

**Comment of Former Commissioners, Secretaries and Directors
of State Environmental Agencies on HR 3354**

November 22, 2017

Several months ago, we and other former colleagues signed a Statement expressing significant concerns with the President's proposed FY'18 Budget for the Environmental Protection Agency (EPA). The President's Budget would have reduced EPA's funding by 31 percent, and state grant funding by almost 45 percent (See Attachment). In mid-September, the U.S. House of Representatives approved HR 3354, which maintains current funding levels for state grant programs, but reduces EPA's budget by \$650 million, including a 27 percent cut to EPA's core environmental programs and a 16 percent cut to its science and technology programs. In the next few weeks, the U.S. Senate may take up the EPA Budget. With this in mind, we thought an update to our Statement was necessary to offer comment on HR 3354. In that regard, we applaud the House for rejecting cuts to existing state health and environmental protection efforts but express concern with the proposed reductions to the underlying media (air, water, land), and science and technology support programs. Our experience informs us that underfunding these core programs will have adverse impacts on the states' ability to protect human health and the environment, and result in an imbalanced federal/state partnership on environmental matters.

As noted in the attached Statement, federal environmental laws are based on the principle of cooperative federalism, with Congress anticipating defined roles under the laws for both the EPA and the states. In broad terms, the states receive funding to administer the laws on a day-to-day basis while EPA is charged with setting minimum, nationwide protection standards and monitoring state performance. To maintain a balanced federal/state partnership requires sufficient funding for both the EPA and the states. Providing insufficient funding to either EPA or the states can compromise the overall effectiveness of the federal environmental safety net.

Through its core environmental programs, EPA supplements state budget and technical capacities by providing assistance to the states in myriad fundamental and essential ways. This help includes EPA program oversight to guarantee that states apply national pollution standards fairly and consistently, ensuring a level playing field for all states with no one state gaining an economic advantage over another. EPA also serves as a regulatory backstop to achieving compliance where a state lacks the capacity to respond to complex multi-state and multi-facility pollution problems. In addition, the states depend on EPA's resources and capabilities in responding to extreme weather events and catastrophes. The states furthermore rely on EPA's ability to provide scientific and technical assistance and guidance on emission and discharge standards, testing and monitoring methods, emission control and remediation systems, and pollution prevention and best management practices.

These are just a few examples of how the public benefits from a balanced EPA/state environmental partnership. In the next few weeks, the U.S. Senate will consider FY'18 funding for the EPA. In

passing HR 3354 the House appropriately rejected the President's proposed EPA budget and maintained level grant funding for the states. However, as former state environmental officials, we have concerns with HR 3354. First, as discussed above, we are concerned with the proposed cuts to EPA's base operating programs and the associated negative impacts to state environmental protection efforts. Second, EPA's intended rebalancing of the federal/state partnership will result in the states assuming greater regulatory responsibilities. If the states are expected to do more, then more resources must be directed to the states. With this in mind, we urge the Senate to restore funding for the EPA core public health and environmental programs, and provide full funding to cover existing and anticipated state program responsibilities.

The opinions contained in this Comment are personal opinions of the signatories.



Steve Chester, Director
Michigan Department of
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(2003-2010)



Mike Linder, Director
Nebraska Department of
Environmental Quality
(1999-2013)



Matt Frank, Secretary
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Tom Looby
Director, Office of Environment
Colorado Department of Public Health and
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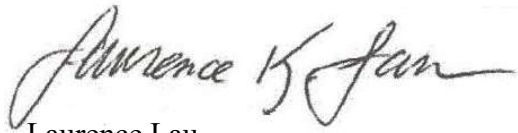
Bruce Anderson, Director
Hawaii Department of Health (1999-2002)
Deputy Director for Environmental Health,
Hawaii Department of Health (1987-1998)



Daniel C. Esty, Commissioner
Connecticut Department of Energy and
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Gary Gill
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Laurence Lau
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Hawaii Department of Health (2003-2010)



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Ronald F. Hammerschmidt, Ph.D.
Director, Division of Environment
Kansas Department of Health and
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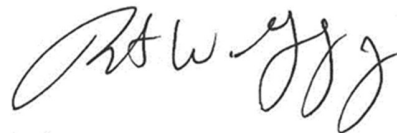
Kai Midboe, Secretary
Louisiana Department of Environmental
Quality (1992-1994)



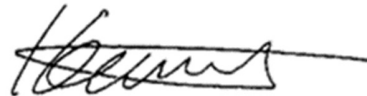
J. Charles Fox, Secretary
Maryland Department of Natural Resources
(2001-2003)
Assistant Secretary, Maryland Department
of the Environment (1995-1997)



Shari Wilson, Secretary
Maryland Department of Environment
(2007-2010)



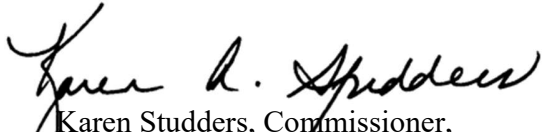
Robert W. Golledge, Jr.
Secretary, Massachusetts Executive Office
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Commissioner, Massachusetts Department
of Environmental Protection (2003-2006)



Ken Kimmell, Commissioner
Massachusetts Department of
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David Cash, Commissioner
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Commissioner, Massachusetts Department
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Minnesota Pollution Control Agency and
Chair of the Citizens Board (1999-2003)



Mark Templeton, Director
Missouri Department of Natural
Resources (2009-2010)



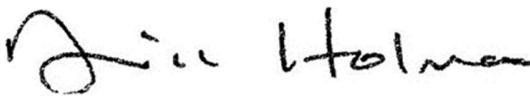
Richard Opper, Director
Montana Department of Environmental
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Bradley Campbell, Commissioner
New Jersey Department of Environmental
Protection (2002-2006)



Denise Fort, Director
New Mexico Environmental Improvement
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Interim Secretary, North Carolina
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(January 3-17, 2017)



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Dick Pedersen, Director
Oregon Department of Environmental
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James Seif, Secretary
Pennsylvania Department of Environmental
Protection (1995-2001)



John Hanger, Secretary
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John Quigley, Secretary
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Paul Sloan, Deputy Commissioner and
Director of the Bureau of Environment
Tennessee Department of
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Scott Johnstone, Secretary
Vermont Agency of Natural Resources
(2000-2003)



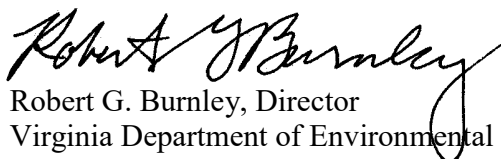
Chris Recchia, Deputy Secretary
Vermont Agency of Natural Resources
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Commissioner, Vermont Department of
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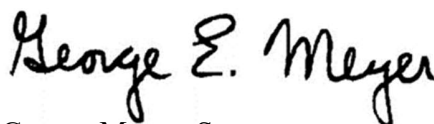
Deborah Markowitz, Secretary
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Trey Martin, Assistant Secretary
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Robert G. Burnley, Director
Virginia Department of Environmental
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George Meyer, Secretary
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(1993-2001)



Scott Hassett, Secretary
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(2003-2007)

ATTACHMENT

**Prior Statement by Former Commissioners, Secretaries and Directors
Dated May 24, 2017 (with additions June 5, 2017 and June 30, 2017)**

Statement by Former Commissioners, Secretaries and Directors of State Environmental Agencies on the President's Proposed FY'18 Budget for EPA

May 24, 2017

We are former Commissioners, Secretaries and Directors of state environmental protection agencies. We have worked for both Republican and Democratic Governors. We've come together to express our profound concern with the President's proposed Fiscal Year 2018 Budget for the U.S. Environmental Protection Agency (EPA). The White House Budget would reduce the EPA's funding by 31 percent and cut state grant funding by almost 45 percent. The proposal includes cutting EPA staff by 3200, and would result in similar harsh employee reductions for states. These cuts go too far, and will imperil EPA and state efforts to protect human health and the environment.

Federal environmental laws are based on the principle of cooperative federalism with both the EPA and the states having defined roles and responsibilities. In broad terms, the EPA is responsible for setting minimum, nationwide protection standards, conducting oversight of state agency activities in meeting these standards, and addressing matters that are uniquely national in scope and significance. The states are delegated the responsibility to operate the vast majority of federal environmental programs, to prepare plans and write rules to meet program requirements, and to issue pollution control permits to businesses and other regulated operations within their jurisdictions. To operate the federal environmental programs, the states are provided federal funds referred to as state "Categorical Grants." These grants, on average, make up about 27 to 30 percent of state environmental agency budgets.

The President's proposed Budget would reduce state funding support to historically low levels. This would occur at the very same time that the Administration is looking to the states to assume greater responsibilities under the nation's environmental laws. Yet, it is difficult to imagine how requiring the states to do more with substantially fewer dollars will achieve this goal. In fact, if the President's Budget is approved, the following negative outcomes, among others, can be expected:

- lacking funds to meet payroll, many states may have little choice but to lay off significant numbers of staff;
- businesses will experience lengthy delays in obtaining permits, necessary approvals and regulatory interpretations required for jobs growth and economic development;
- voluntary cleanup efforts and redevelopment of contaminated properties will languish without necessary federal and state staff time to review cleanup plans, at the very time communities are striving to revitalize their economies;
- state environmental agencies may discontinue operating certain environmental programs and return them to the EPA to administer;

- a disruption in the continuity of federal and state environmental programs will lead to uncertainty which is detrimental to sound business planning;
- states will not have the resources to timely respond to public complaints and emergencies, and public health will be compromised;
- states will lack the capacity to maintain air and water monitoring networks and data bases relied on by both the public and the business community; and
- third party litigation will increase as advocacy groups lose confidence in federal and state actions to protect the environment.

As former state public officials, each one of us has had our differences and frustrations with the EPA. Despite our disagreements, however, we believe a balanced partnership between the EPA and state environmental agencies best serves the public's interest. The national organization of state environmental agencies, the Environmental Council of States, continually strives to achieve a balanced federal-state relationship. The President's Budget makes that balance unattainable. Both the EPA and the states have legitimate roles and responsibilities under the environmental laws of our nation. Congress has long recognized that the states are best situated to operate most federal environmental programs, while the EPA is best suited to monitoring state performance and assuring national pollution standards are applied fairly and consistently by all states with no one state gaining an economic advantage over another.

In the following months, Congress will debate next year's funding for the EPA and, by extension, the states. We urge Congress to reject the severe and unprecedented cuts included in the President's FY' 18 EPA Budget. If adopted by Congress, these cuts will undermine the ability of the EPA and the states to protect human health and the environment and will hamper business planning. We ask Congress to avoid this outcome and provide the EPA and the states with the funding essential to ensuring all Americans have access to and the enjoyment of clean air, clean water and clean land. The opinions contained in this Statement are personal opinions of the authors.



Steve Chester, Director
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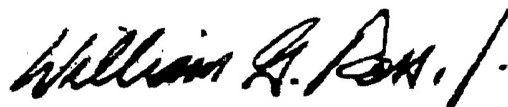
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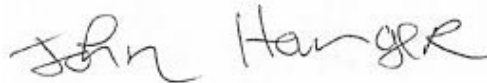
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A handwritten signature in black ink, appearing to read "Robert King, Jr.", with a stylized, cursive script.

Robert King, Jr.
Deputy Director for Environment
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A handwritten signature in black ink, appearing to read "Paul Sloan", with a stylized, cursive script.

Paul Sloan, Deputy Commissioner and
Director of the Bureau of Environment
Tennessee Department of
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Additional Signatories

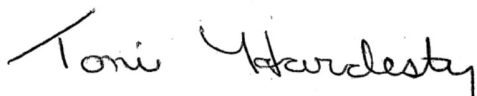
June 5, 2017



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June 30, 2017



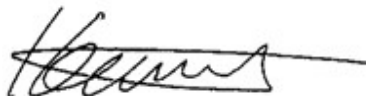
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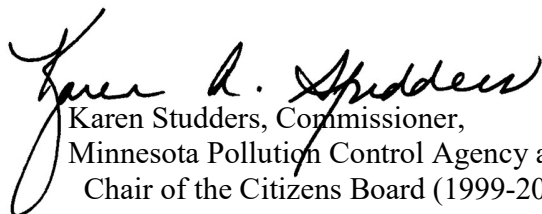
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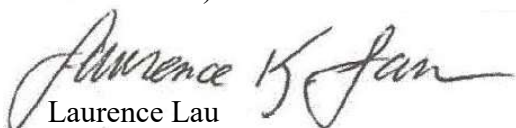
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¹ Governor was an Independent.



David Hess, Secretary
Pennsylvania Department of Environmental
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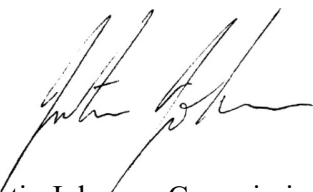
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Justin Johnson, Commissioner/Deputy
Commissioner, Vermont Department of
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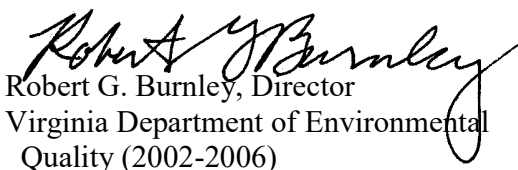
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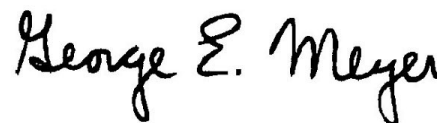
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