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Gentlemen

This correspondence is to confirm that for many reasons the Alabama Department of Environmental Management emphatically does not concur with the letter from the Environmental Council of States dated September 27, 2019 addressed to Administrator Wheeler. Among the reasons are:

1. Consideration of the letter was not on the agenda for the meeting of the Executive Committee meeting on September 26, 2019.
2. There was no mention of such a letter being considered at any time prior to the Executive session that took place on September 26, 2019 which is inconsistent with long established ECOS past practice of advance notification of contemplated actions.
3. Without notice, adequate opportunity for consideration and input by all states was not afforded which is inconsistent with the ECOS principle of consensus action by ECOS.
4. The process of developing and publishing the letter sets a bad precedent for future ECOS actions.
5. The tone of the letter is unnecessarily confrontational and inconsistent with any historical precedent of the ECOS organization in dealing with EPA.
6. The letter does not show due respect for EPA as the major financial contributor to ECOS, without such support ECOS would likely not exist.
7. The letter went to EPA without the courtesy of any advanced notice to EPA or the states and is an inexcusable public blind side to EPA.
8. The letter damages (hopefully not irreparably) the goodwill and mutual respect developed between EPA and ECOS that has been developed since ECOS was organized.
9. The letter damages (hopefully not irreparably) the goodwill and mutual respect developed between the individual states that are members of ECOS that has been developed since ECOS was organized
10. The letter does not identify the EPA actions with which the author(s) take issue.
11. Although it has not been specifically made clear to me what the contentious issues prompting the letter are, it is my understanding the author(s) are referring to the concerns of several individual states, not issues deemed by all states to be areas for concern.
12. It is likely that the issues objected to by a few states are in fact supported by other states.
13. There are more appropriate avenues for individual state concerns to be expressed including state one-on-one conversations with EPA representatives or ECOS representatives having conversations with EPA representatives making it clear the views are only from a subset of all states.

14. During prior EPA administrations there were issues objected to by some states and supported by other states and if a consensus could not be reached ECOS did not select one point of view and reject the other and then present the selected position to be the consensus of all states.
15. States that do not agree with the letter are now perceived by EPA and the public as having agreed to the letter.
16. The letter very well may result in media incorrectly developing the narrative that the states are unanimously at odds with EPA and then using the narrative for partisan political purposes.

Due to schedule conflicts I was unable to participate the Executive session on September 26 or the conference call on October 2, however, I wish to make it clear that I believe the process to develop the letter, the tone of the letter, the lack of specifics in the letter, the failure to first employ other options to address the issues, and the implication that the letter represents the consensus of all the states demonstrate that the letter was ill advised.

Although damage has been done, I suggest that the letter be withdrawn or in the alternative that the individual states be polled and EPA be notified which states support and which states do not support the letter. I further suggest that ECOS refrain from this type of activity in the future and seek ways to return to a respectful and productive relationship with EPA that represents the interests of all states.

Sincerely