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Collection/Record Group: Clinton Presidential Records
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Series/Staff Member: Kathleen (Katie) McGinty
Subseries:

OA/ID Number: 2618
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Folder Title:
Browner-EPA [Environmental Protection Agency]

Stack:	Row:	Section:	Shelf:	Position:
S	61	5	8	1

INVITATIONS

PENDING

PHOTOCOPY
PRESERVATION

Pam —

4/1

Just FYI in case you all
get a call from her. My
office is out of it — although
I have never gotten back
to her with a reply formally
telling her so — Thanks, Good

LF: ACTION ✓

February 19, 1993

MEMORANDUM

TO: Leon
FROM: Brad W
RE: Environmental Intelligence Panel

I have received a couple of calls over the last few months from Liz Porter, EPA's representative to the Environmental Intelligence Panel, asking for an enhanced role for her agency in those proceedings. At your earlier instruction, I have put her off until after the inauguration--but now someone needs to address her concerns.

Specifically, Ms. Porter has asked whether Carol Browner (or Katie McGinty) can be cleared on the environmental/intelligence issues and have an actual role on the panel. Porter's complaint is that objective information about what data is available and releasable is not forthcoming; she also says that the kind of information that the panel is talking about is not in synch with EPA's needs.

At my recommendation, she has spoken with Linda Zall, but has not been satisfied. She needs someone who can address this issue authoritatively and give her a clear answer.

*I'll - I need
some feedback on this.
Thanks - from*

*Brad - No sale! The parties concerned need to
sort this one out.*

W

FAX 6pgs

URGENT

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

March 30, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #1-246

TO: Legislative Liaison Officer -

AGRIC-CR - Robin Rorapaugh (all testimony) - (202)720-7095 - 230
COMMERCE - Michael A. Levitt - (202)482-3086 - 324
DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325
ENERGY - Bob Rabben - (202)586-6718 - 209
HHS - Frances White - (202)690-7760 - 328
INTERIOR - Ralph Hill - (202)208-6706 - 329
JUSTICE - Faith Burton - (202)514-2141 - 217
STATE - Matt Winslow - (202)647-4463 - 225
CEA - Francine Obermiller - (202)395-5035 - 242
CEQ - Larry Flick - (202)395-5750 - 256
GSA - William R. Ratchford - (202)501-0563 - 237
OPM - James N. Woodruff - (202)606-1424 - 331
OSTP - Damar Hawkins - (202)456-6272 - 388
USTR - Fred Montgomery - (202)395-3475 - 223
OGE - Jane Ley - (202)523-5377 - 261
TRANSPORTATION - Tom Herliny - (202)366-4687 - 226
TREASURY - Richard S. Carro - (202)622-1146 - 228
VA - Robert Coy - (202)535-8113 - 229
NASA - Mary D. Kerwin - (202)358-1948 - 219
NRC - Trip Rothschild - (301)504-1607 - 227
NSC - William H. Itoh - (202)395-3723 - 249
NEC - Elizabeth Lindemuth - (202)456-6630 - 429
TVA - Alan Carmichael - (202)479-4412 - 332

FROM: RONALD K. PETERSON (for) *Ronald K. Peterson*
Assistant Director for Legislative Reference

OMB CONTACT: Holly FITTER (395-3233)
Secretary's line (for simple responses): 395-6194
Richard MERTENS (395-6931)

SUBJECT: EPA Proposed Testimony RE: S 171, Department
of the Environment Act of 1993

DEADLINE: 10:00 AM March 31, 1993

OMB requests the views of your agency on the above subject before
advising on its relationship to the program of the President, in
accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or
receipts for purposes of the "Pay-As-You-Go" provisions of
Title XIII of the Omnibus Budget Reconciliation Act of 1990.

Page 2
LRN #I-246

CC:

M. Foley
B. Danus
J. Breul/N. Shapiro
F. Reeder
J. Payne
M. Weatherly
B. Beard/S. Cameron
J. Coffey
A. Fraas
C. Vallina
B. Sasser
R. Kogut
R. Fairweather
R. Cogswell
B. Martin
J. Quinn
T. Thornton
K. McInty
S. Newirth
C. Rasco
T. Stern
D. Holton

**STATEMENT OF CAROL M. BROWNER, ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY
SENATE PUBLIC WORKS AND ENVIRONMENTAL COMMITTEE
HEARING ON TRANSFER OF THE FUNCTIONS OF
THE COUNCIL ON ENVIRONMENTAL QUALITY
TO THE DEPARTMENT OF THE ENVIRONMENT**

APRIL 1, 1993

Mr. Chairman and members of the Committee, I would like to thank you for the opportunity to appear before you to present the Administration's views on transferring to the proposed Department of the Environment the functions that have been performed by the Council on Environmental Quality (CEQ) since 1970. The Administration is pledged to strengthening the Nation's commitment to environmental protection, while streamlining our approaches in light of today's needs and priorities.

The National Environmental Policy Act (NEPA) was passed in 1969 and signed into law on January 1, 1970. NEPA was, and remains, a commitment that the government of the United States will include the environment as a fundamental criterion in its decision-making processes, just as it has always considered national security and the economy. NEPA also created CEQ, a three-member Presidential council that was directed "...to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in Title I [of NEPA]; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to

- 2 -

promote the improvement of the quality of the environment." Surely this was a remarkable charge for 1970, the year of the first Earth Day.

Since 1970 much has occurred. The Council, and its supporting Office of Environmental Quality, have ably overseen the government's implementation of NEPA. The Congress has passed far-reaching environmental legislation -- the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and so on. The Environmental Protection Agency was formed, and all the federal departments and agencies have moved forward to integrate environmental considerations into their day-to-day activities and into their decision-making processes. And NEPA served as the broad philosophical base for this activity.

Now the Administration is seeking the creation of a Department of the Environment -- an equal member of the President's Cabinet as it makes national decisions affecting such cross-cutting matters as the economy, energy, transportation, agriculture, and defense. The philosophical foundation embodied in NEPA supports the principles that will guide a new environment Department. "Productive harmony" between humans and nature, "interrelations of all components of the natural environment," "ecological systems," the link between environmental quality and human welfare and development, and concern for "present and future generations" are not rhetoric but a framework for policy and decisions.

03/30/93

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- 3 -

This new department will be committed to moving beyond command and control, media-specific regulation to alternative approaches oriented toward pollution prevention, ecosystem protection, and incentive-based policies. With this commitment, and as a permanent and equal partner in the President's Cabinet, this department will also be well positioned to provide the leadership and support necessary as NEPA moves on into its third decade. A Department of the Environment will have the scientific and technical expertise, resources, and accountability appropriate to ensure the vigorous implementation of NEPA that the Nation deserves. And it will be well placed to meet the directives your predecessors, Senators Jackson and Muskie, gave to the Council in their 1970 charge.

The Administration is committed to providing a healthy economy that meets our needs today, while preserving the environment for our children and future generations to enjoy. This was the promise of NEPA - and it is the promise of the new Department of the Environment. Bringing this function into the new department is a statement of the Administration's commitment to this goal, and our belief that this new institutional framework can only serve to strengthen implementation of this landmark environmental law.

Date 3-29

FROM THE OFFICE OF CABINET SECRETARY

456-6280

Rahm Emanuel	☐	Bernie Nussbaum	☐
Mark Gearan	☐	Howard Paster	☒
Jack Gibbons	☒	Leon Panetta	☒
Marcia Hale	☐	John Podesta	☐
Alexis Herman	☐	Carol Rasco	☒
Nancy Hernreich	☐	Bob Rubin	☐
Anthony Lake	☐	Eli Segal	☐
Bruce Lindsey	☐	George Stephanopoulos	☒
Katie McGinty	☒	David Watkins	☐
Regina Montoya	☐	Maggie Williams	☐

Remarks: Attached is Administrator Browner's proposed testimony on ESA, please return any comments to me by 3/31. Christine

Response:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CONGRESSIONAL
AND LEGISLATIVE AFFAIRS

March 29, 1993

MEMORANDUM

SUBJECT: Administrator Browner's April 1 statement on ESA

FROM: *for* Thomas C. Roberts *Chris Hoff*
Director
Legislative Analysis Division

TO: Christine Varney
Deputy Assistant to the President
and Cabinet Secretary
The White House

EPA will be testifying on April 1, 1993 before the Subcommittee on Environment and Natural Resources of the House Committee on Merchant Marine and Fisheries concerning biological resources, habitat, and ecosystems and the Endangered Species Act. Attached for your information is a copy of EPA's proposed testimony.

Attachment

UNAT
3/29/93
4:50pm

STATEMENT OF CAROL M. BROWNER
ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY
before the
COMMITTEE ON MERCHANT MARINE AND FISHERIES
U.S. HOUSE OF REPRESENTATIVES

APRIL 1, 1993

Mr. Chairman and members of the Subcommittee: I am grateful for the opportunity to appear here today with colleagues Secretary Babbitt and Secretary Espy. The fact that the heads of several Federal agencies are testifying together suggests both the complexity of the problem we face, and the importance of Federal interagency cooperation in solving it. No single agency is capable of protecting biological diversity and natural habitat. No single law gives us the tools necessary to achieve those ends. Rather, all the relevant Federal agencies, together with state and local governments, tribes, businesses, and the public, will have to join hands and apply the full range of tools at our disposal, if we are to protect and nurture these invaluable resources.

The Environmental Protection Agency's essential role in protecting biological diversity and ecosystems has been recognized throughout the Agency's history. When EPA was established in 1970, it was premised on the perception that the environment is "a single, interrelated system." Many of the laws that we administer, like the Clean Water Act and the Federal Insecticide, Fungicide, and Rodenticide Act, clearly contribute to the protection of species and ecosystems. Whenever EPA has acted to control acid rain, clean up waste sites, construct

sewage treatment plants, or prohibit the use of certain pesticides, we have -- implicitly or explicitly -- helped preserve biological diversity and natural habitat.

Yet, clearly, we have to do more. Despite our demonstrable successes --like cleaning up urban air quality, reducing flows of nitrogen and phosphates into surface waters, and banning the use of DDT -- natural habitat in this country is still seriously stressed. From the mudflats of the Pacific Northwest, to the tall grass prairies of the Midwest, to the Everglades of my own home state of Florida, natural ecosystems are under siege. And thousands of species that depend on them are stressed at best, and threatened with extinction at worst.

What we are seeing in this country is happening around the world at alarming rates. Prominent scientists now are predicting that as much as 20 percent of total global diversity may be extinct within the next 30 years, if current rates of habitat destruction continue.

Because of the ongoing degradation of natural systems in this country, at EPA we are beginning to place as much emphasis on the protection of habitat, both for its own sake, and due to its role in protecting human health. This is exactly the advice given to EPA by the Science Advisory Board in its 1990 report, Reducing Risk. The SAB's recommendations are based on a belief that ecosystems, and the biological diversity they support, have an intrinsic value beyond their utility to humans. At the same time, the health of humans and the health of ecosystems are

inextricably linked. As the SAB wrote in their report:

"...there is no doubt that over time the quality of human life declines as the quality of natural ecosystems declines."

There are many opportunities in our programs to foster the health of ecosystems. We have established, for example, an Environmental Monitoring and Assessment Program (EMAP) to measure trends in the health of specific ecosystems and anticipate emerging threats to such systems. We have undertaken several initiatives targeted at specific geographic areas, that focus their protection on the entire ecosystem, like the Gulf of Mexico, the Chesapeake Bay and the Great Lakes. The watershed approach is becoming a top priority in our water program. Under the Clean Water Act, for example, EPA oversees establishment of and compliance with water quality standards, including standards designed to protect aquatic life. The Act contains other provisions that relate to aquatic life, including designation of Outstanding Natural Resource Waters of exceptional ecological significance, to which special protection apply. As a part of the National Estuary Program, EPA coordinates development of comprehensive management plans to protect the water quality and ecological resources of significant estuaries.

These initiatives and others like them involve partnerships among Federal agencies, state and local governments, and non-governmental organizations at the landscape or ecosystem level. They can benefit immensely from the coordinated support of the

leadership of the Federal agencies here today -- support that has been lacking in the past.

In addition, we are developing a process for assessing ecological risks much like the process we use for assessing human health risks. Ecological risk assessment will help us identify problems, set priorities, and provide a scientific basis for decisions. While not an exact science, ecological risk assessment will help formalize ecosystem concerns throughout EPA.

We will review EPA programs for further opportunities to develop strategic options for protecting species and habitat. We will find ways for EPA offices, both here in Washington and out in the regions, to incorporate ecological components into their ongoing programs. They will explore possible new Agency initiatives for enhancing biodiversity. Perhaps most important, we will identify opportunities for cooperation with other Federal agencies, state governments, and private organizations.

Interagency cooperation, Federal/state cooperation, and public/private cooperation are all essential to our national effort to preserve habitat and nurture biodiversity. All of us have responsibilities that pertain to ecosystem protection; all of us have tools that can be used for that end. To be successful, we have to coordinate our actions, leverage our resources, and combine our expertise in ways that are most effective for specific ecosystems. While I am Administrator of the Environmental Protection Agency, that is exactly what I intend to do.

In the past, Washington's bureaucracies have been notorious for battling each other to protect their turf. But now we need to join forces, form allegiances to protect our most important turf, the natural ecosystems that sustain all forms of life on earth, including human.

This new approach should be the linchpin of national policy regarding biological resources. We need to protect the biological systems within which species exist. We need to rethink the economic activities that threaten habitat. We need to find new ways of achieving our economic goals while at the same time preserving and protecting the natural ecosystems that make all life -- including human -- possible.

I believe we can be successful, especially if Federal agencies like the ones we represent do a better job working together for a common end. I am confident we will.

Thank you.

Date 3-29

FROM THE OFFICE OF CABINET SECRETARY

456-6280

Rahm Emanuel ☐

Bernie Nussbaum ☐

Mark Gearan ☐

Howard Paster ☒

Jack Gibbons ☒

Leon Panetta ☒

Marcia Hale ☐

John Podesta ☐

Alexis Herman ☐

Carol Rasco ☒

Nancy Hernreich ☐

Bob Rubin ☐

Anthony Lake ☐

Eli Segal ☐

Bruce Lindsey ☐

George Stephanopoulos ☒

Katie McGinty ☒

David Watkins ☐

Regina Montoya ☐

Maggie Williams ☐

Remarks:

Attached is EPA testimony from EPA for a March 31 hearing. Please return any comments to me — thanks — Christine.

Response:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CONGRESSIONAL
AND LEGISLATIVE AFFAIRS

March 29, 1993

MEMORANDUM

SUBJECT: EPA's draft testimony for a March 31 hearing regarding the relations of the EPA and State and local governments

FROM: Thomas C. Roberts
Director
Legislative Analysis Division
Environmental Protection Agency

TO: Christine Varney
Deputy Assistant to the President
and Cabinet Secretary
The White House

EPA will be testifying on 3/31/93 before the Senate Committee on Environment and Public Works on the subject of the relationship among federal, State and local governments in carrying out the Nation's environmental statutes. Attached for your information is a copy of EPA's proposed testimony.

Attachment

DRAFT-3/29/93 11:30A.m.

**TESTIMONY OF
CAROL M. BROWNER
ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE**

MARCH 31, 1993

INTRODUCTION

Chairman Baucus, members of the Committee, I am pleased to have this opportunity to discuss the United States Environmental Protection Agency's (EPA's) relations with State, tribal and local governments. As you recognize, it is these relationships that will make or break national environmental efforts.

Before coming to EPA, I headed Florida's Department of Environmental Regulation (DER) and worked closely with Florida's counties, cities, and water management districts. During my time at Florida DER, Hurricane Andrew hit south Florida, and I spent most of two months assisting Dade County in putting back together its environmental facilities and programs.

Florida DER often delegated Florida's regulatory authority to water management districts and local governments. We had two reasons for doing this: to take advantage of the expertise and human resources that local governments can put into the field to improve environmental protection; and, to reduce duplicative permitting. It was not unusual for Florida to adopt stricter environmental protection standards than EPA, and I often worked with local governments who wanted their State government to do more to protect Florida's environment.

- 2 -

My experience has taught me that State and local government officials often know the most effective ways to protect their own environments and that they are spirited in their efforts because they have a large personal stake in the results. I feel strongly that we cannot reach national environmental objectives until we acknowledge the value of, and support, the building of strong State and local capacity to manage environmental programs.

In earlier times, when the federal government was leading the charge to establish national environmental standards and providing most of the resources to do so, States and local governments were content to allow EPA to call the shots, but lately they are questioning the federal government's parental approach. They are also questioning whether the federal government can determine the most appropriate environmental priorities for their communities or whether the federal government understands and recognizes unique State and local circumstances. They are insisting that we carefully evaluate the scientific basis of our regulations before we impose additional requirements. Some environmentalists are also wondering about priorities and whether duplicative efforts at the federal, State, and local levels are an unwise use of scarce resources.

I welcome this examination of federal, State, tribal, and local roles in environmental protection. I consider it a healthy sign that America's environmental protection is maturing beyond federal government implementation of valuable, but narrowly-focused, regulatory programs, toward a new working relationship

- 3 -

where environmental protection is a fundamental concern at all levels of government in the United States.

HISTORICAL-INSTITUTIONAL VEHICLES THAT EPA IS USING TO HELP PROMOTE BETTER EPA-STATE-TRIBAL-LOCAL-RELATIONS

EPA's relationship with its State-tribal-local partners is evolving. In the early 1970's, many national program responsibilities were administered by the federal government, although federal financial assistance was provided to States through grants such as through Clean Water Act §§106 and 208. However, EPA increasingly became aware that success was dependent upon State involvement, and since the late 1970's, EPA has increasingly delegated its programs to the States. Accompanying this delegation, EPA has provided States with funding, training, guidance and technical assistance. We have also sought to improve and continue the evolvement of our intergovernmental relationship through information exchange and coordination. For example--

State-EPA Operations Committee

The State-EPA Operations Committee has met regularly since 1985 to discuss issues affecting management of environmental programs. This committee consists of ten State environmental directors (one from each of the regions), five representatives appointed by the Chair of the National Governors' Association's Committee on Natural Resources, two members representing State health and agricultural commissioners, two EPA Regional Administrators and the Administrator and Deputy Administrator of EPA.

- 4 -

This committee focuses on issues relating to State-managed EPA programs, and provides a good forum for senior officials to discuss problems face-to-face. I think that it is very important for everyone to remember that in many programs, through delegation or assumptions, States are the primary managers of EPA programs.

Local Dialogue Group

In line with its evolving relationships, EPA is beginning to work more closely with local governments. For instance, in response to the growing concerns expressed by 200 State and local governments across the country, EPA has engaged in dialogue meetings with local governments and the associations in Washington that represent them. From these exchanges, we have a pretty good idea what directions local governments would like the federal government to take. Local officials would like us to prioritize the implementation of environmental regulations based on environmental risk, to adopt regulations that are flexible enough to consider local conditions, to carefully analyze the scientific and cost-benefit bases of regulations before they are promulgated, to increase State and local involvement in the development of regulations, and to help with financing environmental services.

I want to clarify this last point. I do not believe that State and local governments' only concern is money. They certainly would like more funding to implement federal environmental mandates, but they recognize that financial times are tough. My understanding is they want representation and consideration in the

- 5 -

national discussion of how funds, especially the States' own contributions to environmental protection, are spent.

To help build upon this dialogue, I have suggested that EPA cosponsor a conference with the National Association of Counties on the relationship between EPA and local governments later this year.

Tribal Relations

Building sound environmental management programs in Indian Country is a major goal of the Agency. While the seriousness of these issues is apparent and progress has been made, much work remains to be done.

Historically, environmental protection has been based on a system of federal regulations with delegation to states for program implementation. However, states lack jurisdiction on Indian lands and cannot provide environmental management for these lands. Thus, EPA has the responsibility to provide for environmental protection on the 87,000 square miles of tribal reservation land in the U.S. To achieve this, EPA must provide either direct implementation or delegate program management responsibility to tribal governments.

In 1984, EPA issued an Indian Policy which commits the Agency to promoting Indian "self government" and working with tribes on a "government-to-government" basis. EPA is working to promote the development of inter-governmental relations, including federal, tribal, state and local cooperation, for the protection of human health and the environment. Recently, EPA began a Tribal Capacity Working Group to discuss how to accelerate the progress made thus

- 6 -

far toward building strong environmental management capacity within tribal governments. One of the main advances in this area was the passage last year of the Indian General Assistance Program Act of 1992. This act provides permanent authorization for multi-media grants to Native American tribes to build tribal environmental management capacity. EPA efforts with tribes are focused on tribal capacity-building through the multi-media/general assistance grant program and implementation of specific media programs including regulatory and enforcement activities. Working with tribes on a government-to-government basis has led to tribal management of programs such as the water quality standards program by the Pueblo of Isleta and the pesticides program by the Three Affiliated Tribes of the Ft. Berthold Reservation, the creation of memoranda of understanding between federal, tribal, state and local entities, and the provision of a broad variety of technical assistance and training for tribal leaders and staff. As tribal governments continue to develop their infrastructure and capacity we look forward to their implementation and management of environmental programs including delegations and enforcement activities.

Office of Regional Operations and State and Local Relations

EPA's Office of Regional Operations and State-Local Relations is a critical part of EPA's management system, and--working with program offices--it provides an important link between Headquarters, EPA Regions, States, localities and tribes. The

- 8 -

1. Making strong EPA-State relations a cornerstone of EPA's management policy--emphasizing flexibility, mutually supportive working relationships, and shared responsibility for environmental success. Enhancing State capacity should be a primary mission of the agency.
2. Restructuring program oversight practices to emphasize attainment of clearly identified environmental goals and accountability to the public for results.
3. More fully develop an environmental finance program at EPA which helps State and local governments develop alternative financing mechanisms for environmental programs.
4. Streamlining grant processes and advocating for multimedia grants, block grants, consolidated grants, capitalization grants and revolving loan funds.
5. Helping States use innovative approaches to improve their effectiveness, when these are consistent with environmental protection such as: general permits, administrative penalty authority, and tickets for minor violations.
6. Energizing EPA's environmental training program to increase participation of State and local employees.
7. Investing in information management systems that enhance information exchange between EPA and State and local governments, promoting access to the data, and ensuring data compatibility and quality.
8. Improving State and local scientific capability, through technology transfer and research assistance.

Mr, Chairman, I am not unmindful of the magnitude of what I propose. It is clear that these reforms represent a significant change in the way that EPA does business. They are critical to the long-term success of environmental protection in this country, and represent the next step in the evolving federal-State-tribal-local partnership.

- 7 -

Office serves as an important tool in managing and coordinating the needs of regions, States, local governments and tribes to build the capacity needed to manage our programs effectively. One of my priorities is to see that this Office has the resources and status it needs to effectively do the job of enhancing federal-State-local-tribal cooperation and coordination in this area.

RE-EXAMINING TRADITIONAL APPROACHES

As the nature of environmental protection has matured, the number of statutory mandates has increased, the site-specific nature of remaining problems has become more evident, and new problems have outstripped available dollars. EPA is realizing that it needs to re-examine even further its EPA-State-tribal-local framework. Emerging efforts in this regard can be seen through particular Agency activities.

The Task Force to Enhance State Capacity

Over the past year, EPA has had a task force working on a comprehensive review of EPA's approach to building State capacity to implement environmental laws. State delegations of federal programs have increased from 309 programs in 1981 to 539 today. The Task Force is about to issue their final report. This Task Force is comprised of State environmental commissioners, and EPA regional and headquarters officials.

This Task Force has developed with some excellent recommendations which I enthusiastically endorse. These include:

- 9 -

Local Government Outreach Programs

Guide to Federal Environmental Requirements for Small Local Governments

Pursuant to a requirement in the Federal Facilities Compliance Act of 1992, EPA, building on some older regional guides, is nearing completion of a national "Guide to Federal Environmental Requirements for Small Governments." The purpose of the guide is to help local officials understand the major environmental requirements that affect their communities and to provide easy-to-use listings of contacts so that local officials can get assistance and information. The guide will be updated annually.

Formal local government working group

We are currently developing an advisory committee under the Federal Advisory Committee Act to more formally continue our dialogue with local officials regarding their capacity to implement environmental regulations. The Small Town Task Force required under the Federal Facilities Compliance Act of 1992 could be organizationally a part of this advisory group.

Program-Specific Approaches to Working with State, Tribal, and Local Governments

In carrying out our statutory mandates we are constantly seeking to establish new and more effective partnerships with States, tribes, and local governments. Let me give you a few examples.

- 10 -

The Clean Water Act

The Clean Water Act and EPA's implementation of the Act recognize the importance of federal-State-tribal partnerships. Inherent in the law is the concept that States should have the primary responsibility for many programs, such as establishing water quality standards, identifying waters in need of protection, administering the National Pollutant Discharge Elimination System (NPDES) program once approved, and addressing nonpoint source problems through EPA-approved State nonpoint source programs. This partnership has been successful in addressing the traditional pollution problems facing the nation. Working with the States, EPA has awarded more than \$57 billion dollars since 1972 to help localities build needed wastewater treatment plants, through a program that has been free from criticism of fraud or abuse.

However, remaining problems, such as wet weather water runoff, new requirements for stormwater discharge and municipal sludge, and needs we are now beginning to recognize such as ecosystem protection, combined with limited resources, have created tension. EPA is increasing its focus on watershed management, through programs such as the Great Lakes, Gulf of Mexico, Chesapeake Bay and National Estuary Program. Last week, EPA, other federal agencies, and national and local organizations sponsored Watershed '93, a conference devoted to a joint examination of watershed activities. EPA has, based on State suggestions, developed guidance for States and Tribes on fish advisories and is sponsoring meetings to discuss options for controlling stormwater discharges.

- 11 -

EPA is also assisting small and disadvantaged communities by helping them develop sound mechanisms for construction and operation of badly needed wastewater and drinking water treatment facilities, and pushing for new funding for drinking water and wastewater as part of the President's stimulus package.

The Safe Drinking Water Act

The impacts of the Safe Drinking Water Act regulations are a serious concern among State, tribal, and local governments, particularly small communities, and EPA has recently begun several efforts to help State and local governments. For example, EPA has made a special effort to involve State and local representatives in the regulatory negotiations on the proposed disinfection byproducts rule. The Association of State Drinking Water Administrators, the National League of Cities, five organizations representing local public water suppliers, and the National Association of Regulatory Utility Commissioners have been serving on the committee which is negotiating the rule.

Six months ago, EPA formed a working group with five State representatives to identify problems in the implementation of several major drinking water regulations and the working group is making progress on recommendations to reduce the impact of these regulations on States and local governments. EPA is also working with representatives of western States to help reduce the cost of the sulfate rule.

- 12 -

EPA's Ground Water Strategy, developed after a series of round table discussions with State officials, relies heavily on a federal-State partnership, and EPA's wellhead protection program offers considerable hands-on technical assistance to local programs, such as demonstration grants totalling \$3.4 million to 116 communities.

The Clean Air Act

Effective implementation of the Clean Air Act requires building strong partnerships with state and local governments. The Office of Air and Radiation has successfully and regularly included state and local governments on workgroups, advisory committees and regulatory negotiations to obtain direct input in the development of rules before they are proposed, in strategic planning and in priority setting efforts. In addition, they have several hundred seminars, meetings and conference calls each year with state and local governments on a wide range of issues to better incorporate and address concerns on policies and rules.

Extensive training workshops and technical assistance programs are also given. For example, one part of OAR provides training to almost 3,000 state and local air pollution control officials a year at training centers around the nation. This will increase dramatically in the future, as a satellite downlink network has just been established in over 70 state/local agencies to provide training/seminars. Over 500 hours of training is planned for 1993 on the satellite system alone.

- 13 -

The Ozone Transport Commission is an excellent example of how EPA Headquarters and Regional Offices are working closely with states to more effectively address a difficult regional environmental problem. The Ozone Transport Commission is a regional group established under the Clean Air Act Amendments of 1990. It includes all states in the Northeast (including the Washington, DC metropolitan area) in a working partnership to solve pervasive air pollution problems caused or exacerbated by prevailing weather patterns. EPA Headquarters and Regions I, II, and III have worked extensively with the Commission to provide technical support (modelling) and policy guidance as the Commission grapples with the task before it.

Resource Conservation and Recovery Act (RCRA)

The hazardous waste program under RCRA has provided flexibility in its annual guidance for regions and States to set priorities and to address unique problems. In negotiating State grant agreements, States are able to substitute State priorities for national priorities if they describe the health or environmental benefits to be gained via the proposed activity. A number of innovative projects have been funded in this manner, including:

- ▶ a multi-media permit program in New Jersey that incorporates pollution prevention in a facility's water, air and hazardous waste permits;
- ▶ an effort that targets companies illegally handling hazardous wastes that threaten the Chesapeake Bay; and,

- 14 -

- a training and enforcement effort along the Mexican Border addressing cross-border waste management problems.

The municipal solid waste program under RCRA has provided valuable leadership and assistance to local governments in developing and implementing recycling programs. To address the growing need for markets for materials collected by local programs, EPA has supported the procurement of goods made with recycled content. In fact, EPA has issued five procurement guidelines that govern federal procurement decisions and serve as models for State and local governments. This direct market influence can be substantial since government purchases at all levels account for over twenty percent of the Gross Domestic Product. EPA also provides information, guidance and technical assistance to States and localities to assist them in planning and implementation efforts. This includes a series of how-to guides, a toll-free hotline, and direct on-site technical assistance.

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Effective administration of FIFRA and implementation of programs developed under FIFRA require attention to the needs of States, tribes and territories. Additionally, implementation of many provisions of FIFRA necessitate a coordinated federal-State-tribal-local partnership as many programs are delegated to the relevant lead agency.

Almost all States have been granted primary enforcement authority under FIFRA. This authority allows States to take "first response" actions in relation to FIFRA violations. Actions are

- 15 -

reported to and coordinated with our Regional offices to enhance the effectiveness of our compliance programs. States are also granted the authority to conduct approved Certification programs for pesticide applicators who choose to make use of restricted use chemicals.

In the recent past, the States have forged new ground in helping to develop and implement programs to protect ground water and endangered species from pesticide exposures that may cause harm or unacceptable environmental degradation. These programs base pesticide management measures on the local conditions and allow the States the opportunity to develop the most appropriate measures. Because these are not traditional "command and control" programs, there are unique opportunities for the States and federal government to strengthen its existing partnership.

In addition to program specific relations with State and tribal governments, the Office of Pesticide Programs and the Association of American Pesticide Control Officials have established a cooperative agreement under which the States coordinate State perspective input to the Agency on a variety of topics and disseminate critical information from the Agency throughout the country. Finally, in a mutually-recognized need to continue to strengthen the federal/State partnership, States and EPA have supported training programs on a national basis to address program development and comprehensive program management, ground water protection, endangered species protection, and worker protection and pesticide disposal.

- 16 -

Improving Regulatory Flexibility

EPA's Office of Policy, Planning, and Evaluation and program offices are developing six pilot rulemakings where we will improve our analyses of compliance options for small businesses and local governments as required by the Regulatory Flexibility Act.

Multi-media Coordination

EPA has been struggling with how to best approach environmental concerns that cross media lines. The basic environmental statutes, which focus on a specific issue or media, have been the basis of the agency's organizational structure and have largely dictated its regulatory and policy approaches to solving environmental problems. Concerns such as groundwater and habitat are not readily addressed by a single statute or office, but are broader issues that are affected by a multitude of programs and agencies. Lack of an integrated ecosystem approach has led to inconsistent or short-sighted decisions.

We need to attack these problems from several fronts. In developing major regulations that will clearly have broad impact, we are beginning to use a regulatory cluster approach. Teams of managers and staff from many offices work together to address an environmental problem in a holistic fashion. Top Agency management is involved in decision-making. Although we have used this approach in a limited number of areas to date, I see tremendous potential in this method to put individual regulatory actions into a broader context. The pulp and paper cluster is an example.

- 17 -

Our enforcement programs, too, have recognized the value of and an integrated approach in assessing facility or plant overall compliance with environmental requirements. Working with the Regions and States, we have begun a two-year initiative to approach inspections and follow-up enforcement actions from a multi-media perspective: looking at an entire facility or plant and evaluating how it meets the environmental requirements across the board.

Regions, States and localities are ahead in their recognition of the need for a holistic approach. All 10 EPA regions have completed comparative risk assessments of the environmental problems they face, and have developed long-term strategic plans for addressing these problems. In my FY 1994 budget, I have requested funds to begin work on specific projects that have been identified as a result of these assessments.

Western Governors Association Memorandum of Understanding

In July 1991, a Memorandum of Understanding (MOU) was signed among DOD, DOI, DOE, EPA, and the Western Governor's Association (WGA) dealing with environmental restoration and waste management issues shared by States, commercial entities, and the federal government. The purpose of the MOU is to establish a cooperative approach to the development of technical solutions to environmental problems. To implement the MOU the federal agencies and WGA have examined issues such as workforce planning, technology needs, regulatory barriers and technology development. The federal

- 18 -

agencies and WGA are working to establish and implement technology demonstration projects.

Regional Activities

EPA's regions are key to promoting State, tribal, and local participation and capacity. It is the regions that on a day to day basis carry on the critical interactions with States, tribes, and localities that produce environmental successes. I will mention just a few examples of special activities the regions have been undertaking recently.

Region 9 is currently assisting its States to conduct comparative risk projects to identify important environmental problems and develop common strategies. After six years of effort, Region 9 also recently transferred lead responsibility for the RCRA hazardous waste program to California, making California the last major industrial State to receive authorization for this program. Region 7 has, jointly with the State of Missouri, prepared an environmental regulation handbook for small communities, has provided a great deal of training to State officials, and has conducted a voluntary emissions reduction program with industry, State and local officials. In the Northwest, Region 10 has underway a sustainable development initiative in cooperation with the State of Idaho, local governments and private industry.

Region 5 recently negotiated a Superfund Memorandum of Agreement for five of its six States, which clarifies the roles of the region and the State in Superfund activities and provides a dispute resolution procedure. Region 8 has recently entered into

- 19 -

an agreement with the State of Colorado to give the State more flexibility in using its EPA grants for State priorities, has conducted training programs for States based on a survey of the States' most serious needs, and has conducted continuing meetings with State directors to promote communication.

CONCLUSION

With your help, we will establish as one of EPA's primary missions the building of a national environmental partnership with the States, tribes, and local governments. State, tribal and local governments feel overwhelmed by the breadth, complexity and cost of existing environmental needs, mandates and expectations, and must get some relief. If States, tribes, and local governments fail in their environmental management efforts, and they are in danger of failing, then EPA fails.

We need your support in order to effectively prioritize our environmental protection efforts. But let me emphasize that when I talk about prioritization and flexibility, I am not promoting less environmental protection. Instead, I am seeking better protection. Prioritization increases environmental protection by focusing our resources. We should all be working on what good science and State and local officials on the front lines say makes a difference--good science and good rapport. Responsible stewardship of the nation's environmental agenda requires exercising the utmost leadership in bring together the best of federal efforts and State, tribal, and local efforts.

- 20 -

In this vein, EPA could also use the help of Congress in assuring that federal laws do not inadvertently create barriers to State, tribal, and local participation in the regulatory and administrative process. I hope that we can consider these issues as the various re-authorizations are brought forth to the Congress.

In closing, I congratulate Chairman Baucus and all of the committee members for identifying this crucial issue and highlighting it with a hearing. I also thank you for inviting me to testify on a subject near to my heart. I hope that by testifying here about EPA's State-local-tribal relationships we can stimulate all of us to work harder at building an effective collaborative system.

In this I ask you to assist EPA in not only improving EPA and State, tribal, and local government relations, but in reinventing environmental protection as a critical endeavor in which State and local governments are equal partners. The nation's environment deserves nothing less.