Environmental Council of the States
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July 11, 2022

To: Robert Hinchman
Senior Counsel,
Office of Legal Policy
U.S. Department of Justice
Room 4252 RFK Building
950 Pennsylvania Avenue NW
Washington, DC 20530

Re: Public Comment on Guidelines and Limitations for Settlement Agreements Involving Payments to Non-Governmental Third Parties, Docket No. OAG 177

Dear Mr. Hinchman,

The Environmental Council of the States (ECOS) thanks you for the opportunity to provide input to the Department of Justice (DOJ) Office of Legal Policy on the guidelines and limitations for settlement agreements involving payments to non-governmental third parties. ECOS is the nonpartisan, national association of state and territorial environmental agency leaders that works to improve the capability of state environmental agencies and their leaders to protect and improve human health and the environment across the nation.

ECOS supports the use of Supplemental Environmental Projects (SEPs) in state and federal settlements. As stated in ECOS Resolution 17-3, SEPs advance the public interest by providing additional environmental and public health benefits for communities adversely impacted by environmental violations. At least 37 states have adopted SEPs Policies and make SEPs an integral part of the settlement process.

The proposed changes to restore SEPs will support states' efforts to address equity issues in environmental justice and low-income communities disproportionately impacted by environmental violations. States also note the opportunity for settlement agreements to include community service payments or payments to state agencies, which can be leveraged to address training needs for communities and agencies at no additional cost to agencies.

Thank you again for the chance to provide these comments. We look forward to working with our federal counterparts and collaborating to improve outcomes for public health and the environment.

Best Regards,

Ben Grumbles

Ben Grumbles
Executive Director

Myra Reece
South Carolina Department of Health and Environmental Control
ECOS President

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