



EPA's Civil Enforcement Priorities

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Executive Orders - EJ

Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, Jan 20:

It is the policy of my Administration to hold polluters accountable, including those who disproportionately harm communities of color and low-income communities.

Exec Order on Tackling Climate Change, Jan 27, Section 220:

(b) The Administrator of the Environmental Protection Agency shall

(i) *strengthen enforcement of environmental violations with disproportionate impact on underserved communities through the Office of Enforcement and Compliance Assurance; and*

(ii) *create a community notification program to monitor and provide real-time data to the public on current environmental pollution, including emissions, criteria pollutants, and toxins, in frontline and fenceline communities — places with the most significant exposure to such pollution.*

Message from
EPA
Administrator

4/7/2021

“I am directing my leadership team, including our Assistant Administrators, General Counsel, Associate Administrators, and Regional Administrators, to work with staff in their offices and the Office of Environmental Justice to identify ways to ensure that the country’s environmental laws—and the policies implemented under them—deliver benefits to all individuals and communities. ***Specifically, I direct all EPA offices to do the following:***

- ***1. Strengthen enforcement of violations of cornerstone environmental statutes and civil rights laws in communities overburdened by pollution. . . “***

Strong Enforcement is Back

Goal 3, EPA Draft Strategic Plan for 2022-2026: Enforce Environmental Laws and Ensure Compliance



Strong Early Action to Protect Communities

- Emergency Clean Air Act Orders in the Virgin Islands (Limetree) and South Carolina (New Indy).
- Emergency Safe Drinking Water Act orders to public water systems in Cahokia Heights, IL; Clarksburg WV.
- Hazardous Waste Imminent & Substantial Endangerment order in Gadsden, AL (Techtrix).



OECA'S EJ PRIORITIES

- In response to the call to “strengthen enforcement of environmental violations with disproportionate impact on underserved communities,” Acting Assistant Administrator Larry Starfield issued four directives:
 - *April 26, 2021—Using All Appropriate Injunctive Relief Tools in Civil Enforcement Settlements*
 - *April 30, 2021—Strengthening Enforcement in Communities with Environmental Justice Concerns*
 - *June 21, 2021—Strengthening Environmental Justice Through Criminal Enforcement*
 - *July 1, 2021 — Strengthening Environmental Justice Through Cleanup Enforcement Actions*



Strengthening Enforcement in Overburdened Communities

April 30, 2021

- Increase the number of facility inspections in overburdened communities
 - In FY2022, at least 45% of all EPA inspections will be in overburdened communities
- Resolve noncompliance through remedies in civil enforcement cases that ensure tangible benefits for communities
- Increase community engagement



Using All Appropriate Injunctive Relief Tools in Civil Enforcement Settlements

April 26, 2021

- Calls for using full array of policy and legal tools available to deliver benefits to all individuals and communities
- Revoked 2018 policy restricting injunctive relief to compliance with applicable statute or regulations
- Full array of tools include:
 - Advanced Monitoring
 - Audits and Independent third-party verification
 - Electronic reporting
 - Increased Transparency of Compliance Data
- Ability to include SEPs has been restricted due to DOJ regulation promulgated in the prior administration. The regulation is under review at DOJ.



National Compliance Initiatives

Creating Cleaner Air for Communities

RCRA Air

Chemical Accident Risk Reduction

Mobile Source Aftermarket Defeat Devices

Drinking Water

NPDES SNC



Journey to Justice

In November 2021, EPA Administrator Regan embarked on a “Journey to Justice” tour, through Mississippi, Louisiana, and Texas to spotlight longstanding environmental justice concerns in overburdened communities and hear directly from residents impacted by pollution.

Pollution Accountability Team

- Deploy air pollution monitoring equipment in the sky and on the ground
- Boots-on-the-ground inspectors conducting unannounced inspections
- Share findings with communities
- Hold facilities accountable for violations



EPA EJ and Climate

- Potential enforcement areas where EJ and Climate intersect:
 - Oil and Gas
 - Landfills
 - Extreme weather event resiliency:
 - Sewer systems
 - Petroleum and chemical storage facilities



EJ is a Shared Goal with Co-Regulators

From April 30 Starfield memo:

“Our work to protect communities with EJ concerns is a shared goal and responsibility of EPA and our partner agencies. We should continue to conduct joint planning with states and other co-regulators and, whenever possible, endeavor to perform our enforcement and compliance work in partnership with them. ***However, if there is a situation where a community’s health may be impacted by noncompliance, and our co-regulator is not taking timely or appropriate action, we should not hesitate to step in and take necessary action.*** We need to ensure the protection of communities regardless of where a person lives.



Identifying Communities with EJ Concerns

- EJSCREEN is a tool we use to help identify overburdened communities based on a combination of environmental and demographic factors.
- Other data may be used to determine whether environmental violations may disproportionately impact a community, such as: observations by inspectors, information received from community groups or through our tips and complaints system.
- Coming: Government-wide tool
 - “Climate and Economic Justice Screening Tool” (CEJST)



Early and more frequent engagement with overburdened communities

- Providing more civil enforcement information to communities about facilities, pollution, and enforcement activities, through press releases, desk statements, posting of inspection reports, public meetings, and websites focused on specific communities (e.g., Southeast Chicago).
- Developing transparency tools to provide the public with enforcement and compliance information about their community. Several enhancements to EPA's Enforcement and Compliance History Online (ECHO) will be available soon and include Echo Notify - a listserv service that will notify individuals about enforcement activities specific to facilities in their area.
- In cases, seek community input on remedies and provide information on settlement progress.



Meeting with External Stakeholders

- OECA is meeting with external stakeholders and environmental groups to solicit input on EJ.
 - Held a roundtable with environmental NGOs (Sierra Club, EarthJustice, EDF, NRDC, EIP).
 - Holding follow-up roundtables with approximately 40 fence-line community groups suggested by the NGOs.
 - Participated in two EJ listening sessions hosted by DOJ



 EPA Related Efforts





HFC Enforcement - Tackling The Climate Crisis

- The American Innovation and Manufacturing (AIM) Act, enacted by Congress on December 27, 2020, directs EPA to address hydrofluorocarbons (HFC)
- EPA issued a final rule in October 2021 focusing on the phasedown of HFC production and consumption. This final rule will phase down the U.S. production and consumption of HFCs by 85% over the next 15 years, as mandated by the AIM Act.
- White House created an Interagency Task Force on Illegal HFC Trade to detect, deter, and disrupt any attempt to illegally import or produce HFCs in the United States



Coal Combustion Residuals Enforcement

- EPA is taking action to ensure that the concerns of nearby communities are addressed in a protective manner.
- Working with Regions to develop administrative and civil judicial enforcement cases to address non-complying facilities



PFAS Enforcement

- OECA is implementing a strategy to determine the extent of releases from major PFAS manufacturers' sites into communities by:
 - Conducting inspections or ordering sampling and information gathering at/near PFAS facilities to ensure releases or violations of environmental requirements are addressed
 - Using enforcement tools to limit exposure where PFAS in drinking water or soils poses a health threat



Resources

- EPA's Environmental Justice website: <https://www.epa.gov/environmentaljustice>
- Environmental Justice Enforcement and Compliance Assurance Initiative website: <https://www.epa.gov/enforcement/environmental-justice-enforcement-and-compliance-assurance-initiative>
- EPA's American Rescue Plan (ARP) website: <https://www.epa.gov/arp>
- EPA's EJSCREEN website: <https://www.epa.gov/ejscreen>
- EPA's Justice 40 website: <https://www.epa.gov/environmentaljustice/whejac-justice40-climate-and-economic-justice-screening-tool-executive-order>



Questions?

