

Missouri Waste Control Coalition Conference

July 16, 2019

Enforcement Trends in an Era of Cooperative Federalism

Roger Walker JD LLM
Executive Director, REGFORM
RAWalker & Associates LLC

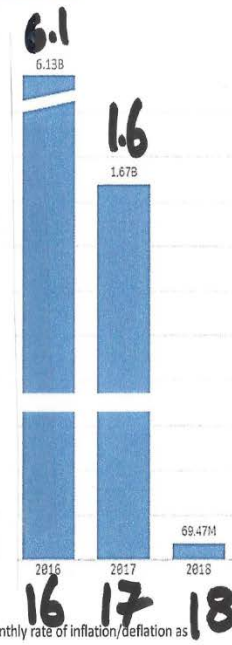
Rep. DeGette: EPA 'sitting on its hands' on enforcement'



Admin and Civil Judicial Penalties – 2016-2018

<https://epa.maps.arcgis.com/apps/Cascade/index.html?appid=0b9d73f351d648698f63bba3f3b15114>

Administrative and Civil Judicial Penalties Assessed
FY 2008 – FY 2018



- In FY 2018, EPA obtained over \$69 million in federal administrative and civil judicial penalties.
- Annual total penalties assessed are often strongly influenced by the existence of one or two large cases.
- The FY 2017 results were dominated by the record setting \$1.45 billion Clean Air Act – Mobile Source penalty in the Volkswagen case and the FY 2016 results were dominated by the \$5.7 billion BP action.

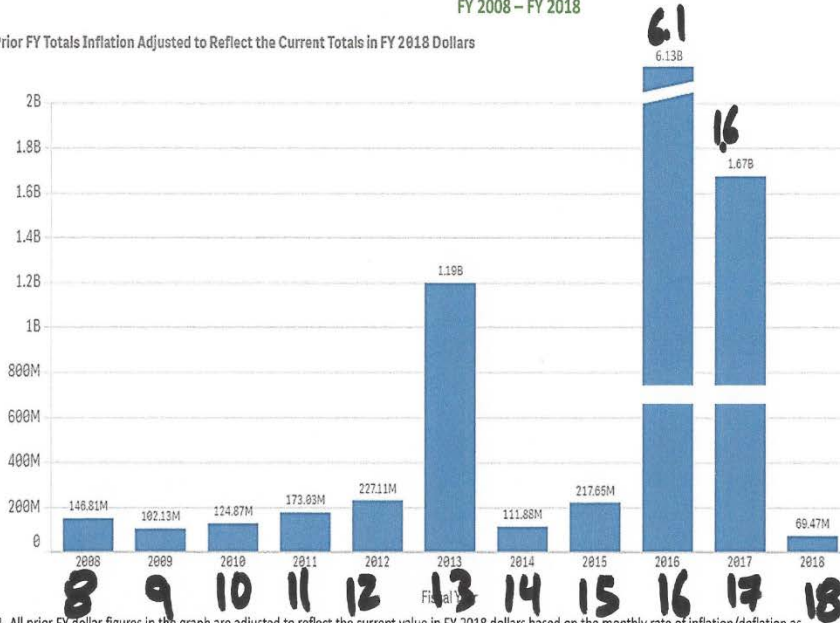
1. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2018 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.
2. Dollar figures referenced in the bullets are nominal values. They are not adjusted to reflect inflation/deflation.

Admin and Civil Judicial Penalties – 2008-2018



Administrative and Civil Judicial Penalties Assessed
FY 2008 – FY 2018

Prior FY Totals Inflation Adjusted to Reflect the Current Totals in FY 2018 Dollars

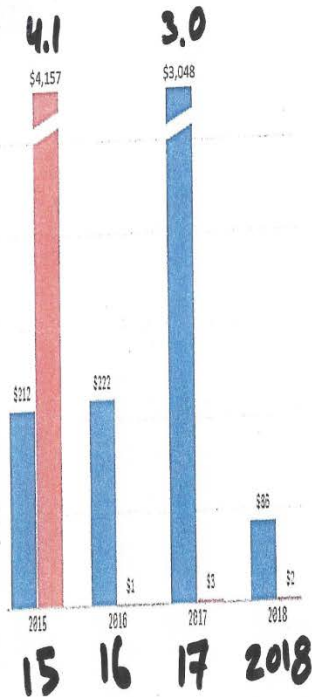


- In FY 2018, EPA obtained over \$69 million in federal administrative and civil judicial penalties.
- Annual total penalties assessed are often strongly influenced by the existence of one or two large cases.
- The FY 2017 results were dominated by the record setting \$1.45 billion Clean Air Act – Mobile Source penalty in the Volkswagen case and the FY 2016 results were dominated by the \$5.7 billion BP action.

1. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2018 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.
2. Dollar figures referenced in the bullets are nominal values. They are not adjusted to reflect inflation/deflation.

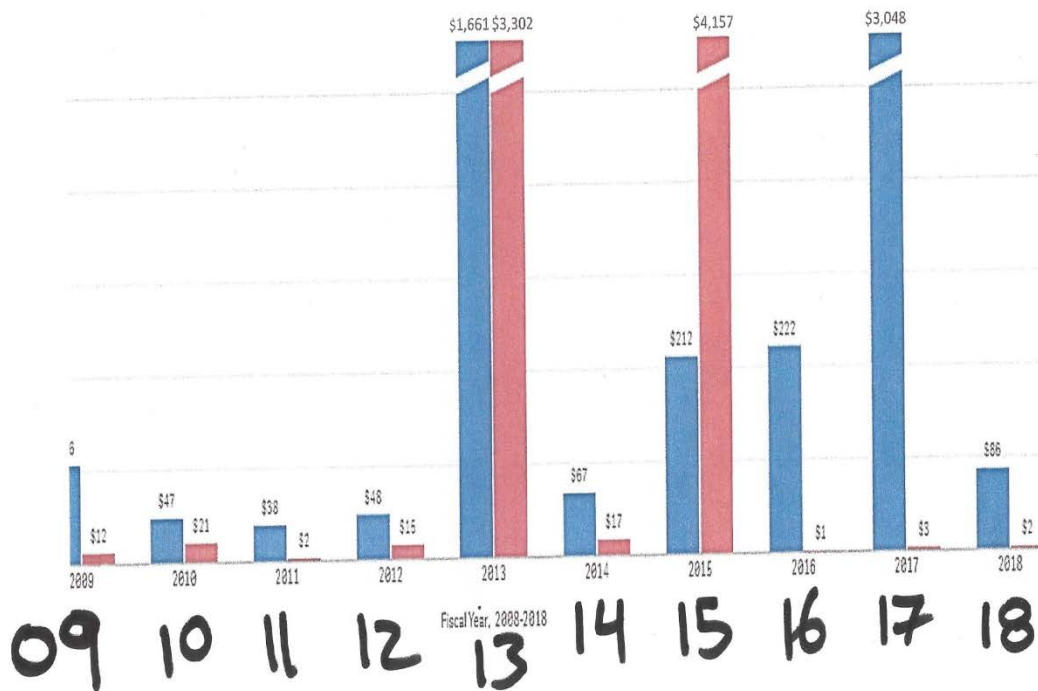
Criminal Enforcement Fines / Restitution 2015-18

Criminal Enforcement
Value of Fines and Restitution and Court Ordered Environmental Projects

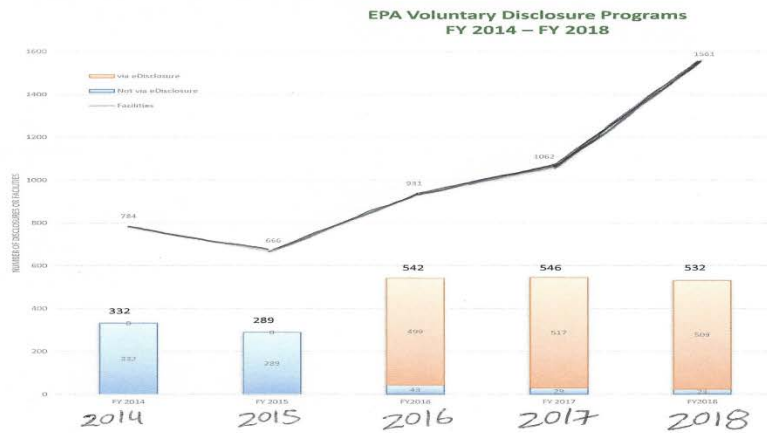


Criminal Enforcement Fines / Restitution 2008-18

Criminal Enforcement
Value of Fines and Restitution and Court Ordered Environmental Projects
FY 2008 – FY 2018



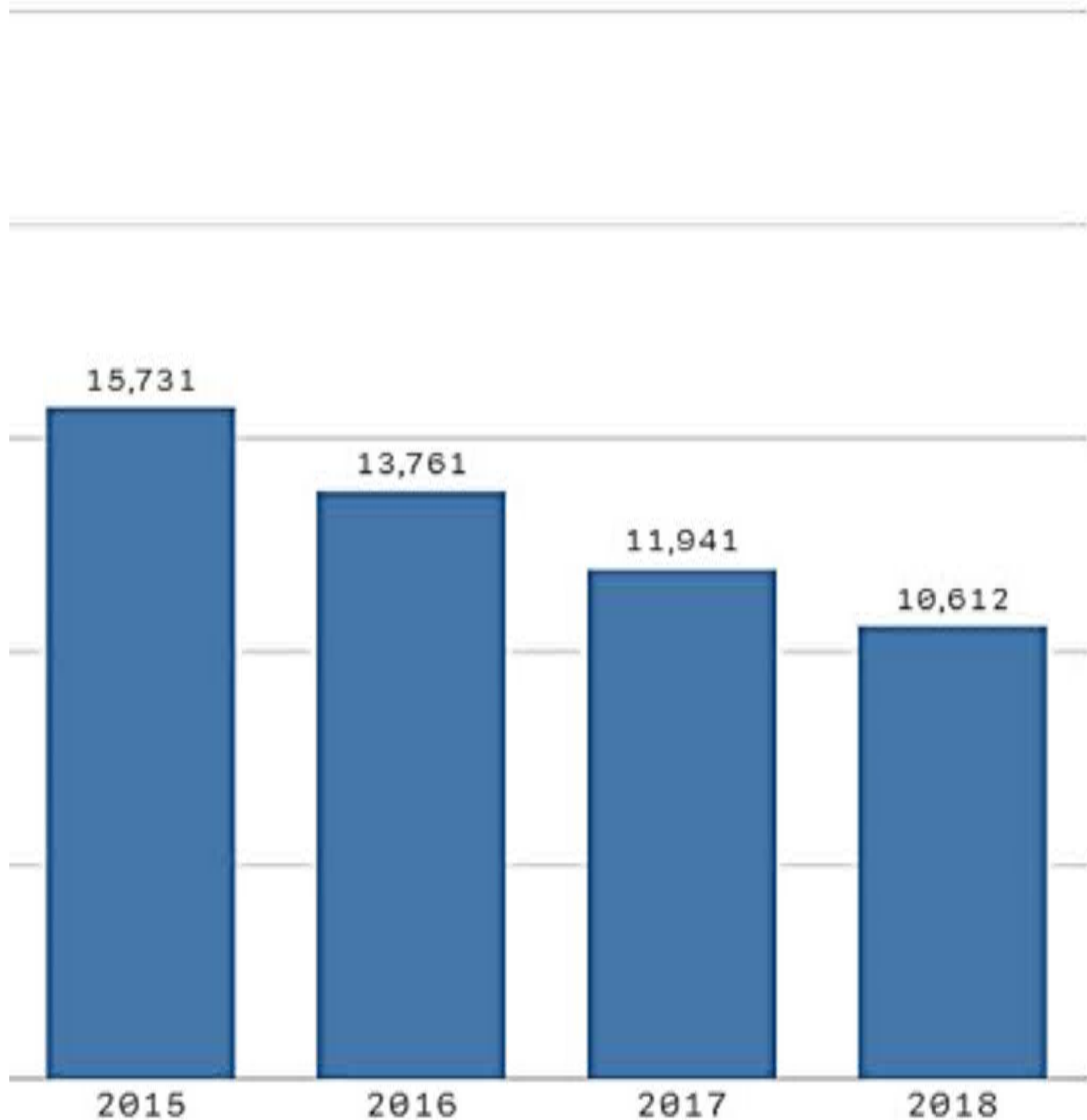
Voluntary Disclosure 2014-2018



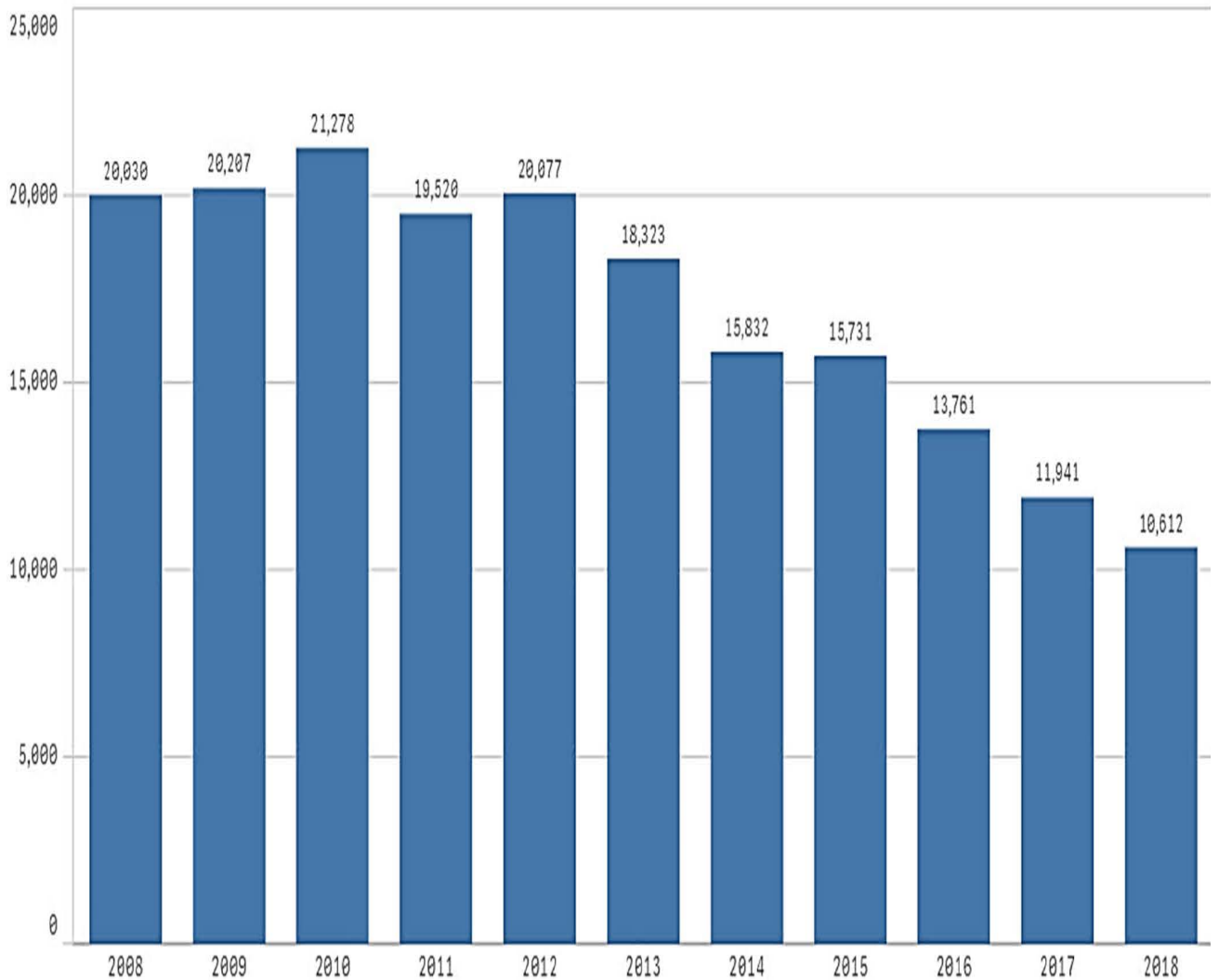
Data Source: Integrated Compliance Information System (ICIS) and eDisclosure System
Data as of: Nov-5-2018

U.S. Environmental Protection Agency

Federal Inspections and Evaluations (Conducted by EPA) FY 2015 – FY 2018



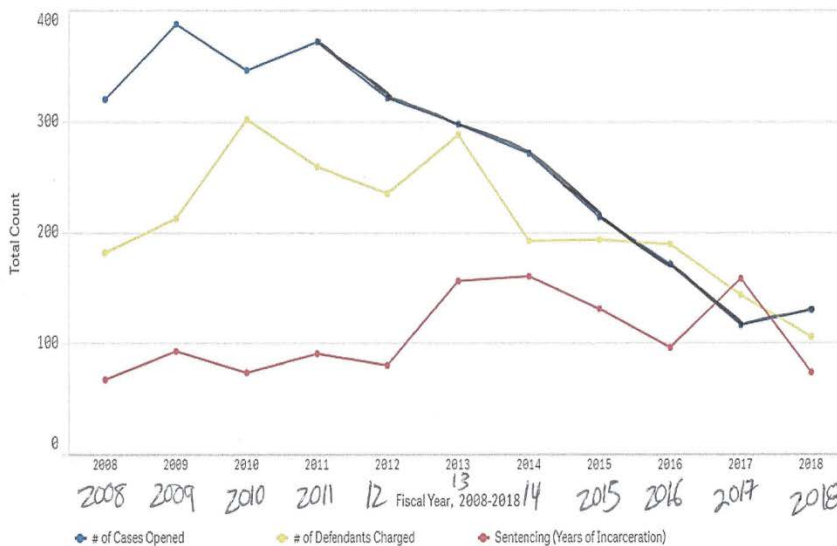
Federal Inspections and Evaluations (Conducted by EPA) FY 2008 – FY 2018



Criminal Enforcement: Cases Opened, Defendants Charged and Sentencing Results



Criminal Enforcement
Environmental Crime Cases Opened, Defendants Charged, and Sentencing Results (Years of Incarceration)
FY 2008 – FY 2018



- In FY 2018, the criminal program continued to focus on complex cases that involve a serious threat to human health and the environment and/or undermine program integrity.
- For the first time since FY 2011, the number of environmental crime cases opened increased.

Data Source: Criminal Case Reporting System
Data as of: Nov-13-2018

U.S. Environmental Protection Agency

Enforcement Trends in an Era of Cooperative Federalism

LINKS

- **EPA Compliance – 2018.**

<https://epa.maps.arcgis.com/apps/Cascade/index.html?appid=0b9d73f351d648698f63bba3f3b15114>

- **Colorado Politics.com**

https://www.coloradopolitics.com/news/premium/degette-epa-sitting-on-its-hands-on-enforcement/article_8a7f9af8-3a1f-11e9-8b3f-43c8cc10f56f.html

- **EPA Defends Record**

<https://www.wcjb.com/content/news/EP-A-defends-enforcement-record-despite-drop-in-penalties-506395041.html>

Missouri Waste Control Coalition Conference

Enforcement Trends in an Era of Cooperative Federalism

Roger Walker JD LLM
Executive Director, REGFORM
RAWalker & Associates LLC
rwalker@regform.org
573.415.7699