

A large offshore oil rig is engulfed in a massive fire, with thick black smoke billowing into the sky. Two fireboats are positioned around the burning rig, spraying high-pressure water jets to combat the blaze. The scene is set in the open ocean under a clear sky.

EPA Enforcement Still Struggling to Recover Under Biden

February 2023

EDGI

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[The Environmental Data & Governance Initiative](#) (EDGI) is a North American network with members from numerous academic institutions and nonprofit or grassroots organizations, as well as caring and committed volunteers and employees who come from a broad spectrum of work and life backgrounds. EDGI promotes open and accessible government data and information along with evidence-based policymaking.

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Key Findings

- The Biden Administration has made **slow to minimal progress restoring the capacity of the EPA** to handle enforcement and compliance of our nation's environmental laws.
- Adjusting for inflation, the agency's FY 2022 **budget for this work remains nearly unchanged from** its lowest levels in recent history, during **the Trump years**.
 - Total enforcement and compliance funding was the second-lowest in the last eleven fiscal years and only 2% more than the nadir in FY 2019.
 - Funding for the agency's main enforcement and compliance programs was the lowest in the last eleven years, 29% below the peak in FY 2011, 14% lower than FY 2016, and even 2% lower than in FY 2019.
 - While funding for forensic support and hazardous waste and Superfund enforcement has begun to recover, support for these programs remained 8% and 14% lower than in FY 2016, respectively, and 32% and 36% off from their eleven-year peaks in FY 2011.
- FY 2022 **staffing for enforcement and compliance work** has made **only slight gains at best**.
 - Total authorized workyears (a measure of staff allocation) for enforcement and compliance are up only 4% from their eleven-year nadir in FY 2020, and remain 11% lower than in FY 2016 and 32% lower than in FY 2012.
 - Authorized workyears for civil enforcement and compliance monitoring showed the least gains, up only 2% and 5% from their eleven-year nadirs (both in FY 2020), and remaining 14% and 11% off from FY 2016 and a quarter and a third of their FY 2011 peaks, respectively.
 - Authorized workyears for criminal enforcement showed the biggest *gains*, up 14% from the decade's low in FY 2018 and also 4% more than in FY 2016, though still 14% off their eleven-year peak (FY 2011).
 - Staff lists ("On-boards") for the Office of Enforcement and Compliance Assurance showed a decline of 17% since early 2017 and a loss of .6% since early 2020, suggesting a dire picture.
- **Taken as a whole**, the FY 2022 **performance of enforcement and compliance at the EPA**, as indicated by major metrics such as inspections, civil cases, criminal cases, defendants, sentencing, and compliance costs, **while showing some recovery** from the lowest recorded levels in decades, **still indicates weak enforcement**.
- EPA's **most positive results** for FY 2022 are its civil and especially its criminal fines. However, these numbers stand out not because they are so historically high but

because they are not exceptionally low. Compared to the past three decades, civil fines remain far below the average and only 88% of the median. Criminal fines for FY 2022 are more impressive, at 84% of the average and 154% of the median and tenth highest of the past 28 years.

- **Other major enforcement measures, however, remain among the lowest in decades.**
 - Inspections/Evaluations have recovered somewhat, with totals now reaching their historic range between 1994 and 2016. However, yearly totals remain just over two-thirds of the average and mean for that period, and the rapidly growing reliance on “off-site compliance monitoring” activities (ramped up during the pandemic to protect EPA staff) may have distorted the extent of recovery.
 - Civil case initiations are the third lowest since 1982.
 - EPA no longer reports figures for the most important civil case initiations, civil judicial referrals, to the Department of Justice.
 - Civil case conclusions, measured since 1994, were the second lowest on record in FY 2022. The total remains about half the average and median for 1994 – 2016.
 - Criminal cases opened were the second lowest since 1992 (over 25 years) and criminal defendants charged were the fourth lowest in more than 25 years.
 - Years sentenced for criminal cases hit a new low in FY 2022 and were the lowest since 1989.
 - Compliance costs (injunctive relief) were the second lowest since 2003 (20 years). FY 2022 compliance costs were 45% of the average, and 57% of the median, of annual costs from 1994 – 2016.

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General Method and Purpose

President Biden and EPA director Michael Regan have promised a renewed emphasis on the enforcement of environmental protection laws such as the Clean Air and Clean Water Acts. At the midway mark of Biden's term, how successful have they been? Have they rectified the damage done to environmental governance by the Trump administration?

The following analysis compares FY 2022 EPA enforcement capacity and performance metrics to long-term data, taking a robust and comprehensive approach to evaluating this year against previous years in order to gain a better perspective on how the EPA's enforcement program under the current administration compares to previous administrations.

The data used in the comparison are the budget justifications and end-of-year enforcement numbers published by the EPA, along with staff lists obtained through FOIA requests. Sources for this data listed at the end of the report are all available online and are easily verifiable. Our analysis carefully attends to changes in data collection over time, through methodological notes listed with each metric.

To assess enforcement capacity, we compare the agency's relevant budget and staff of FY 2022 to those in fiscal years back a decade or more.

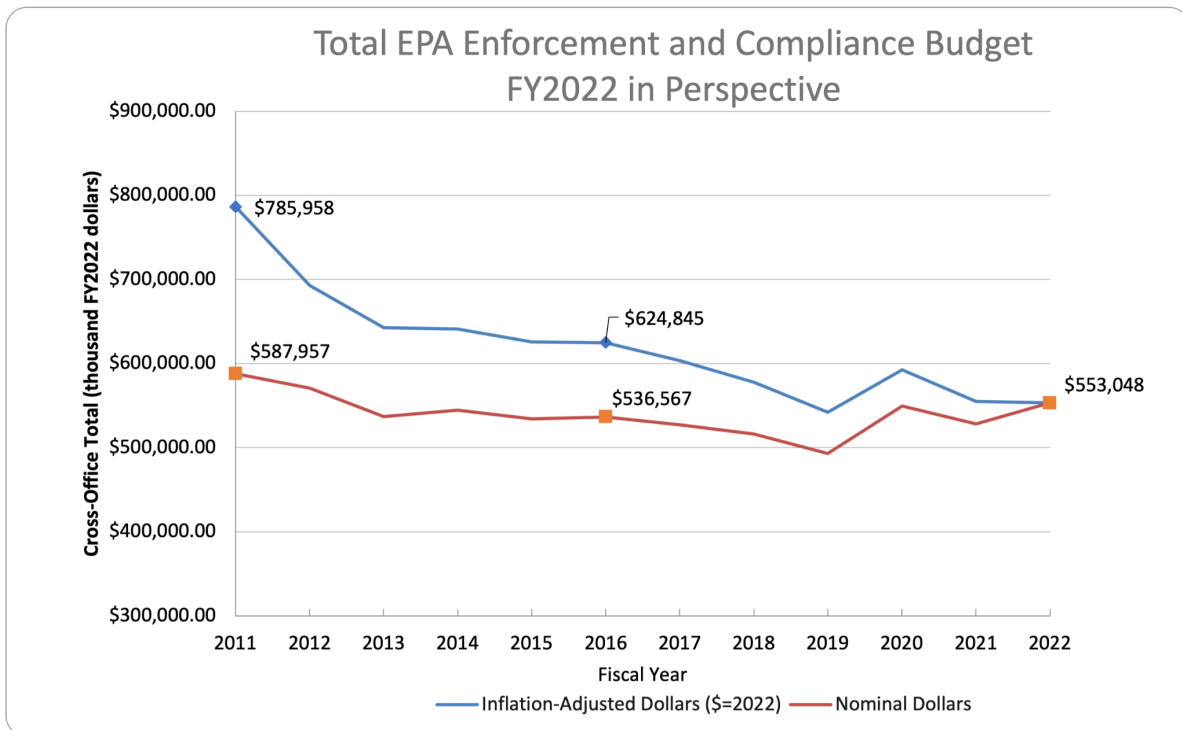
This analysis treats performance during the period FYs 2017 to 2020 as the record-setting aberration it was. Over those four years, as agency enforcement capacity was severely corroded, performance hit historic lows, as documented in an [earlier EDGI report](#). Hence we turn to earlier, longer periods to calculate historic norms.

To assess the degree to which FY 2022 performance has recovered toward historic norms, we compare FY 2022 to averages, medians and ranges calculated for years prior to FYs 2017 to 2020. That approach enables comparison of the current administration's record with patterns established prior to the Trump administration.

The starting point for date ranges is determined in many cases by when the EPA began collecting the data in question. In cases where a longer range of data was available, we mostly used 1989, the beginning of the George H. Bush administration, as the initial year. There's a historical reason for that choice: after the early Reagan administration broke apart EPA's enforcement office, it took the agency years to recover, reflected in its performance metrics. From 1989 until 2016, however, Republican and Democratic administrations alike took the EPA's job of enforcement more seriously. For civil case initiations, we went back to 1975, when civil enforcement was emerging from its infancy, and for criminal data, we went back to 1984, when criminal enforcement was just acquiring its modern shape.

Capacity: EPA's Total Budget for Enforcing Our Environmental Laws

Definition: Total actual budgets reported for enforcement and compliance activities across the agency in the preceding fiscal year.



Findings:

- Accounting for inflation, the FY 2022 budget was 30% below that of FY 2011 and 11% below that of FY 2016.
- Accounting for inflation, the FY 2022 budget was the second-lowest and only 2% more than the nadir for the last eleven fiscal years (FY 2019).

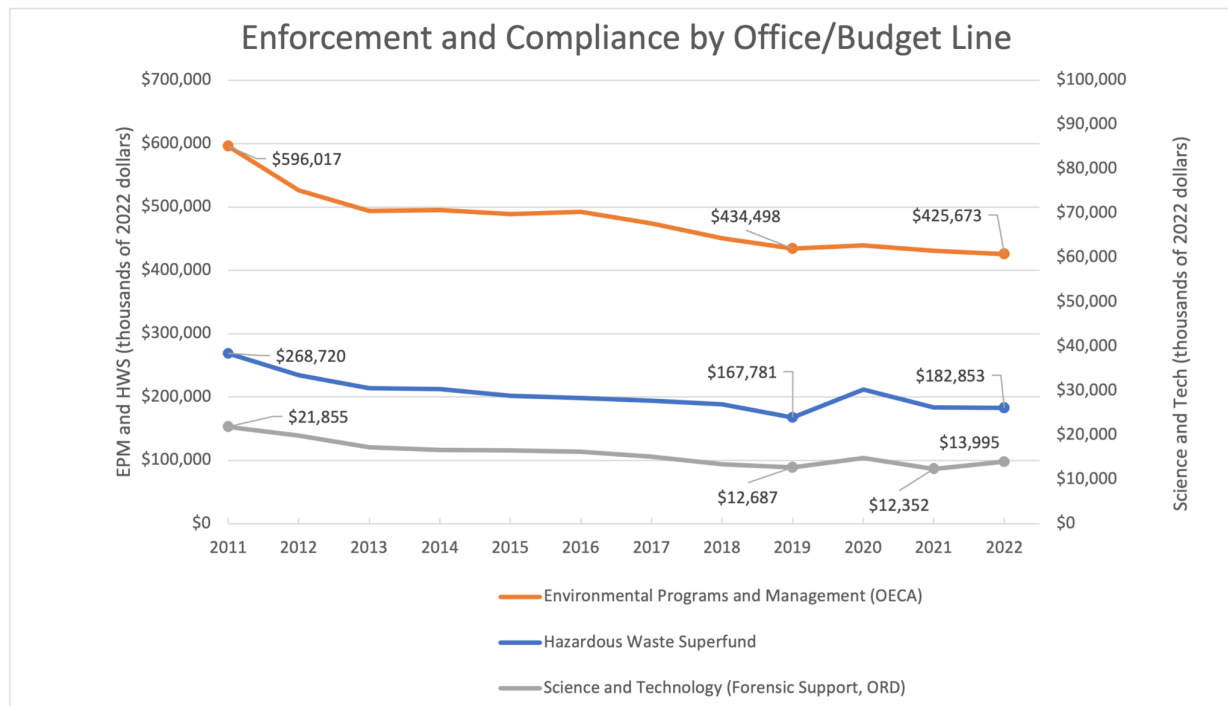
Methodological Note: To enable comparison across budget years, we included only those programs with budget items consistently labeled over time as for “enforcement” or “compliance”: those under “environmental programs management,” in the “hazardous waste Superfund,” and in “science and technology.”

Sources: *EPA Congressional Budget Justifications*, FYs 2012-2023.

Capacity: Breaking Down EPA's Enforcement and Compliance Budget

Definitions: These breakdowns rely on categories EPA has consistently used in reporting its enforcement and compliance work to Congress:

- "Environmental Programs and Management" (most if not all run through the Office of Environmental and Compliance Assurance (OECA), the agency's main enforcement wing);
- "Hazardous Waste Superfund" (run through its Office of Land and Emergency Management); and
- "Science and Technology" (designated for "Forensic Support" of enforcement by the Office of Research and Development).



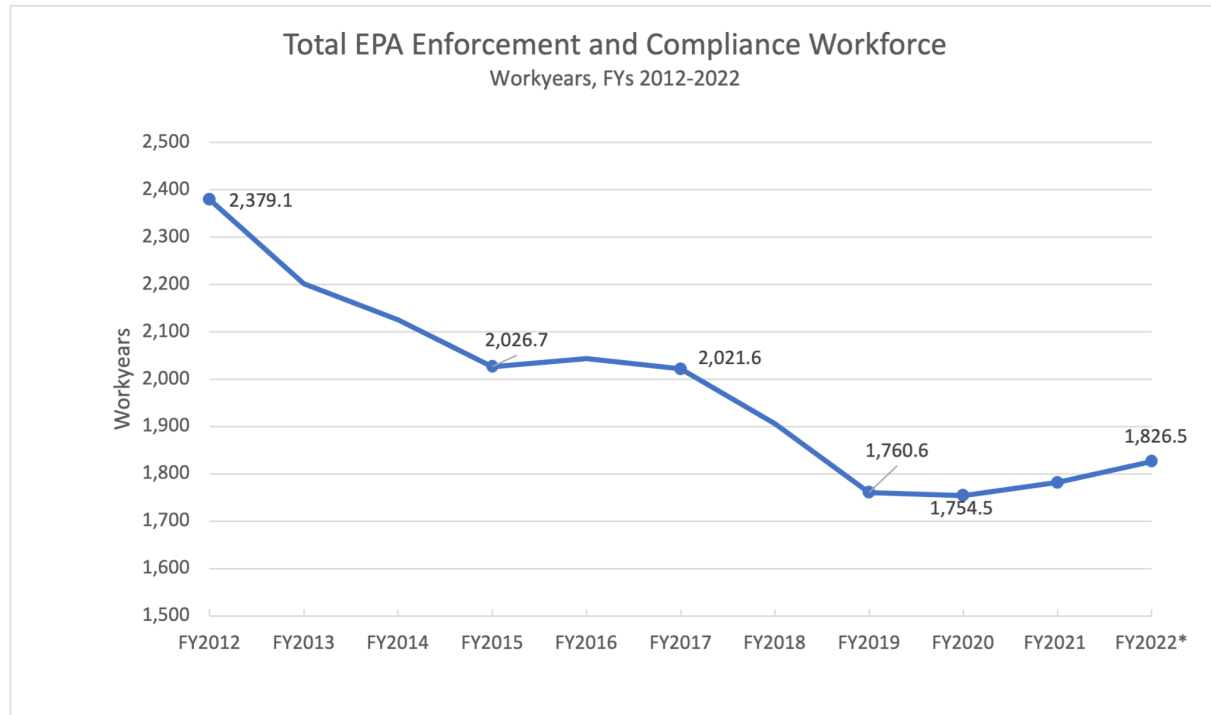
Findings:

- OECA funding for FY 2022 was 29% below the FY 2011 peak, 14% lower than FY 2016, and at 2% lower than FY 2019, the lowest in eleven years.
- Funds for hazardous waste/Superfund enforcement were 32% below the FY 2011 peak, 8% lower than FY 2016, and 9% above a FY 2019 low.
- Funds for forensic support of enforcement efforts were 36% below the FY 2011 peak, 14% lower than FY 2016, and 13% higher than the historic low the previous year, FY 2021.

Sources: *EPA Congressional Budget Justifications*, FYs 2012-2023.

Capacity: Overall Enforcement and Compliance Workyears

Definitions: Total authorized workyears devoted to enforcement and compliance activities across the agency per fiscal year. These figures represent yearly ceilings as reported to Congress.



Findings:

- In FY 2022, EPA authorized 1,826.5 workyears for enforcement and compliance.
- FY 2022 workyears are 33% lower than FY 2012, 11% lower than FY 2016, and 4% more than FY 2020, which was the lowest in 11 years.

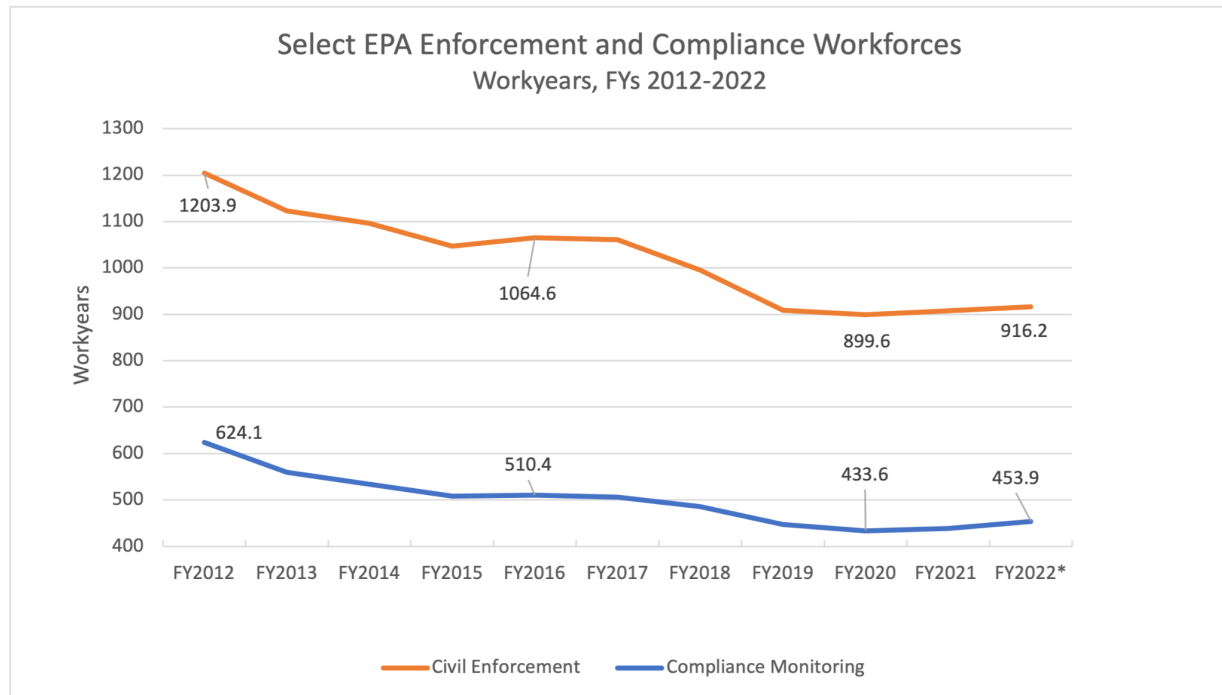
Methodological Note: To enable comparison across budget years, we have included only those budget items consistently labeled over time as for “enforcement” or “compliance”: those under “environmental programs and management,” in the “hazardous waste Superfund,” and in “science and technology.” As the agency’s environmental justice program was included within the “enforcement” category of “environmental programs and management” for many of these years, we have included it in these totals throughout.

*Annualized Congressional Resolution

Sources: *EPA Congressional Budget Justifications*, FYs 2012-2023.

Capacity: Staff for Civil Enforcement and Compliance Monitoring

Definitions: Authorized workyears devoted to particular enforcement and compliance activities per fiscal year. Civil enforcement includes administrative as well as judicially pursued cases; compliance monitoring serves to identify violators. These figures represent yearly ceilings as reported to Congress.



Findings:

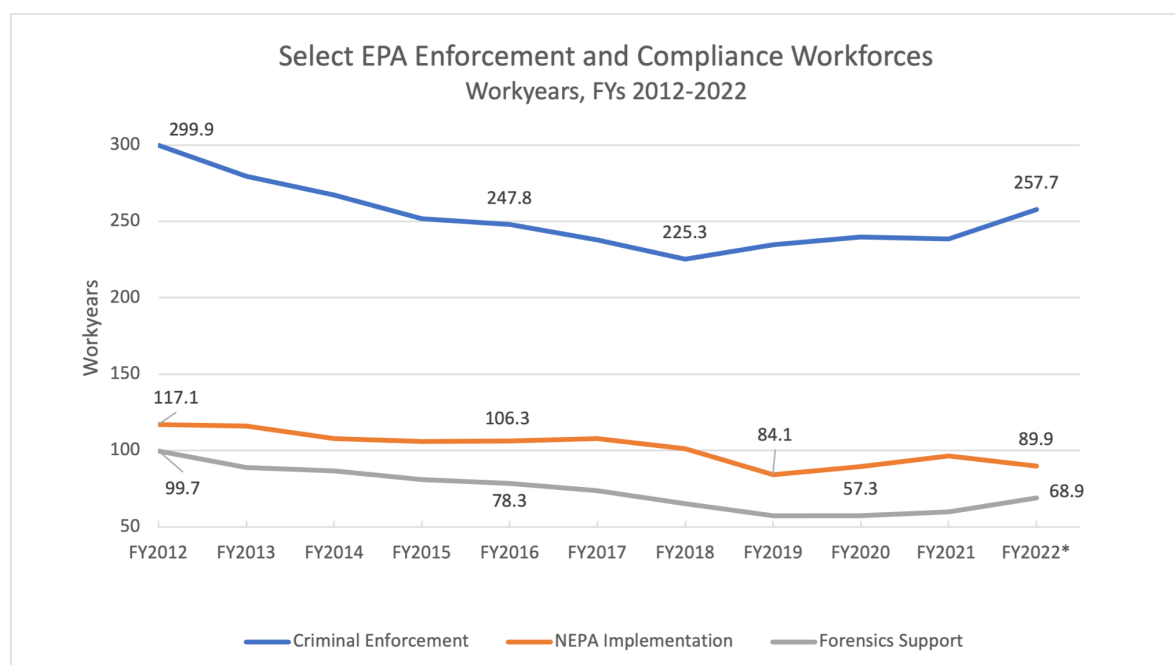
- In FY 2022, EPA devoted 916.2 authorized workyears to civil enforcement and 453.9 authorized workyears to compliance monitoring.
- FY 2022 workyears for civil enforcement were 24% less than in FY 2012, 14% less than in FY 2016, and only 2% more than in FY 2020, the lowest in the eleven years from FY 2012 - FY 2022.
- FY 2022 workyears for compliance monitoring were 33% less than in FY 2012, 11% less than in FY 2016, and 5% more than in FY 2020, the lowest in the eleven years from FY 2012 - FY 2022.

*Annualized Congressional Resolution

Sources: *EPA Congressional Budget Justifications*, FYs 2012-2023.

Capacity: Staff for Criminal Enforcement, NEPA Implementation, and Forensic Support

Definitions: Authorized workyears devoted to particular enforcement and compliance activities per fiscal year. Criminal enforcement often involves the worst violators; “NEPA implementation” supports the agency’s work overseeing federal or federally funded projects covered by the National Environmental Policy Act; “forensic support,” scientific and technical assistance on enforcement cases. These figures represent yearly ceilings as reported to Congress.



Findings:

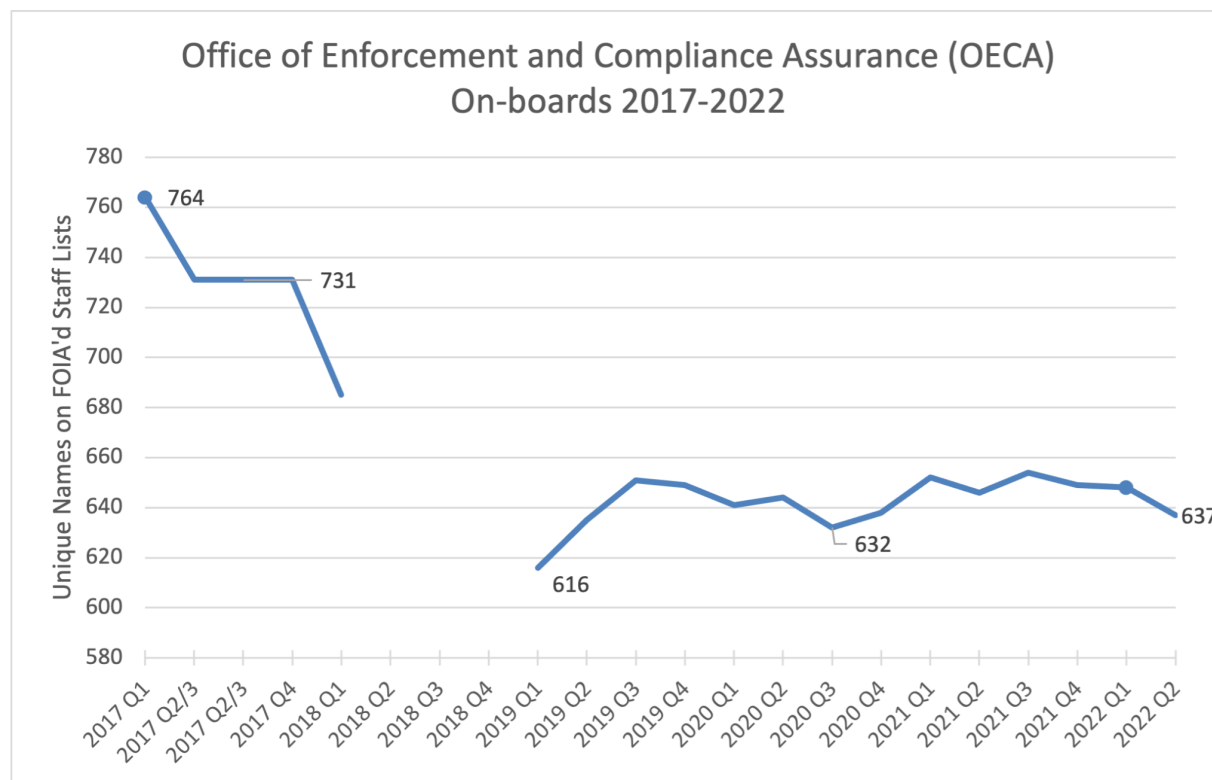
- In FY 2022, EPA staff devoted 257.7 authorized workyears to criminal enforcement, 89.9 authorized workyears to implementation of the National Environmental Policy Act, and 68.9 authorized workyears to forensic support.
- Criminal enforcement workyears were 14% less than in FY 2012 but 4% more than in FY 2016, and 14% more than in FY 2018, the decade’s low.
- Workyears for implementing NEPA were 33% less than in FY 2012, 15.5% less than in FY 2016, but 7% more than in FY 2019, the decade’s low.
- Workyears for forensic support were 31% less than in FY 2012, 12% less than in FY 2016, but 20% more than in FY 2020, the decade’s low.

*Annualized Congressional Budget Resolution

Sources: *EPA Congressional Budget Justifications*, FYs 2012-2023.

Capacity: Quarterly On-Boards in EPA's Main Office for Enforcement and Compliance

Definitions: "On-Boards" are those unique names appearing on EPA lists of current staff working for a given office during each quarter, as produced in response to EDGI Freedom of Information Act requests. The Office of Enforcement and Compliance Assurance (OECA) conducts the bulk of EPA's enforcement work.



Findings:

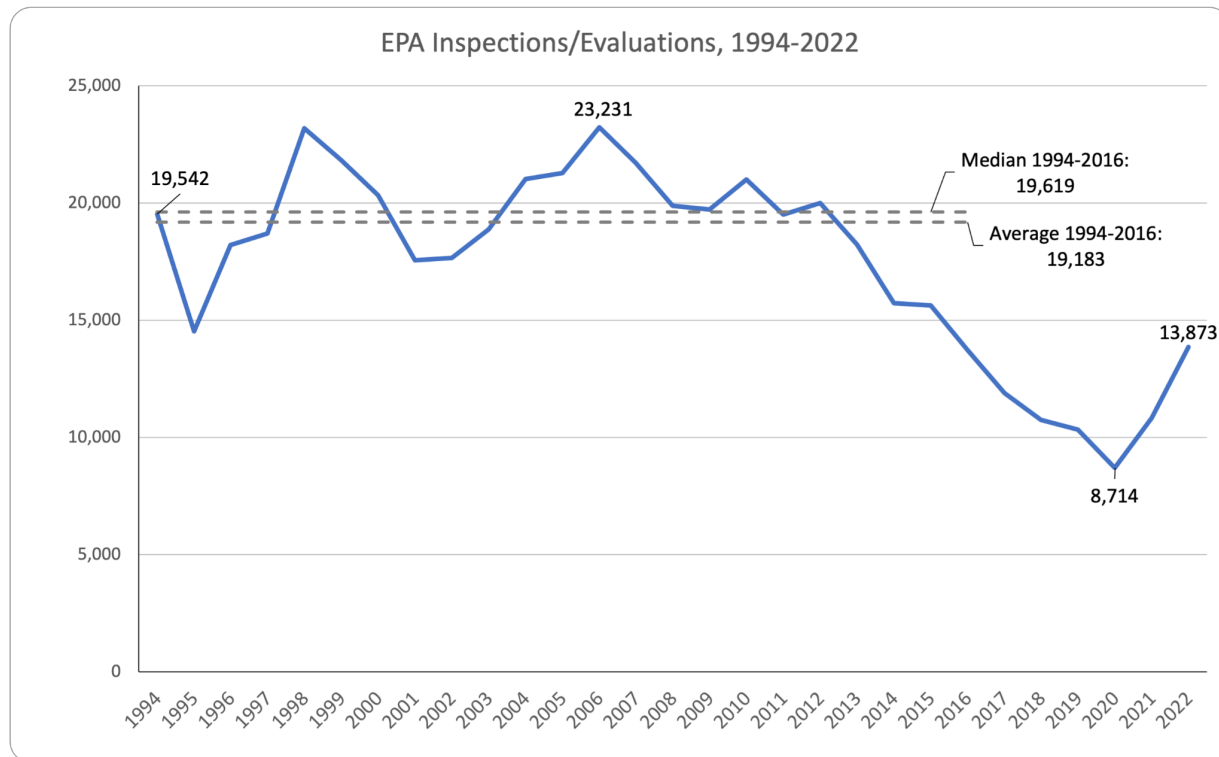
- Staff "on-boards" for OECA in the second quarter of 2022 were 17% less than in the first quarter of 2017 and only 3.4% more than in the first quarter of 2019, when staffing was likely at or near its lowest level of this period. This slight growth happened over 2019 rather than subsequently.
- Staff "on-boards" in the second quarter of 2022 were .6% lower than in the first quarter of 2020, when the Biden administration began.
- The discrepancy between these figures for FYs 2020 to 2022 and those for authorized workyears suggests EPA has confronted many difficulties in hiring staff for enforcement and compliance work.

Methodological Note: While the staff lists provided by the agency for 2017 through early 2018 included few or no duplicate names, those from early 2019 onward contained many, which have been weeded out for the graphed figures. The duplicates may reflect promotions, doubled up positions, or also an ongoing reorganization of the regional offices. Figures here are missing the second through the fourth quarter of 2018 because those lists provided by the agency apparently only included permanent employees.

Source: EDGI FOIA'd rosters of EPA staff

Performance: Inspections/Evaluations

Definition: Inspections and Evaluations are used to determine compliance and initiate enforcement actions. They provide the leading edge for much enforcement work.



Findings:

- FY 2022: 13,873
- Average for FY 1994 – 2016 was 19,183. FY 2022 was 72% of that.
- Median for FY 1994 – 2016 was 19,619. FY 2022 was 71% of that.
- Range for FY 1994 – 2016 was 13,725 (lowest) to 23,231 (most). FY 2022 has just reached the low end of that range, for the first time since 2016.
- Rank: FY 2022 ranks as the seventh lowest year for inspections/evaluations since 1994.

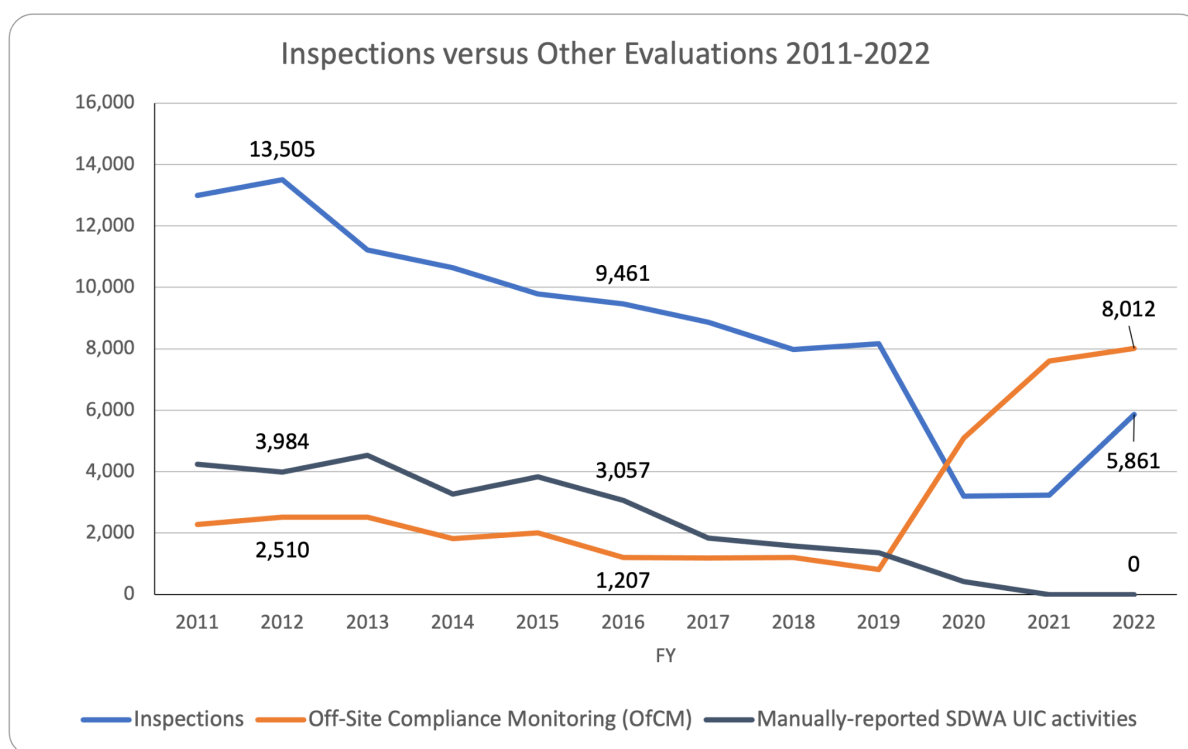
Methodological note: 1994 appears to be the first year the EPA published total tabulations of inspections.

Inspections/Evaluations (Table and Sources)

FY	Inspections/ Evaluations	Source
1994	19,542	National Enforcement Trends Report
1995	14,529	National Enforcement Trends Report
1996	18,211	National Enforcement Trends Report
1997	18,706	National Enforcement Trends Report
1998	23,191	National Enforcement Trends Report
1999	21,847	National Enforcement Trends Report
2000	20,337	National Enforcement Trends Report
2001	17,560	National Enforcement Trends Report
2002	17,668	National Enforcement Trends Report
2003	18,880	National Enforcement Trends Report
2004	21,031	National Enforcement Trends Report
2005	21,282	National Enforcement Trends Report
2006	23,231	National Enforcement Trends Report
2007	21,721	National Enforcement Trends Report
2008	19,883	National Enforcement Trends Report
2009	19,724	National Enforcement Trends Report
2010	21,012	National Enforcement Trends Report
2011	19,514	E&C Annual Report 2021
2012	19,999	E&C Annual Report 2021
2013	18,242	E&C Annual Report 2021
2014	15,732	E&C Annual Report 2021
2015	15,632	E&C Annual Report 2021
2016	13,725	E&C Annual Report 2021
2017	11,892	E&C Annual Report 2021
2018	10,763	E&C Annual Report 2021
2019	10,339	E&C Annual Report 2021
2020	8714	E&C Annual Report 2021
2021	10,841	E&C Annual Report 2021
2022	13,873	E&C Annual Report 2022

Performance: Inspections/Evaluations by Type

Definitions: Starting in FY 2020, after the COVID pandemic made onsite inspections riskier, EPA annual enforcement reports began breaking down their tallies to distinguish in-person inspections from “off-site compliance monitoring” (OfCM). The latter has included a wide variety of activities, from desk audits to reviews of records from various programs to use of aerial and satellite imagery. This new breakdown also included “manually reported” oversight of injection-well wastes (Underground Injection Control, or UIC) required under the Safe Drinking Water Act, essentially phased out by FY 2021.



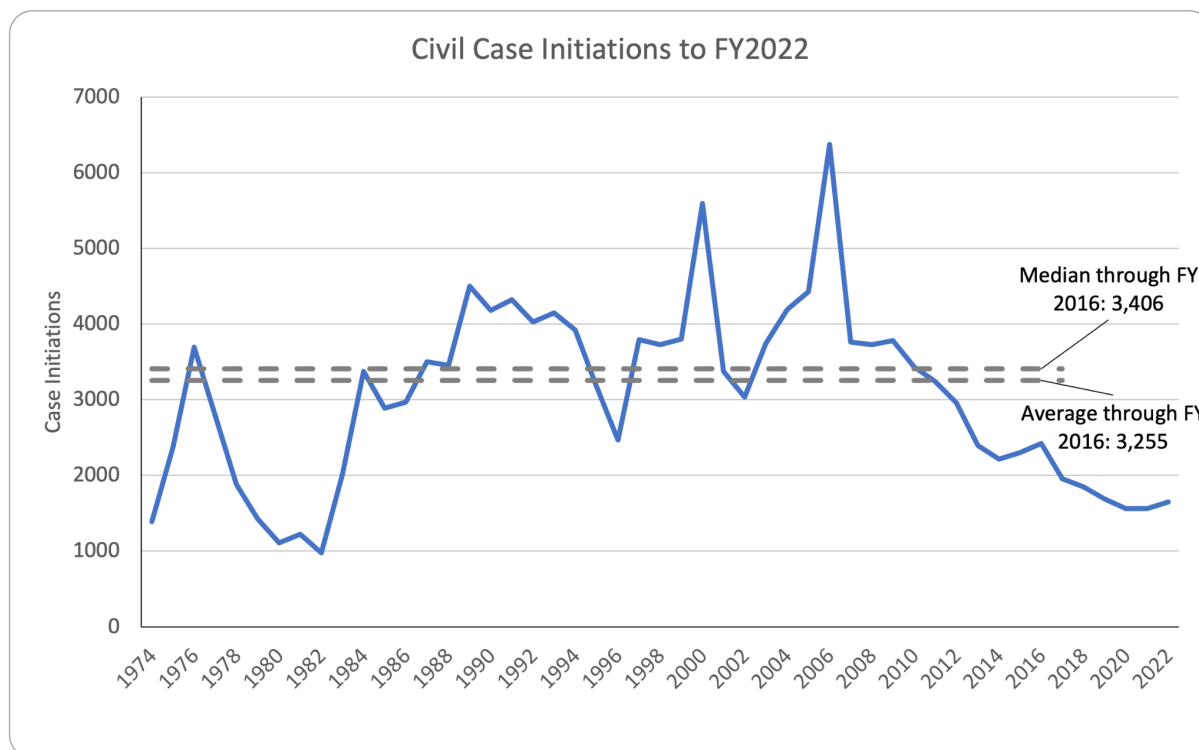
Findings:

- FY 2022: 5861 inspections, 8012 off-site compliance monitoring activities.
- EPA currently acknowledges that off-site monitoring assessments are “not to replace on-site inspections,” and staffers interviewed by EDGI have worried about their effectiveness, which EPA is now evaluating.
- Total FY 2022 inspections remained 43% of those in 2012, the peak for these eleven years, and only 62% of those in 2016. That the bulk of the agency’s evaluative work has remained off-site in FY 2021 into FY 2022 raises questions about whether EPA’s inspection/evaluation work has genuinely rebounded.

Sources: Enforcement and Compliance Annual Report FY2022; “EPA OECA Research Partnership Interest Meeting—Effectiveness of Off-site Compliance Monitoring (November 1, 2022): <https://www.epa.gov/compliance/offsite-compliance-monitoring-project>

Performance: Administrative and Civil Case Initiations

Definition: Administrative and civil case initiations are the total such enforcement cases started, when inspections or other kinds of compliance monitoring reveal violations. They include both administrative cases and civil judicial cases.



Findings:

- FY 2022: 1,648 civil case initiations
- Average for FY 1975 – 2016 was 3,255. FY 2022 is 51% of that.
- Median for FY 1975 – 2016 was 3,405. FY 2022 is 48% of that.
- Range for FY 1975 – 2016 was 976 (min) to 6,371 (max).
- Rank: FY 2022 ranks as the third lowest year since 1982 (only FY 2020 and FY 2021 are lower).

Methodological notes:

- The initiations tallied here are the sum of civil judicial referrals, administrative penalty order complaints (APOCs), and administrative compliance orders (ACOs). Before 1994, APOCs and ACOs were lumped together as “Administrative Actions.” For this earlier period, the sources listed in the table are for data for administrative actions.

- From 1996 to 2003, EPA often counted RCRA “Field Citations” separate from APOCs. Field Citations have been added to APOCs in this period as necessary to make them consistent with post-2003 data. (National Enforcement Trends Report, E-6)
- From 1991 to 2002, EPA gave “extra credits” to some civil case initiations (National Enforcement Trends Report, E-2). Civil judicial referrals for 1999 to 2002, and administrative cases for 2001 to 2002, were adjusted in the NET Report to remove these extra credits. However, the extra credits remain for the other years, slightly inflating the total civil case initiations for those years as well as the overall average and median. Nevertheless, this inflation does not change the fact that FY 2022 civil case initiations are extremely low by historical standards.

Source: “National Enforcement Trends (NETs) Report,” (August 2011), available at <https://web.archive.org/web/20120619023221/http://www.epa.gov/compliance/resources/reports/nets/nets.pdf>.

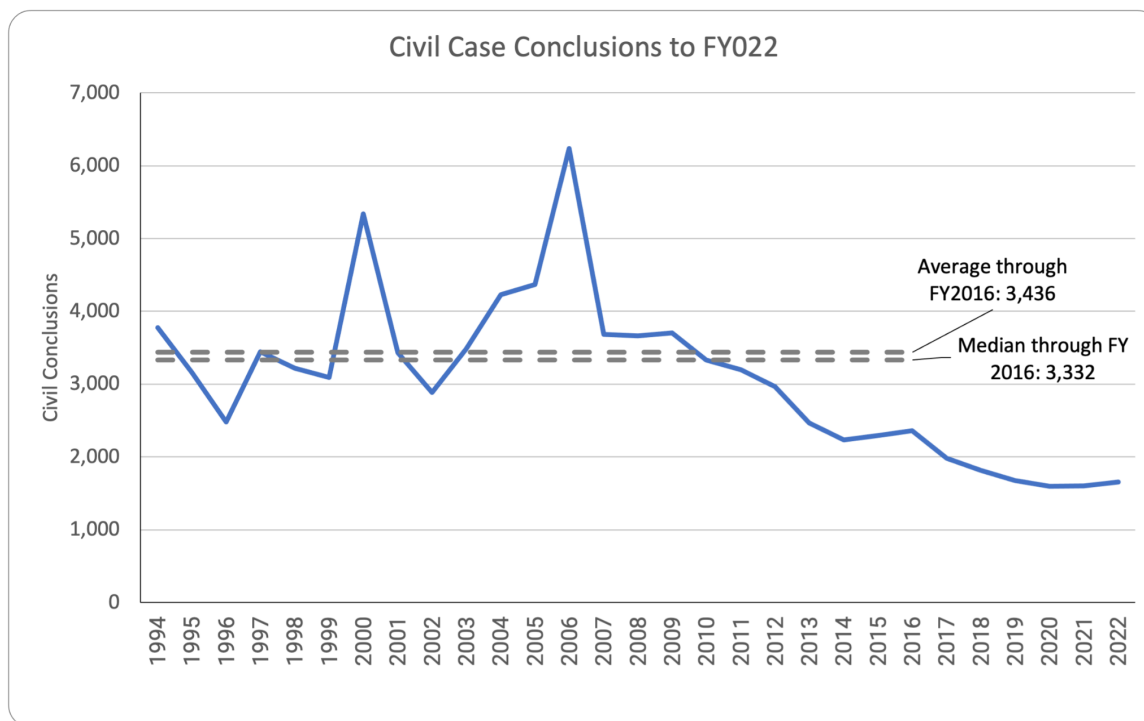
Civil Case Initiations (Table and Sources)

FY	Civil Initiations	Source
1975	2,377	E&C Annual Report 1999
1976	3,695	E&C Annual Report 1999
1977	2,787	E&C Annual Report 1999
1978	1,884	E&C Annual Report 1999
1979	1,427	E&C Annual Report 1999
1980	1,111	E&C Annual Report 1999
1981	1,225	E&C Annual Report 1999
1982	976	E&C Annual Report 1999
1983	2,013	E&C Annual Report 1999
1984	3,375	E&C Annual Report 1999
1985	2,885	E&C Annual Report 1999
1986	2,968	E&C Annual Report 1999
1987	3,498	E&C Annual Report 1999
1988	3,457	E&C Annual Report 1999
1989	4,500	E&C Annual Report 1999
1990	4,179	E&C Annual Report 1999
1991	4,318	E&C Annual Report 1999
1992	4,028	E&C Annual Report 1999
1993	4,146	E&C Annual Report 1999
1994	3,920	National Enforcement Trends Report
1995	3,183	National Enforcement Trends Report
1996	2,466	National Enforcement Trends Report
1997	3,797	National Enforcement Trends Report

FY	Civil Initiations	Source
1998	3,726	National Enforcement Trends Report
1999	3,804	National Enforcement Trends Report
2000	5,593	National Enforcement Trends Report
2001	3,374	National Enforcement Trends Report
2002	3,035	National Enforcement Trends Report
2003	3,738	National Enforcement Trends Report
2004	4,194	National Enforcement Trends Report
2005	4,424	National Enforcement Trends Report
2006	6,371	National Enforcement Trends Report
2007	3,762	National Enforcement Trends Report
2008	3,726	E&C Annual Report 2017
2009	3,779	E&C Annual Report 2017
2010	3,436	E&C Annual Report 2017
2011	3,238	E&C Annual Report 2021
2012	2,963	E&C Annual Report 2021
2013	2,394	E&C Annual Report 2021
2014	2,212	E&C Annual Report 2021
2015	2,303	E&C Annual Report 2021
2016	2,424	E&C Annual Report 2021
2017	1,958	E&C Annual Report 2021
2018	1,849	E&C Annual Report 2021
2019	1,690	E&C Annual Report 2021
2020	1,562	E&C Annual Report 2021
2021	1,562	E&C Annual Report 2021
2022	1648	E&C Annual Report 2022

Performance: Civil Case Conclusions

Definition: Civil case conclusions are civil enforcement cases that are brought to an end. They may conclude with an administrative order, or a court order, a settlement, or a consent decree.



Findings:

- FY 2022: 1,656
- Average for FY 1994 – 2016 was 3,436. FY 2022 is 48% of that.
- Median for FY 1994 – 2016 was 3,332. FY 2018 is 50% of that.
- Range for FY 1994 – 2016 was 2,235 (min) to 6,235 (max). FY 2022 like the previous five years is out of (below) that range.
- Rank: FY 2022 ranks as the second lowest year since 1994.

Methodological notes:

- Civil case conclusions are the sum of civil judicial conclusions, final administrative penalty orders, and administrative compliance orders. Before 1994, EPA did not track civil judicial case conclusions.
- From 1994 to 2002, EPA gave “extra credits” to Administrative Compliance Orders (National Enforcement Trends Report, E-4). ACOs for 2001 to 2002 were adjusted in the NET Report to remove these extra credits. However, the extra credits remain for the other years, slightly inflating the total civil case initiations for those years as well as the

overall average and median. Nevertheless, this inflation does not change the fact that FY 2018 civil case initiations are extremely low by historical standards.

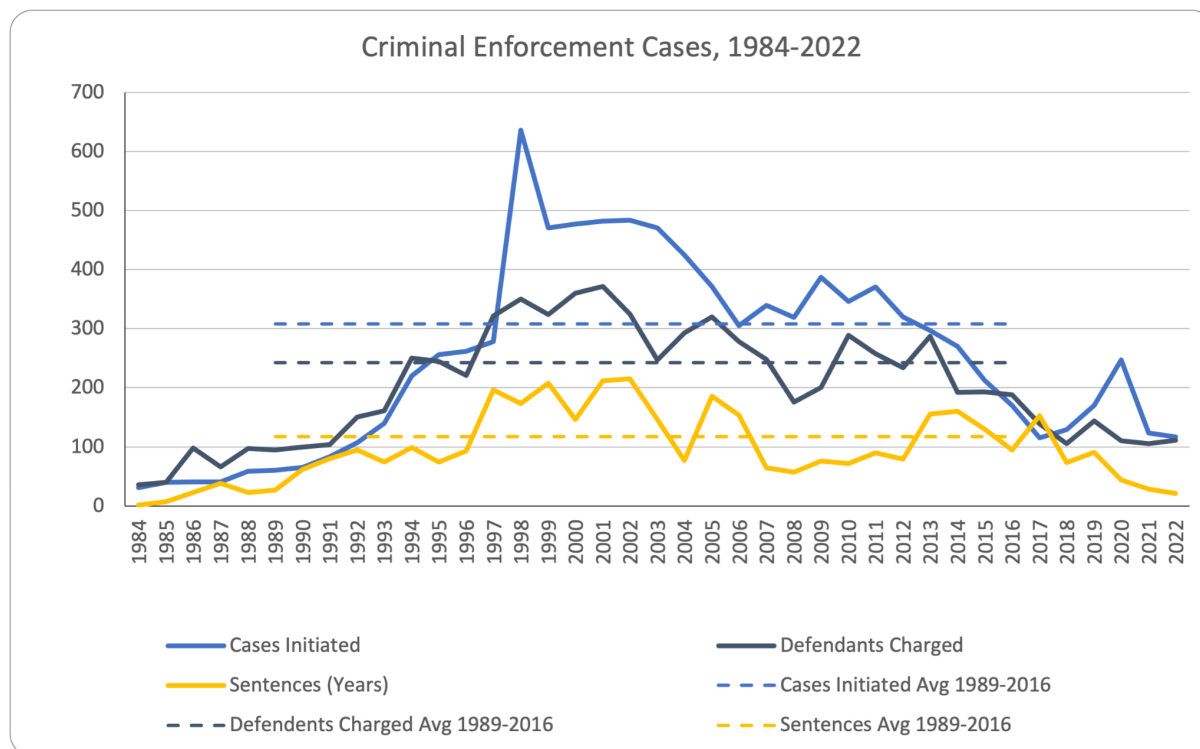
Civil Case Conclusions (Table and Sources)

FY	Civil Conclusions	Source
1994	3,778	National Enforcement Trends Report
1995	3,157	National Enforcement Trends Report
1996	2,482	National Enforcement Trends Report
1997	3,442	National Enforcement Trends Report
1998	3,219	National Enforcement Trends Report
1999	3,089	National Enforcement Trends Report
2000	5,337	National Enforcement Trends Report
2001	3,431	National Enforcement Trends Report
2002	2,883	National Enforcement Trends Report
2003	3,484	National Enforcement Trends Report
2004	4,231	National Enforcement Trends Report
2005	4,366	National Enforcement Trends Report
2006	6,235	National Enforcement Trends Report
2007	3,683	E&C Annual Report 2017
2008	3,666	E&C Annual Report 2017
2009	3,705	E&C Annual Report 2017
2010	3,332	E&C Annual Report 2017
2011	3,198	E&C Annual Report 2021
2012	2,963	E&C Annual Report 2021
2013	2,466	E&C Annual Report 2021
2014	2,235	E&C Annual Report 2021
2015	2,292	E&C Annual Report 2021
2016	2,358	E&C Annual Report 2021
2017	1,979	E&C Annual Report 2021
2018	1,813	E&C Annual Report 2021
2019	1,678	E&C Annual Report 2021
2020	1,599	E&C Annual Report 2021
2021	1,603	E&C Annual Report 2021
2022	1,656	E&C Annual Report 2022

Performance: Criminal Cases Opened, Defendants Charged, Sentences

Definition:

- “Cases opened” means cases started.
- “Defendants charged” means the number of individuals charged.
- “Sentences” means the total years of incarceration to which those convicted are sentenced.



Findings:

- FY 2022:
 - Cases opened: 117
 - Defendants charged: 111
 - Sentences (years): 21
- FY 2022 compared to average for FY 1989 – 2016:
 - Cases opened (308; FY 2022 is 38% of that).
 - Defendants charged (242; FY 2022 is 46% of that).
 - Sentences (118; FY 2022 is 18% of that).
- FY 2022 ranked:
 - Criminal cases opened in FY 2022 were the second lowest (after FY 2017) since 1992 (over 25 years).
 - Criminal defendants charged in FY 2022 were the fourth lowest, and only six cases above the lowest (FY 2018 and FY 2021) since 1991 (over 25 years).
 - Criminal sentences hit a new low and were the lowest since 1989.

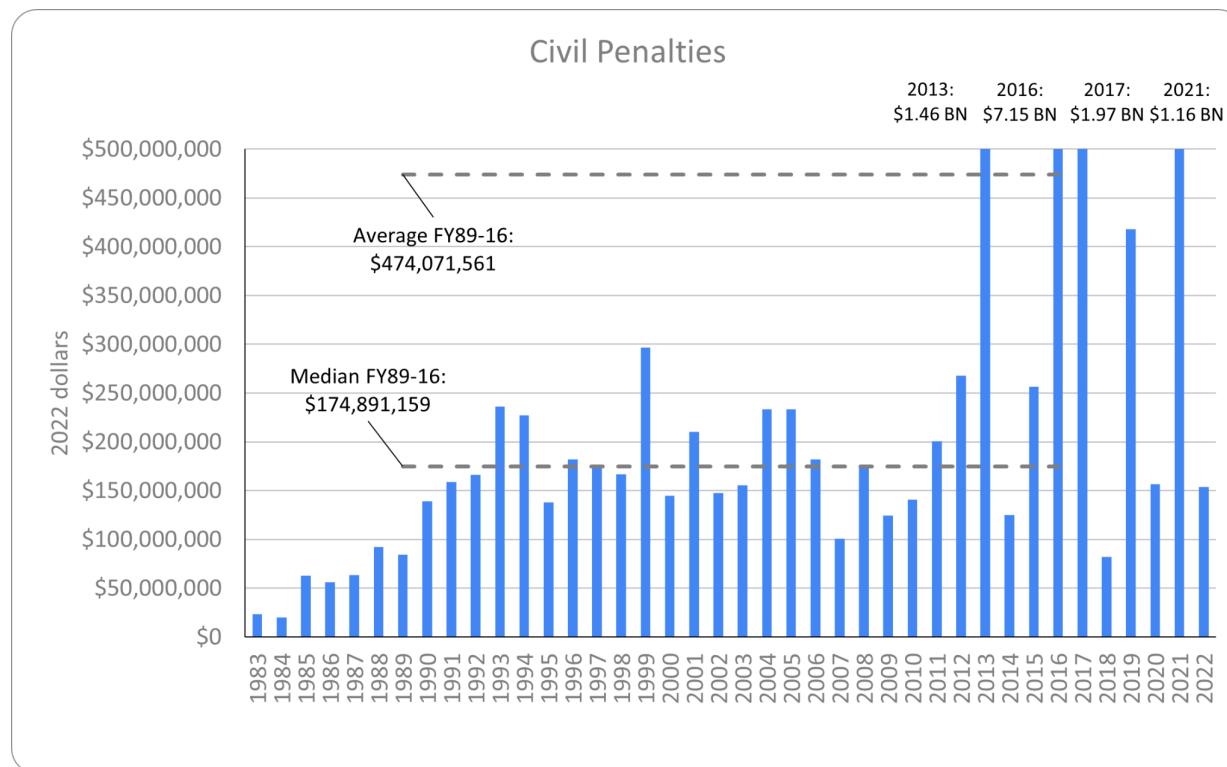
Criminal Cases Opened, Defendants Charged, Sentences (Table and Sources)

FY	Cases Opened	Defendants Charged	Sentences (Years)	Source
1984	31	36	1	E&C Annual Report 1999
1985	40	40	7	E&C Annual Report 1999
1986	41	98	23	E&C Annual Report 1999
1987	41	66	38	E&C Annual Report 1999
1988	59	97	23	E&C Annual Report 1999
1989	60	95	27	E&C Annual Report 1999
1990	65	100	62	E&C Annual Report 1999
1991	83	104	80	E&C Annual Report 1999
1992	107	150	95	E&C Annual Report 1999
1993	140	161	74	E&C Annual Report 1999
1994	220	250	99	E&C Annual Report 1999
1995	256	245	74	E&C Annual Report 1999
1996	262	221	93	E&C Annual Report 1999
1997	278	322	196	E&C Annual Report 1999
1998	636	350	173	National Enforcement Trends Report
1999	471	324	208	National Enforcement Trends Report
2000	477	360	146	National Enforcement Trends Report
2001	482	372	212	National Enforcement Trends Report
2002	484	325	215	National Enforcement Trends Report
2003	471	247	146	National Enforcement Trends Report
2004	425	293	77	National Enforcement Trends Report
2005	372	320	186	National Enforcement Trends Report
2006	305	278	154	National Enforcement Trends Report
2007	340	248	64	National Enforcement Trends Report
2008	319	176	57	National Enforcement Trends Report
2009	387	200	76	National Enforcement Trends Report
2010	346	289	72	National Enforcement Trends Report
2011	371	258	90	E&C Annual Report 2017

2012	320	234	79	E&C Annual Report 2017
2013	297	287	155	E&C Annual Report 2017
2014	270	192	160	E&C Annual Report 2017
2015	213	193	130	E&C Annual Report 2017
2016	170	188	95	E&C Annual Report 2017
2017	115	139	153	E&C Annual Report 2017
2018	129	105	73	E&C Annual Report 2021
2019	170	144	91	E&C Annual Report 2021
2020	247	110	44	E&C Annual Report 2021
2021	123	105	28	E&C Annual Report 2021
2022	117	111	21	E&C Annual Report 2022

Performance: Civil Fines

Definition: Penalties imposed as a result of civil judicial cases or administrative cases, in dollars.



Findings (using real 2022 dollars):

- FY 2022: \$153,818,688
- Average for FY 1989 – 2016 was \$474,071,561. FY 2022 is 32% of that.
- Median for FY 1989 – 2016 was \$174,891,159. FY 2022 is 88% of that.
- Range for FY 1989 – 2016 was \$81,970,948 (min) to \$7,147,450,033 (max).
- Rank: FY 2022 ranks as the fifth lowest year since 2003 and the eighth lowest since 1991.

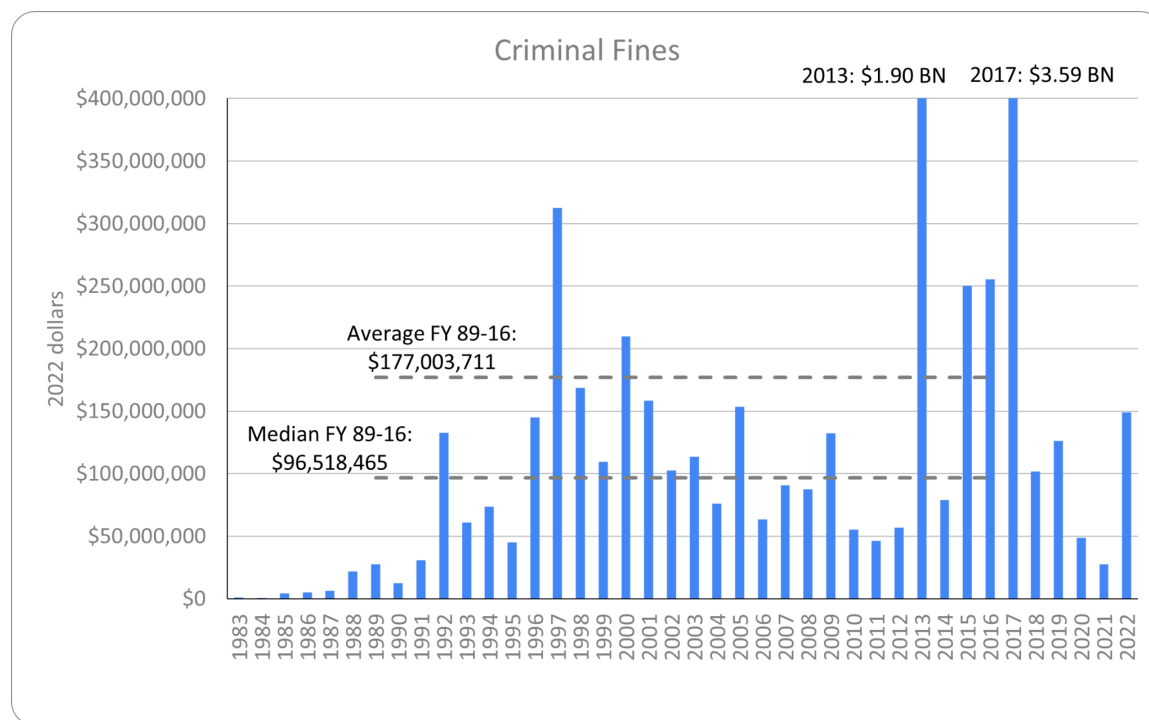
Methodological notes: These penalties sum up the fines from both civil judicial cases and administrative cases. Following EPA's FY 2018 report, we used the CPI to deflate prices and made 2022 the base year. CPI deflator table and source are listed at the end of this document.

Civil Fines (Table and Sources)

FY	Civil (Nominal)	Civil (Real 2022 \$)	Source
1988	\$36,909,521	\$92,437,914	National Enforcement Trends Report
1989	\$35,251,946	\$84,228,271	National Enforcement Trends Report
1990	\$61,289,667	\$138,933,874	National Enforcement Trends Report
1991	\$73,104,128	\$159,023,485	National Enforcement Trends Report
1992	\$78,733,331	\$166,263,695	National Enforcement Trends Report
1993	\$115,133,414	\$236,064,134	National Enforcement Trends Report
1994	\$113,656,871	\$227,218,644	National Enforcement Trends Report
1995	\$70,859,328	\$137,755,369	National Enforcement Trends Report
1996	\$96,250,929	\$181,751,691	National Enforcement Trends Report
1997	\$95,145,101	\$175,633,707	National Enforcement Trends Report
1998	\$91,573,293	\$166,447,662	National Enforcement Trends Report
1999	\$166,721,578	\$296,492,210	National Enforcement Trends Report
2000	\$84,110,267	\$144,714,596	National Enforcement Trends Report
2001	\$125,465,421	\$209,894,935	National Enforcement Trends Report
2002	\$89,675,575	\$147,686,051	National Enforcement Trends Report
2003	\$96,634,431	\$155,600,341	National Enforcement Trends Report
2004	\$148,850,404	\$233,461,103	National Enforcement Trends Report
2005	\$153,937,047	\$233,527,151	National Enforcement Trends Report
2006	\$123,814,786	\$181,961,059	National Enforcement Trends Report
2007	\$70,467,492	\$100,692,704	National Enforcement Trends Report
2008	\$126,553,343	\$174,148,610	National Enforcement Trends Report
2009	\$90,105,246	\$124,435,514	National Enforcement Trends Report
2010	\$103,607,965	\$140,773,716	National Enforcement Trends Report
2011	\$152,271,601	\$200,562,912	E&C Annual Report 2011
2012	\$207,561,881	\$267,844,995	E&C Annual Report 2012
2013	\$1,148,000,000	\$1,460,032,744	E&C Annual Report 2013
2014	\$100,000,000	\$125,150,378	E&C Annual Report 2014
2015	\$205,000,000	\$256,254,108	E&C Annual Report 2015
2016	\$5,790,000,000	\$7,147,450,033	E&C Annual Report 2016
2017	\$1,632,000,000	\$1,972,594,778	E&C Annual Report 2017
2018	\$69,474,000	\$81,970,948	E&C Annual Report 2018
2019	\$360,795,000	\$418,118,414	E&C Annual Report 2019
2020	\$136,982,632	\$156,811,983	E&C Annual Report 2020
2021	\$1,059,182,997	\$1,158,100,533	E&C Annual Report 2021
2022	\$154,089,177	\$153,818,687	E&C Annual Report 2022

Performance: Criminal Fines

Definition: Penalties imposed as a result of criminal cases, in dollars.



Findings (using real 2022 dollars):

- FY 2022: \$149,050,209
- Average for FY 1989 – 2016 was \$177,003,711. FY 2022 is 84 %% of that.
- Median for FY 1989 – 2016 was \$96,518,465. FY 2022 is 154% of that.
- Range for FY 1989 – 2016 was \$27,719,107 (min) to \$1,907,708,290 (max).
- Rank: FY 2022 ranks as the tenth highest since 1995 (28 years) – in other words, it is just above the middle of the distribution.

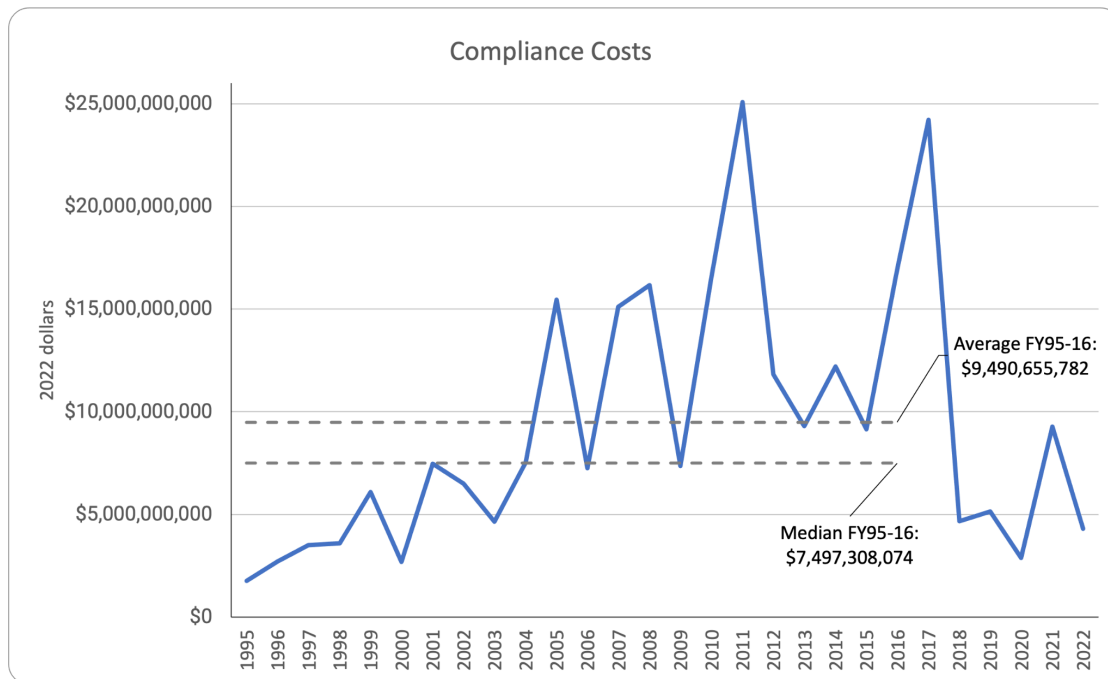
Methodological notes: Following EPA's FY 2022 report, we used the CPI to deflate prices and made 2022 the base year. CPI deflator table and source listed at the end of this document.

Criminal Fines (Table and Sources)

FY	Criminal Fines (Nominal)	Criminal Fines (Real 2022 \$)	Source
1989	\$11,601,241	\$27,719,107	National Enforcement Trends Report
1990	\$5,513,318	\$12,497,810	National Enforcement Trends Report
1991	\$14,120,387	\$30,716,092	National Enforcement Trends Report
1992	\$62,895,400	\$132,818,229	National Enforcement Trends Report
1993	\$29,700,000	\$60,895,482	National Enforcement Trends Report
1994	\$36,812,000	\$73,593,199	National Enforcement Trends Report
1995	\$23,221,100	\$45,143,403	National Enforcement Trends Report
1996	\$76,660,900	\$144,759,623	National Enforcement Trends Report
1997	\$169,282,896	\$312,488,843	National Enforcement Trends Report
1998	\$92,800,711	\$168,678,671	National Enforcement Trends Report
1999	\$61,552,874	\$109,463,621	National Enforcement Trends Report
2000	\$121,974,488	\$209,861,286	National Enforcement Trends Report
2001	\$94,726,283	\$158,470,493	National Enforcement Trends Report
2002	\$62,252,318	\$102,522,889	National Enforcement Trends Report
2003	\$70,425,447	\$113,398,749	National Enforcement Trends Report
2004	\$48,437,486	\$75,970,697	National Enforcement Trends Report
2005	\$101,286,651	\$153,654,909	National Enforcement Trends Report
2006	\$43,159,168	\$63,427,707	National Enforcement Trends Report
2007	\$63,344,186	\$90,514,040	National Enforcement Trends Report
2008	\$63,416,697	\$87,266,993	National Enforcement Trends Report
2009	\$95,654,145	\$132,098,554	National Enforcement Trends Report
2010	\$40,609,607	\$55,176,890	National Enforcement Trends Report
2011	\$35,000,000	\$46,099,876	E&C Annual Report 2011
2012	\$44,000,000	\$56,779,114	E&C Annual Report 2012
2013	\$1,500,000,000	\$1,907,708,290	E&C Annual Report 2013
2014	\$63,000,000	\$78,844,738	E&C Annual Report 2014
2015	\$200,000,000	\$250,004,008	E&C Annual Report 2015
2016	\$207,000,000	\$255,530,597	E&C Annual Report 2016
2017	\$2,977,000,000	\$3,598,293,293	E&C Annual Report 2017
2018	\$86,294,000	\$101,816,521	E&C Annual Report 2018
2019	\$109,000,000	\$126,318,012	E&C Annual Report 2019
2020	\$42,440,000	\$48,583,536	E&C Annual Report 2020
2021	\$25,256,946	\$27,615,703	E&C Annual Report 2021
2022	\$149,312,313	\$149,312,313	E&C Annual Report 2022

Performance: Compliance Costs

Definition: Also known as injunctive relief. The estimated costs for a violator to come into compliance as a result of civil enforcement actions, in dollars.



Findings (using real 2022 dollars):

- FY 2022: \$4,303,068,723.41
- Average for FY 1995 – 2016 was \$9,490,655,782. FY 2022 is 45% of that.
- Median for FY 1995 – 2016 was \$ 7,497,308,074. FY 2022 is 57% of that.
- Range for FY 1995 – 2016 was \$ 1,765,663,761 (min) to \$ 25,069,654,440 (max).
- Rank: FY 2022 was the second lowest since 2003 (20 years), and the third lowest since 1999 (24 years).

Methodological notes: Following EPA's FY 2022 report, we used the CPI to deflate prices and made 2022 the base year. CPI deflator table and source listed at the end of this document.

Compliance Costs (Table and Sources)

FY	Compliance (Nominal)	Compliance (Real 2018 \$)	Source
1994	\$740,000,000	\$1,253,840,621	E&C Annual Report 1994
1995	\$906,637,052	\$1,493,851,117	E&C Annual Report 1995
1996	\$1,429,849,730	\$2,288,370,148	National Enforcement Trends Report
1997	\$1,893,323,837	\$2,962,161,176	National Enforcement Trends Report
1998	\$1,976,759,053	\$3,045,264,022	National Enforcement Trends Report
1999	\$3,424,223,733	\$5,161,143,751	National Enforcement Trends Report
2000	\$1,562,824,364	\$2,278,955,503	National Enforcement Trends Report
2001	\$4,453,961,458	\$6,315,194,240	National Enforcement Trends Report
2002	\$3,936,692,345	\$5,494,891,632	National Enforcement Trends Report
2003	\$2,878,746,764	\$3,928,660,129	National Enforcement Trends Report
2004	\$4,792,778,206	\$6,371,096,649	National Enforcement Trends Report
2005	\$10,169,667,426	\$13,075,651,195	National Enforcement Trends Report
2006	\$4,929,926,719	\$6,140,570,975	National Enforcement Trends Report
2007	\$10,548,091,429	\$12,774,544,446	National Enforcement Trends Report
2008	\$11,719,063,597	\$13,667,895,490	National Enforcement Trends Report
2009	\$5,320,414,755	\$6,227,333,224	National Enforcement Trends Report
2010	\$12,121,647,725	\$13,958,939,884	National Enforcement Trends Report
2011	\$19,000,000,000	\$21,210,341,470	E&C Annual Report 2011
2012	\$9,135,543,769	\$9,991,545,899	E&C Annual Report 2012
2013	\$7,300,000,000	\$7,868,753,032	E&C Annual Report 2013
2014	\$9,738,000,000	\$10,329,142,868	E&C Annual Report 2014
2015	\$7,300,000,000	\$7,733,964,652	E&C Annual Report 2015
2016	\$13,700,000,000	\$14,333,606,520	E&C Annual Report 2016
2017	\$20,000,000,000	\$20,488,495,431	E&C Annual Report 2017
2018	\$3,948,336,000	\$3,948,336,000	E&C Annual Report 2018
2019	\$4,426,740,000	\$5,139,085,383	E&C Annual Report 2019
2020	\$2,514,270,788	\$2,883,293,319	E&C Annual Report 2020
2021	\$8,472,510,116	\$9,280,051,611	E&C Annual Report 2020
2022	\$4,303,068,723	\$4,303,068,723	E&C Annual Report 2018

Sources

All documents accessible on the web as of January 25, 2023.

- Budget data and links to EPA *Congressional Budget Justifications*, FYs 2012-2023 in this spreadsheet:
<https://docs.google.com/spreadsheets/d/1P8oplq3-Gs5ltjQaEuxjgABoBs2N74R2/edit#gid=1775442878>
- Workyears data here:
<https://docs.google.com/spreadsheets/d/1odFTdYQPv45lnWaFqp9kVaZIOQHSZUyK/edit#gid=1955155550>
- On-boards data from FOIAs EPA-2018- 006907 and EPA-2022-004605 here:
https://docs.google.com/spreadsheets/d/1uG8aT_LnNq-xz2P9amDkJH4pB6f0pZOp/edit#gid=388658179
- EDGI compilation of enforcement performance data:
<https://docs.google.com/spreadsheets/d/1JlHC8bBHdSiAzA1GsQJ6QppwoNuTpG9-/edit#gid=1984740184>
- “EPA OECA Research Partnership Interest Meeting—Effectiveness of Off-site Compliance Monitoring (November 1, 2022):
<https://www.epa.gov/compliance/offsite-compliance-monitoring-project>
- Inflation adjustment figures:
<https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-201812.pdf>;
https://www.bls.gov/regions/new-england/data/consumerpriceindex_us_table.htm

Annual reports for enforcement and compliance are listed as “E&C Annual Report XXXX” in the tables above. The actual report titles vary from year to year, so these are also given below. All annual reports cited here are authored by EPA’s Office of Enforcement and Compliance Assurance (OECA):

- E&C Annual Report 2022 (“Enforcement Annual Results for Fiscal Year 2022”), available at <https://www.epa.gov/enforcement/enforcement-and-compliance-annual-results-fy-2022-data-and-trends>
- E&C Annual Report 2021 (“Enforcement Annual Results for Fiscal Year 2021”), available at <https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2021>
- E&C Annual Report 2020 (“Enforcement Annual Results for Fiscal Year 2020”), available at
- E&C Annual Report 2019 (“Enforcement Annual Results for Fiscal Year 2019”), available at
- E&C Annual Report 2018 (“Enforcement Annual Results for Fiscal Year 2018”), available at <https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2018>.
- E&C Annual Report 2017 (“Enforcement Annual Results for Fiscal Year 2017”), available at <https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2017>.
- E&C Annual Report 2016 (“Enforcement Annual Results for Fiscal Year 2016”), available at <https://archive.epa.gov/epa/enforcement/enforcement-annual-results-fiscal-year-2016.html>.
- E&C Annual Report 2015 (“Enforcement Annual Results for Fiscal Year (FY) 2015”), available at https://archive.epa.gov/epa/sites/production/files/2017-01/documents/enforcement_annual_results_for_fiscal_year_fy_2015.pdf.

- E&C Annual Report 2014 ("Enforcement Annual Results for Fiscal Year (FY) 2014"), available at <https://archive.epa.gov/enforcement/annual-results/web/pdf/EnforcementAnnualResultsforFiscalYear2014EnforcementUSEPA.pdf>.
- E&C Annual Report 2013 ("Enforcement Annual Results for Fiscal Year (FY) 2013"), available at <https://archive.epa.gov/enforcement/annual-results/web/pdf/eoy2013.pdf>.
- E&C Annual Report 2012 ("Enforcement Annual Results for Fiscal Year 2012"), available at <https://archive.epa.gov/enforcement/annual-results/web/pdf/eoy2012.pdf>.
- "National Enforcement Trends (NETs) Report," (August 2011), available at <https://web.archive.org/web/20120619023221/http://www.epa.gov/compliance/resources/reports/nets/nets.pdf>.
 - o (This document contains long-term trends as well as metadata on EPA's data collection).
- E&C Annual Report 2011 ("Compliance and Enforcement Annual Results 2011 Fiscal Year"), available at <https://archive.epa.gov/enforcement/annual-results/web/pdf/eoy2011.pdf>.
- E&C Annual Report 2008 ("Compliance and Enforcement Annual Results FY2008"), available at <https://archive.epa.gov/enforcement/annual-results/web/pdf/eoy2008.pdf>.
- E&C Annual Report 2003 ("Compliance and Enforcement Annual Results – FY2003"), available at <https://archive.epa.gov/enforcement/annual-results/web/pdf/eoy2003.pdf>.
- E&C Annual Report 2002 ("Compliance and Enforcement Annual Results – FY2002"), available at <https://archive.epa.gov/enforcement/annual-results/web/pdf/eoy2002.pdf>.
- E&C Annual Report 2000 ("Compliance and Enforcement Annual Results—FY2000"), available at <https://nepis.epa.gov/>
- E&C Annual Report 1999 ("Compliance and Enforcement Annual Results – FY1999"), available at <https://archive.epa.gov/enforcement/annual-results/web/pdf/eoy1999.pdf>.
- E&C Annual Report 1995 ("Enforcement and Compliance Assurance Accomplishments Report, FY 1995"), available at <https://nepis.epa.gov/>
- E&C Annual Report 1994 ("Enforcement and Compliance Assurance Accomplishments Report: FY 1994"), available at <https://nepis.epa.gov/>