



A Summary of EPN's All-Hands Call: The American Jobs Plan and the Skinny Budget April 16, 2021

Michelle Roos, EPN Executive Director, gave a short update on EPN's strategic planning exercise and EPN's recent work on "[Resetting the Course of EPA](#)." EPN consultant and member **Jeremy Symons** (former Climate Policy Advisor, EPA Office of Air and Radiation) led a discussion about [The American Jobs Plan](#), **Sebastian Irby** (EPN Programs and Operations Manager) presented the [Discretionary Funding Request for Fiscal Year 2022](#) (also known as the Skinny Budget), and **Cheryl Wasserman** (former Associate Director for Policy Analysis, EPA Office of Enforcement and Compliance Assurance) shared some thoughts on NEPA.

Update on EPN

EPN is still engaged in a strategic planning exercise. Our Board approved continuing in mid-March (see [Rob Wolcott's email from March 18](#)) and has identified four types of work from survey results, member calls, partner calls, emails, etc.

- EPN will continue to provide ideas, expertise, and guidance to the new administration as part of its [Resetting the Course of EPA](#) initiative.
- EPN will also continue to monitor the EPA budget and other activities, weighing in when needed, reaching decision-makers directly as well as via Congress, the media, and other NGOs.
- EPN is considering enabling individual members to provide much-needed technical assistance to under-resourced local, state, and tribal governments and possibly environmental justice communities.
- And lastly, EPN hopes to work with the EPA Alumni Association to provide trainings and mentoring for EPA staff and managers, and convey to the public that federal service—specifically working at EPA—is an important and meaningful career path and that EPA does important work.

The focus of the upcoming board meeting is on providing technical assistance to community groups. If you have any interest or thoughts on how we can do this work or what we should be watching out for, please email [Michelle](#).

[Resetting the Course of EPA](#) and other EPN work:

- EPN member [Betsy Southerland](#) and Board member [Gwen Keyes Fleming](#) both gave personal testimony at congressional hearings on what's needed to repair the agency. They cited materials in *Resetting the Course of EPA*.
- EPN team leads have had small meetings with several EPA offices. The meetings included political appointees and often senior staff. If you're interested in getting more details or if you are interested in follow-up calls or emailing staff, please contact [Sebastian](#) or your team lead.
- Brenda Mallory was confirmed last week, Janet McCabe's vote is scheduled next week.
- Issue teams
 - EPN's comments on the [Lead and Copper Rule extension](#) were submitted and [listening sessions](#) are scheduled.
 - Endocrine disruptor screening letter is going out soon.

The American Jobs Plan

The focus of the [The American Jobs Plan](#) (also known as the Infrastructure bill), first and foremost, is an attempt to invest and create jobs. Infrastructure and climate change are residual but important

benefits. The plan was not developed looking at cost-benefit models; job creation and a recovery package came first. Environmental justice and resilience are important elements of the plan. Through Executive Order, President Biden has committed to the Justice40 pledge, where 40% of the benefits go to environmental justice communities. There is also the commitment to the climate pledge, with every single dollar spent on infrastructure being done with an eye on climate change. The plan also addresses electric vehicles, power structure, resilience, and brownfield/Superfund remediation. Within the \$2 trillion plan, \$111 billion is focused on water. This goes towards replacing 100% of the nation's lead pipes and service lines, and also looks to address drinking water, storm water, and wastewater treatment. It is a big opportunity for communities that have been left behind. \$10 billion has been directed at per- and polyfluoroalkyl substances (PFAS), which would have benefits particularly in small, rural communities.

Another big bucket is allocated to the power sector and transportation sector to address climate change. \$174 billion is focused on "winning" the electric vehicle market, and \$100 million is invested towards modernizing the electrical grid to a clean energy standard as part of the "net zero by 2035" push. There are other, smaller pieces including \$5 billion for brownfield and Superfund remediation.

Public debate on the plan has focused around the definition of infrastructure and how far President Biden's agenda will go. EPA water and DOT transportation investments have bipartisan support, but what else will pass remains a big question.

The Skinny Budget

The [Discretionary Funding Request for Fiscal Year 2022](#) from the Office of Management and Budget to Congress includes \$11.2 billion for EPA, a \$2 billion or 21.7% increase from the 2021 enacted level.

The main priorities and some numerical highlights include:

- Restoring Critical Capacity to Carry Out EPA's Core Mission: \$110 million for staff capacity, including \$48 million specifically for Office of Air and Radiation
- Tackling Climate Change with the Urgency Science Demands: \$100 million in state and tribal air quality grants and a doubling of EPA's climate research budget
- Delivering Environmental Justice for Overburdened and Marginalized Communities: \$936 million towards a new Accelerating Environmental and Economic Justice initiative and \$100 million for community air monitoring and enforcement
- Investing in Critical Water Infrastructure and Creating Jobs: \$3.6 billion for water infrastructure, an increase of \$625 million from last year's enacted level
- Protecting Communities from Hazardous Waste and Environmental Damage: \$882 million for Superfund Remedial program and an increase in funding for Brownfields program
- Tackling PFAS Pollution: \$75 million towards research
- Overhauling and Strengthening External Civil Rights Compliance Office: Increase funding to ensure equity commitments are fulfilled

Infrastructure, NEPA, and Environmental Permitting

Infrastructure legislation has been a long time coming and although most of it is a positive for environmental protection (to the extent it builds upon existing laws, mechanisms, and programs), it puts NEPA and environmental permitting in the crosshairs. The past three Administrations each have taken steps to expedite federal NEPA and environmental permit decision making; however, former President Trump's "streamlining" Executive Order 13927 is currently enshrined in law in Title 41 ("Federal

Permitting Improvement”) of the Fixing America’s Surface Transportation (FAST) Act. Title 41 covers both NEPA reviews and environmental permitting of infrastructure projects and 1) puts agencies in a vise by setting fixed timeframes of two years for both NEPA reviews and permits; 2) limits opportunities for public comment and judicial review; 3) establishes a Federal Infrastructure Permitting Steering Council whose director is responsible for conflict resolution instead of CEQ and OMB; and 4) empowers a Lead Federal Agency to make decisions that were previously more decentralized. Under Trump, separate EOs and changes to NEPA implementing regulations removed consideration of cumulative impacts, climate change, environmental justice, and flooding. All of this has served to sideline EPA and consideration of alternatives. At this juncture we do not know whether infrastructure legislation will be in stand alone legislation or in parts. FAST is being marked up in May and will have the greatest likelihood of bipartisan support; however, it is unclear whether in the process there can be agreement to eliminate or alter FAST-41 language. Many members of Congress may want to speed work on roads/highways/bridges in their districts, potentially in conflict with the Biden administration pledge to make infrastructure “build back better” both in terms of climate and justice.