

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WSG 37

Date Signed: March 25, 1988

SUBJECT: Policy on Publicizing Enforcement Activities

FROM: John R. Trax, Chief (signed by John Trax)
Drinking Water Branch

TO: Drinking Water Branch Chiefs
Regions I - X

The issue of publicizing our enforcement activities has been discussed on many occasions. Due to the importance of such an effort, you and your staffs have requested that we provide you with Agency guidance on the subject. This memorandum transmits to you the Agency policy on publicizing enforcement activities.

The memorandum entitled "Policy on Publicizing Enforcement Activities" dated November 12, 1985, and signed by both the Assistant Administrator for Enforcement and Compliance Monitoring and the Assistant Administrator for External Affairs clearly states EPA's policy. Briefly, EPA's policy is that publicity of enforcement activities is a key element in the Agency's program to deter noncompliance with environmental laws and regulations and that timely publicity keeps both the public and the regulated community informed about EPA's efforts to promote compliance. The document attached to the November 12, 1985, memorandum discussed this policy and its implementation in detail, giving guidance on when to issue press releases, their content, their distribution, and coordination with headquarters, the Offices of Public Affairs, the Department of Justice, and the States.

A major point of the policy guidance and also the subject of a separate memorandum from the Deputy Administrator (copy attached) is that EPA should not agree to a settlement which either bars a press release or which restricts its content. Please be aware of this policy as you proceed with enforcement settlement negotiations.

To assist you in your efforts in this area, I have attached a copy of a press release which Region IX recently issued concerning its receipt of a preliminary injunction in a civil case. I feel that this press release was well done and could be used by other Regions as a model.

I hope that you and your staff find the attached guidance and sample helpful. If you or your staff have any questions on this matter, please contact Betsy Devlin on my staff at FTS 332-2303.

Attachments

cc: PWS Enforcement Coordinators
Carl Reeverts

Paul Baltay