



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

AUG 24 2007

The Honorable James L. Connaughton  
Chairman, Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503

OFFICE OF  
GENERAL COUNSEL

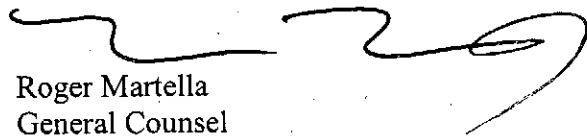
Dear Chairman Connaughton:

In an August 11, 2006 memorandum, you asked EPA, along with several other federal agencies, to provide a compendium of legal authorities supporting cooperative conservation. EPA's response to this request is enclosed. As described in the cover page to the compendium, we conclude that EPA's enabling statutes and cross-agency laws provide a strong framework for using collaborative approaches with partners, stakeholders, and the public to protect human health and the environment. The summaries in the compendium highlight various aspects of these laws related to collaboration, including provisions for: 1) public involvement; 2) cooperation between government entities; 3) funding to support collaborative activities; and 4) collaboration in specific geographic areas.


Further, the cover page notes that, in addition to the categories of authorities addressed in the summaries, EPA uses a variety of additional authorities to enhance collaboration, including those for public access to information, contracting to support collaboration in Agency activities, and the use of voluntary programs. These summaries are not intended to be exhaustive – for example, they do not inventory EPA's implementing regulations and policies, or address all relevant cross-agency laws. Rather, they provide illustrative examples of EPA's broad authority to collaborate.

We are in the process of putting this compendium into a promotional format for inclusion in a broader package on collaboration to be distributed within EPA; we will provide you a copy when it is prepared. If you have any questions, please feel free to contact one of us at 202-564-8064.

Sincerely,



Roger Martella  
General Counsel



James Havard  
Acting Associate General Counsel  
Alternative Dispute Resolution Law Office

Enclosure

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## EPA's Legal Framework Supports Collaboration

As a leader among federal agencies in working with the public, EPA has learned that it can more effectively carry out its human health and environmental mission by using collaboration to benefit from the energy and skills of its stakeholders. Collaboration comes in many forms -- from large geographic or sector-based initiatives involving multiple partners and stakeholders, to dialogues about rules or policy, to the positive way EPA employees relate to other individuals inside and outside the Agency every workday. These efforts all share the common theme of people and organizations working together to achieve outcomes they cannot achieve alone.

An array of laws passed by Congress guides EPA's use of collaboration. EPA's enabling statutes provide the legal basis and framework for the Agency's programs. Many of these statutes envision key roles for EPA's partners and stakeholders in controlling pollution and protecting public health. For example, the **Clean Water Act, Clean Air Act, and Safe Drinking Water Act** all provide significant roles for states, authorized tribes, and local governments in implementing statutory programs. Further, many of EPA's statutes, such as those authorizing the **Superfund** and **Brownfields** programs, allow for extensive public involvement in site cleanup, reuse and redevelopment activities. In addition to EPA-specific statutes, several laws that apply to all federal departments and agencies provide opportunities for EPA to engage in collaboration.

EPA's enabling statutes and cross-agency laws provide a strong framework for using collaborative approaches with partners, stakeholders, and the public to protect human health and the environment. The summaries contained in following pages highlight various aspects of these laws related to collaboration, including provisions for:

- public involvement;
- cooperation between government entities;
- funding to support collaborative activities; and
- collaboration in specific geographic areas.

In addition to the categories of authorities addressed in these summaries, EPA uses a variety of additional authorities to enhance collaboration, including those for public access to information, contracting to support collaboration in Agency activities, and the use of voluntary programs. These summaries are not intended to be exhaustive -- for example, they do not inventory EPA's implementing regulations and policies, or address all relevant cross-agency laws. Rather, they provide illustrative examples of EPA's broad authority to collaborate.

To the extent that EPA managers and staff are contemplating collaboration and have questions about the legal authority for such efforts, you are encouraged to contact the Office of General Counsel or the Offices of Regional Counsel for information and guidance.

**Air Pollution Prevention and Control Act**  
42 U.S.C.A. §7401 et seq.  
Known as **Clean Air Act (CAA)** §§101 - 618

*To protect and enhance the quality of the Nation's air resources*

**Opportunities for Public Involvement**

The CAA includes a variety of opportunities for the public and other stakeholders to participate in the implementation of the Act, including provisions for:

- Notice of, and the opportunity to provide written comment and oral presentations (which may include hearings) regarding, specified regulations, including promulgation of National Ambient Air Quality Standards (NAAQS), federal implementation plans, and regulations regarding prevention of significant deterioration, new source performance standards and toxic air pollutants (§307(d));
- Notice of, and the opportunity for public hearings regarding, the development of state implementation plans (SIPs) (§110);
- Establishing advisory committees of knowledgeable federal employees and private citizens to assist in the development and implementation of the purposes of the Act (§117);
- Notice of, and the opportunity for public hearings regarding, permits issued by EPA, authorized tribes or states under the Act (e.g., §§165, 502); and
- Cooperation with public and private entities in research, demonstrations and studies regarding air pollution (§103).

**Cooperation Between Government Entities**

The CAA provides for cooperation among government entities to support implementation of the Act in a variety of ways, including provisions for:

- Cooperation between federal agencies having functions related to the prevention and control of air pollution (e.g., §102(b));
- Cooperative efforts by states and local governments, uniform state and local laws, and agreements and compacts by states for the prevention and control of air pollution (§102);
- Cooperation with various governmental entities on research, investigation, training and other activities related to air pollution (§§103 & 104);
- Cooperation with states and eligible tribes in designating air quality control regions (§107);
- Authorizing state and tribal programs to implement several key statutory provisions including those for implementation plans, permitting, enforcement and toxic pollutants (e.g., §§110, 112(l), 165, 301(d), & 301(d));
- Cooperation among state, tribal, federal and interstate entities on various cross-boundary air quality issues, including interstate attainment of the NAAQS (e.g., §110(a)), visibility impairment (§§ 169A & B), and ozone transport (§184); and
- Resolving disputes between tribes and states regarding area designations (§164(e)).

## **Funding to Support Collaborative Activities**

The CAA authorizes financial assistance, including:

- Grants to public and private entities and individuals for research and development (§103);
- Grants to and contracts with public and private entities and individuals for research and development regarding use of fuels (§104(a)(2)); and
- Grants to states, local governments and tribes for air pollution and control programs (§105).

**Federal Water Pollution Control Act**  
33 U.S.C.A. §1251 *et seq.*  
Known as **Clean Water Act (CWA)** §§101-607

*To restore and maintain the chemical, physical, and biological integrity of the Nation's waters*

**Opportunities for Public Involvement**

The CWA includes a variety of opportunities for the public and other stakeholders to participate in the implementation of the Act, including provisions for:

- Opportunities for participation of the public in the development, revision, and enforcement of regulations, standards, effluent limitations, plans and programs (§101(e));
- Notice of, and the opportunity for public hearings regarding, the establishment of water quality standards, issuance of NPDES permits, and issuance of permits for the discharge of dredged and fill materials (§§303, 402 & 404); and
- Notice of, and the opportunity to provide comments regarding, the preparation of non-point source reports and programs by states and authorized tribes (§319).

**Cooperation Between Government Entities**

The CWA provides for cooperation among government entities to support implementation of the Act in a variety of ways, including provisions for:

- Involving states in developing and publishing regulations on minimum guidelines for public participation (§101(e));
- Cooperation among federal, state and local agencies in developing methods to prevent, reduce and eliminate water pollution (§101(g));
- Cooperative efforts with federal, state, and interstate agencies, municipalities and others, in implementing statutory provisions (§102(a));
- Cooperative efforts, uniform state laws and compacts by states in implementing statutory provisions (§103(a));
- Providing states the opportunity to develop cooperative assistance agreements and joint agencies (103(b));
- EPA to cooperate with states, other governmental entities and the public in establishing national water quality programs and performing investigations, research, demonstrations, monitoring and reporting (§104);
- Cooperative efforts by states, local governments and others in the development of area-wide waste treatment management plans (§208);
- Authorizing state and tribal programs to implement key statutory provisions including enforcement, permitting, planning and development of regulations (§§303, 402, 404 & 518);
- Intergovernmental cooperation in state program planning processes (303(e));
- Involving downstream states and tribes in determining conditions for NPDES permits (§§401 & 402);
- Cooperative agreements between tribes and states to jointly plan and administer the Act (518(d)); and
- Resolving disputes between tribes and states regarding water quality standards (§518(e)).

## **Funding to Support Collaborative Activities**

The CWA authorizes financial assistance, including:

- Grants to states for comprehensive, basin-wide water quality protection programs and plans (§102(c));
- Grants to governmental and non-profit organizations for conducting and promoting research, investigations, experiments, training, demonstrations, surveys, and studies (§104(b)(3));
- Grants to states and others for research and development on various water quality issues (§105);
- Grants to states and tribes for programs addressing water pollution (§106);
- Grants to states and local governments for the development of area-wide waste treatment management plans (§208(f)); and
- Clean Water State Revolving Fund programs to fund water quality protection projects (§601).

## **Region or Area-Specific Provisions**

CWA provides for and funds collaborative water quality protection programs or arrangements for several specific regions of the country, including the Chesapeake Bay (§117), Great Lakes (§118), Long Island Sound (§119), Lake Champlain Basin (§120) and Lake Pontchartrain Basin (§121).

**Comprehensive Environmental Response, Compensation and Liability Act  
(CERCLA) §§101 - 405**  
as amended by the Small Business Liability Relief and Brownfields Revitalization Act  
42 U.S.C.A. §9601 *et seq.*

*To protect public health and the environment from releases or  
threatened releases of hazardous substances*

**Opportunities for Public Involvement**

CERCLA includes a variety of opportunities for members of the public and other stakeholders to participate in the implementation of the Act, including provisions for:

- Notice of, and the ability to participate in meetings and provide comments regarding, Agency determinations on appropriate remedial actions to address site contamination (§117); and
- Notice of, and the ability to provide comments regarding, Agency determinations on proposed settlements to address site contamination and costs (§122).

**Cooperation Between Government Entities**

CERCLA provides for cooperation between EPA and other government entities to support implementation of the Act in a variety of ways, including provisions for:

- Allowing states and tribes to set substantive and procedural requirements in addition to those set by EPA (§114);
- Involving states and tribes in determinations of EPA regarding site cleanup levels (§121);
- Reimbursing local governments for costs incurred in response to emergency measures (§123);
- Involving tribes in EPA determinations of a need to relocate tribal members (§126);
- Giving states and tribes notice of EPA's intent to take response actions (§128);
- Coordinating with federal natural resource trustees to promulgate regulations on natural resource damage assessments (§301);
- Coordinating with various federal agencies and advisory councils in the development and conduct of research projects (§311); and
- Coordinating with other federal agencies to make eligible entities aware of federal resources for brownfields activities (§104).

**Funding to Support Collaborative Activities**

CERCLA authorizes financial assistance, including:

- Grants to eligible government and non-profit organizations for characterization, assessment and remediation of Brownfield sites and to facilitate community involvement (§104);
- Grants to members of the public affected by response actions to obtain assistance in interpreting technical and scientific information (§117);
- Grants to states or tribes to establish or enhance response programs, fund revolving loan funds for Brownfield remediation, or establishing insurance mechanisms to fund response actions (§128); and
- Grants to support research regarding hazardous substances, training and demonstrations on innovative and alternative treatment technologies, and university based hazardous substance research centers (§311).



**Emergency Planning & Community Right-To-Know Act (EPCRA)**  
42 U.S.C.A. §11001 *et seq.*

*To help local communities protect public health, safety and the environment  
from releases of hazardous substances*

**Opportunities for Public Involvement**

EPCRA includes opportunities for the public and other stakeholders to participate in the implementation of the Act, including provisions for:

- Notice of, and access by members of the public to, information on hazardous chemicals used by local facilities (§11021/11022).

**Cooperation Between Government Entities**

EPCRA provides for cooperation between EPA and other government entities to support implementation of the Act in a variety of ways, including provisions for:

- State, tribal and local authorities, through appointment of emergency response commissions and committees, to establish procedures for public access to data on hazardous chemicals and implement local emergency plans to prevent public health in the event of a release (§11001);
- States to participate in determining the list of regulated hazardous chemicals (§11023); and
- States to require submission of data on hazardous chemicals beyond the requirements of federal requirements (§11041).

**Funding to Support Collaborative Activities**

EPCRA authorizes financial assistance, including:

- Grants and provision of training by EPA for state and local emergency response programs (§11005).

## **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)**

§§2 - 35

7 U.S.C.A. §136 *et seq.*

*To regulate the sale, distribution and use of pesticide and prevent unreasonable adverse effects on the environment*

### **Opportunities for Public Involvement**

FIFRA includes a variety of opportunities for the public and other stakeholders to participate in the implementation of the Act, including provisions for:

- Notice of, and an opportunity to provide comments regarding, applications for registration of pesticides (§3);
- Notice of, and an opportunity to comment on or participate in hearings concerning, possible cancellation of pesticide registrations (§§6(b) & (f));
- Notice of, and the opportunity for states to request public hearings regarding, plans for certification of pesticide applicators (§11);
- Notice of, and the opportunity for public hearings regarding certain other actions under the Act (§25); and
- Establishing a scientific advisory panel, a scientific review board, and a peer review procedure regarding several functions under the Act (§25).

### **Cooperation Between Government Entities**

FIFRA provides for cooperation among government entities to support implementation of the Act in a variety of ways, including provisions for:

- Involving federal agencies and regulatory partners in the registration and reregistration of pesticides (§§3 & 4)
- Soliciting comments from federal agencies on proposals to cancel a pesticide registration (§6);
- Cooperation with the State and Treasury Departments on regulating import and export of pesticides (§17);
- Providing states and tribes an opportunity to establish plans to certify pesticide applicators (§§11 & 23)
- Granting emergency use exemptions for states and federal agencies, after consultation with the Secretary of Agriculture and the governor of the state if they request such exemption (§18);
- Cooperation with federal, state and local agencies on a national plan for monitoring pesticides (§20);
- Cooperation with federal and state agencies in carrying out provisions of the Act (§22);
- Cooperative agreements with states and tribes for enforcement and other purposes (§23);
- Authorizing states to establish registrations for additional uses of federally-registered pesticides, and to undertake primary enforcement responsibility under the Act (§§24 & 26); and
- Coordination with the Secretary of Agriculture on recordkeeping requirements for pesticide use (§11), development of regulations (§25), and identification of pesticides and minor uses of pesticides (§§28 & 32).

## **Funding to Support Collaborative Activities**

FIFRA authorizes financial assistance, including:

- Grants and contracts with federal agencies, universities and others for research to carry out the purposes of the Act (§20); and
- Grants through cooperative agreements with states and tribes for enforcement, training and applicator certification programs (§23).

**Oil Pollution Act (OPA)**  
§§1001 - 7001  
33 U.S.C.A. §2701 *et seq.*

*To protect the Nation's water and land from spills of oil*

**Opportunities for Public Involvement**

OPA includes a variety of opportunities for the public and other stakeholders to participate in the implementation of the Act, including provisions for:

- Notice of, and the opportunity for hearings and providing comments regarding, Agency determinations on appropriate plans to address harm to natural resources from oils spills (§1006).

**Cooperation Between Government Entities**

OPA provides for cooperation between EPA and other government entities to support implementation of the Act in a variety of ways, including provisions for:

- Consulting with federal, state and tribal natural resource trustees regarding removal actions to address oil spills (§1011);
- Reimbursing States for emergency removal actions to address releases of oil (§1012); and
- Allowing states to set substantive and procedural requirements in addition to those set by EPA (§1018).

**Funding to Support Collaborative Activities**

OPA authorizes financial assistance for:

- Establishing and coordinating with inter-disciplinary advisory boards and workgroups to assess the impact of oil spills on the arctic and sub-arctic marine environment (§§5001, 5002 & 5006).

**Pollution Prevention Act (PPA)**

§§6602 - 6610

42 U.S.C.A. §13101 *et seq.*

*To protect public health and the environment through prevention or reduction in sources of pollution*

**Opportunities for Public Involvement and Cooperation Between Government Entities**

The PPA includes a variety of opportunities for members of the public and other stakeholders to participate in the implementation of the Act, including provisions for:

- Advisory panels of technical experts from industry, state and public interest groups to advise EPA on ways to improve collection and dissemination of data regarding source reduction techniques (§6604);
- Coordinating source reduction activities among federal agencies (§6604);
- Facilitating the adoption of source reduction techniques by businesses (§6604); and
- Establishing a training program on source reduction opportunities for federal and state permit issuers and inspectors (§6604).

**Financial Support for Collaborative Activities**

The PPA authorizes financial assistance, including:

- Grants to states for programs to promote the use of source reduction techniques by businesses (§6605).

**Solid Waste Disposal Act**  
as amended by the **Resource Conservation and Recovery Act (RCRA)**  
42 U.S.C.A. §6901 *et seq.*

*To protect human health and the environment from the potential hazards of waste disposal, conserve energy and natural resources, reduce the amount of waste generated, and ensure that wastes are managed in an environmentally-sound manner*

**Opportunities for Public Involvement**

RCRA includes a variety of opportunities for the public and other stakeholders to participate in the implementation of the Act, including provisions for:

- Access to an ombudsman to provide assistance to small towns in implementing statutory requirements (§6908);
- Notice of, and the opportunity for public hearings regarding, Agency determinations on the characteristics of hazardous wastes subject to regulation (§6921);
- Notice of, and the opportunity for public hearings and to provide comments regarding, Agency determinations on proposed regulations (§§6922-6924 & 6991-6992);
- Notice of, and the opportunity for public hearings regarding, Agency determinations on approval of state hazardous waste programs to implement statutory requirements (§6926); and
- Opportunities for participation by the public in the development, revision, implementation and enforcement of regulations, guidelines and permits (§6974).

**Cooperation Between Government Entities**

RCRA provides for cooperation between EPA and other government entities to support implementation of the Act in a variety of ways, including provisions for:

- Involving states in developing and publishing regulations on minimum guidelines for public participation (§6974);
- Authorizing or approving state programs for regulating hazardous wastes, solid wastes and underground storage tanks (§§6926, 6947 & 6991c);
- Cooperative efforts and mutual assistance by states in the management of solid wastes (§6904);
- Involving federal, state and other agencies in the development of guidelines for solid waste management (§6907);
- Establishing an Interagency Coordinating Council responsible for coordinating activities of federal agencies regarding resource conservation and recovery (§6911);
- Providing for teams of federal, state and local employees to assist state and local agencies on technical matters (§6913);
- Providing states an opportunity to participate in Agency determinations on regulated wastes (§6921);
- Consulting with states on Agency promulgation of regulations (§§6922-6924 & 6991-6992);
- Allowing states to set substantive and procedures requirements in addition to those set by EPA (§6929); and
- Giving states notice of EPA's intent to take legal action to address imminent hazards (§6973).

## **Financial Support for Collaborative Activities**

RCRA authorizes financial assistance, including:

- Financial assistance for establishing and supporting programs to assist small communities in planning and financing environmental facilities (§6908);
- Grants to states and tribes to support hazardous waste programs (§§6908a & 6933);
- Grants to public and private entities for disposal of discarded tires (§6914);
- Financial assistance to states and local, regional and interstate authorities to support solid waste management, resource recovery and conservation program services (§6948);
- Grants to assist rural municipalities with solid waste facilities (§6949); and
- Grants for hazardous waste disposal demonstration projects (§§6981 & 6984).

**Public Health Service Act**  
42 U.S.C.A. §300f *et seq.*  
Known as **Safe Drinking Water Act (SDWA)** §§1401-1465

*To protect public health by regulating the nation's public drinking water supply, and to protect drinking water and its sources*

**Opportunities for Public Involvement**

The SDWA includes a variety of opportunities for the public and other stakeholders to participate in the implementation of the Act, including provisions for:

- Notice of, and the opportunity to provide comments regarding, which contaminants to regulate in tap water and proposed drinking water regulations under the statute (§1412);
- Notice of, and the opportunity to provide comments regarding, determinations on underground injection control permits and state programs (§§1421, 1422 & 1425);
- The opportunity to participate in development of state protection programs for wellhead areas (§1428);
- Consumers of tap water to be provided notice of violations of drinking water standards and an annual report on the quality of tap water provided by their water systems (§1414(c));
- The opportunity for consumers of tap water to participate in granting of exemptions and variances from drinking water standards (§§1415 & 1416);
- Establishment of a National Drinking Water Advisory Council (§1446); and
- Soliciting recommendations from the Science Advisory Board, states and others regarding contaminants that should be included in the national drinking water contaminants occurrence data base (§1445).

**Cooperation Between Government Entities**

SDWA provides for cooperation among government entities to support implementation of the Act in a variety of ways, including provisions for:

- Authorizing state and tribal programs to implement key statutory provisions, including enforcement, permitting and planning (§§ 1413-14, 1424-25, 1427, 1428 & 1453);
- Cooperation or consultation with federal agencies in implementing statutory provisions, including the issuance of variances and the development of rules (§§ 1412(b)(15) & 1412(b)(12)(B)); and
- Cooperative partnership agreements between states and community water systems (§1454(a)(1)(A)).

**Financial Support for Collaborative Activities**

SDWA authorizes financial assistance, including:

- Agreements with states and tribes for capitalization grants to further the health protection objectives of the Act and for establishment of drinking water state revolving funds (§1452);
- Grants to states for source water quality protection partnership programs (§1454(c));
- Grants to states to develop ground water protection programs (§1429);
- Grants to states and tribes to carry out State Public Water System Supervision Programs (§1443(a)).
- Grants to public agencies, educational institutions, and non-profit organizations for training and technical assistance for operators of public water systems (§1442); and



- Cooperative agreements with public water systems for homeland security vulnerability assessments and technology reviews (§§1433-1435).

**Region or area-specific provisions**

The SDWA provides for funding and other opportunities for collaboration in protecting drinking water in specific areas of the country, including the New York City watershed (1443(d)); Washington DC Aqueduct (§1447); and Arizona, California, New Mexico, and Texas for Colonias (§1456).

## **Toxic Substances Control Act (TSCA)**

§§2 - 412

15 U.S.C.A. §2601 *et seq.*

*To gather data regarding, and provide authority to regulate, chemical substances, and to avoid unreasonable risk of injury to health or the environment*

### **Opportunities for Public Involvement**

TSCA includes a variety of opportunities for the public and other stakeholders to participate in the implementation of the Act, including provisions for:

- Notice of, and the opportunity to provide comments and oral presentations regarding, rules on testing of chemical substances and mixtures and rules identifying chemical substances that present or may present an unreasonable risk (§§4(b) & 5(b));
- Notice of, and the opportunity for public hearings regarding, the promulgation of rules regulating chemical substances and mixtures (§6(c));
- Opportunity to petition EPA to initiate proceedings for the issuance, amendment or repeal of certain rules relating to chemical substances or mixtures (§21(a));
- Opportunity to petition EPA to initiate proceedings for the issuance, amendment or repeal of regulations or orders relating to asbestos (in the context of the Asbestos Hazard Emergency Response Act (AHERA)), (§207(e));
- Access to an Asbestos Ombudsman to make complaints and grievances, and request information and assistance, regarding EPA asbestos program activities under AHERA (§212);
- Opportunity to review and provide comments regarding draft model construction standards and techniques for controlling radon levels within new buildings (§304); and
- Opportunity to review and provide comments regarding rules relating to lead exposure reduction (§411).

### **Cooperation Between Government Entities**

TSCA provides for cooperation between government entities to support implementation of the Act in a variety of ways, including provisions for:

- Consultation with the Attorney General and the Federal Trade Commission regarding rules for fair and equitable reimbursement to others for previously submitted test data (§§4(c) & 5(h));
- Establishing a committee of federal agency representatives to advise EPA on chemical substances and mixtures for priority in establishing testing rules (§4(e));
- Consultation with the Small Business Administration on a rule establishing standards for which businesses qualify as small manufacturers or processors not subject to certain requirements on reporting and retention of information (§8(a));
- Coordination with the Department of Health and Human Services (HHS) and other appropriate federal agencies for the purpose of achieving maximum enforcement of the Act while imposing the least burdens of duplicative requirements (§9(d));
- Cooperative efforts with HHS and other federal agencies in conducting research, development and monitoring to carry out the purposes of the Act, establishing a system for retrieval of toxicological and other scientific data, and establishing and coordinating a system for exchange of information among federal, state and local authorities (§10);

- Cooperative efforts with the Department of the Treasury to address entry of chemical substances or mixtures into the customs territory of the US (§13);
- Authority for states or political subdivisions to establish standards for testing of chemical substances or mixtures in limited circumstances (§18(b));
- Cooperation between federal agencies to assist in administration of the Act (§26);
- Involvement of local educational agencies and state governors in the development of asbestos management plans for school buildings (§§203-205);
- Cooperation with states and political subdivisions on ensuring the adoption of model construction standards and techniques for controlling radon levels within new buildings (§304);
- Cooperation with states in the implementation of state radon programs, including providing for the establishment of a clearinghouse of radon information and training (§305(a));
- Coordination with federal agencies in conducting research on radon (§§305(d) & 309);
- Consultation with federal agencies in establishing regulations on training and certification for addressing lead-based paint activities (§402(a));
- States and authorized tribes to establish and implement lead exposure reduction programs (§404); and
- Cooperation with federal agencies to conduct a program to promote safe, effective and affordable monitoring, detection and abatement of lead exposure hazards (§405).

#### **Funding to Support Collaborative Activities**

TSCA authorizes financial assistance, including:

- Grants for research, development and monitoring to carry out the purposes of the Act (§10(a));
- Grants and contracts for a data retrieval system, in consultation and cooperation with HHS (§10(b));
- Grants to states for establishment and operation of programs for preventing or eliminating unreasonable risks to health or environment associated with a chemical substance or mixture that EPA is not likely to address under the Act (§28);
- Grants to nonprofit organizations for health and safety asbestos training and education programs for workers (§216);
- Grants to states for state radon programs, and to colleges and universities for regional radon training centers (§§306 & 308); and
- Grants to states and authorized tribes for lead exposure reduction programs (§404).

## **Selected Cross Cutting Federal Statutes**

### **National Environmental Policy Act (42 U.S.C. §§ 4321-4370)**

The National Environmental Policy Act (NEPA) encourages and provides for participation of interested and affected stakeholders in federal agency decisions affecting the quality of the human environment. In addition, NEPA authorizes EPA to support international cooperation in preventing a decline in the quality of the world's environment and make useful environmental information available to state and local governments, institutions and individuals. The Council on Environmental Quality (CEQ) implementing regulations, found at 40 CFR 1500 et seq., require federal agencies to make diligent efforts to involve the public in preparing and implementing their NEPA procedures. The regulations require federal agencies to: provide public notice of NEPA-related hearings, public meetings, and the availability of NEPA documents; hold public hearings when appropriate; and solicit appropriate information from the public. To reduce duplication of efforts, the regulations also provide for cooperation among federal, state, and local agencies, in preparing joint environmental impact statements (EISs). Affected federal, state, or local agencies or tribes may be designated as cooperating agencies. Federal agencies are required in their EISs to discuss inconsistencies between proposed federal actions and state and local plans and laws and describe the extent to which the federal agency would reconcile its proposed action with the state or local plan or law. During the scoping process, the regulations require the lead agency to invite the participation of affected federal, state, and local agencies, as well as affected tribes, the proponent of the action and other interested persons.

### **Federal Advisory Committee Act (5 U.S.C. App.)**

The Federal Advisory Committee Act (FACA) provides for public involvement in federal agency decision-making through participation on committees, boards, commissions, councils, and similar groups established by an agency to provide collective group advice to Federal officials. Specifically, FACA establishes procedures for how federal agencies solicit collective advice from the public, including public notice of the establishment of committees and the date and time of meetings, public availability of committee documents, and membership that is balanced in points of view represented and the function to be performed. FACA requires agencies to allow the public to attend advisory committee meetings, unless the meeting has been properly closed, and to submit both oral and written comments to the committee. FACA applies only to groups established or managed and controlled by the federal government to obtain group advice and recommendations. It does not apply to meetings that are set up to exchange information or to obtain individual advice or recommendations from the attendees.

### **Administrative Dispute Resolution Act (5 U.S.C. §§ 571-584)**

The Administrative Dispute Resolution Act (ADR Act) encourages and provides for the use of neutral assisted processes to support the effective collaborative resolution of disputes related to federal agency programs. The ADR Act supports the use of ADR processes by establishing confidentiality protections for communications during assisted dispute resolution efforts and expedited procedures for the procurement of neutral services.

### **Negotiated Rulemaking Act (5 U.S.C. §§ 561-570)**

The Negotiated Rulemaking Act (NRA) encourages and provides for the use of neutral assisted processes by federal agencies to negotiate and develop proposed rules. The NRA specifically provides the public with an opportunity to collaborate with Agency staff and other affected stakeholders in the development of proposed rules. Among other considerations, the statute contemplates that federal agencies will provide appropriate public notice of an agency's intent to use a negotiated rulemaking process and ensure that persons representative of those significantly impacted by a proposed rule will participate on the negotiated rulemaking committee. In establishing and administering committees under the NRA, agencies are required to comply with the provisions of the Federal Advisory Committee Act to the extent that those provisions do not conflict with the NRA.