

The following 8 pages numbered 102 through 109 were excerpted from House of Representatives Report 110-187 (committed on June 11, 2007).

The Commission will be comprised of science leaders both inside and outside government. Specifically, it will include the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, the Director of the United States Geological Survey, the Undersecretary for Science of the Department of Energy, the Administrator of the National Oceanographic and Atmospheric Administration, the Chief of the United States Forest Service, the President of the National Academy of Engineering, the President of the National Academy of Sciences, and six additional members with appropriate expertise to be selected by the Chairman. The President of the National Academy of Sciences is designated as the Chairman by statute. The Commission will be housed within the Environmental Protection Agency for administrative and logistical support. The bill includes \$5 million for support costs of the Commission. In addition to supporting employment of Commission staff directly, funds are provided for contractual support from the National Academy of Sciences.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

The Environmental Programs and Management account encompasses a broad range of abatement, prevention, enforcement, and compliance activities, and personnel compensation, benefits, travel, and expenses for all programs of the Agency except Science and Technology, Hazardous Substance Superfund, Leaking Underground Storage Tank Trust Fund, Oil Spill Response, and the Office of Inspector General.

Abatement, prevention, and compliance activities include setting environmental standards, issuing permits, monitoring emissions and ambient conditions and providing technical and legal assistance toward enforcement, compliance, and oversight. In most cases, the States are directly responsible for actual operation of the various environmental programs and the Agency's activities include oversight and assistance.

In addition to program costs, this account funds administrative costs associated with the operating programs of the Agency, including support for executive direction, policy oversight, resources management, general office and building services for program operations, and direct implementation of Agency environmental programs for headquarters, the ten EPA Regional offices, and all non-research field operations.

Appropriation enacted, 2007	\$2,358,370,000
Budget estimate, 2008	2,298,188,000
Recommended, 2008	2,375,582,000
Comparison:	
Appropriation, 2007	+17,212,000
Budget estimate, 2008	+77,394,000

The Committee recommends \$2,375,582,000 for environmental programs and management, an increase of \$77,394,000 above the budget request and an increase of \$17,212,000 above the 2007 enacted level. The changes to the request, as recommended by the Committee, are discussed by program area below.

Air Toxics and Quality.—The Committee recommends an increase of \$2,000,000 to the request, which is a decrease of

\$1,245,000 from fiscal year 2007. Based on the recent Supreme Court decision, *Massachusetts et al. v. EPA et al.*, the Committee directs the Agency to use this increase to begin the process to develop a rule to reduce greenhouse gas emissions. An Administrative Provision at the end of Title II makes these funds available only for this purpose. The Agency may, of course, spend more on this effort, as it sees fit.

The Committee believes the Agency could begin as early as 2008 to promulgate a regulation to control greenhouse gas emissions. To the extent further research or technology testing is required, the Agency may use a portion of the \$16,400,000 increase provided in the Science and Technology account under the Research: Clean Air program. Additional direction related to this provision is found in the EPA Administrative Provisions section below.

Climate Protection.—The Committee recommends a net increase of \$7,574,000 above the request, which is \$3,299,000 above fiscal year 2007. From within the new total, the Committee directs an increase of \$8,074,000 for the Energy Star program to bring the total program level to \$52,000,000. The Committee also has reduced the amount for the Asia-Pacific Partnership by \$2,500,000, which is half the requested amount. The Committee intends the remainder of the increase provided in this program area for other core climate protection programs. The Committee has provided the budget request for the Methane-to-Markets program.

Enforcement.—The Committee recommends an increase of \$10,178,000 above the request, which is \$11,828,000 above fiscal year 2007. From the increase, the Committee directs \$3,178,000 for the Environmental Justice program. This increase brings the total program to \$7,000,000, almost \$1,500,000 above the fiscal year 2006 level. The remaining increase of \$7,000,000 is directed to support additional personnel in the Civil and Criminal Enforcement areas, to be allocated between the two at the Agency's discretion.

Geographic Programs.—The Committee recommends an increase of \$24,557,000 in this program area in order to augment efforts to protect and save the Nation's great water bodies. This amount is \$23,398,000 above the fiscal year 2007 level. This increase, coupled with funds provided elsewhere for the National Estuaries Program and the Great Lakes Legacy Act, greatly expands the Committee's commitment to a number of important water bodies throughout the country. The Committee directs the increase in this program area to be distributed to provide the following total program levels:

\$30,000,000 for the Chesapeake Bay Program. Of this amount, \$22,000,000 is for the base program, \$4,000,000 for small watershed grants, and \$4,000,000 for targeted watershed grants. The Committee notes recent GAO findings that EPA should focus on a cost effective strategy for nitrogen reductions and restoration activities that help the Agency achieve its Chesapeake 2000 commitments by 2010. To the extent possible, the Agency should focus the funds provided for targeted watershed grants to cost-effective, nitrogen reductions and restoration activities that have already been identified.

\$25,000,000 for the Great Lakes National Program Office. A majority of the increase should be used for additional staff to implement the Great Lakes Legacy Act.

\$15,000,000 for implementation of the Puget Sound program, including funding for both grants and contracts necessary to accomplish the goals of the section 320 management plan.

\$10,000,000 for the Long Island Sound program to implement both the Long Island Sound Restoration and Stewardship Acts.

\$4,448,000 for the Community for a Renewed Environment (CARE) program.

\$3,651,000 for Other Geographic Activities, not specified in the detailed table.

In addition, the Committee directs a \$4,953,000 reduction to the Regional Administrators' Geographic Initiative, for a total program level of \$4,600,000. The Committee notes that the Agency's budget provides little justification on how these funds will be used in fiscal year 2008. At a minimum, future Budget Justifications should include the criteria used to allocate the funds by Region and the criteria used by each Region to select projects. To the extent that the Agency can list the projects proposed to be funded, it should do so. In addition, the Committee also directs the Agency to submit a report by January 15, 2008, to include for fiscal years 2005, 2006, and 2007: (1) the criteria used to allocate these funds to each regional office; (2) the criteria used to select the projects funded by each Region; (3) a list, by Region, of the projects and amounts funded; and, (4) a summary of how each project met the selection criteria and its accomplishments.

Indoor Air.—The Committee recommends an increase of \$500,000, which is \$1,745,000 below fiscal year 2007. The Committee directs this increase to the Reduced Risks from Indoor Air program.

Information Exchange/Outreach.—The Committee recommends an increase of \$9,000,000, which is \$4,538,000 above fiscal year 2007. The Committee provides the increase to restore the Environmental Education Program and directs the Agency to apply the formula mandated in the statute to the entire amount provided.

Legal/Science/Regulatory/Economic Review.—The Committee provides the request and directs, from within that amount:

–\$1,300,000 from the Regulatory Innovation and Regulatory/Economic-Management and Analysis program-projects, to be allocated between the two at the Agency's discretion.

+\$1,300,000 to the Legal Advice: Environmental Program and Legal Advice: Support Program, to be allocated between the two at the Agency's discretion.

Operations and Administration.—The Committee recommends a decrease of \$6,000,000, to be distributed as follows:

–\$2,000,000 from facilities infrastructure and operations. The Committee takes this action in anticipation of rent savings identified from its building consolidation study. The Committee urges the Agency to complete this study as expeditiously as possible and report its findings, and any additional budget savings, to the Committee at that time.

–\$2,000,000 from Acquisition Management from development of the new acquisition management system. According to information received by the Committee this new funding level will still provide a \$1,000,000 increase above fiscal year 2007 for this new data system.

The Agency has the discretion to decide where within this program area to take the remainder of the reduction.

The Committee commends the Agency for its work to improve grants management and believes it has created a model program. Although the Committee has not specifically increased the request for “Financial Assistance Grants and IAG Management”, it recognizes the additional workload associated with many of the programmatic increases recommended in this bill, including the grants for diesel emission reductions, environmental education, geographic specific and other programs. The Agency should brief the Committee as soon as possible on the impact of this additional workload and how the Agency will address it both at headquarters and in the regions.

Resource Conservation and Recovery Act.—The Committee recommends a decrease of \$2,000,000, which is \$166,000 less than fiscal year 2007. Within this program area, the Committee denies, without prejudice, the Agency’s request of \$4,000,000 for an electronic manifest for hazardous waste. The Committee takes this action because Congress has yet to authorize the Agency to collect fees to run this program. The Committee is willing to reconsider funding in future years once the authorization is enacted. Due to prior year shortfalls in this area, the Committee recommends \$2,000,000 of the funds remain in this program area. The Committee is aware of the extraordinary delays in issuing a final regulation on disposal of industrial wipes. With a portion of the \$2,000,000, the Committee expects the Agency to expedite completion of this regulation and report to the Committee no later than January 30, 2008 on its status.

Toxics Risk Review and Prevention.—The Committee recommends an increase of \$3,585,000, which is \$644,000 below fiscal year 2007. The Committee directs \$2,360,000 of the increase to the Endocrine Disruptor program, which restores this program to its 2007 level. The remainder of the increase, \$1,225,000, is directed to the High Production Volume Challenge and Voluntary Children’s Chemical Evaluation Programs, restoring those programs to the enacted levels.

Water: Ecosystems.—The Committee recommends an increase of \$12,000,000, which is \$13,225,000 above fiscal year 2007. The Committee directs \$10,000,000 of the increase to the National Estuary Program grant, authorized by section 320 of the Clean Water Act. This increase will provide a total of \$16,832,000 for the grant program. The Committee directs all that each national estuary receive a minimum of \$600,000.

The Committee has also provided an increase of \$2,000,000 for the Great Lakes Legacy Act, for a total of \$37,000,000. This is \$6,920,000 above fiscal year 2007. The Committee notes its concern that the backlog to review proposals may delay the timely obligation of funds and the completion of clean-ups. As such, the Committee notes GAO observations that Agency staffing resources do

not match the complexity of the program and may not be sufficient to administer the program. Furthermore, GAO observed that the program has completed only three clean-up actions. Thus, the Committee provided, under the Geographic Program elsewhere in this account, resources to fund additional staff in the Great Lakes National program Office specifically to implement the Great Lakes Legacy Act.

Water: Ecosystems.—The Committee recommends an increase of \$10,000,000, which is \$11,225,000 above fiscal year 2007. The Committee directs the increase to the National Estuary Program grant, authorized by section 320 of the Clean Water Act. This increase will provide a total of \$16,832,000 for the grant program. The Committee directs that each national estuary receive a minimum of \$600,000.

The Committee has also provided the request of \$35,000,000 for the Great Lakes Legacy Act. However, the Committee notes its concern that the backlog to review proposals may delay the timely obligation of funds and the completion of clean-ups. As such, the Committee notes GAO observations that Agency staffing resources do not match the complexity of the program and may not be sufficient to administer the program. Furthermore, GAO observed that the program has completed only one clean-up action. Thus, the Committee provided under the Geographic Program elsewhere in this account, resources to fund additional staff in the Great Lakes National Program Office specifically to implement the Great Lakes Legacy Act.

Water: Human Health Protection.—The Committee recommends an increase of \$16,000,000, which is \$5,528,000 over fiscal year 2007. The Committee directs the increase to a competitive program to provide technical assistance to rural and small public water systems, as authorized by section 1442(e) of the Safe Drinking Water Act, as amended. Such a program should include assistance to small public water systems for managing, financing, planning and developing new and existing water facilities to enable such water systems to achieve and maintain compliance with applicable national drinking water standards. Such assistance may include multi-state regional technical assistance. In addition, this competitive program should provide for source water and groundwater protection work, eligible to be provided under section 104 of the Federal Water Pollution Control Act, as amended. The Committee expects the Agency to issue the competitive announcement in a timely fashion to ensure no lag in assistance for small systems.

Rural Water Technical Assistance.—The Committee understands that EPA is planning to allocate approximately \$7.6 million of FY 07 funds for competitive grants for rural water technical assistance activities. The Committee notes that the importance of continuing assistance to rural communities as virtually all the systems out of compliance with federal standards are small—having 3300 population or less. A recent report by the Agency indicated that there is still substantial need for third party technical assistance. For this reason, the Committee urges the Agency to expedite the process for making grants for rural water technical assistance and expects the Agency to complete the process no later than December 31, 2007.

The Committee has included the following additional guidance with respect to funding provided under this account.

Underground Injection of Carbon Dioxide.—The Committee recognizes that a safe system for underground sequestration of carbon dioxide emissions from industrial operations may be a key element of efforts to deal with global climate change. The Agency has recently issued draft guidelines for permitting experimental carbon dioxide underground injection pilot projects. The Committee encourages the Agency to expand its efforts to analyze the safety and permanence issues associated with this procedure if it is implemented on a large scale and to develop a regulatory framework for how these risks might be minimized. The Committee expects the Agency to be prepared to testify on this matter during the fiscal year 2009 appropriations hearings.

Voluntary Programs.—The Agency implements a number of programs it refers to as “Voluntary Programs”, which are designed in part to foster partnerships with the regulated community. Information received by the Committee indicates that more than \$180 million, or almost 8 percent of the funds requested in EPM, are associated with Voluntary Programs. To better understand the funding of and environmental benefits associated with these programs, the Committee directs the Agency to submit a report within 60 days of enactment on each voluntary program funded through this account and the Science and Technology account, to include the following for fiscal years 2006, 2007 and 2008: a short summary of the purpose of the program and an estimate of the environmental benefits achieved through the program; the funding for each program, by account and program-project; for each grant program, the salary, contract and grant amounts; to the extent grants are awarded in the program, the statutory authority used to award the grants and a short summary of the criteria used to select the grantee.

Migrant Farm Workers.—The Committee supports the Agency’s programs on pesticides education, particularly those directed to migrant farm workers and encourage expansion of this effort.

Environmental Justice.—The Committee directs the Agency to submit a report, no later than 180 days after enactment of this bill, on its implementation of recommendations included in the 2004 and 2006 Inspector General (2004–P–00007 and 2006–P–00034) and 2005 Government Accountability Office (GAO–05–289) reports on environmental justice. The report should also identify actions to modify the Administrator’s emergency management procedures to incorporate environmental justice in the Agency’s Incident Command Structure (in accordance with the December 18, 2006, letter from the Deputy Administrator to the Acting Inspector General of the Agency). The Agency shall submit the report to both the Committees on Appropriations and Energy and Commerce.

Waste-Coal Fired Power Plant Emissions.—The Committee is aware of concerns that the Agency’s Clean Air Interstate Rule (CAIR) includes provisions to regulate waste-coal fired power plants. Within 30 days of enactment, the Agency is directed to report to the Committee on the waste-coal plant inclusion in CAIR. This report should include the reasons the rule incorporated this type of plant, the economic impact to the included facilities and the environmental impact if the plants were to be excluded.

Green Infrastructure Partnership.—The Committee is supportive of the Agency's efforts to foster work in the area of green infrastructure and approaches to control combined sewer overflows and storm water pollution. The Committee is aware of and supports the Agency's April 19, 2007, partnership agreement to promote this type of infrastructure and supports Agency efforts to provide technical assistance, training, and resource materials to Federal, State, and local partners who want to implement green infrastructure projects. The Committee urges the Agency to include information on implementation in its fiscal year 2009 Budget Justification.

Great Lakes Legacy Act Cost Share Criteria.—The Committee directs the Environmental Protection Agency to provide as soon as possible a report outlining the criteria it uses to determine the types of projects which qualify for the non-Federal match under the Great Lakes Legacy Act (GLLA). The Committee understands that the Agency has denied the Toledo Waterways Initiative as the required non-Federal share for a GLLA sediment remediation project on the Ottawa River. Because the denial came after an initial indication that the project would be acceptable, the Committee is concerned that the criteria used to determine applicability of the match requirement may be unclear. The Toledo Waterways Initiative and other Combined Sewer Overflow projects represent significant expenditures of local resources. Concerned that the Agency may have missed opportunities to remediate dangerous, toxic outflows into the Great Lakes, the Committee expects the Agency to explain its decision and the steps it has taken to clarify the criteria for future proposals.

Pesticide and Endocrine Disruptor Report.—Given that the Committee has restored funding for the Endocrine Disruptor Program, it expects the Agency to accelerate its schedule for completing validation of screening and testing assays. To that end, the Committee directs the Agency to report to Congress within six months of enactment of this Act, and annually thereafter, on: (a) the number of pesticides that EPA has registered or re-registered, and the number of pesticides for which EPA has made either a re-registration eligibility decision, issued a tolerance, or conducted a registration review, since August 3, 1999; (b) the number of such pesticides for which EPA has conducted or required testing for endocrine disrupting effects; (c) the number of such pesticides for which EPA has considered and made a determination regarding endocrine disrupting effects; (d) the number and identity of endocrine disruptor screening and testing assays EPA has validated; (e) the number and identity of endocrine disruptor screening and testing assays that EPA has not validated; and (f) the reasons each assay has not been validated. The Committee encourages the Agency to expedite its validation of Tier 2 screening and directs the Agency to include in this report a schedule for completing validations for Tier 2 screening and testing assays. The Committee is aware that EPA plans to complete its validation of the Tier 1 assay system for screening endocrine disruptor chemicals and expects to require Tier 1 screening during calendar year 2008. The Committee directs the Agency to begin, by August 2008, to require the use of a battery of assays for endocrine disruptor screening as required by section 408(p) of the Federal Food, Drug and Cosmetic Act. Should EPA

decide to delay implementation of the Tier 1 screening, the Agency should notify the Committee of the reasons for such delay and provide a revised date for implementation.

Water Quality Best Management Practices.—The Committee urges the Agency to conduct a comprehensive update of the Water Quality National Best Management Practices Database and to contribute data to update international best management practices databases.

OFFICE OF INSPECTOR GENERAL

The Office of Inspector General (OIG) provides audit, evaluation, and investigation products and advisory services to improve the performance and integrity of EPA programs and operations. For at least one additional fiscal year, the Inspector General (IG) will perform the function of IG for the Chemical Safety Board. This account funds personnel compensation and benefits, travel, and expenses (excluding rent, utilities, and security costs) for the Office of Inspector General. In addition to the funds provided under this heading, this account receives funds from the Hazardous Substance Superfund account.

Appropriation enacted, 2007	\$37,172,000
Budget estimate, 2008	38,008,000
Recommended, 2008	43,500,000
Comparison:	
Appropriation, 2007	+\$6,328,000
Budget estimate, 2008	+\$5,492,000

The Committee recommends \$43,500,000, \$5,492,000 above the budget request and \$6,328,000 above the 2007 enacted level. In addition, the Committee recommends that \$10,000,000, an increase of \$2,851,000 above the request, be paid to this account from the Hazardous Substance Superfund account.

The Committee has approved an increase to maintain the Office’s staffing levels prior to the reductions implemented by the Acting Inspector General. The Committee directs that none of the funds provided in fiscal year 2008 be used for “buy outs” associated with proposed staffing reductions. The Committee believes the IG acted prematurely in pursuing staff “buy outs”, based on the President’s fiscal year 2008 budget request, prior to Congressional action on that request. The Committee is concerned that this action will result in loss of experienced staff, adversely affecting the OIG’s ability to perform audits and respond to Congressional requests. The IG is directed to provide quarterly staffing reports to the Committee, to make every effort to maintain experienced staff, and in the future consult with Congress before taking actions to reduce the staff.

The Committee has again included authorization for the EPA IG to serve as the IG for the Chemical Safety and Hazard Investigation Board. The Committee has included direction in the Chemical Safety Board section of this report that it hopes will limit this activity of the EPA IG to only one more year. However, no matter how long this arrangement, the Committee recognizes the efforts of the Office of the Inspector General in this area.

The following 2 pages numbered 57 and 58 were excerpted from House of Representatives appropriations bill H.R. 2643 (June 11, 2007).

1 tional Science Foundation, the Administrator of the Na-
2 tional Aeronautics and Space Administration, the Director
3 of the United States Geological Survey, the Undersecre-
4 tary for Science of the Department of Energy, the Admin-
5 istrator of the National Oceanographic and Atmospheric
6 Administration, the Chief of the United States Forest
7 Service, the President of the National Academy of
8 Sciences, who shall serve as the Commission's Chairman,
9 the President of the National Academy of Engineering,
10 and six additional members with appropriate expertise, to
11 be selected by the Chairman.

12 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

13 For environmental programs and management, in-
14 cluding necessary expenses, not otherwise provided for, for
15 personnel and related costs and travel expenses, including
16 uniforms, or allowances therefor, as authorized by 5
17 U.S.C. 5901–5902; services as authorized by 5 U.S.C.
18 3109, but at rates for individuals not to exceed the per
19 diem rate equivalent to the maximum rate payable for sen-
20 ior level positions under 5 U.S.C. 5376; hire of passenger
21 motor vehicles; hire, maintenance, and operation of air-
22 craft; purchase of reprints; library memberships in soci-
23 eties or associations which issue publications to members
24 only or at a price to members lower than to subscribers
25 who are not members; construction, alteration, repair, re-

1 habilitation, and renovation of facilities, not to exceed
2 \$85,000 per project; and not to exceed \$9,000 for official
3 reception and representation expenses, \$2,375,582,000, to
4 remain available until September 30, 2009, including ad-
5 ministrative costs of the brownfields program under the
6 Small Business Liability Relief and Brownfields Revital-
7 ization Act of 2002.

8 OFFICE OF INSPECTOR GENERAL

9 For necessary expenses of the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, as amended, and for construction,
12 alteration, repair, rehabilitation, and renovation of facili-
13 ties, not to exceed \$85,000 per project, \$43,500,000, to
14 remain available until September 30, 2009.

15 BUILDINGS AND FACILITIES

16 For construction, repair, improvement, extension, al-
17 teration, and purchase of fixed equipment or facilities of,
18 or for use by, the Environmental Protection Agency,
19 \$34,801,000, to remain available until expended.

20 HAZARDOUS SUBSTANCE SUPERFUND

21 (INCLUDING TRANSFERS OF FUNDS)

22 For necessary expenses to carry out the Comprehen-
23 sive Environmental Response, Compensation, and Liabil-
24 ity Act of 1980 (CERCLA), as amended, including sec-
25 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.