FY 2024-2025 National Program Guidance/U.S. EPA Office of Enforcement and Compliance Assurance: National Association of Clean Air Agencies Comments

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The National Association of Clean Air Agencies ("NACAA") sent a September 29th letter to the United States Environmental Protection Agency ("EPA") providing comments on the federal agency's FY 2024-2025 National Program Guidance ("NPG") for the Office of Enforcement and Compliance Assurance ("OECA").

The NACAA letter was transmitted to Ms. Michele McKeever and Ms. Beth Ragnauth in EPA's OECA.

NACAA describes itself as the:

. . . national, non-partisan, nonprofit association of 157 air pollution control agencies including 35 states, the District of Columbia, 116 metropolitan areas, and five territories.

The NACAA comments address three areas:

- Shared Goals and Priorities
- National Enforcement and Compliance Initiatives
- State and Local Partner Needs

As to "Shared Goals and Priorities," NACAA states in part:

- EPA should continue to measure success based on detecting violations and improving increasing the compliance rate.
- EPA should establish performance measures to evaluate improvement in environmental justice.
- EPA's priority should focus on spheres in which the agency can do work that its state and local partners cannot (i.e., state and local agencies do not have jurisdiction or authority).

In addressing "National Enforcement and Compliance Initiatives," NACAA noted that the federal agency had established six National Enforcement and Compliance Initiatives for FY 2024-2027 which include:

1. Mitigating Climate Change
2. Addressing Exposure to PFAS
3. Protecting Communities from Coal Ash Contamination

4. Reducing Air Toxics in Overburdened Communities
5. Increasing Compliance with Drinking Water Standards
6. Chemical Accident Risk Reduction

NACAA suggests:

- Two new National Enforcement and Compliance Initiatives ("NECIs") (addressing climate change and PFAS) will need particular consideration in terms of clear guidance to the states about what performance will be addressed as enforcement and compliance issues and against what standard actions could be taken.
- EPA should establish strong guidance for those federal greenhouse gas regulations against which enforcement and compliance actions could be taken.
- EPA actions to expand its efforts to improve clean air outcomes for vulnerable communities should be in addition to, and not at the expense of, ongoing efforts at major sources.
- EPA should continue to invest in mechanisms, technologies, and activities that improve reporting and public communications related to protecting the public in disproportionately impacted communities.
- Training should be afforded to state and local agencies on how enforcement and compliance measures can provide equitable protections for minority, disadvantaged, or vulnerable communities.
- EPA should continue to strategically address areas of continued widespread compliance which is stated to include:
- Wood stoves
- Mobile source tampering
- Well-understood health-harming substances like asbestos

The comments addressing "State and Local Partner Needs" include:

- EPA should treat states in a consistent manner.
- EPA should provide an environmental presence to aid state and local agencies in enforcement activities when requested.
- Essential that state and local air quality agencies and EPA work cooperatively on enforcement and compliance activities.
- EPA should provide adequate federal funding to carry out enforcement and compliance activities.
- EPA must invest in its own workforce, noting that the federal agency staffing levels are well below the FY 1999 peak and are at their lowest level since 2017.

A copy of the letter can be downloaded here.