



# Environmental Council of the States

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July 14, 2022

Beth Burchard  
K. Blair Budd  
Office of the Chief Financial Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Submitted via e-mail to: [Burchard.Beth@epa.gov](mailto:Burchard.Beth@epa.gov) and [budd.kathryn@epa.gov](mailto:budd.kathryn@epa.gov)

Dear Ms. Burchard and Ms. Budd:

On behalf of the Environmental Council of the States (ECOS), I thank you for the opportunity to provide comments on the U.S. Environmental Protection Agency's (EPA) draft Fiscal Year (FY) 2023-2024 National Program Guidances (NPG).

ECOS is thankful for EPA's work to gather and reflect state priorities through high-level, early engagement. The NPG documents reflect much of the work that states, regions, and EPA program offices do together, as well as our common goals and shared initiatives. Given the importance of cooperative federalism in our national system of environmental protection, we appreciate the ability to work together on these documents in a collaborative way.

ECOS submits the attached comments for your consideration using the required comment template. ECOS also commends to EPA's attention any NPG comments from individual states, as well as from the media-specific state associations.

Again, thank you for the opportunity to provide input on these draft Guidances.

Regards,

Ben Grumbles  
Executive Director

cc:

ECOS Officers, ECOS Committee Chairs, Beth Burchard and K. Blair Budd (OCFO), Mark Vincent and Michael Wolfe (OAR), Michele McKeever and Elizabeth Ragnauth (OECA), Howard Rubin (OLEM), Kristie Moore and Jared Martin (OW), Matthew Tejada and Lilian Dorka (OP – OEJ/ECRCO), Dan Murphy and Melissa Saddler (OCIR), Jennifer Vernon (OCSPP)

**Myra Reece**  
South Carolina Department of  
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## Comments of the Environmental Council of the States on EPA's Draft FY 2023-2024 National Program Guidances

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
EPA appropriately acknowledges that there will not be sufficient resources for all activities and that priorities may vary throughout the nation. ECOS supports EPA's plan to work with state and local air agencies "to adjust resources to meet changing priorities," to work collaboratively with state and local air agencies to resolve planning issues and to provide flexibility in developing work plans.	Page 3 (Introduction) Page 30 (Flexibility and Grant Planning)	Office of Air and Radiation (OAR)	Environmental Council of the States (ECOS)
ECOS supports EPA's encouragement to use established work-planning processes to provide flexibility and tailor work expectations to meet local circumstances, as appropriate. Including use of the information in the ECOS Field Guide intended to increase flexibility and efficiency.	Page 3 (Introduction)	OAR	ECOS
ECOS encourages EPA headquarters to maintain a close working relationship with state agencies in addition to maintaining the regional relationship.	Page 4 (Introduction)	OAR	ECOS

**Myra Reece**  
South Carolina Department of  
Health and Environmental Control  
ECOS President

**Chuck Carr Brown**  
Louisiana Department of  
Environmental Quality  
ECOS Vice President

**Ben Grumbles**  
ECOS Executive Director

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
ECOS supports EPA’s ongoing commitment to participate actively in and advance the efforts of E-Enterprise for the Environment, specifically the Combined Air Emissions Reporting Team and the State Plan Electronic Collaboration Team, as well as work with ECOS in the state-led effort to illustrate the outcomes of states’ efforts to improve public health and the environment.	Page 4 (Introduction)	OAR	ECOS
ECOS supports EPA’s commitment to promote flexibility through the use of Performance Partnership Grants (PPGs).	Page 4 (Introduction)	OAR	ECOS
ECOS supports the stated intent that, “In FY 2023 and 2024, EPA will work with air agencies to achieve and maintain compliance with the NAAQS and urges EPA to begin now to substantially increase its engagement with states in this area early and often.	Page 8 (National Ambient Air Quality Standards)	OAR	ECOS
ECOS appreciates EPA’s commitment to work with regions on implementing the results of the February 2018 lean effort to improve the timeliness of EPA’s review and approval of State Implementation Plans (SIPs). EPA should participate in early engagement with states and be able to process SIPs in a timely manner consistent with Clean Air Act (CAA) timelines.	Page 8 (National Ambient Air Quality Standards)	OAR	ECOS

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
<p>ECOS is surprised that EPA did not address exceptional events demonstration review activities more directly in the draft FY23-24 NPG. With the increased frequency of wildfires resulting in an unprecedented amount of wildfire smoke events with regulatory significance in 2021 alone, exceptional events workload for EPA and state, local, and tribal air agencies will increase. EPA should also work with states to identify process improvements allowing greater efficiency to ensure reduced workload strain at the state, local, tribal and federal level. EPA should work with states, local air agencies, and tribes to identify ways to streamline exceptional events demonstrations, especially for wildfire smoke, and internal EPA review.</p>	<p>Page 8 (National Ambient Air Quality Standards)</p>	<p>OAR</p>	<p>ECOS</p>
<p>As EPA advances environmental justice (EJ) and Title VI civil rights considerations in EPA permitting actions and incorporates EJ considerations into permits issued by EPA regional offices, ECOS request that the process and tools used by EPA be shared with states. ECOS also request that sample language EPA intends to use be shared with states and other interested parties.</p>	<p>Page 12 and 13 (Title V and New Source Review Permitting)</p>	<p>OAR</p>	<p>ECOS</p>

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
<p>ECOS encourages EPA to ensure that the Quality Management Plan (QMP) and Quality Assurance Project Plan (QAPP) review and approval process is not further slowed down by the influx of QAPPs from federally-funded community monitoring projects that require QAPPs. EPA should ensure that all QMPs and QAPPs are reviewed and approved in an efficient and timely manner. Timely approval of QAPPs from state agencies and community groups will be essential to achieving EPA's goal to "ensure data collected from federally-funded community monitoring projects using American Rescue Plan funds are useable, accessible to the public, and shared with appropriate stakeholders in a practicable amount of time."</p>	<p>Page 16 and 17 (Ambient Air Monitoring for Toxics)</p>	<p>OAR</p>	<p>ECOS</p>
<p>ECOS request that EPA provide adequate resources to implement requirements associated with the National Air Toxics Network. EPA emphasizes activities to "support and assist air agencies in addressing air toxics" and calls upon the regional offices to "delegate and assist air agencies with Section 111, 112, and 129 standards." Additionally, the draft includes activities related to the National Air Toxics Monitoring Network. If EPA intends to rely on state and local air agencies to implement the air toxics program, it is equally important that the agency provide adequate resources in the form of increased federal grants.</p>	<p>Page 15 (Air Toxics Program Implementation) Page 16-17 (Ambient Air Monitoring for Toxics)</p>	<p>OAR</p>	<p>ECOS</p>

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
<p>Budget increases are necessary if state and local air agencies are to continue to fulfill their current responsibilities and take on new and high-priority programs to reduce air pollution. ECOS recommends that federal grants under Sections 103 and 105 be increased to \$257.90 million annually above the FY22 enacted amount, beginning in FY 2023.</p> <p>ECOS also recommends that OAR review and consider streamlining paperwork requirements such as for SIPs, exceptional events, and other activities to minimize burden on state environmental agency staff.</p>	<p>Page 30 (Grant Assistance to Co-Implementers)</p>	<p>OAR</p>	<p>ECOS</p>

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
<p>ECOS opposes the transition of funding authority for PM<sub>2.5</sub> monitoring from Section 103 to Section 105. The draft mentions “a proposed transition in funding authorities for PM<sub>2.5</sub> monitoring” and refers to the current <a href="#">NPG Monitoring Appendix</a>. Page 3 of that document indicates that EPA plans to transition the funding authority for PM<sub>2.5</sub> monitoring from Section 103 to Section 105. This would require state and local agencies to provide matching funds. The PM<sub>2.5</sub> monitoring program has long been funded under Section 103 and this arrangement has worked very well. ECOS recommends that it continue to be funded under Section 103. The proposed shift to Section 105 would require state and local agencies to provide a 40-percent match, which not all agencies can afford. Those agencies that are unable to provide matching funds could not accept the grants for these important monitoring programs. As a result, these agencies could be forced to discontinue required monitoring at existing sites. Since these are nationwide monitoring efforts, ECOS believes the funding should be provided under Section 103 authority so it is accessible to all, regardless of their ability to match the grants.</p>	<p>Page 31 (Continuing Air Program, Ambient Monitoring)</p>	<p>OAR</p>	<p>ECOS</p>
<p>EPA should work with state and local air agencies through the Joint Training Steering Committee to ensure high-quality training. Adequate high-quality training is especially critical now due to the large number of retirements and the associated loss of institutional knowledge that federal, state and local air agencies are experiencing.</p>	<p>Page 33 (Continuing Air Program, Clean Air Act Training)</p>	<p>OAR</p>	<p>ECOS</p>

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
<p>Environmental justice (EJ) is clearly a concern when it comes to drinking water, but unfortunately there is a relative lack of drinking water-focused EJ tools and metrics. EPA should work with states and partners to develop and expand drinking water-focused EJ metrics on EJScreen and elsewhere to help ensure that EJ relating to drinking water is not overlooked. Development of such metrics and tools are a worthwhile action to include in planning documents such as the NWPG.</p>	<p>Page 6 (Embed equity and environmental justice in all Office of Water activities)</p>	<p>Office of Water (OW)</p>	<p>ECOS</p>
<p>ECOS supports EPA's intent to "propose requirements that, along with other actions, would result in the replacement of all lead service lines as quickly as is feasible."</p> <p>While requirements can be an effective tool, the key to rapid Lead Service Line (LSL) replacement is having funding available to remove both system-owned LSLs and customer-owned LSLs. The BIL provides funding for LSL inventory development and LSL replacement (LSLR), but the fact that 51% of this funding must be in the form of loans reduces the likelihood of water systems seeking this assistance. As a result, the 51% loan requirement undermines how transformative this investment could be compared to the funding being in the form of 100% grants or principal-forgiveness loans. While the revolving nature of the BIL LSLR money may seem to make the funding more sustainable, the reality is that more LSLs would be replaced if the funding was 100% grant. It is recommended that the NWPG explicitly expand on the "other actions" geared towards achieving rapid LSL replacement to include other approaches such as funding, technical assistance, and education and communication (for both the regulated community and the general public).</p>	<p>Page 12 (Lead Service Line Replacement)</p>	<p>OW</p>	<p>ECOS</p>



Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
EPA should continue to prioritize inspector training. Resources continue to be a challenge as states take on more work despite flat budgets. Training continues to be a priority to ensure inspectors are equipped with the current information needed to pursue cases to the fullest.	Page 5 (Introduction)	Office of Enforcement and Compliance Assurance (OECA)	ECOS
EPA should coordinate with states regarding federal inspections and enforcement actions. Effective consultation and coordination with the states, consistent with Assistant Administrator Susan Bodine's July 11, 2019 memorandum, when federal inspections or enforcement actions are planned is essential. This will assure the best use of limited compliance resources, minimize friction, and reduce duplication of effort.	Page 5 (Introduction)	OECA	ECOS
EPA's discussion of state and local collaboration includes mention of "building state capacity, supporting state actions..." etc. EPA needs to be more active and effective at assuring that its state and local partners are resourced, trained, and have effective coordination and technical assistance from EPA in their role as co-regulators.	Pages 5, 6, 7 (Introduction)	OECA	ECOS
States have identified challenges regarding Publicly Owned Treatment Works in small or remote communities, often operated by third parties. EPA should work closely with states to achieve improvements in Community Water Systems (CWSs) compliance.	Page 13 (Community Water Systems)	OECA	ECOS
EPA should include Off-site Compliance Monitoring as a critical tool for assessing noncompliance.	Page 17 (A. Cross-program Activities)	OECA	ECOS

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
<p>EPA plays an important role as the liaison between states and other federal agencies. EPA's goal to reduce the number of all referred no complaint filed civil judicial cases more than 2.5 years old is a good first step.</p>	<p>Page 48 (FY 23 National Program Measures)</p>	<p>OECA</p>	<p>ECOS</p>
<p>EPA appropriately recognizes that integrating Environmental Justice (EJ) measures at the federal level must be done “in light of each region and program’s financial, capacity, and statutory limitations.” ECOS asks that EPA also recognize that integrating EJ measures at the state level must also be done “in light of each [state’s] financial, capacity, and statutory limitations.”</p> <p>EPA should conduct an analysis of workload impact and address increased resource requirements and, when requiring additional work from state and local agencies, should provide additional resources to state and local agencies. ECOS is recommending that federal grants to states related to this work be increased to \$257.90 million annually beginning in FY 2023. This will better enable states to fulfill current, underfunded responsibilities as well as integrate these new process requirements to address EJ.</p>	<p>Page 4 (Introduction)</p>	<p>Office of Policy – Office of Environmental Justice/External Civil Rights Compliance Office (OP - OEJ/ECRCO)</p>	<p>ECOS</p>

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
<p>EPA’s EJ program provides grants directly to community-based organizations and notes that “[t]hose projects focused on seeking resolution necessitate invoking a response from a governmental agency at the local, state, tribal, or federal level.” EPA proposes to measure activities related to Strategy 3 by the “percentage of environmental justice grantees whose funded projects result in a governmental response.” What type of governmental response is required? EPA should define this “measure” in more detail so as not to encourage a government response when the outcome of a project shows one is not needed and would be a waste of resources to pursue. While many projects will likely result in actions that should be taken by government agencies, it is possible that data gathered in some projects may serve to ameliorate fears and show that the federal, state, local, or tribal government does not need to take any action other than the actions it is already pursuing. The metric should be expanded to allow for this scenario.</p>	<p>Page 7-8 (Section II; Objective I; Program Priority: Empower and build capacity of underserved and overburdened communities; Strategy 3)</p>	<p>OP - OEJ/ECRCO</p>	<p>ECOS</p>
<p>ECOS supports EPA’s work to strengthen relationships between states and tribes, and ECOS appreciates EPA’s involvement with the ECOS EJ Steering Committee and Workgroup.</p> <p>Regarding disproportionate impacts, ECOS supports EPA’s development of capacity building materials and other resources related to identifying disproportionate impacts. Many states are also presently engaging in defining disproportionate impacts at the state level. ECOS appreciates the dialogue EPA and the states have already begun on this topic through the ECOS EJ Workgroup. ECOS encourages EPA to continue this dialogue and leverage valuable state knowledge on this topic.</p>	<p>Page 8 - 9 (Section II; Objective I; Program Priority: Strong partnerships with tribes and states, Strategy 1)</p>	<p>OP - OEJ/ECRCO</p>	<p>ECOS</p>

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
EPA proposes to launch a workgroup to develop a framework that lists expectations for permits that are responsive to EJ and civil rights concerns. ECOS recommend, that ECOS members, through the leadership of the ECOS EJ Steering Committee, be included in this EPA led workgroup.	Page 9 (Section II; Objective 1; Program Priority: Strong partnerships with tribes and states; Strategy 2; Activities; EJ Program)	OP - OEJ/ECRCO	ECOS
In the July 1 <sup>st</sup> discussion regarding the draft OEJ FY23-24 NPG between EPA and state leadership, EPA stated that it issues approximately 4% of the country's environmental permits under the RCRA Subtitle C and National Pollutant Discharge Elimination System (NPDES). ECOS would appreciate sharing of sample text that EPA includes in the permits it issues under the RCRA Subtitle C and NPDES programs.	Page 9 (Section II; Objective 1; Program Priority: Strong partnerships with tribes and states; Strategy 2; Activities; EJ Program)	OP - OEJ/ECRCO	ECOS
ECOS supports EPA's work to pursue a process for assessing cumulative impacts. Many states have begun work to incorporate a cumulative impacts assessment into their program activities as well. States are at varying points in this process. ECOS encourages EPA to reach out through the ECOS EJ Steering Committee to work with states to leverage states' knowledge and experiences.	Page 9 (Section II; Objective 1; Program Priority: Strong partnerships with tribes and states; Strategy 2; Activities; ECRCO)  Page 17 (Section II; Objective 2; Program Priority: EPA's implementation of environmental justice and civils rights compliance)	OP - OEJ/ECRCO	ECOS

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
<p>ECOS supports EPA activities to ensure compliance with civil rights laws. ECOS notes that EPA is still in the process of developing new guidance related to clarify interpretations of requirements and expectations for compliance with civil rights laws. ECOS requests that EPA give states time to process and incorporate any necessary changes needed as a result of this clarified guidance before conducting affirmative guidance reviews.</p> <p>ECOS notes that the guidance clarifying interpretations of civil rights law requirements and expectations is one of ECRCO's current "Activities" for FY23 (page 11). Conducting "1 or more compliance reviews to determine compliance with Title VI" is also one of ECRCO's "Activities" for FY23 (page 21). EPA should allow delegated authorities time to process and integrate any new guidance and consider revising the deadline for "1 or more compliance reviews" mentioned on page 21 to be a time centric deadline. Instead of stating "In FY 2023" include language such as, "six months after the release of guidance clarifying requirements and expectations for compliance with civil rights laws, conduct 1 or more compliance reviews...."</p>	<p>Page 11 and Page 21</p> <p>Page 11 (Section II; Objective 1; Program Priority: Collaboration with state recipients of EPA financial assistance and partnership with academic institutions; Strategy 1, Activities, ECRCO)</p> <p>Page 21 (Section II; Objective 1; Program Priority: Collaboration with state recipients of EPA financial assistance and partnership with academic institutions; Strategy, Activities, ECRCO)</p>	OP - OEJ/ECRCO	ECOS
<p>ECOS supports EPA's goal to "set ambitious goals of achieving meaningful change on the ground for communities with EJ concerns." ECOS requests that EPA work with the local state environmental agency and approach communities in partnership with the local state environmental agency.</p>	<p>Page 12 (Section II; Objective 2; Program Priority: Reducing disparities in environmental and public health conditions)</p>	OP - OEJ/ECRCO	ECOS

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
As EPA develops guidance regarding the use of EJ tools, such as EJScreen, to integrate EJ into programmatic contexts, ECOS encourages EPA to also acknowledge the important benefits of state EJ related mapping tools and their place in the decision making process for both the states and EPA.	Page 14 (Section II; Objective 2; Program Priority: EPA accountability to overburdened and underserved communities, Strategy 2; Activities; EJ Program)	OP - OEJ/ECRCO	ECOS
As EPA advances the work EPA does in communities, EPA should advance this work in coordination with the local state environmental agency. Further, as EPA develops “Key Principles for Community Work,” ECOS suggest that EPA request input on these principles through the ECOS EJ Steering Committee. Many states, have established practices in this area and EPA would likely benefit from these resources.	Page 16 (Section II; Objective 2; Program Priority: EPA effectively working in communities; Activities: OCR/EJ Program)	OP - OEJ/ECRCO	ECOS
ECOS supports EPA’s goal to clarify and strengthen civil rights policy guidance regarding what states and other funding recipients need to do to identify and address adverse disparate impacts, including how cumulative impacts are evaluated within the disparate impacts analysis. ECOS encourages EPA to work with states on this topic and share any guidelines EPA establishes regarding how to identify and account for cumulative impacts as part of a disparate impacts analysis.	Page 17 (Section II; Objective 2; Program Priority: EPA’s implementation of EJ and civil rights compliance; Activities: ECRCO)	OP - OEJ/ECRCO	ECOS

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
ECOS supports EPA's effort to regularly converse with and listen to communities. ECOS recommends that EPA conduct these activities in partnership with the local state environmental agency as well as any other appropriate government partners.	Page 22 (Section II; Objective 3; Program Priority: Meaningful and regular opportunities to converse with and listen to communities; Strategy)	OP - OEJ/ECRCO	ECOS
<p>In the discussion regarding the draft OEJ FY23-24 NPG between EPA and state leadership, EPA stated that all program offices and regions will be creating specific implementation plans regarding EJ integration and implementation; however, these plans may remain internal to EPA. EPA also stated that EPA believes this process should be done in full view of and cooperation with EPA's partners at the state level so it is a meaningful, not just bureaucratic, exercise.</p> <p>ECOS agrees with EPA's statement referencing the full view and cooperation of EPA's partners. It is essential that EPA and states work together to implement EJ actions and principles. It is essential that states and EPA maintain a transparent and productive relationship as co-regulators. EPA should develop each program and regional EJ implementation plan in an open and transparent manner and recommends EPA publish each plan publicly.</p>	Page 8 (Section II; Objective 1; Program Priority: Strong partnerships with tribes and states)	OP - OEJ/ECRCO	ECOS

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
<p>States have identified challenges regarding the process of developing agency-wide definitions of disadvantaged communities. ECOS recommends that EPA work closely with the states as guidelines for defining disadvantaged communities are established. ECOS also notes that other federal agencies may have their own definitions and encourages EPA to work with state environmental agencies to develop a consistent approach to defining this work.</p>		<p>OP - OEJ/ECRCO</p>	<p>ECOS</p>
<p>ECOS appreciates EPA's commitment to work with states and tribal nations to find innovative approaches to achieving shared environmental priorities. E-Enterprise is one venue where state, tribes, and EPA practice joint governance on projects that seek to modernize the business of environmental protection.</p>	<p>Page 2 (Section 1. Introduction)</p>	<p>Office of Congressional and Intergovernmental Relations (OCIR)</p>	<p>ECOS</p>



Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
It would be helpful if OCIR were to annually gather from regions examples of flexibility included in PPGs and PPAs and share these flexibilities broadly with states and regions through a written compilation as well as through a webinar or other means. Consolidated examples of PPA and PPG flexibilities adopted in state grant workplans could accelerate consideration of innovative practices. One example of a flexibility a number of states employ is Alternative Compliance Monitoring Systems (ACMS). Having a list of approved state ACMS approaches may make it less burdensome for other states to adopt similar strategies to direct resources to priority compliance activities. Promoting flexibilities states have included in PPAs and PPGs may lead other states to consider increasing the number of Categorical Grants they include in their PPGs and PPAs thereby reducing the number of individual state grants EPA must manage.	Page 11 (PPG Flexibilities)	OCIR	ECOS

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
<p>ECOS supports EPA’s steps toward a better understanding of current grant reporting and tracking processes across EPA. ECOS encourages EPA to take a holistic approach to data collection, considering potential new information needed alongside what reporting may no longer be needed, what information is not being utilized that could stop being collected, and what information EPA may already collect that could be shared more broadly. Collection, review, reporting, and management of data incurs costs to both states and EPA so conducting a complete review of needed and under-utilized information will allow resources to be better directed where they may be most effective. This review should also include expanded ability for information available in one system to more readily be available through and to other systems. Future data modernization efforts should include this holistic approach to data access to further reduce duplicate data entry and increase data transparency.</p>	<p>Page 5 (Section II.B. Evidence Act)</p>	<p>OCIR</p>	<p>ECOS</p>
<p>States urge continued joint governance, coordination, and investment in data solutions to improve the multi-directional interoperability between state and federal databases. As examples, states encourage the modernization of drinking water information now managed through the Safe Drinking Water Information System (SDWIS) and of clean water and air information now managed through the Integrated Compliance Information System (ICIS). These modernization efforts can lead to reduced duplication, improved data quality, and less burdensome processes.</p>	<p>Page 5 (Section II.B. Evidence Act)</p>	<p>OCIR</p>	<p>ECOS</p>

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
ECOS supports EPA's effort to implement the Evidence Act and is eager to coordinate and communicate with OCIR as the learning agenda progresses.	Page 6 (Section II.B. Evidence Act)	OCIR	ECOS
To streamline annual grant workplan development, states recommend EPA support establishment of electronic collaborative forums between regions and states that can be used to develop and negotiate grant workplans such as through MAX and SharePoint. States in regions that utilize online collaboration platforms for PPA and PPG workplan negotiations have spoken very highly of them. States hope that online collaboration platforms such as the ones used by EPA Regions 1, 5, and 8 become an option for all states.	Page 9 (Section IV. Flexibility and Grant Planning; Implementing PPGs)	OCIR	ECOS
ECOS supports EPA's support of work on innovative solutions and offering greater flexibility in EPA state/tribal cooperative agreements, including PPGs and PPAs. States appreciate this acknowledgement to consider workload tradeoffs to further modernization goals and encourages OCIR to provide outreach and support to EPA Regional Offices to support use of this tool as states negotiate their grant workplans with regions. ECOS also encourages EPA to gather and share workload tradeoffs broadly to facilitate activities that maximize protection of human health and environment.	Page 12 (Section IV. Flexibility and Grant Planning; E-Enterprise and Workload Tradeoffs)	OCIR	ECOS
In addition to the priorities outlined above, states encourage EPA to continue to focus measures on environmental outcomes rather than outputs such as the number of inspections or evaluations.		OCIR, OECA, OAR, OW	ECOS

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
States also urge continued joint governance, coordination, and investment in data solutions to improve the multi-directional interoperability between state and federal databases. As examples, states encourage the modernization of drinking water information now managed through the Safe Drinking Water Information System (SDWIS) and of clean water and air information now managed through the Integrated Compliance Information System (ICIS). These modernization efforts can lead to reduced duplication, improved data quality, and less burdensome processes.		OCIR, OECA, OAR, OW	ECOS
ECOS encourages EPA to adopt a culture of shared governance broadly and to reinforce this in rule development, system modernization work, consideration of major system upgrades such as with the Exchange Network, and other means.		OCIR, OECA, OAR, OW	ECOS
Suggest changing “fair treatment” to “equitable treatment”	Page 3 (Section 1. Introduction second bullet point)	Office of Chemical Safety and Pollution Prevention (OCSPP)	ECOS
EPA should explore the opportunity to connect section F (TRI) to the EJ TRI work currently being developed as well as outreach to states to use those tools.	Page 14 (Section F)	OCSPP	ECOS
OPPT’s lead risk reduction program may benefit from including an investigation into other sources of lead exposure for children and sharing this information as part of outreach programs. For example, King County in Washington state recently identified high levels of lead in cookware. There are likely other products that are contributing to lead exposure.	Page 19 (Third bullet point under strategy)	OCSPP	ECOS

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
Is there a role for manufacturers in the first bullet point under “Nurture External Capacity to Achieve Results”? If so, it would be good to add SCIL to the list. Some businesses may be looking for products but others may be looking for chemicals.	Page 25 (First bullet under “Nurture External Capacity to Achieve Results”)	OCSPP	ECOS
Considering NEA #6 and the addition support for the Biden Administration priorities related to environmental justice and climate change are very broad and ambiguous. We recommend more specificity around how to address these topics, including what P2 opportunities may benefit Indian Country and Alaskan Native Villages and what P2 opportunities or sectors EPA sees as a priority for addressing climate change. It is currently hard to know where to start with these broad concepts.	Page 24 (First and second paragraph under Section II – H – Strategy)	OCSPP	ECOS
<p>For the third sentence under “Description”, update to: “...reduce expenditures, reduce waste, or eliminate toxic chemical use that immediately translates to...”</p> <p>“Eliminate waste altogether” is a bit repetitive, and it is important to include and distinguish the difference between toxic chemicals and wastes. Pollution prevention focus on the full spectrum, including upstream chemical use and downstream waste generation.</p>	Page 23 (First paragraph under Section II – H – Description)	OCSPP	ECOS

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
Suggest clarifying the recommendation to regional offices included in “Regional offices should support states and tribes who are developing or revising the scope of their plans by: (e.g., expanding the scope by (1) reducing chronic exposure of pollinators to low levels of pesticides; (2) encouraging agricultural practices that reduce the overall environmental loading of pesticides; and (3) reducing possible pesticide contamination of wild blooming host plants near treated cropland) pollinator protection plans” or otherwise clarifying the statement.	Page 5 (Section II B)	OSCPP	ECOS
Consider adding “pollution prevention” to list “for the purposes of addressing toxic chemicals in their communities under their own authorities, particularly for community waste reduction and clean-up actions.”	Page 16, (Section II, F)	OCSPP	ECOS
Under activities, consider collaboration with initiatives beyond EPA (such as NSF Industry-University Cooperative Research Centers) that are commercializing solutions based in the principles of green chemistry.	Page 25 (Section II, H)	OCSPP	ECOS

Comment	Location in Draft Guidance	Office Issuing NPG	Commenter
<p>In that context, we see an opportunity for EPA to focus on "streamlining the business processes (page 9 of the NPG document)" and expand it for TSCA and PFAS as well. That clarity on actions and measurements on business processes would provide guidance to the regional offices, states, manufacturers, suppliers, customers and other involved stakeholders in those processes. For example, there are more than 43,000 active chemicals in the market and EPA processes approximately 500 chemicals every year. However, the NPG document mentions only PCB material regulated under TSCA (Page 24-25). The need to address the plan to streamline that investigation, risk assessment, and stakeholder communication process for other active chemicals that pose high risk is critical in this emerging contaminants trend. The PFAS strategic roadmap states that the regulatory scope under OLEM is still seeking public comments. The linkage and measurable actions for each of its impacts is not clear in the NPG. This generic approach might create confusion to the regions and states and clarifying the PFAS area under streamlining the businesses might lead to the efforts accomplishing our shared goals. In summary, the national priorities of EPA to be aligned and linked well with measurements in the streamlining business processes section in order to accelerate environmental protection at national, regional and state levels.</p>	Page 9, Page 24-25	Office of Land and Emergency Management (OLEM)	ECOS

<p><b>Reduce and reuse:</b> Materials management and life cycle analysis shows us that the larger impacts of the materials we manage occur upstream, during manufacture and production. This illustrates why reduction and reuse of materials, including packaging, has more environmental benefit than recycling. However, this national guidance focuses almost solely on recycling. We feel the guidance would be more powerful and effective if it included these more important and higher priority aspects of the waste management hierarchy – reduce and reuse. There is growing focus on reduction and reuse, on a variety of levels. This is an area where EPA funding and support could help immensely. <u>EPA’s scope should incorporate reduction and reuse into its funding and operational priorities and strategies.</u></p> <p><b>Producer responsibility:</b> There are certainly changes needed in our recycling system, which have become very clear in the past few years. Many acknowledge that systemic changes are needed, to included producer engagement and responsibility. An increasing number of producers are calling for some form of producer responsibility in the recycling system. There are now three states with new laws in place setting up such a system, and bills have been introduced in more than a dozen other states. One producer organization, The Recycling Partnership, has estimated that \$17 billion of investments is needed to make all the needed changes to the recycling system. While the \$350 million in grants offered by EPA is historic and will be very helpful to some governments, it is not near enough. These grants do not acknowledge the needed system change or the new partners (producers) who are increasing their role to address the recycling challenges in recycling. <u>EPA’s scope should incorporate the growing role and need for producer responsibility in the recycling system.</u></p>	<p>Pages 29-31 (Improving Recycling and Advancing the Circular Economy)</p>	<p>OLEM</p>	<p>ECOS</p>
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