



Environmental Council of the States

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March 11, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW Washington, DC 20460

Via electronic submission to: www.regulations.gov

***RE: ECOS Comments on EPA's National Compliance Initiatives for Fiscal Years 2020-2023
Docket ID No. EPA-HQ-OECA-2018-0843***

Dear Administrator Wheeler:

The Environmental Council of the States (ECOS) is the nonpartisan association of state environmental agency leaders. We are pleased to provide the following public comments to the U.S. Environmental Protection Agency (EPA) on the National Compliance Initiatives (NCIs) it will undertake in fiscal years (FY) 2020-2023.

States, tribes, and EPA share the responsibility of protecting human health and the environment. EPA highlights in its FY 2018-2022 Strategic Plan the need for Cooperative Federalism and shared accountability of all regulators to improve compliance assurance. While states have strong tools to individually ensure compliance in their jurisdictions, ECOS recognizes the need to more effectively align resources among state and federal partners to achieve improved compliance outcomes. States appreciate the opportunity to work with EPA to identify and achieve these shared outcomes.

States are generally supportive of the change from National Enforcement Initiatives to National Compliance Initiatives. This change provides a better opportunity for the recognition of state compliance assistance efforts such as outreach, training and education, which are also key tools for improving overall compliance. Continued stakeholder engagement and improved communication with the public and the regulated community will assist both state and federal efforts to more efficiently reach compliance. That important work can be overlooked when enforcement activities alone are the emphasis of the initiatives. States have strong tools available both in enforcement and compliance assistance and should retain the flexibility to use the mix of tools that works best. States are also supportive of the alignment of the initiatives to EPA's Strategic Plan which reinforces the connection to identified environmental protection objectives.

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ECOS encourages continued consultation and discussion with the states throughout the NCI process. This is necessary not only for the identification of the priorities selected, but also for common understanding of the metrics to be used to measure progress in the identified areas. The measures used should to the best extent possible be clear and understandable measures of compliance outcomes. Care should also be used in the design of the reporting of measures to avoid the imposition of unnecessary or duplicative reporting burdens on the states.

States note that the longer four year cycle, rather than two years, will present the opportunity to focus better on outcome based, rather than output based measures. Some measures of compliance outcomes might not be available or might not have had the opportunity to register a response to an initiative's efforts over the shorter cycle.

ECOS is able to continue to serve as an effective intermediary, providing a venue for discussion and collaboration and in maintaining a strong state-federal relationship. ECOS can also work to share among the states the successful tools and best management practices states have developed in improving compliance.

ECOS appreciates the opportunity to provide input on this important initiative, and urges EPA to continue its stakeholder engagement throughout the implementation process. ECOS looks forward to our continued collaboration on these efforts.

Sincerely,



Donald S. Welsh
Executive Director
Environmental Council of the States