State Environmental Agencies Funding: Environmental Integrity Project Report

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The Environmental Integrity Project ("EIP") published a document titled:

State of Decline: Cuts to State Pollution Control Agencies Compound Damage from the Dismantling of EPA ("Report").

The overall premise of the Report is that some state environmental agencies have seen significant budget cuts which will make it difficult for them to assume responsibility for activities that the United States Environmental Protection Agency ("EPA") had traditionally undertaken.

The concern is driven by significant reductions in EPA staff and budget.

Congress provided the ability in the various federal environmental statutes for states to carry out (i.e., be delegated) the requirements of various programs for which it has charged the federal agencies with implementing. EPA can delegate to a state implementation of federal program if a number of required criteria are met. The assumption of such authority by a state from EPA is often called primacy. A state, territory, or Tribe with primacy, has primary enforcement responsibility, and can oversee the program in that state, territory, or Tribe.

Generally, the state regulates, and the federal government or/and EPA oversees the state regulatory program. In the event the state regulatory program is deemed inadequate, as determined by EPA it assumes the regulatory program or a portion of that program. Most states (including Arkansas) have obtained primacy for the various programs that can be delegated because they then become the primary authority for purposes of regulation and enforcement.

The Trump administration has argued that the states can and should have more responsibility to implement the various environmental programs. However, the EIP Report expresses concern about various states ability to undertake more responsibility for environmental oversight. The Report argues that more than half of the states have cut the budgets of their own environmental agencies over the last 15 years.

By way of summary, the Report argues that:

… These deep reductions mean that the Trump Administration's proposed downsizing of the EPA would have an increased impact on pollution control efforts across the country. Not only will the federal pollution cop no longer be on the beat, state authorities may not show up either. Many states will not be able to shoulder more environmental oversight responsibilities because of years of their own cost-cutting, with a gradual erosion of their capacity for managing pollution often as bad or worse than the downsizing at the federal level.

The EIP Report undertook an analysis in the state of funding for the 50 state environmental agencies over the time period of 2010-2024. It also addressed the status of staffing levels over the same time period.

Examining the data for the state of Arkansas, the Report provides estimates for both funding and staffing during this time period. Arkansas' environmental agency is stated to have recorded a 31% budget increase over the relevant time period, but a 17% drop is staffing.

Components of the Report include:

- Why Do States Matter For Environmental Enforcement?
- The National Picture: Budget Cuts and Staffing at EPA Over the Last 15 Years.
- The Shrinking Capacity of State Environmental Agencies.
- Staffing Level Trends.
- Case Studies.
- Texas: Big Growth, Big Cuts.
- Louisiana: Polluter's Paradise.
- California: The Outlier.
- Pennsylvania: Growing Challenges in the Keystone State.
- North Carolina: Fowl Waste.
- Illinois: Green Cuts in the Prairie State.
- Appendices.
- Appendix A: Methodology.
- Appendix B: Detailed Notes by State.

A copy of the Report can be found here.