

March 31, 2009

Tanya Hodge Mottley, Acting Director
Pollution Prevention Division
Office of Pollution Prevention & Toxics
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Ms. Hodge Mottley:

Thank you for providing the Northeast Waste Management Officials' Association (NEWMOA)-member state officials with the opportunity to review and comment on the draft January 2009 "Promoting Pollution Prevention to Achieve Sustainability: A Strategic Plan for the U.S. Environmental Protection Agency's Pollution Prevention Program, 2009 – 2014." NEWMOA applauds EPA on their efforts to prepare a strategic plan for the Agency's pollution prevention program and to seek comments and suggestions from external stakeholders. The NEWMOA-member state pollution prevention (P2) programs are aware of the considerable amount of effort that the Agency has devoted to developing this draft Plan and believe that it provides a valuable resource by compiling all of the Agency's key P2 initiatives into a single document. NEWMOA offers below a number of constructive suggestions on the draft Plan to help with improving it.

Overall, the Plan brings together a number of the current EPA initiatives and projects underway within the Pollution Prevention Division. However, the goals and objectives defined throughout the draft Plan would benefit from greater specificity and quantitative objectives with activities that are more clearly defined to meet those objectives. Greater specificity in the Plan would help states understand how their priorities and activities relate to EPA's and should not limit the state programs' efforts to set their own priorities and goals.

The NEWMOA-member state programs consider effective P2 measurement to be a key aspect of ensuring that P2 is successful. The draft Strategic Plan does reference measuring pollution prevention in various places; however, it does not sufficiently emphasize the importance of effective P2 measurement nor does it outline a strategy for its continuous improvement and implementation. We believe that EPA should play a critical role in developing accurate methods and standards for measuring the impacts of pollution prevention activities and urge the Agency to more fully articulate its role in this area in its Strategic Plan. We recommend that EPA initiate a national effort to develop "best measurement practices" for P2 to assist the state and local programs and others in improving their ability to quantify P2 results.

Over many years, EPA's Pollution Prevention Division has focused considerable effort on integrating P2 into the Agency's regulatory rulemaking, permitting, compliance, and enforcement activities under the various air, water, and waste laws. This has proven to be very challenging for the states and EPA. We urge EPA to continue and to enhance their efforts in this area. The draft P2 Strategic Plan describes EPA's emphasis on integrating P2 into its sustainability efforts, but has a less clear emphasis on integration into programs such as those under RCRA, NPDES, and the Clean Air Act. This Plan should articulate how EPA's P2 efforts can more effectively integrate P2 into the mainstream of these regulatory programs. We urge the Pollution Prevention Division to develop a more strategic approach to this critical endeavor because we believe that there are still important opportunities for greater integration of P2 concepts and technologies into regulatory program activities. In particular, we suggest that the Division play a critical role in advocating for pollution prevention to be reflected throughout the Agency-wide Strategic Plan and not just under Goal 5.1.2.

The Draft Plan focuses on EPA's activities to advance P2; however, an important role of the Agency is also to help fund state and local P2 activities. The available pollution prevention funds for state programs have been flat or declining for a number of years. This has a significant impact on the pollution prevention efforts at the state and local level and is not addressed in the draft Plan. We urge the Agency to examine opportunities to increase funding for the critical P2 efforts underway by state and local programs.

The draft Plan is not sufficiently clear about how the proposed strategies will affect current EPA grant-making priorities for P2. Will the state programs have to align their EPA grant-funded activities under the P2 Grant Program with the EPA's priority sectors or will they have some flexibility to target sectors not specifically identified in the EPA Strategic Plan in their grant applications if they can demonstrate why the sector is a priority in their state? This is an important concern, and the EPA Strategic Plan would be enhanced if this were clarified.

Successful implementation of pollution prevention requires efforts at all levels of government and the private sector. Partnering with state and local government and acknowledging their efforts is necessary for the vision of prevention as the strategy of choice to become a widespread reality. Throughout the draft Strategic Plan, the Agency should acknowledge the value and importance of the work of other levels of government and emphasize more the role of partnerships in the implementation of the Plan.

Comments on Goal 1

Under Goal 1, the draft Strategic Plan clearly aligns P2 with sustainability, and the NEWMOA-member states' programs support that direction for the Agency. However, EPA could improve this aspect of the Plan by developing a clearer and more specific definition of sustainability and articulating more specific strategies and activities for implementing its efforts to connect these important directions within the Agency.

Over many years, EPA has worked on developing and supporting regional and national networks to help coordinate and facilitate cooperation on pollution prevention implementation. These existing networks and organizations remain critical to the success of pollution prevention. Under Goal 1, Objective 2, we urge the Agency to more clearly articulate the importance of supporting

and working with the existing P2 networks and interstate organizations, including P2Rx Regional Centers, NPPR, and others to promote and implement this Plan and in particular the efforts to develop and implement improved P2 measurement.

Comments on Goal 2

We support the direction outlined in Goal 2 to improve coordination among EPA's various pollution prevention initiatives. Working with the state programs to advance this goal is vital and should be emphasized in the Plan.

Under Goal 2, the Plan mentions the Agency's Design for the Environment (DfE) program. Many NEWMOA-member state programs are involved with environmentally preferable purchasing efforts, particularly targeting green cleaners, and have been communicating with DfE on their efforts. Most of these state programs, however, do not accept the EPA DfE-certified cleaners under their state procurement standards, in part because the underlying DfE criteria and procedures for designating cleaners as green are not clearly articulated and shared. Energy Star and other EPA certification programs have written criteria that underlie their certifications, and the NEWMOA-member state programs believe this level of transparency needs to be incorporated into DfE for green cleaners. The States urge the Agency to make their process under DfE much more transparent so that more state procurement programs can consider referencing DfE-certified green cleaning products in the future.

Furthermore, Goal 2 of the Strategic Plan describes the importance of green chemistry to P2 efforts in the future. The NEWMOA-member state programs agree with EPA that green chemistry is critical to the ability of EPA and others to advance P2. The NEWMOA-member state programs are particularly interested in working with the Agency to advance methods for identifying and promoting safer chemical alternatives.

The goals and objectives for the Agency's green chemistry initiatives need to be more specific and clear in the Agency's Strategic Plan. Many states in the Northeast and elsewhere are beginning to implement laws and programs to promote improved chemical oversight, prioritization, and evaluation of safer alternatives. We urge EPA to articulate more clearly in this Plan how it will coordinate its efforts under CHAMP and green chemistry with these emerging state programs and initiatives.

Comments on Goal 3

The NEWMOA-member states appreciate EPA's efforts to identify priority sectors under Goal 3 of the draft Plan. We look forward to working with the Agency on implementation of the strategies for the targeted sectors. We urge the Agency to develop clearer targets and objectives for each of the sectors outlined in the Plan and to develop more strategic outreach and assistance priorities for them.

State programs in the Northeast Region have considerable experience with several of the noted sectors, and the Agency would benefit from greater coordination with us on implementation of efforts to target activities toward those sectors. Approximately 17 states have initiated hospitality outreach and assistance programs in the U.S., including most of the states in the Northeast. We urge EPA to engage the state programs in working on and implementing its

national hospitality initiatives and development of green meeting standards and to describe more clearly its efforts to coordinate with the state programs in the Plan.

The Strategic Plan describes EPA's interest in developing best management practices (BMPs) for hospitality and other sectors in a number of places. State programs in the Northeast and elsewhere have already developed these BMPs for various sectors; we urge the Agency to first review these existing BMPs and build on them rather than reinventing what state programs have already spent considerable resources developing. Under the hospitality sector, we suggest that the Agency consider focusing its efforts on areas other than hotels, where there are currently plenty of options. In contrast, there are little or no green certification standards for outfitters, resort destinations, and transportation services. EPA's efforts on a national meetings standard are worthwhile for the same reason.

EPA should strive to recognize state hospitality certification programs as key to implementation of a national green meeting standard. To the maximum extent possible, we urge EPA to allow facilities that have qualified for state green hospitality certifications to also qualify for the national certification when the criteria and verification methods are consistent. Furthermore, EPA should focus some of its hospitality sector work on working with states to develop and implement key hospitality sector quantitative metrics. Reaching consensus on appropriate metrics and developing approaches to collecting the data to implement them is critically important to state program's hospitality initiatives.

In the Northeast, P2 programs have focused on outreach, assistance, and pollution prevention planning requirements for chemical and manufacturing industries for many years. This is a very broad sector with many diverse industries, each with unique environmental and economic challenges. The draft Strategic Plan would benefit from more clearly identifying specific sub-targets within this sector for focusing P2 outreach and assistance. In the current version of the Plan, the only manufacturing sub-sector that is specifically mentioned is pharmaceuticals, and the reader of the Plan is left wondering if this sub-sector is the primary target for this section of the Plan.

With regard to Sector strategies under Goal 3 and the Agency's effort to implement pollution prevention approaches to reduce greenhouse gases from facilities, the state programs in the Northeast urge the Agency to develop and offer training on methods to verify these reductions.

The Northeast Waste Management Officials' Association (NEWMOA) is a non-profit, non-partisan interstate association that was established by the governors of the New England states as an official interstate regional organization, in accordance with Section 1005 of the federal Resource Conservation and Recovery Act (RCRA), to coordinate interstate hazardous and solid waste activities. The organization was formally recognized by the US EPA in 1986. NEWMOA's membership is composed of the state environmental agency directors of the hazardous waste, solid waste, waste site cleanup, emergency response, pollution prevention, and underground storage tank programs in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. For more information on NEWMOA's pollution prevention activities, visit www.newmoa.org.

Again, thank you for the opportunity to review and comment on the Draft Strategic Plan. We look forward to working with EPA to implement the many important and worthwhile P2 initiatives outlined in the Plan. Please do not hesitate to contact me or Terri Goldberg, NEWMOA to discuss these comments further.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gary Gulka".

Gary Gulka
Vermont Department of Environmental Conservation
2009 NEWMOA Chairperson

Cc: Robert Guillemain, EPA Region 1
Alex Peck, EPA Region 2