

EPA DIRECT IMPLEMENTATION IN INDIAN COUNTRY

ISSUE SUMMARY:

EPA is responsible for implementing federal environmental statutes in Indian country. Direct implementation (DI) is EPA's responsibility and authority to administer environmental protection programs in the absence of an EPA-approved program. While eligible federally recognized tribal governments may choose to apply to EPA to administer eligible EPA programs in Indian country (through the Treatment as a State (TAS) process), most tribes have not done so for a number of reasons. As such, where a tribe lacks authorized or delegated program implementation approval or where EPA lacks authority to authorize a tribe to administer a program, it is critically important that EPA carries out those responsibilities in Indian country through DI. EPA's DI activities may also include programmatic activities necessary for administering a regulatory program for effective implementation. The Agency describes our DI responsibilities in the [EPA's Direct Implementation of Federal Environmental Programs in Indian Country](#) document for nine major federal environmental statutes and emergency response activities.

UPCOMING MILESTONES:

- Complete a baseline survey of all DI programs in early FY25
- Develop initial DI Program Performance Review Framework in early FY25
- Complete priority program DI assessments using the Performance Review Framework in FY25

BACKGROUND:

In FY23, OITA, in partnership with EPA Region 9 (the OITA Lead Region for FY24-26) established a Regional-HQ Direct Implementation Center of Excellence (Center) to provide EPA the ability to coordinate, assess and report on EPA DI in Indian country. OITA committed IRA resources to create the shared Center that is housed in Region 9 and supported and led by OITA. The Center has a central role in completing a national assessment of EPA's DI program performance (with a particular focus on permitting) in Indian country. The Center will also identify best management practices, as well as Indian country facility and environmental data management improvement opportunities. Through the Center, EPA will design and conduct performance assessments of DI programs in all 10 EPA Regions. The overall goal is to achieve equitable implementation in Indian country through improved EPA analysis, DI program practices, accessibility of Indian country facility data, and a national program performance review framework for EPA-administered Indian country programs that can serve as a foundation for EPA program oversight into the future.

KEY EXTERNAL STAKEHOLDERS:

☐ Congress ☐ Industry ☐ States ☒ Tribes ☐ Media ☐ Other Federal Agency

MOVING FORWARD:

In December 2024, EPA may need to brief the transition team on action items anticipated in 2025.

LEAD OFFICE/REGION: OITA/AIEO

OTHER KEY OFFICES/REGIONS: WORKING WITH
OTHER NPMS, AS APPLICABLE, QUESTIONS,
REPORTING AND/OR REQUESTS