



## OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

WASHINGTON, D.C. 20460

### Addendum to the OECA Climate Adaptation Implementation Plan: Priority Actions for Fiscal Year 2024

August 30, 2024

This addendum, identifying new Priority Actions for FY 2024, supplements the Office of Enforcement and Compliance Assurance (OECA) Climate Adaptation Implementation Plan<sup>1</sup> that was released in the fall of 2022 and was intended to be a living and dynamic document. OECA continues to focus attention on Priority Actions OECA will take to fulfill our mission and increase human and ecosystem resilience to the impacts from climate change. All of OECA's proposed Priority Actions support EPA's Strategic Goal 1: Tackle the Climate Crisis, and Strategic Goal 3: Enforce Environmental Laws and Ensure Compliance.<sup>2</sup>

OECA is charged with ensuring compliance with environmental requirements, including taking enforcement actions to protect communities disproportionately affected by pollution and a changing climate. In FY 2024, OECA is committed to implementing the following new Priority Actions, consistent with our legal authority and contingent upon adequate available resources. These Priority Actions reflect OECA's role in providing national program leadership and are intended to complement EPA's Climate Enforcement and Compliance Strategy<sup>3</sup> and the climate adaptation activities being undertaken by regional enforcement programs as we continue to integrate climate adaptation into all programs and activities.

Each of the proposed Priority Actions will support the EPA-wide Priority Action to integrate climate adaptation into all programs, policies, and operations.<sup>4</sup> OECA has not received any additional resources to implement the Priority Actions so we will need to reallocate staff time to complete these Priority Actions. While these Priority Actions are important to help EPA's enforcement program adapt to the climate crisis and ensure compliance with environmental laws, absent additional resources, we may not be able to fully implement all the Priority Actions as described and may adjust activities to fit available resources. We do not plan to reallocate resources if it would reduce OECA's substantive work to protect communities.

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<sup>1</sup> U.S. EPA, Off. of Enforcement & Compliance Assurance, Climate Change Adaptation Implementation Plan (Oct. 2022), [https://www.epa.gov/system/files/documents/2022-10/bh508-OECA\\_Climate\\_Adaptation\\_Implementation\\_Plan\\_-Final\\_to\\_OP\\_9.15.2022.pdf](https://www.epa.gov/system/files/documents/2022-10/bh508-OECA_Climate_Adaptation_Implementation_Plan_-Final_to_OP_9.15.2022.pdf).

<sup>2</sup> U.S. EPA, FY 2022-2026 Strategic Plan (Mar. 28, 2022), <https://www.epa.gov/system/files/documents/2022-03/fy-2022-2026-epa-strategic-plan.pdf>.

<sup>3</sup> U.S. EPA, Climate Enforcement and Compliance Strategy (Sept. 28, 2023), [https://www.epa.gov/system/files/documents/2024-02/epasclimateenforcementandcompliancestrategy\\_1.pdf](https://www.epa.gov/system/files/documents/2024-02/epasclimateenforcementandcompliancestrategy_1.pdf).

<sup>4</sup> U.S. EPA, Climate Adaptation Action Plan (Oct. 2021), <https://www.epa.gov/system/files/documents/2021-09/epa-climate-adaptation-plan-pdf-version.pdf>.

OECA will continue to participate in the American Indian Environmental Office's (AIEO) quarterly Indigenous Knowledge and Climate Change discussions and, when appropriate, consider incorporating Indigenous Knowledge in climate adaptation actions. OECA will report actions to AIEO, and AIEO will report quarterly to the Office of Policy on our behalf.

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## **1. Expand HQ-Regional Communication and Enhance Staff Capacity Through the OECA Climate Network**

Creation of the OECA Climate Network, provided a foundation on which OECA will continue to expand and enhance communication between and among all EPA enforcement and compliance assurance staff. The OECA Climate Network is a valuable tool for enforcement and climate assurance staff to increase climate literacy and raise awareness on how to consider and incorporate climate into enforcement work.

The OECA Network provides points of contact (POCs) that practitioners in every office and Region can turn to for assistance relating to consideration of climate in their work and is building a repository of climate examples and resources that staff can reference. OECA's Office of Administration and Policy (OAP) will continue to manage the OECA Climate Network.

For FY 2024, the OECA Climate Network POCs will build out and expand the content of the OECA Climate Network. The Network POCs will continue to encourage enforcement and compliance assurance staff to add examples to the repository and utilize opportunities to share the availability of the Climate Network as a resource for enforcement and compliance assurance staff. The OECA Climate Network POCs can also help make connections between practitioners looking to integrate climate change considerations into their work and the relevant subject matter experts. OECA will measure implementation of this priority action by continuing to build and expand the Climate Network SharePoint site to include resource section. As the OECA Climate Network continues to expand both in size and knowledge base, Regional enforcement staff will be key partners in knowledge transfer of how to consider and incorporate climate into enforcement work.

## **2. Provide Program Specific Climate Change Training**

To tackle climate change with the urgency that science demands, OECA is continuing to integrate consideration of climate change into our programs, policies, and activities. Key to achieving this objective is providing staff with program specific training to help them appropriately consider climate change in their day-to-day activities. Program specific trainings will build on the introductory OECA climate change training module delivered in FY 2023 that introduced and highlighted our compliance and enforcement efforts to address climate change across OECA's program activities.

Program specific trainings will be tailored to meet the specific needs of practitioners to allow them to better understand how and when to consider climate change considerations, help them understand and use guidance and model documents, and provide staff with access to additional tools and resources. The trainings will complement and build on other capacity building activities within EPA to leverage resources and expertise from across the agency.

OECA will measure implementation of this Priority Action in FY 2024 by developing and providing the following program specific trainings:

- In FY 2024 OECA will develop training based on our Sustainability Memo. Specifically, OECA's Office of Site Remediation Enforcement (OSRE) will develop introductory and advanced modules covering seven sustainability principles, including climate change and environmental justice. OSRE anticipates delivering the training in various formats such as in-person, region-specific, and online.

- OECA’s Office of Civil Enforcement (OCE) and Office of Criminal Enforcement, Forensics, and Training (OCEFT) will provide hydrofluorocarbon (HFC) training in FY 2024 to support civil and criminal enforcement staff implementing the HFC enforcement program. OECA will also coordinate training with federal agency partners in this work (e.g., DHS, DOJ).

### **3. Prioritize and Implement Requirements for Tracking and Reporting Climate-Related Components of Enforcement and Compliance Assurance**

In FY 2022 and FY 2023, the Office of Compliance (OC) coordinated with OCE to lead discussions among all OECA offices and staff from all Regions to determine the scope of reporting and tracking climate-related components of compliance assurance and enforcement activities. The OECA offices and the Regions will ultimately be the primary users of the reporting solution that is developed through these efforts.

During FY 2024, OECA will develop the climate-related business requirements within the defined scope for an IT solution. Our work will coincide with an ongoing effort to replace OECA’s existing IT solution for compliance and enforcement data. Therefore, we will focus on distinguishing the requirements that can be implemented in the near-term (FY 2024 and 2025) from those that will be implemented after FY 2025 in the replacement solution. It is anticipated that some reporting and tracking will be initiated in FY24 based on current capabilities of data systems. OECA will also initiate any necessary data system changes that are needed to implement additional near-term requirements and develop and issue any necessary guidance to support expanded or new reporting, including for any reporting to be done in FY24. A critical consideration for implementation will be ensuring we do not divert resources from the substantive enforcement work performed by OECA and the Enforcement and Compliance Assurance Divisions in the Regions. The availability of resources may dictate further prioritization of requirements by the workgroup. If so, the workplan will order the near- and long-term goals in order of priority.

To allow experienced staff to work on this Priority Action, additional resources to cover other OECA priorities will be needed. It is anticipated this work will have a broad impact since every statutory compliance and enforcement program within OECA is a stakeholder. We also recognize that the regions have a significant role in implementing the reporting and tracking; therefore, they must be heavily involved in developing the requirements, but we do not expect regions to allocate resources otherwise used to perform work to protect communities through enforcement. In addition to supporting the first Agency [Climate Adaptation priority](#), “to integrate climate adaptation into all programs,” this work also supports the fourth priority area, “measure and evaluate performance.”

### **4. Targeting Tools Related to Climate Change Mitigation and Adaptation**

The potential impact of climate change can vary significantly from facility to facility. Being able to consider relative risks from climate change when developing targeting lists will allow OECA to efficiently utilize available resources to ensure facilities remain in compliance despite climate change impacts.

OC’s National Targeting Center (NTC) aims to make targeting streamlined, accessible, and comprehensive for EPA, state, local and tribal partners to identify facilities for inspections. Integrating climate change risks (e.g., Drought, Coastal Flooding, Inland Flooding, and Wildfire) with facility data will highlight those facilities that are potentially more vulnerable to climate change and should consider

adaptation strategies to ensure continuous compliance. In FY 2024, OC's NTC will add climate change risk map layers to the Enforcement and Compliance History Online (ECHO) interactive facility map. The map layers that will be added are currently available through the Agency's EJScreen tool and include data for: Drought, Coastal Flood Hazard, 100 Year Flood, Sea Level Rise (NOAA), Wildfire Risk and Flood Risk. During FY 2024, implementation of this Priority Action will be measured based on the availability of the climate risk data layers in ECHO mapping tools.

## **5. Begin Incorporating Climate Change Considerations in NECIs**

Addressing climate change using OECA's enforcement and compliance tools is critical to EPA's mission of protecting human health and the environment, including overburdened communities that will be most vulnerable to climate change. Every four years across Administrations, EPA selects enforcement priorities, called National Enforcement and Compliance Initiatives (NECIs) to meet our 21st century environmental challenges.

EPA aligned the FY 2024–2027 NECIs with the EPA Strategic Plan Goal 1: Tackle the Climate Crisis. Specifically, EPA incorporated climate resiliency considerations, where appropriate, in all the selected initiatives and adopted a new NECI in August 2023 that focuses on mitigating climate change. This initiative prioritizes actions to tackle the climate crisis through enforcement of the American Innovation and Manufacturing Act (AIM Act) which seeks to reduce HFCs, and the Clean Air Act regulations that apply to the oil and gas and landfill sectors, which are significant sources of methane emissions. Both methane and HFCs are potent greenhouse gases. Using the media-specific NECI implementation strategies, each media enforcement program will complete at least one of its climate-related NECI implementation plan commitments in FY 2024.

## **6. Develop Guidance, Model Documents, Policies and Other Tools to Promote/Facilitate the Integration of Climate Change into EPA's Enforcement and Compliance Assurance Programs**

Enforcement tools such as model orders and policy documents help ensure national consistency across EPA regions and efficient use of enforcement resources. Model documents, in particular, increase efficiency in negotiations. Updating OECA's enforcement tools allows OECA to adapt and revise our efforts to better address climate change impacts through our enforcement actions.

In FY 2024, OECA's Federal Facilities Enforcement Office (FFEO) and OSRE will review currently existing enforcement tools (e.g., model documents and policy documents) for the purpose of considering the incorporation of new climate change language into the existing enforcement tools. FFEO and OSRE will have the lead for completing this priority action and will each review one existing enforcement tool in FY 2024 to assess whether to include such language. Upon inclusion, FFEO and OSRE will work with HQ and regional staff to effectively implement the tool and new climate change language.

## **7. Develop Criminal Enforcement Capabilities for Climate Related Conduct**

OCEFT aims to develop criminal enforcement capabilities in the climate-related areas of HFCs and methane emissions.

Under the AIM Act, the five-year period during which import allowances of HFCs are reduced 40% against the baseline will begin next year. The supply and demand with this reduction will incentivize

smuggling. It is anticipated that illegal efforts to import HFCs without allowances will involve false documents and concealment, making these activities appropriate for criminal enforcement.

In regard to methane-related criminal enforcement, OCEFT will coordinate with OCE to target investigations where oil and gas facilities are knowingly disregarding their pollution control/emission limit responsibilities. Attention may also be directed at potentially fraudulent activity within the oil and gas realm as the charge obligations under the Inflation Reduction Act (IRA) begin to take effect. The IRA will work in conjunction with established regulations and over time may create incentives for false reporting of emissions and fraud. OCEFT will coordinate with appropriate offices and agencies implementing the program to ensure intended climate mitigation effects are achieved.

OCEFT will measure implementation of this Priority Action by reviewing cases, generally twice per year, to ensure climate change related cases are tracked properly, in line with NECI case review tracking and OCEFT quality assurance policy.

#### **8. Enhance Public Outreach Concerning EPA Climate Adaptation Resources**

As a continuation of an FY 2023 Priority Action, FFEO will ensure that federal facility online portals (i.e., FedCenter) are updated to include the latest climate adaptation resources. Providing accessible online information increases external federal agency awareness and builds capacity by providing access to available climate adaptation tools. FFEO will have the lead implementing this Priority Action and will conduct quarterly reviews of FedCenter to ensure that FedCenter's Climate Adaptation webpage is up to date. Based on the findings from the quarterly reviews, and when FFEO becomes aware of updates that occur sooner than quarterly, FFEO will update existing links and add any newly available climate resource to FedCenter.

#### **9. Focused Targeting and Prioritized Inspections at Federal Facilities Most Susceptible to Climate Change**

In an effort to improve environmental compliance/protectiveness at federal facilities that are susceptible to climate change, FFEO will undertake concerted targeting efforts to identify federal facilities in areas of the country that are most at risk of climate change and increase FFEO-led or FFEO-funded inspections at these facilities. For example, these types of facilities could be Treatment, Storage, and Disposal facilities under the Resource Conservation and Recovery Act; Superfund sites; or munitions storage facilities in areas at the greatest risk from the impacts of climate change. As part of this effort, FFEO also will evaluate the federal facility landfill sector. The targeting efforts will occur on a biannual basis and the resulting data will be shared with impacted regions for inspection consideration. Based on this data, FFEO will fund and/or lead at least two inspections at federal facilities susceptible to climate change in FY 2024. This priority action will be supported by the Climate Change NECI and will be completed by FFEO during FYs 2024–2025.