

The background features abstract, overlapping green geometric shapes in various shades, including light lime green, medium green, and dark forest green, creating a modern, layered effect.

The 2020 Election Where Do We Go From Here?

2020 ELI-ELI Annual Summit (Dec. 9, 2020)

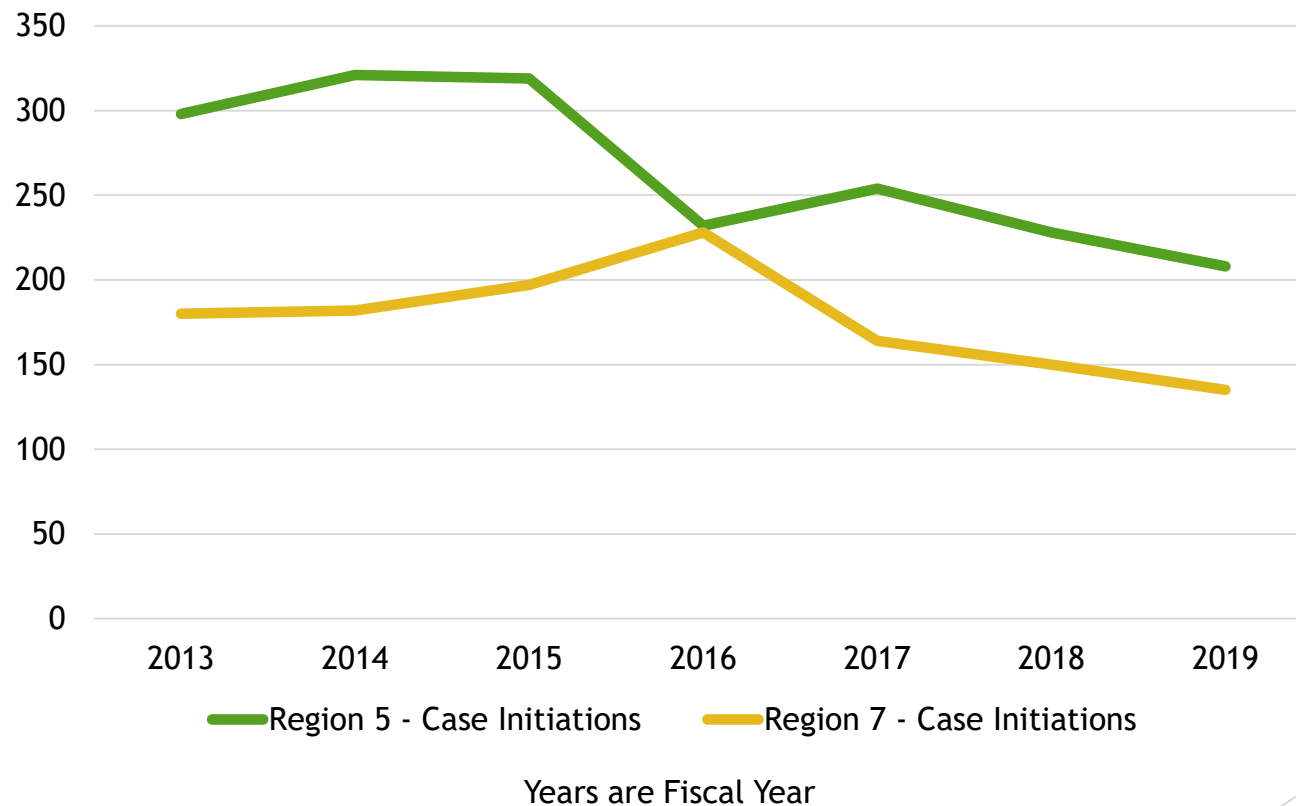
Jeffrey Hammons, Staff Attorney
Environmental Law & Policy Center

Environmental Enforcement Under Trump Administration

- ▶ Overview of presentation:
 - ▶ Snapshot of downward enforcement trends
 - ▶ Potential causes of downward enforcement trends
 - ▶ Can States pick up the slack?
 - ▶ What can a Biden Administration do to reverse trends?

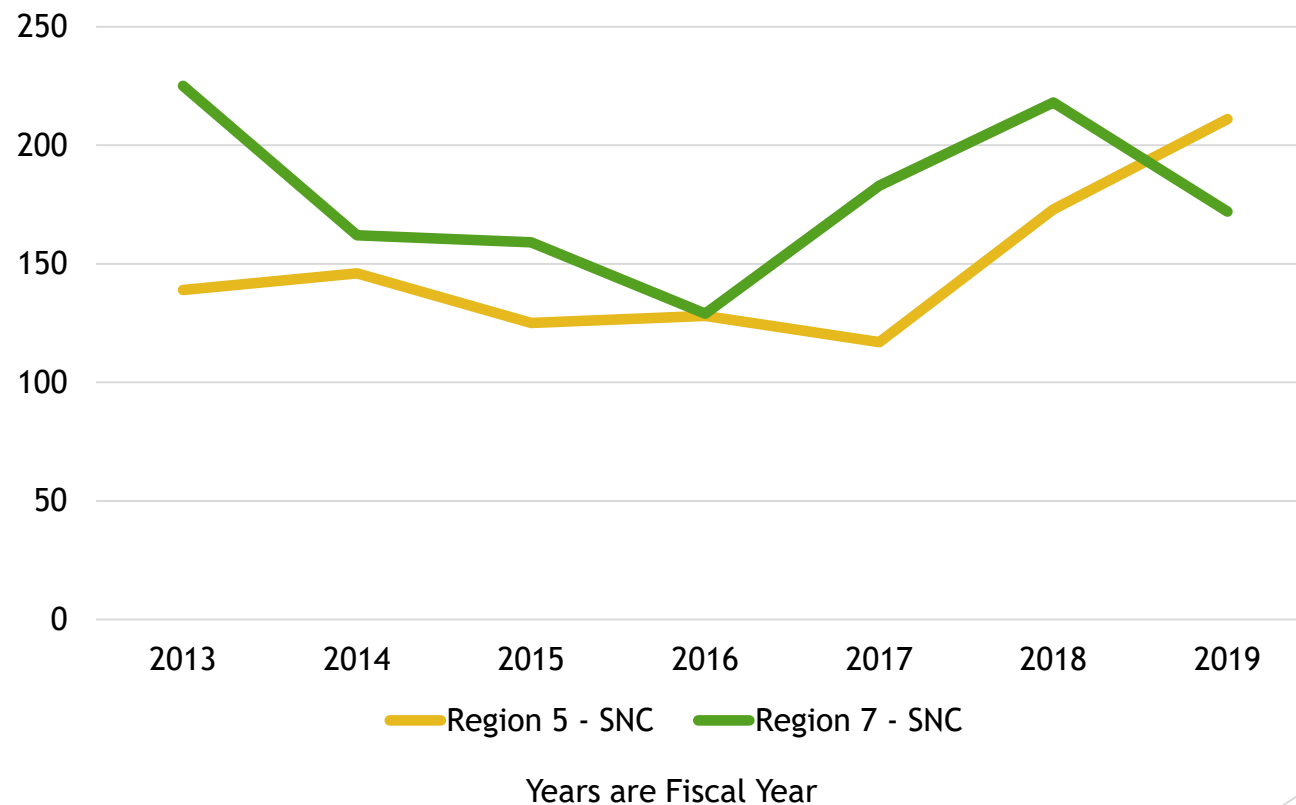
Trend: Enforcement Case Initiations in EPA Region 5 and Region 7

- ▶ Region 5 (Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio)
- ▶ Region 7 (Kansas, Missouri, Iowa, Nebraska)



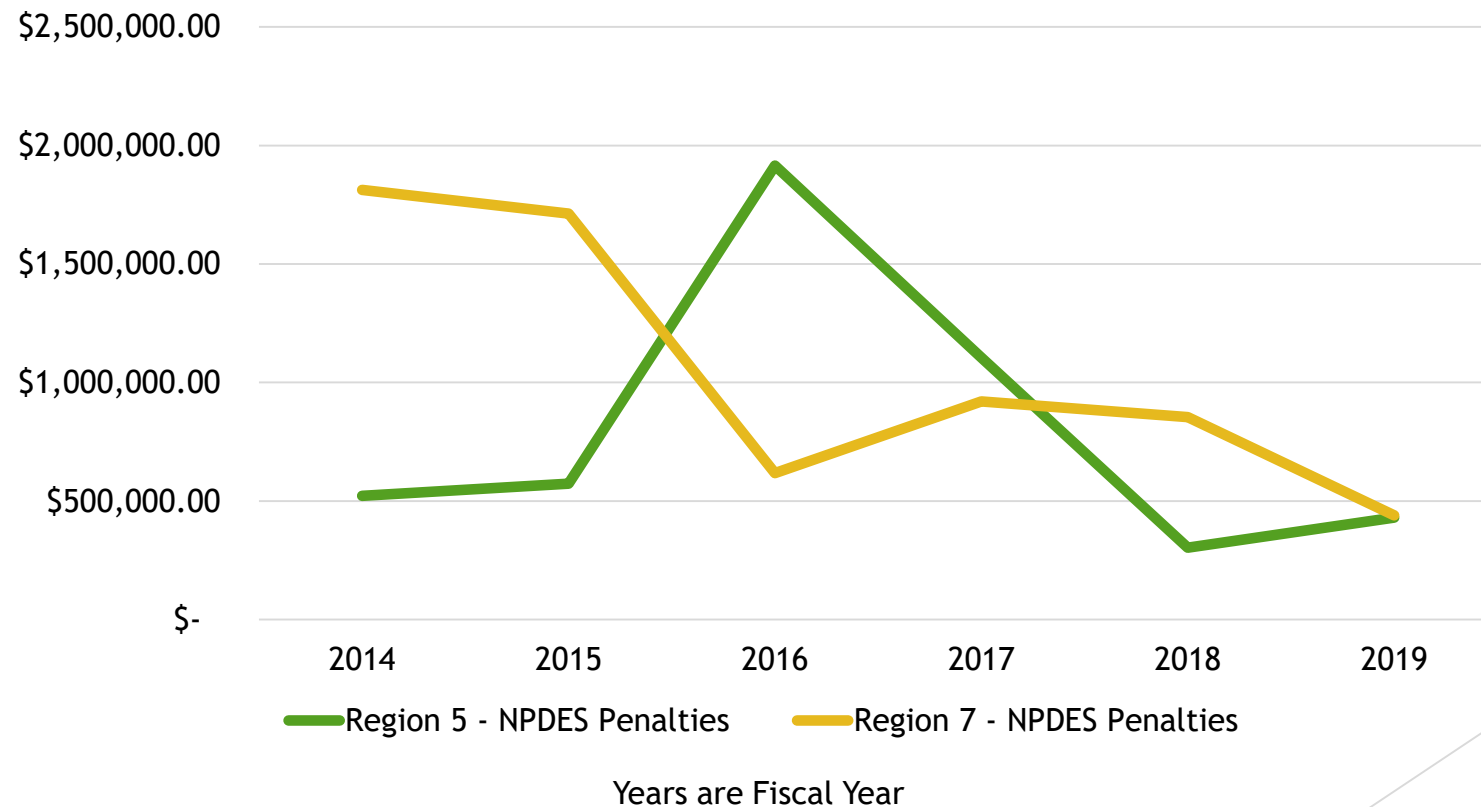
Trend: Major Facilities in Significant Noncompliance with Clean Water Act in EPA Region 5 and Region 7

- ▶ Significant Noncompliance trending upward in last few years



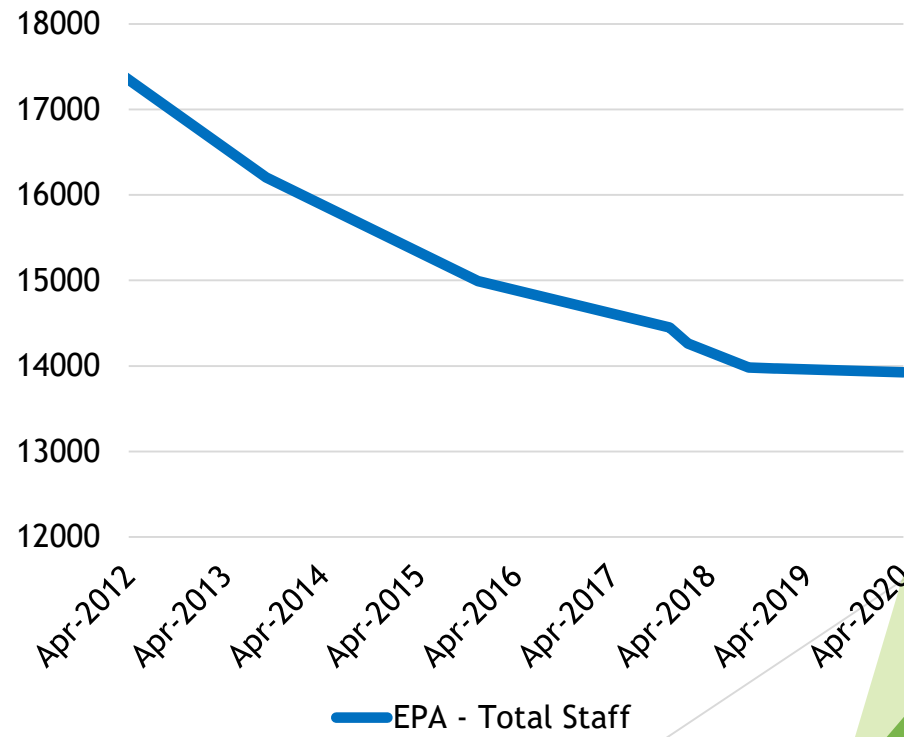
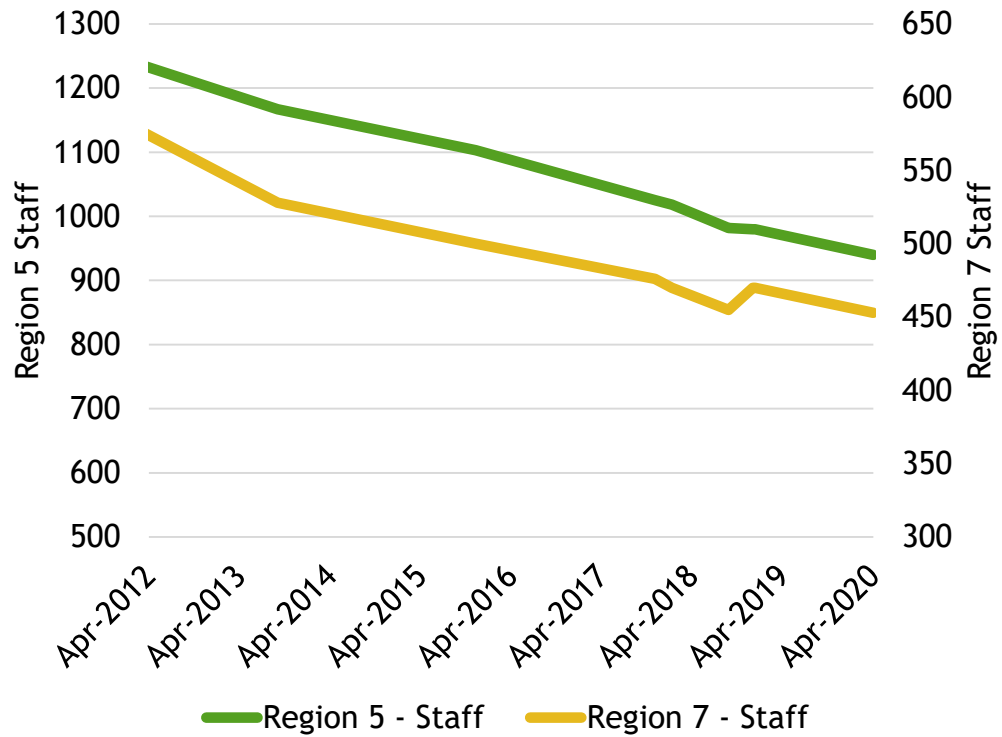
Trend: Civil Penalties Recovered in CWA-NPDES Enforcement in EPA Region 5 and Region 7

- ▶ FY 2018 and FY 2019 lowest penalty amounts in last few years



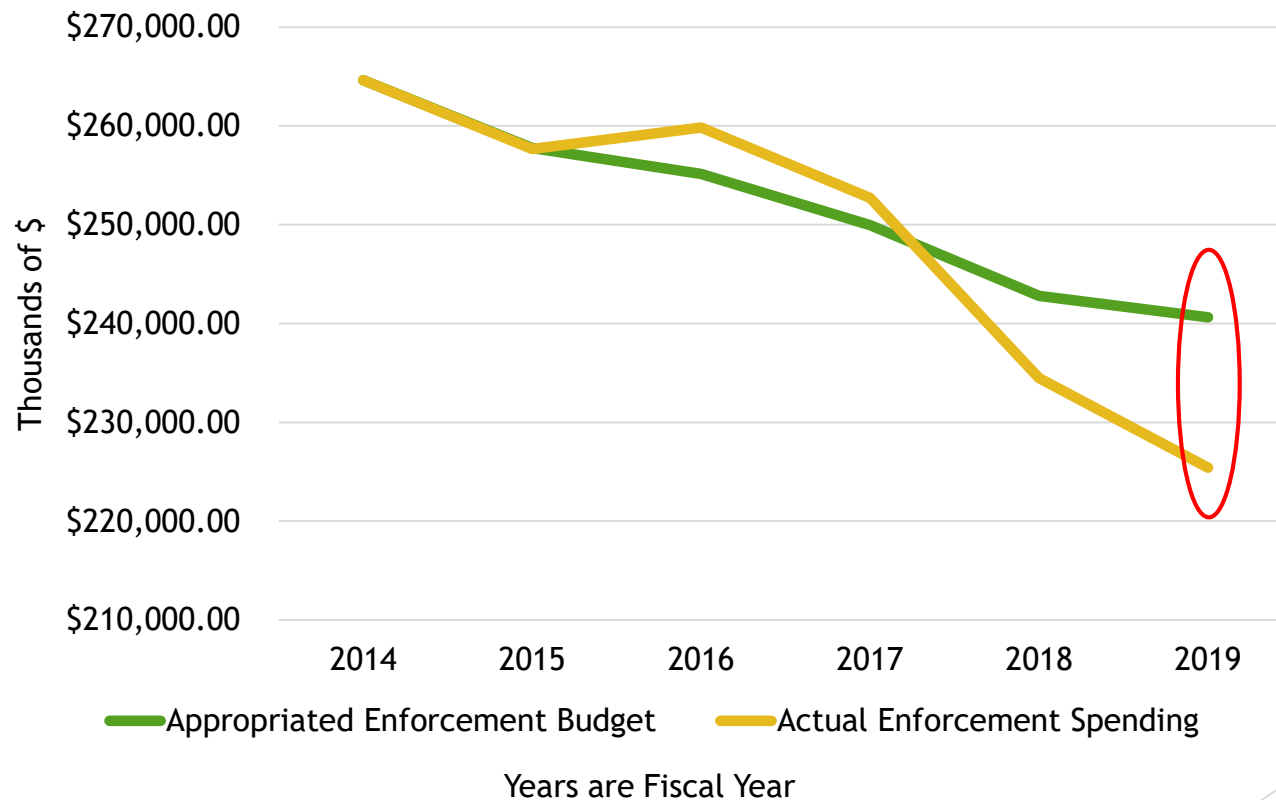
Potential Causes: Less Staff in EPA Region 5, Region 7, and Agency-wide

► Trends in personnel level at Region 5 and 7 coincide with Agency-wide reductions



Potential Causes: Less Enforcement Funding and Even Less Enforcement Spending at EPA

- ▶ Adjusted for inflation (2019 reference point)
- ▶ Note growing disconnect between funding and spending beginning in FY 2017



States Cannot Make Up For EPA Declines Because States Lack Budget and Staff - 1 of 2

State Environmental Enforcement Agency Budgets				
Region/State	2008 Inflation Adjusted Budget (real \$ in mil, 2018)	2018 Budget (\$ in mil)	Difference Between 2008 and 2018 (\$ in mil)	Percent Change
Region 5				
Minnesota	198.30	201.40	3.1	2%
Wisconsin	107.00	68.90	-38.1	-36%
Illinois	256.60	192.10	-64.5	-25%
Indiana	175.00	140.00	-35	-20%
Michigan	332.60	351.70	19.1	6%
Ohio	206.60	173.40	-33.2	-16%
Region 7				
Iowa	47.10	38.30	-8.8	-19%
Missouri	165.80	224.10	58.3	35%
Kansas	82.40	73.00	-9.4	-11%
Nebraska	66.20	60.30	-5.9	-9%

Source: Environmental Integrity Project, *The Thin Green Line: Cuts in State Pollution Control Agencies Threaten Public Health* (Dec. 9, 2019)

States Cannot Make Up For EPA Declines Because States Lack Budget and Staff - 2 of 2

State Environmental Agency Staff Levels				
Region/State	2008 Staffing	2018 Staffing	Difference Between 2008 and 2018	Percent Change
Region 5				
Minnesota	919	841	-78	-8%
Wisconsin	N/A	N/A	N/A	N/A
Illinois	1028	639	-389	-38%
Indiana	954	805	-149	-16%
Michigan	1568	1228	-340	-22%
Ohio	1267	1086	-181	-14%
Region 7				
Iowa	375	338	-37	-10%
Missouri	864	697	-167	-19%
Kansas	468	427	-41	-9%
Nebraska	218	217	-1	0%

Source: Environmental Integrity Project, *The Thin Green Line: Cuts in State Pollution Control Agencies Threaten Public Health* (Dec. 9, 2019)

What Can a Biden Administration Do to Reverse Enforcement Trends? 1 of 2

- ▶ **Request larger budget for EPA's enforcement work**
 - ▶ \$280 million would bring enforcement budget to FY 2012 levels after adjusting for inflation (FY 2019 budget was only \$240 million)
- ▶ **Request larger budget for EPA's compliance monitoring work**
 - ▶ Not covered in this presentation, but \$120 million would bring it back to FY 2012 levels after adjusting for inflation (FY 2019 budget was only \$101 million)
- ▶ **Request additional appropriations for EPA to provide enforcement-focused grants to State Environmental Agencies**
 - ▶ Allowing states to hire more enforcement personnel and make up for budget cuts elsewhere that impact enforcement capabilities

What Can a Biden Administration Do to Reverse Enforcement Trends? 2 of 2

- ▶ **Spend all the money appropriated by Congress**
 - ▶ Renew institutional commitment to enforcement with more enforcement-focused initiatives
 - ▶ Hire more enforcement personnel
- ▶ **Appoint EPA and DOJ officials with demonstrated commitment to environmental protection and enforcement**
 - ▶ Work to repair the morale at the Agency
- ▶ **Promulgate stronger standards regulation air emissions, water discharges, and waste handling/disposal**
 - ▶ Stronger standards require more enforcement