



November 30, 2021

M. Charles Tamulonis
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Mr. Talumonis:

On behalf of the National Association of Clean Air Agencies (NACAA), thank you for this opportunity to provide feedback on EPA's "ECHO Notify" tool for the Office of Enforcement and Compliance Assurance (OECA), which you solicited on September 30, 2021. NACAA is the national, non-partisan, nonprofit association of 153 air pollution control agencies including 33 states, the District of Columbia, 115 metropolitan areas, and four territories. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. These comments are based upon that experience. The views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.

EPA's ECHO Notify service is a personalized notification service that allows users of EPA's Environmental Compliance History Online (ECHO) system to sign up to receive a weekly notification of newly identified notices for various environmental programs. EPA's Office of Enforcement and Compliance Assurance (OECA) offers this tool to enable stakeholders - including state and local clean air agencies, regulated entities, and the public - to review integrated compliance and enforcement information for more than one million regulated facilities nationwide. It is a key element of our agencies' communications with the public about how they are protected from pollution and how those who commit violations are held accountable. We appreciate the opportunity for input. Our recommendations follow.

In terms of its functionality, our agencies have had a positive experience with ECHO Notify and found its information and functionality useful and intuitive. However, some clean air agency users reported significant problems needing to repeatedly reinstall it. In addition, there were complaints that their settings are reset each time they log in. These issues should be addressed before ECHO Notify is made more broadly available, and EPA should offer an installation Frequently Asked Questions (FAQ) document or troubleshooting guide to give new users technical support.

In terms of how the enforcement and compliance data is offered in ECHO Notify, there were some concerns about how it categorizes and describes enforcement actions and terminology in a way that may cause confusion and concern for a generalist user audience. ECHO reports data about state and local inspection activities but uses technical terms of art and EPA terminology. For example, the terms “Significant Violation” and “High Priority Violation” may be interpreted differently by the public than they are by EPA and may need better explanation. In addition, EPA’s terminology may incorrectly categorize actions, notices, consensual settlement agreements, and administrative orders when set in the enforcement contexts of a jurisdictional landscape of state and local agencies across the country with their own similar, but occasionally varying terminology. This could lead to confusion if a member of the public requests a copy of a document from a state or local agency that does not use a similar description in ECHO. The terms “Addressed” and “Resolved” may also need clearer explanation for a generalist user audience. Agency reviewers also felt the Data Dictionary in ECHO should be more consistently shown on all the pages of the service, instead of only on certain pages. To resolve these concerns, EPA could put a link on every page of ECHO to a list of terms and definitions that ECHO is using with a disclaimer that the terms used in ECHO may not match terms used by state and local agencies. For reports that are sent by ECHO Notify, there should also be a link to a simple dictionary of terms.

We thank you for this opportunity to provide early input into the deployment of ECHO Notify and we look forward to continuing to work with EPA as the agency develops and deploys the service more broadly.

Sincerely,



Michael G. Dowd
Virginia
Co-Chair
NACAA Enforcement Committee



Richard A. Stedman
Monterey, California
Co-Chair
NACAA Enforcement Committee