

**Full Text of EPA Comments on Office of Inspector General Draft Report,  
*Limited Knowledge of the Universe of Regulated Entities Impedes  
EPA's Ability to Demonstrate Changes in Regulatory Compliance*  
(Report No. 2005-P-00024, September 19, 2005)**

The Environmental Protection Agency (EPA) provided detailed comments on the draft version of EPA Office of Inspector General Report No. 2005-P-00024 in two parts – in a transmittal memorandum with summary discussions, and in a detailed document. The transmittal memorandum is included in the report as Appendix D. The report can be found at [www.epa.gov/oig/reports/2005/20050919-2005-P-00024.pdf](http://www.epa.gov/oig/reports/2005/20050919-2005-P-00024.pdf).

As per EPA's request to publish its complete comments, we are providing the detailed response on our Web site. In Appendix E of our report, we address all of EPA's comments and concerns from this full response. The notes on the following pages indicate the applicable parts in Appendix E where we address EPA's detailed comments. Further, we included Tables 3 and 4 from EPA's full response in Appendix F of our report (renamed Tables 1 and 2).

**Response to the Draft, "Evaluation Report:  
Limited Knowledge of the Universe of Regulated Facilities Impede's EPA's  
Ability to Demonstrate Changes in Regulatory Compliance"**

**Chapter I**

**Background**

**See OIG Response to  
Chapter in Appendix E**

**Importance of Knowing Regulated Universe**

The Office of Enforcement and Compliance Assurance (OECA) agrees with the Office of Inspector General's (OIG's) assertion that "knowledge of the size and character of the regulated community is fundamental to a regulatory agency's effectiveness." For this and other reasons cited in the OIG evaluation, OECA made a credible and effective effort to develop universe information in 2001. However, as we describe later in this response (see the first paragraph in the section on "Updating the Universe Table"), the table was developed – and ultimately used – for limited purposes over the last four years.

While it may be true that some of the universe numbers have changed significantly since 2001, knowing precisely the current number of facilities in a portion of the regulated universe is only one piece of information – and perhaps not the most important piece – that a compliance and enforcement program needs to know. For such a program, "knowledge of the regulated community," should also include knowing about the environmental or human health problems associated with a regulated population or sector, the patterns of noncompliance evident in that sector or population, the production processes and practices used by facilities, the state of environmental management sophistication in the sector or population, and any history of previous attempts to improve compliance in the sector.

These are the types of knowledge that are most important in deciding which portions of the regulated universe should be targeted for OECA's various tools: compliance assistance to provide knowledge and prevent violations; compliance incentives to motivate facilities to conduct self-audits and correct violations; compliance monitoring to detect violations; and enforcement actions to correct violations and deter others from noncompliance. OECA collects the types of knowledge described above from a variety of sources and uses it to make decisions about allocating resources to address the most important problems.

We also note that the OIG makes no mention of the relative size and diversity of the regulated universe with which EPA interacts. Other regulatory agencies have smaller, more specialized and focused regulated universes to bring into compliance. As the 2001 regulated universe table indicates, there are over 50 distinct populations subject to regulation under federal statutes. These populations are made up of industrial facilities but also many other types of regulated entities (e.g., realtors and property managers who must disclose the presence of lead-based paint to their tenants; non-utility establishments with PCB-containing equipment; farms and businesses regulated under pesticide programs such as retailers, applicators, etc.; and mobile sources of air pollution such as cars, boats, aircraft and many others.) The depth and breadth of

these populations extend into the far corners of the nation’s industrial and economic base. This diversity means that providing complete, accurate, and timely information for the EPA universe is much more complex than for many other regulatory agencies.

We believe that this section of the OIG evaluation should acknowledge: 1) the different types of information that are important elements of “knowledge of the regulated universe;” and 2) the diversity of the EPA regulated universe and how that diversity complicates developing accurate and current universe information.

### Scope and Methodology

In its description of the scope and methodology it used in this evaluation, the OIG states that it “judgmentally selected six program areas” to examine. The OIG further states that it performed its evaluation in accordance with Government Accounting Standards, issued by the Comptroller General of the United States. Although the OIG does mention in this section that “we cannot use our judgmental sample to generalize to OECA’s entire regulated universe,” the OIG elsewhere in this section and in its Appendix C entitled, “Details on Scope and Methodology,” does not provide adequate explanations of the circumstances under which judgmental sampling is appropriate and the limitations of this form of sampling.

**See OIG Response in Appendix E, Note 1**

EPA’s Office of Environmental Information (OEI) provides information about sampling on its web site. At <http://www.epa.gov/quality/judgsamp.html>, a comparison of judgmental sampling and probabilistic sampling lists some of the shortcomings of judgmental sampling. That comparison is summarized in Table 1 below.

**Table 1. Merits of Judgmental vs. Probabilistic Sampling**

<b>Judgmental Sampling</b>	<b>Probabilistic Sampling</b>
Selection of samples based on professional judgment and prior information	Selection of samples has a random component and may incorporate professional judgment and prior information
Should only be used to take a few samples (making it less expensive)	Needs an adequate number of samples to support performance objectives (making it more expensive)
Can be cost-effective with expert knowledge	Can be cost-effective with expert knowledge
Cannot reliably evaluate precision of estimates – does not allow the level of confidence in the results to be accurately quantified	Can evaluate precision of estimates – allows the level of confidence of the investigation to be accurately quantified
Personal judgment is used to interpret data relative to study objectives	Statistical inference is used to draw inferences from the data to the entire area/process
Results are biased	Protects against bias
Easy to implement	Can be complicated to implement both in selecting samples and performing computations
Useful for emergency situations that need immediate sampling	Useful for situations where the level of confidence of the final result should be accurately quantified.

As the table indicates, judgmental sampling produces results that are biased and it cannot reliably evaluate precision of estimates, i.e., the level of confidence in the results cannot be accurately quantified. Further, we learned through discussions with OECA’s statistical

consultant that judgmental sampling of six segments of the regulated universe data can characterize the types of problems that *might* exist in the full set of universe data, but it cannot *quantify* the size of the problem for the full set of universe data. Additionally, OECA's consultant pointed out that the value of the six judgmental samples depends critically on how well the six areas were chosen. While the report describes two broad criteria (on page 3) that were used, there is no explanation about why each of the six areas was chosen for the sample.

OECA recommends that the OIG provide more information about the limitations of judgmental sampling in its report. Elsewhere in our response, we will point out instances in which we believe the OIG has not complied with its own caveat that "we cannot use our judgmental sample to generalize to OECA's entire regulated universe."

**See OIG Response in Appendix E, Note 1**

## Chapter II

### Updating the Universe Table

The OIG is correct in pointing out that the universe table developed in 2001 has not been updated. OECA developed the universe table in 2001 because multiple estimates of Agency regulated entities were being used at EPA, and the estimates lacked adequate documentation. In developing the table, OECA worked with other EPA program offices to develop estimates of each subset of the full universe and document the sources of information used. The universe numbers were developed to provide context and answer questions by providing estimates, they were not intended to provide definitive precise totals for purposes of statistical analyses or to develop statistically valid noncompliance rates. At the time, OECA wanted to have credible estimates of the size and shape of its regulated universes, but did not intend to produce numbers with the degree of precision, detail, and granularity the OIG advocates in this report.

**See OIG Response to Chapter in Appendix E**

The report provides some rather misleading information in Table 2-1, in which the average percent change in the sampled universes was 35%. As Table 2.1 demonstrates, three of the universes increased or decreased by 2-5%, while four others increased or decreased from 12-61%. Had the OIG chosen any number of other combinations of universes in its judgmental sample, it would have undoubtedly found many combinations in which the average change was much lower than 35%. Given the OIG's use of judgmental sampling and their own caveat that "we cannot use our judgmental sample to generalize to OECA's entire regulated universe," we believe it is very misleading to imply in any way that 35% is a measure of central tendency for the entire regulated universe. We recommend that the 35% figure be dropped from Table 2-1 since it serves only to add false precision to the findings from the judgmental sample.

**See OIG Response in Appendix E, Note 1**

OECA has not updated the universe table because other projects of greater value and urgency have been assigned higher priority by OECA management. Since the creation of the universe table in 2001, the Enforcement Targeting and Data Division (ETDD) in the Office of

Compliance (OC) has taken on many new functions. In addition to its traditional role in operating and maintaining a dozen single-media national compliance information systems, ETDD has accomplished the following since 2001:

- Established the Enforcement and Compliance History Online (ECHO) web site to give public access to inspection and enforcement data for 800,000 facilities across the nation (November 2002);
- Implemented Phase I of the Integrated Compliance Information System (ICIS) to bring together a dozen single-media systems into a multimedia core federal enforcement and compliance activity database with a desktop, web-based user interface for all federal users (June 2002);
- Completed major milestones on Phase II of ICIS to modernize the Permit Compliance System (PCS), the primary data system for the Clean Water Act-National Pollutant Discharge Elimination System (CWA-NPDES) program and the federal government's second largest data collection effort . Major milestones completed:
  - PCS Modernization NPDES Requirements (September 2002)
  - PCS Modernization Detailed Design (September 2003)
  - PCS Modernization Technical Specifications (September 2004)
- Established an upgraded data quality protocol ("Final Enforcement and Compliance Data Quality Strategy," March 25, 2002), and conducted two data quality audits on major data fields ("Results of the Random Audit of FY01 Inspection Data," December 18, 2002," and "Results of the Random Audit of FY 2003 Enforcement Action Data," June 6, 2005);
- Implemented a mid-year and end-of-year data certification process for Deputy Regional Administrators to ensure the accuracy of enforcement and compliance data reported by regions to headquarters (May 2003);
- Established the Watch List program to identify facilities in significant noncompliance (SNC) for extended periods with no apparent enforcement response and promote resolution of violations by regional offices and state agencies (January 2004);
- Established, evaluated and upgraded data profiles for each regional enforcement and compliance program for use during regional management reviews by the Assistant Administrator of OECA (January 2002);
- Established a process for providing regular ICIS management reports to distribute data about program outputs and outcomes to headquarters and regional senior managers (June 2003);
- Undertook a comprehensive review of our annual reporting of results and consequently replaced Measures of Success reports with a more user-friendly electronic report entitled National Enforcement Trends Reports (NETS);
- Piloted and implemented State Review Framework to measure performance of state compliance and enforcement programs (pilot in July 2004; implementation in July 2005);

These initiatives have been accomplished by ETDD personnel, in addition to their traditional duties, while onboard strength has declined due to our inability to backfill vacancies in light of budgetary constraints.

OECA believes that the OIG should acknowledge in its report the competing demands to improve important aspects of OECA data management, since these demands have impeded OECA's ability to update universe data. In addition, this finding is one of several examples that illustrate two of OECA's principal concerns about this evaluation: the exclusion of relevant information that provides valuable context; and the tendency of the OIG to ignore competing priorities and resource trends when pointing out that tasks of less value have not been completed.

**See OIG Response in Appendix E, Note 5**

### **Data Quality of OECA's 2001 Universe Figures**

**See OIG Response in Appendix E, Notes 3 and 5**

In this section the OIG asserts that data quality problems are affecting the universe figures developed in 2001. Citing a Government Accountability Office (GAO) document on assessing computer-processed data, the OIG relies on a definition of "reliable data" which says such data must be both complete (i.e., the data contains all of the elements and records "needed for the engagement") and accurate (i.e., "the data reflect the data entered at the source, or, if available in the source documents"). Further, the OIG states that, "by definition, estimated data is not accurate because no data was either entered at the source or drawn from Agency databases."

By using this construct to define reliable data, the OIG sets a standard for data produced from systems that is unrealistic and unattainable, particularly in an era of declining budgets for government programs generally and environmental programs particularly. Moreover, its view that estimated data is not accurate – and seemingly not suitable for any purpose? – has sweeping implications not just for data in OECA but for data used in countless instances around the Agency.

OECA's most reliable universe counts and compliance information have been produced when statutes require permits or notification from companies or facilities subject to EPA/state regulation (e.g., major air sources under the Clean Air Act, major sources under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act, Treatment, Storage and Disposal Facilities (TSDFs) under the Resource Conservation and Recovery Act (RCRA)). When these requirements do not exist, data gaps are created which are difficult to fill. For purposes of developing universe numbers, OECA has resorted to developing estimates from sources it has considered reliable – Information Collection Request (ICR) documents from Agency rulemakings, Agency documents, and other Agency databases.

Several barriers stand in the way of plugging the data gaps cited by the OIG and eliminating the use of estimates to provide a comprehensive picture of the regulated universe. In the absence of authority to require States to collect and report data, EPA would need to seek such authority through statutory changes or development of new regulatory requirements. To put new regulatory requirements in place, the Agency would need to comply with the provisions of the Paperwork Reduction Act (PRA), which requires development of ICRs that would need to be reviewed and approved by the Office of Management and Budget (OMB).

But perhaps the most significant barrier is the concern about resource burdens that would be raised by States in response to any EPA request to report additional data into national data systems. State environmental agencies are feeling severe strain in trying to meet their current obligations in the face of budget shortfalls. In comments on the EPA FY 2007 Budget Request dated June 28, 2005 submitted to the Agency's Chief Financial Officer, the Environmental Council of the States (ECOS) notes that they have "documented an annual funding gap of well over \$1 billion for state agencies to carry out all of the federal requirements imposed by the Agency on delegated state environmental programs." The current estimates for the annual shortfalls include: \$600 million for water programs under Sections 106 and 319 of the Clean Water Act; \$370 million in the drinking water program; \$376 million under Section 105 of the Clean Air Act; and \$20 million in waste management programs.

Given the significant procedural and resource barriers, expanding data collection and reporting requirements need to be undertaken only for data which the Agency deems to be of critical importance. One such effort being undertaken by OECA is for purposes of modernizing the Permit Compliance System (PCS). Despite extensive coordination with states on expanding the required elements to be entered in the modernized PCS system in 2002 to fill the known NPDES universe gaps, concerns about resource burden continue to be raised by states and state associations (e.g., ECOS).

OECA recommends that this section be revised. First the section heading should be changed to reflect that the "data quality" problem cited by the OIG is actually a problem of data gaps due to a lack of authority to collect all the data which the OIG thinks is necessary to provide a full and complete picture of the regulated universe. Second, the section should be revised to reflect the operational realities and financial impacts associated with expanding the data collection and reporting requirements. Additionally, the OIG's recommendations should be adjusted to reflect these operational realities.

**See OIG Response in Appendix E, Notes 3 and 5**

### **OECA's Description of Its Role**

In this section, the OIG criticizes OECA for not properly characterizing its regulatory responsibility in its FY 2005 - 2007 National Program Guidance and in responses to OIG and GAO reports.

In so doing, the OIG states that EPA has "direct regulatory authority" only over the 1.6 million facilities for which it has facility records in its compliance and enforcement databases. The OIG goes on to point out that "for most facilities, EPA has authorized the states to implement environmental programs and conduct enforcement activities in accordance with environmental laws," and describes states as "the primary regulators, with OECA providing an oversight role."

**See OIG Response in Appendix E, Note 3**

OECA believes that it is the OIG evaluation report that does not properly characterize EPA's oversight role. While it is true that EPA and the states have made steady progress in delegating program authority to the states over the years, EPA's involvement with state programs or with the regulated facilities does not *end* when delegation occurs. That involvement *changes* with delegation, but the EPA and state roles are not as distinct and segregated as the OIG evaluation seems to suggest.

EPA's role in delegated states is active at both the micro level (i.e., interaction with individual facilities on enforcement and other matters) and at the macro level (i.e., reviewing the performance of individual state programs, or reviewing performance of all state programs in carrying out specific responsibilities).

At the micro level, EPA takes many enforcement actions in delegated states under specific circumstances. Among those circumstances: when enforcement involves multiple facilities based in more than one state; when an enforcement case involves a new precedent or new pattern of violation; when EPA possesses specialized expertise that a state does not have; when a state requests EPA to take enforcement action; and when EPA feels compelled to act because a state will not take action or takes action that is inadequate. In addition, EPA's use of compliance assistance and compliance incentive policies also occurs at the micro level, when specific facilities or industry sectors in delegated states seek help on understanding how to comply or wish to avail themselves of the advantages provided by EPA incentive policies for self-auditing and correcting their own violations. Almost all of these interactions with facilities in delegated states occur in consultation with the state program or as part of a joint initiative in which EPA and the state has agreed to assigned roles and responsibilities.

At the macro level, EPA is responsible for identifying and addressing performance issues in programs delegated to the states. There are several components to this responsibility: EPA regions conduct annual planning exercises with states to ensure that appropriate activities are carried out; regular program reviews are conducted by the regions to review state performance in specific program areas; EPA headquarters utilizes its data systems to review overall state performance in finding and correcting violations, most recently through the development of the Watch List project; and the State Review Framework, jointly developed by OECA and the states, uses a set of 13 indicators to measure performance of state enforcement programs and develop responses to weaknesses and areas in need of improvement. (The Watch List project and the State Review Framework are described in the "Updating the Universe Table" section of this response.)

OECA urges the OIG to revise its description of the respective roles of EPA and the states in this section. The evaluation should provide a more complete and accurate description of the operational relationship, replacing the somewhat simplistic version provided in the draft report. This finding illustrates one of OECA's principal concerns about this evaluation: the exclusion of relevant information which can provide important context and potentially alter or refine the findings and recommendations of the evaluation.

**See OIG Response in  
Appendix E, Note 3**



## **OECA's Focus on Majority of Facilities**

In its heading for this section and in stating that, according to OECA staff, "EPA's enforcement and compliance activities focus on major and large facilities, which represent only a small fraction of the total universe," the OIG makes a very broad and misguided finding. Had the OIG included information about OECA's compliance assistance efforts over the last several years, it could not have fairly reached a conclusion that OECA does not "concentrate its resources" on the portion of the regulated universe comprised of smaller facilities.

**See OIG Response in  
Appendix E, Note 2**

While it may be true that in recent years enforcement actions have focused increasingly on larger facilities associated with OECA's national enforcement priorities, OECA's compliance assistance program since its inception has been focused on serving smaller facilities which often lack the resources or expertise to achieve and maintain compliance. For example, OECA has sponsored the establishment of fourteen online sector-specific National Compliance Assistance Centers – visited over one million times last year. In identifying potential industry sectors around which to organize new Compliance Assistance Centers, OECA examines various criteria including the size and composition of the regulated universe, the percentage of small businesses in the sector, pollutant loading and releases, applicable regulatory authorities, compliance histories. Of the 14 centers, 12 are serving sectors comprised primarily of small businesses. For example, centers serve the printing sector (over 35,000 firms, 82% with less than 20 employees), the construction industry (over 701,000 firms, 91% with less than 20 employees), and the auto service and repair sector (over 215,000 firms, 95% with less than 20 employees). Moreover, the business in these sectors seem to be utilizing the assistance they receive from the Centers. Based on voluntary surveys completed by users of all the Centers in FY 2004, 72% of those surveyed indicated they improved their environmental management practices as a result of Center use; almost 50% reported that they reduced, treated or eliminated pollution as a result of Center use.

In addition, OECA has conducted a number of other compliance assistance initiatives in sectors comprised of small businesses, often developing partnerships with trade associations to identify environmental problems and noncompliance patterns and tailoring assistance to meet the specialized needs of the businesses in the sector. For example, initiatives in the dry cleaning industry, the construction sector, and the auto repair and refinishing sector have produced on-site assistance, technical bulletins, guidance documents, and ongoing working relationships with trade associations.

This finding is inaccurate and a good example of one of OECA's principal concerns about this evaluation: the tendency of the OIG to make findings that are much broader in scope than the evidence on which they are based. OECA believes this finding should be deleted from the evaluation.

**See OIG Response in  
Appendix E, Note 2**

## OECA's Knowledge of the Cumulative Impact of Small Facilities

In this finding, the OIG acknowledges that “analyzing the cumulative environmental effect of small facilities is not OECA’s direct role,” but urges OECA to request such analyses from other EPA program offices because the “knowledge gained by these analyses would allow OECA to establish defensible priorities of its own activities, as well as better organize and coordinate the efforts of its state partners.” In doing so, the OIG seems to assert that OECA has not or cannot establish “defensible priorities” in the absence of this type of analysis.

**See OIG Evaluation of Agency Response to Recommendation 2-4 in Appendix E**

In identifying, selecting, and implementing its national priorities for FY05-07, OECA developed and used a thorough and collaborative process involving EPA program offices, EPA regions, states and the public. OECA began identifying candidate priorities by analyzing compliance data about industry sectors, and soliciting ideas from program offices, regions, and states. Individual meetings were held between the Assistant Administrator of OECA and the Assistant Administrators of the Offices of Water (OW), Air and Radiation (OAR), Solid Waste and Emergency Response (OSWER), and Prevention, Pesticides and Toxic Substances (OPPTS). Public comment was solicited for a list of 14 potential priorities. The candidate priorities were evaluated using three criteria: the significance of the environmental/human health problem or noncompliance pattern; the environmental benefit which could be achieved by EPA action; and whether the problem or pattern was best addressed by EPA’s enforcement and compliance program. The three criteria were used in discussions with EPA senior managers and representatives from state and tribal agencies to develop a proposed list of priorities. A final list of priorities was then approved by EPA’s Administrator. For each of the national priorities, strategies were developed by teams of EPA regional and headquarters personnel to further define and characterize the problem or pattern, determine the appropriate combination of tools (i.e., assistance, incentives, inspections, enforcement) to address the priority, and establish milestones and performance measures. OECA believes its priorities are not only defensible, we believe they are the right set of problems for EPA attention and that the right types and amounts of OECA’s regional and headquarters resources are focused on these problems.

In addition to the process for identifying, selecting and implementing national priorities, OECA maintains regular and routine contact with program office personnel who are, as the OIG acknowledges, the appropriate personnel best suited to analyze the cumulative effect of small facilities. OECA staff and managers are full participants in the national management meetings held by regional and headquarters managers in OAR, OW, OSWER, and OPPTS. OECA believes that these interactions are a very effective way of learning about and acting on emerging problems associated with the cumulative environmental effect of small facilities. These interactions can result in significant enforcement efforts that are in addition to the national priorities and that are not dependent on waiting for formal analyses of cumulative environmental effects by a program office. For example, in response to OPPTS’s desire that the Agency address childhood elevated blood-lead levels in geographic “hot spots,” the Office of Civil Enforcement (OCE) first obtained relevant statistical data and analyses from the Centers for Disease Control at the state/local level, then used that information to target lead enforcement efforts on areas

where children are exposed to lead-based paint in aging housing stock. The great majority of these homes are rental units operated by small businesses.

We also wish to register our concern over the OIG holding OECA accountable for compelling other offices to conduct new or additional analyses of the cumulative environmental effect of small facilities. We believe other program offices are likely to view such a request from OECA as a task of lesser priority compared to more urgent or previously-planned tasks. If the OIG is concerned about the cumulative environmental effect of small facilities, OECA believes it would be more appropriate for the OIG to conduct an evaluation of the state of EPA information on this subject and make recommendations directed at the appropriate EPA offices based on that more thorough evaluation.

Lastly, OECA wishes to note the combined effect of this and the previous two findings (“OECA Should More Clearly Define Role,” “OECA Does Not Focus on Majority of Facilities,” and “OECA Does Not Know Cumulative Impact of Small Facilities”). The OIG seems to be saying: OECA should more precisely describe its limited role with smaller facilities for which it is not the primary regulator; OECA should pay more attention to and collect more data about the smaller facilities for which it is not the primary regulator. Inconsistent and contradictory findings such as these make it hard to use OIG evaluations to achieve real program improvements.

## Recommendations

**Recommendation 2.1:** Biannually update publicly released universe figures by tracking and recording the number of facilities over which it [OECA] has oversight and primary regulatory responsibility.

**EPA Response:** Non-concur. As an alternative, only universe figures updated within the previous two years will be released to the public. OECA will begin the process of updating universe figures for populations associated with its national priorities and complete that update within six months. Further, OECA will remove the 41 million universe figure from its National Program Guidance and not use it in any future public documents.

See OIG Evaluation of Agency Comments in Appendix E

**Recommendation 2.2:** When producing its biannual universe update, use complete, accurate, and current universe data, and implement and enforce national data quality standards, similar to those outlined in OECA’s *Final Enforcement and Compliance Data Quality Strategy*.

**EPA Response:** Concur. When updating universe figures as described in response to recommendation 2.1, OECA will use complete, accurate, and current data in accordance with national data standards including those in OECA’s *Data Quality Strategy*.

See OIG Evaluation of Agency Comments in Appendix E

**Recommendation 2.3:** Describe OECA’s enforcement and compliance role in relation to states and other partners when the Agency publicly releases universe figures.

**EPA Response:** Concur. OECA will develop and add a more precise description to relevant documents to more clearly explain the respective roles and responsibilities of EPA and the states in maximizing compliance in the regulated universe.

**See OIG Evaluation of Agency Comments in Appendix E**

**Recommendation 2.4:** Develop an objective of having the most up-to-date and reliable data on all facilities that fall under its regulatory responsibility. OECA should adopt goals of requiring states to track, record, and report data for facilities over which states have regulatory responsibility. To achieve this goal, OECA should develop a multi-state, multi-program pilot program for the tracking, recording, verifying, and reporting of state data.

**EPA Response:** Non-concur. While OECA believes that it currently subscribes to an objective of having current and accurate facility data, we believe this recommendation fails to take into account the significant procedural and resource barriers which impede expanded collection and reporting of data from states. Further, we believe that given the resource constraints under which the states are operating, a multi-state, multi-program pilot would be resisted vehemently by the states.

**See OIG Evaluation of Agency Comments in Appendix E**

As an alternative, OECA and the states will continue on their current path of modernizing single-media data systems and integrating them into ICIS. The modernization process is being done in full consultation with states, on a schedule developed jointly by EPA and the states, and will achieve many of the improvements sought by the OIG.

**Recommendation 2.5:** Request that EPA program offices analyze and report to OECA the cumulative impact of violations by regulated facilities that pollute below the thresholds of major or large facilities. OECA should use any cumulative impact analyses conducted by program offices to inform OECA's management decisions.

**EPA Response:** Non-concur. As an alternative, OECA will request from program offices any and all currently available data and analyses of cumulative impact of small facilities. OECA will make this request within sixty days of the date of the final version of this OIG evaluation. OECA will use this information to identify emerging problems in sectors comprised of smaller facilities.

**See OIG Evaluation of Agency Comments in Appendix E**

## Chapter III

### Generating Programmatic Compliance Information

OECA believes this section contains several instances of statements that are too broad to be supported by the OIG analysis and that ignore OECA capabilities to provide compliance information. The sub-heading itself (“OECA Could Not Generate Programmatic Compliance Information”) is worded in a way that applies to more than the sampled program areas used in the OIG evaluation. In addition, OECA disagrees that it “cannot quantitatively demonstrate the success of its strategies,” in the absence of data which provides a total number of facilities for “the full universe of regulated facilities.”

**See OIG Response to  
this Chapter in  
Appendix E**

While OECA agrees that meaningful and representative compliance rates (i.e., statistically valid) for every program and every sector or population are a very useful performance measure, the OIG has received information in a September 29, 2004 from OECA about the difficulties and limitations of doing so for the entire regulated universe, and does not take into account other data that helps OECA quantitatively demonstrate its successes to its overseers and the public.

**See OIG Evaluation of  
Agency Response to  
Recommendation 3-1 in  
Appendix E**

The September 29, 2004 memo entitled, “Request for the IG’s Assistance to Improve and Expand OECA’s Use of Outcome-Based Performance Measures,” describes OECA’s efforts to develop statistically valid noncompliance rates for selected populations over the last several years and includes a listing of the rates developed. That listing is provided below in Table 2.

**Table 2. Statistically Valid Noncompliance Rates for Selected Populations**

Year(s) Undertaken	Sector and Noncompliance Rate	Method
FY 2000-2002	Petroleum refining: Ammonia, zinc and lead violations with more than 20% over NPDES limit	Self-reported Discharge Monitoring Report (DMR) data
FY 2000-2002	Iron and Steel: Ammonia, zinc and lead violations with more than 20% over NPDES limit	Self-reported DMR data
FY 2000-2002	Municipalities: biological oxygen demand (BOD) and total suspended solids (TSS) violations with more than 40% over NPDES limit	Self-reported DMR data
FY 2001	Organic Chemical Manufacturing: RCRA Small Quantity Generator Compliance	Statistically-valid inspections
FY 2001	Iron and Steel and Metal Services: DMR Accuracy Audit	Statistically-valid inspections
FY 2002	Ethylene Oxide Manufacturers: Maximum Achievable Control Technology (MACT) Compliance	Statistically-valid inspections

Year(s) Undertaken	Sector and Noncompliance Rate	Method
FY 2002	Combined Sewer Municipalities: Combined Sewer Overflow (CSO) Nine Minimum Control Policy Compliance (baseline)	Statistically-valid inspections
FY 2004	Combined Sewer Municipalities: CSO Nine Minimum Control Policy Compliance (Reevaluation)	Statistically-valid inspections
FY 2004/2005	RCRA Foundries: Compliance with RCRA Regulations	Statistically-valid inspections
FY 2005/2006	Compliance with TSCA 1018 Lead-Paint Disclosure rule in St. Louis Missouri	Statistically-valid site visits

As the table demonstrates, OECA is able to generate compliance information, though the OIG's finding is worded in a way that states OECA is unable to do so. The rates listed in the table provide valuable assessments of the actual level of compliance because they are statistically valid (i.e., conducted with samples designed to be representative of the entire population being measured). The most recently completed rates (for CSO compliance) have been posted on the OECA web site. Any future statistically-valid rates will be made available to the public.

As described in the September 29 memo, rates based solely on targeted inspections of a portion of the regulated population are biased and not representative of the state of overall compliance in that population because inspections are targeted at facilities with suspected problems or histories of noncompliance. Thus, rates based on targeted inspections will overstate the amount of noncompliance. To develop rates that are representative and statistically-valid, a set of random inspections must be conducted at facilities to supplement the data from targeted inspections. This has proven to be a resource-intensive process that OECA has been unable to apply to a wide range of populations.

In his book entitled, The Regulatory Craft (Brookings Institution Press, 2000), Malcolm Sparrow of Harvard University describes the challenges associated with developing and using meaningful compliance rates in regulatory programs and comments specifically on the use of targeted inspections to develop rates:

Another difficulty relates to the fact that most readily available compliance data come from focused or biased inspection programs, which either deliberately target high-risk facilities or respond to incoming reports or complaints. Such focused or biased inspection programs help deal with specific risks that are already identified, *but they cannot provide statistically valid estimates of general compliance behavior* or reveal emergent risks. These purposes *require representative sampling (either random or comprehensive) and require diversion of inspection or audit resources away from focused or complaint-oriented programs* [emphasis added]. (p.290)

Sparrow describes the central dilemma OECA has faced in attempting to produce meaningful compliance rates. This dilemma has caused OECA to limit its production and use of statistically valid rates and not utilize rates based on only the inspected portion of regulated populations due to their inherent biases. The September 29 memo requests assistance from the OIG in overcoming these challenges. But in its current evaluation, the OIG provides no such assistance and chooses instead to make broad statements asserting that OECA cannot generate programmatic compliance information.

While working to develop statistically valid rates for selected populations, OECA has developed other outcome measures (e.g., pollution reduced as a result of enforcement actions) to help determine whether its compliance and enforcement activities are achieving environmental results. These measures have been added to basic output measures (e.g., number of inspections conducted, number of enforcement actions issued) to provide an account of performance for OECA's national compliance and enforcement program. That account of performance is shared in various reports distributed to the public. (For a more complete description of the data shared with the public see our response to the next section entitled "Transparency in Sharing Data".)

In addition to providing an account of the performance of the national program, a variety of performance measures have been put in place over the last year to "quantitatively demonstrate the success of strategies" associated with each of the national priorities. Over the three year period (FY 2005 - 2007) that the strategies are in effect, the measures will be used to gauge the effectiveness of the strategies and this data will be reported to the public.

OECA recommends that the sub-heading of this section be changed to reflect that OECA can and has provided compliance rate and other information that allow program managers, overseers, and the public to measure the performance of its compliance and enforcement activities. In addition, OECA renews its request that the resources and expertise of the OIG contribute to overcoming the challenges of producing meaningful and representative compliance rates.

### **Transparency in Sharing Data**

As with many other findings in this evaluation report, the OIG again has chosen to word this finding in a way that is too broad for the issue it has raised, not supported by the evidence it presents, and oblivious to other information it fails to include in its evaluation. But perhaps more importantly, the OIG advocates in this section that EPA use and publicly distribute data that would misrepresent levels of compliance, not meet the standard for reliability it set earlier in the report, and does so in the name of greater transparency.

**See OIG Evaluation of Agency Response to Recommendation 3-2 in Appendix E**

By asserting that "OECA lacks transparency in sharing data," the OIG makes a finding that goes well beyond the issue they raise: namely, that OECA does not release *some* of the compliance information it collects and uses. The current wording of the finding ignores the fact that OECA shares a vast amount of compliance information with the public. ECHO, described in an earlier part of this response, provides three years worth of inspection and enforcement data for over 800,000 facilities in the nation. The more than 2 million users of the ECHO web site are

able to submit queries that can provide information tailored to their specific interests. Beyond ECHO, OECA provides many other types of compliance data to the public on a routine basis. Table 3 provides a list of the measures shared with the public and the reports in which those measures can be found.

In detailing the reasons provided by OECA staff for not sharing certain kinds of information, the OIG states that it agrees only with the reason stated as, "OECA must keep some information confidential for enforcement actions." In taking this position, the OIG is asserting that it disagrees with other reasons for not sharing data, including these two:

" People may misunderstand and misrepresent the rates and data derived from targeted inspections and compliance monitoring, since the data do not represent the noncompliance levels of the whole regulated universe."

"Congress and the public may be unduly alarmed by the high level of noncompliance because inspections are based on high risk or suspected noncompliant activity"

Leaving aside the issue of whether these views of "OECA staff" reflect the views of the responsible OECA senior managers, by disagreeing with these reasons and in various statements later in this section and its attendant recommendations, the OIG is endorsing the public distribution of compliance rates based on targeted inspections, i.e, samples biased toward facilities suspected of being in violation.

As described in the previous section of this response, there are serious limitations in using data from targeted inspections of a portion of the regulated population. These inspections were conducted at facilities selected because they were considered likely to be in violation, there was a history of noncompliance, or there was a tip or complaint received about a potential violation. Relying solely on this data to produce a rate for an entire regulated population will lead to rates that will be biased toward greater levels of noncompliance than what might be occurring in the full population being measured.

In one discussion with OIG management and staff conducting this evaluation, OECA staff and managers pointed out that this bias in targeted inspection samples has caused OECA to not use rates based on targeted inspections for the purpose of evaluating or characterizing levels of compliance in specific populations or in making decisions about allocating resources to address the most important noncompliance problems. An OIG management official present at that meeting agreed that such rates were not suitable for making these kinds of management decisions, but felt that the rates should be shared with the public anyway, so long as they were accompanied by appropriate caveats. And that view has now been included in this section of the evaluation.

OECA believes there would be many adverse consequences to releasing biased compliance rates to the public. Such rates could portray an industry sector as in widespread noncompliance when, in fact, they are not and the attendant negative publicity on companies in that sector could have very negative effects on their financial position. Congressional representatives and staff would raise question about why EPA is not addressing sectors where rates based on targeted inspections make noncompliance seem rampant when, in fact, it is not.



Finally, OECA could be subject to challenges allowed under the Information Quality Guidelines (IQG) for disseminating data it knew to be biased. EPA's IQG were developed under a requirement issued by OMB under Section 515(a) of the Treasury and General Government Appropriations Act for Fiscal Year 2001, to ensure and maximize the quality of information the Agency disseminates. Information distributed by the Agency to the public needs to be presented in an accurate, clear, complete, reliable, and unbiased manner. Distributing biased compliance rates would not seem to meet this requirement, and would very likely be challenged by industry groups and perhaps others.

OECA disagrees with the OIG view that compliance rate data that is known to be biased should be shared with the public. No amount of caveats can erase the fact that no steps have been taken to make the rate representative of the actual level of compliance in the regulated population being measured. In its zeal to serve the principle of transparency, the OIG seems intent on sharing even unreliable data with the public. OECA believes the principle of transparency is best served by providing compliance rates that are statistically valid, representative of the population being measured, and meaningful in characterizing compliance and allocating resources.

We believe that the OIG should reconsider its position regarding the use of biased noncompliance rates. Instead, we would urge the OIG, as we did in our memo of September 29, 2004, to work with us to expand the use of statistically-valid noncompliance rates.

## Recommendations

**Recommendation 3.1:** To show the results of its national enforcement and compliance program in maximizing compliance with environmental statutes, develop and publish information that demonstrates changes in compliance levels within the regulated universe, by program areas. Include any appropriate explanations of data quality issues or data caveats.

**EPA Response:** Nonconcur. As an alternative, OECA will share with the public any statistically-valid compliance rates it has developed in the past year and any statistically valid rates it will develop in the future.

See OIG Evaluation of  
Agency Comments in  
Appendix E

**Recommendation 3.2:** Share compliance data and analyses with external stakeholders to provide a better understanding of programmatic compliance levels; include explanatory notes as needed to ensure proper representation and understanding.

**EPA Response:** Concur. OECA will expand the amount of compliance data it will make available to the public on the EPA web site. The data which will be added to the website is listed in Table 4 and includes a wide variety of information about compliance monitoring, enforcement cases, citizen complaints, cases resulting from voluntary disclosures, and more. OECA will post this data on the web site within 60 days of the release of the final version of this evaluation.

See OIG Evaluation of  
Agency Comments in  
Appendix E

## **IV. Factual Errors**

### **Chapter I**

Page 4, Table 1-2. *Correction:* for TSCA under description of Program Area, add “Importers” to the list.

### **Chapter II**

Page 7, Table 2-2. *Correction:* for TSCA, table should indicate “No” under “Reliable Data” column.

Page 9, CWA bullet. *Correction:* Storm water was a national enforcement priority beginning in 2001, not just in 2005.

### **Chapter III**

Page 14, Table 3-1. *Correction:* Chart should indicate that storm water was a national priority in 2001.

Page 14, CWA bullet. *Correction:* Stormwater was a national enforcement priority beginning in 2001, not just in 2005.

### **Appendix C**

*Correction:* Under list of Office of Compliance divisions interviewed, add Compliance Assistance and Sector Programs Division.

**Table 3. Enforcement and Compliance Measures and Reports Publicly Available as of July 2005**

<b>Data</b>	<b>FY(s) Available</b>	<b>Reports/Website in Which Measure Appears</b>
Acres of Wetlands Mitigated	2000 - 2004	Five-Year Trend Charts <sup>1</sup> , Numbers-at-a-Glance <sup>1</sup>
Administrative Compliance Orders	2000 - 2004	Results Summary <sup>1</sup> , Five Year Trend Charts <sup>1</sup> , Numbers-at-a-Glance, ECHO <sup>2</sup>
Administrative Penalties	2000 - 2004	Results Summary, Five Year Trend Charts, Numbers-at-a-Glance, ECHO
Administrative Penalty Orders	2000 - 2004	Results Summary, Five Year Trend Charts, Numbers-at-a-Glance, ECHO
Civil Case Highlights	2004	Case Highlights <sup>1</sup> , ECHO
Civil Judicial Referrals	2000 - 2004	Results Summary, Five Year Trend Charts, Numbers-at-a-Glance
Civil Judicial Settlements	2000 - 2004	Five-Year Trend Charts, ECHO
Compliance Assistance Activity	2004	Case Highlights
Compliance Incentives Program	2000 - 2004	Results Summary
Complying Actions	2003 - 2004	Results Summary, ECHO
Criminal Case Highlights	2004	Case Highlights
Criminal Defendants Charged	2000 - 2004	Five-Year Trend Charts, Numbers-at-a-Glance
Criminal Fines and Restitution	2000 - 2004	Results Summary, Numbers-at-a-Glance
Criminal Investigations	2000 - 2004	Five-Year Trend Charts
Criminal: Judicial Mandated Projects	2000 - 2004	Numbers-at-a-Glance
Criminal: Pounds of Pollution Reduced, Treated or Properly Managed	2000 - 2004	Five-Year Trend Charts, Numbers-at-a-Glance
Cubic Yds of Contaminated Soil to be Cleaned Up	2000 - 2004	Five-Year Trend Charts, Numbers-at-a-Glance
Cubic Yds of Contaminated Water to be Cleaned Up	2000 - 2004	Five-Year Trend Charts, Numbers-at-a-Glance
Entities Reached through Compliance Assistance	2000 - 2004	Results Summary
Environmental Crime Cases Initiated	2000 - 2004	Five-Year Trend Charts
Environmental Homeland Security Cases Initiated	2000 - 2004	Numbers-at-a-Glance

<b>Data</b>	<b>FY(s) Available</b>	<b>Reports/Website in Which Measure Appears</b>
Facilities Resolved	2000 - 2004	Five-Year Trend Charts, Numbers-at-a-Glance
Final Administrative Penalty Orders	2000 - 2004	Results Summary, Five Year Trend Charts, Numbers-at-a-Glance, ECHO
Gallons of Wastewater/Groundwater Treated	2000 - 2004	Five-Year Trend Charts, Numbers-at-a-Glance
GPRA Goal 5 Civil Investigations	2004	Annual Performance Report <sup>3</sup> , Results Summary, Five Year Trend Charts, Numbers-at-a-Glance
GPRA Goal 5 Complying Actions	2004	Annual Performance Report, Results Summary, ECHO
GPRA Goal 5 Criminal Investigations	2004	Annual Performance Report, Results Summary, Numbers-at-a-Glance
GPRA Goal 5 Develop and Use Compliance Rates	2004	Annual Performance Report, Results Summary
GPRA Goal 5 Entities Reached through Compliance Assistance	2004	Annual Performance Report, Results Summary, Five Year Trend Charts, Numbers-at-a-Glance
GPRA Goal 5 EPA-Assisted Inspections	2004	Annual Performance Report, Results Summary, ECHO
GPRA Goal 5 Facilities with Voluntary Disclosures	2004	Annual Performance Report, Results Summary, Five Year Trend Charts, Numbers-at-a-Glance
GPRA Goal 5 Federal Inspections	2004	Annual Performance Report, Results Summary, Five Year Trend Charts, Numbers-at-a-Glance, ECHO
GPRA Goal 5 Pollutant Reductions	2004	Annual Performance Report, Results Summary, ECHO
Incarceration	2000 - 2004	Five-Year Trend Charts, Numbers-at-a-Glance
Injunctive Relief	2000 - 2004	Results Summary, Five Year Trend Charts, Numbers-at-a-Glance, ECHO
Judicial Penalties	2000 - 2004	Five-Year Trend Charts, Numbers-at-a-Glance, ECHO
Pounds of Contaminated Soil/Sediment to be Cleaned Up	2000 - 2004	Five-Year Trend Charts, Numbers-at-a-Glance
Pounds of Pollutants Reduced, Treated or Properly Managed	2000 - 2004	Results Summary, Five Year Trend Charts, Numbers-at-a-Glance
Linear Feet of Stream Mitigated	2000 - 2004	Five-Year Trend Charts, Numbers-at-a-Glance
Notices of Determination (NODs)	2000 - 2004	Five-Year Trend Charts, Number at a Glance
People Protected by SDWA Enforcement	2000 - 2004	Five-Year Trend Charts, Numbers-at-a-Glance
Referrals	2000 - 2004	Five-Year Trend Charts

Data	FY(s) Available	Reports/Website in Which Measure Appears
Stipulated Penalties	2002 - 2004	Five-Year Trend Charts, Numbers-at-a-Glance
Superfund: % of Cost Recovery Statute of Limitation Cases Addressed with Total Past Greater than or Equal to \$200,000	2000 - 2004	Five-Year Trend Charts, Numbers-at-a-Glance
Superfund: % of Remedial Action (RA) Starts Where Settlement Reached or Enforcement Taken by the Time of the RA Start (during the FY) at Non-Federal Superfund Sites that Have Known Viable, Liable Parties	2004	Five-Year Trend Charts, Numbers-at-a-Glance
Superfund: Private Party Commitments (\$ in millions for past cost)	1995 - 2004	Results Summary, Five-Year Trend Charts, Numbers-at-a-Glance
Superfund: PRP-financed RA Starts	2000 - 2003	Results Summary, Five-Year Trend Charts, Numbers-at-a-Glance
Superfund: PRP-lead RA Starts (%)	2000 - 2003	Numbers-at-a-Glance
Superfund Private Party Commitments (\$ in millions for future response work including cashouts)	1995 - 2004	Results Summary, Five-Year Trend Charts, Numbers-at-a-Glance
Supplemental Environmental Projects (SEPs)	2000 - 2004	Results Summary, Five-Year Trend Charts, Numbers-at-a-Glance, ECHO
Statistically Valid Noncompliance Rates for Combined Sewer Overflows	2002, 2004	2004 Combined Sewer Overflow Statistically Valid Noncompliance Rate Study <sup>4</sup>

<sup>1</sup>The six reports comprising OECA's annual press release for FY 2004 are: Results Summary, Numbers-at-a-Glance, Criminal Enforcement Highlights, Civil Enforcement Highlights, Compliance Assistance Highlights, and Five-Year Trends. These reports are available on EPA's website at <http://cfpub.epa.gov/compliance/resources/reports/endofyear/>

<sup>2</sup>The Enforcement and Compliance History Online (ECHO) Web site (<http://www.epa.gov/echo>) provides facility-level compliance monitoring, compliance status, enforcement action, and penalty data from 2002-2004 for facilities regulated as Clean Air Act (CAA) stationary sources, Clean Water Act (CWA) permitted dischargers (under the National Pollutant Discharge Elimination System), and Resource Conservation and Recovery Act (RCRA) hazardous waste sites.

<sup>3</sup>The Annual Performance Reports for 1999 through 2004 are available at <http://cfpub.epa.gov/compliance/resources/reports/gpra/>

<sup>4</sup>Available at <http://www.epa.gov/compliance/resources/publications/data/planning/priorities/cwacosvnrstudy.pdf>

**Table 4. Enforcement and Compliance Measures and Reports to Become Available by End of FY05**

Data	FY(s) Available	Reports in Which Measure Appears
Acres of wetlands restored	2002-2003	FY 2002 - FY 2003 National Estimates of Environmental Benefits
Administrative Penalty Order (APO) complaints by statute/program	1991-2003	FY 1991 - FY 2003 Administrative Penalty Order Complaints, FY 1999 - FY 2003 Case Initiations-Administrative Orders
Administrative Compliance Orders by statute	1999-2003	FY 1999 - FY 2003 Case Initiations-Administrative Orders, FY 1999 - FY 2003 Case Conclusions
Administrative penalties by statute (\$)	1974-2003	1974 - FY 2003 Enforcement Penalties, FY 1999 - FY 2003 Administrative and Civil Judicial Penalties, FY 1999 - FY 2003 Penalties
Cases against facilities initiated as a result of voluntary disclosure under audit policy	1999-2003	FY 1999 - FY 2003 Voluntary Disclosure Policy
Cases against companies initiated as a result of voluntary disclosure under audit policy	1999-2003	FY 1999 - FY 2003 Voluntary Disclosure Policy
Cases with SEPs by statute	1999-2003	FY 1999 - FY 2003 Supplemental Environmental Projects (SEPs)
Citizen complaint responses by program area	2003	FY 2003 Citizen Complaints
Citizen complaints received by program area	2003	FY 2003 Citizen Complaints
Civil investigations by national priority and non-priority program area	2002-2003	FY 2002 - FY 2003 Civil Investigations
Civil judicial settlements by statute	1999-2003	FY 1999 - FY 2003 Case Conclusions
Civil judicial referrals	1973-2003	FY 1973 - FY 2003 Civil Judicial Referrals and Penalties, FY 1999 - FY 2003 Case Initiations-Civil Judicial Referrals
Civil judicial penalties (\$)	1973-2003	FY 1973 - FY 2003 Civil Judicial Referrals and Penalties, FY 1974 - FY 2003 Enforcement Penalties, FY 1999 - FY 2003 Administrative and Civil Judicial Penalties, FY 1999 - FY 2003 Penalties

Data	FY(s) Available	Reports in Which Measure Appears
Criminal referrals	1983-2003	FY 1983 - FY 2003 Criminal Referrals and Penalties, FY 1998 - FY 2003 Criminal Enforcement Program Activities
Criminal defendants charged	1998-2003	FY 1998 - FY 2003 Criminal Enforcement Program Activities
Criminal cases initiated	1998-2003	FY 1998 - FY 2003 Criminal Enforcement Program Activities
Criminal penalties (\$)	1974-2003	1974 - FY 2003 Enforcement Penalties, FY 1983 - FY 2003 Criminal Referrals and Penalties, FY 1999 - FY 2003 Penalties
Expedited penalty order complaints by program area	2003	FY 2003 Expedited Administrative Penalty Orders
Expedited penalty order settlements by program area	2003	FY 2003 Expedited Administrative Penalty Orders
Federal inspections and evaluations by program	1999-2003	FY 1999 - FY 2003 Federal Inspections and Evaluations
Federal inspections and evaluations by statute	1994-2003	FY 1994 - FY 2003 Federal Inspections and Evaluations
Final Administrative Penalty Orders by statute	1999-2003	FY 1999 - FY 2003 Case Conclusions
Gallons of wastewater/ground water treated	2002-2003	FY 2002 - FY 2003 National Estimates of Environmental Benefits
Incarceration (years)	1998-2003	FY 1998 - FY 2003 Criminal Enforcement Program Activities
Injunctive relief by case type (\$)	1999-2003	FY 1999 - FY 2003 Injunctive Relief
Injunctive relief by statute (\$)	1999-2003	FY 1999 - FY 2003 Injunctive Relief
Notices of Determination as a result of voluntary disclosure under audit policy	1999-2003	FY 1999 - FY 2003 Voluntary Disclosure Policy
People protected by Safe Drinking Water Act (SDWA) enforcement	2002-2003	FY 2002 - FY 2003 National Estimates of Environmental Benefits
Pounds of pollution reduced, treated, or properly managed	2002-2003	FY 2002 - FY 2003 National Estimates of Environmental Benefits
Pounds of contaminated soil/sediment	2002-2003	FY 2002 - FY 2003 National Estimates of Environmental Benefits

Data	FY(s) Available	Reports in Which Measure Appears
Resolved cases against companies as a result of voluntary disclosure under audit policy	1999-2003	FY 1999 - FY 2003 Voluntary Disclosure Policy
Resolved cases against facilities as a result of voluntary disclosure under audit policy	1999-2003	FY 1999 - FY 2003 Voluntary Disclosure Policy
Settlements with/without complying actions by region	2003	FY 2003 Complying Actions
Statistically-valid noncompliance rates for RCRA inspections of foundries	2004-2005	Statistically-Valid Noncompliance Rates for RCRA Inspections of Foundries
Supplemental Environmental Projects by statute (\$)	1999-2003	FY 1999 - FY 2003 Supplemental Environmental Projects (SEPs)
Total penalties by case type (\$)	1999-2003	FY 1999 - FY 2003 Penalties

These reports will be posted to EPA's website at <http://www.epa.gov/compliance/data/results/index.html>