



STATE ENVIRONMENTAL REGULATORS: TRENDS IN REGULATION AND ENFORCEMENT AND THE NEW FOCUS ON “COOPERATIVE FEDERALISM”

Institute for Energy Law’s Energy Industry
Environmental Law Conference

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ECOS WHITE PAPER: COOPERATIVE FEDERALISM 2.0

- June 2017 white paper – Nine Principles:
 - EPA sets minimum national standards with State participation
 - EPA leads on national programs where statute requires or States decline
 - EPA should involve States early and often, seek State input
 - EPA should engage tribes, States should engage locals and the public
 - EPA should respect State role as primary implementer, esp. enforcement
 - States report outcomes to EPA; EPA audits programs, intervenes only if needed
 - EPA should continue leadership on interstate complications
 - EPA should maintain robust, centralized scientific capabilities
 - EPA should continue to provide funding support to State agencies

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COOPERATIVE FEDERALISM ACTIVITY SINCE ECOS PAPER

- Administrator's State Action Tour – multiple addresses
- Formal "Federalism Consultation" on WOTUS, Lead and Copper Rule, others
- Interim Guidance January 2018 from OECA Head Susan Bodine
- Goal #2 in Agency's 2018-2022 Strategic Plan, Issued February 2018
- April 2018 Hearing in Senate Environment and Public Works Subcommittee on Clean Air and Nuclear Safety

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