, while 16 Superfund sites achieved the status of Sitewide Ready for Anticipated Use, EPA rescinded this status for 64 sites that had previously achieved it. The retractions in FY 2022 were the result of a review which identified sites which no longer met protectiveness requirements due to detection of per- and polyfluoroalkyl substances (PFAS) and other emerging contaminants, aging remedies, and new exposure pathways requiring new institutional controls. As of FY 2022, 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 10,253 businesses at 671 of these sites. These businesses' ongoing operations generate annual sales of \$74.1 billion. These businesses provided more than 236,000 jobs who earned a combined income of \$18.6 billion. Over the last twelve years, these businesses generated at least \$590 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.<sup>90</sup>

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<sup>86</sup> For more information, please refer to: <https://www.epa.gov/environmental-economics/research-environmental-economics-ncee-working-paper-series>.

<sup>87</sup> For more information, please refer to: <https://www.whitehouse.gov/environmentaljustice/justice40/>

<sup>88</sup> For more information, please refer to: <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>

<sup>89</sup> 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/>.

<sup>90</sup> 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>.

## **FY 2024 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 2024, the President's Budget proposes to transition the Superfund Remedial Program, including associated FTE costs, from the annual Superfund appropriated resources to the Superfund tax receipts<sup>91</sup>. EPA will continue 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 so that available Superfund resources are prioritized for sites without other sources of funding. More than half of non-federal sites on the final NPL do not have an associated open special account and available Superfund resources are critical to the Superfund Remedial Program to clean up sites.

The IJA invested \$3.5 billion in environmental remediation at Superfund NPL sites and reinstated the Superfund chemical taxes, and the Inflation Reduction Act reinstated the Superfund petroleum taxes.<sup>92</sup> These laws provide 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, and advancing economic and environmental justice in the process.

In FY 2024, EPA will continue to initiate new work on remedial construction, as well as continue ongoing cleanups at NPL sites across the country. As IJA funds available for site work are anticipated to be fully obligated by no later than FY 2025 based on current site information, the FY 2024 Budget proposes Superfund tax receipts to continue funding construction work at an optimal pace and avoid a backlog of new construction projects.

The Superfund Remedial Program will continue to start and complete critical pre-construction projects such as site characterization and construction design, which will complement construction projects that utilize IJA funding. The Program also will continue to support 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. The Program will continue to support capacity building technical assistance, and the Superfund Job Training Initiative.

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<sup>91</sup> The U.S Treasury forecasts collecting a total of \$2.54 billion in Superfund tax receipts in FY 2023 which will be available for use in FY 2024 across EPA Superfund programs.

<sup>92</sup> 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 went into effect beginning July 1, 2022, and expire on December 31, 2031. On August 16, 2022, the Inflation Reduction Act [(IRA), P.L. 117-169] reinstated and modified the taxes on oil and petroleum products ("Superfund petroleum taxes"). The Superfund petroleum taxes went into effect on January 1, 2023, and do not have an expiration date. On December 29, 2022, the Consolidated Appropriations Act 2023 (P.L. 117-328) allowed all tax receipts collected in the Superfund Trust Fund from the prior fiscal year to be available to carry out the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, without further appropriation by Congress and designated as emergency funding.

In FY 2024, EPA will reduce exposure to lead and associated health impacts including the risk of elevated blood lead levels for children by completing 45 Superfund lead cleanup projects. EPA also will continue to support the cleanup of 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, which include legacy sites that expose Americans to contaminants shown to pose increased cancer risks, advances work in cancer prevention as part of President Biden’s Cancer Moonshot Initiative.

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. This work 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 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Units
<b>Target</b>	9	8	12	10	10	12	12	12	Sites
<b>Actual</b>	24	32	17	20	13	-14			

**(PM 155) Number of Superfund cleanup projects completed that address lead as a contaminant.**

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Units
<b>Target</b>						45	45	45	Projects
<b>Actual</b>					56	45			

**(PM 170) Number of remedial action projects completed at Superfund sites.<sup>93</sup>**

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Units
<b>Target</b>	105	95	95	80	80	80	75	75	Projects
<b>Actual</b>	97	87	89	91	75	74			

**(PM S10) Number of Superfund sites made ready for anticipated use site-wide.**

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	Units
<b>Target</b>	45	51	51	51	51	25	15	10	Sites
<b>Actual</b>	43	51	48	34	26	-48			

**FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (-\$618,740.0 / -890.8 FTE) In FY 2024, the Superfund Remedial Program is proposed to be transitioned from the annual Superfund appropriated resources to the Superfund taxes. In FY 2023, the U.S. Treasury forecasts collecting a total of \$2.54 billion in Superfund

<sup>93</sup> Indicates that this measure is also used to track progress in implementing the Bipartisan Infrastructure Law.

taxes which will be available for use in FY 2024 across EPA Superfund programs. As a result, the pace of work is not expected to be negatively impacted.

- (+874.8 FTE) In FY 2024, the Agency proposes to transition 874.8 Superfund Remedial FTE from the annual Superfund appropriated resources to the Superfund tax receipts as reimbursable FTE.

**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)

	<b>FY 2022 Final Actuals</b>	<b>FY 2023 Enacted Operating Plan</b>	<b>FY 2024 President's Budget</b>	<b>FY 2024 President's Budget v. FY 2023 Enacted Operating Plan</b>
<b><i>Hazardous Substance Superfund</i></b>	<b><i>\$23,911</i></b>	<b><i>\$26,189</i></b>	<b><i>\$37,405</i></b>	<b><i>\$11,216</i></b>
Total Budget Authority	\$23,911	\$26,189	\$37,405	\$11,216
Total Workyears	102.4	113.2	112.7	-0.5

### **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 175 Federal Facility sites on the NPL, which are part of the approximately 2,400 sites on the Federal Agency Hazardous Waste Compliance Docket (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 2022, the Program completed response action decisions at 41 federal facility sites to address environmental contamination. The Program also achieved 26 Remedial Action Project Completions and reviewed 39 Five-Year Reviews to confirm protective remedies remain in place.

The Superfund Federal Facilities Program supports President Biden's Executive Order (EO) 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*<sup>94</sup> 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

<sup>94</sup> For additional information, please refer to: <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

productive use. Over 68 percent of Federal Facility NPL sites are in communities 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 EO 14008: *Tackling the Climate Crisis at Home and Abroad*.<sup>95</sup> Redevelopment projects have included ecological preserves, recreational areas, cultural/historical resources, public transit infrastructure, and alternative energy sources. A 2022 economic analysis of 70 Federal Facility Superfund Sites identified over 2,400 businesses that generated \$28 billion in annual sales, provided over 450,000 jobs, and \$44 billion in estimated annual employment income.<sup>96</sup> The Superfund Federal Facility Program provided content for the FY 2022 - 2023 Office of Land and Emergency Management Climate Change Adaptation Plan.<sup>97</sup> Future climate actions by the Program include developing a training to address ways to consider climate change impacts in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process, and continuing collaboration with OFAs to include climate impact considerations in remedial actions.

#### **FY 2024 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 2024, the Superfund Federal Facilities Program, as part of its statutorily mandated oversight responsibilities, will support EPA's 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 CERCLA and adjust core program capacity. Currently, the Program provides oversight at the 110 Federal Facility NPL sites with PFAS detections. Additionally, DoD is expected to initiate approximately 50 additional PFAS investigations in FY 2024.

In FY 2024, EPA proposes an investment of \$11.2 million in the Superfund Federal Facilities Program. This investment will allow EPA to minimize disruptions and delays to its oversight responsibilities, enable DoD to meet their Congressional cleanup obligations for PFAS under the 2022 National Defense Authorization Act and subsequent CERCLA response actions, and adjust EPA core capacity in its cleanup oversight for legacy contamination such as radioactive waste and unexploded ordnance. EPA plans to utilize the additional resources to leverage knowledge and best practices developed from Federal Facilities PFAS investigations to aid PFAS cleanups across the country.

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<sup>95</sup> For additional information, please refer to: <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>.

<sup>96</sup> For additional information, please refer to: <https://www.epa.gov/fedfac/redevelopment-economics-federal-facilities>.

<sup>97</sup> For additional information, please refer to: [https://www.epa.gov/system/files/documents/2022-10/bh508-OLEM%20CAIP\\_August%202022\\_POST\\_OGCreview\\_9.12.2022.pdf](https://www.epa.gov/system/files/documents/2022-10/bh508-OLEM%20CAIP_August%202022_POST_OGCreview_9.12.2022.pdf)

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 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 2024, 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 2024, 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 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. EPA anticipates additional engagement on non-NPL federal facilities on the Docket to address new information on and ensure appropriate assessment and referral of these sites to appropriate cleanup programs.

**Performance Measure Targets:**

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

**FY 2024 Change from FY 2023 Enacted Budget (Dollars in Thousands):**

- (+\$865.0) 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.
- (+\$10,351.0 / -0.5 FTE) This net program change will help address critical gaps in EPA's ability to oversee DoD PFAS cleanup under CERCLA and to adjust core program capacity, including keeping pace with the Agency's oversight role at Federal Facilities NPL sites.

**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, resources made available through the Infrastructure Investment and Jobs Act of 2021 and available Superfund tax receipts 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 1,334 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, special account resources, Superfund tax receipts, and annually 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 2022 Special Account Activity**

Since the inception of special accounts through the end of FY 2022, EPA has collected approximately \$8.1 billion from parties and earned approximately \$797.6 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 approximately \$59.0 million to the Superfund Trust Fund. As of the

end of FY 2022, over \$4.8 billion has been disbursed for site response actions and approximately \$416.5 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 2022, EPA deposited approximately \$282.9 million into special accounts and disbursed over \$172.3 million from special accounts (including reclassifications). At the end of FY 2022, the cumulative amount available in special accounts was over \$3.6 billion.

Special accounts vary in size. A limited set of accounts represent the majority of the funds available. At the end of FY 2022, 5 percent of open accounts had greater than \$10 million available and held approximately 71 percent of all available funds in open accounts. There are many accounts with lower available balances. 72 percent of all open accounts with up to \$1 million available represent approximately 5 percent of available funds in all open accounts.

The balance of over \$3.6 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(s). 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 five 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 \$1.1 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 2022, EPA disbursed and obligated approximately \$237.7 million from special accounts (excluding reclassifications) for response work at more than 695 Superfund sites. Site-specific examples of this work include \$25.1 million to support work at the Welsbach & General Gas Mantle site in New Jersey; \$10.1 million for the Tronox Navajo Area Uranium Mines on the Navajo Nation; and approximately \$7.0 million for the Bunker Hill Mining & Metallurgical Complex site in Idaho. In the absence of special account funds, annually appropriated funds would have been necessary for these response actions to be funded. In other words, EPA was able to fund approximately \$237.7 million in response work at sites in addition to the work funded through appropriated and IJA funds obligated or disbursed in FY 2022.

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 2022 program activity, and planned multi-year uses of the available balance. Exhibit 2 provides the prior year (FY 2022), current year (FY 2023), and estimated future budget year (FY 2024) activity for special accounts. Exhibit 3 provides prior year data (FY 2022) by EPA regional offices to exhibit the geographic use of the funds.

**Exhibit 1: Summary of FY 2022 Special Account Transactions  
and Cumulative Multi-Year Plans for Using Available Special Account Funds**

<b>Account Status<sup>1</sup></b>		<b>Number of Accounts</b>
Cumulative Open		1,142
Cumulative Closed		460
<b>FY 2022 Special Account Activity</b>		<b>\$ in Thousands</b>
	Beginning Available Balance	\$3,506,736.7
	FY 2022 Activities	
	+ Receipts	\$282,861.1
	- Transfers to Superfund Trust Fund (Receipt Adjustment)	(\$3,829.0)
	+ Net Interest Earned	\$63,252.1
	- Net Change in Unliquidated Obligations	(\$76,216.3)
	- Disbursements - For EPA Incurred Costs	(\$156,745.4)
	- Disbursements - For Work Party Reimbursements under Final Settlements	(\$4,755.5)
	- Reclassifications	(\$10,799.6)
	End of Fiscal Year (EOFY) Available Balance <sup>2</sup>	\$3,600,504.2
<b>Multi-Year Plans for EOFY 2022 Available Balance<sup>3</sup></b>		<b>\$ in Thousands</b>
	2022 EOFY Available Balance	\$3,600,504.2
	- Estimates for Future EPA Site Activities based on Current Site Plans <sup>4</sup>	\$3,466,727.9
	- Estimates for Potential Disbursement to Work Parties Identified in Final Settlements <sup>5</sup>	\$83,399.6
	- Estimates for Reclassifications for FYs 2023-2025 <sup>6</sup>	\$40,021.4
	- Estimates for Transfers to Trust Fund for FYs 2023-2025 <sup>6</sup>	\$10,355.2
	- Available Balance to be Planned for Site-Specific Response <sup>7</sup>	\$0.0

<sup>1</sup> FY 2022 data is as of 10/02/2022. The Beginning Available Balance is as of 10/01/2021.

<sup>2</sup> Numbers may not add due to rounding.

<sup>3</sup> Planning data were recorded in the Superfund Enterprise Management System (SEMS) as of 10/31/2022 in reference to special account available balances as of 10/01/2022.

<sup>4</sup> "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.

<sup>5</sup> "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.

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

<sup>7</sup> These include resources received by the 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 2022 – FY 2024<sup>1</sup>**

	FY 2022	FY 2023 estimate	FY 2024 estimate
	<b>\$ in Thousands</b>		
Beginning Available Balance	\$3,506,736.7	\$3,600,504.2	\$3,780,838.3
Receipts <sup>1</sup>	\$282,861.1	\$350,000.0	\$350,000.0
Transfers to Trust Fund (Receipt Adjustment) <sup>2</sup>	(\$3,829.0)	(\$7,693.4)	(\$7,693.4)
Net Interest Earned <sup>3</sup>	\$63,252.1	\$86,000.0	\$100,000.0
Net Obligations <sup>2,4</sup>	(\$237,717.2)	(\$230,433.8)	(\$230,433.8)
Reclassifications <sup>2</sup>	(\$10,799.6)	(\$17,538.7)	(\$17,538.7)
End of Year Available Balance <sup>5</sup>	\$3,600,504.2	\$3,780,838.3	\$3,975,172.4

<sup>1</sup> The estimates for Receipts are in line with more typical years.

<sup>2</sup> The estimates for Transfers to Trust Fund, Net Obligations, and Reclassifications are based on a three year historical average.

<sup>3</sup> Net interest earned in FY 2023 and FY 2024 are estimated utilizing economic assumptions for the FY 2024 President's Budget.

<sup>4</sup> Net Obligations reflect special account funds no longer available for obligation, excluding reclassifications and receipts transferred to the Trust Fund.

<sup>5</sup> Numbers may not add due to rounding.

**Exhibit 3: FY 2022 Special Account Transactions by EPA Regional Offices**  
*\$ in Thousands*

	Beginning Available Balance	Receipts	Transfers to Trust Fund (Receipt Adjustment)	Net Interest Earned	Net Obligations	Reclassifications	End of Year Available Balance <sup>2</sup>
Region 1	\$167,779.2	\$10,556.7	(\$2,478.8)	\$2,829.3	(\$9,375.8)	(\$2,601.8)	\$166,708.8
Region 2	\$563,816.6	\$43,068.1	\$0.0	\$10,947.2	(\$98,713.9)	\$0.0	\$519,118.1
Region 3	\$167,182.8	\$4,405.6	(\$7.2)	\$3,066.0	(\$18,459.2)	(\$334.4)	\$155,853.5
Region 4	\$64,546.9	\$6,137.1	(\$1,192.1)	\$565.2	(\$4,395.5)	(\$5,453.4)	\$60,208.1
Region 5	\$467,624.9	\$32,573.2	\$0.0	\$8,791.0	(\$11,115.7)	(\$986.6)	\$496,886.9
Region 6 <sup>3</sup>	\$99,568.9	\$317,430.1	\$0.0	\$4,640.3	(\$3,511.5)	(\$318.6)	\$417,809.1
Region 7	\$138,927.3	\$3,117.7	\$0.0	\$2,637.1	(\$13,132.3)	(\$808.3)	\$130,741.5
Region 8	\$280,452.2	\$91,984.1	(\$17.7)	\$3,909.1	(\$24,184.0)	(\$61.2)	\$352,082.6
Region 9 <sup>3</sup>	\$1,391,408.0	(\$249,896.2)	(\$133.2)	\$22,266.0	(\$29,277.0)	(\$100.5)	\$1,134,267.1
Region 10	\$165,429.9	\$23,484.7	\$0.0	\$3,600.9	(\$25,552.2)	(\$134.9)	\$166,828.4
<b>Total</b>	\$3,506,736.7	\$282,861.1	(\$3,829.0)	\$63,252.1	(\$237,717.2)	(\$10,799.6)	\$3,600,504.1

<sup>1</sup> FY 2022 data is as of 10/02/2022. The Beginning Available Balance is as of 10/01/2021.

<sup>2</sup> Numbers may not add due to rounding.

<sup>3</sup> The notable decreases in Region 9 and increase in Region 6 are due mostly to funds transferred between Region 9 and Region 6 for Tronox Navajo Abandoned Uranium Mines special accounts in accordance with the Tronox NAUM Resource Allocation Strategy.

## SUPERFUND TAX RECEIPTS

(Dollars in Thousands)

	FY 2022	FY 2023 Collections Available	FY 2024 Estimates of Collections to Be Available <sup>98</sup>
Superfund Chemical Taxes	\$0	\$413,002	\$1,686,000
Superfund Taxes on Oil and Petroleum Products	\$0	\$0	\$858,000
<b>Hazardous Substance Superfund Tax Total Receipts</b>	<b>\$0</b>	<b>\$413,002</b>	<b>\$2,544,000</b>

### Background

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 use as materials in their manufacture or production one or more of those listed chemicals (“Superfund chemical taxes”).<sup>99</sup> The Superfund chemical taxes went into effect beginning July 1, 2022 and expire on December 31, 2031. On August 16, 2022, the Inflation Reduction Act [(IRA), (P.L. 117-169)] reinstated and modified the taxes on oil and petroleum products. The oil and petroleum taxes went into effect on January 1, 2023. On December 29, 2022, the Consolidated Appropriations Act, 2023 (P.L. 117-328) included legislative language that allows all tax receipts collected in the Superfund Trust Fund from the prior fiscal year to be available to implement the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) without further congressional appropriation and designated as emergency funding. As of September 30, 2022, there was \$413 million of tax receipts in the Superfund Trust Fund which are available to utilize in FY 2023.<sup>100</sup>

### FY 2023 and FY 2024 Superfund Tax Receipt Activity

EPA is in the process of developing its budget priorities for the Superfund tax receipts available in FY 2023. EPA will utilize the Superfund tax receipts to implement CERCLA and continue to plan for the use of available tax receipts in FY 2024.

In FY 2023, the U.S Treasury forecasts collecting a total of \$2.54 billion in Superfund taxes which will be available for use in FY 2024. The FY 2024 President’s Budget proposes to transition the Superfund Remedial, Superfund Emergency Response and Removal, and the Superfund Enforcement programs, and EPA anticipates these programs will be sufficiently funded from the tax receipts to support mission critical functions. EPA will then evaluate available budgets and resources across the Agency’s Superfund programs to determine the most appropriate use of the tax receipts. EPA will prioritize the Superfund tax receipts to leverage all funding available to continue to clean up NPL sites at their optimal pace. The Agency will continue its “enforcement first” policy to pursue and compel responsible parties to conduct response work or finance

<sup>98</sup> Estimates are developed by the U.S. Treasury and based on their economic assumptions.

<sup>99</sup> The original Superfund taxes expired on December 31, 1995, and applied to crude oil and imported petroleum products, chemicals used in the production of hazardous substances listed in Title 26 section 4661 and imported substances that use hazardous chemicals as a feedstock, and corporate modified alternative minimum taxable income more than \$2 million a year.

<sup>100</sup> Please see: <https://treasurydirect.gov/ftp/dfi/tfimb/dfihs0922.pdf>.

cleanups. By doing so, annually appropriated and Superfund tax receipt resources will be conserved for cleanups at sites and activities where potentially responsible party (PRP) resources are not available. This will allow the Agency to maximize progress in returning sites to community use. EPA also will continue to start new construction projects to avoid the creation of another backlog; more efficiently fund ongoing construction projects; promptly address emergency and short-term CERCLA response actions; and implement Administration and Agency priorities (*e.g.*, environmental justice, per- and polyfluorinated substances, lead, etc.).