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# U.S. Environmental Protection Agency: Origins, Authorities, and Organization

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## U.S. Environmental Protection Agency: Origins, Authorities, and Organization

The U.S. Environmental Protection Agency (EPA) was established through the *Reorganization Plan No. 3 of 1970* (Reorganization Plan No. 3), issued by President Nixon, with the purpose of consolidating and coordinating federal pollution control responsibilities and functions. In 2025, President Trump signed several executive orders that directed EPA, among other agencies, to make changes to its structure and eliminate certain programs. As changes to the agency have been planned and implemented, Congress has demonstrated increasing interest in the origins, authorities, and structure of EPA.

Congressional interest in pollution control began in the 1940s with enactment of several pollution control statutes to address a range of environmental concerns. Prior to the creation of EPA, federal pollution control responsibilities were implemented by several different departments and agencies, separately addressing air quality, water pollution, solid waste management, pesticides, radiation, and other pollution and environmental protection issues. In addition, many states and some local governments had implemented pollution control laws and programs.

The general purpose of Reorganization Plan No. 3 was to centralize and coordinate most federal pollution control functions within one independent federal agency. In 1984, Congress ratified as law all reorganization plans then in effect, including Reorganization Plan No. 3. Since 1970, Congress has enacted and amended more than a dozen pollution control statutes that EPA implements, such as the Clean Air Act; the Clean Water Act; the Comprehensive Environmental Response, Compensation, and Liability Act; the Emergency Planning and Community Right to Know Act; the Federal Insecticide, Fungicide, and Rodenticide Act; the Resource Conservation and Recovery Act; the National Environmental Policy Act; and the Safe Drinking Water Act.

EPA's purposes, as established in Reorganization Plan No. 3 and generally continuing to the present day, include environmental standard-setting; research; monitoring; enforcement; and providing assistance to states, tribes, and local governments to support implementation of federal pollution control programs. As a regulatory agency, EPA is responsible for researching, developing, and implementing environmental regulations as directed by Congress through statute. The agency's activities cover multiple environmental media (e.g., air, water, and land) and a range of pollution control efforts, such as air and water quality regulation, waste management, cleanup of contaminated sites, environmental permitting, and regulation of chemicals in commerce. In addition, following the principle of "cooperative federalism," EPA delegates the administration of many programs to states and tribes. Congress has provided appropriations throughout the agency's history to support EPA funding of state and tribal activities, as well as grant programs to public and nonprofit entities conducting research, technical assistance, and other environment-related activities.

EPA's current organizational structure includes 10 headquarters offices, 10 regional offices across the United States, labs, and research centers. In the last decade, EPA staffing has ranged from nearly 13,000 full-time equivalents (FTEs) to more than 18,000 FTEs, with 12,500 FTEs estimated for FY2027. EPA's annual appropriations have been relatively steady, when adjusted for inflation since 1980, supplemented by significant additional appropriations from Congress in FY2009 and FY2022-2026. For FY2026, EPA's enacted annual appropriations totaled \$8.82 billion, with supplemental advance appropriations of \$12.01 billion from the Infrastructure Investment and Jobs Act (P.L. 117-58).

EPA's organizational structure and statutory authorities are closely interrelated; both factors influence the agency's responsibilities and capacity for promulgating regulations, conducting research, developing standards, and administering programs. Further, EPA appropriations, staffing, and other resources are directly related to the agency's organizational structure and implementation of statutory duties. Congress could consider a range of policy issues when conducting oversight of EPA, developing legislation related to environmental protection, or debating EPA appropriations. Policy issues include the implications of recent changes to EPA's structure, functions, and staffing on the agency's implementation of its responsibilities under a variety of pollution control statutes. As EPA implements changes to regulations and numerous agency programs, driven by executive orders, agency policies, and court decisions, Congress could also consider whether to amend existing legislation or enact new legislation to specify the agency's responsibilities and functions in statute. In addition, when debating future agency appropriations, Congress could consider increasing, decreasing, or maintaining appropriations levels to align with the agency's responsibilities and needs for resources and staffing to carry out these responsibilities.

## Contents

Introduction .....	1
EPA’s Origins.....	2
Pollution Control Regulation Before EPA Establishment .....	2
The President’s Advisory Council on Executive Organization .....	3
Reorganization Plan No. 3 of 1970 .....	4
Congressional Hearings .....	6
Congressional Approval.....	8
Initial EPA Organizational Structure .....	9
EPA’s Role, Mission, and Selected Authorities .....	9
EPA Role and Mission.....	10
Selected Pollution Control Statutes EPA Implements .....	10
EPA Responsibilities Under Other Statutes and Executive Orders .....	12
EPA’s Organizational Structure .....	13
EPA Headquarters Offices .....	13
Environmental Media Program Offices .....	13
Administrative and Legal Offices .....	13
Other Cross-cutting Offices .....	14
Research Centers and Labs .....	14
EPA Regional Offices and Geographic Offices.....	15
EPA Staffing.....	16
EPA Appropriations .....	17
Issues for Congress.....	19
Historical Congressional Action on EPA Status.....	19
Recent Administration Actions and EPA Reorganization.....	19
Selected Policy Issues and Options for Congress .....	23
EPA Organizational Structure and Programs .....	23
EPA Statutory Authorities and Responsibilities .....	26
EPA Resources: Appropriations and Staffing.....	27

## Figures

Figure 1. EPA Regions.....	16
Figure 2. EPA-Authorized FTE Ceiling, FY2018-FY2026 and FY2027 Estimated .....	17
Figure 3. EPA Total Discretionary Budget Authority, FY1976-FY2024.....	18
Figure 4. EPA Total Enacted Appropriations, FY2022-FY2026 .....	19

## Appendixes

Appendix. Glossary of Abbreviations .....	30
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## **Contacts**

Author Information..... 31

## Introduction

In July 1970, President Nixon proposed the creation of the U.S. Environmental Protection Agency (EPA) to address rising concerns about environmental pollution throughout the United States. Nixon's *Reorganization Plan No. 3 of 1970* (Reorganization Plan No. 3) proposed transferring certain environmental duties and functions from existing federal departments and entities to the new EPA.<sup>1</sup> The 91<sup>st</sup> Congress approved this plan, resulting in the establishment of EPA in December 1970. Since the founding of the agency, Congress has modified and expanded EPA's responsibilities through the amendment of pollution control statutes that were enacted prior to EPA's establishment and through additional statutes covering a range of environmental policy issues.

At the time of EPA's formation, policymakers and the public were increasingly concerned about pollution and protection of the environment. Events such as the 1969 Cuyahoga River fire, multiple oil spills, and increasing urban air pollution, along with concerns about the health impacts of certain pesticides, served to elevate awareness and calls for federal action. EPA's initial functions and responsibilities centered on research and development, as well as monitoring, to gather scientific data on environmental problems. Subsequently, EPA would develop regulatory approaches to pollution, such as national standard-setting and enforcement programs based on amended and new pollution control statutes.

EPA's responsibilities and programs generally involve the regulation of air quality, water quality, and chemicals in commerce; the development of regulatory criteria for the management and disposal of solid and hazardous wastes; and the cleanup of environmental contamination. In addition, EPA provides financial and technical assistance to states, local governments, and tribes to assist in administering pollution control programs and complying with certain federal requirements. Since EPA's establishment, Congress has supported principles of "cooperative federalism," wherein certain statutes allow EPA to grant authority for administering specific pollution control programs to states and tribes in lieu of EPA, as long as the state or tribe meets specific program requirements under the relevant statute and regulations.

In recent Congresses, Members have engaged in debates about EPA's statutory origins, the nature and scope of the agency's various regulatory and program authorities, and its organizational structure. Interest from Members, committees, and congressional staff in EPA's history, policy, and programs has increased since the beginning of the second Trump Administration as the Administration has changed the structure and certain responsibilities of EPA offices and programs. On September 22, 2025, EPA announced an agency reorganization, including a reduction in force (RIF) and the elimination of several programs and offices. Recent executive orders (E.O.s) eliminating EPA programs and activities, changes to EPA grant funding, and announcements of reconsideration of existing pollution control regulations have also affected EPA functions and structure. As EPA undertakes numerous changes in programs and organization, Members may consider the implications of these changes for environmental policies in light of the policy goals and directives of more than a dozen pollution control statutes EPA implements.

This report describes the process of the establishment of the EPA in the Nixon Administration and in Congress, including an overview of the executive and legislative origins of EPA; selected pollution control statutes that EPA administers; the mission and organizational structure of the agency; and historic staffing levels and appropriations. The report analyzes the interrelationships

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<sup>1</sup> 5 U.S.C., Appendix, Reorganization Plans; Statutes-at-Large 84 Stat. 2086. As a group, reorganization plans may be found, as amended, at 5 U.S.C. Appendix, Reorganization Plans. *Reorganization Plan No. 3 of 1970*, as amended, may also be found as a note to 42 U.S.C. §4321.

among authorities provided by Congress over time, agency structure and operations, related regulatory and programmatic responsibilities, staffing, and appropriations. The report examines recent EPA reorganization efforts and various policy options for EPA oversight. The report concludes with a discussion of selected policy issues for congressional consideration. Analysis of specific implications of recent organizational changes or ongoing legal actions involving EPA responsibilities and functions are beyond the scope of this report. The **Appendix** to the report contains a list of acronyms used throughout.

## **EPA's Origins**

Federal protection of the environment in the United States began in the 1940s as a collection of distinct statutes addressing a range of releases and environmental media (e.g., air, water, land). These statutes were implemented for the next few decades by various federal agencies with different missions and functions. A presidential advisory council recommended to President Nixon establishing a single independent agency that would be responsible for most of the pollution control functions of the federal government. Congress held hearings and engaged in debates throughout 1970 regarding such a reorganization and the specific purposes, functions, and structure of a new agency. With congressional approval, EPA was established in 1970 with specific scientific and regulatory responsibilities, along with an initial organizational structure, staffing and other resources, and annual appropriations.

The context and process for the establishment of EPA as a federal agency may be useful for examining EPA's current reorganization and related policy implications. The following sections review the state of pollution control policies in the mid-20<sup>th</sup> century, the Nixon Administration's original vision for the agency, historic congressional debate on the creation of the agency, and the initial organizational structure created to carry out the agency's early responsibilities.

## **Pollution Control Regulation Before EPA Establishment**

Beginning in the 1940s and prior to the establishment of EPA in 1970, several executive branch agencies, commissions, and councils were responsible for administering federal pollution control programs. These included the Atomic Energy Commission (AEC), the U.S. Department of Agriculture (USDA), the Department of Health, Education, and Welfare (HEW), the Department of the Interior (DOI), the Federal Radiation Council (FRC), and the Council on Environmental Quality (CEQ).

Between 1947 and 1969, Congress enacted statutes establishing pollution control responsibilities and functions within these agencies.<sup>2</sup> These statutes covered a range of pollution control issues and established initial research, standard-setting, abatement, monitoring, and other activities. In some cases, the regulations implemented under these statutes addressed a limited range of pollutants or chemicals, covered limited sources or affected entities, and established different enforcement frameworks. Over the next several decades, Congress amended these acts to expand their scope, reflect evolving science, and add and modify responsibilities and programs for federal agencies—including EPA after its establishment (discussed later in this report, “Selected Pollution Control Statutes EPA Implements”). Selected statutes from this period included the following:

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<sup>2</sup> Prior to these comprehensive pollution control laws, Congress enacted several federal laws addressing specific natural resources and pollution issues beginning in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, such as The Rivers and Harbors Act of 1899 (P.L. 55-425) and the Oil Pollution Act of 1924 (P.L. 68-238).

- The Federal Insecticide, Fungicide, and Rodenticide Act of 1947 (FIFRA; P.L. 80-104);
- The Federal Water Pollution Control Act of 1948 (P.L.80-845);
- The Atomic Energy Act of 1954 (P.L. 83-703);
- The Air Pollution Control Act of 1955 (P.L. 84-159);
- The Clean Air Act of 1963 (P.L. 88-206);
- The Solid Waste Disposal Act of 1965 (P.L. 89-272); and
- The National Environmental Policy Act of 1969 (NEPA; P.L. 91-190).

During this period, implementation of pollution control programs and activities—such as standard-setting, regulatory development, scientific research, and enforcement—was decentralized. For example, different agencies administered separate regulatory and scientific programs for water pollution control, air pollution control, solid waste management, regulation of pesticides, and certain radiation protection functions.<sup>3</sup> While CEQ was responsible for certain government-wide policies and served in an advisory role to the President, there was no formal process or structure for coordination among these agencies. Each agency, therefore, addressed a distinct environmental medium or concern (e.g., air pollution, radiation), conducting monitoring, standard-setting, and enforcement in these areas without consideration for interrelated ecological systems or the implications of how their policies could affect one another.<sup>4</sup> Before the enactment of these federal statutes, some states and municipalities had enacted their own pollution control laws, created pollution control departments and commissions, and implemented various environmental-related programs. For example, some states developed air quality standards for certain pollutants, enacted air and water pollution control laws and regulations, and established water resources commissions and local sanitation boards.<sup>5</sup> Some of these state laws served as models for subsequent federal statutes.

## The President's Advisory Council on Executive Organization

In April 1970, the President's Advisory Council on Executive Organization (also known as the Ash Council, after the chair of the council) recommended that the pollution control functions that were spread throughout the executive branch be combined into one new independent agency, the "Environmental Protection Administration."<sup>6</sup> In its memorandum to President Nixon, the Ash

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<sup>3</sup> For a comprehensive listing of duties, see U.S. Environmental Protection Agency (EPA), "EPA's Origins: Duties Transferred to EPA from Other Federal Agencies," <https://www.epa.gov/archive/epa/aboutepa/epas-origins-duties-transferred-epa-other-federal-agencies.html>.

<sup>4</sup> President Richard M. Nixon, "Message from the President of the United States Transmitting Reorganization Plan No. 3 of 1970," *Congressional Record*, vol. 116, part 17 (July 9, 1970), pp. 23379-23381, <https://www.congress.gov/91/crecb/1970/07/09/GPO-CRECB-1970-pt17-6-1.pdf> (hereinafter Presidential Message).

<sup>5</sup> See, for example, Oregon's Air Pollution Control Act of 1951 (1951 Or. Laws 425; ORS Chapter 468A), California's Porter-Cologne Act (WAT §13020), the South Carolina Pollution Control Act of 1950 (SC Code of Laws Title 49, Chapter 1), Virginia's Sanitary District Law of 1938 (Code of VA., Title 21, Chapter 3), and the Maryland Water Resources Commission (1930; Md. Code Ann, Envir. §5-101 et seq).

<sup>6</sup> Memorandum from the President's Advisory Council on Executive Reorganization to President Richard M. Nixon, "Federal Organization for Environmental Protection," April 29, 1970 (hereinafter "Ash Council Memorandum"), [https://www.nixonfoundation.org/wp-content/uploads/2023/11/1970\\_04\\_29-Federal-Organization-for-Environmental-Protection.pdf](https://www.nixonfoundation.org/wp-content/uploads/2023/11/1970_04_29-Federal-Organization-for-Environmental-Protection.pdf), p. 124; full text of the memorandum is available at <https://www.epa.gov/archive/epa/aboutepa/ash-council-memo.html>.

Council stated that the current federal government structure was ineffective and inappropriately organized to address the rising pollution levels and other environmental concerns at the time.<sup>7</sup>

The council stated that the environment “must be perceived as a unified, interrelated system”<sup>8</sup> and therefore recommended the “merger of key Federal entities dealing with air and water pollution, pesticides registration and regulation, solid waste management, and radiation standard-setting, including their closely related monitoring and research facilities.”<sup>9</sup> The council noted that it had considered various alternatives for this agency, such as a new, combined environment and natural resources department; the merging of certain functions into a new bureau within HEW; or the creation of a smaller agency within the Executive Office of the President. Ultimately, the council’s recommendation was to create an independent agency that would become EPA. According to the council, an independent agency would more effectively balance competing interests regarding the environment, combine related functions that could be managed efficiently, and house critical nationwide standard-setting functions in a separate, more objective federal agency.<sup>10</sup> A single agency would also benefit the business community and state and local governments by simplifying relationships with these partners.<sup>11</sup>

The council noted that, while it considered the benefits of alternative organizational structures that used the resources and expertise of existing agencies, it did not recommend these alternatives because of the potential for agencies with other missions to be biased in the environmental standard-setting functions that might affect other departments.<sup>12</sup> Further, the alternative structures would not meet the recommended goals of a centralized agency focused on pollution control across environmental media with the institutional structure designed to conduct a range of standard-setting activities.<sup>13</sup>

## **Reorganization Plan No. 3 of 1970**

After the Ash Council submitted its memorandum to President Nixon, the administration prepared a reorganization plan largely based on the council’s recommendations. On July 9, 1970, President Nixon submitted Reorganization Plan No. 3 to Congress under the authorities of the Reorganization Act of 1949 and related statutes.<sup>14</sup> These acts authorized the President to direct certain executive reorganization actions, including establishing new agencies and transferring certain functions among agencies. The reorganization plan proposed the establishment of EPA as an independent federal agency, among other provisions. Congress later approved the plan, but Congress did not establish EPA through a single “origin statute,” as it has some other federal departments and agencies. As detailed later in this report, however, Congress ratified

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<sup>7</sup> Ash Council Memorandum.

<sup>8</sup> Ash Council Memorandum.

<sup>9</sup> Ash Council Memorandum.

<sup>10</sup> Ash Council Memorandum.

<sup>11</sup> Ash Council Memorandum.

<sup>12</sup> Ash Council Memorandum.

<sup>13</sup> Ash Council Memorandum.

<sup>14</sup> Reorganization Act of 1949, P.L. 81-109; 63 Stat. 203. For further details, see CRS Report R48763, *Presidential Reorganization Authority: Potential Approaches for Congressional Consideration*, by Henry B. Hogue.

reorganization plans as law in 1984.<sup>15</sup> Reorganization Plan No. 3, as subsequently amended by statute, remains in effect.<sup>16</sup>

In a message accompanying the reorganization plan, President Nixon observed that “arresting environmental deterioration is of great importance to the quality of life in our country and the world.”<sup>17</sup> The message also provided the rationale for the reorganization and establishment of an independent EPA, based on the scientific complexity of the natural environment and the challenges in addressing multiple, and often interrelated, sources and impacts of pollution through various environmental media. President Nixon announced a “strong, independent agency” that centralized most federal pollution control duties and functions. President Nixon also stated that the responsibilities and structure of the new agency were intended to improve coordination and standardization of programs and activities across the federal government, including cooperation with agencies performing related functions.<sup>18</sup>

The message transmitting Reorganization Plan No. 3 established that the principal roles and functions of EPA would include the following:

- the establishment and enforcement of environmental protection standards consistent with national environmental goals;
- the conduct of research on the adverse effects of pollution and on methods and equipment for controlling it, the gathering of information on pollution, and the use of this information in strengthening pollution control programs and recommending policy changes;
- assisting others, through grants, technical assistance, and other means in arresting pollution of the environment; and
- assisting the Council on Environmental Quality in developing and recommending to the President new policies for the protection of the environment.<sup>19</sup>

Reorganization Plan No. 3, Section 1, established EPA, created the position of administrator as the head of the agency, created the position of deputy administrator, and created five assistant administrator positions. Each of these positions was to be appointed by the President with the advice and consent of the Senate.<sup>20</sup>

Section 2 of the plan transferred specific functions of other departments and federal entities to the EPA administrator. For example, programs and functions transferred from HEW to EPA included the National Air Pollution Control Administration; the Environmental Control Administration (including the Bureau of Solid Waste Management, the Bureau of Water Hygiene, and the Bureau of Radiological Health); the Air Quality Advisory Board; and certain functions under the Federal Food, Drug, and Cosmetic Act (FFDCA). Functions transferred from DOI to EPA included the Federal Water Quality Administration and certain other functions under the Federal Water Pollution Control Act (also known as the Clean Water Act).

Section 2 also transferred to EPA pesticides research and standard-setting programs from HEW and the pesticides registration program of USDA, as well as elements of the radiation criteria and

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<sup>15</sup> “A bill to prevent disruption of the structure and functioning of the Government by ratifying all reorganization plans as a matter of law” (P.L. 98-532).

<sup>16</sup> U.S. Congress, House Government Operations Committee, *Approving Reorganization Plan No. 3 of 1970*, report to accompany H.Res. 1209, 91<sup>st</sup> Cong., 2<sup>nd</sup> sess., September 23, 1970, H.Rept. 91-1464.

<sup>17</sup> Presidential Message, pp. 23380-23381.

<sup>18</sup> Presidential Message, pp. 23380-23381. Under 5 U.S.C. Chapter 9, §905, a reorganization plan could not add new functions to federal agencies, but could transfer existing functions among agencies.

<sup>19</sup> Presidential Message, p. 23381.

<sup>20</sup> Reorganization Plan No. 3 of 1970, §1.

standards programs from the AEC and all functions of the FRC. In addition, the plan transferred certain functions for ecological system studies under NEPA from CEQ to EPA. The message accompanying Reorganization Plan No. 3 stated that EPA would develop competence in other areas of pollution control not previously addressed by the federal government, such as “the problem of noise.”<sup>21</sup>

Section 3 of the plan authorized the EPA Administrator to perform functions transferred to him “as he shall deem appropriate.”<sup>22</sup> Section 4 provided for the transfer of personnel, property, records, and funding to EPA, as determined by the Office of Management and Budget (OMB).<sup>23</sup> Section 5 authorized the President to appoint interim officers for EPA.<sup>24</sup> Section 6 abolished the FRC and the Federal Water Quality Administration in DOI.<sup>25</sup>

## Congressional Hearings

In 1970, in the 91<sup>st</sup> Congress, the House Committee on Government Operations, Subcommittee on Executive and Legislative Reorganization, and the Senate Committee on Government Operations, Subcommittee on Executive Reorganization and Government Research held hearings on Reorganization Plan No. 3.<sup>26</sup> Members heard testimony from Ash Council Chair Roy Ash, the director of CEQ, officials from OMB, and officials at agencies that would transfer some functions to EPA, such as DOI, HEW, and USDA.

Testimony from the Ash Council, CEQ, and OMB emphasized several themes in support of a new, independent executive branch agency charged with pollution control. First, testimony expressed that a new agency that would consolidate various pollution control functions from across the federal government was needed to research and regulate increasingly complex and interrelated pollution problems. Supporters argued that a single agency would enable the federal government to more effectively study and control pollutants and their impacts in multiple environmental media and across ecosystems, as well as develop policies in a coordinated and consistent manner.<sup>27</sup> Further, these supporters contended that consolidation of responsibilities into one lead federal agency would enhance federal relationships with states and industry, providing consistency and streamlining interactions in regulations, enforcement, federal funding, technical assistance, and other areas.<sup>28</sup>

Second, testimony supported the plan’s provision that EPA’s primary mission would be pollution control. At the time, pollution control and abatement functions were generally one of many responsibilities of larger federal agencies. Supporters argued that to better accomplish its mission, the agency’s functions should not include other activities or responsibilities not directly related to pollution control research, standards, or enforcement. This view reflected Nixon Administration

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<sup>21</sup> Presidential Message, p. 23380.

<sup>22</sup> Reorganization Plan No. 3 of 1970, §3.

<sup>23</sup> Reorganization Plan No. 3 of 1970, §4.

<sup>24</sup> Reorganization Plan No. 3 of 1970, §5.

<sup>25</sup> Reorganization Plan No. 3 of 1970, §6.

<sup>26</sup> U.S. Congress, House Committee on Government Operations, Subcommittee on Executive and Legislative Reorganization, *Reorganization Plan No. 3 of 1970 (Environmental Protection Agency)*, hearings, 91<sup>st</sup> Cong., 2<sup>nd</sup> sess., July 22 and 23 and August 4, 1970 (hereinafter House Hearings); U.S. Congress, Senate Committee on Government Operations, Subcommittee on Executive Reorganization and Government Research, *Reorganization Plans Nos. 3 and 4 of 1970*, hearings, 91<sup>st</sup> Cong., 2<sup>nd</sup> sess., July 28 and 29 and September 1, 1970 (hereinafter Senate Hearings).

<sup>27</sup> House Hearings, pp. 14-16, 42, 44, and 46; Senate Hearings, pp. 85 and 136-139.

<sup>28</sup> House Hearings, pp. 18 and 46.

priorities for pollution control and high public concern about environmental issues at the time, according to testimony.<sup>29</sup>

Third, some officials testified that the initial functions of EPA should include only those activities needed for pollution control standard-setting, research to support standards development, and enforcement of these standards. According to these officials, the agency should be responsible for the pollution control functions needed for these specific activities but the agency would not need to include other pollution or environmental functions of the federal government not directly related to standard-setting, associated research, or enforcement. For example, they stated the agency would not need to include some pesticide activities and some radiation activities that were unrelated to establishing standards.<sup>30</sup> Officials also noted that Reorganization Plan No. 3 was intended to be a beginning for the new agency and that EPA's functions would likely expand and evolve over time.<sup>31</sup>

Fourth, testimony by some officials asserted that EPA should stand as an independent agency, separate from any federal department. These officials noted that this independence was needed to separate natural resource use, development, or promotion functions of agencies such as DOI and USDA from pollution control and enforcement functions. They asserted that the separation would help avoid potential bias in regulations and enforcement that might occur if these functions were contained within the same agency.

During the hearings, officials from DOI, HEW, and USDA testified in support of EPA and Reorganization Plan No. 3's approach in transferring functions to the new agency.<sup>32</sup> For example, the official serving as both the U.S. Surgeon General and Deputy Assistant Secretary for Health and Scientific Affairs at HEW commented that "a single agency can provide visibility, focus, and overall direction to the complex problems of pollution control."<sup>33</sup>

Committee Members and other Members testifying and providing comments generally supported Reorganization Plan No. 3 and the rationale provided by CEQ, OMB, and other agencies. These Members observed that the plan would result in more effective allocation of government resources, would integrate consideration of multiple types of pollution, and would create a comprehensive approach to research, standard-setting, and policy formulation.<sup>34</sup> Other Members also noted that the formation of an independent agency focused on pollution control aligned with priorities for protection of the environment.<sup>35</sup> Other Members expressed that having a single, coordinated agency would be beneficial for the regulated industry.<sup>36</sup>

During the congressional debates, some Members opposed Reorganization Plan No. 3 and the establishment of EPA.<sup>37</sup> For example, some Members supported enhancing federal efforts for pollution control, but argued that the authority and organizational structure of an independent

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<sup>29</sup> Senate Hearings, pp. 85-86.

<sup>30</sup> House Hearings, pp. 47 and 137-139.

<sup>31</sup> House Hearings, p. 25.

<sup>32</sup> House Hearings, pp. 103-106; Senate Hearings, pp. 124-125.

<sup>33</sup> House Hearings, p. 106.

<sup>34</sup> House Debate, *Congressional Record*, vol. 116, part 25 (September 28, 1970), pp. 33871-33883 (hereinafter House Debate).

<sup>35</sup> Senate Hearings, pp. 2-40.

<sup>36</sup> House Hearings, p. 28.

<sup>37</sup> Senate Hearings, p. 129; House Hearings, p. 114. See also U.S. Congress, House Committee on Government Operations, *Approving Reorganization Plan No. 3 of 1970*, report to accompany H.Res. 1209, 91<sup>st</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 91-1464, September 23, 1970.

agency would not be sufficient to address national pollution concerns.<sup>38</sup> Instead, some Members favored the creation of a federal cabinet-level department that included all federal pollution control and natural resources management functions. They argued that a larger department could coordinate all of these functions and would have greater authority within the executive branch compared to a smaller independent agency.<sup>39</sup>

Some Members disagreed with the reorganization process itself, arguing that Congress should have a stronger role in establishing EPA or a similar agency or department, rather than the executive branch leading the process. These Members argued that “the task or proper reorganization is so great that it should be undertaken by legislation” rather than through executive branch reorganization proposals submitted to Congress and that Congress should have been consulted in developing reorganization plans.<sup>40</sup> Other Members expressed concern that EPA would not receive sufficient resources or funding to accomplish its mission.<sup>41</sup> Some Members expressed concern about the costs associated with a new agency and favored maintaining the existing decentralized structure of pollution control functions implemented by multiple agencies to save the cost of setting up and funding a new agency.<sup>42</sup>

## Congressional Approval

The authority under which Reorganization Plan No. 3 was submitted provided that it would go into effect following 60 days of continuous session after the President had submitted it to Congress unless at least one of the chambers passed a resolution of its disapproval.<sup>43</sup>

On September 15, 1970, a resolution of disapproval was introduced in the House.<sup>44</sup> The House Committee on Government Operations, to which the resolution had been referred, reported the measure unfavorably on September 23, recommending that it not be passed and that the plan be allowed to go into effect.<sup>45</sup> The House debated the resolution on September 28.<sup>46</sup> It rejected the resolution of disapproval and thereby supported the plan to establish EPA.

The Senate Committee on Government Operations, Subcommittee on Executive Reorganization, held hearings on Reorganization Plan No. 3 on July 28 and 29, 1970.<sup>47</sup> No resolution of disapproval was introduced in the Senate. The committee issued a report in support of the plan on September 29. The report stated, “Although not required by the reorganization statute, this report

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<sup>38</sup> Senate Hearings, p. 129. For example, some Members noted that the Environmental Protection Agency (EPA) should also be given responsibility for federal noise pollution control, the National Institute of Environmental Health Sciences, and certain sewer construction grants. Congress did later direct EPA to regulate noise pollution and develop water infrastructure financing programs.

<sup>39</sup> House Hearings, pp. 114-123.

<sup>40</sup> House Debate, p. 33880; House Hearings, p. 116.

<sup>41</sup> House Debate, p. 33880.

<sup>42</sup> House Debate, p. 33875.

<sup>43</sup> Reorganization Act of 1949, P.L. 81-109; 63 Stat. 203.

<sup>44</sup> “Public Bills and Resolutions,” *Congressional Record*, vol. 116, part 23 (September 15, 1970), p. 31914.

<sup>45</sup> U.S. Congress, House Government Operations Committee, *Approving Reorganization Plan No. 3 of 1970*, report to accompany H.Res. 1209, 91<sup>st</sup> Cong., 2<sup>nd</sup> sess., September 23, 1970, H.Rept. 91-1464.

<sup>46</sup> Rep. Chester E. Holifield, “Disapproving Reorganization Plan No. 3 of 1970—To Establish an Environmental Protection Agency as an Independent Entity of Government,” House debate, *Congressional Record*, vol. 116, part 25 (September 28, 1970), pp. 33871-33884.

<sup>47</sup> Senate Hearings. The committee also discussed Reorganization Plan No. 4, to establish the National Oceanic and Atmospheric Administration, on these two days. On September 1, 1970, an additional hearing was held, during which only this latter plan was discussed.

is filed so that the Senate may be informed concerning the provisions of the plan and the result of the committee's consideration thereof."<sup>48</sup>

With no resolution of disapproval from the House or Senate, the plan went into effect 146 calendar days after its submission, on December 2, 1970.<sup>49</sup> In this way, the plan was self-executing; it did not require further legislative or executive action to take effect. On the same day, the Senate confirmed William Ruckelshaus as the first administrator of EPA.<sup>50</sup> Congress later ratified and affirmed Reorganization Plan No. 3, along with other existing executive reorganization plans in 1984, in response to a Supreme Court decision regarding the validity of existing reorganization plans.<sup>51</sup> All reorganization plans thus ratified and affirmed may be found in the Appendix to Title 5 of the *U.S. Code*.

## Initial EPA Organizational Structure

Shortly after the confirmation of Administrator Ruckelshaus, an EPA order and regulations set out the initial framework for the agency's operations. *EPA Order 1110.2—Initial Organization of the EPA*, issued on December 4, 1970, outlined specific agency positions and offices.<sup>52</sup> These included the positions of Administrator and Deputy Administrator, the Office of the Administrator, and four Director positions within the Office of the Administrator. The order created the positions and duties of three Assistant Administrators: for Planning and Management; Standards and Enforcement and General Counsel; and Research and Monitoring. The order also established five EPA program offices to administer their respective functions: the Water Quality Office, Air Pollution Control Office, Pesticides Office, Radiation Office, and Solid Wastes Office. Order 1110.2 also established 10 regional EPA offices. As discussed in detail later in this report, the structure and titles of some EPA offices have changed since this initial organizational structure.

## EPA's Role, Mission, and Selected Authorities

Reorganization Plan No. 3 provided the foundation for EPA's initial purposes, responsibilities, mission, and general authorities under existing pollution control statutes. These topics are closely related to the current EPA organizational structure, recent staffing levels, and agency appropriations discussed later in this report, which together influence EPA's capacity to carry out its responsibilities.

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<sup>48</sup> U.S. Congress, Senate Committee on Government Operations, *Reorganization Plan No. 3 of 1970, Providing for the Establishment of the Environmental Protection Agency*, 91<sup>st</sup> Cong., 2<sup>nd</sup> sess., September 29, 1970, S.Rept. 91-1250, p. 1.

<sup>49</sup> The period included days when Congress was not "in continuous session" under the statutory definition.

<sup>50</sup> EPA, "EPA's Administrators," <https://www.epa.gov/history/epas-administrators#william-d-ruckelshaus>.

<sup>51</sup> P.L. 98-532; 98 Stat. 2705. In 1983, the Supreme Court had ruled in *INS v. Chadha* that the legislative veto process was unconstitutional. 462 U.S. 919 (1983). The Court's ruling in *INS v. Chadha* raised concerns that the validity of existing reorganization plans, all of which had gone into effect under reorganization authority with legislative veto provisions, might be called into question. Congress passed the ratifying and affirming legislation to remove such potential doubt about reorganization plans. The plans, like statutes enacted through the legislative process, have been amended, and some have been repealed entirely or in part. Sections of *Reorganization Plan No. 3 of 1970* providing for specific EPA leadership positions, for example, were amended in 1983. P.L. 98-80; 97 Stat. 485.

<sup>52</sup> EPA, *EPA Order 1110.2—Initial Organization of the EPA*, December 4, 1970, <https://www.epa.gov/archive/epa/aboutepa/epa-order-11102-initial-organization-epa.html>.

## EPA Role and Mission

Upon its establishment, EPA's role included several purposes and functions, which were generally based on those set out in Reorganization Plan No. 3. In a December 1970 EPA press release, Administrator Ruckelshaus expressed his view of the agency's role at that time:

EPA is an independent agency. It has no obligation to promote agriculture or commerce; only the critical obligation to protect and enhance the environment. It does not have a narrow charter to deal with only one aspect of a deteriorating environment; rather it has a broad responsibility for research, standard-setting, monitoring and enforcement with regard to five environmental hazards; air and water pollution, solid waste disposal, radiation, and pesticides.<sup>53</sup>

EPA's role and functions are also codified in 40 C.F.R. Part 1, which states that "the U.S. Environmental Protection Agency permits coordinated and effective governmental action to assure the protection of the environment by abating and controlling pollution on a systematic basis."<sup>54</sup>

EPA's currently stated mission is "to protect human health and the environment."<sup>55</sup> EPA's mission was not specifically established through pollution control statutes or other statutes; the agency created it to comply with general federal requirements to develop agency missions and strategic plans.<sup>56</sup> EPA enacts its mission through implementing a range of pollution control statutes, which are discussed in the next section.

Since the establishment of EPA, Congress has directed the agency to work closely with states, tribes, and local governments. In some statutes, Congress has established formal processes for delegating EPA's program and enforcement authority for specific programs through a "cooperative federalism" approach. Under this approach, EPA conducts scientific research, sets national minimum standards, establishes minimum requirements for state program delegation, promulgates federal regulations, enforces federal statutes, and provides technical and financial assistance to states and tribes. States, and in some cases tribes, with delegated authority, implement specific pollution control programs, issue permits, conduct inspections and enforcement, and allocate federal financial assistance to other entities, as provided under state laws and regulations. Today, states hold the primary responsibility for implementing many federal pollution control programs, such as certain Clean Air Act (CAA) and Clean Water Act (CWA) permitting, underground injection control programs, hazardous waste management programs, and other permits and programs.

## Selected Pollution Control Statutes EPA Implements

EPA implements pollution control statutes that existed prior to its creation in 1970, as well as several statutes enacted from December 1970 through the present. These statutes cover multiple environmental media and a range of pollution control efforts, such as air and water quality, waste management, cleanup of contaminated sites, environmental permitting, and regulation of chemicals in commerce, among others. As a regulatory agency, EPA is responsible for promulgating regulations for various pollution control programs and activities under several of

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<sup>53</sup> EPA, "EPA's First Administrator on the Establishment of EPA," press release, December 16, 1970, <https://www.epa.gov/archive/epa/aboutepa/epas-first-administrator-establishment-epa.html>.

<sup>54</sup> 40 C.F.R. §1.3.

<sup>55</sup> EPA, "Our Mission and What We Do," updated October 20, 2025, <https://www.epa.gov/aboutepa/our-mission-and-what-we-do>.

<sup>56</sup> 5 U.S.C. §306.

these statutes. Other agency activities include setting and reviewing environmental standards; conducting scientific research; enforcing federal environmental laws and regulations; and providing technical and financial assistance to states, tribes, and local governments.

The list below summarizes the major pollution control statutes that EPA administers. These statutes have been amended over time, including significant changes and additions to several of the statutes. EPA does not administer all the titles or provisions of some of these statutes. In addition, numerous other statutes include additional EPA authorities and responsibilities, including one-time mandates such as delivery of reports to Congress or administration of a short-term program.<sup>57</sup> Therefore, the statutes listed in this section do not represent all of EPA's statutory authorities.

- The **Clean Air Act** (CAA; 42 U.S.C. §§7401-7671q) authorizes EPA to set mobile source limits, ambient air quality standards, hazardous air pollutant emission standards, standards for new pollution sources, and significant deterioration requirements; to identify areas that do not attain federal ambient air quality standards set under the act; to administer a cap-and-trade program to reduce acid rain; and to phase out substances that deplete Earth's stratospheric ozone layer.
- The **Clean Water Act** (CWA; 33 U.S.C. §§1251-1389) authorizes the regulation and enforcement of requirements that govern pollution discharges into U.S. waters and authorizes financial assistance for wastewater treatment plant construction and improvements.
- The **Comprehensive Environmental Response, Compensation, and Liability Act** (CERCLA; 42 U.S.C. §§9601-9675) and the **Superfund Amendments and Reauthorization Act** (SARA) focus on the cleanup of contamination resulting from the past release of hazardous substances.
- The **Emergency Planning and Community Right to Know Act** (EPCRA; 42 U.S.C. §§11001-11050) requires industrial reporting of toxic releases and encourages chemical emergency response planning.
- The **Federal Insecticide, Fungicide, and Rodenticide Act** (FIFRA; 7 U.S.C. §136-136y) requires EPA to regulate the distribution, sale, and use of pesticides in the United States through registration and labeling of pesticide products.
- The **National Environmental Policy Act** (NEPA; 42 U.S.C. §§4321-4370m-12) directs federal agencies to incorporate environmental considerations in their planning and decisionmaking, among other provisions.
- The **Marine Protection, Research, and Sanctuaries Act** (MPRSA; 33 U.S.C. §§1401-1445; 16 U.S.C. §1431-1447f; 33 U.S.C. §§2801-2805) regulates the intentional ocean disposal of materials and authorizes related research. Title I of MPRSA, which includes permit and enforcement provisions of the law, is often referred to as the **Ocean Dumping Act**.
- The **Oil Pollution Act** (OPA, primarily codified at U.S.C. §2701 et seq.) sets out requirements for oil spill prevention and preparedness, authorizes a liability and compensation regime for oil spills, and specifies the federal government's authorities for responding to oil spills, among other provisions.

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<sup>57</sup> For example, several National Defense Authorization Acts and appropriation acts in recent decades have authorized EPA programs and activities.

- The **Pollution Prevention Act** (PPA; 42 U.S.C. §§13101-13109) authorizes various mechanisms intended to prevent pollution by reducing the generation of pollutants at the point of origin.
- The **Safe Drinking Water Act** (SDWA; 42 U.S.C. §300f-300j-27) authorizes EPA to establish primary drinking water standards, regulate underground injection disposal practices, and administer a groundwater control program.
- The **Solid Waste Disposal Act** (SWDA; 42 U.S.C. §§6901-6992k), as substantially amended by the **Resource Conservation and Recovery Act** (RCRA), governs the regulation of solid and hazardous wastes and corrective actions to address improper waste management practices.
- The **Toxic Substances Control Act** (TSCA; 15 U.S.C. §§2601 et seq.) establishes the federal framework for regulating the lifecycle of commercial chemicals to control unreasonable risks to human health and the environment, among other provisions.

## **EPA Responsibilities Under Other Statutes and Executive Orders**

In addition to the pollution control statutes above, Congress has provided EPA with certain responsibilities under numerous other statutes. The list below, maintained by the agency, identifies statutes that are primarily implemented by other federal agencies but include selected provisions administered by EPA.<sup>58</sup>

- American Innovation and Manufacturing Act (42 U.S.C. §7675)
- Atomic Energy Act (42 U.S.C. §§2011-2297h-13)
- Endangered Species Act (16 U.S.C. §§1531-1544)
- Energy Independence and Security Act (42 U.S.C. §17001 et seq.)
- Energy Policy Act of 2005 (primarily codified at 42 U.S.C. §§15801 et seq.)
- Federal Food, Drug, and Cosmetic Act (primarily codified at 21 U.S.C. §§301-399)
- National Technology Transfer and Advancement Act of 1995 (15 U.S.C. §3701)
- Nuclear Waste Policy Act of 1992 (42 U.S.C. §10101 et seq.)
- Occupational Safety and Health Act of 1970 (29 U.S.C. Chapter 15)
- Shore Protection Act of 1988 (33 U.S.C. §2601 et seq.)

EPA also has responsibilities under general management laws and E.O.s that direct federal executive branch agencies to follow certain requirements and processes, such as the Administrative Procedure Act (5 U.S.C. §§551-559), the Federal Advisory Committee Act (5 U.S.C. §§1001-1014), and E.O. 12866, “Regulatory Planning and Review,” among others. The details of these statutes and E.O.s are beyond the scope of this report.

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<sup>58</sup> EPA, “Laws and Executive Orders,” updated February 18, 2026, <https://www.epa.gov/laws-regulations/laws-and-executive-orders>. The lists of statutes in this report do not include other statutes that amended the listed statutes to add or change EPA responsibilities.

## EPA's Organizational Structure

Since EPA's establishment, some components of its basic organizational structure have remained, while others have changed over time. EPA's structure has historically included headquarters offices, regional offices, research centers, and labs. Over time, EPA has added and removed offices, changed office names, and changed the titles and responsibilities of assistant administrator positions within the scope of existing statutes. Within this framework, EPA has created and implemented a variety of programs and activities at the specific direction of Congress and within general agency authorities. This section discusses the current overall organizational structure of the agency.

### EPA Headquarters Offices

As of May 2026, EPA's headquarters, located in Washington, DC, includes 10 offices covering environmental media programs, administrative and legal programs, and other cross-cutting operations. The offices and their general responsibilities are listed below.<sup>59</sup>

#### Environmental Media Program Offices

- The **Office of Air and Radiation (OAR)** is responsible for administering programs related to air quality standards, air pollution, radiation exposure, and stratospheric ozone.
- The **Office of Chemical Safety and Pollution Prevention (OCSPP)** is responsible for regulating pesticides, evaluating new and existing chemicals and their risks, and pollution prevention programs.
- The **Office of Land and Emergency Management (OLEM)** is responsible for cleaning up contaminated sites, emergency response, solid and hazardous waste management programs, regulation of underground storage tanks, and the Brownfields program.
- The **Office of Water (OW)** is responsible for programs related to water quality, drinking water, groundwater, wetlands protection, and marine and estuary protection.

#### Administrative and Legal Offices

- The **Office of the Administrator** includes offices responsible for administrative services, applied science and environmental solutions, civil rights, congressional and intergovernmental relations, policy management, external affairs, and national security.
- The **Office of Finance and Administration (OFA)** is responsible for agency budget and financial operations, buildings and facilities, grants management, information technology, human capital, procurement, and other functions.
- The **Office of General Counsel (OGC)** provides legal advice to the agency on implementation of pollution control statutes, ethics, the Freedom of Information Act, and other legal issues.

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<sup>59</sup> EPA, "EPA Organization Chart," updated January 8, 2026, <https://www.epa.gov/aboutepa/epa-organization-chart>. The responsibilities listed for each office are illustrative and are not comprehensive lists of all programs, activities, or responsibilities.

- The **Office of the Inspector General (OIG)** conducts independent audits and investigations of agency programs and activities.

### Other Cross-cutting Offices

- The **Office of Enforcement and Compliance Assurance (OECA)** is responsible for compliance activities and civil and criminal enforcement.
- The **Office of International and Tribal Affairs (OITA)** is responsible for international policies, engagement with tribes, and environmental protection in Indian country.

In February 2025, EPA notified Congress of the elimination of the Office of Research and Development (ORD), which had been responsible for conducting scientific research for the agency, such as monitoring and modeling of pollutants and contaminants within the environment, assessing the toxicity of various pollutants and contaminants on human or ecological health, and developing and evaluating environmental remediation technologies.<sup>60</sup> See “Recent Administration Actions and EPA Reorganization” later in this report for more information.

Throughout the agency’s history, the number and some titles of program offices have changed. For example, in 2010, EPA renamed the Office of Prevention, Pesticides and Toxic Substances as the Office of Chemical Safety and Pollution Prevention (OCSP); in 2015, the agency renamed the Office of Solid Waste and Emergency Response as the Office of Land and Emergency Management (OLEM).<sup>61</sup>

### Research Centers and Labs

Since its establishment, EPA has operated research centers and laboratories to carry out the agency’s scientific work in various environmental media as directed by more than a dozen pollution control statutes (discussed above). With the agency’s September 2025 announcement of the elimination of ORD, the current status of the research centers and labs is unclear. EPA has released limited details on specific staffing levels, closures, consolidations, and the specific programs and activities that are continuing, being changed or limited, or being eliminated.<sup>62</sup> In its FY2027 congressional budget justification, EPA proposed closure of at least one lab and consolidation of other labs.<sup>63</sup>

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<sup>60</sup> House Science, Space, and Technology Committee Democrats, “Ranking Members Lofgren and Amo Slam EPA for Elimination of Office of Research and Development,” press release, February 13, 2026, <https://democrats-science.house.gov/news/press-releases/ranking-members-lofgren-and-ammo-slam-epa-for-elimination-of-office-of-research-and-development>. See also CRS Insight IN12599, *EPA’s Proposed Reorganization of Its Office of Research and Development*, by Jerry H. Yen and Angela C. Jones. As of May 26, 2026, ORD was still listed as a program office in the organization chart on EPA’s website (<https://www.epa.gov/aboutepa/epa-organization-chart>).

<sup>61</sup> EPA, “Prevention, Pesticides, Toxic Substances: Basic Information,” April 1, 2010, [https://web.archive.org/web/20100401091214/http://www.epa.gov/oppts/pubs/basic\\_info.html](https://web.archive.org/web/20100401091214/http://www.epa.gov/oppts/pubs/basic_info.html); EPA, “Name Change from the Office of Solid Waste and Emergency Response (OSWER) to the Office of Land and Emergency Management (OLEM),” 80 *Federal Register* 77575, December 15, 2015.

<sup>62</sup> For details, see CRS Insight IN12599, *EPA’s Proposed Reorganization of Its Office of Research and Development*, by Jerry H. Yen and Angela C. Jones.

<sup>63</sup> EPA, “Fiscal Year 2027 Justification of Appropriation Estimates for the Committee on Appropriations,” April 2026, <https://www.epa.gov/system/files/documents/2026-04/epa-fy27-congressional-justification.pdf>, p. 27.

Five research centers that had been operated by ORD have conducted basic and applied research supporting the development of EPA standards and guidance:<sup>64</sup>

- The Office of Science Advisor, Policy, and Engagement;
- The Center for Environmental Measurement and Modeling;
- The Center for Computational Toxicology and Exposure;
- The Center for Public Health and Environmental Assessment; and
- The Center for Environmental Solutions and Emergency Response

EPA also has operated four program office labs that have supported the agency's enforcement efforts and regulatory implementation. Three OAR labs are the National Air and Radiation Environmental Laboratory, the National Center for Radiation Field Operations, and the National Vehicle and Fuel Emissions Laboratory.<sup>65</sup> A fourth lab, the National Enforcement Investigations Center, provides forensic support for EPA criminal and civil enforcement.

## **EPA Regional Offices and Geographic Offices**

EPA Order 1110.2 provided that EPA's structure would include 10 regional offices. EPA implemented a regional organizational structure and adopted the regional headquarters cities used by the Environmental Health Service, a part of HEW before that agency was eliminated.<sup>66</sup> The 10 EPA regions, shown in **Figure 1**, have not changed since the establishment of the agency. Each regional office is responsible for implementing certain EPA national programs and activities within the states and territories contained in that region. Regional offices play a significant role in enforcement of federal environmental laws, permitting, and approvals. These offices also work directly with industry, state and local governments, and public and private groups within their respective regions.

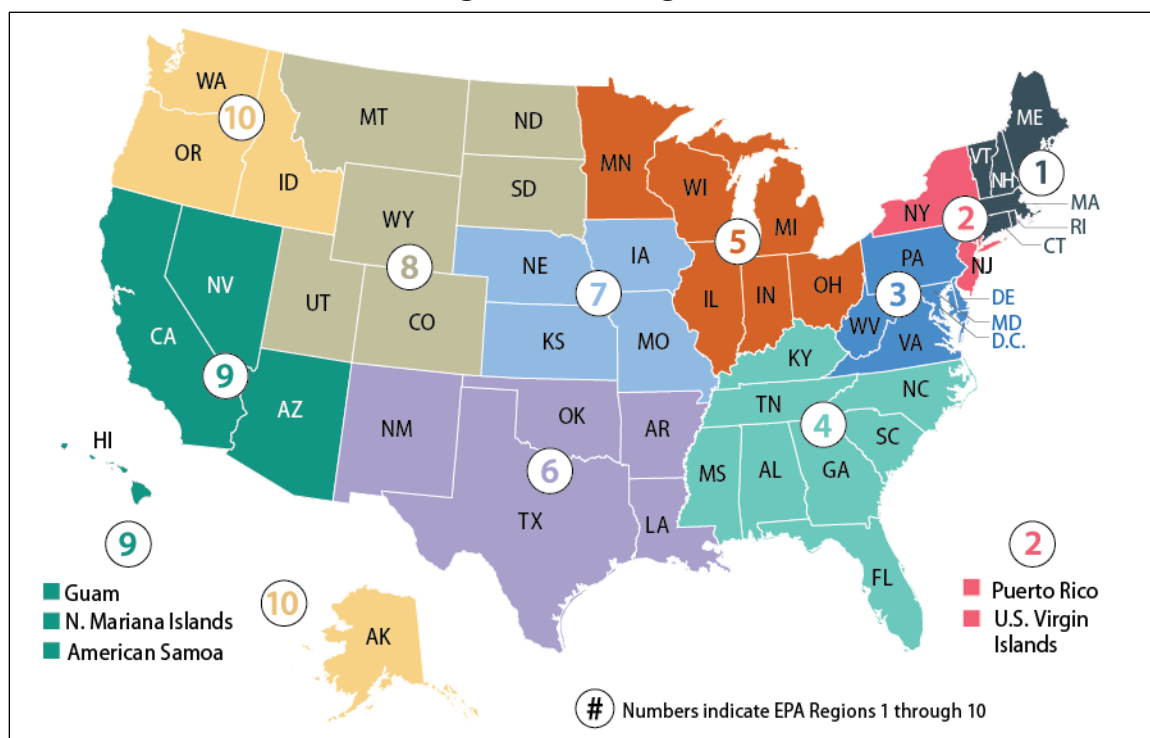
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<sup>64</sup> EPA, "Research Centers, Programs, and Science Advisory Organizations," updated November 19, 2025, <https://www.epa.gov/aboutepa/research-centers-programs-and-science-advisory-organizations> (hereinafter EPA, "Research Centers.")

<sup>65</sup> EPA, "Research Centers."

<sup>66</sup> Dennis C. Williams, "Why Are Our Regional Offices and Labs Located Where They Are? A Historical Perspective on Siting," EPA, March 23, 1993, <https://www.epa.gov/history/why-are-our-regional-offices-and-labs-located-where-they-are-historical-perspective-siting>.

Figure I. EPA Regions



**Source:** CRS, adapted from Environmental Protection Agency, “Regional and Geographic Offices,” updated April 10, 2026, <https://www.epa.gov/aboutepa/regional-and-geographic-offices>.

**Note:** Regions 1 through 10 are indicated by a number and the group of states and territories shaded the same color.

EPA has, over time, established offices with a specific geographic focus to address environmental issues of concern in a defined region of the United States. These offices conduct activities such as implementing specific EPA science and regulatory programs for a geographic area or water body, coordinating federal pollution control initiatives with a regional focus, and coordinating site management and clean-up with states and tribes. The offices are

- Chesapeake Bay Program Office (Annapolis, MD);
- Great Lakes National Program Offices (Chicago);
- EPA Region 4 Gulf of America Division (Gulfport, MS); and
- Mountains Deserts and Plains Office (Lakewood, CO).

In addition to the program office labs described above, EPA has also operated 10 regional labs, located around the country, that have conducted a range of scientific work, including field and laboratory studies to support implementation of national EPA programs.

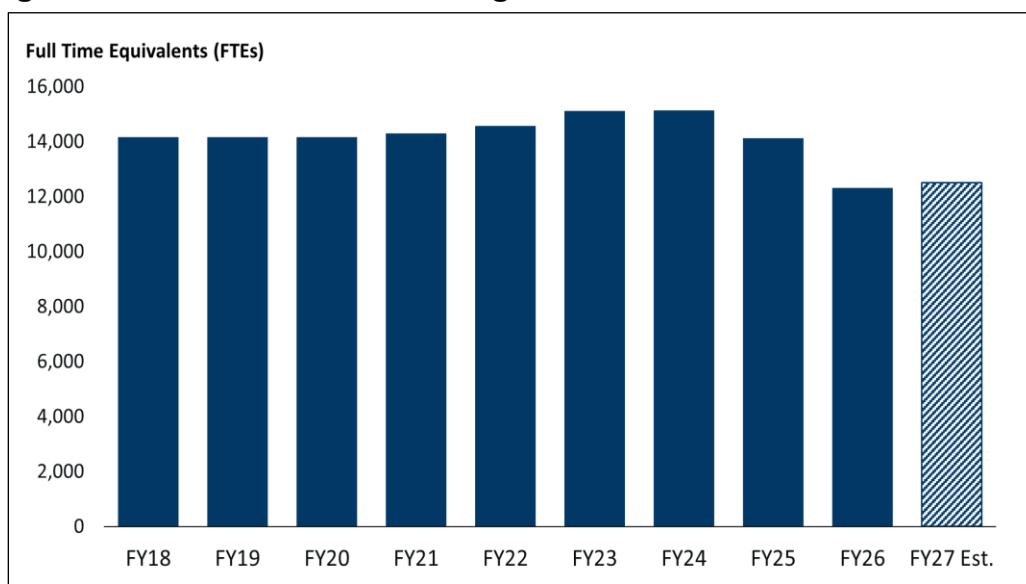
## EPA Staffing

EPA’s responsibilities and operations are supported by the staff employed throughout the agency’s headquarters, regional offices, and labs. EPA’s work is also supported through contract employees, who perform a variety of research, scientific, and programmatic duties. The number of employees, as well as their individual and collective experience and expertise, could play a role in the agency’s capacity to carry out programs and activities as directed by Congress.

Staffing levels are generally left to the discretion of EPA, including hiring, staff distribution among offices and programs, and RIFs and transfers of staff among offices, such as those conducted in recent agency reorganizations. Congress does not have a direct role in setting the number of EPA full-time-equivalent staff (FTEs) or how FTEs are distributed among its offices and programs; however, congressional directives and appropriations could influence agency decisions regarding staffing.

EPA's staffing levels have fluctuated since the agency was established. EPA-authorized FTE ceiling levels (a management cap of the number of FTEs at the agency based on the total amount of work hours performed by employees at the agency in a year) peaked in FY1999, with 18,110 FTEs.<sup>67</sup> In the past decade, FTE levels have varied from a high of 15,130 in FY2024, to a low of 12,312 in FY2026.<sup>68</sup> **Figure 2** shows the agency FTE ceiling levels from FY2018 through FY2027 (estimated). In terms of staff (rather than FTEs), according to EPA, the total number of staff decreased from 16,155 to 12,448 within 2025.<sup>69</sup>

**Figure 2. EPA-Authorized FTE Ceiling, FY2018-FY2026 and FY2027 Estimated**



**Source:** CRS, using information from EPA *Budgets in Brief*, FY2018-FY2027.

**Note:** FTE ceiling indicates a management cap of the number of FTEs at the agency based on the total amount of work hours performed by employees in a year.

## EPA Appropriations

Congress has provided appropriations for EPA since the agency's establishment in 1970. Since FY2006, when certain congressional committees were reorganized, Congress has funded EPA in the Interior, Environment, and Related Agencies appropriations bills.

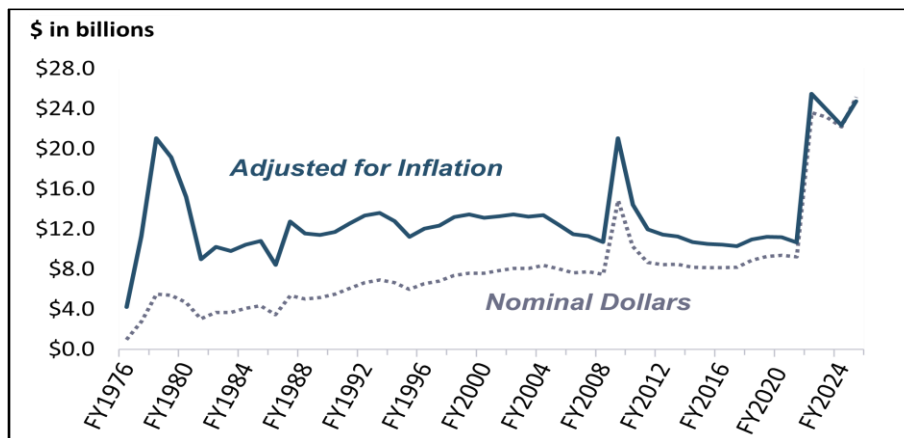
<sup>67</sup> EPA, *Summary of the 2003 Budget*, EPA-205-S-02-001, February 2002, <https://nepis.epa.gov/Exe/ZyPDF.cgi/P100AB3T.PDF?Dockey=P100AB3T.PDF>; and CRS analysis of EPA budget summaries from 1980 through 2016.

<sup>68</sup> EPA, *FY2026 EPA Budget in Brief*, May 2025, p. 17, <https://www.epa.gov/system/files/documents/2025-05/fy-2026-epa-bib.pdf>.

<sup>69</sup> EPA, "EPA Announces Reduction in Force, Reorganization Efforts to Save Taxpayers Nearly Three-Quarters of a Billion Dollars," press release, July 18, 2025, <https://www.epa.gov/newsreleases/epa-announces-reduction-force-reorganization-efforts-save-taxpayers-nearly-three>.

Since the early 1980s, EPA's appropriation levels have been relatively steady, between approximately \$11 billion and \$13 billion when adjusted for inflation, with some exceptions. For example, Congress provided significant supplemental appropriations to EPA in FY2009 in the American Recovery and Reinvestment Act (P.L. 111-5) and from FY2022 to FY2026 in the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58) and the measure known as the Inflation Reduction Act (IRA; P.L. 117-169). The IIJA provided emergency supplemental appropriations to EPA totaling \$60.9 billion over five years, on top of annual appropriations, for a variety of programs, such as water pollution control, solid waste management, site cleanup, and grants for water infrastructure, contaminated site redevelopment, pollution prevention, and clean air programs. The IRA provided \$41.6 billion to EPA for FY2022 for new and expanded climate and air-pollution-related programs, such as the Greenhouse Gas Reduction Fund, grants for addressing air pollution, vehicle pollution programs, and methane emissions reduction, among other programs.<sup>70</sup> See **Figure 3** for inflation adjusted and nominal EPA total budget authority from FY1976 through FY2024 (for readability and scale, the figure does not include \$41.6 billion in supplemental appropriations for EPA for FY2022 in the IRA).

**Figure 3. EPA Total Discretionary Budget Authority, FY1976-FY2024**

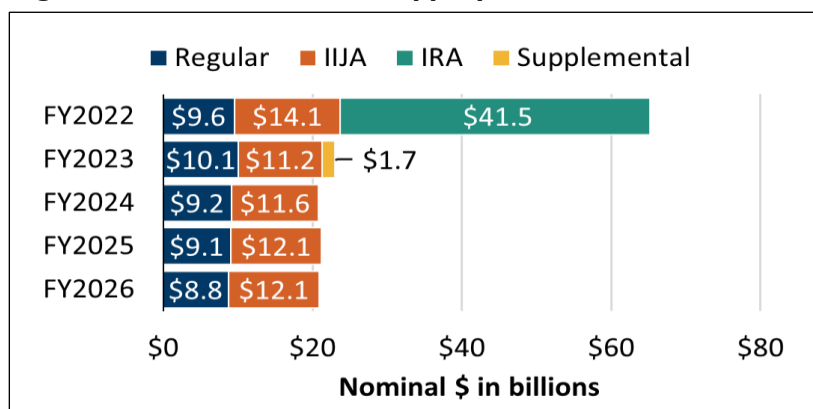


**Source:** CRS, based on the White House Office of Management and Budget (OMB), *Budget of the United States Government Fiscal Year 2026*, Historical Tables, Table 5.4. CRS adjusted for inflation using OMB deflators presented in Table 10.1. FY2024 is the last fiscal year for which information is available from OMB.

**Notes:** Actual amounts reflect regular annual and supplemental appropriations, including supplemental appropriations in the Infrastructure Investment and Jobs Act (P.L. 117-58). For readability and scale, the figure does not include \$41.6 billion in supplemental appropriations for EPA for FY2022 in the measure known as the Inflation Reduction Act (P.L. 117-169).

In recent years, Congress has funded EPA through a combination of regular annual appropriations and supplemental appropriations, including the IIJA and IRA. **Figure 4** shows the distribution of total enacted EPA appropriations since FY2022 among these acts. For FY2026 (the most recent enacted appropriations), Congress provided \$8.82 billion in appropriations to EPA. On top of these annual appropriations, the IIJA had provided an additional \$12.01 billion for EPA in advance appropriations for FY2026, for total appropriations of \$20.82 billion for EPA for FY2026.

<sup>70</sup> The measure known as the One Big Beautiful Bill Act (P.L. 119-21) Title VI, repealed authorizations and rescinded unobligated IRA funding for many climate and air programs authorized and funded in that act.

**Figure 4. EPA Total Enacted Appropriations, FY2022-FY2026**

**Source:** CRS, using information from P.L. 117-58, P.L. 117-103, P.L. 117-169, P.L. 117-328, P.L. 118-42, P.L. 119-4, and P.L. 119-74.

**Notes:** IIJA = Infrastructure Investment and Jobs Act; IRA = Inflation Reduction Act. P.L. 117-328 provided \$1.67 billion in supplemental appropriations for EPA for FY2023.

More information on recent trends and policy issues for EPA appropriations can be found in CRS In Focus IF13191, *U.S. Environmental Protection Agency FY2026 Appropriations*, by Angela C. Jones.

## Issues for Congress

The origins, organizational structure, and authorities of EPA have been topics of increasing interest in Congress in recent months, particularly given recent administration actions that could affect the agency and its program implementation. Prior Congresses have also debated the status and responsibilities of the agency. This section outlines historical congressional action on EPA status, recent Trump Administration and internal agency reorganization efforts, and policy issues and options for congressional consideration.

### Historical Congressional Action on EPA Status

Since the establishment of the agency, Congress has considered changes to EPA's status as an independent agency, with possible implications for implementation of its authorities and organizational structure. Debates have primarily focused on whether EPA should remain an independent agency or be elevated to a Cabinet-level department. In the 100<sup>th</sup> through the 109<sup>th</sup> Congresses, Members introduced at least 22 bills to redesignate EPA as the Department of Environmental Protection led by a Secretary of Environmental Protection.<sup>71</sup> At least one bill, H.R. 861 in the 115<sup>th</sup> Congress, would have eliminated EPA.

### Recent Administration Actions and EPA Reorganization

Since the beginning of the second Trump Administration, in January 2025, President Trump and senior Administration officials have implemented numerous changes to the functions, organizational structure, and priorities of multiple executive branch agencies, including EPA. The

<sup>71</sup> See, for example, the most recent of these bills, H.R. 5078 in the 109<sup>th</sup> Congress. CRS searched Congress.gov for "Department of Environmental Protection" since the 93<sup>rd</sup> Congress.

Administration has initiated these changes through repeal of E.O.s, issuance of new E.O.s, and agency directives.

EPA has stated that the agency has taken these actions “to improve the effectiveness and efficiency of its operations and to better align core statutory requirements with its organizational structure.”<sup>72</sup> Further, the agency has stated that “this will result in a structure with improved capacity to provide clean air, land, and water and advance cooperative federalism.”<sup>73</sup> For example, EPA cites efficiencies and federal cost savings achieved through RIFs, consolidations, and elimination of programs.<sup>74</sup>

While some resulting changes to EPA’s organizational structure have been made clear through announcements about the elimination or creation of new offices, the status of other changes and certain agency programs, activities, and staffing levels remains unclear. For example, there is limited public information on the details of new offices such as the Office of Applied Science and Environmental Solutions (OASES) and OFA; how former ORD functions are being carried out in the program offices; how the agency is implementing its responsibilities given lower FTE levels; and the status of numerous IRA and environmental-justice-related grant programs that are the subject of ongoing litigation. EPA’s reorganization efforts may be of interest to Congress in its oversight role as it assesses agency staffing, funding, and activities to implement various environmental pollution control statutes. The following section describes selected E.O.s and announcements; it is not a comprehensive listing of all recently proposed or implemented changes to EPA’s organizational structure or programs.

Within his first few days in office, President Trump signed several E.O.s impacting EPA offices, organizational structure, and functions. For example, E.O. 14148, “Initial Rescissions of Harmful Executive Orders and Actions,” revoked E.O. 14008 and E.O. 14096, two Biden Administration E.O.s related to environmental justice, among others.<sup>75</sup> E.O. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity,” revoked E.O. 12898, the first E.O. focused on environmental justice issued by President Clinton in 1994, among other directives.<sup>76</sup> E.O. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing,” directed federal agencies to “terminate, to the maximum extent allowed by law, all DEI, DEIA, and ‘environmental justice’ offices and positions.”<sup>77</sup> Together, the recent E.O.s could have

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<sup>72</sup> EPA, *Fiscal Year Y2026 Justification of Appropriations Estimates to the Committee on Appropriations, Addendum: EPA Consolidations, Reorganizations, Realignments, or Other Transfers of Resources*, September 2025 (hereinafter EPA FY2026 Addendum), <https://www.epa.gov/system/files/documents/2025-09/fy26-cj-addendum-consolidation-reorganization.pdf>, p. 1.

<sup>73</sup> EPA FY2026 Addendum, p. 1.

<sup>74</sup> EPA, “EPA Terminates Biden’s Environmental Justice, DEI Arms of Agency,” press release, March 12, 2025, <https://www.epa.gov/newsreleases/epa-terminates-bidens-environmental-justice-dei-arms-agency>; EPA, “EPA Announces Reduction in Force, Reorganization Efforts to Save Taxpayers Nearly Three-Quarters of a Billion Dollars,” press release, July 18, 2025, <https://www.epa.gov/newsreleases/epa-announces-reduction-force-reorganization-efforts-save-taxpayers-nearly-three>.

<sup>75</sup> Executive Order (E.O.) 14148, “Initial Rescissions of Harmful Executive Orders and Actions,” 90 *Federal Register* 8237, January 28, 2025; E.O. 14008, “Tackling the Climate Crisis at Home and Abroad,” 86 *Federal Register* 7619, February 1, 2021; E.O. 14096, “Revitalizing Our Nation’s Commitment to Environmental Justice for All,” 88 *Federal Register* 25251, April 26, 2023. For more information on these executive orders, see CRS In Focus IF12922, *Trump Administration Environmental-Justice-Related Executive Orders: Potential Implications for EPA Programs*, by Angela C. Jones.

<sup>76</sup> E.O. 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity,” 90 *Federal Register* 8633, January 31, 2025; E.O. 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” 59 *Federal Register* 7629, February 16, 1994.

<sup>77</sup> E.O. 14151, “Ending Radical and Wasteful Government DEI Programs and Preferencing,” 90 *Federal Register* 8339, January 29, 2025.

implications for agency structure and programs, environmental justice programs, research and development reorganization, and agency funding and staffing levels, among other issues.

EPA submitted an addendum to its FY2026 Congressional Budget Justification detailing reorganization plans in numerous offices, including administrative and budget offices, and several program offices.<sup>78</sup> In the addendum, EPA stated that the agency was implementing the reorganizations, consolidations, realignments, and transfers of resources under the direction of E.O. 14151 and E.O. 14210, “Implementing the President’s ‘Department of Government Efficiency’ Workforce Optimization Initiative.”<sup>79</sup>

Throughout 2025, EPA implemented a series of reorganization efforts that included most agency program and administrative offices, such as creating and eliminating program offices and smaller offices; transferring programs and functions across offices; restructuring and consolidating offices and programs; creating new programs; and reducing and transferring staff, among other changes.

A timeline of announcements of selected reorganization activities is outlined below.

- **March 2025.** EPA announced several organizational changes to comply with these E.O. directives. Specifically, the agency announced that it would “terminate the Biden-Harris Administration’s Environmental Justice and Diversity, Equity, and Inclusion arms of the agency.”<sup>80</sup> The agency eliminated the Office of Environmental Justice and External Civil Rights (OEJECR), which was established in 2022 under the Biden Administration.<sup>81</sup>
- **May 2025.** EPA announced organizational changes that would affect the Office of the Administrator, OAR, OCSPP, and OW.<sup>82</sup> EPA stated that the reorganization “will bring much needed efficiencies to incorporate science into our rulemakings,” focus environmental protection work, and save at least \$300 million annually.<sup>83</sup> EPA announced the creation of a new Water Cybersecurity and Infrastructure Resiliency Center in OW, the intention to shift scientific and engineering staff from ORD to other program offices, and the creation of OASES in the Office of the Administrator, among other changes.<sup>84</sup>
- **July 2025.** EPA announced several additional changes to agency organizational structure, including creation of the new OFA, changes to the structure and priorities of OECA, and changes within OLEM, including consolidating offices and moving certain emergency response functions to the Office of the

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<sup>78</sup> EPA FY2026 Addendum.

<sup>79</sup> EPA FY2026 Addendum; E.O. 14151; E.O. 14210, “Implementing the President’s ‘Department of Government Efficiency’ Workforce Optimization Initiative,” 90 *Federal Register* 9669, February 14, 2025.

<sup>80</sup> EPA, “EPA Terminates Biden’s Environmental Justice, DEI Arms of Agency.”

<sup>81</sup> EPA has moved functions of the former Office of External Civil Rights to the Office of the Administrator. For more information on the Office of Environmental Justice and External Civil Rights, see CRS Report R47920, *U.S. Environmental Protection Agency (EPA) Environmental Justice Activities and Programs*, by Angela C. Jones.

<sup>82</sup> EPA, “EPA Announces Next Phase of Organizational Improvements to Better Integrate Science into Agency Offices, Deliver Clean Air, Land, and Water to All Americans,” press release, May 2, 2025, <https://www.epa.gov/newsreleases/epa-announces-next-phase-organizational-improvements-better-integrate-science-agency>.

<sup>83</sup> EPA, “EPA Announces Next Phase of Organizational Improvements to Better Integrate Science into Agency Offices, Deliver Clean Air, Land, and Water to All Americans.”

<sup>84</sup> EPA, “EPA Announces Next Phase of Organizational Improvements to Better Integrate Science into Agency Offices, Deliver Clean Air, Land, and Water to All Americans.”

Administrator.<sup>85</sup> EPA also announced a RIF focused on ORD employees. According to the announcement, EPA expected the RIF and ORD reorganization efforts to reduce overall agency spending.<sup>86</sup>

- **September 2025.** According to reporting, on September 22, 2025, EPA Administrator Zeldin sent an internal memo to EPA staff announcing an overall agency reorganization plan.<sup>87</sup> The reorganization is to be implemented by OFA.<sup>88</sup>
- **February 2026.** EPA notified Congress of the elimination of ORD as of March 2026 and the transfer of some of its functions and staff to other EPA program offices.<sup>89</sup> According to reporting, the remaining ORD employees at the time (approximately 100) were transferred to OAR, OLEM, and OW.<sup>90</sup>

In EPA’s FY2027 Congressional Budget Justification, the agency proposed a range of ongoing reorganization activities in the context of appropriations requests, such as changes to its organization, workforce, functions, and programs. For example, EPA proposed consolidations and realignments in OECA, OGC, OITA, and Regional Offices to enhance coordination, consolidate management of staff, improve staff-to-supervisor ratios, and add a new “mission-aligned framework designed to strengthen leadership, accountability, and program execution,” among other goals, according to the agency.<sup>91</sup>

In the budget justification, EPA also proposed an FTE ceiling of 12,500 for FY2027, an increase of approximately 188 FTEs from FY2026, but approximately 1,630 FTEs below the FY2025 level.<sup>92</sup> The agency also proposed \$3 million for “workforce reshaping” efforts intended to “effectively align and redistribute based on program priorities, resource reallocations, and technological advances.”<sup>93</sup>

The agency proposed additional reorganization-related activities, including modernizing systems for human resources and financial management, changes to grant management processes, and consolidating and releasing office space.<sup>94</sup> Regarding research and development space after the closure of ORD, EPA proposed closure of at least one laboratory in Houston and consolidation of

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<sup>85</sup> EPA, “EPA Announces Next Phase of Organization Improvements to Better Fulfill Statutory Obligations to Deliver Clean Air, Land, and Water to All Americans, Modernize Mission Support,” press release, July 17, 2025, <https://www.epa.gov/newsreleases/epa-announces-next-phase-organizational-improvements-better-fulfill-statutory>.

<sup>86</sup> EPA, “EPA Announces Next Phase of Organization Improvements to Better Fulfill Statutory Obligations to Deliver Clean Air, Land, and Water to All Americans, Modernize Mission Support.”

<sup>87</sup> Inside EPA, “EPA Formally Launches Agency Reorganization, Opening Door to RIFs,” September 22, 2025, <https://insideepa.com/daily-news/epa-formally-launches-agency-reorganization-opening-door-rifs>.

<sup>88</sup> Inside EPA, “EPA Formally Launches Agency Reorganization, Opening Door to RIFs.”

<sup>89</sup> House Science, Space, and Technology Committee Democrats, “Ranking Members Lofgren and Amo Slam EPA for Elimination of Office of Research and Development,” press release, February 13, 2026, <https://democrats-science.house.gov/news/press-releases/ranking-members-lofgren-and-amos-slam-epa-for-elimination-of-office-of-research-and-development>.

<sup>90</sup> Inside EPA, “EPA Reassigns Former ORD Staff in Move Seen as Blocking Reconstitution,” April 10, 2026, <https://insideepa.com/daily-news/epa-reassigns-former-ord-staff-move-seen-blocking-reconstitution>.

<sup>91</sup> EPA, *Fiscal Year 2027 Congressional Justification of Appropriation Estimates for the Committee on Appropriations*, <https://www.epa.gov/system/files/documents/2026-04/epa-fy27-congressional-justification.pdf>, p. 82.

<sup>92</sup> EPA, *FY2027 Budget in Brief*, [https://www.epa.gov/system/files/documents/2026-04/00\\_fy-2027-bib\\_combined\\_final.pdf](https://www.epa.gov/system/files/documents/2026-04/00_fy-2027-bib_combined_final.pdf), p. 17.

<sup>93</sup> EPA, *FY2027 Justification of Appropriations*, p. 106.

<sup>94</sup> EPA, *FY2027 Justification of Appropriations*.

EPA-owned laboratory space in Oklahoma, but other changes to former ORD laboratories and research programs are unclear.<sup>95</sup>

## Selected Policy Issues and Options for Congress

Congress could consider several policy issues when conducting oversight of EPA, deliberating new or amended legislation related to its pollution control responsibilities, or setting future agency appropriations levels. Selected policy issues include the status and plans for EPA structural reorganization; EPA's statutory authorities and responsibilities; and the underlying levels of agency appropriations, staffing, and other resources.

## EPA Organizational Structure and Programs

As detailed earlier in this report, in the last year, EPA has undergone a range of organizational changes throughout the agency, including adding new national program offices, eliminating offices and programs, and transferring functions and staff among programs and offices. EPA is also planning numerous closures and consolidations of office space, labs, and certain program activities, as proposed in the agency's FY2027 Congressional Budget Justification discussed earlier in this report.<sup>96</sup>

Generally, executive branch agencies have some discretion to reorganize within the statutory limits established by Congress, such as transferring and delegating functions within an agency.<sup>97</sup> The bounds of EPA's discretion depends on the specific authorizations and provisions in the statutes established by Congress over time. Some specific reorganization actions involve open questions and legal issues beyond the scope of this report.

## *General Considerations for Structural and Programmatic Reorganization*<sup>98</sup>

EPA reorganization could have no or little impact on agency implementation of programs or activities established in statute; or it could have benefits, such as lower costs and streamlined operations. Alternatively, the reorganization could reduce EPA's capacity to meet its full statutory responsibilities, if the reorganization were to limit the agency's systems, infrastructure, staff, or expertise to carry out those responsibilities. Congress could consider how EPA's structural and programmatic reorganization, such as office closures, creation of new offices, transfers of program functions and staff, consolidations of program functions and staff, and RIFs affect the agency's capacity to implement the full range of responsibilities required in statute.

Policymakers and stakeholders have offered various arguments regarding EPA reorganization. Some support the EPA reorganization actions taken or proposed by the Trump Administration and current EPA senior leadership. For example, they argue that these actions are needed to improve agency efficiency, eliminate waste and fraud, and roll back what some refer to as regulatory "overreach."<sup>99</sup> EPA has stated that the changes will "better fulfill statutory obligations and

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<sup>95</sup> EPA, *FY2027 Justification of Appropriations*, p. 29.

<sup>96</sup> EPA, *FY2027 Justification of Appropriations*.

<sup>97</sup> For more information, see CRS Legal Sidebar LSB10158, *Organizing Executive Branch Agencies: Who Makes the Call?*, by Jared P. Cole.

<sup>98</sup> CRS takes no position on various reorganization or policy options outlined in this report.

<sup>99</sup> For example, see Rep. Tim Scott, "Scott, Wicker, Griffith Push Back on EPA Overreach," press release, February 26, 2025, <https://www.scott.senate.gov/media-center/press-releases/scott-wicker-griffith-push-back-on-epa-overreach/>; and Sen. Shelley Moore Capito, "Capito Praises EPA Deregulatory Action," press release, March 12, 2025, <https://www.capito.senate.gov/news/press-releases/capito-praises-epa-deregulatory-action>.

provide clean air, water, and land for all Americans and modernize mission support” while “remaining good stewards of taxpayer dollars.”<sup>100</sup> In congressional debate on EPA appropriations, House Appropriations Committee Members have supported reductions in agency funding to reduce federal spending and to implement “rightsizing” federal agencies, including EPA.<sup>101</sup>

Other policymakers and stakeholders oppose recently implemented or proposed agency reorganization efforts and support retaining the EPA organizational structure and programs as they existed prior to recent changes (or expanding the structure and programs). Some Members have raised concerns that changes to EPA will leave the agency without the resources, staffing, or expertise to carry out the agency’s statutory responsibilities. For example, in March 2025, nine Senators from the Senate Committee on Environment and Public Works sent a letter to EPA Administrator Zeldin expressing concerns about termination of EPA grants and other assistance that Congress had mandated in statute.<sup>102</sup> The Committee members asserted that the closure of offices and termination of approximately 400 grant programs “violate a number of court orders—[and] escalate your attempts to impound Congressionally-appropriated, legally-obligated funds protecting clean air and clean water and powering domestic investment in low-cost clean energy.”<sup>103</sup>

As noted earlier in this report, one of EPA’s primary functions established under Reorganization Plan No. 3 involves providing consistent nationwide standards for pollution control and conducting research on pollution and impacts in different environmental media. Some Members have raised concerns about the reorganization’s impact on these functions. For example, Senate report language accompanying the Department of Interior, Environment, and Related Agencies Appropriations Bill, 2026, stated the following:

The Committee is appalled that the Agency has announced the imminent closure of ORD, which would result in the further loss of biologists, chemists, engineers, ecologists, and other expert scientists numbering in the thousands and the closure of world-class laboratories and research centers.<sup>104</sup>

Further, some Members have expressed objections over the closure of OEJCR and concerns about how the agency would fulfil its responsibilities without this office and the programs it administered. In March 2025, 109 Members sent a letter to EPA calling for the immediate reopening of OEJCR and regional environmental justice offices.<sup>105</sup> In addition, some stakeholders in the environmental justice community have raised concerns about potential impacts of the closure of the office and its programs on federal funding and technical assistance for certain

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<sup>100</sup> EPA, “EPA Announces Next Phase of Organization Improvements to Better Fulfill Statutory Obligations to Deliver Clean Air, Land, and Water to All Americans, Modernize Mission Support,” press release, July 17, 2025, <https://www.epa.gov/newsreleases/epa-announces-next-phase-organizational-improvements-better-fulfill-statutory>

<sup>101</sup> U.S. Congress, House Committee on Appropriations, “Committee Approves FY26 Interior and Environment Appropriations Act,” press release, July 22, 2025, <https://appropriations.house.gov/news/press-releases/committee-approves-fy26-interior-and-environment-appropriations-act>.

<sup>102</sup> Letter from the Senate Committee on Environment and Public Works to Lee M. Zeldin, EPA Administrator, March 25, 2025, [https://www.epw.senate.gov/public/\\_cache/files/b/1/b187b894-093b-4937-a70a-349313d4bb72/FB84FA8E7901E823EF0AF5E587D043E4CA2564F248F535919E3135B628764B80.3.25.25-letter-re-ej-grant-terminations-and-oej-ecr-closure.pdf](https://www.epw.senate.gov/public/_cache/files/b/1/b187b894-093b-4937-a70a-349313d4bb72/FB84FA8E7901E823EF0AF5E587D043E4CA2564F248F535919E3135B628764B80.3.25.25-letter-re-ej-grant-terminations-and-oej-ecr-closure.pdf).

<sup>103</sup> Letter from the Senate Committee on Environment and Public Works to Lee M. Zeldin.

<sup>104</sup> U.S. Congress, Senate Committee on Appropriations, *Department of the Interior, Environment, and Related Agencies Appropriations Bill, 2026*, report to accompany S. 2431, 119<sup>th</sup> Cong., 1<sup>st</sup> sess., S.Rept. 119-46, July 24, 2025, p. 91.

<sup>105</sup> Letter from Members of Congress to Lee Zeldin, EPA Administrator, March 27, 2025, [https://casten.house.gov/imo/media/doc/letter\\_to\\_epa\\_opposing\\_elimination\\_of\\_environmental\\_justice\\_offices.pdf](https://casten.house.gov/imo/media/doc/letter_to_epa_opposing_elimination_of_environmental_justice_offices.pdf).

communities, and have observed that “EPA will no longer be able to successfully fulfil its missions of protecting the health of every American and the environment.”<sup>106</sup>

EPA’s Office of Inspector General addressed potential impacts of reorganization in *The 2026 EPA’s Fiscal Year 2026 Top Management Challenges* report.<sup>107</sup> The report notes that the agency expected the restructuring to save \$748.8 million (time period unspecified).<sup>108</sup> The report states that “EPA will need to manage any risk that its reduced staffing levels and restructuring could have on its mission and operations, as well as ensure that its statutory mandates or fulfilled.”<sup>109</sup>

### *Considerations for State Implementation of Pollution Control Programs*

Reorganization activities could also impact states as they implement delegated federal pollution control programs. Under multiple pollution control statutes, states perform a lead role in permitting, enforcement, technical assistance, and grant programs, while EPA performs a wide range of scientific research and development activities that inform the programs implemented by the states.

Policymakers have viewpoints on the potential impact of EPA reorganization on states, tribes, and local governments. Some who support EPA reorganization argue that state governments are in a better position than EPA to administer pollution control programs and activities due to knowledge of state-specific issues, geographic proximity to sites of environmental concern, and laws and regulations tailored to their unique state and local circumstances, among other reasons. In a press release, for example, EPA has stated that reorganization actions, such as elimination of environmental justice programs, “gives power back to states to make their own decisions.”<sup>110</sup>

In contrast, some policymakers and stakeholders opposed to reorganization have expressed concerns that states could be negatively affected by reorganization activities that reduce or eliminate programs, staff, or financial assistance to states and other entities. Some stakeholders observe that reduced or eliminated federal financial and technical support for states could cause challenges in administering delegated pollution control programs, especially with states themselves reducing pollution control funding.<sup>111</sup> Without sufficient resources, technical support, or national scientific research from EPA, they argue, states may not be able to meet the requirements of pollution control programs or achieve certain environmental protection goals underlying federal environmental statutes. The Environmental Council of the States (ECOS), for example, referred to the principle of cooperative federalism and observed that states “rely on the U.S. EPA to provide sound science” and asked that “Congress support robust scientific research and development capabilities,” as “states are not resourced or equipped to perform such work.”<sup>112</sup>

Some opponents of EPA reorganization raise concerns about the impacts of a greater state role in pollution control on industries and environmental issues that involve multiple states. They argue

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<sup>106</sup> Inside EPA, “Zeldin Officially Eliminated EPA Environmental Justice, Civil Rights Office,” March 12, 2025, <https://insideepa.com/daily-news/zeldin-officially-eliminates-epa-environmental-justice-civil-rights-office/>; Environmental Defense Fund, “Trump Administration to Close EPA’s Environmental Justice Offices,” press release, March 12, 2025, <https://www.edf.org/media/trump-administration-close-epas-environmental-justice-offices>.

<sup>107</sup> EPA Office of Inspector General, *The EPA’s Fiscal Year 2026 Top Management Challenges*, May 6, 2026, <https://www.epa.gov/office-inspector-general/report-epas-fiscal-year-2026-top-management-challenges>, p. 11.

<sup>108</sup> EPA Office of Inspector General, *The EPA’s Fiscal Year 2026 Top Management Challenges*, p. 11.

<sup>109</sup> EPA Office of Inspector General, *The EPA’s Fiscal Year 2026 Top Management Challenges*, p. 11.

<sup>110</sup> EPA, “EPA Terminates Biden’s Environmental Justice, DEI Arms of the Agency.”

<sup>111</sup> Environment Integrity Project, “State of Decline,” <https://environmentalintegrity.org/reports/state-of-decline/>.

<sup>112</sup> Environmental Council of the States, “ECOS Statement on States’ Need for EPA Scientific Research,” press release, April 16, 2025, <https://www.ecos.org/news-and-updates/ecos-statement-on-states-need-for-epa-scientific-research/>.

that elimination of national EPA programs, such as scientific research and standards development, could result in potentially different and conflicting pollution control regulations and standards across states, which was one of the rationales for the formation of EPA in 1970 and for providing the agency with the authority to set national standards.

### ***Policy Options***

There are policy options available to Congress should Members want to solicit information or develop legislation related to EPA reorganization. Congress could, for example, hold hearings or request information from EPA on the status of the reorganization efforts, such as office organization, staffing levels, program functions, facilities, and operations. Members could also make inquiries regarding the impacts of reorganization on EPA's duties and functions, such as the expected costs and benefits to the agency and specific plans to enable the agency to continue to fulfill its statutory pollution control mandates for program implementation, standard-setting, financial and technical assistance for states, and other activities (as discussed further in the next two sections). Congress could also choose to amend or enact new legislation authorizing specific EPA functions or duties that could support or reverse recent reorganization; however, as noted above, EPA does have some discretion for changes within the agency itself.

### **EPA Statutory Authorities and Responsibilities**

Congress could consider policy issues related to the implementation of the multiple statutes under which EPA promulgates regulations and administers dozens of scientific, pollution control, and financial assistance programs. For example, the extent of EPA's authorities provided by Congress under certain statutes and whether specific programs and activities align with this authority has been an ongoing topic of congressional debate. Recent reorganization efforts, as well ongoing litigation in the courts, have increased policymaker interest in these issues.

Policymakers and stakeholders have raised various arguments regarding the need to amend, eliminate, or maintain these statutes or various provisions within them, reflecting differing viewpoints on pollution control goals and priorities. Some policymakers have raised questions about both EPA's general authorities and specific statutory authorities to administer certain programs. For example, EPA's authority to regulate greenhouse gas emissions under the CAA has been the subject of several years of ongoing policy and legal debates.<sup>113</sup> In addition, as noted earlier in this report, the Trump Administration issued E.O.s directing agencies to eliminate certain federal environmental justice activities, including those at EPA, and announced the proposed elimination of the agency's Greenhouse Gas Reporting Program, citing lack of specific authority to implement such programs and activities, among other rationales (for more information on these actions, see CRS In Focus IF12922, *Trump Administration Environmental-Justice-Related Executive Orders: Potential Implications for EPA Programs*, by Angela C. Jones; and CRS In Focus IF11754, *EPA's Greenhouse Gas Reporting Program*, by Angela C. Jones).<sup>114</sup>

Further, in 2024, the Supreme Court decision in *Loper Bright Enterprises v. Raimondo* overruled *Chevron* deference and provided that courts should no longer defer to an agency's reasonable

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<sup>113</sup> On February 18, 2026, EPA finalized a rule rescinding the agency's greenhouse gas endangerment finding under the Clean Air Act. EPA, "Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act," 91 *Federal Register* 7686, February 18, 2026, <https://www.govinfo.gov/content/pkg/FR-2026-02-18/pdf/2026-03157.pdf>. See also CRS Legal Sidebar LSB11320, *EPA to Revisit Greenhouse Gas Endangerment Finding*, by Andrew S. Coghlan.

<sup>114</sup> EPA, "EPA Releases Proposal to End the Burdensome, Costly Greenhouse Gas Reporting Program, Saving up to \$2.4 Billion," press release, September 12, 2025, <https://www.epa.gov/newsreleases/epa-releases-proposal-end-burdensome-costly-greenhouse-gas-reporting-program-saving-24>.

interpretation of an ambiguous statute.<sup>115</sup> Instead, courts are to give effect to the “best meaning” of the statute, which could impact how EPA and the courts view the scope of EPA’s authority under the pollution control statutes.<sup>116</sup> For example, litigation may raise questions about the scope of EPA’s authority to implement programs and activities under more general provisions in pollution control statutes, or which specific activities are considered within the scope of provisions authorizing EPA programs or directing the agency to fulfill certain responsibilities. (The details of these court cases and implications are beyond the scope of this report.)

In contrast, other policymakers have supported maintaining or expanding EPA’s specific authorities and programs they view as already established in pollution control statutes over time. For example, Members have expressed objections to certain changes in agency programs and policies related to greenhouse gases, grant programs, and environmental justice activities.<sup>117</sup>

### ***Policy Options***

Congress could consider the implications of how EPA interprets the statutes and uses its authority to implement regulations, as well as specific agency activities and programs. Congress could decide to amend certain existing pollution control statutes to clarify its intent and provide specific direction to EPA on authorizations, specific responsibilities, and program scope. Congress also could choose to maintain the statutes in their current form or revoke certain statutes or provisions.

### **EPA Resources: Appropriations and Staffing**

EPA’s statutory authorities and organizational structure may be factored into congressional appropriations for the agency and allocations among specific appropriations accounts and program areas. At the same time, the resources made available through the expenditure of congressional appropriations, such as staff, equipment, building and facilities, and funding for a variety of operational needs, affect the agency’s organizational structure and its capacity to carry out its statutory responsibilities. Congress could consider how changes in levels of EPA appropriations and recent transfers and reductions in staff, and other changes to the agency’s available resources associated with reorganization, could influence the agency’s ability to effectively implement all of the provisions of various pollution control statutes enacted over time.

### ***Appropriations Levels***

As detailed earlier in this report, EPA appropriations levels have fluctuated over the past five fiscal years. While regular annual appropriations were provided at similar levels (in nominal dollars), EPA’s total appropriations were higher than earlier periods with the addition of supplemental funding from the IRA and IIJA. In those acts, Congress added to EPA’s responsibilities through authorizing new and expanded programs in climate, water infrastructure, and grants for states and communities in a range of pollution control areas. In 2025, however, the measure known as the One Big Beautiful Bill Act (P.L. 119-21) Title VI, repealed and rescinded unobligated IRA funding for many climate and air programs authorized and funded in that act.

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<sup>115</sup> Loper Bright Enters. v. Raimondo, 603 U.S. 369, 412 (2024).

<sup>116</sup> For more information, see CRS Report R48320, *Loper Bright Enterprises v. Raimondo and the Future of Agency Interpretations of Law*, by Benjamin M. Barczewski.

<sup>117</sup> Letter from Members of Congress to Lee M. Zeldin, EPA Administrator, April 9, 2025, [https://www.epw.senate.gov/public/\\_cache/files/6/c/6cab84d1-ca65-4806-876b-d41627daf725/EFEA802C99A0B88051D289D9AAC2BCEC830F9DD01A800D33FFCDB74EE6376E36.25.04.09-letter-to-oppose-epa-s-assault-on-environmental-protections-final.pdf](https://www.epw.senate.gov/public/_cache/files/6/c/6cab84d1-ca65-4806-876b-d41627daf725/EFEA802C99A0B88051D289D9AAC2BCEC830F9DD01A800D33FFCDB74EE6376E36.25.04.09-letter-to-oppose-epa-s-assault-on-environmental-protections-final.pdf); Letter from the Senate Committee on Environment and Public Works to Lee M. Zeldin.

Total EPA appropriations could decline after FY2026 with the end of IIJA advance appropriations, although some funding appropriated by 2026 does not need to be expended until later fiscal years.

When considering future EPA appropriations, some Members could support reduced appropriations levels for the agency in line with administration goals for overall federal funding reductions and directing the agency to implement what they consider to be more efficient operations and programs in line with administration priorities. Members could also support funding reductions given the levels of supplemental appropriations to EPA in the last five fiscal years as well as the reductions in EPA staffing and programmatic responsibilities either implemented or being considered, which may require fewer resources for the agency. In contrast, other Members could support increasing or maintaining EPA appropriations levels. Some members argue that the same or greater EPA funding is needed to account for generally rising operational costs and the broad range of statutory responsibilities the agency is still required to implement, regardless of reorganization-related changes in programs and organizational structure.

### *Staffing Levels*

Congress could consider the implications of recent changes to EPA staffing levels on the agency's programmatic functions and capacity to implement its statutory responsibilities. In 2025 and 2026, EPA reorganization actions, including RIFs, retirements and other separations, reduced staffing levels in multiple agency offices and shifted other staff to new offices and programs. The overall EPA FTE ceiling level for 2026 is 1,818 (13%) lower than for FY2025.<sup>118</sup> In 2025, 280 environmental-justice-related staff were laid off or left the agency, and EPA relocated or laid off more than 1,500 ORD staff, among other staffing changes.<sup>119</sup> While some policymakers support reduced EPA staff levels as part of what they view as needed cost reductions and improved agency efficiency, other policymakers have objected to RIFs and other changes. For example, as noted earlier in this report, some Members have expressed concern about what they view as a significant reduction in agency science and research staff as well as staff in programs supporting environmental-justice-related activities, arguing that the agency cannot fulfill its statutory responsibilities with fewer staff and other resources.<sup>120</sup>

EPA's 2026 OIG report raises concerns about changes in staffing at the agency that "might constrain the EPA's ability to accomplish its missions, goals, and objectives."<sup>121</sup> Specifically, the report states that, "While the Agency may initially achieve some level of cost savings with its workforce reductions, such reductions carry inherent operational risks, including a loss of technical expertise, historical understanding, and practical experience that EPA employees develop through years of service."<sup>122</sup>

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<sup>118</sup> EPA FY2027 Budget in Brief; EPA, "EPA Announces Reduction in Force, Reorganization Efforts to Save Taxpayers Nearly Three-Quarters of a Billion Dollars." Reductions in 2025 included 3,201 applications received for "Fork in the Road," Deferred Resignation Program, and Voluntary Early Retirement.

<sup>119</sup> EPA, "EPA Announces Reduction in Force, Reorganization Efforts to Save Taxpayers Nearly Three-Quarters of a Billion Dollars."

<sup>120</sup> House Science, Space, and Technology Committee Democrats, "Ranking Members Lofgren and Amo Slam EPA for Elimination of Office of Research and Development"; Letter from Members of Congress to Lee M. Zeldin, March 27, 2025; Letter from Members of Congress to Lee M. Zeldin, April 9, 2025.

<sup>121</sup> EPA Office of Inspector General, *The EPA's Fiscal Year 2026 Top Management Challenges*, p. 11.

<sup>122</sup> EPA Office of Inspector General, *The EPA's Fiscal Year 2026 Top Management Challenges*, p. 11.

### ***Policy Options***

When conducting oversight of EPA and debating future EPA appropriations, Congress could consider whether changes in appropriations levels or distribution among EPA appropriations accounts are needed to account for agency reorganizations that have changed or eliminated some agency offices and programs, as well as the IRA rescissions and the end of IJA advance appropriations. Congress could consider how changes in EPA office structure and functions, staffing levels, and program implementation factor into decisions to increase, decrease, or maintain agency appropriations compared to FY2026.

With regard to EPA staffing levels, Congress could consider the potential impacts of RIFs or workforce reshaping on the agency's capacity and resources to implement its statutory responsibilities. Congress could, for example, hold hearings or make inquiries to EPA regarding staffing and the agency's plans to continue its current programs and functions with reduced staffing levels and recent staff reorganizations. Building on the proposed staffing changes in EPA's FY2027 congressional budget justification, Congress may seek additional information from EPA on employee reductions, increases, and transfers and implications for the workforce and specific technical and policy expertise needed for certain EPA positions. Although federal agencies have some discretion in operational and staffing decisions, Congress also could consider whether new legislation or amendments to existing legislation are needed in response to changes in the EPA workforce. This could include reductions or changes in responsibilities given lower resource levels, or legislative direction to the agency regarding staffing levels and workforce issues. Alternatively, Congress could choose to not take legislative action and rely on EPA to carry out its responsibilities with current, and potentially future lower, levels of staff.

## Appendix. Glossary of Abbreviations

<b>AEC</b>	Atomic Energy Commission
<b>CAA</b>	Clean Air Act
<b>CEQ</b>	Council on Environmental Quality
<b>CERCLA</b>	Comprehensive Environmental Response, Compensation, and Liability Act
<b>CWA</b>	Clean Water Act
<b>DOI</b>	U.S. Department of the Interior
<b>EPA</b>	U.S. Environmental Protection Agency
<b>EPCRA</b>	Emergency Planning and Community Right to Know Act
<b>E.O.</b>	Executive order
<b>FRC</b>	Federal Radiation Council
<b>FIFRA</b>	Federal Insecticide, Fungicide, and Rodenticide Act
<b>FTE</b>	Full-time equivalent
<b>HEW</b>	U.S. Department of Health, Education, and Welfare
<b>MPRSA</b>	Marine Protection, Research, and Sanctuaries Act
<b>NEPA</b>	National Environmental Policy Act
<b>ODA</b>	Ocean Dumping Act
<b>OAR</b>	Office of Air and Radiation
<b>OASES</b>	Office of Science and Environmental Solutions
<b>OCSP</b>	Office of Chemical Safety and Pollution Prevention
<b>OECA</b>	Office of Enforcement and Compliance Assurance
<b>OEJECR</b>	Office of Environmental Justice and External Civil Rights
<b>OFA</b>	Office of Finance and Administration
<b>OGC</b>	Office of General Counsel
<b>OIG</b>	Office of Inspector General
<b>OITA</b>	Office of International and Tribal Affairs
<b>OLEM</b>	Office of Land and Emergency Management
<b>OMB</b>	Office of Management and Budget
<b>OPA</b>	Oil Pollution Act
<b>ORD</b>	Office of Research and Development
<b>OW</b>	Office of Water
<b>PPA</b>	Pollution Prevention Act
<b>RCRA</b>	Resource Conservation and Recovery Act
<b>RIF</b>	Reduction in force
<b>SDWA</b>	Safe Drinking Water Act
<b>SARA</b>	Superfund Amendments and Reauthorization Act
<b>SWDA</b>	Solid Waste Disposal Act
<b>USDA</b>	U.S. Department of Agriculture

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