



# Cooperative Federalism 2.0 Status, Accomplishments, and Next Steps

August 2018

<b>No.</b>	<b>Work Area</b>	<b>Next Steps</b>
<b>1</b>	<p><b>Program Oversight Work Area</b></p> <p><i>Cooperative Federalism Objective: Recast the State/EPA relationship to elucidate the standard of review of specific delegated programmatic audits; codify the model and principles in applying the standards of review; establish the workflows and processes to support the standards of review and implementation model including timely review and decisions; ensure consistent implementation across the country, and; definition of a model and tailored elevation processes.</i></p> <p><i>Accomplishments to date:</i></p> <ul style="list-style-type: none"> <li>• ECOS published Oversight Principles on June 28<sup>th</sup>.</li> <li>• EPA developing its own Oversight Principles.</li> <li>• EPA created an oversight ‘template’ that programs are expected to apply to document the specific program oversight approach. This template includes explicit documentation of the standard of review and an elevation process.</li> <li>• EPA and states at the 2018 ECOS Spring Meeting selected the Title V program and NPDES individual permit reviews (where occurring) to document and implement the clarified and improved oversight approach (as documented in the template). EPA is approaching a few states and the corresponding EPA regions to apply the improved oversight approach for the NPDES effort. For the Title V effort, EPA, working with states, plans to do a retrospective analysis to understand the efficacy of the oversight approach and its consistency with EPA’s oversight guidance.</li> </ul>	<p>At the 2018 ECOS Fall Meeting, states will have the opportunity to provide input to EPA on the EPA’s recast oversight approach. States will get the opportunity to reflect on the direction of the NPDES and Title V work, discuss expanding these efforts, and select the next programs to apply the new oversight principles.</p>

<p><b>2</b></p>	<p><b>Program Implementation Work Area: Enforcement and Compliance</b></p> <p><i>Cooperative Federalism Objective: Maximize the effectiveness of enforcement and compliance efforts by codifying expectations regarding the state/EPA relationship in enforcement for state delegated programs and better aligning the state/federal enforcement approach with compliance assistance efforts and programmatic functions.</i></p> <p><i>Accomplishments to date:</i></p> <ul style="list-style-type: none"> <li>• Based on early discussions with states, EPA issued an interim guidance document on January 22, 2018 to facilitate changes to the state/EPA approach to compliance assurance. Consistent with the Cooperative Federalism principle on enforcement and compliance, the EPA guidance states, “With respect to inspections and enforcement, the EPA will generally defer to authorized States as the primary day-to-day implementer of their authorized/ delegated programs except in specific situations. The EPA believes that exceptions to this general practice should be identified through close communication and involvement of upper management of both agencies.” The interim guidance includes an evaluation by September 28, 2018 by regions who are to provide a progress report on following the interim guidance.</li> <li>• A state/EPA workgroup has developed recommendations that will be put before the membership that outlines the following:             <ol style="list-style-type: none"> <li>1. EPA is changing the approach and development process of the its National Enforcement Initiatives (NEI). First, the NEIs are being renamed National Compliance Initiatives (NCIs) to better emphasize the message that enforcement actions are one tool in a broader set of compliance assurance tools to improve compliance. Second, the process to develop the new National Compliance Initiatives will include earlier and more meaningful state engagement. The NCI cycle is being expanded to four years to better align with EPA’s National Program Guidance cycle.</li> <li>2. Over 25 effective practices to improve the state/EPA collaboration and coordination on enforcement and compliance activities.</li> <li>3. Where and how states are currently using outcome measures to evaluate program performance and framed a model compliance assistance program i.e., find and fix.</li> </ol> </li> </ul>	<p>ECOS members will be asked to reflect on the work to date and to articulate at the 2018 ECOS Fall Meeting additional challenges states want to see addressed. EPA OECA will solicit state views on how well the EPA Interim Guidance is working and areas for improvement. In FY2019, the EPA will review its Interim Guidance and update it as appropriate based on input from the Regions in their progress reports; inputs from state, federal, tribal and local compliance partners; and work-products from the Compliance Assurance Collaboration Workgroup.</p>
-----------------	--	--

<p><b>3</b></p>	<p><b>National Program Guidances Development</b>  <i>Cooperative Federalism Objective: Promote productive relationships through effective communications, practices, procedures, and tools.</i></p> <p><i>Accomplishments to date:</i></p> <ul style="list-style-type: none"> <li>EPA is changing how the FY20-21 National Program Guidances are developed to more closely reflect state needs and priorities. EPA plans to use the state priorities to help shape the National Program Guidances. EPA Regions, by November 14, 2018, have the responsibility of engaging with their states, identifying state priorities, and submitting priorities to the national programs.</li> </ul>	<p>ECOS will work with its members to capture lessons and experiences with the new processes and continue to work with EPA in the process improvement, including through the development of state workplans.</p>
<p><b>4</b></p>	<p><b>State, EPA HQ, and EPA Regional Relationships</b>  <i>Cooperative Federalism Objective: Promote productive relationships among states, EPA headquarters, and EPA Regions through effective communications, practices, procedures, and tools.</i></p> <p><i>Accomplishments to date:</i></p> <ul style="list-style-type: none"> <li>EPA executives and ECOS officers are frequently meeting to coordinate work.</li> <li>At the 2018 ECOS Spring Meeting, EPA and ECOS worked to identify a metric to track regional responsiveness to written state requests. EPA Regions are regularly tracking and reviewing this responsiveness metric.</li> <li>A significant emphasis of the work in other CF2.0 areas is to clarify state/EPA roles and to set expectations. For instance, the oversight work is seeking to establish an elevation processes by program that reflects responsibilities of all parties – states, EPA Regions, and EPA Programs. Another example is the work of the enforcement and compliance team to document expectations on how states, EPA Regions, and EPA Programs coordinate enforcement and inspections.</li> </ul>	<p>ECOS members will be asked to share experiences about how their relationship with EPA has changed over the course of the past year. The 2018 ECOS Fall Meeting will feature a panel with ECOS members and two EPA Regional Administrators.</p>
<p><b>5</b></p>	<p><b>Budget Work Area</b>  <i>Cooperative Federalism Objective: Preserve adequate funding to financially support states in the implementation of federal statutes and programs and provide increased flexibility in the deployment of STAG appropriations.</i></p> <p><i>Accomplishments to date:</i></p> <ul style="list-style-type: none"> <li>EPA’s FY18 – 22 Strategic Plan includes the intent to provide states flexibility to maximize human health and environmental protection with federal funds.</li> </ul>	<p>Work closely with EPA’s grants and programs offices to enable grant flexibility to address identified priorities.</p>

<p><b>6</b></p>	<p><b>Scientific Research Work Area</b>  <i>Cooperative Federalism Objective: Engage with states as key partners in the development of national minimum standards, to understand how best to respond to emerging contaminants, and efficiently incorporate modern technologies.</i></p> <p><i>Accomplishments to date:</i></p> <ul style="list-style-type: none"> <li>• Surveying states about priority research areas and held webinars and meetings to discuss the connection with EPA research to state identified priority areas.</li> <li>• Built relationships and knowledge across state and EPA staff and increased access to EPA research and laboratory capabilities.</li> </ul>	<p>Continue to strengthen the connection to on-the-ground challenges with EPA research resources. Facilitate easier access between states and EPA laboratories to solve problems.</p>
<p><b>7</b></p>	<p><b>Superfund Work Area</b>  <i>Cooperative Federalism Objective: Work with EPA to continue to focus on expediting cleanup and remediation, to ensure greater consistency in national remedy selection, and to focus redevelopment efforts at sites with greatest potential reuse.</i></p> <p><i>Accomplishments to date:</i></p> <ul style="list-style-type: none"> <li>• Formed an ECOS-EPA Superfund Workgroup that holds regular calls with EPA on implementing the Superfund Task Force recommendations.</li> </ul>	<p>Collaborate with EPA to evaluate groundwater beneficial use policies with a focus on beneficial use determinations.</p>
<p><b>8</b></p>	<p><b>Infrastructure Work Area</b>  <i>Cooperative Federalism Objective: Leverage the states willingness to contribute to the national discussion about water and sewer and other infrastructure priorities.</i></p>	<p>ECOS has not initiated work on this objective.</p>
<p><b>9</b></p>	<p><b>Rulemaking Work Area</b>  <i>Cooperative Federalism Objective: Emphasize state role in federal rulemaking focusing on how implementation issues most effectively enter the rulemaking discussion. The E-Enterprise Leadership Council (EELC) may be an appropriate forum to identify potential opportunities to streamline and improve rule effectiveness.</i></p>	<p>ECOS has not initiated work on this objective.</p>