

2020 US EPA Civil Penalty - Updates

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Updated EPA Civil Penalties

On January 13, US EPA increased civil penalties for violations of major environmental programs to match inflation for fiscal year 2020. The inflated penalty amounts will apply to environmental violations that occur or occurred after November 2, 2015, for which penalties are assessed after January 13, 2020.

When environmental civil penalties rise, **so does the value of environmental compliance.** While EPA penalties rarely reach the maximum dollar amounts shown on the next page, these figures guide EPA's enforcement decisions.

Updated EPA Civil Penalties

Civil penalty figures are current as of **January 13, 2020**.

EPA **assesses civil penalties on a per day, per violation basis.**

EPA Program	Before 01/13/20	After 01/13/20
Resource Conservation and Recovery Act (RCRA)	\$74,552	\$75,867
Clean Air Act (CAA)	\$99,681	\$101,439
Clean Water Act (CWA)	\$54,833	\$55,800
Emergency Planning/ Right-to-Know Act (EPCRA)	\$57,317	\$58,328
Comp. Environmental Response... Act (CERCLA)	\$57,317	\$58,328
Safe Drinking Water Act (SDWA)	\$57,317	\$58,328
Toxic Substances Control Act (TSCA)	\$39,873	\$40,576
Fed Insecticide, Fungicide/Rodenticide Act (FIFRA)	\$19,936	\$20,288

Updated EPA Civil Penalties

If it feels like penalties have increased more often than usual in the past 5 years, **that's because they have.**

Since the passage of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, **government agencies are required to raise civil penalties annually to match the rate of inflation.** Before the 2015 law, agencies like EPA and DOT were required to raise penalties for hazardous waste and hazmat shipping mistakes **once every four years.**

Mitigating Factors for Environmental Violations

- In addition to the maximum civil penalty figures, EPA personnel consider a range of factors when assessing a penalty for environmental violations.

These factors include:

- The seriousness of the violation;
- The violators good faith efforts to comply;
- Economic benefit gained as a result of noncompliance; and
- Ability to pay.