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# Draft National Enforcement and Compliance Document: U.S. Environmental Protection Agency Public Notices Initiatives for Years 2024-2027

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The United States Environmental Protection Agency (“EPA”) published in the January 12th Federal Register a request for public comment on the National Enforcement and Compliance Initiatives (“NECIs”) it is proposing for fiscal years 2024-2027. See 88 Fed. Reg. 2093.

This EPA enforcement document was previously titled “National Enforcement and Compliance Initiatives.”

EPA chooses every four years national initiatives on which to focus resources on what it believes are serious and widespread environmental problems where federal enforcement can make a difference. The federal agency states that the primary objective of the initiatives is to:

... protect human health and the environment by holding polluters accountable and compelling regulated entities to return to compliance.

The criteria EPA used to select initiatives for the 2024-2027 cycle included:

1. The need to address serious and widespread environmental issues and significant violations impacting human health and the environment, particularly in overburdened and vulnerable communities
2. Areas where federal enforcement can help ensure national consistency, promote a level playing field, and achieve compliance; and
3. Alignment with EPA’s Strategic Plan

EPA states its objective is to align all existing and proposed NECIs with two of what it describes as “overarching Strategic Plan goals:”

1. Tackle the climate crisis
2. Take decisive action to advance environmental justice

As a result, EPA states the draft would incorporate climate resiliency considerations (where appropriate) in the current initiatives.

EPA is proposing two new NEClS which include:

1. Mitigating climate change
2. Addressing PFAS contamination

Two additional areas the federal agency states are under consideration for possible developments as NEClS include:

1. Reducing exposure to lead
2. Addressing coal combustion residuals

EPA is also requesting comment on whether the six current initiatives from the fiscal years 2020-2023 cycle should be continued, modified, or concluded.

The agency is planning to continue the following four existing initiatives into the fiscal year 2024-2027 cycle:

1. Creating Cleaner Air for Communities by Reducing Excess Emissions of Harmful Pollutants.
2. Reducing Risks of Accidental Releases at Industrial and Chemical Facilities.
3. Reducing Significant Non-Compliance in the National Pollutant Discharge Elimination System (NPDES) Program.
4. Reducing Non-Compliance with Drinking Water Standards at Community Water Systems.

EPA also proposes to return the remaining two current initiatives to what it describes as the standard "core" program:

1. Reducing Toxic Air Emissions from Hazardous Waste Facilities.
2. Stopping Aftermarket Defeat Devices for Vehicles and Engines.

Note that the State of Arkansas has been delegated almost every federal environmental program. As a result, the primary sources of enforcement are Arkansas agencies. Nevertheless, EPA has the authority, and does on occasion, initiate enforcement actions involving Arkansas facilities.

A copy of the Federal Register Notice can be downloaded [here](#).