NCSL Standing Committee on
Natural Resources and Infrastructure

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

State Authority to Regulate Autonomous Vehicle Testing

NCSL agrees that the National Highway Traffic Safety Administration (NHTSA) should be the sole entity setting federal motor vehicle safety standards (FMVSS) for autonomous vehicles, equivalent to their current role for conventional vehicles. However, NCSL strongly believes that states are the sole authority when it comes to vehicle use—which includes vehicle registration; driver licensing and education; traffic laws, regulations and enforcement; and insurance and liability. NCSL is opposed to congressional or administration proposals that would seek to preempt this authority from states by prohibiting states from prescribing certain standards or regulations related to autonomous vehicle testing, including requirements related to the presence of a human driver.

FMVSS Exemptions

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

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

Cybersecurity Information Sharing

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

POLICY: CLIMATE CHANGE

TYPE: RESOLUTION

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

- Federal action should be flexible, allowing for a range of complementary strategies at the state and federal level maintaining a strong role for state, local and tribal government in any federal action.
- Federal legislation should provide states the authority and flexibility to work within an overall framework; to apply the law effectively to all sources of emissions and ensure achievement of climate change goals in the most cost effective, timely and efficient manner for each state.
- Federal legislation should not preempt state or local governments from enacting policy options that differ from federal choices or from enacting stricter or stronger measures within their jurisdiction.
- Federal legislation should afford states the flexibility to form regional cooperatives and implement innovative policies that advance federal efforts to reduce the effects of climate change.
- Congress must authorize and appropriate sufficient funds for federal, state and local governments to implement any federal legislation. These funds should be newly authorized appropriations, not reprogrammed resources.
- Federal legislation should ensure state legislative authority in any federal climate change legislation and affirm the active role played by state legislatures in both fiscal and substantive aspects of state policymaking.
Federal legislation providing for the allocation of greenhouse gas reduction programs to states should include language making decisions related to such allowances subject to state legislative approval.

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

- Any national system must include short, medium and long-term goals and incorporate a rigorous oversight program that provide for ongoing study and analysis of the system to ensure it is achieving intended goals.
- A new national program should serve to address uncertainties that are hampering investment in generation, transmission and distribution and enhance the likelihood that appropriate technologies will be developed and other solutions implemented so as to achieve the desired reductions in greenhouse gas (GHG) emissions in the most economical manner possible.
- Federal legislation should be designed appropriately to balance competing criteria, including, but not limited to, equity, economic efficiency and ease of administration.
- Revenue derived from a greenhouse gas reduction program should be directed to complementary policies focused on mitigating climate change consumer costs including but not limited to energy research & development, weatherization, conservation and energy efficiency activities.
- A national program to reduce GHG emissions must also address adaptation issues.
- Auctioning of allowances may be the most economically efficient mechanism for achieving a GHG emissions reductions goal. However, the allocation of emissions allowances at no cost can serve as an appropriate transition measure necessary to ensure continued reliability, minimize economic dislocation resulting from the carbon intensity of the existing infrastructure, and allow for development and deployment of needed new technologies and measures to reduce emissions.
Priority distribution of allowances at no cost should be to those entities in affected sectors where existing regulatory structure provides the necessary oversight to ensure that the value of such allowances is accounted for in establishing price rates for consumers.

The allocation of GHG reduction program to states under a federal GHG reduction program should include language making decisions related to such allowances subject to state legislative approval.

The establishment of any new federal program should include provisions for transparent reporting and accountability and incorporate the use of third-party verification to ensure reported outcomes are verifiable.

Unintended Consequences

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

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

NCSL also urges the federal government to fully consider how legislation will affect low-income households that already struggle to balance needs and expenses. NCSL encourages the federal government to expand and enhance long-term funding for the Department of Energy's Weatherization Assistance Program and to ensure that any new
federal program does not undermine existing federal, state and private sector energy assistance and outreach programs that assist our most vulnerable citizens.

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

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

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

NCSL urges the federal government:
• To support carbon sequestration via regeneration techniques – including raising the cap on the U.S. Forest Service’s Reforestation Trust Fund to address the backlog, creating a national strategy to increase nursery capacity and funding for nurseries, and establishing new grant programs which serve to enhance urban forests.
• To support carbon sequestration through improved forest management activities, including – streamlining environmental review for the protection of watersheds.
and critical infrastructure to improve forest health and resiliency, permanently reauthorizing Good Neighbor Authority and expanding the uses of revenues for states to include reforestation, and authorizing funding for the State and Private Forest Landscape-Scale Restoration Program.

• To promote policies and procedures to increase natural carbon sequestration of CO2 that will include sustainable timber harvesting, control burns, reseeding and rehabilitation of natural and introduced grassland plants.
WHEREAS, Chronic Wasting Disease (CWD) affects cervids such as deer, elk, and moose and has been detected in at least 25 states, according to the CDC’s August 2021 survey; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures urges Congress to provide states with additional federal funds for research and response to emerging wildlife diseases, such as the Chronic Wasting Disease Management Act in order to effectively address this multi-state wildlife disease crisis and enable states to assure their wildlife populations are healthy.
A resolution of the National Conference of State Legislatures, urging the federal government to fund research on microplastics in the environment.

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

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

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

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

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

WHEREAS, microplastics have been found in human stools; and

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

WHEREAS, water resources, including drinking water, and soils and sediments are rarely tested or monitored for microplastics; and
WHEREAS, questions still remain as to the sources of microplastics in the environment, including the contributions from wastewater treatment facilities; and

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the NCSL urges the Congress and the Department of Energy (DOE) to fully fund and continue this highly successful program; and,
BE IT FURTHER RESOLVED, that the NCSL strongly urges DOE to amend standards as stipulated by law and in accordance with the review schedule dictated by Congress; and,

BE IT FURTHER RESOLVED, that Congress continue to require DOE to regularly review standards for appropriate updates and to resist any attempt to repeal existing standards.
WHEREAS, the American Innovation & Manufacturing Act of 2020, which directs the Environmental Protection Agency (EPA) to phase down U.S. production & consumption of hydrofluorocarbons (HFCs) was passed in December 2020 with broad bipartisan support and was signed into law by President Donald Trump;

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

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

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

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

WHEREAS, the EPA Significant New Alternatives Policy (SNAP) program has historically reviewed and listed acceptable alternatives that have fewer risks to human health and the environment;
NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures urges the EPA Administrator to expedite review and listing of alternatives for HFCs under the Significant New Alternatives Policy program, adhering to the 90-day window granted to EPA by Congress. If EPA is unable or unwilling to review petitions in a timely manner, NCSL urges EPA to waive requirements for prior authorization and/or SNAP listing for alternatives to hydrofluorocarbons, so that US industry is not unreasonably burdened in its transition to environmentally preferable alternatives.
WHEREAS, the National Audubon Society released a study in 2017 finding that more than half of the arid West’s saline systems have shrunk anywhere between 50 percent to 95 percent over the past 150 years;

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislatures urges Congress to pass the “Saline Lake Ecosystems in the Great Basin States Program Act of 2021,” and direct the U.S. Geological Survey “to assess, monitor and benefit the hydrology” of terminal water systems in collaboration with federal, state, tribal, and other local stakeholders.
WHEREAS, habitat loss, wildlife diseases, invasive species, pollution, and the impacts of climate change pose significant threats to fish and wildlife species; and

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

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

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

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

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

WHEREAS, the additional funding will help states to address at-risk wildlife before they require protection under the federal Endangered Species Act which can be more costly and disruptive.
NOW, THEREFORE, BE IT RESOLVED, that the National Conference of State Legislators urges the President of the United States and Members of Congress to act to pass and sign into law the Recovering America’s Wildlife Act, and

BE IT FURTHER RESOLVED, that copies of this resolution be immediately transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress.
WHEREAS, farmers and ranchers, due to the nature of their work and a shortage of resources for rural mental health, suffer higher rates of depression and suicide than other professions – as described by the American Psychological Association’s Journal of Rural Mental Health; and

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

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

NOW, THEREFORE, IT BE RESOLVED, that the National Conference of State Legislatures urges Congress to include in pending legislation, funding for states to address this urgent need and assist our nation’s farmers, ranchers, and their family members during this time of great financial stress in American agriculture.
WHEREAS, Island states and territories across the United States, including those in the Indo-Pacific Command (Indo-PACOM) Region, are mostly dependent on the import of goods. 

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

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

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

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

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

NOW, THEREFORE, BE IT FURTHER RESOLVED, NCSL requests that U.S. Department of Transportation Maritime Administration, the most appropriate federal agency, develop and implement such a federal waterborne cargo subsidies program and that sources of any subsidies may be from existing or newly created federal programs.
NCSL urges Congress and the administration to continue to work with NCSL and its members on alternatives to the implementation of REAL ID that recognize national security but do not impede the sovereignty of state licenses or place a federal agency or agent as permanent and ongoing authority for determining state license uses and requirements. NCSL supports efforts to extend existing deadlines until obstacles to implementation are addressed. In addition, NCSL supports the use of waivers by the Secretary of the Department of Homeland Security, for states that have adopted other forms of compatible identification.

NCSL urges Congress and the Administration to work with NCSL and its members to adjust Title II of the REAL ID Act and develop solutions in conjunction with NCSL that recognize national security but do not impede the sovereignty of state licenses or place a federal agency or agent as a permanent and ongoing authority for determining state license uses and requirements.
Jurisdiction for federal water projects is scattered throughout agencies of the federal government and committees of Congress. The National Conference of State Legislatures sees a need for clearer, more coordinated and more consistent federal policies. These policies, however, should recognize and build upon the constitutions, statutes, policies and programs of the states as the fundamental basis for a truly national effort toward better water resources management. The federal government should recognize that water resources policy can and must be developed at the state level. The appropriate role for the federal government should be to provide technical, research and financial assistance to the states at their request.

NCSL endorses the following principles:

- Primary authority and responsibility for water resources management functions, including planning, development and regulation, rests with the states and their delegated interstate agencies. Water resources management, wetland protection, coastal zone management, and soil conservation projects should be clearly delineated by Congress as the primary responsibility of the states and their delegated interstate agencies, with federal oversight.

- A national water conservation initiative should be undertaken to encourage water conservation at the federal, state and local levels. Functions, such as navigation and flood control and other issues at the prerogative of the state, should continue to be shared with the federal government to the degree appropriate. Federal policy must recognize and respect the rights of the states to administer their individual water laws and to manage their water resources.

- The role of the federal government is four-fold: (1) to establish a framework of national objectives developed in cooperation with the states; (2) to provide assistance to the states in the development of programs to meet state needs within such a framework; (3) to be consistent with such state programs to the
maximum extent possible when undertaking direct federal actions pursuant to the national interest; and (4) to coordinate agency activities through a national coordinating entity reporting directly to the President and with provision for adequate state and public input.

Federal policy should be directed toward strengthening the capacity of the state to act as the integrator and manager of all programs affecting the water resources of the state. To do so effectively, states need:

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

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

• Cost-sharing policies should be consistent among alternative means for achieving the same purpose.
• Cost sharing policies should be consistent among federal agencies for the same purposes. There should be no financial grounds for non-federal participants to "shop around" for the best deal.

• The public participation requirements of project planning and evaluation criteria should be aggressively carried out.

Water Conservation

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

Accordingly, NCSL recommends:

• A national water conservation initiative implemented by the states as a part of their total water management programs with federal financial and technical assistance including a component for evaluation of the true benefits and costs of conservation;

• Encouraging comprehensive management of intermittently available freshwater resources to maximize the availability of surface and groundwater supplies;

• Closely examining the incentives and disincentives for encouraging conservation, recycling and reuse of water;

• Examining and promoting where feasible the practices of conjunctive use of water supplies; and

• Congressional funding of research into the use of saltwater or grey water sources as an alternative to the continued use of scarce freshwater resources.

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

As such, NCSL recommends that:

• The research agenda of both the federal agencies and the federally-supported water resources research centers be developed in conjunction with the 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.
Additionally, the federal government must work with its state partners in addressing the needs of communities suffering from drought-related impacts – the federal government should participate in drought-related research, and provide financial and other programmatic assistance, as requested, to afflicted communities.

**Wetlands**

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

NCSL urges Congress and the Administration to:

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

Federal agencies, in conjunction with states, the private sector, and nonprofit groups should expand their educational outreach programs.
The U.S. Army Corps of Engineers and the EPA should agree on strategies for effectively and expeditiously monitoring, verifying, and enforcing permits authorizing activities in wetlands. In addition Congress and other regulatory authorities should take any necessary action, including amending existing laws to prevent the willful alteration of wetlands characteristics to circumvent regulatory jurisdictions.

**Aquatic Nuisance Species**

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

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

**Water Pollution Control**

NCSL urges that:

- Congress fully fund the Sewer Overflow Control State Grants Program;
- Congress separately appropriate full funding for non-point source pollution and ensure the effectiveness of the provisions of this program to restore and protect our nation's waters;
- Congress initiate an incentive program to encourage water conservation in the states;
- Congress authorize and fully fund new grant programs for wastewater and drinking water infrastructure developments;
- Nutrient pollution be prioritized as a water quality improvement objective in watersheds and where such pollution from pervasive point and non-point sources
have been identified to create serious hypoxic conditions in waters of economic, ecological and/or recreational significance;

- The federal government foster and assist in the financing and support of working groups of state legislators within major watersheds where water pollution is a multi-state responsibility, with such working groups or compacts formed to coordinate the development of strategies, policies, statutes, regulations and spending priorities for the attainment of clean water, including goals, timelines and accountability for performance.

- EPA strengthen pretreatment pollution prevention requirements to reduce the amount of hazardous waste flowing to waters from wastewater treatment plants and from contaminated sludge; and that

- Uniform national wastewater monitoring standards and protocols should be required to assure achievement of water quality objectives, fair and uniform enforcement, and full disclosure of contamination.

Drinking Water

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

Furthermore, NCSL supports the following provisions:

- Any federal mandate should afford states the necessary flexibility and authority to States should have the authority to prioritize activities based on individual state public health needs.
• States should be able to use federal drinking water funds to consolidate public water systems when it is economically or environmentally beneficial, and/or in the best interest of the public health.

• Congress should direct EPA to base its standards on scientifically sound principles for protection of human health. The ability of EPA to require water systems to test for additional contaminants must take into account the human health risk posed by the contaminant. Congress should adequately fund EPA’s research efforts to develop scientifically sound standards which will assure safe drinking water.

• EPA should be directed to work closely-in tandem with primacy states in establishing a comprehensive program of water testing which recognizes the potential of contaminants based upon source, storage and delivery of water. Human health protection should be the basis for establishing any contaminant management program.

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

State Revolving Funds (SRFs)

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

• Reauthorization of the CWSRF and DWSRF at levels commensurate with state needs.

• States should be able to extend the life of SRF loans as necessary to accommodate low-income communities provided the loan repayment period does not exceed the useful life of the project.

• States should be able to use the interest earnings from the SRF monies for grant assistance to low-income communities, or for other related projects as determined by the individual state.

• States should be allowed to use at least 6-8% of SRF funds for administrative costs.
• States should be able to use SRF funds to consolidate public water systems when it is economically or environmentally beneficial, and/or in the best interest of the public health.

• In years when federal funds increase by more than 20%, states may request a waiver of the increased match required, with current state funds used for state drinking water purposes qualifying as the match for that year.

• Any new requirements applied to the CWSRF or the DWSRF should not be applied retroactively to funding already in the SRF or projects currently in progress, and should any new requirements be applied states should be afforded flexibility in achieving them.

**Stormwater Management**

NCSL urges Congress and the Administration to:

• Commit to and provide full funding and resources for combined sewer overflows (CSOs), sanitary sewer overflows (SSOs) and storm water wet weather discharges.

• Include a federal cost share of at least 50 percent of the cost of remediation.

• Establish a zero-interest, or low interest, loan program for homeowners and businesses required to implement storm water management programs.

• Wet weather management funding should be in addition to, and not replace, other Federal funding programs.

NCSL further urges Congress and the Administration to:

• Authorize state environmental agencies to grant waivers for both municipal and private sector implementation based on economic hardship.

• Direct the EPA to encourage evidence-based abatement methods and promote compliance using alternative methods of abatement that are least costly to implement.

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

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

Publicly Owned Treatment Works

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