

Environmental Criminal Enforcement: Public Employees for Environmental Responsibility Analysis Addresses Referrals/Prosecution/Conviction Trends



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The Public Employees for Environmental Responsibility (“PEER”) issued a January 28th news release analyzing environmental criminal enforcement thus far under the Biden Administration.

A particular focus of the study was the number of United States Environmental Protection Agency (“EPA”) referrals for prosecution in FY 2021.

The news release contains a number of charts that tabulate referrals, prosecutions, and convictions.

PEER describes low criminal environmental enforcement levels under the Trump Administration that are:

. . . largely unchanged so far under Biden.

Cited as an example is its concern that EPA referrals for prosecution in FY 2021 fell by one-third from the prior year.

In considering the potential cause for the reduction in case referrals, the focus is on the number of EPA Criminal Investigation Division (“CID”) investigators, who currently total 161. This is contrasted with 175 agents that were employed in 2012 and 261 in 1998.

United States Department of Justice records collected by Syracuse University’s Transactional Records Access Clearinghouse are cited by the PEER report for FY 2021 which note:

- 152 criminal referrals, which is described as a substantial decline from the prior two years
- United States Department of Justice filed 66 prosecutions referred by EPA, which is described as a “slight uptick” from the previous year
- United States Department of Justice obtained 53 convictions, which is described as one more than the prior year

These totals are characterized as substantially less than the recent past.

A copy of the news release with links to the charts can be downloaded [here](#).