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Transition from National Enforcement Initiatives to National Compliance Initiatives: August 24th U.S. Environmental Protection Agency Memorandum

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Assistant Administrator for the United States Environmental Protection Agency (“EPA”) Office of Enforcement and Compliance Assurance (“OECA”), Susan Parker Bodine, issued an August 21st memorandum titled:

Transition from National Enforcement Initiatives to National Compliance Initiatives (“Memorandum”)

The *Memorandum* was directed to EPA’s Regional Administrators.

The federal agency notes its FY 2018-2022 Strategic Plan includes enforcement-related strategic measures. Such measures are intended to “increase the environmental law compliance rate and reduce the average time from violation identification to correction.” It further claims a recognition that:

1. joint governance and accountability is a key principle, and
2. increased compliance requires a broad range of compliance assurance tools to be available for use.

The OECA *Memorandum* states the agency intends to “evolve the National Enforcement Initiatives program into a National Compliance Initiatives (“NCIs”) program by providing states and tribes with additional opportunities for meaningful engagement, by developing and applying a broader set of compliance assurance tools, and by aligning the NCIs with the Agency Strategic Plan measures and priorities.”

The transition to NCIs includes four adjustments:

1. modifying agency selection criteria for the FY 2020-2023 NCI cycle to better align with Agency Strategic Plan measures and priorities;
2. engaging more fully with states and tribes in the selection and development of the initiatives;
3. enhancing the EPA’s use of the full range of compliance assurance tools in an NCI; and
4. extending the priorities cycle to four years to better align with the Agency’s National Program Guide cycle

Besides providing relevant background, components of the *Memorandum* include:

1. NCI Selection Criteria for the FY 2020-2023 Cycle
2. NCI Co-Regulator and Stakeholder Input
3. Enhanced use of the full range of compliance assurance tools
4. Extending the NCI cycle from three years to four years to better align with the Agency's National Program Guide Cycle.

The modified implementation of the National Enforcement Initiatives to NCIs in FY 2019 lists measures and priorities which include:

1. Keeping Industrial Pollutants Out of the Nation's Waters
2. Prevent Animal Waste from Contaminating Surface and Ground Water
3. Keeping Raw Sewage and Contaminated Stormwater Out of Our Nation's Waters
4. Reducing Air Pollution from the Largest Sources
5. Reducing Risks of Accidental Releases at Industrial and Chemical Facilities
6. Cutting Hazardous Air Pollutants
7. Ensuring Energy Extraction Activities Comply with Environmental Laws
8. Reducing Toxic Air Emission from Hazardous Waste Facilities

A [copy of the Memorandum](#) can be found here.