

OECA National Enforcement and Compliance Initiatives

Internal deliberative pre-decisional - FOR USE BY 2024 PRESIDENT-ELECT TRANSITION TEAM MEMBERS ONLY

ISSUE SUMMARY:

For over 30 years, across administrations, EPA has focused its enforcement and compliance assurance resources on the most serious environmental problems by developing and implementing national program priorities, called [National Enforcement and Compliance Initiatives \(NECIs\)](#). The NECIs are in addition to EPA's core enforcement work.

KEY POINTS:

NECIs address significant environmental and public health challenges that would be difficult to tackle without additional resources and a concerted national effort. Each NECI incorporates environmental justice considerations to ensure that everyone living in the United States receives the protections of our nation's environmental laws. Taken together, these initiatives comprehensively address significant environmental problems across every environmental statute, including air, water, and toxics.

NECIs typically run on a four-year cycle. The Office of Enforcement and Compliance Assurance (OECA), in consultation with the Regions, may extend or reselect existing NECIs for the next cycle if OECA determines that the environmental or public health challenges addressed by the NECIs require continued focus and resources at the national initiative level. On August 17, 2023, OECA selected six NECIs for the fiscal year (FY) 2024-2027 cycle (see <https://www.epa.gov/enforcement/national-enforcement-and-compliance-initiatives>).

The six FY 2024-2027 NECIs are:

- **Mitigating Climate Change** – Reducing greenhouse gas emissions will help limit the worst effects of climate change. The Mitigating Climate Change Initiative uses civil and criminal enforcement authorities to focus in on two climate super pollutants – methane and hydrofluorocarbons (HFCs). Efforts to curtail their release through strong enforcement center around three separate and significant contributors to climate change: (1) methane emissions from oil and gas facilities; (2) methane emissions from landfills; and (3) the use, importation, and production of hydrofluorocarbons (HFCs) which are being globally phased out to 85% of production by 2036.
- **Addressing Exposure to PFAS** – Given the toxicity and ubiquity of per- and polyfluoroalkyl substances (PFAS) and the scope of PFAS contamination throughout the country, the PFAS NECI is a significant priority for EPA. This NECI focuses on implementing EPA's PFAS Strategic Roadmap and holding responsible those who significantly contribute to the release of PFAS into the environment, such as major manufacturers and users of PFAS, federal facilities that are significant sources of PFAS, and other industrial parties.
- **Protecting Communities from Coal Ash** – In 2021 alone, coal-fired electric utilities generated approximately 80 million tons of coal combustion residuals (CCR), also known as coal ash. Containing mercury, cadmium, chromium, and arsenic, which are associated with cancer and other serious health issues, coal ash is in approximately 775 landfills or surface impoundments across the United States. Often these toxic surface impoundments and landfills are located within or impact overburdened communities and pose ongoing threats to groundwater, tributaries, and drinking water supplies. Noncompliance with the CCR requirements under the Resource Conservation and Recovery Act (RCRA) is widespread, and enforcement—both civil and criminal—is an important tool to address this significant noncompliance. Thus, this NECI focuses on conducting investigations at coal ash facilities impacting vulnerable or overburdened communities, taking enforcement action where

appropriate, and protecting and cleaning up contaminated groundwater, surface water, and drinking water impacted by coal ash pollution.

- **Reducing Air Toxics in Overburdened Communities** – Many overburdened communities disproportionately suffer impacts from higher levels or multiple sources of toxic air pollution, including Hazardous Air Pollutants (HAPs). Many of these HAPs are known or suspected to cause cancer or other serious neurological, reproductive, developmental, and respiratory health effects. This initiative aims to provide cleaner air to overburdened communities that are negatively impacted by harmful toxic air pollution, including HAPs. Each Region will identify at least one overburdened community of focus and sources of concern within that community to inspect. EPA will target, investigate, and address noncompliance with air pollution regulations in these overburdened communities through civil and criminal enforcement, as appropriate.
- **Increasing Compliance with Drinking Water Standards** – This initiative, which began in FY20, seeks to ensure that the approximately 50,000 regulated community water systems that provide water to residents year-round comply with the Safe Drinking Water Act (SDWA). Due to the significant number of violations discovered during the first cycle of the initiative and the challenges facing these systems, EPA decided to continue the initiative for the FY24-27 cycle. During this cycle, EPA is ramping-up its field presence to improve compliance and to address public health risks. This will involve increasing inspections, pursuing strategic enforcement which could involve civil or criminal enforcement, and offering more compliance assistance to municipal drinking water systems.
- **Chemical Accident Risk Reduction** – Thousands of facilities nationwide make, use, and store extremely hazardous substances. EPA has found that many facilities regulated under the Risk Management Program of Section 112(r) of the Clean Air Act are neither adequately managing nor funding the risks they pose nor ensuring the safety of workers, first responders, and surrounding communities (nearly half of which are considered overburdened communities). This failure to focus and fund compliance work often results in catastrophic explosions and other industrial accidents. For these reasons, EPA chose to continue this FY20 initiative, with an emphasis on facilities that manage particularly dangerous anhydrous ammonia and hydrogen fluoride. EPA is using all available enforcement tools to address violations of risk management requirements, including holding violators criminally responsible, where appropriate.

The NEICs described above represent a significant portion of OECA's inspection and enforcement work. Nationally, in FY 2024, approximately 15% of all on-site inspections and 20% of all formal enforcement actions were conducted under these NEICs.

ONGOING/UPCOMING REVIEWS FOR FY2024:

N/A

KEY EXTERNAL STAKEHOLDERS:

<input type="checkbox"/> Congress	<input type="checkbox"/> Industry	<input checked="" type="checkbox"/> States	<input checked="" type="checkbox"/> Tribes	<input type="checkbox"/> Media	<input checked="" type="checkbox"/> Other Federal Agency
<input type="checkbox"/> NGO	<input checked="" type="checkbox"/> Local Governments	<input type="checkbox"/> Public			

MOVING FORWARD:

Enforcement and compliance assurance work is underway in all of the NEICs, including on-site inspections, off-site compliance monitoring, compliance assistance activities (e.g., webinars, Compliance Advisories, and Enforcement Alerts), as well as enforcement case initiations and conclusions.