



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JUL 14 2006

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Mr. Lyons Gray  
Chief Financial Officer  
United States Environmental Protection Agency  
1200 Pennsylvania Ave, NW (Mailcode 2710A)  
Washington, DC 20460

Dear Mr. Gray:

The Local Government Advisory Committee (LGAC) appreciates the interest you and your staff continue to have in our members reviewing and commenting on the draft "EPA 2006-2011 Strategic Plan: Charting the Course." We particularly want to thank Vivian Daub and Michael Brody for addressing some of our key issues at our steering committee meeting in early June. We have spent considerable time reviewing the document, and we hope that you find our comments helpful.

As EPA continues its work towards a cleaner, healthier environment, the Agency will need definitive benchmarks for the measurement of its progress. The LGAC believes this draft plan provides a good basis for identifying those benchmarks.

Our comments attached to this letter reflect a reiteration of comments made previously on the draft architecture, which were either not addressed or not adequately addressed in this new draft plan. In addition, we have a new set of comments on the May 31 draft. I also want to reiterate four key points:

1. **The need for a vision statement:** The final plan should include a clear and compelling statement of the vision EPA intends to achieve through the Plan's implementation. The mission of the United States Environmental Protection Agency is critical to the future well being of our nation – the recitation of that mission and the vision which drives it should be a significant part of the 2006-2011 EPA Strategic Plan. The statement could begin with the mission description relative to communities under Goal 4 using the first paragraph at page 15 under the Means and Strategies section. Finally, we recommend the vision should also include a statement that environmental issues is as important as many other public policy issues.

**2. EPA's commitment to intergovernmental partnerships:** The scope of EPA's commitment to its partnership with state, tribal and local government needs to be reflected up front in the final plan. Thus, we believe that an intergovernmental cooperation chapter needs to be written in addition to the promised inter-federal agency chapter. This chapter should include the discussions on collaboration that are now part of the "Cross-Goal Strategies" section and expand to include the full range of education and outreach efforts that will increase EPA's and the intergovernmental system's program performance. In addition, the chapter should include how collaboration is necessary in all of EPA's programs from prevention to clean up to emergency planning and execution. Finally, there should be a discussion on how the intergovernmental system needs to clarify roles so that responsibilities are set and understood. It has been all too clear recently that collaboration can break down without clear and understandable roles particularly in emergency management.

**3. The importance of sound science:** Given the reality that many of the environmental and public health responsibilities which local government must bear are sustainable only if they rest on foundations of credible and compelling scientific evidence, this still remains a considerable concern. That is, sound science should be the foundation of good public policy and the impetus to sound action. We therefore recommend EPA recognize that sound science should be conducted to meet reasonable needs, but not be permitted to constrain necessary action. Accordingly, the LGAC commends EPA for the draft plan's extensive and thorough focus on a wide variety of critical research needs that will substantively address this concern. Research needs to extend, and the plan discusses this, such research into effects of multiple contaminants, sub-lethal exposures to low doses of contaminants, contamination of the food supply, and the health risks associated with nanotechnology manufacturing.

**4. The importance of financial resources:** The LGAC recognizes the enormous constraints imposed by these difficult financial times. It is equally important, however, to understand and acknowledge the limited financial resources currently available to local governments, as well as the too frequent inability of their citizens to bear the full costs of compliance with environmental regulatory standards. The final document should explain that these financial constraints inevitably result in priority setting that limits the ability of communities to achieve previously set performance targets. Also, the final document should explain the potential use of innovative financial tools that provide both general assistance to communities with demonstrable need as well as specific aid (in support, for example, of lifeline rates) for targeted needy populations.

The LGAC thanks you again for the opportunity to comment upon the draft "EPA 2006-2011 Strategic Plan: Charting the Course." We stand by to work with you and EPA staff as you complete the preparation of this important blueprint for our nation's environmental future.

Sincerely,

A handwritten signature in black ink, appearing to read "Roy Prescott", with a long horizontal flourish extending to the right.

Roy Prescott  
Chairman

cc: Christopher Hoff  
Director, Planning Staff  
Office of Planning, Analysis, and Accountability  
Office of the Chief Financial Officer

Stephanie Daigle  
Associate Administrator  
Office of Congressional and Intergovernmental Relations

Pamela Luttner  
Acting Deputy Associate Administrator  
For Intergovernmental Relations  
Office of Congressional and Intergovernmental Relations

Enclosure

## **Detailed Comments on the draft EPA 2006-2011 Strategic Plan: Charting Our Course**

### **Comments From March 31, 2006 Letter Not Addressed or Not Addressed Adequately in the May 31, 2006 Draft Plan**

#### **General Comments Applicable to the Entire Document:**

- The distribution of tasks within the goals seem artificial in certain sections, especially for objectives related to research. Leading edge research was incorporated for each goal, but targets listed for Goal 4 included more elaboration than did others noted elsewhere in the plan. Many of the topics for research in Goal 4 seemed more appropriate under previous goals (e.g., mercury, global change, safe pesticides). We suggest that the general topic of "advanced research" should attain the level of one of the overall goals, with all relevant research information placed under this single goal.
- One major problem with the document is the lack of current baseline data. The baseline data cited is as much as 26 years old with the data being 5-10 years old for a significant number of objectives ( an example is on page 4 of Goal 4 on pesticides). The use of such old baseline data brings the whole document into question. Such old data raises the question of whether or not we have already achieved the objective or if we have lost ground in the last 5-10 years. We would also question whether a more recent baseline figure would result in a lower percentage improvement to reach the goal. It may be harder to reach a small percentage goal than a larger percentage goal based on an older baseline. Some baselines have not yet been set. When is this to take place and how do we determine whether the percentage that is being contemplated is correct?
- There is some mention of supporting, mentoring, or training the next generation of environmental scientists in the Cross-Goal section on Best Available Science. Given recent findings concerning the general lack of interest and preparedness of United States' students for math and science, it seems especially relevant for a major federal agency to afford as many opportunities as possible to students.
- The promised chapter on inter-federal cooperation needs to be written so adequate description and setting of measurements and goals are clear for interactions with other agencies, including USGS, NPS, NSF, NOAA, etc., despite the obvious need for such collaborative efforts if we are to address the complexities and uncertainties associated with environmental impacts.
- There was little mention of risk associated with sub-lethal exposure to low doses of contaminants. While these may be less obvious than mortality to us as observers, sub-lethal effects may have tremendous implications for altering the structure and function of natural systems.

- There was little attention paid to emerging topics related to the interface between human health and wildlife vectors, including antibiotic-resistant microorganisms, Lyme disease, bird flu, encephalitis, etc.
- Some sectors, such as Air, look for solutions only through partnerships, while other, such as Water, look to enforcement, too – why the disparity?
- Why is cost not considered when targets for measures are being proposed? It is commendable to want to reach a goal, but if money is not going to be forthcoming there is no way local governments are going to be able to comply. And, what is EPA going to do when the local governments do not or better said, cannot comply? The result is that the goals are not met and EPA is accused of not fulfilling its objectives. We have to look at these goals realistically and figure out how they can be accomplished.

### **Goal 1: Clean Air and Global Climate Change**

#### Objective 1.1: Healthier Outdoor Air

##### Sub-objective 1.1.2: Air Toxics

- Comment: The first two bullets under Strategic Targets are needlessly complicated in language. For instance, on the first bullet are we saying reduce toxicity-weighted risk for cancer to 19%? If so, why not just say it?

#### Objective 1.2 Healthier Indoor Air

##### Sub-objective 1.2.3: Schools

- Comment: What percentage of all public schools does the 40,000 targeted to implement effective indoor air quality management plans represent?

#### Objective 1.3: Protect the Ozone Layer

##### Sub-objective 1.3.1: Stratospheric Chlorine Concentrations

- Comment: Why will stratospheric chlorine concentrations be allowed to increase to a peak in 2011? Are counter-measures too expensive or otherwise prohibitive to implement?

#### Objective 1.5 Reduce Greenhouse Gas Intensity

- Comment: What percentage of the total carbon budget does each stated MMTCE represent? Why are these metrics only targeted to potential source terms rather than to resultant changes in concentrations of greenhouse gases?

## **Goal 2: Clean and Safe Water**

### Objective 2:1: Protect Human Health

#### Sub-objective 2.1.1: Water Safe to Drink

- **Comment:** The current compliance rate of 89% for public water supplies is based on the existing contaminants that are regulated by EPA. By the year 2011, the EPA objective is for 91% of the nation's population served by water systems to be in complete compliance with federal health-based requirements. This will include a dramatic increase in the number of federally regulated contaminants for drinking water. A system that is in 100% compliance with the list of contaminants today, could well be out of compliance with many of the new contaminants that become regulated by the year 2011. The quality of the community's water may not have deteriorated, yet through the addition of more regulated contaminants, the system may be out of compliance with the newly regulated contaminants. For example, if an additional 15 contaminants have been added to the list of regulated contaminants by 2011, and the community has added treatment and is compliant with 14 of the new contaminants, the water would actually be of better quality and safer than before, but the system would be out of compliance because of the 15th contaminant and would get no credit for the improvements or the funds spent to bring the system to this point. A system that is out of compliance with even one of the 15 new regulated contaminants is 100% out of compliance, rather than 93% in compliance (14 divided by 15= 93%). A system that is out of compliance with the existing regulations for contaminants and violates all 15 of the new contaminant regulations is also 100% noncompliant. The measure for this particular objective will not accurately represent what has been accomplished by most systems.

#### Sub-objective 2.1.2: Fish and Shellfish Safe to Eat

- **Comment:** The measure of success is a reduction in the level of mercury in the blood of women of childbearing age. We are unsure how the two can be connected directly. An individual with elevated blood mercury level may not even eat fish or shellfish. Individuals who are determined to have elevated mercury blood levels may not represent the average American woman of childbearing age. Only individuals who have their blood tested for mercury levels are likely those who have some symptoms or other indication. Testing for mercury blood levels is not a routine test. Without testing a truly representative group of people for mercury blood levels, the results are only representative of the individuals sampled, rather than the population as a whole. The compilation of such results would not be a true measure of whether or not fish and shellfish were safe to eat.
- **Comment:** Is 2.1.2's objective for pregnant women the best we can do? The targets are not ambitious enough.

#### Sub-objective 2.2.1: Improve Water Quality on a Watershed Basis

- Comment: A whole series of measures related to improving water quality by basins or watersheds is included in the Strategic Plan. If water quality data were routinely collected from all basins, EPA could determine if the water quality was actually improving, remaining the same, or getting worse. Funding limitations result in only a few lakes and streams being monitored on any set frequency. As a result, the information does not exist for the majority of the streams and lakes of the nation. Therefore, the measures for improvement need to apply to only those lakes and streams with monitoring data that indicates their current condition, and evaluates improvements to those water bodies at some future date. Additionally, the goal for total restoration of those lakes and streams may not be achievable by the year 2012, yet their quality could well improve.
- Comment: Success should be measured in improvement to water quality, rather than in the total restoration of the streams and lakes. Most streams and lakes where the impacts of pollution are easily identified probably did not become polluted in only a few short years, and it is doubtful that many will be entirely restored within the next six years. The yardstick of "all or nothing" is likely to show almost complete failure instead of some measure of progress. Therefore, the water quality section should include a strategic target that promotes the protection of unimpaired watersheds. Certainly it is more cost effective to keep something from becoming impaired than trying to return an impaired watershed to unimpaired status.

#### Sub-objective 2.2.2: Improve Coastal and Ocean Waters

- Comment: The protection and enhancement of aquatic ecosystem health will likely require work in the central areas of the oceans to control or remove discarded fishing nets and plastic debris. How will this be addressed?

#### Objective 2.3: Enhance Research to Support Clean and Safe Water

- Comment: Reliable science should be the basis for establishing expectations for the quality of the nation's waters, and sound scientific data should be used in establishing allowable levels for contaminants in drinking water. It seems questionable, at best, to use data and studies from countries which differ markedly in culture, sanitation, foods consumed, and the like to establish drinking water standards for use in the United States, i.e., the arsenic level for drinking water.
- Comment: The federal government could provide a great service to small communities by identifying new technologies for treating drinking water and domestic wastewater and this section should explain the current or planned research for these technologies. Small communities lack access to new treatment technologies and the expertise to determine those that would be appropriate for their own needs. However, the focus should be on new technology that

accomplishes the level of treatment needed by small communities while being cognizant of their capabilities both economically and operationally to utilize the technology.

- Comment: The federal Safe Drinking Water Act anticipates that the drinking water standards will be re-evaluated by EPA on some regular basis in an effort to modify requirements as more experience and operational data are collected and evaluated. Instead, EPA appears to spend all available time and resources, establishing maximum allowable levels for ever more complicated and costly contaminants without truly evaluating the appropriateness of existing regulated contaminants. The Strategic Plan does provide for research on scientific tools for EPA to utilize in re-evaluating drinking water standards. Hopefully, this provision not only remains a part of the Strategic Plan, but also is carried to completion.

### **Goal 3: Land Preservation and Restoration**

#### Objective 3.1: Preserve Land

##### Sub-objective 3.1.1: Reduce Waste Generation and Increase Recycling

- Comment: Like everyone else in the country, Oklahoma citizens throw away more trash every year. Any recycling in local communities would be beneficial. However, many communities are very small, and often relatively isolated. For example" Ponca Cit Oklahoma, is the closest drop-off opportunity for Braman, Oklahoma. It is 29 miles away. Ponca City has to haul the material they collect 43 miles to another city with an actual market. The most practical recycling opportunity for many small towns the size of Braman is composting organic materials. We need EPA's support to help our citizens understand that making their own compost benefits everyone- our land, our town, and our nation.

### **Goal 4: Healthy Communities and Ecosystems**

#### Objective 4.2.6: Reduce POPs Exposure

- Comment: Why are other serious and widespread POPs (e.g., TCE) not mentioned specifically, as are PCBs and chlordane?

#### Objective 4.3: Restore and Protect Critical Ecosystems

##### Sub-objective 4.3.1: Increase Wetlands

- Comment: With respect to increasing wetlands, local government should be included as a partner.



- Comment: How can the strategy to achieve a “net increase of 100,000 acres of wetlands per year” be compatible with the subsequent strategy to achieve “no net loss of wetlands each year”?

Sub-objective 4.3.3: Improve the Health of the Great Lakes..

- Comment: The sub-objective 4.3.3 under Goal 4 is very interesting in that continued progress at the rate projected in this goal would mean that it would take 60 years to remediate contaminated sediment in the Great Lakes. This is not consistent with the Great Lakes Regional Collaboration Strategy.
- Comment: What challenges prevent continued improvement of the Great Lakes beyond the proposed modest increase of 1.5 points?

Sub-objective 4.3.4: Improve the Health of the Chesapeake Bay Ecosystem.

- Comment: Nothing in the document addresses the issue of funding, and in reality this section seems to imply that it is not the concern of EPA (page 22). The goals are commendable yet without adequate funding, how does EPA propose that these goals be reached? To use the Chesapeake Bay example, it is proposed that the cost will be \$8.2 billion in Pennsylvania alone. Yet, there is no mention of funding.

Sub-objective 4.3.7: Restore and Protect the South Florida Ecosystem

- Comment: Why are all metrics for the South Florida Ecosystem stated as to achieve “no net loss” or to “maintain” current conditions? Will there be no effort to improve the overall health and functionality of seagrass beds or the water quality in near-shore, coastal, and Everglade waters?

**Goal 5: Compliance and Environmental Stewardship**

Objective 5:2: Improve Environmental Performance through Pollution Prevention...

Outcomes

Sub-objective 5.4.2: Conducting Research

- Comment: In the Strategic Target for Economics and Decision Sciences, what is meant by efforts to investigate “how market-based programs can be designed to improve environmental quality at the lowest cost, to support the design of policies using market mechanisms and incentives for environmental management”? Will these efforts include an economic valuation of “free” services provided by ecosystems? Will ecological economics be incorporated in these studies so that public lands do not suffer the “tragedy of the commons”?

## **July 2006 New Comments on draft EPA 2006-2011 Strategic Plan**

### **General Comments Applicable to the Entire Document:**

- The final draft for publication should include an index and glossary of terms to support cross referencing needed to fully comprehend the interrelationship of the EPA's efforts among the goals. For example, water quality program measures are expressed under goals 2 and 4 and an index would clarify for readers that they need to review both to provide more holistic picture of the Agency's water program measures.
- The EPA should reconsider and specifically note a goal of maintaining international leadership in environmental science and management. Merely stating that having a strategic plan is sufficient enough is failing to understand the strategic planning process. There are plenty of 2<sup>nd</sup> string organizations that have a strategic plan and fail to lead their sector, the nation, or the world.
- Up front in the document, as a section separate from the "Introduction," there needs to be better and more extensive descriptions of the measures and benchmarks for the cross-goal strategies and the substantive findings in the Appendices. By leaving the most critical cross-goal findings and key appendix issues, such as budget issues, to the end of the document the draft plan seriously undervalues these issues in the EPA Strategic Plan and does not bode well for the Agency thinking strategically linking measurement to overall agency issues such as budget.
- We commend the Agency for a document that is one of the more carefully honed grammatical and stylistic compilations to be encountered even in final, hard copy publications! Given the normal comma, semi-colon, and parenthetical typos and oversights, we only call attention to a few errata merely for the correction's sake:
  - Goal Four, p. 15 – replace "assests" w/ "assets."
  - Goal Four, p. 45 – replace "enhancing" w/ "enhance."
  - Goal Four, p. 46 – replace "top" w/ "to."
  - Goal Four, p. 46 – bullet #6 – "Columbia River Basin: A multi-layered Collections of Directives and Plans Guides Federal fish and Wildlife Activities (June 2004)" needs to be rewritten to clarify the meaning of the title.
- We recommend that the new Appendix 3 on "Consultation Efforts" clearly describe how this appendix differs from the new on "Coordination." Sometimes the two can be confused. That is, consultation efforts can occur in lieu of coordination instead of as a component of coordination.

## **Goal 1: Clean Air and Global Climate Change**

- The Air Quality section should address reduction of air pollutants emanating from vehicles entering the United States from Mexico and Canada. Work should focus on identifying “trade corridors” and developing multi-state collaborative efforts similar to the successful efforts within the Texas, Oklahoma, Kansas, Arkansas Interstate corridors.

## **Goal 2: Clean and Safe Water**

- We recommend the final document lead the way in addressing the full scope of water quality and availability by emphasizing that very scope as “fresh water” supply. Indeed the cavalier attitude toward water availability in the not-so-distant future observed by officials in many rapidly growing population centers across the United States begs a greater emphasis on supply and not mere “recreational activities, and provide[ing] healthy habitat for fish, plants, and wildlife.” It might be explained as one of the emerging issues for the next number of EPA Strategic Plans.
- We recommend that EPA uses another example than the Cuyahoga River to illustrate a successful turnaround in water quality in the United States. It has been used many times before.

### **Pp 8 – 10, Fish and Shellfish Safe to Eat.**

- This section should also address ocean reared/caught fish and shellfish. Actually, most of the fish and shellfish consumed in the nation come from the ocean. The current language emphasizes the inland waters of the continental states; actually ignoring the catch of the richest fishing port in the nation (Dutch Harbor, Alaska). Alaska also has more coastline than the continental states yet the importance of the ocean is limited. As such, this section should address reducing the size and eliminating the coastal and oceanic “kill zones” caused by pollutants (Mississippi Delta) and drifting fishing nets and plastic debris (central Pacific).
- P. 13, specific reference to Indian country eliminates Alaska Natives from consideration as there is only one reservation in Alaska. The language should be revised to include both Indian country and Alaska Native Village lands.

### **Sub-objective 2.2.2 Improve Coastal and Ocean Water**

- This section should address reducing the size and eliminating the oceanic “kill zones” caused by drifting fishing nets and plastic debris (central Pacific).
- Pp. 14 – 15 This section should also seek to protect unimpaired systems from becoming impaired; this is especially true in Alaska.

- P. 26 International Marine Pollution Control Add to third paragraph a section that addresses reducing the size and eliminating the oceanic “kill zones” caused by drifting fishing nets and plastic debris (central Pacific)

P. 34, Emerging Issues and External Factors.

- Add the need for safe work environments and understanding and eliminating the health risks associated with nano-technology from inhalation and “slip and fall” injuries. Also add need for better understanding of the physical and chemical interactions of elements at the nano-tech level. It is noted that the draft strategic plan does address nano-technology and EPA should be commended for addressing this important emerging issue.
- Add a new element that identifies the need to investigate the health risks and danger to the nation’s food supply from the development of pharmaceuticals within foodstuffs.

**Goal 3: Land Preservation and Restoration**

Sub-objective 3.3.1: Provide Science to Preserve Resources and Remediate Land.

- For the Strategic Targets on page 17, there should be another bullet or add to the second bullet something to the fact relating to natural ground traits that are particular to an area to be able to utilize the deployment of new technological approaches at such sites, develop state-of-science-reports, and provide training on ....etc. For example, water that has high natural sodium chloride in its water supply will require such special considerations in solving the problem, but that would not relax the purpose of strategic target.

**Goal 4: Healthy Communities and Ecosystems**

Subobjective 4.1.5: Realize the Benefits from Pesticide Use.

Modifying a comment we made in our March, 2006 comments on the draft architecture, we want to commend the agency for balancing measures of the benefits of pesticide use with measures for protecting public health and the environment from pesticide risks. We want to acknowledge that, indeed “pesticides” do indeed serve a purpose; however, the draft Strategic Plan’s subsequent detailed elaboration of its programs to protect public health from ailments not only contributing to cancer fatalities but countless non-fatal health problems caused by pesticide abuse and misuse represents one of the major efforts of the Agency going forward.

#### Objective 4.2. Communities

- In this section, for the Strategic Targets related to water quality, there should be specific recommendations for protecting and repairing waters shared by the United States and Canada, and the United States and Mexico. In particular, the rivers shared by each country should be identified for the reduction of introduced pollutants from industrial activity and mining and raw sewage discharges.