



KEY CONSIDERATIONS FOR THE U.S. DEPARTMENT OF ENERGY'S ENVIRONMENTAL MANAGEMENT PROGRAM IN TIMES OF POLITICAL TRANSITION

The [Environmental Council of the States](#) (ECOS) is the national, nonprofit, nonpartisan association of state and territorial environmental commissioners. ECOS provides leadership on environmental issues of national importance and plays a critical role in facilitating a quality relationship among and between federal and state agencies.

Since its inception, ECOS has worked to strengthen the partnership between the states and the federal government through implementation of our nation's environmental laws and policies. State-federal cooperative governance is critical to the success of both federal and state environmental programs. A central goal of [ECOS' Strategic Plan \(2016-2020\)](#) is proactive investment in a constructive relationship with federal agency partners, based on the principle of cooperative federalism. Strategic Goal 3 of that plan commits ECOS to reaching out to leadership during periods of political transition. Accordingly, this Transition Paper identifies five areas of importance during this time to maintain – and enhance – the relationship between states and the U.S. Department of Energy (DOE).

This document outlines for DOE and the new Administration's leadership ECOS' perspectives on key considerations for the new Administration, particularly regarding the Department's Office of Environmental Management (EM) programs. Specifically, over the past two years we have pursued a discussion with the DOE regarding mutual priorities pertaining to EM programs.

BACKGROUND

The mission of the EM program is to complete the safe cleanup of the environmental legacy brought about from five decades of nuclear weapons development and government-sponsored nuclear energy research. Cleanup sites are in California, Idaho, Kentucky, Nevada, New Mexico, New York, Ohio, South Carolina, Tennessee, Utah, and Washington. These host states have engaged the DOE and the U.S. Environmental Protection Agency (EPA) in setting mutual goals, developing budget priorities, improving communications, and embracing innovation and technology. The importance of meeting the federal environmental cleanup commitments and responsibilities stands on its own. *However, at its heart, this work is about jobs and infrastructure – top priorities for President Trump and the new Administration.*

Most DOE EM sites are located in rural areas of the host states. The sites are frequently the leading, or one of the leading, employers in these communities. Therefore, the direct DOE employees and contractors and all of the indirect jobs associated with these sites are integral to the survival and well being of these communities. These American workers play a vital role in meeting the country's obligations and they need sustained and even increased support to complete the cleanup work.

The host states and communities, which include Native American communities, continue to do their part by working with the federal government to clean up contamination from their development. It is important that the sacrifices these states and communities made during World War II and the Cold War are rewarded by honoring the federal government's commitment to reclaiming and rebuilding this important segment of rural America. Just as the nation needs improved roads, bridges, and water systems, it also needs this nuclear weapons complex infrastructure to be repaired and modernized. When these sites are reclaimed and rebuilt, they can play an important role in improving the economic and environmental viability of these valuable but often forgotten areas of the country.

EXECUTIVE SUMMARY

For many years, DOE's EM budget has not been set at a level commensurate with its actual cleanup commitments. Consequently, mutually agreed upon milestones between federal and state agencies at nearly every DOE site have been missed. These ongoing yearly budget shortfalls have caused the situation to worsen. In light of the importance of the issues and their commonality with the President's priorities, we have identified five priority areas for this time of political transition.

Key Points

- Continue DOE's engagement with states and EPA on this cleanup work.
- Propose funding levels in future presidential budgets to meet 100% of DOE's cleanup commitments.
- Treat states as full and equal partners in the cleanup mission, in budgeting, and in setting priorities.
- Reallocate cost savings from innovative activities to other priority areas with meaningful state involvement.
- Continue to provide support for the Interstate Technology and Regulatory Council (ITRC) because ITRC expedites cleanups and reduces costs.

ECOS, on behalf of affected states, recognizes and appreciates the effort that the federal agencies have made to date. We hope the commitment of these agencies to engage their state partners can be enhanced and made a greater priority in the new administration.

PRIORITY AREAS FOR TIMES OF POLITICAL TRANSITION

- 1. The DOE and EPA should continue and enhance the productive engagement with states, through ECOS, to maintain a reliable forum for communication, planning, and establishing mutually-acceptable priorities.**

States, DOE, and EPA have begun an effort to work together to improve the work being done to clean up the nuclear weapons complex. This effort has grown from the mutual recognition within each organization (DOE, EPA, ECOS) that opportunities for continual improvement exist and should be pursued. The states appreciate that the federal agencies have taken steps to engage in meaningful discussions. However, because it formed from discussions, not a strict mandate from the administration or Congress, the level of input from federal agencies has been somewhat inconsistent and its perceived importance has not been universally accepted throughout the agencies. We believe support for this collaboration effort should be memorialized within each agency's specific goals and objectives.

- 2. Future presidential budgets must propose funding levels to meet 100% of DOE's commitments and cleanup milestones as required by agreements, permits, and consent orders.**

For many years, and at some sites decades, the federal government has not adequately funded the EM cleanup. Consequently, commitments made to the states and relied upon by local stakeholders have not been met. Each year that EM is not adequately funded results in increased expenses due to ongoing maintenance and operations of infrastructure and security. The decades-old costs associated with winning World War II and the Cold War are pushed further and further into the future. Additionally, while these sites remain contaminated the risk of an accident or release continues to threaten the people who live near them. Therefore, failing to completely fund these needs means DOE, the federal government at large, and the affected states all face increased economic and environmental risks. As such, it is incumbent upon the federal government to honor the commitments made to the states by meeting all negotiated terms across the DOE nuclear weapons complex.

- 3. Treat states as full and equal partners in the cleanup mission, in budgeting, and in setting priorities.**

When DOE does not meet its commitments, often the only options available to states are informal negotiations and legal actions. Informal negotiations cannot be relied upon and legal actions are, generally speaking, lengthy and expensive propositions. A more successful approach is for DOE (and EPA) to make states their full partners in strategic planning and budgeting documents, and to establish goals and objectives consistent with these plans. Also, states want to be part of any discussion regarding changing milestones. Currently, DOE regularly revises milestones without state engagement.

- 4. DOE must establish mechanisms whereby the majority of cost savings that result from accelerated cleanups, the utilization of innovative technologies, or revised agreements with states are recouped and redirected toward funding other site priorities with meaningful input from the states.**

The states know that a variety of tools and innovations can speed cleanups and reduce costs. Currently, there is no financial incentive for the states to participate in these endeavors. If money is saved, due to the expertise or willingness of the state to cooperate in these processes, there must be a predictable mechanism that the states can rely on to ensure that saved financial resources are reinvested in cleanup priorities at that site.

- 5. DOE must continue to provide support for the Interstate Technology and Regulatory Council (ITRC) because it expedites cleanups and reduces costs.**

The Interstate Technology and Regulatory Council (ITRC), a program of the Environmental Research Institute of the States – an ECOS Affiliate, is a state-led coalition working together with DOE, EPA, Department of Defense (DOD), private industry, academia, and public and tribal stakeholders to reduce regulatory barriers and achieve acceptance of innovative environmental technologies and more cost effective and efficient environmental solutions. The ITRC has documented savings in the millions of dollars for both federal and state agencies through the implementation of these solutions.

Each year, ITRC provides live internet training to over 12,000 participants on a wide array of environmental topics such as Health Risk Assessments, Groundwater Statistics, Site Characterizations, and Remedy Solutions for Contaminated Sediments. These trainings, that are free to all participants, include hundreds of DOE staff that are trained on the latest environmental information at no cost to the DOE.

An example of savings resulting from DOE's support of and participation in the ITRC is the Savannah River Site's use of passive sampling methodologies. With information from an ITRC document, the EM site increasingly uses passive groundwater sampling as an effective technique to monitor contaminant concentrations post-cleanup, saving the EM program millions of dollars over traditional methods. See the [DOE article](#) for more information on this technology.

As the innovative work of the ITRC results in savings for the federal government and provides valuable resources for states, ECOS encourages DOE to continue and increase its financial support to ITRC.

CONCLUSION

ECOS recognizes that DOE and the new Administration will be considering priorities presented by many stakeholders. Given the valuable contributions to the country that the sites in the EM program have made, the environmental risk associated with these sites, and the long-standing intergovernmental agreements with regards to the cleanup, we believe that support of this work as identified above is a top priority.