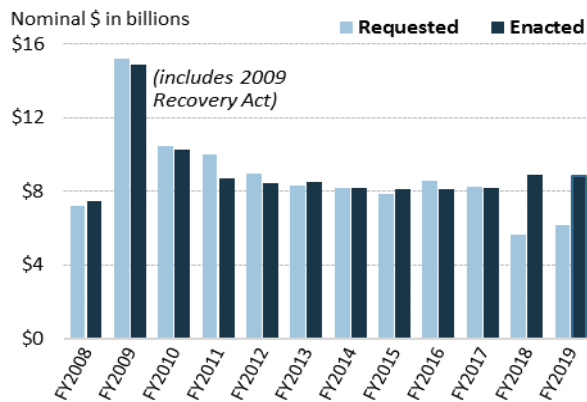




# U.S. Environmental Protection Agency (EPA) FY2019 Appropriations

Enacted February 15, 2019, Division E of P.L. 116-6, Consolidated Appropriations Act, FY2019, provided funding for Interior, Environment, and Related Agencies, including a total of \$8.85 billion for the U.S. Environmental Protection Agency (EPA) in Titles II and IV combined. After rescissions, Title II provided \$8.06 billion for EPA, and Title IV appropriated an additional \$791.0 million for EPA water infrastructure program priorities and Superfund emergency response, removal, and remedial actions at eligible sites. Prior to enactment of P.L. 116-6, Congress passed multiple appropriations bills during the 115<sup>th</sup> and 116<sup>th</sup> Congresses that included funding for EPA. At the beginning of FY2019, EPA and certain other departments and agencies operated under a series of continuing resolutions until an intervening lapse in appropriations after December 21, 2018. EPA thereafter operated under its shutdown contingency plans until another continuing resolution provided funding from January 25, 2019, until the enactment of P.L. 116-6 on February 15, 2019. **Figure 1** illustrates requested and enacted appropriations for EPA since FY2008 through FY2019, including rescissions.

**Figure 1. EPA Requested and Enacted Appropriations FY2008-FY2019 (Not Adjusted for Inflation)**



**Source:** CRS using information from the *Congressional Record*; House, Senate, and conference reports; and EPA’s FY2013 Operating Plan. Enacted amounts reflect rescissions and supplemental appropriations, including \$7.22 billion for EPA in the American Recovery and Reinvestment Act of 2009 (P.L. 111-5).

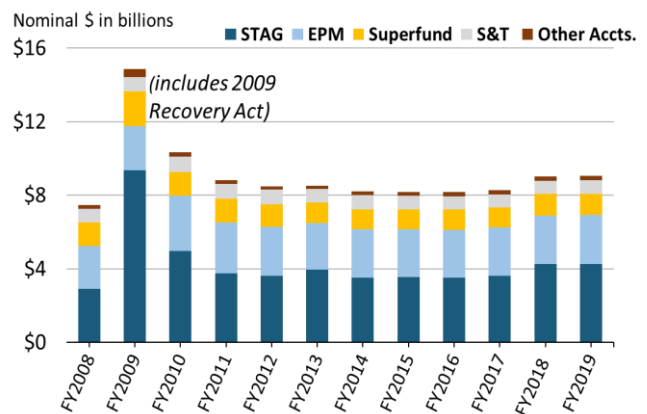
The FY2019 enacted appropriations is \$2.66 billion (43%) above the President’s FY2019 request of \$6.19 billion and \$38.2 million (0.4%) less than the total \$8.89 billion FY2018 enacted appropriations. The FY2018 enacted total included \$8.82 billion in Title II and Title IV of Division G of P.L. 115-141, enacted March 23, 2018, and \$63.2 million for EPA in emergency supplemental appropriations to address impacts of Hurricanes Harvey, Irma, and Maria in Division B, Subdivision 1, of P.L. 115-123, enacted February 9, 2018. P.L. 116-6 and the President’s FY2019

request included rescissions of EPA unobligated balances in varying amounts: \$210.5 million in P.L. 116-6 and \$220.5 million in the request. For FY2018, P.L. 115-141 rescinded \$148.8 million in unobligated balances.

## EPA Appropriations Accounts

More than a dozen federal laws authorize EPA operations. Funding is annually appropriated to EPA among 10 accounts established by Congress over time: State and Tribal Assistance Grants (STAG), Environmental Programs and Management (EPM), Hazardous Substance Superfund (“Superfund”), Science and Technology (S&T), Leaking Underground Storage Tank (LUST) Trust Fund Program, Buildings and Facilities, Office of Inspector General, Inland Oil Spill Program, Hazardous Waste Electronic Manifest System Fund, and Water Infrastructure Finance and Innovation Act (WIFIA) Program. As indicated in **Figure 2**, the proportional distribution of funding among these accounts has remained similar for more than a decade with the exception of FY2009.

**Figure 2. EPA Appropriations by Account FY2008-FY2019 Enacted (Not Adjusted For Inflation)**



**Source:** CRS using information from the *Congressional Record*; House, Senate, and conference committee reports; and EPA’s FY2013 Operating Plan. Enacted amounts include supplemental appropriations but does not reflect rescissions.

The STAG and EPM accounts have received the largest share of funding, followed by the Superfund and S&T accounts. The STAG account funds grants for water infrastructure programs, brownfields site assessment and remediation, diesel emissions reduction, targeted airsheds, and “categorical” grants to states and tribes for implementing federal pollution control programs. The EPM account funds other grants and cross-cutting activities. The Superfund account funds environmental remediation of priority sites designated for federal attention in coordination with states. The S&T account funds scientific research to inform agency regulatory decisions.

P.L. 116-6 generally continued the existing federal and state framework for implementing and enforcing requirements under multiple federal pollution control statutes, with FY2019 funding for most program activities the same as or above FY2018 enacted levels, albeit with some decreases. P.L. 116-6 did not approve the President's request to eliminate certain programs that would have presumed assumption of these responsibilities by the states. Furthermore, the act did not approve the President's proposal to eliminate or reduce funding for numerous programs that provide federal financial assistance to delegated states and other purposes for which there has been a joint federal and state role.

## Assistance to States

Funding is appropriated to EPA to support the agency's primary responsibilities under multiple federal environmental pollution control statutes in coordination with states and tribes. Funding for implementation through delegated authorities was an issue in the FY2019 appropriations debate. EPA awards categorical grants to assist delegated states and local governments in implementing and enforcing federal requirements to control pollution. These categorical grants provide funding for state and tribal implementation of federal requirements, focusing on specific environmental media, wastes, or pollution sources. P.L. 116-6 appropriated \$1.08 billion for FY2019 to fund state and tribal categorical grants, \$50.0 million less than FY2018 (including \$50.0 million in emergency funding provided in P.L. 115-123). The President's FY2019 request would have reduced these grants to \$597.3 million.

The President proposed to reduce funding to states from the LUST Trust Fund account by more than half—from \$98.9 million enacted in FY2018 (including \$7.0 million in emergency funding provided in P.L. 115-123) to \$47.5 million in FY2019. P.L. 116-6 provided \$91.9 million for the LUST account for FY2019, the same as FY2018 less the supplemental funding.

P.L. 116-6 provided \$1.16 billion for the Superfund account for FY2019, including \$1.09 million in Division E, Title II, and \$68.0 million in Title IV (§429). The FY2018 enacted total of \$1.21 billion for Superfund included \$1.15 billion in Title II (\$1.09 billion) and Title IV (\$63.0 million [§430]) of Division G of P.L. 115-141 and \$6.2 million in emergency supplemental appropriations provided in P.L. 115-123 to address impacts at Superfund sites. The FY2019 request proposed \$1.01 billion for the Superfund account.

Titles II and IV of Division E, P.L. 116-6, appropriated more funding than the FY2018 enacted and FY2019 requested levels for water infrastructure programs. Within the STAG account, P.L. 116-6 provided \$1.69 billion for Clean Water State Revolving Fund (SRF) capitalization grants and \$1.16 billion for Drinking Water SRF capitalization grants. The FY2019 totals include \$1.39 billion for the Clean Water SRF and \$864.0 million for the Drinking Water SRF in Division E, Title II, of P.L. 116-6 and an additional \$600.0 million (\$300.0 million each) for Clean Water and Drinking Water SRFs in Title IV. The FY2018 enacted total for the SRFs included in Division G, Titles II and IV, of P.L. 115-141 were nearly the same as

FY2019 enacted. The President requested \$1.39 billion for the Clean Water SRF grants and \$863.2 million for the Drinking Water SRF grants but not the Title IV funding.

Title IV of P.L. 116-6 included \$65.0 million within the EPA STAG account for grants authorized in the Water Infrastructure Improvements for the Nation Act (P.L. 114-322), \$15.0 million more than FY2018 enacted amount included in Title IV in P.L. 115-141. Comparable funding was not included in the FY2019 request. P.L. 116-6 also provided \$68.0 million for the WIFIA account for FY2019 (\$10.0 million in Title II and \$58.0 million in Title IV), \$5.0 million more than the FY2018 enacted level (\$10.0 million in Title II and \$53.0 million in Title IV) and \$48.0 million more than the FY2019 request of \$20.0 million.

P.L. 116-6 continued funding in FY2019 for geographic programs that the President proposed to eliminate, including the National Estuary Program, the Great Lakes Restoration Initiative, the Chesapeake Bay Program, and other programs to restore specific water bodies.

## Agency Staffing

Although Congress does not set specific staffing levels for EPA in annual appropriations acts, the size and structure of the agency's workforce was a topic of debate for FY2019 as it was for FY2018. As with the FY2018 enacted appropriations, P.L. 116-6 did not fund the President's FY2019 request for EPA "workforce reshaping." The conference report (H.Rept. 116-9) accompanying P.L. 116-6 expressed the expectation that EPA would not "consolidate or close any regional offices" in FY2019.

## Fee Authorization

Under the Administrative Provisions in Division E, Title II, P.L. 116-6 reauthorized the collection and use of fees under the Federal Insecticide, Fungicide, and Rodenticide Act through the end of FY2019. Within the EPM account, P.L. 116-6 provided \$5.0 million from fees authorized in the Toxic Substances Control Act for chemical risk reviews.

## Regulatory Prohibitions/Limitations

Several EPA regulatory actions received attention as in past fiscal year debates. Division E, Title IV, of P.L. 116-6 prohibited the use of FY2019 appropriations for certain actions: permitting of air emissions from livestock production (§416), reporting of greenhouse gas emissions from manure management systems (§417), regulating lead content of ammunition or fishing tackle (§418), regulating air emissions from small remote solid waste incinerators in Alaska (§430), and permitting discharges of dredged or fill material for certain agricultural activities (§431). To date, EPA has not pursued rulemaking in some of these areas (e.g., lead content of ammunition or fishing tackle).

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