



**United States
Environmental Protection Agency**

FISCAL YEAR 2024

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

Tab 05: Environmental Programs and Management

EPA-190-R-23-001

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**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: Environmental Programs & Management
Resource Summary Table
(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 | | | | |
| Budget Authority | \$2,988,189 | \$3,286,330 | \$4,511,011 | \$1,224,681 |
| Total Workyears | 8,623.8 | 9,592.7 | 11,082.4 | 1,489.7 |

Bill Language: Environmental Programs and Management

For environmental programs and management, including necessary expenses not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; implementation of a coal combustion residual permit program under section 2301 of the Water and Waste Act of 2016; and not to exceed \$40,000 for official reception and representation expenses, \$4,511,011,000, to remain available until September 30, 2025: Provided further, That of the funds included under this heading—

(1) \$682,053,000, to remain available until expended, shall be for Geographic Programs as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

(2) \$20,000,000, to remain available until expended, shall be for grants, including grants that may be awarded on a non-competitive basis, interagency agreements, and associated program support costs to establish and implement a program to assist Alaska Native Regional Corporations, Alaskan Native Village Corporations, federally-recognized tribes in Alaska, Alaska Native Non-Profit Organizations and Alaska Native Nonprofit Associations, and intertribal consortia comprised of Alaskan tribal entities to address contamination on lands conveyed under or pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that were or are contaminated at the time of conveyance and are on an inventory of such lands developed and maintained by the Environmental Protection Agency: Provided, That grants awarded using funds made available in this paragraph may be used by a recipient to supplement other funds provided by the Environmental Protection Agency through individual media or multi-media grants or cooperative agreements: Provided further, That of the amounts made available in this paragraph, in addition to amounts otherwise available for such purposes, the Environmental Protection Agency may reserve up to \$2,000,000 for salaries, expenses, and administration of the program and any other grants related to such program that address contamination on lands conveyed under or pursuant to the Alaska Native Claims

Settlement Act (43 U.S.C. 1601 et seq.) that were or are contaminated at the time of conveyance and are on the EPA inventory of such lands.

(3) \$130,000,000, to remain available until expended, shall be for environmental justice implementation and training grants and associated program support costs, of which \$65,000,000 shall be for an environmental justice community grant program for grants to community-based nonprofit organizations; \$40,000,000 shall be for an environmental justice government grant program for grants to states, tribes, including intertribal consortia that meet the requirements in 40 CFR 35.504, local and territorial governments, and Freely Associated States; \$15,000,000 shall be for a community-based participatory research grant program for grants to institutions of higher education as defined in 2 CFR 200.1 or nonprofit organizations; and \$10,000,000 shall be for an environmental justice training program for grants to community-based nonprofit organizations or partnerships between community-based nonprofit organizations and institutions of higher education as defined in 2 CFR 200.1: Provided, That up to 5 percent of the funds made available under this paragraph may be reserved for salaries, expenses, and administration.

Program Projects in EPM

(Dollars in Thousands)

| Program Project | 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 |
|--|----------------------------------|---|---|---|
| Clean Air and Climate | | | | |
| Clean Air Allowance Trading Programs | \$15,423 | \$16,554 | \$30,535 | \$13,981 |
| Climate Protection | \$100,267 | \$101,000 | \$170,512 | \$69,512 |
| Federal Stationary Source Regulations | \$26,821 | \$30,344 | \$47,468 | \$17,124 |
| Federal Support for Air Quality Management | \$148,894 | \$147,704 | \$356,016 | \$208,312 |
| Stratospheric Ozone: Domestic Programs | \$7,937 | \$6,951 | \$72,152 | \$65,201 |
| Stratospheric Ozone: Multilateral Fund | \$8,326 | \$9,244 | \$18,000 | \$8,756 |
| Subtotal, Clean Air and Climate | \$307,667 | \$311,797 | \$694,683 | \$382,886 |
| Indoor Air and Radiation | | | | |
| Indoor Air: Radon Program | \$2,966 | \$3,364 | \$5,113 | \$1,749 |
| Radiation: Protection | \$8,244 | \$9,088 | \$11,638 | \$2,550 |
| Radiation: Response Preparedness | \$2,658 | \$2,650 | \$3,143 | \$493 |
| Reduce Risks from Indoor Air | \$12,611 | \$13,593 | \$47,389 | \$33,796 |
| Subtotal, Indoor Air and Radiation | \$26,479 | \$28,695 | \$67,283 | \$38,588 |
| Brownfields | | | | |
| Brownfields | \$23,716 | \$26,189 | \$38,626 | \$12,437 |
| Compliance | | | | |
| Compliance Monitoring | \$108,996 | \$112,730 | \$162,105 | \$49,375 |
| Environmental Justice | | | | |
| Environmental Justice | \$20,455 | \$102,159 | \$369,106 | \$266,947 |

| Program Project | 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 |
|---|----------------------------------|---|---|---|
| Enforcement | | | | |
| Civil Enforcement | \$179,062 | \$205,942 | \$242,585 | \$36,643 |
| Criminal Enforcement | \$55,343 | \$62,704 | \$66,487 | \$3,783 |
| Subtotal, Enforcement | \$234,406 | \$268,646 | \$309,072 | \$40,426 |
| Geographic Programs | | | | |
| Geographic Program: Chesapeake Bay | \$90,309 | \$92,000 | \$92,094 | \$94 |
| Geographic Program: Gulf of Mexico | \$21,194 | \$25,524 | \$25,558 | \$34 |
| Geographic Program: Lake Champlain | \$19,096 | \$25,000 | \$25,000 | \$0 |
| Geographic Program: Long Island Sound | \$29,758 | \$40,002 | \$40,005 | \$3 |
| Geographic Program: Other | | | | |
| <i>Lake Pontchartrain</i> | \$1,899 | \$2,200 | \$2,200 | \$0 |
| <i>S.New England Estuary (SNEE)</i> | \$6,017 | \$7,000 | \$7,078 | \$78 |
| <i>Geographic Program: Other (other activities)</i> | \$4,881 | \$5,000 | \$4,934 | -\$66 |
| Subtotal, Geographic Program: Other | \$12,797 | \$14,200 | \$14,212 | \$12 |
| Great Lakes Restoration | \$349,157 | \$368,000 | \$368,154 | \$154 |
| Geographic Program: South Florida | \$6,917 | \$8,500 | \$8,503 | \$3 |
| Geographic Program: San Francisco Bay | \$2,631 | \$54,500 | \$54,505 | \$5 |
| Geographic Program: Puget Sound | \$34,746 | \$54,000 | \$54,022 | \$22 |
| Subtotal, Geographic Programs | \$566,606 | \$681,726 | \$682,053 | \$327 |
| Homeland Security | | | | |
| Homeland Security: Communication and Information | \$4,054 | \$4,692 | \$6,051 | \$1,359 |
| Homeland Security: Critical Infrastructure Protection | \$873 | \$923 | \$1,023 | \$100 |
| Homeland Security: Protection of EPA Personnel and Infrastructure | \$4,903 | \$5,188 | \$5,158 | -\$30 |
| Subtotal, Homeland Security | \$9,830 | \$10,803 | \$12,232 | \$1,429 |
| International Programs | | | | |
| US Mexico Border | \$2,886 | \$2,993 | \$5,088 | \$2,095 |
| International Sources of Pollution | \$7,220 | \$7,323 | \$26,044 | \$18,721 |
| Trade and Governance | \$6,252 | \$5,510 | \$7,153 | \$1,643 |
| Subtotal, International Programs | \$16,358 | \$15,826 | \$38,285 | \$22,459 |
| IT / Data Management / Security | | | | |
| Information Security | \$10,450 | \$9,142 | \$23,889 | \$14,747 |
| IT / Data Management | \$90,029 | \$91,821 | \$105,868 | \$14,047 |

| Program Project | 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 |
|--|----------------------------------|---|---|---|
| Exchange Network | \$13,016 | \$14,995 | \$14,685 | -\$310 |
| Subtotal, IT / Data Management / Security | \$113,496 | \$115,958 | \$144,442 | \$28,484 |
| Legal / Science / Regulatory / Economic Review | | | | |
| Integrated Environmental Strategies | \$10,534 | \$11,297 | \$71,722 | \$60,425 |
| Science Policy and Biotechnology | \$1,185 | \$1,811 | \$1,627 | -\$184 |
| Administrative Law | \$5,022 | \$5,395 | \$6,116 | \$721 |
| Alternative Dispute Resolution | \$1,196 | \$972 | \$2,194 | \$1,222 |
| Civil Rights Program | \$10,061 | \$12,866 | \$31,462 | \$18,596 |
| Legal Advice: Environmental Program | \$63,795 | \$60,061 | \$85,252 | \$25,191 |
| Legal Advice: Support Program | \$18,246 | \$18,957 | \$20,322 | \$1,365 |
| Science Advisory Board | \$3,854 | \$4,155 | \$4,124 | -\$31 |
| Regulatory/Economic-Management and Analysis | \$16,725 | \$17,475 | \$16,930 | -\$545 |
| Subtotal, Legal / Science / Regulatory / Economic Review | \$130,617 | \$132,989 | \$239,749 | \$106,760 |
| Multi-Media | | | | |
| State and Local Prevention and Preparedness | \$14,957 | \$15,446 | \$23,884 | \$8,438 |
| Pollution Prevention Program | \$11,988 | \$12,987 | \$29,009 | \$16,022 |
| TRI / Right to Know | \$13,064 | \$15,052 | \$14,018 | -\$1,034 |
| Tribal - Capacity Building | \$13,735 | \$14,715 | \$34,674 | \$19,959 |
| NEPA Implementation | \$17,177 | \$20,611 | \$25,760 | \$5,149 |
| Executive Management and Operations | \$55,872 | \$56,160 | \$67,600 | \$11,440 |
| Public Engagement, Partnerships and Environmental Education | \$8,303 | \$9,500 | \$23,972 | \$14,472 |
| Small Minority Business Assistance | \$2,564 | \$2,056 | \$1,996 | -\$60 |
| Small Business Ombudsman | \$1,564 | \$2,250 | \$2,227 | -\$23 |
| Children and Other Sensitive Populations: Agency Coordination | \$6,098 | \$6,362 | \$6,500 | \$138 |
| Subtotal, Multi-Media | \$145,322 | \$155,139 | \$229,640 | \$74,501 |
| Operations and Administration | | | | |
| Central Planning, Budgeting, and Finance | \$82,781 | \$87,099 | \$99,812 | \$12,713 |
| Facilities Infrastructure and Operations | \$291,501 | \$283,330 | \$305,753 | \$22,423 |
| Acquisition Management | \$36,051 | \$37,251 | \$41,609 | \$4,358 |
| Human Resources Management | \$56,709 | \$51,261 | \$71,093 | \$19,832 |
| Financial Assistance Grants / IAG Management | \$29,070 | \$30,188 | \$34,350 | \$4,162 |
| Subtotal, Operations and Administration | \$496,113 | \$489,129 | \$552,617 | \$63,488 |
| Operations and Administration | | | | |
| Regional Science and Technology | \$1,345 | \$1,554 | \$4,972 | \$3,418 |

| Program Project | 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 |
|---|----------------------------------|---|---|---|
| Pesticides Licensing | | | | |
| Pesticides: Protect Human Health from Pesticide Risk | \$65,333 | \$62,125 | \$65,529 | \$3,404 |
| Pesticides: Protect the Environment from Pesticide Risk | \$43,688 | \$48,704 | \$75,391 | \$26,687 |
| Pesticides: Realize the Value of Pesticide Availability | \$7,022 | \$7,637 | \$8,234 | \$597 |
| Subtotal, Pesticides Licensing | \$116,042 | \$118,466 | \$149,154 | \$30,688 |
| Research: Chemical Safety for Sustainability | | | | |
| Research: Chemical Safety for Sustainability | \$178 | \$0 | \$0 | \$0 |
| Resource Conservation and Recovery Act (RCRA) | | | | |
| RCRA: Corrective Action | \$43,061 | \$40,512 | \$41,669 | \$1,157 |
| RCRA: Waste Management | \$77,838 | \$75,958 | \$90,634 | \$14,676 |
| RCRA: Waste Minimization & Recycling | \$12,603 | \$10,252 | \$12,668 | \$2,416 |
| Subtotal, Resource Conservation and Recovery Act (RCRA) | \$133,502 | \$126,722 | \$144,971 | \$18,249 |
| Toxics Risk Review and Prevention | | | | |
| Endocrine Disruptors | \$6,629 | \$7,614 | \$7,680 | \$66 |
| Toxic Substances: Chemical Risk Management | \$2 | \$0 | \$0 | \$0 |
| Toxic Substances: Chemical Risk Review and Reduction | \$85,218 | \$82,822 | \$130,711 | \$47,889 |
| Toxic Substances: Lead Risk Reduction Program | \$12,404 | \$14,359 | \$14,437 | \$78 |
| Subtotal, Toxics Risk Review and Prevention | \$104,254 | \$104,795 | \$152,828 | \$48,033 |
| Underground Storage Tanks (LUST / UST) | | | | |
| LUST / UST | \$11,807 | \$12,021 | \$14,451 | \$2,430 |
| Protecting Estuaries and Wetlands | | | | |
| National Estuary Program / Coastal Waterways | \$33,958 | \$40,000 | \$32,514 | -\$7,486 |
| Wetlands | \$21,103 | \$21,754 | \$26,671 | \$4,917 |
| Subtotal, Protecting Estuaries and Wetlands | \$55,061 | \$61,754 | \$59,185 | -\$2,569 |
| Ensure Safe Water | | | | |
| Beach / Fish Programs | \$1,209 | \$2,246 | \$2,381 | \$135 |
| Drinking Water Programs | \$117,205 | \$121,607 | \$142,583 | \$20,976 |
| Subtotal, Ensure Safe Water | \$118,414 | \$123,853 | \$144,964 | \$21,111 |
| Ensure Clean Water | | | | |
| Marine Pollution | \$8,699 | \$10,187 | \$12,624 | \$2,437 |

| Program Project | 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 |
|--|----------------------------------|---|---|---|
| Surface Water Protection | \$217,125 | \$224,492 | \$267,969 | \$43,477 |
| Water Infrastructure Finance and Innovation | \$0 | \$0 | \$0 | \$0 |
| Subtotal, Ensure Clean Water | \$225,825 | \$234,679 | \$280,593 | \$45,914 |
| Clean and Safe Water Technical Assistance Grants | | | | |
| Congressional Priorities | \$21,700 | \$30,700 | \$0 | -\$30,700 |
| TOTAL EPM | \$2,988,189 | \$3,266,330 | \$4,491,011 | \$1,224,681 |

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

Alaska Contaminated Lands

Program Area: Alaska Contaminated Lands

Goal: Safeguard and Revitalize Communities

Objective(s): Clean Up and Restore Land for Productive Uses and Healthy 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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$0</i> | <i>\$20,000</i> | <i>\$20,000</i> | <i>\$0</i> |
| Total Budget Authority | \$0 | \$20,000 | \$20,000 | \$0 |
| Total Workyears | 0.0 | 5.0 | 5.0 | 0.0 |

Program Project Description:

The Alaska Contaminated Lands Program supports President Biden’s Executive Order 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* and seeks to address environmental injustices regarding the 44 million acres transferred from federal ownership to Alaska Native corporations as part of the Alaska Native Claims Settlement Act (ANCSA).¹ Many of these lands were contaminated while not under Alaska Native ownership, and the contaminants on some of these lands – arsenic, asbestos, lead, mercury, pesticides, polychlorinated biphenyls (PCBs), and other petroleum products – pose health concerns to Alaska Native communities, negatively impact subsistence resources, and hamper economic activity.

EPA is initiating a whole-of-government approach to help advance the cleanup of contaminated ANCSA lands through the Arctic Executive Steering Committee.

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, EPA will:

- Compile and maintain a contaminated ANCSA sites inventory and maintain a public facing dashboard to provide site information, including cleanup status.
- Engage with State of Alaska, Alaska Native Corporations, Alaska Native Organizations, and other federal agencies to further develop and modify the comprehensive approach to advancing cleanup efforts.

¹ 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>.

- Establish and manage the Contaminated ANCSA Lands Grant Program to facilitate assessment and cleanup work at contaminated ANCSA lands.

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:

Consolidated Appropriations Act, 2023, Pub. L. 117-328.

Brownfields

Brownfields

Program Area: Brownfields

Goal: Safeguard and Revitalize Communities

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | \$23,716 | \$26,189 | \$38,626 | \$12,437 |
| Total Budget Authority | \$23,716 | \$26,189 | \$38,626 | \$12,437 |
| Total Workyears | 112.3 | 129.5 | 187.5 | 58.0 |

Program Project Description:

Brownfields sites are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Brownfields can be found in the heart of America's main streets and former economic centers. The Brownfields Program supports efforts to revitalize these sites by awarding grants and providing technical assistance to states, tribes, local communities, and other stakeholders to work together to plan, inventory, assess, safely cleanup, and reuse brownfields sites. Approximately 143 million people (roughly 44 percent of the U.S. population) live within three miles of a brownfields site that receives EPA funding.² Similarly, within a half mile of a brownfields site receiving EPA funding, 21 percent of people live below the national poverty level, 17 percent have less than a high school education, 56 percent are people of color, and seven percent are linguistically isolated. As of February 2023, grants awarded by the Program have led to over 10,000 properties made ready for productive use and over 197,000 jobs and over \$37.2 billion leveraged.³

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

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

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

FY 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*.

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

To continue to build on these successes, along with the historic investment from IIJA, the Agency proposes to invest an additional \$12.4 million and 58.0 FTE in FY 2024. In FY 2022, a detailed Workload Model Analysis identified a significant barrier to engaging with communities related to the availability of on-the-ground resources to conduct outreach and communication. This investment of regional FTE will provide expanded technical assistance and build capacity in small, rural, Environmental Justice (EJ), and other historically disadvantaged communities and support the Program as it implements a responsive, expansive, and innovative environmental and economic community redevelopment program.

In FY 2024, community development specialists will continue to manage approximately 1,000 assessment, cleanup, Revolving Loan Fund (RLF), multi-purpose, and Environmental Workforce Development and Job Training (EWDJT) CAs, as well as state and tribal assistance agreements. In addition, EPA will be managing training, research, and technical assistance agreements; Targeted Brownfields Assessments; and land revitalization projects. The Brownfields Program also will continue to foster federal, state, tribal, and public-private partnerships to return properties to productive economic use, including in historically disadvantaged communities and communities with EJ concerns.

In addition, IIJA invests \$1.5 billion to scale up community-led brownfields revitalization from FY 2022 through FY 2026. This work includes \$1.2 billion in direct grants and technical assistance to assess and clean up brownfield sites, train and place people in environmental jobs, and assist hundreds of communities in identifying equitable reuse options to cultivate healthy, resilient, livable neighborhoods. An additional \$300 million will support State and Tribal Response programs that can provide necessary funds to states and territories and over 100 tribes to grow their brownfields programs. EPA will continue to manage an estimated 400 cooperative agreements funded under IIJA.

In FY 2024, the Brownfields Program will support the following activities:

- **Compete and Award New Cooperative Agreements:** Review, select, and award an estimated 210 new cooperative agreements, which will lead to approximately \$2.6 billion and 13,480 jobs leveraged in future years.
- **Oversight and Management of Existing Cooperative Agreements:** Continue federal fiduciary responsibility to manage approximately 1,000 existing brownfields CAs funded under regular appropriations while ensuring the terms and conditions of the agreements are met, as well as provide limited technical assistance. The Program also will provide targeted environmental oversight support to grantees (*e.g.*, site eligibility determinations, review of environmental site assessment and cleanup reports).
- **Technical Assistance:** Provide technical assistance to states, tribes, and local communities in the form of research, training, analysis, and support for community-led planning workshops. This can lead to cost effective implementation of brownfields redevelopment projects by providing communities with the knowledge necessary to understand market conditions, economic development, and other community revitalization strategies, and how cleanup and reuse can be catalyzed by small businesses.
- **Collaboration:** Work collaboratively with our partners at the state, tribal, and local levels on innovative approaches to help achieve land reuse. The Program also will continue to develop guidance and tools that clarify potential environmental cleanup liabilities, thereby providing greater certainty for parties seeking to reuse these properties. In addition, the Program can provide direct support to facilitate transactions for parties seeking to reuse contaminated properties.
- **Accomplishment Tracking:** Support the maintenance of the ACRES online grantee reporting tool. This enables grantees to track accomplishments and report on the number of sites assessed and cleaned up, and the amount of dollars and jobs leveraged with brownfields grants.
- **Land Revitalization Program Support:** Provide support for approximately two communities as part of EPA's Land Revitalization Program. The Land Revitalization Program supports communities in their efforts to restore contaminated lands into sustainable community assets.

Performance Measure Targets:

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

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

- (+\$772.0) This change to fixed and other costs is an increase due to the recalculation of base payroll costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.

- (+\$11,665.0 / +58.0 FTE) This increase is for community development specialists to manage land revitalization projects, provide one-on-one financial planning support, and educate tribal, rural and EJ communities on how to address brownfields. This investment includes \$10.4 million for payroll.

Statutory Authority:

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

Clean Air

Clean Air Allowance Trading Programs

Program Area: Clean Air and Climate

Goal: Ensure Clean and Healthy Air for All Communities

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

(Dollars in Thousands)

| | 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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$15,423</i> | <i>\$16,554</i> | <i>\$30,535</i> | <i>\$13,981</i> |
| Science & Technology | \$8,360 | \$7,117 | \$19,983 | \$12,866 |
| Total Budget Authority | \$23,783 | \$23,671 | \$50,518 | \$26,847 |
| Total Workyears | 66.3 | 66.7 | 86.1 | 19.4 |

Program Project Description:

The Clean Air Allowance Trading Programs are nationwide and multi-state programs that address air pollutants that are transported across state, regional, and international boundaries. The programs are designed to control sulfur dioxide (SO₂) and nitrogen oxides (NO_x), key precursors of both fine particulate matter (PM_{2.5}) and ozone (O₃). These programs include Title IV (the Acid Rain Program) of the Clean Air Act, the Cross-State Air Pollution Rule (CSAPR), the CSAPR Update, the revised CSAPR Update, and the Good Neighbor Plan (the most recent CSAPR proposal), once finalized. The infrastructure for the Clean Air Allowance Trading Programs also supports implementation of other state and federal programs to control SO₂, hazardous air pollutants, and greenhouse gases.

The Clean Air Allowance Trading Programs establish a total emission limit across affected emission sources, which must hold allowances as authorizations to emit one ton of the regulated pollutant(s) in a specific emission control period. The owners and operators of affected emission sources may select among different methods of compliance—installing pollution control equipment, switching fuel types, purchasing allowances, or other strategies. By offering the flexibility to determine how the sources comply, the programs lower the overall cost, making it feasible to pursue greater emission reductions. These programs are managed through a centralized database system operated by EPA.⁴ Data collected under these programs are made available to the public through EPA's Clean Air Markets Data Resources website,⁵ which provides access to both current and historical data collected as part of the Clean Air Allowance Trading Programs through charts, reports, and downloadable datasets. To implement these programs, EPA operates an emission measurement and reporting program, market operations program, environmental monitoring programs, and a communication and stakeholder engagement program.

In 2021, total annual SO₂ emissions from Acid Rain Program-affected emission sources were 942,000 tons, or over 90 percent below the statutory nationwide emissions cap, a level not seen

⁴ Clean Air Act § 403(d).

⁵ For additional information, please refer to <https://www.epa.gov/airmarkets/data-resources>.

since early in the 20th Century. Total annual 2021 NO_x emissions were 782,000 tons, an almost nine-million-ton reduction from projected levels, exceeding the program’s goal of a two-million-ton reduction.⁶

The Part 75 monitoring program requires almost 4,300 affected sources to monitor and report emission and operation data.⁷ The Part 75 monitoring program requires high degrees of accuracy and reliability from continuous emission monitoring systems (CEMS) or approved alternative methods at the affected sources. EPA provides the affected emission sources with technical assistance to facilitate compliance with the monitoring requirements, and software—the Emissions Collection and Monitoring Plan System (ECMPS)—to process, quality assure, and report data to EPA. To assess the quality of the data, the Agency conducts electronic audits, desk reviews, and field and virtual audits of the emission data and monitoring systems. EPA also conducts a Protocol Gas Verification Program (PGVP) in cooperation with National Institute of Standards and Technology (NIST) to ensure calibration gases used for CEMS quality assurance/quality control are of high quality. In addition to the Clean Air Allowance Trading Programs, the emission measurement program and ECMPS software support several state and federal emission control and reporting programs, including the Texas SO₂ Trading Program, Regional Greenhouse Gas Initiative (RGGI), Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units, and Mercury and Air Toxics Standards (MATS). It also interfaces with the Greenhouse Gas Reporting Program (GHGRP), ensuring the Part 75 data is seamlessly transferred to that program’s infrastructure (Electronic Greenhouse Gas Reporting Tool (eGGRT)).

EPA’s centralized market operation system (the allowance tracking system) manages accounts and records allowance allocations and transfers.⁸ At the end of each compliance period, working directly with and supporting stakeholders, allowances are reconciled against reported emissions to determine compliance for every facility with affected emission sources. For over 25 years, the affected facilities have maintained near-perfect compliance under the trading programs.⁹ The market operation system also supports several state and federal emission control and reporting programs, including the Texas SO₂ Trading Program, RGGI, and MATS.

The Clean Air Act’s Good Neighbor provision¹⁰ requires states or, in some circumstances the Agency, to reduce interstate pollution that significantly contributes to nonattainment or interferes with maintenance of the National Ambient Air Quality Standards (NAAQS). Under this authority, EPA issued CSAPR, which requires 27 states in the eastern U.S. to limit their state-wide emissions of SO₂ and/or NO_x to reduce or eliminate the states’ contributions to PM_{2.5} and/or ground-level ozone non-attainment of the NAAQS in downwind states. The emission limitations are defined in terms of maximum statewide “budgets” for emissions of annual SO₂, annual NO_x, and/or ozone-season NO_x emissions from certain large stationary sources in each state. In 2016, EPA issued the CSAPR Update to address interstate transport of ozone for the 2008 ozone NAAQS in the eastern United States. EPA revised the CSAPR Update on March 15, 2021, to address a ruling of the U.S. Court of Appeals for the D.C. Circuit. In 2022, EPA proposed the Good Neighbor Plan to address interstate transport of ozone for the 2015 ozone NAAQS and included a proposed ozone-season

⁶ For more information, please refer to: <https://www.epa.gov/airmarkets/power-plant-emission-trends>.

⁷ Clean Air Act § 412; Clean Air Act Amendments of 1990. P.L. 101-549 § 821.

⁸ Clean Air Act § 403(d).

⁹ For more information, please refer to: <http://www3.epa.gov/airmarkets/progress/reports/index.html>.

¹⁰ Clean Air Act § 110(a)(2)(D); also refer to Clean Air Act § 110(c).

NO_x trading program for EGUs in 25 states. EPA expects to finalize this rulemaking by Mid-2023 and implement the resulting program beginning in the 2023 ozone season. In addition, EPA is supporting state efforts to address regional haze including best available retrofit technology and reasonable progress, as well as interstate air pollution transport contributing to downwind nonattainment of NAAQS as those obligations relate to emissions from electricity generating units.¹¹ EPA is conducting environmental justice analyses of the distribution of these emissions and associated public health impacts on overburdened communities.

EPA manages the Clean Air Status and Trends Network (CASTNET), a rural ambient air monitoring program supporting NAAQS determinations, model validation and ecological impacts. CASTNET measures ambient ozone and nitrogen and sulfur particles and gases to evaluate air quality effects on human health and environmental loadings. In addition, EPA participates in the National Atmospheric Deposition Program, which monitors wet deposition of sulfur, nitrogen, and mercury, as well as ambient concentrations of mercury and ammonia. EPA also manages the Long-Term Monitoring (LTM) program to assess how lakes, streams, and aquatic ecosystems are responding to reductions in sulfur and nitrogen emissions. Data from these air quality and environmental monitoring programs, in conjunction with SO₂, NO_x, mercury, and CO₂ emissions data from the Part 75 monitoring program and mercury emissions data from the MATS reporting program, have allowed EPA to develop a comprehensive accountability framework to track the results of its air quality programs. EPA applies this framework to the programs it implements and issues annual progress reports on compliance and environmental results achieved by the Acid Rain Program, CSAPR, the CSAPR Update, and the Revised CSAPR Update, and pollution controls installed and emissions reductions achieved by MATS.¹² Required by Congress since FY 2019 in the appropriations reports, these annual progress reports highlight reductions in SO₂ and NO_x emissions, and impacts of these reductions on air quality (e.g., ozone and PM_{2.5} levels), acid deposition, surface water acidity, forest health, and other environmental indicators.

EPA produces several tools to inform the public and key stakeholders about power sector emissions, operations, and environmental data. The Emissions & Generation Resource Integrated Database (eGRID)¹³ is a comprehensive source of data on the environmental characteristics of almost all electric power generated in the U.S. Data from eGRID are used by other EPA programs, state energy and air agencies, and researchers. Between 2015 and 2021, eGRID was cited by more than 1,600 academic papers. Power Profiler¹⁴ is a web application where electricity consumers can see the fuel mix and air emissions rates of their region's electricity and determine the air emissions associated with their electricity use. In keeping with the Agency's renewed commitment to energy equity and environmental justice, EPA published the Power Plants and Neighboring Communities web application¹⁵ where consumers and advocates can find information about the demographics of communities located near power plants. EPA is developing analytical tools to better understand and communicate the impact of electricity generation on low-income communities and communities of color. EPA also operates several initiatives to engage key stakeholders, including working closely with tribal governments to build tribal air monitoring capacity through

¹¹ Clean Air Act § 110 and § 169A; refer to 40 CFR 52.2312.

¹² To view the progress reports, please refer to: <http://www3.epa.gov/airmarkets/progress/reports/index.html>.

¹³ To view eGRID, please refer to <https://www.epa.gov/egrid>.

¹⁴ To view Power Profiler, please refer to <https://www.epa.gov/egrid/power-profiler>.

¹⁵ To view the Power Plants and Neighboring Communities, please refer to <https://www.epa.gov/airmarkets/power-plants-and-neighboring-communities>.

partnerships with the CASTNET program. The EmPOWER Air Data Challenge¹⁶ encourages academic researchers to propose how to integrate the EPA emissions and/or environmental data in their research. The Ask Clean Air Markets Division (CAMD) webinars provide an opportunity for stakeholders to ask EPA about the Clean Air Allowance Trading Programs, Part 75 emission reporting program, and the emission and environmental data programs.

EPA also develops multiple models and tools to project future emissions from the power sector to inform EPA's air quality modeling, as well as water and land regulations affecting power plants. The Integrated Planning Model (IPM) is a state-of-the-art, peer-reviewed, dynamic linear programming model that EPA develops to project power sector behavior under future business-as-usual conditions and to examine prospective air pollution control policies throughout the contiguous United States for the entire electric power system. EPA uses IPM, along with the National Energy Modeling System (NEMS) and the Regional Energy Deployment System (ReEDS), to estimate future electricity market conditions and associated pollutant emissions scenarios resulting from legislative and regulatory policies under consideration by Congress and the Administration. The National Electric Energy Data System (NEEDS) includes geographic, operating, air emissions, and other data on existing and planned grid-connected electric generating units across the contiguous United States. EPA updates and publishes NEEDS on a quarterly basis to inform emission modeling projections and to provide timely information to air quality planners and policymakers developing regulations to address power sector pollution. EPA is augmenting these power sector models and tools to include important information pertinent to environmental justice analyses and community-level impacts.

FY 2024 Activities and Performance Plan:

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

In FY 2024, EPA will continue to operate the Clean Air Allowance Trading Programs and the systems to assess compliance with the programs' regulatory requirements and the programs' progress toward the environmental goals required by the Clean Air Act. EPA will work to meet requirements and requests for modeling in support of the power sector and for legal defense of regulatory actions. The Programs will continue to support emission reporting for other state and federal programs, including RGGI, MATS, and GHGRP.¹⁷ In FY 2024, EPA anticipates work on several regulatory actions related to power plants including greenhouse gas emission guidelines for existing power plants (replacing the previously promulgated Clean Power Plan and the Affordable Clean Energy Rule); interstate ozone transport obligations under the 2015 ozone standard; and continued review of the appropriate and necessary finding and risk and technology review for MATS. If finalized, the programmatic, operational, and/or data collection and management requirements will be expanded.

¹⁶ For more information about the challenge, refer to <https://www.epa.gov/airmarkets/empower-air-data-challenge>.

¹⁷ Refer to, 40 C.F.R. Part 63, Subpart UUUUU (*National Emission Standards for Hazardous Air Pollutants: Coal and Oil Fired Electric Utility Steam Generating Units*) and 40 C.F.R. Part 98, Subpart D (*Mandatory Greenhouse Gas Reporting: Electricity Generation*).

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

Allowance tracking and compliance assessment

EPA will allocate SO₂ and NO_x allowances to affected emission sources and other account holders as established in the Clean Air Act¹⁸ and state and federal CSAPR implementation plans. These allowance holdings and subsequent allowance transfers will be maintained in an allowance tracking system (i.e., central database).¹⁹ EPA will annually reconcile each facility’s allowance holdings against its emissions to ensure compliance for all affected sources.²⁰

Emission measurement, data collection, review, and publication

EPA will operate the Part 75 emission measurement program to collect, verify, and track emissions of air pollutants and air toxics from approximately 4,300 fossil-fuel-fired electric generating units.²¹ In FY 2024, EPA also will implement several new regulatory actions, including the MATS e-reporting rule²² and the Good Neighbor Plan and Part 75 regulatory update.²³ These emissions, operations, and compliance data will be maintained in an emissions tracking system (i.e., central database) and made publicly available.²⁴

Program assessment and communication

EPA will continue to monitor ambient air, deposition, and other environmental indicators through the CASTNET and LTM programs, contribute to the National Atmospheric Deposition Program, publish the power sector progress reports required by Congress, and produce additional information to communicate the extent of the progress made by the Clean Air Allowance Trading Programs.²⁵ EPA will publish emissions, environmental, and EJ-related demographic data on our Air Markets, eGRID, Power Profiler, and Power Plants and Neighboring Communities websites.

Redesign system applications

EPA will continue the redesign of its markets operation system (CAMD Business System, CBS) and Emission Collection Monitoring Plan System (ECMPS) software. These mission critical systems support the trading programs, as well as other emissions reporting programs operated by the states (e.g., RGGI) and EPA (e.g., MATS, GHGRP). Reengineering these decade-old systems will enable EPA to enhance the user experience, comply with EPA security and technology requirements, consolidate software systems, and reduce long-term operation and maintenance costs. EPA released the Clean Air Markets Program Data (CAMPD) website in FY 2022 to enhance the public’s access to the emission and allowance data. ECMPS modules will be released in FY 2023 with additional functionality added in FY 2024.

¹⁸ Clean Air Act §§ 110 and 403.

¹⁹ Clean Air Act §§ 110 and 403.

²⁰ Clean Air Act §§ 110 and 404-405, and state CSAPR implementation plans.

²¹ Clean Air Act § 412; Clean Air Act Amendments of 1990. P.L. 101-549 § 821; and 40 C.F.R. Part 63, Subpart UUUUU.

²² 40 C.F.R. Part 63, Subpart UUUUU.

²³ 40 C.F.R. Part 75.

²⁴ Clean Air Act § 412; Clean Air Act Amendments of 1990. P.L. 101-549 § 821.

²⁵ Government Performance and Results Act § 1115.

Assistance to states

EPA will work with states to develop emission reduction programs to comply with the Clean Air Act Good Neighbor Provision and Regional Haze program requirements.²⁶ As part of the emission measurement, data collection, review, and publication, EPA will provide a web portal for states with delegated authority for MATS to access and review emissions and compliance data.

CASTNET will continue to support states in meeting their minimum monitoring requirements and assist with developing exceptional event demonstrations, as needed. Additionally, CASTNET will continue to provide data that can be used for permitting and ecological assessments within state boundaries (e.g., Colorado).

Stakeholder engagement

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

Policy and regulatory development

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

Performance Measure Targets:

(PM NOX) Tons of ozone season NOx emissions from electric power generation sources.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|-------|
| Target | | | | | | 355,000 | 344,000 | 332,000 | Tons |
| Actual | 464,999 | 443,764 | 389,170 | 341,082 | 359,124 | 326,722 | | | |

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

- (-\$293.0) 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.

²⁶ Clean Air Act § 110(a)(2)(D).

- (+\$14,274.0 / +17.7 FTE) This program change is an increase in support for emissions trading programs, including associated data systems, that protect human health and the environment by delivering substantial emissions reductions in the power sector of SO₂, NO_x, and hazardous air pollutants. This proposal expands EPA's ability to perform advanced power sector analyses to tackle the climate crisis, including developing environmental justice tools to consider the distributional impacts of emissions on overburdened communities. This investment includes \$3.205 million in payroll.

Statutory Authority:

Clean Air Act.

Climate Protection

Program Area: Clean Air and Climate

Goal: Tackle the Climate Crisis

Objective(s): Reduce Emissions that Cause Climate Change

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$100,267</i> | <i>\$101,000</i> | <i>\$170,512</i> | <i>\$69,512</i> |
| Science & Technology | \$6,723 | \$8,750 | \$10,724 | \$1,974 |
| Total Budget Authority | \$106,990 | \$109,750 | \$181,236 | \$71,486 |
| Total Workyears | 209.3 | 216.1 | 256.7 | 40.6 |

Program Project Description:

EPA's Climate Protection Program is working to tackle the climate crisis at home and abroad through an integrated approach of regulations, partnerships, and technical assistance. This Program takes strong action to limit carbon dioxide (CO₂) and methane emissions as well as working to reduce high-global warming potential greenhouse gases (GHG), like hydrofluorocarbons (HFCs), that will help the U.S. realize near-term climate benefits. Through this program, EPA works with federal, state, tribal, local government agencies and key GHG emitting sectors to tackle the climate crisis and deliver environmental and public health benefits for all Americans. EPA builds partnerships, provides tools, and verifies and publishes GHG data, economic modeling, and policy analysis, all of which increase the understanding of climate science, impacts, and protection. EPA also extends this expertise internationally and plays critical roles in shaping and advancing international agreements and solutions. This international collaboration helps to both improve public health and air quality in the United States and level the global playing field for American businesses.

Greenhouse Gas Reporting Program:

EPA implements the U.S. Greenhouse Gas Reporting Program under the Clean Air Act. In 2007, Congress directed EPA to "require mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the U.S." EPA annually collects data from over 8,100 facilities from 41 industrial source categories, including suppliers (e.g., producers, importers, and exporters of GHGs) and uses this data to: 1) improve estimates included in the *Inventory of U.S. Greenhouse Gas Emissions and Sinks*; 2) support federal and state-level policy and regulatory development; 3) share GHG emissions; and 4) share data with state and local governments, tribes, community groups, industry stakeholders, academia, the research community, and the general public.

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

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

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

Managing the Transition from Ozone-Depleting Substances:

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

Phasing Down HFCs:

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

ENERGY STAR:

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

ENERGY STAR achieves significant and growing GHG reductions by promoting the adoption of cost-effective, energy-efficient technologies and practices in the residential, commercial, and industrial sectors. The Program yields significant environmental and economic results through its network of thousands of partners. In 2020 alone, ENERGY STAR and its partners helped American families and businesses save more than 520 billion kilowatt-hours of electricity and avoid \$42 billion in energy costs. These savings resulted in emission reductions of more than 400 million metric tons of GHGs (roughly equivalent to more than five percent of U.S. total GHG emissions) and more than 440 thousand tons of criteria air pollutants (SO₂, NO_x, PM_{2.5}). ENERGY STAR's criteria pollutant reductions are estimated to result in \$7 billion to \$17 billion in public health benefits.²⁷ These investments in turn drive job creation across the economy. More than 700,000 Americans are employed in manufacturing or installing ENERGY STAR certified

²⁷ For more information on ENERGY STAR's environmental, human health, and economic impacts, please see here: <https://www.energystar.gov/impacts>. For more information on ENERGY STAR calculation methods, see the Technical Notes, available here: <https://cmadmin.energystar.gov/sites/default/files/asset/document/Technical%20Notes.pdf>.

equipment alone – roughly 35 percent of all energy efficiency jobs in 2020, with energy efficiency accounting for 40 percent of all energy sector jobs overall.²⁸

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

ENERGY STAR's IT portfolio is the foundation for program operation, partner communications, data collection, and analysis. The portfolio includes Portfolio Manager, which is the backbone of roughly 50 mandatory local benchmarking programs across the country; the qualified products exchange, the repository of information on ENERGY STAR products; the ENERGY STAR website, which is the program's primary means of communication with partners and citizens and receives over eight million visits per year; and ES Connect, a customer database used to track and communicate with thousands of stakeholders. All of these resources are supported by a robust cloud-based IT infrastructure to ensure performance, reliability, and security for ENERGY STAR stakeholders.

ENERGY STAR also supports equitable energy solutions that can deliver significant cost savings for low-income families and other overburdened and underserved populations. The Program prioritizes outreach to low-income populations on products that have the greatest opportunity to save energy and dollars. The ENERGY STAR program also looks for affordable alternatives to products that may be cost-prohibitive, such as replacement windows (*e.g.*, storm windows). In the residential new construction sector, a quarter of active home builders that partner with ENERGY STAR are involved in the construction of affordable housing, and more than 75 percent of ENERGY STAR certified multifamily high-rise buildings are identified as affordable housing. Over 675 Habitat for Humanity affiliates have built a total of 19,500 ENERGY STAR certified homes and apartments to date, and over 150 manufactured housing plant partners have constructed more than 155,000 ENERGY STAR certified manufactured homes.²⁹

Renewable Energy Programs:

EPA works with industry and other key groups to promote climate leadership and encourage efficient, clean technologies. For example, EPA's Green Power Partnership drives voluntary participation in the U.S. green power market. This program provides information, technical assistance, and recognition to companies that use green power at or above minimum partnership benchmarks. At the end of calendar year 2020, more than 700 EPA Green Power Partners reported the collective use of nearly 70 billion kilowatt-hours of green power annually. This amount of

²⁸ NASEO and Energy Futures Initiative. (2020). U.S. Energy and Employment Report. <https://www.energy.gov/useer> (link is external). The survey does not account for retail employment.

²⁹ For more information on ENERGY STAR's residential program, including affordable new construction, please visit: https://www.energystar.gov/about/origins_mission/energy_star_overview/about_energy_star_residential_sector; https://www.energystar.gov/about/origins_mission/energy_star_overview/about.

green power use represents nearly 43 percent of the U.S. voluntary green power market (that goes beyond required purchases under state renewable portfolio standards). Since 2001, the Program has helped prevent nearly 320 million metric tons of GHG emissions.³⁰ In addition, EPA's Green Power Partnership also recognizes more than 100 EPA Green Power Communities nationwide that advance green power access and use to their community members. EPA also establishes norms of climate leadership by encouraging organizations with emerging climate objectives to identify and achieve cost-effective GHG emission reductions, while helping more advanced organizations drive innovations in reducing their greenhouse gas impacts in their supply chains and beyond.

State, Tribal and Local Climate and Energy Programs:

EPA works with state, tribal and local governments to identify and implement cost-effective programs that reduce GHG emissions, save energy, improve air quality, and mitigate heat islands. EPA provides the necessary tools, data, and technical expertise to help subnational governments implement energy efficiency and clean energy policies and programs that reduce emissions, maximize co-benefits, and prioritize low-income and vulnerable communities. Through trainings, webinars, outreach, and technical assistance, the Programs help dozens of state and local governments develop emissions inventories and analyze the emissions impacts and health benefits of energy efficiency and clean energy strategies. Many more subnational governments use the Programs' resources and policy guidebooks to discover best practices for emissions reductions and heat island mitigation. These programs also highlight best practices on how to deliver inclusive climate programs that benefit low-income communities and improve energy justice.

SmartWay Transport:

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

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

³⁰ For more information on EPA's Green Power Partnership's environmental, human health, and economic impacts, please visit: <https://www.epa.gov/greenpower/green-power-partnership-program-results>.

Partnerships to Reduce Methane Emissions:

EPA operates several partnership programs that promote cost-effective reductions of methane by working collaboratively with industry. Methane programs offer excellent opportunities for reducing the concentration of GHGs in the atmosphere and providing an energy resource in the process. Methane is a significant source of GHG emissions and has a relatively short atmospheric lifetime of about 9 to 15 years, which means that reductions made today will yield positive results in the near term.

Unlike other GHGs, methane is an important energy resource that allows for cost-effective mitigation. There are many opportunities to recover and re-use or sell methane from the agriculture (manure management), coal mining, oil and gas, and landfill sectors. The AgSTAR program, which is a collaboration between EPA and the U.S. Department of Agriculture, focuses on methane emission reductions from livestock waste management operations through biogas recovery systems. The Coalbed Methane Outreach Program promotes opportunities to profitably recover and use methane emitted from coal mining activities. The Landfill Methane Outreach Program promotes abatement and energy recovery of methane emitted from landfills. The Natural Gas STAR Methane Challenge program spurs the adoption of cost-effective technologies and practices that reduce methane emissions from the oil and natural gas sector through collaborative partnerships with companies.

EPA also manages the implementation of the Global Methane Initiative (GMI), a U.S. led international public-private partnership that brings together over 45 partner governments and over 700 private sector and non-governmental organizations to advance methane recovery and use. GMI builds on the success of EPA's domestic methane programs and focuses on advancing methane reductions from agriculture, coal mines, landfills, oil and gas systems, and municipal wastewater. With assistance from several agencies—particularly EPA and U.S. State Department—the U.S. Government has supported identification and implementation of more than 1,100 methane mitigation projects since 2005. These projects have reduced methane emissions by about 500 million tonnes of carbon dioxide equivalent (MMTCO_{2e}), including approximately 42 MMTCO_{2e} in 2020. Since 2005, U.S. efforts under the auspices of GMI leveraged more than \$650 million for project implementation and training and provided trainings for more than 50,000 people in methane mitigation.³¹

Partnerships to Reduce Fluorinated Greenhouse Gas Emissions:

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

³¹For more information on the Global Methane Initiative's environmental, human health, and economic impacts, please visit: <https://www.epa.gov/gmi/us-government-global-methane-initiative-accomplishments>.

Science, Economic, and Technical Analyses:

EPA conducts a range of economic, scientific, and technical analyses for CAA regulatory actions and to support the Administration's efforts to address climate change. These efforts include the communication of the science of climate change to the public by providing information on the indicators of climate change, climate risks, and actions that can be taken to mitigate the impacts. EPA applies an analytical framework to evaluate avoided risk and economic impacts of GHG mitigation. These efforts also include the development of multiple models and tools to project future multipollutant emissions (including GHGs) from the power sector to inform EPA's air quality modeling and air, water, and land regulations affecting power plants. EPA applies modeling tools and expertise across a wide range of high priority work areas, including supporting U.S. participation in the Paris Agreement, providing analysis and technical expertise to the U.S. Special Presidential Envoy for Climate and other interagency partners to support U.S. engagement with foreign governments on climate change, and conducting legislative analyses as requested by Congressional staff. Furthermore, EPA provides critical, world-renowned non-CO₂, agriculture, and forestry analyses and participates in the interagency process to improve and apply the models and analyses as needed. Moreover, EPA is expanding its ability to conduct equity and environmental justice analyses to identify policy implications and improve collaboration with underserved and frontline communities.

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 1/Objective 1.1, Reduce Emissions that Cause Climate Change in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2024, EPA is requesting \$60.5 million, including payroll, and 38.3 FTE in additional resources to help reduce greenhouse gas emissions while also addressing environmental justice through an integrated approach of regulations, partnerships, and technical assistance. The increase enables EPA to take strong action on CO₂ and methane as well as high-global warming potential climate pollutants such as HFCs, as directed by the AIM Act; restores the capacity of EPA's climate partnership programs to provide essential contributions to our Nation's climate, economic, and justice goals; and strengthens EPA's capacity to apply its modeling tools and expertise across a wide range of high priority work areas including supporting U.S. participation in the Paris Agreement. EPA also is requesting \$5 million in additional resources to support implementation of the Greenhouse Gas Reduction Fund under the Inflation Reduction Act. Finally, in coordination with NASA, EPA is also requesting an additional \$5 million to study and prototype capabilities for a greenhouse gas monitoring and information system that will integrate data from a variety of sources with a goal of making data more accessible and usable to federal, state, and local governments, researchers, the public, and other users.

EPA will continue to implement the Greenhouse Gas Reporting Program, which currently covers a total of 41 sectors with approximately 8,100 reporters. In FY 2024, resources are requested for anticipated rule making actions including revisions to the Greenhouse Gas Reporting Program to require enhanced reporting of emissions from U.S. industrial sectors, including methane emissions from the oil and natural gas sector. In FY 2024, EPA will verify 98 percent of Annual Greenhouse Gas Reports from these sectors. Focus areas for the Program will include:

- Completing a pending rulemaking to update, streamline, and enhance the scope and quality of the Greenhouse Gas Reporting Program across multiple sectors, including oil and gas as well as carbon capture projects.
- Aligning the electronic greenhouse gas reporting tool (e-GGRT) with those regulatory amendments and perform system enhancements to accommodate HFC supply data submitted by industry to meet the reporting requirements of the AIM Act regulations.
- Conducting a verification process through a combination of electronic checks, staff reviews, and follow-up with facilities.
- Publishing reported data while enhancing the Facility Level Information on Greenhouse Gases Tool (FLIGHT) mapping feature to visually display the distribution of GHG emissions and sources of GHG supply in areas of the country having environmental justice and equity concerns.
- Continuing the review and decision-making on the increased number of Carbon Capture and Storage Monitoring Reporting and Verification plans that are submitted to the GHG Reporting Program due to changes in the IRS 45Q tax code; and
- Initiating administrative actions, including one or more rulemakings, using Inflation Reduction Act appropriated funds to revise the GHGRP subpart W – Petroleum and Natural Gas Systems and develop the Waste Emissions Charge. It is expected that implementation of the resulting programs will continue after FY 2024 under this Climate Protection Program.

In addition, EPA will work to complete the annual *Inventory of U.S. Greenhouse Emissions and Sinks (Inventory)*. In FY 2024, resources are requested to enhance the data collection, reporting and publication processes, while also supporting reconciliation and convergence of bottom-up and top-down approaches to measuring methane emissions, ensuring EPA continues to meet the legally binding treaty obligations. Focus areas will include:

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

In FY 2024, EPA will continue to implement the ENERGY STAR program, partnering with more than 840 utilities (representing an annual collective investment of \$7.6 billion in energy efficiency programs) from state and local governments, plus nonprofits. These partners leverage ENERGY STAR in their efficiency programs to achieve GHG reductions in major economic sectors, consistent with national commitments. In FY 2024, ENERGY STAR also will continue to modernize its IT infrastructure, including moving existing software to open-source, cloud-based

solutions to improve system performance and reliability while also reducing operational costs. ENERGY STAR will further prioritize usability of its web-based tools and resources for both partners and the general public.

All 40+ cities and states that have developed mandatory energy requirements for existing commercial and multifamily buildings (e.g., benchmarking, disclosure, and energy or climate performance) rely on EPA's Portfolio Manager (EPA's online tool for building managers to measure and track energy and water consumption, as well as greenhouse gas emissions) and work with EPA on implementation. In FY 2024, additional resources would be used to ensure the systems and tools that are needed for state and local legal compliance are both able to meet those state/local needs (including streamlined access and data entry for small and under-resourced building owners) and meet Federal IT requirements (e.g., privacy, security, 508).

The Climate Protection Partnerships Division also will support the Inflation Reduction Act's expanded incentives – including tax credits and/or rebates for consumers, businesses, and owners of commercial and multifamily buildings that explicitly rely on ENERGY STAR – through both an information hub and targeted outreach and technical assistance to potential users of these incentives.

In accordance with an MOU with DOE, EPA has an obligation to review and update ENERGY STAR specifications on a regular cycle. Failure to update these specifications undermines EPA's commitments under this MOU and risks a situation where ENERGY STAR specifications would be less rigorous than DOE's regulatory standards, or national model energy codes and advanced state-level codes for new construction, which introduces the possibility of legal risk to the Agency. In FY 2024, the Agency is requesting additional resources to address the growing backlog of ENERGY STAR specifications that are overdue for review and update.

ENERGY STAR will work in the Residential Sector to enable and accelerate the adoption of energy efficiency. In FY 2024, the program will:

- Update up to five product specifications for ENERGY STAR-labeled products to ensure top efficiency performance and complete development of a specification for up to one new product type.
- Further amend up to two ENERGY STAR specifications in response to changes in Department of Energy (DOE) minimum efficiency standards and test procedures.
- Complete the stakeholder process across all relevant commercial product specifications to prioritize labeling of efficient, electric products.
- Administer third-party certification to ensure consumer confidence in more than 75 categories for ENERGY STAR labeled products, which includes overseeing 500 recognized laboratories worldwide and more than 20 certification bodies.
- Further drive long-term climate goals by advancing the cutting edge of the current and future market through the ENERGY STAR Emerging Technology Awards and the ENERGY STAR Most Efficient recognition program, which recognizes over 3,300 product models from nearly 260 manufacturers.
- Leverage the market power of the ENERGY STAR brand through the ENERGY STAR Home Upgrade to quickly scale home energy retrofits featuring the high impact, broadly

applicable measures (e.g., heat pumps and heat pump water heaters) that are critical to efficiently decarbonizing the residential sector.

- Target energy-saving resources to underserved and energy burdened households with expanded efforts to leverage the ENERGY STAR market power to advance utility-scale uptake of equitable financing approaches for home energy upgrades, a key opportunity to support environmental justice goals.
- Continue to develop and implement critical updates of program requirements for EPA's ENERGY STAR Residential New Construction programs in response to newly developed and adopted national model codes and unique states codes, such as California, to ensure that the program continues to deliver at least 10 percent energy savings; and
- Accelerate deployment of the ENERGY STAR NextGen Homes and Apartments program that provides additional recognition for new homes and apartments that include efficient electric technologies and electric vehicle charging capability.

In addition, ENERGY STAR will continue to partner with businesses and public-sector organizations to advance energy efficiency in the commercial sector. In FY 2024, the program will:

- Continue to operate and maintain ENERGY STAR Portfolio Manager, as well as deliver critical enhancements to accommodate the more than 300 commercial software vendors and utilities that use the tool, and add reporting and tracking functionality and enhanced data quality checks to increase support to corporate and federal, state and local government users;
- Update and expand ENERGY STAR building scores, used to understand how a building's energy consumption compares with similar buildings nationwide.
- Verify the efficiency of more than 6,000 buildings with EPA's ENERGY STAR label, including conducting approximately 250 spot audits.
- Provide guidance and technical assistance to the many local governments and states that are exploring or have adopted building performance standards, as well as continue to support jurisdictions that have adopted mandatory or voluntary energy benchmarking and disclosure policies that rely on EPA's ENERGY STAR Portfolio Manager and related tools; and
- Deploy a new ENERGY STAR-based certification program to recognize the next generation of existing commercial and multifamily buildings that demonstrate achievement of top efficiency plus low carbon emissions through efficient electrification and use of renewable energy.

ENERGY STAR will continue to work with partners in the industrial sector to improve efficiency and reduce costs while protecting the environment. In FY 2024, the program will:

- Continue to support ENERGY STAR industrial partners across 33 diverse industrial sectors through webinars, focus industry meetings, company-to-company mentoring, and recognition of efficient plants.
- Update and develop new Energy Performance Indicators to incorporate key factors that impact energy use in the plant and convert electricity inputs to source energy.
- Work with, review, and audit an expected 200 industrial plants applications registered to

achieve the ENERGY STAR Challenge for Industry in which industrial sites commit to reducing their energy intensity by 10 percent within five years; and

- Deploy scalable guidance and technical assistance to increase efficiency in lower-resourced small and medium sized industries.

EPA will implement the Green Power Partnership and other activities to accelerate the transition to a carbon-pollution free electricity sector. In FY 2024, the program will:

- Update and develop new credible resources, educational tools, and recognition of actions and leadership to incentivize all sectors of Green Power Partners.
- Foster market leadership through the Green Power Leadership Awards that focus on the aggressive actions of Partners to facilitate use of green power within their own operations, supply chains, underserved communities, and among Partner employees.
- Partner with over 130 Green Power Communities to encourage local efforts to increase their use of and investment in renewable electricity, including underserved communities that have traditionally lacked adequate access to green power.
- Promote cost-effective corporate GHG management practices that support the measurement and management of corporate-wide emissions through expanded staffing and outreach capabilities for the Center for Corporate Climate Leadership; and
- Maintain, update, and expand widely utilized tools, such as the Emissions Factor Hub, that are key to ensuring accurate and credible estimations of corporate greenhouse gas emissions and reporting practices in the measurement and management of greenhouse gas emissions.

In FY 2024, EPA will implement the State and Local Climate and Energy Program to support state, local, and tribal actions that are essential to tackling the climate crisis, reducing pollution, and promoting equity and environmental justice in clean energy programs. Focus areas of the program will include:

- Providing technical support to dozens of state, tribal, and local governments as they implement climate and clean energy policies for efficiency, renewables, and efficient electrification; provide increased support on equity and environmental justice in clean energy policy design;
- Updating major analytical tools to enable state, tribal and local governments to develop and analyze GHG inventories, pollutant emissions reductions, and public health co-benefits of efficiency, renewables, and efficient electrification.
- Conducting outreach and training on tools to hundreds of state and local officials as well as increased collaboration with other EPA offices and regions. Focus on energy efficiency and efficient electrification analytics.
- Providing guidebooks and best practices to states and local governments on energy efficiency and efficient electrification program design through webinars and convenings for state and local policymakers; and
- Helping local governments implement heat island reduction initiatives that are a priority of vulnerable communities by promoting best practices, updating technical resources, and engaging stakeholders.

In FY 2024, EPA will continue to achieve significant reductions in climate and other harmful emissions from freight transportation by expanding SmartWay efforts to:

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

In FY 2024, EPA will continue to mitigate domestic methane and fluorinated greenhouse gases emissions by implementing partnership outreach programs focused on providing technical information on best practices and cost-effective technologies in the petroleum and natural gas systems, municipal solid waste landfills, livestock manure anaerobic digestion and biogas systems, coal mining, and electric power transmission sectors. EPA's *GreenChill* Advanced Refrigeration Partnership Program will continue to work with key sectors transitioning from ODS and HFCs to promoting lower global warming potential and improved more energy-efficient technologies. The Responsible Appliance Disposal Program partners achieve emissions reductions by collecting and disposing of appliances containing ODS and HFCs.

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

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

In FY 2024, EPA will maintain and enhance the climate change website by updating scientific material and further developing web products that reach the American public and effectively communicate the causes and effects of climate change and Administration priorities. EPA also will support the State Department as the technical lead in developing both current and additional measure projections and compiling information on GHG mitigation policies and measures to assess our progress towards meeting our Nationally Determined Contribution goal. These projections and actions will be included in the upcoming first U.S. Biennial Transparency Report, as required by the U.N. Framework Convention on Climate Change and its Paris Agreement.

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

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

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

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

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

EPA also will analyze program data on greenhouse gas emissions from power plants by:

- Developing regulations, conducting regulatory impact analyses, and model emission projections to address criteria and toxic air pollutants as well as greenhouse gases from the power sector;
- Providing economic analyses and power sector modeling to inform a holistic picture of multipollutant and multimedia regulation of the sector; and
- Conducting detailed analytics and extensive public engagement to integrate environmental justice into policy development for power sector rules.

Performance Measure Targets:

(PM CPP) Million metric tons of carbon dioxide equivalent reduced annually by EPA’s climate partnership programs.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|-----------------------|-----------------------|---------|---------|----------------------|
| Target | | | | | | 486.9 | 500.7 | 513.9 | MMTCO ₂ e |
| Actual | 442.2 | 505.6 | 518.4 | 529.6 | Data Avail 11/2023 | Data Avail 11/2024 | | | |

(PM REP) Percentage of Annual Greenhouse Gas Emission Reports verified by EPA before publication.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Target | 95 | 65 | | | | 98 | 98 | 98 | Percent |
| Actual | 96 | 97 | 96 | 95 | 99 | 97 | | | |
| Numerator | 7,828 | 7,821 | 7,867 | 7,722 | 7,935 | 7,877 | | | Reports |
| Denominator | 8,127 | 8,061 | 8,165 | 8,126 | 8,029 | 8,141 | | | |

(PM HFC) Remaining U.S. consumption of hydrofluorocarbons (HFCs).

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|-----------------------|---------|---------|----------------------|
| Target | | | | | | 273.5 | 273.5 | 182.3 | MMTCO ₂ e |
| Actual | | | | | | Data Avail 11/2023 | | | |

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

- (-\$951.0) 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. It also includes support for critical agencywide infrastructure for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$60,278.0 / +37.3 FTE) This program change is an increase for programs under this program project that help reduce greenhouse gas emissions while also addressing environmental justice through an integrated approach of regulations, partnerships, and technical assistance. The increase enables EPA to take strong action on CO₂ and methane as well as high-global warming potential climate pollutants such as HFCs, as directed by the AIM Act; restores the capacity of EPA's climate partnership programs to provide essential contributions to our nation's climate, economic, and justice goals; and strengthens EPA's capacity to apply its modeling tools and expertise across a wide range of high priority work areas including supporting U.S. participation in the Paris Agreement. This investment ensures the Agency will achieve the intended outputs and outcomes represented by its climate partnership, GHG report verification, and HFC phaseout performance targets. This investment includes \$7.159.0 million in payroll.
- (+\$5,000.0) This program change is an increase for EPA, in coordination with NASA, to study and prototype capabilities for a greenhouse gas monitoring and information system that will integrate data from a variety of sources with a goal of making data more accessible and usable to federal, state, and local governments, researchers, the public, and other users.
- (+\$5,000.0) This program change is an increase to support implementation of the Greenhouse Gas Reduction Fund under the Inflation Reduction Act.

- (+\$185.0 / +1.0 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:

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

Federal Stationary Source Regulations

Program Area: Clean Air and Climate

Goal: Ensure Clean and Healthy Air for All Communities

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$26,821</i> | <i>\$30,344</i> | <i>\$47,468</i> | <i>\$17,124</i> |
| Total Budget Authority | \$26,821 | \$30,344 | \$47,468 | \$17,124 |
| Total Workyears | 103.9 | 124.5 | 165.3 | 40.8 |

Program Project Description:

The Clean Air Act (CAA) requires EPA to take action to improve and protect air quality and limit emissions of harmful air pollutants from a variety of sources. The CAA directs EPA to set National Ambient Air Quality Standards (NAAQS) for six “criteria” pollutants considered harmful to public health and the environment. The criteria pollutants are particulate matter (PM), ozone (O₃), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), carbon monoxide (CO), and lead (Pb). The CAA requires EPA to review the science upon which the NAAQS are based and the standards themselves every five years. These national standards form the foundation for air quality management and establish goals that protect public health and the environment. Section 109 of the CAA Amendments of 1990 established two types of NAAQS. Primary standards are set at a level requisite to protect public health with an adequate margin of safety. Secondary standards are set at a level requisite to protect public welfare from any known or anticipated adverse effects.

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

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

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

FY 2024 Activities and Performance Plan:

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

In FY 2024, EPA is requesting additional resources to finalize review of the Residual Risk and Technology Review (RTR) for the Mercury and Air Toxics Standards for power plants, as well as rules to limit GHG emissions from new and existing sources in the power sector and new and existing facilities in the oil and gas sector. This increase also implements a strategy to meet statutory deadlines for Risk and Technology Reviews of Maximum Achievable Control Technology standards, per corrective action commitments made in response to OIG recommendations in FY 2022 which include requesting required resources,³² and propose or finalize actions in rulemakings with court-ordered deadlines occurring in FY 2024.

NAAQS

The President directed EPA to review the 2020 PM NAAQS and the 2020 Ozone NAAQS in accordance with Executive Order 13990: *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. EPA requests resources for FY 2024 to better incorporate science and input from the reestablished Clean Air Scientific Advisory Committee and assess information received during the public process for rulemakings to complete these reviews. In FY 2024, EPA will continue reviewing additional NAAQS, including lead, primary nitrogen and NOx/SOx/PM Secondary reviews, make revisions, as appropriate, and requests resources commensurate to support these reviews. Each review involves a comprehensive reexamination, synthesis, and evaluation of scientific information, the design and conduct of complex air quality and risk and exposure analyses, and the development of a comprehensive policy assessment providing analysis of the scientific basis for alternative policy options.

With FY 2024 resources, EPA will initiate a multi-phased process for improving air pollution benefits analysis methods to improve the science it uses to quantify benefits from air quality regulations. This is one of the learning priority areas as part of the Agency's Learning Agenda in the *FY 2022-2026 EPA Strategic Plan*. EPA will develop a draft benefits *Guidelines* document outlining best practices for incorporating new scientific information into methods for benefits analysis. This will be followed by additional reviews of specific methods and applications. This effort will help ensure transparency and confidence in the process for selecting and applying the latest science in benefits analysis. EPA also will improve tools and approaches to enable more robust analysis of program impacts on vulnerable communities. EPA will work to achieve and

³² The EPA Needs to Develop a Strategy to Complete Overdue Residual Risk and Technology Reviews and to Meet the Statutory Deadlines for Upcoming Reviews. March 30, 2022. Pages: At-A-Glance, 6, 8, 11, 12, 14, 25, 26, & 27.
https://www.epa.gov/system/files/documents/2022-03/epa_oig_20220330-22-e-0026.pdf.

maintain compliance with any existing standards. These include the ozone standards established in 2015, 2008, 1997, and 1979; the 1987 PM₁₀ standards; the 2012, 2006, and 1997 PM_{2.5} standards; the 2008 and 1978 lead standards;³³ the 2010 NO₂ standard;³⁴ the 1971 CO standard; and the 2010 SO₂ standard.³⁵ EPA, in close collaboration with states and tribes, will work to improve air quality in areas not in attainment with the NAAQS, including assisting states and tribes in developing CAA-compliant pollution reduction plans.

Air Toxics

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

In FY 2024, EPA will undertake multiple CAA reviews and associated rulemakings. The air toxics program will prioritize conducting reviews of NESHAP and CAA Section 129 rules, many of which are subject to court-ordered or court-entered dates or are actions otherwise required by courts. EPA expects to propose or promulgate more than 15 air toxics rules in FY 2024, including those that apply to ethylene oxide source categories such as commercial sterilizers and chemical sectors. As part of this work and to meet the requirements of Executive Order 13990, EPA expects to finalize its review of the Mercury and Air Toxics Standards for power plants in FY 2024. EPA will enhance risk assessment capabilities to better identify and determine impacts of exposures to air toxics on communities. The Program will prioritize its work, as resources allow, with an emphasis on meeting court-ordered deadlines, incorporating environmental justice considerations as part of the decision-making process. FY 2024 funds also will be used to provide outreach, training, technical assistance, and capacity building to communities that may be affected by the rules we promulgate.

As called for in the Administrator's April 27, 2021, *Memorandum Regarding Per- and Polyfluoroalkyl Substances*,³⁶ EPA will take actions to address PFAS pollution. The Agency's new EPA Council on PFAS will collaborate on cross-cutting strategies; advance new science; develop coordinated policies, regulations, and communications; and engage with affected states, tribes, communities, and stakeholders. This includes consideration of appropriate actions using existing CAA authorities.

As part of a forward-looking air toxics strategy, EPA will address these regulatory and emerging issues and improve access to air toxics data. The Agency will continue its transition to an approach

³³ In September 2016, EPA completed the review of the 2008 Lead NAAQS and retained the standards without revision.

³⁴ In April 2018, EPA completed the review of the 2010 NO₂ NAAQS and retained the standards without revision.

³⁵ In February 2019, EPA completed the review of the 2010 SO₂ NAAQS and retained the standards without revision.

³⁶ https://www.epa.gov/sites/default/files/2021-04/documents/per-and_polyfluoroalkyl_substances.memo_signed.pdf.

that develops and shares air toxics data faster and more regularly to the public, allowing for increased transparency and the ability to see trends and risks over time. By 2024, EPA will report the most current air toxics data each year in the annual Air Trends Report and an online interactive tool instead of the previous three to four - year cycle for toxics data reporting and provide that data at increased spatial resolution.

NSPS

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

In meeting the requirements of Executive Order 13990 and as part of the Administration’s comprehensive approach to tackling the climate crisis, EPA also will continue its work to reduce GHGs from fossil-fuel fired power plants through new and updated Clean Air Act standards. Electricity production generates the second largest share of GHG emissions. EPA will carefully craft an equitable approach informed by engagement with communities and a fresh look at pertinent policies, technology, and data. In FY 2024, EPA plans to finalize amended new source performance standards and emission guidelines applicable to power plants that it will have proposed under Section 111 in FY 2023. As part of this effort, EPA also will provide support for implementation and development of state plans. These actions are key steps toward EPA’s commitment to deliver public health protections from these pollutants for communities across America.

In FY 2024, EPA will work to fulfill the CAA’s Section 111 requirements for approximately six source categories in multiple rulemaking actions, all of which are subject to court or executive orders or are in litigation.

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

Performance Measure Targets:

(PM NAAQS) Percentage of air quality improvement in counties not meeting current NAAQS.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|-----------------------|---------|---------|---------|
| Target | | | | | | 7 | 8 | 9 | Percent |
| Actual | 3 | 3 | 7 | 8 | 10 | Data Avail 11/2023 | | | |

(PM NAAQS2) Percentage of people with low socioeconomic status (SES) living in areas where the air quality meets the PM2.5 NAAQS.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------------------|------------|------------|------------|------------|------------|-----------------------|---------|---------|---------|
| Target | | | | | | 90 | 93 | 97 | Percent |
| Actual | 86 | 82 | 82 | 81 | 85 | Data Avail 11/2023 | | | |
| Numerator | 54,121,495 | 52,044,172 | 51,560,102 | 48,678,558 | 50,304,779 | | | | People |
| Denominator | 62,631,596 | 63,150,683 | 62,687,368 | 60,053,454 | 59,241,268 | | | | |

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

- (+\$1,645.0) 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 benefit costs.
- (+\$15,479.0 / +40.8 FTE) This program change is an increase to support the regulation of stationary sources of air pollution through developing and implementing emissions standards, regulations, and guidelines. This includes resources to finalize review of the Residual Risk and Technology Reviews (RTR) for the Mercury and Air Toxics Standards for power plants, as well as rules to limit GHG emissions from new and existing sources in the power sector and new and existing facilities in the oil and gas sector and to meet statutory and court-ordered legal deadlines. This investment includes \$7.575 million in payroll.

Statutory Authority:

Clean Air Act.

Federal Support for Air Quality Management

Program Area: Clean Air and Climate

Goal: Ensure Clean and Healthy Air for All Communities

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$148,894</i> | <i>\$147,704</i> | <i>\$356,016</i> | <i>\$208,312</i> |
| Science & Technology | \$8,494 | \$11,343 | \$10,666 | -\$677 |
| Total Budget Authority | \$157,387 | \$159,047 | \$366,682 | \$207,635 |
| Total Workyears | 827.8 | 879.3 | 1,079.7 | 200.4 |

Program Project Description:

The Federal Support for Air Quality Management Program assists state, tribal, and local air pollution control agencies in the development, implementation, and evaluation of programs for the National Ambient Air Quality Standards (NAAQS); establishes standards for reducing air toxics; and helps reduce haze and improve visibility in some of America's largest national parks and wilderness areas.

Under this program, EPA develops federal measures and regional strategies that help to reduce emissions from stationary and mobile sources. Delegated states have the primary responsibility (and tribes may choose to take responsibility) for developing clean air measures necessary to meet the NAAQS and protect visibility. At the core of this program is the use of scientific and technical air quality and emissions data. EPA, working with states, tribes, and local air agencies, develops methods for estimating and measuring air emissions and monitoring air quality concentrations, collects these data, and maintains databases (e.g., Emissions Inventory System, Air Quality System, etc.). EPA also supports training for state, tribal, and local air pollution professionals.

NAAQS Development

The Clean Air Act (CAA) requires EPA to set the NAAQS for six "criteria" pollutants considered harmful to public health and the environment. The criteria pollutants are particulate matter (PM), ozone (O₃), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), carbon monoxide (CO), and lead (Pb). Section 109 of the CAA Amendments of 1990 established two types of NAAQS - primary and secondary standards. Primary standards are set at a level requisite to protect public health with an adequate margin of safety, including the health of at-risk populations. Secondary standards are set at a level requisite to protect public welfare from any known or anticipated adverse effects, such as decreased visibility and damage to animals, crops, vegetation, and buildings. The CAA requires EPA to review the science upon which the NAAQS are based and the standards themselves every five years. These national standards form the foundation for air quality management and establish goals that protect public health and the environment.

Air Pollution Information Tracking

For each of the six criteria pollutants, under Section 110 of the CAA, EPA tracks two kinds of air pollution information: air pollutant concentrations based on actual measurements in the ambient (outside) air at monitoring sites throughout the country; and pollutant emissions based on engineering estimates or measurements of the total tons of pollutants released into the air each year.

Air Quality Management Planning

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

New Source Review (NSR) Preconstruction Permit Program

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

Outer Continental Shelf (OCS) Air Permit Program

Section 328 of the CAA establishes requirements for managing and minimizing air pollution through the permitting of activities located offshore of the United States along the Pacific, Arctic (except the North Slope Borough of Alaska), and Atlantic Coasts, and in certain parts of the Gulf Coast. Additional specific requirements are codified in rulemaking. To support the nation's transition to clean energy, EPA is developing policy and guidance applicable to offshore wind projects being constructed on the OCS and will devote increased resources to this work in FY 2024 to support the Administration's goal of deploying 30 gigawatts of offshore wind power by 2030 as part of the federal government's efforts to tackle climate change.

Protection of Visibility in Class I Areas

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

Control of Air Toxics

Toxic air pollutants are known to cause or are suspected of causing increased risk of cancer and other serious health effects, such as neurological damage and reproductive harm. EPA assists state, tribal, and local air pollution control agencies in characterizing the nature and scope of their air toxics issues through modeling, emission inventories, monitoring, and assessments. For example, EPA maintains updated air toxic emission and exposure data, incorporating current

toxicity data to provide recent information on air toxics risks from a national perspective and at a local scale, where possible. EPA also supports programs that reduce inhalation risk and multi-pathway risk posed by deposition of air toxics to water bodies and ecosystems, facilitates international cooperation to reduce transboundary and intercontinental air toxics pollution, develops and improves risk assessment methodologies for toxic air pollutants, and provides training for air pollution professionals.

The provisions of the CAA that address the control of air toxics are located primarily in Section 112 and 129. Section 112 requires issuing National Emission Standards for Hazardous Air Pollutants (NESHAP) for major sources and area sources; the assessment and, as necessary, regulation of risks remaining after implementation of NESHAP that are based on Maximum Available Control Technology (MACT); the periodic review and revision of all NESHAP to reflect developments in practices, processes, and control technologies; and associated national guidance and outreach. In addition, EPA must periodically review, and, where appropriate, revise both the list of air toxics subject to regulation and the list of source categories for which standards must be developed. EPA has promulgated rules for approximately 180 source categories to control air toxics under Section 112 and is continually engaged in their periodic review and revision. EPA will enhance risk assessment capabilities to better identify and determine impacts of exposures to air toxics on communities, including communities impacted by environmental justice issues.

The Program will prioritize its work, as resources allow, with an emphasis on meeting court-ordered deadlines and incorporating environmental justice considerations as part of the decision-making process. Section 129 of the CAA requires a similar approach to review regulations applicable to solid waste incinerators, as well as issuance of new source performance standards and emission guidelines pursuant to CAA Section 111, the review of state plans to implement those guidelines, and development of federal plans to do so if necessary. EPA has promulgated rules for approximately six categories of solid waste incineration units to control air toxics and criteria pollutants under Section 129, and EPA is continually engaged in their periodic review and revision. In addition to this regulatory work, EPA also provides determinations to states and industry seeking information about source-specific applicability of these regulations. EPA also is making improvements to the database that tracks applicability determinations.

Climate Change

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

FY 2024 Activities and Performance Plan:

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

In FY 2024, EPA is requesting an additional \$90.1 million and 193.4 FTE to support critical work to implement climate and clean air regulations and programs both at headquarters and in the regions. This includes activities such as reviewing and taking action on state plans required under forthcoming GHG standards, priority NAAQS work, taking timely action on SIPs, reducing the SIP backlog, air monitoring and analysis, and environmental justice activities. Also, the OIG^{37,38,39,40} and the GAO⁴¹ have documented several programmatic goals that are not being fulfilled as a result of insufficient resources year after year in both Headquarters and the Regions. EPA's corrective actions commit the Agency to seeking resources for these activities.

Section 111(d) of the Clean Air Act provides states with a lead implementing role and considerable flexibility, and the development and implementation of the emission guidelines will require extensive work to develop program implementation infrastructure; engage states, tribal nations, and communities; assess environmental justice impacts; evaluate state plans; and ensure consistent application of the emissions guidelines nationwide. Resources will be used to continue developing a standard reporting system for states to use, or adapt as needed, for submitting plans and tracking their compliance data, and ensuring that communities have access to that data.

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

³⁷ EPA Has Reduced Its Backlog of State Implementation Plans Submitted Prior to 2013 but Continues to Face Challenges in Taking Timely Final Actions on Submitted Plans. June 14, 2021. Pages: At-A-Glance, 11, 13, 14, 15, 16, 23, 25, 27, 29, & 32. https://www.epa.gov/sites/default/files/2021-06/documents/epaoig_20210614-21-e-0163_0.pdf.

³⁸ EPA's Title V Program Needs to Address Ongoing Fee Issues and Improve Oversight. January 12, 2022. Pages: At-A-Glance, 15, 19, 22, & 25. https://www.epa.gov/system/files/documents/2022-01/epaoig_20220112-22-e-0017.pdf.

³⁹ The EPA Needs to Develop a Strategy to Complete Overdue Residual Risk and Technology Reviews and to Meet the Statutory Deadlines for Upcoming Reviews. March 30, 2022. Pages: At-A-Glance, 6, 8, 11, 12, 14, 25, 26, & 27. https://www.epa.gov/system/files/documents/2022-03/epaoig_20220330-22-e-0026.pdf.

⁴⁰ EPA's Processing Times for New Source Air Permits in Indian Country Have Improved, but Many Still Exceed Regulatory Time Frames. April 22, 2020. Pages: At-A-Glance, 9, 15, 16, 24, & 31. https://www.epa.gov/sites/default/files/2020-04/documents/epaoig_20200422-20-p-0146.pdf.

⁴¹ AIR POLLUTION: Opportunities to Better Sustain and Modernize the National Air Quality Monitoring System. November 12, 2020. <https://www.gao.gov/assets/gao-21-38.pdf>.

Addressing Climate Change

EPA expects to take final action under Sections 111 and 112 in FY 2024 for actions that were proposed in FY 2023 in accordance with Executive Order 13990, which directed EPA to revise and address as appropriate the regulation of GHGs from fossil-fuel fired power plants. Electricity production generates the second largest share of GHG emissions. EPA will carefully craft an equitable approach informed by engagement with communities and a fresh look at the policies, technology, and data. In FY 2024, EPA plans to finalize amended new source performance standards and emission guidelines applicable to power plants that it will have proposed under Section 111 in FY 2023. Additionally, EPA expects to finalize its review of the Mercury and Air Toxics Standards for power plants in FY 2024.

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

In FY 2024, the Agency will provide on-the-ground resources to assist overburdened and underserved communities as they work to engage on EPA's regulatory efforts and address the impacts of climate change. These community resource coordinators will work with external partners, such as community stakeholder organizations, other federal agencies, state, local and regional governments, private sector entities, academic institutions, and foundations to assist communities as they begin to plan for climate change and implement actions to increase resilience to climate impacts.

Finally, in FY 2024 EPA is requesting an increase of \$1.1 million, including payroll, and one FTE to support implementation of EPA's Climate Adaptation Action Plan. In particular, this increase will support priority commitments, such as actions to integrate climate adaptation into EPA programs, policies, and processes, efforts to address climate adaptation science and data needs, and efforts to consult and partner with outside stakeholders.

Improving Air Quality

In FY 2024, EPA requests increased resources to support efforts to maintain and rebuild programmatic capabilities that focus on protecting clean air. Air quality has improved significantly for communities across the country since passage of the CAA in 1970 (with amendments in 1977 and 1990). Between 1990 and 2021, for example, national average levels have decreased by 21 percent for ozone, 32 percent for coarse particulate matter, 91 percent for sulfur dioxide, and 98 percent for lead.⁴² In FY 2024, EPA will continue to prioritize key activities in support of attainment

⁴² For additional information on air quality trends, please see the Air Quality -National Summary at: <https://www.epa.gov/air-trends/air-quality-national-summary> and at *Our Nation's Air: Status and Trends Through 2021*.

of the NAAQS and implementation of stationary source regulations by state, tribal, and local air agencies. This includes activities in key nonattainment areas along the U.S.-Mexico border as part of U.S. commitments under the *Border 2025* agreement.

NAAQS Review

In FY 2024, EPA will continue its CAA-mandated responsibilities to review the science upon which the NAAQS are based and the standards themselves. Periodic review of the NAAQS requires significant resources and analysis of scientific and technical information to ensure for each NAAQS that public health is protected with an adequate margin of safety, considering at-risk populations.

The President directed EPA to review the 2020 PM NAAQS and the 2020 Ozone NAAQS in accordance with Executive Order 13990: *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. EPA expects to complete this review in FY 2023, and resources in FY 2024 are needed to better incorporate science and input from the reestablished Clean Air Scientific Advisory Committee and to assess information received during the public process for rulemakings to finalize other NAAQS reviews, as required under the Clean Air Act. In FY 2024, EPA will continue reviewing the lead, primary nitrogen oxides and secondary NAAQS for sulfur oxides, nitrogen oxides, and particulate matter, and has requested resources commensurate to support these reviews. Each review involves a comprehensive reexamination, synthesis, and evaluation of scientific information, the design and conduct of complex air quality and risk and exposure analyses, and the development of a comprehensive policy assessment providing analysis of the scientific basis for alternative policy options.

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

NAAQS Nonattainment Areas

EPA, in close collaboration with states and tribes, will work to improve air quality in areas not in attainment with the NAAQS, including identifying and, where necessary, redesignating to nonattainment areas that previously were in attainment. The Agency will continue to implement changes to improve the efficiency and effectiveness of the SIP process, with a goal of maximizing the timely processing of state-requested SIP actions and reducing the backlog. The Agency also will act on redesignation requests of nonattainment areas to attainment in a timely manner. EPA will maximize use of its comprehensive, online State Planning Electronic Collaboration System (SPeCS) to promote efficiencies for states to submit SIP revisions to EPA, and for EPA to track and process state submittals. Since it launched in January 2018, more than 1,500 SIP submittals (about

90 percent official submissions and 10 percent draft submittals) have come through SPeCS, and more than 400 users have registered from all 50 states and eight air districts. EPA also will further improve SPeCS functionality and work to provide additional transparency to the public about NAAQS nonattainment areas, state SIP requirements, and related EPA actions.

SIPs for Regional Haze

In FY 2024, EPA will continue reviewing and taking action on regional haze SIP revisions for the second planning period (and working on any remaining first planning period obligations). EPA will continue to work on any outstanding SIP matters and continue providing technical assistance to ensure that states are making reasonable progress towards their visibility improvement goals, consistent with statutory obligations. Consistent with this, EPA may be undertaking work on Federal Implementation Plans (FIPs) as needed to fully implement the Regional Haze requirements. Under the Regional Haze Rule, states are required to submit updates to their plans to demonstrate how they have and will continue to make progress towards achieving their visibility improvement goals. EPA may also be working on regulatory updates for future planning periods.

Fulfilling Legal Obligations

One of EPA's priorities is to fulfill its statutory and court-ordered obligations. Section 112 of the CAA sets deadlines for EPA to review and update, as necessary, all NESHAP every eight years, accounting for developments in practices, processes, and technologies related to those standards. Section 112 also requires that EPA conduct risk assessments within eight years of promulgation of each MACT-based NESHAP to determine if it appropriately protects public health and to revise it as needed and that EPA review and revise, as appropriate, the list of hazardous air pollutants. Sections 111 and 129 similarly require review of rules promulgated under those programs to address air pollution. In FY 2024, EPA will undertake these required reviews and associated rulemakings. EPA will enhance risk assessment capabilities to better identify and determine impacts on communities. The Program will prioritize conducting reviews of NESHAP and rules issued under Sections 111 and 129, many of which are subject to court-ordered or court-entered dates or are actions otherwise required by courts and incorporating environmental justice considerations as part of the decision-making process. From this work, EPA expects to propose or promulgate more than 20 rules in FY 2024.

Technical Assistance to External Government Partners

EPA will continue to assist other federal agencies and state and local governments in implementing the conformity regulations promulgated pursuant to Section 176 of the CAA. These regulations require federal agencies undertaking activities in nonattainment and maintenance areas to ensure that the emissions caused by their activities will conform to the SIP.

In FY 2024, EPA also will continue to provide technical assistance to state, local, and tribal air agencies for NSR, OCS, and Title V (operating) permits. This support will occur at appropriate times and as requested, consistent with applicable requirements, before and during the permitting process. EPA expects to implement such support in an efficient manner and consistent with established timeframes for applicable oversight of state, tribal, and local air agencies during the permitting process. Where EPA is the permitting authority for wind energy projects located on the OCS, the Agency will prioritize timeliness in providing guidance, feedback, and review of permit applications consistent with CAA and FAST Act (Title 41) requirements. EPA's Electronic

Permitting System and Title V petition submittal portal will improve EPA interaction with state, local, and tribal air agencies and the general public, and improve data availability and transparency.

EPA will assist state, tribal, and local air agencies with various technical activities. EPA develops and provides a broad suite of analytical tools, such as: source characterization analyses; emission factors and inventories; statistical analyses; source apportionment techniques; quality assurance protocols and audits; improved source testing and monitoring techniques; source-specific dispersion and regional-scale photochemical air quality models; and augmented cost/benefit tools to assess control strategies.⁴³ The Agency will maintain the core function of these tools (*e.g.*, integrated multiple pollutant emissions inventory, air quality modeling platforms, etc.) to provide the technical underpinnings for scientifically sound, efficient, and comprehensive air quality management by state, local, and tribal agencies.

In FY 2024, EPA will continue to provide information and assistance to Tribes, states, and communities through documents, websites, webinars, and training sessions on tools to help them build capacity and to provide input into environmental justice assessments that can inform risk reduction strategies for air toxics. The Agency will continue to communicate and effectively collaborate with communities to address a myriad of environmental concerns.

In FY 2024, EPA will provide support for critical response to the growing number of wildfire smoke events through real-time, accessible air quality information, as well as supporting communication documents and websites. The Agency will also enhance its partnerships across the federal government, such as the Center for Disease Control and the U.S. Forest Service to ensure a consistent and coherent response and deployment of technical assistance to address the public health impacts of wildland fire smoke. EPA expects this work to support tribal, state, local, and community needs to prepare for an increasing number of wildfires and the impacts those fires have on public health across the country.

In FY 2024, state and local air agencies will continue to lead the implementation of the National Air Toxics Trends Sites (NATTS). The NATTS program is designed to capture the impacts of widespread air toxics and is comprised of long-term monitoring sites throughout the Nation.⁴⁴ EPA will continue to consult on priority data gaps to improve the assessment of population exposure to toxic air pollution.

Maintaining Analytical Capabilities and Continuing Data Management

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

⁴³ For additional information, please see: <https://www.epa.gov/technical-air-pollution-resources>.

⁴⁴ For additional information, please see: <https://www.epa.gov/amtic/air-toxics-ambient-monitoring>.

The President's FY 2024 budget request maintains the \$100 million for a community air quality monitoring and notification program requested in the FY 2023 President's Budget to support efforts to deliver environmental justice for overburdened and marginalized communities. This community air quality monitoring and notification program will be able to provide real-time data to the public in areas with greatest exposure to harmful levels of pollution, as described in Executive Order 14008: *Tackling the Climate Crisis at Home and Abroad*. In FY 2024, the Agency will continue to work closely with states, tribes, and local air quality agencies to develop the most effective approach to meet community concerns. The community air quality monitoring and notification program funds will support several efforts, including tribal, state, and local grants that supplement the national ambient air quality monitoring network, including enhancement of air quality characterization in communities; systems to manage and deliver real-time air quality data to the public; and management and implementation activities performed by the Agency.

The American Rescue Plan provided resources for the Agency to award community monitoring grants and to support air quality monitoring at the community level. In FY 2024, EPA is requesting additional resources to support community monitoring grants and to deploy and maintain mobile monitoring equipment acquired with American Rescue Plan funds to help address short-term community monitoring needs.

In FY 2024, EPA will continue to operate and maintain the Air Quality System (AQS), which houses the Nation's regulatory ambient air quality data. EPA also will continue to support the AQS Data Mart, which provides that same ambient air quality data to the scientific community and to the general public. The Agency's national real-time ambient air quality data system, AirNow, will maintain baseline operations. The public increasingly relies on AirNow for ambient air quality information during wildfires. In FY 2024, EPA will continue improving the Fire and Smoke map by engaging tribal, state, and local agencies for input.

The Agency has started a multi-year development process that, when completed, will allow all ambient air quality data to be submitted to a single information system. This single system will greatly improve the processing and availability of ambient air quality data to Agency regulatory partners and to the public. Additional FY 2024 funding is requested to start the development of this system, which will modernize AirNow, AQS, and the AQS Data Mart.

EPA will continue to operate and maintain the Emissions Inventory System (EIS), which quality assures and stores current and historical emissions inventory data and supports the development of the National Emissions Inventory (NEI). EPA, states, and others use the NEI to aid in state and local air agency SIP development, serve as a vital input to air quality modeling, help analyze public health risks from air toxics, develop strategies to manage those risks, and support multi-pollutant analysis for air emissions. The Agency will enhance EIS to support the revised Air Emissions Reporting Requirements (AERR) rule and other user-focused needs.

EPA is streamlining emissions data reporting for multiple Agency programs through the Combined Air Emissions Reporting System (CAERS). This system is a central hub that takes a single submission of data in a single format and sends it to the appropriate EPA program system. When fully developed, CAERS is expected to reduce the cost to industry by only reporting emissions data for multiple Agency programs to one system and to the government by better managing emissions data and making that data available in a timely fashion.

In FY 2024, EPA will continue a multi-phased process for strengthening air pollution benefits analysis methods to improve the science it uses to quantify benefits from air quality regulations. EPA will develop a draft benefits *Guidelines* document outlining best practices for incorporating new scientific information into methods for benefits analysis. This will be followed by additional reviews of specific methods and applications. This effort will help ensure transparency and confidence in the process for selecting and applying the latest science in benefits analysis. EPA also will improve tools and approaches to enable more robust analysis of program impacts on communities with environmental justice concerns and vulnerable populations.

As part of a forward-looking air toxics strategy, EPA will address regulatory and emerging issues and improve access to air toxics data. The Agency will continue implementation of a new approach that develops and shares air toxics data faster and more regularly to the public, allowing for increased transparency and the ability to see trends and risks over time. By 2024, EPA will continue reporting the most current air toxics data each year in the annual Air Trends Report and an online interactive tool, instead of the previous three to four-year cycle for reporting air toxics data, and providing that data at an increased spatial resolution.

Performance Measure Targets:

(PM NAAQS) Percentage of air quality improvement in counties not meeting current NAAQS.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|-----------------------|---------|---------|---------|
| Target | | | | | | 7 | 8 | 9 | Percent |
| Actual | 3 | 3 | 7 | 8 | 10 | Data Avail 11/2023 | | | |

(PM NAAQS2) Percentage of people with low socioeconomic status (SES) living in areas where the air quality meets the PM2.5 NAAQS.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------------------|------------|------------|------------|------------|------------|-----------------------|---------|---------|---------|
| Target | | | | | | 90 | 93 | 97 | Percent |
| Actual | 86 | 82 | 82 | 81 | 85 | Data Avail 11/2023 | | | |
| Numerator | 54,121,495 | 52,044,172 | 51,560,102 | 48,678,558 | 50,304,779 | | | | People |
| Denominator | 62,631,596 | 63,150,683 | 62,687,368 | 60,053,454 | 59,241,268 | | | | |

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

- (+\$17,125.0) 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. It also includes support for critical agencywide infrastructure for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$100,000.0) This program change is an increase to develop and implement a community air quality monitoring and notification program to provide real-time data to the public in areas with greatest exposure to harmful levels of pollution. This increase supports work to

reduce GHG emissions to tackle the climate crisis and ensure equitable environmental outcomes to advance environmental justice.

- (+\$89,903.0 / +193.4 FTE) This program change is an increase to support critical work to implement climate and clean air regulations and programs. This includes activities such as reviewing and taking action on state plans required under forthcoming GHG standards, priority NAAQS work, taking timely action on SIPs, reducing the SIP backlog, air monitoring and analysis, and environmental justice activities. This investment includes \$35.870 million in associated payroll.
- (+\$1,284.0 / +1.0 FTE) This program change is an increase to support implementation of EPA's Climate Adaptation Action Plan. In particular, this increase will support priority commitments, including the actions within the Office of Air and Radiation's Climate Change Adaptation Implementation Plan to integrate climate adaptation into EPA programs, policies, and processes, efforts to address climate adaptation science and data needs, and efforts to consult and partner with outside stakeholders. This investment includes \$184.0 thousand in payroll.

Statutory Authority:

Clean Air Act.

Stratospheric Ozone: Domestic Programs

Program Area: Clean Air and Climate

Goal: Ensure Clean and Healthy Air for All Communities

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | \$7,937 | \$6,951 | \$72,152 | \$65,201 |
| Total Budget Authority | \$7,937 | \$6,951 | \$72,152 | \$65,201 |
| Total Workyears | 21.8 | 28.2 | 52.2 | 24.0 |

Program Project Description:

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

Scientific evidence demonstrates that ODS used around the world destroy the stratospheric ozone layer,⁴⁵ which raises the incidence of skin cancer, cataracts, and other illnesses through overexposure to increased levels of UV radiation.⁴⁶ Based on recent updates to EPA's peer-reviewed Atmospheric and Health Effects Framework model, the Montreal Protocol is expected to prevent approximately 443 million cases of skin cancer, 2.3 million skin cancer deaths, and 63 million cases of cataracts for people in the United States born in the years 1890–2100.⁴⁷ EPA developed this model to better understand the benefits to public health of stratospheric ozone protection. As a result of global action to phase out ODS, the ozone layer is expected to recover to its pre-1980 levels by mid-century.

The AIM Act addresses the climate impact of HFCs by phasing down their production and consumption, maximizing reclamation and minimizing releases of HFCs and their substitutes from equipment, and facilitating the transition to next-generation technologies through sector-based restrictions. A global phasedown of HFCs is expected to prevent up to 0.5 °C of global warming by 2100.

⁴⁵ World Meteorological Organization (WMO). Scientific Assessment of Ozone Depletion: 2014. Global Ozone Research and Monitoring Project–Report No. 56, Geneva, Switzerland, 2014.

⁴⁶ Fahey, D.W., and M.I. Hegglin (Coordinating Lead Authors), Twenty questions and answers about the ozone layer: 2014 Update, In Scientific Assessment of Ozone Depletion: 2014, Global Ozone Research and Monitoring Project–Report No. 56, World Meteorological Organization, Geneva, Switzerland, 2014.

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

⁴⁷ U.S. Environmental Protection Agency (EPA). Updating the Atmospheric and Health Effects Framework Model: Stratospheric Ozone Protection and Human Health Benefits. EPA: Washington, DC. May 2020. Available on the internet at: https://www.epa.gov/sites/production/files/2020-04/documents/2020_ahef_report.pdf.

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

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

As a signatory to the Montreal Protocol, the U.S. is committed to ensuring that our domestic program is at least as stringent as international obligations, and to regulating and enforcing the terms of the Montreal Protocol respective of domestic authority. In 2007, with U.S. leadership, the Parties to the Montreal Protocol agreed to a more aggressive phaseout for ozone-depleting hydrochlorofluorocarbons (HCFCs) equaling a 47 percent reduction in overall emissions during the period 2010 – 2040. The adjustment in 2007 also called on Parties to the Montreal Protocol to promote the selection of alternatives to HCFCs that minimize environmental impacts, in particular impacts on climate.⁴⁸ The CAA provides the necessary authority to ensure EPA can collect and validate data, and where appropriate, report data on production and consumption of ODS on behalf of the United States.⁴⁹ The Parties to the Montreal Protocol also agreed to the Kigali Amendment in 2016,⁵⁰ which seeks to globally phase down the production and consumption of HFCs consistent with the AIM Act. The United States ratified the Kigali Amendment on October 31, 2022. EPA will use the authority in the AIM Act to collect and validate data and report data on production and consumption of HFCs on behalf of the United States.

Partnership programs are calibrated to increase benefits by focusing on specific areas where the Agency has identified significant opportunities. The Responsible Appliance Disposal (RAD) Program⁵¹ is a partnership that protects the ozone layer and reduces emissions of greenhouse gases through the recovery of ODS and HFCs from old refrigerators, freezers, window air conditioners, and dehumidifiers prior to disposal. RAD has more than 50 partners, including manufacturers, retailers, utilities, and state governments. The GreenChill Partnership⁵² helps

⁴⁸ *Montreal Protocol Decision XIX/6: Adjustments to the Montreal Protocol with regard to Annex C, Group I, substances (hydrochlorofluorocarbons).*

⁴⁹ The United States ratified the Kigali Amendment on September 21, 2022, providing EPA the authority under the AIM Act to collect the data needed for reporting on HFCs under the Montreal Protocol.

⁵⁰ Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, Kigali 15 October 2016, found at: <https://treaties.un.org/doc/Publication/CN/2016/CN.872.2016-Eng.pdf>.

⁵¹ For more information, please visit: <https://www.epa.gov/rad>.

⁵² For more information, please visit: <http://www.epa.gov/greenchill>.

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

FY 2024 Activities and Performance Plan:

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

In FY 2024 an additional \$59.4 million and 24 FTE are requested to implement provisions in the American Innovation and Manufacturing Act to phase down the use of HFCs, to facilitate U.S. entry to the Kigali amendment to the Montreal Protocol, and to restore staff capacity around efforts to tackle the climate crisis. An additional \$5 million is requested for the development of a new grant program to assist small businesses with the purchase of specialized equipment for the recycling, recovery, or reclamation of a substitute for a regulated substance as authorized in the AIM Act.

Title VI of the Clean Air Act and Montreal Protocol Activities

In carrying out the requirements of the CAA and the Montreal Protocol in FY 2024, EPA will continue to meet its ODS consumption caps and work toward the required gradual reduction in production and consumption of ODS. To meet the FY 2026 long-term performance goal for lowering consumption of HCFCs to 76.2 tons per year of ozone-depletion potential,⁵³ EPA will: issue allocations for HCFC production and import in accordance with the requirements established under CAA Sections 605 and 606; review petitions to import used ODS under sections 604 and 605; manage information that industry identifies as confidential under CAA Section 603; and implement regulations concerning the production, import, and export of ODS and maintenance of the tracking system used to collect the information. In FY 2024, EPA anticipates finalizing a rule on feedstock uses of ODS that was proposed in FY 2023. EPA also will prepare and submit the annual report under Article 7 of the Montreal Protocol on U.S. consumption and production of ODS consistent with the treaty.⁵⁴

EPA will continue to implement the CAA Section 608 and 609 refrigerant management requirements related to the use and emission of ODS, HFCs, and other substitutes.

CAA Section 612 requires continuous review of alternatives for ODS through EPA's Significant New Alternatives Policy (SNAP) program⁵⁵ to both find those that pose less overall risk to human health and the environment and ensure a smooth transition to safer alternatives. Through these evaluations, SNAP generates lists of acceptable and unacceptable substitutes for approximately 50

⁵³ The HCFC consumption cap of 15,240 ODP-weighted metric tons for the U.S. was effective January 1, 1996, and became the U.S. consumption baseline for HCFCs.

⁵⁴ The Article 7 report prepared by EPA on behalf of the United States contains chemical-specific production, import and export data that is not available publicly. To protect potential confidential information the report is not available on the internet; however, the data included in the report is aggregated and available at: <https://ozone.unep.org/countries/profile/usa>.

⁵⁵ For more information, please visit: <https://www.epa.gov/snap>.

end-uses across eight industrial sectors. In FY 2024, EPA expects to list through notice as well as propose notice-and-comment rulemaking that would expand the list of acceptable lower-GWP alternatives, particularly for end-uses where there is an urgent need for more options such as certain air-conditioning and refrigeration applications as well as fire suppression, which also will support implementation of the AIM Act. EPA also will continue to work towards ensuring the uptake of safer alternatives and technologies, while supporting innovation, and ensuring adoption of alternatives through support for changes to industry codes and standards. EPA also anticipates finalizing a rule in FY 2024 that addresses court decisions concerning the extent to which manufacturers must replace HFCs with substitute substances.

With the decline in allowable ODS production, a significant stock of equipment that continues to use ODS will need access to recovered and recycled/reclaimed ODS to allow for proper servicing. EPA will continue to review available market and reported data to monitor availability of recycled and reclaimed ODS where production and import of new material is phased out to support this need. In addition, EPA will continue to implement a petition process to allow for the import of used ODS (primarily halon) for fire suppression purposes. EPA also will implement other provisions of the Montreal Protocol, including exemption programs to allow for a continued smooth phaseout of ODS, particularly for laboratory and analytical uses, feedstock, process agents, and HCFCs used consistent with the servicing tail.⁵⁶

AIM Act Implementation Activities

In FY 2024, the Agency will continue to implement the AIM Act HFC phasedown through an allowance allocation program established in FY 2021, and this work will support implementation of EPA's Agency Priority Goal. In FY 2024, as resources allow, the Agency will promulgate rulemakings to establish requirements for the management of HFCs and HFC substitutes in equipment, distribute grants to support technology transition and equipment transition, and provide program support for and coordination of implementation efforts within EPA as well as with other federal agencies.

The Agency will continue to implement and administer an electronic HFC reporting system and develop additional tracking, review, and data tools to better ensure compliance with the phasedown regulations, and work with other agencies to prevent illegal imports. In FY 2024, additional resources are requested to implement innovative IT solutions, such as a QR system and database integration across EPA and Customs and Border Patrol databases. Specifically, EPA will: ensure that the phasedown is not undermined by illegal imports; finalize multi-pronged set of rulemakings to be proposed in FY 2023 that will establish requirements for the management of HFCs and HFC substitutes in equipment servicing, repair, disposal, or installation, as appropriate; support enforcement by EPA and across the government by continuing to lead the interagency HFC taskforce, and stand up new protocols for rules finalized in FY 2023 addressing products containing HFCs. EPA also will educate stakeholders on HFC phasedown requirements and launch a container tracking system. EPA will implement a regulation finalized in FY 2023 to issue allowances for HFC production and consumption for calendar years 2024 and future years. The Agency also will complete a review required by the AIM Act and undertake rulemaking on whether to reauthorize the issuance of application-specific allowances for the six uses of HFCs identified in subsection (e)(4)(B) beyond 2025. Subsection (e)(4)(B) includes the following

⁵⁶ EPA will implement a rule on process agents that was finalized in FY 2023.

applications that use HFCs:

- a propellant in metered dose inhalers.
- defense sprays.
- structural composite preformed polyurethane foam for marine use and trailer use.
- the etching of semiconductor material or wafers and the cleaning of chemical vapor deposition chambers within the semiconductor manufacturing sector.
- mission-critical military end uses, such as armored vehicle engine and shipboard fire suppression systems and systems used in deployable and expeditionary applications; and
- onboard aerospace fire suppression.

In FY 2024, under subsection (h) of the AIM Act, EPA will finalize and begin implementing a notice and comment rulemaking proposed in FY 2023 to control certain practices, processes, or activities regarding: 1) the servicing, repair, disposal, or installation of equipment that involves a regulated substance; 2) a substitute for a regulated substance; 3) the reclaiming of a regulated substance used as a refrigerant; or 4) the reclaiming of a substitute for a regulated substance used as a refrigerant.

In FY 2024, under subsection (i) of the AIM Act, the Agency will finalize and begin implementing regulations to restrict use of HFCs in products and equipment within certain specific sectors or subsectors where HFCs are used, promoting a transition to next-generation technologies. EPA will implement new reporting tools, upgrade existing data systems, and develop additional compliance mechanisms to implement this regulation. Other activities under subsection (i) include granting and/or denying petitions for sector-based restrictions on HFCs.

The AIM Act also authorizes EPA to establish a grant program for small businesses for purchase of recycling, recovery, or reclamation equipment for HFC substitutes, including for servicing motor vehicle air conditioners. In FY 2024, \$5 million is requested to fund distribution of grants to support technology transition already underway and equipment transition.

In FY 2024, EPA will continue to provide technical expertise for the Montreal Protocol's Technology and Economic Assessment Panel and its Technical Options Committees, advancing reductions of ODS and HFC consumption and ensuring U.S. interests are represented.

In FY 2024, EPA will continue to support a level playing field for companies operating legally under the CAA and AIM Act regulations and those that have transitioned to alternatives for ODS and HFCs. Under both the AIM Act and the Montreal Protocol, in FY 2024, EPA will be implementing a 40% reduction in HFCs from historic levels. EPA exchanges data with U.S. Customs and Border Protection and Homeland Security Investigations on ODS and HFC importers and exporters to determine admissibility and target illegal shipments entering the United States, as well as reviews and approves imports flagged in the Automated Commercial Environment. With the significant reduction of available HFC allowances in FY 2024, this data exchange will increase in importance as accurate data will be needed on a near real-time basis. EPA also will continue to work with partner agencies, including through the Interagency Task Force on Illegal HFC Trade, to detect, deter, and disrupt any attempt to illegally import or produce HFCs in the United States, as well as work with State Department and other Departments to carry out the Administration's whole of government approach. These efforts also include EPA's work to support federal sector

management and transition from HFCs through continued cooperation with organizations such as Department of Defense and the General Services Administration.

Performance Measure Targets:

(PM HCFC) Remaining U.S. consumption of hydrochlorofluorocarbons (HCFCs), chemicals that deplete the Earth's protective ozone layer, in ozone depletion potential (ODP)-weighted metric tons.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|--------------------|---------|---------|-------------|
| Target | | | | | | 76.2 | 76.2 | 76.2 | Metric Tons |
| Actual | 374.6 | 434.1 | 224.2 | -110.8 | 20.8 | Data Avail 11/2023 | | | |

(PM HFC) Remaining U.S. consumption of hydrofluorocarbons (HFCs).

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|--------------------|---------|---------|---------------------|
| Target | | | | | | 273.5 | 273.5 | 182.3 | MMTCO _{2e} |
| Actual | | | | | | Data Avail 11/2023 | | | |

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

- (+\$765.0) 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.
- (+\$59,436.0 / +24.0 FTE) This program change is an increase to implement provisions in the American Innovation and Manufacturing Act to phase down the use of HFCs, to facilitate U.S. entry to the Kigali amendment to the Montreal Protocol, and to restore staff capacity around efforts to tackle the climate crisis. This investment includes \$4.357 million in payroll.
- (+\$5,000.0) This program change is an increase for the development of a new grant program to assist small businesses with the purchase of specialized equipment for the recycling, recovery, or reclamation of a substitute for a regulated substance as authorized in the AIM Act.

Statutory Authority:

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

Stratospheric Ozone: Multilateral Fund

Program Area: Clean Air and Climate

Goal: Ensure Clean and Healthy Air for All Communities

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | \$8,326 | \$9,244 | \$18,000 | \$8,756 |
| Total Budget Authority | \$8,326 | \$9,244 | \$18,000 | \$8,756 |

Program Project Description:

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

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

FY 2024 Activities and Performance Plan:

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

EPA's contributions to the Multilateral Fund in FY 2024 will primarily continue to support cost-effective projects designed to build capacity and eliminate ODS production and consumption in over 140 developing countries and provide early support for the global phasedown of HFCs. Through 2021, the Multilateral Fund supported over 8,146 activities in 145 countries that, have phased out 497,463 ozone-depletion potential metric tons and 305,336 CO₂-equivalent tonnes of consumption of controlled substances. Additional projects will be submitted, considered, and approved in accordance with Multilateral Fund guidelines.

In FY 2024, the United States will continue to promote developing country transitions to climate-friendly alternatives and will begin to support projects to phase down HFCs under the Kigali Amendment. A small number of demonstration projects aimed at furthering climate projection are anticipated. These projects will concern either proper refrigerant disposal or energy efficiency upgrades. The United States also will support preparatory activities such as establishing HFC baselines and phasedown starting points and will consider the first Kigali HFC Implementation Plans (KIPs) to phase down HFCs in developing countries, as well as projects to reduce HFC-23 byproduct emissions ensuring that the global HFC phasedown will leverage the expertise and experience gained during the 30-year history with phasing out ODS. Taken together, this work will support developing countries' compliance with Protocol obligations.

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):

- (+\$8,756.0) This program change reflects an increase to help fund additional activities associated with the adoption of the Kigali Amendment and developing country phase down of HFCs while continuing to support ODS phaseout activities.

Statutory Authority:

Title VI of the Clean Air Act.

Compliance

Compliance Monitoring

Program Area: Compliance

Goal: Enforce Environmental Laws and Ensure Compliance

Objective(s): Detect Violations and Promote Compliance

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$108,996</i> | <i>\$112,730</i> | <i>\$162,105</i> | <i>\$49,375</i> |
| Inland Oil Spill Programs | \$278 | \$649 | \$2,152 | \$1,503 |
| Hazardous Substance Superfund | \$1,278 | \$1,017 | \$1,032 | \$15 |
| 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 Compliance Monitoring Program is a key component of EPA's Office of Enforcement and Compliance Assurance (OECA) that supports both compliance with federal environmental laws as well as efforts to identify noncompliance. Compliance monitoring activities, such as inspections and investigations, or review of self-reported compliance monitoring information and other forms of offsite compliance monitoring, are conducted by EPA and other co-regulators (states, federally recognized tribes, and territories) to determine if regulated entities are complying with environmental statutes, applicable regulations, and permit conditions. A robust inspection and enforcement program is essential to advancing the promise of clean air, land, and water to many communities across the country, including those historically underserved and overburdened, and for implementing Executive Order 14008 on *Tackling the Climate Crisis at Home and Abroad*.

Compliance information gathered from these activities is reported into EPA's data systems for analyses and targeting, and to make information available to co-regulators and the public. These activities and data also can be utilized to identify programs and sectors with high noncompliance to be the subject of national enforcement and compliance initiatives. These initiatives help identify conditions that may present an imminent and substantial endangerment to human health and the environment and thereby warrant immediate attention. Given the large number of regulated entities, effective targeting of compliance monitoring and analysis of compliance data play a critical role in achieving the goals EPA has set forth for protecting health and the environment. Tools in the Compliance Monitoring Program include:

Compliance Program Data Management and Electronic Reporting: EPA has a national enforcement and compliance data system, the Integrated Compliance Information System (ICIS), which supports both the compliance monitoring and civil enforcement programs. As EPA's largest mission-focused data system, ICIS is a critical infrastructure tool used by the Agency, state, tribal, local, and territorial governments as well as the regulated community, to track compliance and enforcement of all EPA statutes, which facilitates greater compliance and thus protection of human health and the environment. States are a major user of this resource. For instance, 21 state

governments depend on ICIS to directly manage their clean water permitting and compliance activities. EPA utilizes ICIS enforcement and compliance data and other information technology tools to: (1) identify potential violations of the federal environmental laws; (2) facilitate efficient enforcement; and (3) promote compliance with these requirements. ICIS data is available to the public via the internet-accessible Enforcement and Compliance History Online (ECHO) system as well as the companion data change notification tool ECHO Notify. Using ICIS and ECHO to electronically track its civil enforcement work allows EPA to better ensure that its enforcement resources are used to facilitate transparency and address the most significant noncompliance problems, including noncompliance affecting overburdened or vulnerable communities and noncompliance that leads to climate impacts. EPA, through the National Targeting Center, also utilizes the data in ECHO to help identify the worst problem areas to align inspections and enforcement activities. EPA collaborates with state, local, federal, tribal, and industry partners, through the E-Enterprise initiative, to leverage technologies such as in promoting electronic reporting and permitting. EPA and states implement the National Pollution Discharge Elimination System (NPDES) Electronic Reporting Rule through ICIS, one key tool for improving the availability of clean water compliance data to EPA, states, and the public.⁵⁷

- **Support for the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) Program:** The Agency will continue to implement Phases 1 and 2 of the NPDES Electronic Reporting Rule which covers electronic permitting, compliance monitoring reporting, and data sharing requirements for EPA and states. EPA will continue to work with states to ensure complete and high-quality data acquisition from permits, compliance, and enforcement data. EPA also will evaluate and prioritize the development of additional electronic reporting tools that support states. EPA will continue to provide EPA and states with tools and support for tracking, interpreting, and reducing their NPDES noncompliance rate and will provide support to states in strengthening their NPDES compliance programs. In FY 2022, EPA reduced the percentage of permittees in significant noncompliance with their NPDES permits from a FY 2018 baseline of 20.3 percent to 9.0 percent. This includes a 75 percent reduction in significant noncompliance (SNC) rates for federal facilities from their FY 2018 baseline.
- **Compliance Monitoring - Building Capacity in the Compliance Assurance Program's Inspector Cadre for EPA, State, Tribal and Local Governments:** To ensure the quality of compliance monitoring activities, EPA develops national policies, updates inspection manuals, establishes training requirements for inspectors, and issues inspector credentials. Boots on the ground that can identify public health concerns and environmental regulatory violations is critical to protect communities that are underserved or disproportionately impacted. Building capacity in EPA's inspector cadre is critical for advancing the *FY 2022 -2026 EPA Strategic Plan* "Goal 3: Enforce Environmental Laws and Ensure Compliance." This includes OECA's goal to conduct 55 percent of annual inspections at facilities affecting vulnerable or overburdened communities by September 30, 2026, an estimated 25 percent increase over EPA's historical average. In FY 2022, EPA outperformed and achieved nearly 57 percent of on-site inspections in overburdened communities. EPA delivers critical in-person and online training courses to new and experienced federal, state, tribal, and local inspectors to ensure the integrity of the national Compliance Monitoring Program, as well as other training for federal

⁵⁷ For more information, please see: <https://www.epa.gov/compliance/npdes-ereporting>.

and state personnel on critical and emerging compliance issues. EPA hosts several in-person inspector training programs, such as the annual Clean Water Act NPDES Technical Inspector Workshop, the SDWA Public Water System Supervision (PWSS) Inspector Training Program, and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Pesticide Inspector Residential Training Program.

- **Compliance Assistance:** Compliance assistance is a valuable tool to assist regulated facilities in understanding their compliance obligations and achieving and maintaining compliance. EPA provides compliance assistance by working with third-party organizations and federal agencies to support 17 web-based, sector-specific compliance assistance centers and other web-based assistance resources. In addition, the Enforcement and Compliance Assurance Program develops webinars, Compliance Advisories, and other assistance materials to help EPA, state regulators, and the regulated community to understand compliance rules and obligations. EPA also provides facility specific technical assistance to regulated entities such as the CWA and Safe Drinking Water Act (SDWA) regulated entities under the Compliance Advisor program discussed in greater detail below.

FY 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, in addition to EPA's request for \$9.0 million and 6.4 FTE to rebuild the inspector cadre through Civil Enforcement and Forensics Support resources, the Agency requests an increase of \$13.6 million and 32.0 FTE in Compliance Monitoring resources to rebuild the inspector cadre, with most of the FTE being invested in EPA's ten regional offices. Rebuilding EPA's inspector corps is a priority for EPA in FY 2024. A robust inspection and enforcement program is essential to advancing the promise of clean air, land, and water to the many communities across the country that have not received the full benefits from EPA's decades of progress. Having staff on the ground that can identify public health concerns and potential environmental regulatory violations is critical to protect communities that are underserved or overburdened.

EPA's inspection programs have been under-resourced for over a decade leading to a loss of agency expertise and a decline in the numbers of inspections. To meet EPA's Environmental Justice (EJ) goals and the mission to protect human health and the environment and ensuring that Americans have clean air, land and water, EPA must rebuild and strengthen its inspection program with increased hiring and training of new and existing inspectors, including in-person basic inspector training and travel resources for the following programs: Clean Air Act; Safe Drinking Water Act; Clean Water Act; Resource Conservation and Recovery Act; Federal Insecticide, Fungicide, & Rodenticide Act; and Toxic Substances Control Act. Additionally, funding will allow EPA to purchase health and safety equipment and inspection monitoring equipment such as Forward Looking InfraRed (FLIR) cameras, Data Acquisition Real-Time (DART), flame ionization detectors/photo ionization detectors, fence-line monitors, and Smart Tools software and hardware for inspectors. In addition, travel funding for inspections also is essential for inspectors to conduct on-site field inspections.

The increased resources and FTE for rebuilding the inspector cadre also will be used to assess federal facility compliance with all environmental statutes. EPA proposes to hire additional inspectors for federal facility investigations to increase sampling capabilities to identify regulatory violations. This investment will assist in dispute resolution and case development against federal agencies that are responsible for contamination (*e.g.*, of per- and poly-fluoroalkyl substances (PFAS)), thereby protecting public health of surrounding communities affected by those contaminants.

Funds also will be used to continue the operation and development of the PFAS Analytic Tools, a data integration platform currently used by EPA and states to analyze national PFAS data sets. The funding will provide enhancements including increasing data availability to the public, including communities with EJ concerns. Compliance monitoring funds will advance protection of communities by increasing inspections and compliance assistance to ensure nearby facilities adhere to regulations designed to protect vulnerable populations. The increased funding will help create and expand programs to further environmental protections and increase monitoring capabilities.

In addition, the Agency will continue to modernize its national enforcement and compliance data system as it expands its compliance monitoring and technical assistance efforts to address EJ issues (including the Compliance Advisors for Sustainable Water Systems Program), Smart Tools for inspectors, implementation of the Evidence Act, PFAS, and climate change concerns including resilience and reduction in the use of hydrofluorocarbons (HFCs).

EPA will continue its customer-focused, evidence-based targeting approaches to help inspectors find environmental problems with software and technical assistance from the National Targeting Center (NTC). The NTC utilizes media-specific Communities of Practice for collaboration with EPA, regions and programs, state and tribal partners, relationships with academic data science labs, and cutting-edge data science approaches to develop training and tools. ECHO (and ECHO Gov) serves as the data integration hub used by the NTC for developing the models, publishing the developed tools, and providing a means for accessing the results.

EPA will continue to implement its comprehensive action plan for integrating EJ and climate change considerations throughout all aspects of the Program, including a performance measure tracking the percentage of inspections affecting communities with potential EJ concerns. This effort answers the President's call to "strengthen enforcement of environmental violations with disproportionate impact on overburdened or underserved communities through the Office of Enforcement and Compliance Assurance" [*EO 14008, sec. 222(b)(i)*], and to "combat the climate crisis with bold, progressive action" (*EO 14008, sec. 201*).⁵⁸ This work includes, but is not limited to, multi-state/multi-regional matters, issues of national significance, complex contamination at and from federal facilities, and emergency situations.

⁵⁸ For additional information on the Executive Order on *Tackling the Climate Crisis at Home and Abroad*, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

In addition, EPA also will provide some targeted oversight and support to state, local, tribal, and other federal agency programs. To accomplish this objective, the Agency will prioritize work with states to develop methods that successfully leverage advances in both monitoring and information technology. The Agency also will maintain accessibility to ICIS for EPA, states, tribes, and federal partners.

With the resources approved in FY 2022 and received in FY 2023 by the Inflation Reduction Act (IRA), EPA will continue its data system modernization effort to better support states, tribes, local governments, other federal agencies, and the public's need for information.⁵⁹ System modernization will facilitate EPA's efforts to better target noncompliance that impacts overburdened or vulnerable communities and will increase the availability of information about environmental conditions in those communities and elsewhere.

In FY 2024, EPA is requesting an increase of \$22.9 million and 5.0 FTE to continue its efforts to modernize ICIS and support better integration with the public ECHO database. As a result of this data integration, EPA will be in a better position to focus compliance monitoring resources on areas of highest human and environmental risk, increase transparency to the public and improve data quality. EPA also will continue to improve ICIS and ECHO, including future integration of the data collected using Smart Tools, which will facilitate better access of compliance data and community information (*e.g.*, from EPA's EJ screening tool) to EPA, states, tribes, other federal agencies, and to the public.

In FY 2024, EPA is requesting an increase of \$2.0 million to continue expansion of its software solutions for field inspectors to improve the effectiveness and efficiency of compliance inspections conducted by EPA and authorized states. In Fiscal Years 2020 and 2021, EPA rolled out its Smart Tools for inspectors in the Resource Conservation and Recovery Act (RCRA) Hazardous Waste Program, and the CWA-NPDES Program respectively. Smart Tools software makes the process of documenting field inspections and preparing inspection reports more efficient. This tool allows EPA to use its compliance monitoring resources more efficiently, including monitoring for noncompliance, which affect overburdened or vulnerable communities, or which may have climate impacts. It also allows EPA to make inspection reports more readily and timely available to the regulated entity and to the public in affected communities. The work on the design and development of software for additional inspection programs will continue through FY 2024 and beyond (*e.g.*, Underground Storage Tanks, Clean Air Act, Toxic Substances Control Act, FIFRA, Good Laboratory Practices Standards).

EPA will increase its implementation of the Evidence Act⁶⁰ through the "Drinking Water Systems Out of Compliance" priority area in EPA's Learning Agenda. Safe drinking water is critical to the health of communities and each year, thousands of community water systems violate one or more health-based drinking water standards. Drinking water noncompliance is greatest in small, under-resourced communities and may be higher than EPA data suggests due to failures to monitor and report. In FY 2024, EPA will continue to collect new information and conduct studies under this

⁵⁹ Inflation Reduction Act: <https://www.congress.gov/117/plaws/publ169/PLAW-117publ169.pdf>

⁶⁰ Foundations for Evidence-Based Policymaking Act (Public Law 115-435): <https://www.congress.gov/115/plaws/publ435/PLAW-115publ435.pdf>.

learning priority area to develop statistically valid data to identify effective policy instruments. Additional resources will allow for the involvement of more state partners in assessing drinking water data to determine how accurately the data measures national compliance and substantiates EPA policy decisions. EPA will evaluate other questions on noncompliance root causes and corresponding factors and the efficacy of technical assistance, enforcement, and state oversight. EPA also will conduct an analysis to identify metrics of system technical, managerial, and financial capacity for early identification of at-risk drinking water systems. The analysis will test existing and new predictive analytic tools designed to identify at-risk systems. EPA will continue to reach out to and work with states, tribes, and academic experts to implement OECA's compliance learning agenda. The compliance learning agenda will improve the effectiveness of enforcement and compliance programs, approaches, and tools by prioritizing the most pressing programmatic questions; planning evidence-based studies to address these questions; and identifying effective and innovative approaches for improving compliance. The first two priority projects identified through this effort will focus on assessing the effectiveness of offsite compliance monitoring and identifying the root causes of municipal noncompliance and interventions that are effective at overcoming impediments to compliance.

In FY 2024, EPA will continue the Agency's Compliance Advisors for Sustainable Water Systems Program, which reduces noncompliance at small public water systems (PWSs) and small wastewater treatment facilities (WWTFs) by providing hands-on technical assistance. Many small drinking water and wastewater systems are under-resourced, in overburdened or vulnerable communities, and are unable to achieve and maintain compliance due to lack of technical, managerial, and financial capacity. These communities are impacted by factors such as aging infrastructure, workforce shortages, and declining rate bases. These challenges are the root cause of most violations of the SDWA and CWA. Part trainer and part consultant, Compliance Advisors troubleshoot issues, develop plans to return systems to compliance, and increase the technical capacity of operators. The Compliance Advisors may revisit systems as needed, promoting sustainable compliance.

Through FY 2022, Compliance Advisors have provided technical assistance to approximately 199 small PWSs and 63 WWTFs in under-resourced communities nationwide, across all Regions – covering 25 states, Puerto Rico, and seven tribes. There are thousands more small systems and facilities that need technical support to help them achieve and stay in compliance and provide clean and safe water to the communities they serve. In general, the systems supported by the Compliance Advisor Program are small (serving populations of less than 10,000). Over 90 percent are in overburdened or vulnerable communities.⁶¹ As of early 2023, Compliance Advisors have delivered more than 140 Recommendations Reports to small drinking water and wastewater systems and have provided more than 1,000 standard operating procedures, checklists, and other tools to help these small systems return to sustained compliance. There is significant demand for assistance that is targeted where existing technical support efforts cannot meet the needs of the community. The Compliance Advisor Program supplements other technical assistance efforts across the Agency. As funds are available, the Regions are requested to work with their states to identify and nominate systems to receive Compliance Advisor help returning to and sustaining compliance.

⁶¹ OECA protocols for identifying Areas of Potential EJ Concern.

In FY 2024, EPA will continue to support inspections and fund compliance monitoring efforts to support development of civil enforcement cases. The Agency will use compliance monitoring funds to continue supporting enforcement and compliance inspections adhering to Clean Air Act requirements for motor vehicles, engines and fuels, stationary sources, chemical accident prevention, wood heaters, municipal solid waste landfills, and stratospheric ozone; Clean Water Act requirements for preventing and addressing oil spills and spills of sewage or other hazardous substances, wetlands protection, and biosolids use and disposal; Toxic Substance Control Act requirements for new and existing chemicals, lead based paint and polychlorinated biphenyls (PCBs); FIFRA requirements for pesticide registration; and Emergency Planning and Community Right to Know Act requirements for emergency planning; Toxics Release Inventory reporting; American Innovation and Manufacturing (AIM) Act requirement efforts to reduce the harmful effects of climate-change causing chemicals like HFCs; Resource Conservation and Recovery Act requirements for hazardous and non-hazardous solid waste; and Safe Drinking Water Act requirements for public water systems.

In FY 2024, EPA will continue efforts to develop actions to address PFAS. PFAS can present an urgent public health and environmental threat to communities across the United States, with significant equity and EJ implications. While these compounds have for decades played an important role to many areas of society, the Nation is now realizing the potential adverse effects of their widespread use. Today, PFAS have been found in drinking water, surface water, groundwater, soil, and air across the country – from remote rural areas to densely populated urban centers. Adverse health effects from PFAS contamination may most strongly threaten vulnerable populations (including pregnant women, children, and the elderly).⁶²

In FY 2024, the Agency is requesting an increase to support EPA’s PFAS Strategic Roadmap. Resources will be used to investigate and identify releases of PFAS to the air, land, and water by actively investigating under RCRA, Toxic Substances Control Act (TSCA), CWA, SDWA, and CAA at the yet-unknown number of processing facilities, waste disposal facilities, and federal facilities where PFAS are suspected of contaminating various environmental media. Funds will support case development and issuance of information requests, including the potential identification of imminent and substantial endangerment issues under CWA, SDWA, or RCRA.

Performance Measure Targets:

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

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

(PM 444) Percentage of EPA inspection reports sent to the facility within 70 days of inspection.

⁶² For additional information, please see: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7530144/pdf/nihms-1627933.pdf>.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Target | | | | 75 | 75 | 75 | 75 | 75 | Percent |
| Actual | | | | 83 | 85 | 83 | | | |
| Numerator | | | | 4,177 | 1,940 | 4,362 | | | Reports |
| Denominator | | | | 5,037 | 2,287 | 5,237 | | | |

(PM 450) Percentage of EPA inspections at facilities affecting communities with potential environmental justice concerns.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|-------------|
| Target | | | | | | 45 | 50 | 50 | Percent |
| Actual | | | | | | 57 | | | |
| Numerator | | | | | | 3,333 | | | Inspections |
| Denominator | | | | | | 5,861 | | | |

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

- (+\$3,820.0) 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. It also includes support for critical agencywide infrastructure Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$22,891.0 / +5.0 FTE) This program increase will allow EPA to accelerate the modernization of the Integrated Compliance Information System (ICIS) and enhance its integration with the Enforcement and Compliance History Online (ECHO) family of internet-based services. The increased resources will fund adjustments to ICIS and ECHO that will facilitate better access of compliance data and community information (e.g., from EPA’s EJSCREEN tool) to EPA, states and to the public. This modernization will enhance EPA’s efforts to address compliance concerns in disadvantaged communities. This investment includes \$891.0 thousand for payroll.
- (+\$13,556.0 / +32.0 FTE) This program increase will rebuild EPA’s inspector cadre. Additional funding will build capacity for inspections, case development, and to supplement this program’s training and travel budget. This funding will enhance EPA’s compliance monitoring programmatic capabilities to improve efforts to address pollution in overburdened and vulnerable communities. This investment includes \$5.7 million for payroll.
- (+\$3,000.0) This program increase will allow EPA to investigate and identify releases of PFAS to the air, land, and water by actively investigating under RCRA, TSCA, CWA, and SDWA at the yet-unknown number of processing facilities and waste disposal facilities where PFAS are suspected of contaminating various environmental media. In addition, these funds will allow EPA to continue operation and development of the PFAS Analytic

Tools, a data integration platform currently used by EPA and States to analyze national PFAS data sets.

- (+\$2,000.0) This program increase will allow the Compliance Advisor Program to provide critical technical assistance to an additional 80-100 systems to achieve and maintain compliance. Funding also will be used to support inspections and case development in the Regions. Funds may be used to support underserved communities identified by the Regions and States as having concerns because of lead Action Level exceedances.
- (+\$2,000.0) This program increase will allow EPA to advance work on the Smart Tools for Field Inspectors to develop the tool for some of the smaller programs that have more of a direct impact for EJ communities such as the TSCA lead-based paint programs.
- (+\$1,057.0 / +2.0 FTE) This program increase will allow EPA to evaluate priority questions in the Drinking Water Learning Agenda, developed under the Evidence Act, and thereby test the efficacy of policies to address drinking water noncompliance. The increase also will allow EPA to conduct studies with broader participation (such as involving the States) to test the effectiveness of inspection and enforcement approaches to improve compliance in the drinking water program. This investment includes \$357.0 thousand for payroll.
- (+\$644.0 / +0.5 FTE) This request for climate change adaptation funding will support implementation of the OECA Climate Adaptation Implementation Plan. Resources will support completion of priority actions including continued staff training to build climate change knowledge and consideration of climate change in all aspects of enforcement. This investment includes \$89.0 thousand in payroll.
- (+\$357.0 / +2.0 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. This investment includes \$357.0 thousand in payroll.
- (+\$50.0) This program increase will continue to provide compliance oversight and perform follow up from recent inspections of the Red Hill Fuel Facility to prevent future fuel leaks into the military's drinking water.

Statutory Authority:

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

Information Exchange

Children and Other Sensitive Populations: Agency Coordination

Program Area: Multi-Media
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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$6,098</i> | <i>\$6,362</i> | <i>\$6,500</i> | <i>\$138</i> |
| Total Budget Authority | \$6,098 | \$6,362 | \$6,500 | \$138 |
| Total Workyears | 18.3 | 18.4 | 18.4 | 0.0 |

Program Project Description:

The Children's Health Program coordinates and advances the protection of children's environmental health across EPA by assisting with developing regulations, improving risk assessment and science policy, implementing community-level outreach and education programs, and tracking indicators of progress on children's health. Children's environmental health refers to the effect of the environment on children's growth, wellness, development, and risk of disease. EPA strives for all parts of the Agency to apply and promote the use of the best available science, policy, partnerships, communications, and action to protect children from adverse health effects resulting from harmful environmental exposures. The Children's Health Program is directed by the *2021 Policy on Children's Health*,⁶³ Executive Order (EO) 13045: *Protection of Children's Health from Environmental Health Risks and Safety Risks*,⁶⁴ statutory authorities addressing children's environmental health, and other existing guidance.⁶⁵ The Program works to tackle the climate crisis and advance environmental justice (EJ) by identifying and reducing inequitable impacts of climate change and adverse environmental exposures on children, particularly children in underserved communities.

In FY 2022, the Children's Health Program supported Pediatric Environmental Health Specialty Units by providing programming on children's health in EJ communities;⁶⁶ hosted a workshop to provide technical assistance to grantees to support the improvement of school facilities with an emphasis on underserved communities;⁶⁷ implemented a partnership with the Association of State and Territorial Health Officials to support inclusion of children's environmental health at the state level; funded publication of a report and interactive website based on a workshop by the National Academy of Science to identify the latest priorities to protect children's health; conducted an internal workshop to prioritize children's health research needs and the inclusion of research findings in EPA decision-making; partnered with Boys and Girls Clubs of America to provide students in tribal nations, military installations, and underserved communities with actionable information to protect children's health, particularly in the face of climate change; updated 28

⁶³ For more information, please see: <https://www.epa.gov/children/epas-policy-childrens-health>.

⁶⁴ For more information, please see: <https://www.govinfo.gov/content/pkg/FR-1997-04-23/pdf/97-10695.pdf>.

⁶⁵ For more information, please see: <https://www.epa.gov/children/rules-and-regulations-impact-childrens-health>.

⁶⁶ For more information, please see: <https://www.pehsu.net/>.

⁶⁷ For more information, please see: <https://www.epa.gov/newsreleases/epa-announces-selection-organizations-receive-funding-healthy-learning-environments>.

indicators in America's Children and the Environment and continued to modernize data visualization capabilities; conducted two plenary meetings of the Children's Health Protection Advisory Committee (CHPAC),⁶⁸ and received advice on 1) American's Children and the Environment, 2) Climate Change Priorities for Children's Health; implemented CHPAC's recommendations on health learning environments, pesticides and TSCA, and initiated a new request for advice regarding prevention of lead exposure in infants; hosted a series of events to educate the public about children's health protection, including webinars regarding the Pediatric Environmental Health Specialty Units; updated website pages and conducted events and outreach to stakeholders to reinvigorate EPA's presence and voice, among other initiatives. The Program supported several Interagency Policy Councils on Child and Maternal Health to assist their development of all-of-government approaches for protecting children's health in schools and improving maternal health outcomes. OCHP contributed to the Lead Exposure and Prevention Advisory Committee and the National Committee on Children, Climate and Disasters hosted by the Department of Health and Human Services, the Cancer Moonshot, and others.

The Children's Health Program has a successful track record of collaboration with non-governmental organizations, state, local and tribal governments, and other federal agencies. To further protect children in EJ communities, and those affected by climate change, the Program led the steering committee of the President's Task Force on Environmental Health Risks and Safety Risks to Children to conduct a landscape analysis on opportunities for interagency collaboration on climate, emergencies, and disasters. Work continued to scope the agenda for a new subcommittee to focus on children's environmental health and chemicals. OCHP played a key role in the development and publication of EPA's Final Strategy to Reduce Lead Exposures and Disparities in U.S. Communities and prepared a companion high-level update to the interagency Federal Lead Action Plan to Reduce Lead Exposures report. Within EPA, OCHP and the regional coordinators collaborate closely with EPA's national program managers and regional offices, as well as with EPA's Office of Environmental Justice and External Civil Rights, to develop effective tools and messages in support of children in underserved communities who disproportionately suffer from adverse environmental exposures, and to advance information and messaging to address health risks to children from climate change.

In FY 2023, the Children's Health Program will contribute to the development of 100 regulations, scientific assessments and/or policies, including actions under the Toxic Substances Control Act, Safe Drinking Water Act, Food Quality Protection Act and Clean Air Act, among others. To implement EPA's updated *2021 Policy on Children's Health*⁶⁹, OCHP will identify and train children's health champions in each EPA program office, updated guidance documents for use by EPA rule managers, and deliver associated training on how to conduct children's health evaluations. In FY 2023, OCHP also will implement the first year of its first long term performance goal for advancing protection of children's environmental health applicable to relevant EPA national programs. Together, EPA programs aim to complete 163 actions toward this long-term performance goal in FY 2023. OCHP continued a coordinated national approach among regional Healthy Schools programs. With its newly updated webpages, OCHP will reach stakeholders

⁶⁸ For more information, please see: <https://www.epa.gov/children/childrens-health-protection-advisory-committee-chpac>.

⁶⁹ For additional information, please see: <https://www.epa.gov/system/files/documents/2021-10/2021-policy-on-childrens-health.pdf>.

through more than 161,000 page views, and institute approaches to better coordinate headquarters and regional children's environmental health activities.

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 protect children in underserved communities who suffer disproportionately from the effects of exposures magnified by socio-economic determinants of health, and to address children's exposures, which are exacerbated by climate change. EPA actions will be informed by two important considerations: first, the scientific understanding of childhood as a sequence of life stages, and second, the recognition that protecting children's health is necessary to protect human health, because every adult was once a child.

In FY 2024, the Children's Health Program will work to tackle the climate crisis and advance EJ by following up on recommendations from the National Academy of Science, which highlighted the latest scientific advancement and challenges to protecting children's health. The Program will continue to implement the *2021 Policy on Children's Health* and its associated long-term performance goal to ensure that EPA consistently and explicitly considers early life exposures and lifelong health in all human health decisions. OCHP will continue to engage with EPA national programs to appropriately include assessment and consideration of risk to children's environmental health in risk assessment, risk management decisions, regulations, policies, guidance documents, program initiatives and public engagement. The Program will convene the Steering Committee of President's Task Force on Environmental Health Risks and Safety Risks to Children to report on progress across the federal government in the areas of climate change and disasters, childhood lead; asthma disparities; and climate, emergencies and disasters, exposure to toxic chemicals, and other topics. The Program also will continue to build on partnerships with key stakeholders such as the Boys and Girls Clubs of America and others and leverage resources and work for durable, nationally relevant improvements in children's health protection.

The Program will host a variety of activities to mark Children's Health Month in October to educate parents, caregivers, teachers, and others on how to better protect children from adverse environmental exposure and continue to modernize its social media presence to improve outreach to affected communities. The Program also will coordinate two meetings of the CHPAC, with delivery of expert responses to additional charge questions related to high priority children's environmental health issues.

Performance Measure Targets:

(PM CH01) Number of EPA actions that concern human health that include assessment and consideration of environmental health information and data for children at all life stages to the extent relevant data are available.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Target | | | | | | 50% | 163 | TBD | Actions |
| Actual | | | | | | N/A | | | |

(PM CH02) Number of EPA regional offices with stakeholder engagement on children’s environmental health designed to provide durable, replicable, and widespread results.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------|---------|---------|---------|---------|---------|---------|---------|---------|------------------|
| Target | | | | | | 3 | 6 | 7 | Regional Offices |
| Actual | | | | | | 6 | | | |

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

- (+\$55.0) 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.
- (+\$83.0) This program change is an increase to provide additional support for existing programs and workforce in the Children’s Health Program. This includes updating and expanding indicators and trends in America’s Children and the Environment by gathering evidence to better represent impacts of environmental exposures on children in underserved communities and by making improvements in the accessibility and presentation of the underlying data.

Statutory Authority:

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

Executive Management and Operations

Program Area: Multi-Media
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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$55,872</i> | <i>\$56,160</i> | <i>\$67,600</i> | <i>\$11,440</i> |
| Total Budget Authority | \$55,872 | \$56,160 | \$67,600 | \$11,440 |
| Total Workyears | 266.5 | 278.6 | 311.6 | 33.0 |

Total workyears in FY 2024 include 6.2 FTE to support Executive Management Operations working capital fund (WCF) services.

Program Project Description:

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

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

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

FY 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 requests an additional \$11.4 million and 33.0 FTE for the Executive Management and Operations Program. These additional resources will support engagement with state and local partners; enhance training of healthcare providers in underserved communities on the prevention, diagnosis, management, and treatment of children's exposure to lead; implement and strengthen the Agency's ability to carry out effective risk communication; restore core

capacity to the Executive Management and Operations Program; provide contract support for the Agency's management operations and multi-media and risk communications; and support evidence building activities in support of the Foundations for Evidence-Based Policymaking Act of 2018. This investment also provides an annual payroll increase for existing FTE; essential workforce support costs; support for critical agencywide infrastructure for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support; implementation of Trusted Vetting 2.0; and FTE to support agencywide implementation of EPA's Diversity, Equity, Inclusion, and Accessibility Strategic Plan and Evidence Act data stewardship and governance requirements, including data officer support and information technology and information management support.

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

In FY 2024, OCA will continue to prepare EPA officials for hearings, oversee responses to written inquiries and oversight requests from members of Congress, and coordinate and provide technical assistance and briefings on legislative areas of interest to members of Congress and their staff.

In FY 2024, OIR will continue to inform and consult with state and local governments on regulations and other EPA activities. Additionally, OIR will continue to lead the Agency's efforts to support and build partnerships with the states, local governments, and tribes on environmental priorities through regular engagements with intergovernmental associations and state and local officials, as well as through the National Environmental Performance Partnership System and the increased use of Performance Partnership Agreements and Grants with a focus on addressing climate change and ensuring underserved communities are considered throughout the process. OIR also will continue to operate its Local Government Advisory Committee and Small Communities Advisory Subcommittee, which provide critical advice to the Administrator.

In addition, OCIR will continue to regularly review and evaluate its processes for responding to congressional and intergovernmental correspondence and Freedom of Information Act (FOIA) requests; prepare for hearings or briefings; provide technical assistance; and coordinate with EPA's program offices, regional offices, states, local officials, and associations. In addition, the Program will support EPA's implementation of the Foundations for Evidence-Based Policymaking Act of 2018. OCIR's activities supporting the Grant Commitments Met learning priority area in EPA's Learning Agenda, will include conducting reviews of select agency grant programs to learn if the commitments established and met are achieving the intended environmental results, and provide recommendations, as appropriate, to inform future grants management.

OPA facilitates the exchange of information between EPA and the public, media, Congress, and state and local governments; broadly communicates EPA's mission; assists in public awareness of environmental issues; and informs EPA employees of important issues that affect them. Annually, OPA issues nearly 1,500 press releases; responds to approximately 8,000 media inquiries; and

oversees more than 150 audio-visual productions, 500 graphic productions, 2,700 event photographs, and 40 portraits. In addition, in terms of digital media, OPA receives over 160 million impressions on the internet, including www.epa.gov and EPA social media accounts, and posts nearly 100 unique EPA homepage internet news banners. Also, to facilitate communications with EPA employees nationwide, OPA annually posts over 200 intranet banners; issues 48 issues of a weekly e-newsletter - *This Week @ EPA* - with a total of 240 articles; and sends more than 100 agencywide employee Mass Mailers from EPA's Administrator, Deputy Administrator, and other senior leaders. In FY 2024, OPA will continue to inform the media of agency initiatives and deliver timely, accurate information. The Office will continue to update the Agency's internet site to provide stakeholders with transparent, accurate, and comprehensive information on EPA's activities and policies. OPA will continue using social media, multimedia, and new media tools to provide stakeholders with information. The Office also will work with EPA's program and regional offices to improve employee communication; external communication on relevant environmental and human health risks; collaboration and engagement with internal and external stakeholders; updates to the Agency's intranet site; and the use of other communication tools.

OPA also is responsible for ensuring that EPA carries out effective risk communication by sharing critical information on how we are addressing human health and environmental risks with the American public, communities, public officials, and other stakeholders in a way that it is tailored to their needs, reaching a wide audience, and providing meaningful actions they can take to reduce risk. This is integral to most of the work done across the Agency's offices and regions and is essential to carrying out EPA's mission of protecting human health and the environment.

EPA will keep working to ensure that risk communicators at the Agency are connected to best practices from the field, high quality training opportunities, and agencywide efforts underway to improve risk communication. Further, EPA regularly faces intractable risk communication issues that often need sustained focus by highly trained staff who can apply evidence-based practices. Addressing these issues and meeting the challenges of the future requires creating sustained culture change, building agency knowledge and a robust community of practice, and developing strong relationships with the academic community and our federal, state, and tribal partners.

In FY 2024, the Agency will continue to strengthen EPA's ability to carry out effective and consistent risk communication and position the Agency to meet the risk communication challenges of the future by:

- (1) Significantly expanding training across the Agency and with its partners, to create a community of practice and increase staff knowledge in a meaningful and sustainable way. This will increase the number of staff at the Agency and among partners who are using the same best practices in their risk communication efforts while at the same time building a network of staff located across all regions and offices who are well-positioned to share their risk communication expertise.
- (2) Launching an internal risk communication fellowship program to increase EPA's progress on the most difficult risk communication issues. The fellowship program will be open to EPA employees and will provide 10 weeks of intensive risk communication study and

training followed by 10 to 13 weeks of applying the knowledge gained to an intractable risk communication problem facing the home office or region.

- (3) Developing academic partnerships to study EPA’s risk communication challenges and improve the Agency’s reliance on evidence-based practices. This includes increasing research partnerships to develop a research portfolio with the explicit goal of studying EPA-relevant risk communication questions, and then translating findings into usable tools, applications, and best practices for use across the Agency.

In FY 2024, the President’s Task Force on Environmental Health Risks and Safety Risks will convene to report on progress across the federal government in the areas of climate change and disasters, childhood lead, asthma disparities, and exposure to toxic chemicals. The Lead Subcommittee will continue to focus on an all of government approach to reducing exposures to lead. There is an opportunity to improve the environmental education and training of healthcare providers and medical professionals in identifying and communicating the causes and impacts of childhood lead exposure in underserved communities in an effort to prevent and reduce exposures. EPA will work with healthcare providers and families to address this problem directly. To further support the Administration’s Lead Exposure Reduction Initiative, and in coordination with EPA’s program and regional offices, in FY 2024, the Agency will continue to lead ongoing efforts to: 1) strengthen EPA’s communications with the public on the risks of lead exposure by working with external leaders in the field to build upon the way the Agency conducts its outreach; and 2) leverage EPA’s existing relationship with Pediatric Environmental Health Specialty Units (PEHSUs)⁷⁰ to enhance and support training of healthcare providers in underserved communities to prevent and reduce children’s exposure to lead.

There are several unique risk communication challenges regarding lead, but also unique assets for the Agency to deploy to reduce risk to the American public—especially to children. Lead exposure to children can result from multiple sources and can cause irreversible and life-long health effects. There is no level of lead exposure which is safe. This means that anything the Agency can do to reduce exposure and lower children’s blood lead levels will lead to significant improvements in public health and brighter, more productive futures for America’s children. The specific goals for FY 2024 include: implementing coordinated federal strategies to prevent lead exposure and associated effects; disseminating information to diverse audiences, including policy makers, health care providers, the general public, and other stakeholders; and coordinating and disseminating an inventory of federal actions to reduce childhood lead exposures.

As the central mission support administrative management component of the Administrator’s Office (AO), the OAES provides advice, tools, and assistance to the AO’s programmatic operations across 11 offices. In FY 2024, OAES will continue to conduct the following mission support functions: human resources management, budget and financial management, information technology and security, outsourcing, facilities management, and Government Accountability Office/Office of the Inspector General audit management.

⁷⁰ Pediatric Environmental Health Specialty Units (<https://www.pehsu.net/>) provide expert information, training and consultation for health care professionals and the public on evidence-based prevention, diagnosis, management, and treatment of children’s environmental health conditions. The PEHSU Program increases the ability of the general public to take simple steps to reduce harmful exposures by raising awareness among parents, school officials and community leaders.

In FY 2024, OEX will continue to provide critical administrative support to the Administrator, Deputy Administrator, chief of staff, senior agency officials, and staff to comply with the statutory and regulatory requirements under the Federal Records Act, Freedom of Information Act, Plain Writing Act, Privacy Act and related statutes and regulations. OEX will continue to manage the AO's correspondence management, records management, records digitization, Privacy Act implementation, Controlled Unclassified Information and FOIA response activities. OEX also will continue to manage EPA's enterprise correspondence tracking and workflow management information technology application.

OEX also will continue to process correspondence for the Administrator and Deputy Administrator; review and prepare documents for their signature; manage the Administrator's primary email account; serve as custodian of the Administrator's, Deputy Administrator's and IO senior officials' records; oversee the records management program for all AO staff offices; oversee the Controlled Unclassified Information program for all AO staff offices; and review and issue ethics determinations for gifts received by the Administrator and Deputy Administrator. OEX also will manage the privacy program for the AO and monitor, review, and audit AO systems of records. Finally, OEX will continue to manage the AO FOIA program and respond to all requests for records held by any of the AO's five associate administrator offices, six staff offices, and the Immediate Office of the Administrator.

In FY 2024, OPE will continue providing advice to the Administrator and senior staff on activities surrounding different stakeholder groups, including generating and distributing outreach plans for most regulatory actions. Such plans often include meeting regularly with stakeholder groups to communicate the Administration's agenda at EPA; providing advance notification communications to relevant stakeholder groups on upcoming regulatory actions; facilitating in-state visits by the Administrator and/or senior staff to collect regulatory feedback; communicating key dates to stakeholders pertaining to opportunities to comment on EPA rulemakings; and organizing conference calls on regulatory topics with impacted stakeholders.

Performance Measure Targets:

EPA's FY 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):

- (+\$1,009.0) 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 for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$5,640.0 / +20.0 FTE) This program change is an increase to support engagement with state and local partners, enhanced training of healthcare providers in underserved communities on the prevention, diagnosis, management, and treatment of children's

exposure to lead, and increased funding to implement and strengthen the Agency's ability to carry out effective risk communication. This investment includes \$3.8 million in payroll.

- (+\$2,550.0 / +8.0 FTE) This program change is an increase to support evidence building activities in support of the Foundations for Evidence-Based Policymaking Act of 2018. This investment includes \$1.5 million in payroll.
- (+\$1,752.0 / +2.5 FTE) This program change is an increase to restore core capacity to the Executive Management and Operations Program and provide contract support for the Agency's management operations and multi-media and risk communications. This investment includes \$0.5 million in payroll.
- (+\$489.0 / +2.5 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. This investment includes approximately \$0.5 million 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); Environmental Research, Development, and Demonstration Authorization Act (ERDDAA).

Exchange Network

Program Area: IT / Data Management / Security
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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$13,016</i> | <i>\$14,995</i> | <i>\$14,685</i> | <i>-\$310</i> |
| Hazardous Substance Superfund | \$1,137 | \$1,328 | \$1,328 | \$0 |
| 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 (EEDS), 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.⁷¹ 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

⁷¹ For more information on the Central Data Exchange, please see: <https://cdx.epa.gov/>.

supports business process change agencywide. Under this strategy and the 21st Century Integrated Digital Experience Act,⁷² the Agency is streamlining business processes and systems to reduce reporting burden on states and regulated facilities and to improve the effectiveness and efficiency of environmental programs for EPA, states, and tribes. EPA also is responsible for managing EN technical governance groups and administering the pre- and post-award phases of the EN grants to states, tribes, and territories. These efforts support a standards-based, secure approach for EPA and its state, tribal, and territorial partners to efficiently exchange and share environmental data electronically. The Agency also administers and implements the Cross-Media Electronic Reporting Regulation (CROMERR) that removes regulatory obstacles for e-reporting to EPA programs under Title 40 of the Code of Federal Regulations (CFR).

EPA aims to reduce burden and avoid costs while improving IT. The Agency provisioned Virtual Exchange Services (VES), or virtual nodes, to facilitate data transactions supporting states and tribal partners. EPA will continue to carry out the baseline support for the adoption and onboarding of VES and associated services for EPA and its partners. This includes providing a technology framework – shared CROMERR services – which reduces the burden on programs and external reporters by providing CROMERR compliant solutions. For example, the shared electronic identity proofing and signature services for CROMERR supports 29 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.⁷³ 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 of the Agency's effort to promote the adoption of data services is the integration of the tribal identification services (TRIBES) across EPA systems.

In FY 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 has approximately 90 thousand pageviews per month; many of these pageviews are users visiting the SRS web area to understand regulatory information about chemicals. SRS also receives between 20 thousand and 140 thousand web service hits per month

⁷² For more information on the 21st Century Integrated Digital Experience Act, please refer to: <https://www.congress.gov/115/plaws/publ336/PLAW-115publ336.pdf>.

⁷³ For more information, please see: https://ofmpub.epa.gov/sor_internet/registry/sysofreg/about/about.jsp.

(depending on reporting cycles), mostly by EPA systems that have incorporated the web services into their online reporting forms. FY 2024 priorities for EPA registries include continually improving registry technologies by migrating the registries to a cloud-based environment open-source platform 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.

In FY 2024, EPA will continue to work with the Department of Homeland Security's Customs and Border Protection (CBP) to maintain, utilize, and improve systems to facilitate the import and export of legitimate goods and leverage big data and artificial intelligence tools to identify and prevent or stop illegal goods from entering or leaving the United States. EPA supports over 16 data exchange types within EPA and with CBP to automate and streamline over 8 million annual import and export filings. This automation is essential for managing a significantly increasing number of imports and exports (due to e-Commerce) and allows coordinators/officers to focus on compliance monitoring and key high value targeting activities for non-compliant imports and exports, and to better coordinate with CBP.

Performance Measure Targets:

EPA's FY 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):

- (+\$852.0) 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.
- (-\$1,162.0) This program change in the Exchange Network reflects the completion of a one-time investment to migrate the TRIBES, SRS, and READ applications to a cloud-based open-source platform.

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).

Public Engagement, Partnerships, and Environmental Education

Program Area: Multi-Media

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

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | \$8,303 | \$9,500 | \$23,972 | \$14,472 |
| Total Budget Authority | \$8,303 | \$9,500 | \$23,972 | \$14,472 |
| Total Workyears | 10.5 | 11.2 | 24.2 | 13.0 |

Program Project Description:

The Public Engagement, Partnerships and Environmental Education Program coordinates critical stakeholder outreach across all the EPA's programs and environmental education, supporting the Agency's mission and Administration priorities.

Public Engagement and Partnerships

EPA's Public Engagement and Partnerships Program initiates and maintains the Agency's relationship with principal stakeholders to enhance the effectiveness of environment decision-making. EPA is committed to engaging with all stakeholders on important issues and policies and communicating stakeholder input and concerns to EPA leadership. The achievement of EPA's environmental goals requires the active engagement of all stakeholders and organizations that are impacted by EPA policies and regulations, including environmental justice, climate change, and infrastructure. Resources support communicating and fostering strong relationships with the public, convening briefings and meetings, organizing events, and gathering timely and relevant information to inform agency decision making. The Program proactively establishes relationships with stakeholders to ensure a broad range of voices are captured in the Agency's work.

In FY 2022, the Program coordinated numerous stakeholder and community engagements for the Administrator and senior leadership. Most notable was the Administrator's Journey to Justice work to foster community engagement. The three Journey to Justice tours highlighted longstanding environmental justice concerns in under-served communities at the forefront of environmental burdens. From these tours, the Agency delivered bold action to address environmental justice concerns, including increasing enforcement measures for out of compliance facilities and creating direct lines of communication with the communities and senior EPA officials. These relationships have been maintained in the months since and residents on the ground have become a part of agency engagement for announcements on rules and regulations. In FY 2022, EPA also established EPA's Historically Black Colleges and Universities (HBCU) Council to foster stronger relationships with HBCUs and Minority Serving Institutions (MSIs); and to explore enhanced

opportunities for recruitment of students and ways to support HBCUs/MSIs through grants, contracts, transparent data sharing, and community engagement.

Environmental Education

In 1990, the National Environmental Education Act (NEEA) was established with the objective of improving the public's understanding and knowledge of the natural and built environment, enabling people to effectively solve environmental problems. NEEA states “there is growing evidence of international environmental problems, such as global warming...that pose serious threats to human health and the environment.”⁷⁴ The Environmental Education Program implements environmental education (EE) programming that helps EPA address these issues from the local community to national and international levels with a focus on communities that are pollution-burdened and as well as underserved communities. Staff manage the National Environmental Education Act Federal Advisory Committee (NEEAC). Congress established the Agency’s NEEAC under the NEEA, to advise the Administrator on a wide range of environmental education matters.

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

Each year, our Nation's youth are recognized for their outstanding dedication to environmental stewardship projects and teachers are honored for promoting environmental awareness and education. In FY 2022, EPA recognized 13 educators and 49 students for their leadership and commitment to environmental education and environmental stewardship. The PIAEE awards recognize outstanding kindergarten through grade 12 teachers who employ innovative approaches to environmental education and use the environment as a context to engage their students. The PEYA honors and highlights a wide variety of projects developed by K through 12th grade students, school classes and clubs, youth camps, and youth organizations to promote environmental awareness and action in their schools and communities. Students in all 50 U.S. states and territories are invited to participate in the Program.

⁷⁴ For more information, please see: <https://www.epa.gov/sites/production/files/documents/neea.pdf>.

FY 2024 Activities and Performance Plan:

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

In FY 2024, EPA requests an investment of \$14.3 million and 13.0 FTE for the Public Engagement, Partnerships and Environmental Education Program to expand activities established in FY 2022, to explore the creation of a National Environmental Youth Advisory Council, and improve the Agency's public engagement, partnership, and outreach initiatives at the regional level and across the Agency. The increased investment will not be used to fund the NEEA, or environmental education activities as defined under the NEEA.

Public Engagement and Partnerships

In FY 2024, this investment will enable the Program to increase efforts to coordinate critical stakeholder outreach that supports the Agency's mission and Administration priorities. A key priority of this Administration is to integrate local communities into agency activities and environmental initiatives to address disproportionate environmental and public health harms and risks in underserved communities through a range of local initiatives. With the additional resources, EPA will provide additional public engagement capacity in the regional and headquarters offices to foster greater public engagement across the Agency and to communicate and engage local communities on environmental initiatives. The Program will support local public engagement activities by developing key partnerships with local stakeholders and community members to ensure the environmental concerns of local communities are heard. Local, on-the-ground engagement will further connect the Agency with the American people and foster relationships across the Agency to implement HBCU and MSI initiatives, and establish a National Advisory Youth Council.

In FY 2024, resources will support:

- *Regional Community Engagement.* The Program will work directly with the regional offices to coordinate and communicate on agency public engagement initiatives (e.g., Justice40; Journey to Justice and other community tours; HBCU/MSI engagements). This will support the Administrator to ensure visibility with local stakeholders, community members and greater coordination with the Regional Administrators. EPA will maintain ongoing, proactive communications with stakeholders, and will facilitate opportunities for the Agency to benefit from stakeholders and community interest groups, who can provide independent perspective, expertise, and advice.
- *Journey to Justice.* The Program will continue to manage and plan the Administrator's Journey to Justice tours, highlighting longstanding environmental justice concerns in under-served communities at the forefront of environmental burdens. The Program will work with the regional offices, community members, stakeholders, and local leaders to

ensure EPA delivers action to address environmental justice concerns and to maintain community-level relationships for agency announcements on rules and regulations.

- *Public Private Partnerships.* The Program will explore, engage, and foster public and private partnerships with outside stakeholders to elevate the Agency and the Administrator to non-traditional stakeholders, ensuring a broader group of people are engaged with the work EPA is doing.
- *Historically Black Colleges and Universities (HBCUs) and Minority Serving Institution (MSIs).* EPA will create an HBCU/MSI Consortium and Federal Advisory Committee to increase engagements with EPA and help develop the next generation of environmental leaders. The HBCU Consortium will establish a funding mechanism for HBCU and MSI schools toward technical assistance and workforce development related to environmental justice, climate change, and environmental education. It also will help to create sustainable partnerships with HBCUs and MSIs resulting in tangible improvements for schools and students as environmental leaders in underserved communities and increase outreach and recruitment opportunities for EPA. The HBCU-Federal Advisory Committee will help to create sustainable partnerships with HBCUs and MSIs resulting in tangible improvements for schools and students as environmental leaders in underserved communities and increase outreach and recruitment opportunities for EPA.
- *National Environmental Youth Advisory Council.* The Program will explore the creation of a National Environmental Youth Advisory Council. The Council will provide independent advice and recommendations to the EPA Administrator on how to increase EPA's efforts to address a range of environmental issues including but not limited to environmental justice, pollution reduction, energy, climate change mitigation and resiliency, environmental health, and racial inequity. Efforts will include a broad range of strategic, scientific, technological, regulatory, community engagement, and economic issues related to the above categories and more.
- *Environmental Education Outreach.* The Program will work to enhance public engagement to amplify the environmental education work that's happening on the local level. This includes scheduling regional events and visits with EE grantees and PEYA/PIAEE award winners to highlight their leadership and commitment to environmental education. The Program also is creating a digital newsletter as an engagement tool to showcase what climate action and environmental education looks like across the country. The publication will include articles, feature stories, videos, resources, events, grantee spotlight, announcements and more. The content also will be posted throughout EPA's social networks and on its website.⁷⁵

⁷⁵ For additional information, please see: <https://www.epa.gov/education>.

Environmental Education

In FY 2024, EPA requests approximately \$9.3 million for the Environmental Education Program. The Program will implement the teacher training program and regional grant program with a focus on fighting climate change and protecting public health through EE and improved engagement with frontline communities that are pollution-burdened as well as underserved communities.

In FY 2024, resources will:

- Support career development through education by funding innovative EE grant projects in frontline communities that can lead to inclusive, just, and pollution-free communities and an economy that supports high-quality jobs.
- Create a grant website tool for the public that provides detailed and valuable information on all EE regional grants, including information on audience, project format and duration, environmental topic, and the environmental and educational impacts achieved.
- Ensure formal and non-formal educators have the knowledge and teaching skills necessary to help advance environmental and climate literacy in America through the National Environmental Education and Training Program.
- Build strategic partnerships that include underserved and overburdened communities to increase the conversation around using EE as a tool to achieve environmental protection goals while achieving environmental justice, climate equity, and economic prosperity.
- Ask the National Environmental Education Advisory Council (NEEAC) to provide a set of national recommendations on how frontline and underserved communities can use EE to build capacity to become resilient to the effects of climate change.
- Continue the long-standing partnership with NEEF (National Environmental Education Foundation) as we work collaboratively to identify opportunities to achieve environmental education goals. EPA and NEEF will have an MOU to work together on water infrastructure and safe drinking water, public health, climate change, environmental justice, and citizen and climate science. EPA and NEEF will seek to work together on additional education and public outreach efforts as appropriate.
- Create a whole of federal government approach to environmental and climate education that promotes environmental stewardship and prioritizes equity, inclusion, EJ, and an improved economy. For example, collaborate with the Department of Education to enlist colleges and universities focusing on Minority Serving Institutions to assist underserved communities through student internships, practicums, and capstone projects.

- Utilize an information management system that will track outputs and outcomes for each grant to ensure program effectiveness, improve program efficiency, and improve overall customer service. The information tracking system also will be used for the PEYA and PIAEE Programs.
- Partner with the Center of Science and Industry on their Learning Lunchboxes. These EPA branded kits (water infrastructure themed) will help to make STEM (science, technology, engineering, and math) learning opportunities more accessible to underserved youth. COSI plans to distribute 130,000 Learning Lunchbox kits over the next two years.

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):

- (+\$170.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$14,302.0 / +13.0 FTE) This program change is an increase for the Public Engagement, Partnerships and Environmental Education Program to expand activities established in FY 2022, explore the creation of a National Environmental Youth Advisory Council and improve the Agency's public engagement, partnership, and outreach initiatives at the regional level and across the Agency. This investment includes approximately \$2.35 million for payroll and will not be used to fund environmental education activities as defined under the National Environmental Education Act.

Statutory Authority:

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

Small Business Ombudsman
 Program Area: Multi-Media
 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$1,564</i> | <i>\$2,250</i> | <i>\$2,227</i> | <i>-\$23</i> |
| Total Budget Authority | \$1,564 | \$2,250 | \$2,227 | -\$23 |
| Total Workyears | 3.3 | 5.6 | 5.6 | 0.0 |

Program Project Description:

The Small Business Ombudsman Program includes the Asbestos and Small Business Ombudsman (ASBO),⁷⁶ housed within the Office of Small and Disadvantaged Business Utilization (OSDBU). It also includes the Small Business Advocacy Chair and other small business activities located within the Office of Policy's (OP) Office of Regulatory Policy and Management. These activities within OP collectively lead EPA's responsibilities under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act.⁷⁷

The ASBO Program provides a suite of resources, technical assistance, and opportunities for small business engagement, training, and advocacy for fair consideration. The ASBO Program operates through two roles: EPA's Asbestos Ombudsman and EPA's Small Business Ombudsman. The Asbestos Ombudsman role services a toll-free hotline, functioning as an informational liaison and guide in responding to asbestos-related questions and concerns from the public. The Small Business Ombudsman role provides informal guidance and support in the rulemaking process and offers environmental compliance assistance and resources for small business. The ASBO advocates for a fair process in working with small business, and in so doing, partners with a variety of internal and external stakeholders, including EPA programs and regional offices, State Small Business Environmental Assistance Programs (SBEAPs),⁷⁸ and the U.S. Small Business Administration Office of Advocacy, and Office of the National Ombudsman. The ASBO also engages with various small business groups and associations.

Overall, the core functions of the ASBO include:

- Assisting the public with hotline questions and complaints.
- Improving access to federal and state environmental information and assistance.
- Supporting EPA in better understanding small business perspectives when considering

⁷⁶ For more information, please see: <https://www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman>.

⁷⁷ For more information, please see: <https://www.epa.gov/aboutepa/about-office-policy-op#ORPM>.

⁷⁸ For more information, please see: <https://nationalsbeap.org/>.

regulatory impacts or enforcement issues.

- Advocating for and facilitating informal small entity engagement activities.
- Developing recommendations or reports on EPA's asbestos and small business compliance assistance programs.

Based on the Agency's overall small business regulatory and environmental compliance assistance activities, EPA has earned a grade of "A" in the last 16 SBA Office of the National Ombudsman Annual Reports to Congress.⁷⁹

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*.

Consistent with EPA's priorities for addressing climate change, equity, and Environmental Justice (EJ) in FY 2024, the ASBO will:

- Develop and issue ASBO program reporting to help guide the Agency on issues related to asbestos, small business regulatory impacts and adherence to the 507 Program requirements. Under the 1986 Asbestos Hazard Emergency Response Act (AHERA) (15 U.S.C. §2641-2656) and the 1990 Clean Air Act (CAA) Amendments' Small Business Stationary Source Technical and Environmental Compliance Assistance Program (42 U.S.C. §7661f), the ASBO is statutorily required to monitor and report on the effectiveness of EPA's asbestos and small business environmental compliance assistance programs. In FY 2022, the ASBO developed, vetted, and issued an integrated strategy for carrying out these monitoring and reporting responsibilities. In FY 2024, the ASBO will fully implement these responsibilities, building on its activities in gathering relevant data, including information collected in FY 2023. This implementation will help identify opportunities to strengthen operational efficiency and effectiveness in the delivery of program services and support.
- Continue to support state small business stakeholder engagement with EPA's EJ activities through ASBO's ongoing collaboration and cooperative assistance agreement with the Kansas State University. ASBO funds the cooperative agreement in support of the National SBEAP. SBEAPs are a key stakeholder on EJ activities as they work directly within the EJ community and service small and disadvantaged businesses located within their state. In response to Executive Order (EO) 13985,⁸⁰ the SBEAPs recently created an EJ Subcommittee to provide targeted support to small and disadvantaged businesses located in underserved communities. In FY 2024, the ASBO will support the SBEAP's EJ Subcommittee efforts through outreach and event planning activities, and assistance with EPA EJ coordination within states. Through ASBO's cooperative agreement with the

⁷⁹ For more information, please see: https://www.sba.gov/sites/default/files/2022-04/SBA_ONO_AnnualReport_2020-508_0.pdf.

⁸⁰ 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/>.

National SBEAP, the ASBO also will continue to support, enhance, and promote the SBEAP website's foreign language page, which is a key EJ resource for assisting the underserved, non-English speaking business community.

- Continue to strengthen small business access to regulatory and environmental compliance resources, training, and stakeholder collaboration. This includes leveraging the ASBO direct hotline assistance and small business engagement activities to target technical assistance to overburdened and marginalized small business communities. As an example, in FY 2023, the ASBO began utilizing an off-the-shelf subscription tracking and management technology for its monthly newsletter to conduct data analytics to better identify small business communities for outreach and engagement activities. Additionally, ASBO will continue to review, update, and expand its portfolio of small business resources.
- Foster stronger internal communication and collaboration within EPA and its rule writers, especially EPA's Office of Air and Radiation, which has specific implementation responsibilities for Tackling the Climate Crisis At Home and Abroad, under EO 14008.⁸¹ ASBO will offer EPA rule writers virtual facilitation and coordination support for early and informal small business engagement during the rulemaking process. Early and informal engagement with the small business community will allow the Agency to better understand industry practices and business impacts early in the rule development process to better understand, and when possible, mitigate, regulatory burdens on small and disadvantaged businesses.
- Continue to convene and manage Small Business Advocacy Review Panels, under OP's Small Business Advocacy Chair, which help to inform agency rule writers of EPA rules that may have a significant impact on a substantial number of small entities.

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):

- (-\$23.0) 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 this program. The Agency will prioritize activities to continue to maintain compliance with its statutory obligations under the Small Business Act.

Statutory Authority:

Asbestos Hazard Emergency Response Act (AHERA), 1986 (adding Title II to the Toxic Substances Control Act (TSCA)) (15 U.S.C. §2641-2656); Clean Air Act, Title 5, Section 507;

⁸¹ 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/>.

Small Business Stationary Source Technical and Environmental Compliance Assistance Program (42 U.S.C. §7661f); Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. 104-121, as amended by Pub. L. 110-28; Small Business Paperwork Relief Act, 44 U.S.C. 35; 42 U.S.C. § 7661f; and 15 U.S.C. §§ 2641-2656.

Small Minority Business Assistance

Program Area: Multi-Media
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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | \$2,564 | \$2,056 | \$1,996 | -\$60 |
| Total Budget Authority | \$2,564 | \$2,056 | \$1,996 | -\$60 |
| Total Workyears | 8.4 | 7.6 | 7.6 | 0.0 |

Program Project Description:

EPA's Office of Small and Disadvantaged Business Utilization (OSDBU) manages the Agency's Small Business Contracting Program mandated under Section 15(k) of the Small Business Act, 15 U.S.C. § 644(k). As prescribed under that section, the Program provides expertise in ensuring small business prime and subcontracting opportunities to help promote procurement equity and expand EPA's competitive supplier base in carrying out the Agency's mission. Under the Program, OSDBU provides EPA's contracting community statutorily required counseling and training on all aspects of governing small business requirements throughout the federal acquisition cycle. It also engages in statutorily mandated advocacy on behalf of the various categories of small businesses, including disadvantaged businesses; small businesses located in Historically Underutilized Business Zones (HUBZones); service-disabled veteran-owned small businesses (SDVOSBs); and women-owned small businesses (WOSBs). In accordance with Section 15(k), OSDBU further hosts or participates in an average of one small business outreach and training conference each month, providing needed technical assistance to hundreds of small and disadvantaged businesses across the country.

In implementing the statutory responsibilities required under Section 15(k), OSDBU reviews acquisition strategies to maximize small business prime and subcontracting opportunities; provides expertise in conducting market research for EPA acquisitions; performs contract bundling reviews to avoid unnecessary or unjustified limitations on small business utilization; reviews purchase card transactions within the statutory threshold; and evaluates large prime contractor subcontracting plans. In addition, OSDBU assists in the coordination of unsolicited proposals for agency acquisitions and in the resolution of small business payment issues under EPA acquisitions. It further provides a broad range of training, outreach, and technical assistance to new and prospective small business contract awardees.

Historically, data reported in the Federal Procurement Data Systems (FPDS) indicates that EPA awards an average of 40 percent of total acquisition dollars to small businesses annually – far exceeding the government-wide goal of 23 percent. EPA most recently earned the highest grade

of “A+” on the FY 2021 Small Business Procurement Scorecard, outperforming the Agency’s record of an “A” grade for the last 12 consecutive Scorecards.⁸²

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*.

Consistent with EPA’s priorities to advance Environmental Justice (EJ), further procurement equity to support underserved businesses and communities, and expand the Nation’s supplier base, in FY 2024, the Program will:

- Leverage technology to foster more efficient and effective vendor engagement as a pivotal component in expanding small and socioeconomic business participation in EPA acquisitions. Industry has specifically indicated in various EPA listening sessions held in FY 2022, that ensuring small business access to federal procurement opportunities and corresponding officials is indispensable to furthering procurement equity. In FY 2024, OSDBU will deploy a new system to simplify matching small and socioeconomic vendors with EPA contracting opportunities and responsible EPA officials. Utilizing matchmaking technology will take advantage of available artificial intelligence to ensure small and disadvantaged businesses have meaningful access and opportunities to market their solutions, experience, and capabilities to EPA officials. Also in FY 2024, OSDBU will continue to build on its successful deployment of its enhanced electronic vendor profile database. OSDBU will institute additional reconfigurations to enable EPA officials to customize discrete vendor lists for specific categories of spend. This will streamline acquisition planning and market research, resulting in reductions in the overall procurement action lead time.
- Engage in more dynamic acquisition planning and market research by strengthening OSDBU’s role as an essential member of the Agency’s integrated acquisition team. In FY 2024, OSDBU will continue to strengthen agencywide compliance with internal vendor engagement metrics to expand the Agency’s market intelligence and familiarity with socioeconomic small business sources available in the federal marketplace. OSDBU will assume a leading role in providing small business expertise and counsel in tailoring and coordinating innovative vendor engagement strategies to maximize meaningful small and socioeconomic business procurement opportunities.
- Implement a new policy to expand large business utilization of small and socioeconomic businesses in the performance of prime contracts. In FY 2022, OSDBU initiated a pilot for an optional small and socioeconomic business utilization strategy in EPA Superfund remedial acquisitions. The utilization strategy is intended to incentivize prime contractors to maximize small business contracting teaming arrangements consistent with the efficient performance of prime contracts. In FY 2024, OSDBU will partner with EPA’s Office of Acquisition Solutions (OAS) to adopt a formal policy expanding application of the strategy more broadly to other agency acquisitions, and to provide related training to EPA officials

⁸² For more information, please see: <https://www.sba.gov/agency-scorecards/scorecard.html?agency=EPA&year=2021>.

and industry. Significantly, implementing the strategy more broadly will encourage large business joint venture, mentor-protégé, and subcontracting relationships with small businesses. This will help build small and socioeconomic business capabilities, capacity, and experience, and thereby diversify and expand the federal supplier base in accordance with governmentwide procurement equity directives⁸³ on expanding procurement equity.

- Conduct robust EPA in-reach activities to educate the Agency’s acquisition workforce on structuring acquisitions to expand small business contracting opportunities and reduce barriers to procurement equity. In FY 2024, OSDDBU also will collaborate with OAS to develop a bootcamp training curriculum to equip and enhance small business proficiency in competing for EPA contract awards and effective contract administration.

Performance Measure Targets:

(PM SB1) Percentage of EPA contract spending awarded to HUBZone businesses.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------------------|
| Target | | | | | | 3.0 | 3.2 | 3.4 | Percent |
| Actual | 1.6 | 2.4 | 2.2 | 2.0 | 4.9 | 3.1 | | | |
| Numerator | 25 | 37 | 35 | 30 | 75 | 59 | | | Millions of Dollars |
| Denominator | 1,500 | 1,500 | 1,500 | 1,500 | 1,500 | 1,900 | | | |

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

- (-\$60.0) 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. This funding change includes a slight reduction to the Program. The Agency will prioritize activities to continue to maintain compliance with its statutory obligations under the Small Business Act.

Statutory Authority:

Small Business Act, 15 U.S.C § 644(k).

⁸³ 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/> and <https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-03.pdf>.

State and Local Prevention and Preparedness

Program Area: Multi-Media

Goal: Safeguard and Revitalize Communities

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

(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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$14,957</i> | <i>\$15,446</i> | <i>\$23,884</i> | <i>\$8,438</i> |
| Total Budget Authority | \$14,957 | \$15,446 | \$23,884 | \$8,438 |
| Total Workyears | 57.7 | 67.1 | 93.1 | 26.0 |

Program Project Description:

The State and Local Prevention and Preparedness Program establishes a structure composed of federal, state, local, and tribal partners who work together with industry to protect emergency responders, local communities, facility workers, the environment, and property from chemical accident risks through accident prevention and emergency response programs, community and facility engagement, and improved safety systems. This framework provides the foundation for community and facility chemical hazard response planning and reduction of risk posed by chemical facilities.

Under Section 112(r) of the 1990 Clean Air Act (CAA) Amendments, chemical facilities that store more than a threshold quantity of listed extremely hazardous substances are required to implement a Risk Management Plan (RMP) program. These facilities, known as RMP facilities, take preventive measures, report data, mitigate and/or respond to chemical releases, and work with communities, first responders, and planning groups to increase understanding of risks.⁸⁴

The Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 was enacted to help communities plan for chemical emergencies and to inform the public about chemicals in their community. Under EPCRA, facilities are required to report about the chemicals they produce, use, and store to state and local governments. States, tribes, and local governments use this information to prepare communities for potential chemical releases from these facilities through the development of local emergency response plans.⁸⁵

Under Section 311(j)(5) of the Clean Water Act (CWA), EPA is required to issue and implement regulations requiring certain facilities to develop plans to respond to worst case discharges of hazardous substances that could threaten navigable waters.

FY 2024 Activities and Performance Plan:

⁸⁴ For additional information, please refer to: <https://www.epa.gov/rmp>.

⁸⁵ For additional information, please refer to: <https://www.epa.gov/epcra>.

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 State and Local Prevention and Preparedness Program will perform the following activities:

- Support inspection of RMP and EPCRA facilities to ensure compliance with accident prevention and preparedness regulations, and work with chemical facilities to reduce chemical risks and improve safety. There are approximately 12,000 chemical facilities that are subject to the RMP regulations. Of these, approximately 1,700 facilities have been designated as high-risk based upon their accident history, quantity of on-site dangerous chemicals stored, and proximity to large residential populations.⁸⁶ EPA prioritizes inspections at high-risk facilities.
- The Program generally aims to conduct approximately 300 inspections a year, or three percent of all RMP facilities. EPA will focus on high-risk facilities located in communities with environmental justice concerns and communities with increased climate-related risks (*e.g.*, extreme weather, flooding, wildfires, etc.). Additional resources will allow the Program to complete approximately 200 more inspections per year once the new inspectors are trained and credentialed.
- Protect fenceline communities through regulatory updates and outreach, compliance assistance, and inspections at regulated facilities, thereby reducing risks to human health and the environment by decreasing the likelihood and impacts of chemical accidents.
- Provide basic and advanced RMP and EPCRA inspector training for federal and state inspectors.
- Maintain and upgrade the RMP national database, which is the Nation's premier source of information on chemical process risks and contains hazard information on all RMP facilities. Industry electronically submits updated RMPs to this secure database. Using funding requested in FY 2024, EPA will continue improvements to the RMP national database to accommodate new risk management plan submission elements resulting from recent regulatory changes and providing increased public access to non-sensitive portions of the RMP database and subsequent analytics.
- Develop updates to the Computer-Aided Management of Emergency Operations (CAMEO) software suite (*i.e.*, the CAMEO Chemicals, CAMEO fm , Areal Locations of Hazardous Atmospheres and Mapping Application for Response, Planning, and Local Operational Tasks applications), which provides free and publicly available information for firefighting, first aid, emergency planning, and spill response activities.
- Implement the changes made in the RMP Safer Communities by Chemical Accident Prevention final rule, which the Agency expects to be completed in August 2023. This rule

⁸⁶ Located in EPA's RMP database.

will initiate the updating of EPA interpretive guidance and training EPA, state, and local inspectors on new and updated regulatory provisions to address Administration priorities on environmental justice and climate change.

- Under Section 311(j)(5) of the CWA, EPA will continue developing regulations requiring certain facilities to develop plans for responding to a worst-case discharge, or to a substantial threat of such a discharge, of CWA-listed hazardous substances. EPA requests \$300 thousand and 2 FTE in FY 2024 to begin implementation efforts for this new regulatory program. These additional funds and staff will be used to develop implementation guidance and training and outreach materials and begin training regional staff on conducting inspections and exercises for the new regulatory provisions.
- Conduct outreach to regulated industry concerning changes or updates to RMP and EPCRA regulations and interpretive guidance.
- Coordinate and collaborate with state, tribal, and local response entities on emergency response plans and procedures to ensure cohesive and effective responses to chemical releases.

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):

- (+\$419.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$7,519.0 / +26.0 FTE) This program change is an increase to support a multi-pronged approach to protect fence-line communities at risk from nearby chemical facilities, including providing increased outreach and inspections at regulated facilities to ensure facilities have measures in place to prevent chemical accidents. This investment includes \$4.5 million for payroll.
- (+\$500.0) This program increase is to upgrade and support operations and maintenance of the existing RMP database.

Statutory Authority:

The Emergency Planning and Community Right-to-Know Act (EPCRA); the Clean Air Act (CAA) § 112(r); Clean Water Act (CWA) § 311(j)(5).

TRI / Right to Know

Program Area: Multi-Media

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Promote Pollution Prevention

(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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$13,064</i> | <i>\$15,052</i> | <i>\$14,018</i> | <i>-\$1,034</i> |
| Total Budget Authority | \$13,064 | \$15,052 | \$14,018 | -\$1,034 |
| Total Workyears | 36.8 | 37.0 | 37.0 | 0.0 |

Program Project Description:

EPA's success in carrying out its mission to protect human health and the environment depends on collecting and making available timely, accurate, and relevant information to communities, non-governmental organizations, industry, academia, and government agencies at the local, state, tribal, federal, and international levels. EPA's Toxics Release Inventory (TRI) Program⁸⁷ supports the Agency's mission by annually collecting and publishing in a publicly accessible form: release, other waste management (*e.g.*, recycling), and pollution prevention (P2) data on TRI-listed chemicals and chemical categories that include almost 200 per- and polyfluoroalkyl substances (PFAS).⁸⁸ Approximately 21,000 industrial and federal facilities report to TRI annually.

The TRI Program is a premiere source of cross-media toxic chemical release information for stakeholders. Using technological advances, the TRI Program has developed several analytical tools that provide the public with easy access, mapping, and analysis of information on TRI chemicals released or otherwise managed as waste at facilities in communities across the United States and its territories. Some of these tools incorporate demographic indicators such as low income, people of color, unemployment, education level, linguistically isolated households, and young and elderly populations, as well as tribal land and risk indicators.

The Program collaborates with other EPA programs on data analyses to describe relevant trends in pollutant releases, waste management, and P2 practices with respect to toxic chemicals and to support innovative approaches by industry and other partners to reduce pollution. As a robust, community-focused, annual, cross-media dataset on toxic chemical information, the TRI lends itself to comparative analyses with other program-specific data managed by the Agency, providing insights that may not be apparent when viewing the datasets independently. Such insights are especially valuable for 1) identifying opportunities based on TRI-reported, location-specific release trends to reduce toxic chemical releases in disadvantaged communities in accordance with the Administration's environmental justice (EJ) priorities, and 2) promoting TRI-reported

⁸⁷ For additional information, please visit: <http://www.epa.gov/tri/>.

⁸⁸ Many per- and polyfluoroalkyl substances (PFAS) were added to the TRI chemical list as a component of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) when the Act was signed into law on December 20, 2019. The first year of TRI reporting these PFAS was calendar year 2020.

pollution prevention (P2) practices that reduce the release of toxic chemicals and/or emissions of greenhouse gases (GHGs).

The TRI Program serves as a central component of EPA’s strategy to increase access to environmental pollution information and enable communities, scientists, policymakers, and other stakeholders to apply the information in their decisions and engagements to address impacts and deter adverse burdens, particularly to low-income and disadvantaged communities.

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 7/Objective 7.2, Promote Pollution Prevention in the *FY 2022 – 2026 EPA Strategic Plan*.

In FY 2024, EPA will continue to build upon the regulatory foundation of TRI to ensure that communities have access to timely and meaningful data on toxic chemical releases and other waste management and pollution prevention activities at facilities. As part of this effort, the TRI Program will continue to clarify toxic chemical reporting requirements, pursue additional chemical listings, expand the scope of industry coverage (as applicable), respond to petitions, improve the reporting experience, take steps to further optimize the quality of TRI data, explore enhanced access and analytical capability with respect to this valuable information, identify opportunities to reduce toxic chemical releases, and share and promote pollution prevention approaches with industry.

This work supports the Administration’s EJ priorities as the Program will play an important role in conducting analyses to support EPA’s goals for disadvantaged communities with EJ concerns. Additionally, the Program will work to identify instances where TRI-reported P2 practices reduce releases of TRI-listed toxic chemicals and/or GHGs in alignment with the Administration’s climate priorities.

EPA also will continue to provide its online reporting application, *TRI-MEweb* (“*TRI Made Easy web*” reporting tool), to assist reporting facilities with the electronic preparation and submission of TRI reports through EPA’s Central Data Exchange (CDX),⁸⁹ which manages TRI access and authentication services and provides identity proofing. *TRI-MEweb* has built-in functionality to help prevent facilities from making reporting errors. In addition, the TRI data collected by EPA are shared with states, tribes, and territories that are partners of the TRI Data Exchange (TDX).⁹⁰ EPA will continue to maintain *TRI-MEweb* and the TDX throughout FY 2024. The Agency also will continue to support the TRI Processing System (TRIPS) database, which is the repository for TRI data.

In FY 2024, as a key element of its data quality assurance strategy, the Program will conduct at least 600 data quality checks to help optimize the accuracy and completeness of the reported data and thereby improve the Program’s analyses and the utility of the data to the public. EPA also will continue to improve its systems, processes, and products based on feedback from users (*i.e.*, communities; academia; industry; and state, tribal and local governments). Additionally, EPA will

⁸⁹ To access the CDX, please visit: <https://cdx.epa.gov/>.

⁹⁰ For additional information, please visit: <https://www.epa.gov/toxics-release-inventory-tri-program/tri-data-exchange>.

explore opportunities to streamline the TRI listing process to enhance efficiencies in the TRI program.

The Program also will continue to publish English and Spanish versions of the annual TRI National Analysis,⁹¹ which describes relevant trends in toxic chemical releases and waste management practices and highlights innovative approaches by industry to reduce pollution. The Analysis will include industry sector profiles, parent company analyses, and TRI information reported from facilities in specific urban communities, watersheds, and tribal lands. The TRI Program also will continue to make the preliminary data available to the public shortly after the reporting deadline as downloadable data files and through online analytical tools such as Envirofacts.⁹² The Program will continue to provide support to EPA's Enforcement and Compliance Assurance programs by supplying facility target lists developed through the comparison of TRI reporting with facility reporting to other EPA programs (e.g., air permits required by the Clean Air Act). The TRI Program will continue to foster discussions and collaborations in analyzing and using its data with stakeholders such as industry, government, academia, non-governmental organizations, and the public. Engagement will include organizing targeted webinars, hosting a TRI National Conference and, if resources permit, launching a TRI University Challenge.

Section 7321 of the National Defense Authorization Act of 2020 requires EPA to assess certain Per- and Polyfluoroalkyl Substances (PFAS) to determine whether they meet Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313 chemical listing criteria. During FY 2024 EPA will finalize a rulemaking to add certain PFAS to the TRI list based on the TRI-listing criteria. Further, the TRI Program's information, data, and analyses will support the Toxic Substances Control Act (TSCA) Program, helping to identify conditions of use and to evaluate and estimate occupational, general population, and potentially exposed and susceptible subpopulation exposures for those chemicals undergoing risk evaluation and that are included on the TRI chemical list. This work will assist Agency chemical programs in their prioritization work, from the identification of candidate chemicals for future risk evaluations to the support of other chemical assessments across program and regional offices, advancing the work of chemical safety agencywide.

The TRI Program will additionally pursue chemical listings, including TSCA Work Plan chemicals and other substances of interest to the Agency that are not included on the TRI chemical list, as well as respond to TRI chemical listing petitions. Additional chemicals or sectors may be assessed for TRI listing suitability and associated listing actions, and as required by EPCRA, the Agency will respond to EPCRA chemical petitions regarding TRI within 180 days after receipt.⁹³ The quantity and complexity of petitions are unknown until submitted to EPA. EPA will continue to respond to any TRI chemical petitions received during FY 2024.

⁹¹ To access the *TRI National Analysis*, please visit: <https://www.epa.gov/trinationalanalysis>. EPA publishes each National Analysis approximately six months after that year's data are reported.

⁹² *EnviroFacts* may be accessed at: <https://enviro.epa.gov/>.

⁹³ Additional information on current petitions may be found at: <https://www.epa.gov/toxics-release-inventory-tri-program/toxics-release-inventory-laws-and-regulatory-activities>.

Because electronic systems that collect and disseminate TRI data largely have been developed, FY 2024 work will focus on the operations and maintenance of TRI-MEweb, TRIPS, and processes that contribute to quality control in the development of the annual TRI National Analysis. By leveraging agency cloud services, the TRI systems will improve system performance, reliability, efficiencies, portability, and administrative services (security, upgrades, patches, etc.). This also will improve integration/consistency with other cloud-based systems and applications and will provide quicker data processing. Moreover, this will enhance the capabilities of EPA's public-facing TRI analytical tools.

In FY 2024 the TRI Program will analyze and identify facilities and sectors releasing TRI-listed substances proximal to disadvantaged communities (using functionalities within EPA's analytical tools, such as TRI Toxics Tracker and EJScreen). The Program also will develop maps and other products to help facilitate exploration and understanding of potential impacts from chemical releases to surrounding communities, including those that might be more susceptible to climate change impacts (*i.e.*, sea level rise). TRI will initiate this work for at least two EPA Regions and will provide outreach and training in how to use and interpret the information within those locations.

Additionally, TRI reporting includes information on institutional/firm environmental stewardship, P2, and other sustainability practices and activities (*e.g.*, voluntary climate mitigation-, adaptation- or resilience-oriented work) undertaken by facilities during the reporting year. TRI's P2 reporting data⁹⁴ include thousands of instances of source reduction implementation and other sustainability activities by facilities, which often reflect economic benefits coupled with improved environmental performance. TRI's P2 data tools have a wide range of capabilities to help identify and amplify improvement to environmental practices, and the Program will continue to conduct analyses of these practices and to develop profiles of these environmental improvements, which can be useful for P2 practitioners including those seeking to advance sustainability and strengthen the resilience of facilities near disadvantaged communities with EJ concerns. The Program also will continue to support the Agency's P2 Program, and other Agency source reduction and sustainability programs, specifically efforts to advance P2 best practices among national emphasis areas, including tools to advance priorities such as the P2-EJ Facility Mapping Tool.⁹⁵

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):

- (+\$457.0) This net change to fixed and other costs is an increase due to the recalculation of base workforce costs due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. It also includes support for critical agencywide infrastructure for Executive Order 14028 cybersecurity requirements,

⁹⁴ For additional information, please visit: <https://www.epa.gov/tri/p2>.

⁹⁵ To access the P2 EJ Facility Mapping Tool, please visit <https://www.epa.gov/p2/p2-ej-facility-mapping-tool>.

electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.

- (-\$1,491.0) This program change is a decrease in contract resources to support IT analytical tools.

Statutory Authority:

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

Tribal - Capacity Building

Program Area: Multi-Media

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

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$13,735</i> | <i>\$14,715</i> | <i>\$34,674</i> | <i>\$19,959</i> |
| Total Budget Authority | \$13,735 | \$14,715 | \$34,674 | \$19,959 |
| Total Workyears | 71.5 | 78.6 | 166.9 | 88.3 |

Program Project Description:

EPA is responsible for protecting human health and the environment under federal environmental statutes. Under the Agency's 1984 Indian Policy,⁹⁶ EPA works with federally recognized tribes on a government-to-government basis, in recognition of the federal government's trust responsibility to tribes, to implement federal environmental programs in Indian Country.

To do this, EPA will:

- use key environmental justice principles, such as, equity for underserved communities, strong meaningful tribal engagement, and fair treatment as it prioritizes implementation of EPA directly implemented programs, and for other activities;
- fully consider ways in which program funding can best be used to address climate change concerns to build climate resiliency for federally recognized tribes, and;
- work to enhance the consideration and integration of tribal treaty rights and reserved rights into EPA decision-making and regulatory development.

This program also supports the Categorical Grant: Tribal General Assistance Grants Program.

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

FY 2024 Activities and Performance Plan:

⁹⁶ EPA Policy for the Administration of Environmental Programs on Indian Reservations, available at <https://www.epa.gov/tribal/epa-policy-administration-environmental-programs-indian-reservations-1984-indian-policy>.

Work in this program directly supports Goal 2/Objective 2.1, Promote Environmental Justice and Civil Rights at the Federal, Tribal, State and Local Levels in the *FY 2022-2026 EPA Strategic Plan*. To support this work, EPA is requesting \$20 million in additional resources and an increase of 88.3 FTEs to focus on advancing environmental justice in Indian Country by ensuring full and robust implementation of the laws that EPA administers in all areas in need of such protections while simultaneously honoring the federal trust responsibility to the hundreds of federally recognized tribes EPA works with throughout FY 2024.

Overall, the Agency continues to make steady progress towards strengthening human health and environmental protection in Indian Country. In FY 2024, EPA will further the following priorities:

- Strengthen tribal partnerships and engagements, including through tribal consultation and engagement;
- Build tribal capacity to administer and meaningfully participate in environmental programs;
- Directly implement programs in Indian Country for equitable environmental protection especially for underserved tribal communities; and,
- Enhance the protection of tribal treaty rights in EPA activities.

The strategic investment will directly result in the following enhancements and deliverables:

- Improve public health by reducing disparities in compliance rates between Indian Country and the national average through greater Office of International and Tribal Affairs support and leadership to EPA programs and regions for planning and measuring EPA direct implementation actions in Indian Country.
- Initiate a General Assistance Program (GAP) oversight process to ensure GAP funds are being efficiently distributed and used.
- Initiate national coordination with Intertribal Consortia for technical assistance and GAP planning.
- Implement the revised EPA Tribal Consultation Policy and Implementation Guidance to improve consultation practices in conformance with Executive Order on Tribal Consultation and train EPA staff. Review and improve access to and quality of tribal data and information held in EPA information management systems to enable informed management and budget decisions on tribal matters.
- Provide technical assistance for tribes to support delegation of federal authority to the tribal government that allow tribes to implement EPA overseen programs.
- Make EPA regulatory tribal information available to tribal members and the public on EPA's *EJScreen* and other data systems through technical changes to existing EPA data

systems and develop a registry of EPA regulated facilities and entities in Indian Country that is publicly available.

- Develop best practices for engagement of communities by tribal governments with delegated federal authority.
- Reduce the ratio of grants per Project Officer for tribal grants.
- Support tribes and EPA regions in negotiating EPA-Tribal Environmental Program Agreements (ETEPs) and all aspects of the National Environmental Performance Partnership System (NEPPS) including Performance Partnership Grants (PPGs).
- Provide greater regional liaison work to strengthening partnerships with tribes with “more time per tribe” for GAP technical assistance.
- Provide greater and earlier meaningful engagements with tribes on actions that require consultation.
- Implement grant performance management system to measure tribal capacity and establish EPA GAP grant reporting to benefit tribes and EPA.
- Work as national program coordinator and connector for regional Environmental Justice Thriving Communities Navigators.
- Work as the liaison to the Office of Policy’s Climate Adaptation Program to strengthen regional liaison work to implement tribal-related climate and treaty right priorities in the EPA Strategic Plan and Climate Adaptation Implementation Plans including consideration of a whole government approach to implement Tribal Climate Adaptation Implementation Plans.

Tribal Consultation: In working with the tribes, EPA follows its *Policy on Consultation and Coordination with Indian Tribes*.⁹⁷ The Consultation Policy builds on EPA's 1984 Indian Policy and establishes clear Agency standards for a consultation process promoting consistency and coordination. From FY 2011 through FY 2023, EPA expects to complete over 985 tribal consultations, nearing an important agency milestone under the EPA Tribal Consultation Policy. EPA anticipates completing another 125 tribal consultations in FY 2024. EPA will continue to support the Agency’s web-based Tribal Consultation Opportunities Tracking System, a publicly accessible database used to communicate upcoming and current EPA consultation opportunities to tribal governments. EPA’s work increases access to public benefit programs and advancing environmental justice through simplified access to TCOTS information. The system provides a management, oversight, and reporting structure that helps ensure accountability and transparency.

Capacity Building: EPA will continue to support mechanisms for tribes to pursue developing and implementing federal environmental programs, including the “treatment in a manner similar to a

⁹⁷ Please refer to: <https://www.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

state” (TAS) process and the use of the Direct Implementation Tribal Cooperative Agreement (DITCA) authority. The Agency will continue to provide technical and financial assistance to tribal governments to build their capacity to meaningfully participate and engage in environmental protection activities. As of July 2022, EPA had approved 103 TAS regulatory program delegations to tribes, including 21 approvals for compliance and enforcement authority. EPA had 20 DITCAs with tribes in place in FY 2022.

Indian Environmental General Assistance Program Capacity Building Support: GAP grants to tribal governments help build the basic components of a tribal environmental program. The Agency manages GAP grants according to its Indian Environmental GAP Guidance on Financial Assistance Agreements.⁹⁸ In FY 2024, EPA will continue to administer GAP financial assistance to build tribal capacity and address environmental issues in Indian Country under new GAP guidance and training. EPA’s work in FY 2024 also will continue to enhance EPA-tribal partnerships through development and implementation of EPA-Tribal Environmental Plans (ETEPs) with a continued focus on tracking and reporting measurable results of GAP-funded activities. GAP funding also continues to support EPA PPG goals. EPA will strive to incorporate environmental justice and climate change considerations in these activities.

GAP Performance Measurement: EPA will adjust the performance management application to align with the revised GAP Guidance and begin compiling and analyzing data. The information technology-based performance application will provide a data-driven basis for supporting funding decisions, funding priorities, and contribute to program accountability. Increased GAP performance will complement tribal capacity in media programs including efforts for CWA and SDWA SRF tribal set-asides.

Direct Implementation: In the absence of an authorized tribal program, EPA will continue to provide federal environmental program protections in Indian Country by directly implementing programs. In FY 2024, EPA will continue to evaluate its direct implementation responsibilities and activities on a program-by-program basis in Indian Country and make the data and information it relies upon available through EPA’s EJScreen and other EPA applications.

Performance Measure Targets:

(PM E21) Number of significant actions taken by EPA programs with direct implementation authority that will result in measurable improvements in Indian country.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|-----------------------|---------|---------|---------------------|
| Target | | | | | | No Target Established | 25 | 20 | Significant Actions |
| Actual | | | | | | 25 | | | |

(PM EC41) Percentage of EPA tribal consultations that may affect tribal treaty rights that consider those rights as part of the consultation.

⁹⁸ Please refer to <https://www.epa.gov/tribal/gap-guidance-financial-assistance-agreements> for further information.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------------------|---------|---------|---------|---------|---------|---------|---------|---------|-------------------------|
| Target | | | | | | 20 | 25 | 50 | Percent |
| Actual | | | | | | 100 | | | |
| Numerator | | | | | | 19 | | | Tribal Consultations |
| Denominator | | | | | | 19 | | | |

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

- (+\$1,882.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. This includes support for critical agencywide infrastructure for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$17,896.0 / +87.3 FTE) This program change increases FTE and resources to advance equitable implementation of EPA authorities and directives in Indian Country. This increase also will allow the Agency to work effectively with tribal governments and communities, administer tribal grants and critical technical assistance, and fulfill the federal trust responsibilities that align with the environmental statutes. Support will be provided to priority commitments made in EPA and Tribal Climate Adaptation Implementation Plans and allow additional incorporation of Indigenous Knowledge into climate change efforts. This includes \$15.971 million in associated payroll.
- (+\$181.0 / +1.0 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:

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).

Enforcement

Civil Enforcement

Program Area: Enforcement

Goal: Enforce Environmental Laws and Ensure Compliance

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$179,062</i> | <i>\$205,942</i> | <i>\$242,585</i> | <i>\$36,643</i> |
| Leaking Underground Storage Tanks | \$631 | \$661 | \$682 | \$21 |
| Inland Oil Spill Programs | \$2,660 | \$2,565 | \$2,665 | \$100 |
| Total Budget Authority | \$182,354 | \$209,168 | \$245,932 | \$36,764 |
| Total Workyears | 883.8 | 998.1 | 1,041.7 | 43.6 |

Program Project Description:

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

The Civil Enforcement Program works closely with the U.S. Department of Justice, state and local governments, tribal governments, territories, and other federal agencies to ensure consistent and fair enforcement of all major environmental statutes and numerous regulations implementing each of those statutes. Millions of public, federal, and private regulated entities are subject to one or more of these statutory requirements. The Civil Enforcement Program develops, litigates, and settles administrative and civil judicial cases against violators of environmental laws. In FY 2022, because of EPA civil enforcement actions, approximately 95 million pounds of air, water, and toxic pollutants and approximately 100 million pounds of hazardous and non-hazardous waste were treated, minimized, or properly disposed.⁹⁹

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

⁹⁹ For additional information on EPA's FY 2022 enforcement and compliance assurance program results, please visit: <https://www.epa.gov/enforcement/enforcement-and-compliance-annual-results-fiscal-year-2022>.

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

Even where a state is authorized or has delegated program implementation responsibility, EPA retains concurrent enforcement authority. The Agency and authorized states have a joint responsibility to achieve and maintain high levels of compliance with the nation's environmental laws. EPA works with authorized states and tribes to ensure a level playing field and assists states and tribes in their implementation of delegated/authorized programs when needed, such as in cases where the Agency maintains a unique expertise or capability, or where direct federal action is necessary to take timely or appropriate steps to address threats to public health and the environment. The Agency also carries out its statutory oversight responsibilities to ensure states and tribes are meeting national compliance monitoring standards and taking timely and appropriate actions to return facilities to compliance. EPA's work to protect communities with environmental justice (EJ) concerns is a shared goal and responsibility of EPA and partner agencies. To carry out statutory oversight responsibilities, a robust inspection and enforcement program is essential to advancing the promise of clean air, land, and water to many communities across the country, especially overburdened communities and communities impacted by climate change.

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 increase of \$8.5 million and 5.4 FTE in civil enforcement resources to rebuild the inspector cadre at Headquarters. This is in addition to the Agency's request for \$14.1 million and 33.0 FTE to rebuild the Headquarters and Regional inspector cadre through Compliance Monitoring and Forensics Support resources. Rebuilding EPA's inspector corps is an EPA priority for FY 2024. A robust inspection and enforcement program is essential to advancing the promise of clean air, land, and water to the many communities across the country that have not received the full benefits from EPA's decades of progress. Staff on the ground that can identify public health concerns and potential environmental regulatory violations is critical to protect communities that are vulnerable or overburdened. EPA's inspection programs have been under-resourced for over a decade leading to a loss of agency expertise and a decline in the numbers of inspections. To meet EPA's EJ goals and the mission to protect human health and the environment and ensuring that Americans have clean air, land and water, EPA must rebuild and strengthen its inspection program with increased hiring and training of new and existing inspectors, including in-person basic inspector trainings and travel funding for the trainings for the following programs: CAA; SDWA; CWA; RCRA; FIFRA; and TSCA. Additionally, funding is needed to purchase health and safety equipment and inspection monitoring equipment such as Forward Looking InfraRed (FLIR) cameras, Data Acquisition Real-Time (DART), flame ionization detectors/photo ionization detectors, fenceline monitors, Smart Tools software and hardware for inspectors. Travel funding for inspections also is essential to get inspectors into the field.

In FY 2024, the Agency also requests an increase of \$8.2 million and 19.9 FTE to enforce the AIM Act by preventing the illegal importation and use of hydrofluorocarbons (HFCs) in the United

States, facilitating a transition to next-generation technologies, and managing HFCs in existing equipment. EPA's job will be exponentially harder in FY 2024 as additional phasedown requirements and new requirements restricting the import, manufacture, and use of certain products come into effect. Enforcing the AIM Act in FY 2024 will more than double the level of effort as compared to enforcing the existing 2021 HFC Phasedown regulations. EPA requests a significant additional infusion of FTE and extramural resources for equipment, training, and other important tools. to lead the HFC Task Force and catch and deter potentially widespread illegal imports in FY 2024. The HFC Task Force will identify, intercept, and interdict illegal HFC imports, share data to support allowances, train customs officers and enforcement personnel, and address common HFC import experiences with other countries. EPA also will implement new HFC allowance modules and expand its ozone depleting substances (ODS) tracking system to assess ongoing compliance. In addition, in FY 2024, training on the new enforcement techniques and support for implementation of both rules will be needed. As a result, civil enforcement needs an infusion of attorneys and inspectors to catch and prosecute violators. The additional FTE for case development, will assist in developing enforceable AIM Act rulemakings planned for FY 2024 and beyond. Without additional staff to find the violators, EPA will fail to achieve the benefits Congress intended in promulgating the AIM Act: phasing down HFCs and accelerating the transfer to new innovative technologies.

In FY 2024, EPA will continue to protect fenceline communities at risk from cumulative impacts of large chemical manufacturing facilities, petrochemical operations, and refineries. Through coordinated assessment of noncompliance in multiple statutory areas, EPA's Civil Enforcement Program will plan inspections, case development, and enforcement actions to integrate RCRA, CWA, SDWA, CAA (including Section 112(r)), TSCA, and the Emergency Planning and Community Right-to-Know Act (EPCRA) to ensure comprehensive compliance with environmental regulations, thereby reducing risk to human health and the environment by decreasing the likelihood of excess emissions, releases, and discharges.

In FY 2024, EPA will continue to integrate EJ and climate change considerations (including HFCs) throughout all aspects of EPA's Civil Enforcement Program (*e.g.*, private parties, public and federal facilities) in headquarters and across EPA's 10 regional offices. This work will answer the President's call to "strengthen enforcement of environmental violations with disproportionate impact on underserved communities through the Office of Enforcement and Compliance Assurance" [*EO 14008, sec. 222(b)(i)*], and to "combat the climate crisis with bold, progressive action" (*EO 14008, sec. 201*).¹⁰⁰ EPA will focus on strengthening enforcement and resolving environmental noncompliance through remedies with tangible benefits for disadvantaged communities by preventing further pollution due to noncompliance; mitigating past impacts from pollution; securing penalties to recapture economic benefit of noncompliance and deter future violations; seeking early and innovative relief (*e.g.*, fenceline monitoring and transparency tools); and incorporating Supplemental Environmental Projects (SEPs) in settlements, where appropriate and to the extent permitted by law and policy.

¹⁰⁰ For additional information on the Executive Order on *Tackling the Climate Crisis at Home and Abroad*, please visit: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

In FY 2024, EPA will incorporate climate and EJ factors into case development while pursuing enforcement and compliance assurance work (e.g., to emphasize areas where greenhouse gas emission can be reduced while providing benefits in underserved communities, such as reducing air emissions from oil & gas and landfills), increase climate and EJ focused inspections, incorporate community outreach, and expand inclusion of mitigation and adaptation/resilience remedies in case resolutions. In addition, EPA will ensure that the increasing number of rules addressing climate change and affecting communities with EJ concerns, as well as permit-related provisions, are enforceable and implementable. A particular area of EPA's climate change effort will be the work of the Interagency HFC Task Force, which was established to ensure compliance with the AIM Act. Additionally, EPA will continue its strong emphasis on identifying and resolving CAA noncompliance in the oil and gas sector and requiring compliance with the Renewable Fuel Standard regulations.

In FY 2024, EPA will utilize resources to investigate and identify releases of per- and polyfluoroalkyl substances (PFAS) to the air, land, and water by actively investigating under RCRA, TSCA, CWA, SDWA, and CAA at the yet-unknown number of processing facilities, waste disposal facilities, and federal facilities where PFAS are suspected of contaminating various environmental media. PFAS released into the environment can present an urgent public health and environmental threat. EPA will continue to investigate releases, address imminent and substantial endangerment situations, and prevent exposure to PFAS, under multiple environmental statutes. OECA is stretching its base resources to (1) issue corporate-wide information requests and analyze responses, (2) create site profiles and information databases on specific facilities, (3) obtain site-specific data, and (4) use administrative and judicial authorities to require sampling and other response actions.

In FY 2024, new statutory and regulatory requirements will mean an increased need to evaluate and address noncompliance with these rules. As a result, the Agency will increase efforts to enforce the Coal Combustion Residuals (CCR) Rule. EPA's review of publicly posted CCR Rule compliance information suggests widespread noncompliance with CCR regulations. In enforcing the CCR Rule, coal ash units would be made more resilient to extreme weather events and contamination in communities near CCR units would be reduced. CCR evaluations are technically complex and require review and analysis of facility assessments that cover necessary corrective action measures and facility plans to permanently close units (the units can sometimes be hundreds of acres in size). EPA needs to conduct CCR compliance reviews to ensure that facilities properly address the significant health risks posed by these units and bring enforcement actions when violations are found. This work is identified as a priority in the *FY 2022 - 2026 EPA Strategic Plan*.

EPA will continue to focus its enforcement resources, over a four-year cycle, on the most serious environmental violations by developing and implementing National Enforcement and Compliance Initiatives (NECIs) that seek to improve air quality, provide for clean and safe water, and ensure chemical safety.¹⁰¹ EPA issued a notice of public comment period in January 2023 on six proposed NECIs for FY 2024-2027 (described below). EPA's proposed NECIs will update the current FY 2020-2023 NECIs. As part of that process, EPA proposed to continue or modify four of the current national initiatives and return two remaining current initiatives to the standard ("core")

¹⁰¹ For additional information, please visit: <https://www.epa.gov/enforcement/national-enforcement-and-compliance-initiatives>

enforcement program. EPA proposed two new NEICs: one that would focus specifically on mitigating climate change by reducing non-compliance with applicable requirements (*e.g.*, under the CAA and AIM Act), and second to address PFAS contamination with a focus on manufacturers and federal facilities. EPA also will fully incorporate EJ considerations into every existing and proposed NEIC as the EPA seeks to reduce environmental harm in vulnerable and overburdened communities and incorporate climate resiliency considerations in the current and proposed initiatives. Lastly, EPA also is taking comment on whether to include in the NEICs its ongoing efforts to address lead exposures (*e.g.*, lead-based paint, lead in drinking water, *etc.*), and CCR contamination.

EPA's Proposed FY 2024-2027 NEICs:

- The following current initiatives are proposed to continue or be modified:
 - Creating Cleaner Air for Communities – focuses on processes with widespread non-compliance such as flares, storage tanks, wastewater treatment, and incineration/combustion to reduce excess emissions of harmful air pollutants that adversely impact vulnerable and pollution-burdened communities.
 - Reducing Risks of Accidental Releases at Industrial and Chemical Facilities – focuses on decreasing the likelihood of chemical accidents, thereby reducing risk to communities.
 - Reducing Significant Non-Compliance with National Pollutant Discharge Elimination System (NPDES) Permits – focuses on improving compliance rates with NPDES permits and ensuring the worst violations are timely and appropriately addressed.
 - Reducing Non-Compliance with Drinking Water Standards at Community Water Systems – focuses on ensuring safe and clean drinking water from regulated community drinking water systems.

- The two potential new NEICs in FY 2024-2027 are described as follows:
 - Mitigating Climate Change – focuses on reducing non-compliance with the AIM Act and the CAA to seek to combat climate change, which poses a risk to human health and the environment.
 - Addressing PFAS Contamination – focuses on implementing the commitments to action made in EPA's *2021-2024 Per- and Poly-fluoroalkyl substances (PFAS) Strategic Roadmap* to address PFAS contamination that pose a threat to human health and the environment.¹⁰²

- The following current initiatives are proposed to return to the standard “core” enforcement program:
 - Stopping Aftermarket Defeat Devices for Vehicles and Engines – focuses on stopping the manufacture, sale, and installation of devices on vehicles and engines that defeat emissions controls, which contribute excess pollution, harming public health and air quality.

¹⁰² For additional information, please visit: <https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>.

- Reducing Hazardous Air Emissions from Hazardous Waste Facilities – focuses on improving compliance with RCRA regulations that require the control of organic air emissions from certain hazardous waste management units and activities.

Performance Measure Targets:

(PM 434) Millions of pounds of pollutants and waste reduced, treated, or eliminated through concluded enforcement actions.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|--------------------|
| Target | | 325 | 325 | 325 | 325 | 325 | 325 | 325 | Millions of Pounds |
| Actual | 461 | 810 | 347 | 2,058 | 7,864 | 195 | | | |

(PM 436) Number of open civil judicial cases more than 2.5 years old without a complaint filed.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|-------|
| Target | | | 129 | 120 | 99 | 99 | 96 | 95 | Cases |
| Actual | | | 94 | 74 | 66 | 65 | | | |

(PM 446) Quarterly percentage of Clean Water Act National Pollutant Discharge Elimination System (NPDES) permittees in significant noncompliance with their permit limits.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------------------|---------|---------|---------|---------|---------|---------|---------|---------|------------|
| Target | | | 17.8 | 15.2 | 12.7 | 10.1 | 10.1 | 10.1 | Percent |
| Actual | | 20.3 | 17.1 | 16.4 | 12.6 | 9.0 | | | |
| Numerator | | 8,310 | 7,015 | 6,941 | 5,330 | 3,942 | | | Permittees |
| Denominator | | 40,944 | 41,085 | 42,334 | 42,429 | 44,015 | | | |

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

- (+\$9,630.0) 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. 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.
- (+\$8,533.0 / +5.4 FTE) This program increase will help rebuild EPA’s civil enforcement inspector cadre for inspections, case development and to supplement this program’s training and travel budget. This funding will enhance EPA’s civil enforcement programmatic capabilities to enhance efforts to address pollution in overburdened and vulnerable communities. This investment includes \$1.0 million for payroll.
- (+\$8,212.0 / +19.9 FTE) This program increase will allow EPA to expand the work of the Interagency HFC Task Force, which is focused on ensuring compliance with the AIM Act. Additional FTE will allow EPA to build this major Congressional priority program from the ground up, address existing requirements, and prepare for both additional new

regulatory requirements and expansion of the Program into EPA's regional offices. This investment includes \$3.7 million for payroll.

- (+\$4,000.0) This change will support increased focus on environmental justice and climate change considerations by developing and implementing a comprehensive action plan for integrating climate and EJ considerations throughout all aspects of the Civil Enforcement Program (e.g., private parties and federal facilities) in Headquarters and across EPA's 10 regional offices.
- (+\$3,406.0 / 7.0 FTE) This request for Coal Combustion Residuals (CCR) Rule/coal ash resources will increase capacity to enforce the CCR/coal ash rule. The requested resources are needed to provide technical and legal support when engaging with noncompliant facilities and, ultimately, to negotiate or issue compliance orders. This investment includes \$1.3 million for payroll.
- (+\$946.0 / +4.0 FTE) This program change will increase protection of fenceline communities from industrial accidents because of increased frequency and intensity of extreme weather events due to climate change. Increased resources will support CAA sec. 112(r) inspections and enforcement actions to prevent industrial accidents. This investment includes \$746.0 thousand for payroll.
- (+\$648.0 / +0.5 FTE) This request for climate change adaptation funding will support implementation of the Office of Enforcement Compliance Assurance Climate Adaptation Implementation Plan.¹⁰³ Resources will support completion of priority actions including continued staff training to build climate change knowledge and consideration of climate change in all aspects of enforcement. This investment includes \$93.0 thousand for payroll.
- (+\$578.0 / +3.1 FTE) This program increase supports additional FTE for the Agency's Regional laboratories and its support of the Civil Enforcement Program. This investment includes \$578.0 thousand for payroll.
- (+\$410.0 / +2.2 FTE) This investment will increase EPA's effort to use its enforcement tools to hold major PFAS manufacturers at processing facilities, waste disposal facilities, and federal facilities accountable to characterize, control, and address ongoing and past PFAS contamination. This investment includes \$410.0 thousand for payroll.
- (+\$187.0 / +1.0 FTE) This program increase will continue to provide compliance oversight and perform follow up from recent inspections of the Red Hill Fuel Facility to prevent future fuel leaks into the military's drinking water. The Agency will review submittals from the Navy to ensure the facility is prepared for any oil releases to surface waters. In addition, EPA is planning to lead the technical review of the piping system between Red Hill and Pearl Harbor. This investment includes \$187.0 thousand for payroll.

¹⁰³ For additional information, please visit: https://www.epa.gov/system/files/documents/2022-10/bh508-OECA_Climate_Adaptation_Implementation_Plan_-_Final_to_OP_9.15.2022.pdf.

- (+\$93.0 / +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. This investment includes \$93.0 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); Act to Prevent Pollution from Ships (MARPOL Annex VI); American Innovation and Manufacturing Act; Clean Air Act; Clean Water Act; Emergency Planning and Community Right-to-Know Act; Federal Insecticide, Fungicide, and Rodenticide Act; Marine Protection, Research, and Sanctuaries Act; Oil Pollution Act; Resource Conservation and Recovery Act; Safe Drinking Water Act; and Toxic Substances Control Act.

Criminal Enforcement

Program Area: Enforcement

Goal: Enforce Environmental Laws and Ensure Compliance

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$55,343</i> | <i>\$62,704</i> | <i>\$66,487</i> | <i>\$3,783</i> |
| Hazardous Substance Superfund | \$8,149 | \$7,999 | \$8,644 | \$645 |
| Total Budget Authority | \$63,492 | \$70,703 | \$75,131 | \$4,428 |
| Total Workyears | 252.9 | 269.3 | 296.0 | 26.7 |

Program Project Description:

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

The Criminal Enforcement Program collaborates with other EPA Program offices, the Environmental Justice (EJ) Program, and the U.S. Department of Justice (DOJ) to ensure enforcement work addresses the impacts of illegal environmental pollution activities nationwide especially on overburdened communities.

Criminal Enforcement special agents are supported by forensic scientists, attorneys, technicians, engineers, and other experts. EPA's criminal enforcement attorneys provide legal and policy support for all program responsibilities, including forensics and expert witness preparation, to ensure program activities are carried out in accordance with legal requirements and EPA policies. These efforts support environmental crime prosecutions by U.S. Attorneys' Offices and the 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, EPA will continue to focus on the most egregious cases (e.g., significant human health, environmental, and deterrent impacts.), while balancing its overall case load across all environmental statutes. The Agency will continue expanding its capacity to support the criminal

enforcement program, with an emphasis in several priority areas, including communities with EJ concerns, the HFC (Hydrofluorocarbons) Enforcement Task Force, the After Market Defeat Device criminal enforcement initiative, and preventing the illegal importation, sale, and distribution of unregistered pesticides. Program goals and priorities include the following:

- 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.¹⁰⁴ The Criminal Investigation Division (CID) works with partners at the DOJ to jointly prosecute wrongdoing and reduce the impact pollution has on these areas through investigation, judicial actions, and settlements while maintaining case initiation standards.
- 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 EJ work. Activities will include data mining and mapping to identify where communities with EJ concerns, crime victims, and public health impacts overlap. This strategy will aid the program in identifying sources of pollution impacting these communities and to focus criminal enforcement resources on the Nation's most overburdened or vulnerable populations and, where appropriate, use the 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 Agency requests an additional \$714 thousand and 2.1 FTE to support efforts to interdict the illegal import, manufacture and use of certain HFC products, pursuant to the American Innovation and Manufacturing (AIM) Act. The Task Force will continue to identify, intercept, and interdict illegal HFC imports, share data to support allowances, train customs officers and enforcement personnel, and address common HFC import experiences with other countries. EPA will continue standing up its new enforcement and compliance program, which will include training, outreach, and coordination with federal, state, and local partners. EPA would leverage our experience working with Customs and Border Protection (CBP), DOJ and other federal partners to successfully enforce federal laws related to HFCs. Critically important to success in this media are dedicated analysts in the Criminal Enforcement Program to research, assess, and coordinate with federal partners, private industry, and task force members.
- In addition, in FY 2024, the Criminal Enforcement Program will continue to work with Interpol and other federal partners to combat climate change through domestic and international law enforcement collaboration. This work will include formalized information sharing related to preventing illegal importation of prohibited products that contribute to global climate instability and capacity building with other countries.

¹⁰⁴ For additional information, please see: <https://www.govinfo.gov/content/pkg/FR-2023-01-12/pdf/2023-00500.pdf>.

Specifically, collaboration will occur with an emphasis placed on cases that have a transnational organized crime nexus.

- In FY 2024, the Criminal Enforcement Program also will increase its collaboration and coordination with the Civil Enforcement Program to ensure that EPA's Enforcement Program identifies the most egregious cases and responds to them effectively and efficiently to ensure compliance and deter future conduct. The Agency will continue to investigate violations of environmental statutes and associated violations of Title 18 of the United States Code to protect public health and the environment.

Performance Measure Targets:

EPA's FY 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):

- (+\$731.0) 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. It includes critical agencywide infrastructure support for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$2,338.0 / +23.9 FTE) This net program change supports expanding EPA's capacity for criminal enforcement, the expansion of the enforcement in communities with environmental justice concerns, enforcement of climate-related regulations, and increased polluter accountability. This investment includes \$5.3 million for payroll.
- (+\$714.0 / +2.1 FTE) This program investment will ensure EPA has the capacity and technical expertise to investigate, analyze, sample, test, and transport HFCs. The increase in FTE will allow analysts to research, assess, and coordinate with federal partners, private industry, and task force members. This investment includes \$469.0 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); Resource Conservation and Recovery Act; Clean Water Act; Safe Drinking Water Act; Clean Air Act; Toxic Substances Control Act; Emergency Planning and Community Right-To-Know Act; Federal Insecticide, Fungicide, and Rodenticide Act; Ocean Dumping Act; Rivers and Harbors Act; Pollution Prosecution Act of 1990; American Innovation and Manufacturing Act.

NEPA Implementation

Program Area: Multi-Media

Goal: Enforce Environmental Laws and Ensure Compliance

Objective(s): Detect Violations and Promote Compliance

(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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$17,177</i> | <i>\$20,611</i> | <i>\$25,760</i> | <i>\$5,149</i> |
| Total Budget Authority | \$17,177 | \$20,611 | \$25,760 | \$5,149 |
| Total Workyears | 87.5 | 104.9 | 115.9 | 11.0 |

Program Project Description:

EPA's National Environmental Policy Act (NEPA) Implementation Program implements the environmental requirements of NEPA and Section 309 of the Clean Air Act (CAA) to review other federal agency environmental impact statements (EIS) and NEPA regulations. This work includes engaging with officials throughout the federal government and across EPA while supporting EPA's lead NEPA Official. EPA has special authority and responsibilities under CAA section 309 to review and publicly comment on NEPA environmental analyses for major projects across the federal government. This work is substantially increasing in scope and importance given the recent legislation related to energy development and infrastructure and the need to incorporate consideration of climate change and environmental justice (EJ) into these assessments.

Consistent with Executive Orders (EO) 13990 and 14008,¹⁰⁵ the Council on Environmental Quality (CEQ) issued Interim *NEPA guidance on Consideration of Greenhouse Gas Emissions and Climate Change*¹⁰⁶ in January 2023. CEQ is in the process of updating NEPA regulations and key guidance for addressing impacts to communities with EJ concerns. Through a Memorandum of Understanding (MOU) with CEQ,¹⁰⁷ EPA regularly supports and assists CEQ in the development of guidance and technical tools. EPA also provides technical assistance to other federal agencies on implementing NEPA, including identifying potential programmatic options to streamline NEPA analyses while maintaining quality environmental analyses and meaningful engagement with the public.

EPA focuses on early engagement with other federal agencies consistent with NEPA principles and uses interagency cooperation for early identification of issues and potential solutions to reduce impacts and improve environmental outcomes. EPA's expertise helps other agencies analyze complex NEPA issues. Through our review of other federal agencies' EISs and the tools and

¹⁰⁵ For additional information, please refer to: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-public-health-and-environment-and-restoring-science-to-tackle-climate-crisis/>.

¹⁰⁶ For additional information, please refer to: [Federal Register : National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change](#).

¹⁰⁷ 1977 Memorandum of Understanding (MOU) between CEQ and EPA addressed the allocation of responsibilities between the two agencies for assuring government-wide implementation of NEPA. This includes the operational duties associated with the administrative aspects of EISs. Through this MOU, EPA became the official recipient for all copies of EISs.

training we provide, EPA facilitates the robust consideration of impacts related to climate change and EJ; further, EPA plays a critical role in identifying ways to mitigate environmental impacts, including on overburdened and underserved communities.

In addition, EPA's NEPA Implementation Program manages e-NEPA, a web-based application that serves as the official EIS filing system and clearinghouse for all federal EISs on behalf of CEQ in accordance with the MOU with CEQ and 40 CFR 1506. The Program also oversees EPA's actions subject to NEPA (40 CFR Part 6) and reviews of EISs for non-governmental activities in Antarctica (40 CFR Part 8).

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 requests an investment of \$5.1 million and 11.0 FTE for the NEPA Implementation Program. EPA acknowledges a partial increase in its FY 2023 Enacted budget but still has a resource gap which is hereby requested in the FY 2024 budget. These essential resources are needed for us to meet the increased need for technical expertise in emerging subject matter areas, including addressing climate change and EJ, and to develop tools and training for NEPA/CAA 309 reviewers at EPA. This investment will improve EPA's responsiveness, technical assistance, and support to other agencies in conducting EPA's environmental review function, which relies upon both adequate staff capacity and expertise. These resources also will assist EPA in ensuring staff levels are adequate to address anticipated environmental reviews and support environmental review processes to improve environmental and community outcomes.

In FY 2023, EPA received a total of \$40 million as part of the Inflation Reduction Act (IRA). These resources will allow EPA to meet the short-term increase in demand to support environmental reviews from the Infrastructure Investment and Jobs Act but are not a permanent solution as the funds remain available until September 30, 2026. While the IRA funds will support environmental reviews in the short term, the FY 2024 investment will allow the Program to continue to meet some of its recent challenges, including rebuilding core capacity, hiring of subject matter experts knowledgeable in various sector-based activities, and positioning EPA to respond to national priorities and provide adequate succession planning and professional development across EPA's NEPA/309 community going forward. This strategic investment of subject matter expertise provides new FTE in EPA's regional offices, which is critical as the majority of the NEPA reviews and programmatic assistance to other federal agency field offices is conducted by the regions. EPA's FY 2024 long term resource needs will be like those used to support past economic recovery initiatives. For context, the American Recovery and Reinvestment Act triggered a very similar substantial increase in volume of NEPA reviews across the Federal government. Therefore, EPA requests an adjustment to the NEPA Implementation Program to address current and anticipated future environmental review workloads, which will require a corresponding permanent increased staffing and resource support to meet the Nation's goals, particularly with respect to climate change and environmental justice.

EPA's NEPA Implementation Program will continue to support the application of CEQ's updates to NEPA regulations, guidance, and process improvements for priority federal projects. It is anticipated that in FY 2024, agencies will update NEPA implementation procedures to be consistent with updated CEQ regulations and guidance. EPA will be required under CAA section 309 to review these procedures for all federal agencies and must provide technical assistance to CEQ and other agencies. This support will promote quality environmental review processes across federal agencies to improve environmental and community outcomes.

EPA will continue to work with the Office of Management and Budget (OMB), CEQ, and other federal agencies to evaluate ways to coordinate, streamline, and improve the NEPA process, as well as to incorporate robust science-based analyses of project-related impacts and potential measures to minimize and mitigate those impacts. Federal agencies received a substantial increase in funded actions that will likely require EISs and thus necessitate EPA environmental reviews due to: the American Rescue Plan Act of 2021 (P.L. 117-2),¹⁰⁸ the Infrastructure Investment and Jobs Act (IIJA), the Creating Helpful Incentives to Produce Semiconductors for America Act (CHIPS Act), and other economic recovery and federal investment actions, as well as policies and initiatives, such as EO 14017 *America's Supply Chains*¹⁰⁹ and the Energy Act MOU between the Bureau of Land Management and EPA. EPA anticipates its existing workload will likely double based on interagency discussions hosted by CEQ and OMB. This continued substantial increase in priority actions will require early engagement and may require expedited reviews. With the additional resources requested in FY 2024, EPA will work with other agencies to prioritize and support the increase in environmental review of Federal EISs. These initiatives support other federal agencies establishment of clear timeline goals and will improve EPA's responsiveness, technical assistance, and support to other agencies to enhance the overall environmental and community outcomes in other agency environmental reviews.

In alignment with the Administration's Permitting Action Plan, EPA engages early with federal agencies to improve the quality of EISs and minimize delays. Early engagement helps accelerate robust environmental reviews through early cross-agency coordination; supports the establishment of clear timelines and tracking; facilitates early and meaningful outreach and communication with states, tribes, territories, and local communities; provides technical assistance in areas of subject matter expertise; and promotes interagency cooperation to improve environmental and community outcomes. As part of the Permitting Action Plan, EPA has committed to update EPA's Policies and Procedures Manual for conducting NEPA/309 reviews in FY 2023. In FY 2024, EPA will update and develop a priority set of technical reviewer guidance documents for mining, renewable energy, oil and gas activities, transportation and estimating Greenhouse Gas (GHG) emissions and social cost of GHG for fossil fuel pipeline projects. These technical reviewer guidance documents are expected to be completed by third quarter FY2024. EPA also plans to conduct training for NEPA/309 reviewers and other federal agencies to incorporate recent changes in CEQ regulations and guidance for NEPA related topics. In FY 2024, EPA will work to provide early engagement and to streamline environmental reviews by having dedicated EPA NEPA/309 review staff from the start of the NEPA review and through completion. Updating actions associated with the Permitting Action Plan will help improve EPA's responsiveness, technical assistance, and support

¹⁰⁸ For additional information, please refer to: <https://www.congress.gov/117/bills/hr1319/BILLS-117hr1319enr.pdf>.

¹⁰⁹ For additional information, please refer to: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/24/executive-order-on-americas-supply-chains/>.

to other agencies with the objective of improving environmental and community outcomes based on environmental reviews.

EPA will support and collaborate with other federal agencies on priority actions and/or emerging sectors, such as critical minerals mining, carbon sequestration, renewable energy, and energy storage. In FY 2024, EPA will work toward providing staff with specialized expertise at both headquarters and the regional offices to facilitate timely interagency coordination on environmental reviews and permitting actions. As part of this specialized expertise, EPA will support development of analytic tools to help NEPA/309 reviewers and other agencies implement CEQ Interim NEPA Guidance on Consideration of GHG and Climate Change. This support will improve EPA's technical assistance capacity to help support improved environmental and community outcomes in review of other federal agency NEPA documents.

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):

- (+\$1,991.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$3,158.0 / +11.0 FTE) This program change is an increase to build core capacity, support the increase in environmental reviews of Federal EISs, hire and train new staff and subject matter experts, and facilitate timely interagency coordination on environmental reviews and permitting actions. This investment includes \$2.0 million for payroll.

Statutory Authority:

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

Environmental Justice

Program Area: Environmental Justice

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

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

(Dollars in Thousands)

| | FY 2022 Final Actuals | FY 2023 Enacted Operating Plan | FY 2024 President’s Budget | FY 2024 President’s Budget v. FY 2023 Enacted Operating Plan |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$20,455</i> | <i>\$102,159</i> | <i>\$369,106</i> | <i>\$266,947</i> |
| Hazardous Substance Superfund | \$1,065 | \$5,876 | \$5,888 | \$12 |
| 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. In 2022, EPA reorganized its Office of Environmental Justice into a new national program along with the External Civil Rights Compliance Office and the Conflict Prevention and Resolution Center. This new national program is the Office of Environmental Justice and External Civil Right (OEJECR). OEJECR 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 grants, 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.

Work in this program directly supports Administrator Michael Regan’s message in the memo titled “Our Commitment to Environmental Justice” issued on April 7, 2021.¹¹⁰ In addition, this work supports implementation of Executive Order (EO) 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*,¹¹¹ and EO 14008: *Tackling the Climate Crisis at Home and Abroad*.¹¹² In accordance with the America’s Water Infrastructure Act

¹¹⁰ For additional information, please refer to: <https://www.epa.gov/sites/default/files/2021-04/documents/regan-messageoncommitmenttoenvironmentaljustice-april072021.pdf>.

¹¹¹ 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>.

¹¹² For additional information, please refer to: <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>.

(AWIA) of 2018 (P.L. 115-270), every EPA regional office employs a dedicated EJ coordinator, and the Agency maintains a list of these persons on EPA's website.¹¹³

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*.

In FY 2024, EPA requests an additional \$266.9 million and 41.0 FTE for the Environmental Justice Program in the EPM appropriation. This investment will provide unprecedented levels of capacity-building grants and technical assistance to more communities, governmental partners, and academic institutions. To ensure greater opportunity for investment and the resulting outcomes for communities, EPA will offer more grant trainings and methods of technical assistance to help underserved and under-resourced communities and their partners apply for competitive grant opportunities and provide robust new levels of support to help communities and their partners navigate the array of federal assistance programs to maximize the ability of programs to leverage positive change on the ground. For example, this enhanced assistance will support broader investment in climate initiatives in communities with EJ concerns as well as provide critical support to community-based organizations, indigenous organizations, states, tribes, local governments, territorial governments, and state and local EJ advisory councils, in pursuit of identifying and addressing EJ issues through multi-partner collaborations. EPA also will continue to support and engage grantees from previous years' competitions to ensure successful project completion.

In FY 2024, the existing grant programs include:

- 1) \$65 million Environmental Justice Community Grants Program (formerly named Environmental Justice Small Grants) that would continue to competitively award a comprehensive suite of grants to non-profit, community-based organizations to reduce the disproportionate health impacts of environmental pollution in communities with EJ concerns;
- 2) \$40 million Environmental Justice Government to Government Grant Program (formerly named State, Tribes, and Territories Environmental Justice Grants) that would continue funding for states, tribes, local governments, and territories to create or support community-driven partnerships and associated environmental justice partnerships;
- 3) \$15 million competitive, community-based Participatory Research Grant Program to award competitive grants to higher education institutions that develop partnerships with community entities to improve the health outcomes of residents and workers in communities with EJ concerns; and
- 4) \$10 million competitive, Environmental Justice training program to award competitive grants to community-based nonprofit organizations and partnerships between community-based nonprofit organizations and institutions of higher education.

¹¹³ For additional information, please refer to: <https://www.epa.gov/environmentaljustice/forms/contact-us-about-environmental-justice>.

Environmental Justice and External Civil Rights (EJECR) National Program

In FY 2024, EPA's EJECR National Program will continue leading the integration of EJ in Agency decision-making and implement a comprehensive framework for considering cumulative impacts in relevant EPA decisions. Implementation of the cumulative impacts framework, developed as part of EPA's FY 2022-2023 Agency Priority Goal, will position EPA to consider and address cumulative impacts that affect community health and well-being in its decisions, thus fundamentally integrating EJ issues within the core regulatory decisions of the Agency. The EJECR National Program will provide essential support across all EPA programs to consider EJ in environmental permitting, rulemaking, enforcement and compliance, emergency/disaster response and recovery, and climate change priorities. The EJECR National Program will enhance its engagement with communities by continuing to support Thriving Community Technical Assistance Centers (TCTACs) established in FY 2023 and increasing their number beyond the initial goal of one per EPA region. The TCTACs will be instrumental in fundamental technical assistance and capacity building resources for underserved communities and their partners. The EJECR National Program will ensure that all community support activities provide a stream of tools, data, and methods back to the Agency to help other EPA programs analyze the EJ implications of policy decisions and program implementation, such as through National Environmental Policy Act processes or the consideration of costs and benefits in economic analyses.

The FY 2024 resources also will provide capacity to integrate EJ and civil rights compliance principles across all programs and regularly engage with and support community and state, tribal, and local partners. This will ensure the elimination of barriers to participation in EPA programs and other activities by the public. Specific focuses will be on strengthening EPA's language assistance and other services to improve access for people with Limited English Proficiency and implementation of EPA external disability program as required under Section 504 of the Rehabilitation Act of 1973. Additionally, the EJECR National Program will monitor indicators established in FY 2023 to track EPA's performance in eliminating disparities in environmental and public health conditions, as directed by the Agency Priority Goal for the first two years in the *FY 2022 - 2026 EPA Strategic Plan*.

Engagement with Partners, Stakeholders, and Communities

EPA pursues a broad array of activities to support efforts by partners, stakeholders, and communities to advance EJ. The EJ Program will continue to build and support trainings for an increasingly broad array of program development and learning resource areas for other governmental agencies, communities, and other partners. These trainings focus on the integration of equity and justice from communities through all levels of government, as well as the private sector, with special focus on state agencies, tribal governments, indigenous populations, territorial governments, and insular areas such as Pacific Island Nations. During FY 2023, this included partnership with the Environmental Council of States to provide additional and more finely tailored resources to support state efforts to advance equity and justice in their agencies and the establishment of an unprecedented foundation of learning tools and knowledge management resources available publicly through EPA's EJ Program.

The FY 2024 Budget proposes to invest \$91 million and 50 FTE on building out community-centered technical assistance hubs to support basic capacity building of communities and their partners to advance equity and justice in their communities. This effort will be significantly enhanced through the dedicated addition of funds and staff in EPA's ten regional offices to fully build out community-centered technical assistance hubs to support base capacity building of communities and their partners. These hubs, the EJ TCTACs established in FY 2023, will be enhanced through this dedicated EPA staff support by better leveraging hands-on facilitation of connecting communities and their partners directly with EPA program resources in addition to the resources available through other federal programs.

EPA will continue to host regular National EJ Community Engagement calls.¹¹⁴ These calls will continue to focus on a wide spectrum of topics related to EJ, the Justice40 Initiative¹¹⁵, and EJ mapping and screening, and will reach thousands of participants. Each call will feature opportunities, such as expansive listening sessions, during which speakers interact with comments and questions from participants. EPA also will continue to host "office hours" for users of EJScreen to engage with the EPA EJScreen team with questions and feedback for further enhancements to the tool. The EJ Program also will have greater communications presence with more focused content, targeted communications, and other ways to reach communities and those not yet engaged through both headquarters and regional EJ program activities and direct outreach and support.

EPA also continues to directly engage community organizations and leaders while supporting internal EPA efforts to integrate EJ considerations into all EPA policies, programs, and activities. Work with the National Environmental Justice Advisory Committee (NEJAC) will continue with new leadership to help EPA advance and further integrate EJ into Agency decision-making. In addition to the NEJAC, EPA will report on progress to the Science Advisory Board, National Tribal Caucus, Children's Health Protection Advisory Committee, Local Government Advisory Committee, and other regular public engagement forums.

In FY 2024, EPA will continue to develop education, training, and outreach resources associated with EJ to answer the ever-increasing demand for such resources, particularly from other federal agencies and state and local governmental partners. These resources include 1) an EJ Training Program to increase the capacity of residents in communities with EJ concerns to identify and address negative impacts; 2) an EJ educational curriculum to broaden understanding of EJ to more of the American public; and 3) an EJ Clearinghouse to serve as an online resource for EJ information.

EJ Grants Program

EPA's EJ Grants Program funding has grown significantly due to the additional \$3 billion Inflation Reduction Act¹¹⁶ resources received in FY 2022 and expanded with new grant and technical assistance offerings in FY 2023. The new offerings include the establishment of the EJ Thriving Community Grantmakers Network and the establishment of an innovative new EJ implementation

¹¹⁴ For additional information, please refer to: <https://www.epa.gov/environmentaljustice/community-outreach-and-engagement>.

¹¹⁵ For additional information, please refer to: <https://www.whitehouse.gov/environmentaljustice/justice40/>

¹¹⁶ Inflation Reduction Act: <https://www.congress.gov/117/plaws/publ169/PLAW-117publ169.pdf>

grant to directly fund community-driven collaborative efforts to lead change-making projects on the ground in communities. In FY 2024, EPA will continue to support the EJ Thriving Community Grantmakers network to efficiently provide grants to communities and their partners, the EJ TCTACs to provide technical support to community-based organizations and their partners such as tribes and local governments, and to award and support the execution of collaborative community-driven implementation grants across the United States. This holistic approach to grant funding and technical assistance will build the capacity of community-based organizations and their partners to build strong collaborative efforts to effectively identify and address community concerns in addition to providing funding to governmental partners to support their integration of EJ considerations into their policies, programs, and activities. EPA also will continue to provide grants to states, local governments, tribes, and territories through the EJ Government to Government grant program. These grants will support our governmental partners' effort to engage local communities and further equity and justice priorities of their partnerships.

The EJ Grants Program priorities funded in FY 2023 included a new, larger implementation grant program that funds projects that implement solutions to long-standing EJ challenges, development of cumulative impacts assessments, public education, engagement of communities with state and federal processes, training, emergency planning and preparedness, and addressing climate and disaster resiliency. EPA's EJ Program will continue to focus support primarily for small community-based nonprofit organizations and their local partners in an attempt to ensure EJ funding reaches lower-capacity and new organizations with capacity building needs. The EJ Grants Program also will work to minimize barriers for applicants by working with EPA's Office of Grants and Debarment to develop submission flexibilities to help applicants from underserved communities and other low-capacity institutions such as tribes and rural local governments apply for competitive grant opportunities.

Interagency Coordination

In FY 2024, EPA will continue to support the efforts of the NEJAC as referenced above in addition to supporting the efforts of the White House Environmental Justice Advisory Council (WHEJAC) established by EO 14008.¹¹⁷ EPA also will support the Council on Environmental Quality (CEQ) as it leads the Interagency Council on Environmental Justice as well as a suite of EPA bi- and multi-lateral initiatives to support and partner directly with other federal agencies.

EJScreen

With an investment of \$8.9 million provided in FY 2024, EPA will continue to support and improve our national EJ screening and mapping tool (EJScreen). Efforts will focus on identifying and adding valuable new data sources to the tool to include potential cumulative impacts index score(s) for areas facing disproportionate environmental burdens in addition to inclusion of new climate-relevant data and enhancing user interface elements. EPA will enhance EJScreen based upon user requests and feedback – from both within EPA and from external users – to further inform equitable decision making across the federal government in addition to providing more robust and diverse data to effectively prioritize communities in need and will ensure that EPA

¹¹⁷ For more information, please visit: <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>

programs develop guidance on using EJ tools such as EJSscreen to support their decision making. These enhancements will enable EPA to further focus program design to benefit communities with EJ concerns and those most at risk to the effects of climate change.

In FY 2024, EPA requests an additional 0.7 FTE to serve as an EJ coordinator specific to indigenous and disadvantaged communities in Hawaii. This investment will allow the Agency to coordinate more effectively with communities under the Red Hill Administrative Order on Consent and on other matters unique and specific to the Hawaiian Islands. A dedicated resource on-island can build and maintain the relationships necessary to support communities in addressing environmental and public health challenges with a whole-of-government approach.

Performance Measure Targets:

(PM EJCR01) Percentage of EPA programs that seek feedback and comment from the public that provide capacity-building resources to communities with environmental justice concerns to support their ability to meaningfully engage and provide useful feedback to those programs.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| Target | | | | | | | 25 | 50 | Percent |
| Actual | | | | | | | | | |
| Numerator | | | | | | | | | Programs |
| Denominator | | | | | | | | | |

(PM EJCR02) Percentage of EPA programs utilizing extramural vehicles to fund organizations and individuals providing environmental justice expertise and support to advance EPA priorities and activities.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| Target | | | | | | | 50 | 75 | Percent |
| Actual | | | | | | | | | |
| Numerator | | | | | | | | | Programs |
| Denominator | | | | | | | | | |

(PM EJCR03) Percentage of environmental justice grantees whose funded projects result in a governmental response.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|-----------------------|-----------------------|----------|
| Target | | | | | | | No Target Established | No Target Established | Percent |
| Actual | | | | | | | | | |
| Numerator | | | | | | | | | Grantees |
| Denominator | | | | | | | | | |

(PM EJCR04) Percentage of written agreements between EPA and tribes or states implementing delegated authorities that include commitments to address disproportionate impacts.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|------------|
| Target | | | | | | | 5 | 25 | Percent |
| Actual | | | | | | | | | |
| Numerator | | | | | | | | | Agreements |
| Denominator | | | | | | | | | |

(PM EJCR05) Percentage of state-issued permits reviewed by EPA that include terms and conditions that are responsive to environmental justice concerns and comply with civil rights obligations.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Target | | | | | | | 10 | 25 | Percent |
| Actual | | | | | | | | | |
| Numerator | | | | | | | | | Permits |
| Denominator | | | | | | | | | |

(PM EJCR07) Percentage of EPA national program and regional offices that extend paid internships, fellowships, or clerkships to college students from diverse backgrounds.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|----------------------|
| Target | | | | | | | 50 | 75 | Percent |
| Actual | | | | | | | | | |
| Numerator | | | | | | | | | Programs and Regions |
| Denominator | | | | | | | | | |

(PM EJCR08) Percentage of significant EPA actions with environmental justice implications that respond to environmental justice concerns and reduce or address disproportionate impacts.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Target | | | | | | | 40 | 80 | Percent |
| Actual | | | | | | | | | |
| Numerator | | | | | | | | | Actions |
| Denominator | | | | | | | | | |

(PM EJCR09) Percentage of programs that have developed clear guidance on the use of justice and equity screening tools.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| Target | | | | | | | 50 | 75 | Percent |
| Actual | | | | | | | | | |
| Numerator | | | | | | | | | Programs |
| Denominator | | | | | | | | | |

(PM EJCR10) Percentage of EPA programs and regions that work in and with communities that do so in ways that are community-driven, coordinated and collaborative, support equitable and resilient community

development, and provide for meaningful involvement and fair treatment of communities with environmental justice concerns.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| Target | | | | | | | 25 | 50 | Percent |
| Actual | | | | | | | | | |
| Numerator | | | | | | | | | Programs |
| Denominator | | | | | | | | | |

(PM EJCR11) Number of established EJ collaborative partnerships utilizing key principles for community work (e.g., community-driven, coordinated, and collaborative).

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------|---------|---------|---------|---------|---------|---------|---------|---------|--------------|
| Target | | | | | | | 30 | 60 | Partnerships |
| Actual | | | | | | | | | |

(PM EJCR13) Percentage of EPA regions and national programs that have established clear implementation plans for Goal 2 commitments relative to their policies, programs, and activities and made such available to external partners.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|----------------------|
| Target | | | | | | | 100 | 100 | Percent |
| Actual | | | | | | | | | |
| Numerator | | | | | | | | | Regions and Programs |
| Denominator | | | | | | | | | |

(PM EJCR18) Number of information sharing sessions and outreach and technical assistance events held with overburdened and underserved communities and environmental justice advocacy groups on civil rights and environmental justice issues.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------------------|
| Target | | | | | | 8 | 90 | 100 | Sessions and Events |
| Actual | | | | | 40 | 30 | | | |

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

- (+\$9,414.0) 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. 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.

- (+\$90,180.0) This program change increases support for EJ work across the Agency. This investment supports the significantly expanded base activity and agencywide coordination required across the EJ Program.
- (+\$68,453.0 / +41.0 FTE) This program increase will fully build out the Thriving Community Technical Assistance Centers to support basic capacity building of communities and their partners to advance equity and justice in their communities; support ongoing response efforts for Red Hill, HI to protect communities and ensure safe drinking water; and support agencywide implementation of EPA's Diversity, Equity, Inclusion, and Accessibility Strategic Plan and Evidence Act data stewardship and governance requirements. This investment includes \$7.0 million for payroll.
- (+\$45,000.0) This program change increases the Environmental Justice Community Grant Program to non-profit, community-based organizations to reduce the disproportionate health impacts of environmental pollution in communities with EJ concerns. Appropriations language has been provided in the proposed EPM Bill Language.
- (+\$17,000.0) This program change increases the EJ Government to Government Grant Program that would continue funding for states, tribes, local governments, and territories to create or support community-driven partnerships and associated environmental justice partnerships. Appropriations language has been provided in the proposed EPM Bill Language.
- (+\$13,500.0) This program change increases support for the community-based Participatory Research Grant Program. Eligible recipients would be higher education institutions that aim to develop partnerships with community entities to improve the health outcomes of residents and workers in communities with EJ concerns. Appropriations language has been provided in the proposed EPM Bill Language.
- (+\$8,900.0) This program change increases support for EJScreen to improve how the Agency utilizes nationally consistent data that combines environmental and demographic indicators to map and identify communities with EJ concerns. In addition, resources are included to update EPA's IT systems to support the Climate and Economic Justice Screening tool and the EJ Clearinghouse, which would serve as an online resource for information on EJ
- (+\$8,500.0) This program change increases support for an Environmental Justice Training Program to increase the capacity of residents of underserved communities to identify and address disproportionately adverse human health or environmental effects. Appropriations language has been provided in the proposed EPM Bill Language.
- (+\$6,000.0) This program change increases support for the National Environmental Justice Advisory Council; other federal advisory council activities; and the White House Environmental Justice Advisory Council.

Statutory Authority:

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

Geographic Programs

Geographic Program: Chesapeake Bay

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$90,309</i> | <i>\$92,000</i> | <i>\$92,094</i> | <i>\$94</i> |
| Total Budget Authority | \$90,309 | \$92,000 | \$92,094 | \$94 |
| Total Workyears | 35.4 | 41.2 | 41.2 | 0.0 |

Program Project Description:

The Chesapeake Bay is the largest estuary in the United States, with a drainage area that covers six states in the mid-Atlantic. The Bay is not only treasured for recreational purposes but also serves as a vital resource for ecological and economic activities in the region and beyond. The Chesapeake Bay Program operates under the authority of Section 117 of the Clean Water Act and includes the Chesapeake Bay watershed states (Delaware, Maryland, New York, Virginia, Pennsylvania, and West Virginia), the District of Columbia, the Chesapeake Bay Commission, and the federal government. EPA coordinates and supports the activities of the partnership and represents the federal government on the partnership's Chesapeake Executive Council. On June 16, 2014, the Chesapeake Bay Program partners signed the most recent Chesapeake Bay Watershed Agreement.¹¹⁸ The Agreement establishes 10 goals and 31 outcomes including restoration of wetlands and riparian forest buffers, sustainable fisheries, water quality, vital habitats, climate change, and toxic contaminants, with Management Strategies and two-year Logic & Action Plans guiding the work of each outcome. Progress toward the Agreement commitments is updated regularly and publicly available for evaluation.

EPA, the watershed jurisdictions, and other key federal agencies set two-year water quality milestones that measure progress made in achieving the Bay Total Maximum Daily Load (TMDL) and the jurisdictions' Watershed Implementation Plans.¹¹⁹ The TMDL satisfies a requirement of the Clean Water Act and EPA commitments under Court-approved consent decrees for Virginia and the District of Columbia dating to the late 1990s.¹²⁰ The TMDL is designed to ensure all nitrogen, phosphorus, and sediment pollution control efforts needed to restore the Bay and its tidal rivers are in place by 2025.

FY 2024 Activities and Performance Plan:

¹¹⁸ The Chesapeake Bay Watershed Agreement (2014) as amended in 2022, available at:

<https://d18lev1ok5leia.cloudfront.net/chesapeakebay/Chesapeake-Bay-Watershed-Agreement-Amended.pdf>

¹¹⁹ The federal and jurisdictional milestones related to water quality in the Chesapeake Bay watershed are available at

<https://www.epa.gov/chesapeake-bay-tmdl/chesapeake-bay-milestones#2022>.

¹²⁰ The Chesapeake Bay TMDL, available at: <http://www.epa.gov/chesapeake-bay-tmdl/>.

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

In FY 2024, EPA will focus on supporting implementation of the two-year logic model and action plans for the 25 management strategies developed under the Agreement, with particular focus on improving performance toward achieving outcomes where progress is lagging. The Program is increasing focus on environmental justice, ensuring the benefits of the Chesapeake Bay Program are distributed equitably. In addition, the Program is increasing efforts in the climate change space by focusing initiatives on the resiliency of the watershed. Specific emphases include:

- Implementing the water quality outcomes that describe the commitment of the Agreement signatories for having all practices in place by 2025 to achieve the necessary pollutant reductions.
- Accelerating implementation of outcomes that help keep the watershed resilient in the face of climate change (including forest buffers, urban tree canopy, wetland protection and restoration, and land conservation).
- Increasing community engagement in achieving program outcomes and initiating efforts to garner partnership commitment to outyear priorities to achieve a restored Chesapeake Bay, considering current scientific understanding and emerging issues, and ensuring consideration of diversity, equity, inclusion, and justice.
- Maintaining and expanding the historically strong submerged aquatic vegetation, and tidal and non-tidal water quality monitoring programs implemented through state grants and federal interagency agreements.
- Ensuring the most up-to-date science is used throughout the Chesapeake Bay Program to support decision-making, implementation, and future condition assessment (for example, improving computer models to help predict the impact of climate change on the Chesapeake Bay Program's ability to meet water quality standards in the tidal waters of the Chesapeake Bay); and
- Increasing investment, and tracking of investments, in diversity, equity, inclusion, and justice in Chesapeake Bay Program restoration efforts, implementing the partnership's 2021 DEIJ action strategy and supporting local level actions, targeting disadvantaged communities. This includes funding work with the EPA's National Center of Environmental Economics to develop a methodology for understanding and tracking benefits to disadvantaged communities from Bay restoration work.

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

States have reported that, as of 2021, best management practices to reduce pollution are in place to achieve 49 percent of the nitrogen reductions, 64 percent of the phosphorus reductions, and 100 percent of the sediment reductions needed to attain applicable water quality standards when

compared to the 2009 baseline established in the Bay TMDL.¹²¹ In FY 2024, EPA will evaluate progress toward meeting the 2022-2023 milestone commitments of the seven Chesapeake Bay jurisdictions. The two-year milestones are intended to demonstrate how the jurisdictions will meet their pollution reduction goals by 2025 through the major source sectors (agricultural sector, urban stormwater, and wastewater).

EPA will continue to provide the Chesapeake Bay Program partnership with funding and technical assistance, expand our ability to track and report progress across our suite of outcomes, and coordinate and facilitate partnership efforts to reach our mutual goals of a healthy Bay and watershed. While continuing progress toward restoring the Bay watershed, EPA and other Executive Council members signed and released the historic *Statement in Support of Diversity, Equity, Inclusion and Justice*.¹²² This statement reaffirmed the Executive Council's commitment to recruit and retain staff and volunteers that reflect the diversity of the watershed, foster a culture of inclusion and respect across all partner organizations, and ensure the benefits of our science, restoration, and partnership programs are distributed equitably without disproportionate impacts on disadvantaged communities.

Additionally, EPA is working to accelerate integration of climate change in Bay restoration efforts. EPA and other Executive Council members signed and released the *Collective Action for Climate Change*⁶ directive. One key activity is the launch of a Climate Directive Pilot Project which prioritizes implementation projects that advance progress towards multiple Agreement outcomes in disadvantaged and/or climate vulnerable communities. EPA also is addressing climate change in other ways: 1) in 2025, predicting the impact of 2035 climate changes on water quality and adjusting pollution targets; 2) understanding adaptations needed in the watershed and coastal regions; and 3) maintaining or improving the watershed's resiliency to climate change. Work is underway to develop state-of-the-science models of the Chesapeake airshed, watershed, and tidal waters to refine the 2035 climate risk in the 2025 Chesapeake Bay Assessment. Also, EPA and the Bay Program partnership are actively investigating best management practices to better protect the watershed and tidal Bay against the observed increased precipitation volumes and intensity brought about by climate change in urban and agricultural regions.

In addition, the Infrastructure Investment and Jobs Act (Public Law 117-58) includes \$47.6 million for this program in FY 2024. In FY 2024, EPA is requesting appropriations language that will provide funding under this program as no-year funds.

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):

¹²¹ For more information, please see <https://www.chesapeakeprogress.com/clean-water/watershed-implementation-plans>.

¹²² For more information, please see https://www.chesapeakebay.net/channel_files/40996/deij_statement_final_all_signatures.pdf.

⁶For more information, please see https://d18lev1ok5leia.cloudfront.net/chesapeakebay/documents/climatedirective_final_3.pdf.

- (+\$416.0) This change to fixed and other costs is a net increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefit costs.
- (-\$322.0) This program change is a decrease due to offsets in fixed and other costs.

Statutory Authority:

Clean Water Act, Section 117; Estuary Restoration Act of 2000; Chesapeake Bay Accountability and Recovery Act of 2014; Clean Air Act; Further Consolidated Appropriations Act, 2023, Pub. L. 117-328.

Geographic Program: Gulf of Mexico

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$21,194</i> | <i>\$25,524</i> | <i>\$25,558</i> | <i>\$34</i> |
| Total Budget Authority | \$21,194 | \$25,524 | \$25,558 | \$34 |
| Total Workyears | 16.1 | 21.7 | 21.7 | 0.0 |

Program Project Description:

The Gulf of Mexico is an iconic and important body of water, providing ecological, economic, cultural, and recreational opportunities for millions of residents and visitors to the region. The Gulf of Mexico is heavily impacted by the Mississippi River, the main river system which drains into it. The Mississippi River watershed captures drainage from 41 percent of the land area of the contiguous United States (includes nearly 1.5 million square miles over parts of 31 states). Through the Gulf of Mexico Division (GMD), EPA collaborates with federal, state, and local partners to restore the Gulf, and ultimately improve the health of the coastal area, benefiting approximately 16 million Americans.¹²³

The mission of the EPA's GMD is to facilitate collaborative actions that protect, maintain, and restore the health and productivity of the Gulf of Mexico in ways consistent with the economic and ecological well-being of the region. The GMD competitively funds projects and uses interagency agreements and strategic partnerships to accomplish its mission. All GMD projects and partnership work are linked to one or more of the following performance measures: 1) improve and/or restore water quality; 2) protect, enhance, or restore coastal and upland habitats; 3) promote and support environmental education and outreach to inhabitants of the Gulf watershed; and 4) support the demonstration of programs, projects, and tools which strengthen community resilience.¹²⁴ The GMD provides significant leadership and coordination among state and local governments, the private sector, tribes, scientists, and citizens to align efforts that address the challenges facing the communities and ecosystems of the Gulf Coast. The GMD is committed to voluntary, non-regulatory actions and solutions based on scientific data and technical information underpinning our work with the aforementioned stakeholders.

FY 2024 Activities and Performance Plan:

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

¹²³ For more information please see: <https://www.census.gov/content/dam/Census/library/visualizations/2019/demo/coastline-america-print.pdf>.

¹²⁴ For more information please see: <https://www.epa.gov/gulfofmexico/2021-gulf-mexico-division-annual-report>.

In FY 2024, the Agency will continue supporting specific actions and solutions designed to improve the environmental and economic health of the Gulf of Mexico region through cooperative efforts and partnerships. Specifically, the Agency will address nutrient reduction on working lands with targeted habitats. Additionally, GMD will center its focus on sustainable agriculture and resilience in the farming community. EPA will continue to expand Science, Technology, Engineering, Arts, and Mathematics (STEAM) experiential education and workforce development to underserved communities. Through green infrastructure practices such as artificial reefs, riparian buffers, prairies, and living shorelines, GMD will continue to build the adaptive capacity of ecosystems and communities. The GMD projects are competitively funded and coordinated with and complement ongoing Resource and Ecosystems Sustainability, Tourist Opportunities, Revived Economies (RESTORE) and Natural Resource Damages Assessment (NRDA) activities related to the Deepwater Horizon oil spill. The GMD continues to seek broad participation and input from the diverse stakeholders who live, work, and recreate in the Gulf Coast region.

The GMD directly funds assistance agreements, interagency agreements and partnerships, which support the following activities:

Environmental Education and Outreach

In FY 2024, the GMD will continue to promote the use of best available science and sustainable environmental practices by developing programs, establishing partnerships, and competitively funding projects that increase environmental literacy. The GMD will enhance experiential learning opportunities for Gulf residents and visitors alike.

To ensure that environmental education and outreach efforts extend to overburdened and underserved populations, GMD will work with various sectors of government, community leaders, and academia on projects that promote capacity building and lead to behavioral changes in communities with environmental justice concerns. Education and outreach are vital to accomplishing the Agency's mission to protect human health and the environment, to inform and provide actionable information to communities with environmental justice challenges, and to meet the GMD-specific goals of promoting healthy and resilient coastal communities.

GMD will evaluate success of this performance measure by tracking the number of participants involved in environmental literacy and stewardship activities. Recipients of competitively funded projects are required to report on this data quarterly and personnel must input direct engagement efforts into the GMD's quarterly metrics tracking database.

Strengthen Community Resilience

Coastal and inland communities continuously face a range of natural and man-made challenges, including storm risk, land and habitat loss, depletion of natural resources, compromised water quality, and resulting economic instability. In FY 2024, the GMD will continue to emphasize robust partnerships and extensive community engagement to strengthen coastal and near-shore community preparedness. Through actions, activities, partnerships, and projects, communities throughout the Gulf will be more resilient, and thus better prepared for natural disasters or other

emergencies. The GMD will leverage its Community Resilience Index Tool to provide municipalities with a method to assess vulnerabilities and take steps to mitigate risks.

GMD will evaluate success of this performance measure by tracking the number of communities informed on vulnerabilities and risks and those with programs, projects, and tools developed and/or demonstrated to identify vulnerabilities and to manage risks as a way of improving the social well-being, the economy, and/or the environment. Recipients of competitively funded projects are required to report on this data quarterly and personnel must input direct engagement efforts into the GMD's quarterly metrics tracking database.

Improve Water Quality

The Clean Water Act provides authority and resources to protect and improve the water quality in the Gulf of Mexico and all waters of the United States. The GMD supports projects and works with partners, such as the Hypoxia Task Force, to improve water and habitat quality throughout the Gulf of Mexico watershed. In FY 2024, the GMD will fund projects which improve water quality on a watershed basis through monitoring nutrient reduction, analyzing data, and assessing changes.

Enhance, Protect, or Restore Coastal Habitats

Managing critical ecosystems is widely recognized as a fundamental environmental priority throughout the Gulf Coast region. Critical issues include, but are not limited to, sediment management, marsh/habitat loss due to subsidence, the continued reduction of freshwater in-flow, and climate change. For decades, the Gulf Coast has endured extensive natural and man-made damage to key habitats such as coastal wetlands, estuaries, barrier islands, upland habitats, seagrass vegetation, oyster reefs, coral reefs, and offshore habitats. In FY 2024, the GMD will continue to fund projects and work with partners to enhance coastal ecosystems, improve sediment movement/management, restore acreage where feasible and cost-effective, and reverse the effects of long-term habitat degradation.

GMD will evaluate success of this performance measure by tracking the number of habitats restored, improved, or enhanced through competitively funded projects and partnerships with stakeholders. Recipients of competitively funded projects are required to report on this data quarterly and personnel must input direct engagement efforts into the GMD's quarterly metrics tracking database.

In addition, the Infrastructure Investment and Jobs Act (Public Law 117-58) includes \$10.6 million for this program in FY 2024. In FY 2024, EPA is requesting appropriations language that will provide funding under this program as no-year funds and that will allow utilization of funds to support infrastructure projects or activities.

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):

- (+\$593.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefit costs.
- (-\$559.0) This program change is a decrease due to the increase in fixed and other costs.

Statutory Authority:

Clean Water Act, Further Consolidated Appropriations Act, 2023, Pub. L. 117-328.

Geographic Program: Lake Champlain

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$19,096</i> | <i>\$25,000</i> | <i>\$25,000</i> | <i>\$0</i> |
| Total Budget Authority | \$19,096 | \$25,000 | \$25,000 | \$0 |
| Total Workyears | 0.0 | 1.0 | 1.0 | 0.0 |

Program Project Description:

The trans-boundary region of Lake Champlain is a resource of national significance and home to more than 600,000 people, about 35 percent of whom depend on the lake for drinking water. The 8,234-square mile basin includes areas in Vermont, New York, and the Province of Quebec. Lake Champlain draws millions of visitors annually. The Patrick Leahy Lake Champlain Basin Program (LCBP) supports implementation in Vermont and New York of a comprehensive pollution prevention, control, and restoration plan for protecting the future of the Lake Champlain Basin. Through the LCBP, EPA is addressing various threats to Lake Champlain's water quality, including phosphorus loadings, invasive species, and toxic substances.¹²⁵

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

FY 2024 Activities and Performance Plan:

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

EPA's budget request will allow the Program to address high levels of phosphorus by implementing priority actions identified in the Opportunities for Action Management Plan to reduce phosphorus loads. The 2016 Vermont Total Maximum Daily Load (TMDL) for Phosphorus for Lake Champlain is central to the planning and implementation work within the Lake Champlain Basin to reduce phosphorus loads and meet the wasteload and load allocations specified in the TMDL. Phosphorus reductions from the New York portion of the Basin continue to be subject to the TMDL approved in 2002. The Program also seeks to prevent the impacts of aquatic invasive species and to restore habitat across its basin.

¹²⁵ For additional information see: <https://www.epa.gov/tmdl/lake-champlain-phosphorus-tmdl-commitment-clean-water> and <http://www.lcbp.org>.

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

In FY 2024 EPA will focus on the following activities:

- Ninety-three percent of the total phosphorus load to the lake is from stormwater or nonpoint source runoff, and seven percent is from wastewater treatment plant sources in Vermont, New York, and Quebec. EPA and its partners will continue to reduce phosphorous pollution from stormwater runoff, nonpoint sources, and wastewater treatment facilities to meet reductions specified in the Vermont and New York Total Maximum Daily Loads (TMDLs). Specifically, EPA will focus on:
 - Implementing stormwater planning, design, and construction of green stormwater infrastructure at Vermont public schools and state universities and implementing best management practices on rural roads in both Vermont and New York, thereby increasing their resiliency to climate impacts.
 - Addressing agricultural nonpoint sources including continued research to determine the efficiency of agricultural best management practices; evaluating farm practices to identify where improvements to practices are needed; and decommissioning former agricultural lands better suited for habitat and floodplain restoration efforts.
 - Ensuring that wastewater facilities' permits remain consistent with the Clean Water Act, necessary upgrades to treatment facilities are completed, and the treatment optimization efforts continue throughout the Basin.
- The Program also aims to restore healthy ecosystems to provide clean water for recreation and drinking water and intact habitat that is resilient to extreme events and invasive species. In FY 2024 the Program will support:
 - Biodiversity, prevent habitat fragmentation and improve resilience to changing weather conditions.
 - Prevention of aquatic invasive species that harm the environment, economy, or human health, including aquatic plants, animals, and pathogens. EPA will continue to work with partners to understand the impact of any potential spread. The Agency also will continue to monitor invasive water chestnuts and fund efforts to reduce their density and distribution. Additionally, EPA and its partners will continue to implement the activities identified in the Great Lakes and Lake Champlain Invasive Species Program Report submitted to Congress under requirements of the Vessel Incidental Discharge Act.¹²⁶
- The LCBP will continue to support the development of new ways to understand the high seasonal concentrations of Harmful Algal Blooms, report on their potential health impacts, and provide necessary information to the health departments of New York and Vermont to close beaches, protect drinking water intakes, or take other actions. In addition, the Program will investigate developing new approaches for urban and agricultural stormwater control.

¹²⁶ For more information please visit: <https://www.epa.gov/greatlakes/great-lakes-and-lake-champlain-invasive-species-program-report>.

- LCBP will continue efforts to increase the participation of new and diverse partners in LCBP programs and decision-making by assessing LCBP's committee membership and structure, programs, and outreach strategy to engage with disadvantaged communities more effectively, including a focus on diversity, equity, and inclusion in the 2022 Opportunities for Action update to better describe how the program will engage with all residents and communities of the basin.
- The Program's 2022 management plan includes new metric to expand tracking and reporting of implementation efforts. In FY 2024 the program will continue development of a new project tracking database.

In addition, the Infrastructure Investment and Jobs Act (Public Law 117-58) includes \$8 million for this program in FY 2024. In FY 2024, EPA is requesting appropriations language that will provide funding under this program as no-year funds.

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):

- No change in Program funding.

Statutory Authority:

Boundary Waters Treaty of 1909; Clean Water Act §120; Further Consolidated Appropriations Act, 2023 (P.L. 117-328).

Geographic Program: Long Island Sound

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

| | 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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$29,758</i> | <i>\$40,002</i> | <i>\$40,005</i> | <i>\$3</i> |
| Total Budget Authority | \$29,758 | \$40,002 | \$40,005 | \$3 |
| Total Workyears | 1.7 | 8.0 | 8.0 | 0.0 |

Program Project Description:

The Long Island Sound Program protects wildlife habitat and water quality in one of the most densely populated areas of the United States, with nearly nine million people living in the watershed. In total, the Long Island Sound watershed comprises more than 16 thousand square miles, including virtually the entire state of Connecticut, and portions of New York, Rhode Island, Massachusetts, Vermont, and New Hampshire. The Long Island Sound provides recreation for millions of people each year and provides a critical transportation corridor for goods and people. The Long Island Sound continues to provide feeding, breeding, nesting, and nursery areas for diverse animal and plant life. The ability of the Long Island Sound to support these uses is dependent on the quality of its waters, habitats, and living resources. The Long Island Sound watershed's natural capital provides between \$17 and \$37 billion in ecosystem goods and services every year.¹²⁷

Improving water quality and reducing nitrogen pollution are priorities of the Long Island Sound Program. The Program is making measurable differences in the region. Through State Revolving Fund and local investments of more than \$2.5 billion to improve wastewater treatment, the total nitrogen load to the Long Island Sound in 2021 decreased by more than 49 million pounds from 1990 levels, a 60 percent reduction. This and other investments have enabled the EPA-State partnership to attain the pollution reduction targets set in the nitrogen TMDL 2000.

The Program is also focused on habitat protection and restoration. Program partners have restored 593 acres of coastal habitat between 2015-2022, well ahead of the pace needed to achieve the goal of restoring 1,000 coastal acres by 2035. In 2022, program partners completed 25 projects in coastal habitats, restoring 134.3 acres. An average of 50 acres a year is needed to meet the 2035 target. The program is currently averaging 89.6 acres a year.

FY 2024 Activities and Performance Plan:

¹²⁷ For more information please see: Kocian, M., Fletcher, A., Schundler, G., Batker, D., Schwartz, A., Briceno, T. 2015. The Trillion Dollar Asset: The Economic Value of the Long Island Sound Basin. Earth Economics, Tacoma, WA.

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

In FY 2024, the Program will continue to oversee implementation of the Long Island Sound Study (LISS) Comprehensive Conservation and Management Plan (CCMP) by coordinating the cleanup and restoration actions of the LISS Management Conference. The LISS CCMP is organized around four major themes:¹²⁸ 1) Clean Waters and Healthy Watersheds; 2) Thriving Habitats and Abundant Wildlife; 3) Sustainable and Resilient Communities; and 4) Sound Science and Inclusive Management. Throughout the four themes, the CCMP incorporates key challenges and environmental priorities including resiliency to climate change, long-term sustainability, and environmental justice. The plan also set 20 quantitative ecosystem recovery targets to drive progress. In 2020, the LISS updated the CCMP with 136 implementation actions covering the period 2020-2024. In FY 2024, the EPA will focus on the following:

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

¹²⁸ For more information please visit: <https://longislandsoundstudy.net/2015/09/2015-comprehensive-conservation-and-management-plan/>.

- Submit the next biennial Report to Congress covering progress in implementing the CCMP during the period 2022-2023.
- Update the CCMP's actions for the period 2025 to 2029.

In addition, the Infrastructure Investment and Jobs Act (Public Law 117-58) includes \$21.2 million for this program in FY 2024. In FY 2024, EPA is requesting appropriations language that will provide funding under this program as no-year funds.

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):

- (-\$73.0) 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 benefit costs.
- (+\$76.0) This program change is an increase to provide increased resources to add to the restoration of the Long Island Sound.

Statutory Authority:

Clean Water Act § 119.

Geographic Program: Other

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$12,797</i> | <i>\$14,200</i> | <i>\$14,212</i> | <i>\$12</i> |
| Total Budget Authority | \$12,797 | \$14,200 | \$14,212 | \$12 |
| Total Workyears | 5.3 | 6.7 | 6.7 | 0.0 |

Program Project Description:

EPA targets efforts to protect and restore many of the unique communities and ecosystems across the United States through the geographic programs. To protect and restore these treasured resources, the Agency develops and implements approaches to mitigate sources of pollution and cumulative risks posed by a variety of geographically distinct environmental stressors. These approaches improve water resource quality in ecosystems and the health and economic vitality of residents that rely on them. While substantial progress has been made in all these programs, more work is required to further reduce toxins, lower nutrient loads into watersheds and water bodies, increase ecologically and economically important species, restore habitats, and protect human health. The programs are also focused on targeting investments and benefits to disadvantaged communities within their territories, consistent with the goals of the Justice40 initiative, and prioritizing investments with climate adaptation and mitigation outcomes.

The Northwest Forest Program

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

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

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

The Lake Pontchartrain Basin Restoration Program

The purpose of this Program is to restore the ecological health of the Lake Pontchartrain Basin by developing and funding restoration projects and related scientific and public education projects.

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

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

Southeast New England Program (SNEP)

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

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

- Developing and investing in innovative, cost-effective restoration and protection practices, as well as new regulatory, economic, and technology approaches.
- Providing technical assistance to municipalities, tribes, and local organizations.
- Supporting local restoration efforts.
- Integrating delivery of programs to the public by our fellow agencies and partners.
- Focusing on ecosystem services.
- Improving technology transfer and delivery of restoration programs across the region.
- Developing regional approaches to collate water quality and habitat data in order to provide a report on regional trends.
- Developing and implementing metrics to track the impact of SNEP projects throughout the region.

Columbia River Program (CRBRP)

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

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

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

FY 2024 Activities and Performance Plan:

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

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

Northwest Forest Program

In FY 2024, the Program will support the following activities:

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

Lake Pontchartrain

In FY 2024, the Program will help restore the ecological health of the Lake Pontchartrain Basin by:

- Implementing the current Lake Pontchartrain Basin Program Comprehensive Management Plan (CCMP) and Comprehensive Habitat Management Plan (CCHP), including implementation of restoration projects to address saltwater intrusion-wetland loss, agricultural, and stormwater runoff.
- Revising the CCMP/CCHP to meet the current needs of the Basin and updating recommendations to meet current Best Management Practices and technology. This will be the first update to the Management Plan since 1995.
- Working with the executive committee to expand the reach of the program to communities who have not participated in the past and to reinvigorate participation in the management conference.
- Incorporating Justice40 into the Potentially Responsible Party (PRP) through:
 - identification of key areas for investments
 - development of robust protocols for proposal review and project
 - outreach to subaward grantees to include investments and benefits to disadvantaged communities in their projects and

- tracking and reporting the investments and benefits of PRP projects to disadvantaged communities in the Basin
- Protecting and restoring critical habitats and encouraging sustainable growth by providing information and guidance on habitat protection and green development techniques.

Southeast New England Program (SNEP)

In FY 2024, the Program will support technical assistance, grants, interagency agreements, and contracts to spur investment in regionally significant and/or landscape-scale restoration opportunities, more fully integrate restoration actions, build local capacity, promote policy and technology innovation, encourage ecosystem (water quality and habitat) approaches, and enact the Southeast New England Program's Five-Year Strategic Plan.¹²⁹ SNEP is tracking community engagement and is committed to provide funding or technical assistance to 25 percent of regional municipalities (34 out of 133) and over 50 percent of federally-recognized tribes (at least 2 of 3) by the end of FY 2025. Specific activities include:

- Investing in on-the-ground environmental restoration/protection projects through the SNEP Watershed Implementation Grants (SWIG) program.
- Building capacity of municipalities and other organizations to actively participate in implementing restoration projects and effectively manage their environmental programs through the SNEP Network.
- Promoting the development of next-generation watershed management tools.
- Collaborating among the Narragansett Bay and Buzzards Bay National Estuary Programs, the states of Rhode Island and Massachusetts, the Cape Cod and Martha's Vineyard Commissions and other Cape and Island organizations, municipalities, and key stakeholders to identify, test, promote, and implement approaches that can be replicated across Southeastern New England, with a focus on the nexus between habitat, nutrients, and stormwater and ecosystem and community resilience.
- Funding pilot projects and research to introduce innovations and practices that accelerate and guide ecosystem restoration and avoid or reduce nutrient impacts.
- Continuing the SNEP Pilot Watershed Initiative which seeks to concentrate and quantitatively evaluate the effectiveness of coordinated environmental restoration projects at a sub-watershed scale. Leveraging for efficiency and effectiveness by coordinating operations, resources, and funding principles among restoration partners, including federal and state agencies.
- Continuing development of a regional water and habitat monitoring strategy that incorporates current monitoring efforts to track environmental restoration progress and inform the public about the health of the SNEP region.

Columbia River Basin Program (CRBRP) - Section 123 of the Clean Water Act

The EPA CRBRP's vision is to be a catalyst for broad toxics reduction work efforts and basin-wide collaboration to achieve a healthy ecosystem with significantly reduced toxic levels in fish,

¹²⁹ For more information visit: <https://www.epa.gov/snep/snep-strategic-plan>.

wildlife, and water to enable communities to access unimpaired watersheds with healthy fish and wildlife habitat. Key FY 2024 plans for EPA's CRBRP include:

- Continuing to manage the implementation of the CRBRP grant program awards to monitor and reduce toxics in the Basin.
- Competing a fourth round of CRBRP funding assistance utilizing FY 2023 and FY 2024 appropriations.
- Providing technical assistance and communication products for the Columbia River Basin Restoration Working Group and the general public.
- Continuing to update the EPA Columbia River Basin website which serves as a source of technical references and other information on understanding and reducing toxics in the Basin.
- Integrating Environmental and Tribal Justice and Treaty Rights into the program.
- Supporting climate adaptation strategies and resilience as it relates to toxics reduction.

In addition, the Infrastructure Investment and Jobs Act (Public Law 117-58) includes \$30.2 million for this program in FY 2024. In FY 2024, EPA is requesting appropriations language that will provide funding under this program as no-year funds.

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 change to fixed and other costs is an increase due to the recalculation of base workforce costs due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.

Statutory Authority:

Clean Water Act.

Geographic Program: South Florida

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

| | 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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$6,917</i> | <i>\$8,500</i> | <i>\$8,503</i> | <i>\$3</i> |
| Total Budget Authority | \$6,917 | \$8,500 | \$8,503 | \$3 |
| Total Workyears | 1.6 | 3.0 | 3.0 | 0.0 |

Program Project Description:

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

Challenges faced include: the long-term sustainability of sensitive natural areas, agriculture, and the expanding human population; balancing the region's often conflicting flood control, water supply and water quality needs; and mitigating and adapting to extreme weather events and sea-level rise.

EPA's South Florida Program coordinates restoration activities in South Florida where water quality and habitat are directly affected by pollution and climate change. The Program is developing an Equity Strategy that will include an emphasis on addressing the dual burdens of pollution and climate in disadvantaged communities. EPA implements, coordinates, and facilitates activities through a variety of programs in the region including: the Clean Water Act (CWA) Section 404 Wetlands Program; the Everglades Water Quality Restoration Strategies Program; the Florida Keys National Marine Sanctuary Water Quality Protection Program; the Florida Keys National Marine Sanctuary Water Quality Monitoring Program; the Coral Reef Environmental Monitoring Program; the Benthic Habitat Monitoring Program; the Southeast Florida Coral Reef Initiative, as directed by the U.S. Coral Reef Task Force; and other programs.^{130,2}

FY 2024 Activities and Performance Plan:

¹³⁰ For more information please see: <http://www.epa.gov/aboutepa/about-epa-region-4-southeast>.

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

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

The South Florida Program supports efforts to protect and restore ecosystems impacted by environmental challenges. In FY 2024, EPA will focus on the Florida Keys Water Quality Protection Program, Florida Coral Reef Tract, Everglades Restoration, nutrient reduction to reduce harmful algal blooms, and CWA Section 404 implementation.

- Through the Florida Keys National Marine Sanctuary Water Quality Protection Program, the South Florida Program will engage stakeholders across the breadth of the Florida Keys to review long-term monitoring projects of water quality and ecosystems related to water quality in the Keys. Data generated by EPA partners informs these programs which have documented periodic oceanographic events such as algal blooms, seagrass die-offs, and coral diseases, and have provided the foundational data for the development of nutrient numeric criteria. The long-term status and trend collected by the Coral Reef Environmental Monitoring Program is tracking the ongoing Stony Coral Tissue Loss Disease that continues to decimate over 20 reef building corals species of the Florida Reef Tract. To date, the South Florida Program has provided more than \$3 million to support coral research to hinder or halt the disease destroying corals reefs that are vital to Florida's eco-tourism industry and that serve as a natural mitigation barrier from storms and hurricanes. The Program will continue to support these efforts.
- The Program will complete study reports associated with the Everglades Regional Environmental Monitoring and Assessment Program in 2024 and 2025 based upon monitoring completed in 2023. This is an EPA-conducted extensive assessment of the Everglades' health since 1993. Federal and state agencies, tribes, agriculture, the public, non-governmental organizations, and the National Academies of Sciences use the data to understand water quality and ecological conditions and to assess restoration progress. The data also help to explain the effectiveness of control programs for phosphorus and mercury.
- EPA will continue CWA and National Environmental Policy Act coordination with the US Army Corps of Engineers, Florida Department of Environmental Protection, South Florida Water Management District, and tribes for the Comprehensive Everglades Restoration Plan (CERP) and Western Everglades Restoration Plan planning and Implementation. CERP is a \$20 billion federal-state restoration effort with over 60 projects that affect aquatic resources throughout south Florida. EPA will continue CWA and National Environmental Policy Act coordination with the US Army Corps of Engineers, Florida Department of Environmental Protection, South Florida Water Management District and Tribes for CERP planning and implementation.
- This program will continue implementation of the Florida Keys Wastewater Master Plan to provide Advanced Wastewater Treatment or Best Available Technology services to all homes and businesses in the Florida Keys through the EPA and state co-chaired Florida Keys National Marine Sanctuary (FKNMS) Water Quality Protection Program. The goal is to remove from service all non-functioning septic tanks, cesspits, and non-compliant wastewater facilities. More than 90 percent of Florida Keys homes and business are on advanced wastewater treatment systems and more than 30 thousand septic tanks have been eliminated.

- The Program will continue support for restoration, monitoring, and modeling of seagrass communities within St. Lucie Estuary, the Caloosahatchee Estuary, Indian River Lagoon, Biscayne Bay, and Florida Keys to address loss of seagrass meadows from phosphorus enrichment and chlorophyll increases resulting in dying seagrass beds, increasing harmful algal blooms, fish kills, and manatee deaths.
- EPA will continue work with State and local governments, universities, and non-governmental organizations to implement on-the-ground and satellite water quality monitoring programs for the Florida Keys, Biscayne Bay, St. Lucie Estuary, Florida Bay, and Caloosahatchee Estuary. EPA has provided more than \$4 million to support water quality that includes water quality monitoring; harmful algal blooms detection, nutrient source identification and tracking; bacteria (enterococcus) tracking for healthy beaches; and submarine groundwater discharge to evaluate groundwater as a potential nutrient source.
- The FY 2024 budget request continues support for oysters, seagrass, mangroves, and sponge restoration efforts that reestablish and rehabilitate these natural systems; identify and map habitat areas for protection, restoration, and management; and develop conservation/restoration plans for these resilient ecosystems that provide habitat, food, nutrient removal, water filtration, storm attenuation, carbon storage and shoreline stabilization in South Florida.
- EPA will develop an annual Request for Applications for FY 2024 funds and continue management of more than \$20 million in South Florida prior-year projects enhancing water quality, coral, and seagrass monitoring; restoring coral, seagrass, and sponge ecosystems; developing models to identify pollutant sources; investigating emerging contaminants and researching water quality environments conducive to algal blooms.
- EPA will continue to work with the Florida Department of Environmental Protection (FDEP), local municipalities, and grantees to quantify the impact of shallow wastewater effluent injection on groundwater nutrient fluxes to surface waters in the FKNMS.
- The Program will support CWA Section 404 implementation, including wetlands conservation, permitting, dredge and fill, and mitigation banking strategies through collaboration with U.S. Army Corps of Engineers and FDEP.
- EPA will continue to work with the State of Florida on Everglades Water Quality Restoration Strategies to address pollution. Part of this work will be tracking progress on the National Pollutant Discharge Elimination System permits and consent orders within the Everglades, including discharge limits for phosphorus and corrective actions that are consistent with state and federal law and federal court consent decree requirements.

In addition, the Infrastructure Investment and Jobs Act (Public Law 117-58) includes \$3.2 million for this program in FY 2024. In FY 2024, EPA is requesting appropriations language that will provide funding under this program as no-year funds.

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):

- (+\$123.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefit costs.
- (-\$120.0) This program change is a decrease due to the increase in fixed and other costs.

Statutory Authority:

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

Geographic Program: San Francisco Bay

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

| | 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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$2,631</i> | <i>\$54,500</i> | <i>\$54,505</i> | <i>\$5</i> |
| Total Budget Authority | \$2,631 | \$54,500 | \$54,505 | \$5 |
| Total Workyears | 1.7 | 7.8 | 7.8 | 0.0 |

Program Project Description:

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

Since 2008, EPA has received an annual appropriation for a competitive grant program, the San Francisco Bay Water Quality Improvement Fund (SFBWQIF), to support projects that protect and restore San Francisco Bay and advance Blueprint/Comprehensive Conservation and Management Plan (CCMP) restoration goals.¹³¹ Funding for the SFBWQIF is specifically targeted for the watersheds and shoreline areas of the nine San Francisco Bay Area counties that drain into the Bay. Since 2008, the SFBWQIF has invested over \$72.4 million in 59 grant awards to restore over four thousand acres of wetlands around the Bay and minimize polluted runoff from entering the San Francisco Bay. SFBWQIF grants have leveraged \$183 million in funding from partners and represents a collaborative investment with local partners guided by the consensus-based Blueprint/CCMP. The San Francisco Estuary restoration community is working rapidly to meet its goal of restoring 100,000 acres of wetlands that can provide flood protection, recreation, water quality improvement, and habitat for surrounding communities. Since 2008, approximately \$32 million of the SFBWQIF funds have been provided through grants to restore wetland habitat.

The FY 2024 request will support increased investments in projects around San Francisco Bay that are designed for resiliency considering a wide range of climate change impacts. The Program will increase focus on historically underserved and overburdened communities through continued outreach and capacity building with partner organizations.

¹³¹ For more information, please see: <https://www.sfestuary.org/estuary-blueprint/>.

FY 2024 Activities and Performance Plan:

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

In FY 2024, EPA will focus on the following activities:

- Issue a Request for Applications soliciting proposals to restore wetlands, restore water quality, and implement green development practices that use natural hydrologic processes to treat polluted runoff around San Francisco Bay.
- Issue a Request for Applications soliciting proposals to support underserved populations in the Bay Area to improve the habitat and water quality in their local communities and improve the ease in which underserved community voices are included in the planning for regional environmental projects.
- Continue to administer the SF Bay Water Quality Improvement Fund and gather evidence of progress, consistent with the San Francisco Estuary Partnership's (SFEP) Comprehensive Conservation and Management Plan (CCMP).¹³²
- Continue to build the resilience of San Francisco Bay ecosystems, shorelines and communities to climate change and sea level rise.
- Continue to use EPA grants to fund climate resilient projects and improve access to funds for underserved communities.
- Provide funding and technical support to implement a new regional monitoring program for San Francisco Bay wetlands. The Wetlands Regional Monitoring Program will provide baseline data and include the following: a) Monitoring site network; b) Open data sharing platform; c) Comprehensive science framework.
- Continue technical support for the San Francisco Bay Regional Monitoring Program (RMP), a 28-year-old partnership between regulatory agencies and the regulated community to provide a long-term data set and scientific foundation to make water quality management decisions. The RMP monitors water quality, sediment quality and bioaccumulation of priority pollutants in fish, bivalves, and birds. To improve monitoring measurements or the interpretation of data, the RMP also regularly funds special studies.
- Seek to leverage other sources of funding such as the Clean Water State Revolving Fund and Federal Emergency Management Agency's pre-hazard mitigation funds in support of priority CCMP projects such as the San Francisco Estuary Partnership working with municipal partners on the Hayward Shoreline horizontal levee pilot project and the related "First Mile" project.
- Continue EPA's participation in the Bay Restoration Regulatory Integration Team (BRRIT), a five-year, multi-agency pilot effort to facilitate the complex permitting of restoration projects. The goal of BRRIT is for agencies with permitting jurisdiction over multi-benefit habitat restoration projects to improve the permitting process. BRRIT agencies use dedicated staff time to conduct early design review, provide written guidance and comments, identify Agency requirements that need to be met, and resolve regulatory issues early in the project planning and design phase. This permitting effort enables the accelerated implementation of BRRIT funded restoration projects.

¹³²Please see the SFEP Comprehensive Conservation and Management Plan (2016) at <https://www.sfestuary.org/wp-content/uploads/2017/08/CCMP-v26a-all-pages-web.pdf>.

- Continue to increase the reuse of dredged material for wetlands restoration, which is critical in preparing and responding to sea level rise in San Francisco Bay.
- Continue to partner with the academic and science organizations supporting the San Francisco Bay buoy array, partially funded by EPA, to monitor low-pH and low-oxygen events due to intrusion of upwelled water from the ocean and assessing its impacts, as well as watershed nutrient inputs.
- Key actions include continued partnerships with state and federal agencies to implement and track fourteen TMDLs,¹³³ provide technical assistance when asked by Delta stakeholders to sustain the Delta Regional Monitoring Program (RMP), and work towards continued integration of long-term data sets in the Bay and Delta, such as the Bay Regional Monitoring Program for water quality (RMP) and the Interagency Ecological Program.
- Begin work on the creation of the San Francisco Bay Program Office as authorized by the Water Resources Development Act of 2022.

In addition, the Infrastructure Investment and Jobs Act (Public Law 117-58) includes \$4.8 million for this program in FY 2024.

In FY 2024, EPA is requesting appropriations language that will provide funding under this program as no-year funds.

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):

- (+\$679.0) 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 benefit costs.
- (-\$674.0) This program change is a decrease due to the increase in fixed and other costs.

Statutory Authority:

Clean Water Act, Further Consolidated Appropriations Act, 2023 (P.L. 117-328).

¹³³ For more information, please see the SF Bay Delta TMDL Progress Assessment at <http://www.epa.gov/sfbay-delta/sf-bay-delta-tmdl-progress-assessment>.

Geographic Program: Puget Sound

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$34,746</i> | <i>\$54,000</i> | <i>\$54,022</i> | <i>\$22</i> |
| Total Budget Authority | \$34,746 | \$54,000 | \$54,022 | \$22 |
| Total Workyears | 7.2 | 9.0 | 9.0 | 0.0 |

Program Project Description:

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

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

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

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

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

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

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

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

FY 2024 Activities and Performance Plan:

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

Key FY 2024 activities for EPA's Puget Sound Program include:

- EPA will fund assistance agreements with the 19 federally recognized tribes in Puget Sound, three Tribal consortia, and the Northwest Indian Fisheries Commission. EPA proposes to provide funding to tribes for both capacity building and implementing priority tribal projects in the Puget Sound basin.
- EPA will fund over \$7 million in tribal projects to support key local watershed science and monitoring; local partnerships in restoration projects to support habitat and water quality; and enhancement of ongoing programs and policies for recovery.
- EPA is a co-chair of the overall federal effort to address Tribal Treaty Rights at Risk consistent with the roles assigned by the Council on Environmental Quality. This is an essential role for EPA and other federal leaders in the region to meaningfully engage and develop actions with Puget Sound tribes to address their important treaty rights.
- The program will be developing and implementing actions to establish the Puget Sound National Program Office and the Puget Sound Federal Leadership Task Force as outlined in the new Clean Water Act amendment for Puget Sound (Section 126 of the CWA). This includes a report to Congress in December 2023.
- The Program will enhance Federal Task Force leadership, including leadership and implementation of the FY 2022-2026 Action Plan.¹³⁴ This leverages hundreds of millions

¹³⁴ For more information please visit: <https://www.epa.gov/system/files/documents/2022-06/puget-sound-federal-task-force-action-plan-2022-2026.pdf>.

of dollars in federal investments in Puget Sound and provides alignment of program and policies for recovery.

- The Program will build on over 20 years of international cooperation with Canada implementing the Canada-U.S. Cooperation in the *Salish Sea: 2021-2024 Action Plan*.¹³⁵ The Program will participate in a series of workshops on topics of shared interest in transboundary work including joint efforts for Southern Resident Killer Whales, science collaboration and enhancing transboundary governance opportunities.
- The FY 2024 budget request will help fulfill National Estuary Program responsibilities, including support for the implementation of the Comprehensive Conservation and Management Plan (CCMP) for recovering Puget Sound (the Action Agenda). The Program received, reviewed, and approved the updated CCMP in FY 2022 that sets up the next four years of collaborative implementation of recovery efforts in Puget Sound.
- The Program will continue to integrate climate adaptation and environmental justice while supporting local jobs. The Program is building climate resiliency into the actions and projects funded with Puget Sound assistance agreements for habitat, shellfish and water quality, which presents the opportunity to grow and integrate climate justice in all of our program areas with federal, state, tribal and local partners.
- The Program will be managing and awarding up to \$100 million in projects from Puget Sound funding over the next five years consistent with the EPA's *2021 Strategic Initiative Lead Funding Model*.¹³⁶ The Program will fund over \$17 million in shellfish, habitat and stormwater projects and programs.
- The Program will continue to fund and coordinate cutting-edge science in the Salish Sea with funding over \$6 million in science projects from Puget Sound funding and programs with federal, state, tribal and academic partners.

In addition, the Infrastructure Investment and Jobs Act (Public Law 117-58) includes \$17.8 million for this program in FY 2024. In FY 2024, EPA is requesting appropriations language that will provide funding under this program as no-year funds.

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):

- (+\$678.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefit costs.
- (-\$656.0) This program change is a decrease due to the increase in fixed and other costs.

¹³⁵ For more information please see: <https://www.epa.gov/puget-sound/actions-plans-us-canada-cooperation-salish-sea>.

¹³⁶ For more information please visit: https://snohomishcountywa.gov/DocumentCenter/View/87563/FY21-EPA-Funding-Guidance-to-SILs_FINAL.

Statutory Authority:

Clean Water Act. Further Consolidated Appropriations Act, 2023 (P.L. 117-328).

Great Lakes Restoration

Program Area: Geographic Programs

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$349,157</i> | <i>\$368,000</i> | <i>\$368,154</i> | <i>\$154</i> |
| Total Budget Authority | \$349,157 | \$368,000 | \$368,154 | \$154 |
| Total Workyears | 68.2 | 77.0 | 77.0 | 0.0 |

Program Project Description:

The Great Lakes are the largest system of surface freshwater on Earth, containing 20 percent of the world's surface freshwater and 95 percent of the United States' surface freshwater. The watershed includes two nations, eight United States (U.S.), two Canadian provinces, and 35 tribes.

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

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

EPA and its partners have achieved significant results since the GLRI started in 2010¹³⁷, including:

- Five Areas of Concerns (AOCs) delisted, including the Ashtabula River AOC in FY 2021. (Prior to GLRI, only one Great Lakes AOC was delisted.) Eleven others have had the cleanup and restoration actions necessary for delisting completed.
- 104 Beneficial Use Impairments (BUIs) at 28 AOCs in the eight Great Lakes states have been removed, ten times the total number of BUIs removed in the preceding 22 years.
- Over 4.3 million cubic yards of contaminated sediment have been remediated.
- Over 215,000 acres on which invasive species control activities have been implemented.
- Self-sustaining populations of Silver and Bighead carp have been kept out of the Great Lakes.

¹³⁷ For more information, please see <https://www.epa.gov/greatlakes>. AOC and BUI information in the first two bullets is as of 6/1/22 and the contaminated sediment remediation is as of 12/31/21. Information in the remaining bullets is as of 9/30/21.

- Over 16 million pounds of invasive carp have been removed from the Illinois River, reducing the potential for these species to invade the Great Lakes.
- Loadings of over 2 million pounds of phosphorus were reduced through implementation of conservation practices (phosphorus is a major driver of harmful algal blooms in Great Lakes priority watersheds).
- More than 475,000 acres of habitat have been protected, restored, or enhanced; and
- Over 625,000 youths have benefited from Great Lakes based education and stewardship projects.

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

FY 2024 Activities and Performance Plan:

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

In FY 2024, the GLRI will continue to support programs and projects which target the most significant environmental problems in the Great Lakes. Emphasis will continue to be placed on 1) cleaning up and delisting AOCs, which will help to revitalize and generate community benefits in environmental justice communities; 2) reducing phosphorus contributions that contribute to harmful algal blooms and other water quality impairments; and 3) invasive species prevention. GLRI Action Plan III targets GLRI restoration within the focus areas, objectives, and performance goals described below.

Toxic Substances and Areas of Concern Objectives:

- *Remediate, restore, and delist AOCs:* EPA, U.S. Fish & Wildlife Service (FWS), U.S. Army Corps of Engineers (USACE), United States Geological Survey (USGS), National Oceanic and Atmospheric Administration (NOAA), and other GLRI partners will continue accelerating the pace of U.S. BUI removals. EPA and its federal partners will work with and fund stakeholders to implement management actions necessary to remove the BUIs (indicators of poor environmental health) that will ultimately lead to the delisting of the remaining AOCs on the U.S. side of the border. Agencies target collective efforts under the GLRI to maximize removal of BUIs and delisting of AOCs. Agencies will support BUI removal through sediment remediation under the Great Lakes Legacy Act (part of the GLRI) and other restoration activities. FY 2024 targets are:
 - Ten BUIs (128 BUIs cumulative since 1987) removed in AOCs; and

- Three AOCs (31 AOCs cumulative since 1987 – 100 percent of the AOCs) with complete and approved lists of management actions necessary for delisting.
- *Share information on the risks and benefits of consuming Great Lakes fish, wildlife, and harvested plant resources with the people who consume them:* Federal agencies and their state and tribal partners will continue to help the public make informed decisions about healthy options for safe fish consumption. Expansion of successful pilot programs will increase the availability and accessibility of safe fish consumption guidelines to vulnerable populations that consume Great Lakes fish. Additional emphasis will be placed on the safe consumption of wildlife and harvested plant resources.
- *Increase knowledge about 1) “Chemicals of Mutual Concern” identified pursuant to the Great Lakes Water Quality Agreement Annex 3; and 2) other priority chemicals that have negatively impacted, or have the potential to negatively impact, the ecological or public health of the Great Lakes:* Federal agencies will coordinate with appropriate state and tribal partners to begin to fill critical monitoring and data gaps for priority chemicals in the Great Lakes. Monitoring data from this process will provide information on the magnitude and extent of these chemicals in the Great Lakes and help in the evaluation of associated ecological, economic, and recreational consequences.

Invasive Species Objectives:

- *Prevent introductions of new invasive species:* Federal agencies and their partners will continue to prevent new invasive species (including invasive carp) from establishing self-sustaining populations in the Great Lakes ecosystem. Federal agencies and their partners will work to increase the effectiveness of existing surveillance programs by increasing detection abilities. Federal agencies will continue to support state and tribal efforts to develop and implement Aquatic Nuisance Species Management Plans which will be used for annual “readiness exercises” and actual responses to new detections of invasive species. GLRI partners will be able to use risk assessments in combination with updated “least wanted” lists to focus prevention activities. Increasing the ability and frequency of Great Lakes states to quickly address new invasions or range expansion of existing invasive species will be a key GLRI strategy. In FY 2024, the goal is to conduct eight rapid responses exercises.
- *Control established invasive species:* Federal agencies and their partners will bring an enhanced focus to the quality of acreage to be restored as they restore sites degraded by aquatic, wetland, and terrestrial invasive species. Federal agencies will implement control projects in national forests, parks, and wildlife refuges, and will partner with states and neighboring communities to promote larger scale protection and restoration through applicable control programs. GLRI funding will help the Great Lakes Sea Lamprey Control Program to locate and address strategic barriers while also advancing new control technologies. In FY 2024, the target is to control invasive species on 6,000 acres.
- *Develop invasive species control technologies and refine management techniques:* Federal agencies and their partners will continue to develop and enhance technologies to control non-native phragmites, sea lamprey, and red swamp crayfish so that on-the-ground land managers

can field test these new approaches. Federal agencies also will develop and enhance invasive species “collaboratives” to support rapid responses and to communicate the latest control and management techniques for non-native species such as Hydrilla, Dreissenidae mussels, hemlock woolly adelgid, and emerald ash borer. Federal agencies and their partners will support a Great Lakes telemetry network to track aquatic invasive species movements (e.g., grass carp) and refine rapid response actions.

Nonpoint Source Pollution Impacts on Nearshore Health Objectives:

- *Reduce nutrient loads from agricultural watersheds:* EPA, federal agencies, and their partners will continue working on farms and in streams to reduce nutrient loads from agricultural watersheds, emphasizing utilization of conservation systems and work in priority watersheds, particularly the Lower Fox River (WI), Saginaw River (MI), Maumee River (OH), and Genesee River (NY). This work will reduce the most significant loadings from nutrient runoff. Federal agencies and their partners will improve the effectiveness of existing programs, encourage the adoption of technologies and performance-based approaches to reduce runoff and soil losses, expand demonstration farm networks to increase adoption of nutrient management practices, promote practices for slowing down and filtering stormwater runoff, and emphasize long-term and sustainable nutrient reductions. EPA and its federal partners will target resources and activities at locations that are the most significant cause of harmful algal blooms. FY 2024 targets are:
 - Reduce 300,000 pounds (2.8 million pounds cumulative since 2010) of phosphorus from conservation practice implementation throughout Great Lakes watersheds; and
 - Provide technical or financial assistance on 132,500 acres (2.8175 million acres cumulative since 2010) in priority watersheds.
- *Reduce untreated stormwater runoff:* EPA and its federal partners will continue to accelerate implementation of green infrastructure projects to reduce the impacts of polluted urban runoff on nearshore water quality at beaches and in other coastal areas. These projects will capture or slow the flow of untreated runoff and filter out sediment, nutrients, toxic contaminants, pathogens, and other pollutants prior to entering Great Lakes tributaries and nearshore waters. Federal agencies and their partners also will continue to support watershed management projects that slow and intercept runoff, including installation of tributary buffers, restoration of coastal wetlands, and re-vegetation and re-forestation of areas near Great Lakes coasts and tributaries. FY 2024 targets are:
 - Capture or treat 50 million gallons (550 million gallons cumulative since 2015) of untreated stormwater runoff captured or treated; and
 - Restore or protect seven miles (61 miles cumulative since 2015) of Great Lakes shoreline and riparian corridors restored or protected.
- *Improve effectiveness of nonpoint source control and refine management efforts:* EPA and its federal partners will continue to adaptively manage to maximize nonpoint source control efforts. Strategies will include conducting edge-of-field monitoring studies in agricultural priority watersheds to test the effectiveness of innovative practices such as bioreactors; application of previously supported tools and lessons learned to optimize project results; and

development of new strategies such as nutrient recovery and manure transformation technologies. FY 2024 targets are:

- Conduct 30 nutrient monitoring and assessment activities; and
- Develop or evaluate ten nutrient or stormwater runoff reduction practices or tools.

Habitats and Species Objectives:

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

FY 2024 targets are:

- Restore, protect, or enhance 12,000 acres of coastal wetland, nearshore, and other habitats (442,000 acres cumulative since 2010); and
- 200 miles (6,500 miles cumulative since 2010) of connectivity between rivers, streams, and lakes providing passage for aquatic species.

Increase resiliency of species through comprehensive approaches that complement on-the-ground habitat restoration and protection: EPA and its federal partners will maintain, restore, and enhance the habitats of native fish and wildlife species to increase the resiliency and overall health of these species. Agencies will maximize habitat improvements (coastal wetlands in particular) for aquatic and terrestrial species through collaborative conservation and monitoring at local and regional scales. Project benefits are expected to include avoiding species extinction, identification of key habitats and of limiting factors to species recovery and increasing or protecting population levels. GLRI agencies and their partners will continue to support protection of native species that have cultural, subsistence, and economic value. In FY 2024 the target is to complete actions to significantly protect or promote recovery of populations of two species (eight species cumulative since 2018).

Foundations for Future Restoration Actions Objectives:

- *Educate the next generation about the Great Lakes ecosystem:* EPA and its federal partners will promote Great Lakes-based environmental education and stewardship for students and other interested community members (e.g., courses at parks, nature centers, on board vessels, museums, and zoos). With an emphasis on educating K-12 youth, GLRI partners will support

experience-based learning opportunities. GLRI agencies and their partners also will continue to develop Great Lakes-literate educators to maximize the number of youths impacted using principles and concepts in the Great Lakes Literacy curriculum. These activities will support the overall goal of impacting youth to foster Great Lakes stewardship, promote conservation, and expose and prepare under-represented youth for higher education opportunities in natural resource management.

- *Conduct comprehensive science programs and projects:* EPA and its federal partners will continue to investigate the most significant ecological problems in the Great Lakes. Great Lakes monitoring will include: coastal wetlands, water quality, and the lower food web in the offshore waters; nutrient cycling and harmful algal blooms in priority areas; and contaminants in Great Lakes fish, sediments, and air. Federal agencies and their partners will identify and address science priorities to support implementation of the GLRI and the Great Lakes Water Quality Agreement. They will continue to: develop new tools for monitoring and forecasting; measure project effectiveness; prioritize management activities; and consider environmental and health outcomes.

In addition, the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58) includes \$200 million for this program in FY 2024. In FY 2024, EPA is requesting appropriations language that will provide funding under this program as no-year funds.

GLRI Funding Allocations:

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

Summary of FY 2017 - 2024 Allocations* by Focus Area
(Dollars in Thousands)

| Focus Area | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
|---|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------|
| Toxic Substances and AOC | \$107,500 | \$105,600 | \$107,400 | \$115,800 | \$118,500 | \$62,600 | \$102,165 | TBD |
| Invasive Species | \$62,200 | \$56,700 | \$57,000 | \$62,900 | \$66,000 | \$81,000 | \$70,213 | TBD |
| Nonpoint Source Pollution Impacts on Nearshore Health | \$47,900 | \$50,600 | \$51,200 | \$51,000 | \$55,400 | \$83,800 | \$79,479 | TBD |
| Habitat and Species | \$49,500 | \$52,400 | \$51,400 | \$54,500 | \$56,200 | \$79,500 | \$75,112 | TBD |
| Foundations for Future Restoration Actions | \$32,900 | \$34,700 | \$33,000 | \$35,800 | \$33,900 | \$41,100 | \$41,031 | TBD |
| TOTAL | \$300,000 | \$300,000 | \$300,000 | \$320,000 | \$330,000 | \$348,000 | \$368,000 | TBD |

| | | |
|---|--|--|
| Allocations are based on budgets approved by Regional Working Group agencies. The FY 2022 and FY 2023 allocations reflect adjustments as a result of allocating BIL funding, principally to cleanup of AOCs. RWG agencies develop allocations for future funding, such as FY 2023 and FY 2024, based on the authorized GLRI funding level and will make adjustments upon appropriation. | | |
|---|--|--|

Summary of FY 2017 – 2024 Allocations* by Agency
(Dollars in Thousands)

| Agency | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
|-------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------|
| DHS-USCG | \$1,580 | \$500 | \$1,661 | \$1,250 | \$1,300 | \$1,200 | TBD | TBD |
| DOC-NOAA | \$12,027 | \$24,629 | \$29,405 | \$28,163 | \$16,621 | \$29,420 | TBD | TBD |
| DOD-USACE | \$55,940 | \$43,559 | \$37,387 | \$30,599 | \$42,612 | \$17,687 | TBD | TBD |
| DOI-BIA | \$10,904 | \$11,617 | \$9,842 | \$15,840 | \$15,765 | \$19,368 | TBD | TBD |
| DOI-NPS | \$4,379 | \$3,940 | \$3,822 | \$3,794 | \$4,968 | \$7,996 | TBD | TBD |
| DOI-USFWS | \$41,794 | \$52,902 | \$47,272 | \$53,523 | \$59,288 | \$78,910 | TBD | TBD |
| DOI-USGS | \$26,817 | \$25,724 | \$21,603 | \$19,780 | \$19,790 | \$20,702 | TBD | TBD |
| DOT-MARAD | \$800 | \$675 | \$803 | \$5,500 | \$8,000 | \$6,500 | TBD | TBD |
| HHS-ATSDR/CDC | \$593 | \$590 | \$0 | \$0 | \$0 | \$0 | TBD | TBD |
| USDA-APHIS | \$1,262 | \$1,176 | \$1,312 | \$1,378 | \$1,459 | \$1,832 | TBD | TBD |
| USDA-NRCS | \$22,072 | \$25,096 | \$20,697 | \$22,239 | \$24,374 | \$31,824 | TBD | TBD |
| USDA-USFS | \$11,355 | \$10,153 | \$11,646 | \$9,921 | \$12,464 | \$12,958 | TBD | TBD |
| IA Totals: | \$189,522 | \$200,560 | \$185,448 | \$191,988 | \$206,641 | \$228,395 | TBD | TBD |
| EPA and Misc Ias | \$110,478 | \$99,440 | \$114,552 | \$128,012 | \$123,359 | \$119,605 | TBD | TBD |
| Totals: | \$300,000 | \$300,000 | \$300,000 | \$320,000 | \$330,000 | \$348,000 | \$368,000 | TBD |

| | | |
|---|--|--|
| Allocations are based on budgets approved by Regional Working Group agencies. The FY 2022 allocations reflect adjustments as a result of allocating BIL funding, principally to cleanup of AOCs. RWG agencies develop allocations for future funding, such as FY 2023 and FY 2024, based on the authorized GLRI funding level and will make adjustments upon appropriation. | | |
|---|--|--|

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):

- (+\$1,500.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefit costs.
- (-\$1,346.0) This program change is due to the increase in fixed and other costs.

Statutory Authority:

Clean Water Act Section 118.

Homeland Security

Homeland Security: Communication and Information

Program Area: Homeland Security

Goal: Safeguard and Revitalize Communities

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$4,054</i> | <i>\$4,692</i> | <i>\$6,051</i> | <i>\$1,359</i> |
| Total Budget Authority | \$4,054 | \$4,692 | \$6,051 | \$1,359 |
| Total Workyears | 10.9 | 13.3 | 15.3 | 2.0 |

Program Project Description:

There has been an evolution of the term and mission of national and homeland security since 9/11. National security is now widely understood to include non-military dimensions, such as climate and environmental security, economic security, energy security, and cybersecurity, as well as traditional homeland security topics. Due to this, the homeland security roles and responsibilities of the EPA have expanded, and several areas (e.g., climate, natural disasters) now involve engagement from the broader national security community. Systematic preparation is essential for the threats that pose the greatest risk to the security of the Nation, including acts of terrorism, climate change, pandemics, catastrophic natural disasters, cyber-attacks, and other national security emergencies. The White House, Congress, and the Department of Homeland Security (DHS) have defined responsibilities for EPA in several areas, including water critical infrastructure protection and response to chemical, biological, radiological, and nuclear events, through a series of statutes, presidential directives, and national plans.

In addition, EPA supports disaster recovery and mitigation, yet this essential work has been steadily expanding to include climate change and climate security work identified in recent Executive Orders. EPA's Mitigation and Recovery Order 2074 reaffirms our role using EPA programs and resources and directs Regions to assign coordinators to support the agency-wide efforts with mitigation and recovery. EPA's critical mitigation work prepares communities to prevent or reduce impacts when natural (e.g., climate change) or human-made disaster (e.g., dirty bomb, anthrax) occurs. Regions work with federal, state, territorial, tribal, and local communities to provide technical assistance to reduce loss of life and environmental impact per the National Mitigation Framework and the National Investment Mitigation Strategy. Climate change will continue to increase the frequency, extent, and severity of natural disasters.

As our response roles are executed and the event continuum transfers to recovery, EPA then focuses on how best to restore, redevelop, and revitalize the health, social fabric, economy, and environment of the community using the six Recovery Support Functions of the National Disaster Recovery Framework.

EPA's Homeland Security: Communication and Information Program has two components. The Office of Homeland Security (OHS) supports the Agency's coordination and communication activities related to national security and homeland security. The Office of Mission Support, which manages the Agency's Enterprise Security Operations Center (SOC), is responsible for the centralized, integrated, and coordinated cybersecurity prevention, detection, response, and supporting recovery capability for EPA networks.

OHS provides technical, policy, and intelligence advice to senior agency leadership related to national and homeland security. OHS coordinates the Agency's intelligence activities including EPA's engagement with the White House, National Security Council (NSC), and other federal departments and agencies on the development of new national and homeland security policies and requirements. OHS also ensures that the NSC and other lead federal entities understand the impacts of new national security initiatives and policies on existing EPA programs. OHS maintains intelligence operations and analyses capabilities focusing on EPA's equities, including the protection of critical infrastructure, specifically the water sector, climate change and security issues, and biodefense and global health security issues. OHS serves as the Federal Intelligence Coordinating Office (FICO) for EPA and coordinates with the Intelligence Community (IC) in support of policy development and consequence management efforts. OHS also focuses on coordination and integration of chemical, biological, and radiological preparedness and response programs. More specifically, OHS focuses on the protection of air and water quality and the prevention of land contamination, through external engagement with federal departments and agencies and internal coordination with EPA program offices with homeland security responsibilities. OHS also has developed a Classified Information Management Program to ensure effective classified communications with all ten EPA Regions in the event of a national security emergency or incident. OHS coordinates with regional, state, and local Fusion Centers and Joint Terrorism Task Forces to focus on integrating EPA regional offices with the information sharing environment and DHS' intelligence sharing network. OHS also advances implementation of the National Counterintelligence and Security Center's Enterprise Threat Mitigation Framework via the following programs: EPA Insider Threat, Suspicious Activity Reporting, National Operations Security (OPSEC), and Counterintelligence. OHS also manages the program that supports the Department of Treasury with the Committee on Foreign Investment in the United States.

In addition, OHS works closely with EPA's Water Program to coordinate and integrate water security efforts internally and externally with stakeholders regarding physical threats and contamination and cyber threats to operations. EPA serves as the Sector Risk Management Agency (SRMA) for the water sector. The October 2020 *DHS Homeland Threat Assessment* and the 2021 *Annual Threat Assessment of the U.S. Intelligence Community (IC)* (April 2021)¹³⁸ indicated that cyber threats from nation states and non-nation states remain an acute growing problem threatening U.S. critical infrastructure. Cyberattacks across critical infrastructure sectors are rapidly increasing in volume and sophistication, impacting both information technology (IT) and operational technology (OT) systems in the water sector.

¹³⁸ Please see the following for more information: https://www.dhs.gov/sites/default/files/publications/2020_10_06_homeland-threat-assessment.pdf.
<https://www.dni.gov/files/ODNI/documents/assessments/ATA-2021-Unclassified-Report.pdf>.

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

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

FY 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*. With the resources requested in FY 2024, this program will:

- Continue to promote a coordinated approach to EPA's homeland security activities and support the alignment of resources with government-wide national and homeland security priorities and requirements as defined by the NSC and the IC, including climate security, cybersecurity, and biodefense.
- Continue to build on and develop the Agency's cybersecurity intelligence capabilities to provide a level of support that would enable EPA to better prepare for and respond timely to specific threats, mitigate attacks, assess evolving water sector cyber intelligence requirements, and assist in developing proposals to prevent/mitigate cyber incidents. By further building these capabilities, the Agency will be able to increase research, analyses, and engagement with the water and wastewater sector and partner agencies who deal with cybersecurity (*i.e.*, DHS Cybersecurity and Infrastructure Security Agency (CISA)) and help EPA fulfill the requirements in Section 9002 of the FY 2021 National Defense Authorization Act. All indicators suggest cybersecurity threats and requirements, particularly those associated with the critical infrastructure sector, will only increase in number, complexity, and potential consequences for the foreseeable future.
- OHS and EPA's Water Program will develop an integrated strategy to work together more effectively to coordinate water and wastewater sector-wide cybersecurity threat information and intelligence sharing efforts. Specific examples of OHS' roles/responsibilities in this area include:

- Engaging with the Water Sector Coordinating Council and the Water Information Sharing and Analysis Center (ISAC) to more closely work with CISA and the intelligence and law enforcement communities to facilitate the identification of intelligence requirements and priorities of critical infrastructure owners and operators in the water and wastewater sector in coordination with the Director of National Intelligence and the heads of other Federal departments and agencies, as appropriate;
 - Supporting risk assessment and risk management efforts by EPA in conjunction with CISA; and
 - Working with CISA to provide and facilitate awareness, within the water and wastewater sector, of ongoing, and where possible, real-time awareness of identified threats, vulnerabilities, mitigations, and other actions related to the security of the water and wastewater sector.
- Continue to develop new collaborative practices and methods with Intelligence Community agencies to meet the cybersecurity needs of the water and wastewater sector, along with other critical sectors, to address increasingly sophisticated and complex threat actor tactics and techniques. EPA has coordinated with NSC, CISA, Federal Bureau of Investigation (FBI), and water sector entities, on several occasions, regarding cyber-attacks on the water sector’s IT and OT systems, which has resulted in a renewed emphasis on notification and communication efforts with the water utilities.
 - Continue to develop new collaborative practices and methods with Intelligence Community agencies and the National Security Council to: meet the requirement in Executive Order (EO) 14008, *Tackling the Climate Crisis at Home and Abroad*,¹³⁹ “to place the climate crisis at the forefront of this Nation’s foreign policy and national security planning,” and to address emerging domestic and global biological risks, including pandemics and national bio-preparedness policies.
 - Provide more comprehensive support to the expanding collaborations with Department of Energy (DOE), CISA, WaterISAC, and other programs on cyber threat response.
 - Promote a coordinated approach to communicating classified and sensitive information to EPA programs, laboratories, and regional offices via secure communications systems to support timely intelligence and information sharing to enable safe and effective operational preparedness and response.
 - Continue to develop a program, working with the Office of Policy, to support the regional Disaster Recovery Coordinators, increasing national disaster mitigation and recovery capacity. OHS also will support regional Mitigation Coordinators to increase mitigation planning and advance policy to increase resilience in support of Executive Order 14008 *Tackling the Climate Crisis at Home and Abroad*.

¹³⁹ For additional information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>

- Support federal, state, tribal, and local efforts to prevent, protect, mitigate, respond to, and recover from the impacts of natural disasters, acts of terrorism, and other emergencies by providing leadership and coordination across EPA's program offices and regions.
- Ensure appropriate agency representation in various White House and other federal national security and homeland security policy activities. These efforts include serving as EPA's representative for homeland security, national disaster response, and mitigation and recovery policy in monthly meetings of the Homeland Preparedness and Response Interagency Policy Committee (IPC), the Homeland Critical Infrastructure Resilience Interagency Policy Committee, chaired by the NSC, and in weekly NSC Cyber Response Group meetings and other national security policy committees. In addition, OHS serves as EPA's representative in monthly meetings of the Recovery Support Function Leaders Group, chaired by the Federal Emergency Management Agency (FEMA), and the Mitigation Framework Leadership Group, also chaired by FEMA, and on other interagency workgroups.
- In support of agency representation in various White House and other federal national security and homeland security policy activities, EPA will expand its secure video telecommunications (SVTC) capabilities.
- Focus on filling critical policy, knowledge, and technology gaps that may be essential for an effective EPA response, including working with our interagency partners to define collective capabilities and resources that may contribute to closing common homeland security gaps, including emerging chemical threats and cybersecurity concerns for critical water infrastructure.
- Provide EPA end-users with relevant, accurate, reliable, objective, and timely intelligence bearing on matters of environmental policy and regulation and domestic threats and counterintelligence, where EPA functions to preserve or assist in the restoration of human health and the environment.
- Continue phased implementation of EO 13587, *Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information*¹⁴⁰ to meet the main pillars of classified information protection with a focus on the implementation of an Insider Threat Program to address and mitigate threats to national security.
- Track emerging national and homeland security issues, through close coordination with the U.S. Intelligence Community, to anticipate and avoid crisis situations and target the agency's efforts proactively against threats to the United States.
- Phase in National Security Presidential Memorandum 28 (NSPM-28) to support OPSEC for the Agency.

¹⁴⁰ For more information, please see: <https://obamawhitehouse.archives.gov/the-press-office/2011/10/07/executive-order-13587-structural-reforms-improve-security-classified-net>.

- Support the coordination and communication requirements of NSPM-32 to share information on critical incidents in a timely and effective manner.

In FY 2024, EPA also will support implementation of EO 14028, *Improving the Nation's Cybersecurity*,¹⁴¹ through monitoring across the Agency's IT infrastructure to detect, remediate, and eradicate malicious activity/software from EPA's computer and data networks. Specific activities include:

- Continue to mature and enhance internal Computer Security Incident Response Capability to ensure rapid identification and reporting of suspicious activity through increased training and awareness of cybersecurity threats. Training opportunities are provided to individual users to identify the most recent cybersecurity threats along with tabletop exercises to develop agency staff proficiency in responding to cyber security incidents.
- Improve threat intelligence sharing. EPA personnel are active participants in the United States Computer Emergency Readiness Team, a DHS-led group of experts from incident response and security response teams. Indicators and warnings are shared between EPA incident responders and their cleared counterparts in other agencies and with the Intelligence Community. This provides the ability to integrate actionable intelligence with deployed systems to improve cybersecurity defensive capabilities.
- Continue maturation and refinement of the Agency's Incident Response procedures in compliance with EO 14028 and CISA's Playbook for Responding to Cybersecurity Vulnerabilities and Incidents.
- In compliance with OMB Memorandum M-22-01, *Improving Detection of Cybersecurity Vulnerabilities and Incidents on Federal Government Systems through Endpoint Detection and Response*,¹⁴² continue work to integrate End Point Detection and Response (EDR) capabilities with the Continuous Diagnostics and Mitigation Program to support proactive detection of cybersecurity incidents within the EPA information environment, supporting active cyber hunting, containment and remediation, and incident response. This work includes extensive coordination with CISA and deployment of capabilities across the Agency.
- Mature the security logging capabilities as outlined in OMB Memorandum M-21-31, *Improving the Federal Government's Investigative and Remediation Capabilities Related to Cybersecurity Incidents*.¹⁴³ This activity will build on implementation of Event Logging Level 3 for Advanced Logging requirements at all criticality levels. It will focus on fully implementing Security Orchestration, Automation, and Response tools to streamline threat and vulnerability management, incident response, and security operations automation, as

¹⁴¹ For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/05/12/executive-order-on-improving-the-nations-cybersecurity/>.

¹⁴² For more information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/10/M-22-01.pdf>.

¹⁴³ For additional information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/08/M-21-31-Improving-the-Federal-Governments-Investigative-and-Remediation-Capabilities-Related-to-Cybersecurity-Incidents.pdf>.

well as User Behavior Monitoring analytics to enable early detection of malicious behavior.

- In compliance with OMB Memorandum M-22-09,¹⁴⁴ *Moving the U.S. Government Toward Zero Trust Cybersecurity Principles*, the SOC will support implementation of a Zero Trust Architecture across the Agency.

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):

- (-\$282.0) 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.
- (+\$1,320.0 / +1.0 FTE) This program change increases resources and FTE for implementing the EPA Climate Adaptation Action Plan, supporting the increased resilience of EPA programs, and strengthening the capacity of states, communities, and businesses to adapt to climate change, with a particular focus on enhancing environmental justice. This investment includes \$210.0 thousand in payroll costs.
- (+\$372.0 / +1.0 FTE) This program change increases resources and FTE for enhancing homeland security coordination and communication efforts across the Agency. This investment includes \$210.0 thousand in payroll costs.
- (-\$51.0) This program change reflects efficiencies realized from streamlining homeland security IT efforts across the agency.

Statutory Authority:

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

¹⁴⁴ For additional information, please see: <https://www.whitehouse.gov/wp-content/uploads/2022/01/M-22-09.pdf>.

Homeland Security: Critical Infrastructure Protection

Program Area: Homeland Security

Goal: Safeguard and Revitalize Communities

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$873</i> | <i>\$923</i> | <i>\$1,023</i> | <i>\$100</i> |
| Science & Technology | \$9,941 | \$10,852 | \$34,205 | \$23,353 |
| Total Budget Authority | \$10,814 | \$11,775 | \$35,228 | \$23,453 |
| Total Workyears | 26.1 | 26.6 | 57.6 | 31.0 |

Program Project Description:

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

FY 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*. This program also supports the Agency's Infrastructure Investment and Jobs Act implementation priorities including preparing for and responding to cybersecurity challenges so that water systems are more resilient.

In FY 2024, EPA will build the capacity at water systems to identify and respond to threats to critical national water infrastructure by:

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

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

Providing this information, coupled with effective information sharing processes, allows the water sector to improve its understanding of the latest water security and resiliency protocols and threats. These protocols reduce risk by enhancing the water sector's ability to prepare for an emergency.

Performance Measure Targets:

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

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

- (+\$37.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$63.0) This program change provides increased resources to promote the protection of critical water infrastructure.

Statutory Authority:

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

Homeland Security: Protection of EPA Personnel and Infrastructure

Program Area: Homeland Security

Goal: Safeguard and Revitalize Communities

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$4,903</i> | <i>\$5,188</i> | <i>\$5,158</i> | <i>-\$30</i> |
| Science & Technology | \$501 | \$625 | \$501 | -\$124 |
| Building and Facilities | \$7,049 | \$6,676 | \$6,676 | \$0 |
| Hazardous Substance Superfund | \$1,201 | \$1,029 | \$1,530 | \$501 |
| 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:

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

In order to secure and protect EPA’s personnel and physical infrastructure, the Agency operates a USAccess Personal Identity Verification (PIV) program, which adheres to the requirements as set forth in Homeland Security Presidential Directive-12 (HSPD-12).¹⁴⁵ This program ensures the Agency complies with government-wide standards for the issuance of secure and reliable forms of identification to federal employees and contractors who require access to federally controlled facilities and networks. Additionally, EPA’s National Security Information (NSI) program manages and safeguards EPA’s classified information for its federal workforce and contractors, including conducting mandatory training and NSI inspections at EPA’s accredited facilities. In addition to the NSI program, EPA operates a Personnel Security Program that initiates and adjudicates personnel background investigations, processes fingerprint checks, determines individual eligibility to access classified NSI, and maintains personnel security records for all federal and non-federal employees.

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*.

¹⁴⁵ For additional information, please see: <https://www.dhs.gov/homeland-security-presidential-directive-12>.

As part of the nationwide protection of buildings and critical infrastructure, EPA performs vulnerability assessments on facilities each year. Through this program, the Agency also recommends security risk mitigations, oversees access control measures, determines physical security measures for new construction and leases, and manages the lifecycle of security equipment.

In FY 2024, EPA will continue to partner with the General Services Administration (GSA) on the Enterprise Physical Access Control System (ePACS). ePACS supports the Agency's modernization of its security infrastructure in compliance with HSPD-12 and ensures that the Agency is undertaking every effort to enhance safety, security, and efficiency by more effectively controlling access into all EPA-controlled physical space and networks. In addition, the Agency will continue to utilize GSA's Managed Service Office program, USAccess, for PIV card enrollment and issuance. USAccess is a GSA managed, shared services solution that provides EPA the ability to produce and maintain secure and reliable forms of identification, as required per HSPD-12, for all EPA employees and contractors.

The Agency will continue to prioritize implementation of Trusted Workforce 2.0¹⁴⁶ (TW 2.0). TW 2.0 is a whole-of-government background investigation reform effort overhauling the personnel vetting process by creating one government-wide system that allows reciprocity across organizations. This effort includes moving from periodic reinvestigations every five to ten years towards a Continuous Vetting program, which protects the trusted workforce in real time.

In FY 2024, pursuant to the April 2022 Trusted Workforce Implementation Strategy issued by the Security, Suitability, and Credentialing Performance Accountability Council, EPA will complete projects that support the transition to TW 2.0, including: enrollment of EPA personnel into the continuous evaluation program managed by the Defense Counterintelligence and Security Agency, and integration of EPA processes with National Background Investigation Services (NBIS),¹⁴⁷ a new personnel vetting IT system for the background investigation process to deliver stronger security, faster processing, and better information sharing.

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

Performance Measure Targets:

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

¹⁴⁶ For additional information, please see: <https://www.performance.gov/trusted-workforce/>.

¹⁴⁷ For more information, please refer to: <https://www.dcsa.mil/is/nbis/>.

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

- (-\$30.0) This program change reflects cost efficiencies associated with the continued adoption of the Enterprise Physical Access Control System (ePACS) shared service across EPA facilities.

Statutory Authority:

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

Indoor Air and Radiation

Indoor Air: Radon Program

Program Area: Indoor Air and Radiation

Goal: Ensure Clean and Healthy Air for All Communities

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | \$2,966 | \$3,364 | \$5,113 | \$1,749 |
| Science & Technology | \$116 | \$199 | \$173 | -\$26 |
| Total Budget Authority | \$3,082 | \$3,563 | \$5,286 | \$1,723 |
| Total Workyears | 8.4 | 9.0 | 12.4 | 3.4 |

Program Project Description:

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

Radon is the second leading cause of lung cancer in the United States – and the leading cause of lung cancer mortality among non-smokers – accounting for about 21,000 deaths per year.¹⁴⁸ EPA's non-regulatory Indoor Air: Radon Program promotes actions to reduce the public's health risk from indoor radon. EPA and the Surgeon General recommend that all homes be tested for radon and if radon levels above EPA's guidelines are confirmed, elevated levels should be reduced by home mitigation using proven, straightforward techniques. EPA also recommends that new homes be built using radon-resistant features in areas where there is elevated radon. Nationally, risks from radon have been reduced in many homes over the years, but millions of homes are still in need of mitigation. Additionally, low-income families and tribal communities lack access to resources to address radon. This voluntary program promotes partnerships among national organizations, the private sector, and more than 50 state, local, tribal, and territory governmental programs to reduce radon risk.

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*.

¹⁴⁸ <https://www.epa.gov/radon>.

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

Performance Measure Targets:

(PM LCD) Number of lung cancer deaths prevented through lower radon exposure.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|------------------|
| Target | | | | | | 1,881 | 1,981 | 2,083 | Deaths Prevented |
| Actual | 1,383 | 1,482 | 1,578 | 1,684 | 1,795 | 1,894 | | | |

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

- (+\$50.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$1,699.0 / +3.4 FTE) This increase in resources supports efforts to restore EPA's staff expertise, analysis, and capacity in the indoor air radon program in order to better lead the federal government’s response to radon and to implement the Agency’s own multi-pronged radon program. This investment includes \$675.0 thousand in payroll.

Statutory Authority:

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

Radiation: Protection

Program Area: Indoor Air and Radiation

Goal: Ensure Clean and Healthy Air for All Communities

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$8,244</i> | <i>\$9,088</i> | <i>\$11,638</i> | <i>\$2,550</i> |
| Science & Technology | \$2,224 | \$1,683 | \$2,349 | \$666 |
| Hazardous Substance Superfund | \$2,011 | \$2,472 | \$3,010 | \$538 |
| Total Budget Authority | \$12,479 | \$13,243 | \$16,997 | \$3,754 |
| Total Workyears | 53.9 | 54.8 | 67.2 | 12.4 |

Program Project Description:

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

FY 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*.

EPA will meet its statutory obligation to implement its regulatory oversight responsibilities for DOE activities at the WIPP facility, as mandated by Congress in the WIPP Land Withdrawal Act of 1992. In FY 2024, EPA anticipates conducting a detailed review of the DOE request for expanding the WIPP repository to address needs for more waste disposal area, permitting disposal of previously identified transuranic waste as well as more recently identified needs for disposal of surplus plutonium. EPA will review and implement regulations or guidance, as necessary.

The Agency also will provide technical and policy analysis supporting scientific goals for space exploration. EPA serves on the Interagency Nuclear Safety Review Board with NASA and DOD to provide launch safety analysis.

EPA scientists will participate, as appropriate, in interagency working groups to examine issues of low-dose radiation health impacts and identify any needed changes to existing technical and policy guidance. EPA radiation risk communicators will provide radiation-related website and communications product content that is clear and accessible to the general public, including those with limited English proficiency.

Performance Measure Targets:

EPA's FY 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):

- (+\$106.0) 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 for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$2,352.0 / +7.3 FTE) This program change is an increase that supports efforts to restore EPA's staff expertise, analysis, and capacity in the radiation protection program to provide radiation protection scientific analyses and recommendations needed to inform risk management policies. It also supports the necessary radiation risk communications expertise for local community engagement on issues related to legacy contamination and environmental justice needs. This investment includes \$1.454 million in payroll.
- (+\$92.0 / +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:

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

Radiation: Response Preparedness

Program Area: Indoor Air and Radiation

Goal: Ensure Clean and Healthy Air for All Communities

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | \$2,658 | \$2,650 | \$3,143 | \$493 |
| Science & Technology | \$2,928 | \$3,596 | \$4,686 | \$1,090 |
| Total Budget Authority | \$5,586 | \$6,246 | \$7,829 | \$1,583 |
| Total Workyears | 31.0 | 33.3 | 41.4 | 8.1 |

Program Project Description:

EPA responds to radiological emergencies; conducts essential national and regional radiological response planning and training; and develops response plans for radiological incidents or accidents. EPA will continue to conduct assessment and preparedness for response to incidents involving foreign and domestic nuclear technology used in space nuclear systems and advanced reactor technologies. EPA generates policy guidance and procedures for the Agency's radiological emergency response under the National Response Framework (NRF) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The Agency maintains its own Radiological Emergency Response Team (RERT) and is a member of the Department of Homeland Security/Federal Emergency Management Agency Federal Radiological Preparedness Coordinating Committee (FRPCC), the Interagency Nuclear Safety Review Board and leads the Federal Advisory Team for Environment, Food and Health (the "A-Team"). The A-Team includes radiation protection experts from EPA, the Centers for Disease Control and Prevention, the Food and Drug Administration, and the Department of Agriculture, and their function is to advise federal, state, local and tribal authorities during radiological/nuclear emergencies on public safety issues including evacuation, sheltering, and contamination concerns for food, drinking water and other resources.

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*.

In FY 2024, EPA will continue to streamline activities and fill gaps in the expertise that is critical for essential preparedness work, restoring critical capacity to meet EPA's core mission. The RERT will maintain essential readiness to support federal radiological emergency response and recovery operations under the NRF and NCP. EPA will participate in interagency training and exercises to maintain readiness levels needed to fulfill EPA's responsibilities.

Evaluation of Response Plans

In FY 2024, EPA will continue to work with interagency partners, including those under the FRPCC as well as those at the state, local, and tribal levels to examine and, as needed, revise radiation emergency response plans, protocols, and standards. Under the NRF, EPA is the coordinating agency for responding to foreign nuclear incidents, such as the Fukushima accident. In FY 2024, EPA will maintain staff readiness and training needed to meet the Agency's mission during such incidents. EPA will review and revise preparedness guidance to ensure that the Agency's response efforts address the needs of the public, with special emphasis on the most vulnerable.

EPA will support the U.S. Government assessment of foreign and domestic nuclear technology used in space nuclear systems and advanced reactor technologies. Building on efforts in FY 2023, EPA will continue work on the safety evaluations of the Defense Threat Reduction Agency's Demonstration Rocket for Agile Cislunar Operations (DRACO) mission and the National Aeronautics and Space Administration's Dragonfly mission for potential impacts to human health and the environment from these space nuclear systems. EPA will continue radiological contingency planning and preparedness for DRACO and Dragonfly mission launches in 2025 and 2027, respectively.

Coordinating Preparedness Efforts

EPA will continue essential planning and will participate in interagency tabletop and field exercises, including radiological accident and incident response and anti-terrorism activities with the Advisory Team for Environment, Food, and Health, the Nuclear Regulatory Commission, the Department of Energy, the Department of Defense, and the Department of Homeland Security. The Agency also will provide technical support on priority issues to federal, state, local, and tribal radiation, emergency management, solid waste and health programs responsible for implementing radiological emergency response and preparedness programs. The Agency will continue to train and advise on the Protective Action Guidance¹⁴⁹ and use lessons learned from incidents and exercises to ensure the effective delivery of EPA support in coordination with other federal, state, local, and tribal authorities.

Performance Measure Targets:

(PM RAD2) Percentage of radiation emergency response program personnel and assets that meet functional readiness requirements necessary to support federal radiological emergency response and recovery operation.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------------------|---------|---------|---------|---------|---------|---------|---------|---------|----------------------|
| Target | | | | | | 90 | 92 | 92 | Percent |
| Actual | | | | | 92 | 88 | | | |
| Numerator | | | | | 128.24 | 122.78 | | | Personnel and Assets |
| Denominator | | | | | 140 | 140 | | | |

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

¹⁴⁹ For additional information, please see: https://www.epa.gov/sites/production/files/2017-01/documents/epa_pag_manual_final_revisions_01-11-2017_cover_disclaimer_8.pdf.

- (-\$118.0) 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.
- (+\$611.0 / +3.1 FTE) This program change is an increase that supports efforts to restore EPA's staff expertise, analysis, and capacity in the radiation response program in order to examine and, as needed, revise radiation emergency response plans, protocols, and standards and continue essential planning for preparedness efforts. This investment includes \$589.0 thousand in payroll.

Statutory Authority:

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

Reduce Risks from Indoor Air

Program Area: Indoor Air and Radiation

Goal: Ensure Clean and Healthy Air for All Communities

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$12,611</i> | <i>\$13,593</i> | <i>\$47,389</i> | <i>\$33,796</i> |
| Science & Technology | \$136 | \$278 | \$183 | -\$95 |
| Total Budget Authority | \$12,748 | \$13,871 | \$47,572 | \$33,701 |
| Total Workyears | 40.1 | 39.2 | 71.4 | 32.2 |

Program Project Description:

Title IV of the Superfund Amendments and Reauthorization Act of 1986 (SARA) authorizes EPA to conduct and coordinate research on indoor air quality, develop and disseminate information, and coordinate risk reduction efforts at the federal, state, and local levels. Poor indoor air quality represents one of the most significant public health risks within EPA's responsibility.¹⁵⁰ EPA uses a range of strategies to reduce health risks from poor indoor air quality in homes, schools, and other buildings through partnerships with non-governmental, professional, federal, state, and local organizations. Through these partnerships EPA provides information, guidance, and technical assistance that equips industry, the health care community, the residential, school, and commercial building sectors, and the general public to take action. As technical experts working at the intersection of the built environment and health, EPA is focused on policy and guidance to improve building conditions, including for disproportionately impacted communities, to reduce indoor air risk and achieve improvements in environmental and health outcomes.

FY 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*.

In FY 2024, EPA is requesting an increase of approximately \$34 million and 32.2 FTE with associated payroll to continue working with countries to adopt and implement Cookstove ISO Standards to reduce black carbon and CO₂ emissions from household energy as part of their international climate commitments, scale up deployment of EPA's Indoor Air Quality Tools for Schools program in coordination with the White House and other Federal partners to facilitate smart investments and sustained effective and healthy operation of school facilities; provide technical support for the White House Clean Air in Buildings Challenge; provide expanded technical assistance to community-based asthma programs, particularly those in disadvantaged

¹⁵⁰ For additional information, please visit: <https://www.epa.gov/iaq>.

communities to reduce asthma disparities; and provide technical support to high-risk and low-income communities to reduce radon lung cancer risk.

In FY 2024, the Indoor Air Program will include efforts targeted to children, underserved communities, and other vulnerable populations, with a particular focus on new demands and opportunities for improvements in ventilation, filtration, and other protective indoor air practices, including those created by the COVID-19 pandemic and wildfire events. EPA will continue to lead on these issues by providing technical assistance and guidance on upgrading public buildings, including schools, to protect against airborne disease transmission and wildfire smoke exposure and provide guidance to the general public to reduce harmful exposures indoors, emphasizing that these upgrades will be beneficial to not only pandemic preparedness and disaster resilience, but also improved public health in the long-term.

Additionally, EPA will collaborate with public and private sector organizations to provide clear and verifiable protocols and specifications for promoting good indoor air quality and support adoption of these protocols and specifications into existing healthy, energy efficiency, and green building programs and initiatives to promote healthy buildings for a changing climate. EPA also will equip the housing sector with guidance to promote the adoption of these best practices with the aim of creating healthier, more energy efficient homes, including for low-income families. EPA also will equip school leaders and the school sector, through the Indoor Air Quality Tools for Schools program, to put in place comprehensive indoor air quality management programs that implement sustainable ventilation, filtration and other indoor air quality improvements to promote healthy school environments for students and staff. EPA will provide and promote technical assistance, training, outreach and other support to improve indoor air in schools nationwide, including those in low-income and disadvantaged communities. EPA will build the capacity of community-based organizations to provide comprehensive asthma care that integrates management of indoor environmental asthma triggers and health care services, with a particular focus on low-income, minority, and tribal communities. As of FY 2021, EPA had equipped 2,446 programs to support the infrastructure, delivery, and sustainability of comprehensive asthma care. In FY 2024, EPA’s goal is to have equipped 3,005 programs.

Internationally, EPA will renew support of the household energy sector, providing technical assistance and promoting the adoption of voluntary international stove standards to accelerate adoption of clean cookstoves and fuels, in order to reduce the climate, health, and equity impacts of rudimentary stove use in developing nations. EPA will work with partners to increase the sustained use of clean and efficient cookstoves by helping ensure the distribution of 60 million clean cookstoves worldwide in FY 2024.

Performance Measure Targets:

(PM CS) Millions of demonstrably improved (field or lab tested) cookstoves sold.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|------------------------|
| Target | | | | | | 50 | 60 | 60 | Millions of Cookstoves |
| Actual | | | | | | 50 | | | |

(PM IA) Number of programs, annually, equipped to support the infrastructure, delivery and sustainability of comprehensive asthma care.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------|
| Target | 600 | | | | | 1,800 | 2,855 | 3,005 | Programs |
| Actual | 884 | 1,232 | 1,645 | 2,132 | 2,446 | 2,705 | | | |

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

- (-\$172.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$33,968.0 / +32.2 FTE) This program change is an increase that supports efforts to restore EPA's staff expertise, analysis, and capacity in the indoor air program. Funds also support efforts to address indoor air quality during wildfires, reduce asthma disparities, promote healthy school facilities in low-income communities in the U.S., and address the international climate crisis by improving public health through the adoption of clean cookstoves. This investment includes \$6.071 million in payroll.

Statutory Authority:

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

International Programs

International Sources of Pollution

Program Area: International Programs

Goal: Tackle the Climate Crisis

Objective(s): Advance International and Subnational Climate Efforts

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | \$7,220 | \$7,323 | \$26,044 | \$18,721 |
| Total Budget Authority | \$7,220 | \$7,323 | \$26,044 | \$18,721 |
| Total Workyears | 30.9 | 33.4 | 50.9 | 17.5 |

Program Project Description:

The United States works with international partners to address global sources of pollution, including greenhouse gases (GHGs), as well as the impacts of pollution from the United States on other countries, regions, and the global environment. International sources of pollution impact air, water, land, the oceans, food crops, and food chains. Healthy environments, ecosystems, and communities provide the foundation for protecting human health and the environment and creating sustainable economic development, job opportunities, and sustainable growth.

Tackling the Climate Crisis, Accelerating Environmental and Economic Justice

EPA works with international partners, such as foreign governments and international organizations, to deploy assistance for measures that can strengthen on the ground action to tackle the climate crisis, reduce transboundary pollution that impacts local communities and travels through the environment to impact other communities across the globe; this assistance can also strengthen the fundamental environmental rule of law. These actions typically rely upon U.S. best practices, technical knowledge, and expertise that promote U.S. priorities such as protecting underserved and vulnerable communities. EPA's international mission is essential to addressing transboundary pollution and adverse environmental impacts in the United States and helps facilitate a cleaner and healthier environment around the world. Strengthening environmental protection abroad so that it is on par with practices in the U.S. helps level the playing field for industry and create incentives for innovation and deploying cleaner technologies. EPA's international programs also play an important role in fulfilling national security and foreign policy objectives and create a platform for promoting U.S. innovation and showcasing state and local breakthrough programs and policies.

An important example of this work is EPA's engagement in the Group of Seven (G7) and the Group of Twenty (G20) through environment ministerial meetings, which negotiate outcomes on key EPA issues such as climate change, food waste, marine litter, resource efficiency, lead pollution, and air quality. EPA's engagement with international financial institutions, United Nations (UN) entities, and the Organization for Economic Cooperation and Development (OECD) has helped advance recognition of the critically important role of environmental factors, including

air pollution and toxic chemicals that contribute to the global burden of non-communicable diseases (NCDs), and of the role that sound environmental laws can play in reducing these risks. Additionally, EPA's participation in the North American Commission for Environmental Cooperation (CEC) provides regional and international leadership to advance environmental protection, human health, and sustainable economic growth in North America.

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 1/Objective 1.3, Advance International and Subnational Climate Efforts in the *FY 2022 – 2026 EPA Strategic Plan*.

In FY 2024, EPA will continue to engage both bilaterally, regionally, and through multilateral institutions to improve international cooperation to reduce greenhouse gases, increase resilience and adaptive capacity, as well as prevent and address the transboundary movement of conventional pollution and waste. All related records will be maintained to ensure robust electronic recording consistent with the OMB issued M-23-07, Update to Transition to Electronic Records.

Climate and Equity

Specifically, in line with the *FY 2022 – 2026 EPA Strategic Plan*, EPA will provide technical assistance through the transfer of tools and knowledge to address climate change with partner countries, with the goal of leveling the playing field, addressing disproportionate adverse human health and environmental impacts in vulnerable and underserved communities, and helping to ensure that all countries make meaningful progress in implementing their nationally determined contributions under the Paris Agreement. This helps fulfill EPA's commitment to implementing, by 2026, at least 40 international climate engagements that result in an individual partner commitment or action to reduce greenhouse gas (GHG) emissions, adapt to climate change, or improve resilience in a manner that promotes equity. In FY 2022, EPA made significant progress towards this goal with applicable engagements implemented. These actions are consistent with EPA's draft International Climate Strategy Plan. Specifically, EPA's international work will further the environmental governance of priority partner countries so that they can implement and enforce effective climate mitigation activities and incorporate environmental justice climate principles. Without basic governance infrastructure, it is difficult for many countries to make progress on their Nationally Determined Contributions (NDCs) under the Paris Agreement. This strategic direction responds to ongoing and anticipated requests from the White House and the Special Envoy on Climate Change (SPEC) for whole of government action on climate change as described in Section 103 of *E.O 14008: Tackling the Climate Crisis at Home and Abroad*.

In FY 2024, EPA is requesting \$18.7 million and 17.5 FTE to enhance capacity building governance programs for priority countries with increasing GHG footprints and increase their capacity to implement partnerships as well as legislative, regulatory, and legal enforcement efforts. These programs will also work to improve adaptive capacity and mitigation strategies of pollution-burdened, vulnerable, and indigenous communities.

Actions will include re-engaging the Secretariat of Partnership for Clean Fuels and Vehicles (PCFV) to identify project partners to assist in transitioning to electric mobility solutions in key

countries, particularly in underserved and vulnerable communities, to finalize a high ambition workplan with the Secretariat. Additionally, EPA will initiate stakeholder consultations with key priority countries on critical mineral supply-chain transparency guidelines, focused on minerals needed for low carbon technology. For the pilot programs, EPA will provide meaningful technical assistance internationally on climate mitigation, adaptation, and resilience by sharing expertise and building the environmental management capacity of key EPA partners and priority countries identified by the Biden-Harris Administration. This will enable countries to set and meet ambitious greenhouse gas reductions. In implementing these pilot programs, EPA will seek opportunities to engage with partner governments and organizations to develop and use best practices and tools to address the unique needs and challenges of vulnerable and underserved communities.

In FY 2024, the Agency will work in the Arctic Council to provide in-kind expertise and help to identify external resources to screen sources of black carbon that may impact local health conditions, with the potential of expanding across a wider range of Alaskan Native Villages (ANVs). EPA also will co-chair the Arctic Council expert group on short-lived climate pollutants (SLCPs) to facilitate the development and implementation of projects to reduce SLCP emissions in and near the arctic. EPA also will continue to share Agency tools that can help partners increase their adaptive capacity to climate change and understand the impacts of climate change on vulnerable and underserved communities through the UN Environment Program, the Global Adaptation Network, and existing and new bilateral work programs.

Marine Litter

EPA will continue to engage internationally to prevent and reduce marine litter, including plastics, through sharing best practices and U.S. innovation as well as through existing or new global instruments. Marine plastic litter is an increasingly prominent global issue that can negatively impact water quality, tourism, industry, and public health in the United States. Working with other federal departments, EPA will continue to provide leadership and expertise on how to best address land-based sources of marine litter, including plastics. Specifically, EPA will provide critical technical and policy expertise through a multilateral intergovernmental negotiating committee (INC) process to develop a new binding international arrangement to end plastic pollution¹⁵¹. Since 80 percent of plastic marine litter comes from land-based sources of waste,¹⁵² countries with inadequate waste management contribute to the pollution in our shared oceans. Improving integrated waste management in these countries will continue to be a priority.

In FY 2024, EPA will share tools and provide technical assistance, including through efforts related to Trash Free Waters, to key contributing countries in Asia and countries in Africa as well as building on past projects in Latin America and the Caribbean. Technical support may include developing national, regional, and local action plans to reduce leakage of trash to the environment; identifying steps to implement relevant and applicable waste collection/management systems; and modest implementation projects where possible. EPA will continue to collaborate with leaders in innovation on the domestic stakeholder community to identify ways to leverage efforts to tackle this pressing global problem. EPA will continue to strengthen actions with a regional focus on

¹⁵¹ <https://www.unep.org/about-un-environment/inc-plastic-pollution>.

¹⁵² J. R. Jambeck, R. Geyer, C. Wilcox, T. R. Siegler, M. Perryman, A. Andrady, R. Narayan, and K. L. Law, "Plastic waste inputs from land into the ocean," *Science*, 2015, Volume 347, Number 622.

major source countries in Southeast Asia and key partners in Latin America, the Caribbean, and Africa through bilateral relationships and/or partnerships with UNEP leaders on implementing and disseminating governance measures, policies, and technology to prevent marine litter.

Air Quality

EPA will engage with key priority countries and UN institutions to address air pollution that contributes significant pollution to the domestic and international environment. For example, several Asian countries (e.g., Thailand) are implementing national air quality monitoring, planning, and control strategies with advice and lessons learned from the United States. Environmental policies adopted and implemented overseas will improve competitiveness for U.S. businesses, drive demand for U.S. emissions control technologies, and expand exports of U.S. environmental goods and services, which will create green jobs at home and improve air quality conditions in the United States.

In FY 2024, building upon FY 2023 North America Leaders' Summit (NALS) deliverable for a North American Strategy on Methane and Black Carbon, EPA will continue working with Canada and Mexico to reduce methane emissions from the solid waste and wastewater sector by at least 15 percent by 2030 from 2020 levels and deepen collaboration on waste and agriculture methane measurement and mitigation, including achieving the Global Methane Pledge through trilateral cooperation on methane and black carbon emissions.

Food Waste

In FY 2024, EPA will continue to cooperate with the United Nations and the Office of Management and Budget to ensure that methodologies used to track international progress on reducing food waste accurately reflect U.S. progress and to better understand the climate benefits of reducing food waste. Approximately eight to ten percent of global greenhouse gas emissions are from food loss in the agricultural supply chain and consumer food waste.¹⁵³ The Agency will continue to advance food waste efforts, which is an increasing portion of landfill waste in rapidly urbanizing cities in developing countries. The problems of food insecurity, in particular for the most vulnerable, have been exacerbated by COVID-19, thus underscoring the need for greater attention to reducing food waste. For example, EPA will bring together experts from the U.S. and partner country governments, non-governmental organizations (NGOs), academia, the private sector, and the UN to promote best practices and technologies related to food loss and waste. In FY 2024, EPA will implement another commitment made at the FY 2023 North America Leader's Summit NALS by working with interagency partners at USDA and FDA to develop a Food Loss and Waste Reduction Action Plan by the end of 2025 outlining efforts to cut food loss and waste in half by 2030.¹⁵⁴

Chemicals

¹⁵³ For more information, please see: Intergovernmental Panel on Climate Change (IPCC) Special Report on Climate Change and Land, Chapter 5 Food Security, pg 440, https://www.ipcc.ch/site/assets/uploads/sites/4/2021/02/08_Chapter-5_3.pdf.

¹⁵⁴ See <https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/10/fact-sheet-key-deliverables-for-the-2023-north-american-leaders-summit/>.

EPA also will maintain efforts to reduce environmental threats to U.S. citizens from global contaminants impacting air, water, and land. EPA will continue technical and policy assistance for global, regional, and bilateral efforts to address international sources of harmful pollutants, such as mercury. Since 70 percent of the mercury deposited in the U.S. comes from global sources,¹⁵⁵ both domestic efforts and international cooperation are important to address mercury pollution. EPA will continue to work with international partners and key countries to fully implement obligations under the Minamata Convention on Mercury to protect the U.S. population from mercury emissions originating in other countries, including from artisanal and small-scale gold mining. EPA also continues its leadership role within the United Nations Environment Program's Global Mercury Partnership. The Partnership coordinates effective and essential implementation activities by governments, academia, and public and private organizations and businesses in targeted sectors that are important for reducing the presence of mercury in the environment.

With respect to mercury, EPA continues to work with partner countries to develop National Action Plans (NAPs) that demonstrate how they will reduce or eliminate the use of mercury in the Artisanal and Small-Scale Gold Mining (ASGM) sector. ASGM is the largest source of global mercury releases¹⁵⁶ and the development of NAPs called for by the Minamata Convention on Mercury is a critical first step to help major emitters reduce the use and release of mercury into the environment.

EPA will continue to play a leadership role in the Lead Paint Alliance to increase the number of countries that establish effective laws to limit lead in paint, which remains a priority health concern following successful efforts to eliminate lead in gasoline worldwide. EPA consistently meets objectives for reviewing the development of laws in other countries to control their levels of lead in paint in a manner consistent with U.S. regulations. In doing so, these countries will not only reduce the exposure of their children to lead and prevent the subsequent health effects of this potent developmental neurotoxin, but also will reduce the amount of lead-based paint on products in international commerce that often reach U.S. markets. In the G7, Germany, through its G7 Presidency in 2022, co-hosted with EPA a lead pollution workshop for G7 countries that took stock of activities undertaken by G7 and others to address lead pollution and developed possible options for future work and cooperation on sources of lead to reduce lead exposure in developing countries. EPA will continue to advance options towards commitments by G7 countries and others to reduce lead exposure in developing countries which will also help to reduce lead in products destined for U.S. markets.

In addition, EPA will continue to work with International Arctic partners to further develop a joint project proposal on per- and polyfluoroalkyl substances (PFAS). This effort will focus on aqueous film-forming fire-fighting foams (AFFFs) in arctic airports through in-kind technical expertise.

Performance Measure Targets:

(PM E13a) Number of climate engagements that result in an individual partner commitment or action to reduce greenhouse gas (GHG) emissions, adapt to climate change, or improve resilience in a manner that promotes equity.

¹⁵⁵ For more information, please see: <https://www.epa.gov/international-cooperation/minamata-convention-mercury> and www.mercuryconvention.org.

¹⁵⁶ For more information, please see: [Global mercury assessment | UNEP - UN Environment Programme](#).

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------|---------|---------|---------|---------|---------|---------|---------|---------|-------------|
| Target | | | | | | 8 | 10 | 10 | Engagements |
| Actual | | | | | | 8 | | | |

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

- (+\$456.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. This includes support for critical agencywide infrastructure for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$17,965.0 / +16.0 FTE) This program change increases FTE and resources to support efforts for climate change work, including greenhouse gas guidance, pilot programs, and indigenous engagements on climate change. This increase will also enhance capacity building governance programs for priority countries with increasing GHG footprints to increase their capacity to implement partnerships as well as support legislative, regulatory, and legal enforcement efforts. This includes \$3.501 million in associated payroll.
- (+\$300.0 / +1.5 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:

In conjunction with the National Environmental Policy Act (NEPA) § 102(2)(F); Clean Air Act § 103(a); Clean Water Act § 104(a)(1)-(2); Safe Drinking Water Act (SDWA) § 1442(a)(1); Resource Conservation and Recovery Act (RCRA) § 8001(a)(1); Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) §§ 17(d), 20(a); Toxic Substances Control Act (TSCA) §10(a); Marine Protection, Research, and Sanctuaries Act (MPRSA) § 203(a)(1); E.O. 13547; E.O. 13689; U.S.-Mexico-Canada Agreement (USMCA) Implementation Act, 19 U.S.C. §§ 4501-4372.

Trade and Governance

Program Area: International Programs

Goal: Tackle the Climate Crisis

Objective(s): Advance International and Subnational Climate Efforts

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$6,252</i> | <i>\$5,510</i> | <i>\$7,153</i> | <i>\$1,643</i> |
| Total Budget Authority | \$6,252 | \$5,510 | \$7,153 | \$1,643 |
| Total Workyears | 12.6 | 15.3 | 18.0 | 2.7 |

Program Project Description:

EPA has played a key role in trade policy development since the 1972 Trade Act mandated that the U.S. Trade Representative (USTR) engage in interagency consultations. Specifically, EPA is a member of the Trade Policy Staff Committee, the Trade Policy Review Group, and relevant subcommittees—interagency mechanisms that provide advice, guidance, and clearance to the Office of the U.S. Trade Representative in the development of U.S. international trade and investment policy. Trade influences the nature and scope of economic activity and therefore the levels of pollutant emissions and natural resource use. EPA's role in trade negotiations is to ensure that agreements have provisions that are consistent with the Administration's environmental protection goals while not putting the United States at an economic disadvantage. EPA offers technical assistance and environmental governance capacity building for trade partners to support implementation of environmental commitments made in Free Trade Agreements. EPA also provides technical expertise on environmental governance and policy for international financial institutions, including environmental policy reviews and project-level environmental guidance.

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 1/Objective 1.3, Advance International and Subnational Climate Efforts in the *FY 2022 – 2026 EPA Strategic Plan*.

Free Trade Agreements and United States-Mexico-Canada Agreement (USMCA)

In FY 2024, EPA will continue its participation in the North American Commission for Environmental Cooperation (CEC), which provides regional and international leadership to advance environmental protection, human health, and sustainable economic growth in North America. EPA will continue work on implementation of the Environment Chapter of the United States-Mexico-Canada Agreement (USMCA) and other free trade agreements. The CEC work on border watersheds supports America the Beautiful (AtB); specifically, the Administration is pursuing a national conservation goal to protect or conserve at least 30 percent of U.S. lands and waters by 2030. EPA activities will include monitoring and verifying provisions pertaining to global and national environmental requirements in the agreement and providing subject matter

expertise including activities that enhance capacity building governance programs in North America that increase the capacity to implement partnerships as well as legislative, regulatory, and legal enforcement to reduce the overall GHG footprint. These additional international activities would fall into the following categories: reducing short-lived climate pollutants (SLCPs); improving household and commercial energy efficiency; improving integrated air quality management, including global GHG modeling, monitoring, and reporting; boosting national and local climate adaptation and resilience strategies; and supporting resource efficiency actions to reduce GHG emissions from overlooked sources.

EPA will continue active participation in the United States Trade Representative (USTR) led Interagency Environment Committee for Monitoring and Environment (IECME) established to access implementation and maintenance by Mexico and Canada compliance of their environmental obligations.

In addition, EPA will continue to play an active role in the negotiation of agreements with other countries to facilitate trade and to promote good regulatory practices and anti-corruption measures, and then provide technical assistance to support implementation of environmental commitments within those agreements. At present, EPA collaborates through the USTR-led interagency process to support the negotiation of the Indo-Pacific Economic Framework for Prosperity, the U.S.-Kenya Strategic Trade and Investment Partnership, and the U.S.-Taiwan Initiative on 21st Century Trade. Further, given the Biden Administration 2022 Trade Agenda emphasis on achieving climate change objectives and supporting underserved and vulnerable communities, including possibly through trade measures, EPA will provide technical advice and input for the negotiation of a sectoral agreement with the EU on steel and aluminum that will lead to decarbonizing production and provide governance capacity building for incentivizing the abatement of methane emissions and the transition to cleaner energy.

In FY 2024, EPA will continue to work with partners (including the Treasury Department, State Department, U.S. Agency for International Development, and the U.S. International Development Finance Corporation) to improve environmental governance of U.S. funded international development projects that enhance capacity building governance programs for priority countries with increasing GHG footprints and increase their capacity to implement partnerships as well as legislative, regulatory, and legal enforcement. EPA will support the environmental performance of international financial institutions such as the development of environmental safeguards, including climate performance.

Performance Measure Targets:

EPA's FY 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):

- (-\$22.0) This net change to fixed and other costs is a decrease due to the recalculation of base workforce costs due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.

- (+\$1,665.0 / +2.7 FTE) This program change supports an increase in resources to provide support and capacity building for regional and international Trade and Governance programs and projects addressing climate change and environmental justice. This includes \$523.0 thousand in associated payroll.

Statutory Authority:

In conjunction with the National Environmental Policy Act (NEPA) § 102(2)(F); Clean Air Act § 103(a); Clean Water Act § 104(a)(1)-(2); Safe Drinking Water Act (SDWA) § 1442(a)(1); Resource Conservation and Recovery Act (RCRA) § 8001(a)(1); Federal Insecticide Fungicide and Rodenticide Act (FIFRA) §§ 17(d), 20(a); Toxic Substances Control Act (TSCA) §10(a); Marine Protection, Research, and Sanctuaries Act (MPRSA) § 203(a)(1); E.O. 12915; E.O. 13141; E.O. 13277; U.S.-Mexico-Canada Agreement (USMCA) Implementation Act, 19 U.S.C. §§ 4501-4372.

US Mexico Border

Program Area: International Programs

Goal: Tackle the Climate Crisis

Objective(s): Advance International and Subnational Climate Efforts

(Dollars in Thousands)

| | 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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | \$2,886 | \$2,993 | \$5,088 | \$2,095 |
| Total Budget Authority | \$2,886 | \$2,993 | \$5,088 | \$2,095 |
| Total Workyears | 11.6 | 12.4 | 17.4 | 5.0 |

Program Project Description:

The two-thousand-mile border between the United States and Mexico is one of the most complex and dynamic regions in the world, where the benefits of international programs are very apparent. This region accounts for three of the ten poorest counties in the U.S. and is characterized by higher-than-average poverty, unemployment, uninsurance, and lower than average median incomes.¹⁵⁷ In addition, over 500 thousand of the 15 million people in the region live in colonias,¹⁵⁸ which are unincorporated communities characterized by substandard housing and unsafe drinking water or wastewater systems. Population growth indexes show a trend of increasing growth, related among other factors to the influx of migrants from different regions. This trend has increased the pressure on basic infrastructure and services in border cities, which struggle to keep up with population growth. The adoption of the Border Programs has gone a long way to protect and improve the health and environmental conditions along a border that extends from the Gulf of Mexico to the Pacific Ocean.

The Border 2025 Program will continue to emphasize local priority-setting, focus on measurable environmental results, and encourage broad public participation. Specifically, Border 2025 builds on earlier program work, which includes project-promoted solutions or monitoring related to air quality, used tire management, environmental health promotion, response to environmental emergencies, and treatment of wastewater.¹⁵⁹ In addition, the Border 2025 Program has helped highlight regional areas where environmental improvements are most needed and establish thematic goals supporting the implementation of projects, while considering the guiding principles and encouraging the achievements of more ambitious environmental and public health goals.

The Border 2025 Program identifies four long-term goals to address the serious environmental and environmentally related public health challenges, including the impact of transboundary transport of pollutants in the border region. These strategic goals are: Goal 1: Reduce Air Pollution, Goal 2:

¹⁵⁷ For additional information, please visit:

https://www.ruralhealth.us/NRHA/media/Emerge_NRHA/Advocacy/Policy%20documents/05-11-18-NRHA-Policy-Border-Health.pdf

¹⁵⁸ <https://www.dallasfed.org/~media/documents/cd/pubs/lascalonias.pdf>

¹⁵⁹ https://www.epa.gov/sites/default/files/2021-05/documents/final_b2020_acc_report_may_24_2021.pdf

Improve Water Quality, Goal 3: Promote Sustainable Materials and Waste Management and Clean Sites, and Goal 4: Improve Joint Preparedness for and Response to Hazardous Environmental Emergencies. Within the goals are specific objectives that identify actions that will be taken in support of the program's mission. The Border 2025 Program supports the President's Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workplace as well as cross-Agency efforts of tackling the climate crisis and advancing environmental justice.

Guiding principles support the mission statement, ensure consistency among all aspects of the Border 2025 Program, and continue successful elements of previous binational environmental programs. Prioritizing environmental equity and addressing disproportionate environmental impacts in border communities by protecting, improving, and promoting environmental awareness and environmental and human health is one of the program's core principles. This principle aligns with one of EPA's priorities to promote equity for underserved communities and civil rights in the U.S. border region.

The Border 2025 program is under the Justice40 Initiative that has as its goal to ensure that 40 percent of overall benefits of federal investments are directed to disadvantaged communities. To help support Justice40 implementation, activities may include developing benefits methodologies and identifying, tracking, analyzing, and reporting Justice40 data. EPA and the Secretariat of Environment and Natural Resources (SEMARNAT) will continue to closely collaborate with the ten border states (four U.S./six Mexican), twenty-seven U.S. federally recognized tribes, indigenous communities including the afro-Mexican community in Mexico, and local communities in prioritizing and implementing projects that address their particular needs.

Note: The border water and wastewater infrastructure programs are described in the State and Tribal Assistance Grants (STAG) appropriation, Infrastructure Assistance: Mexico Border Program.

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 1/Objective 1.3, Advance International and Subnational Climate Efforts in the *FY 2022-2026 EPA Strategic Plan*.

All records will be consistent with the Update to Transition to Electronic Records as per OMB issued M-23-07, Update to Transition to Electronic Records, including Border Office Records.

Air Pollution

In FY 2024, EPA will continue to focus on air pollution reductions in binational airsheds, work on reducing emissions through implementing policy-based or technology-based programs and maintain effective air quality monitoring networks and timely access to air quality data along the border region to help support the Administration's goal of reducing air pollution and the effects of climate change. This effort to meet health-based air quality standards, especially for particulate matter and/or ozone, is expected to mitigate negative effects on public health by deploying innovative strategies or technologies and building public awareness of associated health risks to protect public health and advance environmental justice.

EPA and SEMARNAT will continue to build on the successful air quality efforts conducted in the Border 2020 program, which resulted in complete greenhouse gas emissions inventories for each Mexico border state, and improved public health, especially in underserved communities. In addition, building upon over 20 years of binational air quality success within the New Mexico, Texas, and Chihuahua shared air basin, local coordinated efforts will advance work to address mobile sources at two designated border cities.

EPA will assist in expanding technical training to promote standardized approaches and improvements to emissions inventory development, improved compliance with vehicle emission standards, establishment of and compliance with vehicle inspection and maintenance programs, increased data-sharing on used vehicle emissions testing, and strengthened Green Freight Programs such as Transporte Limpio (Mexico) and *SmartWay* (United States). The benefit in cooperation with Mexican border cities has a high positive impact to Texas' largest populated border city of El Paso in protecting U.S. citizens and vulnerable populations, as Juarez and El Paso make up a metropolitan area that shares and breathes the same air. Along the U.S. border, California, Arizona, and New Mexico have completed Climate Change Action Plans.

Water Management

In FY 2024, the Agency will continue to address border water management in the Tijuana River Watershed. The United States-Mexico-Canada Trade Agreement (USMCA) authorizes and directs EPA to coordinate with specific federal, state, and local entities to plan and implement high priority infrastructure projects that address transboundary pollution affecting San Diego County. EPA will advance implementation of projects to prevent and reduce the levels of trash and sediment from entering high priority binational watersheds. Other projects that prevent/reduce marine litter should primarily focus on preventing waste at the source through improvements to solid waste management systems, education campaigns, and monitoring as well as reducing trash entering the aquatic environment through the capture of litter using river booms in known watershed litter hot spots.

Sustainable Materials Management

In FY 2024, EPA will continue to collaborate and partner on sustainable materials management demonstration projects to prevent waste and improve the recovery of materials, such as plastic, e-waste, and scrap tires, through public-private partnership programs and infrastructure investments in the border region to mitigate public health and environmental impacts and avoid costly cleanup efforts. Additionally, EPA will work to increase institutional capacity for resource efficiency and sustainable management of materials and develop/implement strategies to reduce illegal dumping, maximize material recovery, and promote environmentally sound disposal practices. Each region of the northern border has different economic, social, and cultural situations, with different capacities to mitigate the generation and management of waste and secondary materials.

EPA will continue to work to increase institutional capabilities in planning and technical assistance, enabling the development of programs, projects, or actions, which consider the life cycle analysis on natural resource economics, manufacturing, transport, and other market factors to more effectively collect and use materials and avoid them from being lost to landfills.

Emergency Preparedness and Response

Additionally, the United States and Mexico will work together to enhance joint preparedness for environmental response and facilitate easier transboundary movement of emergency response equipment and personnel by activities such as: updating Sister City Plans with preparedness and prevention and providing training to emergency responders on preparedness and prevention related activities. As part of the efforts for binational emergency preparedness and response, the Program will continue updating the Mexico-U.S. Joint Contingency Plan in both Spanish and English as well as conducting knowledge exchange and tabletop exercise activities to build partnership capacity and provide locals with the opportunity to test and improve emergency plans in their areas. In addition, both countries will coordinate binational efforts border wide.

Performance Measure Targets:

(PM E13b) Number of Border 2025 actions implemented in the U.S.-Mexico Border area to improve water quality, solid waste management and air quality including those that address climate change, and advance emergency response efforts.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Target | | | | | | 3 | 10 | 10 | Actions |
| Actual | | | | | | 6 | | | |

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

- (+\$392.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. This includes support for critical agencywide infrastructure for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$1,703.0 / +5.0 FTE) This program change increase supports efforts addressing pollution and climate change related activities along the United States and Mexico Border. To address the priority needs in the region and in support of the Border 2025 Program priorities, this effort continues to focus on smaller scale sustainability and core capacity building projects designed to improve the environment and protect the health of people living along the U.S.-Mexico border. This includes \$916. thousand in associated payroll.

Statutory Authority:

In conjunction with the 1983 Agreement between the United States of America and the Mexican United States on Cooperation for the Protection and Improvement of the Environment in the Border Area (La Paz Agreement) and National Environmental Policy Act (NEPA) § 102(2)(F); Clean Air Act § 103(a); Clean Water Act § 104(a)(1)-(2); Safe Drinking Water Act (SDWA) §§ 1442(a)(1); Resource Conservation and Recovery Act (RCRA) § 8001(a)(1); Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) §§ 17(d), 20(a); Toxic Substances Control Act (TSCA)

§ 10(a); Marine Protection, Research, and Sanctuaries Act (MPRSA) § 203(a)(1); U.S.-Mexico-Canada Agreement (USMCA) Implementation Act, 19 U.S.C. §§ 4501-4372.

IT/ Data Management/ Security

Information Security

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

(Dollars in Thousands)

| | 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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$10,450</i> | <i>\$9,142</i> | <i>\$23,889</i> | <i>\$14,747</i> |
| Hazardous Substance Superfund | \$1,209 | \$1,062 | \$7,859 | \$6,797 |
| 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 \$14.7 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*.¹⁶⁰

¹⁶⁰ 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>)

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 focus 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,¹⁶¹ 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 (CDM) Program to ensure up-to-date technologies are implemented.

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- 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>)
 - 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

¹⁶¹ These assessments include Annual Assessments and Classified briefings with the Department of Homeland Security and EPA's Office of Homeland Security, as well as a 2017 OIG Report, available at: https://www.epa.gov/sites/production/files/2017-10/documents/epa_oig_20171030-18-p-0031.pdf.

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 Chief Information Officer's (CIO) 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.¹⁶² 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*.^{163,164} 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.

Performance Measure Targets:

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

¹⁶² Including those found in Federal Information Security Modernization Act of 2014 and Federal Information Security Cybersecurity Act of 2015.

¹⁶³ Government Accountability Office Report on information and communications technology (ICT) Supply Chain: GAO-21-164SU.

¹⁶⁴ For more information, please see: <https://csrc.nist.gov/publications/detail/sp/800-53/rev-5/final>.

| | 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):

- (+\$214.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$14,533.0 / +3.0 FTE) This program change supports enhancements to protect the Agency’s information technology infrastructure portfolio and advance the implementation of EO 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. This investment includes \$617.0 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); Cybersecurity Act of 2015; Federal Information Security Modernization Act (FISMA); Government Performance and Results Act (GPRA); Government Management Reform Act (GMRA); Clinger-Cohen Act (CCA).

IT / Data Management

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

(Dollars in Thousands)

| | FY 2022 Final Actuals | FY 2023 Enacted Operating Plan | FY 2024 President's Budget | FY 2024 President's Budget v. FY 2023 Enacted Operating Plan |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$90,029</i> | <i>\$91,821</i> | <i>\$105,868</i> | <i>\$14,047</i> |
| Science & Technology | \$2,799 | \$3,197 | \$3,313 | \$116 |
| Hazardous Substance Superfund | \$16,075 | \$19,764 | \$17,727 | -\$2,037 |
| 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:

This program supports the maintenance of EPA's Information Technology (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 requests an additional \$4.0 million to 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-21-25.¹⁶⁵ This includes modernizing the Agency's obsolete voice communications system and investing in the enterprise network to support enhanced collaboration flowing smoothly and efficiently within a widely distributed community.

Additionally, EPA requests \$6.1 million in FY 2024 for the maintenance and modernization of the Agency's enterprise network switch infrastructure. This funding ensures critical infrastructure is replaced when it reaches end of life/end of support. Failure to replace switch infrastructure may

¹⁶⁵ For additional information, please refer to: <https://www.whitehouse.gov/wp-content/uploads/2021/06/M-21-25.pdf>.

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.¹⁶⁶ 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.

The Agency also will continue implementing the 21st Century Integrated Digital Experience Act (P.L. 115-336), which includes modernization of internal and public-facing websites and digital services, as well as digitization of paper forms and non-digital services. EPA will continue digitizing the Agency's public-facing paper forms in compliance with the 21st Century Integrated Digital Experience Act and based on the completed inventory of the Agency's forms.

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 14035.¹⁶⁷ 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 2022,¹⁶⁸ 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, and with the public, meeting federal standards as required by Executive Order 13556: *Controlled Unclassified Information*.¹⁶⁹

¹⁶⁶ For additional information, please refer to: <https://www.whitehouse.gov/wp-content/uploads/2019/08/M-19-21-new-2.pdf>.

¹⁶⁷ 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/>.

¹⁶⁸ For additional information, please refer to:

<https://oversight.house.gov/sites/democrats.oversight.house.gov/files/COR%20Scorecard%202014.pdf>.

¹⁶⁹ For more information, please refer to Executive Order: <https://www.federalregister.gov/documents/2010/11/09/2010-28360/controlled-unclassified-information>.

- 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 14058.¹⁷⁰ 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.

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.

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 to upgrade its web infrastructure to ensure that it meets current statutory and evolving security requirements.

The EPA Chief Data Officer (CDO), with support from the Agency's Data Governance Council (DGC) will continue to develop enterprise scale data governance, including data policies, procedures, and standards to ensure all priority data assets are fully available. Additionally, they will promote data management that emphasizes equitability and FAIR (Findable, Accessible, Interoperable, and Reusable) data principles. EPA's enterprise data governance implementation plans depend on coordination across the Agency's program offices and regions. Currently, EPA relies on a network of data managers and stewards across the Agency to implement governance. To facilitate effective communication between the DGC and responsible parties, as well as to

¹⁷⁰ 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>.

ensure development and implementation of the most effective data policies, procedures, and standards, EPA proposes to establish a data officer position in each of the 23 EPA program offices and regions. These data officers will fulfill essential communication and coordination functions and serve as anchors for building a stronger culture of utilizing data to build evidence and support decision making across EPA.

Performance Measure Targets:

(PM GOPA) Percentage of priority internal administrative processes automated.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|--------------------|
| Target | | | | | | | 10 | 10 | Percent |
| Actual | | | | | | | | | |
| Numerator | | | | | | | | | Internal Processes |
| Denominator | | | | | | | | | |

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

- (+\$568.0) 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.
- (+\$6,160.0) This change to fixed and other costs is an increase to provide funding for the enterprise network switch infrastructure necessary for the operations of the EPA network including data centers. This funding ensures critical infrastructure is replaced when it reaches end of life/end of support. Failure to replace switch infrastructure may result in network degradation, leave EPA vulnerable to cybersecurity threats, and disrupt EPA operations.
- (+\$4,000.0) This program change is an increase to provide the necessary support for a hybrid modern workforce and will require the integration of facilities and infrastructure, human resources, and information technology programs in order to successfully re-envision the federal work environment.
- (+\$3,124.0 / +15.0 FTE) This program change supports agencywide implementation Evidence Act data stewardship and governance requirements. This investment includes \$2,776.0 for payroll.
- (+\$195.0 / +1.0 FTE) This program change provides increased support for ongoing response efforts for Red Hill in Region 9 to protect communities and ensure safe drinking water. This investment includes \$185.0 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); Federal Information Technology Acquisition

Reform Act; Federal Information Security Modernization Act (FISMA); Government Performance and Results Act (GPRRA); Government Management Reform Act (GMRA); Clinger-Cohen Act (CCA); Rehabilitation Act of 1973 § 508; Foundations for Evidence-Based Policy Making Act of 2018; Geospatial Data Act of 2018.

Legal/ Science/ Regulatory/ Economic Review

Administrative Law

Program Area: Legal / Science / Regulatory / Economic Review
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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$5,022</i> | <i>\$5,395</i> | <i>\$6,116</i> | <i>\$721</i> |
| Total Budget Authority | \$5,022 | \$5,395 | \$6,116 | \$721 |
| Total Workyears | 20.1 | 25.8 | 25.8 | 0.0 |

Program Project Description:

This program supports EPA's Administrative Law Judges (ALJs) and the Environmental Appeals Board (EAB).

Administrative Law Judges

The ALJs preside in hearings and issue initial decisions in cases initiated by EPA's enforcement program concerning environmental, civil rights, and government program fraud related violations. Additionally, pursuant to an interagency agreement providing for reimbursement of services, the ALJs also adjudicate enforcement actions brought by National Oceanic and Atmospheric Administration (NOAA), primarily under statutes protecting marine mammals and endangered species over which EPA and NOAA share jurisdiction, such as the Marine Protection, Research, and Sanctuaries Act and Endangered Species Act. The Fifth Amendment of the Constitution of the United States of America guarantees the regulated community the right to due process of the law. The ALJs issue orders and decisions under the authority of the Administrative Procedure Act (APA) and the various environmental, civil rights, and anti-fraud statutes that establish administrative enforcement authority and implement the Constitution's guarantee of due process.

The ALJs preside in hearings in cases initiated at EPA Headquarters and in each of EPA's 10 regional offices. Parties participating before the ALJs include local and national community groups, private parties, and federal, state, and local governments. The ALJs promote public participation in the administrative hearing process through remote hearings and prehearing conferences. They maintain an extensive website, accessible to the public, containing all initial decisions and case filings. Additionally, to promote access to justice, participants in cases pending before the ALJs may file documents electronically and are not required to pay a filing fee or be represented by counsel. The ALJs also offer an opportunity for alternative dispute resolution to completely resolve disputed issues or narrow the issues to be decided after a hearing, which may further reduce costs.

The right of affected persons to appeal ALJ initial decisions is conferred by various statutes, regulations, and constitutional due process rights. A small subset of the initial decisions issued by the ALJs are appealed to the Environmental Appeals Board (EAB).

Environmental Appeals Board

The Environmental Appeals Board is a four-member appellate tribunal established by regulation in 1992 to hear appeals and issue decisions in environmental adjudications (primarily enforcement and permit related) under all major environmental statutes that EPA administers. The EAB promotes the rule of law and furthers the Agency's mission to protect human health and the environment. The EAB furthers the Agency's mission to advance environmental justice (EJ) and address climate-related issues by ensuring the integrity of federal decision-making and fairness in its adjudication of administrative appeals.

Since the 1994 Executive Order on Environmental Justice¹⁷¹ was issued, the EAB has played a pioneering role in ensuring that the Agency meets its obligation with respect to EJ and, for example, in the context of permitting, has remanded several permit cases where the record did not support a finding that the permit authority reasonably considered the contested EJ issues in their permit decision making process.

To promote access to justice, parties appearing before the EAB are not required to be represented by counsel or pay a filing fee. Additionally, the EAB promotes public participation in the appeals process through remote oral arguments and maintaining an extensive website, accessible to the public, containing all final EAB decisions and case filings. Among others, parties participating before the EAB include local and national community groups, tribal nations, private parties, and state and local governments.

The EAB also decides petitions for reimbursement under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 106(b); hears appeals of pesticide licensing and cancellation proceedings under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); and serves as the final approving body for proposed settlements of enforcement actions initiated at EPA. The EAB issues decisions in a fair and timely manner consistent with the APA and the applicable environmental statutes, and under the authority delegated by the Administrator and pursuant to regulation, ensuring consistency in the application of legal requirements. In 90 percent of matters decided by the EAB, no further appeal is taken to federal court, providing a final resolution to the dispute. The EAB also offers an opportunity for alternative dispute resolution.

FY 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 ALJs will continue to convene formal hearings either remotely or in the location of the alleged violator or violation, as required by statute. As the Agency continues its focus on reviewing FIFRA registrations and making determinations on certain claims against the Superfund under CERCLA into FY 2024, the ALJs will support adjudication of these time-sensitive matters. In FY 2024, the EAB will continue to efficiently and fairly adjudicate permit and enforcement

¹⁷¹ Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

appeals under all statutes as well as petitions for reimbursement under CERCLA, expediting appeals such as Clean Air Act New Source Review cases and FIFRA licensing proceedings that are particularly time sensitive. The EAB and ALJs also anticipate addressing a potential increase in EJ-related issues and in new work assuring access to justice, including for tribal nations and parties impacted by EJ-related concerns.¹⁷² In FY 2024, the EAB will support the implementation of the American Innovation and Manufacturing Act (AIM Act) of 2020, specifically administrative enforcement of its provisions concerning hydrofluorocarbons (HFCs), which are designed to phase down the production and consumption of listed HFCs, manage these HFCs, and facilitate transition to next generation technologies.

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):

- (+\$401.0) 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.
- (+\$320.0) This program change is an increase to support programmatic investments relating to advancing environmental justice through the Administrative Law Program.

Statutory Authority:

Administrative Procedure Act (APA); Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute); Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); Clean Water Act (CWA); Clean Air Act (CAA); Toxic Substance Control Act (TSCA); Solid Waste Disposal Act (SWDA); Resource Conservation and Recovery Act (RCRA); Safe Drinking Water Act (SDWA); Emergency Planning and Community Right-to-Know Act (EPCRA); Marine Protection, Research, and Sanctuaries Act (MPRSA); Mercury-Containing and Rechargeable Battery Management Act (MCRBMA); the Act to Prevent Pollution From Ships (APPS).

¹⁷² For additional information, please refer to Executive Order 14008: "Tackling the Climate Crisis at Home and Abroad," <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>.

Alternative Dispute Resolution

Program Area: Legal / Science / Regulatory / Economic Review

Goal: Enforce Environmental Laws and Ensure Compliance

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$1,196</i> | <i>\$972</i> | <i>\$2,194</i> | <i>\$1,222</i> |
| Hazardous Substance Superfund | \$698 | \$791 | \$880 | \$89 |
| 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 environmental matters and some workplace conflicts 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 especially support the meaningful engagement of EPA programs with communities and other stakeholders, including states and tribes, by helping to develop collaborative and effective partnerships.

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 requests an additional \$1.2 million and 4.1 FTE for the ADR Program. EPA will continue to provide conflict prevention and ADR services to all EPA programs and external stakeholders on environmental matters. This program will continue to support implementation of Executive Order (EO) 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.¹⁷³ This investment also will be used to build capacity to improve oversight and enforcement of civil rights compliance and to prioritize and advance EJ concerns.

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 facilitation and mediation services for more than 100 active

¹⁷³ 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/>.

projects involving stakeholders across the Agency and is expected to take on an additional 20 to 30 projects in FY 2024. The ADR Program expects continued growth in the areas of environmental justice, climate change, and Title VI civil rights cases. Contract support contributes to more productive engagement between EPA programs and communities, especially underserved and overburdened communities.

- Provide facilitation, mediation, and training services through the four conflict resolution specialists on staff and the 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, mediation, or other consensus building support on 20 to 30 projects in FY 2024, including up to 10 Title VI civil rights cases. The ADR Program initiated a pilot program in FY 2022 to provide facilitation services to resolve Title VI civil rights complaints as part of the Informal Resolution Agreement process; the Program is now fully formed, and demand for facilitation services to resolve complaints continues to grow. As with contract support, direct staff support promotes greater collaboration among EPA and its stakeholders, as well as greater inclusion of overburdened and underserved communities.
- 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 regions. The ADR Program created virtual versions of its trainings during COVID, which has expanded its reach throughout the Agency. As of February 2023, the ADR Program has delivered eight trainings and has scheduled several more. The ADR Program expects a continued increase in training requests in FY 2024. Trainings include the building of skills such as working across cultural divides and supporting productive dialogue, which help EPA programs 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:

- Successfully managed a \$53 million Conflict Prevention and Resolution Services contract and administered 330 contract actions valued at slightly over \$44 million in the first three years. Through contract support, the ADR Program provided conflict resolution services for multiple projects and in dozens of communities to promote greater collaboration and inclusion of underserved and overburdened communities.
- Supported 99 environmental collaboration and conflict resolution cases nationwide, including multiple Administrator priority projects, such as the WOTUS National Roundtable Facilitation, Red Hill Facility Closure Facilitation, the USMCA-Tijuana River Watershed, the Clean School Bus Program, and Underground Injection Control. To support these projects, the ADR Program provided design and facilitation support to gather public input on controversial issues, supported community outreach efforts by facilitating listening sessions, and helped key stakeholders to reach agreement.

- Provided facilitation services for four Title VI civil rights cases to support the inclusion of all parties in the development of Informal Resolution Agreements between EPA and recipients of Title VI complaints.
- Trained more than 400 EPA personnel in conflict resolution skills through 10 courses and supported additional conflict resolution trainings, led by Regional Environmental Collaboration and Conflict Resolution Specialists, for 147 EPA staff and managers.

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):

- (-\$17.0) 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. 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.
- (+\$1,239.0 / +4.1 FTE) This program change is an increase for the use of alternative dispute resolution processes, such as mediation and facilitation, to promote equity by including underserved communities in negotiations. This investment includes \$798.0 thousand for payroll.

Statutory Authority:

Administrative Dispute Resolution Act (ADRA) of 1996; Negotiated Rulemaking Act of 1996; Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98-80, 97 Stat. 485 (codified at Title 5, App.) (EPA's organic statute).

Civil Rights Program

Program Area: Legal / Science / Regulatory / Economic Review

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

Objective(s): Strengthen Civil Rights Enforcement in Communities with Environmental Justice Concerns

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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$10,061</i> | <i>\$12,866</i> | <i>\$31,462</i> | <i>\$18,596</i> |
| Total Budget Authority | \$10,061 | \$12,866 | \$31,462 | \$18,596 |
| Total Workyears | 47.3 | 66.4 | 143.6 | 77.2 |

Program Project Description:

EPA has long held and elevated three fundamental principles to follow the science, follow the law, and be transparent. In 2022 EPA also added a fourth foundational principle: advance justice and equity. By so doing, EPA solidified its recognition that it was time to include this principle to infuse the consistent and systematic fair, just, and impartial treatment of all individuals into all EPA policies, practices, and programs. These principles form the basis of the Agency's culture and guide its operations and decision making – whether with respect to the public and communities, or EPA's workforce.

EPA's Civil Rights Program mitigates the Agency's liability by enhancing efforts to meet regulatory responsibilities under Title VI and VII of the Civil Rights Act of 1964, as amended among other applicable civil rights statutes and regulations, including 40 C.F.R. Parts 5 and 7, 29 C.F.R. § 1614.102(c)¹⁷⁴ and U.S. Equal Employment Opportunity Commission (EEOC) Management Directive 110,¹⁷⁵ which require federal agencies to fully fund its civil rights program. The Civil Rights Program enforces federal civil rights laws that prohibit discrimination against EPA employees and applicants for employment and by applicants for and recipients of EPA federal financial assistance. EPA also has committed to strengthening external civil rights enforcement to address health and environmental disparities, eliminate discriminatory barriers to clean air, water, and land, and ensure the protection of human health and the environment for all persons in the United States. There are two offices within the Agency's civil rights program, the Office of Civil Rights (OCR) and Office of External Civil Rights Compliance (OECRC). OCR and OECRC (the Civil Rights Program) are included in the same historic budget line, though the resource profiles of these two offices are very different. OCR has responsibility for the internal enforcement of several civil rights laws related to equal employment opportunity (EEO), and OECRC carries out the external enforcement of several civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from EPA. Together, both offices comprise

¹⁷⁴ For more information, please see: <https://www.ecfr.gov/current/title-29/subtitle-B/chapter-XIV/part-1614/subpart-A/section-1614.102>.

¹⁷⁵ For more information, please see: <https://www.eeoc.gov/federal-sector/management-directive/management-directive-110>.

EPA's civil rights program and its foundational commitment to the advancement of justice, equality, and equity.

EPA's Civil Rights Program provides leadership, direction, and guidance in carrying out the Agency's civil rights mission to senior leadership, EPA managers, employees, applicants, and recipients of federal financial assistance in carrying out civil rights responsibilities. The Program provides counseling and investigates discrimination complaints filed against EPA and EPA federal financial assistance recipients. The Program identifies triggers and eliminates barriers to EEO and environmental justice. The Program promotes alternative dispute resolution mechanisms to resolve discrimination complaints. The Program develops policy to clarify recipients' legal obligations. It conducts pre-award reviews and affirmative post-award compliance reviews and audits. EPA also provides technical assistance to recipients and enhances communication and engagement with environmentally overburdened and disadvantaged communities.

The Program processes accommodation requests due to disability that are made by employees and applicants. The Program issues final agency decisions in employment discrimination complaints.

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 2, including/Objective 2.3, Strengthen Civil Rights Enforcement in Communities with Environmental Justice Concerns.¹⁷⁶

Internal Civil Rights

In FY 2024, EPA must meet statutory and regulatory requirements to address potential barriers to employment and advancement and deliver training and services to EPA employees. EPA endeavors to assess organizational EEO efforts through listening sessions and during Technical Assistant Visits (TAVs) with program and regional offices. EPA typically has more requests for these interactive TAVs than time and resources to support them all in a year. EPA will continue to prioritize its interagency agreements to ensure impartial investigations of EEO complaints. Additionally, EPA will actively support, and as required, lead specific efforts and workgroups to implement its DEIA Strategic Plan as required by Executive Order 14035.¹⁷⁷

Employee Complaints and Resolution (ECR)

In FY 2024, EPA will dedicate a majority of its resources to the processing of discrimination complaints. It also will market the benefits of the Alternative Dispute Resolution (ADR) Program to address informal complaints. It also will continue to take proactive steps, including educating through trainings, listening sessions, and community outreach. EPA is expected to engage in the following activities:

¹⁷⁶ It also provides Cross-Agency Mission and Science Support, and is allocated across strategic goals and objectives in the *FY 2022 - 2026 EPA Strategic Plan*.

¹⁷⁷ For more information, please see: <https://www.federalregister.gov/documents/2021/06/30/2021-14127/diversity-equity-inclusion-and-accessibility-in-the-federal-workforce>.

- Track and manage investigations, draft final agency decisions, and track compliance of EEOC decisions within standard timelines set by the EEOC.
- Evaluate the effectiveness of the revised procedures for processing final agency decisions.
- Implement strategies for transparently communicating and addressing trends in formal complaints at program and region offices.
- Implement ADR training (for management and staff) to strengthen participants' knowledge and to increase offers and participation in the ADR process.
- Implement a revised TAV agenda based on feedback from previous TAVs completed to ensure an enhanced customer experience and usefulness.
- Conduct assistance visits for a total of four EPA regional and program offices.
- Recruit and train new collateral duty EEO Counselors, Special Emphasis Program Managers, and Local Reasonable Accommodation Coordinators.
- Implement new EEO Case Management database to effectively track EEO complaints, ensure timeliness, and the ability to produce annual required reports to the EEOC, Congress, OPM, and the Department of Justice.

Affirmative Employment, Analysis, and Accountability (AEAA)

In FY 2024, EPA will continue to focus on identifying and eliminating barriers to employment and advancement at the Agency. EPA dedicates a significant amount of labor to assembling and analyzing data for the Management Directive 715 Report (MD-715), EPA's annual report to the Equal Employment Opportunity Commission.

The MD-715 highlights EPA's efforts to establish and maintain a model civil rights program and drives the State of the EEO briefing to the Administrator each year. This effort will include guiding every region and program office through the collection of enhanced data and investigating workforce data triggers. In FY 2024, EPA expects to engage in the following activities:

- Continue to monitor the effectiveness of measures implemented from the "Barrier Analysis Report: Increasing the Use of the Schedule A (Disability) Hiring Authority."
- Analyze, complete, and/or monitor, as appropriate, two other Barrier Analysis efforts: "Upward Mobility of Hispanic Employees into the Senior Executive Service (SES)" and "Upward Mobility of Employees into the Senior Executive Service (SES) based on the EEO Categories of Race and Sex."
- Continue to implement recommendations resulting from the EPA MD-715 priority regarding the collection of applicant flow data for Career Development Opportunities.¹⁷⁸
- Evaluate the underrepresentation of EEO groups from MD-715 reports.
- Monitor and assist the Administrator's Office and regional and program offices with implementation of their workforce EEO Actions Plans.
- Manage EPA's ten Special Emphasis Programs.¹⁷⁹
- Collaborate in the planning of EPA's National Commemorative Programs.
- Conduct TAVs for a total of four region and program offices.

¹⁷⁸ For more information, please see: https://www.epa.gov/sites/default/files/2021-05/documents/md-715_report_fy20_final_28_apr_21_signed.pdf.

¹⁷⁹ For more information, please see: <https://www.epa.gov/ocr/affirmative-employment-analysis-and-accountability#special>.

- Provide effective training and tools for managers to report and carry out their responsibilities under the MD-715.

National Reasonable Accommodations Program (NRAP)

In FY 2024, EPA will work to enhance the effectiveness of services through training, policy development, and improving the support functions of the Local Reasonable Accommodation Coordinators (LORACs). The Agency has a legal obligation to provide an effective accommodation for employees and applicants with disabilities absent an undue hardship. In FY 2024, EPA expects to engage in the following activities:

- Receive, track, advise on response, and monitor the delivery of requested reasonable accommodations for all national programs and oversee similar actions in every region.
- Evaluate the effectiveness of revised procedures for providing Personal Assistant Services.
- Support the Agency's efforts to improve accessibility for persons with disabilities.
- Evaluate the Reasonable Accommodations Management System (RAMS) and upgrade/enhance features as necessary.
- Conduct recertification training for LORACs.
- Conduct TAVs for a total of four EPA regional and program offices.

To be an effective internal civil rights program, it must be trusted by all EPA employees for its impartiality and transparency.

External Civil Rights

In FY 2024, EPA requests an additional \$17.0 million and 76.5 FTE to enforce the Nation's external civil rights laws through EPA's Headquarters program as well as the regional offices. This investment will provide essential program support to investigate and resolve critical civil rights complaints, initiate affirmative compliance reviews, and work toward achieving measurable environmental, public health, and quality of life improvements in the most overburdened, vulnerable, and underserved communities.

EPA will continue to elevate environmental justice and external civil rights within the Agency and integrate environmental justice considerations and full compliance with civil rights obligations across all of EPA's policies, programs, and activities. EPA also will continue to advance its commitment to bring justice to frontline communities that experience the worst impacts of environmental pollution.

Through the continued implementation of Goal 2 of EPA's *FY 2022 - 2026 Strategic Plan*: "Take Decisive Action to Advance Environmental Justice and External Civil Rights." EPA will promote further the integration of environmental justice and external civil rights throughout EPA and carry out the objectives, sub-objectives, and annual and long-term goals articulated in Strategic Plan Goal 2. In particular, EPA's request includes critical FTE for external civil rights compliance activities in the regional offices, including participation in pre-award reviews and post-award complaint and compliance review investigations and resolutions.

Specifically, with respect to external civil rights, in FY 2024, EPA will:

- Continue its shift to proactive activities, by initiating proactive pre-award and post-award civil rights compliance reviews to address the impacts of potentially discriminatory activities on overburdened communities.
- Fully implement its authority to address actions, policies, and practices by recipients of EPA funding that have a discriminatory impact on overburdened and disadvantaged communities.
- Continue to develop and implement clear and strong civil rights guidance and corresponding training and technical assistance to increase recipients’ compliance with civil rights laws.
- Conduct timely and effective civil rights complaint investigations and resolutions – including investigations and informal resolution agreements that effectively address discriminatory practices.
- Continue to implement and refine the Case Resolution Manual that was updated in FY 2023.
- Fully implement the EPA Limited English Proficiency policy and procedures and Order, revised in FY 2023, and develop and finalize an EPA Order to ensure meaningful access for persons with disabilities to EPA programs services and activities.
- Enhance communication and engagement with environmentally overburdened communities to meaningfully inform EPA’s civil rights complaint resolution work and to empower and increase their participation in critical decision making.
- Increase transparency by continuing to affirmatively provide information and case-related documents to the public through the interactive “Complaint Docket” online.¹⁸⁰
- Strengthen federal interagency collaboration and coordination on complaints, compliance reviews, and policy guidance to enforce federal civil rights laws.

Performance Measure Targets:

(PM EJCR05) Percentage of state-issued permits reviewed by EPA that include terms and conditions that are responsive to environmental justice concerns and comply with civil rights obligations.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Target | | | | | | | 10 | 25 | Percent |
| Actual | | | | | | | | | |
| Numerator | | | | | | | | | Permits |
| Denominator | | | | | | | | | |

(PM EJCR06) Percentage of required civil rights procedural safeguard elements implemented by state permitting agencies that are recipients of EPA financial assistance.

¹⁸⁰ For more information, please see: <https://www.epa.gov/external-civil-rights/external-civil-rights-docket-2014-present>

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| Target | | | | | | 20 | 40 | 45 | Percent |
| Actual | | | | | | 33 | | | |
| Numerator | | | | | | 138 | | | Elements |
| Denominator | | | | | | 408 | | | |

(PM EJCR13) Percentage of EPA regions and national programs that have established clear implementation plans for Goal 2 commitments relative to their policies, programs, and activities and made such available to external partners.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|----------------------|
| Target | | | | | | | 100 | 100 | Percent |
| Actual | | | | | | | | | |
| Numerator | | | | | | | | | Regions and Programs |
| Denominator | | | | | | | | | |

(PM EJCR14) Percentage of EPA programs and regions that have implemented program and region-specific language assistance plans.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|----------------------|
| Target | | | | | | 30 | 35 | 60 | Percent |
| Actual | | | | | | 0 | | | |
| Numerator | | | | | | 0 | | | Programs and Regions |
| Denominator | | | | | | 23 | | | |

(PM EJCR15) Percentage of EPA programs and regions that have implemented program and region-specific disability access plans.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|--------------------------|---------|----------------------|
| Target | | | | | | | No Target Established | 25 | Percent |
| Actual | | | | | | | | | |
| Numerator | | | | | | | | | Programs and Regions |
| Denominator | | | | | | | | | |

(PM EJCR16) Number of proactive post-award civil rights compliance reviews initiated to address discrimination issues in environmentally overburdened and underserved communities.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------|---------|---------|---------|---------|---------|---------|---------|---------|--------------------|
| Target | | | | | | 3 | 6 | 12 | Compliance Reviews |
| Actual | | | 1 | 1 | 0 | 1 | | | |

(PM EJCR17) Number of audits completed to ensure EPA financial assistance recipients are complying with federal civil rights laws.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------|---------|---------|---------|---------|---------|---------|---------|---------|--------|
| Target | | | | | | 25 | 30 | 50 | Audits |
| Actual | | | | | 0 | 0 | | | |

(PM EJCR18) Number of information sharing sessions and outreach and technical assistance events held with overburdened and underserved communities and environmental justice advocacy groups on civil rights and environmental justice issues.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|---------------------|
| Target | | | | | | 8 | 90 | 100 | Sessions and Events |
| Actual | | | | | 40 | 30 | | | |

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

- (+\$1,439.0) 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. 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.
- (+\$17,025.0 / +76.5 FTE) This program change increases staffing and capacity to enforce the Nation’s external civil rights laws and to work toward the goal of achieving measurable environmental, public health, and quality of life improvements in the most overburdened, vulnerable, and underserved communities; supports activities including investigations into claims of discrimination by underserved communities and pre-award and post-award compliance activities. This investment includes \$14.4 million for payroll.
- (+\$132.0 / +0.7 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. This investment includes 132.0 thousand for payroll.

Statutory Authority:

Equal Pay Act of 1963; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Age Discrimination in Employment Act (ADEA) of 1967; Title IX of the Educational Amendments of 1972; Federal Water Pollution Control Act Amendments of 1972 § 13; Rehabilitation Act of 1973 §§ 501, 504, 505, 508; Rehabilitation Act of 1973 § 504; Age Discrimination Act of 1975; Americans with Disabilities Act of 1990; ADA Amendments Act of 2008; and Genetic Information Nondiscrimination Act (GINA) of 2008.

Integrated Environmental Strategies

Program Area: Legal / Science / Regulatory / Economic Review

Goal: Tackle the Climate Crisis

Objective(s): Accelerate Resilience and Adaptation to Climate Change Impacts

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$10,534</i> | <i>\$11,297</i> | <i>\$71,722</i> | <i>\$60,425</i> |
| Total Budget Authority | \$10,534 | \$11,297 | \$71,722 | \$60,425 |
| Total Workyears | 45.7 | 55.5 | 91.0 | 35.5 |

Program Project Description:

The Integrated Environmental Strategies (IES) Program advances the Agency's mission of protecting human health and the environment by focusing on cross-media environmental concerns. The IES Program provides tools, training, advice, and resources to help EPA work as a more effective organization. Nationally, IES is focused on: 1) providing for the development of efficient, accurate, and timely reviews for permitting and approval processes which support automation, oversight, and integration of environmental justice (EJ) and climate change in environmental permitting; 2) working with industrial sectors to identify and develop innovative approaches to better protect the environment and public health; 3) collaborating with partners, including federal, state, municipalities, communities, businesses, and other stakeholders, to implement locally-led, community-driven approaches to environmental protection through technical assistance, policy analysis, and training; and 4) partnering with states, territories, tribes, local governments, businesses, other federal agencies, and others to increase the resilience of the Nation to the impacts of climate change, with a particular focus on advancing climate justice.

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 1/Objective 1.2, Accelerate Resilience and Adaptation to Climate Change Impacts in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2024, EPA requests an investment of \$60.4 million and 35.5 FTE for the IES Program. Within this amount, \$14.5 million and 9.0 FTE are needed support the coordination, streamlining, oversight, automation, and integration of EJ and climate change into environmental permitting. These resources also will be used to support core program capacity and to build the program by addressing the Administration's priorities and adhering to the goals in the *FY 2022 – 2026 EPA Strategic Plan*. The Program will continue to focus on four major areas, each presenting unique opportunities to improve delivery of environmental protection across multiple media and stakeholders. These four areas include permitting strategies, sector strategies, community-driven environmental protection, and climate adaptation and resilience.

Permitting Strategies

EPA implements its statutory authority through various permitting programs. The Agency continues to focus efforts across EPA program and regional offices and with state and tribal co-regulators to support coordination, efficiencies, oversight, automation, and integration of EJ and climate change for environmental permitting. The Office of Federal Activities (OFA) coordinates across 13 other federal agencies, the Federal Permitting Improvement Steering Council, the Council on Environmental Quality, and the Office of Management and Budget to coordinate on permitting and meet EPA's Permitting Action Implementation Plan goals. EPA uses its EPA Permitting Action Implementation Plan to help address the expansion of permitting for major infrastructure projects, expanded FAST-41 covered sectors, and to address seven critical elements of the Plan:

- Accelerating smart permitting through early cross-agency coordination.
- Establishing clear timeline goals and tracking key project information.
- Engaging in early and meaningful outreach and communication with States, Tribes, Territories, and local communities.
- Improving agency responsiveness, technical assistance, and support.
- Using agency resources and the environmental review process to improve environmental and community outcomes.
- Ensuring staffing levels are adequate to address anticipated environmental review and permitting-related workloads.
- Addressing, elevating, and resolving schedule delays, disputes and other issues impacting the environmental and permitting process in a timely manner.

Additionally, OFA addresses cross-cutting permitting and major infrastructure topics that are identified as critical for infrastructure development. These topics, often new or cutting-edge national priorities (e.g., critical minerals production, quantum processing/manufacture, etc.), require integration of permitting policy, implementation, and evaluation.

EPA is working to transition the Agency's major permitting programs from paper submissions to electronic processes through the automation of permit application review and issuance. The benefits of permit automation will reduce the processing time on issuing permits, decrease the time between receiving monitoring data and engaging in enforcement actions, and increase transparency by allowing communities to search, track, and access permit actions easily. Permit automation improves the integration of climate change and EJ considerations into permit processes and ensures that climate change and EJ are evaluated and addressed appropriately within the terms and conditions of the permit. For the regulated community, permit automation provides a simplified, streamlined, and transparent permitting process, resulting in both time and cost savings.

EPA's renewed focus on effective integration of EJ and climate change considerations within the Agency's various decentralized permitting programs, continues to play a leading role in coordinated efforts aligned with the Administration's priorities including:

1. Coordinating permit support for major infrastructure projects, including carbon capture/use/sequestration and renewable energy projects requiring a permit.
2. Supporting integration of EJ and climate change analysis into permit development.

3. Supporting EPA and FAST-41 oversight, permit quality, permit timelines, and permit program integrity.
4. Documentation of best practices and addressing cross-cutting permitting and policy issues (e.g., Endangered Species Act and National Historic Preservation Act coordination); and, in partnership with other federal agencies, state and tribal permitting offices, continuing to streamline and gain efficiencies in the review of all permits.
5. Expansion of a successfully piloted e-permitting application tool to other permitting program areas.

Smart Sectors

EPA's Smart Sectors Program (SSP) provides a platform for the Agency to collaborate with industry to develop innovative approaches to protect the environment and public health from a multi-media perspective. SSP serves as a hub for understanding and addressing sector specific environmental challenges and opportunities, facilitating dialogue with industry representatives and other stakeholders, and managing a network of SSPs in all 10 EPA regional offices. The Program will continue as a liaison to connect, convene, and facilitate discussions among agency experts and business leaders to address discrete issues unique to each sector and help sectors drive improvements that serve the Agency's greater mission of protecting human health and the environment.

In FY 2024, SSP will focus activities in three areas: broad multi-stakeholder engagement, cross-agency coordination, and policy and program initiatives as they relate to industry sectors. Multi-stakeholder engagements will provide a platform for working with industry trade associations and leading companies, as well as other stakeholders on key issues such as climate change, EJ, and fostering environmentally sustainable infrastructure development. In addition to industry, the Program will work with non-governmental organizations, organized labor, the academic community, state/local governments, and overburdened and vulnerable communities with EJ concerns, as appropriate. The Program will coordinate and/or lead cross-agency, sector-based projects, and activities to address the Administration's priorities, including tackling climate change, delivering EJ, and securing environmentally responsible and resilient supply chains.

Community-Driven Environmental Protection

The IES Program delivers technical assistance, training, and tools to economically distressed communities and coordinates the Agency's work with communities to increase efficiency, effectiveness, and accountability leading to improved environmental and public health protection. In FY 2024, the Program will continue to deliver direct technical assistance to communities. In FY 2022, the Program developed new technical assistance approaches specifically focused on helping communities disproportionately impacted by the COVID-related economic downturn, attracting private investment, growing in more resilient ways, and rebuilding to improve environmental and human health outcomes. For example, in FY 2023 the Program collaborated with the US Forest Service, Northern Border Regional Commission and Appalachian Regional Commission to develop and deploy a Recreation Economy for Rural Communities toolkit in 25 communities. This collaboration supports community driven development approaches that protect and conserve natural lands, support reinvestment in existing neighborhoods, and protect air and water quality.

The Recreation Economy for Rural Communities tool is one of many developed by the Program. In FY 2024, EPA will continue to deploy tools and expertise, through technical assistance delivery. These resources will continue to strengthen EPA's efforts to leverage public and private sector investments in support of improved economic development and environmental outcomes.

In FY 2024, the Program will continue to support community-driven solutions to local environmental challenges, focusing on the Administration's priorities, such as leveraging private investment and aligning federal investments to maximize benefits to vulnerable and underserved communities, and increasing climate resilience. Technical assistance and training are the cornerstones of EPA's cooperative approach to addressing environmental challenges in communities, particularly communities that are economically distressed. In FY 2024, the Program will continue to prioritize technical assistance, capacity building and training, with the objective of helping communities as well as tribal, state, and local governments increase their capacity to protect the environment while growing their economies, creating jobs, spending public and private sector investments and other resources more efficiently, and promoting more equitable approaches to development. Where appropriate, EPA will partner with other agencies to help achieve locally led, community-driven approaches to protecting air, land, and water, while at the same time supporting equitable economic revitalization. In FY 2024, the Program will partner with EPA program and regional offices to support their delivery of resources and assistance to communities in ways that align with the principles of community driven solutions.

In FY 2024, the Program will continue analyses on emerging trends, innovative practices, and tools that support equity, climate resilience, Greenhouse Gas (GHG) reduction, and clean air, land, and water outcomes. EPA will continue to develop tools to help interested communities incorporate innovative, equitable approaches to infrastructure and land development policies. This assistance helps deliver multiple economic, community, and human health goals embedded in EPA's core mission, including managing stormwater, improving local air and water quality, cleaning up and reusing previously developed sites, and supporting revitalization and redevelopment in economically distressed communities to create economic opportunities while reducing GHG emissions and protecting the environment.

Climate Adaptation Program

The impacts of climate change affect people in every region of the country, threatening lives and livelihoods and damaging infrastructure, ecosystems, and social systems in communities across the Nation. Climate change also challenges EPA's ability to accomplish its mission to protect human health and the environment. The Climate Adaptation Program is taking the actions necessary to ensure that EPA continues to fulfill its mission even as the climate changes and is working with other federal agencies to increase the resilience of the Nation.

The Program recognizes that certain parts of the population, such as communities of color, low-income communities, children, the elderly, tribes and indigenous people, and small rural communities, are often especially vulnerable to the impacts of climate change. To that end, the Program will particularly focus on engaging the most overburdened and vulnerable groups of people and communities to improve their capacity to anticipate, prepare for, and adapt to or recover from climate change impacts.

The Climate Adaptation Program’s overarching goals and expected accomplishments are 1) ensuring EPA continues to fulfill its mission of protecting human health and the environment even as the climate changes and disruptive impacts increase, 2) meeting (or exceeding) the Long-Term Performance Goals in Objective 1.2 of the *FY 2022-2026 EPA Strategic Plan*, and 3) ultimately empowering all 40,000 communities across the Nation and all 574 tribes to adapt to the risks of climate change, with a particular focus on advancing climate justice.

In FY 2024, EPA requests approximately \$45.3 million and 26.5 FTE for its work in the Climate Adaptation program. With this investment EPA will provide targeted assistance to states, tribes and indigenous peoples, territories, local governments, communities, and businesses to bolster these groups’ climate resilience efforts. The Agency will focus resources on communities with environmental justice concerns to develop new strategies that strengthen their adaptive capacity and increase climate resilience across the Nation. EPA also will produce and deliver training, tools, technical assistance, financial incentives, and information the agency’s partners indicate they need to adapt and to increase resilience to climate change.

In FY 2024, EPA will continue to implement its 2021 Climate Adaptation Action Plan and the 20 Climate Adaptation Implementation Plans developed by the Program and Regional Offices.¹⁸¹ EPA will leverage the additional resources and FTE provided in FY 2024 to implement selected additional priority actions identified in the Implementation Plans. These additional actions will enhance the adaptive capacity and resilience of states, tribes, territories, local governments, and communities by providing technical assistance through the Program and Regional offices. These strategies are informed by the best available science and deliver co-benefits for mitigation of GHG and other pollution, public health, economic growth and job creation, national security, and environmental justice—all of which will be central to building a more resilient future. These actions will integrate climate adaptation planning into Agency programs, policies, rulemaking processes, enforcement and compliance assurance activities, financial mechanisms, and operations to ensure they are effective even as the climate changes.

EPA also will continue to monitor progress toward established targets for each of the Long -Term Performance Measures in Objective 1.2 (“Accelerate Resilience and Adaptation to Climate Change Impacts”) of the *FY 2022-2026 EPA Strategic Plan*. The baseline and additional priority actions identified in the 20 Climate Adaptation Implementation Plans support EPA’s efforts to continue to fulfill its mission of protecting human health and the environment even as the climate changes and disruptive impacts increase. The additional resources also will be used to advance climate justice through the provision of grants and technical assistance and protect communities that are disproportionately affected by climate change.

In FY 2024, the Program will continue to modernize EPA financial assistance programs to encourage climate-resilient investments across the Nation. Particular attention will be given to ensuring that the outcomes of investments made with funds from the Infrastructure Investment and Job Act (IIJA) and the Inflation Reduction Act (IRA) will be resilient to the impacts of climate change, as well as support climate mitigation goals. The Program also will establish a National Adaptation Grants and Technical Assistance Program to provide financial incentives beyond the

¹⁸¹ For additional information, please see: <https://www.epa.gov/climate-adaptation/climate-adaptation-plans>.

IJA to support climate-resilient investments and encourage adaptation planning and implementation by states, tribes, territories, and local communities.

Performance Measure Targets:

(PM AD07) Number of priority actions completed in EPA’s Climate Adaptation Action Plan and Program and Regional Implementation Plans.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|------------------|
| Target | | | | | | 100 | 100 | 100 | Priority Actions |
| Actual | | | | | | 155 | | | |

(PM AD08) Number of EPA national program offices that have developed adaptation training for programs and staff.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|-----------------|
| Target | | | | | | 4 | 10 | 12 | Program Offices |
| Actual | | | | | | 4 | | | |

(PM AD09) Cumulative number of federally recognized tribes assisted by EPA to take action to anticipate, prepare for, adapt to, or recover from the impacts of climate change.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|----------------------|---------|---------|--------|
| Target | | | | | | 100 | 150 | 200 | Tribes |
| Actual | | | | | | Data Avail 3/2023 | | | |

(PM AD10) Cumulative number of states, territories, local governments, and communities (i.e., EPA partners) assisted by EPA to take action to anticipate, prepare for, adapt to, or recover from the impacts of climate change.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|----------------------|---------|---------|----------|
| Target | | | | | | 250 | 300 | 350 | Partners |
| Actual | | | | | | Data Avail 3/2023 | | | |

(PM AD11) Number of tribal, state, regional, and/or territorial versions of the Climate Change Adaptation Resource Center (ARC-X) or similar, systems developed by universities with EPA support.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| Target | | | | | | 3 | 6 | 6 | Versions |
| Actual | | | | | | 1 | | | |

(PM AD12) Hours of appropriate subject matter expert time provided by EPA to help communities adapt to climate impacts, build long-term resilience, and support the most underserved and vulnerable communities after federally declared disasters.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|-----------------------|-----------------------|-----------------------|-------|
| Target | | | | | | No Target Established | No Target Established | No Target Established | Hours |
| Actual | | | | | | 9,763 | | | |

(PM CO1) Percentage of technical assistance projects in support of environmentally sustainable and community-driven revitalization that support or expand upon previous or ongoing federal investments.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|-----------------------|---------|---------|
| Target | | | | | | | No Target Established | TBD | Percent |
| Actual | | | | | | | | | |

(PM PAT) Percentage of EPA permitting processes automated.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Target | | | | | | | 10 | 30 | Percent |
| Actual | | | | | | | | | |

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

- (+\$665.0) 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.
- (+\$45,267.0 / +26.5 FTE) This change is an increase provided for EPA’s Climate Adaptation Program to support increased resilience of EPA’s programs and strengthen the adaptive capacity of states, tribes, territories, local governments, communities, and businesses. This investment includes \$4.98 million in payroll.
- (+\$11,493.0 / +3.0 FTE) This program change is an increase to support core program capacity and build the program by addressing the Administration’s priorities and adhering to the goals in the *FY 2022 – 2026 EPA Strategic Plan*. This investment includes \$1.7 million in payroll.
- (+\$3,000.0 / +6.0 FTE) This program change is an increase to support the coordination, streamlining, oversight, automation, and integration of EJ and climate change into environmental permitting. This investment includes \$1.1 million in payroll.

Statutory Authority:

Reorganization Plan No. 3 of 1970, 84 Stat. 2086, as amended by Pub. L. 98–80, 97 Stat. 485 (codified at Title 5, App.) (EPA’s organic statute); National Environmental Policy Act; CAA § 309; Endangered Species Act; National Historic Preservation Act; Archaeological and Historic Preservation Act; Fishery Conservation and Management Act; Fish and Wildlife Coordination Act; and Title 41 of the Fixing America’s Surface Transportation Act.

Legal Advice: Environmental Program

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$63,795</i> | <i>\$60,061</i> | <i>\$85,252</i> | <i>\$25,191</i> |
| Hazardous Substance Superfund | \$475 | \$599 | \$477 | -\$122 |
| 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 representational services, legal counseling, and legal support for all the Agency's environmental activities. The legal support provided by this program is essential to the Agency's core mission. The personnel assigned to this program possess essential expertise in critical fields that EPA relies on for all decisions and activities in furtherance of its mission: to protect human health and the environment.

The Program provides legal counsel on nearly every major action the Agency takes. It plays a central role in all statutory and regulatory interpretation of new and existing rules, as well as rule and guidance development under EPA's environmental authorities. The Program also provides essential legal advice for every petition response and emergency response. When the Agency acts to protect the public from pollutants or health-threatening chemicals in the air we breathe, in the water we drink, or in the food we eat, the Program provides counsel on the Agency's authority to take that action. The Program then provides the advice and support necessary to finalize and implement that action. When that action is challenged in court, the Program defends it, in coordination with the Department of Justice (DOJ). The Program also provides support and legal counsel in adhering to court orders and mandates. The Program also supports EPA's National Freedom of Information Act (FOIA) Office and the Ethics Office as part of the legal services activity within the Agency's Working Capital Fund.

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 requests an investment of \$25.2 million and 70.2 FTE to defend and assist EPA's environmental programs in their increased efforts to tackle the climate crisis; advance environmental justice; support the Office of Air and Radiation's priority rulemakings for climate and clean air; and to support the Office of Chemical Safety and Pollution Prevention's pesticide

program among its many other initiatives and responsibilities. This builds upon investments from FY 2023. The Program has seen a significant increase in work to respond to coal combustion residuals (CCR) actions, and rulemakings and emerging issues like per- and polyfluoroalkyl substances (PFAS); support Toxic Substances and Control Act (TSCA) implementation; and support the Administration's Memorandum of Understanding (MOU) on tribal engagement and tribal treaty rights. Additional resources will provide continued support to the Office of Chemical Safety and Pollution Prevention's (OCSPP) expansion to the expedited settlement agreements (ESA) investment that was made in the FY 2023 budget. During the past several years EPA's Office of General Counsel's (OGC) workload has significantly outpaced staffing resources, even as the Program has added work on vital new Administration priorities including regulatory changes, climate change, and environmental justice. OGC will also provide legal support to the newly established Office of Environmental Justice and External Civil Rights (OEJECR) necessary in order to fully implement the essential environmental justice deliverables so that EPA can maintain its promise to protect human health and the environment for all persons in the U.S. Lastly, the Program will continue to provide legal representation in judicial and administrative litigation and provide counseling outside of the litigation context in the highest priority issues arising under all the environmental statutes administered by EPA.

In FY 2024, the Agency will continue to focus on its core mission to apply the most effective approaches by implementing EPA's environmental programs under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), Clean Air Act (CAA), Clean Water Act (CWA), TSCA, Federal Insecticide Fungicide and Rodenticide Act, Food Quality Protection Act, Safe Drinking Water Act, and other authorities. This strategy will help ensure that human health and the environment are protected, including clean air, water, and land, and safe chemicals and pesticides. OGC will use additional resources to strengthen staffing and attorney training for those who provide legal advice and counsel in support of CERCLA, RCRA, CAA, CWA, and other regulations to assist EPA in its ability to broaden and accelerate cleanup and management of PFAS contamination to protect human health and ecological systems.

EPA also will continue to strengthen its FOIA implementation to enhance transparency, build public trust in agency actions, and support public participation by working to achieve the *FY 2022 - 2026 EPA Strategic Plan* long-term performance goal to eliminate the backlog of overdue FOIA responses. Timely disclosure helps achieve the core purpose of the FOIA to ensure an informed citizenry. Additional resources will also support EPA's continuing effort to reduce the FOIA backlog, and to support increased work associated with the procurement of a new FOIA case management and recordkeeping software solution to replace FOIAonline, which will be terminated in FY 2023.¹⁸² This additional work will include the configuration and deployment of the new tool, as well as training of EPA staff and the public on how to use it.

The Program includes oversight and implementation of the Agency's Ethics responsibilities to bolster all of the principles articulated in the *FY 2022 - 2026 EPA Strategic Plan*. Public trust in the integrity of EPA's scientific and legal efforts necessarily depends upon all EPA employees faithfully carrying out their official duties ethically and impartially.

¹⁸² EPA's Chief Information Officer determined EPA must replace the current FOIA Online system due to unresolvable technical issues that would cost more to troubleshoot, than to replace the entire system.

Legal counseling resources continue to be in high demand, which requires OGC to maintain full staffing and proficiently trained attorneys to support the Agency's response to states seeking assistance developing or implementing environmental programs, industrial facilities seeking permits to allow them to undertake new economic activity or continue existing activity, and citizens seeking actions to protect local environmental quality, among other things. The Program will prioritize resources after supporting judicial and administrative litigation to counsel agency clients on these matters.

The following are examples of recent 2022 accomplishments and work being completed to illustrate this program's role in implementing the Agency's core mission:

- EPA's Water Law Office (WLO) provided critical legal support for development of the Agency's latest rulemaking defining "waters of the United States," a key CWA term that defines the limits of federal jurisdiction over discharges into, or filling of, surface waters throughout the United States. WLO expects to continue its work on legal issues associated with this agency priority in FY 2024, including supporting the Solicitor General's Office in addressing the *Sackett v. EPA* petition in the Supreme Court (argued in October 2022) and responding to a decision in this case (expected in early 2023), as well as defending the new rule, finalized on December 30, 2022. Additionally, WLO also has provided critical legal support for the decision to reconsider and revise the Agency's 2020 rule implementing CWA section 401 to facilitate states' and tribes' ability to protect the quality of their waters. These actions will protect the quality of rivers, lakes, and other waters throughout the nation so they can be safely used by the public for drinking water, fishing, swimming, and other recreation as well as support healthy and abundant fish and other wildlife.
- EPA's Pesticides and Toxic Substances Law Office (PTSLO) continues to provide critical legal advice in support of EPA's continuing implementation of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, which modernized and substantially overhauled the TSCA. PTSLO also provides substantial support to EPA's Office of Pesticide Programs in its activities related to the operation of a national licensing program for pesticides sold and used in the United States, which involves the issuance of over 2,000 reviewable final agency actions each year, including the grant of new pesticide registrations; amendments to existing pesticide registrations; new or amended tolerance regulations authorizing the presence of specific levels of pesticide residues on food sold in the United States; determinations related to the statutorily-mandated review of all existing pesticide registrations; state special local needs registrations; and emergency exemptions from the requirements of the pesticide statute.
- EPA's Air and Radiation Law Office (ARLO) played a key role in implementing the American Innovation and Manufacturing (AIM) Act. ARLO attorneys are playing a critical role in helping EPA propose and finalize regulations and decisions implementing the AIM Act, which Congress passed in December of 2020. Among other things, this law requires the phase down of hydrofluorocarbons (HFCs), a potent class of greenhouse gases. ARLO also has played a key role in developing a rulemaking to regulate methane emissions from the oil and natural gas industry under CAA section 111, as well as defending EPA's

authority to effectively regulate greenhouse gas emissions from the power sector under that section. Additionally, ARLO played a key role in a number of recent actions to reduce greenhouse gas emissions from vehicles and will work closely with the DOJ to defend the recent light duty vehicle and aircraft greenhouse gas actions. These actions, particularly the rulemakings, will significantly advance the Administration's goal of addressing the devastating effects of climate change.

- EPA's Solid Waste and Emergency Response Law Office (SWERLO) provided critical legal advice on multiple EPA actions to protect communities and hold facilities accountable for controlling and cleaning up the contamination created by decades of coal ash disposal, which can pollute waterways, groundwater, drinking water, and the air. The actions advance the Agency's commitment to protecting groundwater from coal ash contamination and include: 1) proposing decisions on requests for extensions to the current deadline for initiating closure of unlined Coal Combustion Residuals (CCR) surface impoundments; 2) putting several facilities on notice regarding their obligations to comply with CCR regulations; and 3) laying out plans for future regulatory actions to ensure coal ash impoundments meet strong environmental and safety standards. SWERLO also served as agency lead in successfully defending D.C. Circuit litigation challenging EPA's approval of the Oklahoma CCR Program (*Waterkeeper Alliance, Inc., et al. vs. Regan* (No. 20-5174, D.C. Cir., July 26, 2022)). SWERLO continues to take a significant role in addressing CCR issues, including proposing the first batch of Part A decisions and responding to comments on those actions, which address extensions of the date unlined CCR units must cease receipt of waste. Additionally, SWERLO counseled on multiple issues related to the top Administration priority of addressing PFAS contamination, including the use of RCRA authority to compel investigation of PFAS and a novel petition from a state governor to list PFAS as RCRA hazardous wastes.
- EPA's Cross-Cutting Issues Law Office (CCILO), in collaboration with OGC's ARLO, WLO, PTSLO, and SWERLO law offices, continues to provide critical legal advice in support of EPA rulemaking efforts to protect human health and the environment pursuant to its statutory authorities such as the CAA, CWA, TSCA, CERCLA, and RCRA. Specifically, CCILO provided specialized legal and tactical expertise in legal counseling on a range of administrative law matters including counseling on the update and legal defense of the social cost of greenhouse gas emissions, as well as the implementation of several new Executive Orders and strengthening transparency in agency science. CCILO also provides critical legal advice on EPA's obligations to ensure meaningful public engagement in its regulatory actions, as well as with other obligations that benefit the public by fostering open and transparent operations under the Federal Advisory Committee Act, the Paperwork Reduction Act, and the Information Quality Act. CCILO also provided critical legal support to advance the Administration's environmental justice goals by updating *EPA Legal Tools to Advance Environmental Justice (EJ Legal Tools)* to incorporate new and revised environmental and civil rights statutes to advance environmental justice, provided training to Headquarters, Regional Offices, and stakeholders on *EJ Legal Tools*. This work supports EPA and the Administration's priority to address environmental harms and protect public health in communities with environmental justice concerns and other vulnerable and underserved populations. Finally,

CCILO continued to support the Administration's Memorandum on Tribal engagement in a variety of contexts, including in the context of addressing the inequity to Oklahoma tribes created by the Safe, Accountable, Flexible, Efficient, Transportation, Equity Act (SAFETEA) decision, and playing a pivotal counseling role in the crafting of EPA's draft Tribal Reserved Rights Rule under the CWA.

- EPA's National Freedom of Information Office (NFO) provided legal advice and support to the agencywide FOIA Program. NFO completed the initial review and assignment of 6,698 FOIA requests; processed 234 applications for expedited response; processed 797 applications for fee waivers; and processed and closed more than 1,760 FOIA requests. The NFO also began a major procurement initiative to replace FOIAonline, provided project management support to several EPA program offices to reduce their FOIA response backlogs, and led the Agency in reducing its backlog of overdue FOIA responses by over 10 percent in FY 2022
- EPA's Ethics Office managed the overall agency ethics program to ensure that employees carry out their duties ethically. In FY 2022, over 7,800 confidential financial disclosure reports were submitted to the more than 100 deputy ethics officials throughout the Agency. Of those, 97 percent were certified timely. The Ethics Office is solely responsible for assigning, reviewing, and certifying public financial disclosure reports and periodic transaction reports. The Ethics Office received more than 640 reports in FY 2022, and nearly 90 percent of those were reviewed and certified timely.
- The executive branch ethics program is more than a disclosure-based program. Public trust in EPA and its actions is supported when EPA employees make impartial decisions based on the interests of the public and when they consistently serve as good stewards over public resources and adhere loyally to the Constitution and federal laws and regulations. The Ethics Office actively provides robust ethics training to EPA employees. In FY 2022, the Office introduced the "Ethics Minute" to begin the Administrator's weekly senior staff meeting and provided one-on-one initial ethics training to every incoming political and Administratively Determined appointee. It also provided tailored training on recusals and vetting invitations to incoming Regional Administrators. In FY 2022, it delivered high-quality annual training on gifts that also met the regulatory training requirements; more than 9,000 employees attended this training.
- The Resource Management Office (RMO), located in OGC, manages OGC's budget, human resources, information technology, and administrative key functions (*i.e.*, acquisition resources, strategic planning, Diversity Equity Inclusion and Accessibility (DEIA), and LEAN process improvement efforts for the office). In FY 2022, RMO oversaw the implementation of OGC's DEIA efforts in support of the President's FY 2021 DEIA Executive Order (EO): 13985¹⁸³ and EO 14035¹⁸⁴. RMO coordinated and led the swift response to write and implement the OGC Anti-Racism and Workplace Equity Plan,

¹⁸³ For more information, please see: <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

¹⁸⁴ For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/>.

including implementing the first Equity Assessment for OGC, and within EPA. This work entailed facilitating the completion of OGC’s Equity Assessment contract, which allowed OGC to conduct a survey, create focus groups, and interview OGC employees to collect and analyze their experiences, opinions, and feedback on the state of workplace fairness and equality and capture ideas on how to improve identified areas. RMO also managed the Anti-Racism and Workplace Equity Plan by coordinating the efforts of six sub-groups working on action plans to address issues from recruitment and outreach to training and career development.

Performance Measure Targets:

(PM FO2) Number of FOIA responses in backlog.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|-----------|
| Target | | | | | | 845 | 712 | 474 | Responses |
| Actual | | 2,761 | 2,128 | 1,395 | 1,056 | 950 | | | |

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

- (+\$6,091.0) 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. It also includes support for critical agencywide infrastructure for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$11,500.0 / +41.7 FTE) This program change addresses a need for increased defensive litigation work in multiple environmental statutes, including legal work in pesticides and rulemakings for climate and clean air toxics. These additional resources also will assist EPA in tackling the climate crisis and securing environmental justice. This investment provides additional funding for essential core workforce support costs and includes \$10.0 million in payroll.
- (+\$7,600.0 / +28.5 FTE) This program change strengthens staffing and attorney training for those who provide legal advice and counsel in support of CERCLA, RCRA, CAA, CWA, and other regulations to assist EPA in its ability to broaden and accelerate cleanup and management of PFAS contamination to protect human health and ecological systems. This program change includes \$6.7 million 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).

Legal Advice: Support Program

Program Area: Legal / Science / Regulatory / Economic Review
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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$18,246</i> | <i>\$18,957</i> | <i>\$20,322</i> | <i>\$1,365</i> |
| Total Budget Authority | \$18,246 | \$18,957 | \$20,322 | \$1,365 |
| Total Workyears | 74.5 | 83.7 | 93.7 | 10.0 |

Total Workyears in FY 2024 include 6.1 FTE funded by TSCA fees.

Program Project Description:

The Legal Advice: Support Program provides legal representational services, legal counseling, and legal support for all activities necessary for EPA's operations. The Program provides legal counsel and support on a wide variety of issues and plays an important role in meeting and addressing legal support for work under the Civil Rights Statutes, contracts, grants, employment law, and Freedom of Information Act (FOIA) requirements. It provides critical counseling on a range of Information Law, Employment and Labor Law, Intellectual Property Law, Appropriations Law, and National Security Law matters. With enhanced FOIA implementation, community consultations and other public participation opportunities, the beneficiaries of environmental protection – the American people including communities with civil rights concerns – will be able to engage more meaningfully through their communities, local governments, and state and tribal governments.

For example, if an EPA program office needs guidance on the legal parameters of grant disbursement, how to respond to a FOIA request, whether it may spend money on a certain activity, or what to do if a tort claim is filed with the Agency, this program provides answers, options, and legal advice. Additionally, the Program provides comprehensive counseling on civil rights issues including equal protection. The Program provides counsel and advice for settlement of Equal Employment Opportunity (EEO) mediations and counsels on a range of sensitive and complex national security law matters. The Program also supports EPA in maintaining high professional standards and in complying with all laws and policies that govern the Agency's operations.

FY 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 requests an investment of \$1.4 million and 10 FTE to strengthen EPA's Legal Advice: Support Program. In FY 2024, EPA will continue to address and manage the growing information requests, legal support for work under the Civil Rights Statutes, and employment law. There also is an ongoing need for a high level of involvement in questions related to contracts, ethics, grants, finance, appropriations, and employment.

The additional resources in this program are critical to ensure that the Agency continues to make legally sound decisions that advance EPA's mission and serve the American public. During the past several years, the Legal Advice: Support Program workload has outpaced staffing resources. Additional resources are required to maintain adequate staffing to provide counseling and defend lawsuits on matters including FOIA, torts and contracts, employment law, intellectual property law, and national security law matters. This is vital to ensure compliance with EPA's legal obligations while protecting EPA resources for the Agency to continue its essential work. In addition, the Program will counsel the Agency in carrying out plans to implement congressionally directed spending by certain offices. EPA's FOIA counseling and litigation work are essential parts of ensuring transparency and accountability at the Agency. EPA's employment law portfolio is critical to ensuring fair and impartial hiring and retention of a qualified workforce. EPA's Federal Tort Claims Act portfolio also has increased with incredibly complex, billion-dollar cases such as (1) the Flint, Michigan drinking water lawsuits, including *In re FTCA Flint Water Cases*, seeking redress for drinking water contamination injuries and (2) *In re: Gold King Mine Release*, stemming from a release of mine waste into the Animas River, both of which have required very significant resources for discovery and/or settlement preparation.

Further, EPA's civil rights lawyers have a critical role to play in "Affirmatively advancing equity, civil rights, racial justice, and equal opportunity", pursuant to Executive Order 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*¹⁸⁵. To this end, EPA made environmental justice (EJ) and civil rights compliance the focus of one of its strategic goals in its *FY 2022 - 2026 EPA Strategic Plan*¹⁸⁶ to "Take Decisive Action to Advance Environmental Justice and Civil Rights." The Strategic Plan provides the framework for the Agency to center its mission on the integration of justice, equity, and civil rights across the Nation's environmental protection enterprise. Achieving this goal in FY 2024 will require additional legal resources and FTE to provide the expanded legal counseling necessary to support increased efforts by the new Office of Environmental Justice and External Civil Rights (OEJECR) National Program Manager (NPM) to improve oversight and enforcement of civil rights and prioritize and advance EJ concerns.

The following are examples of FY 2022 accomplishments:

- Prior to the official creation of OEJECR (September 2022), which now includes the External Civil Rights Compliance Office (ECRCO), the Program provided critical legal advice to ECRCO as it pivoted from being a primarily reactive civil rights program to a proactive program. This included providing advice on the ongoing affirmative compliance review of a state environmental agency and on the general compliance review process and the criteria ECRCO will apply to prioritize and select affirmative compliance reviews on an annual basis memorialized in the January 6, 2022 memorandum "External Civil Rights Compliance Office (ECRCO) Process and Criteria for Prioritizing and Selecting Affirmative Compliance Reviews." Affirmative compliance reviews are conducted subsequent to the award of Federal financial assistance to determine whether a recipient complies with federal civil rights laws and EPA's implementing regulation. In addition,

¹⁸⁵ For additional information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

¹⁸⁶ For additional information, please see: <https://www.epa.gov/planandbudget/strategicplan>.

the Program provided legal advice to ECRCO on its development of guidance for recipients on the procedural safeguards required by EPA's regulation, to be issued in the near future, as well as providing legal advice on a wide range of complaint investigations of important civil rights issues in environmentally burdened communities.

- Provided ongoing agencywide legal support to address questions that were key to allowing the Agency to return to the workplace. This included the use of appropriated funds for travel issues, as well as for various items addressing workplace safety. The Program also provided critical employment and privacy law advice and assistance in navigating a series of COVID-19 related issues. The Program continued to provide support to the agency leadership and program offices on COVID-19 related matters that required procurement analysis. Legal counsel ranged from related to the applicability of return-to-work policies to contractor employees.
- Developed legal guidance regarding how to advance executive orders related to equity and EJ in a legally sustainable way. This diverse and varied work will continue into FY 2024. This work allows the Agency to take action to advance equity, diversity, inclusion and EJ consistent with equal protection principles, which ensures that all individuals have an equal opportunity to benefit from the Agency's employment programs, as well as its programs to protect human health and the environment.
- Provided and continue to provide significant legal support in the Flint, Michigan defensive litigation arising under the Federal Tort Claims Act, in connection with drinking water contaminants. Discovery in the cases has demanded substantial time and effort from a large team of attorneys in order to ensure that EPA is accurate and timely in responding to court deadlines and is regularly coordinating with the Department of Justice as the trials progress.
- Provided essential counseling on: employment and labor law matters, including EEO mediations; a range of sensitive and complex national security law matters; and key confidential business information issues.
- Initiated a comprehensive overhaul of agency eDiscovery practice, including updated legal guidance for agency personnel and development of robust cross-agency eDiscovery legal practitioner and paralegal support to enhance consistency of practice. Provided critical legal counsel on EPA's information preservation obligations relating to the use of enterprise-wide software integral to EPA's hybrid workplace and to the transition of approximately 2,700 agency mobile devices to new management software, ensuring that this information is maintained for the American public.
- Significantly furthered EPA's duties under the Toxic Substances Control Act (TSCA) by completing over 4,000 Confidential Business Information (CBI) determinations on confidentiality claims. The timely adjudication of CBI determinations is critical to transparency and public access to information.

- Defended the Agency in more than 45 FOIA cases and more than 100 employment law matters. Completed 130 FOIA administrative appeals, eliminating the Agency's appeals backlog by responding to every appeal within the statutory timeframe.
- Trained more than 500 employees and senior officials on CBI, FOIA, and eDiscovery; trained 250 management officials throughout the Agency on employment laws; and helped train 128 EPA scientists and laboratory staff on intellectual property (IP). EPA's highly successful information law training program significantly improves awareness of the Agency's legal responsibilities and ultimately promotes improved transparency and responsiveness to public information requests. EPA's employment law training helps ensure a healthy workplace based on merit promotion and fairness. Finally, EPA's IP training is key to helping EPA scientists and laboratory staff understand the IP process to promote innovation and technology transfer.

Performance Measure Targets:

Work under this program supports performance results in the Legal Advice: Environmental Program under the EPM appropriation.

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

- (-\$213.0) 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.
- (+\$1,578.0 / +10.0 FTE) This program change is an increase to support Legal Advice: Support Program projects, with a priority for work related to defending the increase in litigation, building capacity, improving oversight, and enforcement of civil rights issues including External Civil Rights and equal protection compliance and for prioritizing and advancing EJ concerns. This investment includes \$1.5 million in payroll.

Statutory Authority:

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

Regulatory/Economic-Management and Analysis

Program Area: Legal / Science / Regulatory / Economic Review

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

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

(Dollars in Thousands)

| | 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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$16,725</i> | <i>\$17,475</i> | <i>\$16,930</i> | <i>-\$545</i> |
| Total Budget Authority | \$16,725 | \$17,475 | \$16,930 | -\$545 |
| Total Workyears | 68.9 | 73.7 | 76.0 | 2.3 |

Program Project Description:

The Regulatory/Economic, Management, and Analysis Program is responsible for reviewing the Agency’s regulations to ensure that they are developed in accordance with the governing statutes, executive orders, and agency commitments and are based on sound technical, economic, scientific, and policy assumptions. Further, the Program ensures consistent and appropriate economic analysis of regulatory actions, conducts analyses of regulatory and non-regulatory approaches, and considers interactions between regulations across different environmental media. The Program provides all technical support to the Interagency Working Group on the Social Cost of Greenhouse Gases (GHGs) to develop final SC-CO₂, SC-N₂O and SC-CH₄ values required under Executive Order (EO) 13990, *Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis*.¹⁸⁷ The Program helps to implement the President’s Memorandum on *Modernizing Regulatory Review*¹⁸⁸ and EO 13985 *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*¹⁸⁹ by developing appropriate modeling, data, and analysis to inform the consideration of environmental justice (EJ) concerns in regulatory and non-regulatory actions. The Program ensures the Agency’s regulations comply with statutory and EO requirements, including the Congressional Review Act,¹⁹⁰ the Regulatory Flexibility Act (as amended by the Small Business Regulatory Enforcement Fairness Act),¹⁹¹ and EOs 12866, *Regulatory Planning and Review*¹⁹² and 13563, *Improving Regulation and Regulatory*

¹⁸⁷ For more information on EO 13990, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-public-health-and-environment-and-restoring-science-to-tackle-climate-crisis/>.

¹⁸⁸ For more information on the Memorandum Modernizing Regulatory Review, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/modernizing-regulatory-review/>.

¹⁸⁹ For more information on EO 13985, please see: <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>.

¹⁹⁰ For more information on the Congressional Review Act, please see Subtitle E: <https://www.govinfo.gov/content/pkg/PLAW-104publ121/pdf/PLAW-104publ121.pdf>.

¹⁹¹ For more information on the Regulatory Flexibility act, please see: <https://www.govinfo.gov/content/pkg/STATUTE-94/pdf/STATUTE-94-Pg1164.pdf>, and as amended by the Small Business Regulatory Enforcement and Fairness Act, please see: <https://www.govinfo.gov/content/pkg/PLAW-104publ121/pdf/PLAW-104publ121.pdf>.

¹⁹² For more information on EO 12866 Regulatory Planning and Review, please see <https://www.archives.gov/files/federal-register/executive-orders/pdf/12866.pdf>.

*Review*¹⁹³ regarding the Office of Management and Budget (OMB) regulatory review. The Program manages the development and deployment of EPA's economy-wide model for analyzing the economic impacts of environmental regulations. The Program also includes the Agency's Chief Statistical Official charged with implementing major elements of the *Foundations for Evidence Based Policy Act*.¹⁹⁴

FY 2024 Activities and Performance Plan:

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

The Program assists the Administrator and other senior agency leaders in implementing regulatory policy priorities.

In FY 2024, EPA will continue its efforts to assess and review the benefits and costs to communities, businesses, government entities, and the broader economy associated with each economically significant regulatory action to maximize the net benefits of policies protecting human health and the environment. EPA will conduct and integrate analysis of EJ concerns in the rulemaking process to address the Administration's priorities. EPA will collect data and build models to assess regulatory proposals and their impacts on benefits, economic performance, and EJ. Planned key program activities in FY 2024 include:

- Represent EPA on, and prepare information and analyses for, the Interagency Working Group on the Social Cost of GHGs, engage the public, stakeholders, and experts to provide recommendations for reviewing, and, as appropriate, updating the social cost of carbon (SC-CO₂), social cost of nitrous oxide (SC-N₂O), and social cost of methane (SC-CH₄) to ensure that these costs are based on the best available economics and science.
- Represent EPA in recommending improvements to modernize the regulatory review process to promote policies that reflect new developments in scientific and economic understanding, fully accounts for regulatory benefits that are difficult or impossible to quantify and does not have harmful anti-regulatory or deregulatory effects. Develop procedures that consider the distributional consequences of regulations as part of any quantitative or qualitative analysis of the benefits and costs of regulations, to ensure that regulatory initiatives appropriately benefit and do not inappropriately burden underserved, vulnerable, or marginalized communities across all life stages.
- Support EPA's Chief Statistical Official, who will provide technical support for projects under EPA's Learning Agenda, evaluation plan, and capacity assessment; design statistically sound policy analyses and evaluations; assist in the continued development of EPA's Learning Agenda; and promote a culture of evidence-based decision making.

¹⁹³ For more information on EO 13563 Improving Regulation and Regulatory Review, please see: <https://obamawhitehouse.archives.gov/the-press-office/2011/01/18/executive-order-13563-improving-regulation-and-regulatory-review>.

¹⁹⁴ For more information, please see: <https://www.congress.gov/115/plaws/publ435/PLAW-115publ435.pdf>.

- Conduct training for EPA regulatory staff on a broad range of topics, including EPA’s internal Action Development Process, developing EJ analysis for rulemakings, updated *Guidelines for Preparing Economic Analyses*, and Congressional Review Act requirements to help ensure that rules meet policy goals and address legal and administrative requirements and are informed by high quality EJ and economic analyses.
- Expand analytic capabilities for conducting EJ analyses for rulemaking through development of flexible analytic tools and novel datasets.
- Implement EPA’s updated *Technical Guidance for Assessing Environmental Justice in Regulatory Analysis*, including training on new additions that address how the EJ analysis can be used to inform policy options and newer techniques for conducting EJ analyses.
- Provide updates to *EPA’s Guidelines for Preparing Economic Analyses*, revised to incorporate updated analytic requirements and practices developed under the President’s Memorandum on *Modernizing Regulatory Review*¹⁹⁵ and the recommendations from the Science Advisory Board’s peer review. The guidelines help ensure that EPA’s economic analyses provide a complete accounting of the economic benefits, costs, and impacts of regulatory actions, including distributional consequences, and are consistent across EPA programs.
- Continue to deploy a model of the U.S. economy so that EPA routinely assesses how regulations affect the economy, including distributional impacts, costs, and broader macro-economic performance.¹⁹⁶ EPA will continue to update the model consistent with recommendations from EPA’s Science Advisory Board, deploy the model in regulatory analyses where appropriate, and advance the development of open-source data resources to support transparent analyses. This modeling capacity provides critical evidence-based analyses to inform decision making.
- Continue to manage EPA’s response to recently issued EOs, particularly with an eye toward identifying regulatory actions that advance human health and environmental protection for all people.
- Review economic analyses prepared by EPA to ensure compliance with statutory and other related requirements. Provide the Administrator and the public with high-quality analyses of the costs, benefits, and impacts on jobs, businesses, and communities of major regulatory proposals to better inform decision-making and ensure transparency about the consequences of regulation.¹⁹⁷
- Apply the best modeling tools to assess the economic effects of approaches that reduce climate pollution in every sector of the economy, deliver EJ, and spur well-paying union jobs and economic growth, including methods designed to examine how alternative

¹⁹⁵ For more information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/modernizing-regulatory-review/>.

¹⁹⁶ For more information, please see: <https://www.epa.gov/environmental-economics/cge-modeling-regulatory-analysis>.

¹⁹⁷ For more information, please see: <https://www.epa.gov/environmental-economics/guidelines-preparing-economic-analyses>.

regulatory options affect employment. Continue development of open-source data and economic models, including sector-specific cost models, to support these efforts in a manner that maximizes the transparency of these EPA analyses.

- Continue development of a modeling platform capable of assessing the benefits of national regulations that affect water quality. This effort will provide important evidence-based data and analyses, consistent with economic science best practices, to inform decision making.
- Strengthen available data and methods to estimate the monetized benefits of health outcomes of chemical exposures, water pollution, and air pollution for use in EPA's benefit cost analyses.
- Continue to develop EPA's semiannual unified Regulatory Agenda and manage EPA's compliance with the Congressional Review Act.¹⁹⁸
- Manage EPA's internal Action Development Process and expand and upgrade regulatory planning and tracking tools to facilitate timely decisions and coordination across programs, on multimedia regulatory and policy issues such as Per- and Polyfluoroalkyl Substances (PFAS), climate, and EJ.
- Review all regulatory actions prior to signature by the EPA Administrator to ensure agency actions are of consistently high quality and supported with strong analysis.
- Serve as EPA's liaison with the Office of Information and Regulatory Affairs within OMB.
- Serve as EPA's liaison with the Office of the Federal Register by reviewing, editing, and submitting documents for publication, so that the public, states, other agencies, and Congress are informed about EPA's regulatory activities in a timely manner.

Performance Measure Targets:

EPA's FY 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):

- (-\$2,657.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$1,442.0 / +1.0 FTE) This program change is an increase to support the Administration's goal to tackle the climate crisis and ensures consistent and appropriate economic analysis of regulatory actions including advancements in the ability to model the economic impacts

¹⁹⁸ For more information on the Congressional Review Act, please see: <https://www.govinfo.gov/content/pkg/PLAW-104publ121/pdf/PLAW-104publ121.pdf>.

of climate change for assessing the mitigation benefits and macroeconomic effects. This investment includes \$190.0 thousand in payroll.

- (+\$670.0 / +1.3 FTE) This program change is an increase to support cross-agency coordination, analysis, and review of regulatory activity across statutory programs. particular emphasis is to be placed on pending climate regulations. This investment includes \$246.0 thousand in payroll.

Statutory Authority:

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

Science Advisory Board

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | \$3,854 | \$4,155 | \$4,124 | -\$31 |
| Total Budget Authority | \$3,854 | \$4,155 | \$4,124 | -\$31 |
| Total Workyears | 17.6 | 18.7 | 18.7 | 0.0 |

Program Project Description:

EPA's Science Advisory Board Staff Office (SABSO) manages two Federal Advisory Committees. Congress established the Agency's Science Advisory Board (SAB) in 1978, under the Environmental Research, Development, and Demonstration Act, to advise the Administrator on a wide range of highly visible and important scientific matters. The Clean Air Scientific Advisory Committee (CASAC) was established under the Clean Air Act Amendments of 1977 to provide independent advice to the EPA Administrator on the technical bases for EPA's National Ambient Air Quality Standards (NAAQS). The SAB and the CASAC, both statutorily mandated chartered Federal Advisory Committees, draw from a balanced range of non-EPA scientists and technical specialists from academia, states, tribes, independent research institutions, non-governmental organizations, and industry. The Program provides management and technical support to these advisory committees. The Committees provide EPA's Administrator independent advice and objective scientific peer review on the technical aspects of environmental issues as well as the science used to establish criteria, standards, regulations, and research planning, as requested.¹⁹⁹

In FY 2022 and thus far in FY 2023, the SAB has finalized four scientific peer review, two consultations, and submitted seven reports on the science supporting decisions framework, while CASAC has produced three scientific peer reviews and one consultation. SABSO expects these totals to increase in FY 2023 as both Committees have several current activities on-going that we anticipate completing this fiscal year. In January 2023, both the SAB and CASAC published Federal Register Notices soliciting new nominations for membership and to serve as expert advisors to EPA. SABSO will follow a thorough and transparent public process and recommend experts with the disciplines to align with the Agency's strategic priorities to the Administrator for his consideration and selection.

Since SABSO provides an in-house resource for EPA peer reviews, the Program costs are low in comparison to external peer review conducted by groups such as the National Academy of Sciences (NAS).

¹⁹⁹ For more information, please see: <http://www.epa.gov/sab/> and <http://www.epa.gov/casac/>.

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*.

Using the best available science and a credible, defensible, and transparent scientific approach, SABSO supports the EPA's mission by conducting independent, scientific, public, peer reviews of some of the most challenging regulatory and science-based topics facing EPA and America. In FY 2024, SABSO anticipates SAB and CASAC will complete 16-18 peer reviews, consultations, and regulatory reviews in accordance with the Biden Administration's science and policy agenda. In FY 2024, the CASAC is expecting completing reviews of NAAQS for several critical pollutants, including Nitrogen Oxides (NO_x), Sulfur Oxides (SO_x), and lead. The SAB will conduct peer reviews on Integrated Risk Information System (IRIS) Chemical reviews, risk assessment models, climate science reports, economic analyses, Environmental Justice (EJ) reports, and other similar projects. In addition, SABSO also expects to conduct four to seven regulatory reviews.

The SAB will directly support EPA Administrator Michael Regan's message "Our Commitment to Environmental Justice" issued on April 7, 2021,²⁰⁰ in addition to supporting implementation of Executive Order (EO) 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.²⁰¹ EO 14008: *Tackling the Climate Crisis at Home and Abroad*;²⁰² and Strategic Goal 4, *Ensure Clean and Healthy Air for all Communities*. In FY 2024, the EJ Science Committee and Climate Science Committee (both standing committees of the SAB) expect to complete three climate and EJ risk analyses.

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 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 a program increase for conducting peer reviews to support priority rulemakings and analyses, including PFAS and several critical pollutants.

Statutory Authority:

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

²⁰⁰ For more information, please see: <https://www.epa.gov/newsreleases/epa-administrator-regan-announces-new-initiatives-support-environmental-justice-and>.

²⁰¹ 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/>.

²⁰² 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/>.

Operations and Administration

Acquisition 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$36,051</i> | <i>\$37,251</i> | <i>\$41,609</i> | <i>\$4,358</i> |
| Leaking Underground Storage Tanks | \$158 | \$181 | \$136 | -\$45 |
| Hazardous Substance Superfund | \$23,550 | \$27,247 | \$33,758 | \$6,511 |
| Total Budget Authority | \$59,759 | \$64,679 | \$75,503 | \$10,824 |
| Total Workyears | 281.7 | 307.7 | 355.7 | 48.0 |

Program Project Description:

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

FY 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*,²⁰³ 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

²⁰³ 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 to identify activities and resources to enhance and modernize its acquisition process, allowing the Agency to connect with a more diverse business base to address inequities in the acquisition process and build domestic markets and capabilities. EPA will leverage its three-year Acquisition Forecast database and existing spend data to engage in early market research to ensure enough time is available to thoroughly analyze the market for domestic vendors or seek a waiver if none exist. The Agency will overhaul the Advance Procurement Planning component of the Agency's requisition dashboard to easily gather data regarding the planning phase of the procurement process. Furthermore, EPA will expand the Acquisition Portal to include an up-to-date Made In America toolkit, a Contingency Planning toolkit, Acquisition Lab Toolkits for Agency Acquisition personnel, and a repository for Vendor marketing information.

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.

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*,²⁰⁴ EPA revised its Acquisition Guidance section 8.0.100, *Requirements for Mandatory Use of Common Contract Solutions*, to add clarification of the SUM Tier 2-SB designation which is afforded to contracts of any size awarded to small and disadvantaged businesses. The revision emphasizes EPA's focus on small business utilization and ensures continued alignment with federal category management and equity goals.

EPA will continue to implement a full Category Management strategy for IT and to increase transparency and visibility for IT purchases, including improving the Financial Information Technology Acquisition Reform Act (FITARA) process.²⁰⁵ In FY 2023 through FY 2025, EPA

²⁰⁴ For additional information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-03.pdf>.

²⁰⁵ For additional information, please refer to: <https://www.congress.gov/113/plaws/publ291/PLAW-113publ291.pdf#page=148%5D>.

will focus on establishing the full category-level strategy for the IT software, hardware, and services acquisition processes, as well as on addressing opportunities for efficiency.

In addition to establishing the IT Category-level strategy, EPA will begin planning and implementation efforts to establish category-level strategies in the Agency's other top contract spending areas in FY 2023: Professional Services, Industrial Products & Services, Human Capital, and Office Management. For Professional Services in particular, the Agency will build understanding of mission-critical services and explore opportunities to develop enterprise-wide solutions in mission support areas nuanced to EPA's specific needs.

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, 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.

The Category Management Program (CMP) allows the Agency to research, assess, and award contract vehicles that will maximize time and resource savings. Long-term implementation of the CMP will transform the Agency's acquisition process into a strategically driven function, ensuring maximum value for every acquisition dollar spent. In FY 2022, EPA realized approximately \$24 million in cost avoidance in specific, measurable costs for: four agencywide software solutions; print services; cellular services; shipping; voice services; office supplies; lab supplies; computers; furniture and furniture management services; Covid testing; and laboratory equipment maintenance.

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):

- (+\$1,443.0) 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.
- (+\$2,915.0 / +20.0 FTE) This net 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. The change is partially offset by a reduction in system operations and development resources for the EPA Acquisition System. This investment includes \$3.6 million 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).

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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$82,781</i> | <i>\$87,099</i> | <i>\$99,812</i> | <i>\$12,713</i> |
| Leaking Underground Storage Tanks | \$360 | \$457 | \$469 | \$12 |
| Hazardous Waste Electronic Manifest System Fund | \$149 | \$0 | \$0 | \$0 |
| Hazardous Substance Superfund | \$29,102 | \$31,338 | \$30,207 | -\$1,131 |
| 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:

Activities under the Central Planning, Budgeting, and Finance Program support the management of integrated planning, budgeting, financial management, performance and accountability processes, risk assessments and reporting, and financial systems to ensure effective stewardship of resources. This includes managing and supporting the Agency's financial management systems. Functions include financial payment and support services for EPA; general and specialized fiscal and accounting services for many of EPA's programs; strategic planning and accountability for environmental, fiscal, and managerial results; developing and executing an Enterprise Risk Management Program to support effective and efficient mission delivery and decision-making; providing policy, systems, training, reports, and oversight essentials for EPA's financial operations; managing the agencywide Working Capital Fund (WCF); and managing the Agency's annual budget process. This program supports agency activities to meet requirements of the Government Performance and Results Modernization Act (GPRMA) of 2010,²⁰⁶ as amended by the Foundations for Evidence-Based Policymaking Act of 2018 ("Evidence Act"), with an emphasis on Title I of the Act;²⁰⁷ the Digital Accountability and Transparency (DATA) Act of 2014;²⁰⁸ the Federal Information Technology Acquisition Reform Act (FITARA) of 2015;²⁰⁹ the Federal Management Financial Integrity Act (FMFIA);²¹⁰ the Inspector General Act of 1978.²¹¹

FY 2024 Activities and Performance Plan:

²⁰⁶ For more information, please see: <https://www.congress.gov/111/plaws/publ352/PLAW-111publ352.pdf>.

²⁰⁷ For more information, please see: <https://www.congress.gov/115/plaws/publ435/PLAW-115publ435.pdf>.

²⁰⁸ For more information, please see: <https://www.congress.gov/113/plaws/publ101/PLAW-113publ101.pdf>.

²⁰⁹ 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>.

²¹⁰ For more information, please see: <https://www.govinfo.gov/content/pkg/STATUTE-96/pdf/STATUTE-96-Pg814.pdf>.

²¹¹ For more information, please see: <https://www.govinfo.gov/content/pkg/USCODE-2012-title5/pdf/USCODE-2012-title5-app-inspector.pdf>.

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 requests an additional \$12.7 million and 13.1 FTE. This increase invests in a solution that would move the Agency forward in assessing enterprise and programmatic risk, internal control, audit management and provides for necessary fixed costs increases. The additional FTE will support agencywide implementation of EPA's Diversity, Equity, Inclusion, and Accessibility Strategic Plan and Evidence Act data stewardship and governance requirements. 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. The Program will continue maintaining key planning, budgeting, performance measurement, and financial management activities. The Program also will implement enhancements to technical training, outreach, and reporting to assistance recipients and programs with a goal of reducing the barriers to managing complex federal requirements intended to ensure sound financial management. The Program will ensure secure and efficient operations and maintenance of core agency financial management systems: Compass, PeoplePlus (Time and Attendance), Budget Formulation System, which includes a Performance Module, and related financial reporting systems.

The Agency continues to modernize its financial systems to gain greater efficiencies through leveraging the accounting system and eliminating legacy systems, as well as provide accessible tools to manage resources and track performance. In FY 2024, Robotics Process Automation (BOTS) will be incorporated as a part of the overall strategy to reduce manual work and improve efficiency throughout the Agency. The Program also will begin planning activities for a major upgrade to the Agency's financial management system Compass. EPA will continue to expand and enhance easy to use dashboards for financial management. Dashboards are now in place to support payroll and FTE management, and to support GPRMA performance planning and systematic tracking of progress. The Program will continue to modify systems and data flows to meet Justice40 location reporting needs. This will involve extensive evaluation of systems architecture to streamline and modernize interconnections and to improve system performance as well as customer experience.

In FY 2024, EPA will continue to standardize and streamline internal business processes, reduce the number of administrative systems, and adopt federal shared services when supported by business case analysis. Modernizing or integrating legacy payment systems will continue to be a focus. For example, EPA has implemented Treasury's Invoice Processing Platform (IPP) for reviewing invoices and paying commercial vendors. As of January 2023, roughly 98 percent of contract invoices are being handled through this system. 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. In FY 2024, EPA intends to initiate the acquisition process and transition planning for the Agency's Time and Attendance system based on the results of the FY 2023 alternatives analysis. By the end of FY 2023, the Agency will have fully implemented G-invoicing for new and existing

agreements. In FY 2024, the Program will continue to focus on post implementation activities and review, to address system user process concerns.

Equally important is the ability to adapt systems to meet increased transparency needs, such as those prescribed in the DATA Act. The DATA Act reporting will continue to evolve with more stringent timelines, certification requirements, data standards and validation checks, as well as additional areas of federal financial spending. The Agency plans to be flexible to adapt to the new transparency requirements and to provide timely and accurate spending information to the public while ensuring appropriate security controls and data governance.

In FY 2024, EPA will continue to support formal evaluations as well as efforts to improve critical data collections and data sharing in priority areas as directed by the Evidence Act. In alignment with the Act, EPA has been steadily building the capacity for this important work, and in FY 2022 the Agency published its first Learning Agenda at the same time as the *FY 2022-2026 EPA Strategic Plan*. The first Learning Agenda helped established the policy framework for the Agency's evaluation program. In FY 2024, the Agency will continue implementing the larger goals of the Act. In alignment with the Act, EPA will use findings from its FY 2022 and FY 2023 capacity assessment activities to prioritize strategic investments at an enterprise level that will expand capacity for robust evidence and evaluation, data use, research and development, analysis, and Lean Management. The Act requires EPA to develop an evidence-building portfolio to support policy and program implementation decisions by generating evaluation studies to help the Agency improve, advance, or modify existing programs, policies, projects, or operations. In FY 2024, EPA will continue to execute the Agency's Learning Agenda, build evaluation and evidence-building into the planning for new and enhanced programs, enhance strategic and annual planning, collaborate with external evaluation experts, and implement EPA's evaluation policy framework. EPA will invest in evaluation and other evidence-building activities addressing environmental justice (EJ), climate change, community engagement, and diversity, equity, inclusion, and accessibility (DEIA). As part of the Agency's FY 2024 evidence-building portfolio, EPA activities will reflect the FY 2023 cross-government effort to develop evidence-building guidelines and initiate evaluation studies related to the execution of the Infrastructure Investment and Jobs Act of 2021 (IIJA) investments.

In FY 2024, the Program will continue to focus on core responsibilities in the areas of strategic planning; performance measurement, assessment, and reporting; enterprise risk management. As the Agency lead in designing and implementing performance measurement and risk management strategies that inform agency decision-making and advance mission results, the Program will focus on driving progress toward the Administrator's priorities by regularly assessing performance results against ambitious targets, monitoring and mitigating risks, and adjusting strategies as needed. This includes convening Quarterly Performance Reviews (QPRs) to assess progress; promoting an increased use of data analytics and evidence-based decision-making practices; working collaboratively with agency programs to assess and analyze performance and risk data; and providing technical assistance on agencywide measures of governance to enhance data quality. EPA also will continue to use the performance data and other evidence to answer fundamental business questions and identify opportunities for service improvements.

During FY 2024, EPA will continue to leverage a management system that uses Lean Management techniques and tools to promote continuous improvement. Lean Management techniques will continue to complement EPA's performance framework to help the Agency meet the requirements and spirit of the GPRMA. As of January 2023, EPA has improved nearly 1,300 processes and implemented over 6,800 employee ideas. Improvements and innovations have been made in a variety of administrative areas, such as hiring, improving diversity, equity, inclusion, and accessibility (DEIA), and in many other programmatic areas.

Moving forward, EPA will continue measuring process improvements as a long-term performance goal in support of the *FY 2022 – 2026 EPA Strategic Plan*. EPA successfully built flexibility into its Continuous Improvement Program to better integrate with the Agency's range of programs and approaches. Additionally, the Agency continues to leverage senior staff engagement in continuous improvement through nearly 100 executive-sponsored improvement projects annually. EPA also has applied continuous improvement tools and projects to support IJA implementation with an emphasis on improving processes related to hiring and grants. EPA also expects to continue partnering with states and tribes in continuous improvement efforts to improve processes related to authorized or delegated federal programs in key priority areas.

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),²¹² and OMB Memorandum *M-21-19 Appendix C*,²¹³ 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, the Program 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 help prevent and detect possible improper payment activities.

The Program will continue to conduct internal control program reviews and use the results and recommendations from the Office of Inspector General to provide evidence of the soundness of EPA's financial management program and identify areas for further improvement. Annually, the Agency conducts internal control reviews of multiple programs. The Program also will collect key operational statistics for its financial management program to further evaluate its operations and for management decision-making. For example, in FY 2022, the Office of the Chief Financial Officer (OCFO) recognized additional opportunities for engagement with the Office of Inspector General (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.

²¹² For more information, please see: <https://www.congress.gov/116/plaws/publ117/PLAW-116publ117.pdf>.

²¹³ For more information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/03/M-21-19.pdf>.

With increased focused on internal controls, audit management, and enterprise risk assessment, in FY 2024, the Agency will be expanding its efforts in this area including implementing a new integrity tool for managing risk. The new Integrity Tool allows the Agency to easily crosswalk the anticipated increase in the number of audits related to IJIA 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.

The Program will continue to support FITARA requirements in accordance with EPA’s Implementation Plan.²¹⁴ The Chief Information Officer will continue to be engaged throughout the budget planning process to ensure that information technology needs are properly planned and resourced in accordance with FITARA.

Performance Measure Targets:

(PM CF2) Number of Agency administrative systems and system interfaces.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|------------------------|
| Target | | 24 | 22 | 22 | 19 | 17 | 17 | | Systems and Interfaces |
| Actual | 30 | 30 | 30 | 24 | 21 | 20 | | | |

(PM OP1) Number of operational processes improved.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|-----------------------|
| Target | | 25 | 50 | 72 | 500 | 200 | 200 | 200 | Operational Processes |
| Actual | | N/A | 66 | 502 | 507 | 208 | | | |

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

- (+\$4,271.0) 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. 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.
- (+\$6,415.0 / +7.2 FTE) This increase supports the duties of the Evaluation Officer in implementing the Evidence Act and early integration of evidence into the IRA programs. The increase in funding will continue supporting the data, reporting, and evidence-building capacity of EPA grant recipients. The funding also will increase contract resources needed to support EPA’s central evaluation function, including evaluation policy implementation activities and increasing EPA’s program evaluation capacity. The increase will support the funding of 3 to 4 comprehensive program evaluations, and allow for a higher degree of planning to better prioritize and integrate evidence-building and evidence-based decision-making into agency programs. This investment includes \$1.3 million for payroll.

²¹⁴ For more information, please see: <http://www.epa.gov/open/fitara-implementation-plan-and-chief-information-officer-assignment-plan>.

- (+\$1,570.0 / +3.4 FTE) This investment supports a new management integrity tool to turn manual data collection and analysis activities into a streamlined, customer-focused and 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 \$621.0 thousand for payroll.
- (+\$457.0 / +2.5 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. This investment includes \$457.0 thousand for payroll.
- (-2.6 FTE) This is an adjustment based on expected Central Planning, Budgeting, and Finance working capital fund services.

Statutory Authority:

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

Facilities Infrastructure and Operations

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

(Dollars in Thousands)

| | FY 2022 Final Actuals | FY 2023 Enacted Operating Plan | FY 2024 President's Budget | FY 2024 President's Budget v. FY 2023 Enacted Operating Plan |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$291,501</i> | <i>\$283,330</i> | <i>\$305,753</i> | <i>\$22,423</i> |
| 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 |
| Hazardous Substance Superfund | \$76,108 | \$65,634 | \$71,540 | \$5,906 |
| 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:

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

This program also includes the Agency's Protection Services Detail (PSD) that provides physical protection for the Administrator through security for daily activities and events. The PSD coordinates all personnel and logistical requirements including scheduling, local support, travel arrangements, and the management of special equipment.

FY 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 proposes an investment of \$22.4 million and 8.8 FTE for the Facilities Infrastructure and Operations Program. These additional resources will support agencywide climate sustainability and resiliency initiatives, EPA facilities projects, and EPA's Climate Adaptation Action 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*.²¹⁵ 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 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 OMB Memorandum M-21-25.²¹⁶ For FY 2024, the Agency requests \$153.55 million for rent, \$7.65 million for utilities, and \$27.88 million for security in the EPM appropriation. EPA uses a standard methodology to ensure that rent charging appropriately reflects planned and enacted resources at the appropriation level.

EPA also will work to secure physical and operational resiliency for Agency facilities. As part of this work, EPA will continue conducting climate resiliency assessments at all EPA-owned facilities to identify critical upgrades that are necessary to improve facility resiliency against the impacts of climate change, such as roofing stability or seawall construction projects. In FY 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.²¹⁷ 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 Management Systems for heating and cooling with load demand driven controls) is necessary to meet the Administration's climate sustainability goals. Additionally, in

²¹⁵ For additional information, please refer to: <https://www.congress.gov/bill/114th-congress/house-bill/4465>, *Federal Assets Sale and Transfer Act of 2016*.

²¹⁶ For additional information, please refer to: <https://www.whitehouse.gov/wp-content/uploads/2021/06/M-21-25.pdf>.

²¹⁷ 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/>)

2024, EPA will direct \$3.5 million to continue the Agency’s transition to electric vehicles through direct purchase (mobile lab vehicles) or lease through the General Services Administration (GSA) for all future fleet procurements where economically feasible. EPA also will identify opportunities to build out necessary charging infrastructure at EPA facility locations. In line with federal sustainability goals, 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 |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|-------------|
| Target | | | | | | 2 | 5 | 6 | Assessments |
| Actual | | | | | | 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 |
|--------------------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| Target | | | | | | | 100 | 100 | Percent |
| Actual | | | | | | | | | |
| Numerator | | | | | | | | | Projects |
| Denominator | | | | | | | | | |

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

- (+\$13,453.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. This change includes adjustments to rent, utilities, security, and transit subsidy needs.
- (+\$6,870.0 / +8.8 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 Management Systems; EPA facilities projects to ensure EPA has optimal footprint to support the proposed FTE increase in the FY 2024 Budget request; and EPA’s Climate Adaptation Action Plan. This investment includes \$1.6 million for payroll.

- (+\$2,100.0) This investment supports the Agency's transition to electric vehicles and to build out necessary charging infrastructure at EPA facility locations.

Statutory Authority:

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

Financial Assistance Grants / IAG Management

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$29,070</i> | <i>\$30,188</i> | <i>\$34,350</i> | <i>\$4,162</i> |
| Hazardous Substance Superfund | \$4,188 | \$4,002 | \$4,601 | \$599 |
| Total Budget Authority | \$33,258 | \$34,190 | \$38,951 | \$4,761 |
| Total Workyears | 141.1 | 156.8 | 184.5 | 27.7 |

Program Project Description:

Environmental Program and Management (EPM) resources in the Financial Assistance Grants and Interagency Agreement (IA) Management Program support the management of grants and IAs as well as suspension and debarment activities for assistance and procurement programs. Grants and IAs historically comprise approximately 60 percent of EPA's annual appropriations. Resources in this program ensure EPA manages grants and IAs to meet the highest fiduciary standards and achieve measurable results for environmental programs and agency priorities, and that the government's financial resources and business interests are protected from fraud and mismanagement.

FY 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 implementing the FY 2021-2025 Grants Management Plan, focusing on the award and effective management of assistance agreements, enhancing partnerships within the grants management community, promoting environmental justice (EJ), and ensuring effective grant oversight and accountability.

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 (1) 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 (2) 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 communities with EJ concerns are realizing the benefits of EPA grant programs.

EPA also will continue to ensure compliance with “Made in America” laws and policies in its financial assistance programs, consistent with Executive Order 14005 and Office of Management and Budget (OMB) Memorandum M-22-11.²¹⁸²¹⁹ These efforts include establishing appropriate terms and conditions, developing information to share with recipients, outreach, and market research, and providing waivers when consistent with statutory requirements and OMB directives.

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.

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:

²¹⁸ For more information, please refer to: <https://www.federalregister.gov/documents/2021/01/28/2021-02038/ensuring-the-future-is-made-in-all-of-america-by-all-of-americas-workers> For more information, please refer to: <https://www.federalregister.gov/documents/2021/01/28/2021-02038/ensuring-the-future-is-made-in-all-of-america-by-all-of-americas-workers>.

²¹⁹ For more information, please refer to: <https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf><https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf>.

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):

- (+\$1,214.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$3,832.0 / +23.0 FTE) This program change will support technical assistance and outreach to first time recipients of federal funding; improve capacity for oversight and tracking of new and increased grant investments; and the timely processing of financial assistance agreements. This investment includes \$4.1 million for payroll.
- (-\$884.0) This program change is due 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)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$56,709</i> | <i>\$51,261</i> | <i>\$71,093</i> | <i>\$19,832</i> |
| Hazardous Substance Superfund | \$7,253 | \$7,419 | \$8,751 | \$1,332 |
| 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:

Environmental Programs and Management (EPM) resources for the Human Resources (HR) Management Program support human capital management (HCM) activities throughout EPA. HCM activities including recruitment, hiring, employee development, performance management, leadership development, workforce planning, and labor union engagement are critical for building, developing, and retaining a diverse and talented workforce at EPA. Additional HCM activities supported by EPM resources include personnel and payroll processing through the Human Resources Line of Business. EPM resources also support overall federal advisory committee management and Chief Human Capital Officer Council activities under applicable statutes and guidance, including the Agency's Human Capital Operating Plan.

FY 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) 13985,²²⁰ 13988,²²¹ 14020,²²² 14035,²²³ and 14075.²²⁴ 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.

²²⁰ 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>.

²²¹ 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>.

²²² For additional information, please refer to: <https://www.federalregister.gov/documents/2021/03/11/2021-05183/establishment-of-the-white-house-gender-policy-council>.

²²³ 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>.

²²⁴ 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*,²²⁵ 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.

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 Management 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*,²²⁶ 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.

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*

²²⁵ For additional information, please see: <https://www.whitehouse.gov/wp-content/uploads/2021/06/M-21-25.pdf>.

²²⁶ For additional information, please see: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/22/executive-order-protecting-the-federal-workforce/>.

Policymaking,²²⁷ EPA remains committed to ensuring that highly qualified external experts serve on agency committees and that those members and future nominees of EPA advisory committees reflect the diversity of America in terms of gender, race, ethnicity, geography, and other characteristics.

Performance Measure Targets:

(PM DEIA) Diversity, Equity, Inclusivity, and Accessibility (DEIA) actions completed toward Maturity Level “Leading and Sustaining” achieved.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Target | | | | | | | 2 | 4 | Actions |
| Actual | | | | | | | | | |

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

- (+\$3,790.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$8,515.0 / +45.0 FTE) This program change is an increase to continue to develop and diversify its 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 \$8.1 million in payroll.
- (+\$3,935.0 / +5.0 FTE) This program change is an increase to support the implementation Executive Order 14035 – Diversity, Equity, Inclusion, and Accessibility (DEIA) in the Federal Workforce and taking the actions identified in EPA’s DEIA Strategic Plan. This investment includes \$896.0 thousand in payroll.
- (+\$1,608.0 / +8.5 FTE) This program change strengthens agencywide capacity to quickly increase staff levels in key offices and programs (i.e., environmental justice, climate, infrastructure programs, etc.). This investment includes \$1.5 million in payroll.
- (+\$1,000.0) 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.
- (+\$984.0 / +5.2 FTE) This program change is an increase in support of the Foundations for Evidence-Based Policymaking Act of 2018. Resources will be used for Learning Agenda’s evidence-gathering activities. This investment includes \$932.0 thousand in payroll.

²²⁷ 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/>.

- (-1.3 FTE) This is an adjustment based on expected Human Resources Management working capital fund services.

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).

Regional Science and Technology

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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$1,345</i> | <i>\$1,554</i> | <i>\$4,972</i> | <i>\$3,418</i> |
| Total Budget Authority | \$1,345 | \$1,554 | \$4,972 | \$3,418 |
| Total Workyears | 0.5 | 1.7 | 6.7 | 5.0 |

Program Project Description:

EPA's Regional Science and Technology (RS&T) Program provides direct regional support to multiple Agency programs including implementing the Resource Conservation and Recovery Act (RCRA); Toxic Substances Control Act (TSCA); Clean Water Act (CWA); Safe Drinking Water Act (SDWA); Clean Air Act (CAA); and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The RS&T Program supports the Agency's strategic goals by performing laboratory analysis, and mobile laboratory services to provide credible scientific data on environmental pollutants and conditions to Agency decision makers. The RS&T Program also assists state environmental agencies by providing specialized technical assistance including assistance to vulnerable and highly exposed communities. Additionally, the Program assists tribal communities to help build tribal capacity for environmental monitoring and assessment.

The RS&T Program provides essential expertise and scientific data for a wide array of environmental media, including ambient air; surface, drinking, and ground water; soil and sediment; solid and hazardous waste; and biological tissue. This work focuses on the immediate scientific information needed to make short-term local decisions. A strategic strength of the regional laboratories is their ability to respond to events requiring surge capacity. In the event of an emergency or project impacting a large area, regional laboratories work together to leverage the strengths and capacities of individual lab facilities and deploy mobile laboratory services where needed.

Extreme weather events often disproportionately affect vulnerable and highly exposed populations including fence line communities most closely adjacent to chemical facilities. As extreme weather events and related wildfires, flooding, and service interruptions increase in frequency due to climate change, the public expectation for a rapid and effective response will continue to grow over time. These events often require assistance from EPA's regional labs for quick turnaround sample analyses as well as technical support. When extreme weather events occur, local area laboratories can become overwhelmed. Each year, in response to natural and/or man-made disasters across the county, the regions mobilize to provide critical support of urgent analytical results to assist communities whose drinking water is threatened, air quality impacted, or properties inundated. Regional laboratories have a strong record of backing up each other during incidents when there is a high demand for services, such as 2021's Winter Storm Uri, where Regions 4 and

7 assisted Region 6. Regional laboratories continue to stand ready to assist each other during increasing wildfire events and other natural disasters.

The RS&T Program provides support for areas such as environmental biology, microbiology, chemistry, field sampling, enforcement and criminal investigations, and quality assurance, as well as support for special or non-routine analytical requests that EPA cannot readily obtain from other sources within required timeframes. Funding for up-to-date scientific equipment under this program is essential for maintaining high level capabilities in EPA regional laboratories. New and improved technology strengthens science-based decision-making for regulatory efforts, environmental assessment of contaminants, and development of critical and timely environmental data in response to accidents and natural or man-made disasters. As technology improves, the sensitivity of equipment advances to detect lower levels of contaminants. Newer, more advanced instrumentation improves environmental data collection and laboratory analytical capability.

FY 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, resources will continue to support regional implementation of the Agency's statutory mandates through fixed and mobile laboratory operations for environmental sampling, monitoring and enforcement compliance support. Resources improve timely decision-making in regional program management and implementation of regulatory work across all media and enable the Agency to address environmental issues specific to geographic areas (e.g., energy extraction, mining, wood treating operations, specialty manufacturing), natural disasters and extreme climate events such as flooding, drought and wildfires, and homeland security threats.

In FY 2024, regional laboratories will continue to coordinate within the Regional Laboratory Network (RLN) to provide needed expert analytical services. The regional laboratories have the capability to analyze a full suite of contaminants using an array of established methods, including regulatory or guidance methods such as the RCRA, CWA and SDWA methods. Laboratories also utilize new methods and adapt methods based on immediate needs or circumstances. These efforts help support the underserved communities that benefit from response times for both routine and enforcement sample analyses related to contaminated sites in urban areas where legacy contamination persists. For example, brownfield sites tend to be in densely developed, centralized locations, redevelopment in these areas lead to multiple positive outcomes in urban communities including reducing exposure to toxic chemicals, increased access to green space and reducing vehicle miles driven due to more efficient home/work travel patterns.²²⁸ As the Agency implements an ambitious agenda on climate change, environmental justice, aging infrastructure, and emerging contaminants, the need for sound analytical capabilities and capacity increase. Additional state-of-the science instrumentation is necessary to address these complex and interconnected challenges.

²²⁸ For more information please see: <https://www.epa.gov/brownfields/brownfields-program-environmental-and-economic-benefits>.

In FY 2024, the regional laboratories will continue to work toward replacement and upgrading of aging analytical equipment and modernization of associated critical IT infrastructure. This will support the risk identification and assessment associated with pesticides, organic chemicals, and other high-risk chemicals, as well as support the Agency's science priorities related to informing communities at risk from increasing challenges from climate change, chemical exposures, and aging infrastructure. The Agency's mission to protect human health and the environment often requires the availability of scientific data at lower detection levels, which requires specialized equipment. Almost all scientific instrumentation is computer-controlled or interfaced. As computer technology improves, instrument efficiencies and sensitivity also improve – these advances in technology leading to lower detection levels of contaminants are essential for some compounds where health-based risk levels are decreasing (e.g., hexavalent chromium and PFAS chemicals). When measuring for these compounds, the instrument detection levels need to be as low as technically feasible, requiring laboratories to modify an existing method, modify existing equipment, or purchase newer instrumentation.

Performance Measure Targets:

EPA's FY 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):

- (-\$81.0) This change to fixed and other costs is a decrease due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$3,499.0 / +5.0 FTE) This program change will support replace and upgrade aging analytical equipment and modernize associated critical IT infrastructure necessary to meet increasing demands for immediate scientific information needed to make short-term local decisions. This investment includes \$828.0 thousand in payroll.

Statutory Authorities:

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

Pesticides Licensing

Pesticides: Protect Human Health from Pesticide Risk

Program Area: Pesticides Licensing

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Ensure Chemical and Pesticide Safety

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | \$65,333 | \$62,125 | \$65,529 | \$3,404 |
| Science & Technology | \$2,854 | \$2,894 | \$4,031 | \$1,137 |
| Total Budget Authority | \$68,187 | \$65,019 | \$69,560 | \$4,541 |
| Total Workyears | 420.3 | 385.6 | 385.6 | 0.0 |

Total program work years in FY 2024 include 82.1 FTE funded by the Reregistration and Expedited Processing Revolving Fund.

Program Project Description:

Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)²²⁹ and the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA) and the Pesticide Registration Improvement Act of 2022 (PRIA 5),²³⁰ EPA is charged with protecting people from the health risks that pesticide use can pose. FIFRA requires EPA to register pesticide products before they are marketed for use in the U.S. Registration is based on the review of scientific data sufficient to demonstrate that the product can perform its intended function without unreasonable adverse effects on people or the environment. This program emphasizes the use of reduced risk methods of pest control, including the use of reduced risk pesticides and helping growers and other pesticide users learn about new, safer products and methods of using pesticides.

Under FFDCA, if a pesticide is to be used in a manner that may result in pesticide residues in food or animal feed, EPA must establish a tolerance, or maximum legal residue level, or an exemption from the requirement of a tolerance, before it can be registered. To establish a tolerance, EPA must find that the residues are “safe,” which, under FFDCA, means that there is a reasonable certainty of no harm to human health from aggregate exposure to the pesticide residue in food and from all other exposure except occupational exposure.²³¹ EPA must periodically review the registration and tolerances that the Agency issues to ensure that public health is adequately protected.

FY 2024 Activities and Performance Plan:

²²⁹ For additional information on FIFRA, please visit: <https://www.epa.gov/laws-regulations/summary-federal-insecticide-fungicide-and-rodenticide-act>.

²³⁰ On December 29, 2022, Pesticide Registration Improvement Extension Act of 2022 (PRIA 5) was signed into law, which reauthorizes PRIA for 5 years through fiscal year 2027 and updates the fee collection provisions of the Federal Insecticide, Fungicide, and Rodenticide Act.

²³¹ Additional information related to pesticide registration, the setting of tolerance levels, and the pesticide risk assessment process can be found at the following location: <https://www.epa.gov/pesticide-tolerances/setting-tolerances-pesticide-residues-foods>.

Work in this program directly supports Goal 7/Objective 7.1, Ensure Chemical and Pesticide Safety in the *FY 2022 – 2026 EPA Strategic Plan*.

Pesticide Review and Registration

In FY 2024, EPA will continue to review and register new pesticides, new uses for existing pesticides, and other registration requests in accordance with statutory requirements, making sure exposure to infants and children is reflected in the human health risk assessments supporting these regulatory determinations. Many assessments also address potential exposure to pregnant women. In addition, the Agency will evaluate pesticides that are already in the market against current scientific standards for human health. To advance EPA's work supporting environmental justice (EJ) and children's health, EPA also will evaluate these registration requests with special consideration for impacts on members of overburdened communities and sensitive life stages, especially infants and children. Under the FQPA, EPA is statutorily required to ensure that its regulatory decisions are protective of children's health and other vulnerable subpopulations. EPA also will continue to emphasize the registration of reduced risk pesticides, including biopesticides, to provide farmers and other pesticide users with new, safer alternatives. The Agency, in collaboration with the U.S. Department of Agriculture (USDA), also will work to ensure that minor use registrations receive appropriate support and that needs are met for reduced risk pesticides for minor use crops. EPA also will assist farmers and other pesticide users in learning about new, safer products and methods of using existing products through workshops, demonstrations, small grants, and materials on the website and in print.

In FY 2024, EPA will continue to review the registrations of existing pesticides with a focus on assessing and ensuring that pesticides are used safely, without unreasonable adverse effects to human health and the environment. The goal of the registration review process, as mandated by statute, is to review pesticide registrations every 15 years to determine whether they continue to meet the FIFRA standard for registration.²³² With the reauthorization of PRIA5 on December 29, 2022, the deadline to complete the initial registration review of each pesticide or pesticide case was extended four years to October 1, 2026, and EPA will continue working on registration review cases in FY 2024. For pesticides registered before October 1, 2007, EPA is required to make registration review decisions by October 1, 2026. EPA will focus its FY 2024 resources on completing decisions for cases with the FY 2026 statutory deadline and on cases with 15-year due dates in FY 2024 and beyond. Regarding those registration review cases due by October 1, 2026, through FY 2023 Q1 EPA has completed opening dockets for all 726 cases in registration review. EPA has completed a total of 685 draft risk assessments and 582 final or interim decisions, with 41 draft risk assessments and 144 final or interim decisions remaining to be completed to meet the FY 2026 statutory deadline.

As EPA approaches the October 1, 2026 deadline, many of the remaining cases involve highly complex scientific and regulatory issues, which have resulted in requests from stakeholders to extend the comment periods for proposed decisions, lengthening the amount of time needed to complete the necessary reviews. In addition, EPA continues to await data and/or registrant input critical to finalizing several registration review decisions. Further ongoing challenges in completing actions that are due in October 2026 and beyond include: delayed registrant submittal

²³² For additional information please visit the EPA Pesticide Registration Internet site: <https://www.epa.gov/pesticide-registration>.

of additional data, the need for inter- and intra-agency coordination, resource constraints, and recent court decisions which may prevent EPA from taking action on issuing Interim Decisions.

In FY 2024, EPA will continue enhancements to the Pesticide Registration Information System (PRISM). Expanding the capabilities of PRISM by integrating more of EPA's regulatory workflow into a single system will reduce paperwork burden and maximize efficiency, in accordance with the President's Management Agenda (PMA), by converting paper-based processes into electronic processes and corresponding workflows for the Pesticide Program's regulated entities. In addition, PRISM will create an iterative/inclusive, streamlined electronic workflow to support pesticide product registration, chemical reviews, and assessments, and will be used as a centralized data repository to electronically store associated data as they relate to regulatory decisions and scientific information. Overall, the Agency projects that expanding PRISM and related projects will improve over 150 existing business process workflows supporting the implementation of PRIA. This digital transformation will consolidate over 30 different custom-built systems into a single platform to track registration or re-registration of a chemical from the moment EPA receives a case to the final regulatory decision. Being able to track all reviews in a single system will eliminate the need for hundreds of spreadsheets or Access databases that are currently used to track work at a team, branch, divisional, or office level. This transformation focuses on improving both the employee's experience and the customer experience.

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

In FY 2024, EPA will continue to promote reduced-risk pesticides by giving registration priority to pesticides that have lower toxicity to humans and non-target organisms such as birds, fish, and plants; low potential for contaminating groundwater; lower use rates; low pest resistance potential; and compatibility with Integrated Pest Management (IPM).²³³ Several other countries and international organizations also have instituted programs to facilitate registering reduced-risk pesticides. EPA works with the international scientific community and the Organization for Economic Cooperation and Development (OECD) member countries to register new reduced-risk pesticides and to establish related tolerances (maximum residue limits). Through these efforts, EPA will help reduce risks to Americans from foods imported from other countries. In FY 2024, EPA will continue to assist pesticide users in learning about new, safer products as well as safer methods for using existing products. Through its Center for IPM, educational webinars, science-based publications, informational social media outreach, and collaborations with federal partners, states, commodity and other non-governmental organizations, the Agency also will encourage the use of IPM tools, biological pesticides, and biotechnology where they present lower-risk solutions to pest problems.

Protecting Workers from On-the-Job Pesticide Risks

Millions of America's workers are exposed to pesticides in occupations such as agriculture, lawn care, food preparation, and landscape maintenance. A very large proportion of these workers are members of communities with EJ concerns. EPA's work in this area will be guided by Executive Order (EO) 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* and, where regulatory action is taken, by the Agency's *Guidance on*

²³³For more information, please see: <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/overview-risk-assessment-pesticide-program>. Please also see EPA's IPM website: https://www.epa.gov/safepestcontrol/integrated-pest-management-ipm-principles#for_more_information.

*Considering Environmental Justice During the Development of an Action*²³⁴ and its companion *Technical Guidance for Assessing Environmental Justice in Regulatory Analysis*.²³⁵ Protecting pesticide applicators, handlers and agricultural workers from potential effects of pesticides is an important role of the Pesticide Program. Pesticide handlers in a number of sectors may be exposed to pesticides when they prepare pesticides for use, such as by mixing a concentrate with water or loading and applying the pesticide. In FY 2024, EPA will continue to support the implementation of the Agricultural Worker Protection Standard (WPS)²³⁶ and the Certification of Pesticide Applicators (CPA)²³⁷ rule through regulation development, guidance development, education and outreach, and grant programs. Efforts to implement the WPS include addressing EJ issues in rural communities, especially by considering farmworkers and their families. In FY 2024, following the FY 2023 publication of a proposed rule, EPA plans to finalize a rule for the WPS's Application Exclusion Zone provisions. Programs include a subaward program that supports community-based projects for the development of pesticide educational resources and training targeted toward agricultural workers and pesticide handlers. Efforts include addressing the education needs of the target audience to ensure trainings are effective and in the appropriate cultural context. As required by PRIA 5, EPA also will develop a grant program that considers stakeholder input to support healthcare providers in the recognition and management of pesticide-related illnesses. The grant program will focus on training health care providers serving the migrant and seasonal farmworker community, aiming to improve the treatment of agricultural workers and rural communities potentially exposed to pesticides. Support also will include efforts to improve reporting of occupation-related pesticide incidents. In addition, EPA will continue to support the development of resources, training, and educational forums for applicators, including the development of a virtual pesticide training for certification of private applicators in Indian Country covered under the EPA-administered plan to meet the requirements of using restricted use pesticides in agriculture.

Implementation of the CPA rule also includes continued support of state Pesticide Safety Education Programs, which play a crucial role in training and certifying pesticide handlers in proper pesticide use, thereby enabling the handlers to protect themselves and other workers, as well as the public and the environment. In FY 2024, EPA will focus on implementation of amended state, tribal, and federal certification programs based on the 2017 CPA rule. EPA will support that effort by providing technical assistance for updates to state/tribal applicator training materials including manuals, exams, and other recertification materials to meet the CPA rule requirements.

PRIA 5 amends FIFRA to require bilingual labeling on end use pesticide products for those parts of the label where translation exists in EPA's Spanish Translation Guide and provides a schedule for incremental implementation by registrants based on pesticide type and acute toxicity categories. EPA is directed to work with states on implementation and with stakeholders on ways to make these labels accessible to farmworkers, and to develop a plan to track adoption of the

²³⁴ For more information, please see: <https://www.epa.gov/environmentaljustice/guidance-considering-environmental-justice-during-development-action>.

²³⁵ For more information, please see: <https://www.epa.gov/environmentaljustice/technical-guidance-assessing-environmental-justice-regulatory-analysis>.

²³⁶ For more information, please see: <https://www.epa.gov/pesticide-worker-safety/agricultural-worker-protection-standard-wps>.

²³⁷ For additional information, please visit: <https://www.epa.gov/pesticide-worker-safety/revised-certification-standards-pesticide-applicators>.

bilingual labeling. In FY24 EPA will continue the implementation of these bilingual labeling requirements.

Public Health Antimicrobials and Pandemic Preparedness

In FY 2024, the Pesticide Program will continue to update and modernize EPA's registered disinfectant lists. There are currently 16 disinfectant lists, lists A-Q, with different target public health microorganisms. The most viewed list, List N, contains disinfectants that are effective against SARS-CoV-2. The newest list, list Q, includes products that are effective against emerging viral pathogens including mpox (formerly monkeypox). A continued priority is to enhance search and sort functions for the disinfectant lists to enhance usability. OCSPP is also co-leading a PPDC (Pesticide Program Dialogue Committee) Emerging Viral Pathogens Workgroup to implement stakeholder recommendations and strategies for revisions to EPA's Emerging Viral Pathogen's guidance. In FY 2024, EPA expects to continue implementing recommendations from the Workgroup including but not limited to education through webinars and conferences on proper and effective antimicrobial pesticide use for different stakeholder groups (e.g., schools, food service, hospitality, etc.)

In FY 2024, the Pesticide Program is also working on policy and method updates that will expand the range of public health antimicrobial products available. We anticipate finalization of minimum testing criteria to support chemical air treatment claims for unoccupied spaces and posting for comment testing criteria for occupied spaces. There are very few registered antimicrobial products intended to treat the air, an important route of transmission from public health pathogens. In addition, the Pesticide Program anticipates finalization of a policy to expand virucidal claims to sanitizer products which were previously not eligible to have these claims. This policy change will be implemented with consideration of public of comment.

General Pesticide Outreach and Education

In FY 2024, the Pesticide Program will continue environmental education and training efforts for growers, pesticide applicators, and workers, as well as the public in general. Giving priority to reduced risk and Integrated Pest Management (IPM) friendly pesticides are two steps toward protecting human health. Also, the Pesticide Safety Education Program provides education through training and is a key component to the implementation of applicator certification programs across the nation, including on tribal lands and along the US-Mexico border, and helps ensure pesticides are used in a manner to protect human health and the environment. In addition, EPA will continue to make information easily accessible to the public and pesticide users, update safety information on pesticides, support the National Pesticide Information Center²³⁸ that provides a bilingual hotline for pesticide information and develop outreach materials for the public and incident reporting.

Tribal Pesticide Program Council (TPPC)

The Pesticide Program will also continue to manage the Tribal Pesticide Program Council (TPPC) cooperative agreement. This national partnership group was formed in 1999 as a forum for tribes and Alaska Native Villages to work with EPA to address pesticide issues and concerns. The TPPC also provides a forum for tribes and Alaska Native Villages to provide input in developing policies that would strengthen their pesticide programs, provide guidance for tribes that do not have such programs, and provide networking opportunities and support for tribal pesticide regulators. In FY

²³⁸ For additional information, please visit: <http://npic.orst.edu/>.

2024, EPA will continue to work with the TPPC to identify concerns related to EJ and climate change that EPA can begin to address.

Reducing Animal Testing

In FY 2024, the Agency will continue to use its guiding principles on data needs²³⁹ to ensure that it has sufficient information to support strong regulatory decisions to protect human health, while reducing and, in some cases, eliminating unnecessary animal testing. EPA’s Hazard and Science Policy Council (HASPOC) plays an important role in the implementation of the vision of the 2007 National Academy of Sciences (NAS) report on toxicity testing in the 21st Century—which recommended moving toward smarter testing strategies by waiving human health toxicity studies that do not provide useful information. Since its inception, HASPOC has waived hundreds of studies resulting in the saving of tens of thousands of animals and tens of millions of dollars without compromising the integrity of the science supporting EPA’s regulatory decision-making for pesticides. In addition, the Agency will continue to develop and implement 21st Century toxicology and exposure methods, including additional retrospective analysis of the reproductive avian study, and the use of computer-modeling and in vitro testing techniques for acute oral toxicity, skin and eye irritation, and inhalation toxicity. All of these activities advance more efficient and effective human health risk assessments that support sound, risk-based, regulatory decision-making.

Related Metrics

In FY 2024, the Agency will be measuring performance for the second cycle of registration review, tracking intermediate stages such as docket openings, draft risk assessment completion, and final registration review case completions under the 15-year cycle of pesticide registration review. Additionally, EPA will be tracking metrics related to pesticide safety training of farmworkers funded through a 5-year cooperative grant; metric details will be provided by the grantee and will capture the number of farmworkers trained and knowledge comprehension based on pre- and post-training assessment.

Performance Measure Targets:

(PM WPS1a) Number of farmworkers receiving EPA-supported WPS pesticide safety training.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|-------------|
| Target | | | | | | 20,000 | 12,000 | 12,000 | Farmworkers |
| Actual | | | | | | 12,716 | | | |

(PM WPS1b) Percentage of content knowledge learned by farmworker/trainees upon completion of EPA-supported WPS pesticide training.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Target | | | | | | 95 | 95 | 95 | Percent |
| Actual | | | | | | 96 | | | |

²³⁹ Additional information on reducing animal testing may be found at: <https://www.epa.gov/pesticides/new-epa-guidance-testing-pesticides-will-reduce-animal-testing>.

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

- (+\$2,025.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. It also includes support for critical agencywide infrastructure for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0. requirements.
- (+\$1,379.0) This program change is an increase for the modernization of the pesticides incident database where the regulated community reports human health and ecological incidents related to misuse of, or an unexpected adverse event related to pesticide usage. EPA plans to make this data more accessible to the Public which requires a rebuild of the database to safeguard Personally Identifiable Information (PII) and other sensitive information.

Statutory Authority:

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

Pesticides: Protect the Environment from Pesticide Risk

Program Area: Pesticides Licensing

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Ensure Chemical and Pesticide Safety

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$43,688</i> | <i>\$48,704</i> | <i>\$75,391</i> | <i>\$26,687</i> |
| Science & Technology | \$2,487 | \$2,334 | \$2,339 | \$5 |
| Total Budget Authority | \$46,175 | \$51,038 | \$77,730 | \$26,692 |
| Total Workyears | 312.7 | 259.6 | 282.1 | 22.5 |

Total program work years in FY 2024 include 53.2 FTE funded by the Reregistration and Expedited Processing Revolving Fund.

Program Project Description:

The goal of this program, authorized under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended by the Food Quality Protection Act of 1996 (FQPA) and the Pesticide Registration Improvement Act of 2022 (PRIA 5), is to protect the environment from the potential risks posed by pesticide use. To achieve this goal, EPA must conduct risk assessments before the initial registration of each pesticide for each use, as well as re-evaluate each pesticide at least every 15 years, as required by FQPA. This periodic review is accomplished through EPA's Pesticide Registration Review Program.²⁴⁰ In addition to FIFRA responsibilities, the Agency has distinct obligations under the Endangered Species Act (ESA),²⁴¹ which include ensuring that pesticide regulatory decisions will not destroy or adversely modify designated critical habitat or jeopardize the continued existence of species listed as threatened or endangered by the U.S. Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS) (jointly, "the Services").

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 7/Objective 7.1, Ensure Chemical and Pesticide Safety in the *FY 2022 – 2026 EPA Strategic Plan*.

Protection of Endangered Species

EPA is responsible for complying with the Endangered Species Act (ESA) and for ensuring that federally endangered and threatened species are not harmed from exposure when it registers pesticides. This presents a great challenge given that there are approximately 1,200 active ingredients in more than 17,000 pesticide products—many of which have multiple uses. Endangered species risk assessments are extraordinarily complex, national in scope, and involve

²⁴⁰ FIFRA requires EPA to register a pesticide if, among other things, the product "will also not generally cause unreasonable adverse effects on the environment" when used in accordance with labeling and common practices.

²⁴¹ For additional information, please visit: <https://www.epa.gov/endangered-species>.

comprehensive evaluations that consider risks to over 1,600 listed endangered species and 800 designated critical habitats in the U.S. with diverse biological attributes, habitat requirements, and geographic ranges.

Given the complexity of evaluating potential effects to diverse listed species under ESA, EPA has been subject to numerous successful litigation challenges to registration and registration review actions. This litigation has impacted EPA's ability to carry out its mission of protecting human health and the environment. In April 2022, EPA released a workplan outlining priorities for coming into compliance with ESA across the numerous types of actions it completes each year. In the short term and given its existing resources, EPA prioritized meeting its ESA obligations for all conventional new active ingredient applications whereby all new active ingredient registrations will only be registered under conditions that comply with ESA. EPA also continued to prioritize ESA determinations in response to litigation commitments and court decisions. The increase that EPA received in the FY 2023 enacted budget serves as initial funding which supports EPA in meeting these specific workplan commitments.

In November 2022, EPA released a Workplan Update that announced EPA's approach to incorporate additional ecological mitigations for non-target species, including listed species, into registration review processes. The Update also describes additional initiatives to make even faster progress on some of our ESA goals. In particular, the update describes multiple programmatic approaches to be conducted in FY2024 and beyond such as (1) developing mitigations for listed species that are particularly vulnerable to pesticides and applying them across pesticides, and (2) grouping pesticides such as insecticides for ESA analyses and early mitigations. EPA plans to continue to develop and expand on these programmatic approaches, which will ultimately reduce the Program's workload for future ESA environmental assessments and identification of mitigations for listed species for pesticide registration and registration review actions.²⁴²

In FY 2024, in order to continue to support EPA's priority ESA commitments and incrementally increase the extent to which EPA can integrate ESA mandates into the pesticide registration processes as described in the Workplan and Update, EPA requests an additional \$24.7 million and 20 FTE for the Pesticide Program. As described above, these resources will enable EPA to make additional progress towards meeting our ESA obligations for an increased number of pesticide registrations and registration review decisions. This includes resources to ensure EPA can implement the mitigations required in biological opinions from the Services following completion of consultation and to develop tools to expedite the incorporation of measures to protect listed species in pesticide decisions. However, it still will not allow EPA to be in full ESA compliance for hundreds of pesticide registration and registration review actions it makes each year as well as those it has made over past decades, leaving these actions vulnerable to litigation, and limiting EPA's ability to protect human health and the environment.²⁴³ These additional resources are needed to continue to demonstrate measured progress and increase EPA's ability to comply with its ESA obligations for pesticides.

²⁴² For more information, please see: <https://www.epa.gov/system/files/documents/2022-11/esa-workplan-update.pdf>.

²⁴³ For example, recently the Ninth Circuit Court of Appeals remanded to EPA for further consideration the interim registration review decision for glyphosate, the most widely used herbicide in the U.S., in part, due to noncompliance with the ESA.

In FY 2024, the Agency also will assess whether listed endangered or threatened species or their designated critical habitat may be affected by use of pesticide products in a manner described in reports to Congress.²⁴⁴ Where effects are identified in a biological evaluation, EPA will continue to work with the Services in a consultation²⁴⁵ process to ensure these new or existing pesticide registrations meet the ESA standard.²⁴⁶ As required by the 2018 Farm Bill, EPA will continue to develop processes to protect listed species earlier in the regulatory and consultation processes as resources allow, and work with the Services, USDA, and other agencies to improve the consultation process and apply appropriate methods and exposure reduction measures to selected pesticide risk assessments.²⁴⁷ EPA also will work with the Services towards developing approaches to conduct consultations programmatically which will also increase efficiency and reduce needed resources for EPA and the Services.

The Agency will continue to provide technical support for compliance with the requirements of the ESA. In FY 2024, EPA also will continue the advancement and integration of state-of-the-art science models, knowledge bases, and analytic processes to increase productivity and better address the challenge of potential risks of specific pesticides to specific species. Interconnection of the various databases within the Program also will provide improved support to the risk assessment process during registration review by allowing risk assessors to analyze complex scenarios more easily regarding endangered species. EPA also will continue to improve its system used to implement spatially explicit protections for listed species, *Bulletins Live! Two* (BLT).²⁴⁸ EPA plans to continue to solicit and receive feedback on the usability of BLT, maintain and improve the underlying data, and enhance the usability of the system based on feedback as more bulletins continue to be created and released as part of registration and registration review decisions.

Assessing the Risks Pesticides Pose to the Environment

To accomplish the goals set out in FIFRA, in FY 2024, EPA will continue to conduct ecological risk assessments²⁴⁹ to determine what risks are posed by each pesticide to plants, animals, and ecosystems that are not the targets of the pesticide and whether changes are necessary to protect these resources.²⁵⁰ In FY 2024, EPA will continue to examine all toxicity and environmental fate data submitted with each new pesticide registration application to determine what risks the new active ingredient may pose to the environment. In FY 2024, EPA will continue to increase the number of pesticide registrations that include protections for federally threatened and endangered species under the Endangered Species Act (ESA). When complex scientific issues arise, the

²⁴⁴ For additional information, please visit: <https://www.epa.gov/endangered-species/reports-congress-improving-consultation-process-under-endangered-species-act>.

²⁴⁵ For additional information, please visit: <https://www.epa.gov/endangered-species/assessing-pesticides-under-endangered-species-act>.

²⁴⁶ Additional information on how EPA protects endangered species from pesticides can be found at: <https://www.epa.gov/endangered-species>.

²⁴⁷ For more information, please see: <https://www.epa.gov/endangered-species/epas-workplan-and-progress-toward-better-protections-endangered-species>.

²⁴⁸ For additional information, please visit: <https://www.epa.gov/endangered-species/bulletins-live-two-bl-tutorial>.

²⁴⁹ For additional information, please visit: <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/factsheet-ecological-risk-assessment-pesticides>.

²⁵⁰ Additional information may be found at: <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/overview-risk-assessment-pesticide-program>.

Agency may solicit external review, such as consultation with the FIFRA Scientific Advisory Panel,²⁵¹ for independent scientific advice.

Ensuring Proper Pesticide Use through Labeling

In FY 2024, EPA will continue to use pesticide labels to indicate what uses are appropriate and to ensure that the pesticide is used at the application rates and according to the methods and timing approved.²⁵²

Pesticide Registration Review

In FY 2024, EPA's activities will involve increased efforts on comprehensive risk assessments to protect the environment. With the reauthorization of PRIA on December 29, 2022, the deadline to complete the initial Registration Review of each pesticide or pesticide case was extended four years to October 1, 2026, and EPA will continue working on registration review cases in FY 2024. For pesticides registered before October 1, 2007, EPA is required to make registration review decisions by October 1, 2026. EPA has completed opening dockets for all 726 cases in registration review. EPA will focus its FY 2024 resources on completing decisions for cases that meet the FY 2026 statutory deadline and on cases with 15-year due dates in FY 2024 and beyond. Through FY 2023 Q1, EPA has completed a total of 685 draft risk assessments and 582 final or interim decisions, with 41 draft risk assessments and 144 final or interim decisions remaining to be completed to meet the FY 2026 statutory deadline.

As EPA approaches the October 1, 2026, deadline, many of the remaining cases involve highly complex scientific and regulatory issues, which has resulted in requests from stakeholders to extend the comment periods for proposed decisions, lengthening the amount of time needed to complete the necessary reviews. In addition, EPA continues to await data and/or registrant input critical to finalizing several registration review decisions. Further ongoing challenges in meeting the FY 2026 deadline include delayed registrant submittal of additional data, the need for inter- and intra-agency coordination, and resource constraints.

Pesticide Registration and Risk Reduction Through the Use of Safer Pesticides and Methods

In FY 2024, EPA will continue to promote reduced-risk pesticides by giving registration priority to pesticides that have lower toxicity to people and non-target organisms such as birds, fish, and plants; low potential for contaminating groundwater; lower use rates; low pest resistance potential; and compatibility with Integrated Pest Management (IPM).^{253,254} Several other countries and international organizations also have instituted programs to facilitate registering reduced-risk pesticides. EPA works with the international scientific community and the Organization for Economic Cooperation and Development (OECD) member countries to register new reduced-risk pesticides and to establish related tolerances (maximum residue limits). Through these efforts, EPA will help reduce risks to Americans from foods imported from other countries. In FY 2024,

²⁵¹ For additional information, please visit: <https://www.epa.gov/sap>.

²⁵² Under FIFRA, it is illegal to use a registered pesticide in a manner inconsistent with the label instructions and precautions.

²⁵³ Attaining risk reduction would be significantly hampered without availability of alternative products to these pesticides for consumers. Consequently, the Registration Program's work in ensuring the availability of reduced risk pesticides plays a significant role in meeting the environmental outcome of improved ecosystem protection. For additional information on pesticide risk, please visit: <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/overview-risk-assessment-pesticide-program>.

²⁵⁴ For additional information on IPM, please visit: <https://www.epa.gov/safepestcontrol/integrated-pest-management-ipm-principles>.

EPA will continue to assist pesticide users in learning about new, safer products as well as safer methods for using existing products. Through its Center for IPM, educational webinars, science-based publications, informational social media outreach, and collaborations with federal partners, states, commodity and other non-governmental organizations, the Agency also will encourage the use of IPM tools, biological pesticides, and biotechnology where they present lower-risk solutions to pest problems.

Reducing Animal Testing

In FY 2024, EPA will continue its efforts to promote the use of alternative methods to whole animal toxicity testing for characterizing the effects of pesticide active ingredients on terrestrial and aquatic vertebrates. EPA also will continue its partnership with the National Toxicology Program Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM). A focus area will be the evaluation of Collaborative Acute Toxicity Modeling Suite (CATMoS) estimates of acute oral toxicity to potentially replace mammal testing in ecological risk assessment. EPA also will complete an evaluation of the feasibility of reducing the number of tested species of fish used to characterize acute effects. This effort is expected to complement EPA's work with other federal agencies to collect, describe, and develop performance-based evaluations for a suite of *in-silico* and *in-vitro* methods for estimating acute lethal endpoints in fish. By addressing both the endpoint needs and the available estimation tools concurrently, EPA expects to increase the efficiency of performance evaluation and narrow the scope of needed estimation methods for consideration, thereby expediting the acceptance process. Additionally, through stakeholder discussions and participation in intergovernmental working groups, the Agency will work to identify opportunities to reduce the use of animals in ecological hazard testing. EPA also will reach out to non-governmental organizations to collaborate on projects (*e.g.*, to retrospectively analyze the results of ecological hazard testing). Based on the results of those projects, EPA will then develop and disseminate guidance materials for companies to clarify ecotoxicology testing requirements/needs.

Minimizing Environmental Impacts through Outreach and Education

Through public outreach, the Agency will continue to encourage the use of IPM and other practices to maximize the benefits pesticides can yield while minimizing their impacts on the environment. As a continued requirement of the Office of Chemical Safety and Pollution Prevention's National Program Guidance, regional pesticide offices will initiate specific IPM-related projects that target disadvantaged communities, or vulnerable populations, such as children attending preschools and tribal schools. The Agency also will develop and disseminate pesticide safety brochures, videos, links, and webinars which provide education on potential benefits of IPM and promote outreach through its Center for IPM on the success of IPM to encourage its use.²⁵⁵ To encourage responsible pesticide use that does not endanger the environment, EPA also will reach out to the public through its website and social media accounts, and to workers and professional pesticide applicators through worker training programs. The Pesticide Safety Education Program²⁵⁶ provides education to professional pesticide applicators through training and is a key component to the implementation of applicator certification programs across the nation and helps ensure pesticides are used in a manner to protect human health and the environment.

²⁵⁵ For additional information, please visit: <https://www.epa.gov/safepestcontrol/integrated-pest-management-ipm-principles>.

²⁵⁶ For additional information, please visit: <https://www.epa.gov/pesticide-worker-safety/pesticide-safety-education-programs-0>.

Pollinator Protection

Bees and other pollinators play a critical role in ensuring the production of food. USDA is leading the federal government's effort to understand the causes of declining pollinator health and identify actions that will improve pollinator health. EPA is part of this effort and is focusing on the potential role of pesticides while ensuring that the pesticides used represent acceptable risks to pollinators and that products are available for commercial beekeepers to manage pests that impact pollinator health.

EPA continues to carefully evaluate potential effects that pesticides may have on bees through the registration of new active ingredients and registration review, in cooperation with the Government of Canada and the California Department of Pesticide Regulation. EPA is continuing to work with USDA to identify and address factors associated with declines in pollinator health. EPA also has been working with a wide range of stakeholders in the government and private sectors, both domestically and internationally, to develop and implement strategies to address factors associated with pollinator declines and to ensure that the best available science serves as a foundation for regulatory decisions. EPA is currently updating the estimated burden for collecting the suite of honeybee data.

In FY 2024, EPA also will continue to apply the best available science and risk management methods to reduce potential exposures to pollinators from pesticides.²⁵⁷ In addition, some of the endangered species protection work described previously will protect pollinators. For example, several of the pilot ESA-FIFRA projects to identify mitigations for pesticides early in the registration review process are intended to result in protections to several pollinator species as well as protections for plants that provide sustenance for pollinator species.

Protection of Water Resources

Reduced concentration of pesticides in water sources is an indication of the effectiveness of EPA's risk assessment, management, mitigation, and communication activities. In FY 2024, the Agency will continue to evaluate monitoring data as it prepares aquatic exposure assessments and will continue to apply risk management measures, when appropriate, to reduce pesticide loadings in water. EPA also will update aquatic benchmarks so that states and other stakeholders can determine if measured pesticide levels might impact aquatic life. Water quality is a critical endpoint for measuring exposure and risk to the environment and a key factor in assessing EPA's ability to reduce exposure from these key pesticides of concern.²⁵⁸

Performance Measurement

In FY 2024, the Agency will be measuring performance for the registration review cases with 15-year due dates in FY 2024 and beyond, tracking intermediate stages such as docket openings, draft risk assessment completion, and final registration review case completions under the 15-year cycle of pesticide registration review. The Agency expects to improve protections to endangered species by increasing the percentage of new active ingredient registrations and registration review risk

²⁵⁷ Additional actions EPA is taking to protect pollinators from pesticides can be found at: <https://www.epa.gov/pollinator-protection>.

²⁵⁸ The most sensitive aquatic benchmarks for the chemicals are posted on the website: <http://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/aquatic-life-benchmarks-pesticide-registration>.

assessments that incorporate considerations of threatened and endangered species and leverage those improvements for other related processes in subsequent years (e.g., new uses).

Performance Measure Targets:

(PM ESA1) Percentage of risk assessments supporting pesticide registration decisions for new active ingredients that consider the effects determinations or protections for federally threatened and endangered species.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|------------------|
| Target | | | | | | 40 | 80 | 90 | Percent |
| Actual | | | | 50 | 62 | 100 | | | |
| Numerator | | | | 8 | 8 | 14 | | | Risk Assessments |
| Denominator | | | | 16 | 13 | 14 | | | |

(PM ESA2) Percentage of risk assessments supporting pesticide registration review decisions that include effects determinations or protections of federally threatened and endangered species.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|------------------|
| Target | | | | | | 20 | 30 | 30 | Percent |
| Actual | | | | 27 | | 79 | | | |
| Numerator | | | | 29 | | 27 | | | Risk Assessments |
| Denominator | | | | 107 | | 34 | | | |

(PM FIFRA3a) Number of pesticide registration review cases completed with statutory due dates that fall after October 1, 2022.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------|---------|---------|---------|---------|---------|---------|---------|---------|-------|
| Target | | | | | | 15 | 8 | 14 | Cases |
| Actual | | | | | | 16 | | | |

(PM FIFRA3b) Number of pesticide registration review docket opened for registration review cases with statutory completion dates that fall after October 1, 2022.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Target | | | | | | 25 | 20 | 28 | Dockets |
| Actual | | | | | | 35 | | | |

(PM FIFRA3c) Number of draft risk assessments completed for pesticide registration review cases with statutory completion dates that fall after October 1, 2022.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------|---------|---------|---------|---------|---------|---------|---------|---------|-------------------|
| Target | | | | | | 9 | 16 | 19 | Draft Assessments |
| Actual | | | | | | 25 | | | |

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

- (+\$1,465.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. It also includes support for critical agencywide infrastructure for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$24,726.0 / +20.0 FTE) This program change supports an increase in available funding for EPA to implement Endangered Species Act (ESA) considerations into pesticide regulatory decisions, including ESA compliance for all new active ingredient registrations. These additional non-pay resources will allow EPA to continue to train employees across OPP, and develop the regulatory processes, strategies, and approaches to allow EPA to come into fuller compliance with ESA. This includes \$3.764 million in associated payroll.
- (+\$496.0 / +2.5 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. This includes \$471 thousand in associated payroll.

Statutory Authority:

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA); Endangered Species Act (ESA).

Pesticides: Realize the Value of Pesticide Availability

Program Area: Pesticides Licensing

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Ensure Chemical and Pesticide Safety

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | \$7,022 | \$7,637 | \$8,234 | \$597 |
| Science & Technology | \$941 | \$925 | \$1,002 | \$77 |
| Total Budget Authority | \$7,963 | \$8,562 | \$9,236 | \$674 |
| Total Workyears | 32.7 | 35.8 | 35.8 | 0.0 |

Program Project Description:

This program seeks to realize the value of pesticides that can be used safely to yield many benefits, such as killing viruses and bacteria in America's hospitals. These benefits also include guarding the Nation's abundant food supply, protecting the public from disease-carrying pests, and protecting the environment from the introduction of invasive species from other parts of the world. In fulfilling its mission, the Program manages the following types of pesticide registrations and regulatory actions under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA):²⁵⁹

- Special Local Needs under FIFRA Section 24(c).
- Federal registrations at the national level under FIFRA Section 3.
- Experimental Use Permit Section 5.
- Emergency, Quarantine, and Crisis Exemption Section 18; and,
- Periodic review of existing chemicals under the Registration Review Program.²⁶⁰

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 7/Objective 7.1, Ensure Chemical and Pesticide Safety in the *FY 2022 – 2026 EPA Strategic Plan*.

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

With the passage of the Food Quality Protection Act (FQPA), Congress acknowledged the importance of and need for "reduced-risk pesticides" and supported expedited agency review to help these pesticides reach the market sooner and replace other pesticides of higher risk.²⁶¹ In FY

²⁵⁹ The primary federal law that governs how EPA oversees pesticide manufacture, distribution, and use in the United States is the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Originally enacted in 1947, FIFRA has been significantly amended several times, including by the Food Quality Protection Act of 1996 (FQPA) and the Pesticide Registration Improvement Extension Act of 2018 (PRIA). FIFRA requires that EPA register pesticides based on a finding that they will not cause unreasonable adverse effects to people and the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

²⁶⁰ Additional information may be found here: <https://www.epa.gov/pesticide-registration/types-registrations-under-fifra>.

²⁶¹ The law defines a reduced risk pesticide as one that "may reasonably be expected to accomplish one or more of the following: (1) reduces pesticide risks to human health; (2) reduces pesticide risks to non-target organisms; (3) reduces the potential for

2024, EPA will continue to support and develop procedures and guidelines for expedited review of applications for registration or amendments for reduced risk pesticides.

Registration of Generic Pesticides

FIFRA authorizes EPA to register products that are identical to or substantially similar to already registered products (also known as “me too products”). Applicants for these products may rely on, or cite data already submitted by another registrant. The entry of these new products into the market can cause price reductions resulting from new competition and broader access to products, benefitting farmers and consumers. The Agency will continue to prioritize and review generic registrations consistent with the statutory decision-making schedule. Application submissions for these actions can generally be reviewed in four months. The Agency completed 1,656 “me too” new products and amendments in FY 2021. The Agency expects to complete a similar volume of registrations in FY 2024.

Outreach and Education

The Pesticide Program is invested in outreach and training efforts for people who use pesticides and the public in general. In FY 2024, the Agency will continue to encourage Integrated Pest Management (IPM), which emphasizes minimizing the use of broad-spectrum chemicals and maximizing the use of sanitation, biological controls, and selective methods of application. Providing on-the-ground assistance to our partners, EPA’s regional offices work with states, tribes, and territories to implement their pesticide programs and carry out IPM projects that inform pesticide users about the pest control options, which pesticides to use, how to use them, and how to maintain the site so pests do not return. In addition, the Pesticide Program and its Center for IPM will provide outreach through webinars on a range of pest management and pollinator protection topics, many of which are of importance in areas with environmental justice (EJ) concerns and tribal communities.

Review and Registration

During FY 2024, EPA will continue to review and register new pesticides and new uses for existing pesticides, and act on other registration requests in accordance with FIFRA and Federal Food, Drug, and Cosmetic Act standards, as well as Pesticide Registration Improvement Extension Act timeframes. Many of these actions will be for reduced-risk conventional pesticides and biopesticides, which, once registered and used by consumers, will increase societal benefits, including for infants and children as well as susceptible subpopulations. Working together with the affected communities, through IPM and related activities, the Agency plans to accelerate the adoption of lower-risk products.

The Agency’s work harmonizing pesticide tolerance levels with our top trade partners will reduce international trade barriers. For FY 2024, EPA will undertake regulatory decisions on an estimated seven new chemicals with food uses. For each of these evaluations, EPA will consider whether there are existing Maximum Residue Levels (MRLs) set by trade partners and whether the science supports harmonizing with those levels in which tolerance harmonization will be a component of a portion of these decisions. Also, during FY 2024, EPA will continue rulemaking and implementation efforts to improve its crop group system which provides the regulatory definitions

contamination of valued, environmental resources, or (4) broadens adoption of Integrated Pest Management (IPM) or makes it more effective.”

for crops which are in inter-state and international commerce, such as Phase VI of its proposed revisions to pesticide tolerance crop group regulations.

Emergency, Quarantine, and Crisis Exemptions

In FY 2024, EPA will continue to prioritize emergency exemptions under FIFRA Section 18, which authorizes EPA to allow an unregistered use of a pesticide for a limited time in the event of an emergency, such as a severe pest infestation, public health emergency, or invasive pest species quarantine. The economic benefit of the Section 18 Program to growers is the avoidance of losses incurred in the absence of pesticides exempted under FIFRA's emergency exemption provisions. In addition, exemptions serve as important public health controls to avert pests that may cause significant risk to human health. In FY 2021 the Agency received 76 requests for emergency uses; and EPA has received 30 requests for emergency uses in FY 2022 to date. Although emergency exemption submissions cannot be precisely predicted, EPA estimates it may receive approximately 45 requests in FY 2024.

Performance Measurement

In FY 2024, the Agency will be measuring performance for the registration review cases with 15-year due dates in FY 2024 and beyond, tracking intermediate stages such as docket openings, draft risk assessment completion, and final registration review case completions under the 15-year cycle of pesticide registration review. The Agency expects to improve protections to endangered species by increasing the percentage of new active ingredient registrations and registration review risk assessments that incorporate considerations of threatened and endangered species and leverage those improvements for other related processes in subsequent years (*e.g.*, new uses). Per its policy released in January 2022, EPA anticipates registering new conventional active ingredients only under conditions that are compliant with ESA. Additionally, EPA will be tracking metrics related to pesticide safety training of farmworkers funded through a 5-year cooperative grant; metric details will be provided by the grantee and will capture the number of farmworkers trained and knowledge comprehension based on pre- and post-training assessment.

Performance Measure Targets:

Work under this program supports performance results in the Pesticides: Protect the Environment from Pesticide Risk Program under the EPM appropriation.

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

- (+\$295.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$302.0) This program change is an increase that supports enhancement of pesticides registration processes for the program.

Statutory Authority:

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

Resource Conservation and Recovery Act (RCRA)

RCRA: Corrective Action

Program Area: Resource Conservation and Recovery Act (RCRA)

Goal: Safeguard and Revitalize Communities

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

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$43,061</i> | <i>\$40,512</i> | <i>\$41,669</i> | <i>\$1,157</i> |
| Total Budget Authority | \$43,061 | \$40,512 | \$41,669 | \$1,157 |
| Total Workyears | 169.4 | 174.9 | 174.4 | -0.5 |

Program Project Description:

To reduce risks from exposure to hazardous wastes, EPA's Resource Conservation and Recovery Act (RCRA) Corrective Action Program ensures that contaminated facilities subject to RCRA requirements are cleaned up by the responsible party, returns contaminated property to productive use, and keeps costs from being transferred to the taxpayer-funded portion of the Superfund Program. Implementing the Program's 2030 Goals²⁶² and RCRA Corrective Action regulations and administrative orders, EPA and authorized states will continue to oversee cleanups conducted by facility owner/operators to ensure that the facilities meet their cleanup obligations and to protect taxpayers from having to pay the bill. RCRA cleanups contribute many environmental and economic benefits to their communities. A recent EPA analysis of 79 RCRA cleanups showed that these facilities support 1,028 on-site businesses providing economic benefits including \$39 billion in annual sales revenue, over 82,000 jobs, and \$7.9 billion in estimated annual employment income.²⁶³ Approximately 113 million Americans live within three miles of a RCRA corrective action facility (roughly 35 percent of the U.S. population),²⁶⁴ and the total area covered by these corrective action sites is approximately 18 million acres.²⁶⁵

EPA works in close partnership with 44 states and one territory authorized to implement the Corrective Action Program²⁶⁶ to ensure that cleanups protect human health and the environment. The Corrective Action Program allows for the return of properties to beneficial use, which benefits the surrounding communities, reduces liabilities for facilities, and allows facilities to redirect resources to productive activities. The Agency provides program direction, leadership, and support to its state partners. This includes specialized technical and program expertise, policy development for effective program management, national program priority setting, measurement and tracking,

²⁶² U.S. EPA, Office of Resource Conservation and Recovery, 2020. RCRA Corrective Action Program Vision/Mission/Goals for 2030. https://www.epa.gov/sites/default/files/2020-09/documents/rcra_corrective_action_program_vision.pdf.

²⁶³ U.S. EPA, Office of Resource Conservation and Recovery, 2022. Summary of 2021 RCRA Corrective Action Economic Benefits Study and Research Methodology.

²⁶⁴ U.S. EPA, Office of Land and Emergency Management 2021. Data collected includes: 1) RCRA CA site information as of the end of FY2020; and 2) population data from the 2015-2019 American Community Survey.

²⁶⁵ Compiled RCRAInfo data.

²⁶⁶ State implementation of the Corrective Action Program is funded through the STAG Categorical Grant: Hazardous Waste Financial Assistance and matching state contributions.

training and technical tools, and data collection/management/documentation. In addition, through work-sharing, the Agency serves as lead or support for a significant number of complex and challenging cleanups in both non-authorized and authorized states.

FY 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 Corrective Action Program will focus its resources on continuing cleanup of 3,983 priority contaminated facilities (the Corrective Action Progress Track), which include highly contaminated and technically challenging sites, and on assessing others to determine whether cleanups are necessary. As of the end of FY 2022, only 41 percent of these facilities have completed final and permanent cleanups, leaving approximately 2,300 facilities still requiring oversight and technical support to reach final site-wide cleanup objectives. In FY 2022, EPA approved 124 RCRA corrective action facilities as ready for anticipated use (RAU), bringing the total number of RCRA RAU facilities to 1,922. In addition, in FY 2022 the Program achieved remedy construction at 55 facilities, resulting in a total of 2,896 with remedies constructed, and achieved performance standards attained at 66 facilities, resulting in a total of 1,653 facilities with standards attained.²⁶⁷ The Program's goals are to control human exposures, control migration of contaminated groundwater, complete final cleanups for the Corrective Action Progress Track facilities, and identify, assess, and clean up additional priority facilities.

In FY 2024, EPA will:

- Continue to make RCRA corrective action sites RAU, ensuring that properties are returned to productive use and human health and the environment are protected into the future.
- Assess its universe of cleanup facilities, priorities, and measures to ensure that resources are directed to addressing those facilities that present risk to human health and the environment and supporting environmental justice and climate resiliency.
- Provide technical assistance to authorized states in the areas of site characterization, sampling, remedy selection, reaching final cleanup goals, and long-term stewardship for cleanups with contamination remaining in place in order to support communities at risk from multiple health stressors and/or climate change impacts.
- Prioritize and focus the Program on completing site investigations to identify the most significant threats, establishing interim remedies to reduce or eliminate exposure, and selecting and constructing safe, effective long-term remedies that also maintain the economic viability of operating facilities.

²⁶⁷ For more information, please refer to: <https://www.epa.gov/hw/lists-facilities-resource-conservation-and-recovery-act-rcra-2020-corrective-action-baseline>.

- For high priority facilities, utilize oversight tools and work-sharing agreements to assist with facilities that have complex issues²⁶⁸ or special tasks.
- Continue to improve cleanup approaches and share best practices and cleanup innovations²⁶⁹ to speed up and improve cleanups.
- Complete rulemaking to clarify that the definition of hazardous waste found in RCRA section 1004(5) is applicable to corrective action for releases from solid waste management units.
- Update and maintain RCRAInfo, which is the primary data system that many states rely upon to manage their RCRA permitting, corrective action, and hazardous waste generator programs. RCRAInfo receives data from hazardous waste handlers for the National Biennial RCRA Hazardous Waste Report. The data from the 2021 biennial reporting cycle showed there were 19,141 generators of over 36 million tons of hazardous waste. RCRAInfo provides the only national-level RCRA hazardous waste data and statistics to track the environmental progress of approximately 20,000 hazardous waste units at 6,600 facilities.
- Contribute to efforts ensuring the proper management, disposal, and cleanup of per- and polyfluoroalkyl substances (PFAS).

Performance Measure Targets:

(PM CA5RC) Number of RCRA corrective action facilities with final remedies constructed.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|------------|
| Target | | | 98 | 98 | 73 | 55 | 55 | 52 | Facilities |
| Actual | 67 | 70 | 80 | 64 | 57 | 55 | | | |

(PM RSRAU) Number of RCRA corrective action facilities made Ready for Anticipated Use.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|------------|
| Target | | 75 | 91 | 117 | 133 | 114 | 100 | 85 | Facilities |
| Actual | 72 | 117 | 127 | 169 | 146 | 124 | | | |

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

- (+\$1,245.0) This change to fixed and other costs is an increase due to the recalculation of base payroll costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (-\$88.0 / -0.5 FTE) This program change reduces FTE support for RCRA Corrective Action activities including cleanups. This includes a reduction of \$88.0 thousand in payroll.

²⁶⁸ For example, vapor intrusion, wetlands contamination, or extensive groundwater issues.

²⁶⁹ For more information, please refer to: <https://www.epa.gov/hw/toolbox-corrective-action-resource-conservation-and-recovery-act-facilities-investigation-remedy>.

Statutory Authority:

Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA)
§§ 3004, 3005, 8001.

RCRA: Waste Management

Program Area: Resource Conservation and Recovery Act (RCRA)

Goal: Safeguard and Revitalize Communities

Objective(s): Reduce Waste and Prevent Environmental Contamination

(Dollars in Thousands)

| | 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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$77,838</i> | <i>\$75,958</i> | <i>\$90,634</i> | <i>\$14,676</i> |
| Hazardous Waste Electronic Manifest System Fund | \$12,482 | \$0 | \$0 | \$0 |
| Total Budget Authority | \$90,320 | \$75,958 | \$90,634 | \$14,676 |
| Total Workyears | 299.1 | 303.8 | 349.3 | 45.5 |

Total workyears in FY 2024 include 11.0 FTE funded by e-Manifest fees.

All actuals from the Hazardous Waste Electronic Manifest System Fund are funded by user fees.

Program Project Description:

The Resource Conservation and Recovery Act (RCRA) established EPA's role as a federal leader in the conservation and recovery of resources. Under RCRA, EPA sets national standards for managing solid and hazardous wastes and provides federal agencies, state, tribal, and local governments, and industries with technical assistance on solid waste management, resource recovery, and resource conservation. Approximately 60,000 facilities generate and safely manage hazardous waste in the United States.²⁷⁰ Eighty percent of the U.S. population live within three miles of one of these facilities, making national standards and procedures for managing hazardous wastes a necessity.²⁷¹

The Waste Management Program safeguards the American people while facilitating commerce by supporting an effective waste management infrastructure. Cradle-to-grave hazardous waste management regulations help ensure safe management practices through the entire process of generation, transportation, recycling, treatment, storage, and final disposal. The Program increases the capacity for proper hazardous waste management in states by providing grant funding and technical support.

The RCRA permitting program serves to protect the millions of people in surrounding communities by facilitating clean closure where applicable and managing permits and other controls to protect human health and the environment for the approximately 6,700 hazardous waste units (*e.g.*, incinerators, landfills, and tanks) located at 1,300 permitted treatment, storage, and disposal facilities.²⁷² Just as businesses innovate and grow, the waste management challenges they

²⁷⁰ Memorandum, February 18, 2014, from Industrial Economics to EPA, Re: Analysis to Support Assessment of Economic Impacts and Benefits under RCRA Programs: Key Scoping Assessment, Initial Findings and Summary of Available Data (Section 1), pages 5-11.

²⁷¹ U.S. EPA, Office of Solid Waste and Emergency Response Estimate. 2014. Data collected includes: 1) site information as of the end of FY 2011 from RCRAInfo; and 2) census data from the 2007-2011 American Community Survey.

²⁷² As compiled by RCRAInfo.

face also evolve; this requires new direction and changes in the federal hazardous waste program through updated regulations, guidance, and other tools.

EPA directly implements the RCRA Program in Iowa and Alaska and provides leadership, work-sharing, and support to the remaining states and territories authorized to implement the permitting program. Additionally, the Toxic Substances Control Act (TSCA) polychlorinated biphenyls (PCB) cleanup and disposal program is implemented under the Waste Management Program to reduce PCB exposure from improper disposal, storage, and spills. The Program reviews and approves PCB cleanup, storage, and disposal activities. This federal authority is not delegated to state programs. PCBs were banned in 1979, but legacy use and contamination still exists, and PCBs can still be released into the environment from poorly maintained hazardous waste sites that contain them.

Maintaining updated permits and controls ensures that facilities: 1) have consistent and protective standards to prevent release; 2) have proper standards for waste management to protect human health and prevent land contamination/degradation; and 3) avoid future cleanups and associated substantial costs. EPA will work with authorized states to ensure that permit decisions, including decisions to issue, renew, or deny permits, reflect the latest technology and standards. EPA also will work with authorized states to ensure that all communities, including those who are marginalized and overburdened, have an equitable opportunity to engage in the permitting process.

States, tribes, territories, communities, and RCRA facilities are beginning to experience impacts from climate change, such as extreme weather and wildfires, and these impacts are expected to increase in the future. EPA is working to implement the EPA Climate Adaptation Action Plan;²⁷³ increase resilience of Corrective Action, PCB, and RCRA permitted facilities to extreme weather events and sea level rise; improve PCB guidance during emergency situations; assist municipalities with natural disaster preparedness and debris management planning; and strengthen the capacity of states, tribes, territories, communities, and businesses to adapt to climate change.

Where communities adversely impacted by environmental conditions are advocating for more transparency or involvement in decision-making or where the trust is strained, providing enhanced, tailored engagement through the Community Engagement and Technical Assistance (CETA) program will allow EPA to build a better bridge between the region, state, facility, and community. The CETA program serves as the vehicle to deliver risk communications, technical assistance, and engagement support to frontline and overburdened communities, ensuring equitable access and the opportunity to participate in environmental decisions that impact their health and wellbeing.

There continues to be increased public and congressional attention to issues around post-consumer materials management, especially plastics, in the environment and EPA's role in addressing them (*e.g.*, marine litter prevention and reduction, environmental justice concerns in countries to which the U.S. exports plastics, and the climate impacts of single-use plastics). Marine litter and plastic pollution is an increasingly prominent global problem that can negatively affect public health, the

²⁷³ <https://www.epa.gov/system/files/documents/2021-09/epa-climate-adaptation-plan-pdf-version.pdf>,
https://www.epa.gov/system/files/documents/2022-10/bh508-OLEM%20CAIP_August%202022_POST_OGCreview_9.12.2022.pdf.

environment, and the economy. Most marine litter and plastic is from land-based sources and makes its way into our waterways and ultimately to the ocean, creating a direct link between waste management practices and ocean pollution.²⁷⁴ The Save Our Seas 2.0 Act,²⁷⁵ enacted in December 2020, was passed with bipartisan congressional support and provides EPA with authority to further act on post-consumer materials management.

The Program also plays a central role in establishing and updating standards for analytical test methods that are used across the country and the world to provide consistent, reliable determinations as to whether waste is hazardous, as well as the presence and extent of hazardous waste in the environment. This work provides the foundation that underlies waste management approaches and ensures that method standards evolve with technology for conducting these analyses.

In addition to overseeing the management of hazardous waste under RCRA Subtitle C, EPA also plays a role in solid waste management under Subtitle D. While much of this area is delegated to the states, EPA is actively working on aspects of coal combustion residuals (CCR) under this area of the law, including the establishment and refinement of appropriate regulations and, as directed by the 2016 Water Infrastructure Improvements for the Nation Act (WIIN Act), the development of a new federal permitting program for CCR surface impoundments and landfills. In implementing regulations for CCR, EPA is taking action to ensure that the concerns of nearby communities are addressed in a protective manner.

While the majority of the work is focused on domestic issues, the Program also is responsible for issues related to international movement of wastes. EPA oversees the notification and consent process for hazardous waste imports and exports. Most of these movements are for recycling and, thus, are critical to resource conservation. In coordination with other agencies and departments, EPA represents the U.S. Government in numerous international forums concerned with waste issues. This representation is vital to protecting U.S. interests and furthering U.S. policy goals.

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 6/Objective 6.2, Reduce Waste and Prevent Environmental Contamination in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2024, EPA requests an additional \$14.7 million and 45.5 FTE for the RCRA Waste Management Recycling Program. The Program will:

- Provide technical assistance, guidance, tools, and support to regions, states, and tribes regarding the development and implementation of solid waste programs (*e.g.*, the RCRA hazardous waste generator, transporter, treatment, storage, and disposal regulations and implementing guidance; the RCRA non-hazardous waste program; the TSCA PCB disposal and cleanup program; and the hazardous waste import/export program).

²⁷⁴ U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Service, “Ten Things you should Know about Marine Debris,” <https://oceanservice.noaa.gov/news/marinedebris/ten-things.html>.

²⁷⁵ For additional information, please refer to: <https://www.congress.gov/116/plaws/publ224/PLAW-116publ224.pdf>.

- Enhance risk communications and deliver technical assistance support directly to communities, particularly fence-line communities, with environmental concerns related to RCRA facilities.
- Provide technical and implementation assistance, oversight, and support to facilities that generate, treat, store, recycle, and dispose of hazardous waste.
- Review and approve PCB cleanup, storage, and disposal activities to reduce exposures, particularly in sensitive areas like schools and other public spaces. Issuing PCB approvals is a federal responsibility, non-delegable to states.
- Manage and monitor the RCRA permitting program and ensure the issuance of permits efficiently to achieve program goals. This includes progress towards meeting the Agency's goal of increasing the percentage of permits kept up to date for the approximately 6,700 hazardous waste units (e.g., incinerators, landfills, and tanks) located at 1,300 permitted treatment, storage, and disposal facilities.
- Implement the EPA Climate Adaptation Action Plan and provide technical assistance and guidance to strengthen the capacity of states, tribes, territories, communities, and facilities to adapt to climate change.
- Continue analysis of existing regulations to ensure protective standards for managing solid and hazardous waste and PCBs. In FY 2024, this includes assessment of standards related to open burning/open detonation of hazardous waste, PCB cleanup and disposal, and other regulatory amendments to reflect current standards, policies, and practices.
- Manage the hazardous waste import/export notice and consent process in order to make shipping hazardous waste across borders more efficient. Managing hazardous waste imports and exports is a federal responsibility, non-delegable to states.
- Provide technical hazardous waste management assistance to tribes to encourage sustainable practices and reduce exposure to toxins from hazardous waste.
- Directly implement the RCRA Program in unauthorized states, on tribal lands, and other unauthorized portions of state RCRA programs. Issue and update permits, including continuing to improve permitting processes.
- Establish and update standards for analytical test methods that are used across the country and the world to provide consistent, reliable determinations as to whether waste is hazardous, as well as the presence and extent of hazardous waste in the environment.
- Take action to ensure protective management of CCR through the implementation of existing regulations, promulgation of additional regulations to address legacy surface impoundments, and the launch of a federal permitting program. The Agency promulgated regulations specifying improved management and disposal practices to ensure people and

ecosystems are protected. The Agency will continue to work with our stakeholders through technical assistance and guidance as we develop and implement regulations.

- Implement applicable provisions of the WIIN Act, which enables states to submit state CCR permit programs for EPA approval. The Agency will continue to work closely with state partners to review and make determinations on state programs. Subject to appropriations, EPA will implement a permit program for CCR disposal facilities in non-participating states and on tribal lands.
- As part of an EPA effort to reduce ocean pollution and plastics, the Program will provide technical expertise and funding to support development and implementation of solid waste management systems and infrastructure to help ensure that non-hazardous waste items are appropriately collected, recycled, reused, or properly disposed of to prevent litter from entering waterways from land.

Performance Measure Targets:

(PM HW5) Number of updated permits issued at hazardous waste facilities.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Target | | 64 | 64 | 105 | 100 | 90 | 100 | 110 | Permits |
| Actual | 125 | 109 | 124 | 104 | 130 | 107 | | | |

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

- (+\$2,772.0) This change to fixed and other costs is an increase due to the recalculation of base payroll costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. It also includes support for critical agencywide infrastructure for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$6,118.0 / +22.0 FTE) This program change will expand the Community Engagement and Technical Assistance program to help protect economically disadvantaged communities from hazardous substance releases from facilities. This investment includes \$4.1 million for payroll.
- (+\$4,599.0 / +22.5 FTE) This program change is to provide sufficient staffing levels to implement the coal combustion residual federal permitting program. This investment includes \$4.2 million for payroll.
- (+\$1,187.0 / +1.0 FTE) This program change will help implement the EPA Climate Adaptation Action Plan, support increased resilience at Transportation, Storage, and Disposal Facilities and PCB Storage facilities, and strengthen the capacity of states, tribes, territories, communities, and businesses to adapt to climate change. This investment includes \$187.0 thousand in payroll.

Statutory Authority:

Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) §§ 3002, 3004, 3005, 3017; Toxic Substances Control Act (TSCA) § 6. Save our Seas 2.0, 2020, Pub. L. 116-224.

RCRA: Waste Minimization & Recycling

Program Area: Resource Conservation and Recovery Act (RCRA)

Goal: Safeguard and Revitalize Communities

Objective(s): Reduce Waste and Prevent Environmental Contamination

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$12,603</i> | <i>\$10,252</i> | <i>\$12,668</i> | <i>\$2,416</i> |
| Total Budget Authority | \$12,603 | \$10,252 | \$12,668 | \$2,416 |
| Total Workyears | 36.7 | 43.4 | 53.4 | 10.0 |

Program Project Description:

The RCRA Waste Minimization and Recycling Program supports the sustainable management of resources, including managing materials that sustainably promote economic growth, reducing environmental impacts, and advancing a circular economy for all.

The U.S. recycling industry provides approximately 680,000 jobs and \$5.5 billion annually in tax revenues and there is opportunity for greater contribution to the economy and environmental protection, as recent data indicate materials worth as much as \$9 billion are thrown away each year.²⁷⁶ Recycling is an important part of a circular economy, which refers to a system of activities that is restorative to the environment, enables resources to maintain their highest values, and designs out waste. A circular economy approach provides direct, measurable reductions in greenhouse gas (GHG) emissions, as natural resource extraction and processing make up approximately 50 percent of total global GHG emissions.²⁷⁷

Further, living near waste and waste-related facilities can place burdens on communities when waste is not properly managed, which can lead to higher levels of chronic health issues. Communities whose residents are predominantly persons of color, Indigenous, or low-income continue to be disproportionately impacted by high pollution levels, resulting in adverse health and environmental impacts. It is critical to implement materials management strategies that are inclusive of communities with environmental justice concerns as well as pursue innovations that offer the benefits of cleaner processing of materials to all. Recycling is not enough to achieve a circular economy, but it is an important part of addressing climate change, creating jobs, and reducing environmental and social impacts.

EPA established a National Recycling Goal to increase the recycling rate from a rate of 32.1 percent in 2018 to 50 percent by 2030,²⁷⁸ and finalized and released the National Recycling

²⁷⁶ For more information, please refer to: <https://www.epa.gov/smm/recycling-economic-information-rei-report>.

²⁷⁷ U.N. Environment International Resource Panel, Global Resources Outlook, 2019, p. 8.
<https://www.resourcepanel.org/reports/global-resources-outlook>.

²⁷⁸ In 2018, in the United States, approximately 292 million tons of municipal solid waste (MSW) were generated. Of the MSW generated, approximately 94 million tons were recycled or composted, equivalent to a 32.1 percent recycling and composting

Strategy on November 15, 2021.²⁷⁹ The National Recycling Strategy is part one of a series of strategies the Agency is developing to build a stronger, more resilient, and cost-effective recycling system and a circular economy for all. Reducing waste helps alleviate burdens on populations that bear the brunt of poorly run waste management facilities and transfer stations. When applied to critical minerals, a circular economy approach facilitates end-of-life recycling and the recovery of critical minerals in order to support a secure supply chain. Future strategies will focus on plastics, critical minerals and electronics, food waste/organics, textiles, and the built environment (e.g., construction and demolition debris).

Congressional and public interest continues to grow regarding plastics in the environment and EPA's role in addressing them (e.g., ocean plastics, environmental justice concerns in countries to whom the U.S. exports plastics, and the climate impacts of single-use plastics). The Save Our Seas 2.0 Act,²⁸⁰ enacted in December 2020, was passed with bipartisan congressional support and provides EPA with authority to further act on domestic recycling and address plastic waste through new grant programs, studies, and increased federal coordination. Additionally, the Infrastructure Investment and Jobs Act (IIJA), as well as STAG appropriations, provide funding for recycling infrastructure grants authorized by section 302(a) of the Save Our Seas 2.0 Act. IIJA also provided funding for education and outreach grants focused on improving material recycling, recovery, and management and established new programs focused on battery recycling. EPA was also charged with developing a model recycling program toolkit, increasing coordination and review of federal procurement guidelines, and providing assistance to the educational community to incorporate recycling best practices into school curriculum.

The RCRA Waste Minimization and Recycling Program also promotes the efficient management of food as a resource. Reducing food loss and waste means more food for communities, fewer GHG emissions and climate impacts, and increased economic growth. EPA works to meet the national goal of reducing food loss and waste by 50 percent by 2030 by providing national estimates of food waste generation and management; convening, educating, and supporting communities seeking to reduce food waste; working collaboratively with the U.S. Department of Agriculture and U.S. Food and Drug Administration to reduce food waste; and providing funding to demonstrate anaerobic digester applications.

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 6/Objective 6.2, Reduce Waste and Prevent Environmental Contamination in the *FY 2022 – 2026 EPA Strategic Plan*.

In FY 2024, EPA requests an additional \$2.4 million and 10.0 FTE for the RCRA Waste Minimization and Recycling Program. This investment will focus on efforts to strengthen the U.S. recycling system by investing in solid waste management infrastructure and consumer education and outreach, address the global issue of plastic waste, engage communities, and prevent and reduce food loss and waste. The Program will conduct the following activities:

rate. https://www.epa.gov/sites/default/files/2021-01/documents/2018_ff_fact_sheet_dec_2020_fnl_508.pdf.

²⁷⁹ For more information, please refer to: <https://www.epa.gov/system/files/documents/2021-11/final-national-recycling-strategy.pdf>.

²⁸⁰ For more information, please refer to: <https://www.congress.gov/116/plaws/publ224/PLAW-116publ224.pdf>.

- Provide national leadership and direction on approaches to reduce environmental impacts and increase the safe and effective reuse/recycling of materials, with a special focus on plastic waste, food waste, and critical minerals and electronics.
- Contribute towards global climate change efforts and demonstrate U.S. leadership internationally through participation in resource efficiency dialogues.
- Implement the National Recycling Strategy through the Solid Waste Infrastructure for Recycling (SWIFR) grant program, the Recycling Education and Outreach (REO) grant program, and other activities. Develop and implement additional strategies in key areas with the greatest potential to reduce the lifecycle impacts of materials, including plastic waste, food waste, critical minerals and electronics (*e.g.*, batteries), textiles, and construction and demolition debris.
- Increased resources will support efforts to gather data and provide high-quality scientific information on materials management, including releasing a report on the investment required to modernize waste management infrastructure to achieve consistent collection across the Nation and to provide all citizens with access to recycling services on par with access to disposal; releasing data on curbside recycling and single-use plastics; finalizing an analysis of different policy approaches for recovering materials; finalizing a study on the social costs associated with nonrecycling or uncontrolled disposal; and continuing to work with the National Academy of Sciences to analyze the cost of recycling programs to state and local governments.
- Continue to administer grants for state, territorial, tribal, and local governments to build and enhance recycling capacity, infrastructure, and consumer education and outreach around the country. The grant programs will continue to support state, territorial, and tribal communities seeking to enhance their capacity to recover and recycle materials by modernizing local waste management systems and improving education and outreach. Provide technical assistance to communities to enhance their capacity to apply for federal funding opportunities. Announce new funding opportunities for the SWIFR and REO grant programs that are primarily funded by IIJA.
- Administer and enhance the model recycling program toolkit developed for use in carrying out the REO grant program funded by IIJA, and provide assistance to the educational community to promote the introduction of recycling principles and best practices into public school curricula.
- Continue coordinating with federal agencies to reduce food waste in their facilities, increase composting, complete food waste prevention pilot projects, and connect stakeholders with food waste reduction technologies such as anaerobic digestion.
- Enhance the Knowledge Management System for grant programs for recycling infrastructure and education and outreach to assist in tracking funded project development through completion and expedite result reporting.

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):

- (+\$522.0) This change to fixed and other costs is an increase due to the recalculation of base payroll costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$1,894.0 / +10.0 FTE) This program change is an increase to assist EPA with implementation of the National Recycling Strategy, oversight of the Infrastructure Investment and Jobs Act grants, and challenges on recycling and the circular economy. This investment includes \$1.8 million for payroll.

Statutory Authority:

Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA); Save our Seas 2.0 Act, 2020, Pub. L. 116-224; Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58

Toxics Risk Review and Prevention

Endocrine Disruptors

Program Area: Toxics Risk Review and Prevention

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Ensure Chemical and Pesticide Safety

(Dollars in Thousands)

| | FY 2022 Final Actuals | FY 2023 Enacted Operating Plan | FY 2024 President's Budget | FY 2024 President's Budget v. FY 2023 Enacted Operating Plan |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | \$6,629 | \$7,614 | \$7,680 | \$66 |
| Total Budget Authority | \$6,629 | \$7,614 | \$7,680 | \$66 |
| Total Workyears | 6.4 | 7.6 | 7.6 | 0.0 |

Program Project Description:

The Endocrine Disruptor Screening Program (EDSP) was established in 1996 under authorities contained in the Food Quality Protection Act (FQPA) and the Safe Drinking Water Act (SDWA) amendments. The EDSP is transitioning to the use of high throughput (HT) screening and computational toxicology (*CompTox*)²⁸¹ tools to screen thousands of chemicals for endocrine activity; establish policies and procedures for screening and testing; and evaluate data to ensure chemical safety by protecting public health and the environment from endocrine disrupting chemicals. Implementing EDSP work into the Agency's risk assessment and risk management functions supports EPA's environmental justice (EJ) priorities, both by targeting substances based on effects to sensitive life stages and deploying rapid methods for assessing disparate chemical exposures to vulnerable communities.

EPA has run thousands of chemicals through HT assays, including the estrogen receptor (ER) and androgen receptor (AR) pathway models and the HT steroidogenesis assay. To further support the evaluation and validation of HT approaches, the EDSP has completed some limited targeted *in vivo* Tier 1 & 2 assays and is conducting systematic reviews of relevant *in vivo* data meeting EPA guidelines.

The Agency continues to engage the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) in the scientific peer review of HT tools including *ToxCast*²⁸² to evaluate their use in chemical screening as alternatives to Tier 1 assays and to integrate into more complex evaluation frameworks. Embedded into the EDSP approach is a focus on sensitive life stages during the tiered testing and assessment processes. As this data is incorporated into conceptual risk assessment models, it can specifically inform decisions on vulnerable subpopulations. Further, as EDSP prioritizes future chemical assessments, HT tools such as *ExpoCast*²⁸³ will assist in the identification of priority chemical targets with vulnerable subpopulations and EJ concerns for further investigation.

²⁸¹ For additional information, please visit: <https://www.epa.gov/endocrine-disruption/use-high-throughput-assays-and-computational-tools-endocrine-disruptor>.

²⁸² For additional information, please visit: <https://www.epa.gov/chemical-research/toxicity-forecasting>.

²⁸³ For additional information, please visit: <https://www.epa.gov/chemical-research/rapid-chemical-exposure-and-dose-research>.

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 7/Objective 7.1, Ensure Chemical and Pesticide Safety in the *FY 2022 – 2026 EPA Strategic Plan*. Under the current tiered framework, imposing the EDSP Tier 1 battery for all 10,000+ substances in the EDSP Universe of Chemicals would cost the regulated community more than \$10 billion in addition to EPA resources for staff to manage the regulatory infrastructure to order and review the tests.²⁸⁴ Given the current national and international laboratory testing capacity, it would take many years to complete, and involve the sacrifice of many millions of animals. To address these issues, in FY 2024, the Agency will:

- Continue collaborations with EPA’s research programs in order to increase scientific confidence in HT approaches which will support a more refined, integrated endocrine activity exposure-based approach to EDSP chemical screening.
- Continue execution of a multi-year plan for implementation of the EDSP for pesticide active ingredients and inerts.,
- In collaboration with EPA’s research programs, continue HT screening on pesticide substances that were not part of the *ToxCast* chemical sets.

In FY 2024 these efforts will address several key milestones including: 1) working towards finalizing EDSP List 1, Tier 1 decisions including potential initiation of Tier 2 assays; and 2) implementing EDSP evaluations of pesticide active ingredients to support pesticide registrations and registration review, in line with Administration priorities on EJ. The EDSP screening and testing framework explicitly includes evaluations on vulnerable subpopulations such as differences among life stages including pregnancy, infancy, and early childhood. Moreover, the EDSP Tier 1 battery is designed to identify potential effects on reproduction, a key indicator for EJ.

In FY 2021, the EDSP was the subject of an EPA Office of Inspector General (OIG) report;²⁸⁵ the milestones above are consistent with that report. In response to this report, in FY 2023, the EDSP will begin conducting annual internal program reviews, develop a strategic plan to support implementation, develop short-term performance metrics, and release a key document related to use of new approach methodologies (NAMs) in the EDSP. In response to the OIG, EPA has already established better communications between offices with testing responsibilities and updated the EDSP webpage to be more informative for stakeholders.²⁸⁶

Another accomplishment is the establishment in FY 2022 of the Endocrine Disruptor Science and Policy Committee (EDSPOC), whose primary function is to serve as OPP’s central forum to review hazard and exposure evaluations to the extent relevant for making recommendations on FFDC section 408(p)(4) exemptions. In January 2023, the EDSP published a white paper for public comment titled “Availability of New Approach Methodologies (NAMs) in the Endocrine Disruptor Screening Program (EDSP)” which will designate certain NAMs as validated. The data

²⁸⁴ <https://www.sciencedirect.com/science/article/pii/S0273230011000055?via%3Dihub>, <https://www.epa.gov/endocrine-disruption/universe-chemicals-potential-endocrine-disruptor-screening-and-testing> & <https://www.federalregister.gov/documents/2023/01/19/2023-00940/availability-of-new-approach-methodologies-in-the-endocrine-disruptor-screening-program-notice-of>

²⁸⁵ For additional information on OIG’s report “EPA’s Endocrine Disruptor Screening Program Has Made Limited Progress in Assessing Pesticides,” please visit: <https://www.epa.gov/office-inspector-general/report-epas-endocrine-disruptor-screening-program-has-made-limited>.

²⁸⁶ For additional information, please visit: <https://www.epa.gov/endocrine-disruption>.

from these validated NAMs will provide partial Tier 1 screening data for about 500 pesticide chemicals. In FY 2024, in addition to the milestones above, the EDSP will continue to make progress on potential issuance of test orders on outstanding chemicals and determinations of the endocrine-relevant data to make mandatory as part of the pesticide registration process.

As outlined in the OIG report, during FY 2024, EPA plans to begin and continue incorporating EDSP into the regulatory programs for which it was intended. Planning for this is ongoing, including development of a new strategic planning document focused on implementation, development of performance measures, and annual reviews. Further, no program has systematically incorporated HT and *CompTox* tools and results into their regulatory decision-making. A refined, multi-year estimate beyond the baseline testing and review costs cannot be established until the program has gained more experience with actual decisions.

The EDSP will continue to collaborate with relevant bodies and international partners, such as the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) and the Organization for Economic Co-operation and Development (OECD) to maximize the efficiency of EPA's resources and promote adoption of internationally harmonized test methods, particularly high throughput, or computational approaches, for evaluating the potential endocrine effects of chemicals. EPA represents the U.S. as either the lead or a participant in OECD projects involving the improvement of assay systems, including the development of non-animal screening and testing methods.

Performance Measure Targets:

EPA's FY 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):

- (+\$145.0) 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.
- (-\$79.0) This is a programmatic decrease for endocrine disruption screening contractual support.

Statutory Authority:

Federal Food Drug and Cosmetic Act (FFDCA), § 408(p); Safe Drinking Water Act (SDWA), § 1457.

Pollution Prevention Program

Program Area: Multi-Media

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Promote Pollution Prevention

(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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$11,988</i> | <i>\$12,987</i> | <i>\$29,009</i> | <i>\$16,022</i> |
| Total Budget Authority | \$11,988 | \$12,987 | \$29,009 | \$16,022 |
| Total Workyears | 45.6 | 51.2 | 69.2 | 18.0 |

Program Project Description:

The Pollution Prevention (P2) Program is one of EPA’s primary tools for advancing environmental stewardship and sustainability for federal, state, and tribal governments as well as businesses, communities, and individuals. The program also is the primary implementation mechanism for the Pollution Prevention Act (PPA) of 1990. The P2 Program seeks to alleviate environmental problems by helping businesses and others with developing and implementing source reduction practices before pollution is created. As a result of these approaches, the P2 Program protects the environment by conserving and protecting natural resources while strengthening economic growth through cost reductions and increased market opportunities. Pollution prevention approaches include, but are not limited to, reducing hazardous releases to air, water, and land; the use of hazardous materials; the generation of greenhouse gases; and the use of water. The program’s efforts advance EPA’s priorities to pursue sustainability; to act on climate change; make a visible difference in communities, including advancing environmental justice (EJ) in disadvantaged communities; and ensure chemical safety. The program includes a counterpart P2 Categorical Grants Program in the State and Tribal Assistance Grants (STAG) account.²⁸⁷

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 7/Objective 7.2, Promote Pollution Prevention of the *FY 2022 – 2026 EPA Strategic Plan*. FY 2024 funding will continue to support the following P2 programs:

P2 Technical Assistance

The P2 technical assistance program supports businesses, states, tribes, and other partners to promote and facilitate the adoption of source reduction approaches that make good business sense and to improve multimedia environmental conditions and climate impacts through reductions in the release of hazardous materials and pollutants such as greenhouse gases. EPA invests in analyses, tool development, training, outreach, and partnerships to provide the information and tools needed to bring awareness to industries of P2 approaches and benefits and to enable their

²⁸⁷ For additional information about the EPA P2 Program, please visit: <http://www.epa.gov/p2/>.

widespread implementation to prevent or reduce pollution. The P2 program leverages the success of EPA grantees and client businesses by amplifying and replicating environmental stewardship and sustainability successes for similar businesses in other locales.²⁸⁸ Such economies of scale for P2 are central to maximizing the effectiveness of the program.

To further advance EJ in FY 2024, EPA will use analyses of toxic chemical releases from the Toxics Release Inventory (TRI) and other chemical release data to identify facilities and industries near communities with EJ concerns. These analyses will be combined with sector-specific case studies, best practices, and outreach and training efforts to facilitate adoption of P2 practices in such communities. In FY 2024, EPA also will initiate efforts to work with stakeholders to identify technically and economically feasible opportunities for small businesses to adopt safer alternatives for uses of TSCA High Priority Substances undergoing risk evaluation.

In FY 2024, an additional \$9.7 million and 9.0 FTE will support small businesses with transitioning to TSCA compliant practices and mitigating any associated economic impacts. This new grant program would provide technical assistance to small businesses for identifying and adopting alternatives to current practices and minimizing economic impacts associated with such transitions, which may include direct financial assistance. EPA's P2 grant program has supported work by P2 grantees, over several years, to work with businesses and industry to identify technically and economically feasible alternatives to toxic chemicals, including some that are the focus of current TSCA risk evaluation and management (e.g., halogenated solvents used in a variety of industries such as degreasing in metal fabrication). The additional resources requested will facilitate the development of additional grant Request for Applications (RFAs) and grant performance measures publication of RFAs, evaluation of applications, awarding of grants, finalization of workplans, and initiation of grant work. Resources will also provide ongoing support to grantees including coordination, networking and information sharing, and documentation and dissemination of best practices.

P2 reporting under the TRI program collects information on facility-level P2 practices associated with reductions in use and release of toxic chemicals. In FY 2024, EPA will evaluate and integrate P2 case studies and best practices relevant to TSCA risk management efforts by small businesses, clarify technical and economic factors associated with such transitions, and develop and deploy pilot programs to leverage training and ongoing support for small businesses expected to make P2 transitions in response to TSCA risk management.

Safer Choice Program

EPA certifies and allows use of the Safer Choice label²⁸⁹ on products containing ingredients that meet stringent health and environmental criteria and undergo annual audits to confirm the products are manufactured to the Safer Choice Standard's rigorous health and environmental requirements. Safer Choice is a voluntary program that certifies safer products so consumers, businesses, and purchasers can find products that work well and contain ingredients safer for human health and the environment, including helping reduce exposure to carcinogens in products.

²⁸⁸ For additional information, please see the Pollution Prevention Program narrative under the STAG account/appropriation.

²⁸⁹ For additional information about the Safer Choice Program, please visit: <https://www.epa.gov/saferchoice>.

With hundreds of partner companies and approximately 1,800 certified products in the marketplace, companies have invested heavily in this EPA partnership. Consumer, retailer, and industry interest in Safer Choice and safer chemical products continues to grow across chemical product value chains. Under the same stringent criteria, EPA certifies disinfectant products registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) using the Design for the Environment logo. The Safer Choice Program will expand into additional product categories and seek to increase consumer and commercial recognition of Safer Choice products. In FY 2024, EPA will continue its Partner of the Year Awards Program,²⁹⁰ which recognizes organizations and companies for their leadership in formulating products made with safer ingredients and making them available to communities.

In FY 2024, Safer Choice will integrate and address EJ concerns through outreach and partnership activities. Efforts to make Safer Choice-certified products more accessible to communities with EJ concerns will expand with particular focus on low-income, tribal, and indigenous populations and other vulnerable populations such as the elderly, children, and those with pre-existing medical conditions. Safer Choice will work with retailers and product manufacturers to help them develop even more products containing safer chemical ingredients that are easy to identify and purchase. Safer Choice will work to empower custodial staff and house cleaning companies and enable facilities through education to gain access to Safer Choice-certified products to improve indoor air quality and reduce exposure-related asthma.²⁹¹

To enhance transparency and to facilitate expansion and use of safer chemicals and products, EPA has included on the program's website a list of non-confidential chemicals that meet the Safer Choice Program criteria and that are allowed in the program's labeled products. In Q1 of FY 2023, the Safer Chemical Ingredients List contained 1,055 safer chemicals, up from 1,033 in Q1 of FY 2022, and EPA will continue to update this list in future years as the program evaluates additional chemical ingredients and chemical categories and approves products for the use of the Safer Choice label.

Environmentally Preferable Purchasing Program (EPP)

The Environmentally Preferable Purchasing (EPP) Program²⁹² implements direction provided to EPA in the Pollution Prevention Act, the National Technology Transfer and Advancement Act,²⁹³ Federal Acquisition Regulations, and Executive Orders that mandate sustainable federal procurement, including through development and use of sustainability standards, specifications, and ecolabels. In FY 2015 the EPP Program issued the EPA Recommendations of Specifications, Standards, and Ecolabels for Federal Purchasing. Through FY 2022 these recommendations have been maintained and updated to include 48 private sector standards and ecolabels covering 30 product and service categories. These recommendations help federal procurement officials determine which private sector standards and ecolabels, among sometimes dozens within a single

²⁹⁰ For additional information on the Partner of the Year Awards program, please visit: <https://www.epa.gov/saferchoice/safer-choice-partner-year-awards>.

²⁹¹ For additional information, please see:

https://journals.lww.com/joem/Fulltext/2003/05000/Cleaning_Products_and_Work_Related_Asthma.17.aspx.

²⁹² For additional information on the EPP Program, please visit: <http://www.epa.gov/greenerproducts/buying-green-federal-purchasers>.

²⁹³ For additional information on the National Technology Transfer and Advancement Act, please visit: <https://www.nist.gov/standardsgov/national-technology-transfer-and-advancement-act-1995>.

purchase category, are appropriate and effective in meeting federal procurement goals and mandates. Beginning in FY 2023, the EPP Program is expanding the Recommendations in new categories to support the Biden-Harris Administration's environmental and human health goals and mandates including net-zero emissions procurement, low embodied carbon construction materials, and products that do not contain PFAS. The program has received applications for over 70 standards/ecolabels from 29 organizations to be considered for assessment and recommendation in federal purchasing. These cover the following high-impact federal procurement sectors: food and cafeteria services; uniforms/clothing; professional services; laboratories and healthcare; building/construction; infrastructure; and landscaping.

The EPP Program's work has generated significant cost savings and environmental benefits to the federal government. For example, for electronics products, the federal government purchased nearly 27.6 million Electronic Product Environmental Assessment Tool (EPEAT)-registered products in 2020, resulting in a cost savings to the federal government of around \$830 million. EPEAT is one of over 40 referenced and relevant private sector standards and ecolabels that help federal purchasers identify and procure environmentally preferable products and services.²⁹⁴ EPA also coordinates federal procurement programs that integrate environmental performance into procurement, including building tools for integrating sustainable procurement into government contracts, and putting tools into the hands of federal procurement officials, collaborating with federal agencies such as the General Services Administration, National Institute of Standards and Technology, the Departments of Defense and Energy, and more.

EPA is characterizing per- and polyfluoroalkyl substances (PFAS) provisions of existing private sector sustainability standards, ecolabels, and certifications to identify products and purchase categories associated with key PFAS use and to prioritize PFAS conditions of use. In FY 2024, EPA will enhance public protection from potential effects of PFAS through recommendations of additional standards/ecolabels to help purchasers identify products that meet specific environmental performance criteria. EPA will conduct the following activities:

- Assess and recommend additional ecolabels and standards with criteria specifically supporting reduction or elimination of PFAS use in key product categories not yet covered by the EPA Recommendations for Standards, Specifications, and Ecolabels for Federal Purchasing.²⁹⁵
- Build, implement, maintain, and update tools for integrating EPA recommendations into federal e-procurement systems, initiate identification and monitoring of relevant government contracts for sustainable purchasing requirements, and develop tools to ensure that PFAS data is captured for compliance in the Federal Procurement Data System (FPDS).
- Initiate and engage in private sector standards development activities that address product categories known to contain PFAS.
- Work with GSA and others to create a central product registry to identify products that meet EPA's assessment of PFAS specifications.
- Collaborate with the Department of Defense (DoD) on performance-based, rather than material-based, specifications and standards for equipment (*e.g.*, textiles, coatings, firefighting foam) for DoD and Department of Homeland Security uses.

²⁹⁴ For additional information on Recommendations for Specifications, Standards and Ecolabels for Federal Purchasing, please visit: <https://www.epa.gov/greenerproducts/recommendations-specifications-standards-and-ecolabels-federal-purchasing>.

²⁹⁵ For additional information, please visit: <https://www.epa.gov/greenerproducts/how-epas-recommended-standards-and-ecolabels-address-and-polyfluoroalkyl-substances>.

- Work with other federal agencies and the private sector to initiate a performance-based technology innovation challenge for a set of PFAS-free product categories for which use of non-PFAS options could be technically and economically feasible with respect to key federal purchasing categories.

To further support EPA's goals for equity and EJ, the EPP Program will begin to develop and implement training and outreach for disadvantaged communities, as well as state, tribal, and local governments, to assist in facilitating product and service procurement choices that are environmentally sound and promote human and environmental health.

Green Chemistry

The Green Chemistry Program²⁹⁶ fosters the sustainable design of chemical products and processes. The program also analyzes green chemistry innovations and works with partners and external stakeholders to facilitate market adoption and penetration of new commercially successful chemistries and technologies. The program's Green Chemistry Challenge Awards serve a critical role in raising the profile, importance, and credibility of innovative and market-ready green and sustainable chemistry technologies. During the program's more than 25 years of progress, EPA has received more than 1,800 nominations and presented awards to 133 technologies, demonstrating the interest among stakeholders to be recognized at the national level for developing market-ready and/or market-mature green chemistry solutions. The contribution of greener chemistries to addressing climate change is clear. Winning technologies are estimated to eliminate 7.8 billion pounds of carbon dioxide equivalents released to air—the equivalent of taking 770,000 cars off the road each year.²⁹⁷ In FY 2024 EPA will begin to utilize training materials developed in FY 2022 to help state, tribal, local, and industry stakeholders acquire information and understanding of the benefits from these innovations.²⁹⁸

In FY 2024 the Green Chemistry Program will begin to work with awardees and nominees to pursue the goal of market-oriented environmental and economic progress through increased adoption of these innovations. EPA will support and lead portions of EPA's responsibilities for implementation of the Sustainable Chemistry Research and Development Act of 2020.

Climate Adaptation

An additional \$1.1 million and 1.0 FTE will fund the implementation of activities to fulfill the P2-related Long-Term Performance Goals of EPA's Strategic Plan (Objective 1.2), meet commitments in the EPA Climate Adaptation Action Plan, support increased resilience of EPA's programs, strengthen the adaptive capacity of states, tribes, territories, communities, and businesses, and increase the resilience of the nation, with a particular focus on advancing environmental justice. Resources will be used to oversee the integration of climate adaptation planning into these programs, policies, rules, and operations (including ensuring EPA facilities and supply chains are resilient to climate impacts).

²⁹⁶ For additional information on the Green Chemistry Program, please visit: <https://www.epa.gov/greenchemistry>.

²⁹⁷ For additional information, please visit: <https://www.epa.gov/greenchemistry/information-about-green-chemistry-challenge>.

²⁹⁸ P2 Training materials are available to the public on various EPA websites including but not limited to: 1) <https://www.epa.gov/p2/grant-programs-pollution-prevention> (Grant Programs for P2); 2) <https://www.epa.gov/p2/p2-grant-program-resources-applicants> (Resources for grant applicants [FAQs, application checklist, P2-EJ Facility Mapping Tool and a recorded webinar]); 3) <https://www.epa.gov/p2/pollution-prevention-tools-and-calculators> (P2 Tools and calculators); and 4) <https://www.epa.gov/p2/p2-resources-business> (P2 resources for business).

Performance Measure Targets:

(PM P2mtc) Reduction in million metric tons of carbon dioxide equivalent (MMTCO_{2e}) released per year attributed to EPA pollution prevention grants.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|-----------------------|--------------------|---------|---------|---------------------|
| Target | | | | | No Target Established | 1.2 | 1.2 | 1.2 | MMTCO _{2e} |
| Actual | 1.7 | 1.6 | 1.5 | 1.4 | 1.1 | Data Avail 10/2023 | | | |

(PM P2sc) Number of products certified by EPA’s Safer Choice program.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|----------|
| Target | | | | | | 1,950 | 2,000 | 2,100 | Products |
| Actual | 1,948 | 1,958 | 1,989 | 1,929 | 1,892 | 1,835 | | | |

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

- (+\$672.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. It also includes support for critical agencywide infrastructure for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$7,857.0 / 9 FTE) This program change is an increase for a new grant program supporting small businesses with transitioning to TSCA compliant practices and with mitigation of economic impacts. This includes \$1.649 million in associated payroll and essential workforce support costs.
- (+\$6,201.0/ 8.0 FTE) This program change is an increase supporting analyses, tool development, training, outreach, and partnerships to provide the information and tools needed to bring awareness to industries of P2 approaches and benefits and to enable their widespread implementation to prevent or reduce pollution. This includes \$1.466 million in associated payroll and essential workforce support costs.
- (+\$1,292.0 / 1.0 FTE) This program change is an increase to implement the EPA Climate Adaptation Action Plan, support increased resilience of EPA’s programs, and strengthen the capacity of states, tribes, territories, communities, and businesses to adapt to climate change. This includes \$192 thousand in associated payroll.

Statutory Authority:

Pollution Prevention Act of 1990 (PPA); Toxic Substances Control Act (TSCA).

Science Policy and Biotechnology

Program Area: Legal / Science / Regulatory / Economic Review
Goal: Ensure Safety of Chemicals for People and the Environment
Objective(s): Ensure Chemical and Pesticide Safety

(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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$1,185</i> | <i>\$1,811</i> | <i>\$1,627</i> | <i>-\$184</i> |
| Total Budget Authority | \$1,185 | \$1,811 | \$1,627 | -\$184 |
| Total Workyears | 3.7 | 4.6 | 4.6 | 0.0 |

Program Project Description:

The Science Policy and Biotechnology Program provides scientific and policy expertise supporting independent, external scientific peer review of matters related to pesticides and toxic substances, including biotechnology. The Program primarily supports two federal advisory committees: the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (FIFRA SAP), and the Science Advisory Committee on Chemicals (SACC) established under the 2016 amendments to the Toxic Substances Control Act (TSCA). The FIFRA SAP and the SACC are both statutorily mandated, chartered Federal Advisory Committees drawing from a balanced range of non-EPA scientists and technical specialists from, for example, academia, other federal government agencies, states, non-governmental organizations, and industry. These Committees provide the EPA's Administrator independent advice and objective scientific peer review on the technical aspects of pesticide and toxic substance issues as well as the science used to establish guidelines and regulations, as requested. The scientific peer review conducted under this program promotes coordination among EPA programs including but not limited to pesticides, toxic substances, air, water, and research and development, facilitating coherent and consistent scientific policy from a broad Agency perspective.

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 7/Objective 7.1, Ensure Chemical and Pesticide Safety in the *FY 2022 – 2026 EPA Strategic Plan*. In FY 2024, the Science Policy and Biotechnology Program will continue to support the peer review of the scientific and technical issues associated with pesticide and chemical safety. In addition, other science policy issues will be supported by the Program when decisions require expert scientific advice from an independent scientific peer review panel (*e.g.*, biotechnology and new approach methodologies).

FIFRA Scientific Advisory Panel

The FIFRA SAP, operating under the rules and regulations of the Federal Advisory Committee Act, will continue to serve as the primary external independent scientific peer review mechanism for EPA's pesticide programs. As the Nation's primary pesticide regulatory agency, EPA makes decisions that require EPA to review scientific data on pesticide risks to wildlife, farmworkers,

pesticide applicators, sensitive and vulnerable populations, ecosystems, and the general public. The scientific data involved in these decisions are complex. A critical component of EPA's use of the best available science to address such issues is seeking technical advice and scientific peer review from the FIFRA SAP.

The FIFRA SAP conducts reviews each year on a variety of scientific topics. Specific topics to be placed on the FIFRA SAP agenda are usually confirmed in advance of each session and include difficult, new, or controversial scientific issues identified in the course of EPA's pesticide program activities. In early FY 2023, EPA appointed two new members and reappointed one existing member of the FIFRA SAP. One FIFRA SAP meeting is planned for late FY 2023. Consistent with the FIFRA SAP Charter, EPA anticipates convening approximately five FIFRA SAP meetings in FY 2024. These meetings will focus on the impact of pesticides on human health and the environment and include the peer review of scientific data, methodologies, models, and assessments, as needed.

Science Advisory Committee on Chemicals

The SACC, operating under the rules and regulations of the Federal Advisory Committee Act, will continue to serve as the primary external independent scientific peer review mechanism for EPA's chemical safety programs. EPA makes decisions that require the Agency to review scientific data on risks that chemicals pose to a variety of populations including women, children, and other potentially exposed or susceptible subpopulations. The scientific data, assessments, methodologies, and measures involved in these decisions are complex. Many of EPA's tools and models for examining exposures to industrial chemicals rely on inputs that are sensitive to climate data. The SACC provides independent, expert scientific advice and recommendations to EPA on the scientific basis for risk assessments, methodologies, and pollution prevention measures and approaches for chemicals regulated under the Toxic Substances Control Act (TSCA) and is a critical component of EPA's use of the best available science to protect human health and the environment.

The SACC conducts reviews each year on a variety of scientific topics. Similarly, to the FIFRA SAP, specific topics to be placed on the SACC agenda include difficult, new, or controversial scientific issues identified in the course of EPA's chemicals program activities. Two SACC meetings are planned for mid- and late FY 2023. In addition, EPA anticipates appointing eight new SACC members in late FY 2023. Consistent with the SACC Charter, EPA anticipates convening approximately four to six SACC meetings in FY 2024. These meetings will focus on the impact of industrial chemicals on human health and the environment and include the peer review of scientific data, methodologies, models, and assessments, as needed.

Planned Committee Meetings

Based on the estimates reflected in the 2022-2024 committee charters,²⁹⁹ EPA anticipates convening up to a total of nine to 11 meetings in FY 2024. These meetings will focus on the impact of pesticides and chemicals on human health and the environment and include the peer review of scientific data, methodologies, models, and assessments, as needed.

²⁹⁹ For additional information, please visit: <https://www.epa.gov/sap/fifra-scientific-advisory-panel-charter> and <https://www.epa.gov/tsca-peer-review/science-advisory-committee-chemicals-charter>.

Performance Measure Targets:

EPA's FY 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):

- (-\$3.0) 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.
- (-\$181.0) This program change is a decrease that will reduce support of science advisory committee oversight.

Statutory Authority:

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

Toxic Substances: Chemical Risk Review and Reduction

Program Area: Toxics Risk Review and Prevention

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Ensure Chemical and Pesticide Safety

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$85,218</i> | <i>\$82,822</i> | <i>\$130,711</i> | <i>\$47,889</i> |
| Total Budget Authority | \$85,218 | \$82,822 | \$130,711 | \$47,889 |
| Total Workyears | 291.0 | 360.8 | 534.8 | 174.0 |

Total program work in FY 2024 includes 83.0 FTE funded by TSCA fees. TSCA Service Fees are not included in the budget formulation, but EPA is projected to collect \$35.9 million in FY 2024 with the possibility of an additional \$1.49 million down payment collected for one TSCA Section 6 Manufacturer-Requested Risk Evaluation, should the request be received and granted. Projected fee collections are subject to changes in the TSCA User Fee Rule, which is required by statute to be updated every three years.

Program Project Description:

EPA has significant responsibilities under the Toxic Substances Control Act (TSCA) for ensuring the safety of chemicals in or entering into commerce and addressing unreasonable risks to human health and the environment. These responsibilities are executed by EPA through the Chemical Risk Review and Reduction (CRRR) Program, which works to ensure the safety of:

- Existing chemicals,³⁰⁰ by collecting chemical data, prioritizing chemicals for risk evaluation, conducting risk evaluations, and developing and issuing risk management rules to prevent any unreasonable risk posed by their manufacture, processing, use, distribution in commerce, and/or disposal.;
- New chemicals, by reviewing new chemical submissions from manufacturers and processors and taking action to mitigate potential unreasonable risks to health or the environment before those chemicals can enter the marketplace; and
- Other chemicals that may pose unreasonable risks to human health and the environment.

The CRRR Program plays an important role in achieving the Administration's goals to enhance environmental justice (EJ) and to tackle the climate crisis. Examples include engaging disadvantaged and vulnerable communities, including tribes, in identifying exposure pathways; issuing proposed risk management regulations to ensure needed low-global warming potential chemicals are available to manufacture refrigerants as the American Innovation and Manufacturing (AIM) Act is implemented; incorporating into TSCA chemical risk evaluations the assessment of risks to communities potentially facing disproportionate impacts from chemical exposure because they are located near industrial activity; adhering to EPA's Guidance on Considering

³⁰⁰ "Existing Chemicals" are those already in use when TSCA was first enacted in 1976 and those which have since gone through review by the TSCA New Chemicals Program. These include certain prevalent, high-risk chemicals known generally as "legacy chemicals" (e.g., PCBs, mercury), which were previously covered in a separate Chemical Risk Management (CRM) budget justification. The CRM program area was combined with Chemical Risk Review and Reduction effective FY 2015.

Environmental Justice During the Development of Regulatory Actions and TSCA’s statutory requirement to consider risks to potentially exposed and susceptible subpopulations,³⁰¹ ensuring that TSCA chemical safety data analytical tools are made publicly available in ways that are accessible to vulnerable communities; and informing decision making that advances the introduction of more environmentally sustainable chemicals into commerce.

All elements of EPA’s implementation of TSCA, including new chemicals, existing chemicals, and the information technology supporting those programs, also contribute to the Biden-Harris Administration’s Cancer Moonshot. While not all chemicals cause cancer, when information indicates that cancer risk may be a concern, EPA’s TSCA program evaluates and estimates the risk of an individual getting cancer during their lifetime from exposure to the chemical. Where the Agency finds that the risk is unreasonable, EPA establishes requirements and regulations to eliminate the unreasonable risk.

- TSCA authorizes EPA to collect fees from chemical manufacturers and processors to defray up to 25 percent of the costs for administering certain sections³⁰² of TSCA.³⁰³ Fee levels are set by regulation and may be adjusted on a three-year basis for inflation and to ensure that fees defray approximately 25 percent of relevant costs. The first TSCA Fees rule became effective on October 1, 2018.³⁰⁴ CRRR Program fees collected or projected to be collected in FY 2019–FY 2021 under this rule equated to approximately 14 percent of associated expenditures for those three fiscal years. EPA proposed revisions to the rule in January 2021, and in light of public comments supplemented the proposal in November 2022.³⁰⁵

EPA recently proposed revisions to the TSCA fees and expects to finalize the fees rule in 2023. The rulemaking is intended to establish TSCA fees that would defray up to 25 percent of relevant costs, as statutorily allowed,³⁰⁶ and consistent with direction by Congress that the Agency should properly consider full costs in its rulemaking as intended by the Lautenberg Act.³⁰⁷

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 7/Objective 7.1, Ensure Chemical and Pesticide Safety, in the *FY 2022 – 2026 EPA Strategic Plan*.

³⁰¹ For more information, please visit: <https://www.epa.gov/environmentaljustice/guidance-considering-environmental-justice-during-development-action>.

³⁰² The costs of implementing TSCA Sections 4-6 are defrayable up to the statutory caps, as are the costs of collecting, processing, reviewing, and providing access to and protecting from disclosure, as appropriate, chemical information under Section 14.

³⁰³ The authority to assess fees is conditioned on appropriations for the CRRR Program, excluding fees, being held at least equal to the amount appropriated for FY 2014.

³⁰⁴ The statute authorizes EPA to collect fees from chemical manufacturers (including importers) and, in limited instances, processors who: are required to submit information (Section 4); submit notification of or information related to intent to manufacture a new chemical or significant new use of a chemical (Section 5); manufacture (including import) a chemical substance that is subject to an EPA-initiated risk evaluation (Section 6); or request that EPA conduct a risk evaluation on an existing chemical (Section 6), subject to the Agency’s approval of the request.

³⁰⁵ For more information on 87 FR 68647, please see <https://www.epa.gov/tsca-fees/proposed-revisions-tsca-fees-rule>.

³⁰⁶ This rule may not go into effect until FY 2024. <https://www.federalregister.gov/documents/2022/11/16/2022-24137/fees-for-the-administration-of-the-toxic-substances-control-act-tsca>

³⁰⁷ Joint Explanatory Statement from the House and Division G – Department of Interior, Environment, and Related Agencies Appropriations Act, 2022.

In FY 2024, EPA will emphasize the integrity of scientific products, adherence to statutory intent and requirements, and timelines applicable to pre-market review of new chemicals, chemical risk evaluation and management, data development and information collection, the review of Confidential Business Information (CBI) claims, and other statutory requirements. The resources requested are essential for EPA to address its workload, including:

- Maintaining at least 20 EPA-initiated existing chemical risk evaluations in development at all times and completing EPA-initiated existing chemical risk evaluations within the statutory timeframe.
- Having up to five existing chemical risk evaluations requested by manufacturers in development.
- Issuing protective regulations in accordance with statutory timelines addressing all unreasonable risks identified in each risk evaluation.
- Establishing a pipeline of chemicals to be prioritized for future risk evaluation.
- Using test orders and a new strategy for tiered data collection, requiring development of data critical to existing chemical risk evaluation and risk management activities, and systematically collecting, reviewing, and synthesizing data for risk assessments in a transparent manner as mandated by the 2016 TSCA Amendments.
- Conducting risk assessments for approximately 550 new chemical notices and exemption submissions and managing the identified risks associated with the chemicals.
- Continuing to implement a collaborative research program focused on developing new scientific approaches for performing risk assessments on new chemical substances.
- Reviewing and making determinations on CBI claims contained in TSCA submissions; making certain non-CBI information available to stakeholders; and publishing identifiers for each chemical substance for which a confidentiality claim for specific chemical identity is approved.
- Carrying out other required TSCA CRRR activities as described below.

Primary TSCA Implementation Activities

Section 4: Testing of Chemical Substances and Mixtures. In January 2021, the Agency issued Test Orders for nine additional chemicals currently undergoing TSCA risk evaluation and issued additional Test Orders for eight of these chemicals in March 2022. In addition, EPA will continue to implement and refine the National Per- and polyfluoroalkyl substances (PFAS) (PFAS) Testing Strategy in FY 2024. EPA issued the first Test Order for a PFAS in June 2022 and the second in January 2023. EPA will continue to refine and implement the National PFAS Testing Strategy and issue additional Test Orders for PFAS chemicals in FY 2024. In parallel with the Test Order approach, EPA has requested voluntary submission of PFAS test data. In FY 2024 EPA intends to refine the initial structural categories developed by EPA's Office of Research and Development (ORD) to incorporate additional substances as appropriate and consider physical-chemical properties. In FY 2024, the resources requested will support Agency review of test protocols review of test data submitted voluntarily or in response to Test Orders, Test Rules, and Enforceable Consent Agreements (ECAs); initial implementation of additional phases of the National PFAS Testing Strategy; and issuance of additional Test Orders.

Section 5: New Chemicals. The New Chemicals Program is important in ensuring the safety of new chemicals before they enter commerce. The 2016 TSCA amendments significantly changed

the way EPA implemented the New Chemicals Program. Under the prior law, EPA only issued formal written unreasonable risk determinations for about 20 percent of new chemical submissions, whereas under the amended law, EPA is required to issue determinations for 100 percent of new chemical submissions (a five-fold increase). In FY 2024, the Agency expects to conduct risk assessments for approximately 550 new chemical notices and exemption submissions;³⁰⁸ make affirmative determinations on whether unreasonable risks are posed under those chemicals' conditions of use; manage identified risks associated with the chemicals through the issuance of Orders and Significant New Use Rules (SNURs); require development of additional data where information is insufficient to conduct a reasoned evaluation and then evaluate such data received.³⁰⁹ The Agency also will conduct a similar effort on notices received in previous years that are not yet complete. In FY 2024, EPA will continue to implement innovative approaches to add consistency and efficiency to new chemical submission reviews for categories such as biofuels and mixed metal oxides and to develop new streamlined approaches. Additionally, the Agency will continue to support outreach to submitters on how to provide the most complete submissions to enable timely reviews. EPA also intends to continue its commitment to transparency by making information generated in the review of notices available to the public via the *ChemView* database³¹⁰ and on EPA websites -- to include TSCA Sections 5 and 8(e) data, CDR 2020 data, TSCA section 5 communications from submitters received via CDX, Notice of Commencement (NOC) data and TSCA section 4 data.

In FY 2024, EPA expects to finalize SNURs associated with approximately 150 consent orders previously issued for PFAS. Issuance of the SNURs will ensure that companies that are planning a significant new use beyond those allowed for the PFAS must notify EPA, and EPA will then have the chance to conduct a risk assessment of the new use and impose any needed restrictions before it is allowed into commerce. Additionally, EPA is implementing a performance metric to measure compliance with past TSCA regulatory actions, including consent orders and SNURs issued for PFAS. The new chemicals program also expects to continue implementing the policy of generally denying Low Volume Exemptions (LVEs) submitted for PFAS and requiring testing in Consent Orders for PFAS, as needed.

The New Chemicals Program will also continue implementation of its PFAS LVE Stewardship Program to encourage industry to voluntarily withdraw LVEs for PFAS already granted under the exemption. Furthermore, EPA expects to issue a final rulemaking amending TSCA section 5 procedural regulations to better align with the 2016 Lautenberg Amendments. EPA also will continue to make strides in its efforts to revise hundreds of critical high-priority standard operating procedures (SOPs) and science policies to increase consistency and ensure protection of human health and the environment when conducting new chemical reviews.

The New Chemicals Program has developed and implemented new strategies that will standardize new chemical review and risk management approaches to support the Administration's climate

³⁰⁸ New chemical submissions may include Pre-Manufacture Notices (PMNs), significant new use notifications (SNUNs), microbial commercial activity notices (MCANs), low volume exemptions (LVEs), low releases and low exposures exemptions (LoREX), test marketing exemption (TME), TSCA experimental release application (TERA), and Tier 1 and 2 exemptions.

³⁰⁹ For PMNs, MCANs, and SNUNs, as required by law, the Agency must generally complete the review, determination, and associated risk management activities within 90 days of receiving the submission, subject to extensions or suspension under certain circumstances.

³¹⁰ To access *ChemView*, please visit: <https://chemview.epa.gov/chemview>.

adaptation goals. Under the Office of Chemical Safety and Pollution Protection's Climate Adaptation Plan, goals and priorities have been established to take actions that directly support climate adaptation related to new chemistries and innovative technologies or other related processes. For biofuels, the program has developed a robust, consistent, and efficient process to assess the risk and apply mitigation measures for substitutes to petroleum-based fuels and fuel additives, with focus to support qualifying advanced biofuels that could contribute to the annual volume mandates under the EPA's Renewable Fuel Standard (RFS) program and help support the goals of energy security through increasing domestic production within the United States.

In addition, EPA developed a standardized risk assessment and risk management approach for mixed metal oxides (MMOs), which include new and modified cathode active materials (CAMs), which are a key component in lithium-ion batteries used in electric vehicles. MMOs also have applications in semi-conductors and renewable energy generation and storage, such as solar cells and wind power turbines. Both efforts support the Biden-Harris Administration's agenda to tackle the climate crisis and will complement resources provided to EPA from legislative enactments such as clean energy initiatives under the Inflation Reduction Act, tax credits for electric vehicles, and the Bipartisan Infrastructure Law.

Section 6: Existing Chemicals. TSCA requires a continuing process of identifying existing chemicals for evaluation to identify unreasonable risks and, where unreasonable risks in existing chemicals are found, the Agency also must commence risk management action under TSCA Section 6 to address those risks. The resources requested in FY 2024 are critical for the Agency to continue implementing these additional requirements to prioritize, evaluate, and address the risks of existing chemicals, including:

- **Prioritization.** The initial step in the process of evaluating existing chemicals under TSCA, prioritization is codified in a final Chemical Prioritization Process rule.³¹¹ The purpose of prioritization is to designate a chemical substance as either High-Priority for further risk evaluation or Low-Priority for which risk evaluation is not warranted at the time.^{312,313} TSCA requires that upon completion of a risk evaluation for a High-Priority substance (HPS), EPA must designate at least one additional HPS to take its place, ensuring that at least 20 EPA-initiated risk evaluations are constantly underway. In FY 2024 EPA will continue working to identify additional HPS supported by obtaining, validating, and analyzing chemical safety data to identify chemicals for which sufficient data are available to conduct scientifically sound risk evaluations and the order in which such chemicals are evaluated.
- **Risk Evaluation.** EPA initiated risk evaluations for the first 10 chemicals in December 2016. EPA missed the statutory deadline for completing TSCA risk evaluations for nine of the chemicals, and work on many of those chemical risk evaluations has continued.³¹⁴ In FY 2021

³¹¹ For additional information, please visit: <https://www.regulations.gov/document?D=EPA-HQ-OPPT-2016-0636-0074>.

³¹² TSCA required that EPA designate by December 2019 at least 20 chemical substances as High-Priority for risk evaluation and also at least 20 chemical substances as Low-Priority. On December 20, 2019, EPA finalized the designation of 20 chemical substances as High-Priority for upcoming risk evaluations. For additional information, please visit:

<https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/chemical-substances-undergoing-prioritization-high>.

³¹³ On February 20, 2020, EPA finalized the designation of 20 chemical substances as Low-Priority. For additional information, please visit: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/low-priority-substances-under-tsca>.

³¹⁴ EPA revised its risk determinations for 8 of the first 10 chemicals to reflect EPA's unreasonable risk finding on the chemical substance as a whole, rather than on individual conditions of use; in addition, the revised risk determinations do not assume that

and FY 2022, EPA developed approaches for the consideration of exposure pathways (*i.e.*, air, water, disposal) that were originally omitted from the scopes of the HPS and Manufacturer-Requested Risk Evaluations (MRREs) and to address “fenceline” risk (risks to exposed populations in communities adjacent to the perimeter of manufacturing facilities, often vulnerable and underserved populations) for seven of the first 10 chemical risk evaluations. This work added to the challenge of completing additional risk evaluations, and in FY 2024 this work will continue, incorporating exposure to “fenceline” communities into the next 20 chemical evaluations initiated in December 2019 and currently underway.³¹⁵ EPA released final revised risk determinations for HBCD, PV29, methylene chloride, PCE, NMP, 1-BP, carbon tetrachloride, and TCE. The final revised risk determinations found that these chemicals present an unreasonable risk of injury to human health or the environment when evaluated under their conditions of use. EPA intends to revise its 2017 risk evaluation procedures rule to better align with statutory language, court decisions, and executive orders; build on the agency’s experience with its first 10 risk evaluations; and increase program clarity, transparency, sustainability, and flexibility.

EPA initiated risk evaluations for the first set of 20 High-Priority chemicals in December 2019.³¹⁶ On September 4, 2020, EPA released final scoping documents for these chemicals.³¹⁷ Because of shifts in policy and resource constraints, EPA did not meet the December 2022 statutory deadline for completing these risk evaluations. In addition, in June 2022 EPA issued the final scope document for “Asbestos Part 2: Supplemental Evaluation Including Legacy Uses and Associated Disposals of Asbestos.” EPA also is developing a supplement to the 1,4-dioxane risk evaluation to assess pathways and exposures not addressed in the risk evaluation. The Agency is expanding the focus of the risk evaluations to ensure that exposure pathways affecting the general public, “fenceline” communities, and disadvantaged communities are properly evaluated in accordance with the law. Specifically, it is expected that the Agency will include expanded consideration of potentially exposed and susceptible subpopulations (a term defined in the statute), including environmental justice considerations, as a result of engagement with overburdened communities through mechanisms including the National Tribal Operations Committee (NTOC)³¹⁸ and the National Tribal Toxics Council (NTTC).³¹⁹

workers always and appropriately wear personal protective equipment (consideration of PPE will be part of risk management). EPA also re-examined the risk evaluations of seven of those chemicals to address overlooked and/or inadequately assessed exposure pathways (including those affecting fenceline, underserved, or disproportionately burdened communities), is developing a supplemental risk evaluation for one chemical due to omission of exposure pathways, and, in part as a result of litigation against the Agency, and is conducting a second risk evaluation for asbestos to include types and uses that were excluded from the first one.

³¹⁵ In January 2022, EPA released for public comment and peer review version 1.0 of a screening methodology that will be used to further examine whether the policy decision to exclude air and water exposure pathways from the risk evaluations will lead to a failure to identify and protect fenceline communities. Review of the screening level methodology will include review by the Science Advisory Committee on Chemicals (SACC). *See*, <https://www.epa.gov/newsreleases/epa-releases-screening-methodology-evaluate-chemical-exposures-and-risks-fenceline>.

³¹⁶ For additional information, please visit: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/chemical-substances-undergoing-prioritization-high>.

³¹⁷ For additional information, please visit: <https://www.epa.gov/chemicals-under-tsca/epa-releases-final-scope-documents-and-list-businesses-subject-fees-next-20>.

³¹⁸ For additional information on NTOC, please visit: <https://www.epa.gov/tribal/tribal-partnership-groups#ntoc>.

³¹⁹ For additional information on NTTC, please visit: <https://www.epa.gov/chemicals-under-tsca/national-tribal-toxics-council-nttc-technical-support-request-applications>.

In addition, manufacturers may submit requests to EPA to evaluate specific additional chemicals. The first two MRREs began in FY 2020. A third was started in FY 2021, and a fourth request is currently being considered. Those initial MRREs will continue throughout FY 2023 and are for chemicals that were on the 2014 TSCA Work Plan.³²⁰ The resources requested for FY 2024 will support efforts to meet statutory mandates and other requirements related to the evaluation of existing chemicals while maintaining EPA's commitment to evidence-based decisions guided by the best available science and data.

- **Risk Management.** When unreasonable risks are identified in the final risk evaluation, EPA must promulgate risk management actions under TSCA Section 6(a) to address the unreasonable risks. EPA commenced development of risk management actions in FYs 2020 and 2021 to address unreasonable risks identified for the first 10 chemicals evaluated under TSCA Section 6. On April 5, 2022, EPA released a proposed rule to ban chrysotile asbestos, the only known form of asbestos currently imported into the United States. Chrysotile asbestos is found in products such as asbestos diaphragms, sheet gaskets, brake blocks, aftermarket automotive brakes/linings, other vehicle friction products, and other imported gaskets. In FY 2023, EPA will finalize the asbestos rulemaking action. By the end of the first quarter of FY 2024, EPA plans to issue proposed TSCA section 6 rules for six chemicals. Later in FY 2024, EPA plans to propose additional rules and continue work on final rules for actions proposed in FY 2022 and FY 2023.³²¹ This work will adhere to EPA's Guidance on Considering Environmental Justice During the Development of an Action and its companion Technical Guidance for Assessing Environmental Justice in Regulatory Analysis.³²²

TSCA also mandates that EPA promulgate Section 6 risk management rules for certain Persistent, Bioaccumulative, and Toxic (PBT) chemicals on the 2014 TSCA Work Plan without undertaking further risk evaluation.³²³ EPA issued five final rules for PBTs in January 2021. EPA requested and received comments on the January 2021 PBT rules and in September 2021 announced its intent to initiate a new rulemaking to further reduce exposures, promote environmental justice, and better protect human health and the environment, as well as implementation changes that may need to be made to current exclusions. EPA anticipates proposing new rules for certain of these PBTs in FY 2023, with finalization anticipated in FY 2024.

In addition, risk management actions for existing chemicals under TSCA Section 5 are ongoing. EPA expects to propose SNURs in FY 2023 for discontinued uses of the 20 high-priority substances (HPS) undergoing risk evaluation. When final, these rules will ensure that any phased-out uses of the 20 HPS cannot resume without EPA review and action, as necessary, to protect health and the environment from potential unreasonable risks. EPA is also issuing a proposed SNUR for inactive PFAS to ensure these uses cannot restart without prior EPA risk assessment and action, as necessary, under section 5. The inactive PFAS notice of proposed rulemaking (NPRM) was signed on January 17, 2023.

³²⁰ See <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/tsca-work-plan-chemicals>.

³²¹ EPA will continue to engage stakeholders in dialogue regarding these risk management actions to ensure the Agency has the benefit of input from interested parties. This engagement will include meetings with key stakeholders and participation in events such as conferences and trade association meetings where EPA and stakeholders can share information.

³²² For additional information, please visit: <https://www.epa.gov/environmentaljustice/technical-guidance-assessing-environmental-justice-regulatory-analysis>.

³²³ TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, Section 6(h) (1) and (2).

Section 14: Confidential Business Information. EPA is required under TSCA Section 14 to review and make determinations on CBI claims contained in TSCA submissions; to process requests from TSCA submitters and to make certain CBI information available to states, tribes, health and medical professionals, and first responders under defined circumstances; and to assign and publish unique identifiers for each chemical substance for which a confidentiality claim for a specific chemical identity is approved. In FY 2024 EPA will assign unique identifiers to chemicals where CBI claims for chemical identity are approved and expects to complete CBI claim reviews for more than 1,500 new cases and approximately 1,500 chemical identity claims made in existing Notice of Activity reports under the 2017 TSCA Inventory Notification (Active-Inactive) Requirements rule.

These reviews are expected to be conducted in accordance with new and updated procedures and with reporting and communications tools developed in the new CBI procedures rule, which is expected to be final in FY 2023. The same rule will provide the regulatory infrastructure necessary to develop further internal procedures and reporting tools to support the review of expiring CBI claims, beginning in FY 2026.

TSCA Information Technology (IT) and Data Tools Infrastructure. IT systems development and maintenance will continue in FY 2024 with the goal of minimizing reporting burdens on industry and streamlining data management by EPA, including the following activities:

- Continuing enhancement of the TSCA Chemical Information System to reduce manual handling of data, to increase internal EPA access to data relevant to chemical assessments, and to expedite review of chemicals.
- Initiating development of new tools for hazard and exposure identification, assessment, and characterization while improving existing tools to better assess chemical risks.
- Maintaining the functionality of *ChemView*,³²⁴ continuing to increase transparency, and expanding the information ChemView makes available to the public, including newly completed chemical assessments, worker protection information, and other new data reported to EPA under TSCA.
- Continuing TSCA CBI LAN network and Chemical Information System stabilization and modernization efforts.

Implementing TSCA depends on the collection and availability of information on chemicals from a wide variety of public and confidential sources. EPA's data currently resides in multiple formats including paper files, microfiche, and numerous old electronic file formats. A critical need for improving EPA's performance on TSCA implementation is modernizing the IT systems necessary for chemical data collation, storage, and curation and making the data received under TSCA available in structured and consistent formats. The funding requested will support the following activities: advancing modernization of the existing TSCA IT infrastructure; enhancing the New Chemical Review (NCR) system; initiating steps toward automating publication of New Chemical Consent Orders and SNURs; continuing efforts regarding remaining TSCA CBI review workflow enhancements; analyzing and updating TSCA records data to identify and organize records for

³²⁴ For additional information, please visit: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/introduction-chemview>.

publication; making progress toward the development of a framework for enabling CIS to automatically assign unique identifiers (UIDs) as CBI claims are approved; making progress in the effort to digitize the remaining legacy 8(e)s and publish them in *ChemView*; and initiating digitization of legacy documents.

Chemical Data Management Modernization. The international regulatory community has been moving toward using the International Uniform Chemical Information Database (IUCLID) to capture, store, maintain, and exchange data on intrinsic and hazardous properties of chemical substances. Data in IUCLID is centered around standardized reporting templates consistent with internationally accepted test guidelines and has CBI protection built in. EPA has initiated the process to incorporate IUCLID template structures into OPPT's CBI LAN, but resource constraints have limited EPA's implementation and adoption of IUCLID. With increased resources in FY 2024, the TSCA program will continue to collaborate with ORD to implement a IUCLID instance in its CBI LAN to capture, store, and maintain data on intrinsic and hazard properties of chemicals. The Agency also will work with international partners to modify software applications to ensure EPA's unique needs and federal IT requirements are incorporated. Along with integration and consolidation of other legacy data systems, this initiative will modernize EPA's chemical data management infrastructure and deliver more efficient searching, collating, managing, and integrating of data on chemicals, resulting in significant time and cost savings.

*Collaborative Research Program to Support New Chemical Reviews.*³²⁵ In FY 2024 EPA will continue to develop and implement a multi-year collaborative research program in partnership with ORD and other federal agencies. This collaboration is focused on developing new science approaches for performing risk assessments on new chemical substances under TSCA. The effort is expected to bring innovative science to new chemical reviews; modernize the approaches used; increase the transparency of the human health and ecological risk assessment process; and expand utilization of current information technology tools and databases. The resources requested for FY 2024 will allow EPA to accelerate implementation of the collaborative research program, including application of new approach methodologies (NAMs) and the new chemicals program in accordance with statutory mandates and to address the backlog of older submissions. These resources also are critical to ensuring that the Agency can conduct robust risk assessments using best available science and data within the statutory timelines.

Other TSCA Sections, Mandates, and Activities

*Chemical Data Reporting (CDR) & Tiered Data Reporting (TDR) Rule.*³²⁶ In FY 2024 EPA plans to propose a rule that expands reporting requirements for chemicals that are candidates for—or selected as—high-priority substances. The purpose is to acquire the most relevant and applicable data that will support risk evaluation. In FY 2024, EPA plans to finalize the Rule after responding to comments on the proposed Rule and modifying certain CDR requirements. Additionally, EPA

³²⁵ See, <https://www.epa.gov/newsreleases/epa-announces-collaborative-research-program-support-new-chemical-reviews>.

³²⁶ Section 8(a) of TSCA requires manufacturers (including importers) to provide EPA with information on the production and use of chemicals in commerce. In March 2020, EPA amended the Chemical Data Reporting (CDR) rule to reduce burden for certain CDR reporters, improve data quality, and align reporting requirements with amended TSCA. The recent Calendar Year 2020 CDR Reporting Cycle, which occurs every four years and covers CY 2016-2019, commenced on June 1, 2020, and concluded on January 29, 2021.

will update existing CDR guidance documents, refine the CDR reporting tool, and address questions from the reporting community ahead of the CDR cycle occurring in FY 2024.

Other Section 8 Activities. In FY 2024 EPA will analyze 300 Substantial Risk (Section 8(e)) Notifications submitted by industry³²⁷ and continue issuing other data gathering rules to obtain data needed for Section 6 prioritization and risk evaluations. Also in FY 2024, EPA will continue to implement the data request under the section 8(a) asbestos reporting rule and section 8(a)(7) PFAS reporting rule, both of which will have been finalized in 2023. EPA continues to develop and test the reporting tools for each of these rules ahead of their respective data submission periods.

PFAS Roadmap Support. PFAS has been manufactured and used in a variety of industries globally since the 1940s, and they are still being used today. FY 2024 work will include continuing to implement the PFAS national testing strategy; ensuring a robust review process for new PFAS; reviewing previous decisions on PFAS; closing the door on abandoned PFAS and uses; implementing a new PFAS reporting rule; and leading the development of a voluntary PFAS Stewardship Program. The Notice of Proposed Rulemaking (NPRM) for the inactive PFAS was signed on January 17, 2023. The funding requested in the FY 2024 budget request will allow EPA to improve the Agency data submission process for test data and ensure early engagement with Test Order recipients and, where there is interest expressed, with other key stakeholders to facilitate robust data collection. The requested funding also will allow EPA to review study plans required to be submitted as a result of Test Orders and data submitted pursuant to the first round of Test Orders issued under TSCA for human health effects; to integrate submitted data into systematic review databases; and to analyze existing data in preparation for issuing additional orders to require additional testing for chemicals already subject to testing.

Polychlorinated Biphenyls (PCBs). PCBs are a nationwide problem and found in every region. TSCA requires essential work in evaluating a site for PCB exposures and reducing risks at that site. EPA Regions do this by making site-specific PCB “use” determinations, evaluating exposures, and providing recommendations and specialized technical support to address the risks associated with PCBs legally and illegally “in use.” EPA’s Regional offices will work with building owners to implement practical interim measures; to develop outreach and technical assistance materials to prevent or reduce exposure to PCBs; and to conduct risk evaluation of PCB exposure at local sites.

Mercury. In FY 2024 EPA will maintain the Mercury Electronic Reporting Application³²⁸ and conduct outreach to stakeholders on reporting requirements. EPA also will continue work under the Mercury Export Ban Act and amendments related to prohibiting export of certain mercury compounds and to supporting compliance with the Minamata Convention on Mercury to which the United States is a party. EPA will collect and prepare information for publication in the CY 2024 update to the national mercury inventory and consider recommending actions to further reduce mercury use.

³²⁷ TSCA Section 8(e) Notifications require EPA be notified immediately when a company learns that a substance or mixture presents a substantial risk of injury to health or the environment.

³²⁸ The Mercury Electronic Reporting application is an electronic reporting interface and database within the Central Data Exchange (CDX).

TSCA Citizen Petitions. In FY 2024 EPA will continue to meet the requirements of section 21 of TSCA, which authorizes citizen petitions for the issuance, amendment, or repeal of certain actions (rules and orders) promulgated under specific components of TSCA sections 4, 5, 6, and 8. The Agency must grant or deny a section 21 petition within 90 days. If EPA grants a petition, the requested action must be initiated in a timely fashion. EPA has received a total of 29 TSCA section 21 petitions since September 2007. 11 of those petitions have been submitted since enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act.³²⁹

Formaldehyde Standards for Composite Wood Products. In FY 2024 EPA will continue implementing regulations under the TSCA Title VI Formaldehyde Standards for Composite Wood Products Act (Public Law 111-199), which established national emission standards for formaldehyde in new composite wood products.³³⁰ In February 2023, EPA published a final rule providing technical updates to voluntary consensus standards cross-referenced in the Formaldehyde Emissions Standards for Composite Wood Products rule.³³¹

TSCA User Fees. TSCA section 26 authorizes EPA to collect user fees to offset 25 percent of the Agency’s full costs for implementing TSCA sections 4, 5, 6, and 14.³³² In FY 2021 EPA collected \$28.6 million: \$3.3 million from Section 5, \$24.05 million from 19 of the 20 Section 6 EPA-Initiated Risk Evaluations, and \$1.25 million from one Section 6 MRRE for a TSCA Work Plan chemical.³³³ EPA’s FY 2021 collections were as follows:

| TSCA Section | Amount Collected |
|--|-------------------------|
| Section 5 | \$3.3 million |
| Section 6 EPA-Initiated Risk Evaluations | \$24.05 million |
| Section 6 MRREs | \$1.25 million |
| <i>Total</i> | <i>\$28.6 million</i> |

Because nearly \$17 million of the collections for the 19 Section 6 Risk Evaluations was not due to be paid until September 2, 2021, those funds were inaccessible to EPA until FY 2022. EPA will apportion FY 2021 section 6 collections over the risk evaluation lifecycle (3.5 years). In FY 2022 EPA collected approximately \$5.1 million³³⁴ and is projected to collect \$5.23 million in FY 2023³³⁵ and \$35.9 million in FY 2024³³⁶. Projected collections also are subject to potential changes in fee levels, which are required to be updated every three years under TSCA.³³⁷ EPA proposed revisions to the fee rule in January 2021. Based on public comments received on the proposed rule,

³²⁹ For additional information, please visit: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/tsca-section-21>.

³³⁰ For additional information, please visit: <http://www2.epa.gov/formaldehyde/formaldehyde-emission-standards-composite-wood-products>.

³³¹ See <https://www.federalregister.gov/documents/2023/02/21/2023-03444/voluntary-consensus-standards-update-formaldehyde-emission-standards-for-composite-wood-products>

³³² TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, Section 26(b) (1) and (4).

³³³ The Agency invoiced \$88.2 thousand for Section 4 Test Orders in FY 2020 and FY 2021 but did not start receiving submissions until FY 2022.

³³⁴ \$1.46 million from the remaining Section 6 EPA-Initiated Risk Evaluations invoices, \$3.5 million from Section 5 submissions, and \$88,200 thousand from Section 4 Test Order submissions.

³³⁵ \$3.65 million in Section 5 submissions, \$93.2 thousand from Section 4 Test Order invoices, and an additional amount from one TSCA Section 6 Manufacturer-Requested Risk Evaluation at \$1.49M if the MRRE request is granted.

³³⁶ \$3.8 million in Section 5 submissions and \$32.1 million from the next round of Section 6 EPA-initiated chemical risk evaluations.

³³⁷ For additional information, please visit: <https://www.epa.gov/tsca-fees/fees-administration-toxic-substances-control-act>.

as well as stakeholder engagement and EPA’s continued experience in implementing the 2018 Fee Rule, the Agency issued a supplemental notice of proposed rulemaking in November 2022 that adds to and modifies this earlier proposal. EPA intends to finalize the rule in late FY 2023 or early FY 2024.

Cumulative risk methodologies. EPA is developing aggregate exposure and cumulative risk approaches to characterizing chemical exposure and risk in risk evaluations under TSCA. In FY 2024 the following foundational activities will be conducted to support statutory deadlines:

- Develop approaches to determine when aggregating chemical exposure across conditions of use is applicable in risk evaluations.
- Develop approaches to identify co-exposure to chemicals to inform prioritization and to determine when cumulative assessments should be considered for relevant chemicals.
- Apply, where appropriate and feasible, approaches for conducting aggregate exposure and cumulative risk assessments.
- Evaluate applicability and feasibility of using biomonitoring data in risk evaluations.
- To begin integrating cumulative assessment into the TSCA program, in May 2023 EPA plans to release for public comment and SACC peer review a cumulative risk assessment framework, with phthalate chemicals as a case study.
- In FY 2023, EPA will release for public comment and SACC peer review a 1,4-dioxane risk evaluation supplement that advances the Agency’s use of aggregate exposure and fenceline analysis in its TSCA chemical evaluation program.
- Develop and revise exposure and hazard models.
- Support for scientific and other publications.

Continuous Improvement of TSCA Implementation. In FY 2024 the Agency will continue to monitor and evaluate its progress related to core responsibilities under TSCA, such as completing all EPA-initiated risk evaluations and associated risk management actions for existing chemicals within statutory timelines. In addition, EPA will continue to reduce the backlog and work towards meeting the applicable review period of 90 days for Section 5 new chemicals submissions (such as PMNs, MCANs, and SNUNs). EPA also will undertake other forms of assessment and data gathering in FY 2024. Based on experience and chemical-specific information EPA will continue to apply fit-for-purpose application of systematic review to support TSCA risk evaluations.

Performance Measure Targets:

(PM TSCA4) Number of HPS TSCA risk evaluations completed within statutory timelines.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------|---------|---------|---------|---------|---------|---------|---------|---------|-------------|
| Target | | | | | | 0 | 0 | 7 | Evaluations |
| Actual | | | | 1 | 0 | 0 | | | |

(PM TSCA5) Percentage of existing chemical TSCA risk management actions initiated within 45 days of the completion of a final existing chemical risk evaluation.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Target | | | | | | 100 | 100 | 100 | Percent |
| Actual | | | | | | N/A | | | |
| Numerator | | | | | | | | | Actions |
| Denominator | | | | | | | | | |

(PM TSCA6a) Percentage of past TSCA new chemical substances decisions with risk management actions reviewed.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|-----------|
| Target | | | | | | 5 | 25 | 30 | Percent |
| Actual | | | | | | N/A | | | |
| Numerator | | | | | | | | | Decisions |
| Denominator | | | | | | | | | |

(PM TSCA6b) Percentage of TSCA new chemical substances with risk management actions reported to the 2020 CDR reviewed for adherence/non-adherence with TSCA Section 5 risk management actions that are determined to adhere to those requirements.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|-------------|---------|---------|---------|---------|---------|---------|---------|---------|------------|
| Target | | | | | | N/A | 25 | 30 | Percent |
| Actual | | | | | | N/A | | | |
| Numerator | | | | | | | | | Substances |
| Denominator | | | | | | | | | |

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

- (+\$7,965.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. It also includes support for critical agencywide infrastructure for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (\$39,924.0 /+112.5 FTE) This increase enables EPA to develop and review data critical to existing chemical risk evaluation and risk management activities; update and develop 21st century information technology and data tools to meet increasing demands; and begin to transform New Chemicals review into an efficient and sustainable process to complete cases in keeping with the statutory requirements. This program change will also support an agencywide multi-year collaborative research program for new chemicals that is focused on modernizing the process and incorporating scientific advances in new chemical evaluations under TSCA. This investment includes \$20.971 million in associated payroll.

Statutory Authority:

Toxic Substances Control Act (TSCA).

Toxic Substances: Lead Risk Reduction Program

Program Area: Toxics Risk Review and Prevention

Goal: Ensure Safety of Chemicals for People and the Environment

Objective(s): Ensure Chemical and Pesticide Safety

(Dollars in Thousands)

| | 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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$12,404</i> | <i>\$14,359</i> | <i>\$14,437</i> | <i>\$78</i> |
| Total Budget Authority | \$12,404 | \$14,359 | \$14,437 | \$78 |
| Total Workyears | 56.1 | 62.9 | 62.9 | 0.0 |

Program Project Description:

EPA's Lead Risk Reduction Program contributes to the goal of reducing lead exposure and works toward addressing historic and persistent disproportional vulnerabilities of certain communities.³³⁸ This program thereby plays an important role in achieving the Administration's goals to enhance environmental justice (EJ) and equity by:

- Implementing standards governing lead paint hazard identification and abatement practices.
- Identifying and providing access to a national pool of certified firms and individuals trained to carry out lead paint hazard identification and abatement practices and/or renovation, repair, and painting projects while adhering to the lead-safe work practice standards and minimizing lead dust hazards created in such projects; and
- Providing information and outreach to housing occupants and the public so they can make informed decisions and take actions about lead paint hazards in their homes.

Lead is highly toxic, especially to young children. Exposure to lead is associated with decreased intelligence, impaired neurobehavioral development, decreased stature and growth, and impaired hearing acuity. According to the Centers for Disease Control and Prevention (CDC), no safe blood lead level in children has been identified, and effects of lead exposure cannot be corrected.^{339,340} Reducing exposure to lead-based paint (LBP) in old housing continues to offer the potential to significantly decrease blood lead levels in the largest number of children. Housing units constructed before 1950 are most likely to contain LBP. The most recent national survey estimated that 34.6 million homes in the U.S. have LBP and that 29 million homes have significant LBP hazards.³⁴¹ Children living at or below the poverty line who live in older housing are at greatest

³³⁸ Childhood blood lead levels (BLL) have declined substantially since the 1970s, due largely to the phasing out of lead in gasoline and to the reduction in the number of homes with lead-based paint hazards. The median concentration of lead in the blood of children aged 1 to 5 years dropped from 15 micrograms per deciliter in 1976–1980 to 0.7 micrograms per deciliter in 2013–2014, a decrease of 95%. *See, America's Children and the Environment* (EPA, 2019), found at: <https://www.epa.gov/americaschildrenenvironment>.

³³⁹ Centers for Disease Control and Prevention, Blood Lead Levels in Children, found at: <http://www.cdc.gov/nceh/lead/prevention/blood-lead-levels.htm>.

³⁴⁰ *America's Children and the Environment* (EPA, 2019), found at: <https://www.epa.gov/americaschildrenenvironment>.

³⁴¹ *See, American Healthy Homes Survey II Lead Findings* (HUD, 2021), found at: https://www.hud.gov/sites/dfiles/HH/documents/AHHS_II_Lead_Findings_Report_Final_29oct21.pdf.

risk. Additionally, some racial and ethnic groups and those living in older housing are disproportionately affected by LBP.³⁴²

Because of historic and persistent disproportional vulnerabilities of certain racial, low-income, and overburdened and underserved communities, the Lead Risk Reduction Program has the potential to create significant EJ gains and provides strategic opportunities to advance EPA's work in support of the Administration's goals to enhance EJ and equity as seen in the *Strategy to Reduce Lead Exposures and Disparities in U.S. Communities*.³⁴³

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 7/Objective 7.1, Ensure Chemical and Pesticide Safety in the *FY 2022 – 2026 EPA Strategic Plan*.

Renovation, Repair and Painting Program

In FY 2024 EPA will continue to implement the Renovation, Repair and Painting (RRP) Rule to address lead hazards created by renovation, repair, and painting activities in homes and child-occupied facilities³⁴⁴ and to advance EPA's EJ goals. Fifteen states and one tribe have been authorized to administer this program and rule. In the remaining non-authorized states, tribes, and territories, EPA will continue to accredit training providers, track training class notifications, and certify renovation firms. EPA also will assist in the development and review of state and tribal applications for authorization to administer training and certification programs, provide information to renovators and homeowners, provide oversight and guidance to all authorized programs, and disseminate model training courses for lead-safe work practices. As of October 2022, there were 299 accredited RRP training providers and almost 56,000 certified renovation firms. In FY 2022, about 31 percent of renovation firms with expiring certifications were recertified before their certifications expired.

DLHS, Definition of LBP, DLCL, and Public and Commercial Buildings (P&CBs)

As a result of a May 2021 decision by the U.S. Court of Appeals for the Ninth Circuit, the dust-lead hazard standards (DLHS), the definition of LBP, and the dust-lead clearance levels (DLCL) regulations have been identified by the Administration as rules to reconsider.³⁴⁵ FY 2024 funding will enable EPA to finalize revisions to the DLHS and DLCL, while conducting activities necessary to revisit the definition of LBP and SLHS. In addition, EPA must continue work to evaluate whether hazards are created from renovations of public and commercial buildings (P&CBs). Reconsideration and development of these rulemakings will help ensure the most protective approaches are taken to reduce lead exposure in homes and child-occupied facilities,

³⁴² Among children ages 1 to 5 years in families with incomes below poverty level, the 95th percentile BLL was 3.0 µg/dL, and among those in families at or above the poverty level, it was 2.1 µg/dL, a difference that was statistically significant. The 95th percentile BLL among all children ages 1 to 5 years was 2.5 µg/dL. The 95th percentile BLL in Black non-Hispanic children ages 1 to 5 years was 3.0 µg/dL, compared with 2.4 µg/dL for White non-Hispanic children, 1.8 µg/dL for Mexican-American children, and 2.7 µg/dL for children of "All Other Races/Ethnicities." The differences in 95th percentile BLL between race/ethnicity groups were all statistically significant, after accounting for differences by age, sex, and income. See *America's Children and the Environment* (EPA, 2019), found at: <https://www.epa.gov/americaschildreenvironment>.

³⁴³ Strategy to Reduce Lead Exposures and Disparities in U.S. Communities (EPA, 2022) found at https://www.epa.gov/system/files/documents/2022-11/Lead%20Strategy_1.pdf.

³⁴⁴ For additional information, please visit: <https://www.epa.gov/lead/lead-renovation-repair-and-painting-program>.

³⁴⁵ For additional information, please visit: <https://cdn.ca9.uscourts.gov/datastore/opinions/2021/05/14/19-71930.pdf>.

with benefits for overburdened and underserved communities where disproportionate impacts occur from LBP in support of the Administration's goals to enhance EJ and equity. The DLHS defines hazardous levels of lead in residential paint, dust, and soil, and post abatement clearance levels for lead in interior house dust.

As resources allow, EPA will conduct technical analyses and rulemaking efforts to address issues related to preventing childhood lead poisoning, revising the soil-lead hazard standards (SLHS); and continuing work to identify and subsequently address LBP hazards identified in public and commercial buildings. The definition of lead-based paint is incorporated throughout the lead-based paint regulations, and application of this definition is central to how the lead-based paint program functions. In collaboration with the Department of Housing and Urban Development (HUD), EPA will revisit the definition of LBP and, as appropriate, revise the definition to make it more protective. EPA is currently evaluating how best to move forward on this issue.

In FY 2024 EPA will continue to evaluate risk from renovations of public and commercial buildings pursuant to TSCA §402(c)(3), which directs EPA to promulgate regulations for renovations in target housing, public buildings built before 1978, and commercial buildings that create lead-based paint hazards. EPA will determine whether such renovations create LBP hazards and, if they do, EPA will address those hazards by promulgating work practice, training, and certification requirements for public and commercial buildings. Because low-income, minority children are disproportionately vulnerable to lead exposure, these efforts, as well as others that focus on reducing environmental lead levels, have the potential to create significant EJ gains.

Lead-Based Paint (LBP) Activities

In FY 2024 EPA will continue to implement the LBP Activities (Abatement, Risk Assessment, and Inspection) Rule by administering the federal program to review and certify firms and individuals and to accredit training providers. Ensuring that those who undertake LBP Activities are properly trained and certified is a critical aspect of federal efforts to reduce lead exposure and to work toward addressing the historic and persistent disproportional vulnerabilities of certain racial, low-income, and overburdened and underserved communities. Additionally, the Agency will continue to review and process requests by states, territories, and tribes for authorization to administer the lead abatement program *in lieu* of the federal program. Thirty-nine states, four tribes, the District of Columbia, and Puerto Rico have been authorized to run the LBP abatement program.

Education and Outreach

In FY 2024 the Agency will continue to provide education and outreach to the public on the hazards of LBP, emphasizing compliance assistance and outreach to support implementation of the RRP rule and to increase public awareness about preventing childhood lead exposure and lead poisoning. The Agency will further its work in reaching contractors and the public in underserved communities through the "Enhancing Lead-Safe Work Practices through Education and Outreach" initiative, by increasing the number of RRP certified contractors and by providing community leaders a means to educate their own communities about lead hazards, reducing and preventing potential exposure to lead, and the importance of hiring certified lead professionals. This initiative, in combination with other regional outreach, is designed to reduce harm to children from exposure to lead in underrepresented and underserved communities disproportionately affected by lead

exposure, including a focus on low income, overburdened, underserved, and tribal communities. The Agency will continue to provide multimedia outreach for the National Lead Poisoning Prevention Week, a collaboration with the Centers for Disease Control (CDC) and HUD. Actions include formal announcements, social media, web revisions, and other outreach. Finally, EPA will continue to provide support to the National Lead Information Center (NLIC) to disseminate information to the public.³⁴⁶

Performance Measure Targets:

(PM RRP30) Percentage of lead-based paint RRP firms whose certifications are scheduled to expire that are recertified before the expiration date.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|--------------------|---------|---------|---------|---------|---------|---------|---------|---------|-----------|
| Target | | | | | | 32 | 33 | 34 | Percent |
| Actual | 18 | 17 | 19 | 40 | 36 | 31 | | | |
| Numerator | 1,793 | 1,134 | 1,185 | 9,006 | 6,524 | 2,874 | | | RRP Firms |
| Denominator | 9,851 | 6,855 | 6,091 | 22,384 | 18,158 | 9,423 | | | |

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

- (+\$875.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs. It also includes support for critical agencywide infrastructure for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (-\$797.0) This program change is an offset to contracts for the increase in payroll fixed costs.

Statutory Authority:

Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.* – Sections 401-412.

³⁴⁶ For additional information, please visit: <https://www.epa.gov/lead/forms/lead-hotline-national-lead-information-center>.

Underground Storage Tanks (LUST/UST)

LUST / UST

Program Area: Underground Storage Tanks (LUST / UST)

Goal: Safeguard and Revitalize Communities

Objective(s): Clean Up and Restore Land for Productive Uses and Healthy Communities, Reduce Waste and Prevent Environmental Contamination

(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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | <i>\$11,807</i> | <i>\$12,021</i> | <i>\$14,451</i> | <i>\$2,430</i> |
| Leaking Underground Storage Tanks | \$9,707 | \$9,991 | \$14,665 | \$4,674 |
| Total Budget Authority | \$21,512 | \$22,012 | \$29,116 | \$7,104 |
| Total Workyears | 87.8 | 97.9 | 108.6 | 10.7 |

Program Project Description:

Environmental Program Management (EPM) resources fund EPA's work in the Leaking Underground Storage Tank (LUST)/UST Program to help prevent releases of petroleum through activities such as inspection and compliance assistance support. The EPM LUST/UST Program provides states³⁴⁷ and tribes with technical assistance and guidance and directly funds projects that assist states and tribes in their program implementation, such as the Tribal Underground Storage Tanks Database (TrUSTD). EPA is the primary implementer of the UST Program in Indian Country. With few exceptions, tribes do not have independent UST program resources. EPA will provide facility-specific compliance assistance for UST facility owners and operators in communities with environmental justice concerns in Indian country.

This program supports the Administration's priority of mitigating the negative environmental impacts to communities that are historically underserved, marginalized, and adversely affected by persistent poverty and inequality, as articulated in Executive Order 13985: *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.³⁴⁸ As of July 2021, approximately 53 million people lived within a quarter mile of an active UST facility, representing 16 percent of the total U.S. population. These communities tend to be more minority and lower income than the U.S. population as a whole.³⁴⁹

In 2005, Congress passed the Energy Policy Act (EPAAct) which, along with other release prevention measures, requires states to inspect facilities at least once every three years. EPA has

³⁴⁷ States as referenced here also include the District of Columbia and five territories as described in the definition of state in the Solid Waste Disposal Act.

³⁴⁸ For more information, please refer to: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

³⁴⁹ U.S. EPA, Office of Land and Emergency Management 2021. Data collected includes: 1) UST information as of late-2018 to mid-2019 depending on the state from ORD & OUST, UST Map, <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=b03763d3f2754461adf86f121345d7bc>; and 2) population data from the 2015-2019 American Community Survey.

been supporting states in these efforts. Between 2008 and 2022, the number of annual confirmed releases has decreased by 38 percent (from 7,364 to 4,568).³⁵⁰

An EPA study suggests that increased UST compliance is a result of increasing inspection frequency. EPA's statistical analysis, using the State of Louisiana's and Arkansas's UST data, showed a positive and statistically significant effect of increased inspection frequency on facility compliance.³⁵¹ This evidence supports the data trends the Agency witnessed: compliance rates rose notably after fully implementing the three-year inspection requirement.

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 6/Objective 6.2, Reduce Waste and Prevent Environmental Contamination in the *FY 2022 - 2026 EPA Strategic Plan*.

EPA estimates that only two percent of the Nation's 125,000 retail fuel locations have the appropriate equipment to store higher blends of ethanol, which means that the remaining UST systems will need some level of upgrade before they can safely and legally store E15. This could pose a greater risk of an accidental fuel release in nearby communities. To help address this, EPA is requesting approximately \$2.3 million and 5.0 FTE to establish a targeted, national program to improve the compatibility of UST systems with E15 in fenceline communities where E15 is more prevalently used.

Requested resources will be used to:

- Conduct outreach and education to UST owners to ensure they both understand the regulatory requirements to store E15 and the technical process they can use to determine their compatibility in complying with those requirements so they can safely store E15; and
- Hire staff to support state inspection programs and to conduct direct E15 compliance inspections in Indian Country.

Additionally, in FY 2024, EPA will continue to engage in the following core activities:

- Support enhanced inspections and evaluations for UST owners/operators to ensure that UST systems meet current regulations. This will include expanded development and use of a facility specific compliance assistance application for use in Indian Country.
- Develop tools and resources to assist states in adapting to the impacts of climate change and extreme weather events. This includes developing tools and resources to assist states in identifying facilities that are more prone to flooding or wildfires and helping these facilities prepare for these events before they occur.

³⁵⁰ For more information, please refer to <https://www.epa.gov/system/files/documents/2021-11/ca-21-34.pdf>.

³⁵¹ Sullivan, K. A.; Kafle, A (2020). *The Energy Policy Act of 2005: Increased Inspection Frequency and Compliance at Underground Storage Tank Facilities*. OCPA Working Paper No. 2020-01.

- Provide oversight for state LUST prevention grants and provide compatibility compliance assistance for tribal facilities.
- Continue research studies that identify the compatibility of new fuel formulations with current tank systems.
- Continue to coordinate with state UST prevention programs.
- Provide technical assistance, compliance help, and expert consultation to states, tribes, and stakeholders on both policy and technical matters. This support strives to strengthen the network of federal, state, tribal, and local partners (specifically communities and people living and working near UST sites) and assists implementation of the UST regulations.
- Provide guidance, training, and assistance to the regulated community to improve understanding and compliance.
- Continue to work with industry, states, and tribes to identify causes and potential solutions for corrosion in diesel tanks. Work in this area is important given the significant findings regarding the increasing prevalence of corrosion of UST system equipment containing ethanol or diesel fuels.³⁵²

EPA will continue to collect data regarding both the compliance rate and the number of new releases for UST systems in Indian Country. The compliance rate will help determine progress toward meeting EPA's revised regulations and help identify any areas that need specific attention. In addition, EPA will continue its work to evaluate the effectiveness of its 2015 regulations, which are designed to ensure existing UST equipment continues to function properly.

Performance Measure Targets:

Work under this program supports performance results in the LUST Prevention Program under the LUST appropriation.

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

- (+\$171.0) This change to fixed and other costs is an increase due to the recalculation of base payroll costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefits costs.
- (+\$2,259.0 / +5.5 FTE) This program change requests additional FTE to conduct direct E15 compliance inspections in Indian Country. Resources also will be used for the development and coordination of outreach materials to the regulated community. This investment includes \$1.0 million for payroll.

³⁵² For more information, please refer to: www.epa.gov/ust/emerging-fuels-and-underground-storage-tanks-usts#tab-3.

Statutory Authority:

Resource Conservation and Recovery Act §§ 8001, 9001-9011.

Water Ecosystems

National Estuary Program / Coastal Waterways

Program Area: Protecting Estuaries and Wetlands

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

| | 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 |
|---|--------------------------|---|----------------------------------|---|
| <i>Environmental Programs & Management</i> | \$33,958 | \$40,000 | \$32,514 | -\$7,486 |
| Total Budget Authority | \$33,958 | \$40,000 | \$32,514 | -\$7,486 |
| Total Workyears | 36.0 | 36.9 | 36.9 | 0.0 |

Program Project Description:

The National Estuary Program (NEP)/Coastal Waterways Programs work to restore the physical, chemical, and biological integrity of estuaries of national significance and coastal watersheds by protecting and restoring water quality, habitat, and living resources.³⁵³

The Nation's coasts are facing devastating ecological and societal stress now, and communities with environmental justice concerns, especially people of color, low-income, and indigenous communities, are experiencing disproportionate climate impacts. Sea level rise and shoreline loss, dead zones, harmful algal blooms, coral bleaching, coastal acidification, wetland and habitat loss, shifts in species composition and habitat, frequent flooding, degraded water quality, and storms that result in billion-dollar damages are becoming routine. The water quality and ecological integrity of estuarine and coastal areas is critical to the economic vitality of the U.S. While the estuarine regions of the U.S. comprise just 12.6 percent of U.S. land area, they contain 43 percent of the U.S. population and provide 49 percent of all U.S. economic output.³⁵⁴ The economic value of coastal recreation in the U.S. – for beachgoing, fishing, bird watching, and snorkeling/diving – has been conservatively estimated by the National Oceanic and Atmospheric Administration to be in the order of \$20 billion to \$60 billion annually.³⁵⁵

Wetlands also protect coastal property, providing a buffer against storms, floods, and high waves. They stabilize shorelines, prevent land from eroding, and provide carbon sequestration. The storm damage mitigation services provided by wetlands are valued at over \$23 billion dollars annually. The NEP has collectively protected and restored over 2.6 million acres of habitat within 28 estuaries of national significance since 2000. Most of these acres are wetland habitat providing the benefits described above to coastal watersheds and their communities stretching across 39 percent of U.S. shoreline miles and containing 24 percent of the U.S. population. NEPs do this by working collaboratively and proactively with local governments and other partners through broad networks and leveraging other sources of funding.

³⁵³ For more information, please visit <https://www.epa.gov/nep>.

³⁵⁴ For more information, please visit <https://www.fisheries.noaa.gov/national/habitat-conservation/estuary-habitat>.

³⁵⁵ For more information, please visit <https://www.fisheries.noaa.gov/national/habitat-conservation/coastal-wetlands-too-valuable-lose>.

FY 2024 Activities and Performance Plan:

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

In FY 2024, EPA will:

- Provide \$19.6 million in Clean Water Act Section 320 grants for 28 NEPs (\$700 thousand per NEP). This is a highly leveraged program with projects that address coastal, estuarine, and inland freshwater ecosystem needs. On average, NEPs leverage more than \$17 for every dollar provided by EPA. This funding will strengthen EPA's staff and internal resource capacity to support and manage core NEP programmatic activities, including the implementation of each NEP's Comprehensive Conservation and Management Plan, conducting and addressing findings from regular program evaluations of individual NEPs, oversight of the day-to-day operations of the NEPs, and management of Clean Water Act Section 320 grant funds;
- These resources provide capacity to support NEP programs that address priority issues such as nutrient management, habitat protection and restoration, water quality, green infrastructure, and marine litter. Throughout the NEPs' work, the program is seeking to prioritize climate adaptation and resiliency and greenhouse gas mitigation co-benefits through blue carbon measures, and equitably distribute federal investments and their benefits, including to disadvantaged communities. NEPs will continue to develop and implement climate adaptation and resiliency strategies, engage and educate stakeholders, and implement collaborative projects with regional, state, and local partners;
- Funding will also support the NEPs in developing the skills and capacity to integrate environmental and climate justice into their guiding documents and daily operations. These activities will benefit disadvantaged communities and help achieve the goals of the Administration's Justice40 initiative; and
- Conduct Program Evaluations to assess how the NEPs are making progress in achieving programmatic and environmental results through implementation of their Comprehensive Conservation and Management Plans. The evaluation process has proven to be an effective, interactive management process that ensures national program accountability and transparency, while incorporating local priorities and considerations. It also demonstrates the value of federal investment in estuarine and coastal watershed restoration and protection at the local and regional levels.

The FY 2024 request includes \$2.5 million for the NEP Coastal Watersheds Grant program. FY 2024 funding will be used to reinvigorate the Climate Ready Estuaries (CRE) program³⁵⁶ and other important coastal program activities, including restoration and protection of coastal wetlands (*e.g.*, avoiding and removing tidal restrictions). CRE develops resources and provides technical support to NEPs and other coastal community leaders and advises on coastal climate resiliency nationally.

³⁵⁶ For more information, please visit: <https://www.epa.gov/cre>.

EPA will continue to work with other federal agencies, states, and tribes to assess challenges such as increasing temperatures and ocean and coastal acidification and identify opportunities to implement actions to mitigate the effects of ocean acidification.

EPA continues to work with states, tribes, trust territories, NEPs, and Federal agencies to implement the National Aquatic Resource Survey (NARS) in coastal/estuarine waters. In FY 2023, the NARS coastal survey will complete analysis and interpretation of the sample results and share them with state and tribal partners. The web-report and results dashboard for the 2020 National Coastal Condition Assessment will be released in late FY 2023. In FY 2024, EPA will initiate planning activities with our partners for the 2025 National Coastal Condition Assessment.

EPA, as the federal chair of the Gulf Hypoxia Task Force, will work with other task force member federal agencies and twelve member states to continue implementation of the 2008 Gulf Hypoxia Action Plan. This activity complements other coordination and implementation resources in the Geographic Program: Gulf of Mexico and Surface Water Protection Program. A key goal of the Gulf Hypoxia Action Plan is to improve water quality in the Mississippi River Basin and reduce the size of the hypoxic zone in the Gulf of Mexico by implementing existing and innovative approaches to reduce nitrogen and phosphorus pollution in the Basin and the Gulf.

The Hypoxia Task Force is developing basin-wide metrics, while Task Force member states are using Infrastructure Investment and Jobs Act resources to implement nutrient reduction strategies, partner with land grant universities, report on measures to track progress, and identify a need for adaptive management. Excessive nutrients can have both ecological and human health effects. For example, high nitrate levels in drinking water have been linked to serious illness.³⁵⁷ In addition to the public health risks, there are considerable economic costs from impaired drinking water. State support for effective nutrient reduction in the Gulf will be coordinated with other Hypoxia Task Force federal member agencies, such as the U.S. Department of Agriculture and U.S. Geological Survey, in high-priority watersheds.

The Infrastructure Investment and Jobs Act (Public Law 117-58) includes \$38.4 million for this program in FY 2024.

Performance 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):

- (+\$379.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefit costs.

³⁵⁷ For more information, please visit: [National Service Center for Environmental Publications](#).

- (-\$7,865.0) This program change reduces the resources available for this program. Significant additional funding for these activities is available in FY 2024 through the Infrastructure Investment and Jobs Act.

Statutory Authority:

2021 Protect and Restore America's Estuaries Act; 1990 Great Lakes Critical Programs Act of the Clean Water Act; Great Lakes Legacy Reauthorization Act of 2008; Clean Water Act; Estuaries and Clean Waters Act of 2000; Protection and Restoration Act of 1990; North American Wetlands Conservation Act; Water Resources Development Act; 2012 Great Lakes Water Quality Agreement; 1987 Montreal Protocol on Ozone Depleting Substances; 1909 Boundary Waters Treaty; Marine Debris Research, Prevention and Reduction Act of 2006; Marine Plastic Pollution Research and Control Act of 1987, and the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note).

Wetlands

Program Area: Protecting Estuaries and Wetlands

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$21,103</i> | <i>\$21,754</i> | <i>\$26,671</i> | <i>\$4,917</i> |
| Total Budget Authority | \$21,103 | \$21,754 | \$26,671 | \$4,917 |
| Total Workyears | 116.4 | 118.4 | 138.0 | 19.6 |

Program Project Description:

EPA's Wetlands Protection Program has two primary components: 1) the Clean Water Act (CWA) Section 404 regulatory program and 2) the state and tribal wetland development program. Major activities of the Wetlands Protection Program include timely and efficient review of CWA Section 404 permit applications submitted to the United States Army Corps of Engineers (USACE) or authorized states; engaging and partnering with USACE, states, and other stakeholders to develop stream and wetland assessment tools, and improving compensatory mitigation effectiveness and availability of credits; assisting in the development of state and tribal wetlands protection and restoration programs under CWA, including 404 program assumption and 401 water quality certification; and providing technical assistance to the public on wetland management and legal requirements.

FY 2024 Activities and Performance Plan:

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

Working with federal, state, tribal, and local partners, EPA will strive to ensure an effective, consistent approach to wetlands protection, restoration, and permitting. To achieve this goal, the Agency will continue its collaborative relationship with USACE in the CWA Section 404 permitting program. In addition, EPA will continue its work with states and tribes to build their wetlands programs to monitor, protect, and restore wetlands to achieve multiple societal benefits, including adapting and mitigating the effects of climate change.

CWA Section 404

Section 404 of the CWA is an established program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. USACE is responsible for managing the day-to-day permit processes nationwide under CWA Section 404.³⁵⁸ EPA engages in the CWA

³⁵⁸ Currently, three states, Michigan, New Jersey, and Florida, have assumed the CWA Section 404 permit program. CWA Section 404(g) gives states and tribes the option of assuming, or taking over, the permitting responsibility and administration of the CWA Section 404 permit program for certain waters.

404 permit process to ensure compliance with the CWA Section 404(b)(1) guidelines as the permitting authority formulates their proposed permits. EPA will perform its CWA responsibilities to support new infrastructure projects funded through the Infrastructure Investment and Jobs Act of 2021. In 2008, EPA and USACE issued a final rule governing compensatory mitigation for activities authorized by the CWA 404 and associated losses of aquatic resources. The regulation prescribes a review and approval process for the establishment and management of mitigation banks and in-lieu of fees program. EPA and USACE will continue to work together to evaluate the effectiveness of the program, provide training to regulators and the public, and consider further enhancements to the rule and program.

In FY 2024, EPA will support the development of stream and wetland assessment methods, trainings for regulators, and regional crediting protocols for compensatory mitigation to improve the efficiency and environmental outcomes of federal and state agency review. In addition, EPA and USACE will continue to build internal capacity through trainings and improve efficiencies in federal CWA Section 404 permitting to help with reducing potential costs and delays; increasing consistency and predictability; improving protection of public health and the environment, including assessing climate impacts and impacts to disadvantaged communities; and ensuring permit decisions are legally defensible.

EPA also will continue carrying out its responsibilities as a member of the Gulf Coast Ecosystem Restoration Council authorized under the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States (RESTORE) Act, and as a Natural Resource Damage Assessment (NRDA) Trustee for the Deepwater Horizon oil spill under the Oil Pollution Act (OPA). Under CWA Section 404, the RESTORE Act, and OPA, EPA's responsibilities include timely, environmentally sound, and compliant implementation of National Environmental Policy Act (NEPA) review and associated permitting. Under NRDA, EPA is a cooperating or lead federal agency for NEPA on all Deepwater Horizon Trustee Implementation Group restoration plans and ensures the appropriate level of NEPA analysis is integrated into those referenced restoration plans. EPA's RESTORE responsibilities include NEPA analysis for projects that the Council assigns to EPA. As a NRDA Trustee, EPA undertakes mandatory independent third-party financial audits every three years to ensure accountability regarding the use of funds provided under a 2016 consent decree.³⁵⁹ The first independent third-party financial audit was initiated in FY 2018 and concluded in FY 2020 with no negative findings. The second audit was initiated in FY 2021 and concluded in FY 2022 with no significant findings. EPA anticipates initiating its third audit in late FY 2023.

Building State and Tribal Wetlands Programs

EPA will continue to work with states and tribes to target Wetlands Protection Program funds to core statutory requirements while providing states and tribes flexibility to best address their priorities. This includes providing assistance to states and tribes interested in assuming the administration of the CWA Section 404 (g) program. EPA intends to finalize a regulation in FY 2024 to update the existing assumption regulations and provide greater clarity to state and tribes on what waters may be assumed. EPA also will continue to administer Wetland Program Development Grants, which is a Justice40 covered program, in support of state and tribal wetland programs. The Agency will focus on working more efficiently with states and tribes to achieve

³⁵⁹ For more information, please see: <https://www.epa.gov/deepwaterhorizon>.

specific program development outcomes including protecting and restoring wetlands to address climate impacts, provide benefits to disadvantaged communities, support state and tribal assumption of the CWA Section 404 program, and support states and tribes with implementing CWA Section 401.³⁶⁰

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):

- (-\$25.0) 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 benefit costs.
- (+\$4,942.0 / +19.6 FTE) This increase of resources and FTE supports the implementation of the Clean Water Act to protect and restore wetlands. This investment also includes \$3.385 million in payroll.

Statutory Authority:

CWA § 404, § 104(b)(3).

³⁶⁰ For more information, please see: <https://www.epa.gov/wetlands>.

Water: Human Health Protection

Beach / Fish Programs

Program Area: Ensure Safe Water

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$1,209</i> | <i>\$2,246</i> | <i>\$2,381</i> | <i>\$135</i> |
| Total Budget Authority | \$1,209 | \$2,246 | \$2,381 | \$135 |
| Total Workyears | 1.8 | 2.7 | 3.8 | 1.1 |

Program Project Description:

The Beach/Fish Program provides up-to-date science, guidance, technical assistance, and nationwide information to state, tribal, and federal agencies to protect human health of beachgoers from contaminated recreation waters, as well as recreational and subsistence fishers (e.g., tribal communities and other underserved populations) from consumption of contaminated fish.

The Agency implements the following activities under this Program:

- Develop and disseminate methodologies and guidance that states and tribes use to sample, analyze, and assess fish tissue in support of waterbody specific or regional consumption advisories.
- Develop and disseminate guidance that states and tribes can use to conduct local fish consumption surveys.
- Develop and disseminate guidance that states and tribes can use to communicate the risks of consuming chemically contaminated fish.
- Gather, analyze, and disseminate information to the public and health professionals that informs decisions on when and where to fish, and how to prepare fish caught by recreational and subsistence fishers.
- Provide best practices on public notification of beach closures and advisories.
- Develop tools such as the sanitary survey app, predictive modeling, and improved analytical methods; and
- Maintain the E-Beaches IT system to collect data required by the Beaches Environmental Assessment and Coastal Help (BEACH) Act.

In addition to providing technical support to states and tribes on beach monitoring and data reporting, these programs are part of EPA's ongoing effort to increase public awareness of the risks to human health associated with contact with recreational water contaminated with pathogens or Harmful Algal Blooms, and with eating locally caught fish that contain pollutants such as mercury, PCBs, or PFAS at levels of concern. These efforts are directly linked to the Agency's mission to protect human health.

FY 2024 Activities and Performance Plan:

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

In FY 2024, EPA will continue to:

- Update science and public policy to assess and manage the risks and benefits of fish consumption.
- Provide analytical tools and collect data associated with beach monitoring.
- Provide technical support to states in the operation of their fish consumption advisories and beach monitoring programs.
- Build program capacity, particularly in areas related to environmental justice, water infrastructure support and oversight, climate change resilience, and regulatory reviews.
- Per the Agency's PFAS Roadmap, complete list of recommended target analytes for state and tribal fish advisory programs that are either known or thought to be present in samples of edible freshwater fish in high occurrence nationwide.
- Complete National Aquatic Resource Surveys (NARS) National Lakes Assessment analysis of fish tissue for contaminants including PFAS;
- Per the Agency's PFAS Roadmap, complete reporting for PFAS levels in the Nation's lakes for the first time; and
- Implement the Justice 40 initiative in the BEACH Act Program.

In FY 2024, EPA also will make investments in providing up-to-date science, guidance, and technical assistance so states and tribes have equitable and effective beach and fish advisory programs. This information allows the public, including underserved communities, to make informed choices about recreational activities in local waters and eating locally caught fish. EPA will maintain the E-Beaches IT system and make updates if needed.

Performance 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 change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefit costs.
- (+\$46.0 / +1.1 FTE) This net change in resources and FTE builds program capacity, particularly in areas related to environmental justice, water infrastructure support and oversight, climate change resilience, and regulatory reviews. This investment also includes \$219.0 thousand in payroll.

Statutory Authority:

Clean Water Act, § 101, 104, and 303.

Drinking Water Programs

Program Area: Ensure Safe Water

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Ensure Safe Drinking Water and Reliable Water Infrastructure

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$117,205</i> | <i>\$121,607</i> | <i>\$142,583</i> | <i>\$20,976</i> |
| Science & Technology | \$4,177 | \$5,098 | \$6,975 | \$1,877 |
| Total Budget Authority | \$121,382 | \$126,705 | \$149,558 | \$22,853 |
| Total Workyears | 473.1 | 539.4 | 554.5 | 15.1 |

Program Project Description:

Safe drinking water is critical for protecting human health and the economic vitality of the Nation. Approximately 320 million Americans rely on public water systems to deliver safe tap water that complies with national drinking water standards.³⁶¹ EPA's Drinking Water Program is based on a multiple-barrier and source-to-tap approach to protect public health from contaminants in drinking water.³⁶² EPA protects public health through:

- Source water assessment and protection;
- Promulgation of new or revised National Primary Drinking Water Regulations (NPDWRs);
- Training, technical assistance, and financial assistance programs to enhance public water system capacity to comply with regulations and provide safe drinking water;
- Underground Injection Control (UIC) programs;
- Support for implementation of NPDWRs by state and tribal drinking water programs through regulatory, non-regulatory, and voluntary programs and policies; and
- Funding, assistance, and resources for states and tribes to support the financing of water infrastructure improvements nationwide that will improve compliance, address drinking water contaminants such as lead, and ensure water systems are more resilient to threats, like cyber-attacks and natural hazards such as climate change.³⁶³

³⁶¹ For more information on the U.S. Environmental Protection Agency Safe Drinking Water Information System (SDWIS/FED), please see: <http://water.epa.gov/scitech/datait/databases/drink/sdwisfed/index.cfm>.

³⁶² For more information, please see: https://www.epa.gov/sites/production/files/2015-10/documents/guide_swppocket_2002_updated.pdf.

³⁶³ For more information, please see: <https://www.epa.gov/ground-water-and-drinking-water>.

Current events, including the detection of lead and per- and polyfluoroalkyl substances (PFAS) in drinking water, highlight the importance of drinking water protection programs that safeguard public health. It is also important to protect the sources of drinking water. Moreover, incidents of drinking water contamination with lead and PFAS, such as perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), and GenX chemicals, exemplify the increased demand for risk communication and other resources that can help communities protect public health and address these chemicals.

FY 2024 Activities and Performance Plan:

Work in this program directly supports Goal 5/Objective 5.1, Ensure Safe Drinking Water and Reliable Water Infrastructure in the *FY 2022 - 2026 EPA Strategic Plan*.

In FY 2024, the program will continue to support the Agency's national drinking water priorities and implementation of the Infrastructure Investment and Jobs Act (IIJA) of 2021 (Public Law 117-58), including:

- Addressing lead and emerging contaminants such as PFAS;
- Improving resilience in drinking water systems to address natural hazards, including climate change, and human threats by enhancing cybersecurity; and,
- Improving drinking water and water quality across the Nation, especially in rural, small, underserved, and disadvantaged communities across the country.

EPA is requesting additional resources in FY 2024 to integrate climate adaptation planning into water programs, policies, and rulemaking processes, and consult and partner with states, tribes, territories, local governments, environmental justice organizations, community groups, businesses, and other federal agencies to strengthen the adaptive capacity and increase the resilience of the Nation. The Agency also is requesting resources to support regulatory analysis, development and training, technical assistance for state, tribal, and local communities to address drinking water contaminants (including lead and emerging contaminants like PFAS) in their efforts to ensure safe and affordable drinking water.

The Agency will continue to improve the effectiveness and efficiency of its programs for states and tribes, including work to ensure EPA water programs and resources reach communities that too often have been left behind, including rural and tribal communities. In FY 2022, over 1,000 tribal, small, rural, or underserved communities were provided with technical, managerial, or financial assistance to improve operations of their drinking water or wastewater systems. The Drinking Water Program supports this effort by providing training and assistance to state drinking water programs, tribal drinking water officials, and technical assistance providers. The training includes:

- Achieving and maintaining compliance at drinking water systems;
- Developing and amplifying best practices and providing technical assistance;

- Strengthening state and tribal program capacity; and
- Certifying drinking water operators and maintaining an essential workforce.

EPA is overseeing state drinking water programs by completing the annual public water system supervision (PWSS) program review for each primacy agency as required under the Safe Drinking Water Act (SDWA). Information gained during the program reviews, which occur throughout the year, includes an analysis of the completion of sanitary surveys by primacy agencies and an evaluation of whether each primacy agency is implementing its programs in accordance with SDWA. The annual program reviews directly support the work of the states and the Agency to reduce the number of community water systems in noncompliance with health-based standards. As of January 2023, 2,988 of the 3,508 systems with health-based violations on September 30, 2017, have been returned to compliance (*i.e.*, 520 systems are still in violation).

In FY 2024, EPA will continue to work with states towards long-term remediation of systems with health-based violations. The Agency is also continuing to work with states on completing the development of the Drinking Water State-Federal-Tribal Information Exchange System (DW-SFTIES) as the long-term replacement for the Safe Drinking Water Information System for states (SDWIS-State). As of FY 2023, 42 states use SDWIS-State for day-to-day information management for implementing state drinking water programs. EPA is also supporting states in their transition planning activities, helping them to prepare to transition to DW-SFTIES after its scheduled completion in 2025. The information gained from the PWSS reviews and the database modernization efforts will continue to support evidence-building activities as part of EPA's implementation of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act).

The Agency also continues to provide training and collaborate with states on:

- Helping underserved, small, and disadvantaged communities with SDWA compliance and providing households access to drinking water services and household water quality testing, including testing for unregulated contaminants;
- Maintaining the states' capacity development programs and providing resources, tools, and technical assistance to help water systems with SDWA compliance;
- Effectively implementing Public Water System Supervision (PWSS Programs); and
- Providing operator certification programs to support the water sector workforce.

Water Infrastructure

Infrastructure investment is essential. The Nation's aging infrastructure poses a significant challenge for the drinking water and wastewater sectors to protect public health and the environment. These challenges are particularly pressing in small, rural, overburdened, and underserved communities. In FY 2024, EPA will continue to support improvements to the Nation's drinking water infrastructure, including identification of infrastructure needs and assistance for underserved and tribal communities. The Agency also will support activities to leverage and encourage public and private collaborative efforts and investments. This Program also supports

the Agency's efforts in implementing IJJA. EPA will focus on collaborating with the states to help small and underserved communities access the funding provided by IJJA.

In FY 2023, EPA will release the seventh Drinking Water Infrastructure Needs Survey and Assessment (DWINSA). This survey provides a 20-year capital investment need for public water systems that are eligible to receive funding from state Drinking Water State Revolving Fund (DWSRF) programs. The survey also informs the DWSRF allocation formula as required under SDWA. Beginning in FY 2024, early framework activities for the eighth DWINSA will begin. 'Lessons Learned' sessions will also be held with EPA's state partners to discuss the previous survey cycle and how to improve moving forward. The FY 2024 request includes up to \$1.5 million set aside from the DWSRF to ensure there are consistent and reliable resources to fund this important work.

In addition to the DWSRF Program, in FY 2024 EPA will continue to support drinking water infrastructure programs by implementing the following statutes:

- Consolidated Appropriations Acts of 2022 and 2023 (EPA Community Grants);
- Drinking Water and Wastewater Infrastructure Act of 2021 (DWWIA) within IJJA;
- America's Water Infrastructure Act of 2018 (AWIA);
- Water Infrastructure Improvements for the Nation Act of 2016 (WIIN); and
- The Water Infrastructure Finance and Innovation Act of 2014 (WIFIA).

Collectively, these laws strengthened existing programs and created new ones to tackle significant public health concerns and environmental needs. The programs created in these laws are vital to protecting public health, continuing to grow the United States' economy, and ensuring that rural and urban communities from coast-to-coast can thrive. EPA will continue to provide WIIN, AWIA, and IJJA grant funding to support projects focusing on reducing lead and addressing emerging contaminants in drinking water and to enhance water system resiliency to natural hazards such as climate change and man-made threats such as cyber-attacks, with a focus on small and disadvantaged communities.

Funding for infrastructure supports EPA's goal to increase the cumulative amount of non-federal dollars leveraged by water infrastructure finance programs by \$9.5 billion in FY 2024. These water infrastructure finance programs include the Clean Water State Revolving Fund, DWSRF, and the WIFIA program. In FY 2022, over \$14.6 billion has been leveraged by these programs increasing the funds available to improve, repair, and modernize the Nation's water infrastructure. In addition, the IJJA provides \$5 million for this program to support states seeking to gain primacy for UIC class CI wells in FY 2024.

Drinking Water Program Implementation

In FY 2024, the Agency is requesting additional resources to support continued work with states to implement requirements for all NPDWRs to ensure that systems install, operate, and maintain

appropriate levels of treatment and effectively manage their drinking water plants and distribution systems. The program activities are designed to improve drinking water and water quality across the Nation, especially in tribal and underserved and vulnerable communities. Activities include:

- Working with states to provide training, technical assistance, and resources to replace lead service lines and optimize corrosion control treatment, develop other strategies to minimize exposure to lead, and maintain simultaneous compliance;
- Developing guidance, tools, and trainings to support water systems and primacy agencies in implementing the Lead and Copper Rule and its revision;
- Implementing regulations to improve the clarity, readability, and accuracy of information in Consumer Confidence Reports;
- Implementing SDWA Section 1414 requirements allowing states to mandate water system restructuring assessments;
- Focusing on the reduction of the number of community water systems with health-based violations, especially small systems, tribal systems, and systems in underserved communities;
- In preparation of the PFAS NPDWR, supporting the development of the draft Small System Compliance Guidance Document; and,
- Developing implementation guidance manual and training for states in advance of the new Lead and Copper Rule Improvements (LCRI).

EPA will continue the development of the Drinking Water State-Federal-Tribal Information Exchange System (DW-SFTIES) and support state migration to the Compliance Monitoring Data Portal, which enables drinking water utilities and laboratories to report drinking water data electronically. In addition, EPA will continue the development of efficient program data management and reporting tools focusing on drinking water regulation, system technical, managerial, and financial capacity, and activities that inform status of SDWA compliance and decisions to support human health protection.

In FY 2024, EPA will conduct the following activities to facilitate compliance with drinking water rules:

- Overseeing the national PWSS Program by administering grants to states and measuring program results based on state reporting of health-based rule violations at public water systems for over 90 drinking water contaminants;
- Offering training and technical assistance to states, tribes, and public water systems, especially those in underserved and disadvantaged communities, with a priority on addressing significant noncompliance with the NPDWRs;

- Bolstering its strong partnership with the states to provide small system technical assistance, especially in disadvantaged communities, with a focus on compliance with rules, operational efficiencies, and system sustainability and resiliency to ensure public health protection;
- Directly implementing the Aircraft Drinking Water Rule, designed to protect millions of people who travel on approximately 5,700 aircraft in the United States annually; and,
- Directly implementing the Drinking Water Program where states and tribes do not have primacy (*e.g.*, Wyoming, the District of Columbia, and tribal lands excluding the Navajo Nation).

In FY 2024, EPA will continue to implement the Evidence Act and make evidence-based decisions guided by the best available science and data. EPA will continue to help develop statistical evidence where it is lacking and improve EPA's capacity to generate and share science and data, and use it in policy, budget, operational, regulatory, and management processes and decisions. Specifically, the Agency will be conducting evidence-building activities and gathering information from SDWIS that inform the data quality of the Agency's drinking water compliance information. Through these efforts, EPA has identified a need for access to states' compliance monitoring data and is developing the regulatory authority and tools necessary to fill this gap. Furthermore, EPA expects to identify additional data needs, potential sources of additional information, and mechanisms to fill data gaps. EPA also will identify system characteristics that support compliance and those that cause compliance challenges. EPA will use these findings to inform and develop policy instruments.

Drinking Water Standards

To assure the American people that their water is safe to drink, EPA's drinking water regulatory program monitors for a broad array of contaminants, evaluates whether contaminants are a public health concern, and regulates contaminants when there is a meaningful opportunity for health risk reduction for persons served by public water systems. In FY 2024, the Agency also will address drinking water risks with the following actions:

- Continuing to develop the new NPDWR, LCRI. In FY 2021, EPA issued the Lead and Copper Rule Revisions (LCRR) and subsequently reviewed those revisions in accordance with Executive Order 13990.³⁶⁴ Through this review, the Agency concluded that there are significant opportunities to improve the LCRR to support the overarching goal of proactively removing lead service lines and more equitably protecting public health (86 FR 71574). EPA intends to propose the LCRI in 2023 and finalize by October 16, 2024.
- Conducting human health effects assessments for water contaminants to support SDWA actions, including the derivation of maximum contaminant level goals, drinking water health advisories, and human health benchmarks. Consideration of those potentially most

³⁶⁴ For additional information, please see: <https://www.federalregister.gov/documents/2021/01/25/2021-01765/protecting-public-health-and-the-environment-and-restoring-science-to-tackle-the-climate-crisis>

at risk – especially sensitive subpopulations and critical life stages (*e.g.*, infants and children) – is key in development of health effects assessments for contaminants in water.

- Finalizing the PFAS NPDWR in FY 2024 after proposing the regulation in FY 2023. In FY 2021, EPA began the process to establish enforceable limits for PFAS chemicals, including PFOA and PFOS, under SDWA. The proposal will be supported by health effects assessments/science, external consultations, peer reviews, and other work undertaken in FY 2022 and continuing in FY 2023. EPA will address public comments; conduct additional analyses (if needed) in response to public comments; conduct stakeholder engagement activities; and revise support documents as part of drafting the final regulation.
- Continuing the development of the SDWA-mandated draft Regulatory Determinations (Reg Det) for the CCL 5 in FY 2023 and publishing the draft Reg Det for CCL 5 in FY 2024.
- Initiating the process to develop the Sixth Contaminant Candidate List (CCL 6) in FY 2024 following the FY 2023 publication of the Federal Register notice requesting nominations of drinking water contaminants for the CCL 6.³⁶⁵
- Continuing to participate in interagency actions and support cross-agency efforts to address PFAS; establishing better understanding of the health impacts and extent of their occurrence in the environment and resulting human exposures; and supporting priorities identified by the EPA’s PFAS Council and in EPA’s PFAS Strategic Roadmap.
- Developing drinking water health advisories for PFAS with final toxicity values.
- Continuing to develop risk communication and other tools to support states, tribes, and localities in managing PFAS and other emerging contaminants in their communities.
- Concluding the technical analyses that support the fourth six-year review (SYR4) of existing NPDWRs and publishing the SYR4 Federal Register notice.
- Continuing to support state and tribal efforts to manage cyanotoxins in drinking water, including providing technical assistance.
- Concluding the technical analyses requested by the National Drinking Water Advisory Council (NDWAC) Working Group and evaluating the NDWAC recommendations as the Agency considers the potential revisions to the existing Microbial and Disinfection Byproducts Rules.
- Continuing to monitor PFAS and lithium from January 2023 – December 2025 under UCMR 5, conducting occurrence analyses, and providing support to drinking water systems and laboratories as they collect and analyze samples during implementation.

³⁶⁵ For additional information, please see: <https://www.epa.gov/ccl/draft-contaminant-candidate-list-6-ccl-6>.

- Collecting and analyzing Community Water System Survey data to capture changes in the conditions of public water systems that have taken place in water systems since 2006.

Source Water Protection

SDWA requires drinking water utilities that meet the definition of a public water system to meet requirements for source water protection set by EPA and state primacy agencies. Protecting source water from contamination helps reduce treatment costs and may avoid or defer the need for complex treatment. EPA will continue to partner with states, federal counterparts, drinking water utilities, and other stakeholders to identify and address current and potential threats to sources of drinking water. In FY 2024, the Agency will be:

- Continuing to develop data-layers and decision support tools to assist source water assessment, planning, and emergency preparation including updates to the Drinking Water Mapping Application for Protecting Source Waters (DWMAPS) on EPA's web-based geospatial platform, *GeoPlatform*,³⁶⁶
- Working with state, federal, utility, and local stakeholders to leverage resources, support efforts to assist communities in source water protection activities and projects, and promote ongoing efforts, including funding opportunities through the Funding Integration Tool for Source water (FITS), to protect drinking water sources;
- Continuing to partner with the Department of Agriculture (USDA)'s Natural Resources Conservation Service and Forest Service and state partners to support implementation of the source water protection provisions of the Agriculture Improvement Act of 2018 (2018 Farm Bill). This presents an opportunity to forge stronger connections between EPA and USDA to address agriculture-related impacts to drinking water sources; and
- Continuing to provide support for workshops that promote source water protection at the local level and support the integration of source water protection into related programs at the state and federal levels, focusing on reducing nutrient pollution impacts on drinking water sources.

Underground Injection Control

Roughly one-third of the United States' population is served by public water systems that receive water from groundwater. To safeguard current and future underground sources of drinking water from contamination, the UIC Program regulates the use of injection wells that place fluids underground for storage, disposal, enhanced recovery of oil and gas, and minerals recovery. Protecting ground water requires proper permitting, construction, operation, and closure of injection wells. In FY 2024, planned activities in the UIC Program include:

- Supporting implementation of DWWIA to support comprehensive carbon dioxide infrastructure in the United States by working with applicants on Class VI permits for

³⁶⁶ For more information, please see: <https://www.epa.gov/sourcewaterprotection/dwmaps>.

secure geologic storage of carbon dioxide and with state UIC programs seeking to obtain primacy for the Class VI program;

- Supporting the implementation of the UIC STAG and IJA funded Class VI grant programs;
- Supporting efforts to advance environmental justice in UIC programs;
- Supporting states and tribes in applying for primary enforcement responsibility and implementing UIC Program revisions;
- Continuing to provide technical assistance, tools, and strategies to states to improve implementation of UIC programs, including development of e-learning material, and to support permitting in direction implementation;
- Using national UIC data to assist with promoting consistent approaches to program oversight of state and EPA's UIC programs; and
- Streamlining EPA's UIC direct implementation permitting process and reducing the permit application backlog.

Water Reuse

To assure a safe and reliable source of water that is resilient to drought, flooding, and population growth, EPA is working to advance water reuse nationwide. This work is being done in collaboration with a broad group of stakeholders, including non-governmental organizations, states, tribes, and local governments. In FY 2024, EPA will continue to support the National Water Reuse Action Plan and the Federal Water Reuse Interagency Working Group. The Agency will develop and pursue actions that prioritize advancing technical and scientific knowledge on water reuse to ensure its safety across a range of uses and applications. EPA will also pursue actions that provide technical and financial tools for stakeholders to ensure the accessibility of water reuse.³⁶⁷

One Water/One Community

EPA will coordinate CWA and SDWA resources toward historically underserved and overburdened communities that are facing greater climate and water equity challenges to achieve greater resilience, access to clean and safe water, and an improved quality of life. This program will provide holistic support to communities as they respond to the climate crisis by increasing funding for planning and implementation actions across the country. Additionally, EPA will work with tribes to meet the unique needs of their communities.

Permitting Related to Infrastructure

EPA is requesting additional resources to help process the increase in permits across the country driven by this Administration's historical investment in infrastructure. These additional FTE are necessary to handle the influx in a variety of different permit types that require EPA approval.

³⁶⁷ For more information, please see <https://www.epa.gov/waterreuse>.

This program also includes resources to support the increasing and new costs associated with mandatory Agency support services provided through the Working Capital Funding (WCF), support delegated responsibilities for Mission Support functions across the Agency, and support Agency-wide implementation of OMB Cybersecurity mandates.

Performance Measure Targets:

(PM DW-02) Number of community water systems still in noncompliance with health-based standards since March 31, 2021.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|-------|
| Target | | | | | 875 | 640 | 450 | 400 | CWSs |
| Actual | 3,508 | 1,718 | 1,128 | 1,048 | 654 | 537 | | | |

(PM DW-07) Number of drinking water and wastewater systems, state and tribal officials, and water sector partners provided with security, emergency preparedness, and climate resilience training and technical assistance.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|----------------------|
| Target | | | | | | 2,000 | 3,500 | 3,500 | Systems and Partners |
| Actual | | | | | | 3,939 | | | |

(PM DWT-02) Number of community water systems in Indian Country still in noncompliance with health-based standards since March 31, 2021.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|-------|
| Target | | | | | | 100 | 55 | 35 | CWSs |
| Actual | | | | | | 74 | | | |

(PM INFRA-06) Number of Tribal, small, rural, or underserved communities provided with technical, managerial, or financial assistance to improve system operations.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|-------------|
| Target | | | | | | 339 | 542 | 542 | Communities |
| Actual | | | | | 187 | 1,668 | | | |

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

- (+\$11,071.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefit costs. It also includes support for critical Agencywide infrastructure for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.

- (+\$218.0 / +1.2 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. This investment includes \$218 thousand in payroll.
- (+1,282.0/ + 1.0 FTE) This program change is an increase to support implementation of EPA's Climate Adaptation Action Plan. In particular, this increase will support priority commitments, such as actions to integrate climate adaptation into EPA programs, policies, and processes, efforts to address climate adaptation science and data needs, and efforts to consult and partner with outside stakeholders.
- (+\$8,405.0 / +8.9 FTE) This program change is an increase in resources and FTE that supports regulatory analysis, development and training, permit review, technical assistance for state, tribal, and local communities to address drinking water contaminants (including Lead and PFAS) in their efforts to ensure safe and affordable drinking water. This increase also supports development of the Lead and Copper Rule Revisions and the Unregulated Contaminant Monitoring Rule. This investment also includes \$1.841 million in payroll.

Statutory Authority:

SDWA; CWA.

Water Quality Protection

Marine Pollution

Program Area: Ensure Clean Water

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

| | 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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | \$8,699 | \$10,187 | \$12,624 | \$2,437 |
| Total Budget Authority | \$8,699 | \$10,187 | \$12,624 | \$2,437 |
| Total Workyears | 26.5 | 32.8 | 38.0 | 5.2 |

Program Project Description:

EPA's Marine Pollution Program: 1) aims to reduce marine litter in the Nation's waterways and communities in coastal regions and on major river systems, improve trash capture activities across the country, and support the Trash Free Waters Program; 2) addresses incidental discharges under the Clean Water Act Section 312; and 3) protects human health and the marine environment from pollution caused by dumping by implementing the Marine Protection, Research and Sanctuaries Act (MPRSA) and supporting the Ocean Dumping Management Program.

FY 2024 Activities and Performance Plan:

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

Trash Free Waters Program

The FY 2024 request includes resources and Full Time Equivalent (FTE) to support trash capture and prevention programs across the United States tied to water quality and waste management goals and to implement activities under the Save Our Seas Act 2.0. This program provides support to states and municipalities in coastal regions and on major river systems, with a special focus on lower-income areas with environmental justice concerns.

FY 2024 funding will allow the Program to:

- Support the installation of trash capture systems in stormwater conveyance systems and in waterways using technologies that are cost-effective and that have high trash-removal efficiencies;
- Provide assistance on integrating trash prevention provisions into municipal stormwater management permits and practices, as well as broader watershed plans.
- Aid targeted source reduction efforts.

- Promote appropriate protocols for trash monitoring efforts.
- Research and address microplastics (including microfibers) in waterways.
- Engage in targeted outreach and education efforts in support of place-based trash capture and reduction; and
- Validate and replicate the most effective tools, projects, metrics, and partnerships across the Nation for subsequent application in locations within the United States and in countries with the greatest need.

The Trash Free Waters Program has been able to increase the number of place-based projects year by year through active engagement with partners. Since 2013, over two hundred aquatic trash related projects have been undertaken with EPA assistance, public education and outreach, research, or implementation of regional program strategies. EPA will continue to work with its partners to advance this initiative in FY 2024 and evaluate progress by reviewing best practices and challenges and applying lessons learned to future projects.

Vessels Program

In December 2018, the Vessel Incidental Discharge Act (VIDA) was signed into law establishing a new framework for the regulation of discharges incidental to the normal operation of vessels. EPA is reviewing and considering public comments on the proposed rule and developing a supplemental proposal to set national performance standards for approximately thirty different categories of discharges from commercial vessels greater than 79 feet in length, and for ballast water from commercial vessels of all sizes. Following finalization of the regulations, EPA will coordinate with the United States Coast Guard on their implementing regulations. In FY 2023, EPA plans to issue revised sewage no-discharge zone guidance and in FY 2024 will continue to work with states on designating no-discharge zones within their waters.

Ocean Dumping Management Program

MPRSA regulates the disposition of any material in the ocean unless expressly excluded under MPRSA. In the United States, MPRSA implements the requirements of the London Convention. In FY 2024, EPA will evaluate MPRSA permitting inquiries and requests for the ocean dumping of all materials except dredged materials and, as appropriate, issue MPRSA emergency, research, general, and special permits. This will include investigating any needed regulatory updates and addressing MPRSA permitting requests for climate mitigation approaches including sub-seabed sequestration of CO₂ in geological formations, ocean-based carbon dioxide removal activities, ocean alkalinity enhancement activities, or ocean-based solar radiation management activities.

The U.S. Army Corps of Engineers uses EPA's ocean dumping criteria when evaluating requests for MPRSA permits and MPRSA federal project authorizations for the ocean dumping of dredged material (e.g., to support the expansion of ports and harbors or maintenance of navigation channels). All dredged material MPRSA permits and federal project authorizations are subject to

EPA review and written concurrence and EPA will continue to work expeditiously consistent with the Permitting Action Plan. In FY 2024, EPA will manage approximately one hundred EPA-designated ocean disposal sites, conduct ocean monitoring surveys at approximately six sites and evaluate lessons learned from each survey, review and update, as necessary, MPRSA-required site management and monitoring plans established for each EPA-designated site, and evaluate requests to designate (through rulemaking) new ocean disposal sites and/or modify (*i.e.*, expand the capacity of) existing EPA-designated sites.

EPA will perform its MPRSA responsibilities to support new port and navigation infrastructure projects funded through the Infrastructure Investment and Jobs Act of 2021. EPA will maintain national program capacity by training EPA staff and developing technical/regulatory tools to improve MPRSA permitting, site designation, and site management and monitoring. EPA will provide training for new Chief Scientist candidates and existing Chief Scientists responsible for designing and implementing ocean monitoring surveys to meet MPRSA requirements. In FY 2024, EPA will serve as the Head of the United States Delegation for the annual London Convention (LC) and London Protocol (LP) Scientific Groups Meetings, serve as Alternate Head of the United States Delegation for the annual Consultative Meeting of the LC and LP Parties, and represent the United States at the annual LP Compliance Group Meeting. An EPA representative will chair the annual LC/LP Consultative Meeting. With the U.S. Army Corps of Engineers, EPA will submit the annual United States Ocean Dumping Report to the International Maritime Organization.

Performance Measure Targets:

EPA's FY 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):

- (+539.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefit costs.
- (+\$1,898.0 / +5.2 FTE) This increase of resources and FTE builds program capacity, particularly in areas related to environmental justice, water infrastructure support and oversight, climate change resilience, and regulatory reviews. This investment also includes \$999.0 thousand in payroll.

Statutory Authority:

Clean Water Act; Marine Protection, Research, and Sanctuaries Act (Ocean Dumping Act); Marine Debris Research, Prevention and Reduction Act of 2006; Marine Plastic Pollution Research and Control Act of 1987; Save Our Seas Act 2.0.

Surface Water Protection

Program Area: Ensure Clean Water

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Protect and Restore Waterbodies and Watersheds

(Dollars in Thousands)

| | FY 2022 Final Actuals | FY 2023 Enacted Operating Plan | FY 2024 President’s Budget | FY 2024 President’s Budget v. FY 2023 Enacted Operating Plan |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | \$217,125 | \$224,492 | \$267,969 | \$43,477 |
| Total Budget Authority | \$217,125 | \$224,492 | \$267,969 | \$43,477 |
| Total Workyears | 937.2 | 1,010.3 | 1,056.4 | 46.1 |

Program Project Description:

The Surface Water Protection Program, under the Clean Water Act (CWA), directly supports efforts to protect, improve, and restore the quality of the Nation’s coastal waters, rivers, lakes, wetlands, and streams. EPA works with states and tribes to make continued progress toward clean water goals.

EPA uses a suite of regulatory and non-regulatory programs to protect and improve water quality and ecosystem health in the Nation’s watersheds. In partnership with other federal agencies, tribes, states, territories, local governments, and non-governmental partners, EPA works collaboratively with public and private sector stakeholders nationally and locally to establish innovative, broad-scale, and location-appropriate programs to achieve the Agency’s goals.

This Program also supports implementation of water quality standards, effluent guidelines, impaired waters listing, water quality monitoring and assessment, water quality certification, National Pollutant Discharge Elimination System (NPDES) permitting, and management and oversight of the Clean Water State Revolving Fund (CWSRF).

FY 2024 Activities and Performance Plan:

Work in this Program directly supports Goal 5/Objective 5.2, Protect and Restore Waterbodies and Watersheds in the *FY 2022 - 2026 EPA Strategic Plan*. By September 30, 2023, and in support of this goal and objective, EPA will provide technical assistance to at least 10 communities to help achieve clean and safe water and reduced exposures to hazardous substances, which is an Agency Priority Goal for FY 2022 – 2023 to *Clean up contaminated sites and invest in water infrastructure to enhance the livability and economic vitality of overburdened and underserved communities.*³⁶⁸

In FY 2024, EPA will work with states and tribes to target funds to core requirements while providing states and tribes with flexibility to best address their priorities for surface water protection. The FY 2024 request provides an increase of \$15.7 million and 24.1 FTE that will

³⁶⁸ This Agency Priority Goal is implemented jointly with Goal 6.

allow EPA to focus on the advancement of clean water infrastructure programs, with an emphasis on building climate change resilience, conducting CWA regulatory reviews, and advancing environmental justice through technical assistance and stakeholder engagement. The FY 2024 request also provides an increase of \$14.1 million and 22 FTE that will focus on investing in programs to put in place the national regulatory requirements needed to identify and control discharge of per- and polyfluoroalkyl substances (PFAS), nutrients and bacteria in surface waters and publicly owned treatment works (POTWs). This program project also includes resources to support the increasing and new costs associated with mandatory Agency support services provided through the Working Capital Funding (WCF), support delegated responsibilities for Mission Support functions across the Agency, and support Agency-wide implementation of OMB Cybersecurity mandates.

Program Implementation

Water Quality Criteria and Standards. Water quality criteria and standards provide the scientific and regulatory foundation for water quality protection programs under the CWA. EPA will provide new and revised national recommended ambient water quality criteria as required by CWA Section 304. EPA also will be supporting states and tribes with the adoption and implementation of water quality standards in accordance with 40 CFR part 131. In FY 2024, the Agency will place special emphasis on engaging with underserved communities in the review and setting of state water quality standards. The Agency also will place special emphasis on improving the water quality standards in tribal waters on reserved lands and in waterways where tribes retain treaty rights to better ensure that tribes' health and natural resources are protected.

Effluent Limitations Guidelines (ELGs). As required under the CWA, EPA will continue to annually review industrial sources of pollution and publish a preliminary ELG plan for public review, followed by a final biennial ELG plan informed by public comment. These plans will identify any industrial categories where ELGs need to be revised or where new ELGs need to be developed. In FY 2023, EPA intends to increase the capability of EPA's Effluent Guidelines program to reduce industrial pollutant discharges through innovative technology nationwide. EPA will continue the ELG rulemaking to strengthen wastewater guidelines for power plants that use steam to generate electricity. As part of the rulemaking, EPA remains committed to meaningful engagement with impacted communities and other stakeholders on potential revisions to the Steam Electric ELGs. EPA expects to publish a proposed rule in FY 2023 and complete the final rule in FY 2024.

In FY 2024, EPA will seek to complete a rulemaking to establish more protective nutrient limits on wastewater discharges from meat and poultry product facilities. EPA also will propose and finalize rulemakings to establish PFAS limits for the organic chemical manufacturing, metal finishing/electroplating, and landfills industrial point source categories. Additionally, EPA will collect data on additional industrial discharges of PFAS to surface waters and influent to POTWs and conduct rulemakings on one or more additional categories of industrial dischargers of PFAS as the Agency determines necessary.

Clean Water Act Analytical Methods Program. EPA will continue developing and updating analytical methods (test procedures) that are used by industries and municipalities to analyze the

chemical, physical, and biological components of wastewater and other environmental samples. EPA periodically updates existing analytical methods to reflect advances in analytical instrumentation and to foster innovation and improvement in the analytical chemistry community. In addition, as novel pollutants are identified for regulation under CWA programs, EPA develops and promulgates new analytical methods that can then be incorporated into NPDES and other permits. During FY 2024, EPA intends to continue developing analytical methods for determining PFAS in industrial wastewater to support ongoing PFAS industrial category rulemakings, as well as investing in updating existing analytical methods for pollutants such as pesticides/herbicides, microbial contaminants, radiological contaminants, and nutrients in wastewater.

Biosolids. EPA will continue to implement the Biosolids (sewage sludge) Program as required under CWA Section 405, including reviewing the biosolids regulations at least every two years to identify additional toxic pollutants and promulgate regulations for such pollutants consistent with the CWA. EPA also will continue to develop tools to conduct risk assessments for chemicals and pathogens found in biosolids. EPA will focus resources on obtaining and using the latest scientific knowledge to identify resource recovery and reuse alternatives, understanding and managing the biosolids lifecycle, engaging partners — particularly those communities most affected — and conducting research. Investment in the biosolids program is critical to addressing near term risks from PFAS, dioxins and dibenzofurans, polychlorinated biphenyls (PCBs), and other chemicals known to be in domestic sewage sludge that is currently applied to land.

Impaired Waters Listings and Total Maximum Daily Loads (TMDLs). EPA will work with states, territories, tribes, and other partners to identify impaired waters, as required by CWA Section 303(d), and on developing and implementing TMDLs for listed impaired waterbodies. TMDLs focus on clearly defined environmental goals and establish a pollutant budget, which is then implemented through local, state, and federal watershed plans and programs to restore waters. EPA will work with and provide support to states, territories, and tribes to ensure that TMDLs are effective and implementation ready. EPA also will support states, territories, and tribes develop other restoration approaches and plans for the protection of unimpaired or high-quality waters.

The TMDL Program is at an important inflection point as EPA begins the new “2022 - 2032 Vision for the Clean Water Act Section 303(d) Program” and continues to build on the work done throughout the first 10-year 303(d) Vision. As part of the 2022 - 2032 Vision, EPA provided four themes to consider in the CWA Section 303(d) program implementation - 1) Environmental Justice, 2) Climate Change, 3) Tribal Water Quality and Program Development, and 4) Program Capacity Building.

Monitoring and National Aquatic Resource Surveys (NARS). EPA will continue working with states and tribes to support the NARS statistically representative monitoring of the condition of the Nation’s waters which supports CWA Section 305(b). EPA will explore opportunities to leverage NARS data analysis to gain insight on disparities in water quality and the impacts of climate change. EPA will leverage NARS training programs to support workforce development in water quality monitoring and build tribal capacity for monitoring and assessment. EPA will continue working with states and tribes to support base water quality monitoring programs and priority enhancements that serve state and tribal CWA programs in a cost-efficient and effective manner. The FY 2024 request would support EPA’s assistance for states and tribes to expand

monitoring and reporting for PFAS and other priority water quality concerns. EPA will continue supporting state and tribal water quality data exchange and tools to maximize the use of data from multiple organizations to support water quality management decisions.

Waters of the United States. EPA and the Department of the Army published the final revised definition for the “Waters of the United States” rule in January 2023. The agencies developed this rule with consideration of the relevant provisions of the Clean Water Act and the statute as a whole, relevant Supreme Court case law, and the agencies’ technical expertise after more than 45 years of implementing the longstanding pre-2015 “Waters of the United States” framework. EPA will continue to support the development of tools and resources with state and federal partners to facilitate implementation, such as the Streamflow Duration Assessment Methods.

Water Quality Certification. In accordance with Executive Order 13990, EPA completed a review of the 2020 CWA Section 401 certification rule and proposed a new rule on June 9, 2022, which will be completed in 2023. EPA will continue to support the development of tools and resources with the federal licensing and permitting agencies as well as the certifying agencies. Section 401 of the CWA gives states and authorized tribes the authority to assess potential water quality impacts of discharges from federally permitted or licensed projects that may affect the “Waters of the United States.”

Water Quality Programs. The NPDES Program protects human health, safety, and the environment by regulating point sources that discharge pollutants into waters of the United States. In an average year, over 10 thousand permits are issued to address discharges from among the approximately 15 thousand wastewater treatment facilities, nearly 60 categories of industries, and almost 300 thousand stormwater facilities. EPA authorizes the NPDES permit program to state, tribal, and territorial governments, and currently 48 states, tribes in Maine, and U.S. Virgin Islands have authorized programs.

In FY 2024, EPA will continue to implement a permitting program that helps control point source discharges through permitting and pretreatment programs. The permitting process is a vital tool for protecting waterways, particularly in underserved communities that may suffer from a combination of economic, health, and environmental burdens, by setting effluent limits, monitoring, and reporting requirements, and other provisions. As climate change increases the stress on waterways, these permits allow EPA and the states to set appropriate requirements for the waste streams to protect water quality and public health.

In addition, as required under the CWA and Executive Order 12866: *Regulatory Planning and Review*,³⁶⁹ EPA will continue to support cost-benefit analysis for CWA regulatory actions. EPA will work with states, tribes, territories, and local communities to safeguard human health; maintain, restore, and improve water quality; and make America’s water systems sustainable and secure, supporting new technology and innovation wherever possible.

Nutrient and Harmful Algal Bloom (HAB) Reductions. The FY 2024 request includes resources and FTE to support efforts to reduce nutrient pollution and HABs, which remain the most

³⁶⁹ For more information, please see: <https://www.epa.gov/laws-regulations/summary-executive-order-12866-regulatory-planning-and-review>.

significant widespread water quality challenge across the country, despite decades of efforts to achieve reductions.³⁷⁰ Climate change is exacerbating HABs. The sources and impacts of nutrient pollution and HABs vary depending on geographic location, and span urban, rural, and coastal landscapes. EPA has been working with its partners to address these challenges. At the end of 2022, almost 12 thousand square miles of watersheds with waters identified as impaired by nutrients are now attaining standards. The FY 2024 request will allow EPA to assist states, territories, and authorized tribes in the development of numeric nutrient criteria through the Nutrient Scientific Technical Exchange Partnership & Support (N-STEPS) Program, establishment of numeric targets to apply narrative water quality standards (WQS), perform assessments and identify impaired waters, develop TMDLs, and support science research related to HABs.

Per- and Polyfluoroalkyl Substances (PFAS). The FY 2024 request directs resources toward addressing PFAS in surface waters through the development of national recommended ambient water quality criteria for PFOA and PFOS; biosolids risk assessments for PFOA and PFOS; methods for detecting PFAS in wastewater; national collection of information on discharges of PFAS from industrial point source categories to determine if revisions to ELGs are warranted; revising existing ELGs for metal finishing operations, organic chemical manufacturers, and landfills to include numeric effluent limits on PFAS discharges; incorporating PFAS monitoring requirements in NPDES permits; and fish tissue monitoring. In FY 2024, EPA will continue to implement the four-year PFAS Strategic Roadmap which contains a comprehensive set of actions that guide the Agency's efforts on PFAS.

Water Reuse. To assure that communities have safe, reliable sources of water that are resilient to drought, flooding, and population growth, EPA is working to advance water reuse nationwide. This work is being done in collaboration with a broad group of stakeholders including non-governmental organizations, states, tribes, and local governments. In FY 2024, EPA will continue to support the National Water Reuse Action Plan and the Federal Water Reuse Interagency Working Group. The Agency will develop and pursue actions that prioritize advancing technical and scientific knowledge on water reuse to ensure its safety across a range of uses and applications. EPA also will pursue actions that provide technical and financial tools to stakeholders to ensure the accessibility of water reuse.³⁷¹

WaterSense. The WaterSense Program is a key component of the Agency's efforts to ensure long-term sustainable water infrastructure. WaterSense provides consumers with a simple label to identify and select water-efficient products to help them save water and money and provides resources and tools to help water utilities carry out efforts to manage water demand and wastewater flows. Products and homes may only bear the WaterSense label after being independently certified to ensure that they meet WaterSense criteria for efficiency and performance. As of February 2023, the Program has labeled more than 39 thousand models of plumbing and irrigation products, and more than 6,400 homes have earned the WaterSense label. Through 2021, the Program helped save more than 6.4 trillion gallons of water and 288 metric tons of greenhouse gases.³⁷² In FY 2024,

³⁷⁰ For more information, please see <https://www.epa.gov/nutrientpollution>.

³⁷¹ For more information, please see <https://www.epa.gov/waterreuse>.

³⁷² WaterSense Accomplishment Reports (updated annually). For more information visit: <https://www.epa.gov/watersense/accomplishments-and-history>.

the Program will work on a new specification for point-of-use reverse osmosis water treatment systems and irrigation spray sprinkler nozzles and carry out consumer campaigns that encourage consumers to switch to WaterSense-labeled products.

Urban Waters Federal Partnership Program (UWFP). The Urban Waters Federal Partnership Program (UWFP) reconnects urban communities with their waterways, particularly communities that are overburdened and underserved. The Program supports local urban water champions (Ambassadors) who work with diverse local stakeholder groups to collaborate on community-led revitalization efforts to improve the Nation's waters and promote their economic, environmental, and social well-being. At the national level, EPA leads a coalition of over 15 federal agencies that support 21 designated UWFP partnership locations. In FY 2024, the UWFP will continue to implement the actions identified in the Framework for the Future that was included in the 2021 Partner Recommitment,³⁷³ including: strengthening the existing Partnership, increasing the number of communities that benefit from it, and leveraging the UWFP to address Administration and community priorities, including climate resilience and using nature-based solutions for multiple community benefits.

One Water/One Community: EPA will coordinate CWA and Safe Drinking Water Act resources toward historically underserved and overburdened communities that are facing greater climate and water equity challenges to achieve greater resilience, access to clean and safe water, and an improved quality of life. This program will provide holistic support to communities as they respond to the climate crisis by increasing funding for planning and implementation actions across the country. Additionally, EPA will work with tribes to meet the unique needs of their communities.

Infrastructure

EPA will continue its support of the Nation's infrastructure, focusing on efforts to leverage and encourage public and private collaborative efforts and investments in improving the Nation's water infrastructure. This program supports the policy and fiduciary oversight of the Clean Water State Revolving Fund (CWSRF) Program, which provides low-interest loans and additional subsidization to help finance wastewater treatment facilities and other water quality projects.³⁷⁴ Federal capitalization to the SRFs is significantly leveraged; since 1988, the CWSRF Program has made 46,224 assistance agreements, funding over \$163 billion in wastewater infrastructure and other water quality projects.

The FY 2024 request:

- Supports funding for the Environmental Finance Centers Program which will help communities across the country improve their wastewater and stormwater systems, particularly through innovative financing.

³⁷³ For more information visit: https://www.epa.gov/system/files/documents/2021-11/urban-waters-recommitment-report-112221_508.pdf.

³⁷⁴ For more information, please see <https://www.epa.gov/cwsrf>.

- Drives progress on water infrastructure by increasing non-federal dollars leveraged by EPA water infrastructure finance programs (CWSRF, Drinking Water State Revolving Fund, and Water Infrastructure Finance Innovation Act). EPA leveraged \$14.6 billion in non-federal dollars in FY 2022.
- Supports decentralized systems (septic or onsite) that provide communities and homeowners with a safe, affordable wastewater treatment option by implementing the 2020 Decentralized Wastewater Management Memorandum of Understanding and by improving access to CWSRF financing for communities who rely on decentralized systems.
- Supports the Wastewater Technology Center that provides accurate and objective resources on innovative and alternative wastewater technologies with a focus on small, mid-sized, and underserved communities.
- Supports the Wastewater Technology Clearinghouse, a searchable database that will provide reliable, objective information on proven innovative and alternative technologies for decentralized and centralized alternative wastewater treatment, such as water reuse, small system technologies used by lagoons, resource recovery, and nutrients.
- Supports the Sustainable Utility Management programs, implemented in partnership with industry associations and designed to protect and improve infrastructure investments through the Effective Utility Management Program, the Water Workforce Initiative, and tools such as augmented alternatives analysis that help communities leverage investments to achieve water protection goals and other community economic and societal goals; and
- Supports the Water Infrastructure and Resiliency Finance Center in assisting local leaders in identifying financial approaches for their drinking water, wastewater, and stormwater infrastructure needs.

Program Oversight/Accountability

The Assessment TMDL Tracking Implementation System (ATTAINS). ATTAINS is an online system for accessing information about the conditions in the Nation's surface waters. ATTAINS provides key information to the Agency, as well as states, territories, and tribes, who play a critical role in implementing the CWA. The Agency will continue to support states, tribes, and territories in electronically reporting CWA Section 303(d) and Section 305(b) assessment conclusions through ATTAINS to track improvements in impaired waters. This tool allows states and EPA to track and report progress in meeting water quality standards.

EPA, through a new "bridge metric," continues to track state progress in completing TMDLs, other restoration approaches, or protection approaches with the goal of approximately 19 thousand square miles of addressed bridge metric waters by the end of FY 2024. As of December 2022, over four thousand square miles of state bridge metric waters were addressed by a TMDL, other restoration approach, or protection approach. Following the conclusion of this bridge metric, EPA's plan is that states will continue to set priorities every two years under a long-term Vision metric until the conclusion of the 2022 303(d) Vision.

EPA continues to support streamlining efforts to allow states to reduce the time they spend on administrative reporting. EPA will work on improved reporting of the Agency's metric to reduce the number of square miles of watershed with surface water not meeting standards. In FY 2022, over 20 thousand square miles of watersheds that contained previously impaired waters attained compliance with water quality standards.

NPDES Oversight. The National Program continues to work with the federal and state permitting authorities to provide oversight, technical assistance, and training to the permit writers in an effort to support program implementation and pursue comprehensive protection of water quality on a watershed basis. EPA's oversight includes the National Pretreatment Programs, which is a cooperative effort of federal, state, and local governments that perform permitting and enforcement tasks for discharges to publicly owned treatment works.

EPA continues to collaborate with the federal and state permitting authorities to identify opportunities to enhance the integrity and timely issuance of NPDES permits and permitting backlogs. After program improvements, between March 2018 and the end of September 2022, the backlog of EPA-issued new and existing NPDES permits decreased from 106 to 20 and 547 to 229, respectively. In FY 2024, EPA will continue to host NPDES-related workshops and provide technical assistance to build permit writer capacity on a range of topics including permit writing, pretreatment, whole effluent toxicity, stormwater, and nutrients. EPA also will issue general permits where appropriate to address permit integrity and timeliness to continue to reduce the backlog of permits.

In FY 2024, EPA will continue to work with the federal and state permitting authorities to address PFAS in NPDES permitting. In FY 2023, EPA published a memorandum titled, *Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs*, which provides detailed instructions regarding how permitting authorities would address PFAS discharges in NPDES permits. EPA encourages permitting authorities to propose monitoring requirements at facilities where PFAS are expected or suspected to be present in wastewater and stormwater discharges, utilizing EPA's recently published analytical method 1633, which addresses 40 unique PFAS. In FY 2024, EPA also will continue to build upon this strategy by compiling best practices from state permitting authorities to address PFAS in NPDES permits, conducting training, and sharing the latest research and practices to prevent these contaminants from reaching surface waters.

EPA will work on addressing court decisions related to Maui, Hawaii in the permitting program. In *County of Maui v. Hawaii Wildlife Fund*, the Supreme Court held that discharges from point sources through groundwater that eventually reach a water of the United States require an NPDES permit if they are the "functional equivalent" of a direct discharge to a water of the United States. In FY 2024, EPA will continue to provide technical assistance to permit writers to implement this decision effectively in permits.

Integrated Planning. Clean water infrastructure investment needs are documented to be several hundred billion dollars, with wet weather improvements (combined sewer overflows [CSOs], sanitary sewer overflows [SSOs], bypasses, and stormwater discharges) comprising a significant portion of this total. Investment needs of this magnitude affect utility rates and disproportionately

impact underserved communities. Integrated planning, utilizing green infrastructure, and other tools allow communities to synchronize infrastructure investments with broader community development goals. An integrated approach creates opportunities for affordable, multi-benefit investments that protect public health and enhance resiliency. As an effort to promote the adoption of green or nature-based infrastructure as effective solutions to advance climate resilience or support the resilience of traditional hard infrastructure, EPA has reinvigorated the Green Infrastructure Federal Collaborative.³⁷⁵ This cooperative effort fosters engagement and cooperation between agencies that actively work to promote the implementation of green infrastructure. In FY 2024, EPA will continue to implement integrated planning and green infrastructure practices to address wet weather challenges and increase infrastructure resiliency.

Building Coalitions to Advance the Permitting Program. EPA continues to work with stakeholders and industry to identify challenges in implementation and best management practices. In FY 2024, EPA will continue to lead the Animal Agriculture Discussion Group (AADG), which consists of animal agriculture representatives from the U.S. Department of Agriculture, the animal feeding industry, and the states. AADG provides a forum for industry to engage with permitting authorities, resulting in a shared understanding of how to enhance agricultural practices that lead to greater water quality protection.

Improving National Aquatic Resource Survey (NARS) Data. Another process improvement effort is focused on streamlining the flow of NARS data from EPA labs to state partners and data analysts. The Agency will continue to implement these process improvements and monitor the impact of data delivery on timeliness of analysis and reporting.

Improving Timeliness of Water Quality Standards Actions. EPA is investing in reducing the backlog of WQS actions. The Agency will continue to work to decrease the number of state and tribal WQS revision actions that have been submitted to EPA which EPA neither approved nor disapproved within the first 60 days after submittal and that have yet to be acted upon. The CWA requires EPA to review state and tribal WQS revisions and either approve within 60 days or disapprove within 90 days.

401(a)(2) Notifications. In FY 2022, EPA developed a system to track 401(a)(2) notifications. EPA will track whether a “may effect” determination has been made and to who (state or tribe) and then note the follow-up coordination, including potential public hearings, EPA recommendations, and whether the EPA recommendation led to improvements in the federal permit or license. The notifications will mostly come from the Army Corps of Engineers but can come from any federal permitting or licensing agency.

Permitting Related to Infrastructure. EPA is requesting additional resources to help process the increase in permits across the country driven by the Administration’s historical investment in infrastructure. These additional FTE are necessary to handle the influx in a variety of different permit types that require EPA approval or review, including Section 401 certification.

Performance Measure Targets:

³⁷⁵ For more information please visit: <https://www.epa.gov/green-infrastructure/green-infrastructure-federal-collaborative>.

(PM INFRA-06) Number of tribal, small, rural, or underserved communities provided with technical, managerial, or financial assistance to improve system operations.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|-------------|
| Target | | | | | | 339 | 542 | 542 | Communities |
| Actual | | | | | 187 | 1,668 | | | |

(PM NPDES-03) Number of existing EPA-issued NPDES individual permits in backlog.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| Target | | | 360 | 280 | 230 | 250 | 210 | 195 | Permits |
| Actual | | 456 | 373 | 333 | 284 | 229 | | | |

(PM SWP-01) Annual increase in square miles of watersheds with surface water meeting standards that previously did not meet standards.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|--------------|
| Target | | | | | | 8,000 | 8,000 | 17,100 | Square Miles |
| Actual | | | | | | 20,511 | | | |

(PM SWP-02) Annual increase in square miles of watersheds with previously impaired surface waters due to nutrients that now meet standards for nutrients.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|--------------|
| Target | | | | | | 2,100 | 1,400 | 1,400 | Square Miles |
| Actual | | | | | | 12,833 | | | |

(PM TMDL-03) Square miles of priority areas covered by TMDLs, other restoration plans, or protection approaches.

| | FY 2017 | FY 2018 | FY 2019 | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 | Units |
|---------------|---------|---------|---------|---------|---------|---------|---------|---------|--------------|
| Target | | | | | | | 7,940 | 19,280 | Square miles |
| Actual | | | | | | | | | |

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

- (+\$13,685.0) This change to fixed and other costs is an increase due to the recalculation of base workforce costs for existing FTE due to annual payroll increases, adjustments to provide essential workforce support, and changes to benefit costs. This change also includes support for critical agencywide infrastructure for Executive Order 14028 cybersecurity requirements, electronic discovery for FOIA and litigation support, and implementation of Trusted Vetting 2.0.
- (+\$14,053.0 / +22.0 FTE) This program change increases FTE and resources to accelerate progress on EPA's PFAS Strategic Roadmap, to enable EPA to move more quickly on policy, regulatory, and enforcement actions across multiple statutory authorities, and to support states and tribes in taking action on PFAS. This investment also includes \$4.053 million in payroll.

- (+\$15,500.0 / +22.8 FTE) This increase of resources and FTE supports the advancement of clean water infrastructure programs, with an emphasis on building climate change resilience, conducting Clean Water Act regulatory and permit reviews, and advancing environmental justice. This investment also includes \$4.2 million in payroll.
- (+239.0 /+1.3 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. This investment includes \$239 thousand in payroll.

Statutory Authority:

Clean Water Act; Marine Protection, Research, and Sanctuaries Act; Marine Debris Research, Prevention and Reduction Act of 2006; Marine Plastic Pollution Research and Control Act of 1987.

Congressional Priorities

Congressional Priorities

Program Area: Clean and Safe Water Technical Assistance Grants

Goal: Ensure Clean and Safe Water for All Communities

Objective(s): Ensure Safe Drinking Water and Reliable Water Infrastructure
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 |
|---|----------------------------------|---|---|---|
| <i>Environmental Programs & Management</i> | <i>\$21,700</i> | <i>\$30,700</i> | <i>\$0</i> | <i>-\$30,700</i> |
| Science & Technology | \$7,492 | \$30,751 | \$0 | -\$30,751 |
| Total Budget Authority | \$29,192 | \$61,451 | \$0 | -\$61,451 |

Project Description:

The purpose of the Water Quality Research and Support Grants Program is to provide training and technical assistance for small public water systems, to help such systems achieve and maintain compliance with the Safe Drinking Water Act (SDWA), and to provide training and technical assistance for small publicly owned wastewater systems, communities served by onsite / decentralized wastewater systems, and private well owners improving water quality under the Clean Water Act (CWA).

FY 2024 Activities and Performance Plan:

Resources are proposed for elimination for this program in FY 2024. States have the ability to develop technical assistance plans for their water systems using Public Water System Supervision Program grant funds and set asides from the Drinking Water State Revolving Fund.

Performance Measure Targets:

EPA's FY 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):

- (-\$30,700.0) This program change proposes to eliminate the Water Quality Competitive Grant Program. Resources are available through other existing programs and states are best positioned to develop technical assistance plans for their water systems.

Statutory Authority:

SDWA § 1442(e); Federal Food, Drug and Cosmetic Act; Food Quality Protection Act; Endangered Species Act; CWA § 104(b)(3).