



ECOS

Environmental Council of the States

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April 3, 2020

Douglas Benevento
Associate Deputy Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Susan Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Dear Douglas and Susan:

State environmental agencies are working hard during the unprecedented challenges presented by the COVID-19 pandemic to maintain the protection of public health and the environment under the state and federal statutes that they implement. While carrying out this important work, states also need to protect the health and safety of staff and contractors, as well as the members of the public with whom they interact. Reducing the transmission of the virus is a critical step for defeating this pandemic.

The officers and members of the Environmental Council of the States (ECOS) welcomed the opportunity to discuss the recent memorandum on enforcement discretion and its application with senior leadership of EPA on April 2. We appreciated the opportunity to discuss the details of the memorandum to gain a better understanding of what it does and does not say. ECOS members understand the need for enforcement discretion applied carefully and with common sense in disasters and emergencies and appreciate that the EPA memo allows states to take different, customized approaches using their own authorities. States are fully committed to compliance assistance and enforcement, and agree that enforcement discretion should be applied on a limited, case-by-case basis when necessary so that worker safety, community health, and environmental protection all continue to advance together.

States will stay in communication with EPA Regions and Headquarters concerning any applications of the case-by-case enforcement discretion contemplated by this temporary policy. We appreciate the opportunity to coordinate with EPA on these and other policy issues related to advancing our shared mission during the current emergency.

Sincerely,

Jim Macy
Director, Nebraska Department of Environment and Energy
ECOS President

Jim Macy
Nebraska Department of
Environment and Energy
ECOS President

Patrick McDonnell
Pennsylvania Department of
Environmental Protection
ECOS Vice President

Ben Grumbles
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Environment
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Becky Keogh
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