

# U.S. Environmental Protection Agency's Enforcement and Compliance Activities: United States Government Accountability Office Report



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The United States Government Accountability Office (“GAO”) issued a December 2020 report titled: *Action Needed to Ensure EPA’s Enforcement and Compliance Activities Support its Strategic Goals (“Report”)*

GAO was asked to address the United States Environmental Protection Agency’s (“EPA”) current enforcement efforts.

This *Report* examines the following:

1. How EPA’s enforcement and compliance priorities have changed since 2015
2. The extent to which EPA implements enforcement and compliance priorities
3. EPA’s coordination with states to enforce and ensure compliance with environmental laws and to the extent they have changed and shifted priorities
4. EPA is assessed as to whether its activities to enforce and ensure compliance of these laws meets its objectives

GAO determined that EPA priorities have shifted since 2015 from enforcement to compliance. This is stated to more closely align with what it described as EPA’s new strategic plan objective to ensure compliance with environmental laws. EPA’s Office of Enforcement and Compliance Assurance is stated to have transitioned its national incentives to emphasize compliance as its overall goal. Compliance generally translates into “training.”

Enforcement actions are stated to be one out of a number of compliance assurance tools to achieve the goal. The term enforcement actions generally refers to “judicial actions.”

The previously referenced national initiatives were put into effect in October 2019. However, GAO states that as of September 2020, EPA had not finalized implementation guidance for its regional offices and states to communicate how to achieve such initiatives. It concludes that communicating final implementation guidance prior to future national initiatives going into effect would provide the agency better assurance that:

. . . both regional offices and states have this information in time to help EPA address the most serious environmental issues.

GAO does conclude that EPA's coordinate with states on enforcement and compliance has generally remained the same or improved since it shifted priorities to compliance in 2018. This conclusion is based on EPA planning documents and officials from EPA in 10 selected states.

The importance of state coordination as a strategic goal is stated to have been elevated. EPA is noted to have issued both a plan to engage with states on new national incentives and a 2019 policy emphasizing the importance of joint work-planning along with two-way communication with the states. Nevertheless, GAO notes that EPA did not provide all states with what it describes as "key information" as to implementation of the new priorities.

The GAO *Report* recommends that EPA:

1. Communicate final guidance for national initiatives to all states before they go into effect
2. Incorporate lessons learned when coordinating with states on future initiatives
3. Document assessment or regional enforcement and compliance activities

A copy of the GAO *Report* can be downloaded [here](#).