

Subcommittee on Environment and Climate Change
Hearing on
“The Fiscal Year 2020 Environmental Protection Agency Budget”
April 9, 2019

The Honorable Andrew Wheeler, Administrator
U.S. Environmental Protection Agency

The Honorable Frank Pallone, Jr. (D-NJ)

1. EPA is currently leading a multi-agency *Federal Research Action Plan on Recycled Tire Crumb Used on Playing Fields and Playgrounds*. The study began in response to several letters I sent to EPA and ATSDR highlighting concerns about the safety of this material.
 - a. The release of the study has been delayed with respect to the original timeline. What is the current status of the study and when can we expect to see the final report?

The timeline the EPA, Centers for Disease Control (CDC), Agency for Toxic Substances and Disease Registry (ATSDR), and the U.S. Consumer Product Safety Commission (CPSC) initially set for the research activities included under the *Federal Research Action Plan (FRAP) on Recycled Tire Crumb Rubber Used on Synthetic Turf Playing Fields and Playgrounds* has been affected by a number of factors including the time needed to obtain important federal approvals and the need to address external peer review comments.

A goal of the FRAP is to characterize potential human exposures to the substances contained in recycled tire crumb rubber used on synthetic turf fields. Results of the effort will be reported in two parts. Part 1 (Recycled Tire Crumb Characterization report) communicates the research objectives, methods, results, and findings for the tire crumb rubber characterization research (i.e., what is in the material). Part 1 was released to the public on July 25, 2019. In general, the findings from the report support the premise that while chemicals are present, as expected, in the tire crumb rubber, human exposure may be limited based on what is released into air and/or simulated biological fluids. Part 2, to be released at a later date, will document the results from the exposure characterization (i.e., how people come in contact with the materials, how often and for how long), including a biomonitoring study being conducted by CDC/ATSDR. CPSC is conducting the work on playgrounds and results from that effort will be reported separately.

When finalized, neither Part 1 nor Part 2 of this study, separately or combined, will constitute an assessment of the risks associated with playing on synthetic turf fields with recycled tire crumb rubber infill. When this study was ordered in 2016, it was not supposed to be a risk assessment. The results of the research described in the final versions of both Part 1 and Part 2 of this study should inform future risk assessments.

For more information, please visit: <https://www.epa.gov/chemical-research/federal-research-recycled-tire-crumb-used-playing-fields>.

The Honorable Paul Tonko (D-NY)

1. The U.S. Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and the New York State Department of Environmental Conservation have all recommended additional clean up actions before issuance of a Certificate of Completion at the Hudson River Superfund site.
 - a. How did the Environmental Protection Agency (EPA) take into account the data and professional opinions of its sister agencies and New York State in its 5-year review?

The EPA made its Five-Year Review (FYR) decision (to defer making a protectiveness determination at this time) after careful review and consideration of all comments provided by the State of New York, federal natural resource trustees, key stakeholders, and the public.

The EPA reviewed all available project data during the FYR process. Additionally, over the course of 2018, the EPA worked collaboratively with the New York State Department of Environmental Conservation (NYSDEC) in reviewing the data from approximately 1,200 sediment samples taken by the state in 2017 from the Upper Hudson River.

Before finalizing its FYR, the EPA released the draft report for public review. The EPA conducted three public meetings during the extended 90-day comment period. Over two thousand comments on the draft FYR Report were received and reviewed before the report was finalized. The EPA also participated in several meetings of the Community Advisory Group, or CAG, for the Hudson River site. Additionally, the EPA held meetings with several stakeholders, and ensured that they had full access to EPA experts and decision-makers.

The EPA believes our Five-Year review decision is scientifically sound and that it responds to community concerns.

- b. How did EPA take into account the data and professional opinions of its sister agencies and New York State in EPA's consideration of whether or not to issue a Certificate of Completion to the General Electric Company for its clean up actions to date?

The EPA made its decision to certify the remedial action after careful review and consideration of comments provided by the State of New York, federal natural resource trustees, key stakeholders, and the public. The EPA also had detailed discussions/meetings with NYSDEC and the Office of the Attorney General and the trustees (including EPA's

sister agencies). The EPA believes it took the time to thoroughly understand their concerns and explain EPA’s technical and legal positions regarding the Consent Decree and the certifications.

There are three separate certifications of completion that General Electric Company (GE) may request from the EPA under the 2006 Consent Decree:

- (a) The “Certification of Completion of Phase 1 Field Activities,” which was provided to GE by EPA in 2012 after it completed the first year of dredging.**
- (b) The “Certification of Completion of the Remedial Action,” which was issued to GE by the EPA in 2019.**
- (c) The “Certification of Completion of the Work,” which would certify that all work required under the Consent Decree has been completed. This certification is not expected to be available to GE for, at the least, five decades.**

Under the Consent Decree, GE is entitled to receive from the EPA the Certification of Completion of Remedial Action (b) if the EPA concludes that the Remedial Action, as that term is defined in the Consent Decree, has been performed in accordance with the Consent Decree.

During the years that GE performed the dredging and related tasks (i.e., 2007 through 2016), the EPA—in consultation with NYSDEC—approved GE’s performance of each discrete task as it was completed. It was important that the EPA act in good faith, predictably and reliably, to fulfill its obligations under the agreed-upon terms of the judicial Consent Decree, just as the EPA expects GE to fulfill its obligations. The State of New York concurred with the remedy selected in the 2002 Record of Decision. Accordingly, the EPA issued the Certification of Completion of the Remedial Action, indicating that GE had properly completed the dredging and other construction activities required by the Consent Decree.

This certification does not in any way indicate that the cleanup of the Upper Hudson is over. GE remains obligated to do much additional work under the Consent Decree, including monitoring of PCBs in fish, sediment and water, and monitoring and maintenance of caps placed on the river bottom. That work will continue for many years, and GE remains subject to the reopeners in the Consent Decree.

- 2. The Renewable Fuel Standard authorized electricity as a qualified fuel, and EPA adopted a final rule that would allow biomass-powered facilities to participate. That was in 2014 and since then, more than 40 facilities have applied with no action from EPA.
 - a. Does EPA plan to include electricity in the reset and the 2020 RVO?

The EPA will consider all projected production of cellulosic RINs in setting standards.

During the hearing, Members asked you to provide additional information for the record, and you indicated that you would provide that information. For your convenience, descriptions of the requested information are provided below.

1. An update on the status of the National Academy of Sciences' review of EPA's Systematic Review Method for TSCA risk evaluations.

The EPA's Office of Chemical Safety and Pollution Prevention (OCSP) has been working with the National Academies of Science (NAS) to engage the Academy in reviewing EPA's Systematic Review Method for TSCA risk evaluations. The EPA awarded a contract to the NAS in July of 2019 and the Task Order specific to this effort was executed in November of 2019. The peer review effort has been initiated by the NAS on December 13, 2019.

2. An update on the status of the release of a 2017 Office of Research and Development review report for the Office of Pesticides Programs on the epidemiology and health effects research regarding exposures to glyphosate.

Based on review by both the Office of Research and Development (ORD) and the Office of Chemical Safety and Pollution Prevention (OCSP), this report does not exist.

3. An update on the status of the release of the Integrated Risk Information System handbook.

For the IRIS Handbook, the goal is to release it for public comment and peer review when broader Agency and interagency review is complete.

4. A response to a letter dated December 7, 2018, to Administrator Wheeler from Reps. Tonko, Lujan, Welch, and Dingell regarding PFAS and the TSCA program.

The Agency provided a response on June 6, 2019.

The Honorable Lisa Blunt Rochester (D-DE)

1. Mr. Wheeler, you testified during the hearing that funds appropriated to the Safe Drinking Water for Small & Disadvantaged Communities Program will be disbursed, "this summer." Can you provide an exact timeline of when the money will be disbursed?

The EPA has been appropriated \$45 million (total for FY 2018 and FY 2019) to help public water systems in small and disadvantaged communities meet the Safe Drinking Water Act requirements. The announcement of allocation for states occurred in April 2019. Release of support documents for this grant program occurred in August 2019. The states will have one year to apply for the funding. The EPA is providing an extended application window to allow the states time to identify the 45 percent cost share required by statute.

2. Is the EPA committed to providing technical assistance to small and disadvantaged communities once the funding has been disbursed?

Yes. Since 2006, the EPA has provided nearly \$150 million in technical assistance grants to assist small drinking water and wastewater systems and private well owners. With the Small and Disadvantaged Communities Drinking Water Grant, the EPA will continue to expand efforts to provide training and tools to improve small system operations and management practices, promote sustainability, and support the EPA’s mission to protect public health and the environment. The areas of assistance include asset management, capital improvement planning, fiscal planning and rate setting, water loss reduction, water system collaboration and partnerships, managerial leadership, funding coordination, and workforce development, as well as training and technical assistance on maintaining and achieving compliance with National Primary Drinking Water Regulations.

The EPA’s Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) provide low-interest loans to communities for water infrastructure projects. States may customize loan terms to meet the needs of small, disadvantaged communities, which typically have fewer financing options. The State Revolving Loan Funds (SRFs) are a significant source of federal funding for water infrastructure in small communities across the nation. The FY 2020 budget includes \$2 billion for the SRFs to fund water infrastructure improvements including those in small and tribal communities.

The EPA will also continue to provide non-infrastructure support for states and tribes under the auspices of the DWSRF, which permits the use of “set-asides” derived from the entire fund to build small water system technical and managerial capacity; advises states on maintaining their capacity development and operator certification programs to support compliance and to enable water systems, especially small systems, to meet statutory prerequisites for receiving infrastructure financing; and encourages states to develop state-centric tools, in lieu of national tools, to assist water systems with capacity development.

In addition, the Public Water System Supervision grant provides funding to states and tribes to implement Safe Drinking Water Act requirements to help small systems install, operate, and maintain appropriate levels of treatment and effectively manage their distribution systems. The EPA focuses 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 provides training to support drinking water system partnerships. Partnerships provide opportunities to increase capacity by working together to solve compliance challenges, share costs of operations and maintenance activities, and leverage other resources. The Agency will continue 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.

3. Mr. Wheeler, you testified that, “there are other ways of targeting small and disadvantaged communities through the AWIA program.” How much discretionary funding authorized under America’s Water Infrastructure Act does the EPA plan to dedicate to small & disadvantaged communities?

The America’s Water Infrastructure Act (AWIA) increased the amount of additional subsidy states must provide to disadvantaged communities through the Drinking Water State Revolving Fund (DWSRF) program. This subsidy, in the form of loans with principal forgiveness or negative interest rates, reduces the cost of critical drinking water infrastructure in those communities. Under AWIA, state DWSRF programs must provide between 6 and 35 percent of the amount of their federal DWSRF capitalization grant in additional subsidy to disadvantaged communities. In dollar terms, for the FY 2019 capitalization grants, approximately \$65 million to \$375 million is now available for this purpose.

In addition, the FY 2020 budget requests funding to address provisions of AWIA that will significantly affect small and disadvantaged communities. These provisions include: support to states and water systems in preparation of risk assessments and emergency response plans (sec. 2013), a report to Congress on prevalence of low- and moderate-income households lacking access to wastewater treatment (sec. 4107), providing training and technical assistance to lead testing grant recipients, giving priority to schools and child-care programs in low-income areas (sec. 2006), providing training and technical assistance to states on including asset management as part of the state capacity development program and developing case studies and best practices (sec. 2012), expanding the drinking water needs survey to include lead service line replacement costs (sec. 2015), providing grants to nonprofit organizations to assist rural, small, and tribal municipalities (sec. 4103), and supporting projects on Indian reservations to connect, expand, or repair existing public water systems in order to improve water quality, water pressure, or water services (sec. 2001).

4. How does the EPA define “small & disadvantaged communities” for purposes of discretionary spending under AWIA?

Under the Drinking Water State Revolving Fund provisions in the Safe Drinking Water Act, each state defines a disadvantaged community using affordability criteria developed by the state after public review and comment. AWIA requires that every state have a disadvantaged community program, so the EPA is using those state-specific definitions.

5. How many small and disadvantaged communities in Delaware and other states, territories, and tribal areas has EPA identified or know of that need safe drinking water systems?

Under the Drinking Water State Revolving Fund (DWSRF) provisions in the Safe Drinking Water Act, each state defines a disadvantaged community using affordability criteria developed by the state after public review and comment. AWIA requires that every state

has a disadvantaged community program. The State of Delaware has the discretion of defining and identifying small and disadvantaged communities for the purposes of both the grant program authorized by section 1459A of the Safe Drinking Water Act and DWSRF. The EPA's sixth national assessment of public water system infrastructure needs showed a national total 20-year capital improvement need of \$472.6 billion for all systems. Delaware's need is approximately \$806.3 million. Of that amount, approximately \$354.3 million is needed for small systems. This estimate represents DWSRF-eligible infrastructure projects necessary from January 1, 2015 through December 31, 2034 for water systems to continue to provide safe drinking water to the public.

6. Has the EPA conducted an internal evaluation or audit of the Safe Drinking Water for Small & Disadvantaged Communities Program? If so, will the EPA provide those documents to the committee.

The EPA is in the process of standing up the grant program for Assistance to Small and Disadvantaged Communities, and the Program will be implemented in accordance with the Agency's grant guidance (www.epa.gov/grants and <https://intranet.epa.gov/ogd/>) and the Office of Management and Budget's *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards to Non-Federal Entities* guidance, which is commonly known as the *Uniform Grant Guidance* (2 CFR 200), including all internal evaluation and audit requirements. The EPA intends to evaluate the program once it has been implemented.

The Honorable Jan Schakowsky (D-IL)

1. The Great Lakes provide drinking water for 42 million Americans and contain 21% of the world's fresh water. The Great Lakes Restoration Initiative is a vitally important and successful program that improves water quality for safe drinking water and provides numerous ecological and environmental benefits. But the Great Lakes face increased threats from harmful algae blooms, chemical runoff, and the effects of climate change. These in turn threaten the health of millions of Americans whose lives and livelihood depend on the Great Lakes. Administrator Wheeler, do you support restoring funding for the Great Lakes Restoration Initiative to its original \$475 million in annual appropriations?

The EPA is committed to continuing to partner across the federal government and with state and local authorities to support the restoration of the Great Lakes. The FY 2020 request for the Great Lakes Restoration Program is \$300 million to continue to advance these efforts, in line with recent enacted funding levels. The EPA and our federal partners are currently in the stages of developing the GLRI Action Plan III for FY 2020-2024 that will further address the environmental concerns facing the Great Lakes.

2. When the EPA released its initial budget in March, it sought to cut Great Lakes Restoration Initiative funding by 90% from \$300 million to \$30 million. Why did the first

budget proposal make such dramatic cuts? What caused such an abrupt about face in funding?

Given the importance of the Great Lakes, a budget amendment was developed and submitted to Congress on May 13, 2019, to fund the Great Lakes Restoration Program at \$300 million.

3. In your interview March 30, you claimed that safe drinking water is a more pressing danger than climate change. In reality, the two go hand in hand and the greatest threat to drinking water is climate change. Does the President's budget cut funding for water programs? If you see water security as a greater threat, why does the budget cut \$410 million from programs that protect major bodies of water such as the Great Lakes?

As Administrator of the EPA, I believe that water issues are the largest and most immediate environmental and public health issues affecting the world right now. This includes the availability of clean and safe drinking water, the reduction of marine litter, and improving and investing in water infrastructure. The EPA remains steadfast in ensuring access to reliable and safe drinking water in communities across America, supporting water infrastructure in innovative ways, for example through the Water Infrastructure Finance and Innovation Act (WIFIA) Program, and protecting the nation's surface waters. The President's Budget includes resources to support the Chesapeake Bay and Great Lakes Restoration geographic water programs, where the federal government can support regional or international efforts. Funding is reduced where state and local entities have the capacity to maintain progress in protecting our important water bodies.

4. Staying on the topic of clean drinking water, you stated in your April 2 testimony before the House Appropriations Committee that the EPA has "just started" the process of designating PFAS as a hazardous substance and it will take time before it is fully listed as such. If there is still so much to do before we can clean up and protect our water from PFAS, why does the EPA propose cutting more than \$220 million from research on these chemicals.

PFAS is an EPA priority, as reflected in the development of a first-ever comprehensive Agency PFAS Action Plan, which outlines concrete steps the Agency is taking to address PFAS and to protect public health. To implement the Action Plan and address PFAS, the EPA will continue to work in close coordination with multiple entities, including other federal agencies, states, tribes, local governments, water utilities, industry, and the public.

FY 2020 funding levels for PFAS research are estimated based on FY 2020 President's Budget request levels. Actual PFAS funding levels will not be determined until after the Agency receives the annual appropriation for FY 2020. While the FY 2020 President's Budget includes reductions to research, program and Regional office work, the EPA will ensure the commitments identified in the PFAS Action Plan are completed in a comprehensive and holistic way that includes all respective EPA Offices, and provides the necessary tools to assist federal partners, states, tribes, and communities in addressing

PFAS.

5. Under the proposed budget, states would lose funding for two of the most popular and productive infrastructure programs: the Clean Water Act State Revolving Fund (CWA SRF) and the Safe Drinking Water State Revolving Fund (SDWA SRF). In Illinois, the Clean Water Act State Revolving Loan Fund (SRF), which helps provide low interest loans to communities in the State of Illinois for sewer improvements, was slashed, without explanation, by \$26 million dollars, one of the largest percentage hits to any state under Trump's budget blueprint. Why has the EPA proposed these cuts when infrastructure is a stated priority of the Administration?

Investing in the replacement and improvement of the nation's aging water infrastructure is a top priority for the EPA. The FY 2020 President's Budget includes \$1.983 billion for increased federal capitalization of the Clean Water and Drinking Water State Revolving Funds, which complements resources currently revolving at the state level, which is approximately \$80 billion. The budget also includes \$83 million and 19.6 FTE to support the recently enacted America's Water Infrastructure Act (AWIA), which Congress did not fund in 2019. This includes the creation of five new grant programs to provide support to state, local, and tribal programs. Additionally, the budget request includes \$25 million for the Water Infrastructure Finance and Innovation Act (WIFIA) Program, which will build on this innovative financing program. As of December 2019, the EPA has issued 14 WIFIA loans totaling over \$3.5 billion in WIFIA credit assistance to help finance over \$84 billion for water infrastructure projects and create over 15,000 jobs. The EPA recently invited an additional 38 projects in 18 states to apply for a WIFIA loan. The projects proposed would total approximately \$6 billion in water infrastructure investments and create almost 200,000 jobs.

6. The Administration also inexplicably proposes to reduce the Illinois Drinking Water State Revolving Loan Fund (SRF), which helps municipalities get low interest loans for drinking water facilities, including lead pipe replacement, by \$11 million dollars. These funds also bring in \$2-\$4 in benefits for every dollar spent in the state. Administrator Wheeler, do you agree that lead in drinking water is dangerous?
 - a. If so, why do you support reduction in this item when it is one of the few measures that will serve to reduce the amount lead in drinking water?

We are working aggressively to reduce exposure to lead from various sources, including drinking water. The Agency is working to address these concerns through our recently released Lead Action Plan. The FY 2020 President's Budget request includes \$863.2 million for the Drinking Water State Revolving Fund, allowing states to finance high priority infrastructure investments, including the replacement of lead service lines to protect human health. In addition, the FY 2020 budget request includes \$10 million for a Lead Testing in Schools grant as well as \$5 million for a Lead in Drinking Water Fountain Replacement grant. Another resource available to drinking water systems is the Water Infrastructure Finance and Innovation Act (WIFIA) credit program, which can also help

address lead exposure.

7. As my colleague, Representative Quigley noted in the April 2 hearing before the House Appropriations Committee, the EPA has been hemorrhaging staff without replacing them. He also noted that Region 5—which includes my district in Illinois—has lost over 120 engineers and scientists since 2017. You stated that there were “serious workforce challenges” in speeding up hiring and that you are “losing people at a very fast rate.” Why is it that so many staff are leaving the Trump Administration’s EPA?

With approximately one-quarter of EPA employees eligible to retire today and 48 percent of current employees eligible in the next five years, workforce planning serves as the foundation for managing the Agency’s human capital. That being said, EPA’s recent attrition remains within historical annual levels of 5-8 percent, with the higher annual attrition percentages (FY 2014, FY 2015, and FY 2017) aligning with agency-level early out/buyout events. The EPA is actively working to fill vacancies from separations, over a 13-month period ending in November 2019, the Agency hired 982 employees from outside the Agency for a net increase of 18 employees.

The chart below displays EPA attrition agencywide for FY 2013 through FY 2018.

Fiscal Year	Attrition %
2013	5.85%
2014	7.57%
2015	6.41%
2016	5.35%
2017	7.69%
2018	5.85%

The Honorable Diana DeGette (D-CO)

EPA’s “EJ 2020 Action Agenda: EPA’s Environmental Justice Strategy” (<https://www.epa.gov/environmentaljustice/ej-2020-action-agenda-epas-environmental-justice-strategy>) is an excellent roadmap for integrating environmental justice considerations throughout EPA’s programs, strengthening EPA’s collaboration with stakeholders, and demonstrating EPA’s progress in advancing environmental justice – a critical national priority. Before releasing the Action Agenda, EPA held four national webinars and over one hundred meetings around the country to discuss the plan and address questions raised about it. Thousands of interested citizens commented on both the draft and the final plan. It would be fair to say that release of the strategy offered real hope of progress – a hope that could only be met by its diligent implementation.

One of the great strengths of the Action Agenda is its comprehensiveness, as indicated by the 94

specific actions it describes, which collectively touch on every aspect of the Agency's work. Unfortunately, because the FY 2017 annual report on the environmental justice program did not cover progress in all these areas and the FY 2018 report has not yet been completed, it is not possible to make a fair assessment of the Agency's progress in implementing the Action Agenda. The Agency is therefore requested to provide the following information pertaining to the actions to which it has committed itself in the EJ 2020 Action Agenda.

As described in Chapter 4, Action 1.2 of the EJ 2020 Action Agenda, EPA has committed itself to working with co-regulators to identify and undertake community-focused compliance reviews and enforcement strategies in at least 100 of the most overburdened communities where data indicate that facilities present a high likelihood of serious non-compliance issues impacting those communities, and addressing serious violations if found. Please respond to the following questions pertaining to this action item:

1. Has EPA identified the 100 (or more) overburdened communities described by the Action Agenda? These communities will be referred to below as the "EJ Communities."
2. Please identify each EJ Community by state, local jurisdiction, and any additional necessary locational information (e.g., highway boundaries, electoral precinct numbers).
3. What data was used to determine that facilities present a high likelihood of serious non-compliance issues impacting the EJ Communities?
4. For each EJ Community, which facilities present a high likelihood of serious non-compliance issues impacting the community? For each such facility, please provide the facility name; physical address; any relevant identifier under the Toxics Release Inventory, RCRA, the Clean Air Act, the Safe Drinking Water Act, and the Clean Water Act; and reason for assessing that it presents a high likelihood of serious noncompliance.
5. What community-focused compliance reviews and enforcement strategies has EPA undertaken with respect to those facilities and others impacting the EJ Communities?
6. What serious violations has EPA found in those facilities and what enforcement actions have been taken?

The EPA is not targeting 100 (or more) overburdened communities for enforcement as recommended by the EJ 2020 Action Agenda. Instead, the EPA is targeting enforcement based on environmental problems and public health risks, which may occur more frequently in these communities. For example, in its National Compliance Initiatives for 2020-2023, the EPA is making it an enforcement priority to reduce emissions of VOCs that may adversely affect vulnerable populations as well as hazardous air pollutants from sources located in communities. In implementing the Agency's Lead Action Plan, multiple Regions have adopted a community-based approach to addressing high blood lead levels, including enforcement. For example, Region 8 conducted 61 lead inspections in the Denver Place-based Initiative area that resulted in 32 enforcement actions, In FY 2018, 657

enforcement actions undertaken by the EPA took place in communities identified with potential EJ concerns through our EJ Screen process discussed below.

The EPA remains committed to advancing environmental justice for communities across the United States. This Administration has elevated its Office of Environmental Justice within the EPA's Office of Policy to ensure that environmental justice considerations are integrated in the EPA's decision-making process. The EPA's work to implement Executive Order 13853 ("Opportunity Zones") has helped leverage private investment in economically distressed communities, bringing both economic revitalization and environmental improvement.

As stated in EPA's Environmental Justice FY 18 Progress Report, the Office of Enforcement and Compliance Assurance (OECA) continues to strengthen the integration of environmental justice into the Agency's enforcement program – from the problems that are selected for enforcement attention, to the way relief is structured to correct noncompliance, and to how EPA communicates with affected communities. The EPA's ongoing work includes reviewing all new cases to determine whether they may affect overburdened communities and, as appropriate, structuring the resolution of enforcement actions to benefit affected communities.

In 2018, the EPA performed 1,007 environmental justice screenings in our enforcement and compliance work. These EJSCREEN reviews serve two purposes. It assures that EPA enforcement personnel working on a case are aware of the potential EJ concerns in a community, and then may look for opportunities to address those concerns, as appropriate. This also allows the Agency to gauge how much of its enforcement work is being done in areas with potential EJ concerns. [As noted above, in FY 2018, 657 cases involved facilities in such areas.]

Through our continued collaborative efforts with states, tribes, and local governments, our work with our partners across the federal government, and our continued work across EPA's program offices, the EPA continues to deliver on its commitment to promote environmental justice as we work to protect human health and the environment.

The EPA recognizes the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and is committed to continuing to work with your staff to best accommodate the Committee's interests. The EPA has briefed Committee staff on the Agency's efforts regarding environmental justice, and we are working to provide additional information and potential briefings to the Committee to answer remaining questions. As has been discussed with Committee staff, and in line with Agency goals, the EPA is currently focused on several strategic priorities for our environmental justice program. We look forward to continuing to engage with the Committee on the EPA's ongoing environmental justice priorities, including future strategic prioritization and planning.

During the April 9, 2019 hearing of the Environment and Climate Change Subcommittee, Rep.

Diana DeGette mentioned this action item and asked Administrator Andrew Wheeler, “Do you know if EPA has identified the 100 most overburdened communities?”

Administrator Wheeler replied, “We are in a process of identifying communities around the country that are under the new economic development process. I think there’s overlap between that list and these communities.”

Please respond to the following questions pertaining to communities under this “new economic development process” (referred to below as “NEDP Communities”) and possible overlap between EJ Communities and NEDP Communities:

7. When Administrator Wheeler mentioned “communities around the country that are under the new economic development process,” exactly which NEDP Communities was he referring to? Please identify the NEDP Communities by state, local jurisdiction, and any additional necessary locational information.
8. How were the NEDP Communities identified?
9. To what extent was “data [that] indicate that facilities present a high likelihood of serious non-compliance issues impacting those communities” used in the identification of the NEDP Communities?
10. Which communities have been identified as both EJ Communities and NEDP Communities?

The EPA continues to deliver on its commitment to promote and provide environmental justice for communities across the United States. The EPA is also providing greater certainty to our federal, states, tribal, and local partners; certainty in EPA programs; and certainty in how we communicate risk. This certainty will help to strengthen environmental and public health protections for low-income, minority, indigenous, and disadvantaged communities that are disproportionately likely to live near contaminated lands or be impacted by environmental hazards. Lastly, the EPA elevated its Office of Environmental Justice within the EPA’s Office of Policy to ensure that environmental justice considerations are integrated in the EPA’s decision-making process.

We are also focused on the remediation of Superfund sites. The EPA’s Superfund Task Force has facilitated numerous delistings on the National Priorities List (NPL), helping to redevelop hazardous sites for use and bringing environmental and economic relief to once-struggling communities. An example of this occurred earlier this year, when the EPA finalized a partial deletion of the Vasquez Boulevard/Interstate 70 Superfund Site in Denver, Colorado. This Administration is committed to making the EPA’s Superfund program a high priority; in FY2018, the EPA deleted all or part of 22 sites from the NPL. This is the largest number of deletions in one year since FY2005 and in FY19 the EPA deleted even more (27 sites).

Opportunity Zones (OZs) are designated by the Governors of states and territories and are eligible for federal tax incentives that promote long-term equity investments in these communities. The EPA’s work to implement Executive Order 13853 (“Opportunity Zones”) has helped leverage private investment in economically distressed communities, bringing both economic revitalization and environmental improvement.

Lastly, this Administration has issued \$2.4 million in grants through EJ Small Grants and EJ Collaborative Problem-Solving Cooperative Agreements. EPA’s EJ Collaborative Problem-Solving Cooperative Agreement Program provides funding for eligible applicants for projects that address local environmental and public health issues within an affected community and EPA’s EJ Small Grants Program supports and empowers communities working on solutions to local environmental and public health issues. In 2018, the EPA launched the Environmental Justice and Community Revitalization Council (EJCRC) to provide strategic direction for the EPA’s community-based work. This convening of senior leaders allows us to better serve communities and coordinate our actions and investments across EPA programs and regions. Additionally, the EJCRC advances cooperative federalism and tracks work at the state level. The EPA also collaborates with a number of external stakeholders, including state governments, to advance environmental justice efforts. For some examples on how the EPA collaborates with state governments please see the EPA’s FY 2018 EJ Progress Report (https://www.epa.gov/sites/production/files/2019-08/documents/ejprogress_report_fy2018-11.pdf).

Through our continued collaborative efforts with states, tribes, and local governments, our work with our partners across the federal government, and our continued work across EPA’s program offices, the EPA continues to deliver on its commitment to promote environmental justice as we work to protect human health and the environment.

As described in Chapter 5, Measure 2 of the EJ 2020 Action Agenda, EPA has committed itself and EPA-funded grantees to publishing a series of reports and scientific papers that significantly advance the scientific foundation for cumulative risk assessments, supporting the incorporation of information on chemical and nonchemical stressors into selected Agency health assessments.

11. Please give a complete citation for each report and scientific paper that EPA and EPA-funded grantees have published that significantly advance the scientific foundation for cumulative risk assessments.
12. Please provide* all Agency health assessments which have incorporated information on chemical and nonchemical stressors and their cumulative effects. (*For any such health assessments that have been published, a complete citation, rather than the document itself, will suffice.)

Technical assistance, training, and environmental education are often needed to build the capacity of a community to better understand the science, regulations, and policies of environmental issues and EPA actions. Through an EPA contract in the Office of

Environmental Justice, the Technical Assistance Services for Communities (TASC) program provides this independent assistance to communities through scientists, engineers, and other professionals who explain technical findings to a community and answer their questions. TASC supported efforts assist communities in working with government agencies and other stakeholders and in participating meaningfully in environmental decision-making processes. These services are provided in response to a community's request—at no cost to the community—and are determined on a project-specific basis. For more information about EJ and grants please see our website (<https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance>).

Under the current Administration, the EPA has issued \$2.4 million in grants through EJ Small Grants and EJ Collaborative Problem-Solving Cooperative Agreements. In FY 19, the EPA has awarded 50 grants to local community-based organizations through the Environmental Justice Small Grants program. Of those, 45 are new recipients, 16 are focused on disaster resiliency and emergency preparedness, and 25 are located in Opportunity Zones (OZs).

Please provide a brief status report on each of the following remaining items described in the EJ 2020 Action Agenda:

13. Has EPA implemented the Technical Guidance for Assessing Environmental Justice in Regulatory Analysis (EJ Technical Guidance), as discussed in the EJ 2020 Action Agenda Chapter 2 on Rulemaking, Action 1.1?

The EPA continues to deliver on its commitment to promote environmental justice as we work to protect human health and the environment. The EPA has not implemented the Technical Guidance for Assessing Environmental Justice in Regulatory Analysis (EJ Technical Guidance), however, the EPA continues to advance the spirit and intent of Executive Order 12898 by integrating environmental justice in each regulatory action.

14. Has EPA incorporated scientific advances into the EJ Technical Guidance (Chapter 2, Action 1.2)?
15. Has EPA updated existing guidance documents through lessons learned from the application of the EJ ADP Guide and EJ Technical Guidance (Chapter 2, Action 1.3)?
16. Has EPA developed and conducted training on the EJ ADP Guide and EJ Technical Guidance (Chapter 2, Action 2.1)?
17. Has EPA shared information and advanced the state of knowledge across EPA to promote rigor and consistency in how environmental justice is considered in rules (Chapter 2, Action 2.2)?

18. Has EPA evaluated EJ analysis plans for existing and prospective rules (Chapter 2, Action 3.1)?
19. Has EPA conducted an assessment of EJ analyses for EPA rules finalized during the preceding three years (Chapter 2, Action 3.2)?

The EPA developed the Action Development Process (ADP) in order to achieve the timeliest, most efficient, and most effective method for rule development. The process was designed for Agency professionals to develop rules based on sound scientific, economic, legal, and policy analyses. The ADP serves as a framework to ensure issues are addressed during appropriate rule development stages. The ADP includes a list of the statutes and executive orders (e.g. Executive Order 12898 “Federal actions to address environmental justice in minority populations and low-income populations”) that rule writers must address in the "Statutory and Executive Order Review" section of their preambles, or that otherwise influence the rulemaking process.

EPA’s Guidance on Considering Environmental Justice During the Development of an Action is a step-by-step guide that helps EPA staff ask questions and evaluate environmental justice considerations at key points during the development of actions under the ADP, consistent with existing environmental and laws and their implementing regulations, as well as E.O. 12898.

20. Has EPA developed and implemented plans for achieving meaningful community involvement (Chapter 2, Action 4.1)?
21. Has EPA updated best practices for conducting outreach and encouraging meaningful community involvement in rulemaking (Chapter 2, Action 4.2)?

In 2019, the EPA launched a national webinar series developed in collaboration with state partners. The trainings help states identify, prioritize, and address the needs of at-risk communities facing immediate environmental and public health challenges.

The EPA has heard from its state partners about the need for systematic training on environmental justice principles, methods, and practices. The five national training webinars, which are be accessible through a publicly available website, will serve as an ongoing resource for state staff and others interested in developing their environmental justice knowledge and expertise. Topics include identifying and prioritizing environmentally-impacted and vulnerable communities, enhancing community involvement in the regulatory process, using an area-wide planning approach to promote equitable development, and application of environmental justice to state environmental impact assessments.

22. Has EPA established a baseline of how environmental justice has been analyzed in all economically significant rules since Plan EJ 2014 was released (Chapter 2, Measure #1)?

In 2010, the EPA published its final Guidelines for Preparing Economic Analyses. The EPA's Guidelines for Preparing Economic Analyses establish a sound scientific framework for performing economic analyses of environmental regulations and policies. These Guidelines went through extensive peer review by the Environmental Economics Advisory Committee of our Science Advisory Board. The EPA added a chapter on conducting Environmental Justice Regulatory Analyses along with releasing an even more detailed, stand-alone guidance on conducting Environmental Justice analyses in the 2014 to 2016 time period. The stand-alone Technical Guidance for Assessing Environmental Justice in Regulatory Actions was also reviewed by our Science Advisory Board. We are in the process of a major update to our Economic Guidelines, including the chapter covering Environmental Justice. The EPA has announced in the Federal Register that we are forming a new subcommittee of the Science Advisory Board to undertake this review (<https://www.govinfo.gov/content/pkg/FR-2019-06-12/pdf/2019-12410.pdf>). There are 11 chapters and the EPA updates chapters of the Guidelines as warranted and as the science evolves. For more information about the Guidelines, including the chapter on Environmental Justice, Children's Environmental Health and Other Distributional Considerations please see the Agency's website (<https://www.epa.gov/environmental-economics/guidelines-preparing-economic-analyses>).

23. Has EPA provided training to EPA staff involved in the development of environmental justice analysis for rules (Chapter 2, Measure #2)?

In 2019, the EPA launched a national webinar series developed in collaboration with state partners. The trainings help states identify, prioritize, and address the needs of at-risk communities facing immediate environmental and public health challenges.

The EPA has heard from its state partners about the need for systematic training on environmental justice principles, methods, and practices. The five national training webinars, which will be accessible through a publicly available website, will serve as an ongoing resource for state staff and others interested in developing their environmental justice knowledge and expertise. Planned topics include identifying and prioritizing environmentally-impacted and vulnerable communities, enhancing community involvement in the regulatory process, using an area-wide planning approach to promote equitable development, and application of environmental justice to state environmental impact assessments.

24. Has EPA conducted an assessment of EJ analyses for EPA rules finalized during the preceding three years (Chapter 2, Measure #3)?

The EPA developed the Action Development Process (ADP) in order to achieve the timeliest, most efficient, and most effective method for rule development. The process was designed for Agency professionals to develop rules based on sound scientific, economic, legal, and policy analyses. The ADP serves as a framework to ensure issues are addressed during appropriate rule development stages. The ADP includes a list of the statutes and executive orders (e.g. Executive Order 12898 "Federal actions to address environmental

justice in minority populations and low-income populations”) that rule writers must address in the "Statutory and Executive Order Review" section of their preambles, or that otherwise influence the rulemaking process.

EPA’s Guidance on Considering Environmental Justice During the Development of an Action is a step-by-step guide that helps EPA staff ask questions and evaluate environmental justice considerations at key points during the development of actions under the ADP, consistent with existing environmental and laws and their implementing regulations, as well as E.O. 12898.

25. Has EPA established a framework and tools for considering environmental justice concerns in permitting (Chapter 3, Action 1.1)?
26. Has EPA trained EPA permit writers on the use of the framework and tools and leverage EPA’s ongoing activities in other regulatory areas (Chapter 3, Action 1.2)?
27. Has EPA designed and implemented a process for “joint learning” with regulatory partners on incorporating environmental justice concerns and meaningful involvement with communities into the permitting process (Chapter 3, Action 2.1)?
28. Has EPA developed tools that enable communities to participate more effectively in the permitting process (Chapter 3, Action 2.2)?
29. Has EPA developed tools for permit applicants (Chapter 3, Action 2.3)?
30. Is EPA considering, for all newly issued EPA permits, whether there are environmental justice concerns present (Chapter 3, Measure #1)?
31. For all EPA-issued permits where environmental justice concerns are identified, is EPA conducting meaningful engagement and establishing appropriate permit terms and conditions to address environmental justice concerns to the extent supported by the relevant information and law, including the use of tools such as monitoring and web-posting of data that increase the availability of information to the public (Chapter 3, Measure #2a)?
32. Where EPA is unable to address identified EJ concerns in EPA permit conditions, is EPA identifying other federal, state or local agencies or other entities who may be able to assist (Chapter 3, Measure #2b)?

The EPA continues to deliver on its commitment to promote environmental justice for communities across the United States. The EPA elevated the Office of Environmental Justice, along with the National Environmental Policy Act (NEPA) Division and Permitting Policy Division, to the Office of Policy within the Office of the Administrator to enhance collaboration within the EPA.

33. Has EPA built upon existing tools (e.g., EJSCREEN) and data to help EPA regional offices and co-regulators (states, tribes and local governments) focus compliance reviews in overburdened communities where there is a high likelihood of facilities' non-compliance with environmental laws (Chapter 4, Action 1.1)?
34. Has EPA achieved more settlements that benefit overburdened communities impacted by pollution violations (Chapter 4, Action 1.3)?
35. Is EPA working with co-regulators to build an environmental justice community of practice on enforcement and compliance issues (Chapter 4, Action 2.1)?
36. Are EPA regional offices engaging each year in joint planning and targeting with the states in their region to collaborate and leverage limited resources as we pursue compliance and enforcement activities in the nation's most overburdened areas (Chapter 4, Action 2.2)?
37. Has EPA improved coordination with tribes to target enforcement and compliance activities in Indian country (Chapter 4, Action 2.3)?
38. Is EPA empowering communities with information about pollution and violations that affect them (Chapter 4, Action 3.1)?
39. Has EPA strengthened communication with communities (including members of the public with limited English proficiency) on enforcement and compliance work that affects them Chapter 4, 3.2)?
40. What is the percent of enforcement actions that have been initiated by EPA in overburdened communities (Chapter 4, Measure #1)?
41. What is the number of compliance and enforcement strategies focused in the most overburdened communities (Chapter 4, Measure #2)?
42. What is the number of EPA enforcement settlements negotiated each year that incorporate environmental monitors and/or transparency tools (Chapter 4, Measure #3a)?
43. Has EPA doubled the total annual national number of settlements achieved that incorporate environmental monitors and/or transparency tools in FY 2015 (Chapter 4, Measure #3b)?

Since 2011, the Agency has been working to implement the *EPA Policy on Consultation and Coordination with Indian Tribes*. In addition, since 2014, the Agency has been working to implement the *EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples*. Representatives from each EPA program and Regional office meet regularly to facilitate the Agency's implementation of each policy. An example of the EPA's coordination with tribes is the Agency's efforts to solicit tribal input—

through consultation and coordination with tribes—on the fiscal year 2020-2023 National Compliance Initiatives (NCIs). The Agency’s consultation took place prior to the selection of its decision to focus enforcement and compliance resources on the most serious environmental violations. Two of the six NCIs— “Reducing Significant Noncompliance with National Pollutant Discharge Elimination System Permits” and “Reducing Noncompliance with Drinking Water Standards at Community Water Systems”— are particularly relevant to Indian country and will involve coordination with tribes on their implementation.

Another example is the Agency’s updating the Enforcement and Compliance History Online (ECHO) database to help Regions engage tribes in focusing compliance reviews in Indian country. ECHO and ECHO’s Drinking Water Dashboard, Water Dashboard, and Pesticides Dashboard now enable tribes, tribal members, and the general public to search for facilities in Indian country and both obtain and asses information about facility compliance with environmental regulations. In addition, ECHO’s EJSCREEN map layer will assist in our ability to identify overburdened communities or locations that also appear to have facilities presenting a high likelihood of non-compliance with environmental laws. The EPA and tribes can use this mapping capability, along with on-the-ground knowledge of tribal communities, to help direct where the Agency should focus its compliance efforts to make a difference in Indian country.

The EPA is targeting enforcement based on environmental problems and public health risks, which may occur more frequently in these communities. For example, in its National Compliance Initiatives for 2020-2023, the EPA is making it an enforcement priority to reduce emissions of VOCs that may adversely affect vulnerable populations as well as hazardous air pollutants from sources located in communities. In implementing the Agency’s Lead Action Plan, multiple Regions have adopted a community-based approach to addressing high blood lead levels, including enforcement. For example, Region 8 conducted 61 lead inspections in the Denver Place-based Initiative area that resulted in 32 enforcement actions, In FY 2018, 657 enforcement actions undertaken by the EPA took place in communities identified with potential EJ concerns through our EJ Screen process discussed below.

The EPA remains committed to advancing environmental justice for communities across the United States. This Administration has elevated its Office of Environmental Justice within the EPA’s Office of Policy to ensure that environmental justice considerations are integrated in the EPA’s decision-making process. The EPA’s work to implement Executive Order 13853 (“Opportunity Zones”) has helped leverage private investment in economically distressed communities, bringing both economic revitalization and environmental improvement.

As stated in the EPA’s Environmental Justice FY 18 Progress Report, the Office of Enforcement and Compliance Assurance (OECA) continues to strengthen the integration of environmental justice into the Agency’s enforcement program – from the problems that are selected for enforcement attention, to the way relief is structured to correct

noncompliance, and to how EPA communicates with affected communities. The EPA's ongoing work includes reviewing all new cases to determine whether they may affect overburdened communities and, as appropriate, structuring the resolution of enforcement actions to benefit affected communities.

In 2018, the EPA performed 1,007 environmental justice screenings in our enforcement and compliance work. These EJSCREEN reviews serve two purposes. It assures that EPA enforcement personnel working on a case are aware of the potential EJ concerns in a community, and then may look for opportunities to address those concerns, as appropriate. This also allows the Agency to gauge how much of its enforcement work is being done in areas with potential EJ concerns. [As noted above, In FY 2018, 657 cases involved facilities in such areas.]

Through our continued collaborative efforts with states, tribes, and local governments, our work with our partners across the federal government, and our continued work across EPA's program offices, the EPA continues to deliver on its commitment to promote environmental justice as we work to protect human health and the environment.

The EPA recognizes the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and is committed to continuing to work with your staff to best accommodate the Committee's interests. The EPA has briefed Committee staff on the Agency's efforts regarding environmental justice, and we are working to provide additional information and potential briefings to the Committee to answer remaining questions. As has been discussed with Committee staff, and in line with Agency goals, the EPA is currently focused on several strategic priorities for our environmental justice program. We look forward to continuing to engage with the Committee on the EPA's ongoing environmental justice priorities, including future strategic prioritization and planning.

44. Has EPA developed decision support tools for characterizing prioritizing and evaluating options for solving environmental problems (Chapter 5, Action 1.1)?
45. Has EPA provided outreach and training on community-based decision support tools, including C-FERST, CCAT, EnviroAtlas, and HIA (Chapter 5, Action 1.2)?
46. Has EPA developed and evaluated innovative environmental monitoring tools (Chapter 5, Action 3.1)?
47. Has EPA developed and/or evaluated technologies to control environmental contamination, such as small water treatment systems, community-based participatory research on point-of-use water treatment systems, and green infrastructure (Chapter 5, Action 3.2)?
48. Has EPA characterized cumulative impacts on health of tribal communities (Chapter 5, Action 4.1)?

The EPA has used a variety of information resources to help the Agency comply with environmental justice concerns for populations across the country. Several mapping tools have been developed and used by the EPA, and the EPA has made several of these available for public use. The EPA recognized the opportunity and the need to develop a single, nationally consistent tool that can be used by the EPA, its governmental partners, and the public to understand environmental and demographic characteristics of locations throughout the United States. Thus, the EPA developed EJSCREEN. EJSCREEN is an environmental justice mapping and screening tool that provides the EPA with a nationally consistent dataset and approach for combining environmental and demographic indicators. EJSCREEN users choose a geographic area; the tool then provides demographic and environmental information for that area. All of the EJSCREEN indicators are publicly-available data. EJSCREEN simply provides a way to display this information and includes a method for combining environmental and demographic indicators into EJ indexes. EJSCREEN includes: 11 environmental indicators (<https://www.epa.gov/ejscreen/overview-environmental-indicators-ejscreen>), demographic indicators (<https://www.epa.gov/ejscreen/overview-environmental-indicators-ejscreen>), and 11 EJ indexes (<https://www.epa.gov/ejscreen/overview-environmental-indicators-ejscreen>). For more information please see the Agency’s website on EJSCREEN (<https://www.epa.gov/ejscreen/what-ejscreen>).

49. Has EPA developed tools, indicators and data on community resilience and climate change impacts (Chapter 5, Action 4.2)?

The EPA has developed several tools to help communities anticipate, plan for, and adapt to the changing climate. For instance, the EPA’s Adaptation Resource Center (ARC-X) is a resource to help local governments effectively deliver services to their communities even as the climate changes. For more information about ARC-X and other tools please see the Agency’s website (<https://www.epa.gov/arc-x/tools-climate-change-adaptation>).

50. Have EPA and EPA-funded grantees piloted the use of community-based research, including of innovative decision support tools, in 30 communities with environmental justice concerns (Chapter 5, Measure #1)?

Technical assistance, training, and environmental education are often needed to build the capacity of a community to better understand the science, regulations, and policies of environmental issues and EPA actions. Through an EPA contract in the Office of Environmental Justice, the Technical Assistance Services for Communities (TASC) program provides this independent assistance to communities through scientists, engineers, and other professionals who explain technical findings to a community and answer their questions. TASC supported efforts assist communities in working with government agencies and other stakeholders and in participating meaningfully in environmental decision-making processes. These services are provided in response to a community’s request—at no cost to the community—and are determined on a project-specific basis. For more information about EJ and grants please see our website

(<https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance>).

Under the current Administration, the EPA has issued \$2.4 million in grants through EJ Small Grants and EJ Collaborative Problem-Solving Cooperative Agreements. In FY 19, the EPA has awarded 50 grants to local community-based organizations through the Environmental Justice Small Grants program. Of those, 45 are new recipients, 16 are focused on disaster resiliency and emergency preparedness, and 25 are located in Opportunity Zones (OZs).

51. Is EPA producing annual reports that describe the progress of ongoing research and identify new research that will be conducted as part of ORD's EJ Research Roadmap Chapter 5, Measure #3)?

52. Is EPA seeking input from community representatives and scientific experts on specific EJ science-related activities, science priorities, and the EJ research program overall (Chapter 5, Measure #4)?

As highlighted in the EPA's FY18 EJ Progress Report, the EPA's Office of Research and Development (ORD) published research reports in the areas of Health Disparities and Cumulative Impacts, Exposure Risk Assessment, Air Pollution Monitoring and Modeling, Water Quality and Modeling, and Adaptive Management and Resilience. Links to these reports (with plain language descriptions) can be found on EPA's Environmental Justice Research website (<https://www.epa.gov/healthresearch/epa-environmental-justice-research>). This site also links to science-based decision support tools for communities with EJ concerns and programs, reports from STAR grantees, and the EPA's other EJ programs.

53. Is EPA collaborating with states and local governments in specific projects to address environmental and public health challenges in communities through community-based approaches (Chapter 6, Action 1.1)?

In 2018, the EPA launched the Environmental Justice and Community Revitalization Council (EJCRC) to provide strategic direction for the EPA's community-based work. This convening of senior leaders allows us to better serve communities and coordinate our actions and investments across EPA programs and regions. Additionally, the EJCRC advances cooperative federalism and tracks work at the state level. The EPA also collaborates with a number of external stakeholders, including state governments, to advance environmental justice efforts. For some examples on how the EPA collaborates with state governments please see the EPA's FY 2018 EJ Progress Report (https://www.epa.gov/sites/production/files/2019-08/documents/ejprogress_report_fy2018-11.pdf).

Likewise, in 2019, the EPA conducted launched a national webinar series developed in collaboration with state partners. The trainings help states identify, prioritize, and address

the needs of at-risk communities facing immediate environmental and public health challenges. The EPA has heard from its state partners about the need for systematic training on environmental justice principles, methods, and practices. The five national training webinars, which will be accessible through a publicly available website, will serve as an ongoing resource for state staff and others interested in developing their environmental justice knowledge and expertise. Planned topics include identifying and prioritizing environmentally-impacted and vulnerable communities, enhancing community involvement in the regulatory process, using an area-wide planning approach to promote equitable development, and application of environmental justice to state environmental impact assessments.

54. Is EPA engaging with states in joint planning to pursue compliance and enforcement activities in the nation's most overburdened and vulnerable areas and leverage limited resources (Chapter 6, Action 1.2)?

The EPA is not targeting 100 (or more) overburdened communities for enforcement as recommended by the EJ 2020 Action Agenda. Instead, the EPA is targeting enforcement based on environmental problems and public health risks, which may occur more frequently in these communities. For example, in its National Compliance Initiatives for 2020-2023, the EPA is making it an enforcement priority to reduce emissions of VOCs that may adversely affect vulnerable populations as well as hazardous air pollutants from sources located in communities. In implementing the Agency's Lead Action Plan, multiple Regions have adopted a community-based approach to addressing high blood lead levels, including enforcement. For example, Region 8 conducted 61 lead inspections in the Denver Place-based Initiative area that resulted in 32 enforcement actions, In FY 2018, 657 enforcement actions undertaken by the EPA took place in communities identified with potential EJ concerns through our EJ Screen process discussed below.

The EPA remains committed to advancing environmental justice for communities across the United States. This Administration has elevated its Office of Environmental Justice within the EPA's Office of Policy to ensure that environmental justice considerations are integrated in the EPA's decision-making process. The EPA's work to implement Executive Order 13853 ("Opportunity Zones") has helped leverage private investment in economically distressed communities, bringing both economic revitalization and environmental improvement.

As stated in the EPA's Environmental Justice FY 18 Progress Report, the Office of Enforcement and Compliance Assurance (OECA) continues to strengthen the integration of environmental justice into the Agency's enforcement program—from the problems that are selected for enforcement attention, to the way relief is structured to correct noncompliance, and to how EPA communicates with affected communities. The EPA's ongoing work includes reviewing all new cases to determine whether they may affect overburdened communities and, as appropriate, structuring the resolution of enforcement actions to benefit affected communities.

In 2018, the EPA performed 1,007 environmental justice screenings in our enforcement and compliance work. These EJSCREEN reviews serve two purposes. It assures that EPA enforcement personnel working on a case are aware of the potential EJ concerns in a community, and then may look for opportunities to address those concerns, as appropriate. This also allows the Agency to gauge how much of its enforcement work is being done in areas with potential EJ concerns. [As noted above, In FY 2018, 657 cases involved facilities in such areas.]

Through our continued collaborative efforts with states, tribes, and local governments, our work with our partners across the federal government, and our continued work across EPA's program offices, the EPA continues to deliver on its commitment to promote environmental justice as we work to protect human health and the environment.

The EPA recognizes the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and is committed to continuing to work with your staff to best accommodate the Committee's interests. The EPA has briefed Committee staff on the Agency's efforts regarding environmental justice, and we are working to provide additional information and potential briefings to the Committee to answer remaining questions. As has been discussed with Committee staff, and in line with Agency goals, the EPA is currently focused on several strategic priorities for our environmental justice program. We look forward to continuing to engage with the Committee on the EPA's ongoing environmental justice priorities, including future strategic prioritization and planning.

55. Is EPA working with states and local governments to advance the analytic tools that support action on EJ concerns, including EPA's EJ Research Roadmap and EJSCREEN (Chapter 6, Action 1.3)?

As stated, the EPA has used a variety of information resources to help the Agency comply with environmental justice concerns for populations across the country. Several mapping tools have been developed and used by the EPA, and the EPA has made several of these available for public use. The EPA recognized the opportunity and the need to develop a single, nationally consistent tool that can be used by the EPA, its governmental partners, and the public to understand environmental and demographic characteristics of locations throughout the United States. Thus, the EPA developed EJSCREEN. EJSCREEN is an environmental justice mapping and screening tool that provides the EPA with a nationally consistent dataset and approach for combining environmental and demographic indicators. EJSCREEN users choose a geographic area; the tool then provides demographic and environmental information for that area. All of the EJSCREEN indicators are publicly-available data. EJSCREEN simply provides a way to display this information and includes a method for combining environmental and demographic indicators into EJ indexes. EJSCREEN includes: 11 environmental indicators (<https://www.epa.gov/ejscreen/overview-environmental-indicators-ejscreen>), demographic indicators (<https://www.epa.gov/ejscreen/overview-environmental-indicators-ejscreen>), and 11 EJ indexes (<https://www.epa.gov/ejscreen/overview-environmental-indicators-ejscreen>).

For more information please see the Agency's website on EJSCREEN (<https://www.epa.gov/ejscreen/what-ejscreen>).

The EPA's Office of Research and Development (ORD) also has published research reports in the areas of Health Disparities and Cumulative Impacts, Exposure Risk Assessment, Air Pollution Monitoring and Modeling, Water Quality and Modeling, and Adaptive Management and Resilience. Links to these reports (with plain language descriptions) can be found on EPA's Environmental Justice Research website (<https://www.epa.gov/healthresearch/epa-environmental-justice-research>). This site also links to science-based decision support tools for communities with EJ concerns and programs, reports from STAR grantees, and EPA's other EJ programs.

56. Is EPA working with the Environmental Council of the States (ECOS) and other state and local associations of regulatory agencies to identify and promote best practices, tools, approaches and resources for reducing adverse impacts and promoting meaningful involvement (Chapter 6, Action 2.1)?
57. Is EPA producing and disseminating information on best practices that advance environmental justice (Chapter 6, Action 2.2)?
58. Is EPA ensuring that successes and challenges related to adverse impacts and meaningful involvement are addressed in ongoing high-level meetings between EPA and state and local co-regulators (Chapter 6, Action 3.1)?
59. Is EPA conducting joint planning to establish commitments for work on priorities and projects (Chapter 6, Action 3.2)?
60. Is EPA identifying and conducting training and capacity building activities with state and local co-regulators on environmental justice (Chapter 6, Action 3.3)?
61. Is EPA identifying opportunities for joint research efforts with state and local governments, particularly on aspects relevant to the EJ 2020 Science plan (Chapter 6, Action 3.4)?

In 2018, the EPA launched the Environmental Justice and Community Revitalization Council (EJCRC) to provide strategic direction for the EPA's community-based work. This convening of senior leaders allows us to better serve communities and coordinate our actions and investments across EPA programs and regions. Additionally, the EJCRC advances cooperative federalism and tracks work at the state level. The EPA also collaborates with a number of external stakeholders, including state governments, to advance environmental justice efforts. For some examples on how the EPA collaborates with state governments please see the EPA's FY 2018 EJ Progress Report (https://www.epa.gov/sites/production/files/2019-08/documents/ejprogress_report_fy2018-11.pdf).

62. Is EPA establishing a process for developing shared expectations and measuring progress (Chapter 6, Action 4.1)?

63. Is EPA incorporating shared expectations when evaluating program performance (Chapter 6, Action 4.2)?

The EPA's Lean Management System (ELMS) is a means to promote continuous improvement. It consists of Lean tools and behaviors that assist organizations with sustaining lean activities and ultimately leads to an efficient organization. Our Lean Management System is a complement to Lean activities and is seen as a constant driver towards excellence. The EPA's environmental justice program is currently utilizing ELMS to increase efficiencies within the organization. For more information about EPA's LEAN efforts and ELMS see the Agency's website (<https://www.epa.gov/aboutepa/about-office-continuous-improvement-oci>).

64. Is EPA offering EJ training to all state and local agencies that are delegated/authorized to implement federal environmental laws and to other state and local agencies as resources allow (Chapter 6, Measure #1)?

65. Is EPA discussing possible joint projects and/or priorities to advance environmental justice in all PPA/PPG and other joint planning meetings held at the senior level between state environmental agencies and EPA Regions (Chapter 6, Measure #2)?

In 2019, the EPA launched a national webinar series developed in collaboration with state partners. The trainings help states identify, prioritize, and address the needs of at-risk communities facing immediate environmental and public health challenges.

The EPA has heard from its state partners about the need for systematic training on environmental justice principles, methods, and practices. The five national training webinars, which will be accessible through a publicly available website, will serve as an ongoing resource for state staff and others interested in developing their environmental justice knowledge and expertise. Planned topics include identifying and prioritizing environmentally-impacted and vulnerable communities, enhancing community involvement in the regulatory process, using an area-wide planning approach to promote equitable development, and application of environmental justice to state environmental impact assessments.

66. Is EPA advancing consideration of environmental justice in the National Environmental Policy Act review process by implementing environmental justice and NEPA analytic methodologies (Chapter 7, Action 1.1)?

67. Has EPA identified and addressed potential adverse impacts from the commercial distribution of freight and related infrastructure by developing and implementing assessment and engagement tools and programs that promote emissions reduction, better

planning and sustainable development practices, and enhance the health, safety, quality of life, and meaningful engagement of affected communities (Chapter 7, Action 1.2)?

In FY18, the Environmental Justice Interagency Working Group (EJ IWG) developed a report—*Promising Practices for EJ Methodologies in NEPA Reviews*—which is a compilation of methodologies used to assess EJ in activities under the National Environmental Policy Act (NEPA). The report can be found on the Agency’s website (<https://www.epa.gov/environmentaljustice/environmental-justice-and-national-environmental-policy-act>).

68. Has EPA strengthened interagency partnerships in the EPA regional offices through Regional EJ IWG partnerships that directly support on-the-ground work in communities to leverage federal agency resources that provide technical assistance to support overburdened communities (Chapter 7, Action 1.3)?

The Interagency Working Group on Environmental Justice (EJ IWG) continues to have monthly meetings and recently issued the FY18 Progress Report. The EJ IWG also facilitates the active involvement of all Federal agencies to implement Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The order states that Federal agencies must identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations.

Established through the Order, the EJ IWG provides a forum for Federal agencies to collectively advance environmental justice principles. The EJ IWG works as a federal family to increase local community capacity to promote and implement innovative and comprehensive solutions to environmental justice issues. For more information about the EJ IWG please see the Agency’s website (<https://www.epa.gov/environmentaljustice/ej-iwg-framework-collaboration-0>) and the FY 2018 Progress Report (<https://www.epa.gov/environmentaljustice/ej-iwg-fiscal-year-2018-progress-report>).

69. Has EPA developed a community revitalization strategy in conjunction with the EJ IWG, communities and other federal agencies that complements EPA’s core functions and supports communities in achieving their own vision of healthy, sustainable and equitable communities (Chapter 7, Action 2.1)?

Yes. In 2018, the EPA launched the Environmental Justice and Community Revitalization Council (EJCRC) to provide strategic direction for the EPA’s community-based work. This convening of senior leaders allows us to better serve communities and coordinate our actions and investments across EPA programs and regions. Additionally, the EJCRC advances cooperative federalism and tracks work at the state level. The EPA also collaborates with a number of external stakeholders, including state governments, to advance environmental justice efforts. For some examples on how the EPA collaborates with state governments please see the EPA’s FY 2018 EJ Progress Report

(https://www.epa.gov/sites/production/files/2019-08/documents/ejprogress_report_fy2018-11.pdf).

The EPA’s work to implement Executive Order 13853 (“Opportunity Zones”) has helped leverage private investment in struggling communities, bringing both economic revitalization and environmental improvement. Additionally, the EJCRC advances cooperative federalism and tracks work at the state level. The EPA elevated the Office of Environmental Justice to the Office of Policy within the Office of the Administrator to enhance collaboration within the EPA. The Office of Community Revitalization (OCR) (formerly the Office of Sustainable Communities) supports locally-led, community-driven efforts to revitalize local economies and improve environmental and human health outcomes. OCR collaborates with other EPA programs, federal agencies, regional, state, and local governments, and a broad array of nongovernmental and private-sector partners to bring additional resources to communities and to leverage public and private sector investments.

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70. Is EPA working with multiple public and private sector organizations to convene the National Funding Resources and Training Summit (Chapter 7, Action 2.2)?

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Likewise, in 2019, the EPA conducted launched a national webinar series developed in collaboration with state partners. The trainings help states identify, prioritize, and address the needs of at-risk communities facing immediate environmental and public health challenges. The EPA has heard from its state partners about the need for systematic training on environmental justice principles, methods, and practices. The five national training webinars, which will be accessible through a publicly available website, will serve

as an ongoing resource for state staff and others interested in developing their environmental justice knowledge and expertise. Planned topics include identifying and prioritizing environmentally-impacted and vulnerable communities, enhancing community involvement in the regulatory process, using an area-wide planning approach to promote equitable development, and application of environmental justice to state environmental impact assessments.

71. Is EPA promoting the use of best practices for place-based approaches to achieving community sustainability, equitable development and economic revitalization in overburdened communities (Chapter 7, Action 2.3)?

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72. Is EPA working with the EJ IWG partner agencies to engage business and industry organizations to promote their participation in community-driven efforts to address environmental and economic concerns (Chapter 7, Action 2.4)?
73. Is EPA developing environmental justice criteria for inclusion in the scoring schemes for Federal EJ IWG agencies' grants and cooperative agreements eligibility processes (Chapter 7, Action 3.1)?
74. Is EPA promoting the use and continued development of EPA and other federal agencies' analytic and data tools that enable and encourage our governmental partners and community members to consider and address environmental justice issues (Chapter 7, Action 3.2)?
75. Is EPA partnering with other federal agencies through the EJ IWG to discuss and test new uses for EJSCREEN and other analytic and data tools, as well as share datasets (Chapter 7, Action 3.3)?

The EPA continues to deliver on its commitment to promote and provide environmental justice for communities across the United States. The EPA is also providing greater certainty to our federal, states, tribal, and local partners; certainty in EPA programs; and certainty in how we communicate risk. This certainty will help to strengthen environmental and public health protections for low-income, minority, indigenous, and disadvantaged communities that are disproportionately likely to live near contaminated lands or be impacted by environmental hazards. Lastly, the EPA elevated its Office of Environmental Justice within the EPA's Office of Policy to ensure that environmental justice considerations are integrated in the EPA's decision-making process.

The Interagency Working Group on Environmental Justice (EJ IWG) continues to have monthly meetings and recently issued the FY18 Progress Report. The EJ IWG also facilitates the active involvement of all Federal agencies to implement Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The Executive Order states that Federal agencies must identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations.

Established through the Executive Order, the EJ IWG provides a forum for Federal agencies to collectively advance environmental justice principles. The EJ IWG works as a federal family to increase local community capacity to promote and implement innovative and comprehensive solutions to environmental justice issues. For more information about the EJ IWG please see the Agency's website (<https://www.epa.gov/environmentaljustice/ej-iwg-framework-collaboration-0>) and the FY 2018 Progress Report (<https://www.epa.gov/environmentaljustice/ej-iwg-fiscal-year-2018-progress-report>).

Through our continued collaborative efforts with states, tribes, and local governments, our

work with our partners across the federal government, and our continued work across EPA's program offices, the EPA continues to deliver on its commitment to promote environmental justice as we work to protect human health and the environment.

76. Is EPA considering the adequacy of an agency's Environmental Justice analysis in 100% of EPA's reviews of Environmental Impact Statements reviewed pursuant to Section 309 of the Clean Air Act, including the implications of climate change and its effects on communities with EJ concerns (Chapter 7, Measure #1a)?
77. In Environmental Impact Statements where environmental justice has been identified as a potential concern, are EPA's comments on the agency's EJ analysis being documented in EPA's Section 309 review letter to the federal agency (Chapter 7, Measure #1b)?
78. Have 100% of all current EPA National Environmental Policy Act reviewers completed training of Promising Practices and the NTP training (Chapter 7, Measure #2)?

In FY18, the Environmental Justice Interagency Working Group (EJ IWG) developed a report—*Promising Practices for EJ Methodologies in NEPA Reviews*—which is a compilation of methodologies used to assess EJ in activities under the National Environmental Policy Act (NEPA). The report can be found on the Agency's website (<https://www.epa.gov/environmentaljustice/environmental-justice-and-national-environmental-policy-act>).

79. Is EPA applying best practices of its community-based work through the work of Community Resources Network and the EJ Coordinators (Chapter 8, Action 1.1)?

The EPA continues to deliver on its commitment to promote environmental justice as we work to protect human health and the environment. Technical assistance, training, and environmental education are often needed to build the capacity of a community to better understand the science, regulations, and policies of environmental issues and EPA actions. Through an EPA contract in the Office of Environmental Justice, the Technical Assistance Services for Communities (TASC) program provides this independent assistance to communities through scientists, engineers, and other professionals who explain technical findings to a community and answer their questions. TASC supported efforts assist communities in working with government agencies and other stakeholders and in participating meaningfully in environmental decision-making processes. These services are provided in response to a community's request—at no cost to the community—and are determined on a project-specific basis. For more information about EJ and grants please see our website (<https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance>).

Under the current Administration, the EPA has issued \$2.4 million in grants through EJ Small Grants and EJ Collaborative Problem-Solving Cooperative Agreements. In FY 19, the EPA has awarded 50 grants to local community-based organizations through the Environmental Justice Small Grants program. Of those, 45 are new recipients, 16 are

focused on disaster resiliency and emergency preparedness, and 25 are located in Opportunity Zones (OZs).

In 2018, the EPA launched the Environmental Justice and Community Revitalization Council (EJCRC) to provide strategic direction for the EPA’s community-based work. This convening of senior leaders allows us to better serve communities and coordinate our actions and investments across EPA programs and regions. Additionally, the EJCRC advances cooperative federalism and tracks work at the state level. The EPA also collaborates with a number of external stakeholders, including state governments, to advance environmental justice efforts. For some examples on how the EPA collaborates with state governments please see the EPA’s FY 2018 EJ Progress Report (https://www.epa.gov/sites/production/files/2019-08/documents/ejprogress_report_fy2018-11.pdf).

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80. Is EPA strengthening the procedures and practices associated with collecting following-up on and responding to citizen tips and complaints (Chapter 8, Action 1.2)?

Yes. The Agency’s environmental justice program is currently utilizing EPA’s Lean Management System (ELMS) to increase efficiencies within the organization. ELMS is a means to promote continuous improvement. It consists of Lean tools and behaviors that assist organizations with sustaining lean activities and ultimately leads to an efficient organization. Our Lean Management System is a complement to Lean activities and is seen as a constant driver towards excellence. The EPA’s environmental justice program is

currently utilizing ELMS to increase efficiencies within the organization.

For example, in FY19, the Office of Environmental Justice (OEJ) used ELMS to deliver a tremendous measurable result. Prior to implementation, OEJ's 20-day citizen tips and complaints response success rate varied from 69 percent to 86 percent. In the first full month of implementation, OEJ achieved a perfect 100 percent success rate and are on track to repeat that performance in FY20. For more information about EPA's LEAN efforts and ELMS, see the Agency's website (<https://www.epa.gov/aboutepa/about-office-continuous-improvement-oci>).

81. Is EPA collaborating internally to support community-based approaches (Chapter 8, Action 1.3)?

82. Is EPA implementing a community-based approach in support of its mission of protecting human health and the environment (Chapter 8, Action 2.1)?

The EPA continues to deliver on its commitment to promote environmental justice as we work to protect human health and the environment. Technical assistance, training, and environmental education are often needed to build the capacity of a community to better understand the science, regulations, and policies of environmental issues and EPA actions. Through an EPA contract in the Office of Environmental Justice, the Technical Assistance Services for Communities (TASC) program provides this independent assistance to communities through scientists, engineers, and other professionals who explain technical findings to a community and answer their questions. TASC supported efforts assist communities in working with government agencies and other stakeholders and in participating meaningfully in environmental decision-making processes. These services are provided in response to a community's request—at no cost to the community—and are determined on a project-specific basis. For more information about EJ and grants please see our website (<https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance>).

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83. Is EPA strengthening community organizations’ awareness and utilization of EPA’s and other federal agencies’ grant and technical assistance programs (Chapter 8, Action 3.1)?

The EPA’s EJ Collaborative Problem-Solving (CPS) Cooperative Agreement Program provides funding for eligible applicants for projects that address local environmental and public health issues within an affected community. The CPS Program assists recipients in building collaborative partnerships to help them understand and address environmental and public health concerns in their communities. The EPA’s EJ Small Grants Program supports and empowers communities working on solutions to local environmental and public health issues. The program is designed to help communities understand and address exposure to multiple environmental harms and risks. For more information on EJ grants and technical assistance please see the Agency’s website (<https://www.epa.gov/environmentaljustice/environmental-justice-grants-funding-and-technical-assistance>).

84. Is EPA supporting the establishment of a network of past and current recipients of EPA community-based grants through formal networking and information-sharing opportunities (Chapter 8, Action 3.2)?

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85. Is EPA strengthening use of social media and other communications tools to promote the replication of real-life models of success and network building and the wider use of promising practices (Chapter 8, Action 3.3)?

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86. Is EPA promoting youth engagement and the development of the next generation of leaders proficient in meeting environmental justice challenges (Chapter 8, Action 3.4)?

Yes. Through the National Environmental Justice Advisory Council (NEJAC), which provides independent advice to the Administrator on broad, cross-cutting issues related to environmental justice, the Agency engages often with organizations that seek youth perspectives. In FY 2018, the NEJAC convened one national in-person and two teleconference public meetings with a total of 383 participants, including community members, EJ stakeholders, and local, state and federal government. The NEJAC received comments from 42 members of the public and worked on two charges to provide recommendations to EPA, including on addressing infrastructure challenges for safe and clean water. As a result of the other charge, the NEJAC produced the report, “*Youth Perspectives on Climate Change: Best Practices for Youth Engagement and Addressing Health Impacts of Climate Change*.” For more information about the report please see the Agency’s website (<https://www.epa.gov/environmentaljustice/recommendations-youth-perspectives-climate-change>).

87. Is EPA reporting the number of tips and complaints received, broken out by program and location through regional and headquarter office websites (Chapter 8, Measure #1)?

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88. Is EPA identifying and working to address tribes’ and indigenous peoples’ EJ concerns when directly implementing environmental programs in Indian country and throughout the United States (Chapter 9, Action 1.1)?

89. Is EPA encouraging tribes to develop written procedures to ensure meaningful involvement and fair treatment of the public in the development and implementation of federally authorized environmental programs (Indian General Assistance Program

Indicator B.2.6), as well as their own environmental and public health programs (Chapter 9, Action 2.1)?

90. Is EPA providing training to increase public participation and input in EPA's work (Chapter 9, Action 3.1)?
91. Is EPA improving its responsiveness to the environmental and public health concerns of indigenous peoples (Chapter 9, Action 3.2)?
92. Is EPA working with other government agencies (federal, state and local), in partnership with interested tribal governments, to effectively respond to the EJ concerns of tribes and indigenous peoples (Chapter 9, Action 4.1)?
93. Has EPA identified tribes and indigenous peoples' organizations interested in working with EPA to address their environmental justice concerns (Chapter 9, Measure #1)?
94. Is EPA reporting on the number of tribes that have developed and incorporated public participation procedures into their environmental programs, and that have used the procedures for environmental program implementation (Chapter 9, Measure #2)?
95. Is EPA conducting outreach and offering training in each region on EJSCREEN, the EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples, and the EJ 2020 Action Agenda to tribes and identified indigenous peoples' organizations (Chapter 9, Measure #3)?
96. Has EPA developed and implemented a set of indicators to monitor the Agency's efforts to address indigenous peoples' environmental and public health concerns (Chapter 9, Measure #4)?
97. Has EPA developed best practices for its engagement with other federal agencies, states and local governments, and in collaboration with interested tribal governments, regarding how to address the environmental and public health concerns of tribes and indigenous peoples (Chapter 9, Measure #5)?

Since 2011, the Agency has been working to implement the *EPA Policy on Consultation and Coordination with Indian Tribes*. In addition, since 2014, the Agency has been working to implement the *EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples*. Representatives from each EPA program and Regional office meet regularly to facilitate the Agency's implementation of each policy. An example of the EPA's coordination with tribes is the Agency's efforts to solicit tribal input—through consultation and coordination with tribes—on the fiscal year 2020-2023 National Compliance Initiatives (NCIs). The Agency's consultation took place prior to the selection of its decision to focus enforcement and compliance resources on the most serious environmental violations. Two of the six NCIs—“Reducing Significant Noncompliance with National Pollutant Discharge Elimination System Permits” and “Reducing

Noncompliance with Drinking Water Standards at Community Water Systems”— are particularly relevant to Indian country and will involve coordination with tribes on their implementation.

Another example is the Agency’s updating the Enforcement and Compliance History Online (ECHO) database to help Regions engage tribes in focusing compliance reviews in Indian country. ECHO and ECHO’s Drinking Water Dashboard, Water Dashboard, and Pesticides Dashboard now enable tribes, tribal members, and the general public to search for facilities in Indian country and both obtain and asses information about facility compliance with environmental regulations. In addition, ECHO’s EJSCREEN map layer will assist in our ability to identify overburdened communities or locations that also appear to have facilities presenting a high likelihood of non-compliance with environmental laws. The EPA and tribes can use this mapping capability, along with on-the-ground knowledge of tribal communities, to help direct where the Agency should focus its compliance efforts to make a difference in Indian country.

98. Has EPA identified concentrated geographic areas with the most overburdened communities where lead exposures are highest (Chapter 10, Lead Action #1)?

Released in December 2018, the Federal Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts (Action Plan)

(https://www.epa.gov/sites/production/files/201812/documents/fedactionplan_lead_final.pdf) is a blueprint for reducing lead exposure and associated harms through collaboration among 17 federal agencies and with a range of stakeholders, including states, tribes and local communities, along with businesses, property owners and parents. The Action Plan has four goals with key priorities and objectives that seek to reduce harm to children from exposure to lead: (1) Reduce children’s exposure to lead sources; (2) Identify lead-exposed children and improve their health outcomes; (3) Communicate more effectively with stakeholders; and (4) Support and conduct critical research to inform efforts to reduce lead exposures and related health risks.

Under Goal 4, the EPA has been working diligently to develop a collective agency approach to “generate data, maps and mapping tools to identify high exposure communities or locations and disparities for prioritization efforts to reduce children’s blood lead levels” (Action Plan, page 16). In May 2019, a two-day EPA Lead Mapping Coordination Workshop was held to understand internal lead mapping approaches, develop a coordinated vision for the EPA’s lead mapping framework and lay the groundwork for further collaboration with our federal partners. Outcomes from this workshop identified opportunities to improve lead mapping efficiencies across the EPA (e.g., varying use of housing, sociodemographic and environmental variables/data, data sharing, different analysis models/approaches, etc.), identified gaps in data needs to overlay exposure/risk indices with environmental data to accurately identify communities with high exposure (e.g., CDC state blood lead data) and highlighted the importance of incorporating risk communications.

On December 4-5, 2019, federal partners including policy makers, regulators and scientific staff from participating agencies of the President’s Task Force on Environmental Health Risks and Safety Risks to Children, convened for an Interagency Lead Research Workshop (Goal 4). Workshop goals were to share individual agency progress, identify shared research gaps and opportunities, and prioritize next steps to implement Goal 4 actions in the Action Plan. In addition to broader discussion around lead research, the EPA, HHS/CDC/ATSDR and HUD presented agency-specific overviews of unique approaches to lead mapping, which identified common research priorities and demonstrated the need to strengthen agency methods, models and data sharing across interagency partners (e.g., HUD housing-specific data, CDC blood lead data, EPA environmental data). A number of suggested next steps were acknowledged which will be incorporated into the workshop summary for the President’s Task Force to discuss and propose a set of concrete suggestions of next steps, likely in the spring of 2020.

Additional information about specific EPA activities related to lead mapping can be found on the EPA’s Lead Action Plan website (<https://www.epa.gov/leadactionplanimplementation>) or in the *Progress Report on the Federal Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts, October 2019* (https://www.epa.gov/sites/production/files/2019-10/documents/lead_action_plan_booklet_v8_004.pdf).

99. Has EPA created collaborative strategies and approaches to take action to reduce sources of lead contamination (Chapter 10, Lead Action #2)?
100. Has EPA taken national action to reduce lead in drinking water (Chapter 10, Lead Action #3)?
101. Has EPA taken action to address threats to public health from drinking water (Chapter 10, Small and Tribal Drinking Water Systems Action)?

In April 2019, the EPA released the Implementation Status Report for EPA Actions under the December 2018 Federal Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts (Status Report) (<https://www.epa.gov/leadactionplanimplementation>). The Status Report describes the EPA activities that are being conducted in support of the Administration’s Federal Lead Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts (Lead Action Plan) (<https://www.epa.gov/newsreleases/trump-administration-unveils-federal-action-plan-reduce-childhood-lead-exposure>). The Action Plan is the product of the President’s Task Force on Environmental Health Risks and Safety Risks to Children (Task Force). The Task Force is the focal point for federal collaboration to promote and protect children’s environmental health. Established in 1997 by Executive Order 13045, the Task Force comprises 17 federal departments and offices. The Secretary of the Department of Health and Human Services (HHS) and the Administrator of the Environmental Protection Agency (EPA) co-chair the Task Force. The Senior Staff Steering Committee (Steering Committee) is its operational arm. The Action Plan has four goals with key priorities and

objectives that seek to reduce harm to children from exposure to lead. For more information about the EPA's efforts on lead please see the Agency's website (<https://www.epa.gov/lead/federal-action-plan-reduce-childhood-lead-exposure>).

Additionally, on October 10, 2019, the EPA announced a proposed rule that significantly improves the actions that water systems must take to reduce lead in the nation's drinking water. This action represents the first major overhaul of the Lead and Copper Rule since 1991 and marks a critical step in advancing the Administration's Federal Lead Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts (Lead Action Plan). Additionally, this effort proposes to improve the protocols for identifying lead, expanding sampling, and strengthening treatment requirements. The proposal would ensure that more water systems proactively take actions to prevent lead exposure, especially in schools, child care facilities, and the most at-risk communities. The EPA is also working with the Department of Housing and Urban Development (HUD) to encourage states and cities to make full use of the many funding and financing options provided by the federal government. For more information please see the Agency's website (<https://www.epa.gov/ground-water-and-drinking-water/proposed-revisions-lead-and-copper-rule>).

102. Has EPA increased support for state, local and tribal governments in their planning efforts and increased involvement in all areas not meeting the PM_{2.5} standards (Chapter 10, Fine Particle Air Pollution)?

The EPA monitors fine particle air pollution throughout the U.S. to identify whether an area is meeting the EPA's particulate matter_{2.5} (PM_{2.5}) National Ambient Air Quality Standards (NAAQS) based on data assessed over a three-year period. As noted in our FY18 EJ Progress Report, based on the most recent three-year period, the EPA reported a significant improvement in the percentage of the low-income population living in counties where the particulate matter PM_{2.5} NAAQS are being met. The most recent monitoring data from 2015-2017 showed the percentage increased to 86 percent compared to the baseline data of 43 percent from 2006-2008. For more information on EPA's FY18 EJ Progress Report, please see the Agency's website (https://www.epa.gov/sites/production/files/2019-08/documents/ejprogress_report_fy2018-11.pdf).

103. Has EPA increased the number of RCRA Corrective Action Program facilities and Superfund Remedial Program sites where human exposure is under control (Chapter 10, Hazardous Waste Sites)?

This Administration is committed to making the EPA's Superfund program a high priority.

The EPA continues to increase the universe of Superfund Remedial Program sites where human exposure is under control. Over the past three years, the number of additional remedial sites with Human Exposure Under Control has averaged 24. The Human Exposure status of a Superfund Remedial can shift if environmental conditions or

environmental policies change. Consequently, EPA maintains a rigorous process for regularly monitoring and updating Human Exposure status at Superfund at least annually.

Under the Resource Conservation and Recovery Act (RCRA) Corrective Action program, the EPA and implementing states are focusing on cleanups at 3,779 priority 2020 Baseline facilities. The program's Year 2020 Goal is for 95 percent of Baseline facility cleanups to have human exposures under control. As of the end of FY19, the program has met this goal. Since the beginning of FY15 the program has made continued progress, improving from 87 percent of Baseline facilities with human exposures under control to 95 percent (3,299 to 3,586 facilities) with human exposures under control.

The Honorable Greg Walden (R-OR)

1. Are the spending practices the same for each office at EPA?

Each national program and Regional office at the EPA adheres to appropriations law and federal regulations in the management of its resources. Given that each office may implement different environmental statutes, there is variation in the specific purpose of spending.

2. Since 1996, the process for setting Federal drinking water regulations has been evidence-based, science driven, and risk informed. Responding to their constituents' understandable angst, some Members of Congress have been quite eager to publicly get the Agency to guarantee a determination to set a national primary drinking water regulation for PFAS under the Safe Drinking Water Act – popularly known as a maximum contaminant level or MCL.
 - a. If the Agency makes this guarantee, wouldn't that make regulating PFAS in treated drinking water subject to successful judicial challenge?

The EPA must follow the requirements of both the Safe Drinking Water Act and other applicable law and can't prejudge the outcome of a regulatory process. For the EPA's regulatory decisions to be defensible, the agency must follow the processes established by the Safe Drinking Water Act and other applicable laws, like the Administrative Procedures Act. The multistep processes, established in statute by Congress, are designed to ensure public participation, transparency, and the use of the best-available peer reviewed science and other technical information. By adhering to the processes created by Congress in the law, the EPA will build a defensible record to defend agency decisions if challenged in court.

- b. The Agency has said it wants to decide whether to regulate two PFAS chemicals this calendar year. Do you have a more specific timeline that you can say for when the Agency intends to make this decision?

The EPA is committed to following the regulatory development process as established by the Safe Drinking Water Act (SDWA). The EPA has sent the proposed regulatory determination for PFOA and PFOS to the Office of Management and Budget for interagency review. The EPA will work with interagency reviewers to conclude review as expeditiously as possible and issue the proposed regulatory determination for public comment.

3. At a meeting last summer, the EPA Brownfields Office told some brownfield program stakeholders that, for brownfield multi-purpose grants, EPA was planning on limiting the amounts that a community could use for assessments and cleanup grants.
 - a. What is the status of the Agency considering and awarding multipurpose grants out of fiscal year 2019 or 2020 funds?

The EPA released the Brownfields Multipurpose Grant Guidelines in September 2018. In June 2019, the EPA announced the selection of 11 Multipurpose grant recipients for a total fiscal year 2019 award amount of approximately \$8.6 million. To conserve State and Tribal Assistance Grants (STAG) resources, the EPA will alternate the Multipurpose grant competition with the Revolving Loan Fund (RLF) grant competition. The EPA anticipates offering Multipurpose grants again in FY 2021.

- b. Has EPA since changed its interpretation of the language (i.e. not limit the funds spent per site)?

In fiscal year 2019, the Multipurpose Grant Guidelines did not include limits for how much assessment and cleanup funding could be spent on one site. However, per the guidelines, selected recipients must complete at least one Phase II assessment, at least one site cleanup, and submit an overall plan for revitalization of the targeted site(s) if they do not already have a plan.

The Honorable John Shimkus (R-IL)

1. Please state your view of what the Renewable Fuel Standard looks like post-2022?

The statute requires that the EPA establish the appropriate volume targets for years after 2022 and do so no later than 14 months before the volumes apply. The EPA has not yet begun work on the rulemaking to do so, but rather is in the process of first conducting another rulemaking to modify, as also required by the statute, the renewable fuel volume targets for 2020-2022.

2. I was alarmed by the allegations of “dirty” water being provided to residents in California.
 - a. Please explain EPA’s role under the Safe Drinking Water Act in overseeing the treatment and provision of drinking water in California?

The EPA works closely with the state of California to implement the Safe Drinking Water Act (SDWA) and to protect public health and the environment. California has been granted primary enforcement authority for drinking water under SDWA. The EPA provides oversight, training, and technical assistance to the state, in addition to funding through the Public Water System Supervision (PWSS) program and Drinking Water State Revolving Fund (DWSRF) program. But the primary responsibility rests with California.

- b. Please explain whether the Agency has offered additional technical or legal help to California to manage its compliance with the Safe Drinking Water Act?

Under its oversight role, the EPA convenes regular management meetings and conducts regular and targeted program evaluations which are used to inform programmatic and technical training needs of both the State and water utilities. These needs are addressed by direct EPA training or EPA presentations at water utility/organization workshops and conferences.

Programmatic and legal matters where clarification or federal support, including enforcement, is needed, are raised at the regular management meetings for subsequent follow up action. In addition, the EPA through the Office of Research and Development and Office of Water, hosts free monthly webinars to address the challenges of meeting SDWA requirements by small water systems. The webinars provide the State and utilities with information associated with water system management, operation and maintenance, and treatment.

- c. What other aid could EPA provide to the community referenced in the hearing to ensure its residents are drinking treated water that meets primary and secondary national drinking water standards for safety, taste, and appearance?

Public Water Systems (PWSs) serving 10,000 or fewer persons, typically face greater challenges than larger systems due to limited economies of scale. This can mean challenges for the water system's technical, managerial and financial capacity. Reducing the diseconomies of scale faced by these small communities could significantly improve access to reliable and affordable safe drinking water and is a top priority for the Agency and state drinking water programs.

The EPA has an expanded opportunity to focus on disadvantaged communities through applications of various provisions under WIIN (Water Infrastructure Improvement for the Nation) and AWIA (America's Water Infrastructure Act of 2018).

Section 2104 of the WIIN Act establishes a grant program to assist public water systems in small and disadvantaged communities meet SDWA requirements. In addition, the Drinking Water State Revolving Loan Fund (DWSRF), established by the 1996 amendments to the Safe Drinking Water Act (SDWA), represents a powerful partnership between the EPA and the states that contains elements to partially address this small

system challenge. Recognizing that not all drinking water problems can be solved through new or improved infrastructure, Congress allowed states to take a portion of their annual DWSRF grant to support water system capacity, operator certification, source water protection, training and technical assistance to PWSs. States have the discretion to take up to approximately 31 percent of their capitalization grant for these “Small System Technical Assistance set-asides” and can use these funds to hire state staff or to contract with third party technical experts to provide direct assistance to help small systems build the capacity they need to provide safe drinking water.

3. Understanding your desire to have the work of the EPA regions mirror that of its headquarters, I wanted to obtain information regarding EPA’s views on the Manufacturing Process Unit exclusion under the Solid Waste Disposal Act (40 CFR 261.4(c)). I have been informed that, in 2017 and 2018, EPA provided training in some, but not all, regions on application of the Manufacturing Process Unit exclusion. After the training, I am told EPA-trained regional officials increasingly began to decline granting regulated entities Manufacturing Process Unit Exclusion – a departure from years of past practice.

- a. Is this fact pattern correct?

This fact pattern is not accurate. The EPA has not changed how the Manufacturing Process Unit (MPU) exemption has been interpreted or applied and has been consistent in its application of the exemption across the Regions.

- b. What was the primary reason that this training was needed?

Training has always been an integral and routine aspect of EPA enforcement and compliance operations throughout the Regions. The EPA has not conducted specific training on the applicability of the MPU exemption at 40 C.F.R. § 261.4(c). In support of the 2017 National Compliance Initiative (NCI) on Reducing Hazardous Air Emissions at Hazardous Waste Facilities and to ensure continued consistency generally, the EPA has held inspector trainings which provide an overview of exemptions, including the MPU exemption. As part of the NCI, EPA Regions and states have inspected hazardous waste units subject to the RCRA air emissions requirements and found instances where facilities have erroneously claimed the MPU exemption on certain equipment.

- c. Is there a specific reason(s), funding or otherwise, that EPA trained some regions and not others?

These trainings have been conducted in six of EPA’s Regions, with staff from other Regions travelling to attend or conduct the training. Both new and tenured staff from all ten EPA Regions, as well as inspectors from numerous states, have attended these trainings.

- d. Have all regions received the same training on this exclusion?

The training has been substantively similar across all six regions where training has been conducted.

- e. If not, please state EPA's reasons for only training some regions. Does this create an uneven national implementation of these requirements?

These trainings have been conducted in six of EPA's Regions, with staff from other Regions travelling to attend or conduct the training. Both new and tenured staff from all ten EPA Regions, as well as inspectors from numerous states, have attended these trainings.

4. I understand EPA is continuing to work on a characterization of crumb rubber — a material most commonly known by the public in the form of recycled tires used in artificial turf. Is it the intent of the agency to release this report in whole or in part later this year? If in part, is the agency concerned that releasing data on exposure only, without accompanying data on the risk of such exposure, could unnecessarily alarm the public?

The timeline the EPA, Centers for Disease Control (CDC), Agency for Toxic Substances and Disease Registry (ATSDR), and the U.S. Consumer Product Safety Commission (CPSC) initially set for the research activities included under the *Federal Research Action Plan (FRAP) on Recycled Tire Crumb Rubber Used on Synthetic Turf Playing Fields and Playgrounds* has been affected by a number of factors including the time needed to obtain important federal approvals and the need to address external peer review comments.

A goal of the FRAP is to characterize potential human exposures to the substances contained in recycled tire crumb rubber used on synthetic turf fields. Results of the effort will be reported in two parts. Part 1 (Recycled Tire Crumb Characterization report) communicates the research objectives, methods, results, and findings for the tire crumb rubber characterization research (i.e., what is in the material). Part 1 was released to the public on July 25, 2019. In general, the findings from the report support the premise that while chemicals are present, as expected, in the tire crumb rubber, human exposure may be limited based on what is released into air and/or simulated biological fluids. Part 2, to be released at a later date, will document the results from the exposure characterization (i.e., how people come in contact with the materials, how often and for how long), including a biomonitoring study being conducted by CDC/ATSDR. CPSC is conducting the work on playgrounds and results from that effort will be reported separately.

When finalized, neither Part 1 nor Part 2 of this study, separately or combined, will constitute an assessment of the risks associated with playing on synthetic turf fields with recycled tire crumb rubber infill. When this study was ordered in 2016, it was not supposed to be a risk assessment. The results of the research described in the final versions of both Part 1 and Part 2 of this study should inform future risk assessments.

For more information, please visit: <https://www.epa.gov/chemical-research/federal-research-recycled-tire-crumb-used-playing-fields>.

5. On April 2, USDA released a study that found greenhouse gas emissions from corn-based ethanol are about 39 percent lower than gasoline. The study also found that when ethanol is refined at natural gas-powered refineries, the greenhouse gas emissions are even lower, around 43 percent below gasoline. Has EPA reviewed this study? Does the agency plan to make any adjustments to the RFS program based upon its findings?

The EPA has reviewed the USDA study as well as a number of other recent studies that report a range of results on the greenhouse gas emissions from corn ethanol. Many of these studies do not adequately address the statutory provisions that govern EPA's lifecycle assessment obligations under the Renewable Fuel Standard (RFS). We continue to monitor the science regarding lifecycle greenhouse gas emissions associated with biofuels. As we complete lifecycle assessments for new fuel pathways, the most recent science and data are incorporated where possible.

The Honorable Cathy McMorris Rodgers (R-WA)

1. I understand you are a fan of appropriate risk communication, especially in affected communities, and that it is a priority for you. Please explain why you believe this and what special initiatives you have ongoing at the Agency to bolster this area?

Risk communication goes to the heart of EPA's mission of protecting public health and the environment and is one of my top priorities. The agency must be able to speak with one voice and clearly explain to the American people environmental and health risk so that they can understand what is safe and how to protect themselves and their families. EPA is committed to developing a comprehensive, universal approach to risk communications and we are focused on achieving that.

Over the past year, the EPA has launched a robust, agency-wide effort to enhance our risk communications efforts. Central to these efforts was the formation of an agency-wide work group, with representation from the program offices, the Administrator's Office and all 10 of the regional offices. The workgroup is focused on identifying and reviewing ongoing risk communications efforts, engaging with the agency's federal advisory committees and other stakeholders, identifying best practices, and continuing to work with our federal partners to help ensure consistency and coordination on cross-cutting issues. Taking this feedback into account, the EPA will develop a robust and revamped risk communications strategy that will be implemented throughout the agency over the coming year.

2. As you may be aware, the Agency for Toxic Substances and Disease Registry or ATSDR is currently engaged in a PFAS exposure study at Fairchild Air Force Base. This study is looking for the presence of PFAS in bodily fluids, like blood, and assumes any exposure is from drinking water. Unfortunately, ATSDR work on ascertaining the actual health implications of any detections it finds in the next year or two will not be known for another five to seven years.

- a. Please explain the level of coordination EPA has with ATSDR on these exposure studies?
- b. Please explain how EPA can help communicate actual health risks to this populace so actual biomonitoring detections can translate to understanding and concrete medical protocols?

The EPA is aware that the ATSDR is engaged in a PFAS exposure study at Fairchild Air Force Base. Information on this study is available at <https://www.atsdr.cdc.gov/pfas/communities/Spokane-County-WA.html>. The EPA will be kept informed of the progress of the study.

The EPA has also been working across the federal government to coordinate the review and development of scientific materials related the PFAS chemicals. As part of that cross-agency work, the EPA has reviewed and provided comments on the information collection materials that ATSDR intends to utilize as part of these studies.

3. One of the Agency’s primary goals is to enhance shared accountability or “improve environmental protection through shared governance and enhanced collaboration with state, tribal, local, and federal partners.” The budget reduced funding to support state and tribal assistance grants as well as State drinking water implementation activities. Can you please state the rationale for this proposed reduction?

The protection of human health and the environment, as established in our environmental statutes, is a shared responsibility between the states, tribes, and the federal government. The Agency is committed to working with our state, tribal, and local partners to improve human health and the environment. To this end, the FY 2020 President’s Budget includes \$2.7 billion in State and Tribal Assistance Grants funding, including nearly \$2 billion for the State Revolving Funds to support infrastructure development and improvement in communities across America. With strong support from the Administration, the Agency will continue to work closely to coordinate effective partnerships across the federal government, states, tribes, and communities to focus and deliver services more effectively and efficiently.

The Honorable Jeff Duncan (R-SC)

1. Cooperative Federalism is one of the pillars of this Administration’s efforts.
 - a. Please describe what this means to you?

The most important aspect of working with the States, tribes, and local governments is providing certainty across all of our programs. Environmental protection in the United States is, at its very foundation, an intergovernmental partnership, and the EPA understands that most environmental protection – the daily activities that safeguard our

nation's environmental and public health – takes place at the state and local government levels. While the EPA is in the best position to provide national leadership in this arena, the Agency also understands that progress toward national environmental goals is the result of, and achievable only through, effective environmental management in states and communities.

- b. Please state whether there been any measurable drop off in environmental protection (either from the program or enforcement side) with EPA promoting greater use of cooperative federalism?

Many of the EPA's statutes allow states and tribes to be designated as the primary implementers and enforcers of the EPA's laws and regulations, whether through implementation of authorized or delegated programs, or because the statute invests states with initial implementation responsibilities. Oversight of state- and tribal-implemented programs consists of activities conducted by the EPA to ensure that states and tribes implement applicable statutes and regulations and make progress toward achieving national environmental goals and expectations. The EPA has outlined four key principles informing the EPA's oversight of state- and tribal-implemented programs: general deference to states and tribes in state- and tribal-implemented programs, effective communication, clear standards of review and predictable processes, and a clear process for elevating issues (https://www.epa.gov/sites/production/files/2019-04/documents/fep_oversight_memo.10.30.18.pdf). As part of those principles the EPA has stated that during its program evaluations, the EPA will pay particular attention to situations where there is significant risk of human health or environmental harm, where program implementation decisions may be precedential or have impacts beyond the state or tribe, or where there are longstanding program implementation issues.

- c. Please state how EPA intends to build out its work on cooperative federalism in fiscal year 2020?

Federal statutes are designed so that most federally-prescribed environmental programs can be delegated to states for implementation, with the EPA in a support/oversight role. Nationally, over 90 percent of federal environmental programs that can be delegated have been delegated to states. That statistic notwithstanding, the EPA recognizes that there are always opportunities to broaden and strengthen collaborative efforts with our state and local partners, both in terms of existing/ongoing program management as well as in the development of new rules/regulations. The EPA will continue to seek and pursue these opportunities in fiscal year 2020 and beyond.

2. I would like to discuss the Administration's actions on the methane rule. I have been supportive of repealing the rule and think it is duplicative, unnecessary, and stands as a road block to domestic energy dominance.

America is leading the world in natural gas and oil production—we are producing and exporting more natural gas than ever before. Simultaneously, we are reducing our carbon

and methane emissions. U.S. carbon emissions are now at a near 20 year low due to the increased use of natural gas.

This environmental success is not attributed to unnecessary government intervention but because of innovative success. According to the International Energy Agency, our Carbon dioxide emission reduction over the past decade has been the largest cut of emissions in the history of energy. This is heavily credited to the development of technologies in the natural gas sector. The United States is the world's leading energy producer and innovator and given our abundant amount of resources we can improve the quality of life to so many around the world.

We have seen that increased domestic energy production in the United States has helped decrease global carbon emissions. We should be promoting policies that incentivize this, not policies that deter investment in the industry, like the Obama methane rule.

3. The Administration's proposed methane rule change will allow drillers a year to do leak inspections instead of just six months and 60 days to make repairs instead of 30. Please provide the reasoning behind this change?

The changes proposed in 2018 include aligning requirements between the EPA's rule and existing state programs; modifying the frequency for monitoring leaks (also known as "fugitive emissions") at well sites and compressor stations; and, making it easier for owners and operators to use emerging measurement technologies in their leaks monitoring surveys.

The proposed changes for the fugitive emissions monitoring and repair program were based on a review of available information and updated analysis. As a result of the review the Agency proposed less frequent monitoring and requested additional information to further refine the analysis for the final rule.

Also, several questions were raised during implementation that also required reconsideration of the repair requirements. Specifically, stakeholders asked about the situation where repairs were completed during the 30-day required timeframe, but the resurvey identified the presence of fugitive emissions, indicating unsuccessful repair. The EPA recognized that as promulgated in 2016, the requirements could create unintended noncompliance issues with repairs. Therefore the 2018 proposal defined repairs as including the resurvey to verify repair and extended the repair deadline to account for the resurvey verification.

4. Is the backlash to this rule change warranted? Will there be a dramatic increase in harmful gases released in the atmosphere as so many are claiming?

No. The 2016 rule achieves emissions reductions from multiple sources of emissions – not just fugitive emissions sources. The changes proposed in 2018 retain the bulk of these environmental benefits and improve the effectiveness of the 2016 rule. If the changes to the frequency of fugitive monitoring are finalized as the EPA proposed in 2018, the changes

are projected to lead to an increase in emissions of about 20,000 tons of VOC and 76,000 tons of methane in 2025, or roughly 30 percent of the reductions anticipated by the fugitive emissions requirements in the original rule.

5. I support the dedication to funding the core mission of the Agency. I also think that voluntary programs are a cost-effective way to address environment and public health concerns, particularly as it relates to small businesses that don't have the resources of major companies.
 - a. Has the Agency done a cost-benefit analysis -- or other evaluation -- of its voluntary programs to measure the progress and public health benefits being achieved?

The Agency has not conducted a cost-benefit analysis to measure the progress and public health benefits achieved from its voluntary programs. Measuring the benefits of voluntary programs can be difficult due to a lack of data. We do not have a readily available way to estimate what voluntary program partner organizations would do in the absence of the voluntary program. This knowledge is necessary to determine the impact that the voluntary program has made. However, since 2000, the EPA has published guidelines to help voluntary program managers measure and evaluate partnership programs and supported evaluations and assessments of individual voluntary programs, but these stop short of assessment of benefits and costs to the environment and society more broadly. For example, Guidelines for Measuring EPA Partnership Programs (<https://www.epa.gov/evaluate/guidelines-measuring-performance-epa-partnership-programs-june-2006>); Guidelines for Evaluating EPA Partnership Programs (<https://www.epa.gov/evaluate/guidelines-evaluating-epa-partnership-program-interim-march-2009>); An Assessment of the U.S. Environmental Protection Agency's National Environmental Performance Track Program (https://www.rand.org/pubs/technical_reports/TR732.html); EPA Indoor Air Quality (IAQ) Tools for Schools (TfS) Evaluation (<https://www.epa.gov/sites/production/files/2015-09/documents/eval-tools-for-schools.pdf>).

- b. Please provide the Committee this information as well as the range of voluntary programs the Agency currently undertakes?

The EPA implements a wide range of voluntary programs that address environmental and public health concerns. EPA's voluntary programs cut across EPA's mission: to address air quality (e.g., National Clean Diesel Campaign, Indoor Air Quality Tools for Schools, etc.), water quality (e.g., WaterSense, Urban Waters, etc.), chemical safety (e.g., Pesticide Environmental Stewardship Program, Safer Choice, etc.), materials management (e.g., Sustainable Materials Management Program, etc.), and cross-cutting issues (e.g., Smart Sectors). Below is a current list of EPA voluntary programs:

- AgStar
- Coalbed Methane Outreach Program
- Combined Heat and Power Partnership

- **Community-based Childhood Asthma Programs**
- **ENERGY STAR**
- **Environmentally Preferable Purchasing**
- **Global Methane Initiative**
- **Green Chemistry**
- **GreenChill**
- **Green Power Partnership**
- **Indoor Air Quality Tools for Schools (Indoor Environments)**
- **Indoor airPlus**
- **Landfill Methane Outreach Program**
- **Mobile Air Conditioning Climate Protection Partnership**
- **National Clean Diesel Campaign**
- **Natural Gas Star and Methane Challenge**
- **Pesticide Environmental Stewardship Program (PESP)**
- **Radon Risk Reduction**
- **Residential Wood Smoke Program (Burn Wise Program) and Voluntary Fireplace Program**
- **Responsible Appliance Disposal Partnership**
- **Safer Choice (formerly Design for the Environment)**
- **SF6 Emission Reduction Partnership for the Magnesium Industry**
- **Septic Smart**
- **Smart Sectors**
- **The SmartWay Transportation Partnership**
- **State Energy and Environment Program**
- **Sustainable Materials Management Program (which includes):**
 - **Food Recovery Challenge**
 - **SMM Electronics Challenge**
 - **WasteWise**
 - **U.S. Food Loss and Waste 2030 Champions (with USDA)**
 - **Federal Green Challenge**
 - **America Recycles Pledge**
- **Urban Waters**
- **WaterSense**

The Honorable David McKinley (R-WV)

1. I have concerns about requirements for coal ash managed by electric utilities and want to explore a few areas.

- a. Recently, the DC Circuit Court required EPA to make changes to its existing regulations governing coal ash under the Solid Waste Disposal Act.
 - i. Please provide me an update on efforts to finalize coal ash rule revisions to establish closure deadlines for unlined impoundments.

In addition to the August 2019 proposed rule addressing beneficial use of CCR (among other issues) that just completed its public comment period and the December 2019 proposed rule to establish closure deadlines for unlined impoundment, the EPA is developing two additional regulatory packages. One addresses revisions to the 2015 CCR rule made necessary by court decisions and experience in implementing the rule. The second package consists of the regulations for the federal CCR permit program authorized by the 2016 WIIN Act. Please see the Fall Regulatory Agenda for additional information: <https://www.reginfo.gov/public/>.

- ii. What is the status of efforts to revisit the definition of “liner” under these rules?

Per the D.C. Circuit’s August 21, 2018 decision, the December 2019 proposed rule implements the court vacatur of clay liner definition § 257.71(a)(1)—that is, a clay-lined unit is now considered an unlined unit and is therefore subject to further regulation. Additionally, the proposed rule updates the CFR to reflect the partial vacatur of § 257.101(a)—that is, all unlined units are required to retrofit or close (not just those that have failed location restrictions or have detected groundwater contamination). Lastly, the proposed rule amends the date by which an unlined unit must cease receipt of waste and initiate closure. (§ 257.101(a) and (b)(1)(i)).

- iii. When is the deadline for both actions?

There is no deadline for these actions. Regarding establishing new closure deadlines for unlined impoundments, in the EPA’s motion for remand without vacatur, the EPA stated that the quickest it could finalize a rulemaking is nine months. The court recognized that timeframe in their order.

- b. I was the chief sponsor of coal ash provisions in the 2016 Water Infrastructure Improvements for the Nation Act. This law authorizes states, with EPA approval, to implement and enforce Federal coal combustion residual requirements through state permitting programs; otherwise EPA operates the program in that state.
 - i. When will EPA establish the Federal coal ash permit program as required by law?

The EPA expects to propose the Federal CCR Permitting Program shortly. Please see the Fall Regulatory Agenda for additional information: <https://www.reginfo.gov/public/>.

- ii. What is EPA's timeline for reviewing and approving individual states' coal ash programs?

The EPA is continuously working with its state partners on state coal ash programs. Once a state has submitted a permit program application and the EPA has determined that the state permit program application is complete, the EPA has 180 days to decide on whether to approve the state program.

2. As you know, last year the Supreme Court declined to hear case concerning Section 321 of the Clean Air Act, leaving in place a Federal District Court order that EPA begin to implement this section. This provision says Administrator "shall conduct continuing evaluation of potential loss or shifts in employment which may result from the administration or enforcement of" Clean Air Act provisions.
 - a. Can you provide an update for the record on your implementation of this provision?

On June 29, 2017, the U.S. Court of Appeals for the Fourth Circuit vacated the district court's order and remanded the case with instructions to have Murray Energy's suit dismissed for want of jurisdiction [*Murray Energy Corp. v. EPA*, 861 F.3d 529 (4th Cir. 2017)]. Murray Energy filed a petition for *certiorari* with the U.S. Supreme Court, which the Court denied [*Murray Energy Corp. v. Pruitt*, 138 S. Ct. 649 (Jan. 8, 2018)]. Therefore, the district court's order remains vacated. Nevertheless, the EPA continues to evaluate employment impacts in the regulatory impact analyses and economic impact assessments that accompany the Agency's Clean Air Act rulemakings.

3. In the past EPA conducted on its own authority a program similar to Section 321, in conjunction with the Department of Labor from the early 1970s through the early 1980s.
 - a. That program was called the Economic Dislocation Early Warning System, and it was used by EPA to warn the Department of Labor, the Small Business Administration, and the Economic Development Administration of potential job impacts from environmental regulations.
 - b. Would you see that as a model for implementing Section 321?

EDEWS had a number of methodological and data limitations, as described in the EPA's May 15, 2017, comprehensive filing to the district court. The EPA's Filing in Compliance with this Court's January 11, 2017 Order at 3-4, *Murray Energy Corp v. EPA*, No. 5:14-CV-00039 (N.D. W. Va.). In addition, new laws passed regarding information collection by government agencies would pose additional challenges to re-implementing EDEWS. Nevertheless, in our continuing efforts to evaluate employment impacts, the EPA is committed to ensuring that its work is based on the best available science and technical methods in compliance with applicable laws and guidance.

4. EPA has indicated in the past it will work with me to strengthen this provision to help make for a more useful and transparent Section 321 program. Will you commit to working with me on that?

The EPA is committed to ensuring that its work evaluating employment impacts of regulations is based on the best available science and technical methods in compliance with applicable laws and guidance. The EPA is also committed to continuing to engage with your staff on other ongoing efforts that will further improve the Agency's analytic capabilities in this area.

5. Last Congress, I introduced the Water Quality Certification Improvement Act, which clarifies Section 401 of the Clean Water Act to prevent abuse by states attempting to unfairly stop energy infrastructure projects. I am planning to reintroduce this legislation soon, and the Executive branch has also discussed taking steps to prevent Clean Water Act abuse.
 - a. How is the EPA addressing such blatant abuse of a law under its jurisdiction?

On April 10, 2019, the President issued Executive Order 13868, *Promoting Energy Infrastructure and Economic Growth*, to encourage greater investment in energy infrastructure in the United States by promoting efficient federal permitting processes and reducing regulatory uncertainty.¹ The Executive Order directs the EPA to review Section 401 of the Clean Water Act (CWA) and the EPA's existing CWA Section 401 regulations² and guidance, issue new guidance to states and federal agencies within 60 days of the Order, and propose new CWA Section 401 regulations within 120 days of the Order. The Executive Order directs the EPA to consult with states, tribes, and relevant federal agencies while reviewing its existing guidance and regulations to identify areas that would benefit from greater clarity consistent with the Order's policy goals.

On June 7, 2019, in accordance with the Executive Order, the EPA released *Clean Water Act Section 401 Certification Guidance for Federal Agencies, States, and Authorized Tribes* which provides clarification and recommendations on CWA Section 401 certifications. The EPA's new guidance, which replaces the Agency's prior interim guidance from 2010, also provides additional recommendations to federal agencies, states and authorized tribes to promote early collaboration and coordination through the CWA Section 401 certification process.

The EPA signed a proposed rule to implement CWA Section 401 on August 8, 2019, consistent with the Executive Order.³ The proposed rule seeks to increase the transparency and efficiency of the water quality certification process and to promote the timely review of permit projects while continuing to ensure that Americans have clean water for drinking

¹ Exec. Order No. 13868, 84 Fed. Reg. 15,495 (Apr. 15, 2019).

² The EPA's existing general section 401 regulations are codified at 40 C.F.R Part 121.

³ Updating Regulations on Water Quality Certification, 84 Fed. Reg. 44,080 (Aug. 22, 2019).

and recreation. EPA is proposing to modernize and clarify the timeline and scope of CWA Section 401 certification review and action to be consistent with the plain language of the CWA.

- b. How can the EPA and Congress work together to address this problem?

The EPA looks forward to providing any assistance that Congress requests to address issues related to CWA Section 401 certification.

6. The EPA's budget highlights the work it is doing to ensure clean water in schools through the creation of the Healthy Schools Grant Program. This proposed grant program would work with state and local partners to address gaps in school environmental health.
 - a. Can you please elaborate on the kinds of gaps and issues this grant program intends to resolve?

Starting in preschool through high school, children, teachers and other adults can spend most of their waking hours in school settings, including child/day care and K-12 facilities. Every day, nearly 50 million children and 6 million teachers attend more than 100,000 schools where they can be exposed to a variety of environmental hazards.

Building on the EPA's commitment to keeping children safe where they live, learn and play, the Agency has proposed the Healthy Schools Grant Program to identify and address environmental health risks in and around schools that can contribute to increased absenteeism and reduced academic performance. Although the EPA provides grant funding to a range of initiatives focused on addressing risks to children's health, the agency has no comprehensive environmental health management program to support school administrators and others in identifying and addressing some of the most common areas of environmental health concerns found in schools such as asthma triggers, mold, radon, chemical exposures, pesticides, Polychlorinated Biphenyls (PCBs), mercury, asbestos and chemical management in laboratories, for example.

The goal of the Healthy School Grant Program is to address the gap in existing support and provide support to state, local and tribal governments as defined in 20 U.S.C. § 7801(30), non-profit organizations (including faith-based schools), and other partners to enable school districts to focus on their greatest local environmental health hazard needs. The ability to target local priorities to make the greatest improvements for children's health while in school is a key EPA priority.

The Honorable Bill Johnson (R-OH)

1. What are your thoughts about risk communication as it relates to PFAS?

Risk communication goes to the heart of the EPA's mission of protecting public health and

the environment and is one of my top priorities. The agency must be able to speak with one voice and clearly explain to the American people environmental and health risk so that they can understand what is safe and how to protect themselves and their families. The EPA is committed to developing a comprehensive, universal approach to risk communications and we are focused on achieving that.

Over the past year, the EPA has launched a robust, agency-wide effort to enhance our risk communications efforts. Central to these efforts was the formation of an agency-wide work group, with representation from the program offices, the Office of the Administrator, and all 10 of the regional offices. The workgroup is focused on identifying and reviewing ongoing risk communications efforts, engaging with the agency's federal advisory committees and other stakeholders, identifying best practices, and continuing to work with our federal partners to help ensure consistency and coordination on cross-cutting issues. Taking this feedback into account, the EPA will develop a robust and revamped risk communications strategy that will be implemented throughout the agency over the coming year.

Risk communication and engagement are critical for the EPA to effectively support communities across the country that are addressing PFAS issues. The EPA is actively working to enhance the way in which the Agency communicates about potential human health risks that may be associated with these chemicals. PFAS are a complex group of chemicals that can differ in terms of how they are used, how people are exposed, and how they potentially impact public health and ecosystems. There is also limited scientific information about many of the chemicals in the PFAS family, making it challenging to communicate with the public about their associated health risks. The EPA also supports the efforts of other federal partners to develop information related to PFAS. The EPA continues to take concrete steps, in cooperation with our federal, state, and tribal partners, to communicate how the efforts of the EPA and other federal, state, and tribal agencies help to protect public health and the environment from risks related to PFAS.

2. During a hearing last fall, some of my colleagues were talking about their state's coordinated, rapid-response program to address PFAS contamination, including bedeviling technical questions about risk assessments or appropriate toxicity and reference dose levels in case the state wants to do its own thing?
 - a. For PFAS substances that are only relegated to a few States, is EPA prepared to provide States technical or other rapid response help to aid state cleanup level efforts?
 - b. If not here, what are EPA's plans and what is its strategic approach for using new but unused authority under the reformed Section 4 of the Toxic Substances Control Act to rapidly obtain test data for many TSCA chemicals?

The EPA works with our state and tribal partners on all issues, including PFAS. The EPA is ready to provide technical assistance to our state and tribal partners on cleanup, analytical, toxicity, and other PFAS issues.

The Honorable Bill Flores (R-TX)

1. Please state the status of the Agency's efforts to update revisions to the Clean Air Act's Risk Management Program?

The EPA published a notice of proposed rulemaking to reconsider the Risk Management Program (RMP) Amendments on May 30, 2018 (83 FR 24850). The public comment period for the proposed rule ended on August 23, 2018. The EPA received over 70,000 public comments on the proposed rule. On November 20, 2019, Administrator Andrew Wheeler signed the RMP Reconsideration final rule, which modifies and improves the existing rule to remove burdensome, costly, and unnecessary amendments while maintaining appropriate protections and ensuring first responders have access to all the necessary safety information. This rule also resolves important security concerns. The final rule is expected to be published in the Federal Register in December 2019.