



Resolution Number 17-4
Approved September 13, 2017
Jackson, Wyoming

Revised October 2, 2020
Via Conference Call

Revised August 30, 2023
Boulder, Colorado

As certified by
Ben Grumbles
Executive Director

FEDERAL RULE PROMULGATION AND IMPLEMENTATION

WHEREAS, it is a fundamental responsibility of U.S. EPA to work cooperatively and collaboratively with the states as co-regulators to ensure that regulations and programs can be effectively implemented; and

WHEREAS, in October 2016 ECOS published “The Field Guide to Flexibility and Results” to clearly show states ways in which U.S. EPA is promoting flexibility in state implementation of delegated and authorized environmental programs to operate in a more efficient, cost-effective, and results-focused manner; and

WHEREAS, ECOS has developed through a consensus-based process the document “Cooperative Federalism 2.0: Achieving and Maintaining a Clean Environment and Protecting Public Health, June 2017” noting principles of the roles and functions of states and U.S. EPA in cooperative federalism as well as potential focus areas of application; and

WHEREAS, in February 2023, U.S. EPA released a [memo](#) on “Principles and Best Practices for Oversight of State Implementation and Enforcement of Federal Environmental Laws” which reinforces Cooperative Federalism principles and highlights the importance of clear communication and frequent review of implemented programs between states and U.S. EPA; and

WHEREAS, states bring experience in developing effective programmatic options and alternatives to meet standards including experience communicating with the regulated community and the public.

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

Encourages U.S. EPA, to the best of its ability, to better align compliance dates for rules that reduce the same or different pollutants from the same source sectors;

Affirms that states should generally have the ability to set standards that are more stringent or that are broader in scope than federal standards;

Affirms states should, consistent with federal law, have flexibility in implementing their programs to achieve national minimum standards that enables them to incorporate and integrate their unique geophysical, ecological, social, and economic conditions;

Encourages U.S. EPA to involve states as partners early and often in developing federal environmental and public health policy, and to specifically seek state and stakeholder input on the efficacy of new or changed standards or program requirements; and

Urges U.S. EPA to publish its rules as final prior to seeking state adherence and implementation.