



## NATIONAL CONFERENCE *of* STATE LEGISLATURES

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March 11, 2013

The Honorable John Shimkus  
Chairman  
Environment and the Economy  
Subcommittee  
United States House of Representatives  
2452 Rayburn House Office Building  
Washington, DC 20515

The Honorable Paul Tonko  
Ranking Member  
Environment and the Economy  
Subcommittee  
United States House of Representatives  
2463 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Shimkus and Representative Tonko:

On behalf of the National Conference of State Legislatures (NCSL) we would like to commend you on the recent subcommittee hearing on “The Role of the States in Protecting the Environment Under Current Law”. It is a testament to the importance of the state-federal partnership in implementing environmental programs that the subcommittee chose this topic for its first hearing of the new Congress.

NCSL is a bipartisan organization that serves the legislators and staff of the nation's 50 states, its commonwealths and territories. At the 2012 NCSL Legislative Summit, NCSL adopted a series of policies on the state-federal relationship as it relates to addressing a host of environmental issues. One of these policies, the NCSL Environmental Federalism Policy Directive, reaffirms NCSL's position on the importance of the federal government's commitment to the state-federal partnership for environmental protection. NCSL would like to highlight several key provisions that NCSL believes are fundamental to a successful partnership between states and the federal government to protect natural resources and combat environmental degradation and pollution.

- Preserve and strengthen uniform minimum federal standards for environmental protection.
- Maintain and renew statutory authority for states to enact state environmental standards that are more stringent than their minimum federal counterparts.
- Provide states with maximum flexibility, within the framework of uniform minimum federal standards to devise approaches and methods for obtaining compliance with such standards. The federal government should adopt performance-based standards that prescribe the end to be accomplished and leave the means of obtaining the end up to individual states.

NCSL is an active participant in the federalism consultation process as executed by the U.S. Environmental Protection Agency (EPA) under Executive Order 13132: Federalism and the Unfunded Mandates Reform Act (UMRA). As you may know, EPA revised its internal guidance on

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Nov. 12, 2008 lowering the threshold for consultation with state and local governments from \$100 million to \$25 million for those actions that have federalism implications. NCSL supported this change and is encouraged by the increased opportunity to consult on the federalism implications of agency regulatory activity. NCSL urges Congress and the administration to consider actions that would address remaining issues in the federalism consultation process including applying these requirements to guidance and other agency program memorandum and assuring that cost estimates related to a regulation's impact on state or local government include one-time and ongoing regulatory implementation costs and the costs of state compliance activities.

If you have questions about these comments, or for further discussion, please do not hesitate to contact NCSL staff: Tamra Spielvogel (202-624-8690 or [tamra.spielvogel@ncsl.org](mailto:tamra.spielvogel@ncsl.org)) or Melanie Condon (202-624-3597 or [melanie.condon@ncsl.org](mailto:melanie.condon@ncsl.org)). NCSL looks forward to continuing conversations with Congress and the subcommittee on the role of states in protecting the environment.

Sincerely,



Representative John McCoy, Washington  
Co-Chair, NCSL Environment Committee



Senator Ross Tolleson, Georgia  
Co-Chair NCSL Environment Committee

CC: Members of the Subcommittee on Environment and the Economy

Attached: NCSL Environmental Federalism Policy Directive