



Resetting the Course of EPA

Recommendations from the Environmental Protection Network

August 2020

Dedication

This project is dedicated to the late William Ruckelshaus, the first Administrator of EPA, who was the embodiment of integrity, competence, and professionalism in public service. He served as Administrator from 1970 to 1973 and returned to EPA in 1983 to restore EPA’s credibility, morale, and commitment to its mission in the wake of mismanagement and malfeasance. He is a source of inspiration and excellence to those in public service everywhere.

Acknowledgements

We wish to thank the more than 100 volunteers from the [Environmental Protection Network](https://environmentalprotectionnetwork.org) who contributed their time and expertise to write this report and its recommendations. We also wish to thank our generous EPN donors and supporters.

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Executive Summary

EPA faces major challenges in an era of rapid and profound change that is deeply affecting human health and the natural environment. It is time to look forward and reset the course of the Environmental Protection Agency (EPA) to address the most significant and pervasive threats to public health and our environment.

The [Environmental Protection Network](http://www.environmentalprotectionnetwork.org) (EPN), a bipartisan network of more than 500 former EPA career employees and political appointees across the country who served under multiple Democratic and Republican administrations, has compiled this report to help inform EPA leadership with specific and actionable recommendations. In addition to the high-level summaries of recommendations contained in this report, EPN has created more detailed papers that can be found at www.environmentalprotectionnetwork.org/reset.

We strongly believe that EPA should recommit to its mission of protecting public health and the environment and set a course toward a new vision for the agency as it confronts pressing needs—from addressing environmental risks and inequities to vigorously confronting climate change.

The following six priorities are critical to creating a renewed EPA:

1. EPA must reaffirm its commitment to fully protect public health and the environment.
2. EPA must conduct its scientific and economic analysis free from political interference.
3. EPA must incorporate environmental justice in every aspect of its work in order to address and resolve inequitable environmental conditions.
4. EPA must focus on the most significant and pervasive public health and environmental risks, prioritizing actions that provide the greatest health benefit for the greatest number of people, including vulnerable populations.
5. EPA must innovate and collaborate with states, tribes, local governments, and federal agencies as co-regulators, as well as with stakeholders, including the private and non-profit sectors and community groups, to build an effective and resilient system of public health and environmental protections.
6. EPA must earn and maintain broad public trust by demonstrating the best ethical behavior, transparently considering all stakeholder viewpoints, and providing objective environmental information.

Protecting public health in the 21st century also requires a forward-looking budget to give EPA, states, and tribes the resources they need to meet the needs of a growing population exposed to an expanding set of environmental risks. EPA’s budget has been eroding for many years (see chart on the following page).

In real dollars, EPA’s budget was more than 50% higher under President Ronald Reagan than it is today. States, which depend on EPA for more than 25% of their environmental operating budgets, have likewise faced declining resources. Forty states reduced environmental staffing over the last decade.

In spite of the challenges facing the agency, we fully agree with the hopeful views of former EPA Administrators, serving both Democratic and Republican administrations, who have issued a letter accompanying this report.

They write:

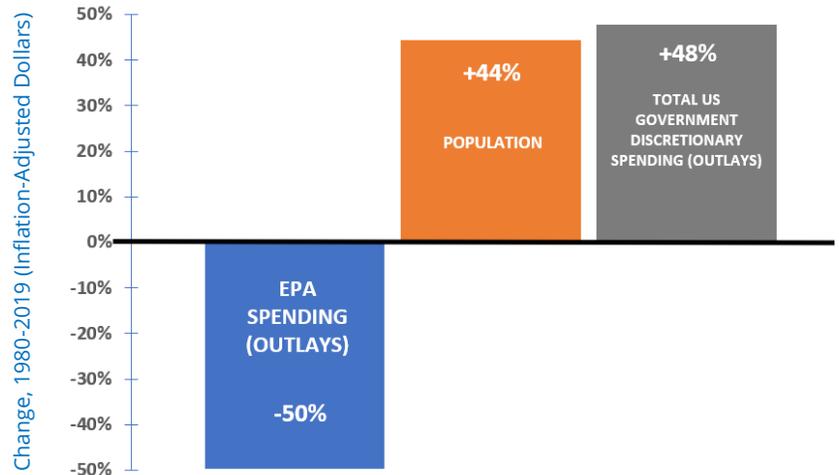
"EPA has a strong foundation on which to build. Capable and talented staff are ready to answer the call. They have labored in good faith across administrations of both parties to fulfill EPA's mission by following the law, applying the best available science, and displaying openness and transparency with the public."

The professionalism, expertise, and commitment of staff have been fundamental ingredients of EPA's most successful endeavors and will once again serve EPA leadership well in resetting the agency's course.

Although we have provided many recommendations, there is no single roadmap for the way forward. We look forward to collaborating with others to advance the dialogue around the future of EPA and set ideas into motion that will better protect the health and well-being of everyone.

Please contact us at reset@environmentalprotectionnetwork.org.

In Real Dollars, EPA Spending Has Been Cut in Half Since 1980



Sources: OMB, [Historical Tables](#), "Table 4.1—Outlays by Agency: 1962–2025" (adjusted to real dollars using U.S. Bureau of Economic Analysis' [implicit price deflator](#)); "Table 8.8 – Outlays for Discretionary Programs."

EPN's recommendations for resetting the course of EPA are organized as follows:

- ❖ [EPA Core Values](#)
- ❖ [Budget and Workforce](#)
- ❖ [Drinking Water](#) and the [Nation's Waters](#)
- ❖ [Science](#) and [Economics](#)
- ❖ [Environmental Enforcement](#)
- ❖ [Toxics, Pesticides, and Superfund](#)
- ❖ [Environmental Justice](#)
- ❖ Air Emissions from [Mobile](#) and [Stationary Sources](#)
- ❖ [International Cooperation](#)
- ❖ [Collaboration](#) and [Innovation](#)

Strengthening EPA’s Credibility

Confidence in government has been on the wane for decades, which has undermined EPA efforts over many years to fulfill its mission to protect people’s health and the environment. Actions during the Trump administration have further decreased public confidence in the agency’s credibility, undercut its historic dedication to high ethical standards, and affected employee morale. Early steps by EPA leadership to reaffirm the core values and practices that have served the agency over 50 years will be critical to rebuilding confidence in EPA.

Recommendations

1. **Commit EPA to its historic mission and ethical principles.** First and foremost, leadership should publicly reaffirm a fundamental commitment to EPA’s core mission of protecting human health and the environment, and the agency’s dedication to high ethical standards. In fulfilling its mission, EPA should prioritize its commitment to communities that suffer disproportionate environmental burdens.
2. **Build morale, expertise, and institutional knowledge.** Leadership should commit to valuing the input of career staff at all levels, which is essential to turning the agency around. It should make early efforts to build trust between political appointees and career staff, especially senior career officials on staff during the prior administration. EPA should make a renewed commitment to diversity and inclusion in all aspects of EPA’s work, which will be important in building trust and improving morale.
3. **Build accountability, credibility, and transparency.** EPA is most effective when managers and employees are clear and transparent about the bases of their decisions and listen to all stakeholder viewpoints. Leadership should begin by conducting business in accordance with the longstanding policy to “operate in a fishbowl.”
4. **Increase public engagement in national and regional decision-making.** Leadership should open EPA’s doors and allow more diverse voices to be heard. This will bring valuable information to the table, express a commitment to actions that improve conditions for frontline communities, and help restore public confidence in the agency.
5. **Improve relations with the print and broadcast media.** Leadership should create a more open and respectful exchange between reporters and EPA, increase transparency with the media, and allow reporters to more deeply and accurately convey the complex issues that underlie EPA’s work.

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Restoring Science as the Backbone of EPA Decision-making

Science needs to be the foundation for EPA’s policies and decisions. Science at EPA means many things. It can include basic, cutting-edge environmental research; the independent review of scientific studies performed by others; informed regulatory decisions authorized by law; and support for implementation of activities carried out by EPA or state/local/tribal environmental agencies. All of these are part of EPA’s fundamental mission to protect human health and the environment, and all require appropriate funding and support. Many of these functions are carried out by EPA’s Office of Research and Development (ORD), but both program and regional offices participate in ongoing scientific work.

Over the last 50 years, EPA’s mission has been enhanced greatly by having its own research program, ORD. The focus of this research helps to provide the scientific and technical foundation to meet statutory obligations. The research also helps EPA, states, tribes, and other partners address their most pressing environmental and public health challenges.

The agency’s scientific work has been most successful when program offices can articulate longer-term research priorities that permit the interplay between basic and applied research. Decision-makers also benefit from having access to world-class scientists who can provide advice and work on assessments of the state of the science underlying key issues. EPA’s research arm also has a unique capability to assess and develop approaches to address adverse effects of unique environmental incidents in local areas.

In recent years, adverse changes to the way science is used and managed by EPA has: marginalized the scientific basis for EPA policies and decisions; significantly reduced the credibility of EPA actions and efforts; jeopardized human health and the environment; and provided opportunities for special interests to have a disproportionate influence on EPA actions.

EPA must restore science as the backbone of decision-making, building on its strength in understanding ecological systems to develop better systems-based approaches for addressing complex issues. Such system-based scientific approaches are needed to reveal interventions that may positively impact multiple outcomes, while avoiding unintended consequences. The increasing availability of very large datasets and massive computing capacity, which has driven fundamental discovery in understanding the complexity of the human genome and health, has yet to be fully tapped for the purpose of environmental public health.

Recommendations

1. **Eliminate the inappropriately-named “transparency” rule.**
2. **Restore the integrity of the science peer-review process.**
3. **Rebuild EPA’s research program.**
4. **Update risk assessment practices.**

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Strengthening Economic Analysis at EPA

EPA has a strong history of conducting first-rate economic analyses and needs to reestablish its prominence. Economic analysis has historically played a crucial role in EPA’s evaluation of regulatory options. Recently, EPA’s use of economic analyses has been compromised to the detriment of agency rulemaking, public health, our environment, and the nation’s economic well-being. Reentry into the economic mainstream is essential.

Recommendations

1. **Launch a substantial new effort to improve methods of economic analysis, including both benefit and cost estimation.** This effort should address the challenges of assessing benefits that are difficult to quantify and monetize. It should also improve EPA’s assessment of distributional impacts, including addressing the inequitable environmental conditions of communities of color, lower-wealth communities, and tribal and indigenous communities, who continue to experience disproportionately high levels of exposure and vulnerability to toxic pollution and environmental risks.
2. **Review and revise agency economic analysis guidelines to incorporate the full measure of benefits.** This entails a reissuance of Regulatory Impact Assessment (RIA) guidelines to explicitly reaffirm, strengthen, and expand on the inclusion of all significant costs and benefits, including co-benefits from regulatory actions.
3. **Establish a new version of the Environmental Economic Advisory Committee (EEAC) of the EPA Science Advisory Board (SAB),** incorporating leading experts in a broad array of economic subspecialties. Set an agenda of key issues for the economics committee to address.
4. **Convene an Interagency Work Group (IWG) on the “social cost of carbon” (SCC)** and instruct it to conduct an updated analysis and issue a report. This could be preceded by retaining (an) outside organization(s) to produce a short-term review/reassessment of SCC. Key issues to address include: the appropriate use of discounting (including discount rates for intergenerational impacts), the geographic scope of benefits and costs, and risk aversion.
5. **Pilot retrospective analyses of priority/selected EPA rules to better understand the actual costs/benefits of agency actions.**

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Incorporating Environmental Justice in Every Aspect of EPA’s Work

Environmental justice (EJ) means addressing the disproportionately high levels of exposure, risk, and vulnerability to toxic pollution in communities of color, lower-wealth communities, and tribal and indigenous populations. The advancement of environmental justice is one of the most challenging, consequential, and high-profile imperatives facing EPA. To meet this challenge, EPA must incorporate environmental justice into every aspect of its work, provide adequate staffing and other resources to do so, and ensure that historically underserved communities receive a fair share of environmental protection. EPA must build a robust, community-focused, environmental justice program.

Devastating, high-profile events and scientific assessments have revealed the importance of environmental justice again and again: the Flint water supply crisis, the disproportionate impacts of climate change on frontline communities, the cumulative impacts of pollution uncovered through increased and refined community-driven science, the correlation between historic exposure to air pollution and increased mortality from COVID-19 in vulnerable communities, and a myriad of other ways. EPA leadership has tremendous support (and high expectations) from community and environmental groups and others to develop an administration-wide environmental justice strategy and lead long-overdue systemic change.

Recommendations

1. **Direct each EPA program office and region to incorporate environmental justice into all significant actions and to make EPA’s workforce accountable for doing so.**
2. **Dedicate/drive additional resources to overburdened communities and build EPA’s capacity to promote environmental justice.**
3. **Revitalize and enhance the legal and policy foundations supporting environmental justice.**
4. **Expand and invigorate the enforcement of Title VI of the Civil Rights Act**, which prohibits discrimination based on race, color, or national origin by any entity receiving federal financial assistance.
5. **Launch a national “Community Pollution Reduction (CPR) Program”** to take actions responding to the expressed needs of communities.

Please note that developing a diverse, culturally sensitive EPA workforce is another key component of EPA’s work to reset the course of EPA. This is discussed in [Investing in EPA’s Workforce](#).

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Building a Resilient, Collaborative, and Innovative EPA for the 21st Century

EPA faces major challenges in achieving its mission in the 21st century, an era of rapid and profound change. EPA leadership needs to transform the agency into a more resilient, innovative, and collaborative institution, better able to sustain effective action and adapt to shifting conditions. Climate change, the need for sustained action to uproot systemic racism, a global pandemic, and other threats are already bringing about disruptive economic, societal, and technological change. The scale and pace of this change is deeply affecting human health and the natural environment. EPA must become more forward-thinking and more capable of confronting uncertainty and engaging change.

Recommendations

1. **Design and implement integrated strategies within EPA.** EPA should institutionalize the use of cross-agency teams to address the most critical and complex challenges facing our country—taking coordinated actions across traditional program lines (e.g., air, water, waste) and functional roles (e.g., regulation/enforcement, scientific research, infrastructure, stakeholder collaboration, emergency response).
2. **Expand interagency collaboration.** A central element of a renewed, high-performing EPA is collaboration with federal, state, local, and tribal agencies that connect with and draw upon critical constituencies, policy frameworks, budgetary resources, and legal authorities.
3. **Communicate better with the public.** The general public lacks a full understanding of what EPA does and how it benefits them. EPA needs to increase and strengthen its communications to explain clearly how agency activities protect people and their communities and to help people better understand and reduce health and environmental risks in their own lives.
4. **Restore and enhance EPA’s reputation for reliable information.** One of the most rapidly changing areas of environmental protection is the landscape of environmental data, science, technologies, and information. The public needs and deserves ready access to data that documents health and environmental conditions and their impacts. EPA plays essential roles in ensuring the integrity of its data, and providing its data to the public in integrated, user-friendly formats. EPA must secure and maintain its reputation as the gold standard of environmental information while increasing its ability to provide the public useful information on how people can better understand and reduce health and environmental risks in their own lives.
5. **Sustain an organizational culture of continuously improved performance.** The agency should value diversity and inclusion, and continuously seek and reward expertise, innovation, and ability. This type of culture enhances productivity, agency processes, institutional competency, and reliability.

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Reimagining and Reframing the Boundaries of EPA’s State, Tribal, & Local Relationships

Today, the public is demanding greater, not less, environmental protection to address pollution, climate change, emerging challenges like persistent chemical contaminants, and disproportionate environmental and public health impacts on low-income communities and communities of color. States and tribes also find themselves in need of increased EPA support for improved information, communication, and monitoring technologies. Yet, state, tribal, and federal environmental protection resources have been severely depleted in recent years.

Our national environmental laws are based on the principle of cooperative federalism and government-to-government collaboration in which distinct roles and responsibilities have long been set for the EPA, states, and tribes, and more limited responsibilities for local governments. Now more than ever, the best way to protect human health and the environment is for EPA leaders to clarify and re-invest in cooperative federalism by reimagining and reframing the boundaries of EPA’s relationships with state, tribal, and local governments through a governance model—a “National Enterprise for Environmental Protection”—that breaks down long-held interpretations of how best to implement the law and to manage the work to enhance state, tribal, and local participation and increase their available resources in the delivery of our nation’s environmental programs and protections.

Recommendations

1. In harmony with federal law and the EPA Indian Policy, **reframe and better communicate the roles, responsibilities, and relationships between the EPA, states, tribes, and local governments** with an enhanced commitment to [E-Enterprise for the Environment](#).
2. **Create a governance structure that supports nationwide participation**; recognizes tribal sovereignty; adapts to different environmental challenges faced by the various jurisdictions; enhances collaboration among federal, state, tribal, and local jurisdictions to solve international, national, and regional problems; and promotes sustainable solutions that improve public health and protects the environment.
3. **Commit to early communication and participation of states, tribes, and local governments** in EPA rulemaking, enforcement, budgeting, policy-setting, and relevant decision-making. Begin this in advance of general public outreach or public comment, and recognize and encourage the contributions and leadership roles taken by states, tribes, or local governments in implementing environmental programs.
4. **Commit to significant staffing and funding investments** and create the expectation that states, tribes, and local governments will do likewise, and that EPA will provide adequate support for protection in Indian Country, especially as it relates to environmental justice.
5. **Prioritize EPA regional engagement** with states, tribes, local governments, regional governmental organizations, and NGOs to ensure equitable, nationwide protection of human health and the environment, and recognize that the capacities and capabilities of these entities are vital to tailoring environmental protection to the circumstances and needs of each region.

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Increasing Funding to Protect Public Health and the Environment

EPA has been substantially “hollowed out” from inadequate resources that have long been dangerously declining to a point where EPA is spending, in real dollars, less than half what the agency spent in 1980. The continued erosion of EPA carries a heavy public health cost. EPA programs make our nation safer and healthier, protecting the places we live and work, the air we breathe, and the water we drink.

As the budgets of EPA and states have shrunk, their responsibilities have grown. Today’s EPA must protect a growing population from an expanding set of health and environmental risks.

While Congress has rejected many of the Trump administration’s proposed budget cuts to EPA, the debate has distracted attention away from the need for *added* EPA and state resources to adequately protect public health and the environment. If EPA spending since 1980 had just kept pace with increases in discretionary federal spending, as the agency has taken on a growing list of environmental responsibilities, its budget would be three times as large as it is today.

States are core agency partners in protecting public health and the environment and depend on EPA for more than 25% of their environmental operating budgets. States have likewise faced declining resources, with [40 states reducing environmental staffing](#) during the last decade. They need budget support from EPA now more than ever.

Recommendation

Increase funding for EPA and states’ core capacity to implement the regulatory and enforcement programs that protect public health and the environment. EPA leadership should work with the White House and Congress and publicly declare a four-year goal of rebuilding EPA’s budget to its 40-year average (\$11.4 billion in 2019 dollars). EPA and state core programs are the backbone and muscle of the nation’s environmental protection system, protecting air, water, and drinking water; addressing the harmful effects of pesticides, chemicals, and hazardous waste; promoting environmental justice; and responding to emergencies. As EPA adapts to meet the environmental challenges of the 21st century, the agency’s new programs and initiatives will be far more effective when built upon fully restored core capacity.

In Real Dollars, EPA Spending Has Been Cut in Half Since 1980



Sources: OMB, [Historical Tables](#), "Table 4.1—Outlays by Agency: 1962–2025" (adjusted to real dollars using U.S. Bureau of Economic Analysis' [implicit price deflator](#)); "Table 8.8 – Outlays for Discretionary Programs."

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Investing in EPA’s Workforce

Declining funding for staffing over the past decade has profoundly affected EPA’s ability to deliver on mission-critical functions. Complex challenges of the 21st century cannot be successfully addressed unless EPA leadership rebuilds the capabilities, productivity, and morale of the EPA workforce, and creates a more inclusive workforce that reflects the communities EPA serves. Strengthening EPA’s operational capacity, especially during a period in which the impacts of the pandemic on the workplace will need to be addressed, will allow the leadership team to invest in key priorities and build for long-term success.

Recommendations

1. **Set the example for integrity, communication, and collaboration with EPA staff and external partners.** As key positions are filled promptly with experienced and fully vetted executives, the leadership team can affirm its commitment to integrity in public service, building trust and communication with managers and staff; workplace diversity and opportunities; and collaboration with EPA’s vital partners in tribal, state, territorial, and local government.
2. **Bolster EPA staffing/workforce planning.** EPA must expand upon earlier efforts to conduct rigorous workforce planning and analysis across all programs. This will allow EPA to fully assess current gaps, set priorities, develop a strategy to address those priority needs, and remedy barriers to filling critically-needed positions.
3. **Strengthen recruitment and hiring of diverse staff to meet critical needs.** Given the serious reductions in EPA staffing, there is an urgent need to significantly strengthen EPA’s recruitment and pace of hiring staff with the skills and experience needed to address pressing needs in science, technology, analytics, and mission support. Place emphasis on increasing the representation of people of color within EPA’s workforce to fill historic gaps.
4. **Strengthen staff development.** To build staff capabilities and skills, leadership should focus on the needs of the current workforce for career-long, enhanced training and development, and opportunities for advancement. EPA should ensure adequate funding; expand opportunities for voluntary cross-program details; and support programs such as the First Line Supervisors program, the Senior Executive Service (SES) Candidate Development Program, and mentoring.
5. **Strengthen key internal partnerships to address important workforce issues and support an inclusive workplace.** Building and sustaining partnerships with EPA bargaining units and other key stakeholders is critical to supporting a working environment that values individual differences, and also to addressing pressing workforce issues, such as supporting productive and safe workplace solutions, particularly telework, in response to the COVID-19 pandemic.

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Strengthening Environmental Enforcement and Compliance

Vigorous, effective, timely, and fair enforcement of environmental laws is essential to public health and the protection of the environment. Environmental enforcement protects communities across the country and is a visible demonstration of EPA’s commitment to the rule of law. Widespread environmental compliance cannot be achieved without well-structured regulations, effective monitoring, and a commitment to innovation. Federal environmental laws envision a dynamic and shared responsibility between EPA and states. Strong enforcement programs at all levels will protect the environment and advance environmental justice.

Recommendations

1. **Restore confidence in vigorous enforcement and the rule of law.**
 - a) Immediately assert support for vigorous civil and criminal enforcement as essential to the mission of the agency and environmental justice.
 - b) Undo policies at EPA and the Department of Justice (DOJ) that have restricted EPA’s ability to exercise its compliance and enforcement authorities.
 - c) Publicly commit to shielding enforcement from political interference.
2. **Modernize enforcement and compliance through innovative technologies and strategies.**
 - a) Use updated pollution monitoring and information collection as part of compliance monitoring.
 - b) Pursue innovative monitoring and control as part of enforcement cases and settlements.
 - c) Establish an agency-wide commitment to innovative regulations that drive better compliance.
3. **Reset the relationship with states.**
 - a) Achieve the appropriate federal/state balance in environmental protection by acknowledging EPA’s independent authority to actively enforce the nation’s environmental laws, while respecting the state role and supporting states in meeting their enforcement obligations under federal and state laws.
 - b) Be clear that “creative tension” between EPA and the states is a part of cooperative federalism.
 - c) Usher in a new era for compliance and enforcement with EPA and states working together based on data and technology-driven oversight of pollution sources and sites of contamination.
4. **Invest the necessary resources to get the job done.**
 - a) Seek an increase in EPA and state funding necessary to conduct enforcement and compliance monitoring.
 - b) Include significant investment in innovation, which is central to the mission.

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Reducing Air Emissions from Mobile Sources

Our nation faces unprecedented economic and public health harms from the COVID-19 pandemic and the long-term existential threat from global climate change. Across the country, people suffer from high levels of ozone, particulate matter (PM), and other pollutants, particularly people living in low-income communities and communities of color. EPA should develop a coordinated and comprehensive transportation approach, including shared mobility and transit strategies, that:

- ❖ Achieves air quality, climate, and environmental justice goals.
- ❖ Promotes infrastructure investment, job creation, and economic growth.
- ❖ Delivers a more affordable and accessible transportation future.

Electrification of the transportation sector provides a unique opportunity to make dramatic progress in air quality and public health, including improving environmental justice outcomes. Along with decarbonizing other sectors, it is currently the only viable pathway for achieving national climate goals, and will protect the U.S. auto manufacturing base. EPA must reassert its historic leadership in air pollution control and lead in this transportation transformation to protect public health and promote infrastructure investment, jobs creation, and economic growth.

Recommendations

- 1. Advance the transformation of light-duty (LD) and heavy-duty (HD) vehicles to electrification.** Work with the White House to issue a Presidential Memorandum announcing the goal of reducing criteria pollutant and greenhouse gas emissions from on-highway vehicles through electrification, and begin EPA rulemakings for aggressive LD greenhouse gas emissions (GHG) standards, HD GHG standards, and HD oxides of nitrogen emissions (NO_x) standards.
- 2. Affirm California’s authority to set motor vehicle standards for GHG and other emissions and “opt-in” by other states to California standards.** California has been a critical partner in promoting vehicle pollution technology innovation in the past and will play a critical role in the electrification of the transportation sector. Issue a Presidential Memorandum and begin an EPA proceeding to waive Clean Air Act (CAA) preemption for California’s GHG and Zero-Emission Vehicle (ZEV) standards. Undo EPA’s 2019 withdrawal of the waiver, its decision on state opt-in, and U.S. Department of Transportation’s (DOT’s) Energy Policy and Conservation Act (EPCA) Preemption rule.
- 3. Establish EPA as a leader of a cross-agency workgroup on highway vehicle climate and air quality issues.** With EPA leadership, the federal cross-agency workgroup should develop a comprehensive strategy so electrification of on-highway vehicles achieves air quality and climate goals, including improving health outcomes in environmental justice communities.
- 4. Review EPA’s other mobile source programs for GHG and criteria emissions control.** Develop a strong policy addressing GHG and other emissions from ocean-going vessels and aircraft, with EPA playing a major role.
- 5. Rebuild EPA’s Office of Transportation and Air Quality (OTAQ) as a national and global leader in sustainable transportation.** OTAQ has been underfunded, threatened, and demoralized. Rebuild OTAQ to implement these recommendations and restore its leadership in promoting technology innovation and sustainable transportation.

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Reducing Air Emissions from Stationary Sources

The Office of Air and Radiation (OAR) has a massive to-do list, a huge amount of pressure from outside groups, a demoralized and diminished career staff to tend to, and an incredible sense of urgency. Like no other time in history, it will be essential to make hard choices about priorities.

Fortunately, the OAR career staff is exceptional and can help share the load. EPA political leadership must establish trust with career staff, who can be depended on to handle many important technical, policy, and legal matters.

Stakeholders will advocate to make every issue the highest, most urgent priority. Their list of demands will be vast, including moving quickly to reverse or undo everything the Trump administration has done, meeting numerous court-ordered or statutory deadlines or court remands, prioritizing climate change and environmental justice, restoring underlying functions and norms, and quickly moving projects forward that will reduce air pollution in communities.

Recommendations

1. **Prioritize, prioritize, prioritize.** Early actions should include those that make real reductions in pollution, providing the greatest health benefit for the greatest number of people and/or reducing health impacts in communities that are already disproportionately impacted by pollution. Our strongest recommendation is that incoming EPA leadership accept that they will not be able to do everything they want to on stationary source air emissions, let alone everything everyone else wants them to do. Priorities and expectations will need to be set early, undoubtedly leaving external and internal audiences unhappy.
2. **Examine multiple pathways to reduce greenhouse gas emissions.** Some actions will have bigger climate benefits than others.
3. **Decide early on the best approach to the National Ambient Air Quality Standards (NAAQS).**
4. **Update assessments based on facts on the ground,** especially for climate change, regional haze, and interstate pollution.
5. **Prioritize actions that fix bad precedents and institutional changes** that erode EPA’s capacity to protect public health and the environment under the law.

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Safeguarding Drinking Water

Everyone should have access to safe, affordable drinking water. Under the [Safe Drinking Water Act \(SDWA\)](#), EPA and its state regulatory partners have made significant progress in addressing this goal. However, a number of factors—including resource constraints, aging infrastructure, climate change, emerging contaminants, and challenges of managing a large and highly diverse population of facilities—combined with actions that have slowed down or rolled back drinking water protections, could stymie or even reverse that progress.

There is a continuing need for increased investment in drinking water infrastructure in order to replace and/or upgrade aging treatment and distribution systems, address new contaminants, and provide resilience for climate change and other security threats. The need for expanded funding to protect public health and the environment is addressed in a separate paper on [budget](#).

Recommendations

- 1. Identify and address regulations, actions, and policies that have been altered, slowed down, or rolled back, hindering the effectiveness of the drinking water program.** Examples include: restarting the publication of drinking water health advisories for unregulated contaminants; addressing the proposed Lead and Copper Rule, perchlorate regulation, and the planned regulation of per- and polyfluoroalkyl substances (PFAS); and acting on emerging issues such as Legionella and disinfection byproducts. EPA must also ensure integrity and transparency are used in scientific and economic analyses to support decisions and address impacts on drinking water in intra- and interagency processes, including full compliance with the National Environmental Policy Act (NEPA).
- 2. Strengthen the co-regulating partnership between EPA and states/tribes for safe drinking water.** Establish a unified, modern system to manage drinking water data, address underreporting of violations, and achieve compliance with program requirements.
- 3. Improve safe drinking water regulatory systems.** Improve the process for updating existing drinking water standards to ensure that new science is taken into account in a timely manner.
- 4. Address disparities in access to safe drinking water in small and very small public water systems (PWS), particularly in low-income, rural, and tribal areas, and where there are environmental justice challenges.**
- 5. Take an integrated approach to protecting drinking water sources.** Coordinate among different EPA programs, as well as between statutes, and with other Federal agencies and departments such as the U.S Department of Agriculture (USDA), U.S. Geological Survey, and others.

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Protecting the Nation’s Waters Under the Clean Water Act

Over its 50-year history, the Clean Water Act (CWA) has been extremely successful in protecting the nation’s waters from many discharges of pollution and improving water quality from direct, or point source, discharges. However, discharges from uncontrolled sources, including nonpoint source runoff from agriculture and resource extraction, continue to pollute the nation’s waters, contributing to large-scale water quality crises, such as toxic algal blooms, that contaminate drinking water supplies and disrupt biological, recreational, and commercial use of waterways. Lack of comprehensive, accurate, and timely data on water quality status further complicates the challenge of identifying and prioritizing strategies for effective program management. In addition, recent regulatory changes threaten to slow or reverse progress in achieving CWA Goals

EPA should develop more realistic enforcement practices and reconsider recent regulatory changes, while working with its state and local partners to create a more effective nonpoint source program and strengthening the collection, analysis, and dissemination of water quality data. At the same time, EPA should collaborate with other federal agencies that have program commitments to improving water quality under a federal government-wide process to ensure consistent and continuous implementation of activities to meet the nationwide objective of restoring the chemical, physical, and biological integrity of the Nation’s waters.

Recommendations

1. **Strengthen CWA programs to reduce pollution from uncontrolled nonpoint sources**, scaling up best practices and solutions targeted at the watershed level, with particular attention to public health where environmental justice communities are disproportionately impacted.
2. **Create an accessible nationwide system of science-based water quality monitoring.**
3. **Expand enforcement activities**, including cooperative efforts with state, tribal, and local authorities, to assist in the reduction of uncontrolled sources.
4. **Collaborate with other federal agencies**, such as the U.S. Department of Agriculture (USDA) and the Department of Interior (DOI), to integrate measurable improvement to water quality into their programs.
5. **Take the appropriate steps to suspend the 2020 Navigable Waters Protection Rule that narrowed the definition of Waters of the United States (WOTUS)**, and reconsider other actions that have reduced protection of water quality to ensure they are scientifically and legally justified.

We also recognize that there is a continuing need to increase investment in infrastructure in order to replace and/or upgrade aging treatment and collection systems, address new contaminants, and provide resilience for climate change and other security threats. Since this issue is being addressed by groups outside of EPN, we have not provided specific recommendations here.

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Reducing Toxic Risks

EPA leadership should focus on changing the agency’s current toxic substances approach, which runs contrary to the best available science. The [Frank R. Lautenberg Chemical Safety for the 21st Century Act \(Lautenberg Chemical Safety Act\)](#) amended the [Toxic Substances Control Act \(TSCA\)](#) and established deadlines for EPA to evaluate chemical risk. Since then, EPA’s initial ten chemical risk evaluations have been intensely criticized by EPA’s independent [Science Advisory Committee on Chemicals \(SACC\)](#) and others for disregarding conditions of use and pathways of exposure.

In 2019, the Ninth Circuit Court of Appeals overturned in part EPA’s July 2017 “[framework rule](#),” which attempted to establish how the agency should evaluate chemical risk. The court ruled that EPA must stop ignoring the historic or “legacy” use and disposal of dangerous chemical products, like asbestos, when evaluating risk. The court also stated that the framework rule did not allow EPA to “pick and choose” which uses and pathways of exposure to consider in determining unreasonable risks ([Safer Chemicals, Healthy Families v. US EPA, 943 F. 3d 397](#)).

EPA should pay close attention to worker exposure to toxic chemicals and exposures from legacy uses and disposal of toxic chemicals, which disproportionately affect vulnerable subpopulations, including communities of color.

Recommendations

1. **Conduct chemical risk evaluations that fully protect public health.** Rework the risk evaluations of the first ten chemicals to consider all missing conditions of use and pathways of exposure. Assure these conditions of use and pathways are also addressed in the next round of risk evaluations.
2. **Replace the flawed TSCA systematic review process to better incorporate quality, peer-reviewed research.** Immediately start using a peer-reviewed, scientifically defensible process to evaluate the risks of chemicals under TSCA. Develop a new agency-wide systematic review process endorsed by the National Academies of Science (NAS).
3. **Require industry to provide missing data for chemical risk evaluations.** Systematically identify missing data on chemicals of interest and require industry to provide these data for both existing and new chemical risk evaluations. Use the enhanced authority under the Lautenberg Chemical Safety Act to require industry to conduct the testing needed to fill serious data gaps for determining chemical risks.
4. **Act on immediate risks to exposed people while a draft risk evaluation is being finalized,** including issuing public health advisories, recommending ways to reduce exposure, and using EPA’s TSCA authority to declare unsafe chemicals to be imminent hazards. When a risk evaluation finds that a chemical or substance poses immediate harm to people or the environment, EPA should propose a rule to address the risks when it finalizes the risk evaluation and make it immediately effective under TSCA.
5. **Provide additional budget resources and staff to support EPA’s expanded workload and protect the public from toxic substances.**

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Strengthening Pesticide Regulation

In recent years, EPA has failed to make adequate progress on pesticide regulation in a few key areas. First, EPA does not appear able to meet a major pending statutory deadline—the reevaluation by 2022 of all pesticides approved before 2007—and it will need supportive management oversight if it hopes to meet the deadline. Also, despite decades of effort, EPA still does not have a process for effectively and efficiently implementing the [Endangered Species Act \(ESA\)](#) for pesticides. Finally, EPA has diverged from its historical, transparent, science-based regulatory approaches in several instances, notably by its effort to roll back protections for disadvantaged farmworkers; by delaying a regulatory decision on the pesticide chlorpyrifos, despite being unable to determine it is safe; and by continuing registrations for “over-the-top” (OTT) use of the herbicide, dicamba, in the face of extensive off-site crop damage.

Recommendations

1. **Reinstate and enhance protections of farmworkers.** As part of a larger EPA focus on environmental justice, leadership should reverse the rollback of essential protections for agricultural workers, many of whom are low income and people of color; these protections were previously finalized after an extensive internal and external regulatory process.
2. **Accelerate the reevaluation of previously approved pesticides.** Leadership should implement a strategy—addressing both policy choices and resource needs—to either meet or redefine the goal for the 2022 deadline for pesticide reregistration.
3. **Address the challenge of implementing the ESA for pesticide decisions.** Leadership should impose sensible protections for the species most at risk and promote a new strategic, multi-stakeholder, public policy dialogue to break the decades-old stalemate that has led EPA to default on its duty to protect endangered and threatened species from pesticide risks.
4. **Take a science-based approach to the pesticide chlorpyrifos.** Leadership should quickly update the chlorpyrifos human health risk assessment and determine whether the tolerances meet the safety standard established by the Food Quality Protection Act (FQPA) and move quickly to revoke any tolerances that do not meet that standard.
5. **Take a transparent, science-based, common sense approach to the herbicide dicamba.** Due to extensive off-site crop damage caused by OTT use, leadership should disallow OTT use of dicamba unless EPA can find such use will not cause unacceptable off-field harm.

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Cleaning Up Superfund Sites

Since 1980, EPA’s Superfund program, authorized by the [Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA\)](#), has managed the cleanup of the nation’s worst hazardous waste sites and responded to environmental emergencies. A strong Superfund program is central to any effort to address the cumulative toxic effects faced unjustly by too much of the population.

For Superfund’s first 20 years, dedicated taxes on petroleum, chemical feedstocks, and corporate income primarily funded the program through a trust fund (the Superfund). After these taxes expired in 1995, funding for the Superfund program generally relied on congressional appropriations from general revenues and cost recoveries. These appropriations have declined significantly between 1999 and 2019, aggravated by inflation. This sizable decrease has had a negative effect on the Superfund program’s ability to carry out its core mission.

Recommendations

- 1. Increase funding for Superfund and focus on orphan sites.** Many sites on the National Priorities List (NPL) of the nation’s most hazardous waste sites are “orphan sites,” which do not have any viable potentially responsible parties (PRPs) that EPA can enter into negotiated agreements with to perform necessary response work. EPA funds these cleanups from its appropriation. The number of unfunded construction projects has almost tripled since 2016. This growing backlog clearly illustrates that the Superfund program is underfunded. Other areas weakened by lack of funds include emergency response; enforcement actions; and support to communities, states, and tribes.
- 2. Complete cleanup at sites with partial deletions and add new sites to the NPL in a timely manner.** The number of sites at which construction has been completed annually has steadily declined from 1999 to 2019. EPA’s increasing tendency is toward “partial deletions” of sites from the NPL, actions taken when work in some areas of sites is complete, while additional work is still needed in others to ensure protection of human health and the environment. EPA needs to ensure that adequate funding and staffing are available for the necessary investigations, remedy selections, remedial designs, and construction activities needed to complete work at these sites. Recently, new NPL listings have been delayed and should be processed in a timely fashion.
- 3. Improve remedy selection process.** Recent changes have moved some remedy decision-making away from the EPA regions, reducing the role of science and the National Contingency Plan (NCP) criteria. EPA should revisit these changes, including the role of the National Remedy Review Board (NRRB) to promote remedy consistency at NPL sites. The NRRB reviews cleanup decisions for sites to promote national consistency.
- 4. Strengthen the Superfund enforcement program.** “Enforcement first” has been a key approach for decades, ensuring that PRPs conduct or pay for cleanups, preserving taxpayer dollars for sites without viable PRPs. Reduction in resources has adversely affected EPA’s ability to identify PRPs and take enforcement action against them.
- 5. Increase attention to contaminants of emerging concern (CECs).** Significant gaps exist in regulating and providing guidance for CECs that pose risks to health and the environment. For example, polyfluoroalkyl substances (PFAS) lead to adverse health effects. EPA needs to list these as hazardous substances and establish maximum contaminant levels (MCLs) for them.

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Cooperating with Other Countries

Collaboration with other countries and international partners results in significant health and economic benefits to the U.S. by addressing priority environmental challenges, including:

- ❖ Reducing global and local greenhouse gas emissions to mitigate climate change.
- ❖ Decreasing global and local sources of air and water pollution to protect human health.
- ❖ Reducing global exposure to toxic substances such as mercury, lead, pesticides, and other chemicals, and reducing marine litter to prevent adverse health effects and protect ecosystems.

Reclaiming U.S. leadership is essential to the success of these global efforts. The U.S. faces a difficult but vital task to restore credibility in its environmental leadership and regain the world’s trust. EPA will need to repair and strengthen bilateral and multilateral relationships by demonstrating bold and decisive domestic environmental actions and sharing effective policies, technical solutions, and innovative approaches with international partners.

EPA also must respond to a myriad of international challenges with new urgency, in a world grappling with a global pandemic and questioning U.S. commitments to global solutions. Environmental impacts, like viruses, do not respect borders, and effective responses demand strong international cooperation. The COVID-19 pandemic presents serious challenges but also underscores the need to reimagine global cooperation and innovate new approaches to protect public health and the environment.

Actions on the following five recommendations will help to address global challenges, build credibility with domestic and international partners, and resume EPA’s role as a global environmental leader and innovator.

Recommendations

1. **Reinvigorate important multilateral environmental processes.** The U.S. must demonstrate strong, substantive leadership in global processes such as the United Nations Framework Convention on Climate Change (UNFCCC), the Group of 7 (G-7), Group of 20 (G-20), and the Organization for Economic Cooperation and Development (OECD).
2. **Reinforce and enhance key bilateral relationships.** Strong policy and technical collaboration with priority countries and regions and implementation of environmentally sound trade agreements strengthen both domestic and global environmental protection programs.
3. **Support United Nations efforts to protect public health and the environment.** Leveraging the work of the UN Environment and the World Health Organization (WHO), and supporting effective implementation of UN environmental agreements help advance global environmental protection.
4. **Strengthen scientific expertise and global science leadership through domestic action.** EPA remains a trusted source for technical solutions and environmental innovation at home and abroad.
5. **Expand constituencies to support international environmental cooperation.** Raising awareness and ensuring consistent support within EPA, within the U.S. Government, and beyond is essential to maintaining EPA’s role as a global leader and reliable partner.

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