

STAPPA / ALAPCO

STATE AND TERRITORIAL
AIR POLLUTION PROGRAM
ADMINISTRATORS

ASSOCIATION OF
LOCAL AIR POLLUTION
CONTROL OFFICIALS

November 12, 2004

S. WILLIAM BECKER
EXECUTIVE DIRECTOR

The Honorable Ted Stevens
Chair, Senate Committee on Appropriations
S-128, The Capitol
Washington, DC 20510-6025

The Honorable Robert C. Byrd
Ranking Member, Senate Committee on Appropriations
S-128, The Capitol
Washington, DC 20510-6025

The Honorable Christopher Bond
Chair, Subcommittee on VA, HUD, and Independent Agencies
Senate Committee on Appropriations
SD-130, Dirksen Senate Office Building
Washington, DC 20510-6025

The Honorable Barbara Mikulski
Ranking Member, Subcommittee on VA, HUD, and Independent Agencies
Senate Committee on Appropriations
SD-130, Dirksen Senate Office Building
Washington, DC 20510-6025

Dear Senators Stevens, Byrd, Bond and Mikulski:

On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), we are writing to you about language that was included in S. Rept. 108-353 – the Senate Appropriations Committee's report to accompany S. 2825. As you know, S. 2825 is legislation appropriating funds to the U.S. Environmental Protection Agency (EPA) and other agencies for FY 2005.

Specifically, we are writing to request removal of the following report language that affects grant funds for state associations, which reads:

In addition, the Committee directs the EPA not to use any of the funds appropriated or otherwise made available in this Act to make a direct assistance grant to a national association or group of associations whose membership includes State program administrators without such association or group of associations first obtaining written approval from each member State. If one or more member States do not give their advance approval, EPA may make the direct assistance grants to the association with an amount deducted from the total available direct assistance grant amount based on the States' population as a percentage of the total membership's population times the available amount and direct those deducted funds to the individual States.

We have not been able to learn why the additional language is needed or its intent. On its face, the language may not appear to be very troublesome for STAPPA and ALAPCO, since, based on a process the associations developed with EPA a few years ago, all states are already asked for their approval before funds are directed to STAPPA and ALAPCO. If a state does not wish to participate, there is a system for deducting its contribution similar to what is described in the language. (Enclosed is a policy statement that STAPPA/ALAPCO and EPA developed cooperatively several years ago describing how funding for the associations should be handled.)

Because we already have a process that works well and satisfies EPA and state and local agencies, we believe this language is unnecessary. Further, its inclusion in the report implies that our current process is inadequate. Additionally, since the Senate report language is vague, we are concerned that a cumbersome and problematic process could result. For example, the language does not specify who within the state would be authorized or required to provide the written approval. Additionally, the language does not account for the contributions of local air agencies, even though some receive funding directly from EPA. A misinterpretation of this language could lead to additional bureaucratic process and burdens for state and local governments, as well as the possibility that the contributions of local agencies are withheld without local agency authorization.

We are also concerned about a lack of flexibility going forward. For example, the language, which reflects the policy document we currently follow, refers to population as the basis for calculating how much should be deducted from grant funds if a state chooses not to participate in a state association. However, if, in the future, state and local air agencies and EPA agree to calculate state and local contributions to association grants based upon additional or different factors, this language would impede state and local agencies and EPA from ensuring that the process for deductions reflects the new formula for contributions.

In summary, we believe this language is superfluous, since we already have an adequate and satisfactory system in place. Additionally, because of its imprecise wording, the language may have unintended negative consequences on our associations

and the other environmental executive branch associations. Therefore, we recommend that it be removed.

Thank you for your attention to this matter. We would be happy to meet with you to answer any questions.

Sincerely,



Nancy L. Seidman
President of STAPPA



Dennis J. McLerran
President of ALAPCO

cc Senate Appropriations Committee
House Appropriations Committee
Jon Kamarck, Senate Appropriations Subcommittee on VA, HUD, and
Independent Agencies
Gabrielle Batkin, Senate Appropriations Subcommittee on VA, HUD, and
Independent Agencies
Tad Gallion, House Appropriations Subcommittee on VA, HUD, and Independent
Agencies