U.S. Environmental Protection Agency Enforcement and Compliance Annual Results: Fiscal Year 2022 Report



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The United States Environmental Protection Agency ("EPA") issued a document titled:

Enforcement and Compliance Annual Results for Fiscal Year 2022 ("Report")

The *Report* addresses enforcement activity by the federal agency in relation to the various federal environmental statutes that it administers such as the:

- Clean Air Act
- Clean Water Act
- Comprehensive Environmental Response, Compensation Liability Act
- Toxic Substances Control Act
- Resource Conservation and Recovery Act
- Safe Drinking Water Act
- Federal Insecticide, Fungicide and Rodenticide Act

The EPA Headquarters office primarily tasked with enforcement is the Office of Enforcement and Compliance Assurance.

Key statistics cited by EPA in the *Report* included:

- 56% of on-site inspections were at facilities affecting communities with potential environmental justice concerns which exceeded the 45% goal set for the year.
- EPA's enforcement staff concluded approximately 1,650 civil judicial and administrative cases and over 44% involved facilities in areas with potential environmental justice concerns.
- 85 drinking water orders were issued to protect eight million people using public water systems.
- Achievement of the goal of 50% reduction of significant noncompliance among facilities permitted under the Clean Water Act.
- Released ECHO Notify, an email service that allows communities to get email alerts when a local facility has a violation or enforcement action.

The environmental organization Environmental Integrity Project ("EIP") expressed concern about what it termed a failure by the Biden Administration to:

Reverse a long-term decline in environmental enforcement, the number of civil cases closed against polluters in fiscal 2022 was the lowest in at least two decades, according to new EPA data. . .

Statistics cited by EIP included:

- 72 civil enforcement cases against polluters concluded in court against violators during the fiscal year that ended on September 30th was the lowest number in at least 22 years (referencing the Trump Administration's closing an average of 94 cases per year/Obama Administration an average of 210 per year)
- The value of supplemental environmental projects was the lowest on record in fiscal year 2022.
- Number of criminal environmental investigations opened (117) in fiscal 2022 was the second lowest in record after 115 in 2017.
- Total value of pollution control projects ($4.3 billion) required as part of civil enforcement actions in fiscal 2022 was the second lowest amount in two decades (after $2.8 billion in 2020) when adjusted for inflation.

Note that the State of Arkansas, through the Arkansas Department of Energy & Environment – Division of Environmental Quality, has been delegated the various federal environmental statues. As a result, it undertakes the vast majority of environmental enforcement actions in the State of Arkansas.

A copy of the EPA *Report* can be downloaded here and the EIP report here.