



ECOS

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As certified by
Ben Grumbles
Executive Director

FEDERAL FINANCIAL RESOURCES AND COOPERATIVE FEDERALISM IN SUPPORT OF STATE ENVIRONMENTAL PROGRAMS

WHEREAS, state, territorial, and the District of Columbia (hereinafter referred to as “state”) environmental programs are responsible for implementing nearly all of the core federal, state, territorial, and District of Columbia 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 recovery, 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 federal funding to states to operate these federal programs, and this is primarily through, but not limited to, state and tribal assistance grants (STAG), including Categorical Grants which could also be referred to as “cooperative federalism grants;” and

WHEREAS, the state environmental agency workload and resources associated with implementing new, existing, and significantly revised or rescinded federal environmental rules and programs continues at a steady pace; and

WHEREAS, under cooperative federalism, states are the lead implementers of delegated, authorized, and primacy environmental programs (hereinafter referred to as “delegated”) 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 of the federal government 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 receive funding under Sections 103 and 105 of the CAA; and

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

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

WHEREAS, when states are awarded federal funding, states may complete required planning, budgeting, contracting, reporting, and other related activities; and

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

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

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

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

Encourages coordination across federal agencies for programs with shared or overlapping goals such as water infrastructure investments to minimize and align program requirements to promote efficient program application and reduce burden on recipients;

Recommends that new funding for monitoring activities be granted under CAA Section 103, so the funds can be available for all states, 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 proposed new, reconsidered, and rescinded rule adoption schedules and other implementation activities following rule issuance;

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

Requests U.S. EPA invest appropriately in data exchange among co-regulators including modernizing the National Environmental Information Exchange Network and maintaining associated cybersecurity and other key technology infrastructure components;

Requests U.S. EPA honor agreements, contracts, and commitments made where states have relied upon and acted with respect to awarded and obligated funding, and continue to work with states 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;

Urges the U.S. EPA and U.S. Congress to provide the federal government's fair share of funding to support state implementation efforts commensurate with the complexity and breadth of federal requirements when states implement federally delegated programs; and

To further support funding needs for state environmental agencies to implement delegated programs, will continue to provide testimony to the U.S. Congress to address state funding limitations and the need for continuing and increased federal funding, will work with congressional committees of jurisdiction, and will engage with the U.S. EPA to seek support for states as co-regulators who are instrumental in achieving the nation's environmental priorities and to achieve the objectives of this resolution.

*The Clean Water Act (CWA) Public Law ([P.L. 118-198](#), Title I, SEC. 101 states "(b) ...It is further the policy of the Congress to support and aid research relating to the prevention, reduction, and elimination of pollution, and to provide Federal technical services and financial aid to State and interstate agencies and municipalities in connection with the prevention, reduction, and elimination of pollution." The Clean Air Act (CAA) [P.L. 117-286](#), Title I, Sec. 101. states "(a) The Congress finds— ... (4) that Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution." The Resource Conservation and Recovery Act (RCRA) [P.L. 94-580](#), Objectives, Sec. 1003, states " The objectives of this Act are to promote the protection of health and the environment and to conserve valuable material and energy resources by— (1) providing technical and financial assistance to State and local governments and interstate agencies for the development of solid waste management plans (including resource recovery and resource conservation systems) which will promote improved, solid waste management techniques (including more effective organizational arrangements), new and improved methods of collection, separation, and recovery of solid waste, and the environmentally safe disposal of nonrecoverable residues." The Safe Drinking Water Act (SDWA) [P.L. No. 104-182](#), Title V, Sec. 3. Findings, states "The Congress finds that— (3) the Federal Government commits to maintaining and improving its partnership with the States in the administration and implementation of the Safe Drinking Water Act; (4) States play a central role in the implementation of

safe drinking water programs, and States need increased financial resources and appropriate flexibility to ensure the prompt and effective development and implementation of drinking water programs.”