U.S. Department of Justice Civil Environmental Enforcement in the Past Year: Public Employees for Environmental Responsibility Report



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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Public Employees for Environmental Responsibility ("PEER") issued a January 22nd report titled:

The Collapse of Environmental Enforcement Under Trump's EPA - Department of Justice Civil Prosecutions of Illegal Pollution Plummet in Past Year ("Report").

The Report takes the position that civil prosecutions of illegal pollution "plummeted to historically low levels during the first year of President Trump's second administration."

The figures are stated to reflect what is characterized as a "sharp decline in Department of Justice ("DOJ") action on cases referred by the Environmental Protection Agency ("EPA")."

Anecdotal figures cited by the Report include:

- DOJ settled 15 of the cases referred by EPA for civil prosecution in the year since President Trump's second inauguration.
- This number is stated to be below the 71 concluded during the first full year of the Biden Administration or the 75 concluded during the first full year of President Trump's first term.
- A single Clean Air Act Consent Decree is cited since January 2025 versus 26 in the first year of Trump's first term, and 22 after the Biden Administration's first year in 2021.
- 7 Superfund Consent Decrees lodged since January 2025, which is stated to be a quarter of the totals in the Trump and Biden inaugural years—2017 & 2021, respectively.
- 4 Clean Water Act Consent Decrees since January 2025.

Table 1 of the Report provides settlement figures for 7 federal environmental statutes.

The PEER Report states that EPA's online Enforcement and Compliance History Online ("ECHO") database identifies 2,374 major sources of air pollution that have not had a full compliance evaluation in at least five years. The same ECHO database is stated to reflect nearly 900 sources reported exceeding their wastewater discharge limits fifty or more times over the past 24 months.

The Report acknowledges that EPA may point to:

- Enforcement results for the 2025 fiscal year, which ended on September 30, 2025.
- The number of administrative enforcement actions the agency has completed.
- A more cooperative, industry-friendly approach will achieve better compliance outcomes, as articulated in a December 5, 2025 memo from the Office of Enforcement and Compliance Assurance.

The Report includes an attachment which outlines the methodology PEER used in establishing the Report along with a linked spreadsheet that is stated to provide a complete listing of Consent Decrees that are the basis for the summary data in Table 1.

PEER describes itself as an organization which:

… supports current and former public employees who seek a higher standard of environmental ethics and scientific integrity within their agencies.

Note that the State of Arkansas has been delegated almost every federal environmental program. Therefore, Arkansas handles almost all environmental enforcement. Nevertheless, the federal government does on occasion undertake enforcement in the state.

A copy of the Report can be found here.