



Environmental Council of the States

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May 12, 2021

Michael S. Regan
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW Washington, DC 20460

Via electronic submission to: regan.michael@epa.gov

Re: ECOS Recommendations regarding American Rescue Plan Act air monitoring funding

Dear Administrator Regan:

The Environmental Council of the States (ECOS) is the nonpartisan association of state environmental agency leaders. ECOS was pleased to see new funding from Congress through the American Rescue Plan Act (ARPA) for air quality monitoring. ECOS strongly encourages that these funds be made available through Clean Air Act (CAA) §103(a-c).

Under Title VI of ARPA, EPA will receive \$100 million in funding to update the nation's air quality monitoring system and reduce air and toxic pollution that is linked with contributing to COVID-19 deaths. Congress has stipulated that half of the funding is to be awarded to address disproportionate impacts in minority or low income populations under: CAA§103(b), SDWA§1442, CERCLA§104(k)(7)(A), or Energy Policy Act§791-797. The other half of the funding is to be awarded to states and tribes through grants authorized under CAA§103(a-c) and CAA§105.

CAA§105 grants require a minimum state or territorial match of 40-percent or Maintenance of Effort (MOE), whichever is higher. CAA§103(a-c) grants do not require a state or territorial match. In 2019, ECOS members adopted a resolution¹ recommending that any new funding for monitoring activities be granted under CAA§103 in order to make the funds available to all states and territories regardless of their ability to provide a 40-percent match or MOE.

ECOS, the Association of Air Pollution Control Agencies (AAPCA), the National Association of Clean Air Agencies (NACAA), Wisconsin, and North Carolina all submitted comments to EPA's Office of Air and Radiation (OAR) through the FY20-21 National Program Guidances.² The commenters voiced their opposition to shifting funds from CAA§103(a-c) to CAA§105. Commenters noted that this would require state and local agencies to provide a 40-percent match or MOE, not all agencies are able to afford this requirement, and those agencies would not be able to accept the grants for important monitoring programs.

Additionally, the funds for air monitoring allocated through the ARPA from Congress are not anticipated to be repeated. If EPA were to provide these funds under CAA§105, the requirement to match the funds at 40-percent or meet MOE requirements, whichever is higher, would mean that states would see their federal funds increase for one year of funding which would also raise the states' required match for subsequent years even if federal funds fall once the ARPA funds are fully expended.

¹ ECOS resolution 14-3, *Federal Financial Resources for State Environmental Programs*, (10 April 2019), available from ecos.org/documents/resolution-14-3-federal-resources-for-state-environmental-programs/.

² EPA OAR Response Comments on draft FY20-21 National Program Guidance - <https://www.epa.gov/sites/production/files/2019-06/documents/fy-20-21-oar-npg-response.pdf>

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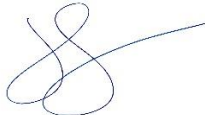
With all of this in mind, ECOS members strongly recommend that the \$50 million provided by Congress in the ARPA be distributed under CAA§103(a-c) authorities so the funds are available to all states and territories, regardless of their ability to match the grants and so as not to inflate the state required match due to one-time funding.

We appreciate the opportunity to offer these comments. If you have any questions, please contact me at dwelsh@ecos.org or 202-266-4929.

Sincerely,



Donald Welsh
Executive Director
Environmental Council of the States



Jason Sloan
Executive Director
Association of Air Pollution
Control Agencies



Miles Keogh
Executive Director
National Association of
Clean Air Agencies

Cc: Patrick McDonnell, ECOS President and Secretary, Pennsylvania Department of Environmental Protection
Ben Grumbles, ECOS Vice President and Secretary, Maryland Department of the Environment
Myra Reece, ECOS Secretary-Treasurer and Director of Environmental Affairs, South Carolina Department of Health and Environmental Control
Jim Macy, ECOS Past President and Director, Nebraska Department of Environment and Energy
Leo Henning, ECOS Planning Committee Chair and Director, Kansas Department of Health and Environment
Jon Niermann, ECOS Air Committee Vice Chair and Chairman, Texas Commission on Environmental Quality
Bob Hodanbosi, AAPCA President and Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency
Michelle Walker Owenby, NACAA Co-President and Director, Division of Air Pollution Control, Tennessee Department of Environment and Conservation
Erik C. White, NACAA Co-President and Air Pollution Control Officer, Placer County Air Pollution Control District
Joseph Goffman, Acting Assistant Administrator, Office of Air and Radiation, U.S. EPA
Casey Katims, Deputy Associate Administrator, Office of Intergovernmental Relations

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