

EFFECTS OF A GOVERNMENT SHUTDOWN AT EPA December 17, 2018

Government funding for many federal departments and agencies, including EPA, runs out on December 21, 2018. Unless Congress and the Trump Administration agree on an appropriations bill to fund the government through the end of 2019 fiscal year or a continuing resolution to keep the government open through the end of the fiscal year or an earlier date, all parts of government without approved funding will shut down. Government shutdowns are very disruptive, and even the threat of one requires the diversion of resources to plan and prepare for it. EPA preparations have been underway for some time.

Previous government shutdowns provide some guidance on what will happen if EPA shuts down. During a shutdown, employees usually come in for up to four hours to close down their work. After that, most employees, excluding a few who are allowed to do limited work during a shutdown, cannot work. Some employees are allowed to work for limited purposes. Most daily work simply comes to a grinding halt during a shutdown.

A shutdown at EPA would stop:

- Most activities related to hazardous waste cleanups under the national **Superfund** program
- **Inspections** to ensure regulated activities are being done safely and lawfully
- **Enforcement** work such as case development, and administrative or court hearings
- **Pesticide registrations** or approvals, even if products awaiting approval back up in ports
- Reviews or approvals for sale of **toxic substances**
- Responses to **Freedom of Information Act** requests
- Processing **state grants** and **auditing** how federal money is being used
- Issuance of **federal permits**, although states issue many permits that would not be directly affected

Shutdowns can have serious consequences. When EPA is a defendant in **litigation**, for example, a court may not accept a shutdown as a reason to postpone hearings or extend deadlines. Agency staff must then work to meet litigation requirements with little support and no assurance of payment. In a **public health emergency** EPA can respond, but mobilizing furloughed staff takes time and could delay a response.

During a shutdown, the public is literally shut out of most contact with government employees who provide invaluable assistance to thousands of people each day. Phones are placed on voicemail and critical questions go unanswered. How do I renew my EPA lead paint removal certification? Who do I call about someone illegally dumping tires in a nearby stream? What do I do if I have bed bugs in my home? Deadlines are missed for small grant applications, community meetings are cancelled or go forward without EPA present, compliance assistance to the regulated community stops.

Employees cannot be paid during a shutdown and may not receive back pay at all. Congress has provided full back pay for all federal employees in the aftermath of various shutdowns, but payments are delayed, and are never certain until the shutdown is resolved. If a shutdown goes on for an extended period, employees - especially those at the lower end of the pay scale - must still pay their bills despite the missing income. It has been reported that EPA has been directed to draw on reserve funding to keep employees at work instead of sending them home indefinitely without pay. This approach is untested and may be unlawful.

Shutdowns cause huge uncertainty for federal employees and negatively affect employee morale. They are disruptive, set back productivity in every area, and are a tremendous waste of taxpayer dollars.

Contact EPN at info@environmentalprotectionnetwork.org or David Coursen at david.coursen@gmail.com