



**National Advisory Council for
Environmental Policy and Technology**

December 30, 2013

The Honorable Gina McCarthy
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington D.C. 20460

Dear Administrator McCarthy:

The National Advisory Council for Environmental Policy and Technology (NACEPT) appreciates the opportunity to comment on the U.S. Environmental Protection Agency's *Draft FY 2014-2018 EPA Strategic Plan*. Within the short timeline available, NACEPT is providing this high-level review focused on how the *Plan* addresses key strategies to achieve the Agency's mission and communicates that message to a diverse audience, including the general public and key partners and stakeholders. We believe that this *Draft FY 2014-2018 EPA Strategic Plan* very much points in the right direction and sets the Agency on an effective strategic course moving forward. We appreciate the Administrator's consideration of NACEPT's previous advice letter on sustainability, dated April 5, 2012, and the recommendations provided therein.

NACEPT members believe that incorporating sustainability principles and practices into the *FY 2014-2018 EPA Strategic Plan* is fully in line with EPA's historical mission to protect human health and the environment, and enhances the Agency's concomitant delivery of economic and social benefits. The *Plan* is in keeping with the National Environment Policy Act's (NEPA) mandate to "create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." 42 USC § 4331(a). The *Plan* is responsive to Executive Order 13514, which sets sustainability goals for Federal agencies and focuses on making improvements in their environmental, energy and economic performances. Moreover, the *Plan* aligns EPA with the movement among international organizations, corporations, NGOs and governments to adopt sustainability as a common framework for addressing environmental, social and economic issues.

Incorporating sustainability considerations into its vision and processes and into areas of decision-making where EPA has sufficient regulatory discretion and into its non-regulatory programs can help to achieve important benefits for EPA and the nation. The *Plan* helps the Agency pursue its historical and statutory mission by encouraging a constant search for innovative win-win-win approaches that advance the Agency's environmental and public health goals and optimize social and economic benefits as well. A focus on sustainability can also help to build, over time, EPA's capacity to deal with complex cross-cutting problems such as biodiversity loss, resource depletion, climate change, impacts of emerging technologies and entrenched poverty.

We commend, in general, the *Plan's* cross-cutting fundamental strategies around principles of sustainability, healthy communities, stronger partnerships and workforce development, and, in particular, the cross-cutting fundamental strategy “Working Toward a Sustainable Future.” We suggest that sustainability principles be raised earlier in the *Plan* as an overall framing consideration. We offer the following specific recommendations for your and the EPA’s consideration:

- EPA should adopt a sustainability vision and expand its current mission statement to reflect a sustainability approach. In general, EPA has elevated the mention of sustainability in this *Plan*, as compared to previous strategic plans, but has not been consistent in recognizing sustainability principles throughout this *Plan*. By including principles of sustainability in some areas of the *Plan*, rather than throughout, the implication is that certain areas of Agency activity are not ripe for application of sustainability principles. We suggest that EPA should build sustainability principles throughout its vision and processes and incorporate them into regulatory programs in areas of decision-making where EPA does have sufficient legal authority and regulatory discretion and into its non-regulatory programs.
- Consistent with recommendations in the National Academy of Sciences’ (NAS) report *Sustainability and the US EPA*, one of the new cross-cutting Agency Priority Goals (APGs) is aimed at selecting a small set of sustainability indicators on energy use, water use and materials use. This is commendable. However, no statement clearly and directly associates the other six APGs with the Agency’s sustainability initiatives. This is a missed opportunity. As two-year operational targets, APGs fit well within and can be linked explicitly to the three-to-five year timeframe recommended by NAS for achieving sustainability breakthrough objectives at the program level. We suggest that the Agency consider adding as APGs the development and beginning implementation of an annual action plan for each of the Cross-Cutting Fundamental Strategies. The Agency has committed (page 48) to develop those annual action plans, and it seems a logical, appropriate and effective measure to translate that commitment into an APG for each Cross-Cutting Fundamental Strategy.
- The *Plan* very appropriately incorporates EPA’s strategies to address climate change in support of the President’s *Climate Action Plan*. We commend the various objectives to reduce and mitigate carbon pollution and to adapt to climate change impacts. Also, the *Plan* rightly addresses scientific research, emergency response and enforcement associated with extreme weather and climatic events – notably floods, rising ocean levels and storm surges, and hurricanes. However, the *Plan* misses out on reoccurring drought, an extreme climatic phenomenon with potentially adverse and severe impacts on the social, economic and environmental well-being of the nation. As part of the President’s *Climate Action Plan*, an interagency National Drought Resilience Partnership was recently created to help communities better prepare for future droughts and reduce their impacts on livelihoods and the economy. EPA is a member of this partnership. Because drought is directly connected to water resources, we suggest that EPA strategies to address drought resilience be included primarily under Goal 2 and supported with discussions under Goal 1.
- One of EPA’s greatest challenges in advancing sustainability is the fragmented nature of the Agency resulting from the media-oriented structure of the EPA program offices. The *Plan*,

while elevating mention of sustainability, could say more about how a cross-cutting strategy will be implemented, especially as the *Plan* itself remains organized in programmatic areas (and some of which barely discuss sustainability in the underlying strategies). EPA should give more consideration to *how* it will encourage cross-media activity because cross-cutting strategies will be impeded without cross-media collaboration and implementation. The methods of collaboration cited on page 50 (e.g., networking and leading by example) need more specificity and gravitas – this is a major culture change, not a minor initiative.

- In the *Plan*'s introductory paragraph explaining the cross-cutting strategies (page 5), the EPA describes incorporating sustainability into major Agency activities and, then, separately, in the same paragraph describes the desire to enhance communities. Enhancing communities is part and parcel of sustainable thinking; in other words, community concerns, including environmental justice issues, are not separate from sustainability. EPA does recognize in the *Plan* (page 26) that sustainable development and environmental justice goals are not mutually exclusive. This language could be made more consistent with the introductory paragraph on page 5.
- Goal 2: Protecting America's Waters – There is no mention of water conservation or water efficiency, including demand-side strategies, which EPA can productively encourage through research and tool development, data development and technical assistance. In addition, the Obama Administration has made restoration of the Great Lakes ecosystem a priority strategy and focus for action. We commend the Administration's Great Lakes Restoration Initiative and the Agency's goal to restore the Great Lakes ecosystem. There are both longstanding pollution problems which need to be addressed and newly emerging issues. For example, Lake Erie's Harmful Algal Blooms (HABs) warrant a priority in EPA's *Plan* (page 21). Nuisance growths of the cyanobacterium microcystis are a crucial issue because they disrupt the aquatic ecosystem and discourage recreation, they produce a toxin not regulated by the Safe Drinking Water Act, and they threaten the safety of public water supplies. The impacts of HAB toxins should also be recognized under "Water Safe for Swimming" (page 70).
- Goal 3: Cleaning Up Communities and Advancing Sustainable Development – There is no mention of city/community planning, which is an essential sustainable development activity. This section is primarily focused upon hazardous waste issues and mentions, only in a short paragraph, the challenges faced by cities with respect to climate adaptation and resiliency. There is also no mention of collaboration with mayors, city planners and city leaders on this issue even though EPA is the lead agency on climate change. EPA should consider focusing more attention on fundamental city/community issues such as urbanization trends and human health effects including water, energy and resource/food supply as well as healthcare access.
- EPA might consider a collaborative effort to learn from states, cities and Tribes about major issues and then form strategies on how EPA can help to address the priority issues and challenges. In particular, EPA and the Regional Offices can work with the states, cities and Tribes to advance sustainability and help support the states, cities and Tribes with their sustainability programs. Many U.S. cities have well developed sustainability action plans, which they are implementing. For example, the City of Chicago has the Sustainable Chicago 2015 Action Agenda, which focuses on seven key sustainability elements: climate change,

waste and recycling, water and wastewater, energy efficiency and clean energy, economic development and job creation, transportation options, and parks, open space and healthy foods. The EPA could benchmark with these sustainability programs, work with cities to identify and communicate best practices, and provide forums (including on-line) through which cities can share experiences and benefit from the best practices of others.

- Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution – We commend the Agency for emphasizing the need for reforming and updating of the Toxic Substances Control Act (TSCA). The initiative to make TSCA chemical data more widely available to the public through the Chem View Portal is a major step that will help engage many more stakeholders in chemical safety assessments. It has the potential to help reduce chemical hazards in the environment and in consumer products. We suggest that the EPA revise the first full sentence at the top on page 36 to read: “TSCA is outdated and should be revised to provide stronger and clearer authority for EPA to collect and act upon critical data regarding chemical hazards and risks.” This edit would be consistent with the second bullet under “Fostering the development of P2 innovations” in subsection “Promote Pollution Prevention” – the “Establishing technical criteria of chemical alternatives assessments” (page 39). Design for the Environment’s (DfE) “Alternatives Assessment Criteria for Hazard Evaluation” states: “The results of the alternatives assessments provide EPA and stakeholders with a comprehensive picture of the hazards of a chemical and its alternatives.”
- Under the strategic measures for “Protect Human Health from Chemical Risks” in Objective 4.1, Ensure Chemical Safety (page 80), the Agency should consider an additional measure regarding the role of DfE in supporting chemical safety measures in additional product categories. DfE’s product labeling program and alternatives assessment work with industry are respected and have helped to shape the development of voluntary chemical alternatives assessment programs by both manufacturers and retailers that increasingly focus on reducing the hazards of chemicals in consumer products. Because increasing percentages of consumer products sold in America are manufactured overseas, such voluntary initiatives – often addressing hazards beyond federal regulatory requirements – can have positive impacts on the design of products upstream in supply chains. DfE’s role provides a good example of how EPA’s technical expertise, in collaboration with efforts by diverse stakeholders (government, industry and NGOs), can contribute to worldwide sustainability initiatives.
- While nanomaterials are becoming increasingly prevalent in a wide range of consumer, industrial and medical applications, the topic is mentioned only once as part of a paragraph under “Summary of Program Evaluation” (page 46). Given the rapidly growing importance of nanomaterials in products and manufacturing, and the often different chemistries of nanoparticles from those of standard elemental materials, EPA’s *Plan* should begin to explore development of specific goals, objectives and measures for assessing and managing their potentially unique health and environmental impacts.
- Goal 5: Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance – We commend the Agency’s recognition that “[v]igorous civil and criminal enforcement plays a central role in achieving the goals EPA has set for protection of health and the environment” (page 42), and the Agency’s plans to deploy “Next Generation

Compliance [that] takes advantage of new information and monitoring technologies to enable EPA, states, and tribes to get better compliance results, and tackle today's compliance challenges" (page 42). We do question, however, what appears to be a reduction in enforcement actions reflected in the "Strategic Measures" presented at page 82. For example, the federal inspections and evaluations being conducted over the five-year period ending in 2018 appear to decline to 14,000 annual inspections from the present baseline of 20,000 – 21,00 annual inspections. The annual civil judicial and administrative enforcement cases being initiated over the five-year period ending in 2018 also appear to decline to 2,300 new enforcement cases from the present baseline of 3,000 – 3,900 annual new cases. Correspondingly, the annual civil judicial and administrative enforcement cases being concluded over the five-year period ending in 2018 also appear to decline to 2,000 enforcement cases from the present baseline of 3,000 – 3,800 annual cases. Numbers, alone, cannot tell the whole story; however, these stated reductions in EPA enforcement activities do not appear to reflect the strategic intent to "maintain enforcement presence" (page 82) and should be reconsidered by the Agency in light of Goal 5's stated purposes of "vigorous civil and criminal enforcement" (page 42), which we support as necessary to protect human health and the environment and to "ensure that companies that do the right thing and are responsible neighbors are not put at a competitive disadvantage" (pages 43 – 44).

- We suggest expanding the focus of the third Cross-Cutting Fundamental Strategy, "Launching a New Era of State, Tribal, Local, and International Partnerships" (page 48) to add two other categories of partnerships that are central to the success of the national environmental program: partnerships with other federal agencies and with regional alliances focused on sustainability and the conservation of natural resources. Although the Agency is working effectively in many ways with federal agency partners (e.g., HUD, DOT and DOD) and with regional alliances (e.g., Gulf of Mexico Alliance, Southeastern Regional Partnership for Planning and Sustainability), it is crucial and timely for the benefit of all the Cross-Cutting Fundamental Strategies to launch a new era of partnerships with federal agencies and with regional alliances in addition to the other categories already identified in the *Plan*.
- Although there are a few references to education in the *Plan*, more educational elements could be added or strengthened through interdisciplinary, collaborative research. Given the importance of education in sustainability for meeting future challenges, EPA should consider ways to add this education element as a Cross-Cutting Fundamental Strategy. Many junior colleges and universities are teaching sustainability related courses, are working to become more sustainable, and have full-time campus sustainability coordinators. The EPA could benchmark with these university sustainability programs, adopt best practices and even work to support favorable aspects of these programs with other key elements of city/state and national sustainability strategic action plans. For example, the University of Michigan has a strong sustainability program with dozens of elements. The University of Wisconsin – Platteville launched a minor and, then, a major in Sustainable and Renewable Energy Systems, which has attracted rapidly growing student participation. EPA can work with many groups, including the National Environmental Education Foundation, to advance sustainability education. Among other partnership initiatives, EPA should consider engaging with universities and research institutions nationwide through the National Science Foundation's ongoing Research Coordination Networks Program on Science, Engineering,

and Education for Sustainability (RCN-SEES). With its sustainability mission, the RCN-SEES program aims to support interdisciplinary research and education, build linkages through project partners, and develop a future workforce trained to address the complex issues of sustainability.

- The EPA should consider modifying its funding and grant criteria to align with sustainability priorities and goals so that cities, universities, NGOs and other organizations working toward sustainability have greater access to funding. The EPA should consider providing recognition in some respect to cities, universities, NGOs and other organizations – criteria and groups to be defined – which are excelling in advancing sustainability consistent with EPA’s sustainability strategies and goals.

NACEPT appreciates the opportunity to comment and work with you and your colleagues at the United States Environmental Protection Agency on this important topic. We will be pleased to offer any additional advice that you may require in the future. Thank you for your consideration.

Sincerely,



William G. Ross, Jr.
Chair



Howard A. Learner
Vice Chair
and Work Group Chair

cc: Bob Perciasepe, Deputy Administrator
Craig E. Hooks, Assistant Administrator
Office of Administration and Resources Management
Maryann Froehlich, Acting Chief Financial Officer
NACEPT Members