

MEMORANDUM OF AGREEMENT
on
PUBLIC AND ENVIRONMENTAL HEALTH INITIATIVES
between the
U.S. ENVIRONMENTAL PROTECTION AGENCY
the
ENVIRONMENTAL COUNCIL OF THE STATES
and the
ASSOCIATION OF STATE AND TERRITORIAL HEALTH OFFICIALS

I. PURPOSE AND INTENT

The purpose of this Memorandum of Agreement (Agreement) between the United States Environmental Protection Agency (EPA), the Environmental Council of the States (ECOS), and the Association of State and Territorial Health Officials (ASTHO) (hereinafter, the "Parties"), is to advance cooperative initiatives pertaining to environmental health. Since the public health and well-being of citizens of the United States relies heavily on the condition of their physical environment, under this Agreement the Parties intend to collaborate in developing tools, reports, workshops, meetings, communications pathways, and other tangible outcomes and initiatives that will leverage resources and advance the Parties' mutually shared mission of protecting the public's health from environmental threats and hazards and advancing health and environmental equity for all citizens.

II. THE PARTIES

The **United States Environmental Protection Agency (EPA)** mission is to protect human health and the environment. EPA works to ensure that: all Americans are protected from significant risks to human health and the environment where they live, learn and work; national efforts to reduce environmental risk are based on the best available scientific information; federal laws protecting human health and the environment are enforced fairly and effectively; environmental protection is an integral consideration in U.S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade, and these factors are similarly considered in establishing environmental policy; all parts of society — communities, individuals, businesses, and state, local and tribal governments — have access to accurate information sufficient to effectively participate in managing human health and environmental risks; environmental protection contributes to making our communities and ecosystems diverse, sustainable and economically productive; and the United States plays a leadership role in working with other nations to protect the global environment.

The **Environmental Council of the States (ECOS)** is the national non-profit, non-partisan association of state and territorial environmental agency leaders. The purpose of ECOS is to improve the capability of state environmental agencies and their leaders to protect and improve

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human health and the environment of the United States of America. ECOS' belief is that state government agencies are the keys to delivering environmental protection afforded by both federal and state law. Further, that ECOS plays a critical role in facilitating a quality relationship between federal and state agencies in the fulfillment of that mission. That role is defined as:

- Articulate, advocate, preserve and champion the role of the states in environmental management; and
- Provide for the exchange of ideas, views and experiences among states and with others; and
- Foster cooperation and coordination in environmental management; and
- Articulate state positions to Congress, federal agencies and the public on environmental issues.

ECOS also advances projects and initiatives through its non-profit education and research division the Environmental Research Institute of the States (ERIS).

The **Association of State and Territorial Health Officials (ASTHO)** is the national nonprofit organization representing public health agencies in the United States, the U.S. Territories, and the District of Columbia, and over 100,000 public health professionals these agencies employ. ASTHO members, the chief health officials of these jurisdictions, influence public health policy and ensure excellence in state-based public health practice. ASTHO's primary function is to track, evaluate and advise members on the impact and formation of public or private health policy which may affect them and to provide them with guidance and technical assistance on improving the nation's health. ASTHO's Environmental Health Program helps state and territorial public health agencies build their capacity to respond to environmental public health challenges in the larger context of health security. ASTHO provides resources to assist its members in addressing emerging environmental health issues and influences discussions and policymaking around environmental health to ensure the inclusion of state and territorial health perspectives in developing policy.

III. AUTHORITIES

EPA enters into this MOA pursuant to the following authorities: Section 102(2)(G) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(G); Sections 6604(b)(5) and (b)(13) of the Pollution Prevention Act, 42 U.S.C. 13103(b)(5) and (13); Section 102(2)(F) of NEPA, 42 U.S.C. 4332(2)(F); Sections 103(a) and (g) of the Clean Air Act, 42 U.S.C. 7403(a) and (g); Sections 104(a) and (b) of the Clean Water Act, 33 U.S.C. 1254(a) and (b); Section 8001(a) of the Solid Waste Disposal Act, 42 U.S.C. 6981(a); Section 203(a) of the Marine Protection, Research and Sanctuaries Act, 33 C. 1443(a); and in furtherance of the collaborative federalism goals embodied in Executive Order 13132.

IV. AGREEMENT

WHEREAS, the public health and well-being of citizens of the United States relies heavily on the condition of their physical environment;

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WHEREAS, the Parties are committed to taking actions to advance the health and well-being of the citizens they serve and of their environmental surroundings;

WHEREAS, collaboration between the Parties will leverage, enhance, and advance awareness of issues and policies that lie at the intersection of public health and the environment;

NOW, THEREFORE BE IT RESOLVED THAT EPA, ECOS, AND ASTHO:

- Intend to work more closely and effectively together to develop tools, reports, workshops, meetings and other tangible outcomes and initiatives that will advance, leverage and mutually reinforce connections between environmental conditions and public health;
- Within four months of entering into this Agreement, plan to jointly identify both short- and long-term outcomes to further under this Agreement, using existing and any other identified resources;
- Annually, plan to summarize via their respective websites, to their leaderships, and publicly, the accomplishments of initiatives undertaken via this Agreement.

V. LIMITATIONS

A. This is a voluntary Agreement expressing the good-faith intentions of the parties and is not intended to be legally binding or create any contractual obligations on any party. This Agreement does not supersede any federal or state law, nor is it legally enforceable. Moreover, this Agreement does not replace or supersede any state requirements, and acting consistent with the provisions of the Agreement does not necessarily assure compliance with state law.

B. This Agreement is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the parties to this Agreement will be handled in accordance with applicable laws, regulations and procedures, and will be subject to separate subsidiary agreements that will be effected in writing by representatives of the parties.

C. The parties may make factual statements to the public which describe its cooperation with each other. However, nothing in this Agreement allows EPA to endorse the purchase or sale of ECOS or ATHOS products or services. ECOS and ATHOS agree not to make statements to the public in news releases, product brochures, on web sites or in any media that imply EPA endorsement of ECOS and ATHOS products or services.

D. This Agreement in no way restricts the Parties and their signatories from participating in similar activities or arrangements with other entities or federal agencies.

E. This Agreement does not create any right or benefit, substantive or procedural, enforceable by law or equity against the signatories, their officers or employees, or any other person. This Agreement does not direct or apply to any person outside the signatories to the document.

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VI. PROPRIETARY INFORMATION

To carry out the joint work resulting from this MOA, the parties may need to disclose proprietary information to EPA. For the purpose of this MOA, proprietary information is defined as information that an affected business claims to be confidential and is not otherwise available to the public. ECOS and/or ASTHO agree to clearly identify as such confidential information disclosed to EPA in writing; and to clearly memorialize in writing, within a reasonable time, any confidential information initially disclosed orally. EPA agrees not to disclose, copy, reproduce or otherwise make available in any form whatsoever to any other person, firm, corporation, partnership, association or other entity MOA between the U.S. Environmental Protection Agency, ECOS and ASTHO information designated as proprietary or confidential information without consent of ECOS and/or ASTHO except as such information may be subject to disclosure under the Freedom of Information Act (5 U.S.C. § 552), and EPA's regulations at 40 C.F.R. Part 2, or as otherwise authorized by law.

VII. POINTS OF CONTACT

The following individuals are designated points of contact for the MOA:

Environmental Protection Agency:

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Andrea Barbery
Office of Intergovernmental Relations
U.S. Environmental Protection Agency
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Environmental Council of the States:

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Environmental Council of the States
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Association of State and Territorial Health Officials:

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VIII. DURATION AND EFFECTIVE DATE

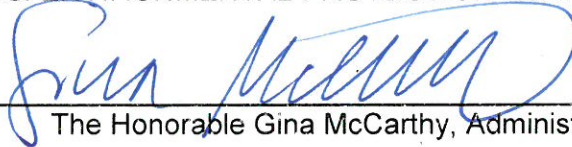
This Agreement shall remain in effect for five years (2016 - 2021) unless terminated earlier by any party, which may be effected via e-mail notification to the other parties. This Agreement shall become effective upon signature by the Administrator of the U.S. Environmental Protection Agency, the President of the Environmental Council of the States, and the President of the Association of State and Territorial Health Officials.

IX. ACCEPTANCE

Signed this 11th day of April, 2016

for the

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

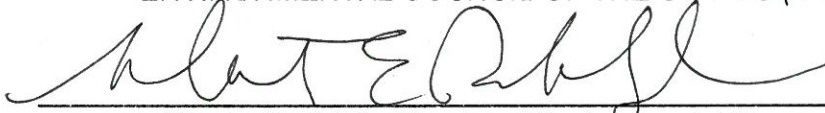


The Honorable Gina McCarthy, Administrator

Signed this _____ day of April, 2016

for the

ENVIRONMENTAL COUNCIL OF THE STATES (ECOS)



Martha Rudolph, Director of Environmental Programs
Colorado Department of Public Health and Environment, ECOS President

Signed this _____ day of April, 2016

for the

ASSOCIATION OF STATE AND TERRITORIAL HEALTH OFFICIALS (ASTHO)



Dr. Edward Ehlinger, MD, MSPH, Commissioner of Health
Minnesota Department of Health, ASTHO President