



PAT McCrory
Governor

DONALD R. VAN DER VAART
Secretary

**Alabama Department of Environmental Management
Nebraska Department of Environmental Quality
North Carolina Department of Environmental Quality
North Dakota Department of Health and Environment
West Virginia Department of Environmental Protection**

President-elect Donald J. Trump
675 Washington Street
Alexandria, VA 22314

November 16, 2016

Dear President-elect Trump:

Congratulations on your election victory. Now comes the time to govern.

We are state environmental leaders who want to forge a new partnership with the U.S. Environmental Protection Agency (EPA) to move America forward. Statements you made during the campaign give us confidence that we can achieve your goals by working together, as these are goals that are also important to the citizens of our states.

We know your transition team can help translate your goals into a new and better environmental program. We stand ready to help your administration and respectfully request that your transition team consider the following:

Return Environmental Leadership to the States

Many environmental improvements have occurred since the EPA was created; however, in recent years the EPA has run out of control. The EPA has systematically taken discretion away from the states and has become a symbol of federal overreach. It is time to return to the cooperative federalism that Congress intended when writing fundamental environmental laws. By returning responsibility for implementing these laws to the states, your administration can avoid the agenda-driven federal regulatory process that has stifled our country's competitiveness.

Place a Moratorium on Currently Proposed and New Federal Regulations

The federal power plan and the Waters of the United States (WOTUS) rule are glaring examples of federal overreach. The power plan would ostensibly reduce power plant emissions, but would do little to improve air quality. This burdensome rule will harm the industrial sector by drastically increasing electricity costs, particularly for energy-intensive industries, such as manufacturing, that

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require low energy prices to compete. Under WOTUS, our agricultural industry would be severely hampered by cumbersome and unnecessary land use restrictions.

To fight back, each of our states filed suit against these overreaching federal rules. In an unprecedented move, the U.S. Supreme Court stayed the power plan, and a lower court stayed the WOTUS rule. We hope that your administration will review these regulations and base its policy decisions on scientific environmental data that shows what works and what does not.

Work with State Governors and Environmental Directors to Eliminate Federal Overreach

When the federal government becomes overly involved in environmental matters that were originally intended to be administered by the states, the result is both unwarranted federal overreach and wasteful duplication of effort. For example, EPA enforcement, in addition to state enforcement efforts, often results in duplicate investigations with no benefit to the environment or the economy. Second-guessing state efforts is not an effective means for the EPA to provide productive oversight.

Our country still needs the EPA, but not the EPA of recent years. We need research targeted at our specific, clear environmental challenges. This can best be done by coordinating industry-level initiatives that cross state lines, which can be defined by measurable success. We must put an end to the idea that more regulation is always good, and instead allow state and local experts to improve the environment.

End Secret Policy-Making by Washington Insiders

In too many recent instances, the EPA has shown a preference for bringing special interest groups into the rulemaking process in lieu of a broader stakeholder process that includes state governments. In one case, the EPA fought against allowing states to participate in litigation, arguing that the states lacked standing. The EPA then used sue-and-settle practices to allow only special interest groups a seat at the table. State governments welcome the opportunity to participate in the rulemaking process, and that process will run more smoothly once the EPA shifts from being an autocrat to being our partner.

We look forward to working with your administration in order to protect our environment while bringing economic prosperity to all Americans. Thank you, and congratulations again on your success.

Sincerely,



Donald van der Vaart, Secretary
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Lance LeFleur, Director
Alabama Department of Environmental Management



Jim Macy, Director
Nebraska Department of Environmental Quality



David Glatt, Chief
North Dakota Department of Health and Environment



Randy Huffman, Secretary
West Virginia Department of Environmental Protection