

# *Resolution*

## *Interstate Mining Compact Commission* *Re: Federalism and Funding*

### **BE IT KNOWN THAT:**

**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**, Congress has expressed its intent under these national laws to recognize, preserve and protect the primary responsibilities and rights of the states to plan, develop and implement laws and regulations that insure the restoration, preservation and enhancement of land and water resources and therefore has delegated, authorized or 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**, various state and federal courts throughout the country have validated the primary regulatory role of the states under this regulatory approach; and

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

**WHEREAS**, the delegation of new federal environmental and natural resource protection rules and policies to the states by federal agencies continues at a steady pace; and

**WHEREAS**, federal financial support in the way of grants to the states to implement these programs has steadily declined; and

**WHEREAS**, cuts in federal support adversely affects the states’ ability to implement federal programs in a timely manner and to adequately protect human health and the environment and appropriately develop our Nation’s natural resources; and

**WHEREAS**, from the states’ point of view, funds that support operation of delegated primacy programs are essential to provide the necessary resources to meet statutory requirements related to public health and the environment and natural resource development; 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, including the collection of environmental quality data to support those decisions; 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**, these accomplishments represent the success of a cooperative working relationship between the states and federal government agencies as originally envisioned by Congress; and

**WHEREAS**, federal government agencies provide meaningful value in achieving the protection of human health and the environment and developing our Nation's natural resources by fulfilling numerous complementary functions such as establishing minimum national standards, ensuring state-to-state consistency in the implementation of those standards, supporting research, and providing training and technical support; and

**WHEREAS**, with respect to the implementation of state-delegated (or "primacy") programs, the role of federal government agencies becomes one of appropriate oversight and funding support, rather than state-level implementation or second-guessing of state programs; 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

***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 materials, and the restoration of mine lands; and

Recognizes the continuing need for states as primary regulators to jointly work together with the federal government for the most efficient and effective use of limited resources for the greatest environmental benefit; and

Affirms the need for adequate funding for environmental and natural resource programs at both the state and federal level given the vitally important role of both levels of government; and

Affirms that assumption of environmental and natural resource protection authority by the states is supported, while opposing preemption of state authority, including preemption that limits the states' ability to establish environmental or natural resource protection programs more stringent than federal programs; and

Supports the authorization or delegation of programs to the states and believes that when a program has been authorized or delegated, the appropriate federal focus should be on program oversight/review as opposed to intervention in program implementation; and

Supports early, meaningful and substantial state involvement in the development and implementation of environmental and natural resource statutes, policies, rules, programs, reviews, budgets and strategic planning and calls upon Congress and appropriate federal agencies to provided expanded opportunities for such involvement; and

Believes that such integrated consultation will increase mutual understanding, improve state-federal relations, remove barriers, reduce costs and more quickly improve the Nation's environmental quality and natural resource development; 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 goals for environmental protection and natural resource development that, to the maximum extent possible, leave the accomplishment of those goals primarily to the states, especially as relates to the use of different methods to implement core programs and to develop new programs.

Issued this 16<sup>th</sup> day of November, 2012

ATTEST:

A handwritten signature in black ink, appearing to read "Gregory Elomad", written over a horizontal line.

Executive Director