

Summary of Input from State, Territory, and Tribal Partners for OECA FY 2022-2023 National Program Guidance

Process for Soliciting Early Input

EPA's Office of Enforcement and Compliance Assurance (OECA) solicited early input on development of the FY 2022-2023 National Program Guidance from the following groups:

Name of Organization	Venue	Date
Association of Air Pollution Control Agencies (AAPCA)	Email solicitation	8/12/2020
Association of American Pesticide Control Officials (AAPCO)*	Email solicitation	8/12/2020
Association of Clean Water Administrators (ACWA)*	Email solicitation	8/12/2020
Association of State Drinking Water Administrators (ASDWA)*	Email solicitation	8/12/2020
Association of State and Territorial Solid Waste Management Officials (ASTSWMO)	Email solicitation	8/12/2020
Environmental Council of the States (ECOS)*	Email solicitation	8/12/2020
National Association of Clean Air Agencies (NACAA)*	Email solicitation	8/12/2020
National Association of State Departments of Agriculture (NASDA)	Email solicitation	8/12/2020
Tribal Waste and Response Steering Committee & National Tribal Caucus	Conference call (with OLEM)	9/10/2020
Tribal Water Council	Conference call (with Office of Water)	10/14/2020
Federally recognized tribes	Conference call (with OCSP)	10/14/2020
Tribal Pesticide Program Council	Conference Call (with OW)	10/21/2020

*Organization provided early input to OECA; comments were also submitted by Virginia Dept of Environmental Quality.

Highlights of Early Input from States, Tribes and Associations

- Commenters expressed support for EPA's current National Compliance Initiatives
- Commenters emphasized the importance of consulting and coordinating with states, especially early coordination on new initiatives, state-EPA coordination on inspection targeting, and better communication on progress of cases referred to EPA. Commenters also noted the principles outlined in OECA's "[Enhancing Effective Partnerships Between the EPA and the States in Civil Enforcement and Compliance Assurance Work](#)" memo should be reflected in OECA's FY 2022-2023 NPG. One commenter felt should focus on where the agency can do work that its state and local partners cannot, and provide assistance when requested to aid in enforcement activities or national-scale issues.

- States suggested ways OECA could help states with limited resources:
 - Develop technical and legal guidance for new tools - such as offsite monitoring, remote video tools, virtual/remote inspections and audits – that would enable them to be more efficient.
 - Develop compliance advisories, guidance documents, and broader compliance strategies that could benefit all states.
 - Work with states to de-prioritize certain program areas and initiatives that could be lower priority at this time.
- Comments encouraged continued EPA investment in data systems to improve the interoperability between state and federal databases and expressed a desire for OECA to improve governance of data systems.
- Almost all commenters said that EPA should provide training and/or increased funding to co-regulators, small communities, and EPA’s own workforce to improve compliance.
- Multiple commenters encouraged OECA to increase focus on environmental justice efforts, including suggestions to:
 - Emphasize compliance efforts in environmental justice and low-income communities.
 - Consider whether enforcement actions provide equitable protections for minority, disadvantaged, or vulnerable communities, and establish performance measures to evaluate improvement in this area.
 - Evaluate EPA’s enforcement and compliance assistance programs to see if their outcomes provide equitable protection, or if embedded in their systemic design or implementation they deliver outcomes that afford less protection to communities that face other disadvantages.
 - Develop environmental justice training, guidance, tools, and strategies that states could use in their enforcement and compliance efforts.
- Commenters encouraged EPA to continue to leverage proactive measures to reduce non-compliance, such as capacity development programs like water system partnerships.
- Commenters felt that OECA should have performance measures that focus on effectiveness rather than activities, have stronger ties between measures and NCIs, and establish standard definitions and state reporting used in measures to improve consistency.

Next Steps

OECA and the EPA regions will consider the early input received from state, territory, and tribal partners in developing the FY 2022-2023 National Program Guidance.