EPA Responses to Questions for the Record
House Committee on Energy and Commerce, Subcommittee on Environment
May 19, 2017, Hearing on "'H.R._, Drinking Water System Improvement Act and Related Issues of Funding, Management, and Compliance Assistance under the Safe Drinking Water Act."

The Honorable John Shimkus

1. What do you consider the core mission and programs of the Agency?

The mission of the EPA is to protect human health and the environment. In carrying out its mission, the EPA works to ensure that all Americans are protected from exposure to hazardous environmental risks where they live, learn, work, and enjoy their lives.

Under Administrator Pruitt, the EPA is building on the agency's progress to date by focusing on three core philosophies for carrying out the EPA's mission:

- Rule of law: Administering the laws enacted by Congress and issuing environmental rules tethered to those statutes, relying on agency expertise and experience to carry out congressional direction and to ensure that policies and rules reflect common sense and withstand legal scrutiny.
- Cooperative federalism: Recognizing the states and tribes, as applicable, as the primary implementers and enforcers of many environmental laws and programs, and partnering with them to engender trust and maximize environmental results to protect human health and environment.
- Public participation: Fulfilling obligations to conduct open and transparent rulemaking processes, engaging with and learning from the diverse views of the American public, and addressing stakeholder input on the impacts of rules on families, jobs, and communities.

2. How does the DWSRF and SDWA fit into a Back to Basics strategy?

Administrator Pruitt's "Back-to-Basics Agenda" reflects his efforts to refocus the EPA on its intended mission, return power to the states, and create an environment where jobs can grow. The agenda focuses on the three E's:

Environment: Protecting the environment
Economy: Sensible regulations that allow economic growth
Engagement: Engaging with state and local partners.

A priority for the agency is modernizing the outdated water infrastructure on which the American public depends. While most small systems consistently provide safe and reliable drinking water, many small systems face challenges with aging infrastructure, increasing operational costs, and decreasing rate bases. The President's FY 2018 budget provides funding for critical drinking and wastewater projects. These funding levels support the President's commitment to infrastructure repair and replacement and would allow states, municipalities, and private entities to finance high-priority infrastructure investments. The FY 2018 budget includes $2.3 billion for the State Revolving Funds and $20 million for the Water Infrastructure Finance and Innovation Act (WIFIA) program. Under WIFIA, the EPA could potentially provide up to $1 billion in credit assistance, which, when combined with other funding sources, could spur an estimated $2 billion in total infrastructure investment. This makes the WIFIA program credit assistance a powerful new tool to help address a variety of existing and new water infrastructure needs.

The EPA will continue to partner with states, drinking water utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination. These efforts are integral to the sustainable infrastructure efforts as source water protection can reduce the need for additional drinking water treatment and associated costs. As progress has been made, work remains for existing and emerging issues.

The Honorable Frank Pallone, Jr.

Buy America

1. Is it the policy of this Administration to support Buy America requirements on projects financed by Drinking Water State Revolving Fund loans?

Yes.

Asset Management

Section 3 of the Drinking Water System Improvement Act discussion draft amends section 1420(c) of the Safe Drinking Water Act, which conditioned receipt of SRF capitalization grants on the development and implementation of state capacity development strategies. Current law does not include a requirement to periodically revise those capacity development strategies, and the discussion draft does not create such a requirement. Despite this, the discussion draft adds a new requirement for the content of those plans.

2. Have all states developed capacity development strategies under this section?

Yes, all states with Safe Drinking Water Act primacy and Puerto Rico have developed capacity development strategies.

3. Have states periodically revised these strategies?

Yes, states revise their strategies to incorporate new initiatives and/or programmatic changes. During the revision process, states seek public and stakeholder input on strategy revisions.

4. Has EPA required states to periodically revise these strategies?

No. The EPA does not require strategy revisions but suggests states review and update their strategies, and many states have done so. The EPA supports state capacity development activities through information sharing on best practices, and through development of tools and resources.

5. Would the language in section 3 create a requirement for states to revise and resubmit these strategies?

The language may require some states to revise and resubmit their capacity development strategy. Some states may already have asset management included in their strategy.

6. The 1996 SDWA amendments provided 4 years for states to develop the capacity development strategies - how much time would be provided under section 3 for states to revise these strategies before they are penalized with decreased funding?

The EPA would consult with Congress, states, and key stakeholders, to identify an appropriate time to allow for strategy revisions.

Source Water Protection

Section 6 of the Drinking Water Systems Improvement Act discussion draft amends the source water protection provisions in the Safe Drinking Water Act in two ways. First, it removes the fiscal year limitation on the use of SRF capitalization grants by states for source water protection. Second, it bars the use of those funds for costs arising from requirements under the Federal Water Pollution Control Act.

7. Does this section make additional funding available for source water protection activities?

States have not been using the full 15% of the DWSRF set-aside under SDWA Section 1452(k). Therefore, most states would have the ability to take additional funds in this section for source water assessments if they choose to. States can make source water assessments a regular and ongoing activity, since they may take this set-aside every year.

8. If these activities are to be funded from current capitalization grants, do many states have surplus funds to direct towards source water protection activities?

We would interpret the changes made by this legislation to apply to future capitalization grants, and thus currently unspent funds from prior capitalization grants would not be used for this purpose.

9. Current funding allotments are based on EPA' s needs assessment - does that assessment incorporate source water protection costs?

No. The EPA's Drinking Water Infrastructure Needs Survey includes only the rehabilitation or replacement of existing infrastructure or installation of eligible new infrastructure, such as water treatment plant components or a drinking water intake. It does not include source water protection activities.

10. Is the limitation on using funds for costs arising from requirements under the Federal Water Pollution Control Act a new limitation? If no, is the additional language needed? If yes, what will the impact of this limitation be?

Existing SDWA language requires that funds for source water protection can only be used to fund voluntary, incentive-based mechanisms. The EPA is not aware of any funding under 1452(k) that has gone to support compliance with Federal Water Pollution Control Act (Clean Water Act) requirements.

11. Who would be responsible under this language for determining what source water protection activities can be funded under section 1452(k)(l) versus what costs arise from requirements under the Federal Water Pollution Control Act?

The state DWSRF program is responsible for complying with statutory requirements. The EPA reviews states' Intended Use Plans, Annual Reports, and financial documentation to ensure that DWSRF funds are spent appropriately. If this provision were enacted, the EPA would issue guidance, if necessary, to explain or clarify the statutory requirements as part of the agency's role in overseeing state DWSRF programs.

12. If a state used funds under this section for source water protection activities that contributed to compliance under the Federal Water Pollution Control Act, would the state be penalized? What would the penalties be, and how would they be enforced?

See response to Question 11 above. Given the potential for ancillary benefits from source water protection activities for Clean Water Act compliance, the EPA would need to carefully consider how best to implement this provision.

The EPA website provides resources to assist with source water protection and states, "Preventing source water contamination is preferable to remedying its negative effects." The website also says that "Preventing source water contamination can be less costly than remedying its effects."

13. Do these statements still reflect the position of the EPA with regards to source water protection?

Yes.

Cross-Cutting Requirements

Section 8 of the Drinking Water System Improvement Act discussion draft grants the EPA Administrator to accept demonstrations of compliance with state or local laws as a demonstration of compliance with "federal cross-cutting requirements" that are equivalent. That section defines the term "Federal cross-cutting requirement" as a federal requirement that would be redundant with a requirement of an applicable state or local law.

14. This section introduces two different standards for comparing federal and state requirements - first that they are "equivalent" and second that they are "redundant." Would the EPA interpret these standards as meaning the same thing?

The EPA would interpret these terms in a complementary way. If the federal requirement is the same as an existing state requirement, then it would be considered to be duplicative or redundant. In some cases, a state may have a requirement that EPA believes achieves the same result as the federal requirement. In such a case, EPA could determine that the state requirement is equivalent to that of the federal action.

15. What cross-cutting [requirements] do you anticipate would be covered by this section? Does this apply to demonstrations to be made to the EPA by states receiving capitalization grants under the SRF? Does this apply to demonstrations to be made to states by water systems receiving loans under the SRF?

Additional information on the cross-cutting federal authorities potentially applicable to the DWSRF program are outlined in the EPA's cross-cutter handbook at https://www.epa.gov/sites/production/files/2015-08/documents/crosscutterhandbook.pdf. A number of

these cross-cutting provisions could be covered by this section. The demonstration of compliance with a particular authority would be made to the EPA by states receiving capitalization grants or water systems receiving loans under the SRF.

16. Under the language, the Administrator determines whether a demonstration is "equivalent" but the definition seems to be ambiguous as to who determines what requirements are "redundant." How would you interpret this ambiguity?

The EPA would implement the provisions similarly. If the Administrator determines that a state provision is equivalent to a federal requirement or if the Administrator determines that a federal requirement is redundant with a state requirement, then the EPA would allow a demonstration of compliance with the state requirement to count as compliance with the federal requirement.

Lead and Copper Rule Long-Term Revisions

17. Last year, EPA testified before the Committee that the long-term revision of the Lead and Copper Rule (LCR) was expected to be finalized in 2017. Is EPA still on track to publish a revised LCR in the coming months? If not, what has changed?

Protecting children from exposure to lead is a top priority for the EPA. The agency has conducted extensive engagement with stakeholder groups and the public to inform potential revisions to the LCR. The EPA is carefully evaluating the recommendations from these groups and is giving extensive consideration to the national experience in implementing the rule as well as the experience in Flint, Michigan, as we develop proposed revisions to the rule. The EPA must also consider the potential impact of these regulatory revisions on the thousands of communities across the country that will have to implement these requirements. The EPA plans to provide additional information regarding its rulemaking timeline in the unified agenda later this summer.

18. How would cuts to EPA funding in the President's budget impact your ability to finalize revisions to the Lead and Copper Rule?

Protecting children from exposure to lead is a top priority for the EPA. We will continue to assure that resources are available to improve public health protections under the Lead and Copper Rule.

19. How would cuts to the Office of Enforcement and Compliance Assurance (OECA) in the President's budget impact your ability to enforce current requirements under the lead and copper rule?

The EPA will continue to coordinate with states, tribes, and territories to enforce not only the Lead and Copper Rule, but all SDWA national primary drinking water regulations. The EPA will continue its work with our co-regulators to ensure that owners/operators of public water systems address noncompliance in a timely manner, prioritizing those systems with the most serious or repeated violations.

Flint Response

20. How would cuts to EPA funding in the President's budget impact your ability to provide guidance and technical assistance to the community of Flint, Michigan?

In March, the EPA awarded a $100 million grant to the Michigan Department of Environmental Quality to fund drinking water infrastructure upgrades in Flint. The EPA will continue to work with the State of Michigan, the City of Flint, and other federal agency partners to improve the City's public water system. More generally, the agency will continue to work with states, including the state of Michigan, to implement requirements for all national primary drinking water regulations and to ensure that drinking water systems, including the City of Flint, install, operate, and maintain appropriate levels of treatment and effectively manage their distribution systems. For instance, the EPA will continue to focus on working with states to optimize corrosion control treatment to minimize exposure to lead. The EPA will also continue to focus on small systems by strengthening and targeting financial assistance, in coordination with state infrastructure programs, to support rehabilitation of the nation's infrastructure. The agency also will look for ways to promote partnerships among water systems to build capacity and work with states and tribes, as well as with utility associations, third-party technical assistance providers and other federal partners, to promote the sustainability practices that are the foundation for building technical, managerial, and financial capacity.

21. How would the cuts impact your ability to continue to monitor chlorine levels biweekly and collect sequential samples for lead assessment on a bimonthly basis?

The EPA concluded regular chlorine monitoring in Flint at the end of 2016 because the city began assessing chlorine levels more frequently at additional locations throughout the city in early 2017. The EPA's last round of sequential sampling for lead took place in November 2016. As such, the EPA is no longer conducting biweekly chlorine monitoring or sequential lead sampling in Flint, so any changes in the EPA's budget would not affect these past sampling activities.

22. In December, EPA agreed with recommendations from the EPA Office of the Inspector General (OIG) to issue updated guidance through OECA on emergency authority under Section 1431 of the Safe Drinking Water Act. That guidance is due to be issued in November 30, 2017. Do you still anticipate issuing that guidance by November 30, 2017? How will proposed budget cuts for OECA affect the issuance of that guidance?

Yes, in accordance with the OIG's October 2016 Management Alert (Alert) regarding EPA authority to issue emergency orders to protect public health, OECA still plans to issue updated SDWA Section 1431 guidance and train all relevant EPA drinking water and water enforcement staff and management on Section 1431 by the November 30, 2017, deadline. Given the scope of drinking water issues and resources available, the EPA continually works to prioritize matters and protect public health. In this regard, OECA recognizes the importance of the issues raised in OIG's Alert and, thus, has maintained efforts to update our SDWA Section 1431 guidance and conduct training.

23. EPA also agreed in December with the OIG's recommendation to train all relevant EPA drinking water and water enforcement staff on Section 1431 authority by November 30th, 2017. Do you still expect to complete that training by November 30, 2017? How will proposed budget cuts for OECA affect that training?

OECA still plans to train all relevant EPA drinking water and water enforcement staff and management on Section 1431 by the November 30, 2017, deadline. Please see our response to Question 22 above.

Board of Scientific Counselors

24. Last month, EPA dismissed many members of the Board of Scientific Counselors (BOSC). Please provide the full list of members who were terminated, as well as those who remain.

Similar to other federal advisory committees, BOSC members are appointed to serve a three-year term as a Special Government Employee (SGE), which can be renewed once. On April 28, the three-year terms expired for nine members of the BOSC Executive Committee (names provided below) and their terms were not renewed. On May 25, the EPA published a Federal Register Notice soliciting public nominations for members of the BOSC. On June 19th, BOSC members whose terms will be expiring in August were also informed that their terms would not be renewed. Those members whose terms had expired or will be expiring shortly were informed that they could reapply for consideration during this nomination period.

Members Whose First Terms Expired:

Viney Aneja	Courtney Flint	Tammy Taylor
Sandra Smith	Shahid Chaudhry	Ponisseril Somasundaran
Robert Richardson	Paula Olsiewski	Gina Solomon

Members Whose Second Terms Ended (*Members cannot serve more than two terms*):

John Tharakan	Susan Cozzens
Earthea A. Nance	Diane Pataki

Members Who Resigned:

Peter Meyer	Carlos Martin	Elizabeth Corley

Members Who Remain (*those whose terms expire in August 2017 are marked with a **):

Deborah Swackhamer	Andrew Dannenberg*	Monica Schoch-Spana*
James Galloway	Richard Feiock*	Michael Wichman
Joseph Rodericks*	Elena Irwin*	Lance Brooks
Leslie Rubin	Matthew Naud*	Katrina Waters*
Jeffrey Arnold*	Mike Steinhoff*	Chris Gennings
Elena Craft*	Deborah Reinhart*	Dale Johnson*
Charlette Geffen*	James Kelly	Rebecca Klaper*
Donna Kenski*	Scott Ahlstrom*	Kyle Kolaja
Patrick Kinney*	Bruce Aylward*	Jerzy Leszczynski*
Myron Mitchell*	Lawrence Baker*	Jennifer McPartland*
Constance Senior*	Inez Hua*	James Stevens*
Art Werner*	John Lowenthal*	Donna Vorhees
Jinhua Zhoa*	Shane Snyder*	Clifford Weisel*
Louie Rivers*	Andrew DeGraca*	Mark Wiesner*
Todd BenDor*	Edward Hackney*	Paloma Beamer*
Robert Cervero*	Edwin Roehl*	

25. Which members of the BOSC Safe and Sustainable Water Resources Subcommittee have been terminated?

Of the nine members whose first three-year term expired and was not renewed, only one was a member of the Safe and Sustainable Water Resources Subcommittee. Dr. Shahid Chaudhry served as the Vice Chair of the SSWR subcommittee since 2014.

26. EPA is currently seeking nominations to replace the terminated BOSC members. According to EPA's website, you are currently seeking nominations for scientists with expertise in drinking water treatment, nutrient management, climate change, risk assessment, and other drinking water safety concerns. How will these expertise gaps affect your ability to seek advice from the BOSC until the positions are filled?

The nine BOSC members who were not renewed for a second term represent a wide spectrum of expertise and were members of multiple BOSC subcommittees, including the Safe and Sustainable Water Resources subcommittee. Due to the time required for new solicitation and vetting of applicants, the previously scheduled BOSC meetings through early fall have been postponed. Once the BOSC is reconstituted, with the appropriate expertise, the review of the EPA's research will begin as soon as possible. However, the EPA's research will continue in the interim.

27. Will the BOSC vacancies affect the timeline for revisions of the Lead and Copper Rule or any other rulemaking under the Safe Drinking Water Act?

Vacancies in the BOSC will not impact development of proposed revisions to the Lead and Copper Rule, nor will it impact other SDWA rulemaking activities because the BOSC has not been charged to review scientific products associated with current SDWA rulemakings.

28. What is your timeline for filling the BOSC vacancies?

The EPA anticipates that these vacancies will be filled by late 2017 or early 2018.

29. What opportunities for public participation will be provided in the selection of new BOSC members?

The EPA's outreach plan for developing a diverse pool of BOSC nominees includes an open solicitation of potential candidates, which is published in the Federal Register, as well as updates on the EPA's website (https://www.epa.gov/bosc/invitation-nominations-bosc-executive-committee-and-subcommittees). Further outreach is conducted through multiple professional associations and organizations to encourage nomination of a broad range of candidates.

Perfluorinated Compounds (PFCs)

30. Has EPA worked with the Department of Defense (DOD), Air Force, or Navy to respond to the emerging contamination of drinking water caused by PFCs on and around DOD installations?
31. Please explain any information sharing, technical assistance, or coordinated response that has occurred between EPA and DOD.

Yes. At both the Regional and Headquarters levels, the EPA is regularly engaged in discussions with DOD and its component services on perfluorinated compounds. For example, EPA Headquarters has ongoing quarterly meetings with each of the DOD components to discuss salient topics such as PFAS. Further, EPA Headquarters and Regions meet bi-annually with DOD components by inviting them to participate in the EPA's Federal Facility Leadership Council. FFLC meetings allow Regional managers to discuss site specific issues, such as PFAS investigations and responses, within a broader context with the National Program managers of both EPA and, through EPA's invitation, DOD. The EPA also briefed DOD along with other federal agency partners in spring 2016 regarding the EPA's final health advisories for PFOA and PFOS.

At National Priorities List (NPL) DOD sites, the EPA is actively engaged to help ensure a timely, protective response to perfluorinated compounds contamination of drinking water in both the Regions and Headquarters. Cleanup agreements between the EPA and Federal agencies at such NPL sites require the Federal agency to investigate and remediate hazardous substances, pollutants, and contaminants, and PFCs are pollutants and contaminants. When appropriate, the EPA has used enforcement authority to address PFOA/PFOS contamination. For instance, in 2014 and 2015, the EPA issued three Safe Drinking Water Act orders to two DOD components when the EPA determined that there may be an imminent and substantial endangerment. These orders require actions such as the provision of bottled water (where drinking water exceeded the lifetime health advisory), off-site residential well sampling, and the treatment of contamination at wells in order to protect public supply wells and restore the underlying aquifer. Such work is ongoing, and the DOD components are currently in compliance with the orders.

32. Has EPA encouraged states to notify firefighting departments, civilian airports, or other organizations that may have utilized or stored aqueous film forming foam about the risks of PFC contamination?

The EPA has not specifically encouraged states to notify firefighting departments, civilian airports, or other organizations that may have utilized or stored aqueous film-forming foam about the risks of PFC contamination, but the EPA has more generally advised the public of these risks through its ongoing work with state partners, on the EPA's website, and in other ways. Information on the EPA's actions regarding PFC contamination is available at https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/and-polyfluoroalkyl-substances-pfass-under-tsca.

33. Has EPA considered supplying states or public water systems with a list of best available technologies to treat PFC drinking water contamination?

Yes. The EPA's 2016 health advisory for PFAS provided information on options available to drinking water systems to lower concentrations of PFOA and PFOS in their drinking water supply. Public water systems can treat source water with activated carbon or high pressure membrane systems (e.g., reverse osmosis) to remove PFOA and PFOS from drinking water. Treatment technology information is available in the Drinking Water Health Advisory documents at: https://www.epa.gov/ground-water-and-drinking-water/supporting-documents-drinking-water-health-advisories-pfoa-and-pfos.

34. Is EPA currently considering issuing a national drinking water standard on any perfluorinated compound?

The EPA included PFOA and PFOS on the fourth Contaminant Candidate List (CCL 4) and is evaluating these contaminants to determine if they meet the three SDWA regulatory determination criteria in Section 1412(b)(1)(A):

(i) may have an adverse effect on the health of persons;
(ii) is known to occur or there is a substantial likelihood that it will occur in public water systems with a frequency and at levels of public health concern;
(iii) In the sole judgment of the Administrator, regulating the contaminant presents a meaningful opportunity for health risk reductions for persons served by public water systems.

The EPA plans to make determinations to regulate or not regulate at least 5 contaminants from the fourth Contaminant Candidate List by January 2021. The EPA expects to publish preliminary regulatory determinations for public comment in 2019.

WIIN Act Authorizations

In 2016, Congress authorized three new grant programs to promote safe drinking water in the Water Infrastructure Improvements for the Nation Act (Public Law No: 114-322)

- **Lead service line replacement grant program authorized at $60 million annually from FYl7 to FY21;**
- **Assistance for small and disadvantaged communities grant program authorized at $60 million annually from FY17 to FY21; and,**
- **Voluntary school and child care lead testing grant program authorized at $20 million annually from FY17 to FY21.**

35. Please provide an update on EPA's implementation of these three programs.

The omnibus spending bill enacted in May to fund the government through the end of September included water-related categorical grants, which support state and tribal programs, and maintain FY16 enacted levels. While Title II of WIIN authorizes several new grant programs (such as Sections 2104, 2105, and 2107), Congress has not appropriated funding for these programs. The EPA is preparing for implementation should appropriations be made available. In the meantime, the EPA continues to partner with states, drinking water utilities, and other stakeholders to implement and support drinking water programs.

36. The President's FY18 Budget Request did not include funding for these programs. Is EPA prepared to award grants in FY18, either through a reprogramming of existing funds or an appropriation from Congress?

The EPA is preparing for implementation should appropriations be made available. In the meantime, the EPA continues to partner with states, drinking water utilities, and other stakeholders to implement and support drinking water programs.

Chlorpyrifos

In April 2016, EPA published a revised chlorpyrifos drinking water assessment and found "potential exposure to chlorpyrifos or chlorpyrifos-oxon in finished drinking [water] based on currently labeled uses." Chlorpyrifos is a dangerous pesticide that causes serious neurodevelopmental harm in infants and children, including delayed mental development, attention problems, autism spectrum disorders, and intelligence decrements. EPA itself found these effects in a rigorous risk assessment vetted by the Science Advisory Panel. Despite these clear findings, EPA recently denied a petition to ban chlorpyrifos.

37. Given EPA's shocking decision to allow continued use of chlorpyrifos, what will be done to address and eliminate the risk of chlorpyrifos exposure from drinking water?

Following a review of comments on both the November 2015 proposed tolerance revocation and the November 2016 notice of data availability, which included updated human health and drinking water assessments, the EPA concluded that the science addressing neurodevelopmental effects remains unresolved and that further evaluation of the science during the remaining time for completion of registration review is warranted to achieve greater certainty regarding the risk of adverse neurodevelopmental effects at current levels of human exposures to chlorpyrifos.

Accordingly, on March 29, 2017, the EPA denied the citizen petition seeking revocation of chlorpyrifos tolerances, concluding that the appropriate course of action is to take steps to come to a clearer resolution on the potential risks of chlorpyrifos before completing the registration review or any associated tolerance action. Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the EPA must complete registration review by October 1, 2022.

Climate Change

On June 1, 2017, President Trump announced his intention to withdraw the United States from the Paris Climate Accord, imperiling our progress in the fight against climate change. This followed a May 25, 2017 briefing provided to the Energy and Commerce Committee on the President's FY 2018 budget, at which an EPA representative stated that climate change is "no longer a priority" for this administration, and that the agency's focus would be on issues impacting human health. But climate change has significant and undeniable impacts on human health, including on the safety of drinking water.

38. EPA's own website states that harmful algal blooms (HABs) might "occur more often, in more water bodies, and be more intense" because of climate change, and acknowledges that the unregulated microcystin toxins from the blooms "endanger human health." How will this change in priorities affect efforts by EPA to address the risks to drinking water safety and human health from the impacts of harmful algal blooms? How will the potential eventual withdrawal from the Paris Climate Accord impact the public health risks from harmful algal blooms?

Many sources of drinking water face risks for developing harmful algal blooms and cyanotoxin occurrence. In accordance with the Algal Toxin Risk Assessment and Management Strategic Plan for Drinking Water submitted to Congress in November 2015, the EPA will continue to work with our State and local partners to:

- Assess the frequency and level of cyanotoxin occurrence in public water systems nationwide under the unregulated contaminant monitoring rule;
- Improve understanding of the human health effects of current and emerging cyanotoxins;
- Provide technical assistance to water systems to manage HABs, monitor and treat cyanotoxins in drinking water;
- Support efforts for source water protection and nutrient reduction strategies at the watershed scale; and
- Improve scientific understanding of HABs and cyanotoxin production to better predict their occurrence.

The EPA has developed a number of tools that public water systems can use to reduce the risks of cyanotoxins occurring in finished drinking water. These tools are available on the EPA's website at https://www.epa.gov/ground-water-and-drinking-water/cyanotoxin-tools-public-water-systems.

39. Climate change also threatens the availability and reliability of drinking water sources, through more frequent droughts, floods, and extreme weather events. How will EPA's change in priorities affect efforts to protect and adapt our drinking water infrastructure to droughts, floods, and extreme weather events? How will the potential eventual withdrawal from the Paris Climate Accord impact the public health risks from droughts, floods, and extreme weather events?

The EPA has an important mission through its homeland security responsibilities as the Sector Specific Agency for Water to facilitate the protection of the nation's critical water infrastructure from all hazards, including droughts and other severe weather events. The EPA will continue to enhance the resilience of water systems through an extensive array of programmatic tools, such as WIFIA, which will make financing available to drinking water systems for infrastructure improvements, for example, to address drought prevention, reduction, or mitigation projects.

40. Climate change also threatens drinking water sources through sea level rise and saltwater intrusion into aquifers. How will EPA's change in priorities and the potential eventual withdrawal from the Paris Climate Accord affect the public health risk from the effects of sea level rise and saltwater intrusion on drinking water?

The EPA has an important mission through its homeland security responsibilities as the Sector Specific Agency for Water to facilitate the protection of the nation's critical water infrastructure from all hazards, including saltwater intrusion into aquifers. The EPA will continue to enhance the resilience of water systems through an extensive array of programmatic tools, such as WIFIA, which will make financing available to drinking water systems for infrastructure improvements, for example, to address brackish or seawater desalination, aquifer recharge, alternative water supply, and water recycling projects.

41. Climate change also threatens the safety of drinking water because higher temperatures can lead to greater leaching of lead from pipes and plumbing fixtures; proliferation of viruses and bacteria in our drinking water distribution systems; and increases in concentrations of pollutants such as ammonia. How will EPA's change in priorities and the potential eventual withdrawal from the Paris Climate Accord affect the public health risk from rising temperatures?

The EPA has promulgated a number of national primary drinking water regulations to address contaminants, such as lead and pathogens. The agency will continue to work with states to implement

requirements for all drinking water regulations to ensure that water systems install, operate, and maintain appropriate levels of treatment and effectively manage their distribution systems.

42. A May 17, 2017 memorandum from EPA acting CFO David Bloom notes an adjustment "in the Climate Protection Program reflecting reduced activity" but does not specify a dollar amount. What is the dollar amount associated with this budget reduction and how will this reduction impact implementation of climate programs?

The May 17, 2017, memorandum represents an internal EPA planning document for developing an operating plan after enactment of the Consolidated Appropriations Act, 2017. There was a minimal adjustment to that account that is within the agency's reprogramming limitations. The agency submitted its FY 2017 Enacted Operating Plan to Congress on June 5.

43. The President's proposed FY 2018 budget cuts EPA's budget by nearly $2.6 billion - an overall 31 percent reduction- and includes extreme cuts to key public health and environmental programs, such as grants and programs for state and tribal air quality, diesel emission reductions, and lead safety. What analysis, if any, has the agency conducted to assess the impact of these reductions on human health? What did the analysis conclude?

The agency's FY 2018 budget lays out a comprehensive back-to-basics and foundational strategy to maintain core environmental protection with respect to statutory and regulatory obligations. The agency's FY 2018 Budget in Brief and associated Congressional Justification describe the budget and the EPA's programs in greater detail. The Congressional Justification includes provisional FY 2018 performance measures that provide more detail on the specific activities the EPA would undertake in FY 2018 to protect human health and the environment.

On the EPA website entitled "Addressing Climate Change in the Water Sector," several links that have previously provided valuable information to affected communities are now described as "being updated". Examples include "Explore Your Climate Region", "Climate Impacts on Water Resources", "Climate Impacts on Coastal Areas", and "Climate Impacts on Ecosystems", and all links under the heading "Learn about Climate Change."

44. When will these webpage updates be completed, and what process is the EPA using to ensure that any changes to their content reflects the best available science on climate change and its impact on water resources?

With respect to the water program, the EPA continues to offer the water sector and other interested stakeholders the best-available science describing how extreme weather events could affect the sector, as well as extensive information pertaining to how the sector can adopt countermeasures to reduce the risk of these impacts. Webpages are routinely updated with new information to ensure that the sector can use the best available information to adopt countermeasures to reduce the risk of these impacts.

The Honorable Paul D. Tonko

1. What steps are being taken to ensure the highest level of adherence to EPA' s Scientific Integrity policy?

Science is the backbone of the EPA's rulemaking process. The agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies.

Scientific integrity is the adherence to professional values and practices when conducting, communicating, supervising, influencing and utilizing the results of scientific research. It ensures objectivity, clarity, reproducibility, and utility, while protecting against bias, fabrication, falsification, plagiarism, outside interference, and censorship. The EPA Scientific Integrity Policy is a roadmap to ensuring high standards of scientific integrity at the EPA. The policy details the components of a culture of scientific integrity, and provides a framework for agency-wide compliance. The Policy applies to all EPA employees including scientists, managers, and political appointees, as well as contractors, grantees, collaborators, and student volunteers.

The Scientific Integrity Policy also established the agency's Scientific Integrity Committee to provide oversight for its implementation. The Committee, led by the Scientific Integrity Official, encourages consistent Policy implementation, with members acting as liaisons for their offices and Regions and addressing questions and concerns regarding the Policy.

The EPA has developed a series of trainings to ensure that its employees are aware of their responsibilities under the Policy. For example, in fiscal year 2016, the EPA deployed a training program focused on increasing the awareness and understanding of the Policy and demonstrating how scientific integrity enhances the agency's work. The training was intended for employees who spend at least 25% of their time conducting, utilizing, communicating or supervising science and reached almost 6,000 EPA employees.

The EPA also is developing guidance materials to encourage a culture of scientific integrity at the agency. For example, EPA published "Best Practices for Designating Authorship" in 2016 to provide information for EPA employees, contractors, and grantees on who should be included as an author in any scientific product. Authorship is an important part of scientific integrity, as it provides transparency into the origins of a scientific product. Without knowing who was involved in the product, it is difficult to validate the merit of the work.

a) How are new EPA employees, including political appointees, being educated on these policies? Are they being made aware of what would constitute a violation?

Since January 2017, all new EPA employees have been required to take online scientific integrity training. The training consists of a video showing the Scientific Integrity Official conducting a training session featuring an introductory whiteboard video and discussion, followed by a short quiz. The training also includes information about what would constitute a violation of the Policy. The training helps new employees establish a personal commitment to scientific integrity, which contributes to the overall culture of scientific integrity at the EPA.

The EPA also holds an annual "Employee Conversation with the Scientific Integrity Official." This conversation serves as the annual update regarding scientific integrity at the EPA for all employees. The

Scientific Integrity Official uses this opportunity to highlight the importance of scientific integrity, to discuss new initiatives, and to answer any questions.

Throughout the year, the Scientific Integrity Official provides outreach on scientific integrity, including presentations at EPA program offices, regional offices, and laboratories; development of outreach materials to distribute across the agency; participation in conferences and other events; and hosting stakeholder meetings. The EPA also publishes an Annual Report on Scientific Integrity.

b) Has EPA's scientific integrity official met with or requested a meeting with Administrator Pruitt to discuss EPA' s Scientific Integrity policy and related procedures? If yes, when?

Yes, the EPA's Scientific Integrity Official requested a meeting with Administrator Pruitt and his advisors to provide a briefing on the Scientific Integrity Policy and related procedures. A meeting regarding the Scientific Integrity Policy and procedures occurred in May with the Administrator's Chief of Staff, the Acting Deputy Administrator, and the Director of the Office of the Science Advisor.

c) What is the role of EPA' s advisory committees for ensuring integrity of science at the agency?

The EPA Scientific Integrity Policy provides a framework intended to ensure scientific integrity throughout the EPA and promote scientific and ethical standards, including the use of peer review and advisory committees.

The Scientific Integrity Policy states that:

> *Federal Advisory Committees are an important tool within the EPA for ensuring the credibility and quality of Agency science, enhancing the transparency of the peer review process, and providing for input from the EPA's diverse customers, partners, and stakeholders. In almost all cases, FACs meet and deliberate in public and materials prepared by or for the FAC are available to the public. Consistent with the requirements of the Federal Advisory Committee Act (5 USC Appendix 2), implementing regulations from the General Services Administration (41 CFR Part 102-3), and guidance that lobbyists not serve on FACs, the EPA's scientific or technical FACs are expected to adhere to the following procedures:*
>
> - *Transparent recruitment of new FAC members should be conducted through broad-based vacancy announcements, including publication in the Federal Register, with an invitation for the public to recommend individuals for consideration and submit self-nominations.*
> - *Professional biographical information (including current and past professional affiliations) for appointed committee members should be made widely available to the public (e.g., via a website). Such information should clearly illustrate an individual's qualifications for serving on the committee.*
> - *The selection of members to serve on a scientific or technical FAC should be based on expertise, knowledge, contribution to the relevant subject area, balance of the scientific or technical points of view represented by the members, and the consideration of conflicts of interest. Members of scientific and technical FACs should be appointed as special government employees. The Agency is to make all Conflict of Interest Waivers granted to committee members publicly available (e.g., via a website).*
> - *All reports, recommendations, and products developed by FACs are to be treated as solely the findings of such committees rather than of the EPA, and thus are not subject to Agency revision.*

[…]

The Agency adheres to the current standards governing conflict of interest as defined in statutes and implementing regulations. The Office of General Counsel's Ethics Office develops standard procedures and ethics training for Special Government Employees (SGEs) who serve on scientific FACs. These procedures include the submission and review of Confidential Financial Disclosure Forms for SGEs serving on advisory committees, EPA Ethics Advisory 08-02: "Ethics Obligations for Special Government Employees", and completion of an online and/or in-person Office of Government Ethics course. Some FACs at the EPA are staffed with representative members. These committee members represent the point of view of a group or organization and are not subject to the conflict of interest requirements referenced above.

2. Is EPA seeing any signs that the recent dismissal of nine members of the Board of Scientific Counselors will have a larger effect on the membership of other advisory boards?

No, we have not seen any signs that the non-renewal of members whose terms expired will have an effect on the membership of other advisory boards.

a. How many resignations have there been related to these dismissals?

Three.

b. Have any Board members expressed concerns to EPA over the handling of these dismissals? If yes, what are the details of these concerns?

BOSC members, particularly those who resigned in response to the non-renewals, have expressed some concerns to the EPA and the press about the non-renewal of these nine BOSC members. Many of the concerns were related to the timing and perceived reasons behind the decision.

c. What processes are in place to ensure that any new Board members are in compliance with all applicable ethics regulations and free of any conflicts of interest or appearances of being unable to provide impartial advice?

All BOSC members are appointed as Special Government Employees (SGE) as defined by 18 U.S.C. § 202. As such, they are subject to federal conflict of interest statutes codified in Title 18 of the United States Code as well as the Standards of Ethical Conduct for Employees of the Executive Branch at 5 C.F.R. Part 2635. Under these federal ethics laws and regulations, they are prohibited from carrying out their duties if they have a financial conflict of interest or an appearance of a loss of impartiality. In addition, the BOSC members must comply with financial disclosure reporting requirements and annual training requirements.

As noted in the Federal Register Notice, the EPA's evaluation of an absence of financial conflicts of interest will include a review of the "Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency" (EPA Form 3110-48). This confidential form allows government ethics officials, who are trained career employees, to determine whether a prospective or actual BOSC member has a statutory conflict between that person's public responsibilities (which includes membership on an EPA Federal Advisory Committee) and private interests and activities, or an appearance of a loss of impartiality, as defined by

Federal regulation. BOSC nominees will be evaluated based on the same criteria as nominees under the previous administration.

d. It is my understanding that there are 7 members of the EPA Science Advisory Board whose first terms are ending on September 30, 2017. Will these members be renewed?

At this time, EPA leadership has not decided whether or not these members will be renewed.

3. How does EPA define conflict of interest?

As an executive branch agency, the EPA's employees are subject to 18 U.S.C. § 208, the financial conflict of interest statute. Under this statute, employees are prohibited from participating personally and substantially in an official capacity in any particular matter that will have a direct and substantial affect upon his own interests or anyone imputed to him. The implementing regulations for this statute are found at 5 C.F.R. Part 2635, Subpart D and Part 2640. The definition for a disqualifying financial interest is found at 5 C.F.R. § 2635.402, "disqualifying financial interest."

a. Who is responsible for determining whether EPA political appointees, including the Administrator, have conflicts of interest on certain issues?

For Presidentially Appointed Senate confirmed (PAS) positions, including the Administrator, the Office of Government Ethics approves the ethics agreement prepared by the EPA for each nominee prior to the confirmation process. Those agreements set forth the steps that the PAS appointee will take to comply with federal ethics laws and regulations, including conflicts of interest, if confirmed. The Designated Agency Ethics Official (DAEO) and Alternate Designated Agency Ethics Official (ADAEO) are responsible for overseeing the EPA's ethics program and interpreting federal ethics laws and regulations for all EPA employees. Both of these positions are located in the Office of General Counsel.

b. How will EPA ensure that key technical positions at the agency are filled with qualified scientists free from conflicts of interest?

All EPA employees are subject to the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635, and the federal conflicts of interest statutes codified at Title 18 of the United States Code. In additional, political appointees are subject to Executive Order 13770 and the Trump ethics pledge that they must sign. The EPA's Office of General Counsel assists employees in understanding their ethics obligations, including financial conflicts of interest.

4. What role does independent science have in informing EPA decisions to protect public health and the environment?

Environmental policies, decisions, and emergency response must be grounded, at a most fundamental level, in high-quality, objective, transparent science. This includes science conducted by the EPA, other federal agencies, industry, academia, and others.

5. What kinds of communications were involved between the White House, industry organizations, and EPA regarding chlorpyrifos?

The EPA's Office of Pesticide Programs engages with all interested stakeholders throughout its review processes and honors pertinent meeting requests from its stakeholders. There have been a number of public comment periods on aspects of the chlorpyrifos review where the public and stakeholders are able to review the agency's documents and submit their comments for consideration in our decision-making process. Comments in response to recent requests for public comment regarding chlorpyrifos have been submitted by members of the public, federal regulatory partners, non-governmental organizations, university faculty, as well as industry.

The EPA has kept its federal regulatory partners apprised of the status of chlorpyrifos with in-person meetings and phone calls, including the Department of Agriculture and the Food and Drug Administration. The agency has responded in-kind to similar requests from technical registrants, stakeholder associations, and non-governmental organizations.

a. Were scientists from the Office of Chemical Safety and Pollution Prevention, or other relevant EPA offices, consulted before Administrator Pruitt decided not to ban chlorpyrifos?

Senior agency leadership received briefings on chlorpyrifos from OCSPP scientists and senior management and also received input from other relevant EPA offices before issuing the March 29, 2017, Order denying the citizen petition regarding chlorpyrifos.

6. What steps has EPA taken to implement President Trump's Executive Order on Reducing Regulation and Controlling Regulatory Costs?

Consistent with Executive Orders 13771 (Reducing Regulation and Controlling Regulatory Costs) and 13777 (Enforcing the Regulatory Reform Agenda), the EPA has been taking a hard look at EPA regulations and the EPA's Regulatory Reform Task Force's evaluation will help identify regulations that may be appropriate for repeal, replacement, or modification. The EPA has also initiated the delay or reconsideration of multiple regulations finalized by the previous administration that may further EO 13771 implementation. As a note, the Administrative Procedure Act and other applicable laws apply to any repeal, replacement, or modification of any existing regulation that the EPA undertakes.

a. How is EPA choosing which two regulations to repeal for every new regulation promulgated?

The EPA is still developing our internal process to fully implement EO 13771.

7. Please provide an average annual cost estimate for EPA to run its Energy Star program.

From FY 2007 through FY 2016, the average annual budget for the EPA to implement the ENERGY STAR program has been $48 million, which includes both staffing and contracting costs.

a. Since 1992, how much have consumers saved in their utility bills due to Energy Star products?

Since 1992, the ENERGY STAR program, together with its partners which currently number more than 16,000, have delivered net energy bill savings exceeding $400 billion. More than $200 billion of these

net energy bill savings resulted from ENERGY STAR-certified products and homes. The rest of the savings were delivered by the ENERGY STAR Commercial Buildings and Industrial Programs.

b. Since 1992, how many tons of greenhouse gas emissions have been reduced due to Energy Star products?

Since 1992, the ENERGY STAR Program has helped achieve broad emission reductions, including over 2.5 billion metric tons of greenhouse gas emissions. More than 1 billion metric tons of these reductions resulted from ENERGY STAR-certified products and homes. The rest of the reductions were delivered by the ENERGY STAR Commercial Buildings and Industrial Programs.

The Honorable Tony Cárdenas

1. How will the sudden removal of members of the Board of Scientific Counselors affect the research into lead in drinking water and other such research used to develop national standards to ensure our public health?

The Board of Scientific Counselors (BOSC) provides the EPA with access to independent advice from non-EPA experts who are nationally renowned in their disciplines, and it does so in a transparent manner with opportunities for public input through advance review of meeting agendas, meeting documents, and charge questions. These experts provide advice, information, and recommendations to the EPA on their science and research to ensure it provides the strong, scientific foundation that informs the agency's work to protect human health and the environment. Once the vacancies on the BOSC committees are filled with scientists who have the appropriate expertise, the review of the EPA's research will resume. However, the EPA's research will continue in the interim.

2. How will the Administration's budget cuts and staffing shortages affect the EPA's ability to carry out its duties required by statute, such as its programs to ensure safe drinking water?

The agency's FY 2018 budget lays out a comprehensive back-to-basics and foundational strategy to maintain core environmental protection with respect to statutory and regulatory obligations. This budget provides the direction and resources to return the EPA to its core mission of protecting human health and the environment. This can be accomplished by engaging with state, local, and tribal partners to create and implement sensible regulations that also work to enhance economic growth.

3. How will the budget cuts and staffing shortages affect the oversight and testing of water systems?

The EPA will continue to partner with states, drinking water utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination.

4. How will budget cuts affect the Drinking Water State Revolving Fund?

The EPA's budget supports the President's focus on the nation's infrastructure. The infrastructure needs of our communities include making improvements to drinking water systems, as well as cleaning up contaminated land.

A priority for the agency is modernizing the outdated water infrastructure on which the American public depends. While most small systems consistently provide safe and reliable drinking water, many small systems face challenges with aging infrastructure, increasing costs and decreasing rates bases. Funding levels in the FY 2018 budget support the President's commitment to infrastructure repair and replacement and would allow states, municipalities, and private entities to finance high-priority infrastructure investments. The FY 2018 budget includes $863 million for the Drinking Water State Revolving Fund and $20 million for the Water Infrastructure Finance and Innovation Act (WIFIA) program.