

Decline in U.S. Environmental Protection Agency Enforcement: Office of Inspector General Report



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The United States Environmental Protection Agency (“EPA”) Office of Inspector General (“OIG”) issued a May 13th report titled:

Resource Constraints, Leadership Decisions, and Workforce Culture Led to a Decline in Federal Enforcement (“Report”)

See *Report* No. 21-P-0132.

OIG states that it undertook an audit of EPA to identify trends in enforcement results from fiscal years 2006 through 2018 for EPA-led enforcement actions.

The *Report* also identifies what OIG stats are the key factors explaining:

. . . trends and the differences in enforcement results among regions and headquarters, as well as among environmental statutes.

The *Report* concludes that the following EPA-led activities generally declined from FYs 2007 through 2018 nationwide:

- Compliance monitoring
- Enforcement actions
- Monetary enforcement results
- Environmental benefits

OIG also notes that the trend occurred at the:

- Regional level
- On a statute-by-statute basis

The key factor cited as causing declining enforcement was a reduction in enforcement resources.

However, OIG contends that EPA leadership decisions also affected enforcement trends. These decisions are stated to have included:

- Focusing limiting resources on the most serious cases
- Emphasizing deference to state enforcement programs
- Emphasizing compliance assistance

Key chapters in the *Report* include:

- EPA's Key Annual Enforcement Results Declined Over Time Nationally, Regionally, and by Environmental Statute
- EPA's Decline in Enforcement Results Was Influenced by Resources, Leadership, and Culture
- EPA Can Develop and Track Additional Enforcement Measures and Improve Its Reporting of Annual Enforcement Results

Report appendices include:

1. 2019 OIG Survey of EPA Enforcement Personnel: Methodology and Result
2. Enforcement Trends by EPA Region and Headquarters
3. Enforcement Trends by Environmental Statute
4. Changes in Enforcement Measures in FYs 2019 and 2020
5. Agency Response to Draft Report
6. Revised Agency Corrective Actions for recommendations 3, 4, 5, and 7
7. Distribution

OIG's recommendations include:

- Assistant Administrator for Enforcement and Compliance Assurance complete a workforce analysis to assess the capacity to maintain a strong enforcement field presence
- Integrate the results of the above-referenced analysis into the Office of Enforcement and Compliance Assurance strategic and annual planning processes

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