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## **ECOS Predicts EPA Flexibility Under Trump But Calls For Policy Continuity**

Environmental Council of the States (ECOS) President John Linc Stine says his group, which represents many state environmental agencies, expects to win greater flexibility in how to implement EPA rules under President-elect Donald Trump's administration but is also seeking policy continuity next year for some existing agency programs.

In an exclusive interview with *Inside EPA*, Stine — who is also Minnesota's top environmental official — said that ECOS plans to emphasize “the continuation of a strong state-federal relationship in implementing the environmental laws” in its talks with Trump's transition team ahead of the next president's Jan. 20 inauguration.

But Stine said he does not see the Trump administration as being likely to deliver on conservatives' calls for drastic cuts to EPA, or even eliminating the agency, although he does expect states to have greater regulatory “flexibility.”

“We need to have a strong and functional presence at the federal level. I think that rhetoric about eliminating EPA or going another way is a matter for politicians. . . . And it would be very challenging to suggest that we no longer need EPA. We obviously need a functional state-EPA relationship and we're committed to making that happen,” he said.

He predicted that even with Republicans in control of Congress and the White House next year, it will be challenging to roll back EPA's authority in the ways that its critics have demanded.

“My experience in government is that pendulums are perceived to swing faster than they actually swing. . . . It requires a thoughtful, deliberative process” to change the regulatory status quo, he said.

However, EPA opponents are already laying out an aggressive agenda for Trump's pick to head the agency, Oklahoma Attorney General Scott Pruitt (R), including rolling back a host of recently issued rules, dropping defenses of policies under court challenge, and potentially undoing the finding that greenhouse gas (GHG) emissions endanger the environment — which would eliminate the basis for current and future GHG limits.

### **Policy Continuity**

Despite the signs that the Trump team will seek a sharp break with Obama on energy and environmental policy, Stine said he believes that ECOS and its members will be able to keep a measure of continuity, partly by engaging with career EPA staff.

“Every transition brings some challenges on continuity, but I'm confident that states are very engaged . . . states are very focused on maintaining that continuity.”

He continued that regardless of the party in the White House, “States continue to do their work. There are a number of solid, long-serving career staff at EPA that are very focused on that as well.”

Stine said he expects states to see more flexibility on policy under Trump, and noted that “We've long pressed for increased flexibility” in how to implement a slew of EPA rules. ECOS members have long warned that the pace of federal funding to states falls short of what is needed to help implement federal regulations.

But Stine also added that states do not desire a “patchwork” approach where requirements would vary wildly between jurisdictions.

“We hear that from companies that operate all across the country, that concern about variability. . . . There's a degree of consistency of regulation that's a concern for the drivers of our economy,” he said.

In particular, Stine said ECOS will push to preserve the “E-Enterprise” initiative that aims to have state and federal regulators work jointly on some forthcoming rules while aligning EPA's implementation priorities with those of the states.

When asked whether Trump might oppose E-Enterprise as a relic of the Obama EPA, Stine said, “Anything can be characterized that way, but one of the things states will say is that the E-Enterprise work we've done has been about effective and efficient execution of our priorities. That should be any administration's priority.”

Under E-Enterprise, ECOS and EPA have worked to aid information sharing between federal and state authorities, such as through electronic reporting (e-reporting) rules — such as the Clean Water Act e-reporting rule for discharge permits that the agency finalized in 2015.

Most recently, ECOS and EPA announced in September that they are beginning a new project that will aim to guide state and agency officials when they respond to multi-jurisdictional or cross-media incidents such as the 2015 Gold King Mine spill. The scope of that effort is still uncertain, and it will likely be up to the Trump EPA to help define it — assuming the project moves forward.

### **State Regulations**

Separate from the E-Enterprise effort, Stine said ECOS and individual states are gearing up for a new round of chemicals regulations, now that EPA has begun implementing the reformed Toxic Substances Control Act (TSCA). Now that EPA has published its first list of chemicals to target for restrictions, states will be able to proceed with new policies

for other substances, Stine said.

“We’re going to be carefully watching what EPA does on that” to ensure state chemical restrictions do not run afoul of the new law’s complicated preemption scheme, he continued.

Stine added that such efforts have been underway since TSCA reform passed Congress this summer. “I wouldn’t say you’re going to see a wave of new action as much as a continuation of the work they’re already doing. . . . I would say that states are already in that space of looking at chemicals, and also of comparing lists to make sure that the way they’re prioritized is rational and reasonable,” he said.

And Stine said ECOS is also preparing for a new initiative that will tout the measurable results from investments in environmental policy and restoration. The project will involve 10 to 15 states that will “cooperate on a consistent reporting of outcomes by our next fall meeting,” he said.

“We have to do a better job of showing how the investment of time and resources generates results,” Stine added. — *David LaRoss*

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