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CRS Issue Brief for Congress

Environmental Protection Issues in the 107th Congress

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Martin R. Lee, Coordinator
Resources, Science, and Industry Division

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SUMMARY

The approach of the 107th Congress to environmental protection issues depends on the priorities of the leadership, several committee chairs, and the new Administration. The authorizations for most environmental protection programs have expired.

Clean Air. Clean Air Act issues in the 107th Congress include several holdovers from the 106th, as well as continuing oversight of EPA's implementation of the Act. Gasoline additives, air quality standards, and emissions from coal-fired power plants are possible topics. How Congress will deal with these remains unclear. The use of federal highway revenues to address the environmental impacts of surface transportation may receive attention during oversight of the implementation of the Transportation Equity Act for the 21st Century (TEA 21, P.L. 105-178)

Water Issues. The 106th Congress approved several narrow water quality provisions. A key water quality issue is what additional steps are necessary to achieve the goals of the 1972 Clean Water Act (CWA), and what the federal role will be in guiding and paying for future activities. Topics might include managing animal wastes, implementing impaired waters (i.e., Total Maximum Daily Load, TMDL) requirements, and funding water infrastructure projects. Impacts of the Act's wetlands permit program also remain on the legislative agenda for many. Continued oversight of the implementation of the **Safe Drinking Water Act** (SDWA) can be expected. Various related program and regulatory deadlines will occur during this Congress.

Superfund. While the House Transportation and Infrastructure Committee and the House Committee on Commerce approved comprehensive Superfund amendments in the 106th Congress, it is unclear at this time if such legislation will be reconsidered in the 107th Congress. In the Senate, the Chair of the Environment and Public Works Committee did not list Superfund reform legislation as a priority for the 107th. A related concern, Brownfield legislation, however, was listed .

Solid/Hazardous Wastes. Whether solid waste legislation will be addressed in the 107th Congress may depend on the views of new leadership on the House Commerce Committee, which has jurisdiction over such legislation in the House. **Defense Cleanup.** Continued oversight of the multibillion dollar cleanup and compliance programs at the Department of Defense is likely. Congress passes annual authorization and appropriation legislation for these programs.

Global Climate Change. The main issues for Congress are oversight of the U.S. negotiations related to the Kyoto Protocol, which involve potential rules for how climate change might be addressed by the United States and other nations, and what policies are appropriate domestically.

Pesticides. The 107th Congress is also likely to continue monitoring EPA implementation of the Food Quality Protection Act (FQPA). Several environmental science and technology issues are of interest to Congress, also.

EPA Budget. As soon as the President submits the FY2002 budget in February, Congress will begin determining funding levels and priorities for EPA activities.

MOST RECENT DEVELOPMENTS

The environmental protection agenda for 107th Congress may be defined initially by numerous holdover issues and new initiatives of congressional leaders and the new Administration.

BACKGROUND AND ANALYSIS

The 106th Congress acted on several environmental protection bills (see CRS Issue Brief IB10003, *Environmental Protection Issues in the 106th Congress)*. The focus was on legislation addressing specific clean water activities, and funding of environmental protection activities. (For a description of environmental protection laws, see CRS Report RL30783, *Environmental Laws: Summaries of Statutes Administered by the Environmental Protection Agency*.)

The approach of the 107th Congress to environmental protection issues depends on the priorities of the leadership, several committee chairs, and the new Administration. The authorizations for most environmental protection programs have expired, although programs authorities remain in effect and funding is continued.

Clean Air Act (by James McCarthy)

Clean Air Act issues in the 107th Congress include several holdovers from the 106th, as well as continuing oversight of EPA's implementation of the Act. Bills to diminish the use of MTBE, a gasoline additive, were at the top of the clean air agenda for much of the last Congress, but Congress adjourned without taking floor action. MTBE is used to meet Clean Air Act requirements that gasoline sold in the nation's worst ozone nonattainment areas contain at least 2% oxygen. The additive makes gasoline burn more cleanly, but it has been implicated in numerous incidents of ground water contamination. H.R. 11, a bill to waive the oxygen requirement in California only, was approved by the Commerce Committee's Subcommittee on Health and Environment September 30, 1999, but then stalled amid discussion of broader legislation. In the Senate, S. 2962, to ban the use of MTBE, which would have allowed Governors to waive the oxygen requirement, and authorize $200 million from the Leaking Underground Storage Tank Trust Fund for MTBE cleanup, was approved by the Environment and Public Works Committee on September 7, 2000 and reported September 28 (S.Rept. 106-426). No further action was taken.

Of particular concern in the MTBE debate are the potential impacts of any such legislation on the use of other oxygenates, principally ethanol. Ethanol is made largely from corn; a sizeable group of Governors, Members, and Senators from agricultural states is concerned that changes in the Act not adversely affect ethanol's use. The reported Senate bill provided regulatory requirements that could have tripled ethanol use over the next decade.

Revisions to the air quality standards for ozone and particulates, promulgated by the Environmental Protection Agency in 1997, may also command renewed attention in the 107th

Congress. The standards were challenged in the courts, and implementation is currently in limbo, pending resolution of appeals to the Supreme Court. The Court heard oral arguments November 7, 2000, and a decision is expected in spring 2001. The decision is likely to stimulate congressional oversight, and perhaps legislation.

A third set of air quality issues on the congressional agenda concerns recent efforts by EPA to control emissions from coal-fired power plants. In addition to implementing acid rain controls targeting sulfur dioxide emissions from such plants, the Agency has promulgated new rules to control nitrogen oxide emissions, has initiated enforcement actions against several major utilities, and has announced plans to regulate mercury emissions. Electric utilities are also major sources of the leading "greenhouse" gas, carbon dioxide, which is unregulated. Many parties in industry, the Congress, and in both the outgoing and incoming Administrations have suggested the time is ripe for comprehensive, multi-pollutant legislation to regulate utility emissions.

The last Congress also expressed an interest in the degree to which plans for new highways must conform to emission budgets under the Clean Air Act. This "conformity" issue may also remain on the agenda.

Congress last enacted major amendments to the Clean Air Act in 1990, and EPA is still implementing numerous provisions of those amendments. Recent efforts include development of tighter emission standards for diesel engines and fuels, implementation of controls on sources of 188 air toxics, and review of state implementation plans for attaining ozone air quality standards. EPA decisions regarding implementation of these and other programs mandated by the Clean Air Act will provide opportunities for oversight and possible legislation in the 107th Congress.(For additional information on clean air issues, see CRS Issue Brief IB100065, *Clean Air Act Issues in the 107th Congress*.)

Surface Transportation and the Environment (by David Bearden)

In the 107th Congress, the use of federal highway revenues to address the environmental impacts of surface transportation may receive attention during oversight of the implementation of the Transportation Equity Act for the 21st Century (TEA 21, P.L. 105-178). The law authorized a total of $218 billion for federal highway and mass transit programs from FY1998 to FY2003, and set aside roughly $12.5 billion for several programs to protect the environment. The majority of environmental funding under TEA 21 is reserved for air quality projects to assist states in complying with federal air quality standards. The law also increased funding for environmentally related transportation enhancements and established new programs to assist transit systems in purchasing low-emission buses, conduct environmental research, encourage environmental technologies for motor vehicles, and support projects that integrate transportation efficiency, community preservation, and environmental protection. Other provisions addressed the operation of low-emission vehicles in high occupancy vehicle lanes, extended tax benefits for alcohol-based fuels, and required the environmental review process for highway projects to be streamlined. (CRS Report 98-646 ENR, *Transportation Equity Act for the 21st Century (P.L. 105-178): An Overview of*

Environmental Protection Provisions, describes each of the above programs and indicates the amount of funding authorized for them.)

During the 106th Congress, oversight of TEA21's environmental provisions focused primarily on the implementation of requirements to streamline the environmental review process for highway projects, and oversight of this issue will likely continue into the 107th Congress. On May 25, 2000, DOT issued its environmental streamlining regulatory proposal and accepted public comments through September 23, 2000. During oversight hearings held during the 106th Congress, some Members in the House and Senate criticized the proposal for not fully addressing the streamlining requirements under TEA21, and for addressing other planning and regulatory issues not required under the law. Some of the principal criticisms of the proposal were the absence of a requirement for environmental reviews to be conducted concurrently, rather than sequentially, and to be completed within a cooperatively determined time period. Some Members also criticized the proposal for not including a dispute resolution mechanism to ensure that federal agencies complete their environmental reviews within mutually agreed upon time frames. In response to these criticisms, DOT testified during oversight hearings in the 106th Congress that it would carefully evaluate all of the concerns and the proposed changes submitted during the comment period when developing a final rule on the environmental streamlining regulations. As of the adjournment of the 106th Congress, DOT had not issued a final rule, and it is unclear what form the final regulations will take and when they will be issued.

Clean Water Act Issues (by Claudia Copeland)

A key water quality issue today is what additional steps are necessary to achieve the goals of the 1972 Clean Water Act (CWA), and what will be the federal role in guiding and paying for future activities. This Act is the principal law governing pollution in the nation's lakes, rivers, and coastal waters and authorizing funds to aid construction of municipal wastewater treatment plants. Specific issues of interest include funding for water quality infrastructure and related projects, programs to restore pollution-impaired waters, and managing impacts of agricultural activities on water quality.

In the 106th Congress, congressional committees held oversight hearings on implementation of some existing provisions of the Act and Administration water quality initiatives, but no committee activity to reauthorize the entire law occurred. The Act was last comprehensively amended in 1987, and authorizations for most programs expired on September 30, 1990. Activities under the Act continue, however, as Congress has continued to appropriate funds to implement the law. Although no comprehensive reauthorization legislation was enacted during the 106th Congress, activity on bills dealing with specific water quality issues did occur. Congress passed a bill to strengthen protection of coastal recreation waters through upgraded water quality standards and coastal waters monitoring programs (P.L. 106-284). Congress also passed a bill reauthorizing several existing CWA programs (i.e., Chesapeake Bay, clean lakes, and the National Estuary Program; P.L. 106-457). Further, Congress passed a bill to authorize CWA grant funding for wet weather sewerage projects (included as a provision of H.R. 4577, FY2001 Consolidated Appropriations bill).

Implementation of the law since 1972 and application of pollution control technology by industries and cities have led to significant water quality improvements: about 60% of waters surveyed by states are clean enough to support basic uses such as fishing and

swimming. However, these same survey data indicate that about 40% of surface waters fail to meet standards. Nevertheless, the Clean Water Act has been viewed as one of the nation's most successful environmental laws in terms of achieving the statutory goals, which have been widely supported by interest groups and the public, but lately has been criticized over whether further benefits are worth the costs.

Many Clean Water Act issues that might be addressed involve making difficult tradeoffs between impacts on different sectors of the economy, taking action when there is technical or scientific uncertainty, and allocating governmental responsibilities for implementing the law. Some observers speculate that, rather than taking up comprehensive CWA reauthorization legislation as it has traditionally done, Congress might consider only narrower bills to reauthorize or modify selected CWA programs, as was the case in the 106th Congress. If broader clean water issues receive attention, topics that might be of interest include managing animal wastes to minimize water quality and public health impacts, measures to address polluted runoff from farms and city streets, and water infrastructure funding. Impacts of the Act's wetlands permit program, a pivotal and contentious issue in the recent past, also remain on the legislative agenda for many.

(For further information, see CRS Issue Brief IB10001, *Clean Water Act Reauthorization*.)

Safe Drinking Water Act (by Mary Tiemann)

The 107th Congress is likely to continue overseeing implementation of the Safe Drinking Water Act (SDWA), the principal federal statute for regulating the quality of water provided by public water systems. EPA, states, and public water suppliers currently are working to implement and comply with a wide range of requirements added by the 1996 SDWA Amendments (P.L. 104-182), and various program and regulatory deadlines will occur during this Congress.

First enacted in 1974, the SDWA, as amended, is administered through regulatory programs that establish standards for drinking water contaminants and that control the underground injection of wastes to protect drinking water sources. The 1996 amendments revised the Act to focus resources on contaminants posing the greatest risks, to provide funding for drinking water mandates, to improve compliance, and to prevent pollution of water sources. The provisions modified the standard setting schedule and process, directed EPA to conduct benefit and cost analyses when setting standards, expanded consumer reporting requirements, and added programs for certifying plant operators and compliance capacity development. Appropriations for SDWA programs are authorized through FY2003.

A general oversight issue for the 107th Congress may involve the adequacy of state and community resources to implement and comply with SDWA requirements. At the state level, the General Accounting Office reports that resource shortages are affecting many states' ability to administer drinking water programs, and that resource shortfalls are expected to worsen as program responsibilities expand through 2005 (GAO/RCED-00-199). At the community level, a key issue concerns the ability of public water systems, especially smaller systems, to comply with a growing number of complex drinking water regulations. Congress established a drinking water state revolving fund (DWSRF) program in 1996 to help communities finance projects needed to comply with federal regulations. Under this program

through mid-1999, EPA had awarded more than $2.7 billion in capitalization grants to states, and states had made roughly 1,200 loans to water systems for drinking water projects. However, a large funding gap remains, and this gap is expected to grow as new regulations increase infrastructure needs. (For more information on the DWSRF program, see CRS Report 97-677, *Safe Drinking Water Act: State Revolving Fund Program*.)

In addition to oversight, legislative efforts may carry over from the 106th Congress to address specific drinking water issues, such as the numerous detections of methyl tertiary butyl ether (MTBE) in ground water and drinking water. (See CRS Report 98-290 ENR, *MTBE in Gasoline: Clean Air and Drinking Water Issues*.) Other issues of ongoing concern may involve EPA's drinking water research program, and upcoming regulations for various contaminants including radon and arsenic. (For information on the proposed arsenic rule, see CRS Report RS20672, *Arsenic in Drinking Water: Recent Regulatory Developments and Issues*.)

Reauthorizing Superfund (by Mark Reisch)

The Superfund Act, formally known as the Comprehensive Environmental Response, Compensation and Liability Act, or CERCLA, is the principal federal law for cleaning up spills and other discharges of hazardous substances. Superfund action in the 106th Congress was characterized by extensive, but ultimately unsuccessful efforts to amend and reauthorize CERCLA. Two reauthorization bills were reported (H.R. 1300 from the Transportation and Infrastructure Committee, and H.R. 2580 from the Commerce Committee) but they did not proceed further. The Chairman of the Ways and Means Committee opposed reinstating Superfund's expired taxes (which largely funded the program in the past) unless the reauthorization made significant changes to CERCLA's liability scheme . In the Senate the Environment and Public Works Committee met numerous times to mark up S. 1090, a CERCLA reauthorization bill, but finally agreed on August 4, 1999, to end further consideration when members could not reach a bipartisan compromise. The unresolved issues included cleanup standards, liability issues, and natural resource damages.

Many Members in both chambers wanted the brownfields program, which covers less serious hazardous waste sites, to be formalized in law. The Republican leadership kept the popular program within the reauthorization bills. An expiring brownfields cleanup tax incentive was extended twice. The Tax Relief Extension Act (P.L. 106-170, H.R. 1180, H.Rept.106-478) continued the tax break to December 31, 2001, and the Consolidated Appropriations Act, 2001 (P.L. 106-554, H.R. 4577, H, Rept. 106-1033) gave it 2 additional years, to the end of 2003. The second law also expanded eligible sites to include any site containing a hazardous substance that is certified by the appropriate state environmental agency.

A third enactment, the Superfund Recycling Equity Act, relieves recyclers of CERCLA liability if they meet certain conditions; it was incorporated in the Omnibus Appropriations Act (P.L. 106-113, H.R. 3194, H.Rept. 106-479).

One other bill reached the House floor in the 106th Congress. H.R. 5175, which would have relieved small businesses of CERCLA liability for small quantities of hazardous substances and for municipal solid waste was brought up under suspension of the rules on

September 26, 2000, but failed to achieve the two-thirds majority needed for passage. The vote was 253-161.

Whether an effort will be made in the 107th Congress to pass a comprehensive Superfund reauthorization bill is unclear. Senate Environment and Public Works Committee Chairman Bob Smith released his list of legislative priorities on December 18, 2000, and while it included brownfields, it made no mention of Superfund. If his counterparts in the House decide to take up CERCLA, it will mark the fifth Congress in a row that Superfund reform has been considered. (For further discussion, see CRS Issue Brief IB10011, *Superfund Reauthorization Issues in the 106th Congress*.)

Solid Waste Issues (by James McCarthy)

Whether solid waste legislation will be addressed in the 107th Congress may depend on the views of new leadership on the House Commerce Committee, which has jurisdiction over such legislation in the House. For the past 6 years, action on such legislation (notably, bills to allow states to restrict imports of solid waste from out of state – so-called "interstate waste" legislation) was blocked by the committee's Chairman, who retired at the end of the 106th Congress.

In addition to providing new leadership, 2001 may provide a potent stimulus to action, when New York City closes Fresh Kills, its last remaining landfill. The landfill was once the largest landfill in the United States, accepting 13,000 tons of waste per day in 1996, when the decision to close it was made. The city has few in-state options for disposal, and expects to send to other states virtually all of its waste upon closure.

Congress may also consider implementing the Basel Convention on Transboundary Movement of Waste. The United States is a signatory of this convention, which controls international shipment of waste, but implementing legislation has not been enacted. (For more information on international waste trade, see CRS Report 98-638, *Waste Trade and the Basel Convention: Background and Update*. For information on interstate shipment of waste, see CRS Report RL30409, *Interstate Shipment of Waste: 2000 Update*, and CRS Report RS20106, *Interstate Waste Transport: Legislative Issues*.)

Defense Cleanup and Environmental Programs (by David Bearden)

While the Environmental Protection Agency is the primary federal agency responsible for the control of pollution and the cleanup of civilian environmental contamination, the Department of Defense (DOD) is responsible for remediating contamination and controlling pollution at military facilities. In the first session of the 107th Congress, authorizing and appropriating funding for national defense programs for FY2002 will likely be a significant consideration in the annual debate over the federal budget. Of the activities traditionally authorized and funded, DOD administers six environmental programs: cleanup at current and former military facilities, cleanup at base closure sites, environmental compliance, pollution prevention, environmental technology, and natural resource conservation. In addition to

DOD's programs, the Department of Energy (DOE) is responsible for managing defense nuclear waste and cleaning up contaminated nuclear weapons sites. Some of the principal issues associated with these programs are the adequacy, cost, and pace of cleanup at contaminated military sites and the extent to which DOD complies with federal, state, and local environmental laws and regulations.

The 106th Congress enacted authorizing and appropriation legislation for DOD and DOE's defense cleanup and environmental programs for FY2000 and FY2001. (CRS Report RL30111, *Defense Cleanup and Environmental Programs: Authorization and Appropriations for FY2000*, and CRS Report RL30554, *Defense Cleanup and Environmental Programs: Authorization and Appropriations for FY2001*, discusses each law.)

Global Climate Change (by Susan Fletcher)

Concerns that the increase in "greenhouse gases" in the atmosphere has caused warming of the Earth's climate have led to a number of international responses, as well as issues of interest to the U.S. Congress. The main issues for Congress are oversight of the U.S. negotiations related to the Kyoto Protocol, which involve potential rules for how climate change might be addressed by the United States and other nations, and what policies are appropriate domestically. The 1992 United Nations Framework Convention on Climate Change (UNFCCC), which the United States has ratified, contained voluntary commitments by all parties to that treaty to take steps to reduce their emissions of greenhouse gases, primarily carbon dioxide produced by burning of fossil fuels and wood (as well as five other gases from other sources). Congress has been primarily concerned with the issues connected with the 1997 Kyoto Protocol to the UNFCCC; the Protocol contains legally binding emission reductions for 38 industrialized nations. Congress has held oversight hearings on many aspects of the economic impacts and scientific findings related to climate change generally and the Kyoto Protocol specifically. Legislation was also introduced related to needed scientific research, policies on domestic credit for activities to reduce carbon emissions or increase carbon sinks, and limits on the activities of the government that could be regarded as implementing the Kyoto Protocol before it has been approved. Amendments were attached to numerous appropriations laws in the 106th Congress to prohibit expenditures by agencies to implement the Kyoto Protocol, or in some cases, prohibit funding for activities "in contemplation" of Kyoto Protocol implementation.

The United States has signed the Kyoto Protocol, but it has not been submitted to the Senate for its advice and consent because the Clinton Administration was seeking to obtain "meaningful participation" of developing countries, and was participating in the continuing negotiations to agree on rules governing various aspects of how the Protocol would operate. These rules have key relevance to economic impacts of U.S. commitments -- in particular, how much the United States could rely on "flexibility" mechanisms that would reduce domestic measures needed to meet its commitments, through trading emission "credits" with other countries and relying on its extensive forest and agricultural lands to absorb carbon, acting as "sinks." In November 2000, negotiations held in The Hague, Netherlands, were expected to resolve a number of political and operational issues on how the Kyoto Protocol would work. However, these negotiations collapsed when some of the key issues regarding flexibility mechanisms and use of carbon sinks eluded political agreement among ministers from developed countries. A large congressional delegation attended these negotiations, and

it appears likely that Congress will continue to conduct oversight hearings and consider legislation related to the issues of climate change generally, and the Kyoto Protocol negotiations specifically. (For further discussion , see CRS Issue Brief 89005, *Global Climate Change*; CRS Report RL 30692, *Global Climate Change: The Kyoto Protocol*; and the CRS electronic briefing book on Global Climate Change [http://www.congress.gov/brbk/html/ebgcc1.html].)

Regulating Pesticides (by Linda Schierow)

The 106th Congress prohibited in P.L. 106-377 implementation of a rule proposed by EPA to increase fees charged to registrants of pesticides used on food. The fees were to reimburse EPA for the cost of establishing a "tolerance," or maximum safe level of pesticide residues on foods. According to the conference report (H.Rept.106-988), the proposed rule would charge more than 100% of actual costs and charge registrants retroactively. Other legislation proposed in the 106th Congress aimed to amend the Food Quality Protection Act (FQPA; P.L. 104-170), but was not enacted. Bills would have required new data collection before the Agency could revoke, suspend, or modify a pesticide tolerance or exemption, and a "transition analysis" for proposed or final rules and other documents related to FQPA implementation. The analysis would specify when tolerances were reassessed based on assumptions rather than data. The bills also would have required notice-and-comment rulemaking to establish EPA science guidelines, which then would be subject to judicial review under the Administrative Procedure Act (5 USC 701 et seq.). (Currently, EPA promulgates rules separately for each pesticide registration and tolerance.)

The 107th Congress is likely to continue overseeing EPA implementation of the FQPA. The FQPA amended the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Federal Food, Drug and Cosmetic Act (FFDCA) in 1996. EPA regulates the use of pesticides under authority of FIFRA. In addition to regulating pesticide use, EPA sets allowable pesticide residue levels for food (tolerances) under authority of the FFDCA. FQPA established a new, stricter safety standard for pesticide residue tolerances: regulations must ensure "a reasonable certainty of no harm." The act requires EPA to re-evaluate all tolerances in effect in 1996 by August 3, 2006. At issue generally is the pace and process through which EPA is implementing the law: grower groups and the pesticide industry have complained that the implementation process is not transparent enough to allow them to plan for contingencies, and that EPA is proceeding too fast without gathering reliable data on which to base decisions. These groups would like EPA to implement FQPA through a notice and comment procedure, but EPA claims that scarce time and resources prevent a rulemaking approach, and that flexibility is necessary to ease the transition to new products for pesticide users and producers. What primarily concerns pesticide interests is the possibility that EPA might revoke or restrict pesticide registrations under FIFRA for widely used pesticides. In contrast, public health and consumer advocacy groups believe that the FQPA safety standard and deadlines require EPA to protect children's health by restricting use of some older pesticides quickly. For additional discussion, see CRS Report RS20043, *Pesticide Residue Regulation: Analysis of Food Quality Protection Act Implementation*, or CRS Report RS20043, *Pesticide Residue Regulation: Analysis of Food Quality Protection Act Implementation* (updated August 2000).

Funding the Environmental Protection Agency (by Martin R. Lee)

The 106th Congress enacted FY2000 and FY2001 funding for the EPA. As soon as the President submits his budget proposal in February, committees with environmental protection jurisdiction will begin developing their views and estimates reports for the budget committees and conducting hearings on the EPA proposal. In the 107th Congress, markup by the appropriation committees and floor action can be expected by late spring or summer.

On February 1, 1999, the President requested $7.2 billion in discretionary budget authority for the Environmental Protection Agency (EPA) for FY2000, about $400,000, or 5%, less than FY1999 funding. The major issue associated with this proposal was its proposed reduction of roughly $500 million for clean Water State Revolving Funds. EPA appropriations are included in the annual VA-HUD-Independent Agencies Appropriation Bill, which the House passed as H.R. 2684 (H.Rept. 106-286) on September 9, 1999. The Senate Appropriations Committee made its recommendations on September 16th in S. 1596 (S.Rept. 106-161); the full Senate passed H.R. 2684, after substituting the language of S. 1596. House and Senate versions included about $7.3 billion, while the final conference version (H.Rept. 106-379) provided a total of $7.6 billion. The President signed the appropriation measure as P.L. 106-74 on October 20, 1999.

For FY2001, President Clinton requested $7.26 billion, roughly $300 million less than FY2000 funding. This primarily reflected decreased funding of about $500 million for wastewater treatment funding to the states. The House Appropriations Committee's Subcommittee on VA-HUD-Independent Agencies held hearings on the proposal on March 16, 2000, and the Senate Subcommittee on March 23, 2000. On May 23, the House Subcommittee recommended $7.2 billion for the Agency and the full Committee recommended that amount in H.R. 4635 (H.Rept. 106-674) on June 7, 2000. The House passed the bill on June 21, 2000. The Senate Appropriations Committee recommended $7.53 billion for EPA in reporting its version of the bill (S.Rept. 106-410) on September 13, 2000. The Senate passed $7.84 billion on October 12, 2000. The conference report, H.Rept. 106-988, filed October 18, 2000, included $7.8 billion for the agency. The House and Senate agreed to the conference report on October 19, 2000. The President signed the measure on October 27, 200 as P.L. 106-377. (For more detail, see CRS Issue Brief IB10058, *Environmental Protection Agency: FY2001 Budget Issues.)*

Environmental Research and Development (by Michael Simpson)

For EPA's FY1999 Science and Technology account, which includes research and development activities, the 106th Congress enacted P.L. 106-74 providing $645.0 million for FY2000 and P.L. 106-377 providing $696.0 million for FY2001. The House Committee on Science also reported an environmental authorization bill, H.R. 1742 (H.Rept. 106-512), and an air and radiation bill, H.R. 1743 (H.Rept. 106-511) in the 106th Congress.

The 106th Congress showed continued interest in two longstanding areas of concern: the quality of science used by the Agency for prioritizing and conducting research and

regulatory activities, and the manner by which EPA develops and manages its data. Congressional interest, raised and focused by various specific issues, was shown in hearings, bills, and proposed amendments to appropriations bills. This pattern is expected to continue in the 107th Congress. One issue involved whether the state of the science was sufficiently developed to support a workable Total Maximum Daily Load (TMDL) program, being implemented under the Clean Water Act, relating to wastewater discharge limits. Another concern has been the science supporting control of particulate matter under the Clean Air Act. Still another issue involved the Agency's reassessing dioxin risks, and the degree to which EPA has considered all information and reviews. EPA plans to complete and release a final dioxin reassessment early in the 107th Congress. The debate over climate change has also focused on the quality of science available to decisionmakers.

Data quality and management are also a longstanding area of concern associated with EPA's science activities. Controversy exists concerning not only the condition and extent of monitoring and research equipment (which impact the quality of raw and analyzed data), but also the currency, completeness, appropriateness, and extensiveness of data used by EPA and that made available for use and review outside the Agency. (Please see CRS IB94036, *The Role of Risk Analysis and Risk Management in Environmental Protection*, for further discussion on this issue.)

The 107th Congress may again address these concerns either through oversight, possible legislation or the appropriations process. Whether there may be an effort in the 107th Congress to enact an environmental research and development bill is unclear at this time.