



Environmental News

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EPA SETS ENFORCEMENT RECORDS IN 1999

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The U.S. Environmental Protection Agency today announced record enforcement actions and penalties for Fiscal Year 1999, including \$3.6 billion for environmental cleanup, pollution control equipment, and improved monitoring, an 80 percent increase over 1998; \$166.7 million in civil penalties, 60 percent higher than 1998; and 3,935 civil judicial and administrative actions, the highest in the last three years. Criminal defendants were sentenced to a record 208 years of prison time for committing environmental crimes.

"The Clinton/Gore Administration is committed to ensuring that industrial polluters pay the price for disregarding America's environmental laws and jeopardizing the public's health," said EPA Administrator Carol M. Browner. "This year's enforcement statistics again send a strong signal that we will unfailingly take action against those who illegally pollute the environment of our country."

During FY 1999, EPA settled the largest Clean Air Act case in history against seven diesel engine manufacturers whose products were alleged by the government to have caused millions of tons of excess emissions of nitrogen oxide (NOX), a contributor to smog. Under the settlement, the companies will spend over \$800 million on producing cleaner engines and pay an \$83 million penalty. Future NOX emissions will be reduced by more than 75 million tons over the next quarter century. During FY 1999, the Agency also settled the largest ever civil complaint under the Resource Conservation Recovery Act against the FMC Corporation. The settlement included an \$11.8 million civil penalty and an estimated \$170 million to close hazardous-waste containing ponds and significantly reduce toxic gas emissions.

The Agency referred 403 civil cases to the U.S. Department of Justice – down slightly from the 411 referrals the previous year – and issued a record 1,654 administrative complaints, as well as 1,878 administrative compliance orders and field citations. The \$3.6 billion value of enforcement settlements included \$3.4 billion in injunctive relief – actions required to correct violations and cleanup Superfund sites – and \$236.8 million in Supplemental Environmental Projects (SEPs) – additional environmental improvements contained in settlements.

The 208 years of criminal sentences imposed by the courts in FY 1999 was about 12 years higher than the previous record for incarceration. EPA last year referred 241 criminal cases for prosecution – compared with 266 referrals the previous year – and assessed \$61.6 million in criminal fines – compared with \$92.3 million the previous year. Taken together, the combined civil and criminal referrals are the third largest in EPA history and

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the combined amount of civil and criminal penalties is the second largest in EPA history. The Agency also recovered from responsible parties an estimated \$230 million to clean up abandoned hazardous waste sites under the Superfund program.

EPA also conducted 716 investigations in FY 1999. Investigations are more complex and intensive assessments of a facility's compliance status, and are designed to detect more serious environmental violations with significant environmental impact.

In addition to its formal enforcement activities, EPA continued to expand its use of incentives to achieve industry compliance with environmental laws while promoting the public's right to know. The Agency reported that in FY 1999 approximately 260 companies disclosed potential violations at over 989 facilities under EPA's self-disclosure policy. A total of 106 companies corrected violations at 624 facilities this past year, a significant increase over the 63 companies that corrected violations at 390 facilities in FY 1998. The Agency also negotiated a voluntary audit compliance program with the pork-producing industry in FY 1999, which may result in self audits in thousands of facilities over the next several years. Another 76 businesses disclosed violations under EPA's small business self-disclosure policy, a seven-fold increase from the previous year. EPA also continued to implement its reforms to speed up the pace of Superfund cleanups by making the process fairer and more efficient. In FY 1999, the Agency negotiated 38 "de minimus" settlements with over 3,700 small waste generators to limit their potential exposure to third-party suits.

"These figures show that our enforcement strategy has been enormously successful in targeting the most serious violators for aggressive action to achieve environmental results while at the same time providing real incentives for those who voluntarily disclose violations," said Steve Herman, EPA's Assistant Administrator for Enforcement and Compliance Assurance.

EPA's enforcement actions significantly reduced emissions or discharges of pollutants, many of them toxic or hazardous. Among the major reductions were: nitrogen oxides, a major ingredient in the formation of smog, by over 5.8 billion pounds; asbestos, a carcinogen, by over 19 million lbs.; sulphur dioxide, which produces acid rain, by over 19 million lbs., volatile organic compounds, another major ingredient in smog, by over 6 million lbs., carbon dioxide, the chief global warming gas, by over 4 million lbs; and PCB-contaminated wastes, another carcinogen, by over 129 million lbs.

EPA last year opened four new Compliance Assistance Centers for the paints and coatings industry, transportation industry, small and medium-sized chemical manufacturers, and local government agencies. Each center offers interactive web sites, telephone assistance lines, document fax-back systems and e-mail discussion groups. The centers are part of the Clinton Administration's sweeping efforts to reinvent government to make it work better and cost less. There are now a total of nine compliance centers on-line, which receive an average of 750 hits per day. In addition to the centers, EPA's other FY 1999 compliance assistance efforts reached approximately 330,000 entities through on-site visits, hotlines, workshops, training and distribution of checklists and guides.