Dania Rodriguez, Association of State and Territorial Solid Waste Management Officials, Executive Director; Testimony prepared for the Subcommittee on Interior, Environment, and Related Agencies. This testimony is addressing EPA FY26 appropriations.

The members of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) appreciate the opportunity to submit this written testimony. With it we will demonstrate how proposed U.S. Environmental Protection Agency (EPA) budget reductions will impede States and Territories from effectively and efficiently implementing congressionally enacted programs to ensure Americans have access to the cleanest land, water, and air. ASTSWMO is a national organization created in 1974 and represents all 50 States, 5 U.S. Territories, and the District of Columbia (States). Our mission is to enhance and promote effective State and Territorial environmental programs and to affect relevant national policies for waste and sustainable materials management, environmentally sustainable practices, and environmental restoration.

The 2026 Fiscal Year Presidential budget proposes an unprecedented 54 percent reduction to EPA. The budget drastically reduces and eliminates funding for bedrock environmental programs, which puts our nation's public health, economy, and environment at risk. Detrimental cuts and elimination of 16 Categorical Grants will make it impossible for States to implement the requirements of longstanding federal statutes that form the basis for environmental protection in the United States.

Congress has time and again made clear its intent for States to exercise primary authority to prevent and reduce air, water, and hazardous waste pollution through the federal Clean Air Act (CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA), and Resource Conservation & Recovery Act (RCRA) subtitles C, D, and I. This delegated framework has been in place for a half-century. EPA establishes rules and standards, and States are delegated authority or authorized to implement them through their own permit and compliance programs. Through this authority, *States conduct more than 90% of the work for federal environmental programs across our Nation*. Because the primary responsibility for meeting these federal standards rests with States, Congress and EPA have recognized the need to support State-led programs to prevent and address harmful pollution. Our comments focus on the funding for programs within ASTSWMO's membership: Brownfields, RCRA Subtitle C (Hazardous Waste), and RCRA Subtitle I (Tanks).

In the May 2, 2025, discretionary budget request letter from the Office of Management and Budget Director to the Senate Appropriations Committee Chair, the EPA Categorical Grants section narrative in the Environmental Protection Agency section says that States should be able to run their own programs by now in order to comply with federal law. However, federal law does not direct States to implement the program. In the case of RCRA Subtitle C, the law directs EPA to implement the hazardous waste program and allows it to authorize States to administer the program should the State desire to do so. As part of delegating its own responsibilities under federal law, EPA provides funding to States to operate the program on behalf of EPA. This funding proposal will decimate the ability for State environmental protection agencies to fulfill their responsibilities to protect human health and the environment. Pollution would increase, people

and the environment would suffer, and States and the federal government would face serious legal challenges for violating federal law.

Categorical grants are not a "crutch" for States. Rather, they represent a fair contribution by the federal government to the cost of implementation of federal laws and programs by State governments, including proper oversight of federal facilities and cleanup of legacy contamination. The support provided by categorical grants helps to ensure statutory obligations placed upon the EPA to ensure protection of human health and the environment are executed in the most efficient way possible while developing a healthy level of communication and cooperation between the State and federal government in the spirit of cooperative federalism. The provision of these categorical grants ensures that EPA personnel can maximize their efficiency to provide support for the commencement of interstate commerce and provide useful resources to States and industry. Through cooperative federalism, States have leveraged State and federal funding across the country that has resulted in environmentally beneficial results. Impacts of the loss of categorial grants for Brownfields, Hazardous Waste and Tanks are summarized in the following sections.

Brownfields

Brownfield properties often remain unused and in states of disrepair due to the presence of contamination that inhibits redevelopment. Brownfields grant funds are essential to assessment and cleanup of contamination. Absent these funds, many brownfield properties will remain unused and will impede economic growth in both rural and urban areas across the United States. Past Senate Committee on Environment and Public Works (EPW) hearings have highlighted the success of the Brownfields Program nationally and the significant return on investment by all parties involved.

The 128(a) Grant funds recognized Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) State Response Programs, which address brownfields and other lower-risk sites that are not of federal interest, as well as provide an alternative cleanup program for contaminated sites that do not score high enough for the National Priorities List (NPL) and for sites that could eventually score for the NPL if not remediated in a timely manner. If these sites were to be added to the NPL, they would be added to the bottom of the list, potentially lingering for decades due to the lack of sufficient Superfund Remedial funds to address the backlog of sites. With the proposal to eliminate appropriations and rely solely on taxes when the actual collections fall short of projections, the Superfund Remedial Program does not even have enough funding to remediate the currently listed sites. The 128(a) Grant ensures effective voluntary cleanups throughout the country, which often provide more efficient cleanups paid for by the interested parties—yet overseen by the State—and save significant Superfund Program resources in the long run. The ASTSWMO Brownfields Focus Group developed a **position paper** in 2023 advocating for the increase of 128(a) funding to continue effective State voluntary cleanup programs.

The annual Brownfields 128(a) Grant allocations that States receive serve communities across the nation by facilitating the redevelopment of abandoned, idled properties that have significant barriers to redevelopment. The money invested in these programs has created brownfields

agreements directly with developers that have lifted liability barriers for them to redevelop hundreds of properties across the country. For example, in one member State, the program has completed more than 750 brownfields agreements that have yielded more than $30 billion in capital investment in redeveloping more than 14,000 acres of property. Tens of thousands of jobs have been created because of 128(a) Grants and redevelopment of eyesore properties has improved the quality of life in those neighborhoods. In short, this grant expenditure has demonstrated extremely efficient government, with an exceptional return on investment in economic development.

The loss of the Brownfields 128(a) Grant funding would significantly diminish the States' capacity to: provide no-cost technical assistance to local governments, nonprofits, and Tribes cleaning up brownfield sites and returning them to beneficial reuse; support brownfield site investigation and cleanup activities, which most acutely affect smaller and rural communities that typically lack the capacity and expertise to address brownfields; and oversee timely and cost-effective voluntary cleanups that provide valued liability protection assurances to developers. The loss would result in more distressed downtowns, loss of local businesses, and an accelerated economic decline.

Hazardous Waste

The Hazardous Waste Program was established to prevent hazardous waste from contaminating the environment, and to prevent costly cleanups, including those required under the CERCLA. As manufacturing in the United States is forecasted to increase, hazardous waste generation will also increase. Increased hazardous waste generation will require the need for safe waste management, transportation, and disposal, including permitting hazardous waste treatment, storage, and disposal facilities (TSDFs) capable of managing those wastes. In addition to addressing routinely generated manufacturing wastes, the RCRA program is necessary to manage and clean up wastes generated from incidents such as wildfires, weather events, and accidents like the 2023 train derailment in East Palestine, Ohio.

State environmental agencies are responsible for the majority of this workload, as 48 of the 50 States are authorized to implement the Hazardous Waste Program, along with Washington, DC, and Guam. An additional State is currently pursuing authorization. Authorized States receive STAG funding appropriated by Congress. There is no statutory match requirement for these grants; however, EPA oversees the grant allocation with federal grant funding intended to cover 75% of the State's program costs with the State providing a 25% match. Even though **ASTSWMO's Hazardous Waste Program Cost Report** shows that States are consistently disproportionately matching by 48% to get to baseline funding for operating costs, STAG funding allocated by Congress is paramount for States to effectively operate hazardous waste programs. The amount of *federal funding to the State hazardous waste programs has remained level for approximately 30 years*, and the amount provided already does not cover the needs of authorized programs. *Any* reduction in federal funds to the hazardous waste program will be detrimental to human health and the environment.

The immediate consequence of less funding is that States will provide less oversight of hazardous waste management. It will result in fewer staff being available to perform compliance

inspections, enforcement actions, and oversee hazardous waste clean-up activities, all of which can result in the mismanagement of hazardous waste by generators. Currently State hazardous waste program staff provide compliance assistance quickly given proximity and historical knowledge. Having an adequate number of regulators located close to the regulated community reduces response time in an emergency or time critical situation like a complaint investigation. RCRA grant work also helps prevent new expensive cleanups and human exposure to toxic chemicals. Without this federal funding, States anticipate that there will be more hazardous waste releases contaminating our water, soil, and air, resulting in harm to public health and the environment.

Tanks

The Proposed FY26 Budget has announced a complete elimination of the LUST Prevention State Grant Program and a 26% reduction to the LUST Cleanup State Grant Program. This reduction in funds to the State's Prevention and Cleanup Programs would severely impact the LUST backlog and the number of inspections performed. In September 2022, **ASTSWMO sent a letter to EPA's Office of Land and Emergency Management (OLEM) leadership** regarding current insufficient federal funding for Underground Storage Tank programs; these proposed budget cuts would further exacerbate State program staffing and clean-up capabilities.

Specifically, if the EPA's Fiscal Year 2026 budget is reduced as proposed, and States lost current federal grants to support LUST prevention, it would reduce every State's capacity to conduct periodic (3-year) compliance inspections to prevent petroleum releases, as required under federal law (**2005 Energy Policy Act**). Additionally, the reduction in available LUST Clean-up funding will reduce every State's capacity to support the cleanup of petroleum releases by the owners and operators of the facilities, which are typically small businesses. Small businesses would not have the support they need, which puts public health at risk and can lead to expensive cleanups and irreparable environmental harm. The greatest potential threat from leaking tanks is contamination of groundwater, the source of drinking water for nearly half of all Americans.

Summary

The proposed funding cuts will ultimately harm the federal government and taxpayers. If States are unable to meet federal obligations for program delegation or approval, then EPA would be forced to take back and implement or enforce those programs themselves, which would increase the burden on the federal government and taxpayers. This will result in permitting delays, affecting important projects that support community public health and economic growth. We believe there is strong support from the regulated community for State implementation of these federal statutes rather than federal implementation. States develop cooperative approaches to working with regulated facilities. The proposed budget cuts would prevent State implementation of federal environmental statutes.