

TO: Orange County Sanitation District

FROM: Eric Sapirstein

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SUBJECT: Washington Update

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After a record 45 days, Congress reached an agreement to end the government shutdown on November 12 when the House of Representatives joined the Senate and passed the Continuing Resolution (CR), after the Office of Management and Budget (OMB) transmitted a letter to Congress strongly supporting the CR. President Trump signed the bill to fund the government, bringing a close to the longest government shutdown in history.

The passage of the CR represents a limited victory by reopening the federal government until January 30, 2026. Congress will have a little more than two months from the signing of the bill to reach agreement on full year, fiscal year (FY) 2026 spending bills that were not included in the CR, including spending bills that fund the U.S. Environmental Protection Agency (USEPA). It is important to note that the CR carries full year spending agreements for three of the twelve appropriations bills—Agriculture/U.S. Food and Drug Administration, Military Construction/Veterans Affairs, and Legislative Branch.

***Key Provisions of CR***

The CR passed the Senate 60-40 when seven Democrats and Senator Angus King (I-ME) joined Senate Republicans to provide the magic number of 60 votes to overcome a Democrat filibuster and the House approved the measure 222-202. The CR reopens and extends government operations through January 30. This means Congress must either pass a final CR for the remaining months of FY 2026 or secure an agreement on the outstanding nine spending bills before January 30 to avoid the potential of another shutdown. In this circumstance, an omnibus bill or a minibuss (a package of several bills that have been reconciled) would likely carry the agreement through the House and Senate.

The CR provides for continued funding of existing programs at FY 2025 levels until final spending bills are enacted. USEPA programs will be funded and presumably have the resources to finalize outstanding financial awards delayed by the shutdown. The CR contains increased funding for per- and polyfluoroalkyl substances (PFAS) cleanups at military installations and \$9 million for USDA's Center of Excellence for PFAS solutions that will likely continue to review PFAS impacts upon soils and cattle.

### **Senate Committee to Examine PFAS Cleanup and Disposal Policy**

On November 19, the Senate Committee on Environment and Public Works held a hearing to examine future policy solutions to address PFAS cleanup and disposal. The hearing comes as Congress continues to try and develop policy that ensures parties responsible for PFAS contamination are held liable for cleanup and disposal costs and not those who passively receive the chemicals, like wastewater agencies. The hearing will include witnesses from Clean Harbors, a hazardous waste management services company, Associated General Contractors of America, and the Congressional Research Service.

### ***Importance to OC San***

While the hearing did not address Superfund liability exemption for passive receivers, it will keep pressure on lawmakers to create clear, practical protocols for managing PFAS as a hazardous substance and ensure cleanup policies are effective and enforceable. Based off of previous comments from the sectors represented by the witnesses, the discussion may highlight the unintended consequences USEPA's 2024 Rule designating PFAS as a hazardous substances has created for cleanup and disposal of waste containing PFAS and the need for Congress to address these impacts statutorily.