

RESPONSE TO COMMENTS
FY 2025-2026 NATIONAL PROGRAM GUIDANCE
OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE
EPA Publication Number: 305R24001

Comment	Commenter(s)	Location in Draft Guidance	National Program Offices Response	Action Taken in Final Guidance
FY 2024-2027 National Enforcement and Compliance Initiatives (NECIs), number 6 – Chemical Accident Risk Reduction. This NECI states that the “criminal program will also continue to coordinate with civil enforcement programs at the state (if one of the delegated states) and federal level to target companies and individuals who consistently violate integral risk management program elements.” The CME Task Force previously encouraged, in comments to EPA on the FY 2024-2027 NECIs, that Regional EPA and State RCRA compliance officials to be consulted when selecting facilities for General Duty Clause (GDC) / Risk Management Plan (RMP) inspections. A familiarity with, and awareness of, a facility’s waste handling procedures often leads to	ASTSWMO Compliance Monitoring and Enforcement (CME) Task Force	Page 15	Thank you for your comment. As EPA works to implement the FY 2024-2027 NECIs, civil and criminal enforcement teams continue to coordinate (see the <i>Strategic Civil-Criminal Enforcement Policy</i> at https://www.epa.gov/system/files/documents/2024-04/strategic-civil-criminal-enforcement-policy-april-2024.pdf) and engage with state and local agencies, as appropriate.	No revision to the National Program Guidance is necessary in response to this comment.

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<p>familiarity with management practices associated with raw materials, production processes and workplace culture as it relates to safety. Local officials may be aware of significant changes at a facility, including but not limited to, changes in ownership, management, production processes, that can potentially lead to production upsets and / or accidents. Local officials can also provide valuable insight about overburdened areas located close to a facility in question and its vulnerability to natural hazards and climate change. The Task Force maintains that this collaborative approach to targeting facilities for GDC / RMP inspections will yield positive results.</p>				
<p>Section IV, Implementing Other Core Work, A.2. – Compliance Monitoring Strategies (CMS). The document states that, “the CMSs have evolved over time and may be supplanted with approved Alternative Compliance Monitoring Strategies (ACMSs) to provide co-regulators with flexibility to address local pollution and compliance concerns, while maintaining the basic expectations for national regulatory program integrity.” The CME Task Force encourages this approach and has shared our interest in formal training or information sessions with OECA that not only highlight flexibility but also explain the baseline approach. The Task Force is working with the Office of Compliance to provide such training to ASTSWMO members.</p>	ASTSWMO CME Task Force	Top of Page 18	<p>Thank you for your comment. The EPA Office of Compliance looks forward to working with ASTSWMO to plan and conduct a webinar for states on implementation of the flexibilities. EPA Office of Compliance staff members will reach out to ASTSWMO to begin planning.</p>	<p>No revision to the National Program Guidance is necessary in response to this comment.</p>
<p>Field Activities: Inspector Credentialing, Quality Assurance Field Activities Procedures, and Final Policy on Inspection Report Timeliness. In number 6 under EPA</p>	ASTSWMO CME Task Force	Page 21	<p>Thank you for your comment. EPA remains committed to supporting our co-regulators. EPA</p>	<p>No revision to the National Program</p>

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<p>activities, the document states, “EPA will support and encourage inspector training and development at EPA and in authorized states...” The Task Force is very supportive of this activity, and encourages EPA to provide inspector training, such as Basic Inspector Training, to State and Territorial (State) hazardous waste program inspectors. The Task Force would like to see more opportunities for in-person training by EPA and its contractors. In-person EPA training is valuable for staff and can assist with onboarding of new staff, building staff knowledge, and retaining staff.</p>			<p>continually evaluates how to best support each program given individual program needs and resources. Some programs’ State and Tribal Assistance Grants include line-item designations for inspector training and other forms of technical assistance. EPA also strives to provide online and in-person inspector training opportunities in other areas for our co-regulators to the extent our resources allow. EPA looks forward to partnering with our co-regulators to provide inspector training opportunities for staff at the federal, state, tribal and local levels.</p>	<p>Guidance is necessary in response to this comment.</p>
<p>RCRA Subtitle C and D Compliance Assurance and Enforcement Programs. In the EPA activities section, number 4, the document speaks to training opportunities, indicating EPA intends to provide State trainings about various topics. As noted previously, the Task Force supports and would like to see EPA training opportunities expanded, to include training on such topics as the Definition of Solid Waste, Sampling Training, Introduction to Groundwater Investigations, Land Disposal Restrictions, and Waste Analysis Plans. We reiterate our interest in having the opportunity for in-person training by EPA and its contractors.</p>	<p>ASTSWMO CME Task Force</p>	<p>Bottom of Page 35</p>	<p>Thank you for recommending these training topics. EPA is currently developing a groundwater training but has not decided the format(s) for delivery. EPA is also currently considering a sampling training in early FY 2025. We will work to explore training opportunities for the other topics listed. Thank you for letting us know of these needs.</p>	<p>No revision to the National Program Guidance is necessary in response to this comment.</p>

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RCRA Subtitle C and D Compliance Assurance and Enforcement Programs. The next to last bullet on the bottom of page 36 speaks to RCRA Data Integrity to include e-manifest. The Task Force supports EPA enhancements to RCRA Data Integrity.	ASTSWMO CME Task Force	Bottom of Page 36	Thank you for the support on enhancing RCRA data integrity. EPA will continue to work closely with ASTSWMO on this effort.	No revision to the National Program Guidance is necessary in response to this comment.
RCRA Subtitle C and D Compliance Assurance and Enforcement Programs. In the expectations for States section, the second point indicates that States may use the flexibilities described in the RCRA CMS. As previously noted, the Task Force encourages EPA to provide training for States on implementation of the flexibilities.	ASTSWMO CME Task Force	Middle of Page 37	Thank you for your comment. The EPA Office of Compliance looks forward to working with ASTSWMO to plan and conduct a webinar for states on implementation of the flexibilities. EPA Office of Compliance staff members will reach out to ASTSWMO to begin planning.	No revision to the National Program Guidance is necessary in response to this comment.
OECA says that it seeks to strengthen enforcement in communities with environmental justice concerns. Consistent with our early input on the FY25-26 NPGs and previous comments on earlier guidances (for example, https://www.4cleanair.org/wp-content/uploads/Documents/NACAANPMComments-FY20-21-05022019.pdf), NACAA supports this underpinning principle. This aligns with the first recommendation in NACAA's January 15, 2021 Transition Letter to the Biden-Harris Administration (https://www.4cleanair.org/wp-	NACAA	Page 6, (Introduction, Section IIA)	Thank you for your comment. EPA acknowledges and appreciates the NACAA's support of the agency's strategies to center environmental justice into our policies and programs.	No revision to the National Program Guidance is necessary in response to this comment.

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<p>content/uploads/NACAA2021PresidentialTransitionDocument-01152021.pdf), that “EPA should make the consideration of racial justice and protection of overburdened communities from the impacts of pollution and climate change a central focus across all decisions that affect their residents. Environmental Justice (EJ) should not be just a single program within EPA, it should be integrated prominently into every program across EPA.” It continues that “EPA’s permitting and enforcement efforts should be among the first areas of focus for these activities. When EJ is placed as a central concern in permitting and enforcement, it creates immediate opportunities for reducing harms to the communities most heavily burdened by pollution impacts. EPA should consider the permitting and enforcement models of NACAA member agencies that have centered disproportionately affected communities.” We reiterate our support for this here.</p>				
<p>EPA’s discussion of state and local collaboration includes mention of “building state capacity, supporting state actions...” etc. As noted above, EPA needs to be more active and effective at ensuring that its state and local partners are resourced, trained and have effective coordination and technical assistance from EPA in our role as co-regulators.</p> <p>Enforcement of new rules will not keep pace without additional resources to affect data gathering and action taken to support compliance and address violations. In our January 28, 2022 comments on the EPA’s proposed</p>	NACAA	Pages 5-7	<p>Thank you for your comment. EPA acknowledges and appreciates that the state and local agencies conduct the bulk of the CAA compliance monitoring and enforcement work nationally and that new standards can increase the number of regulated sources and the scope of the compliance monitoring and enforcement programs. Through efforts such as the Mitigating</p>	Added language to Section II.C

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<p>NSPS for the Oil and Gas Sector (https://www.4cleanair.org/wp-content/uploads/NACAA-Oil-and-GasNSPS-Comment-Letter-01_28_2022.pdf), NACAA noted that “all agencies face inadequate resources to meet their existing and emerging Clean Air Act responsibilities. For agencies that have a daunting number of sources and already-stretched funding, human resources, and equipment, the rule will create implementation challenges if EPA does not become a more effective advocate for fully funding these agencies, and matching the regulatory responsibilities assigned to these agencies with the resources to carry them out. “New EPA rules will overburden agencies with many new sources requiring new inspection and enforcement actions with unchanged funding, resources and support. The Agency has a responsibility to address this issue.</p>			<p>Climate Change NECI EPA is committed to improving outreach to state and local partners and to providing regulatory guidance to help promote national consistency in implementation of the oil and gas regulations. We will continue to assist with interstate knowledge sharing and offer joint inspections, as appropriate. In addition, many facilities in the oil and gas sector will be subject to Title V of the CAA. Title V permit fees are required to cover all “reasonable (direct and indirect) costs required to develop and administer” the permit program (see the 2023 Fee Evaluation and Oversight Guidance for 40 CFR Part 70). State and local agencies have authority to adjust permit fees to ensure compliance monitoring and enforcement work is adequately funded.</p> <p>EPA added the following language to Section II.C: “In addition, EPA is committed to improving outreach to state and</p>	

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			local agencies and to providing regulatory guidance to help promote national consistency, and to share knowledge, and offer state and local agencies training on new and existing regulations.”	
<p>In Section II A “Advancing Environmental Justice,” EPA calls for involvement of disadvantaged and vulnerable communities, and for improving the outcomes for these communities in their protection from environmental harms. OECA’s recommendation aligns with NACAA’s January 15, 2021 Transition Letter, which states that “Permitting and enforcement are the areas of Clean Air Act implementation that most tangibly affect the lives of people in communities that bear disproportionate health burdens from air pollution. It is critically important that the voices of these communities are solicited, heard and respected. EPA should work with its state and local partners to address and overcome barriers to meaningful public participation in these communities and endeavor to prevent inequitable outcomes.” We reiterate that recommendation here.</p> <p>NACAA’s January 15, 2021 Transition Letter also noted that “Under a series of policy memoranda, the Department of Justice (DOJ) has ended the inclusion of supplemental environmental projects (SEPs) in settlement agreements with EPA. EPA and DOJ should reconsider this policy and reinstate the option of using</p>	NACAA	Page 7	Thank you for your comment. Part of the May 5, 2022 joint announcement by EPA and the Department of Justice (DOJ) regarding DOJ’s EJ strategy included the reinstatement of Supplemental Environmental Projects (SEPs). EPA agrees that SEPs help to fulfill the goals of the underlying statutes being enforced and can provide important environmental and public health benefits to communities that have been harmed by environmental violations.	No revision to the National Program Guidance is necessary in response to this comment.

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<p>SEPs as a way to harness clean air benefits via civil penalty mitigation. SEPs have proven to be a powerful mechanism for providing needed resources to communities overburdened by air pollution resulting from noncompliance with environmental laws.” NACAA urges the effective return to use of environmentally beneficial and health protective SEPs as an enforcement instrument.</p> <p>(See: https://www.4cleanair.org/wp-content/uploads/NACAA2021PresidentialTransitionDocument-01152021.pdf)</p>				
<p>Section II B on compliance related to climate change includes new emphasis on AIM Act implementation. We reiterate our call earlier in these comments for EPA to coordinate with NACAA agencies, particularly those with existing HFC regulatory programs, and to assure they have the resources needed to act effectively as partners and co-regulators.</p> <p>(See: https://www.4cleanair.org/wp-content/uploads/Final-NACAA_7_2_21_Comments_HFC_AIM_ACT-1.pdf)</p>	NACAA	Page 10	Thank you for your comment. As EPA takes steps to implement existing and new programs and authorities, we will work collaboratively with states, territories, tribes, and local agencies, as appropriate.	Added language in the National Program Guidance in the 5 th paragraph of Section II B.
<p>Section II B starts with a commitment to reducing illegal hydrofluorocarbon (HFC) and methane emissions under rules that have clear basis in finalized rules. The same section states that “We will also prioritize reductions of other GHGs by bringing enforcement actions to address illegal emissions of carbon dioxide and other pollutants that contribute to climate change.” NACAA has commented on EPA’s methane, HFC, vehicle and power</p>	NACAA	Page 10	Thank you for your comment. As EPA takes steps to implement existing and new programs and authorities, we will work collaboratively with states, territories, tribes, and local agencies, as appropriate.	Added language in the National Program Guidance in the 5 th paragraph of Section II B.

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<p>sector rules setting on GHG emission standards. As EPA stands up new programs beyond methane and HFC compliance, the agency should coordinate closely with our agencies before taking enforcement actions that relate to new programs that only recently been, or may not yet have been, finalized. State and local agencies have existing programs and EPA should make every effort to coordinate with these agencies and leverage their experience, widespread presence, institutional strengths, and expertise.</p>				
<p>Section II C makes reference to the National Compliance Initiatives. The agency sought input on the new cycle of National Compliance Initiatives (NCIs) for FY 2020 to 2023. On May 2, 2019, NACAA provided comments on the proposed FY 2020-2023 NCIs (https://www.4cleanair.org/wp-content/uploads/Documents/NACAANPMComments-FY20-21-05022019.pdf), and these remain our recommendations. In that letter, NACAA recommended that both state and local clean air agencies be explicitly included as partners in the list of NCIs related to air pollution. NACAA also offered longstanding support for addressing violations related to aftermarket tampering of vehicles, and we support continued efforts as outlined on Page 13.</p> <p>NACAA recommends EPA invest in improving notification points of contact and in improving coordination with state and local agencies in the implementation of this NCI. We explain in greater detail</p>	NACAA	Pages 10-13	Thank you for your comment. As EPA works to implement the FY 2024-2027 NCIs, we will continue to coordinate and work collaboratively with state and local agencies, as appropriate.	Added language in the National Program Guidance in the 1 st paragraph of Section II C.

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in a later comment addressing Section IV A 4, which flags the role of state and local agencies in addressing complaints; EPA should be strategic about how this coordination takes place.				
In Section IV on implementing other core work, EPA articulates a number of programs like the State Review Framework that implicate a large workload for state and local air agencies. As reflected in our response to OAR, EPA should work to assure that state and local enforcement efforts have sufficient resources from the federal government to accomplish our role as enforcement co-regulators. In addition to grant funding, key areas that EPA can facilitate are the provision of technical assistance and training.	NACAA	Page 17	Thank you for your comment. Core program activities, including compliance monitoring, data reporting, and inspector training and credentialing are a critical part of ensuring compliance with environmental regulations. The State Review Framework (SRF) ensures a fair and consistent level of core enforcement across all states and territories. EPA recognizes the importance of these activities and will dedicate adequate resources and trainings to state and local governments to accomplish their objectives.	No revision to the National Program Guidance is necessary in response to this comment.
Section IV A 4 notes the mechanisms available for citizen complaints to EPA as an entry point for enforcement actions, and calls for “States, territories, tribes, and localities operating authorized program” to “also consider public tips and complaints when performing their compliance and enforcement functions.” OECA should engage strategically with all state and local agencies to coordinate and streamline the communications between co-regulators, creating	NACAA	Page 18	Thank you for this suggestion. EPA is planning to begin a modernization of the Report a Violation (RAV) system in FY 2025 and will engage a working group and invite state, territorial, tribal, and local officials to provide feedback with the goal of streamline the tip collection and	No revision to the National Program Guidance is necessary in response to this comment.

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synergies and leveraging existing institutional infrastructure and reducing the amount of inefficiency in coordinating these citizen complaint services.			assignment process.	
Section IV. A notes the joint role EPA and state and local agencies play in enforcing the Clean Air Act. EPA should treat these agencies in a regionally consistent manner to the extent possible. Therefore, headquarters should work closely with regional offices to implement new guidance.	NACAA	Page 19	Thank you for your comment. EPA prioritizes coordination with state and local agencies regarding compliance monitoring and enforcement activities. EPA values the partnerships we have with state and local agencies, is committed to providing them with consistent support, and will step in where appropriate to take federal action. This includes engaging in global-sector settlements where possible.	No revision to the National Program Guidance is necessary in response to this comment.
In conjunction with state and local agency input, EPA should continue to work toward global-sector settlements where appropriate. This would include continued pursuit of global settlements already in progress. Finally, as NACAA has stated in previous letters on National Program Guidances to OECA, it is important that EPA continue to act as a federal backstop and environmental presence to aid state and local agencies in enforcement activities.	NACAA	Page 19	Thank you for your comment. The State Review Framework (SRF) program strives to promote consistent, and equitable, evaluation of state and EPA-implemented programs. EPA continuously works with states to improve the SRF program,	No revision to the National Program Guidance is necessary in response to this comment.
In Section IV. A 5, EPA articulates a goal that “state and EPA implemented programs are evaluated consistently...” NACAA strongly supports this objective and reiterates that regional variation can create inconsistencies in the SRF program, and that EPA should continue to invest in its own enforcement infrastructure (like ICIS and ECHO) to enable SRF reviews to be seamless and without undue burden on state agencies. As a community of agencies, NACAA continues to be	NACAA	Page 19	Thank you for your comment. The State Review Framework (SRF) program strives to promote consistent, and equitable, evaluation of state and EPA-implemented programs. EPA continuously works with states to improve the SRF program,	No revision to the National Program Guidance is necessary in response to this comment.

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<p>involved in the modernization of the Integrated Compliance Information System (ICIS) and OECA should continue to make NACAA a central partner in that effort. As OECA develops new tools to assist in targeting and screening, it should involve the NACAA community of agencies at every stage.</p>			<p>including through development of its round five guidance. EPA is also committed to supporting data tools like ICIS and ECHO. In May 2024, EPA initiated a modernization effort with stakeholders to replace ICIS with a more sustainable and user-friendly IT solution. The ICIS-Air Focus Area workgroup is a collaboration with state, local and tribal governments to develop requirements for the ICIS modernization project. Representatives from state, local and tribal governments were invited to join the workgroup. NACAA will be given opportunity to independently review work products and provide input.</p>	
<p>In Section IV.B.1.5, EPA notes that it will focus some of its compliance assurance and enforcement energy on “sources with potential significant noncompliance in nonattainment areas or sources with potential significant noncompliance that contribute to nonattainment.” NACAA supports EPA targeting resources to affect the most urgent pollution harm reductions, but also suggests that EPA do so in</p>	NACAA	Page 23	<p>Thank you for your comment. As EPA engages with communities, we will continue to coordinate and work collaboratively with state and local agencies, as appropriate.</p>	<p>Revisions to NPG Section II B and C of the National Program Guidance.</p>

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consultation with affected agencies, which may already have significant resources directed at these issues of noncompliance. EPA would then be able to engage in areas without existing programs and attention to bring about the most effective results.				
Item 3 of the agency's Title II vehicle and engine enforcement program priorities include addressing emission controls on vehicle engines and equipment that have been illegally tampered with. NACAA supports this recommendation and urges EPA to return this priority to its list of national enforcement and compliance initiatives. EPA has identified a focus on commercial fleets and on maintenance shops that engage in illegal tampering; NACAA recommends that resellers and marketers also be included in this area of focus.	NACAA	Page 25	Thank you for your comment. Illegal vehicle tampering continues to be a key focus for EPA. We are working to uncover and address violations including by vehicle and engine manufacturers as well as by aftermarket defeat device manufacturers, marketers, and retailers.	No revision to the National Program Guidance is necessary in response to this comment.
EPA continues to challenge the effectiveness of state's programs by having a high priority focus on guidance-based elements such as climate and environmental justice while downplaying core program regulatory elements and their increasing costs. Rather than addressing these guidance-based elements through policy, EPA should do this through rulemaking, consulting with states, tribes, and local governments following the principle of cooperative federalism and allowing for public participation. Any implementation and enforcement requirements should come from final regulations.	South Dakota DANR	Page 11	Thank you for your comment. We shared your comments with the regulatory national program managers at EPA.	No revision to the National Program Guidance is necessary in response to this comment.
EPA notes that states have the ability to supplant the national Compliance Monitoring Strategy (CMS) with an	South Dakota DANR	Pages 17-18	Thank you for your comment. The national compliance	No revision to the National

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approved Alternative Compliance Monitoring Strategy (ACMS), to provide co-regulators with flexibility to address local pollution and compliance concerns, while maintaining the basic expectations for national regulatory program integrity. This option is practical and desirable, however, the actual process of getting an ACMS approved is not practical, and revision is merited.			monitoring strategies provide flexibilities to enable state and local agencies to address localized concerns or priorities. For agencies interested in going beyond currently available flexibilities by proposing an alternative CMS plan, EPA will continue to coordinate closely and engage in a collaborative process that allows for ongoing dialogue and takes into account individual circumstances.	Program Guidance is necessary in response to this comment.
DANR appreciates EPA acknowledging the need to ensure EPA and state personnel receive training to perform high-quality field work (OECA NPG pp 20-21). In recognition of the loss of institutional knowledge through retirements and job movement and influx of new employees, this training need continues to exist. Federal training opportunities are needed.	South Dakota DANR	Pages 20-21	Thank you for your comment. EPA remains committed to supporting our co-regulators. Some programs' STAG include line-item designations for training and other forms of technical assistance. EPA continually evaluates how best to support each program given individual program needs and resources. EPA also strives to provide online and in-person training opportunities in other areas for our co-regulators to the extent our resources allow, recognizing the important role coregulators play in training their	No revision to the National Program Guidance is necessary in response to this comment.

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			own staff and partnering with EPA in training activities at the federal, state, tribal and local levels.	
AAPCA members appreciate EPA OECA's commitment to state and local government collaboration in compliance assurance work and enforcement programs, in particular efforts to build state capacity and support state actions consistent with the updated 2023 Guidance on Effective Partnerships Between EPA and the States in Civil and Compliance Assurance.	AAPCA	Page 5 Section I. Introduction	Thank you for your support for EPA's efforts to build state capacity and collaborate with state and local government consistent with the updated 2023 Guidance on Effective Partnerships Between EPA and the States in Civil and Compliance Assurance.	No revision to the National Program Guidance is necessary in response to this comment.
AAPCA continues to support the FY 2024 – 2027 National Enforcement and Compliance Initiatives (NECIs) for air. State and local agencies are vital partners as EPA evaluates the current NECIs and potential new ones beginning in FY 2028.	AAPCA	Pages 11 – 15 Section II. Key Programmatic Priorities C. FY 2024 – 2027 National Enforcement and Compliance Initiatives (NECIs)	Thank you for your comment. As EPA works to implement the NECIs, we will continue to coordinate and work collaboratively with state and local agencies, as appropriate.	Added language in the National Program Guidance in the 1 st paragraph of Section II C.
AAPCA and state and local agencies are providing key direction and input as EPA undertakes modernization of the Integrated Compliance Information System (ICIS). The transition to ICIS/ICIS-Air created difficulties for agencies, and EPA OECA should consistently engage and take feedback from agencies.	AAPCA	Page 18 Section IV. Implementing Other Core Work A. Cross-	Thank you for your comment. In May 2024, EPA initiated the ICIS-Air Focus Area workgroup to collaborate with state, local and tribal governments on developing requirements for the ICIS	No revision to the National Program Guidance is necessary in

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		program Activities (3. Data Reporting)	modernization project. Representatives from state, local and tribal governments are invited to join the workgroup.	response to this comment.
AAPCA welcomes EPA's continued engagement with states to identify and implement updates and improvements to the State Review Framework (SRF) program as EPA starts its fifth round of SRF reviews in FY 2024, which will continue through FY 2028.	AAPCA	Page 19 Section IV. Implementing Other Core Work A. Cross-program Activities (5. State and Direct Implementation Program Oversight and Improvement)	Thank you for your comment. EPA continually works with states to identify and implement updates and improvements to the SRF program and will continue to do so. The SRF Round 5 incorporates changes based on comments from regions, states, and state associations provided through its media-specific workgroups. EPA welcomes feedback from states as we conduct round five reviews.	No revision to the National Program Guidance is necessary in response to this comment.
EPA OECA states that an Agency activity for FY 2025 – 2026 will be to “Support and encourage inspector training and development at EPA and in authorized states, territories, and Tribes.” To clarify, AAPCA notes that state and local agencies have previously stressed the importance of EPA taking a primary role in the development of training materials, courses, and other learning opportunities.	AAPCA	Page 21 Section IV. Implementing Other Core Work A. Cross-program Activities (6. Field Activities)	Thank you for your comment. EPA continually evaluates how best to support each program given individual program needs and resources. EPA also strives to provides online and in-person training opportunities in other areas for our co-regulators to the extent our resources allow, recognizing the important role coregulators play in training their	No revision to the National Program Guidance is necessary in response to this comment.

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			own staff and partnering with EPA in training activities at the federal, state, tribal and local levels.	
EPA OECA's draft Guidance indicates that in Authorized Programs, the Agency will negotiate compliance monitoring strategy (CMS) and alternative compliance monitoring strategy (ACMS) plans with states, which will include an effort to "Maximize the flexibilities by considering each agency's unique situation." AAPCA members support this commitment and suggest that OECA consider off-site compliance monitoring.	AAPCA	Page 23 Section IV. Implementing Other Core Work B. Program- specific Activities (1. Clean Air Act)	Thank you for your comment. Section V of EPA's 2016 Compliance Monitoring Strategy explains that compliance monitoring activities can include both on-site compliance evaluations and off-site compliance monitoring activities. To address localized concerns and priorities, state/local agencies may take advantage of the CMS flexibilities, including the use of off-site compliance monitoring activities, in implementing regionally approved alternative CMS plans. If states or local authorities have questions regarding off-site compliance monitoring in the context of the CMS, we encourage them to reach out to their EPA regional office.	No revision to the National Program Guidance is necessary in response to this comment.
AAPCA supports the Agency's continued work to investigate and prosecute violations of prohibitions in CAA Section 203(a), which should continue to be	AAPCA	Page 24 Section IV. Implementing	Illegal vehicle tampering continues to be a key focus for EPA. We are working to uncover	No revision to the National Program

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prioritized even though “Stopping Aftermarket Defeat Devices for Vehicles and Engines” is no longer an NECI as it was for FY 2020 through FY 2023.		Other Core Work B. Program-specific Activities (1. Clean Air Act)	and address violations including by vehicle and engine manufacturers as well as by aftermarket defeat device manufacturers, marketers, and retailers.	Guidance is necessary in response to this comment.
<p>“OECA has committed to increase inspections in areas of EJ concern, from past levels of about 30%, to 50% in 2024, and 55% in 2025 and 2026.”</p> <p>Care should be taken to target limited inspection resources toward potential violations with the greatest potential for harm overall, and not solely based on areas of EJ concern.</p>	Wyoming Department of Environmental Quality	Section II. Key Programmatic Priorities (A)(1), (page 6).	Thank you for your comment. In addition to EPA’s commitment to target inspections in areas of EJ concern, EPA prioritizes inspections in program priority areas called National Enforcement Compliance Initiatives (NECIs). Taken together, the NECIs focus on the most serious environmental violations across media: air, water, and toxics.	No revision to the National Program Guidance is necessary in response to this comment.
<p>“OECA expects that more inspections in overburdened communities will help us to address the most serious threats to communities.”</p> <p>It is unclear how targeting inspections in overburdened communities will help address “the most serious threats.” What is defined as a “most serious threat” and how will this effort be measured to be determined if it was successful in reducing “the most serious threats.” As this section discusses EJ communities, is the definition of “the most serious threat” a combined environmental burden to the community or a single targeted</p>	Wyoming Department of Environmental Quality	Section II. Key Programmatic Priorities (A)(1), (page 7).	Inspections to assess compliance with settlements and other legal requirements are critical to uncovering violations of environmental laws and deterring unlawful conduct that may harm communities, especially those that are overburdened or more vulnerable to the effects of contamination. Increasing EPA’s presence in overburdened and	No revision to the National Program Guidance is necessary in response to this comment.

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environmental threat.			vulnerable communities is a cornerstone of OECA's EJ strategy. OECA will continue to use tools such as EJScreen to provide insight into areas and communities that may be experiencing disproportionate impacts.	
<p>“Direct outreach to local communities.....and worker or industry safety regulations.”</p> <p>Outreach regarding worker or industry safety regulations seems to be the responsibility of the Occupational Safety and Health Administration. EPA should partner with Federal and/or State OSHA programs for community or industry outreach regarding these topics.</p>	Wyoming Department of Environmental Quality	Section II. Key Programmatic Priorities (A)(1), (page 7).	Thank you for your comment. EPA acknowledges that worker or industry safety regulations is the responsibility of the Occupational Safety and Health Administration and will partner with Federal and/or State OSHA programs for community or industry outreach regarding these topics. EPA also understands that increased outreach to local communities or providing greater public access to compliance information or data can promote a community's ability to better understand and manage risks and monitor compliance at local facilities.	No revision to the National Program Guidance is necessary in response to this comment.
<p>“....to proactively investigate and prevent threatened releases in overburdened and/or underserved communities;”</p> <p>Responsibilities under CERCLA and RCRA to “prevent</p>	Wyoming Department of Environmental Quality	Section II. Key Programmatic Priorities (A)(3), (page 8).	Thank you for your comment. EPA's actions and prioritization are focused on addressing the greatest risks to the most vulnerable populations and are	No revision to the National Program Guidance is necessary in

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“threatened releases” should be a goal of the programs as a whole, and not targeted to one identified community.			not targeted to one identified community. EPA uses geographic information systems (GIS), census data and other information systems to understand other community impacts. The agency also is committed to environmental issues arising in overburdened communities.	response to this comment.
<p>“Instructing case teams to take enforcement steps to expedite clean ups in overburdened communities to address the most urgent risks to human health.”</p> <p>If the goal of the program is to enforce and expedite cleanups to address the “most urgent risks to human health”, a national or regional risk-based ranking system should be developed to target those environmental concerns of greatest overall risk, irrespective of the community impacted.</p>	Wyoming Department of Environmental Quality	Section II. Key Programmatic Priorities (A)(3), (page 9).	Thank you for your comment. The agency’s approach to cleanups is based on human health and environmental risks. The greater challenges overburdened communities may face from exposure to harmful pollutants. Under CERCLA, the agency conducts assessments using the Hazard Ranking System to determine whether sites should be listed on the National Priority List, the list of the nation’s most contaminated sites, requiring Superfund response actions.	No revision to the National Program Guidance is necessary in response to this comment.
“There are approximately 800 Federal Facilities with known or suspected PFAS contamination, including 275 facilities where the Department of Defense is currently conducting or will conduct Remedial Investigations.”	Wyoming Department of Environmental Quality	Section II. Key Programmatic Priorities (C)(2), (page 11).	Thank you for your comment. Addressing exposure to PFAS contamination is an OECA National Enforcement and Compliance Initiative, and we are	No revision to the National Program Guidance is necessary in

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<p>The DOD is the lead agency to investigate and remediate releases on Federal Facility properties and is currently conducting Remedial Investigations at Federal Facilities. States, in conjunction with their DOD partners, work to implement and oversee cleanup activities at Federal Facilities, including PFAS investigations. EPA should continue to be a partner in this effort and be available as technical assistance for PFAS related issues.</p>			<p>looking forward to working with states to address PFAS contamination at federal facilities not on the National Priorities List (NPL). For federal facility sites on the NPL, EPA is the lead oversight agency for cleanup and will use all enforcement authorities available to address PFAS contamination.</p>	<p>response to this comment.</p>
<p>“Noncompliance with the CCR requirements appears to be widespread....”</p> <p>WDEQ suggests the EPA work on approving state CCR primacy programs, as oversight can often be more efficiently conducted by local authorities with working knowledge of the facilities. In addition, based on the number of enforcement cases for CCR facilities being brought forward, the comment that “noncompliance is widespread” does not appear to be the case.</p>	<p>Wyoming Department of Environmental Quality</p>	<p>Section II. Key Programmatic Priorities (C)(3), (page 12).</p>	<p>Thank you for your comment about coal ash program approvals and noncompliance. CCR program approval is not an enforcement function and does not utilize enforcement resources. EPA has, however, committed significant enforcement resources to address noncompliance with the coal ash regulations through the FY 2024-2027 National Enforcement and Compliance Initiative. Information on settlements and EPA’s enforcement alert are publicly available at: https://www.epa.gov/coalash/enforcement-initiative-alert-and-settlements</p>	<p>No revision to the National Program Guidance is necessary in response to this comment.</p>

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<p>Tips and Complaints.</p> <p>When tips and complaints that come into the EPA for regulatory areas where a state may have primacy, the EPA should reach out to the state immediately in order to first verify if the state has been informed of the complaint or not, to verify the state response to the complaint, and then to coordinate with the state regarding compliance or enforcement issues. The first opportunity to respond to tips and complaints should fall to the state with the regulatory authority.</p>	Wyoming Department of Environmental Quality	Section IV. Implementing Other Core Work (A)(4), (page 18).	<p>Thank you for your comment. The EPA primarily receives citizen tips through the Report a Violation (RAV) system. Approximately ninety percent of tips received are immediately routed to the EPA regional offices. When received, those tips are evaluated for primacy, and then forwarded to the state for action if the state is determined to have primacy. RAV does not currently have a standard method to track tips have been forwarded to the state. We will consider this comment during a modernization of RAV planned to begin in FY 2025. States will be engaged to provide feedback on the routing of tips in the modernized system.</p>	No revision to the National Program Guidance is necessary in response to this comment.
<p>General Section Comment: Each activity listed in this section should identify if the requirements are applicable to RCRA Subtitle C or Subtitle D facilities, or both.</p>	Wyoming Department of Environmental Quality	Section IV. Resource Conservation and Recovery Act (RCRA) (B)(6), (page 35-37). RCRA	<p>Thank you for your comment. EPA has revised the National Program Guidance to provide clarity.</p>	Revisions to National Program Guidance pages 35-37 to clarify the applicable

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		Subtitle C and D Compliance and Enforcement Programs.		RCRA requirements.
EPA Activities #4 (page 35): Training opportunities available on FedTalent should be reviewed and updated as needed based on changes to regulations and industry information.	Wyoming Department of Environmental Quality	Section IV. Resource Conservation and Recovery Act (RCRA) (B)(6), (page 35-37). RCRA Subtitle C and D Compliance and Enforcement Programs.	Thank you for your comment. FedTalent training modules required for credentialing were recently reviewed. As resources allow, EPA will review and update other training materials.	No revision to the National Program Guidance is necessary in response to this comment.
EPA Activities #6 (page 36): When conducting inspections in a primacy state, the EPA should notify the state regulators and include the state in the inspection process. Compliance issues should be communicated to state enforcement programs immediately. In addition, finalized inspection reports should be submitted to the facility within a reasonable timeframe (i.e. 60 days).	Wyoming Department of Environmental Quality	Section IV. Resource Conservation and Recovery Act (RCRA) (B)(6), (page 35-37). RCRA Subtitle C and D Compliance and	Thank you for your comment about conducting inspections. EPA's practice is to communicate and coordinate with state regulators prior to scheduling inspections and sampling events. Often, state inspectors join EPA inspectors at these inspections and sampling events or are given the opportunity to do so. After finalizing inspection reports and	No revision to the National Program Guidance is necessary in response to this comment.

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		Enforcement Programs.	analyzing sampling results, EPA may communicate information about the violations to the state partner via a confidentiality agreement or other arrangement. With respect to finalizing inspection reports and sending them to facilities, EPA has an inspection report timeliness policy, accessed at https://www.epa.gov/sites/default/files/2018-07/documents/inspectionreportpolicy.pdf .	
EPA Activities #7 – bullets #4 and #6 (page 36): Updated training should be provided regarding waste determinations and changes in regulations that may impact determinations or land disposal requirements at a federal level. In addition, an annual summary webinar or meeting should be offered by EPA to review and communicate to state compliance and enforcement programs common compliance issues seen over the prior year.	Wyoming Department of Environmental Quality	Section IV. Resource Conservation and Recovery Act (RCRA) (B)(6), (page 35-37). RCRA Subtitle C and D Compliance and Enforcement Programs.	Thank you for your comment. EPA appreciates this suggestion. We will work with ASTSWMO to further understand the specifics of the request and develop options to address it.	No revision to the National Program Guidance is necessary in response to this comment.
EPA Activities #9 (page 37): “Encourage states to participate in data collection on outcomes related to offsite compliance monitoring.”	Wyoming Department of Environmental	Section IV. Resource Conservation	Thank you for your comment. EPA deleted the sentence from the National Program Guidance.	Deleted the sentence “Encourage

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This statement is not concise and it is unclear on what is being requested.	Quality	and Recovery Act (RCRA) (B)(6), (page 35-37). RCRA Subtitle C and D Compliance and Enforcement Programs.		states to participate in data collection on outcomes related to offsite compliance monitoring.”
Expectations for States #3 (page 37): Coordination regarding permits (development, renewals or modifications) are done at the request of the state. The EPA is provided an opportunity to review and provide comments during the public notice process.	Wyoming Department of Environmental Quality	Section IV. Resource Conservation and Recovery Act (RCRA) (B)(6), (page 35-37). RCRA Subtitle C and D Compliance and Enforcement Programs.	Thank you for your comment. EPA deleted the sentence from the National Program Guidance. OECA consulted with OLEM and EPA reviews state RCRA permits prior to the public comment period as part of the Agency's oversight role of authorized state programs.	Deleted the sentence “When permits or orders are being developed, renewed, or modified, coordinate to ensure that they contain clear schedules for enforcement processes as appropriate.”
General EPA Activities #1 (page 37): Compliance cannot be solely verified by review of facility documents	Wyoming Department of	Section IV. Resource	Thank you for your comment about compliance assessments.	No revision to the National

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provided on the facility CCR website. In addition, if a suspected compliance issue is identified during a desk-top file review, an onsite facility inspection should be conducted to verify compliance issues.	Environmental Quality	Conservation and Recovery Act (RCRA) (B)(6), (page 37-38). RCRA Coal Combustion Residuals (CCR) Compliance Assurance and Enforcement Program.	In EPA's experience, a desk-top file review can, and often does, identify noncompliance with coal ash regulations. Nonetheless, in fact-specific circumstances, the enforcement program will prioritize on-site inspections as needed. For example, certain sites and facilities present the need for structural stability experts and/or engineers to observe and document site conditions.	Program Guidance is necessary in response to this comment.
General EPA Activities #2 (page 37): EPA was provided the authority to establish a Federal CCR program in December 2016. In the intervening 89 months, a Federal CCR Program has yet to be established. In addition, EPA proposed a Federal CCR permit Program in February 2020, but no additional action has been taken after more than 4 years. As no Federal CCR program has yet been established, the WDEQ suggests that the EPA work with States to obtain primacy as states can be timelier in standing up new regulatory programs.	Wyoming Department of Environmental Quality	Section IV. Resource Conservation and Recovery Act (RCRA) (B)(6), (page 37-38). RCRA Coal Combustion Residuals (CCR) Compliance Assurance and Enforcement Program.	Thank you for your comment about EPA's CCR enforcement program. EPA has issued several final CCR rules since Congress passed the Water Infrastructure Improvements for the Nation (WIIN) Act in December 2016, giving EPA permitting authority for CCR facilities. https://www.epa.gov/coalash/coal-ash-rule . In addition, EPA continues to dedicate significant resources towards CCR Enforcement. EPA has completed 4 CCR enforcement actions involving hundreds of acres and millions of tons of disposed coal	No revision to the National Program Guidance is necessary in response to this comment.

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			ash and a bankruptcy settlement related to ensuring funds are available for CCR work. In the first half of FY 2024, EPA also completed compliance assessments at 64 units and has many more underway. EPA has also presented CCR Program training to over 500 staff at the federal and state level, including staff from Wyoming DEQ.	
General EPA Activities #4 (page 37): EPA should take care when identifying facilities of “greatest risk to human health” and verify that natural background water quality is taken into consideration. Especially in the arid west, there are areas when the available groundwater is naturally not of potable water quality.	Wyoming Department of Environmental Quality	Section IV. Resource Conservation and Recovery Act (RCRA) (B)(6), (page 37-38). RCRA Coal Combustion Residuals (CCR) Compliance Assurance and Enforcement Program.	Thank you for your comment. Given the number of CCR units in the US, EPA must prioritize its compliance monitoring work, which means putting surface impoundments and landfills that pose the greatest risk to the communities around the facilities and to the environment at the top of our list. If after evaluating CCR units for compliance with CCR regulatory requirements, we find violations, we will assess taking action to compel a return to compliance and assess appropriate penalties.	No revision to the National Program Guidance is necessary in response to this comment.
General EPA Activities #5 (page 38): Training should be made available to all states, not just states that request training. If the purpose of this statement was to state	Wyoming Department of Environmental	Section IV. Resource Conservation	Thank you for your comment about trainings. EPA plans to continue offering training to state	No revision to the National Program

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<p>that training would be provided to states that decide to attend, and not have to specifically request the training, then this statement should be made clear.</p> <p>Training provided upon request is an inefficient use of limited resources.</p>	Quality	<p>and Recovery Act (RCRA) (B)(6), (page 37-38). RCRA Coal Combustion Residuals (CCR) Compliance Assurance and Enforcement Program.</p>	<p>partners and intends to continue recording trainings and make them available to state partners (as appropriate) on Fed Talent.</p>	<p>Guidance is necessary in response to this comment.</p>
<p>Expectations for States with Approved Programs (page 38): Based on EPAs limited resources, the EPA should work with states to set up and approve state CCR programs.</p>	Wyoming Department of Environmental Quality	<p>Section IV. Resource Conservation and Recovery Act (RCRA) (B)(6), (page 37-38). RCRA Coal Combustion Residuals (CCR) Compliance Assurance and Enforcement Program.</p>	<p>Thank you for comment about working with approved state programs. EPA will continue to work with both approved state programs and not yet approved programs.</p>	<p>No revision to the National Program Guidance is necessary in response to this comment.</p>
<p>Expectations for State, Territory, Tribal, or Local Government Activities in Primacy Programs #2 (page 34): “Coordinate with EPA to review draft primacy</p>	Wyoming Department of Environmental	<p>Safe Drinking Water Act (SDWA) (B)(4),</p>	<p>Thank you for your comment on primacy programs. SDWA Section 1422, 42 U.S.C. § 300h-1,</p>	<p>No revision to the National Program</p>

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<p>program regulations throughout the development process including drafting and finalizing stages.”</p> <p>The Department is committed to coordinating with EPA when promulgating rules related to primacy programs. However, the Department will follow procedures established in state rules and statutes when promulgating rules. On a case-by-case basis, the Department will collaborate with EPA Region 8 to determine review procedures to ensure that EPA, as the oversight agency, has an appropriate role in the rulemaking process. EPA’s attempt to establish requirements for state rulemaking procedures in the NPGs is not appropriate.</p>	Quality	(page 34). SDWA Underground Injection Control (UIC) Compliance Assurance and Enforcement Program	requires primacy applicants to meet EPA’s minimum requirements for UIC programs. SDWA Section 1425, 42 U.S.C. § 300h-4, requires primacy applicants to demonstrate their standards are effective in preventing endangerment of underground sources of drinking water. Further procedures for primacy applicants are described in 40 CFR Part 145. In articulating this expectation, EPA is not attempting to establish requirements for state rulemaking procedures. Rather, EPA seeks to coordinate with primacy applicants, as potential co-regulators, during the applicant’s process to meet the applicable minimum requirements or to make the applicable program demonstration. This coordination has no effect on a primacy applicant’s independent rulemaking procedures.	Guidance is necessary in response to this comment.
The Tribal Exchange Network Group (TXG) recommends a 10% increase for all EPA media-specific grants to Tribes that involve data collection, analysis, and reporting. This	Tribal Exchange Network Group (TXG)	n/a – general comment	EPA’s National Program Guidances implement funding decisions discussed in EPA’s FY	No revision to the National Program

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will allow Tribes to budget for ever-increasing costs related to the operations and maintenance of their data management systems and technology solutions which also help ensure continuity of Tribal data for local, regional, and national decision-makers.			2025 President's Budget. Program funding levels are determined through the budget process and not through the NPGs.	Guidance is necessary in response to this comment.
The Tribal Exchange Network Group (TXG) recommends EPA media-program offices support the development and delivery of data management and analysis trainings and technical support resources that are specific to Tribal needs and concerns.	Tribal Exchange Network Group (TXG)	n/a – general comment	Thank you for your comment. EPA often funds non-federal organizations through cooperative agreements/grants to support the development and delivery of data management and analysis training to Tribes. Some media program and regional offices also may provide training directly at national or more local Tribal events. OECA looks forward to continuing to work with Tribes and our Tribal Partnership Groups on this important issue. We also encourage the Tribal Exchange Network Group to continue working with EPA (the primary contact is EPA's Office of Mission Support) and the Tribal Partnership Groups to identify and address specific data management trainings that Tribal environmental professionals need to operate their	No revision to the National Program Guidance is necessary in response to this comment.

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			environmental programs successfully.	
There is a lot of discussion of making things easier, more equitable, etc. as well as capacity building, etc. for communities. But it is critical to recognize and then provide for the need for ongoing education, workshops, training, and evaluation for the government workers including sensitivity and communication, recognizing systems of oppression and working to change them, as well as about how best to transparently and accountably engage with communities. It is critical to equip staff with the best understanding, language, formats, tools, and other skills to work in an inclusive and equitable way within a system that is designed in stark juxtaposition to those values.	GAIA [Jessica Roff]	Overview (and all offices' Guidance: OAR, OW, OECA, OLEM, OCPP, OCIR, OITA, OCFC, OEJECR)	<p>Thank you for your comment. The EPA has embedded many of the suggested competencies into the draft "Achieving Health and Environmental Protection Through EPA's Meaningful Involvement Policy", which guides the EPA staff to provide meaningful public involvement in all its programs and regions. Public comments on the draft policy closed on January 16, 2024. The EPA is considering the comments provided by the public in developing the final policy. Once the policy is finalized, there are plans to develop and provide training to support policy implementation across the EPA. The public review draft of the policy is located on OEJECR's website:</p> <p>https://www.epa.gov/system/files/documents/2023-12/final_meaningful-involvement-policy_eams_11.7.2023_508.pdf.</p>	No revision to the National Program Guidance is necessary in response to this comment.

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			Other recommendations within your comment will be reviewed and considered across the EPA.	
EPA's Strategic Plan mentions improving partnerships. We believe EPA should take more concrete steps in recognition that "early, meaningful, and substantial involvement of EPA's co-regulator partners is critical to the development, implementation, and enforcement of the nation's environmental programs." For example, EPA should work directly with state Associations to develop a well-defined, consistent process, including checklists, that all EPA staff, states, tribes, and territories will follow as it relates to when and how to engage based on the final product being developed (policy, technical documents, FAQs, regulations, etc).	Association of Clean Water Administrators (ACWA)	Multiple locations in both the OW and OECA documents.	Thank you for your comment. EPA agrees there is a shared accountability to achieving environmental results. EPA values robust input and participation from our stakeholders and will continue to work towards early involvement with co-regulators and stakeholders.	No revision to the National Program Guidance is necessary in response to this comment.
Climate change and environmental justice issues could benefit from examples of inclusion and/or implementation in Clean Water Act programs, that do not increase requirements or costs, nor create new scientific or legal uncertainty for regulators, permittees and/or the public.	Association of Clean Water Administrators (ACWA)	Multiple locations in both the OW and OECA documents.	Thank you for your comment. EPA will continue to work collaboratively with states, territories, tribes, and local agencies to highlight examples, as appropriate, that address climate change and environmental justice.	No revision to the National Program Guidance is necessary in response to this comment.
The length of time being offered to comment on a proposed guidance document or rule sends a message to states, territories, tribes, and other stakeholders. "The shorter the comment period, the less interest EPA has in getting thoughtful comments." 45 days should always be the minimum time allocated for any proposed water quality or policy/regulatory change, as it takes	Association of Clean Water Administrators (ACWA)	Multiple locations in both the OW and OECA documents.	Thank you for your comment. EPA values robust input and participation from our stakeholders. EPA will continue to work towards early involvement with co-regulators and stakeholders.	No revision to the National Program Guidance is necessary in response to this comment.

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time to develop thoughtful comments, and then get them approved by upper management for submission to the record.				
In recognition of the loss of institutional knowledge at the state level through retirements and job movement, and influx of new state employees, increased training is needed across the programs.	Association of Clean Water Administrators (ACWA)	Multiple locations in both the OW and OECA documents.	Thank you for your comment. EPA looks forward to working with ACWA to provide training to EPA and State employees.	No revision to the National Program Guidance is necessary in response to this comment.
Alternative Compliance Monitoring Strategy (ACMS) can provide regulators with flexibility to address local pollution and compliance concerns, while maintaining the basic expectations for national regulatory program integrity. Some states are seeing budget deficits impacting state staffing levels that may lead to CMS prioritization. EPA needs to remain flexible on ACMSs and consider ways to streamline the review and approval process.	Association of Clean Water Administrators (ACWA)	Page 17	Thank you for your comment. As the comment notes, the national compliance monitoring strategies provide flexibilities to enable state and local agencies to address localized concerns or priorities. For agencies interested in going beyond currently available flexibilities by proposing an alternative CMS plan, EPA will continue to coordinate closely and engage in a collaborative process that allows for ongoing dialogue and takes into account individual circumstances.	No revision to the National Program Guidance is necessary in response to this comment.
ICIS Modernization has the potential to help bring forth a new era in data management and public transparency. It also has the potential to mishandle new, large data sets coming as a result of the NPDES eReporting Rule. EPA needs to remain steadfast in its efforts to	Association of Clean Water Administrators (ACWA)	Page 19	Thank you for your comment. EPA acknowledges that ICIS modernization will change the way that environmental data is managed. State engagement in	No revision to the National Program Guidance is

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incorporate state input as part of the ICIS Modernization effort.			the ICIS modernization effort is pivotal in ensuring that environmental data is properly represented.	necessary in response to this comment.
ECOS suggests that U.S. EPA coordination with state and local partners occur early on to encourage investment in the cleanup and reuse of Superfund sites. In the Draft Guidance, consultation with state and local partners occurs later in the process during the assessment of Institutional Controls.	ECOS	Pages 34-35; General Activities in the CERCLA Program	Thank you for your comment. EPA agrees that early coordination with state and local partners is important for cleanup and reuse of superfund sites, which is why EPA enters into cooperative agreements or coordinates with the appropriate state when commencing any CERCLA response action at a site. In addition, EPA regularly holds public meetings to update communities on status of investigations, remedy alternatives, and to seek comment on proposed cleanup activities. Any agreement with a party to conduct cleanup contains robust community engagement provisions. Communities can and should weigh in at these meetings with thoughts about future reuse of the site.	No revision to the National Program Guidance is necessary in response to this comment.
Electromagnetic Fields (EMFs) are a pollutant. EMFs are dangerous to human health and the environment,	National Call for Safe Technology	Sec II.A. Key Enforcement	Thank you for your comment. EPA sets protective limits on	No revision to the National

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<p>particularly emanating from wireless infrastructure and devices. EPA is doing nothing to protect either and must claim jurisdiction over these areas. See comments to NEJAC on 5-6-24 in Docket ID No. EPA-HQ-OEJECR-2024-0146 from Wired Broadband, Inc. et al at https://thenationalcall.org/wp-content/uploads/2024/05/NEJAC-Letter-of-5-6-24-with-7-6-22-Submission-Attached.pdf.</p> <p>Radiation Safety: There is no one regulating safety of this EMF radiation – not the EPA, FDA, FCC or the CDC since the mid 1990s. See https://ehtrust.org/5g-and-cell-tower-radiation-caught-in-a-regulatory-gap/ and https://ehtrust.org/the-regulation-of-wireless-radiation-in-the-united-states-exemplar-of-a-regulatory-gap/. The EPA was involved in the research studying the safety of this radiation in the 1990s; after the research concluded that the radiation was dangerous producing biological effects, the EPA was defunded. The research was run by a Chief Scientist under Wireless Technology Research, LLC (WTR), an independent, non-profit entity, with \$28.5 million in funding from the wireless industry (sent into a blind trust) and with scientific oversight by both an independent Peer Review Board at the Harvard School of Public Health and a U.S. Government Interagency Working Group, chaired by the FDA, and including EPA, OSHA, NIOSH, CDC, FCC, and NIH. This remains the largest and most comprehensive, multi-disciplinary program looking into wireless technology health effects and risk management anywhere in the world to date.</p>		and Compliance Activities to Address Environmental Justice p.6	<p>ionizing radiation in the environment resulting from human use of radioactive elements such as uranium. EPA does not regulate non-ionizing radiation that is emitted by electrical devices such as cell phones and transmitters. The Federal Communications Commission (FCC) regulates radiofrequency (RF) emissions from FCC-regulated transmitters and devices, including for the purposes of considering significant environmental effects and human exposure. The FCC provides information on the potential hazards associated with RF electromagnetic fields through their website: www.fcc.gov/rfsafety, which among other things, has a FAQ that addresses common questions. For further information on RF safety, including site specific questions, inquirers may reach FCC directly via email at rfsafety@fcc.gov.</p>	Program Guidance is necessary in response to this comment.

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<p>The results of this peer reviewed research were that wireless radiation is biologically active producing biological effects and potentially hazardous to human health. See Wireless Phones and Health II: State of the Science 2002 Edition, edited by George L. Carlo; Wireless Phones and Health: Scientific Progress, edited by George L. Carlo.</p> <p>Prior to the Telecommunications Act of 1996, cabinet-level regulatory agencies were responsible for the safety of those exposed to radio frequency radiation: FDA was responsible for devices including cell phones; EPA was responsible for emissions from wireless infrastructure including cell towers; OSHA was responsible for workplace exposures. In the Telecommunications Act of 1996, as a means of simplifying deployment of new digital wireless phones and facilitating the first-ever spectrum auctions to the private sector, the FDA, EPA and OSHA were relegated to advisory roles and the full authority for public safety was vested in the non-regulatory agency, the politically structured FCC. The FCC had neither the competency nor the resources to carry out the regulatory responsibilities and as such, wireless technology remains to this date in a regulatory void where consumers, proximal residents, and the environment are largely un-protected. Therefore, the EPA must reclaim its jurisdiction to continue reviewing potential health effects of wireless radiation.</p> <p>The WHO'S International Agency for Research on Cancer</p>				

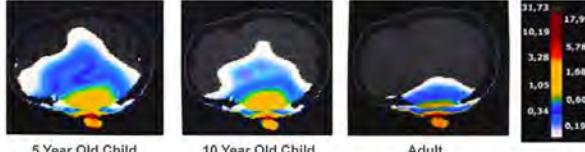
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<p>(IARC) classified EMF (2G and 3G) as a possible human carcinogen in 2011, similar to lead, diesel fuel and gasoline engine exhaust. See https://www.iarc.who.int/wp-content/uploads/2018/07/pr208_E.pdf. The EPA regulates GHG from vehicles, then why not EMFs? A scientist in that working group, along with others, are now calling it a human carcinogen. See see Prof. Miller's statement (former IARC Senior Epidemiologist and Senior Scientist) at 00:15:06 at https://www.youtube.com/watch?v=S16QI6-w9I8. Case studies recently show consistently that exposure to 5G is linked to injury. See https://mdsafetech.org/2023/11/20/5g-health-effects-5-case-reports-of-health-symptoms-after-5g-cell-towers-placed-in-sweden/. There has been no pre-market testing of 5G for public safety, confirmed by US Sen. Blumenthal. See https://mdsafetech.org/2019/02/13/no-research-on-5g-safety-senator-blumenthal-question-answered/.</p> <p>A study in 2000 commissioned by one of the major telecom carriers found links to cancer, leukemia, neurological disorders and cognitive impairment. See https://ehtrust.org/wp-content/uploads/ecolog2000.pdf.</p> <p>A telecom company in Switzerland filed for a patent to reduce wireless radiation stating the reason being the high risk of DNA damage and cancer from wireless</p>				

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<p>radiation, citing that injury occurs through non-thermal pathways. See https://www.dropbox.com/scl/fi/nwdfklq7r7j2wwsipv7ws/SwissCom-Patent-application-2003-2004-WO2004075583A1-1-1.pdf?rlkey=liuy6175hamj24lbuszpe7vux&st=5p2oy0ji&dl=0.</p> <p>Non-ionizing RF radiation has been shown by scientists and doctors to affect the structure of atoms or damage DNA, sharing similar traits to ionizing radiation. A renowned scientist, Dr. Golomb, clarifies that “much or most of the damage by ionizing radiation, and radiation above the thermal limit, occurs by mechanisms also documented to occur without ionization, and below the thermal limit.” See https://mdsafetech.org/wp-content/uploads/2017/09/golomb-sb649-5g-letter-8-22-20171.pdf.</p> <p>The National Toxicology Program in 2018 concluded clear evidence of cancer from EMFs. “Dr. John Bucher, Senior Scientist, at the National Toxicology Program stated, “We have concluded that there was clear evidence that male rats developed cancerous heart tumors called malignant schwannomas. The occurrence of malignant schwannomas in the hearts of male rats is the strongest cancer finding in our study.”) https://stopsmartmeters.org.uk/wp-content/uploads/2019/03/On-the-Clear-Evidence-of-the-Risks-to-Children-from-Smartphone-and-WiFi-Radio-</p>				

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<p>Frequency-Radiation_Final.pdf.</p> <p>Dr. Golomb also states: “The best and the brightest are among those whose lives – and ability to contribute to society –will be destroyed. High profile individuals with acknowledged electrohypersensitivity include, for instance, Gro Harlem Brundtland – the former 3-time Prime Minister of Norway and former Director General of the World Health Organization; [and] Matti Niemela, former Nokia Technology chief ...” Id.</p> <p>Dr. Golomb cautions: “... if you have a child, or a grandchild, his sperm, or her eggs (all of which she will already have by the time she is a fetus in utero), will be affected by the oxidative stress damage created by the electromagnetic radiation, in a fashion that may affect your future generations irreparably.” Id.</p> <p>See “Why Tech Leaders Don't Let Their Kids Use Tech,” https://kidzu.co/health-wellbeing/why-tech-leaders-dont-let-their-kids-use-tech/.</p> <p>New Hampshire Commission that studied the health impacts of wireless radiation found that levels below the FCC emission limits can be harmful. See http://www.gencourt.state.nh.us/statstudcomm/committees/1474/reports/5G%20final%20report.pdf.</p> <p>The Board of Health of Pittsfield, MA issued an emergency order to turn off a 4G cell tower that injured</p>				

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<p>17 residents many of whom who could afford to evacuated their homes. See https://ehtrust.org/cease-and-desist-order-against-verizon-cell-tower-by-board-of-health-pittsfield-ma/.</p> <p>Children were found vomiting in their beds, pets were vomiting and residents were becoming ill. See https://ehtrust.org/family-injured-by-cell-tower-radiation-in-pittsfield-massachusetts/. Three residents recently died of cancer, suspected from this EMF exposure.</p> <p>Children are particularly vulnerable and are adversely affected by EMF radiation in their environment, homes and schools. See https://ehtrust.org/educate-yourself/children-and-wireless-faqs/. See also, Key Scientific Evidence and Public Health Policy Recommendations, Supplement 2012, at 21, David O. Carpenter, MD, Director, Institute for Health and the Environment University at Albany, Cindy Sage, MA, Sage Associates, https://bioinitiative.org/wp-content/uploads/pdfs/sec24_2012_Key_Scientific_Studies.pdf.</p> <p>Children absorb more EMF radiation than adults, and fetuses are at even greater risk. Children's "brain tissues are more absorbent, their skulls are thinner and their relative size is smaller." EMF radiation penetrates more deeply into the skulls of children compared to adults, as shown below in cell phone usage. See</p>				

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<p>https://www.sciencedirect.com/science/article/pii/S2213879X14000583, https://ehtrust.org/research-on-childrens-vulnerability-to-cell-phone-radio-frequency-radiation/,</p> <p>https://pubmed.ncbi.nlm.nih.gov/21999884/.</p> <p>Exposure to RF radiation “can result in degeneration of the protective myelin sheath that surrounds brain neurons” and “[d]igital dementia has been reported in school age children.” It also increases the risk of childhood leukemia. See Why children absorb more microwave radiation than adults: The consequences, Morgan, Kesar and Davis, Journal of Microscopy and Ultrastructure, Vol. 2, Issue 4, December 2014, 197-204, https://www.sciencedirect.com/science/article/pii/S2213879X14000583 and Key Scientific Evidence and Public Health Policy Recommendations, 2007, at 19, David O. Carpenter, MD, Director, Institute for Health and the Environment University at Albany, Cindy Sage, MA, Sage Associates, https://biointiative.org/wp-content/uploads/pdfs/sec24_2007_Key_Scientific_Studies.pdf.</p> <p>Children’s absorption of EMF radiation can be demonstrated by how deeply the EMF radiation from cell phones penetrates into their brains. See below diagram. See Exposure limits: the underestimation of absorbed cell phone radiation, especially in children, Gandhi, Morgan, Augusto de Salles, Han, Heberman, Davis, October 14, 2011,</p>				

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<p>https://pubmed.ncbi.nlm.nih.gov/21999884/.</p> <p>Children are more vulnerable to RF microwave radiation.</p>  <p>5 Year Old Child 10 Year Old Child Adult</p> <p>Depth of absorption of cell phone radiation in a 5-year old child, a 10-year old child, and in an adult from GSM cell phone radiation at 900 MHz. Color scale on right shows the SAR in Watts per kilogram. Source: https://ehtrust.org/wp-content/uploads/2019/07/Exposure-Limits-the-underestimation-of-absorbed-cell-phone-radiation-especially-in-children.pdf</p>				
<p><i>This image was submitted to EPA as part of a public comment. Please contact National Call for Safe Technology for any questions regarding this image.</i></p> <p>EMF damage to the environment: There is no federal agency setting safety limits for trees, birds or bees, nor is there any funded mandate to do so.</p> <p>The consequences of RF emissions from wireless infrastructure on the public health and that of those already disabled by EMF and other vulnerable communities, including trees and pollinators and other flora and fauna, are not just a future concern, they are here. There may be an assumption built into climate change mitigation that our forests may provide large-scale carbon sequestration opportunities for emissions and that protecting forests is needed to achieve some level of carbon neutrality. See https://ehtrust.org/wp-</p>	<p>National Call for Safe Technology</p>	<p>Sec. II.B. Key Enforcement and Compliance Activities to Address Climate Change p.9</p>	<p>Thank you for your comment. EPA sets protective limits on ionizing radiation in the environment resulting from human use of radioactive elements such as uranium. EPA does not regulate non-ionizing radiation that is emitted by electrical devices such as cell phones and transmitters. The Federal Communications Commission (FCC) regulates radiofrequency (RF) emissions from FCC-regulated transmitters and devices, including for the purposes of considering significant environmental effects and human exposure. The FCC</p>	<p>No revision to the National Program Guidance is necessary in response to this comment.</p>

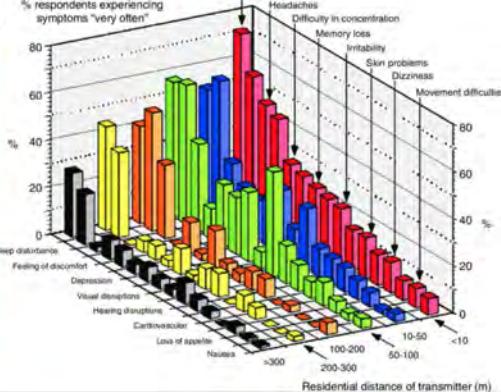
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<p>content/uploads/Letter-National-Park-Service-Sept-2020-6.pdf.</p> <p>Note: EMF radiation and RF radiation are used interchangeably.</p> <p>[Also restated under climate change, below] However, any reliance on trees and forests as our carbon sink will not be valid if trees and forests are damaged by the increased proliferation of wireless infrastructure. RF radiation from wireless infrastructure is not only hazardous for the EMF disabled, but also for the flora and fauna. See Effects of non-ionizing electromagnetic fields on flora and fauna, part 1. Rising ambient EMF levels in the environment, Levitt, Lai and Manville, March 28, 2022, https://pubmed.ncbi.nlm.nih.gov/34047144/. It has been shown that trees are damaged by RF radiation from mobile phone base stations, with damage starting on one side and then “extending to the whole tree over time.” See Radiofrequency radiation injures trees around mobile phone base stations, Aug. 24, 2016, https://pubmed.ncbi.nlm.nih.gov/27552133/. Tree damage was found with chronic exposure to radio frequency. See https://ehtrust.org/wp-content/uploads/tree-health-radiation-Schorpp-2011-02-18.pdf. Any hoped-for carbon sequestration from trees is not likely to occur if trees are damaged or die from the proliferation of wireless infrastructure.</p>			<p>provides information on the potential hazards associated with RF electromagnetic fields through their website: www.fcc.gov/rfsafety, which among other things, has a FAQ that addresses common questions. For further information on RF safety, including site specific questions, inquirers may reach FCC directly via email at rfsafety@fcc.gov.</p>	

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<p>RF radiation also affects wildlife. Scientists have observed at “vanishingly low intensities” toxic effects on animals, including effects on “orientation and migration, food finding, reproduction, mating, nest and den building … and longevity and survivorship” of wildlife. See Levitt BB, Lai HC, Manville AM. Effects of non-ionizing electromagnetic fields on flora and fauna, Part 3. Exposure standards, public policy, laws, and future directions. <i>Rev Environ Health</i>. 2021 Sep 27. doi: 10.1515/reveh-2021-0083. Epub ahead of print. PMID: 34563106. https://pubmed.ncbi.nlm.nih.gov/34563106/. See also, Part 1 Rising ambient EMF levels in the environment. <i>Rev Environ Health</i>. 2021 May 27;37(1):81-122. doi: 10.1515/reveh-2021-0026. PMID: 34047144, https://pubmed.ncbi.nlm.nih.gov/34047144/; and Part 2 Impacts: how species interact with natural and man-made EMF. <i>Rev Environ Health</i>. 2021 Jul 8. doi: 10.1515/reveh-2021-0050. https://pubmed.ncbi.nlm.nih.gov/34243228/.</p> <p>Electromagnetic pollution from phone masts. Effects on wildlife, Alfonso Balmori, August 2009, https://www.sciencedirect.com/science/article/abs/pii/S0928468009000030?via%3Dihub. See also, The incidence of electromagnetic pollution on wild mammals: A new “poison” with a slow effect on nature? Alfonso Balmori, November 2009.</p> <p>Bees, as our primary source of pollination, are injured</p>				

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<p>from RF radiation which means a decrease in pollination and, in turn, food production. A study showed that “every time a bee approaches a power line or a cell phone antenna, it becomes stressed and, therefore, its internal temperature increases and the pollination service decreases.”</p> <p>See Research confirms negative effects of power lines on bees, May 3, 2022, https://ehtrust.org/research-confirms-negative-effects-of-power-lines-on-bees/. EHT Letter to US National Park Service on 5G, Cell Towers and Impacts to Pollinators, Trees and Wildlife, Sep 15, 2020, https://ehtrust.org/eht-letter-to-us-national-park-service-on-5g-cell-towers-and-impacts-to-pollinators-trees-and-wildlife/.</p> <p>Johansson O, “The Stockholm Declaration about ‘Life EMC”, Bee Culture Magazine 2022; May issue: 56-61, https://safetechinternational.org/45ohansson-o-the-stockholm-declaration-about-life-emc-bee-culture-magazine-2022-may-issue-56-61/</p>				
<p>Human health adversely affected by EMFs / Need for Radiation Protection: It is estimated that at least 30% of population is afflicted from this radiation poisoning and about 1% is severely disabled that they can no longer work or live in areas that have this radiation. The disabled didn't see it coming. Exposure gives rise To a constellation of symptoms, some of which include: headaches, nausea, vomiting, tinnitus, hearing loss, heart arrhythmia, tachycardia, neurological disorders; oxidative stress; immune dysfunction; ADHD, and</p>	<p>National Call for Safe Technology</p>	<p>Sec II.A. Key Enforcement and Compliance Activities to Address Environmental Justice p.6 Sec V.D. Federal Civil</p>	<p>Thank you for your comment. EPA sets protective limits on ionizing radiation in the environment resulting from human use of radioactive elements such as uranium. EPA does not regulate non-ionizing radiation that is emitted by electrical devices such as cell phones and transmitters. The</p>	<p>No revision to the National Program Guidance is necessary in response to this comment.</p>

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<p>damage to the blood-brain barrier. See https://bioinitiative.org/conclusions/.</p> <p>Based on a population of 332.4 million people in the U.S., the numbers are shockingly high:</p> <p>Can't work – 0.65% - 2.16 million</p> <p>Severe symptoms – 1.5% - 4.99 million</p> <p>Moderate symptoms – 5% - 16.6 million</p> <p>Mild symptoms – 30% - 99.7 million</p> <p>See 2019 Bevington study, https://mdsafetech.files.wordpress.com/2019/10/2018-prevalence-of-electromagnetic-sensitivity.pdf.</p> <p>Access to work is critical for disadvantaged communities. The EMF disabled are most affected when they cannot work safely in environments containing RF radiation inside a building, such as Wi-Fi, or RF radiation coming from outside a building from nearby base station antennas. This is not a disability that only affects the EMF disabled, but given the estimated number of people with EMS symptoms in the U.S., it has the potential of adversely affecting America's workforce. EMS disability can be accommodated by creating RF radiation free zones that employ only wired facilities in the work and home environments.</p> <p>Disability from electromagnetic field (EMF) radiation is as silent and invisible as the toxin that creates the disability in the first place. Those suffering from EMF</p>		Rights Responsibilities, including Title VI of the Civil Rights Act of 1964 p.51	<p>Federal Communications Commission (FCC) regulates radiofrequency (RF) emissions from FCC-regulated transmitters and devices, including for the purposes of considering significant environmental effects and human exposure. The FCC provides information on the potential hazards associated with RF electromagnetic fields through their website: www.fcc.gov/rfsafety, which among other things, has a FAQ that addresses common questions. For further information on RF safety, including site specific questions, inquirers may reach FCC directly via email at rfsafety@fcc.gov.</p>	

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<p>exposure, however, cannot travel to Washington DC to potentially sit on the Capitol steps to advocate for themselves. EMF is so pervasive that any effort similar to the “Capitol Crawl” to raise awareness would put them at physical risk. These people have been silenced and rejected. They are isolated from play with other children, from study with fellow students, from advancement in the workforce and the financial means to support themselves in anything but subsidized housing. But even federally-subsidized housing is becoming inaccessible since those buildings appear to be a target for wireless tower leases because it is the path of least resistance in increasingly resistant communities.</p> <p>See History Series, “When the ‘Capitol Crawl’ Dramatized the Need for Americans with Disabilities Act,” https://www.history.com/news/americans-with-disabilities-act-1990-capitol-crawl.</p> <p>The following chart shows a worsening of symptoms when closer to a cell tower but a lessening of symptoms when farther away from a cell tower.</p>				

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<p>Rapid aging syndrome (RAS) Electro-Hyper-Sensitivity (EHS)</p> <p>1. Fatigue 2. Sleep disturbance 3. Headaches 4. Feeling of discomfort 5. Difficulty concentrating 6. Depression 7. Memory loss 8. Visual disruptions 9. Irritability 10. Hearing disruptions 11. Skin problems 12. Cardiovascular 13. Dizziness 14. Loss of appetite 15. Movement difficulties 16. Nausea</p>  <p>This image was submitted to EPA as part of a public comment. Please contact National Call for Safe Technology for any questions regarding this image.</p> <p>Symptoms experienced by people near cellular phone base stations; RF radiation affects the blood, heart and autonomic nervous system. 1 Source: Santini, et al (France): Pathol Biol. 2002;50:S369-73.</p>				
<p>Environmental Justice and Civil Rights</p> <p>Disability from EMFs is as silent and invisible as the EMF toxin that creates the disability in the first place. They are isolated from play with other children, from study with fellow students, from advancement in the workforce and the financial means to support themselves in anything but subsidized housing. But even federally-subsidized housing is becoming inaccessible since those buildings appear to be a target for wireless</p>	<p>National Call for Safe Technology</p>	<p>Sec II.A. Key Enforcement and Compliance Activities to Address Environmental Justice p.6</p>	<p>Thank you for your comment. EPA sets protective limits on ionizing radiation in the environment resulting from human use of radioactive elements such as uranium. EPA does not regulate non-ionizing radiation that is emitted by electrical devices such as cell phones and transmitters. The</p>	<p>No revision to the National Program Guidance is necessary in response to this comment.</p>

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<p>tower leases because it is the path of least resistance in increasingly resistant communities. Those suffering from EMFs, however, cannot travel to Washington DC to potentially sit on the Capitol steps to effectuate change. That is what it took to get the Americans with Disabilities Act of 1990 (ADA) passed. The “Capitol Crawl” showed the disabled leaving their wheelchairs behind as they crawled the Capitol steps, including an 8-year old disabled girl. EMF is so pervasive that any effort similar to the “Capitol Crawl” to raise awareness would put those disabled by EMF at physical risk. These people have been silenced and rejected.</p> <p>This is particularly compelling since the DC Circuit Court of Appeals ruled against the FCC in 2021 and remanded its emission limits for its failure to review 11,000 pp of scientific peer-reviewed studies showing harm below its limits, along with accounts of personal injury. See https://ehtrust.org/court-judgment-on-fccs-record-review-of-1996-wireless-radiation-standards/. See also, Wyoming Governor’s letter to the FCC, https://ehtrust.org/letter-to-the-honorable-jessica-rosenworcel-chairwoman-federal-communications-commission-from-wyoming-governor-mark-gordon-children-and-fcc-wireless-radiation-safety-limits/.</p> <p>Therefore, these limits do not protect the public but provide a safe harbor for industry that shields it from liability for personal injury so long as the industry operates within the FCC exposure limits (the</p>			<p>Federal Communications Commission (FCC) regulates radiofrequency (RF) emissions from FCC-regulated transmitters and devices, including for the purposes of considering significant environmental effects and human exposure. The FCC provides information on the potential hazards associated with RF electromagnetic fields through their website: www.fcc.gov/rfsafety, which among other things, has a FAQ that addresses common questions. For further information on RF safety, including site specific questions, inquirers may reach FCC directly via email at rfsafety@fcc.gov.</p>	

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<p>Telecommunications Act of 1996 provides this shield, heavily negotiated by industry at the time). To date, the FCC has failed to comply with the court order. Essentially, we're flying blind on public health and safety. See US Senator Blumenthal at https://mdsafetech.org/2019/02/13/no-research-on-5g-safety-senator-blumenthal-question-answered/.</p> <p>To put this in perspective, Martin L. Pall, PhD, Professor Emeritus of Biochemistry and Basic Medical Sciences, Washington State University, had provided in the FCC's docket that the FCC's existing RF exposure limits "are approximately 7.2 million times too high." See https://ehtrust.org/appeals-court-tells-fcc-to-address-non-thermal-health-impacts-of-radiation-from-wireless-technology-on-children-the-public-and-the-environment/.</p> <p>The EMF disabled require equal access to web services in a manner that does not injure them and that does not otherwise put them in harm's way. They cannot use a technology that is injuring them – EMF radiation.</p> <p>The digital divide is no less relevant for the EMF disabled who may not be able to use web-based services and who cannot use mobile devices. For the EMF disabled, being required to use mobile services and devices to access necessary medical programs and services would only guarantee the digital divide for the EMF disabled. HHS must promulgate rules to ensure that access to</p>				

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<p>such necessary services does not require wireless connectivity on mobile devices.</p> <p>Mention has been made of the pandemic and the need for more web access. However, the best access is through wired connections. For instance, the National Telecommunications Information Administration (NTIA) has prioritized fiber to the premises for the nation in order to bridge the digital divide, not mobile.</p> <p>See NTIA Official Acknowledges Clear Preference for Fiber in Infrastructure Deployment Program, June 13, 2022, https://broadbandbreakfast.com/2022/06/ntia-official-acknowledges-clear-preference-for-fiber-in-infrastructure-deployment-program/.</p> <p>Lest the EPA believes that mobile access will bridge the digital divide, it will not. So, to digress a moment on the benefits of fiber to the premises ... Underscoring the importance of fiber over wireless, former FCC Chairman, Tom Wheeler, in his March 2021 Congressional testimony, described fiber as “future proof,” and prioritized a “fiber first” policy for the nation. See Tom Wheeler’s Testimony to Congress, https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Witness%20Testimony_Wheeler_FC_2021.03.22.pdf. Wheeler’s statements point to the fact that wireless and fiber are not equivalent broadband media, and that wireless should be used only as a last resort. “Fiber is unmatched</p>				

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<p>in its speed, performance [and] reliability ... “ far exceeding the promise of any generation of wireless technology. See “Reinventing Wires: The Future of Landlines and Networks,” National Institute for Science, Law and Public Policy, authored by Timothy Schoechle, PhD; https://electromagnetichealth.org/wp-content/uploads/2018/02/ReInventing-Wires-1-25-18.pdf.</p> <p>Wired connections, such as fiber and cable, to the premises provide the best capacity for remote learning for children and students, particularly those who are already EMF disabled, and more reliable access to medical and other services for the elderly and disabled during emergencies or severe weather when wireless service is more likely to be interrupted. Wired connections will also prevent the exclusion of the EMF disabled who cannot be near RF radiation emitted from mobile devices and equipment.</p> <p>Grants should be provided for accommodations for the EMF disabled. See below.</p> <p>ACCESSIBILITY RECOMMENDATIONS</p> <p>The importance of providing accommodation for the EMF disabled for medical programs and services is two-fold. First, exposure to RF / EMR / EMF / MW radiation in medical facilities can be life-threatening. Second, a “patient’s vital signs or test results may vary dependent on EMF/EMR exposures at a specific location and at a</p>				

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<p>specific moment (electrosmog can affect the autonomic nervous system, the blood, the heart and even blood sugar levels in some sensitive diabetics) . . . this can lead to misdiagnosis, over-treatment, under-treatment, inappropriate medications or dosages . . ." Further reasons and a detailed list of recommendations for accommodation are provided by the ElectroSensitive Society – see Electrosensitive Society https://www.electrosensitivesociety.com/how-hospitals-can-accommodate-patients-who-have-ehs/.</p> <p>Here are some examples of accommodations needed for the EMF disabled. The EMF disabled need landline corded phones as they cannot use or be dependent on cell phones, human agents and, where necessary, paper rather than electronic communications if it is hazardous for them to touch a computer or any Wi-Fi enabled device. The Building Biology Institute provides additional recommendations. See https://buildingbiologyinstitute.org/wp-content/uploads/2022/04/EMR_Factsheet_v2.0r.pdf?_kx=rTGycWw57cXYTKX7Sp91I6a7XwgrVJvuJ7aQ34K1byY%3D.UN8Sad.</p> <p>Accessibility</p> <p>Access to medical programs and services may be accessed wirelessly or by wired connections. The EMF disabled require access by wired connections or by paper; such programs and services cannot be coupled with wireless-only access, such as by mobile applications</p>				

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<p>and devices. To be clear, access to web content and services is not synonymous with a wireless connection, but would engage any technology which would provide access to a disabled individual so as to receive medical programs and services on an equal basis as others. Requiring access to wired technology, such as copper wires, cable or fiber optics, as well as providing paper alternatives, would help ensure that parity for the EMF Disabled.</p> <p>The National Institute for Science, Law and Public Policy published a report of hard-wiring broadband connections which would be of tremendous benefit for making accommodation for the EMF disabled.</p> <p>Federal agencies should ensure that providing mobile applications and promoting their use on mobile devices does not impair the EMF Disabled from accessing medical programs and services by more traditional means, i.e., wired connections (copper, cable and fiber), as well as by landline phone, human agents and paper communications via the U.S. Postal Service, by which many of the EMF Disabled are only able to access essential medical programs and services, including emergency care.</p> <p>For those EMF Disabled who are so disabled that they cannot even touch a computer to retrieve services via the web, it is essential that there be access to a staffed telephone information line. In effect, a website or</p>				

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<p>check-in device or kiosk by which a person would otherwise access medical programs and services becomes inaccessible to the extent that the EMF Disabled cannot even touch a computer or electronic device to access medical programs and services. Web-based services will never replace the need for an EMF Disabled person to speak to a live person. Cutting off access to a live person would cut off the life-line of the EMF Disabled who would be in dire need of medical services.</p> <p>Correct Wiring. Correct wiring, up to code, especially at the junction and breaker boxes in buildings, needs to be enforced. This should be certified by accredited entities. And for the EMF disabled, the electrical and magnetic fields need to be at the safe levels as per the Building Biology Institute standards. See https://buildingbiology.com/site/downloads/richtwerte-2015-englisch.pdf. Wiring errors are frequently made in buildings which increases the EMF's (electromagnetic fields) to unsafe levels. These can be prevented and many remedied. If an outlet is incorrectly wired, especially the grounding, the increased electric fields will travel through the air into the room and through the wire to any device plugged into it. Light switches and fixtures will have unsafe levels of electric and magnetic fields if incorrectly wired or grounded.</p> <p>Creating Safe Zones. A zone should be designed to provide safe web access for the EMF disabled at the</p>				

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<p>premises of public entities, so that a portion of each such public entity would not expose the EMF disabled to RF radiation. Wi-Fi/wireless free zones are areas in a building that do not have Wi-Fi or other wireless connectivity and are free of any RF radiation or wireless frequency of any kind, including, but not limited to, that generated by mobile devices such as cell phones, tablets, Wi-Fi routers, or any smart meters on the premises.</p> <p>Creating a Wi-Fi/wireless free zone would include a way to terminate all wireless transmitting signals originating from within the zone and attenuate all wireless receiving signals penetrating into the zone. Transmitting signals can be terminated with a combination of a hard wire shut-off, permanent Wi-Fi free software deactivation that does not reset itself or just by using fiber to the premises and cabled modems / routers / computer / telecommunications equipment. Received signals can be lowered with a combination of RF attenuation building materials, equipment and products that reduce the RFR penetrating into the zone. The objective is to create an “as low as reasonably achievable” level of RFR for receiving signals.</p> <p>All telecommunications access should be provided by telecommunications equipment (e.g., modems or routers) connected only by copper wire, cable or fiber optics. Any connectors for fiber optics and other hard-wired alternatives must be secured and ensure a leak-</p>				

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<p>free connection. The zone would have a means to terminate all wireless transmitting signals originating from within the zone and attenuate all wireless receiving signals penetrating into the zone. Transmitting signals can be terminated with a combination of a hard wire shut-off, permanent Wi-Fi free software deactivation that does not reset itself. Alternatively, telecommunications equipment could simply be permanently connected to fiber optics or cable for an even faster, more secure and healthier experience. Received signals can be lowered with a combination of radio frequency attenuation building materials, equipment and products that reduce the radio frequency penetrating into the zone. The objective is to create an “as low as reasonably achievable” level of radio frequency receiving signals.</p> <p>The zone could also be “flexible,” by equipping it with an easily accessible and visible “off” switch and robust software that does not permit wireless signals and prohibits these software settings from being automatically overridden or reset. Those needing a connection for their cell phones would simply turn off their Wi-Fi and cellular connections and plug into the hardwired connections that would be made available to them at various locations within the zone, without any attenuation in service and with the possible advantage of even faster and more reliable service without expense to their health.</p>				

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<p>In order for the EMF disabled to reach a flexible zone, any wireless frequency within these public entities would require some form of wireless frequency attenuation (such as RF blocking, shielding or reduction device) over the wireless telecommunications equipment to significantly reduce the amount of wireless frequency emitting from that equipment without affecting wireless connectivity.</p> <p>The EMF disabled must have direct access through human agents, e.g., who are able to answer and respond to telephone calls and written correspondence conducted through the USPS first class mail.</p> <p>In addition, the EMF disabled require emergency services in case of any acts of God, access to which, incidentally, may also become interrupted with wireless infrastructure.</p> <p>Accommodation for Emergencies</p> <p>The EMF disabled require hardwired connections in the event of any emergency or natural disaster, such as heavy weather conditions or a tornado. An example of how fiber optics made possible the restoration of service during an emergency is in Chattanooga, TN. In November 2012, a tornado ripped through Chattanooga. Because of the fiber optics installation, the system was able to either prevent or automatically restore service from 23,000 customer outages. "Smart Grid Helps Keep Lights Burning," May 19, 2017 Editorial, Hamilton County Herald,</p>				

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<p>https://www.hamiltoncountyherald.com/Story.aspx?id=8646&date=5%2F19%2F2017.</p> <p>Accommodation in Data Systems</p> <p>A web and app-based, mobile-only environment, utilized as a communications and information portal to access services, programs, and activities offered by public entities, is problematic. Sole reliance on technology for access creates additional barriers to access for the EMF disabled, whose disabilities would worsen from such access.</p> <p>The EMF disabled have severe health impairments and multiple disabilities that are cardiac, neurological, and sensory, including those with cognitive and processing disabilities, many of whom are at risk for further health impairments. It is critical for this information to be entered into data systems. Therefore, this information is often overlooked and omitted from government data systems because there is no mechanism for it to be created in the drop-down menus of Title II public entities. These systems just throw these individuals into the “Other Health Impairment” category which is akin to a waste bucket in the IEP categorical data collection system.</p> <p>Therefore, a category for the EMF disabled should be created to properly account for their disabilities, so that theirs will also be considered “relevant” within the data</p>				

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<p>systems.</p> <p>List of Accommodations</p> <p>The following is a short list of readily achievable, affordable modifications, submitted to the National Council on Disability in 2022 (Submitted to the Board of the National Council on Disability, May 12, 2022 by Susan Molloy, M.A., Snowflake, AZ.):</p> <ul style="list-style-type: none"> • Daylight, skylights, or option of incandescent lightbulbs (no fluorescents or LEDS) in designated areas of the facility; • Remove Fragrance Emission Devices (“FEDS”) in designated restrooms, no fragrance distribution systems in Heating, Ventilation, Air Conditioning (“HVAC”) systems, no scented products; • Do not use Wi-Fi to monitor indoor air pollutants; • Use no “smart” meters for electricity, gas, or water in or around public areas of a facility unless they are thoroughly and effectively shielded; • Separate the electrical wiring and fiber optics for designated parts of the facility and install kill switches for designated areas, so that non-essential computers, printers, fluorescents, equipment can be shut down without impacting all areas of the facility; 				

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<ul style="list-style-type: none"> Maintain landline telephones, re-install old-style payphones, in and around the facility; Use independent variable fresh air ventilation system (fan and operable window) for designated areas that can be operated by the room occupant without assistance; Use signage on and around the facility, in pertinent formats, indicating where to find wheelchair- and otherwise accessible sidewalks, ramps, doors, restrooms, phones, conference rooms, parking, along with a posted schedule of recent maintenance materials; Use signage to designate areas where wi-fi, pest control and maintenance chemicals, and recent remodeling are present to avert accidental exposures (to the degree possible); <p>Designate areas for re-charging wheelchair batteries, cell phones, computers, vehicles, others, using wired electrical outlets;</p> <ul style="list-style-type: none"> Install hard-wired, wheelchair-accessible, buzzer or intercom outside the facility to summon building occupants such as the receptionist, doctor, your child, police, social service staff, grocer, shopkeeper; We request a Memorandum of Understanding 				

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<p>(“MOU”) available to us, on good stationery, explaining specifically that we are to be given safe® passage and accommodation;</p> <ul style="list-style-type: none"> • Study the California Building Standards “Cleaner Air Room” concept and language as per the Indoor Environmental Quality (“IEQ”) Report, pages 47-55, 2005, posted on the U.S. Access Board’s website; • Request development of shielding or redesign of computers and other technology to block electromagnetic fields and wifi, at the point of manufacture; • Parking and passenger-loading zones protected from EV battery re-chargers, wireless or 5G equipment, cell towers; • Other guidelines include those in the Indoor Environmental Air Quality report In addition, for a facility to be safer for the public, as well as more accessible to the EMF disabled per Coloradans for Safe Technology: • Use correct wiring, up to code, especially at the junctions and breaker boxes in buildings. • Wiring errors are frequently made in buildings, which increase the MW/EMFs to unsafe levels. If an outlet is incorrectly wired, or especially the grounding, the 				

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<p>increased electric fields will travel out into the room and to any device plugged in. Light switches and fixtures will emit unsafe levels of electric and magnetic fields if incorrectly wired or incorrectly grounded (there does not appear to be a U.S. bio-safe standards for electrical and magnetic fields, other than those meant to prevent acute electrocution)</p> <ul style="list-style-type: none"> Units in multifamily buildings, for EMF disabled residents, must be in areas away from large electrical sources like the elevator, mechanical room, laundry room, electric vehicle charging stations, and others. EMS safer units must include safe path of travel. <p>MW/EMF shielding of premises, using triple-pane Low-E windows, Faraday curtains and Faraday canopies for example, plus for outdoors: Faraday screens to protect parking, paths of travel, and yard areas.</p> <ul style="list-style-type: none"> When a single person who is EMF disabled needs to find a place to live, too often HUD restrictions that limit a person to one bedroom do not work. That individual may need a standalone house if there are no other accommodation away from MW/EMFs. Public entity facilities need wired internet, phones, security systems in designated areas, if not throughout. They are a must for the EMF disabled along with non-electric appliances (office equipment, heaters), low EMF refrigerators or an electrical shut off for them so they 				

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<p>can be opened without fear of them turning on, which would activate high electrical and magnetic fields.</p> <ul style="list-style-type: none"> • Shielding screen made of protective metals on windows. • Safer public areas inside or adjacent to facilities are may best be placed at the end of the floor, with access to stairs rather than only to the elevator. Accurate RF-EMR meters for the facilities' managers and maintenance officials will help maintain safe areas and to determine if a part of a public facility might be safer for an EMF disabled member of the public to enter. <p>There should be no grants for wireless infrastructure until the FCC has complied with the 2021 federal court order which remanded its wireless emission limits for its failure to review 11,000 pages of scientific studies showing harm below those limits. To date the FCC has failed to comply with that court order. Therefore, those limits can no longer be viewed as safety limits, but a safe harbor for industry to be shielded from liability from personal claims of injury or death so long as industry operates within the current limits.</p> <p>Lest the EPA believes that mobile access will bridge the digital divide, it will not. So, to digress a moment on the benefits of fiber to the premises ... Underscoring the importance of fiber over wireless, former FCC Chairman, Tom Wheeler, in his March 2021 Congressional</p>				

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<p>testimony, described fiber as “future proof,” and prioritized a “fiber first” policy for the nation. see Tom Wheeler’s Testimony to Congress, https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Witness%20Testimony_Wheeler_FC_2021.03.22.pdf. Wheeler’s statements point to the fact that wireless and fiber are not equivalent broadband media, and that wireless should be used only as a last resort. “Fiber is unmatched in its speed, performance [and] reliability ... “ far exceeding the promise of any generation of wireless technology. See “Reinventing Wires: The Future of Landlines and Networks,” National Institute for Science, Law and Public Policy, authored by Timothy Schoechle, PhD; https://electromagnetichealth.org/wp-content/uploads/2018/02/ReInventing-Wires-1-25-18.pdf.</p> <p>Wired connections, such as fiber and cable, to the premises provide the best capacity for remote learning for children and students, particularly those who are already EMF disabled, and more reliable access to medical and other services for the elderly and disabled during emergencies or severe weather when wireless service is more likely to be interrupted. Wired connections will also prevent the exclusion of the EMF disabled who cannot be near RF radiation emitted from mobile devices and equipment.</p>				
There should be no grants for wireless infrastructure until the FCC has complied with the 2021 federal court	National Call for Safe Technology	Sec V. Flexibility and	Thank you for your comment. EPA sets protective limits on	No revision to the National

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<p>order which remanded its wireless emission limits for its failure to review 11,000 pages of scientific studies showing harm below those limits. To date the FCC has failed to comply with that court order. Therefore, those limits can no longer be viewed as safety limits, but a safe harbor for industry to be shielded from liability from personal claims of injury or death so long as industry operates within the current limits.</p> <p>Lest the EPA believes that mobile access will bridge the digital divide, it will not. So, to digress a moment on the benefits of fiber to the premises ... Underscoring the importance of fiber over wireless, former FCC Chairman, Tom Wheeler, in his March 2021 Congressional testimony, described fiber as “future proof,” and prioritized a “fiber first” policy for the nation. See Tom Wheeler’s Testimony to Congress, https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Witness%20Testimony_Wheeler_FC_2021.03.22.pdf. Wheeler’s statements point to the fact that wireless and fiber are not equivalent broadband media, and that wireless should be used only as a last resort. “Fiber is unmatched in its speed, performance [and] reliability ... “ far exceeding the promise of any generation of wireless technology. See “Reinventing Wires: The Future of Landlines and Networks,” National Institute for Science, Law and Public Policy, authored by Timothy Schoechle, PhD; https://electromagnetichealth.org/wp-content/uploads/2018/02/ReInventing-Wires-1-25-</p>		Grant Planning p.50	<p>ionizing radiation in the environment resulting from human use of radioactive elements such as uranium. EPA does not regulate non-ionizing radiation that is emitted by electrical devices such as cell phones and transmitters. The Federal Communications Commission (FCC) regulates radiofrequency (RF) emissions from FCC-regulated transmitters and devices, including for the purposes of considering significant environmental effects and human exposure. The FCC provides information on the potential hazards associated with RF electromagnetic fields through their website: www.fcc.gov/rfsafety, which among other things, has a FAQ that addresses common questions. For further information on RF safety, including site specific questions, inquirers may reach FCC directly via email at rfsafety@fcc.gov.</p>	Program Guidance is necessary in response to this comment.

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<p>18.pdf.</p> <p>Wired connections, such as fiber and cable, to the premises provide the best capacity for remote learning for children and students, particularly those who are already EMF disabled, and more reliable access to medical and other services for the elderly and disabled during emergencies or severe weather when wireless service is more likely to be interrupted. Wired connections will also prevent the exclusion of the EMF disabled who cannot be near RF radiation emitted from mobile devices and equipment.</p>				
<p>Water Infrastructure – no EMF-emitting, fee-collecting devices (e.g., “smart” water meters)</p> <p>There is the case of a resident of North Carolina who had to evacuate her house because an EMF emitting, fee-collecting device was installed in her neighbor’s house and was exposing her to such radiation that her skin was burning and she was about to faint. She now has no access to her water because she cannot enter her house with further injury.</p>	<p>National Call for Safe Technology</p>	<p>Sec II.A. Key Enforcement and Compliance Activities to Address Environmental Justice p.6 Sec V.D. Federal Civil Rights Responsibilities, including Title VI of the Civil Rights Act of 1964 p.51</p>	<p>Thank you for your comment. EPA sets protective limits on ionizing radiation in the environment resulting from human use of radioactive elements such as uranium. EPA does not regulate non-ionizing radiation that is emitted by electrical devices such as cell phones and transmitters. The Federal Communications Commission (FCC) regulates radiofrequency (RF) emissions from FCC-regulated transmitters and devices, including for the purposes of considering significant environmental effects</p>	<p>No revision to the National Program Guidance is necessary in response to this comment.</p>

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			<p>and human exposure. The FCC provides information on the potential hazards associated with RF electromagnetic fields through their website: www.fcc.gov/rfsafety, which among other things, has a FAQ that addresses common questions. For further information on RF safety, including site specific questions, inquirers may reach FCC directly via email at rfsafety@fcc.gov.</p>	