



December 21, 2015

Stanley A. Meiburg
Acting Deputy Administrator
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Ave., NW
Mail Code 1101A
Washington, DC 20460

THE
ENVIRONMENTAL
COUNCIL OF
THE STATES

50 F Street, N.W.
Suite 350
Washington, D.C. 20001

Tel: (202) 266-4920
Fax: (202) 266-4937
Email: ecos@ecos.org
Web: www.ecos.org

Martha Rudolph
Director of Environmental
Programs, Colorado
Department of Public Health
and Environment
PRESIDENT

John Linc Stine
Commissioner, Minnesota
Pollution Control Agency
VICE PRESIDENT

Todd Parfitt
Director, Wyoming Department
of Environmental Quality
SECRETARY-TREASURER

Robert Martineau
Commissioner, Tennessee
Department of Environment
and Conservation
PAST PRESIDENT

Alexandra Dapolito Dunn
Executive Director &
General Counsel

Cynthia Giles
Assistant Administrator
U.S. Environmental Protection Agency (EPA)
Office of Enforcement and Compliance Assurance
1200 Pennsylvania Ave., NW
Mail Code 2201A
Washington, DC 20460

Via e-mail transmittal

Re: *Environmental Enforcement Training for States*

Dear Deputy Administrator Meiburg and Assistant Administrator Giles:

This letter reiterates the support of the Environmental Council of the States (ECOS) for the Regional Compliance Training Associations (Associations) and their continued funding. This issue was briefly discussed at the ECOS-EPA Leadership Meeting on October 22, 2015. In 2016, ECOS would like to further explore with you how together states and EPA can address states' concerns for maintaining access to high quality inspector training in both virtual and in-person settings.

ECOS has a 2009 Resolution on this matter which was revised and readopted in March 2015. Entitled *Concerning Environmental Enforcement Training for State and Local Environmental Regulators* (attached), this resolution expresses ECOS' concerns with how compliance training is currently delivered and with the decline in financial support for the Associations.

Over the years, the Associations have been funded through a combination of small federal grants, settlements from cases in which state or federal partners were involved, state dues, and training tuition. Today, all of these funding streams are shrinking, to the extent that all four of the Associations are experiencing long-term funding shortages and are in various stages of winding down their operations. As an example, the Northeast Environmental Enforcement Project has already released its staff, including its Director, and the Midwest Environmental Enforcement Association plans to release its staff in the second quarter of 2016.

Three years ago, EPA awarded its inspector training grant to a single entity rather than to the four Associations with the intent of moving the training platform from classroom training to virtual web-based training. While we agree that distance learning is important to reduce costs, it does not fully replace the benefits of in-person training that historically has been provided by the Associations. The Associations offered the benefit of discrete locations to which inspectors could travel for their training.

For most states, the Associations have served as a primary means of training inspectors and other enforcement staff. We are unaware of equivalent training to replace the high-quality, annual basic enforcement training courses for new employees, refresher courses for experienced employees, and advanced courses for professional development offered by the Associations. The inspection and enforcement skills that the Associations teach directly relate to the effectiveness of our state compliance programs in all media programs and to our meeting federal compliance and enforcement goals as measured by the State Review Framework.

We understand that choices must be made to balance budgets and ensure funding to continue important work while addressing new challenges. However, we cannot embark on new initiatives and maintain excellence in current work if we do not continue to retain and train skilled, knowledgeable, and professional staff. Inspection and enforcement are key elements of our programs and will be compromised without the availability of the Associations.

It is our understanding that OECA's inspector training grant will be extended one additional year. This makes early 2016 an excellent time for ECOS and EPA to meet to discuss the future of inspector training and how we might support the Associations and the work they do through sustained federal funding and/or other approaches. ECOS' Alexandra Dunn will contact you in the new year to arrange a mutually convenient time for a discussion.

Best regards,



Martha Rudolph
ECOS President
Director of Environmental Programs
Colorado Department of Public Health and the Environment

Attachment: ECOS Resolution 09-1

Cc: ECOS Officers
Secretary Ryan Flynn (NM), Chair, ECOS Compliance Committee
Betsy Smidinger, Acting Director, Office of Compliance, OECA
Association Points of Contact



Resolution Number 09-1
Approved March 22, 2009
Alexandria, Virginia

Renewed March 21, 2012
Austin, Texas

Revised March 18, 2015
Washington, DC

As certified by
Alexandra Dapolito Dunn
Executive Director

CONCERNING ENVIRONMENTAL ENFORCEMENT TRAINING FOR STATE AND LOCAL ENVIRONMENTAL REGULATORS

WHEREAS, the Environmental Council of States (ECOS) recognizes that state and national environmental protection objectives rely upon state capacity to conduct environmental compliance and enforcement; and

WHEREAS, ECOS recognizes that training is critical to effective environmental compliance and enforcement; and

WHEREAS, ECOS recognizes that the most effective means by which any state can enforce its environmental laws is through experienced, committed, well trained staff; and

WHEREAS, state and local training needs have increased as new staff are being hired to replace a retiring experienced workforce; and

WHEREAS, ECOS recognizes that budget realities necessitate thoughtful austerity and that some online instruction can be an effective, less-expensive component of a larger compliance and enforcement training program; and

WHEREAS, the success of enforcement professionals depends upon in-person investigation and analysis, real-time application of cutting edge technical and legal expertise, and interpersonal and negotiation skills, and as a result a reliance *solely* upon 'virtual' web-based instruction will not achieve the objectives and goals of compliance and enforcement; and

WHEREAS, an effective national training program must include individualized state training programs tailored to each state's training needs and local laws, classroom instruction and discussion with national experts on critical enforcement topics, collaboration with other students, and application of newly-learned techniques through table-top and practical exercises; and

WHEREAS, the four Regional Environmental Enforcement Associations (Midwest Environmental Enforcement Association, Northeast Environmental Enforcement Project, Southern Environmental Enforcement Network, and Western States Project, hereinafter, Regional Associations) are nationally recognized as major, cost-effective providers of invaluable, specialized environmental compliance and enforcement training that is not otherwise available to state and local personnel; and

WHEREAS, the Regional Associations build on years of institutional knowledge and provide value by virtue of their stability and continuity; and

WHEREAS, the Regional Associations facilitate collaboration between states that has resulted in many successful multi-state enforcement referrals and cases; and

WHEREAS, the Regional Associations support integrated administrative, civil and criminal enforcement programs among state, federal and local partners; and

WHEREAS, the continuing loss of federal support will likely cause all of the Regional Associations to cease operations in the near future, resulting in the loss of critical enforcement training and state collaboration tools which the states have developed over decades.

NOW, THEREFORE, BE IT RESOLVED THAT THE ENVIRONMENTAL COUNCIL OF THE STATES:

Recognizes the value and importance of the Regional Associations to the States' environmental compliance and enforcement programs and encourages strategic training partnerships between the Regional Associations and U.S. EPA;

Is concerned that EPA's awarding of critical training funds *only* to parties disconnected from the network of Regional Associations and states and using online tools as the primary source of training will not meet the needs of States' environmental compliance and enforcement programs;

Encourages EPA, the U.S. Department of Justice (DOJ) or other federal entities to provide the Regional Associations with a sustainable and appropriate funding level necessary to enable them to continue to address and fulfill the compliance and enforcement training needs of state and local environmental personnel, provided that this funding does not come at the expense of other state environmental programs; and

Encourages state enforcement agencies, EPA, DOJ, and other federal entities to use criminal and civil supplemental sentencing penalties as a supplemental source of funding for the Regional Associations.