

EPN PRELIMINARY ANALYSIS OF THE SENATE DRAFT BUDGET FOR EPA RELEASED NOVEMBER 20, 2017

- Total EPA budget is cut by \$ 149.5 million from FY 2017, or 1.86%. This is a smaller reduction than in HR 3354, which was an 8% cut.
- Adjusted for inflation, the Senate budget proposal would still be the smallest since 1986.
- The accounts that fund most of EPA's operating programs (other than Superfund) are reduced more than the overall budget, although not as greatly as in HR 3354:
 - Science and Technology: -10 % cut (vs. 16 % in the House)
 - Environmental Programs and Management, excluding geographic programs: -6 % cut (vs. 27 % in the House)
- However, some major core programs are still cut by approximately 10%:
 - Clean Air (including climate): -10%
 - Compliance: - 15%
 - Enforcement: - 10%
 - Legal/science/regulatory/economic review: - 10%
 - Includes Office of General Counsel, Alternative Dispute Resolution, Science Advisory Board, Economics Center
 - Water: human health protection: - 9.8%
 - Water: water quality protection: -9.5%
- Important to note that the bill still supports workforce "restructuring" and provides funding for buyouts and incentives although at a somewhat reduced level. Senate minority estimates that this would enable the administration to cut a full quarter of EPA's current staff of scientists and public health experts. Cutting staff at this rate may be more significant than the funding level.
- Large programs that received increases or were protected are:
 - Superfund - essentially flat, (vs. a 2.5% increase in the House)
 - Pesticides + 6.7%
 - Toxics risk review under TSCA + 2.7%
- A number of other programs previously proposed for elimination or deep cuts are protected, including the radon program, international programs, Energy Star and other voluntary climate programs. Funding for geographic programs is increased 1.8% from 2017 levels.
- We are still analyzing other details, but some that seem noteworthy are:
 - Defunding the Integrated Risk Information System (IRIS), the agency's database of chemical risk information. This would have far reaching implications. It is suggested that chemical analysis under TSCA will make it redundant, but IRIS covers many more chemicals.
 - A statement expressing concern about the economic impact of the 2015 ozone NAAQS. It does not specifically delay implementation of the standard as the House did, but seems to set that up for a combined bill.

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- The explanatory statement also notes “valid concerns” about EPA’s rulemaking action classifying Glider kits as new motor vehicles, notes that the Agency has announced plans to reconsider that prior action and urges the Agency to complete its review of that past action “expeditiously.” Reversing the earlier action would allow the use of more polluting vehicles and has been opposed by environmental groups, manufacturers and some states.
 - Adopts a rider on the Waters of the United States (WOTUS) Rule, identical to that in the House, allowing EPA to withdraw the current rule without notice and comment. This is deeply troubling as an administrative law precedent. Notice and comment has already been provided on this withdrawal, making the effect of the rider unclear; however, it might allow EPA to argue that it can disregard comments or exclude them from the record. EPA might also argue that the rider precludes judicial review; however, that is not explicitly stated in the rider.
 - Opposes cutting off funds to the Justice Department for Superfund enforcement, a Pruitt proposal.