



Environmental Council of the States

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October 21, 2024

Aarti Iyer
Office of the Chief Financial Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Via email and [regulations.gov](https://www.regulations.gov): Docket ID Number EPA-HQ-OCFO-2024-0107

Re: Comments on U.S. EPA's Proposed Grants Performance Reporting Information Collection Request

Dear Senior Social Scientist Iyer,

Thank you for this opportunity to provide comments on the General Performance Reporting for Assistance Programs Information Collection Request (ICR).

States and territories through ECOS ("states") appreciate U.S. EPA's Office of the Chief Financial Officer reaching out to share information on this ICR proposal and to allow for some early input. EPA held a call with states on June 14 to discuss the package. Following publication of the ICR on September 19, ECOS asked for a call to review the package with states with a call being held on October 2. Following the call, EPA created a [Frequently Asked Questions](#) (FAQ) document, published October 15, to help respond to questions. In its FAQ, U.S. EPA notes, "15 individual grant programs have program-specific performance reporting forms included in this ICR proposal: including 8 work plan forms, 19 interim report forms, and 3 final report forms." This is a significant amount of information to digest in a short amount of time.

Co-Regulators

As background, it is important to note that states, as well as specific local government programs, are co-regulators with U.S. EPA and have been recognized and continue to be reviewed under U.S. EPA's oversight for delegation, authorization, and primacy of federal environmental programs. By practice and policy, states and U.S. EPA regional and headquarter staff interact frequently. The state-U.S. EPA relationship is different from a non-profit organization relationship with U.S. EPA which is also covered by this ICR.

Limited Review of Full ICR Packet

States were unaware of which state grant programs were included in the ICR package until the call held on October 2, 2024. One large program, the Section 319 Non-Point Source grants, is included in the packet and other annual grants to states are included such as Pollution Prevention Grants, Radon Grants, some Geographic program grants, and other grants. While the ICR generally was noticed in March 2024 for 60 days, until states know what grant programs are included, it is difficult to get the relevant staff to review the materials. The ICR review process, particularly for a new ICR, seems to stipulate an initial 60-day comment period followed by a 30-day comment period. However, until the full scope of the ICR is known, review and comment

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will be limited. In this case, only after the September 2024 ICR notice was the full scope of this ICR known. ECOS suggests that 60 days may be a more appropriate time for review after all documents are provided to allow for a more meaningful review and understanding.

Performance Partnership Grants

Most states have negotiated with U.S. EPA to combine two or more grants via a single Performance Partnership Grant (PPG). PPGs reduce administrative costs through streamlined paperwork and accounting procedures; direct U.S. EPA grant funds to priority environmental problems or program needs; and allow states to try multi-media approaches and initiatives that were difficult to fund under traditional categorical grants as well as other benefits.

Once funds are awarded via a PPG, there is no requirement for a state to track dollars as the funding loses its identity as noted in 40 CFR Part 35, Subpart A (“Environmental Program Grants” and [EPA PPG Best Practices Guide for States](#), pg. 5 - "...When environmental program grant funds are combined into a PPG, the program funds are no longer required to be tracked by the original program source. This reduces the administrative burden of managing grants by streamlining paperwork and accounting procedures."

U.S. EPA’s Office of Grants and Debarment (OGD) also acknowledges that funds lose their programmatic identity in its Grants Policy Issuance (GPI) 15-01 Performance Partnership Grants for States:

10.0 Financial Management and Accountability

When funds are in a PPG, they lose their programmatic identity. States have the option to consolidate overall amounts from each individual program into one budget in the SF-424A. Workplans must comply with the requirements of 40 CFR Part 35.107(b).

The FAQ notes, “The Agency expects every headquarters and regional office to follow the appropriate authority when developing performance reporting expectations for each state funding recipient. Specifically, PPG requirements would supersede the administrative requirements for stand-alone grants.” It is unclear what is meant when the “appropriate authority” is referenced. ECOS strongly recommends the text clearly stating that PPG requirements supersede administrative requirements for stand-alone grants should be included in the final ICR.

Reporting Frequency

The ICR notes that “2. Practical Utility/User of the Data, Interim Performance Report Forms” may be collected quarterly, semi-annually or annually along which progress or project activities can be documented and reported.

OGD’s Grants Policy Issuance (GPI) 15-01 Performance Partnership Grants for States notes that a benefit of a PPG is that states report on an annual or semi-annual basis (unless there are performance concerns). Text:

10.0 Financial Management and Accountability

... A benefit of PPGs is that states have the option to submit one overall progress report, rather than one progress report for each program, on an annual or semi-annual basis. EPA should determine appropriate progress report frequency by following OGD’s GPI 09-01 Burden Reduction for State Grants Section C and Attachment 1 of the policy.

Looking at the state radon grant form included in the ICR, the form notes, "This reporting template is for **[annual / biannual / quarterly]** reporting only. **[NOTE: Each Region will select one option.]** Refer to the Terms and Conditions of your grant award for reporting requirements and/or reach out to your regional program coordinator if you have questions." Other grants programs may have this same quarterly reporting option.

The decision for semi-annual or annual PPG reporting was made to balance limited resources for program work with the need to share results publicly about work in process or completed. Federal resources for state grants are flat or have declined in the past years. Federal funding for U.S. EPA grant staffing has also been reduced. Yet, the ICR forms allow for individual regions to select frequency of program reporting more frequently than semi-annually. Unless there are performance issues, this may lead to some states in some regions reporting more frequently than a state in another region based on preference rather than national consistency and little transparency as to why. ECOS recommends that semi-annual and annual reporting be the only options offered, consistent with grants awarded via a PPG. If the forms allow for quarterly reporting for non-profit organizations, U.S. EPA should institutionalize *with this ICR* the burden reduction gains made via the U.S. EPA-state workgroup and memorialized in GPI 15-01 on reporting frequency.

Technology

In section "3. Use of Technology," the ICR notes, "EPA intends to offer funding and/or technical assistance to ensure that respondents with limited resources are able to comply with reporting requirements without undue burden." Further, "Assistance programs that have developed an online database or dashboard will ask respondents to directly submit information into these systems." Please note all states have "limited resources."

a. Reporting Method

States acknowledge that even if there are no new reporting requirements, the method by which the information is requested or required by U.S. EPA to be submitted carries a cost to state programs and to U.S. EPA programs. Often, states must provide quality assurance reviews once data is submitted as well and then incorporated into U.S. EPA data systems. Further, states are working with U.S. EPA to modernize the Integrated Compliance Information System (ICIS) database which contains clean water and air data. U.S. EPA's air office has also begun work on a "Unified Platform" for air data including through state authorized programs. States participate on these workgroups and each state will need to prepare for each change in these and other program updates over time.

b. Costs

The "estimated burden and costs associated with general performance reporting forms – Respondents" - either government or private – are generally reflected as work plan form, interim performance report form, and final performance report form. There does not seem to be an estimate of preparing data for submission to U.S. EPA's preferred reporting format independent of the data points themselves or ongoing quality review. States and regional staff spend substantial time on these activities to ensure data is accurately reflected such as in U.S. EPA's Enforcement Compliance History Online (ECHO) website and other public locations. Further estimation on these costs may yield a more accurate estimate.

c. New Information

Table 12.17 “Labor and Workforce Metrics Forms” including “Good Jobs” metrics and “Workforce Training Outcomes” reflects information that will in most instances be new reporting by a state. The burden estimate reflects “burden per response.” Under “13. Respondent Capital and O&M Costs,” no start-up costs for grantees are included. However, before reporting responses can be collected and submitted, state systems must be geared to gather this information, seek it from sub-recipients if appropriate, and then report to U.S. EPA. The estimate may not fully incorporate important internal communications and coordination across program and information technology staff that will be required. Additionally, it would be helpful for U.S. EPA to be clear on their expectations on what they are asking for when they add additional requirements to grant commitments. ECOS recommends that initial reporting preparation costs be considered independent of on-going responses.

For public engagement, U.S. EPA should outline clear expectations and consider ways to scale these expectations according to the size of the state or the program. For instance, it is a challenge to engage at the community level for a statewide program if a state has a large number of low-income and disadvantaged communities. U.S. EPA should set expectations based on individual state scenarios. Further, it may not be reasonable for states to track and report whether members of EJ communities participated in activities. They may not choose to disclose this information. Reporting on outreach efforts may be more realistic.

d. Existing Information

States encourage U.S. EPA programs to update outdated performance reporting metrics that may no longer be beneficial. For example, with some air programs, several permitting commitments are now required under rules or incorporated into new processes diminishing the need for specific grant commitments. States suggest that expectations of what is required to report for outcomes could be clarified to be more quantitative and less qualitative.

Again, thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Ben Grumbles". The signature is written in a cursive, slightly slanted style.

Ben Grumbles