



At a Glance

Why We Did This Review

We sought to determine (1) whether the U.S. Environmental Protection Agency (EPA) set clear national performance benchmarks for state enforcement programs, and (2) to what extent EPA headquarters holds regions accountable and supports them to ensure that all state enforcement programs protect human health and the environment. The scope of our review included selected programs under three statutes: Clean Water Act, Clean Air Act, and Resource Conservation and Recovery Act.

Background

EPA is the steward of national environmental protection, but states serve as the first line of enforcement in most cases. Past reviews identified widespread problems with state enforcement.

For further information, contact our Office of Congressional and Public Affairs at (202) 566-2391.

The full report is at:
www.epa.gov/oig/reports/2012/20111209-12-P-0113.pdf

EPA Must Improve Oversight of State Enforcement

What We Found

EPA does not administer a consistent national enforcement program. Despite efforts by the Office of Enforcement and Compliance Assurance (OECA) and the EPA regions to improve state enforcement performance, state enforcement programs frequently do not meet national goals and states do not always take necessary enforcement actions. State enforcement programs are underperforming: EPA data indicate that noncompliance is high and the level of enforcement is low. EPA does not consistently hold states accountable for meeting enforcement standards, has not set clear and consistent national benchmarks, and does not act effectively to curtail weak and inconsistent enforcement by states.

OECA has made efforts to improve state performance and oversight consistency, but EPA does not manage or allocate enforcement resources nationally to allow it to intervene in states where practices result in significantly unequal enforcement. As a result, state performance remains inconsistent across the country, providing unequal environmental benefits to the public and an unlevel playing field for regulated industries. By establishing stronger organizational structures, EPA can directly implement a national enforcement strategy that ensures all citizens have, and industries adhere to, a baseline level of environmental protection. EPA could make more effective use of its \$372 million in regional enforcement full-time equivalents by directing a single national workforce instead of 10 inconsistent regional enforcement programs.

What We Recommend

We recommend that EPA establish clear national lines of authority for enforcement that include centralized authority over resources; cancel outdated guidance and policies, and consolidate and clarify remaining enforcement policies; establish clear benchmarks for state performance; and establish a clear policy describing when and how EPA will intervene in states, and procedures to move resources to intervene decisively, when appropriate, under its escalation policy.

Based on EPA's suggestion in its response to our draft report, we recommend that EPA develop a state performance scorecard. EPA did not agree with recommendation 1, agreed with recommendations 2 through 4, and neither agreed nor disagreed with recommendation 5. All recommendations are unresolved pending EPA's corrective action plan.