

**NCSL Standing Committee on
Natural Resources and Infrastructure**

POLICY DIRECTIVES AND RESOLUTIONS

2021 Legislative Summit

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TABLE OF CONTENTS

EXISTING RESOLUTIONS:

AUTONOMOUS VEHICLES	2
MICROPLASTICS RESEARCH	4
NATIONAL APPLIANCE EFFICIENCY STANDARDS	6
RECOVERING AMERICA’S WILDLIFE	8
RURAL MENTAL HEALTH.....	10

AMENDMENTS TO EXISTING RESOLUTIONS:

CLIMATE CHANGE	11
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AMENDMENTS TO EXISTING POLICY DIRECTIVES:

REAL ID	16
WATER POLICY	17

NEW RESOLUTIONS:

CHRONIC WASTING DISEASE	27
PHASE OUT OF HYDROFLUOROCARBONS	28
PRESERVATION OF SALINE LAKE ECOSYSTEMS	30
WATER CARRIER SUBSIDIES	31

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: AUTONOMOUS VEHICLES**

3 **TYPE: RESOLUTION**

4

5 The automobile is on the cusp of a technological transformation with the potential to
6 both revolutionize personal mobility and provide immeasurable safety benefits. As
7 vehicles that operate on public roads are subject to both state, federal and local
8 jurisdiction, the National Conference of State Legislatures (NCSL) understands the
9 need to clearly define state and federal roles as well as avoid unnecessary federal
10 preemption and burdensome federal mandates.

11

12 **State Authority to Regulate Autonomous Vehicle Testing**

13 NCSL agrees that the National Highway Traffic Safety Administration (NHTSA) should
14 be the sole entity setting federal motor vehicle safety standards (FMVSS) for
15 autonomous vehicles, equivalent to their current role for conventional vehicles.

16 However, NCSL strongly believes that states are the sole authority when it comes to
17 vehicle use—which includes vehicle registration; driver licensing and education; traffic
18 laws, regulations and enforcement; and insurance and liability. NCSL is opposed to
19 congressional or administration proposals that would seek to preempt this authority from
20 states by prohibiting states from prescribing certain standards or regulations related to
21 autonomous vehicle testing, including requirements related to the presence of a human
22 driver.

23

24 **FMVSS Exemptions**

25 NCSL recognizes, appreciates, and agrees that authority to issue exemptions of
26 FMVSS remains solely in the realm of the Secretary of Transportation. However, NCSL
27 strongly encourages the Secretary (or applicable designated agency) to ensure that any
28 exemption of existing motor vehicle safety standards provides a safety level at least
29 equal to the safety level of the standard. Further, as exemptions are granted, NCSL
30 implores the department to provide such information to states, in a timely manner.

31

32 **Advisory Councils**

33 NCSL requests that state legislators be appointed to or included in any congressional or
34 administration task force, council, or other advisory group related to the development of
35 autonomous vehicles. NCSL encourages congressional and administration task forces
36 to work with NCSL to help ensure the appropriate states are included.

37

38 **Cybersecurity Information Sharing**

39 Cybersecurity is a vital aspect of autonomous vehicles. As vehicles begin to
40 communicate with each other (vehicle-to-vehicle or V2V) as well with infrastructure
41 (vehicle-to-infrastructure, V2I, and V2X), the potential risk of cyberattacks and security
42 breaches greatly increases. NCSL urges both the administration and Congress to both
43 share any threat information with state governments and to work with states to ensure
44 that such threats and affected vehicle populations do not become endemic. A
45 collaborative effort is vital in ensuring such safety.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **MICROPLASTICS RESEARCH**

3 **TYPE:** **RESOLUTION**

4

5 A resolution of the National Conference of State Legislatures, urging the federal
6 government to fund research on microplastics in the environment.

7

8 **WHEREAS**, microplastics are pieces of plastic that are less than five millimeters in size
9 which can result from the disposal and breakdown of products and industrial waste
10 containing plastics; and

11

12 **WHEREAS**, the majority of plastics in the United States are not recycled; and

13

14 **WHEREAS**, recent studies have shown that microplastics are pervasive in the
15 environment; and

16

17 **WHEREAS**, microplastics are easily ingested by plankton and filter feeding animals and
18 are found in many species of wildlife including fish and shellfish; and

19

20 **WHEREAS**, microplastics have been found in bottled water and other consumer
21 products intended for human consumption; and

22

23 **WHEREAS**, microplastics have been found in human stools; and

24

25 **WHEREAS**, scientists still know little about the effects of microplastics on the human
26 body or on wildlife; and

27

28 **WHEREAS**, water resources, including drinking water, and soils and sediments are
29 rarely tested or monitored for microplastics; and

30

31 **WHEREAS**, questions still remain as to the sources of microplastics in the environment,
32 including the contributions from wastewater treatment facilities; and

33

34 **WHEREAS**, research is needed to understand the impacts of microplastics on the
35 environment and human health and to develop testing and monitoring protocols.

36

37 **NOW, THEREFORE, BE IT RESOLVED**, by the National Conference of State
38 Legislatures that it urges to the United State Environmental Protection Agency to
39 increase research efforts on microplastics.

40

41 **BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to the Attorney
42 General, the President and all members of Congress.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: NATIONAL APPLIANCE EFFICIENCY**

3 **STANDARDS**

4 **TYPE: RESOLUTION**

5

6 **WHEREAS**, energy efficiency standards as promulgated by the U.S. Department of
7 Energy following enactment of the Energy Policy and Conservation Act of 1975,
8 National Appliance Energy Conservation Act of 1987 and 1988 (NAECA), Energy Policy
9 Act of 1992, Energy Policy Act of 2005 and the Energy Independence and Security Act
10 of 2007, for appliances, equipment, and lighting protect consumers, are a cost-effective
11 means to reduce energy and water waste, lower utility bills and decrease pollutants and
12 atmospheric emissions including greenhouse gas emissions; and,

13

14 **WHEREAS**, an average U.S. household saves about \$500 per year on utility bills
15 because of these existing standards; and,

16

17 **WHEREAS**, U.S. businesses save about \$23 billion annually because of these existing
18 standards, money that can be invested in jobs or spent in local economies; and,

19

20 **WHEREAS**, efficiency standards stimulate innovative technologies, which are beneficial
21 to American manufacturers in a competitive global environment; and,

22

23 **WHEREAS**, lower energy and water use helps mitigate the need for new utility
24 infrastructure.

25

26 **NOW, THEREFORE, BE IT RESOLVED**, that the NCSL urges the Congress and the
27 Department of Energy (DOE) to fully fund and continue this highly successful program;
28 and,

29

30 **BE IT FURTHER RESOLVED**, that the NCSL strongly urges DOE to amend standards
31 as stipulated by law and in accordance with the review schedule dictated by Congress;
32 and,

33

34 **BE IT FURTHER RESOLVED**, that Congress continue to require DOE to regularly
35 review standards for appropriate updates and to resist any attempt to repeal existing
36 standards.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **RECOVERING AMERICA’S WILDLIFE**

3 **TYPE:** **RESOLUTION**

4

5 **WHEREAS**, habitat loss, wildlife diseases, invasive species, pollution, and the impacts
6 of climate change pose significant threats to fish and wildlife species; and

7

8 **WHEREAS**, over 1,600 United States’ native species are federally protected under the
9 Endangered Species Act and estimates suggest one in five native species is at risk of
10 extinction; and

11

12 **WHEREAS**, State Wildlife Action Plans have identified nearly 12,000 Species of
13 Greatest Conservation Need (SGCN), including federal and state endangered and
14 threatened species and other rare and at-risk fish and wildlife species; and

15

16 **WHEREAS**, current funding is far below what is necessary to conserve the species
17 most at-risk; and

18

19 **WHEREAS**, the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife
20 Resources recommended that up to \$1.3 billion a year of existing revenue from energy
21 and mineral resources development on federal lands and waters be redirected to the
22 Wildlife Conservation Restoration Program; and

23

24 **WHEREAS**, the Recovering America’s Wildlife Act would provide the additional funding,
25 providing state wildlife agencies the money necessary to accelerate implementation of
26 State Wildlife Action Plans; and

27

28 **WHEREAS**, the additional funding will help states to address at-risk wildlife before they
29 require protection under the federal Endangered Species Act which can be more costly
30 and disruptive.

31

32 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
33 Legislators urges the President of the United States and Members of Congress to act to
34 pass and sign into law the Recovering America’s Wildlife Act, and

35

36 **BE IT FURTHER RESOLVED**, that copies of this resolution be immediately transmitted
37 to the President of the United States, the President of the United States Senate, the
38 Speaker of the House of Representatives, and each member of Congress.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: RURAL MENTAL HEALTH**

3 **TYPE: RESOLUTION**

4

5 **WHEREAS**, farmers and ranchers, due to the nature of their work and a shortage of
6 resources for rural mental health, suffer higher rates of depression and suicide than
7 other professions – as described by the American Psychological Association’s Journal
8 of Rural Mental Health; and

9

10 **WHEREAS**, difficult economic conditions are placing additional strain on our nation’s
11 farmers and ranchers and their families. The United States Department of Agriculture
12 projects that net farm income will fall once again in 2018, continuing a sustained
13 downward trend that began in 2014; and

14

15 **WHEREAS**, the federal government can play a vital role in addressing this crisis by
16 providing the states with additional resources for rural mental health services that are
17 tailored to the unique needs of farmers, ranchers, and their families

18

19 **NOW, THEREFORE, IT BE RESOLVED**, that the National Conference of State
20 Legislatures urges Congress to include in pending legislation, funding for states to
21 address this urgent need and assist our nation’s farmers, ranchers, and their family
22 members during this time of great financial stress in American agriculture.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **CLIMATE CHANGE**

3 **TYPE:** **RESOLUTION**

4

5 The National Conference of State Legislatures (NCSL) urges the federal government to
6 consult with state elected officials, their national representative organizations and
7 existing interstate partnerships in developing a federal program. As Congress and the
8 administration examine proposals for reducing greenhouse gas emissions, NCSL
9 encourages the federal government to always take the following principles into account:

- 10 • Federal action should be flexible, allowing for a range of complementary
11 strategies at the state and federal level maintaining a strong role for state, local
12 and tribal government in any federal action.
- 13 • Federal legislation should provide states the authority and flexibility to work within
14 an overall framework; to apply the law effectively to all sources of emissions and
15 ensure achievement of climate change goals in the most cost effective, timely
16 and efficient manner for each state.
- 17 • Federal legislation should not preempt state or local governments from enacting
18 policy options that differ from federal choices or from enacting stricter or stronger
19 measures within their jurisdiction.
- 20 • Federal legislation should afford states the flexibility to form regional
21 cooperatives and implement innovative policies that advance federal efforts to
22 reduce the effects of climate change.
- 23 • Congress must authorize and appropriate sufficient funds for federal, state and
24 local governments to implement any federal legislation. These funds should be
25 newly authorized appropriations, not reprogrammed resources.
- 26 • Federal legislation should ensure state legislative authority in any federal climate
27 change legislation and affirm the active role played by state legislatures in both
28 fiscal and substantive aspects of state policymaking.

- 29 • Federal legislation providing for the allocation of greenhouse gas reduction
30 programs to states should include language making decisions related to such
31 allowances subject to state legislative approval.

32

33 NCSL urges the federal government, should it choose to act on this issue, to take into
34 account the following principles regarding program design components:

35

- 36 • Any national system must include short, medium and long-term goals and
37 incorporate a rigorous oversight program that provide for ongoing study and
38 analysis of the system to ensure it is achieving intended goals.
- 39 • A new national program should serve to address uncertainties that are
40 hampering investment in generation, transmission and distribution and enhance
41 the likelihood that appropriate technologies will be developed and other solutions
42 implemented so as to achieve the desired reductions in greenhouse gas (GHG)
43 emissions in the most economical manner possible.
- 44 • Federal legislation should be designed appropriately to balance competing
45 criteria, including, but not limited to, equity, economic efficiency and ease of
46 administration.
- 47 • Revenue derived from a greenhouse gas reduction program should be directed
48 to complementary policies focused on mitigating climate change consumer costs
49 including but not limited to energy research & development, weatherization,
50 conservation and energy efficiency activities.
- 51 • A national program to reduce GHG emissions must also address adaptation
52 issues.
- 53 • Auctioning of allowances may be the most economically efficient mechanism for
54 achieving a GHG emissions reductions goal. However, the allocation of
55 emissions allowances at no cost can serve as an appropriate transition measure
56 necessary to ensure continued reliability, minimize economic dislocation resulting
57 from the carbon intensity of the existing infrastructure, and allow for development
58 and deployment of needed new technologies and measures to reduce emissions.

- 59 • Priority distribution of allowances at no cost should be to those entities in affected
60 sectors where existing regulatory structure provides the necessary oversight to
61 ensure that the value of such allowances is accounted for in establishing price
62 rates for consumers.
- 63 • The allocation of GHG reduction program to states under a federal GHG
64 reduction program should include language making decisions related to such
65 allowances subject to state legislative approval.
- 66 • The establishment of any new federal program should include provisions for
67 transparent reporting and accountability and incorporate the use of third-party
68 verification to ensure reported outcomes are verifiable.

69

70 **Unintended Consequences**

71 NCSL believes that federal legislation regarding the reduction of greenhouse gases
72 should take into account the implications of actions and/or inactions on economic
73 development, energy security, and those most vulnerable citizens. Evaluation should
74 include the life cycle impacts of policy options including ancillary impacts.

75

76 NCSL believes that federal legislation should require continuing assessments of the
77 potential impacts to the United States of climate change, by state or region including
78 effects on water resources, agriculture, infrastructure, natural systems, environmental
79 quality, public health, biodiversity and the cultures of our native peoples. Such an
80 assessment will support the development of domestic and international adaptation-
81 mitigation strategies. The Environmental Protection Agency (EPA) should provide
82 funding and assist states in developing assessments and adaptation plans at the state
83 and regional level.

84

85 NCSL also urges the federal government to fully consider how legislation will affect low-
86 income households that already struggle to balance needs and expenses. NCSL
87 encourages the federal government to expand and enhance long-term funding for the
88 Department of Energy's Weatherization Assistance Program and to ensure that any new

89 federal program does not undermine existing federal, state and private sector energy
90 assistance and outreach programs that assist our most vulnerable citizens.

91

92 **Research and Development**

93 NCSL strongly urges the federal government to authorize and appropriate funding and
94 provide other incentives to spur expanded research and development (R&D), as well as
95 advance the demonstration and deployment of new and existing technologies to
96 improve energy efficiency, advance mitigation strategies and reduce GHG emissions.

97

98 NCSL urges the federal government:

- 99 • To ensure that legislation not limit the diversity of technologies supported, as
100 future advancements cannot be predicted.
- 101 • To take into account state and regional differences, and not limit or specify the
102 technologies used in each state and ensure sufficient flexibility for each State to
103 determine how to best achieve nationally-set goals.
- 104 • To promote current and future innovations and expand the use of such
105 technology through R&D transfer agreements with other countries.

106

107 **Carbon Sequestration and Environmental Management**

108 NCSL supports activities aimed at increasing the natural carbon sequestration of CO2
109 which includes, but is not limited to sustainable timber harvesting, control burns,
110 reseeding and rehabilitation of natural and introduced grassland plants.

111

112 NCSL urges the federal government:

- 113 • To support carbon sequestration via regeneration techniques – including raising
114 the cap on the U.S. Forest Service’s Reforestation Trust Fund to address the
115 backlog, creating a national strategy to increase nursery capacity and funding for
116 nurseries, and establishing new grant programs which serve to enhance urban
117 forests.
- 118 • To support carbon sequestration through improved forest management activities,
119 including – streamlining environmental review for the protection of watersheds

120 and critical infrastructure to improve forest health and resiliency, permanently
121 reauthorizing Good Neighbor Authority and expanding the uses of revenues for
122 states to include reforestation, and authorizing funding for the State and Private
123 Forest Landscape-Scale Restoration Program.
124 • ~~To promote policies and procedures to increase natural carbon sequestration of~~
125 ~~CO2 that will include sustainable timber harvesting, control burns, reseeding and~~
126 ~~rehabilitation of natural and introduced grassland plants.~~

1 **COMMITTEE:** NATURAL RESOURCES AND INFRASTRUCTURE

2 **POLICY:** REAL ID

3 **TYPE:** DIRECTIVE

4

5 NCSL urges Congress and the administration to continue to work with NCSL and its
6 members on alternatives to the implementation of REAL ID that recognize national
7 security but do not impede the sovereignty of state licenses of place a federal agency or
8 agent as permanent and ongoing authority for determining state license uses and
9 requirements. NCSL supports efforts to extend existing deadlines until obstacles to
10 implementation are addressed. In addition, NCSL supports the use of waivers by the
11 Secretary of the Department of Homeland Security, for states that have adopted other
12 forms of compatible identification.

13 -

14 ~~NCSL urges Congress and the Administration to work with NCSL and its members to~~
15 ~~adjust Title II of the REAL ID Act and develop solutions in conjunction with NCSL that~~
16 ~~recognize national security but do not impede the sovereignty of state licenses or place~~
17 ~~a federal agency or agent as a permanent and ongoing authority for determining state~~
18 ~~license uses and requirements.~~

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: WATER POLICY**

3 **TYPE: DIRECTIVE**

4 Jurisdiction for federal water projects is scattered throughout agencies of the federal
5 government and committees of Congress. The National Conference of State
6 Legislatures sees a need for clearer, more coordinated and more consistent federal
7 policies. These policies, however, should recognize and build upon the constitutions,
8 statutes, policies and programs of the states as the fundamental basis for a truly
9 national effort toward better water resources management. The federal government
10 should recognize that water resources policy can and must be developed at the state
11 level. The appropriate role for the federal government should be to provide technical,
12 research and financial assistance to the states at their request.

13

14 NCSL endorses the following principles:

- 15 • Primary authority and responsibility for water resources management functions,
16 including planning, development and regulation, rests with the states and their
17 delegated interstate agencies. Water resources management, wetland
18 protection, coastal zone management, and soil conservation projects should be
19 clearly delineated by Congress as the primary responsibility of the states and
20 their delegated interstate agencies, with federal oversight.
- 21 • A national water conservation initiative should be undertaken to encourage water
22 conservation at the federal, state and local levels. Functions, such as navigation
23 and flood control and other issues at the prerogative of the state, should continue
24 to be shared with the federal government to the degree appropriate. Federal
25 policy must recognize and respect the rights of the states to administer their
26 individual water laws and to manage their water resources.
- 27 • The role of the federal government is four-fold: (1) to establish a framework of
28 national objectives developed in cooperation with the states; (2) to provide
29 assistance to the states in the development of programs to meet state needs

30 within such a framework; (3) to be consistent with such state programs to the
31 maximum extent possible when undertaking direct federal actions pursuant to the
32 national interest; and (4) to coordinate agency activities through a national
33 coordinating entity reporting directly to the President and with provision for
34 adequate state and public input.

35

36 Federal policy should be directed toward strengthening the capacity of the state to act
37 as the integrator and manager of all programs affecting the water resources of the state.

38 To do so effectively, states need:

- 39 • Realistic and dependable financial support to integrate management activities
40 through expansion of provisions for state assistance;
- 41 • Full funding of authorized programs consistent with congressional intent;
- 42 • A common platform for compiling and accessing data across programs and
43 agencies that is available to local, state, interstate and federal stakeholders; and
- 44 • Assurance that direct federal actions will be consistent with state programs,
45 responsive to national policy, and carefully evaluated against mutually agreed
46 upon standards.
- 47 • Federal actions, projects and programs must be consistent with adopted state
48 and interstate water and related resources plans and programs.
- 49 • Greater flexibility in the entire federal support system for water resource planning
50 and management.
- 51 • Federal project evaluation, planning, financing, cost sharing, and cost recovery
52 policies should be reviewed and simplified.
- 53 • Project evaluation should promote equal consideration of both structural and
54 non-structural solutions.

55

56 Many existing water programs create inherent financial biases which favor certain
57 solutions to water problems over others, sometimes resulting in the approval of
58 programs of only marginal utility. Accordingly, NCSL urges that:

- 59 • Cost-sharing policies should be consistent among alternative means for
60 achieving the same purpose.

- 61 • Cost sharing policies should be consistent among federal agencies for the same
62 purposes. There should be no financial grounds for non-federal participants to
63 "shop around" for the best deal.
- 64 • The public participation requirements of project planning and evaluation criteria
65 should be aggressively carried out.

66

67 **Water Conservation**

68 Water conservation must be a fundamental consideration in all future water
69 management programs.

70

71 Accordingly, NCSL recommends:

- 72 • A national water conservation initiative implemented by the states as a part of
73 their total water management programs with federal financial and technical
74 assistance including a component for evaluation of the true benefits and costs of
75 conservation;
- 76 • Encouraging comprehensive management of intermittently available freshwater
77 resources to maximize the availability of surface and groundwater supplies;
- 78 • Closely examining the incentives and disincentives for encouraging conservation,
79 recycling and reuse of water;
- 80 • Examining and promoting where feasible the practices of conjunctive use of
81 water supplies; and
- 82 • Congressional funding of research into the use of saltwater or grey water sources
83 as an alternative to the continued use of scarce freshwater resources.

84 Among water research programs, no specific mechanism exists which focuses the
85 water research establishment on the planning and management concerns of the
86 nation's principal water managers---the states.

87

88 As such, NCSL recommends that:

- 89 • The research agenda of both the federal agencies and the federally-supported
90 water resources research centers be developed in conjunction with the
91 expressed research needs of the state.

- Congress ~~should~~ recognize state primacy over all water rights within each state's boundaries and bring to closure the debate on the Federal Reserved Water Rights Policy.
- Congress ~~should~~ respect and encourage state compacts for sharing and managing water resources.

Western Water Resource Management

NCSL supports federal water resource management, and necessary levels of federal financial support to states to invest in water conservation and other water delivery infrastructure projects. Additionally, NCSL supports the following principles for all states, but particularly for those Western states where water quantity is of near-constant concern:

- Federal investments should support states in implementing their state water plans and should provide both financial and technical support – if requested by the states – for watershed and river basin water management plans.
- Water resource planning, for all states, but particularly those in the West, must preserve state authority to manage water through policies which recognize the unique hydrological needs within individual states.
- Authorization of federal water resources development legislation and proposed federal surplus water rulemakings should recognize natural flows and defer to the states' legal right to allocate, develop, use, control, and distribute such waters.
- Congress should fully utilize the receipts accruing to the Reclamation Fund for their authorized and intended purpose in the conservation, development, and use of western water resources to meet western water-related needs.
- Congress should authorize and appropriate necessary levels of funding on an annual basis to programs which provide support to states to invest in water conservation projects and other water delivery infrastructure, including, but not limited to, the Bureau of Reclamation's WaterSMART Program, and the U.S. Army Corps of Engineers' Planning Assistance to States.

123 Additionally, the federal government must work with its state partners in addressing the
124 needs of communities suffering from drought-related impacts – the federal government
125 should participate in drought-related research, and provide financial and other
126 programmatic assistance, as requested, to afflicted communities.

127

128 **Wetlands**

129 NCSL supports a wetlands program that is flexible to balance the competing and
130 legitimate demands for conservation and use of the Nation's resources.

131

132 NCSL urges Congress and the Administration to:

- 133 • Reaffirm the national goal of eliminating the net loss of both wetlands acreage
134 and wetlands habitat values, as a result of any activities, and of increasing both
135 wetlands acreage and wetlands habitat values;
- 136 • Designate a single federal agency to be the lead agency responsible for the
137 overall development, implementation, and enforcement of a national wetlands
138 policy in partnership with the states;
- 139 • Facilitate the delegation of wetlands protection programs to the states and
140 provide technical and financial resources to assist states in developing and
141 operating their programs;
- 142 • Establish a clear preferred sequence of mitigation options that begins with
143 avoidance of adverse effects on wetlands followed by a reduction of unavoidable
144 adverse effects, and allowing compensation by creating, replacing or restoring
145 within the same ecosystem; and
- 146 • Recognize that private landowners have an economic stake in wetlands
147 resources and establish a strong program of economic incentives that
148 encourages and assists the private sector to exercise its management
149 responsibilities in a way that will protect the public values wetlands provide while
150 contributing to a reasonable return on investment.

151

152 Federal agencies, in conjunction with states, the private sector, and nonprofit groups
153 should expand their educational outreach programs.

154

155 The U.S. Army Corps of Engineers and the EPA should agree on strategies for
156 effectively and expeditiously monitoring, verifying, and enforcing permits authorizing
157 activities in wetlands. In addition Congress and other regulatory authorities should take
158 any necessary action, including amending existing laws to prevent the willful alteration
159 of wetlands characteristics to circumvent regulatory jurisdictions.

160

161 **Aquatic Nuisance Species**

162 To combat the threats to biodiversity in the nation's coastal and estuarine habitats as
163 well as inland navigable waters that are associated with aquatic nuisance species and
164 to help prevent their introduction into state waters, NCSL calls on Congress to:

- 165 • Provide for improved means for preventing the introduction of aquatic nuisance
166 species;
- 167 • Increase the support for international, national, and state efforts to control and
168 manage aquatic nuisance species; and
- 169 • Increase research and technical assistance resources available to federal, state,
170 and local officials.

171

172 **Water Pollution Control**

173 NCSL urges that:

- 174 • Congress fully fund the Sewer Overflow Control State Grants Program;
- 175 • Congress separately appropriate full funding for non-point source pollution and
176 ensure the effectiveness of the provisions of this program to restore and protect
177 our nation's waters;
- 178 • Congress initiate an incentive program to encourage water conservation in the
179 states;
- 180 • Congress authorize and fully fund new grant programs for wastewater and
181 drinking water infrastructure developments;
- 182 • Nutrient pollution be prioritized as a water quality improvement objective in
183 watersheds and where such pollution from pervasive point and non-point sources

184 have been identified to create serious hypoxic conditions in waters of economic,
185 ecological and/or recreational significance;

- 186 • The federal government foster and assist in the financing and support of working
187 groups of state legislators within major watersheds where water pollution is a
188 multi-state responsibility, with such working groups or compacts formed to
189 coordinate the development of strategies, policies, statutes, regulations and
190 spending priorities for the attainment of clean water, including goals, timelines
191 and accountability for performance.
- 192 • EPA strengthen pretreatment pollution prevention requirements to reduce the
193 amount of hazardous waste flowing to waters from wastewater treatment plants
194 and from contaminated sludge; and that
- 195 • Uniform national wastewater monitoring standards and protocols should be
196 required to assure achievement of water quality objectives, fair and uniform
197 enforcement, and full disclosure of contamination.

198

199 **Drinking Water**

200 NCSL urges Congress and the Administration to increase federal appropriations for safe
201 drinking water programs to necessary levels for states to not only be able to adequately
202 implement Safe Drinking Water Act requirements, but to also address ~~that also takes~~
203 ~~into account recent developments across the country regarding~~ both remediation of lead
204 contamination, and that of other emerging contaminants. A special consideration for
205 financial assistance should be given to those states that have communities and water
206 systems that have limited resources to deal with the requirements of the Safe Drinking
207 Water Act (SDWA). States should receive additional federal financial assistance in order
208 to develop and maintain the administrative and technical capacity needed to implement
209 the program's mandated objectives.

210

211 Furthermore, NCSL supports the following provisions:

- 212 • Any federal mandate should afford states the necessary flexibility and authority
213 to ~~States should have the authority to~~ prioritize activities based on individual state
214 public health needs.

- 215 • States should be able to use federal drinking water funds to consolidate public
216 water systems when it is economically or environmentally beneficial, and/or in the
217 best interest of the public health.
- 218 • Congress should direct EPA to base its standards on scientifically sound
219 principles for protection of human health. The ability of EPA to require water
220 systems to test for additional contaminants must take into account the human
221 health risk posed by the contaminant. Congress should adequately fund EPA's
222 research efforts to develop scientifically sound standards which will assure safe
223 drinking water.
- 224 • EPA should be directed to work closely-in tandem with primacy states in
225 establishing a comprehensive program of water testing which recognizes the
226 potential of contaminants based upon source, storage and delivery of water.
227 Human health protection should be the basis for establishing any contaminant
228 management program.

229

230 Disapproval or withdrawal of primacy should not result in a decreased level of public
231 health protection in that state.

232

233 **State Revolving Funds (SRFs)**

234 With respect to the Clean Water State Revolving Fund (CWSRF) and the Drinking
235 Water State Revolving Fund (DWSRF), NCSL supports the following:

- 236 • Reauthorization of the CWSRF and DWSRF at levels commensurate with state
237 needs.
- 238 • States should be able to extend the life of SRF loans as necessary to
239 accommodate low-income communities provided the loan repayment period does
240 not exceed the useful life of the project.
- 241 • States should be able to use the interest earnings from the SRF monies for grant
242 assistance to low-income communities, or for other related projects as
243 determined by the individual state.
- 244 • States should be allowed to use at least 6-8% of SRF funds for administrative
245 costs.

- 246 • States should be able to use SRF funds to consolidate public water systems
247 when it is economically or environmentally beneficial, and/or in the best interest
248 of the public health.
- 249 • In years when federal funds increase by more than 20%, states may request a
250 waiver of the increased match required, with current state funds used for state
251 drinking water purposes qualifying as the match for that year.
- 252 • Any new requirements applied to the CWSRF or the DWSRF should not be
253 applied retroactively to funding already in the SRF or projects currently in
254 progress, and should any new requirements be applied states should be afforded
255 flexibility in achieving them.

256

257 **Stormwater Management**

258 NCSL urges Congress and the Administration to:

- 259 • Commit to and provide full funding and resources for combined sewer overflows
260 (CSOs), sanitary sewer overflows (SSOs) and storm water wet weather
261 discharges.
- 262 • Include a federal cost share of at least 50 percent of the cost of remediation.
- 263 • Establish a zero-interest, or low interest, loan program for homeowners and
264 businesses required to implement storm water management programs.
- 265 • Wet weather management funding should be in addition to, and not replace,
266 other Federal funding programs.

267

268 NCSL further urges Congress and the Administration to:

- 269 • Authorize state environmental agencies to grant waivers for both municipal and
270 private sector implementation based on economic hardship.
- 271 • Direct the EPA to encourage evidence-based abatement methods and promote
272 compliance using alternative methods of abatement that are least costly to
273 implement.

274

275 **Groundwater**

276 NCSL believes that the development of groundwater policy should take into account or
277 include the following:

- 278 • State primacy must be assured in the development of groundwater legislation.
- 279 • There needs to be federal assistance available to states in protecting
280 wellhead/recharge areas from contamination.
- 281 • A survey of state data collection and research needs should be completed to
282 assess future needs for financial and technical assistance with respect to aquifer
283 mapping, monitoring and classification.
- 284 • Any policy should recognize the diversity of hydrologic, climatic, economic, legal,
285 and social factors within various states and regions.
- 286 • States' primacy in devising appropriate financing mechanisms for groundwater
287 programs should be continued.
- 288 • Where necessary groundwater conservation programs with appropriate financing
289 should be developed jointly by the federal, state and local governments, but
290 implemented by state and local governments.
- 291 • A comprehensive review of groundwater contamination from pesticides should be
292 undertaken and recommendations based on this review should be implemented.

293

294 **Publicly Owned Treatment Works**

295 NCSL urges Congress to cooperate with states to eliminate barriers to local
296 government's ability to restructure assets or raise the capital necessary for costly
297 improvements to Public Owned Treatment Works (POTWs). While NCSL takes no
298 position with respect to whether any particular POTW should pursue a public-private
299 partnership, the decision to enter such a partnership should be made by the local unit of
300 government pursuant to state law and local ordinance.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **CHRONIC WASTING DISEASE**

3 **TYPE:** **RESOLUTION**

4

5 **WHEREAS**, Chronic Wasting Disease (CWD) affects cervids such as deer, elk, and
6 moose and has been detected in at least 25 states, according to the CDC's August
7 2021 survey; and

8

9 **WHEREAS**, the states currently grappling with CWD are incurring significant costs to
10 respond to the disease, often requiring the wildlife management agencies to divert
11 limited resources from other vital activities; and

12

13 **WHEREAS**, these diseases create great suffering and death of wildlife and threaten to
14 infect more animals; and

15

16 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
17 Legislatures urges Congress to provide states with additional federal funds for research
18 and response to emerging wildlife diseases, such as the Chronic Wasting Disease
19 Management Act in order to effectively address this multi-state wildlife disease crisis
20 and enable states to assure their wildlife populations are healthy.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **PHASE OUT OF HYDROFLUOROCARBONS**

3 **TYPE:** **RESOLUTION**

4

5 **WHEREAS**, the American Innovation & Manufacturing Act of 2020, which directs the
6 Environmental Protection Agency (EPA) to phase down U.S. production & consumption
7 of hydrofluorocarbons (HFCs) was passed in December 2020 with broad bipartisan
8 support and was signed into law by President Donald Trump;

9

10 **WHEREAS**, this new law was widely championed by US industry for its important role in
11 supporting US manufacturing leadership;

12

13 **WHEREAS**, under section 612(d) of the Clean Air Act (42 U.S.C. §7671K(d)), any person
14 “may petition the Administrator to add a substance” to the lists of approved substances,
15 and Section 612(d) further provides the Administrator “shall grant or deny the petition
16 within 90 days after receipt...;”

17

18 **WHEREAS**, industry groups such as the Association of Equipment Manufacturers have
19 reported significant delays causing them to wait a year or more for EPA to grant or deny
20 petitions, resulting in financial and unnecessary environmental harm;

21

22 **WHEREAS**, timely EPA action to transition to environmentally preferable alternatives to
23 HFCs is necessary so as not to pose an undue burden on US manufacturing and to
24 help US industry meet the phase-down requirements of AIM Act; and

25

26 **WHEREAS**, the EPA Significant New Alternatives Policy (SNAP) program has
27 historically reviewed and listed acceptable alternatives that have fewer risks to human
28 health and the environment;

29

30 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
31 Legislatures urges the EPA Administrator to expedite review and listing of alternatives
32 for HFCs under the Significant New Alternatives Policy program, adhering to the 90-day
33 window granted to EPA by Congress. If EPA is unable or unwilling to review petitions in
34 a timely manner, NCSL urges EPA to waive requirements for prior authorization and/or
35 SNAP listing for alternatives to hydrofluorocarbons, so that US industry is not
36 unreasonably burdened in its transition to environmentally preferable alternatives.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: PRESERVATION OF SALINE LAKE**

3 **ECOSYSTEMS**

4 **TYPE: RESOLUTION**

5

6 **WHEREAS**, the National Audubon Society released a study in 2017 finding that more
7 than half of the arid West’s saline systems have shrunk anywhere between 50 percent
8 to 95 percent over the past 150 years;

9

10 **WHEREAS**, the Great Salt Lake – the largest terminal lake in the Western Hemisphere
11 – has water levels at the lowest in recorded history, and per the U.S. Geological Survey,
12 has shown a long-term trend of decline.

13

14 **WHEREAS**, water leaves only through evaporation at terminal lakes, leaving minerals
15 and other dangerous contaminants to become airborne toxic dust, causing negative
16 health impacts for humans and wildlife;

17

18 **WHEREAS**, saline lakes in the West support global populations of birds, and are
19 critically important to migratory shorebird species, waterbirds, and waterfowl;

20

21 **WHEREAS**, it has been proven that decreasing water levels in saline lakes has resulted
22 in a loss of habitat, decreased water flows and air quality issues; and

23

24 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
25 Legislatures urges Congress to pass the “Saline Lake Ecosystems in the Great Basin
26 States Program Act of 2021,” and direct the U.S. Geological Survey “to assess, monitor
27 and benefit the hydrology” of terminal water systems in collaboration with federal, state,
28 tribal, and other local stakeholders.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: WATER CARRIER SUBSIDIES**

3 **TYPE: RESOLUTION**

4

5 **WHEREAS**, Island states and territories across the United States, including those in the
6 Indo-Pacific Command (Indo-PACOM) Region, are mostly dependent on the import of
7 goods.

8

9 **WHEREAS**, Island communities rely on transport by water carrier, the majority of these
10 goods are transported as waterborne cargo, unlike communities in the continental U.S.
11 that possess alternative means of transporting goods by truck and rail

12

13 **WHEREAS**, current agricultural specific and aircraft to remote destination subsidies
14 exist within the USDA and USDOT, respectively,

15

16 **WHEREAS**, subsidies do not currently exist for general cargo transport to and within
17 U.S. island states and territories.

18

19 **WHEREAS**, due to these island communities' dependency on the import of goods,
20 maritime support in the form of federal water cargo subsidies is necessary to ensure
21 localized economic security.

22

23 **NOW, THEREFORE, BE IT RESOLVED**, the National Conference of State Legislatures
24 (NCSL) urges Congress to fund a broad subsidy for trans-Pacific, trans-Atlantic, and
25 interisland waterborne cargo to improve the affordability of imported goods,

26

27 **NOW, THEREFORE, BE IT FURTHER RESOLVED**, NCSL requests that U.S.
28 Department of Transportation Maritime Administration, the most appropriate federal
29 agency, develop and implement such a federal waterborne cargo subsidies program

30 and that sources of any subsidies may be from existing or newly created federal
31 programs.