

*Resolution*  
*Interstate Mining Compact Commission*

**Re. Primacy**

***BE IT KNOWN THAT:***

***WHEREAS***, the Interstate Mining Compact Commission (IMCC) is a multi-state governmental organization representing the natural resource and related environmental protection interests of its 25 member states; and

***WHEREAS***, pursuant to the cooperative federalism approach embodied in many national environmental and natural resource protection laws, state governments serve as primary regulators, while also functioning as partners with various federal agencies that share similar authorities and responsibilities for the development and implementation of national environmental and natural resource protection laws; and

***WHEREAS***, states currently perform the vast majority of environmental and natural resource protection tasks in America, including significant percentages of permitting, enforcement and compliance actions and the collection of environmental quality data to support those decisions; and

***WHEREAS***, Congress has expressed its intent under these national laws to recognize, preserve, and protect the primary responsibilities and rights of the states to develop and implement laws and regulations that ensure the preservation, restoration, and enhancement of land and water resources and therefore has provided exclusive jurisdiction (primacy) for certain federal program responsibilities to states which, among other things, enables states to establish programs that go beyond minimum federal program requirements; and

***WHEREAS***, states that have received primacy have demonstrated that they have the independent authority, technical ability and fiscal responsibility to adopt and implement laws, regulations and policies at least as stringent and effective as federal counterparts; and

***WHEREAS***, with respect to the implementation of state primacy programs, the role of federal government agencies becomes one of appropriate oversight and funding support; and

***WHEREAS***, it is vital that the federal government encourage flexibility for states to develop regulatory programs that address local conditions and to incorporate new procedures and techniques that accomplish agreed-upon environmental and natural resource program requirements, thereby assuring an effective and efficient expenditure of taxpayers' money; and

***WHEREAS***, as a direct result of the experience and expertise of the states in implementing these regulatory programs, the federal government has realized significant savings based on what it would otherwise cost federal agencies to implement equivalent programs; and

***WHEREAS***, various state and federal courts throughout the country have validated the primary regulatory role of the states under this regulatory approach; and

**WHEREAS**, within the primacy regime envisioned by Congress under statutes such as the Surface Mining Control and Reclamation Act, the Clean Water Act, and the Resource Conservation and Recovery Act, a stable, consistent and effective state-federal partnership was anticipated based on principles of comity and federalism; and

**WHEREAS**, a disregard for these principles undermine the effective implementation of these national environmental laws; and

**NOW THEREFORE BE IT RESOLVED:**

That the Interstate Mining Compact Commission affirms its continuing support for the protection of human health and the environment and the appropriate development of our Nation's natural resources by providing for clean air, clean water, the proper handling of waste minerals, and the restoration of mined lands; and

Supports the delegation of primacy to state programs and believes that when a program has been provided primacy, the appropriate federal focus should be on appropriate program oversight and review; and

Affirms its support for the concept of flexibility, with states viewed as laboratories of invention whereby the function of the federal government, working with the states, is largely to set standards for environmental protection and natural resources development that, to the maximum extent possible, leave the attainment of those standards primarily to the states, especially as related to the use of different methods to implement core programs and to develop new programs; and

Recognizes the continuing role of states as primary regulators working cooperatively with the federal government for the most efficient and effective use of limited resources for the greatest environmental benefit; and

Reasserts its commitment to the principles of primacy and federalism that underlie implementation of national environmental laws; and

Seeks the same commitment from the federal agencies and anticipates the continuation of an effective state/federal partnership in implementation of national environmental laws



Issued this 19th day of October, 2016

ATTEST:

  
Executive Director