



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC - 3 2009

DEPUTY ADMINISTRATOR

Mr. Michael J. Linder
Mr. Richard Opper
Mr. Thomas S. Burack
Mr. David K. Paylor
The Environmental Council of the States
444 North Capitol St., N.W., Suite 445
Washington, D.C. 20001

Dear Mr. Linder, Mr. Opper, Mr. Burack and Mr. Paylor:

Thank you for your letter of November 17, 2009 on behalf of The Environmental Council of States (ECOS) in which you expressed concerns about involvement of ECOS staff in certain meetings with the Environmental Protection Agency. I also acknowledge similar letters you sent to Lisa Heinzerling on November 20, 2009, and to Cynthia Giles and Peter Silva on November 13, 2009.

We value our collaborative working relationship with the States and are committed to sustaining that valuable partnership as we work to protect human health and the environment. We look forward to continue to work with you and your counterparts in all the State environmental agencies.

At issue here is the manner of participation of ECOS staff in EPA-convened work group processes. In response to your concerns, we are reviewing the exemption provided under the Unfunded Mandates Reform Act (UMRA) to the requirements of the Federal Advisory Committee Act, informed by the limited case law addressing the UMRA exemption. We also are reviewing the guidance issued by the General Services Administration (GSA) and the Office of Management and Budget (OMB) and are in discussions with GSA and OMB regarding the UMRA exemption. Finally, we are examining the facts surrounding the meetings to which your three letters refer.

We will provide a thorough response to your letter as expeditiously as possible. I am confident that we can continue to maintain robust and meaningful involvement by ECOS staff and staff of other state associations as we move forward collaboratively to meet our shared environmental goals. To this end, we very much look forward to our planned meeting in January with ECOS leadership.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Fulton". The signature is fluid and cursive, with the first name "Scott" and last name "Fulton" clearly distinguishable.

Scott Fulton
Acting Deputy Administrator

cc: Steven Chester
Thomas Easterly
Karen Bassett
Steven A. Thompson
Dick Pederson
Steve Brown
Cynthia Giles
Peter Silva
Lisa Heinzerling
Sarah Pallone
Carol Ann Siciliano
Rafael DeLeon