



TO: Rebecca Long
FROM: Eric Sapirstein
DATE: April 15, 2022
SUBJECT: Washington Update

The past month of congressional actions centered on budget matters and preparing for mark up of a Water Resources Development Act of 2022 in both the House and Senate. The markup is anticipated in May. Because of the Easter and Passover Recess, Congress is out of session for the latter half of the month.

- ***Fiscal Year 2023 Budget Request***
The Administration transmitted its FY 2023 budget request to Congress. The U.S. Environmental Protection Agency request is notable for the record level of funding at \$11.3 billion. Within the request is \$4 billion for the State Revolving Loan Fund (SRF) program and \$200 million to support the agency's ongoing PFAS regulatory roadmap. Notably the proposed increase would support the priority to increase the number of enforcement officials at the agency by at least 100 staff. The request set in motion consideration of Community Project requests by Member offices. OC San submitted a request for such assistance to those Orange County Congressional Delegation Members that are supporting such requests (Steel, Lowenthal, Kim, Correa). Assuming that the request is approved, the Members will submit the project request to the Committees on Appropriations for consideration and incorporation into any final fiscal year spending bill. Any final decisions are unlikely before late fall.
- ***Environmental Equity Plan Issued by USEPA Administrator Regan***
As part of the Administration's effort to target federal resources and polices to disadvantaged and underserved communities, Administrator Regan released a plan of action to ensure that the agency's internal operations align with the White House's Justice 40 Initiative.

This initiative seeks to ensure that 40 percent of federal infrastructure investments' benefits support such communities. The plan would direct the agency to take actions to support enhanced community engagement and projects, work with other federal agencies, and generally improve communications on how the initiative will improve environmental equity.

The plan can be found at:

<https://www.epa.gov/environmentaljustice/equity-action-plan>

- ***PFAS Legislation to Address Cleanups and Liability***

Senate action on legislation that would mandate new controls on PFAS, and any related site cleanups remains to be scheduled in the Senate Committee on Environment and Public Works. The expectation that a draft bill would be available in the past several weeks has failed to be realized. In part, this is attributable to opposition to imposing CERCLA (Superfund) liability for PFAS contamination. Instead, efforts are being made to develop an approach that would focus on increased funding of research and treatment technologies to ensure that the appropriate science-based approaches are designed and that cleanup technologies are available. However, at the same time, United States Environmental Protection Agency (USEPA) continues to move forward with its rulemaking effort to designate PFAS under Superfund. Currently, a proposal to designate PFAS under CERCLA is pending final review within the Administration. It is speculated that within weeks, a proposal could be published in the Federal Register seeking to list PFAS as hazardous. Should this occur, pressure may increase upon Congress to take action to place a legislative hold on the effort. The basis of such possible action is a desire for further data to support the protection of public health from PFAS threats as well as the consequences of potential Superfund liability being imposed on wastewater agencies that might have wastewaters or biosolids containing such chemicals.