

Attorneys General of New York, California, Connecticut, Delaware, Hawai'i, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, North Carolina, Oregon, Rhode Island, Vermont, Virginia, and the District of Columbia, and the Secretary of Pennsylvania Department of Environmental Protection

May 10, 2019

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

Senator Charles E. Schumer
Minority Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
1236 Longworth House Office Building
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
2468 Rayburn House Office Building
Washington, DC 20515

Re: Fiscal Year 2020 Budget for the U.S. Environmental Protection Agency

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

We are writing to express our strong opposition to the deep and punishing cuts that the Trump Administration has proposed for the U.S. Environmental Protection Agency ("EPA" or "Agency") in its fiscal year ("FY") 2020 budget. The overall 31 percent proposed budget cut, coupled with authorization for extensive workforce reductions, promise to undermine EPA's ability to do its job, and reflect a fundamental lack of appreciation for the essential role the Agency plays in supporting states and local communities, and protecting the health and environment of all Americans.

In previous years, Congress – on a bipartisan basis – has chosen to reject repeated attempts by the Trump Administration to gut EPA’s budget. We urge Congress to again reject these damaging cuts in upcoming budget negotiations on the Agency’s FY 2020 funding measure. Additionally, we urge Congress to continue to reject inclusion in the Agency’s funding bill of anti-environmental riders that prohibit, de-fund, or otherwise amend EPA’s health and environmental protection policies.

* * *

For almost a half century, states and local communities have depended on EPA to be a strong and committed partner, working in concert to ensure safe drinking water, healthy recreational waters, clean air and land, and a safe and productive environment. This partnership has been founded on EPA’s capacity to set protective, science-based pollution standards, vigorously co-enforce environmental and public health laws, actively support state regulatory programs, and consistently provide grants and other vital financial assistance to states and local communities.

Sapping EPA of funding essential to doing its job – including assisting states and local communities in properly implementing and enforcing our nation’s environmental and public health laws – threatens to cripple, if not break, this successful partnership. Moreover, EPA budget cuts of the magnitude proposed by the Administration threaten to reverse decades of environmental and public health progress, taking our nation back to a time when air and water pollution was widespread, contaminated sites routinely imperiled the health of communities, and unregulated toxic chemicals in food, water, and the environment were a relentless danger to the safety of Americans.

Overall EPA Budget Cuts

Notwithstanding EPA’s fundamental role in protecting the health and the safety of the country’s water, air, land, and communities, the Trump Administration has proposed to cut EPA’s FY 2020 budget by \$2.8 billion – 31 percent – from its FY 2019 Annualized Continuing Resolution (ACR) level. The Administration erroneously and illogically claims this massive cut would somehow maintain EPA’s “focus on its core mission – providing Americans with clean air, land and water, and ensuring chemical safety.”¹

In reality, the proposed budget would do the opposite, undermining core environmental and health protections by slashing funding for each of the three strategic goals it defines for the Agency. The proposed budget would cut funding for the “Core Mission” strategic goal by 35 percent – comprised of cuts of \$364 million to programs that improve air quality, \$1.7 billion to programs that provide clean and safe water, \$278 million to programs that revitalize land and prevent contamination, and \$15 million to programs

¹ U.S. Environmental Protection Agency, *EPA FY 2020 Budget Proposal Released*, News Release, March 11, 2019 (available at <https://www.epa.gov/newsreleases/epa-fy-2020-budget-proposal-released>).

that ensure the safety of chemicals in the marketplace. The proposed budget also would cut funding for the other two strategic goals, “Cooperative Federalism” and “Rule of Law and Process,” by \$94 million (29 percent) and \$234 million (12 percent), respectively. The cuts to “Rule of Law and Process” include a 45 percent – \$219 million – proposed reduction in funding to “Prioritize Robust Science.”

The proposed cuts are punishing. The overall cut that the Trump Administration has proposed for EPA would reduce funding, in real dollars, to levels comparable to those the Agency received in the 1970s² and would be inflicted on an agency that already operates with one of the most modest budgets in the entire federal government (the EPA budget comprises roughly 0.2 percent of the federal budget). The proposed budget also would authorize a cut in the EPA staffing by almost 2,000 people in one year, leaving the Agency with its smallest workforce since 1985.³

Moreover, the Administration’s proposed budget ignores the reality that, for years, the Agency’s budget and workforce have not kept pace with its growing needs and obligations. In fact, the mounting environmental and health threats facing the American public – including, notably, the intensifying harm of climate change, as well as lead and per- and polyfluoroalkyl substances (PFAS) contamination in drinking water, smog and particulate matter air pollution, pesticides in foods, toxic substances in consumer products, and chemical accident releases from industrial facilities – demand substantially greater investment in EPA. It is increasingly clear that for EPA to squarely and aggressively meet our nation’s pressing environmental and public health challenges, the Agency requires more – not less – funding.

Slashing EPA’s already chronically underfunded budget and hollowing out its workforce would deepen the divide between the Agency’s needs and obligations, and its capacity to fulfil them. It also would undermine the Agency’s ability to remain a reliably strong and committed partner with states and local communities in ensuring the protection of Americans’ health and environment.

Cuts in State Assistance

According to the Environmental Council of States, the federal government provides, on average, 27 percent of state environmental agencies’ budgets.⁴ Much of this funding is provided through grants that help states administer federal environmental laws,

² Congressional Research Service, *U.S. Environmental Protection Agency (EPA) Appropriations: FY2020 President’s Budget Request*, March 28, 2019 (available at <https://fas.org/sgp/crs/misc/IF11153.pdf>).

³ *Id.*

⁴ Environmental Council of the States, *Testimony of the Environmental Council of the States Before the House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies Addressing the FY20 Budget for the U.S. Environmental Protection Agency*, March 15, 2019 (available at https://www.ecos.org/wp-content/uploads/2019/03/ECOS-FY20-Budget-Testimony_House.pdf).

improve public health, and protect the environment. This funding not only builds state capacity, but it also provides important flexibility to address local needs and priorities.

The Administration's proposed FY 2020 budget proposes a devastating \$1.4 billion (34 percent) cut in assistance to states and tribes, including a \$942 million (30 percent) reduction in State and Tribal Assistance Grants (STAGs) and \$496 million (46 percent) reduction in Categorical Grants, as compared to the FY 2019 ACR. Embedded in these cuts, the Administration is proposing to completely eliminate state and tribal Categorical Grants for critical environmental and public health protection programs, including:

- nonpoint source pollution control, assistance to states for regulatory and non-regulatory approaches, technical and financial assistance, education, training, and demonstration projects;
- beaches protection, support for state coastal recreational water quality monitoring and public notification programs;
- pollution prevention, including tools for advancing environmental stewardship among governments, businesses, communities, and individuals;
- radon detection, support for state programs and dissemination of public information and educational materials, including toll-free hotlines; and
- underground storage tanks regulation, assistance for state petroleum and hazardous substance release prevention and detection activities.

In addition to eliminating key funding, many vital state and tribal assistance programs would also be subject to debilitating cuts, including the following reductions in Categorical Grants:

- \$77 million (33 percent) cut in funding for Pollution Control;
- \$76 million (33 percent) cut in funding for State and Local Air Quality Management;
- \$33 million (33 percent) cut in Hazardous Waste Financial Assistance funding and a \$16 million (33 percent) cut in funding for Brownfields redevelopment grants; and
- \$4.2 million (33 percent) cut in funding for Pesticide Program Implementation and \$7.5 million (42 percent) cut in funding for Pesticide Enforcement.

The budget also proposes a \$65 million (87 percent) cut in STAGs for the Diesel Emissions Reduction Grant Program, a highly successful and popular program that has provided states with key funding to upgrade, retrofit, and replace school buses, transit buses, commuter ferries, and other "dirty diesel" mobile sources.

Perhaps the most myopic – and destructive – of the proposed cuts to state and tribal assistance are those that endanger the safety of public drinking water supplies. EPA estimates over \$472 billion in nationwide drinking water infrastructure needs over the

next 20 years.⁵ This estimate does not include the up to \$692 billion in estimated additional funds needed to “harden” this infrastructure to the impacts of climate change.⁶ Despite EPA Administrator Wheeler identifying drinking water improvements as a top priority for the Agency,⁷ the proposed deep budget cuts target the Drinking Water State Revolving Fund (SRFs) program – which provides critical federal funding for state-level investments in water systems serving almost 300 million people.⁸

The Administration is requesting \$863 million in Drinking Water SRFs funding, \$300 million (26 percent) lower than FY 2019 ACR levels. Funding for the Water Infrastructure Finance and Innovation program (WIFIA) would also be cut to \$25 million, 60 percent lower than FY 2019 ACR levels. The Administration proposes these cuts even though the America’s Water Infrastructure Act of 2018 – which was enacted by Congress to better respond to our nation’s burgeoning drinking water safety needs – increased authorized funding levels for Drinking Water SRFs to \$1.3 billion and WIFIA to \$50 million for FY 2020.⁹

The potential impact of these proposed cuts on public drinking water supply safety would be aggravated by a 33 percent cut in Categorical Grants to support states for Public Water System Supervision (\$34 million cut) and Underground Injection Control (\$3.5 million cut) programs. Further, the budget proposes to eliminate all \$20 million in STAGs for Safe Water for Small and Disadvantaged Communities, and – coupled with an elimination of \$14 million of Categorical Grants for addressing lead in buildings – all \$10 million in STAGs for Reducing Lead in Drinking Water.

In sum, the Trump Administration’s budget proposes to break EPA’s longstanding commitment to providing vital, core assistance to states. States would find it extremely difficult to fill the substantial void left by EPA’s retreat from its funding partnership role, and many would need to cut back on – or eliminate – fundamental public health and environment protections.

⁵ U.S. Environmental Protection Agency, *Drinking Water Infrastructure Needs Survey and Assessment, Sixth Report to Congress*, March 2018, Office of Water (4606M), EPA 816-K-17-002 (available at https://www.epa.gov/sites/production/files/2018-10/documents/corrected_sixth_drinking_water_infrastructure_needs_survey_and_assessment.pdf).

⁶ Association of Metropolitan Water Agencies, *Confronting Climate Change: An Early Analysis of Water and Wastewater Adaptions Costs*, October 2009 (available at <https://www.amwa.net/galleries/climate-change/ConfrontingClimateChangeOct09.pdf>).

⁷ Inside EPA, *Despite FY20 Infrastructure Cuts, Wheeler Calls Drinking Water Top Priority*, March 20, 2019 (available at <https://insideepa.com/daily-news/despite-fy20-infrastructure-cuts-wheeler-calls-drinking-water-top-priority>).

⁸ U.S. House of Representatives, Committee on Energy & Commerce, *Hearing on “The Fiscal Year 2020 Environmental Protection Agency Budget,”* April 5, 2019, Memorandum to Subcommittee on Environment and Climate Change Members and Staff, Committee on Energy and Commerce Staff (available at https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Env.2019.04.09.Hrg%20Memo_0.pdf), [hereinafter “Committee on Energy & Commerce Memorandum”].

⁹ *Id.*

Cuts to EPA's Core Programs

EPA's core environmental programs augment state budget and technical capacities, providing essential assistance to state and local efforts to protect the health of communities, and keep air, water, and land clean and safe. States rely on EPA to provide scientific and technical assistance on emission and discharge standards, testing and monitoring methods, emission control and remediation systems, and pollution prevention and best management practices. EPA's oversight of state programs ensures uniform enforcement of national pollution standards and averts a "race to the bottom." EPA core programs serve a critical regulatory role in addressing complex multi-state and multi-facility sources of pollution.

While the Administration portrays its FY 2020 budget proposal as focused on EPA's core mission "to provide Americans with clean air, land, and water, and ensure chemical safety,"¹⁰ the proposed budget would eliminate more than 50 programs or subprograms, and inflict punitive and indiscriminate cuts to other programs that support this mission.

For example, the Agency's overall Environmental Programs and Management ("EPM") account – which covers EPA's regulatory and enforcement work – would be cut by almost \$800 million, or 30 percent, including a:

- \$117 million (43 percent) cut in Clean Air funding, including a \$20 million (16 percent) cut in Federal Support for Air Quality Management;
- \$24 million (22 percent) cut in funding for Pesticides Licensing and \$26 million (28 percent) cut in funding for Toxics Risk Review and Prevention, including a total elimination of funding for Pollution Prevention, Endocrine Disrupters, and Lead Risk Reduction; and
- \$37 million (29 percent) cut in Information Exchange and Outreach, including eliminating all funding for Environmental Education and Small Minority Business Assistance.

The budget proposes a \$110 million (9 percent) cut in EPA's Hazardous Waste Superfund ("Superfund") account, including a \$116 million (15 percent) cut to the Superfund Cleanup program. Under that program, EPA – not the states – has primary authority to oversee the cleanup of the 1,337 sites on the National Priorities List and the 53 more sites proposed to be added to the list.¹¹ Further, the budget proposes a \$251 million (35 percent) cut in the Agency's Science and Technology ("S&T") account, which includes a \$60 million (66 percent) reduction in funding for research into Air and Energy research and a \$40 million (32 percent) reduction in Chemical Safety and Sustainability research funding.

¹⁰ U.S. Environmental Protection Agency, *FY 2020 EPA Budget in Brief*, March 2019, Office of Chief Financial Officer (2710A), EPA-190-R-19-001 (available at <https://www.epa.gov/sites/production/files/2019-03/documents/fy-2020-epa-bib.pdf>).

¹¹ Committee on Energy & Commerce Memorandum, *supra* note 8.

Stripping hundreds of millions of dollars from EPA's core programs would hamstring the Agency, and directly jeopardize not only its central activities but also the partnership that our states depend upon – with the net result being diminished protection of our air, water, and land, and the health and safety of our residents.

Other Notable Budget Cuts

The following are some additional, especially damaging examples of the debilitating cuts contained throughout the proposed budget.

Climate Change

There is no better example of the Administration's fundamental lack of appreciation for the Agency's essential role in protecting the health and the environment of the American public than the proposed near-elimination of funding for EPA climate change programs and research.

The 2018 Fourth National Climate Assessment states that “[g]lobal climate is changing and this is apparent across the United States in a wide range of observations. The global warming of the past 50 years is primarily due to human activities, predominantly the burning of fossil fuels.”¹² The Assessment concludes that “warming of our planet is unequivocal.” In the face of the overwhelming scientific evidence – and a year of historic flooding, hurricanes of increased strength, and epic wildfires that drastically affected the lives of millions of Americans and rocked the economy – the Trump Administration proposes deep cuts to, or elimination of, funding for programs that target the largest emission sources, power plants and vehicles; that promote voluntary emission reductions; and that encourage reductions of climate change pollution internationally.

The proposed budget would cut the Atmospheric Protection Program, which provides data and analysis on greenhouse gas emissions, by \$89 million (87 percent) and eliminate 14 of its voluntary climate-related partnership programs.¹³ The partnership programs proposed for elimination include AgSTAR, Center for Corporate Climate Leadership, Global Methane Initiative, Green Power Partnership, Landfill Methane Outreach Program, Natural Gas STAR, Responsible Appliance Disposal Program, SmartWay, and the State and Local Climate Energy Program. While the budget would spare EPA's highly-successful Energy Star program from elimination, it proposes to

¹² U.S. Global Climate Research Program, *Fourth National Climate Assessment*, November 2018 (available at <https://nca2018.globalchange.gov/>).

¹³ U.S. House of Representatives, Committee on the Budget, *President Trump's 2020 Budget: A Dangerous Exercise in Ignoring the Reality and Threat of Climate Change*, March 22, 2019 (available at <https://budget.house.gov/publications/report/president-trump-s-2020-budget-dangerous-exercise-ignoring-reality-and-threat>).

support it through user fees – an ill-conceived idea that threatens to undermine the independence and integrity of the program, and which is opposed by manufacturers, retailers, utilities, and environmentalists, and which has been previously rejected by Congress.

The budget would eliminate – through a \$19 million funding cut – the Agency’s contributions to the U.S. Global Change Research Program, which develops scientific information to support policy makers, stakeholders, and the public as they respond to climate change. Employees of EPA worked on the Fourth National Climate Assessment, discussed above. Further, the proposed 66 percent cut to the EPA’s Air and Energy Research Program includes a \$17 million reduction for climate change research.¹⁴ The Agency’s Federal Vehicle and Fuels Standards and Certification Program, which implements vehicle emissions standards and the Renewable Fuel Standard Program, would be reduced by \$16 million (17 percent).¹⁵ At the same time, EPA would invest in rulemakings to replace the Clean Power Plan, weaken the “Clean Cars” rules, and roll back other regulations critical to reducing climate change pollution.

These irresponsible cuts are compounded by the Administration’s proposed reduction of funding for, or elimination of, climate-related programs in other federal agencies.¹⁶

These include cuts to the:

- National Aeronautics and Space Administration (NASA) for the collection of data to assess climate changes and predict weather events;
- U.S. Geological Survey (USGS) for investments in science for climate change adaptation and resiliency, and remote sensing for understanding changes in land and resources;
- Department of Energy (DOE) for energy efficiency research and loan guarantees, and for advanced research and computational modeling of the Earth’s interconnected systems;
- Federal Emergency Management Agency (FEMA) for state and local disaster preparedness training programs, and floodplain mapping; and
- National Science Foundation (NSF) for Global Change Research, including fundamental research into the interactions among physical, chemical, biological, and human systems.

Geographic Programs

Our nation’s coastal areas and waterbodies play a central role in the health of the nation’s waters, and provide enormous regional and local economic benefits in tourism, fishing, and public recreation opportunities. For years, EPA has been a trusted partner

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ American Association for the Advancement of Science, *The FY 2020 Budget Request: Climate R&D*, April 24, 2019 (available at <https://www.aaas.org/news/fy-2020-budget-request-climate-rd>).

in geographic programs such as the Great Lakes Restoration Initiative and the Long Island Sound, Chesapeake Bay, Gulf of Mexico, Lake Champlain, San Francisco Bay, Puget Sound, and other watershed and waterbody protection efforts.

Despite the critical success and importance of these efforts, and the widespread public support they enjoy, the Trump Administration is proposing to eliminate funding for these programs, except for Chesapeake Bay – funding for which would be cut 90 percent – and, based on news accounts, the Great Lakes Restoration Initiative. Heightening the impact of these cuts, the Administration is also proposing to eliminate all funding for the National Estuaries Program (\$27 million) and the Beach/Fish Program (\$2 million), which provides public health information on the risks of swimming in pathogen-contaminated waters and eating toxics-contaminated local fish. All of these proposed cuts would make it substantially more difficult for states to restore and protect these critically-important water resources and protect the health of their residents.

The Administration's proposed budget cuts to other federal agencies would also exacerbate cuts to EPA's geographic program. For example, the deep cuts proposed for the National Oceanic and Atmospheric Administration (NOAA) grants and education programs (Sea Grant, Coastal Zone Management, National Estuarine Research Reserve System and Pacific Coastal Salmon Recovery fund) would further undermine state and local efforts to protect coastal natural resources.

Enforcement

Environmental laws can only be effective if they are enforced. Since the creation of EPA in the 1970s, the Agency has played a central role in both civil and criminal enforcement of our nation's environmental laws, alone, alongside, and in complement to state enforcement programs. This includes EPA's enforcement program audit responsibilities, which ensure that all states are actively and faithfully enforcing environmental laws.

Recent reports – including one by the Environmental Integrity Project¹⁷ – point to significant declines in EPA enforcement under the Trump Administration, including reductions in inspections, polluters charged with crimes, civil penalties, cleanups, and enforcement staffing. With that backdrop, the Administration's proposed \$29 million (12 percent) cut in the Agency's Enforcement budget in its EPM account for FY 2020 – which includes a \$24 million reduction in funding for civil enforcement – raises major concerns. Such cuts would hamstring the Agency's ability to undertake a host of core enforcement-related activities, including monitoring polluting facilities and generating data concerning compliance, performing inspections, investigating Superfund sites and

¹⁷ Environmental Integrity Project, *Less Enforcement: Communities at Risk*, February 26, 2019 (available at <https://www.environmentalintegrity.org/wp-content/uploads/2019/02/EIP-Enforcement-Report.pdf>).

identifying responsible parties to pay for cleanups, and preparing criminal cases with the requisite legal and scientific research, data collection, investigations and analysis.

As a particularly troubling part of the Administration's defunding of EPA's enforcement capacity, the FY 2020 proposed budget would cut funding for Environmental Justice enforcement in its EPM account by \$4.0 million (59 percent) and eliminate all Environmental Justice funding (\$758,000) in its Superfund account. Historically, the burdens of environmental pollution and degradation have been disproportionately borne by low-income, minority, and indigenous communities. EPA's Environmental Justice program is designated to help the Agency focus its resources in these communities and reverse decades of disparate treatment.¹⁸ Decimating funding for this critical work would reflect a substantial retreat from EPA's support for our neediest communities.

* * *

Anti-Environmental Budget Riders

In recent years, Congress has considered the inclusion of anti-environmental provisions – riders that could prohibit, de-fund or amend important EPA health and environmental protection policies and regulations – in budget measures. Among the most objectionable of these riders are those that would:

- Further delay the implementation of the 2015 national ambient air quality standards for ozone;
- Block the BLM Methane Rule, a regulation that controls the leaking, venting, and flaring of the highly potent greenhouse gas, methane, from oil and natural gas developments on public lands;
- Block EPA from implementing its own Methane Rule, the first-ever limits on methane pollution from new sources in the oil and natural gas sector;
- Deny funding to EPA to employ a social cost of carbon calculation, a critical means of ensuring that policies and regulations consider the full cost of climate change impacts; and
- Prohibit EPA from applying its “Phase 2 rules” on greenhouse gas emissions to “glider” trucks, which are heavy-duty trucks built by pairing a new chassis with an old, dirty diesel engine.

¹⁸ U.S. Environmental Protection Agency, *Office of Environmental Justice in Action*, Factsheet (available at https://www.epa.gov/sites/production/files/2017-09/documents/epa_office_of_environmental_justice_factsheet.pdf).

As in past years, we strenuously oppose the inclusion of these and any other anti-environmental budget riders. We strongly urge Congress to continue to reject such riders in the EPA's FY 2020 funding measure.

* * *

According to Gallup polling conducted in March, over 60 percent of Americans think the federal government is doing too little to protect the environment.¹⁹ The deep and punishing cuts and related workforce reductions proposed by the Trump Administration for EPA's FY 2020 budget are at direct odds with the high priority Americans place on protecting the environment. The Administration's proposed budget reflects a fundamental lack of appreciation for the essential role that EPA plays in protecting the health and environment of all Americans – both directly and by supporting the efforts of states and local communities.

Residents of our states and across the country depend on EPA to play a strong and committed role in protecting their health and that of their environment. For this reason, we urge Congress to once again reject the Administration's proposed debilitating cuts to EPA. Instead, we urge you to adopt an FY2020 budget that provides funding for the Agency at least at its FY 2019 ACR level, maintains necessary funding for states and tribes, core Agency activities, and critical specific programs, and omits all anti-environmental riders.

We thank you for your continued efforts to ensure 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,



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¹⁹ Gallup, *In Depth: Topics A to Z. Environment* (available at <https://news.gallup.com/poll/1615/environment.aspx>).



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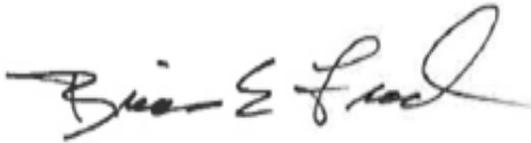
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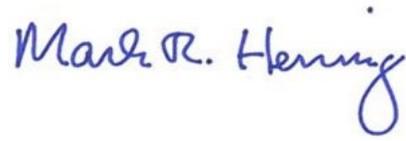
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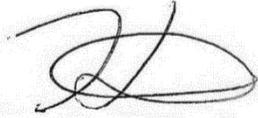
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**CC: Richard Shelby, Chairman, Senate Committee on Appropriations
Patrick Leahy, Vice Chairman, Senate Committee on Appropriations
Nita M. Lowey, Chairwoman, House Committee on Appropriations
Kay Granger, Ranking Member, House Committee on Appropriations**