

OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS OVERSIGHT OF FEDERAL ENVIRONMENTAL PROGRAMS

ISSUE SUMMARY

EPA's 2022-2026 Strategic Plan, Strategy 4, "Strengthen Tribal, State, and Local Partnerships and Enhance Engagement," speaks to EPA's commitment to its trust responsibility to Tribal nations and engagement with, state, local and tribal co-regulators in the implementation of federal environmental programs.

BACKGROUND

Recognizing states are best positioned to evaluate and respond to environmental conditions within their jurisdictions, Congress, in the environmental statutes, granted states the authority to take on implementation and enforcement responsibilities for many of the federal environmental programs (contingent upon state-specific authorizing legislation and assurance of adequate funding to run these programs). Over the past four decades, states and tribes have availed themselves of those provisions, with over 90% of EPA's delegable programs implemented by state agencies.¹ Tribal agencies implement many EPA programs as well. While these state and Tribal entities are responsible for implementation and enforcement of federal programs, EPA remains accountable to Congress, the President, and the public to ensure federal statutes are consistently implemented and enforced.

Since 2007, the U.S. Government Accountability Office (GAO)² and the EPA Office of the Inspector General (OIG) have identified EPA's oversight of federal programs implemented by states and tribes (including permitting, enforcement, drinking water, and others) as an agency challenge.³ Although the OIG removed state oversight from its Agency Management Challenge list for FY 2022, state oversight remains a particularly sensitive for states and tribes. State and tribal governments struggle with declining resources, political pressures, and other factors that may hinder them from meeting their responsibilities. States and tribes recognize the importance of EPA's oversight function but want to be sure EPA efforts are efficient and effective. EPA seeks to find the right balance between offering guidance, technical assistance, and flexibility, while acknowledging challenges associated with its own resource limitations.

EPA, in its 2022-2026 EPA Strategic Plan, identified fostering Tribal, State, and Local Partnerships as a fundamental priority understanding the shared accountability between EPA, state, tribal, and local co-regulators in the implementation of federal programs.

¹ The Environmental Council of the States, "[State Delegation of Environmental Acts](#)," February 12, 2016.

² GAO Report, "[EPA-State Enforcement Partnership Has Improved, but EPA's Oversight Needs Further Improvement](#)," GAO-07-883, July 31, 2007.

³ See EPA Office of Inspector General – Key Management Challenges for EPA at <https://www.epa.gov/office-inspector-general/key-management-challenges-epa-and-csb>

MOVING FORWARD

- EPA is working closely with state co-regulators on implementing a variety of significant actions promulgated in the past few years across all major EPA programs.
- BIL and IRA has allowed EPA to provide billions of dollars to states, Tribes, territories, and local governments over the past three years. Working with these partners to ensure the responsible expenditure and use of these funds will be an ongoing responsibility.
- A cross-agency workgroup focused on EPA's direct implementation responsibilities in Indian country is working across programs to establish performance standards. The group is also collaborating with OECA to adapt the State Review Framework metrics to evaluate regional compliance monitoring and enforcement in Indian country direct implementation, and with OMS to improve the quality of tribal direct implementation data in EPA databases.

LEAD OFFICE/REGION: OCIR, OITA, R1 OTHER KEY OFFICES/REGIONS: OAR, OCSP, OECA, OGC, OLEM, OW, R4, R7, R8, R9