

**Riverkeeper ● Association of Clean Water Administrators
Clean Ocean Action ● Hackensack Riverkeeper ● Heal the Bay
Natural Resources Defense Council ● NY/NJ Baykeeper
Surfrider Foundation ● Waterkeeper Alliance**

May 8, 2014

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Michael Boots, Acting Chair
Council on Environmental Quality
1600 Pennsylvania Ave. NW
Washington, DC 20500

Sylvia Mathews Burwell, Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Re: Beaches Environmental Assessment and Coastal Health (BEACH) Act Program Support & Funding.

On behalf of the organizations listed below, their millions of members and coalition partners, and the public at large, we write today to urge you to make funds for BEACH Act program grants a permanent part of your agencies' priorities. Over the past three fiscal years, the Administration has submitted budget requests that cut this vital program. Each time (in FY13, in FY14, and, hopefully, for FY15), Congressional appropriators have restored funding for this state grant program.

The loss of these funds, despite the fact that they represent a very small fraction of the federal budget, would have far-ranging consequences to the people, industries, and businesses that use, enjoy, and depend on water-based recreation, as well as the state programs responsible for beach monitoring and issuance of public health advisories. For the reasons set forth below, we ask that your offices propose restoration (and expansion) of the funding for the BEACH Act program.

Broad Federal, State, and Local Support for Continued Program Funding

Over the past few years, 24 Senators have signed on to three letters to the Appropriations Committee urging the re-inclusion of BEACH Act funding in the final budget for Fiscal Years 2013 - 2015:

Fmr. Sen. Akaka (HI)
Sen. Blumenthal (CT)
Sen. Booker (NJ)
Sen. Boxer (CA)

Sen. Cardin (MD)
Sen. Carper (DE)
Sen. Coons (DE)
Sen. Durbin (IL)

Sen. Feinstein (CA)
Sen. Gillibrand (NY)
Sen. Hirono (HI)
Sen. King (ME)

Sen. Landrieu (LA)
Late Sen. Lautenberg (NJ)
Sen. Levin (MI)
Sen. Menendez (NJ)

Sen. Merkley (OR)
Sen. Nelson (FL)
Sen. Schatz (HI)
Sen. Schumer (NY)

Sen. Shaheen (NH)
Sen. Stabenow (MI)
Sen. Whitehouse (RI)
Sen. Wyden (OR)

These letters, in support of a program initially championed by the now-late Senator Frank Lautenberg of New Jersey, all focused on two key themes: public health and ongoing threats. Specifically, the letters noted that “[s]wimming in polluted water exposes people to pathogens that can cause gastrointestinal illness, skin rashes, and ear, eye, and staph infections” and that the “elimination of these BEACH Act grant funds will likely result in reduction of information about these important public health concerns.” The letters concluded by noting that the tens of thousands of reported beach closures and health advisories that still occur every year make “funding for beach monitoring as critical as ever.”

Over that same timeframe, 25 Representatives also spoke out against the elimination of BEACH Act program grants in two bi-partisan letters for Fiscal Years 2013 and 2015:

Fmr. Rep. Bilbray (CA)
Rep. Tim Bishop (NY)
Rep. Blumenauer (OR)
Rep. Brownley (CA)
Rep. Brown (FL)
Rep. Capps (CA)
Rep. Castor (FL)
Rep. Christensen (USVI)
Rep. Cicilline (RI)

Rep. Susan Davis (CA)
Rep. Farr (CA)
Rep. Frankel (FL)
Rep. Israel (NY)
Rep. Levin (MI)
Rep. LoBiondo (NJ)
Rep. Lowenthal (CA)
Rep. Moore (WI)
Rep. Pallone (NJ)

Rep. Scott Peters (CA)
Rep. Rangel (NY)
Rep. Runyan (NJ)
Rep. Ruppertsberger (MD)
Rep. Sablan (CNMI)
Rep. Slaughter (NY)
Rep. Waxman (CA)

Collectively, these Congressmen drew attention to the billions of dollars that tourism at American’s beaches contributes to the American economy, and that the “water quality of our beaches is of paramount importance to the individuals who bathe in their water or depend on our coasts for their economic livelihood.” These letters warn that, in general, “fewer than half of the states receiving federal grants invested their own funds on top of the federal grants for water quality monitoring and notification.” Given this nation-wide reliance on BEACH Act funds, these Members of Congress fear that without continued support of a ten-million dollar program, multi-billion dollar economic benefits would be put directly and immediately at risk.

During negotiations for the FY2013 budget, 64 organizations from across the nation wrote to the Appropriations Committees of the Senate and House to support continued funding for the BEACH Act grants program. When the same cuts were again proposed in the FY2014 budget, another group of thirty organizations joined in to call on Congress once more to restore funding. That year’s coalition included, aside from many repeat signatories, a New Jersey county-level health department (which directly stood to lose funding with program cuts), the Association of National Estuary Programs, and WATERSPIRIT, a faith-based organization that works internationally on environmental and social justice issues.

For the past three years, states across the nation – the recipients of these funds – have also called for continued support for the BEACH Act grants program. Broadly, the Coastal States Organization (representing the Governors of the nation’s thirty-five coastal commonwealths, territories, and states) and the Association of Clean Water Administrators (a national, nonpartisan professional organization whose members are the State, Interstate and Territorial officials who are responsible for the implementation of surface water protection programs), have signed on to the organizational letters of support for these funds. Specifically, at least five states have written to the Appropriations Committees expressing support for continued funding for this program, including:

- **Maryland**. In calling for the restoration of BEACH Act funds for FY2014, the Maryland Secretary of the Environment, Dr. Robert Summers, noted that “Lack of funding may result in beach closures, further impacting local economies struggling to recover from recession and comes at a time when climate change and associated warming of the nation's coastal environments presents an increasing risk of waterborne illness.” The State of Maryland has received “approximately \$250,000 a year over the life of the federal Beaches program, which has resulted in a highly effective public and environmental health protection program.”
- **Washington, Alaska, and Makah Tribe**. In 2012, during the first attempt to cut these funds, the Directors of the Washington State Departments of Health and Ecology wrote to then EPA Administrator Lisa Jackson on behalf of two states and a tribal nation. Loss of these funds, according to the Directors, would have a dramatic impact on the public given that their “BEACH programs are completely dependent upon federal funding.”
- **Oregon**. Last year, the Natural Resource Policy Advisor to the Governor of the State of Oregon warned that the loss of these funds “risks endangering the health and safety of millions of beachgoers and swimmers.” Disagreeing with the EPA’s assessment that these funds are no longer necessary, the letter warned that without these funds, “Oregon will be forced to cut its beach water quality monitoring and public health advisory programs in their entirety.”
- **California**. Recently, the California Environmental Protection Agency sent letters of support for FY15 BEACH Act funds, stating that “over 150 million day visits” for surfing, swimming, and diving at California beaches are made by tourists who collectively “spend over \$10 billion each year in [the state].” The BEACH Act funds, among many others proposed for reduction or elimination, “are of critical importance not only for the environmental protection of California, but the nation as well.”

Clearly, there is significant continued need for the BEACH Act program – for environmental, economic, and public health reasons. Considering this rising chorus of support from over fifty Members of Congress, dozens of nationwide environmental, community, faith, and health organizations, and states from across the nation, the national interest in continued program support and funding cannot be ignored.

Incomplete Mission

Central to the Administration's decision to propose eliminating funding were two propositions; first, that the program had succeeded and was no longer necessary, and second, that states had the capacity to run these programs without federal assistance.

Regarding the "success" of the program and its future utility, the intent of the BEACH Act was to improve the quality of coastal recreation waters. If beach water quality monitoring programs are cut back or eliminated because of a lack of funding, coastal states will not have the information available to them to identify and fix sources of coastal pollution. In short, because pollution is an ongoing problem and people continue to go to the beach, the Administration is clearly unwarranted in declaring victory while full protection of public health is still a work in progress.

Furthermore, the EPA continues to work on innovative new technologies for protecting public health in recreational waters. From rapid testing methods to more fine-tuned predictive modeling, new mechanisms are under development which could yield real improvements in the near future. Indeed, in the past week, the EPA has released a draft version of its BEACH Act National Beach Guidance and Required Performance Criteria for Grants. According to the EPA, this guidance, which is a revision of 2002 guidance, will "encourage a more comprehensive approach to tiered monitoring and notification plans by using better historical information and new tools," and includes new "technical information and revised policies." With such significant changes in the works for the BEACH Act program, federal grants are now more important than ever.

Specifically referencing these grants in the BEACH Act, Congress directed these grants to States and local governments so that they could "develop and implement programs for monitoring and notification." Long term protection, innovation investment, and assistance for program implementation, therefore, are the fundamental purposes of these grants. Each element of this program is as needed today as the day the BEACH Act was signed into law.

Conclusion

As has been stated many times, the elimination of Beach Program grants from the EPA budget will seriously, immediately, and directly endanger the health and safety of beachgoers and swimmers across the nation, and, consequently, endangers the vitality of our communities, recreation economies, and environment.

Jeopardizing the health of 100 million people that visit US beaches every year, and the bedrock activity of a \$90 billion coastal tourism economy by cutting an under-\$10 million program is not a wise decision. This program's small appropriation, shared by 35 coastal states and territories, is dwarfed by the consequential health costs that could occur if people are unknowingly exposed to pathogens in polluted water that can make them sick. Other states, at the very least, will be forced to reduce the scope of testing and public notification.

With tens of thousands of reported beach closures and advisories issued each year throughout the nation, and new standards for testing and public health protection in development, the nation cannot afford these proposed cuts. We ask that your offices re-examine the long-term goals of this Administration and consider recommitting to the security of this program's funding.

Sincerely,

Paul Gallay, President & Hudson Riverkeeper
Riverkeeper, Inc.

Sean Rolland, Deputy Director
Association of Clean Water Administrators

Cindy Zipf, Executive Director
Clean Ocean Action

Captain Bill Sheehan, Riverkeeper and Executive Director
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Peter Nichols, National Director
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cc: Open Letter