



Resolution 14-3
September 17, 2014
Santa Fe, New Mexico

Revised September 13, 2017
Jackson, Wyoming

Revised April 10, 2019
Arlington, Virginia

Revised April 6, 2022
Asheville, North Carolina

As certified by
Carolyn Hanson
Acting Executive Director

FEDERAL FINANCIAL RESOURCES FOR STATE ENVIRONMENTAL PROGRAMS

WHEREAS, state and territorial environmental programs are responsible for implementing nearly all of the core federal, state, and territorial environmental programs which protect public health and our nation's air, land, and water resources; and

WHEREAS, these core environmental protection activities require inspections, permitting, enforcement, emergency response, and related administrative efforts for implementation; and

WHEREAS, in recognition of this key role in environmental service delivery, the U.S. Congress included provisions in the Clean Water Act (CWA), Clean Air Act (CAA), Resource Conservation and Recovery Act (RCRA), and Safe Drinking Water Act (SDWA) to provide assistance to states and territories to operate these federal programs and this is primarily through, but not limited to, state and tribal assistance grants (STAG); and

WHEREAS, the workload of new and existing federal environmental rules and programs continues at a steady pace; and

WHEREAS, under cooperative federalism, states and territories are the lead implementers of delegated, authorized, and primacy environmental programs and the U.S. Environmental Protection Agency (U.S. EPA) provides appropriate program oversight as well as important research, standard setting, training, enforcement support, and other roles; and

WHEREAS, the financial resources for support of the core environmental programs, including the administration of the programs, laboratory services, research, and technical assistance are an essential part of the resources necessary to meet federal requirements to protect the public health and the environment; and

WHEREAS, states and territories receive funding under Sections 103 and 105 of the CAA; and

WHEREAS, CAA Section 105 grants require a minimum state or territorial match of 40 percent or maintenance of effort, while Section 103 grants do not require a state or territorial match; and

WHEREAS, the administrative implementation cost of federal programs and rules may include, for example: obtaining additional delegated authority; pursuing state or territorial statutory and/or rulemaking processes; attending U.S. EPA required training; permitting, monitoring, and enforcing new requirements; outreach and education to provide environmental literacy to the regulated entities; purchasing new equipment; collecting, analyzing, and reporting data; recording and storing data; and related follow-up actions; and

WHEREAS, implementation costs need to be clearly recognized and included in federal financial resources provided to the states and territories.

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

Continues to support early, meaningful, and substantial state and territorial involvement in U.S. EPA's budget process and its development and implementation of federal environmental statutes and related rules;

Urges states and territories as co-regulators with U.S. EPA to continue to work together jointly for the most efficient and effective use of federal, state, and territorial resources for the greatest environmental and public health benefit;

Recommends that new funding for monitoring activities be granted under CAA Section 103, so the funds can be available for all states and territories, regardless of their ability to match the grants;

Opposes shifting PM2.5 monitoring funding away from Section 103 authority to Section 105 authority where matching funds will be required;

Requests U.S. EPA consider the availability of federal funding support in its planning for new rule adoption schedules and other implementation activities following new rule issuance;

Requests U.S. EPA to include estimates of both state and territorial administrative costs and state and territorial direct implementation costs in recognition of the significant and wide-range of activities necessary to implement existing and new requirements and programs;

Requests U.S. EPA continue to work with states and territories to reduce delays relating to financial assistance agreements, including grants and other assistance, in recognition of the on-going need to adequately support the environmental protection work of the states and territories;

Urges the U.S. EPA and U.S. Congress to financially support state and territorial implementation efforts commensurate with the complexity and breadth of federal requirements when states and territories implement federally delegated, authorized, or primacy programs (delegated); and

To further support funding needs for state and territorial environmental agencies to implement delegated programs, ECOS will continue to provide testimony to the U.S. Congress to address state and territory funding limitations and the need for increased federal funding and for ECOS to engage with the U.S. EPA to seek support for states and territories as co-regulators who are instrumental in achieving the nation's environmental priorities.