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U.S. Environmental Protection Agency Criminal Enforcement: Public Employees for Environmental Responsibility Report

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The organization Public Employees for Environmental Responsibility ("PEER") issued a report addressing criminal prosecution of United States environmental laws.

The report was issued pursuant to a July 13th news release titled:

EPA Criminal Enforcement

Sputters Back to Life

FY 23 Uptick After Enforcement Levels Hit Generational Lows Under Biden

The report states that federal environmental criminal prosecutions have begun increasing after what is described as a more than "two-decade slide."

The report is based on United States Department of Justice data.

The PEER news release notes that during the first seven months of the 2023 fiscal year (denominated as October through April) the following has occurred:

- EPA criminal referrals are on target to rise by more than 43% from the previous year after hitting a 36-year low. These referrals peaked in 1998 when nearly four times as many cases were referred for prosecution as in 2022;
- Criminal pollution prosecutions filed are on target to rise at a rate 79% above the previous year when such filings reached a 34-year low. By contrast, nearly four times as many such prosecutions commenced in 1998 compared to 2022; and
- A higher percentage of EPA criminal referrals were accepted for prosecution by Justice (51%) in more than 30 years.

PEER expresses concern that EPA's Office of Enforcement and Compliance Assurance has:

... suffered a steady disinvestment that has left depleted ranks of Criminal Investigation Division agents needed to develop corporate prosecutions.

161 agents are stated to be in place, which is below a 200-agent quota that PEER indicates Congress set in the 1990 Pollution Prosecution Act.

The news release provides information for the relevant fiscal years in these categories:

- Referrals Received
- Prosecutions Filed
- Convictions
- Percent Prosecuted

In addition, it lists Criminal Investigation Division agent staffing levels for fiscal years starting in 2003.

A copy of the news release and associated information can be downloaded [here](#).