



Highlights of [GAO-07-883](#), a report to congressional requesters

Why GAO Did This Study

The Environmental Protection Agency (EPA) enforces the nation's environmental laws through its Office of Enforcement and Compliance Assurance (OECA). OECA sets overall enforcement policies and through its 10 regions oversees state agencies authorized to implement environmental programs consistent with federal requirements. GAO was asked to (1) identify trends in federal resources to regions and states for enforcement between 1997 and 2006, and determine regions' and states' views on the adequacy of these resources; (2) determine EPA's progress in improving priority setting and enforcement planning with states; and (3) examine EPA's efforts to improve oversight of states' enforcement programs and identify additional actions EPA could take to ensure more consistent state performance and oversight. GAO examined information from all 10 regions and 10 authorized states, among other things.

What GAO Recommends

GAO recommends that EPA (1) develop an action plan to address problems identified in state programs, (2) evaluate the capacity of state programs to enforce authorized programs, (3) publish findings of state enforcement program reviews, and (4) assess the performance of its 10 regions. EPA generally agreed with GAO's recommendations, but stated it will decide whether to publish future state reviews when it evaluates the review process in fiscal year 2008.

www.gao.gov/cgi-bin/getrpt?GAO-07-883.

To view the full product, including the scope and methodology, click on the link above. For more information, contact John B. Stephensonj at (202) 512-6225 or stephensonj@gao.gov.

ENVIRONMENTAL PROTECTION

EPA-State Enforcement Partnership Has Improved, but EPA's Oversight Needs Further Enhancement

What GAO Found

Overall funding to regions and authorized states increased from 1997 through 2006, but these increases did not keep pace with inflation and the growth in enforcement responsibilities. Over the 10-year period, EPA's enforcement funding to the regions decreased 8 percent in inflation-adjusted terms. Regional officials said they reduced the number of enforcement staff by about 5 percent. EPA's grants to states to implement federal environmental programs also declined by 9 percent in inflation-adjusted terms while enforcement and other environmental program responsibilities increased. According to state officials, reductions in grant funds have limited their ability to meet EPA's requests to implement new requirements. For example, according to New York State officials responsible for the hazardous waste program, a reduction in EPA grants between 1997 and 2006 has meant a 38 percent reduction in the full-time state staff supported by federal funding for this program. However, EPA information on the workload and staffing needs of its regions and the states is incomplete, and, thus, it is not possible with existing data to determine their overall capacity to meet their enforcement responsibilities.

EPA has made substantial progress in improving priority setting and enforcement planning with states through its system for setting national enforcement priorities and the EPA/state National Environmental Partnership System (NEPPS), which have fostered a more cooperative relationship. For example, on states' recommendation, OECA accepted as a priority ensuring that facilities handling hazardous substances, such as lead or mercury, have the financial resources to close their facilities, clean up contamination, and compensate communities and individuals affected by the contamination. EPA and states have also made some progress in using NEPPS for joint planning and resource allocation. State participation in the partnership grew from 6 pilot states in fiscal year 1996 to 41 states in fiscal year 2006.

EPA has improved its oversight of state enforcement programs by implementing the State Review Framework (SRF) as a means to perform a consistent approach for overseeing the programs. Moreover, EPA can make additional progress by addressing weaknesses that the SRF reviews identified and by implementing other improvements to ensure oversight that is more consistent. For example, the SRF reviews show that EPA has limited ability to determine whether the states are performing timely, appropriate enforcement and whether penalties are applied to environmental violators in a fair and consistent manner within and among the states. In addition, GAO noted that EPA could make further use of the SRF to (1) determine the root causes of poorly performing programs; (2) inform the public about how well the states are implementing their enforcement responsibilities; and (3) extend the use of the SRF methodology to assess the performance of EPA's regions, which have been inconsistent in their enforcement and oversight efforts.