

**Attorneys General of New York, California, Delaware, Iowa, Maine,  
Maryland, Massachusetts, New Jersey, Oregon, Rhode Island,  
Vermont, Washington, and the District of Columbia, and the  
Secretary of the Pennsylvania Department of Environmental  
Protection**

September 13, 2018

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
317 Russell Senate Office Building  
Washington, DC 20510

The Honorable Charles E. Schumer  
Minority Leader  
United States Senate  
322 Hart Senate Office Building  
Washington, DC 20510

The Honorable Paul D. Ryan  
Speaker  
U.S. House of Representatives  
1233 Longworth House Office Building  
Washington, DC 20515

The Honorable Nancy Pelosi  
Minority Leader  
U.S. House of Representatives  
233 Cannon House Office Building  
Washington, DC 20515

Re: FY 2019 Appropriations for EPA

Dear Majority Leader McConnell and Minority Leader Schumer; Speaker Ryan  
and Minority Leader Pelosi:

As Congress works to reach agreement on a final fiscal year (“FY”) 2019 budget for the federal government, we are writing to strongly urge you to ensure that funding for the Environmental Protection Agency (“EPA” or “Agency”) is maintained at least at its FY 2018 levels, and that all anti-environmental riders that would prohibit, de-fund or otherwise amend key health and environmental protection policies of the Agency are omitted from the spending measure.

## **Congress Must Ensure EPA Receives Necessary Funding**

Americans depend on EPA to be a strong and committed partner, working in partnership with states and local communities to ensure safe drinking water, clean recreational waters, pure air, and healthy land. For almost a half century, this partnership has been anchored in EPA's active co-enforcement of laws, support of state regulatory programs, and provision of grants and other financial assistance. Adequate funding of EPA is essential to the Agency's ability to continue to work effectively with states and local communities to implement and enforce federal laws that protect our residents and natural resources.

We strongly urge Congress to maintain EPA's overall budget at its FY 2018 funding levels – at a minimum. For years, the Agency has struggled with budgets that have not kept pace with its needs and obligations. More – not less – funding than the Agency received in FY 2018 is needed to address pressing environmental and public health issues, and the responsibilities assigned to EPA by Congress over the years. Indeed, adjusted for inflation, EPA's FY 2018 budget was one of the smallest EPA budgets in over 30 years.

Nonetheless, funding EPA at its FY 2018 level – as the Senate appropriations bill for Interior, Environment, and Related Agencies does – would avoid the substantial harm that the \$100 million overall cut in EPA funding contained in the companion House appropriations bill would have on the Agency's ability to fulfill its obligations and to assist our states in enforcing the nation's environmental laws.

## **Congress Must Omit All Anti-Environmental Budget Riders**

We strongly oppose the inclusion of riders in the EPA's FY 2019 budget that could prohibit, de-fund, or amend important EPA health and environmental protection policies and regulations. For this reason, we applaud the Senate for avoiding the inclusion of the several "poison pill" riders that are contained in the House bill.

Among the most objectionable riders included in the House measure are those that would:

- Repeal the "Waters of the United States" rule without any legislative hearings, deliberation, and debate. As EPA has recognized on numerous occasions, the scope of the "Waters of the United States" definition is of tremendous national importance, a fact confirmed by the hundreds of thousands of public comments submitted in response to EPA's proposal to repeal the rule. Any changes to the definition of "Waters of the United States" should include public input and participation as part of the normal legislative or agency rulemaking process.

- Remove important water pollution and natural resource protections by eliminating the requirement for a Clean Water Act permit for otherwise exempted dredge or fill material discharges when those discharges are part of activities that impair protected waters. The summary, piecemeal nullification of Clean Water Act permit requirements is improper. Any change to Clean Water Act protections should include public input and participation as part of the normal legislative or agency rulemaking process.
- Block EPA from enforcing the “Methane Rule,” the first-ever limits on methane pollution from new sources in the oil and natural gas sector. Oil and natural gas operations – production, processing, transmission, and distribution – are the largest single industrial source of methane emissions in the U.S. The Methane Rule is expected to prevent the emission of 300,000 tons of methane in 2020 and 510,000 tons in 2025. The controls required by the rule are also expected to reduce emissions of smog-forming VOCs, and hazardous air pollutants, including benzene and formaldehyde. EPA’s analysis of the costs and benefits of the rule, including the revenues from recovered natural gas that would otherwise be vented, determined that the rule would result in a net benefit estimated at \$35 million in 2020 and \$170 million in 2025.
- Deny funding to EPA to “prepare, propose, or promulgate any regulation or guidance that references or relies on the analysis” of the social cost of carbon contained in several technical support documents issued by the Interagency Working Group on Social Cost of Carbon between 2010 and 2016, and revised draft guidance issued by the Council on Environmental Quality in December 2014, thereby blinding the agency entrusted with protecting the nation’s environment to the increasing economic damage caused by climate change.
- Bar the payment of attorney’s fees as part of any settlement, in which the federal government is a party, under the Clean Air, Clean Water and Endangered Species acts. States routinely have been parties to settlements involving the federal government under these statutes. Denying states the ability to recoup their legal fees in such matters would penalize both states and their taxpayers for successfully resolving environmental and natural resources claims.
- Prohibit EPA from enforcing those provisions of its highly cost-effective “Phase 2 rules” on greenhouse gas emissions standards for medium- and heavy-duty trucks that apply to the trailer portions of tractor-trailer vehicles. The provisions require new trailers to utilize widely available fuel-saving components that pay for themselves in less than two years on average, and significantly reduce climate-altering emissions.

We strongly urge Congress to reject all anti-environmental policy riders in the final EPA FY 2019 funding measure.

\* \* \*

Our residents and those across the country rely on EPA to play a strong, committed, and on-going role in ensuring the protection of their health and the environment. For these reasons, we urge Congress to adopt an FY 2019 budget for EPA that provides funding at least at its FY 2018 level and omits all anti-environmental riders.

We thank you for these efforts essential to ensuring that EPA will remain a strong and committed partner with states and local communities to protect the environment, and ensure the health, safety and welfare of everyone in America.

Sincerely,



BARBARA D. UNDERWOOD  
Attorney General of New York



XAVIER BECERRA  
Attorney General of California



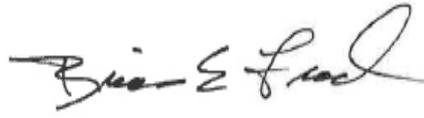
MATTHEW P. DENN  
Attorney General of Delaware



THOMAS J. MILLER  
Attorney General of Iowa



JANET T. MILLS  
Attorney General of Maine



BRIAN E. FROSH  
Attorney General of Maryland



MAURA HEALEY  
Attorney General of Massachusetts



GURBIR S. GREWAL  
Attorney General of New Jersey



**ELLEN F. ROSENBLUM**  
Attorney General of Oregon



**PETER F. KILMARTIN**  
Attorney General of Rhode Island



**THOMAS J. DONOVAN, JR.**  
Attorney General of Vermont



**BOB FERGUSON**  
Attorney General of Washington  
State



**KARL A. RACINE**  
Attorney General of the  
District of Columbia



**PATRICK McDONNELL**  
Secretary of the Pennsylvania  
Department of Environmental  
Protection

**CC: Richard Shelby, Chairman, Senate Committee on Appropriations  
Patrick Leahy, Vice Chairman, Senate Committee on Appropriations  
Rodney Frelinghuysen, Chairman, House Committee on Appropriations  
Nita Lowey, Ranking Member, House Committee on Appropriations**