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## The President's Fiscal Year 2013 Budget Request for the Environmental Protection Agency

### *Witnesses*

#### **Lisa Jackson**

Administrator of the Environmental Protection Agency

#### **Barbara Bennett**

Chief Financial Officer

### *Subcommittee Members Present*

Mike Simpson (R-ID), Chair of the Subcommittee

Jim Moran (D-VA), Ranking Member of the Subcommittee

Maurice Hinchey (D-NY)

Ken Calvert (R-CA)

Jeff Flake (R-AZ)

Cynthia Lummis (R-WY)

Jerry Lewis (R-CA)

Tom Cole (R-OK)

Betty McCollum (D-MN)

Jose Serrano (D-NY)

Steven LaTourette (R-OH)

### *Full Committee Members Present*

Hal Rogers (R-KY), Chairman of the Full Committee

Norm Dicks (D-WA), Ranking Member of the Full Committee

On February 29, 2012, the House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies held a hearing to receive testimony from Administrator Lisa Jackson of the Environmental Protection Agency (EPA) about the President's proposed fiscal year (FY) 2013 budget.

Chairman Mike Simpson (R-ID) told Jackson he was pleased to see reductions in the proposed budget. Even though this budget continues a three-year trend in reductions, Simpson pointed out that the FY 2013 budget would still be its fifth highest appropriation ever. He was disappointed to see the Community Action for a Renewed Environment (CARE) program was not fully funded but was pleased to see Indian Environmental General Assistance Program (GAP) grants were supported.

Ranking Member Jim Moran (D-VA) called the three-year trend of a declining budget "unsustainable." He chastised the authorization committees for not passing constructive environmental legislation and pointed out that law is being set in courtrooms instead. The Interior and Environment appropriation bill should not be "a dumping ground" for bills not passed in the authorization committees, Moran said, referring to riders.

Chairman of the full committee Hal Rogers (R-KY) told the subcommittee he disagreed with the budget's decision to reduce funding for fossil fuel research and development. He called the budget a "coordinated, methodical White House assault on carbon energy" and said that it was "prioritizing regulation over job creation."

Full committee Ranking Member Norm Dicks (D-WA) said, "Austerity is not going to get the job done" and critiqued the administration's decision to cut funding for construction accounts. After listing off the funding for the Chesapeake Bay and Great Lakes, Dicks told Jackson the "Puget Sound budget pails in comparison."

Jackson began her testimony by describing the President's \$8.344 billion budget to fulfill "EPA's core mission of protecting public health and the environment." She pointed out that 15 percent of the budget would be directed toward state and tribes through categorical grants. Focusing on the \$807 million that would be allocated for science and technology, she told the committee that \$81 million of that amount would be directed at universities for fellowships and targeted research as part of the Science to Achieve Results (STAR) program. Jackson discussed the \$14 million in EPA's budget that would be for a collaborative research effort between the Department of Energy (DOE) and the United States Geological Survey (USGS) into hydraulic fracturing. Referring to EPA's ongoing congressionally mandated study into hydraulic fracturing, she said that her agency has "taken great steps to ensure [the study] is independent, peer reviewed and based on strong and scientifically defensible data."

"Here we are again," Chairman Rogers told Jackson as he began the question and answer period. He told Jackson he believes the EPA is violating the Administrative Procedure Act (P.L. 79 404). On October 6, the United States District Court for the District of Columbia found EPA overstepped its authority when reviewing certain Clean Water Act (CWA,P.L. 92 500) permits normally granted by the Army Corps of Engineers. Jackson argued that their decision does not change EPA's authority to review applications in other sections of the CWA. Rogers pressed Jackson to name an Appalachian mine she had approved during her tenure which she could not do.

Dicks told Jackson that the budget proposal should provide more money for the restoration of the Puget Sound because the state has met the same requirements that Virginia and Maryland have for the Chesapeake. Jackson assured the congressman that EPA will continue to work with Washington to restore the Puget Sound. Dicks said he was surprised to see funding aimed at reducing emissions from wood stoves and asked if it was a nationwide issue. Jackson responded that it was and said EPA is committed to moving the nation toward cleaner stoves.

Congressman Jeff Flake (R-AZ) and Jackson discussed EPA's particulate matter (PM) standards for particles less than 10 micrometers in diameter (PM-10). In Flake's district, there are many dust storms. Flake wondered why his district has to produce a document for the EPA requesting them to treat the dust storm as an exceptional event. Jackson told him that EPA has received comments on this subject and will soon release a "response to comments" document.

Representative Steven LaTourette (R-OH), whose district borders Lake Erie, began his questions with a discussion of invasive species in the Great Lakes. He praised the USGS for their efforts in preventing the introduction of Asian carp species into the Great Lakes. He said, "I think the USGS is heading in the right direction here." He praised the EPA for their success in preventing the introduction of invasive species in the Great Lakes through their ballast water regulations. Jackson asked LaTourette, "Can you repeat that?" when LaTourette told her he looks forward to EPA's hydraulic fracturing regulations. "We need a standard," he said referring to nationwide hydraulic fracturing regulation. Jackson agreed with LaTourette that EPA should coordinate with USGS and DOE when crafting the regulations.

Maurice Hinchey (D-NY) continued the conversation about hydraulic fracturing and asked about the EPA's December 2011 draft report on ground water contamination near Pavilion, Wyoming. He pointed out that Cornell University had found the draft report to be credible and asked about the scientific process that was used to develop the draft report. Jackson told Hinchey that EPA did a phase one and two study which sampled home wells, shallow monitoring wells, and livestock wells then moved to phase three and four studies on two deeper monitoring wells and selected drinking water wells. The wells that had contamination were not domestic wells, she reiterated, but were deeper wells. She told Hinchey that EPA was interested in including the USGS in their next round of sampling.

Representative Cynthia Lummis (R-WY) was interested in continuing the conversation on the Pavilion study "started by a gentleman that lives 2000 miles away." She told Jackson that the water around Pavilion is inherently "bad water" due to a "natural methane seep." She asked whether EPA will commit to subjecting their draft report to the Office of Management and Budget's (OMB) peer review guidelines for highly influential scientific assessments. Jackson said EPA has done that even though it is not classified as a highly influential scientific assessment.

Simpson closed the hearing by pleading Jackson to improve EPA's public relations. He said he hears rumors of new regulations from his constituents and has trouble correcting the accusations and defending the agency. Jackson agreed that EPA could improve this aspect of their work.

A webcast of the hearing can be found on the committee web site.

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