

**Talking Points on  
Senate Appropriations Committee Report Language  
Affecting STAPPA/ALAPCO  
November 8, 2004**

- The Senate Appropriations Committee Report that accompanies the Committee-passed FY 2005 VA, HUD, and Independent Agencies budget bill (September 21, 2004) includes language that affects grant funds for state associations.  
[The language 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.*]
- The report language (not to be confused with bill language) stipulates that EPA can not make direct assistance grants to any national association of “state program administrators” without the written approval of each member state. A state that does not wish for funds to go to a given association can instead receive its share of funds.
- STAPPA/ALAPCO staff contacted Senate Committee staff to inquire about the language and was told that the language was included at the request of one state, but was not told which state or what the intent of the language is.
- As written, the report language applies to all of the environmental executive branch organizations (EBOs), including ECOS; ASTSWMO, ASIWPCA and ASDWA – the state associations of solid waste, water and drinking water officials, respectively; and STAPPA/ALAPCO, because all receive direct assistance grants of some kind from EPA.
- On its face, the language may not appear to be too 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.
- However, because the Senate report language is vague, it could be subject to future interpretation that would be cumbersome and highly problematic. For example, who within the state would be authorized or required to provide the written approval? How does the language affect local air agencies, including how the contributions of direct-funded local agencies are calculated if a state

decides to withdraw financial support and how direct-funded local agencies could continue to direct funds to the Secretariat?

- It appears that the main focus of this Senate report language is on the ability of states to participate in or withdraw from a membership organization. Again, as states know, EPA and STAPPA/ALAPCO worked together a few years ago to develop a simple process for approving states' contribution to or withdrawal from STAPPA/ALAPCO. The most recent explanation of this process (December 2003), in the form of a Q&A from EPA, clearly explains that participation in and financial contribution to the associations are not mandatory.
- Because of the lack of clarity of this language and the potential for its impacts to be adverse, however, STAPPA and ALAPCO's first and continued reaction is that we should seek to have this language removed. Moreover, it would seem that all the EBO's working together to present a united front on this would be most effective. We will continue to try to work together with those organizations but may not be able to enlist their support or they may work for other revisions.
- Congressional staff have indicated to STAPPA/ALAPCO staff that removal of the language could still be possible. Since this is still the best option, STAPPA/ALAPCO is sending a letter to the Appropriations Committee leadership of the House and Senate, urging the removal of this language. Additionally, it would be beneficial if state and agencies contacted their Senators and Representatives, particularly those on the Appropriations Committees and especially those on the Subcommittees on VA, HUD, and Independent Agencies.
- STAPPA/ALAPCO has provided background material to assist in sending these letters.