

# Cooperative Federalism 2.0

National Association of Clean Air Agencies  
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# Cooperative Federalism Key Elements

- Interact cooperatively and collectively to solve common problems, rather than engaging in separate policy making or clashing over a policy in a system dominated by the federal government;
- Cooperate in working out details concerning which level of government takes responsibility for particular areas and creating policy in that area; and
- Partners in the exercise of governmental authority.

Definition summarized in part from: <https://definitions.uslegal.com/c/cooperative-federalism/>; note there is frequently an important role for local governments in this approach



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## What are we talking about?

- ECOS members have produced a document entitled “**Cooperative Federalism 2.0: Achieving and Maintaining a Clean Environment and Protecting Public Health.**”
- The document was produced through a consensus-based process among the ECOS members beginning in April of this year.
- Cooperative federalism has been a core ECOS value for decades, is part of our 2016-2020 Strategic Plan, and was a key discussion in our *Priority Areas for a Time of Political Transition* paper, produced in July 2016.



## COOPERATIVE FEDERALISM 2.0:

### **Achieving and Maintaining a Clean Environment and Protecting Public Health**

JUNE 2017



#### Introduction

The Environmental Council of the States (ECS) is the national, nonpartisan coalition of state and territorial environmental agency leaders. Its purpose is to ensure the credibility of state environmental agencies and their leaders to protect and improve public health and the environment of our nation.

The following document was produced through a non-structured process among the members of ECS. It is respectfully shared by ECS with all who desire to participate in a conversation related to these matters. Please feel free to direct questions or comments to ECS Executive Director and General Counsel Rebecca Dixon at [rebecca.dixon@ecstates.org](mailto:rebecca.dixon@ecstates.org) or to any of the undersigned officers.

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Part I enumerates, as principles, the roles and functions of states and U.S. EPA in cooperative federalism.

Part II documents an initial list of important policy-neutral issues where the application of cooperative federalism could be focused.

## Why this document now?

- ♦ Positive reforms and improvements are the bedrock of cooperative federalism to create and implement environmental protection programs worthy of 21<sup>st</sup> century challenges.
- ♦ Dialogue is timely to recalibrate state/federal roles and responsibilities in environmental protection.
- ♦ Recalibration of the state/federal relationship is critical, and ideally as budget adjustments are made by Congress.



### Other Notes:

Dialogue is a part of a larger, structural change. (not just with EPA and not just a short-term conversation.)

Current federal administration has indicated an intent to shift responsibility in many areas, including environmental protection, to states.

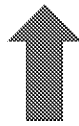
EPA has key strengths states need – emergency response and research to name a few.

## Cooperative Federalism 2.0: Achieving and Maintaining a Clean Environment and Protecting Public Health

State environmental programs exist to provide environmental and human health protection promised to the American people through our national and state statutes.



A recalibration of state and federal roles can lead to more effective environmental management at lower cost – a call for a Cooperative Federalism 2.0.



Cooperative Federalism 2.0 means a change from business as usual and requires a willingness for U.S. EPA and the Congress to align the state/federal relationship with the current realities and responsibilities of state implementation.



These are our three main points in the paper. The next three slides break down each of these bubbles.

## Cooperative Federalism 2.0: Achieving and Maintaining a Clean Environment and Protecting Public Health

State environmental programs exist to provide environmental and human health protection promised to the American people through our national and state statutes.

1. States have assumed more than 96 percent of the delegable authorities under federal law.

2. Healthy and vibrant communities and economies rely upon both effective environmental protection and resilient economic growth.

3. States believe that implementation flexibility is necessary to account for unique local ecological, social, and economic conditions.



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## Cooperative Federalism 2.0: Achieving and Maintaining a Clean Environment and Protecting Public Health

1. States are willing and eager to engage in this important dialogue.

2. State programs have now matured, and states have undertaken many continuous improvement efforts to address new environmental challenges and to modernize and streamline decision-making processes.

3. States have numerous examples of what works and what doesn't work.

A recalibration of state and federal roles can lead to more effective environmental management at lower cost – a call for a Cooperative Federalism 2.0.



## Cooperative Federalism 2.0: Achieving and Maintaining a Clean Environment and Protecting Public Health

1. An important dialogue to recalibrate state and federal roles and responsibilities must occur and should precede and inform a conversation about budget.
2. Robust cooperative federalism cannot be achieved if one party or the other is not capable of performing its critical functions.
3. Resources are critical to achieving the capability of each party being capable. There is no standard way that states fund their operations.

Cooperative Federalism 2.0 means a change from business as usual and requires a willingness for U.S. EPA and the Congress to align the state/federal relationship with the current realities and responsibilities of state implementation.



## Recalibration of the state/federal environmental regulatory relationship would result in (1):

- Smart deployment of resources on critical priorities, meeting all statutory and legal obligations;
- Expanded and accelerated innovative solutions to complex problems that fit the on-the-ground circumstances;
- Greater public confidence in government as a result of increased transparency on environmental and public health outcomes and improvements;



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## And would result in (2):

- A stronger environmental partnership.
- Improved national policy initiatives.
- Reduced operating costs.
- More effective allocation of limited resources; and
- Improved innovation across the country and enhanced consistency of specific and limited federal oversight and support of states.



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A stronger environmental partnership between states and the federal government;

Improved national policy initiatives resulting from cooperative, early state involvement that helps to ensure successful, consistent implementation, and greater results;

Reduced operating costs due to shared services, streamlined operating relationships, best practice sharing and elimination of redundancies across states and divisions of EPA;

More effective allocation of limited resources by optimizing the state and federal roles and functions built on discerning, and deciding the best fit and legal authority for roles each is best suited to perform; and

Improved innovation across the country and enhanced consistency of specific and limited federal oversight and support of states.