



Resolution 11-2
Approved March 30, 2011
Alexandria, Virginia

Renewed April 2, 2014
Sausalito, California

Revised April 8, 2017
Washington, DC

Revised April 27, 2020
All Members Call

As certified by
Donald Welsh
Executive Director

RESPECTFUL USE OF DATA

WHEREAS, the overwhelming majority of data in U.S. EPA databases is generated by state, local, and tribal officials; and

WHEREAS, the states are obligated under various program grants to make quality data and information available to the U.S. EPA in a timely manner; and

WHEREAS, U.S. EPA and the states present data in various ways and forums on their websites; and

WHEREAS, U.S. EPA may augment, integrate, or otherwise present data received through various reporting paths that may alter what data is presented; and

WHEREAS, U.S. EPA receives requests for information under the Freedom of Information Act (FOIA); and

WHEREAS, the FOIA entitles exemptions on documents being requested by the public including, but not limited to, the following:

1. Information that is classified to protect national security.
2. Information related solely to the internal personnel rules and practices of an agency.
3. Information that is prohibited from disclosure by another federal law.
4. Trade secrets or commercial or financial information that is confidential or privileged.
5. Privileged communications within or between agencies, including deliberative process privilege, attorney-work product privilege, and attorney-client privilege.
6. Information that, if disclosed, would invade another individual's personal privacy.
7. Information compiled for law enforcement purposes that:
 - a. Could reasonably be expected to interfere with enforcement proceedings
 - b. Would deprive a person of a right to a fair trial or an impartial adjudication
 - c. Could reasonably be expected to constitute an unwarranted invasion of personal privacy
 - d. Could reasonably be expected to disclose the identity of a confidential source
 - e. Would disclose techniques and procedures for law enforcement investigations or prosecutions

- f. Could reasonably be expected to endanger the life or physical safety of any individual
8. Information that concerns the supervision of financial institutions.
9. Geological information on wells.

WHEREAS, U.S EPA provides information through a variety of avenues including its Enforcement and Compliance History Online (ECHO) website; and

WHEREAS, states acknowledge ECHO can be a valuable tool that advances data transparency and provides timely information; and

WHEREAS, some locational information such as for drinking water facilities and treatment processes, on-site septic systems, and other sources may be considered sensitive; and

WHEREAS, states and U.S. EPA desire that data available be as accurate as possible and have worked together through the ECHO Governance Team (EGT) and other means to improve the quality of compliance and enforcement information prior to it being frozen for state performance reviews and used in ECHO State Dashboards as part of the State Review Framework (SRF); and

WHEREAS, states recognize that U.S. EPA has been willing to work together to make progress on these topics since this resolution was first adopted in 2011; and

WHEREAS, states and U.S. EPA have a shared responsibility to assure the usability and quality of U.S. EPA data applications, and cooperative data stewardship requires a commitment to collaboration and partnership; and

WHEREAS, states acknowledge the continuing need to identify and address any data quality and accuracy concerns; and

WHEREAS, providing data to the public is good government allowing for use and analysis by others to better understand the state of the environment as well as the implementation of environmental programs; and.

WHEREAS, ECOS Resolution 13-4 “Environmental Performance and Outcomes Data and Metrics” is a companion resolution to this one and relevant statements should be also considered.

NOW, THEREFORE, BE IT RESOLVED THAT THE ENVIRONMENTAL COUNCIL OF THE STATES:

Encourages U.S. EPA to support collaborative data stewardship with joint governance processes, such as the ECHO Governance Team, that provide forums for states and U.S. EPA to cooperate and make joint recommendations on data quality concerns, change management, and data context and presentation;

Recommends that U.S. EPA consult with states regarding the proper metrics and interpretation of state reported data as well as how this data is presented and displayed in public-facing websites, and to identify data and metrics that may be used for benchmarking environmental and public health outcomes so that states are prepared to respond to potential inquiries by the press and the public regarding those datasets;

Encourages U.S. EPA to continue to first test all new reporting tools in a closed environment where states can review the results prior to the agency making the results available to the public. As a best practice, U.S. EPA should always provide states with the appropriate criteria/filters used by the new reporting tool;

Supports a cooperative process for the scheduled release of routine data as outlined in the U.S. EPA's 2010 Data Verification Process that allows states the opportunity to review data pertaining to their jurisdiction and submit timely corrections of data errors before the data is released and further supports state and U.S. EPA efforts to continue to refine processes for routine data releases through a shared governance E-Enterprise for the Environment framework;

Encourages U.S. EPA to establish a pre-notification process that alerts states to unscheduled releases of non-routine datasets that contain nationwide information;

Requests that U.S. EPA work with interested states to manage the sharing of drinking water locational and treatment information and other sensitive sources and to generally exclude/mask this information on public web applications;

Requests that when U.S. EPA releases raw datasets, that the raw data be put in context (i.e. metadata that explains what the data is and is not using terms and language that are understandable to the end user) and informs U.S. EPA that states would be willing to participate in the development of those context descriptions; and

Include, as part of metadata, the data source/provider and any post-processing that may have altered the data or its original form or meaning and refer data queries to the original source.