



Environmental Protection Agency (EPA) FY2012 Appropriations: Overview of Provisions in H.R. 2584

Robert Esworthy
Specialist in Environmental Policy

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Summary

On July 19, 2011, the House Appropriations Committee reported H.R. 2584 (H.Rept. 112-151) with \$27.52 billion in appropriations for FY2012 for Interior, Environment, and Related Agencies. Title II of H.R. 2584 as reported would provide a total of \$7.15 billion for the Environmental Protection Agency (EPA), \$1.82 billion (20%) less than the President's FY2012 request of \$8.97 billion, and \$1.53 billion (18%) less than the FY2011 enacted appropriation of \$8.68 billion. In addition to funding priorities among the various EPA programs and activities, H.R. 2584 as reported included more than 25 provisions that would restrict or preclude the use of FY2012 funds by EPA for implementing or proceeding with a number of recent and pending EPA regulatory actions. In addition, nearly 250 amendments, including several regarding EPA, were under consideration during floor debate which was suspended on July 28, 2011. As of the date of this report, the Senate Appropriations Committee had not reported a FY2012 appropriations bill for Interior, Environment, and Related Agencies.

Several EPA regulatory actions have been the focus of considerable attention during House and Senate oversight committee hearings more broadly, as well as, during appropriations committee hearings and House floor debate of the FY2012 appropriations. The provisions included in H.R. 2584 as reported, and many of the floor amendments considered and pending, cut across the various environmental pollution control statutes' programs and initiatives, such as those that address greenhouse gas emissions, hazardous air pollutants, particulate matter emissions, permitting of new source air emissions, water quality impacts of mountaintop mining operations, management of coal ash, lead-based paint removal, environmental impacts associated with livestock operations, financial responsibility with respect to Superfund cleanup, and stormwater discharge. Further, Title V of the committee-reported bill, "Reducing Regulatory Burdens Act of 2011," included amendments to the Clean Water Act and the Federal Insecticide, Rodenticide, and Fungicide Act in response to EPA's consideration of requiring permits under the Clean Water Act for point source discharges of pesticides in or near U.S. waters. Several of these EPA activities have also been included in other proposed legislation.

To date, House floor debate on H.R. 2584 has not been completed. This report provides a summary of funding levels for EPA accounts and program activities specified in H.R. 2584 as reported by the House Appropriations Committee. This report also identifies selected provisions regarding EPA program activities as presented in the reported bill. Only those provisions that are clearly identifiable by specific language or references contained in the bill are included. Amendments that were voted on and pending during initial floor debate at the end of July 2011 are not included. The information presented throughout this report is primarily an extraction of the bill language for purposes of reference and is not intended to provide a comprehensive analysis of all provisions in H.R. 2584 as reported that may directly or indirectly affect EPA programs if enacted.

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Introduction

EPA was established in 1970 to consolidate federal pollution control responsibilities that had been divided among several federal agencies. EPA's responsibilities grew significantly as Congress enacted an increasing number of environmental laws as well as major amendments to these statutes. Among the agency's primary responsibilities are the regulation of air quality, water quality, pesticides, and toxic substances; the management and disposal of solid and hazardous wastes; and the cleanup of environmental contamination. EPA also awards grants to assist states and local governments in complying with federal requirements to control pollution. Since FY2006, Congress has funded EPA programs and activities within the Interior, Environment, and Related Agencies appropriations bill.¹

On July 19, 2011, the House Appropriations Committee reported H.R. 2584 (H.Rept. 112-151) which included \$27.52 billion in appropriations for FY2012 for Interior, Environment, and Related Agencies. Title II of H.R. 2584 as reported would provide a total of \$7.15 billion for the EPA, \$1.82 billion (20%) less than the President's FY2012 request of \$8.97 billion submitted to Congress on March 1, 2011, and \$1.53 billion (18%) less than the FY2011 enacted appropriation of \$8.68 billion. H.R. 2584 as reported reflected a decrease for each of the EPA's eight regular appropriations accounts compared to the President's FY2012 request and all except the Building and Facilities account (House-reported bill included same level as enacted) compared to FY2011 enacted appropriations.

Many of the federal departments and agencies included in H.R. 2584, as reported by the House Committee, generally would be funded at levels below the FY2010 and FY2011 enacted appropriations, as well as those included in the President's FY2012 request. The House-reported bill also included numerous funding modifications and restrictions for many accounts across the various departments and agencies, including several EPA accounts and program activities. Several recent and pending EPA regulatory actions² have been the focus of considerable attention in Congress during hearings and markup of EPA's FY2012 appropriations, and authorizing committees have been addressing EPA regulatory actions through hearings and legislation.

As reported, H.R. 2584 contained more than 30 provisions that would restrict or preclude the use of FY2012 funds by EPA for implementing or proceeding with a number of regulatory actions. These provisions include more than 20 provisions proposed by the subcommittee³ (primarily in Title IV Administrative Provisions), and eight amendments added during full committee markup.⁴ Concerns regarding these EPA actions continued to be raised during House floor debate and were

¹ During the 109th Congress, EPA's funding was moved from the jurisdiction of the House and Senate Appropriations Subcommittees on Veterans Affairs, Housing and Urban Development, and Independent Agencies to the Interior, Environment, and Related Agencies Appropriations Subcommittees beginning with the FY2006 appropriations. This change resulted from the abolition of the House and Senate Appropriations Subcommittees on Veterans Affairs, Housing and Urban Development, and Independent Agencies.

² For a discussion of selected EPA regulatory actions, see CRS Report R41561, *EPA Regulations: Too Much, Too Little, or On Track?*, by James E. McCarthy and Claudia Copeland.

³ "Subcommittee" refers to the Subcommittee on Interior, Environment, and Related Agencies.

⁴ Amendments considered during markup that would have removed several of the administrative provisions, including many of those affecting EPA, were defeated.

among an estimated 250 amendments considered and pending prior to suspension of floor debate on July 28, 2011.⁵

If the reported bill were enacted, the provisions and amendments retained would impact ongoing and anticipated EPA activities including those addressing greenhouse gas emissions, hazardous air pollutants, particulate matter emissions, permitting of new source air emissions, water quality impacts of mountaintop mining operations, management of coal ash, lead-based paint removal, environmental impacts associated with livestock operations, financial responsibility with respect to Superfund cleanup, and stormwater discharge.⁶ Further, Title V of the committee-reported bill, “Reducing Regulatory Burdens Act of 2011,” included amendments to the Clean Water Act and the Federal Insecticide, Rodenticide, and Fungicide Act in response to EPA’s consideration of requiring permits under the Clean Water Act for point source discharges of pesticides in or near U.S. waters.⁷

In response to congressional interest in the level of appropriations and several of the provisions affecting EPA program activities in H.R. 2584 as reported by the House Appropriations Committee, this report highlights a number of these provisions and provides a summary of funding levels for EPA accounts and program activities specified in the House Committee-reported bill. Only those provisions affecting EPA programs that are clearly identifiable by specific language or references in the bill are included in this report. The information primarily is a compilation of excerpts of the bill language for purposes of reference and is not intended to provide a complete listing and analysis of all provisions contained in H.R. 2584 as reported that may otherwise directly or indirectly affect EPA programs.

The following section of this report provides an overview of funding levels for FY2012 as specified in H.R. 2584 as reported, compared to enacted amounts for FY2010 in P.L. 111-88 and FY2011 in P.L. 112-10, and as proposed in the President’s FY2012 request. For purposes of historical comparison, **Table A-1** in the **Appendix** of this report shows EPA enacted appropriations by account for FY2008 through FY2011. The overview of funding levels is followed by a series of tables that present a compilation of excerpts of provisions in H.R. 2584 as reported for selected EPA programs and activities that have received prominent attention during deliberations on the FY2012 appropriations. Amendments that were agreed to or failed during floor debate, as well as proposed amendments pending actions, are not included in the tables as House floor debate was not completed.

⁵ House *Congressional Record* H5688-5693, July 28, 2011.

⁶ Although generally not enacted in the FY2011 appropriations law, more than 20 provisions that would have restricted and prohibited the use of FY2011 funds to implement a subset of these regulatory activities were included in an earlier House-passed bill (H.R. 1). For an overview of funding levels and provisions contained in House-passed H.R. 1 and S.Amdt. 149, and a comparison with the FY2011 requested and FY2010 enacted funding levels, see CRS Report R41698, *H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions*, by Robert Esworthy.

⁷ Title V of H.R. 2584 is identical to text contained in H.R. 872 as passed by the House March 31, 2011, see CRS Report RL32884, *Pesticide Use and Water Quality: Are the Laws Complementary or in Conflict?*, by Claudia Copeland.

House Committee-Reported H.R. 2584: EPA Funding⁸

Concerns regarding EPA's FY2012 funding have generally focused on federal financial assistance for environmental cleanup of Superfund sites, wastewater and drinking water infrastructure projects,⁹ grants to assist states in implementing air pollution control requirements, and climate change research and related activities. There also has been interest in funding for geographic-specific water quality initiatives (e.g., the Great Lakes Restoration Initiative, and efforts to restore the Chesapeake Bay and Puget Sound).

Since FY1996, EPA's funding has been requested by the Administration and appropriated by Congress under eight statutory accounts. **Table 1** presents the FY2012 amounts as approved for EPA by the House Appropriations Committee in H.R. 2584 compared to the President's FY2012 budget request, and the appropriations enacted in FY2011 and FY2010 for the eight accounts that fund the agency.¹⁰ The table includes a brief description of the programs and activities funded within each of the accounts. Note that the former name of the "Oil Spill Response" account was changed in the President's FY2012 request to "Inland Oil Spill Program" to more clearly reflect the agency's jurisdiction for oil spill response only in the inland zone.

As indicated in the table, the House Appropriations Committee approved a decrease from the President's FY2012 request and the FY2011 and FY2010 enacted levels for each of the eight accounts (except the Building and Facilities account which is the same as FY2011), with most of the decrease in two accounts: Environmental Programs and Management, and State and Tribal Assistance Grants (STAG). The roughly 55% reduction within the STAG account is reflected primarily in the reduction (to the FY2008 level) for grants to aid states to capitalize their Clean Water State Revolving Funds (SRFs). The Drinking Water SRF also was reduced to the FY2008 level, though the magnitude of decrease was smaller than the decrease for the Clean Water SRF. Although the House Committee proposed mostly decreases for individual programs and activities funded within each of the eight appropriations accounts, there are a few examples where funding levels were maintained or increased compared to FY2011 levels.¹¹

In addition to the funding amounts presented by account below, the "Administrative Provisions" for EPA in Title II of H.R. 2584 included a rescission of \$140.0 million from unobligated balances funded through the STAG and the Hazardous Substance Superfund accounts. Similar rescissions of unobligated balances have been included in EPA appropriations since FY2006. For FY2011, Section 1740 in Title VII of Division B in P.L. 112-10 included a rescission of \$140.0 million from unobligated balances available within the STAG account only; for FY2010, P.L.

⁸ For a more detailed overview of EPA's FY2012 appropriations and related key issues, see relevant discussion in CRS Report R41896, *Interior, Environment, and Related Agencies: FY2012 Appropriations*, coordinated by Carol Hardy Vincent. For a more detailed analysis of EPA's FY2011 appropriations and discussion of EPA funding levels historically, see CRS Report R41149, *Environmental Protection Agency (EPA): Appropriations for FY2011*, by Robert Esworthy et al.

⁹ See CRS Report 96-647, *Water Infrastructure Financing: History of EPA Appropriations*, by Claudia Copeland.

¹⁰ See **Table A-1** in the **Appendix** of this report for a comparison across the EPA appropriations by account for FY2008 through FY2011 enacted.

¹¹ See table at the end of H.Rept. 112-151(pp. 192-200) accompanying H.R. 2584.

111-88 included a \$40.0 million rescission of unobligated balances available from the STAG and the Hazardous Substance Superfund accounts.

Table I. EPA Appropriations by Account: FY2012 Proposed (H.R. 2584), FY2012 President's Budget Request, and FY2011 and FY2010 Enacted

(dollars in millions)

Eight EPA Accounts/Program Purpose	FY2010 P.L. 111-88 Title II	FY2011 P.L. 112-10 Div. B Title VII	FY2012 President's Request	FY2012 House Comm.- Reported H.R. 2584 Title II
Science and Technology (S&T) generally incorporates elements of the former Research and Development account that was in place until FY1996. Congress appropriates funds directly to EPA's S&T account and transfers additional funds from the Hazardous Substance Superfund account specifically to support Superfund program research. The account funds the development of the scientific knowledge and tools necessary to inform EPA's formulation of pollution control regulations, standards, and agency guidance.				
Base Prior to Transfers from Hazardous Substance Superfund Account	\$848.1	\$813.5	\$825.6	\$754.6
—Transfer from Hazardous Substance Superfund	+\$26.8	+\$26.8	+\$23.0	+\$23.0
Environmental Programs and Management (EPM) funds a range of activities involved in EPA's development of pollution control regulations and standards, and enforcement of requirements across multiple environmental media, such as air and water quality				
<i>Geographic Programs—EPM account includes funding for geographic/ecosystem programs to address certain environmental and human health risks in a number of identified areas of the United States, which often involve collaboration among EPA, state and local governments, communities, and nonprofit organizations.</i>	\$608.4	\$416.0	\$463.0	\$346.3
—Great Lakes Restoration Initiative	\$475.0	\$299.4	\$350.0	\$250.0
—Chesapeake Bay Program	\$50.0	\$54.4	\$67.4	\$50.0
—Puget Sound	\$50.0	\$38.1	\$19.3	\$30.0
Office of Inspector General (OIG) is provided appropriations directly and Congress appropriates additional funds as transfers from the Hazardous Substance Superfund account to the OIG account specifically to support the office's oversight of the Superfund program. Federal agency OIGs established under Inspector General Act of 1978 to conduct independent auditing, evaluation, and investigation to identify management and administrative deficiencies.				
Base Prior to Transfers from Hazardous Substance Superfund Account	\$44.8	\$44.7	\$46.0	\$41.1
—Transfer from Hazardous Substance Superfund	+\$10.0	+\$10.0	+\$10.0	+\$10.0

Eight EPA Accounts/Program Purpose	FY2010 P.L. 111-88 Title II	FY2011 P.L. 112-10 Div. B Title VII	FY2012 President's Request	FY2012 House Comm.- Reported H.R. 2584 Title II
Building and Facilities funds the construction, repair, improvement, extension, alteration, and purchase of fixed equipment and facilities owned or used by EPA.	\$37.0	\$36.4	\$42.0	\$36.4
Hazardous Substance Superfund is funded by discretionary appropriations from a dedicated trust fund of the same name, the Hazardous Substance Superfund Trust Fund. The Superfund program was established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended to clean up the nation's most threatening sites and created the Superfund Trust Fund to finance the program.				
Total Prior to Transfers to Other EPA Accounts	\$1,306.5	\$1,280.9	\$1,236.2	\$1,224.3
—Transfer out to Office of Inspector General	-\$10.0	-\$10.0	-\$10.0	-\$10.0
—Transfer out to Science and Technology	-\$26.8	-\$26.8	-\$23.0	-\$23.0
Leaking Underground Storage Tank (LUST) Trust Fund Program: Like the Superfund account, this account is funded by discretionary appropriations from a dedicated trust fund of the same name, the LUST Trust Fund. The Superfund Amendments and Reauthorization Act of 1986 established this trust fund to address releases of petroleum for underground tanks not covered under the Superfund program.	\$113.1	\$112.9	\$112.5	\$105.7
Inland Oil Spill Program (formerly Oil Spill Response) funds EPA's activities to prepare for and prevent releases of oil into the inland zone of the United States within the agency's jurisdiction. Authorized by the Oil Pollution Act of 1990, the U.S. Coast Guard has jurisdiction over oil spills in the coastal zone of the United States.	\$18.4	\$18.3	\$23.7	\$18.3
State and Tribal Assistance Grants (STAG): Majority of funding within the STAG account is for capitalization grants for the Clean Water and Drinking Water State Revolving Funds (SRFs). The remainder of the account funds other water infrastructure grants, and categorical grants to states and tribes for numerous pollution control activities under the various statutes.	\$4,970.2	\$3,758.9	\$3,860.4	\$2,610.4
—Clean Water State Revolving Fund	\$2,100.0	\$1,522.0	\$1,550.0	\$689.0
—Drinking Water State Revolving Fund	\$1,387.0	\$963.1	\$990.0	\$829.0
—Mexican Border	\$17.0	\$10.0	\$10.0	\$0.0
—Alaska Native Villages	\$13.0	\$10.0	\$10.0	\$0.0
—Special (Congressional) Infrastructure Grants	\$156.8	\$0.0	\$0.0	\$0.0
—Brownfields Section 104(k) Grants	\$100.0	\$99.8	\$99.0	\$60.0
—Diesel Emission Reduction Grants	\$60.0	\$49.9	\$0.0	\$30.0
—Targeted Airshed Grants	\$20.0	\$0.0	\$0.0	\$0.0

Eight EPA Accounts/Program Purpose	FY2010 P.L. 111-88 Title II	FY2011 P.L. 112-10 Div. B Title VII	FY2012 President's Request	FY2012 House Comm.- Reported H.R. 2584 Title II
—Categorical Grants	\$1,116.4	\$1,104.2	\$1,201.4	\$1,002.4
Climate Change Grants to Local Governments	\$10.0	\$0.0	\$0.0	\$0.0
Rescissions	-\$40.0 (unobligated balances from the STAG and the Hazardous Substance Superfund accounts)	-\$140.0 (unobligated balances from the STAG account)	-\$50.0 (prior fiscal years' unobligated balances)	-\$140.0 (unobligated balances from the STAG and the Hazardous Substance Superfund accounts)

Source: Prepared by Congressional Research Service: FY2010 enacted appropriations are from the conference report (H.Rept. 111-316, pp. 240–244) accompanying the Interior, Environment, and Related Agencies Appropriations Act for FY2010 (P.L. 111-88); the base appropriations for the S&T account includes \$2.0 million in supplemental appropriations under P.L. 111-212, Title II, for research on human health and environmental impacts associated with the *Deepwater Horizon* incident and mitigation measures employed. The FY2011 enacted amounts, President's FY2010 requested amounts, and FY2012 amounts for H.R. 2584 are as reported in H.Rept. 112-151.

House Committee-Reported H.R. 2584: Selected Provisions Regarding EPA Actions

During the past two years, EPA has proposed and promulgated numerous regulations implementing provisions of the 12 primary federal pollution control statutes enacted by Congress. Many stakeholders and some Members of Congress have expressed concerns that the agency has been reaching beyond the authority given it by Congress and ignoring or underestimating the costs and economic impacts of proposed and promulgated rules. EPA and others counter that these actions are consistent with statutory mandates and in some cases compelled by court ruling, the pace in many ways is slower than a decade ago, and that cost and benefits are appropriately evaluated.¹²

Recently promulgated and pending actions under the Clean Air Act, in particular EPA controls on emissions of greenhouse gases and efforts to address conventional pollutants from a number of industries, have received much of the attention. Several actions under the Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act (RCRA), Federal Insecticide, Fungicide and Rodenticide (FIFRA), and the Toxics Substance Control Act (TSCA), have also

¹² CRS Report R41561, *EPA Regulations: Too Much, Too Little, or On Track?*, by James E. McCarthy and Claudia Copeland, examines 43 major or controversial regulatory actions taken by or under development at EPA since January 2009, providing details on the regulatory action itself, presenting an estimated timeline for completion of the rule (including identification of related court or statutory deadlines where known), and, in general, providing EPA's estimates of costs and benefits when available. The report also discusses factors that affect the timeframe in which regulations take effect.

received some attention. A number of these issues were the focus of considerable debate which resulted in nearly 30 provisions included in H.R. 2584 as reported by the House Appropriations Committee. The House-reported provisions, if enacted, generally would restrict or prohibit use of funds as appropriated in the bill for certain EPA regulatory actions. As not all the terms and activities contained within the provisions are explicitly defined in H.R. 2584, the scope of the effects of many of the provisions are subject to interpretation and therefore neither definitions or potential impacts are inferred in this report.

Although some provisions associated with EPA programs of H.R. 2584 as reported, were included under the “Environmental Protection Agency Administrative Provisions” following the proposed funding for each of the appropriations accounts in title II , but most were in the “General Provisions” in Title IV. Further, Title V of the House Committee-reported bill, “Reducing Regulatory Burdens Act of 2011,” included amendments to the Clean Water Act and the Federal Insecticide, Rodenticide, and Fungicide Act in response to EPA’s consideration of requiring permits under the Clean Water Act for point source discharges of pesticides in or near U.S. waters. Title V of H.R. 2584 is identical to provisions contained in H.R. 872 as passed by the House March 31, 2011.¹³

The provisions presented in the following tables are categorized in this report by general program areas, that is, air quality and climate change, water quality, and waste management. Related provisions that are under the jurisdiction of agencies other than EPA are listed separately in **Table 8**. The tables contain information about the provisions including the associated sections of the bill, and those that were amendments adopted during full-committee markup if applicable. H.R. 1, the FY2011 Full-Year Continuing resolution passed by the House February 19, 2011, included more than 20 provisions that would have similarly restricted and prohibited the use of FY2011 funds to implement a EPA regulatory activities.¹⁴ These provision were not included in the final FY2011 appropriations law (P.L. 112-10) enacted April 15, 2011. Those provisions contained in H.R. 2584 as reported that are similar or the same as provisions included in H.R. 1 as passed by the House February 19, 2011, are denoted in the first column of each of the following tables.¹⁵

¹³ See CRS Report RL32884, *Pesticide Use and Water Quality: Are the Laws Complementary or in Conflict?*, by Claudia Copeland.

¹⁴ For an overview of funding levels and provisions contained in House-passed H.R. 1 and S.Amdt. 149, and a comparison with the FY2011 requested and FY2010 enacted funding levels, see CRS Report R41698, *H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions*, by Robert Esworthy.

¹⁵ There are also provisions that were proposed in H.R. 1 for which there are no comparable provision in H.R. 2584 as reported. For a more detailed overview of the EPA provisions included in House-passed H.R. 1 see CRS Report R41698, *H.R. 1 Full-Year FY2011 Continuing Resolution: Overview of Environmental Protection Agency (EPA) Provisions*, by Robert Esworthy

Table 2. EPA Air Quality, Climate Change, and Greenhouse Gas Emissions Program Activities Provisions

EPA Activity/Program Description	Section	Bill text	House Action
Climate change reporting use of funds (all federal departments and agencies)	Sec. 426. Title IV REPORT ON CLIMATE CHANGE FUNDS	“Not later than 120 days after the date on which the President’s fiscal year 2013 budget request is submitted to Congress, the President shall submit a comprehensive report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency funding, domestic and international, for climate change programs, projects and activities in fiscal year 2011 and fiscal year 2012, including an accounting of funding by agency with each agency identifying climate change programs, projects and activities and associated costs by line item as presented in the President’s Budget Appendix, and including citations and linkages where practicable to each strategic plan that is driving funding within each climate change program, project and activity listed in the report.”	Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.
Greenhouse gas emissions: manure mgt.	Sec. 429. Title IV GREENHOUSE GAS REPORTING RESTRICTIONS	“ Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.”	Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.
Greenhouse gas emissions: stationary sources Titles I and VI of the Clean Air Act (42 U.S.C. 7401 et seq., and 42 U.S.C. 7671 et seq.) (See Sec. 1746 of Title VII in Division B, and Sec. 4015 Division D in House-passed H.R. 1)	Sec. 431. Title IV STATIONARY SOURCE GREENHOUSE GAS PROHIBITION	“(a) During the one year period commencing on the date of enactment of this Act-- (1) the Administrator of the Environmental Protection Agency shall not propose or promulgate any regulation regarding the emissions of greenhouse gases from stationary sources to address climate change, except this paragraph does not apply to-- (A) regulations promulgated under title VI of the Clean Air Act (42 U.S.C. 7671 et seq.); or (B) regulations designed to limit or defer existing greenhouse gas regulation of stationary sources; (2) any Federal statutory or regulatory provision requiring a permit (or permit condition) under the Clean Air Act (42 U.S.C. 7401 et seq.) for emissions of greenhouse gases from a stationary source to address climate change shall be of no legal effect; (3) any federally enforceable permit condition for emissions of greenhouse gases from a stationary source to address climate change in a permit under the Clean Air Act (42 U.S.C. 7401 et seq.) issued prior to the date of enactment of this Act shall be of no legal effect; and (4) no cause of action based on Federal or State common law or civil tort (including nuisance) may be brought or maintained, and no liability, money damages, or injunctive	Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.

EPA Activity/Program Description	Air Quality/Climate Change/Greenhouse Gas Emissions Provisions in House Committee-Reported H.R. 2584		
	Section	Bill text	House Action
Greenhouse gas emissions: mobile source emissions Sections 202 and 209(b) of the Clean Air Act (42 U.S.C. 7521 and 42 U.S.C. 7543(b))	Sec. 453. Title IV MOBILE SOURCE EMISSION	<p>relief arising from such an action may be imposed, for--</p> <p>(A) any potential or actual contribution of a greenhouse gas to climate change; or</p> <p>(B) any direct or indirect effect of potential or actual or past, present, or future increases in concentrations of a greenhouse gas.</p> <p>(b) Any permit for a stationary source subject to title I of the Clean Air Act (42 U.S.C. 7401 et seq.) for which an application was submitted prior to the expiration of the one year period commencing on the date of the enactment of this Act (regardless of when such permit is issued) shall not include any federally enforceable condition for greenhouse gas emissions to address climate change.”</p> <p>“None of the funds made available under this Act shall be used-</p> <p>(1) to prepare, propose, promulgate, finalize, implement, or enforce any regulation pursuant to section 202 of the Clean Air Act (42 U.S.C. 7521) regarding the regulation of any greenhouse gas emissions from new motor vehicles or new motor vehicle engines that are manufactured after model year 2016 to address climate change; or</p> <p>(2) to consider or grant a waiver under section 209(b) of such Act (42 U.S.C. 7543(b)) so that a State or political subdivision thereof may adopt or attempt to enforce standards for the control of emissions of any greenhouse gas from new motor vehicles or new motor vehicle engines that are manufactured after model year 2016 to address climate change.”</p>	Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.
Title V of the Clean Air Act (42 U.S.C. 7661 et seq.): livestock production	Sec. 428. Title IV PROHIBITION ON USE OF FUNDS	“Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.”	Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.
Flexible air permitting programs multiple source emissions Section 110 of the Clean Air Act (42 U.S.C. 7410)	Sec. 441. Title IV FLEXIBLE AIR PERMITTING PROGRAMS	<p>“The Administrator of the Environmental Protection Agency--</p> <p>(1) shall take no action (including any rulemaking or enforcement action) to disapprove or prevent implementation of any flexible air permitting program under which emissions from multiple sources may be combined for purposes of determining compliance with an emissions limitation that--</p> <p>(A) has been submitted by a State as a revision to the State implementation plan pursuant to section 110 of the Clean Air</p>	

EPA Activity/Program Description	Air Quality/Climate Change/Greenhouse Gas Emissions Provisions in House Committee-Reported H.R. 2584		
	Section	Bill text	House Action
<p>Clean Air Act permits issued for Outer Continental Shelf Sources Section 328 of the Clean Air Act (42 U.S.C. 7627)</p> <p>(See Sec. 4014 Division D of House-passed H.R. 1)</p>	<p>Sec. 443. Title IV Air EMISSIONS FROM OUTER CONTINENTAL SHELF OPERATIONS</p>	<p>Act (42 U.S.C. 7410); and</p> <p>(B) has been adopted as part of the State implementation plan for such State prior to the date of enactment of this Act; and</p> <p>(2) shall take no enforcement action against the holder of an individual permit issued under an air permitting program described in paragraph (1) based on any disapproval of the program by the Administrator prior to the date of the enactment of this Act.”</p> <p>“(a) Section 328(a)(1) of the Clean Air Act (42 U.S.C. 7627(a)(1)) is amended by inserting before the period at the end of the second sentence the following: ‘, except that any air quality impact of any OCS source shall be measured or modeled, as appropriate, and determined solely with respect to the impacts in the corresponding onshore area’.</p> <p>(b) Section 328(a)(4)(C) of the Clean Air Act (42 U.S.C. 7627(a)(4)(C)) is amended in the matter following clause (iii) by striking ‘shall be considered direct emissions from the OCS source’ and inserting ‘shall be considered direct emissions from the OCS source but shall not be subject to any emission control requirement applicable to the source under subpart I of part C of title I of this Act. For platform or drill ship exploration, an OCS source is established at the point in time when drilling commences at a location and ceases to exist when drilling activity ends at such location or is temporarily interrupted because the platform or drill ship relocates for weather or other reasons’.</p> <p>(c)(1) Section 328 of the Clean Air Act (42 U.S.C. 7627) is amended by adding at the end thereof the following:</p> <p>‘(d) Permit Application- In the case of a completed application for a permit under this Act for platform or drill ship exploration for an OCS source--</p> <p>‘(1) final agency action (including any reconsideration of the issuance or denial of such permit) shall be taken not later than 6 months after the date of filing such completed application;</p> <p>‘(2) the Environmental Appeals Board of the Environmental Protection Agency shall have no authority to consider any matter regarding the consideration, issuance, or denial of such permit;</p> <p>‘(3) no administrative stay of the effectiveness of such permit may extend beyond the date that is 6 months after the date of filing such completed application;</p> <p>‘(4) such final agency action shall be considered to be nationally applicable under section 307(b); and (d).’ ”</p> <p>‘(5) judicial review of such final agency action shall be available only in accordance with section 307(b) without additional administrative review or adjudication.’.</p> <p>(2) Section 328(a)(4) of the Clean Air Act (42 U.S.C. 7627(a)(4)) is amended by striking ‘For purposes of</p>	<p>Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.</p>

EPA Activity/Program Description	Air Quality/Climate Change/Greenhouse Gas Emissions Provisions in House Committee-Reported H.R. 2584		
Section	Bill text	House Action	
<p>Hazardous Air pollutants Portland cement manufacturing (See Sec. 4008 Division D of House-passed H.R. 1)</p>	<p>Sec. 448. Title IV PORTLAND CEMENT</p>	<p>subsections (a) and (b)' and inserting 'For purposes of this subsection and subsections (b) and (d)'." "None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled 'National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants' published by the Environmental Protection Agency on September 9, 2010 (75 Fed. Reg. 54970 et seq.)."</p>	<p>Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.</p>
<p>National ambient air quality standard (NAAQS) applicable to coarse particulate matter. Section 109 of the Clean Air Act (42 U.S.C. 7409) (See Sec. 4048 Division D of House-passed H.R. 1)</p>	<p>Sec. 454. Title IV PARTICULATE MATTER</p>	<p>"None of the funds made available by this Act may be used to modify the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to coarse particulate matter (generally referred to as "PM10") under section 109 of the Clean Air Act (42 U.S.C. 7409)."</p>	<p>Amendment agreed to (29-18) during House Appropriations Committee July 12, 2011, mark-up.</p>
<p>Regulation of ammonia under any national secondary ambient air quality standard for oxides of nitrogen and oxides of sulfur. Section 109 of the Clean Air Act (42 U.S.C. 7409)</p>	<p>Sec. 461. Title IV AMMONIA REGULATION FUNDING PROHIBITION</p>	<p>"None of the funds made available by this Act may be used to regulate ammonia or ammonium under any national secondary ambient air quality standard for oxides of nitrogen and oxides of sulfur promulgated pursuant to section 109 of the Clean Air Act (42 U.S.C. 7409)."</p>	<p>Amendment by voice vote during House Appropriations Committee July 12, 2011, mark-up.</p>
<p>Cumulative impact analysis of multiple EPA regulations and associated actions; primarily those under the Clean Air Act</p>	<p>Sec. 462. Title IV REGULATORY IMPACT ANALYSIS</p>	<p>"(a) Not later than 12 months after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency (in this section referred to as the 'Administrator') shall conduct a study, and submit a report to the Congress, on the cumulative impacts of the following rules, guidelines, and actions: (1) The following published rules (including any successor or substantially similar rule): (A) 'Federal Implementation Plans To Reduce Interstate Transport of Fine Particulate Matter and Ozone', published at 75 Fed. Reg. 45210 (August 2, 2010). (B) 'National Ambient Air Quality Standards for Ozone', published at 75 Fed. Reg. 2938 (January 19, 2010). (C) 'National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters', published at 76 Fed. Reg. 15608 (March 21, 2011).</p>	<p>Amendment agreed to (25-20) during House Appropriations Committee July 12, 2011, mark-up.</p>

EPA Activity/Program Description	Air Quality/Climate Change/Greenhouse Gas Emissions Provisions in House Committee-Reported H.R. 2584		
	Section	Bill text	House Action
		(D) `National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers', published at 76 Fed. Reg. 15554 (March 21, 2011).	
		(E) `National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units', signed by Administrator Lisa P. Jackson on March 16, 2011.	
		(F) `Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities', published at 75 Fed. Reg. 35127 (June 21, 2010).	
		(G) `Primary National Ambient Air Quality Standard for Sulfur Dioxide', published at 75 Fed. Reg. 35520 (June 22, 2010).	
		(H) `Primary National Ambient Air Quality Standards for Nitrogen Dioxide', published at 75 Fed. Reg. 6474 (February 9, 2010).	
		(2) The following additional rules or guidelines promulgated on or after January 1, 2009:	
		(A) Any rule or guideline promulgated under section 111(b) or 111(d) of the Clean Air Act (42 U.S.C. 7411(b), 7411(d)) to address climate change.	
		(B) Any rule or guideline promulgated by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency under or as the result of section 169A or 169B of the Clean Air Act (42 U.S.C. 7491, 7492).	
		(C) Any rule establishing or modifying a national ambient air quality standard under section 109 of the Clean Air Act (42 U.S.C. 7409).	
		(3) Any action on or after January 1, 2009, by the Administrator of the Environmental Protection Agency, a State, a local government, or a permitting agency as a result of the application of part C of title I (relating to prevention of significant deterioration of air quality) or title V (relating to permitting) of the Clean Air Act (42 U.S.C. 7401 et seq.), if such application occurs with respect to an air pollutant that is identified as a greenhouse gas in `Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act', published at 74 Fed. Reg. 66496 (December 15, 2009).	
		(b) In conducting the study under subsection (a), the Administrator shall consider primary and secondary impacts on jobs, costs to ratepayers and consumers, impacts on electric reliability and resource adequacy, impacts to the global economic competitiveness of the United States,	

EPA Activity/Program Description	Air Quality/Climate Change/Greenhouse Gas Emissions Provisions in House Committee-Reported H.R. 2584		
	Section	Bill text	House Action
		<p>impacts on small business, any changes in the fuel mix used in the electric power sector and resulting impacts to the economies of communities and States where those fuels are produced, impacts to the public health and welfare resulting from increased electricity costs, and any other relevant costs.</p> <p>(c) The Administrator shall not take final action with respect to the rule listed in subsection (a)(1)(E) (relating to national emission standards and standards of performance for certain electric generating units) until a date (to be determined by the Administrator) that is at least 6 months after the day on which the Administrator submits the report required by subsection (a).</p> <p>(d) Notwithstanding the final action taken with respect to the rule listed in subsection (a)(1)(A) (relating to Federal implementation plans to reduce interstate transport of fine particulate matter and ozone) and final action (if any) taken with respect to the rule listed in subsection (a)(1)(E) prior to the date of the enactment of this Act--</p> <p>(1) such final action shall not be or become, as applicable, effective until a date (to be determined by the Administrator) that is at least 6 months after the day on which the Administrator submits the report required by subsection (a); and</p> <p>(2) the date for compliance with any standard or requirement in either such finalized rule, and any date for further regulatory action triggered by either such finalized rule, shall be delayed by a period equal to the period--</p> <p>(A) beginning on the date of the publication of the final action for the respective finalized rule; and</p> <p>(B) ending on the date on which such final action becomes effective pursuant to paragraph (1).</p> <p>(e) Notwithstanding any other provision of law, the Administrator shall continue to implement the Clean Air Interstate Rule and the rule establishing Federal Implementation Plans for the Clean Air Interstate Rule as promulgated and modified by the Administrator of the Environmental Protection Agency (70 Fed. Reg. 25162 (May 12, 2005), 71 Fed. Reg. 25288 (April 28, 2006), 71 Fed. Reg. 25328 (April 28, 2006), 72 Fed. Reg. 59190 (Oct. 19, 2007), 72 Fed. Reg. 62338 (Nov. 2, 2007), 74 Fed. Reg. 56721 (Nov. 3, 2009)) until the date on which final action with respect to the rule listed in subsection (a)(1)(A) becomes effective pursuant to subsection (d)(1)."</p>	

Source: Prepared by CRS based on provisions as contained in H.R. 2584, Interior, Environment and Related Agencies Subcommittee FY2012 appropriations draft bill, July 5, 2011, http://appropriations.house.gov/UploadedFiles/INTERIOR-FY2012_-_Working_v20_xml.pdf, and adopted amendments as reported by the House Appropriations Committee following the July 12, 2011, full-committee markup of the Subcommittee draft bill, http://appropriations.house.gov/UploadedFiles/Amendments_Adopted_to_Interior.pdf.

Table 3. EPA Water Quality Program Activities Provisions

EPA Activity/Program Description	Water Quality Program Activities Provisions Included in House Committee-Reported H.R. 2584	House Action
Section	Bill text	House Action
Surface coal mining Clean Water Act guidance (See Sec. 4039 Division D of House-passed H.R. 1)	Sec. 433. Title IV ENHANCED COORDINATION RESTRICTIONS “None of the funds made available by this Act to the Environmental Protection Agency, the Corps of Engineers, or the Office of Surface Mining Reclamation and Enforcement may be used to carry out, implement, administer, or enforce any policy or procedure set forth in - (1) the memorandum issued by the Environmental Protection Agency and Department of the Army entitled ‘Enhanced Surface Coal Mining Pending Permit Coordination Procedures’, dated June 11, 2009; or (2) the guidance (or any revised version thereof) issued by the Environmental Protection Agency entitled ‘Improving EPA Review of Appalachian Surface Coal Mining Operations under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order’, dated April 1, 2010.”	Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.
Definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (See Sec. 1747 Title VII Division B of House-passed H.R. 1)	Sec. 435. Title IV WATERS OF THE UNITED STATES “None of the funds made available by this Act or any subsequent Act making appropriations for the Environmental Protection Agency may be used by the Environmental Protection Agency to develop, adopt, implement, administer, or enforce a change or supplement to the rule dated November 13, 1986, or guidance documents dated January 15, 2003, and December 2, 2008, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)”	Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.
Sec. 316(b) of the Federal Water Pollution Control Act (33 U.S.C. 1312(b))	Sec. 436. Title IV THERMAL DISCHARGES “None of the funds made available by this Act or any other Act shall be used to further develop, finalize, implement, or enforce the proposed regulatory requirements issued by the Environmental Protection Agency and published for public comment in the Federal Register on April 20, 2011 (76 Fed. Reg. 22,174); or to develop or enforce any other new regulations or requirements designed to implement section 316(b) of the Federal Water Pollution Control Act (33 U.S.C. 1312 (b)).”	Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.
Sec. 402(l) of the Federal Water Pollution Control Act (33 U.S.C. 1342(l))	Sec. 438. Title IV SILVICULTURAL ACTIVITIES “Section 402(l) of the Federal Water Pollution Control Act (33 U.S.C. 1342(l)) is amended by adding at the end the following: (3) SILVICULTURAL ACTIVITIES- The Administrator shall not require a permit under this section, nor shall the Administrator directly or indirectly require any State to require a permit, for discharges of stormwater runoff from roads, the construction, use, or maintenance of which are associated with silvicultural activities, or from other silvicultural activities involving nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, or surface drainage.”	Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.

EPA Activity/Program Description	Water Quality Program Activities Provisions Included in House Committee-Reported H.R. 2584	House Action
Section	Bill text	House Action
Sec. 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p))	<p>Sec. 439. Title IV STORMWATER DISCHARGE</p> <p>“None of the funds made available by this Act or any other Act may be expended for the development, adoption, implementation, or enforcement of regulations or guidance that would expand the Federal stormwater discharge program under section 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)) to post-construction commercial or residential properties until 90 days after the Administrator of the Environmental Protection Agency submits to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate the study of stormwater discharges required under section 402(p)(5) of such Act (33 U.S.C. 1342(p)(5)). Such study shall include--</p> <p>(1) a thorough review and analysis of potential regulatory options under the stormwater program;</p> <p>(2) the program's anticipated costs (including to the Environmental Protection Agency, States, and potentially regulated entities) and benefits; and</p> <p>(3) a numerical identification of both relative cost effectiveness among the options and the anticipated water quality enhancements that would result from each option.”</p>	Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.
Florida lakes and flowing waters (See Sec. 4035 Division D of House-passed H.R. 1)	<p>Sec. 452. Title IV WATER QUALITY STANDARDS</p> <p>“None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled ‘Water Quality Standards for the State of Florida’s Lakes and Flowing Waters’ published in the Federal Register by the Environmental Protection Agency on December 6, 2010 (75 Fed. Reg. 75762 et seq).”</p>	Amendment by voice vote during House Appropriations Committee July 12, 2011, mark-up.
Wetlands designations in emergencies	<p>Sec. 456. Title IV WETLAND DESIGNATIONS IN EMERGENCIES</p> <p>“None of the funds made available in this Act may be used to delineate new wetlands in any county included in a major disaster declaration as a result of flooding in the year 2011 for purposes of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).”</p>	Amendment by voice vote during House Appropriations Committee July 12, 2011, mark-up.
Great Lakes ballast water management regulations section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341)	<p>Sec. 459. Title IV BALLAST WATER REGULATION</p> <p>“(a) Prohibition- None of the funds made available by this Act for the Environmental Protection Agency shall be provided to any State that--</p> <p>(1) is adjacent to one or more of the Great Lakes; and</p> <p>(2) has in effect a certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341) or a State permit requirement that imposes on vessels that discharge ballast water into, take in ballast water from, or transit that State's waters a performance standard for ballast water management systems, or a ballast water exchange standard, which the Commandant of the Coast Guard determines is more stringent than the following standards:</p> <p>(A) Coast Guard regulations that have been placed into</p>	Amendment by voice vote during House Appropriations Committee July 12, 2011, mark-up.

EPA Activity/Program Description	Water Quality Program Activities Provisions Included in House Committee-Reported H.R. 2584		
	Section	Bill text	House Action
		<p>effect after the date of enactment of this Act regarding standards for living organisms in ships' ballast water discharged in United States waters from vessels and regarding vessel open water ballast water exchange.</p> <p>(B) Only to the extent that the regulations described in subparagraph (A) are not in effect, the standards for the control and management of ship's ballast water and sediment adopted by the International Maritime Organization as of the date of enactment of this Act.</p> <p>(b) Definitions- In this section:</p> <p>(1) The term 'Great Lakes' has the same meaning given that term in section 118(a) of the Federal Water Pollution Control Act (33 U.S.C. 1268(a)).</p> <p>(2) The term 'is more stringent than' means one or more of the following:</p> <p>(A) Includes a higher percentage efficiency of volumetric exchange of ballast water.</p> <p>(B) Includes a higher relative volume of pumping throughput for ballast water exchange.</p> <p>(C) Requires a greater distance from the nearest land or a greater depth of water for conducting ballast water exchange.</p> <p>(D) Includes a ballast water management performance standard that requires a lower concentration of viable organisms.</p> <p>(E) Includes a ballast water management performance standard that requires a smaller minimum dimension of viable organisms.</p> <p>(F) Includes a ballast water management performance standard that includes additional indicator microbes.</p> <p>(G) Includes an earlier deadline for meeting a ballast water management performance standard or a ballast water exchange standard.</p> <p>(H) Precludes the use of one or more ballast water treatment technologies approved through the applicable requirement described in subparagraphs (A) or (B) of subsection (a)(2).</p> <p>(I) Requires the use of one or more ballast water treatment technologies not approved by the applicable requirement described in subparagraphs (A) or (B) of subsection (a)(2)."</p>	
Pesticide use permit requirements under the Clean Water Act, section 402 of the Federal Water Pollution Control Act	Title V REDUCING REGULATORY BURDENS ACT OF 2011	<p>"SEC. 501. SHORT TITLE. This title may be cited as the 'Reducing Regulatory Burdens Act of 2011'.</p> <p>SEC. 502. USE OF AUTHORIZED PESTICIDES.</p> <p>Section 3(f) of the Federal Insecticide, Fungicide, and</p>	Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and

EPA Activity/Program Description	Water Quality Program Activities Provisions Included in House Committee-Reported H.R. 2584		
	Section	Bill text	House Action
(33 U.S.C. 1342), and pesticide use under section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) (see also Table 7 .)		<p>Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:</p> <p>`(5) USE OF AUTHORIZED PESTICIDES- Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide.'</p> <p>SEC. 503. DISCHARGES OF PESTICIDES.</p> <p>Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:</p> <p>`(s) Discharges of Pesticides-</p> <p>`(1) NO PERMIT REQUIREMENT- Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.</p> <p>`(2) EXCEPTIONS- Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:</p> <p>`(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if--</p> <p>`(i) the discharge would not have occurred but for the violation; or</p> <p>`(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.</p> <p>`(B) Stormwater discharges subject to regulation under subsection (p).</p> <p>`(C) The following discharges subject to regulation under this section:</p> <p>`(i) Manufacturing or industrial effluent.</p> <p>`(ii) Treatment works effluent.</p> <p>`(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention."</p>	Related Agencies Appropriations Subcommittee.

Source: Prepared by CRS based on provisions as contained in H.R. 2584, Interior, Environment and Related Agencies Subcommittee FY2012 appropriations draft bill, July 5, 2011, http://appropriations.house.gov/UploadedFiles/INTERIOR-FY2012_-_Working_v20_xml.pdf, and adopted amendments as reported by the House

Appropriations Committee following the July 12, 2011, full-committee markup of the Subcommittee draft bill, http://appropriations.house.gov/UploadedFiles/Amendments_Adopted_to_Interior.pdf.

Table 4. EPA Hazardous Waste Program Activities

EPA Activity/Program Description	Hazardous Waste Program Activities: Provisions Included in House Committee-Reported H.R. 2584		
	Section	Bill text	House Action
Fossil fuel combustion waste, subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) (See Sec 4045 Division D of House-passed H.R. 1)	Sec. 434. Title IV COAL COMBUSTION ASH	“None of the funds made available by this Act may be used by the Environmental Protection Agency to develop, propose, finalize, implement, administer, or enforce any regulation that identifies or lists fossil fuel combustion waste as hazardous waste subject to regulation under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) or otherwise makes fossil fuel combustion waste subject to regulation under such subtitle.”	Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.

Source: Prepared by CRS based on provisions as contained in H.R. 2584, Interior, Environment and Related Agencies Subcommittee FY2012 appropriations draft bill, July 5, 2011, http://appropriations.house.gov/UploadedFiles/INTERIOR-FY2012_-_Working_v20_xml.pdf, and adopted amendments as reported by the House Appropriations Committee following the July 12, 2011, full-committee markup of the Subcommittee draft bill, http://appropriations.house.gov/UploadedFiles/Amendments_Adopted_to_Interior.pdf.

Table 5. EPA Superfund Program Provisions

EPA Activity/Program Description	EPA Superfund Program: Provisions Included in House Committee-Reported H.R. 2584		
	Section	Bill text	House Action
Superfund cleanup financial responsibility requirements Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9608(b))	Sec. 455. Title IV FINANCIAL ASSURANCE	“None of the funds made available by this Act may be used to develop, propose, finalize, implement, enforce, or administer any regulation that would establish new financial responsibility requirements pursuant to section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9608(b)).”	Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.

Source: Prepared by CRS based on provisions as contained in H.R. 2584, Interior, Environment and Related Agencies Subcommittee FY2012 appropriations draft bill, July 5, 2011, http://appropriations.house.gov/UploadedFiles/INTERIOR-FY2012_-_Working_v20_xml.pdf, and adopted amendments as reported by the House Appropriations Committee following the July 12, 2011, full-committee markup of the Subcommittee draft bill, http://appropriations.house.gov/UploadedFiles/Amendments_Adopted_to_Interior.pdf.

Table 6. EPA Toxic Chemical Regulatory Programs

EPA Activity/Program Description	Toxic Chemical Regulatory Programs Provisions Included in House Committee-Reported H.R. 2584		
	Section	Bill text	House Action
Integrated Risk Information System (IRIS) Assessment of Formaldehyde	Sec. 444. Title IV INTEGRATED RISK INFORMATION SYSTEM (IRIS)	<p>(a) The Administrator of the Environmental Protection Agency (EPA)--</p> <p>(1) shall immediately implement improvements in the IRIS program in accordance with the recommendations of Chapter 7 of the National Research Council's Review of the Environmental Protection Agency's Draft IRIS Assessment of Formaldehyde;</p> <p>(2) shall provide a report to the authorizing and appropriating Committees of the House of Representatives and Senate by December 1, 2011 describing how such recommendations have been implemented for--</p> <p>(A) each of the existing assessments currently underway; and</p> <p>(B) any new assessments.</p> <p>(3) shall not use any funds to take any administrative action based on any draft or final assessment that is not based on--</p> <p>(A) improvements implemented in the IRIS program in accordance with the recommendations of Chapter 7 of the National Research Council's Review of the Environmental Protection Agency's Draft IRIS Assessment of Formaldehyde; and</p> <p>(B) demonstration of such implementation by documentation of the activities taken to implement the recommendations.</p> <p>(b)(1) Utilizing funds appropriated in this Act, the Administrator shall within 90 days arrange for the National Academy of Sciences to review the EPA report required by section (a)(2). The Academy's review shall assess the scientific, technical, and process changes being implemented or planned by EPA in the IRIS program and shall recommend modifications or additions to these changes as appropriate to improve substantially the scientific and technical performance of the IRIS program. The Academy shall also identify a representative sample of up to three specific IRIS assessments nearing completion that could be reviewed to evaluate the results of the changes being implemented by the EPA.</p> <p>(2) Utilizing funds appropriated in this Act, the Administrator shall arrange for the National Academy of Sciences to perform a scientific and technical review of up to three IRIS assessments based on the recommendation of the Academy in the review provided</p>	Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.

EPA Activity/Program Description	Toxic Chemical Regulatory Programs Provisions Included in House Committee-Reported H.R. 2584		
	Section	Bill text	House Action
		for in subsection (b)(1). (c) No funds in this Act shall be available for expenditure by EPA for further action of any kind on any proposed rule, regulation, guidance, goal, or permit, issued after May 21, 2009 that solicited comment on a proposal that, if finalized, would result, based on application of EPA exposure assumptions, in the lowering or further lowering of any exposure level that would be within or below background concentration levels in ambient air, public drinking water sources, soil, or sediment.	
Lead Renovation, Repair, and Painting Rule'	Sec. 450. Title IV LEAD TEST KIT	"None of the funds made available by this Act may be used to implement or enforce regulations under subpart E of part 745 of title 40, Code of Federal Regulations (commonly known as the 'Lead; Renovation, Repair, and Painting Rule'), or any subsequent amendments to such regulations, until the Administrator of the Environmental Protection Agency publicizes Environmental Protection Agency recognition of a commercially-available lead test kit that meets both criteria under section 745.88(c) of title 40, Code of Federal Regulations."	Amendment by voice vote during House Appropriations Committee July 12, 2011, mark-up.

Source: Prepared by CRS based on provisions as contained in H.R. 2584, Interior, Environment and Related Agencies Subcommittee FY2012 appropriations draft bill, July 5, 2011, http://appropriations.house.gov/UploadedFiles/INTERIOR-FY2012_-_Working_v20_xml.pdf, and adopted amendments as reported by the House Appropriations Committee following the July 12, 2011, full-committee markup of the Subcommittee draft bill, http://appropriations.house.gov/UploadedFiles/Amendments_Adopted_to_Interior.pdf.

Table 7. EPA Pesticide Programs Provisions

EPA Activity/Program Description	Pesticide Programs: Provisions Included in House Committee-Reported H.R. 2584		
	Section	Bill text	House Action
Pesticide Label requirements under FIFRA	Sec. 406. Title IV PESTICIDE LABELS	"None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to finalize the Proposed Guidance on False or Misleading Pesticide Product Brand Names, as contained in Draft Pesticide Registration Notice 2010-X (Docket ID EPA-HQ-OPP-2010-0282)."	Amendment by voice vote during House Appropriations Committee July 12, 2011, mark-up.
Pesticide registration under FIFRA and NEPA requirements	Sec. 447. Title IV BIOLOGICAL OPINIONS	"None of the funds made available by this Act may be used to modify, cancel, or suspend the registration of a pesticide registered or reregistered under section 3 or 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a, 136a-1) in response to a final biological opinion or other written statement issued under section 7(b) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b))."	Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.
Pesticide use under section 3(f) of the Federal Insecticide,	Title V REDUCING REGULATORY	SEC. 501. SHORT TITLE. This title may be cited as the 'Reducing Regulatory Burdens Act of 2011'.	Included in FY2012 draft appropriations bill as approved by

EPA Activity/Program Description	Pesticide Programs: Provisions Included in House Committee-Reported H.R. 2584		
	Section	Bill text	House Action
Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)), and related permit requirements under the Clean Water Act, section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) see also Table 3)	BURDENS ACT OF 2011	<p>SEC. 502. USE OF AUTHORIZED PESTICIDES.</p> <p>Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:</p> <p>“(5) USE OF AUTHORIZED PESTICIDES- Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide.”</p> <p>SEC. 503. DISCHARGES OF PESTICIDES.</p> <p>Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:</p> <p>“(s) Discharges of Pesticides-</p> <p>“(1) NO PERMIT REQUIREMENT- Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.</p> <p>“(2) EXCEPTIONS- Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:</p> <p>“(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if--</p> <p>“(i) the discharge would not have occurred but for the violation; or</p> <p>“(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.</p> <p>“(B) Stormwater discharges subject to regulation under subsection (p).</p> <p>“(C) The following discharges subject to regulation under this section:</p> <p>“(i) Manufacturing or industrial effluent.</p> <p>“(ii) Treatment works effluent.</p> <p>“(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.”</p>	House Interior, Environmental and Related Agencies Appropriations Subcommittee.

Source: Prepared by CRS based on provisions as contained in H.R. 2584, Interior, Environment and Related Agencies Subcommittee FY2012 appropriations draft bill, July 5, 2011, http://appropriations.house.gov/UploadedFiles/INTERIOR-FY2012_-_Working_v20_xml.pdf, and adopted amendments as reported by the House Appropriations Committee following the July 12, 2011, full-committee markup of the Subcommittee draft bill, http://appropriations.house.gov/UploadedFiles/Amendments_Adopted_to_Interior.pdf.

Table 8. Related Provisions Not Under EPA's Jurisdiction

EPA Activity/Program Description	Related Provisions Not Under EPA's Jurisdiction Included in House Committee-Reported H.R. 2584		
	Section	Bill text	House Action
Office of Mining Reclamation and Enforcement, Dept. of the Interior stream buffer zone (Not EPA) (See Sec. 4032 Division D of House-passed H.R. 1)	Sec. 432. Title IV STREAM BUFFERS	"None of the funds made available by this Act may be used to develop, carry out, implement, or otherwise enforce proposed regulations published June 18, 2010 (75 Fed. Reg. 34,667) by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior."	Included in FY2012 draft appropriations bill as approved by House Interior, Environmental and Related Agencies Appropriations Subcommittee.

Source: Prepared by CRS based on provisions as contained in H.R. 2584, Interior, Environment and Related Agencies Subcommittee FY2012 appropriations draft bill, July 5, 2011, http://appropriations.house.gov/UploadedFiles/INTERIOR-FY2012_-_Working_v20_xml.pdf, and adopted amendments as reported by the House Appropriations Committee following the July 12, 2011, full-committee markup of the Subcommittee draft bill, http://appropriations.house.gov/UploadedFiles/Amendments_Adopted_to_Interior.pdf.

Appendix. EPA Enacted Appropriations FY2008-FY2011

Since FY1996, EPA's appropriations have been requested by the Administration and appropriated by Congress within eight statutory appropriations accounts.¹⁶ **Table A-1** identifies the amounts for the appropriations enacted by Congress for FY2008 through FY2011 for these accounts. The table identifies transfers of funds between these accounts, and funding levels for several grant program areas within the State and Tribal Assistance Grants (STAG) account that have received more prominent attention during these fiscal years. The enacted amounts presented in **Table A-1** are based on most recent information available from House, Senate, or conference committee reports accompanying the annual appropriations bills that fund EPA.

**Table A-1. Appropriations for the Environmental Protection Agency:
FY2008-FY2011 Enacted**
(millions of dollars)

	FY2008 P.L. 110-161	FY2009 Omnibus P.L. 111-8	FY2009 Total Incl. ARRA P.L. 111-5	FY2010 P.L. 111-88	FY2011 P.L. 112-10	FY2012 House Comm.- Reported H.R. 2584 Title II
Science and Technology						
—Base Appropriations	\$760.1	\$790.1	\$790.1	\$848.1 ^a	\$813.5	\$754.6
—Transfer in from Superfund	+\$25.7	+\$26.4	+\$26.4	+\$26.8	+\$26.8	+\$23.0
Science and Technology Total	\$785.8	\$816.5	\$816.5	\$874.9	\$840.3	\$777.6
Environmental Programs and Management	\$2,328.0	\$2,392.1	\$2,392.1	\$2,993.8	\$2,756.5	\$2,498.4
Office of Inspector General						
—Base Appropriations	\$41.1	\$44.8	\$64.8	\$44.8	\$44.7	\$41.1
—Transfer in from Superfund	+\$11.5	+\$10.0	+\$10.0	+\$10.0	+\$10.0	+\$10.0
Office of Inspector General Total	\$52.6	\$54.8	\$74.8	\$54.8	\$54.7	\$51.1
Buildings & Facilities	\$34.3	\$35.0	\$35.0	\$37.0	\$36.4	\$36.4
Hazardous Substance Superfund (before transfers)	\$1,254.0	\$1,285.0	\$1,885.0	\$1,306.5	\$1,280.9	\$1,224.3
—Transfer out to Office of Inspector General	-\$11.5	-\$10.0	-\$10.0	-\$10.0	-\$10.0	-\$10.0
—Transfer out to Science and Technology	-\$25.7	-\$26.4	-\$26.4	-\$26.8	-\$26.8	-\$23.0
Hazardous Substance Superfund (after transfers)	\$1,216.8	\$1,248.6	\$1,848.6	\$1,269.7	\$1,244.2	\$1,191.3
Leaking Underground Storage Tank Trust Fund Program	\$105.8	\$112.6	\$312.6	\$113.1	\$112.9	\$105.7

¹⁶ Prior to FY1996, Congress appropriated funding for EPA under a different account structure, making it difficult to equitably compare past funding levels by account over the history of the agency.

	FY2008 P.L. 110-161	FY2009 Omnibus P.L. 111-8	FY2009 Total Incl. ARRA P.L. 111-5	FY2010 P.L. 111-88	FY2011 P.L. 112-10	FY2012 House Comm.- Reported H.R. 2584 Title II
Oil Spill Response	\$17.1	\$17.7	\$17.7	\$18.4	\$18.3	\$18.3
State and Tribal Assistance Grants (STAG)						
—Clean Water State Revolving Fund	\$689.1	\$689.1	\$4,689.1	\$2,100.0	\$1,522.0	\$689.0
—Drinking Water State Revolving Fund	\$829.0	\$829.0	\$2,829.0	\$1,387.0	\$963.0	\$829.0
—Special (Congressional) Project Grants	\$132.9	\$145.0	\$145.0	\$156.8	\$0.0	\$0.0
—Categorical Grants	\$1,078.3	\$1,094.9	\$1,094.9	\$1,116.4	\$1,104.2	\$1,002.4
—Brownfields Section 104(k) Grants	\$93.5	\$97.0	\$197.0	\$100.0	\$99.8	\$60.0
—Diesel Emission Reduction Grants	\$49.2	\$60.0	\$360.0	\$60.0	\$49.9	\$30.0
—Other State and Tribal Assistance Grants	\$54.2	\$53.5	\$53.5	\$50.0	\$20.0	\$0.0
State and Tribal Assistance Grants Total	\$2,926.2	\$2,968.5	\$9,368.5	\$4,970.2	\$3,758.9	\$2,610.4
Rescissions (various EPA accounts) ^b	-\$5.0	-\$10.0	-\$10.0	-\$40.0	-\$140.0	-\$140.0
Total EPA Accounts	\$7,461.5	\$7,635.7	\$14,855.7	\$10,291.9^a	\$8,682.1	\$7,149.2

Source: Prepared by CRS using the most recent information available from House, Senate, or conference committee reports accompanying the annual appropriations bills that fund EPA and Administration budget documents, including the President's annual budget requests as presented by OMB, and EPA's accompanying annual congressional budget justifications. "ARRA" refers to the American Recovery and Reinvestment Act of 2009 (P.L. 111-5). The ARRA amounts do not reflect rescission of unobligated balances as per P.L. 111-226. Numbers may not add due to rounding.

- a. The amounts presented for the FY2010 base appropriations for the S&T account and the EPA total include \$2.0 million in supplemental appropriations for research of the potential long-term human health and environmental risks and impacts from the releases of crude oil, and the application of chemical dispersants and other mitigation measures under P.L. 111-212, Title II.
- b. The rescissions are from unobligated balances from funds appropriated in prior years, and made available for expenditure in a later year. In effect, these "rescissions" increase the availability of funds for expenditure by the agency in the years in which they are applied, functioning as an offset to new appropriations by Congress.

Author Contact Information

Robert Esworthy
Specialist in Environmental Policy
resworthy@crs.loc.gov, 7-7236