

# GAO Highlights

Highlights of [GAO-21-82](#), a report to congressional requesters

## Why GAO Did This Study

In partnership with states, EPA oversees about 1.2 million regulated entities' (e.g., industrial facilities and local governments) compliance with federal environmental laws and regulations, including those governing air, water, and hazardous waste. OECA conducts much of this oversight through EPA's 10 regional offices and a range of enforcement and compliance activities. OECA selects national initiatives to focus its resources on advancing EPA's strategic plan.

GAO was asked to review EPA's enforcement efforts. This report examines how (1) EPA's enforcement and compliance priorities have changed since 2015 and the extent to which EPA implements them, (2) EPA's coordination with states to enforce and ensure compliance with environmental laws has changed since it shifted priorities, and (3) EPA has assessed whether its activities to enforce and ensure compliance with these laws meet its objectives. GAO reviewed EPA documents and interviewed officials from EPA and 10 states with a high number of enforcement cases.

## What GAO Recommends

GAO recommends that EPA (1) communicate final guidance for national initiatives to all states before they go into effect, (2) incorporate lessons learned when coordinating with states on future initiatives, and (3) document assessment of regional enforcement and compliance activities. EPA agreed with GAO's recommendations.

View [GAO-21-82](#). For more information, contact J. Alfredo Gómez at (202) 512-3841 or [gomezj@gao.gov](mailto:gomezj@gao.gov).

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## ENVIRONMENTAL PROTECTION

### Action Needed to Ensure EPA's Enforcement and Compliance Activities Support Its Strategic Goals

## What GAO Found

Since 2015, the Environmental Protection Agency (EPA) has shifted its priorities from enforcement to compliance to more closely align with EPA's new strategic plan objective to ensure compliance with environmental laws (see table). To align with this strategic change, in 2018, EPA's Office of Enforcement and Compliance Assurance (OECA) transitioned its national initiatives to emphasize compliance (e.g., training) as its overall goal, and that enforcement actions (e.g., judicial actions) are one out of a range of compliance assurance tools to achieve this goal. These national initiatives went into effect in October 2019, but as of September 2020, EPA had not finalized implementation guidance for EPA regional offices and states that communicates how to achieve the initiatives. According to EPA headquarters officials, this is the first time OECA planned to distribute this guidance to states. Communicating final implementation guidance before future national initiatives go into effect would provide EPA better assurance that both regional offices and states have this information in time to help EPA address the most serious environmental issues.

#### EPA's Strategic Goals and Corresponding Objectives Related to Enforcement and Compliance

	Strategic plan, fiscal years 2014-18	Strategic plan, fiscal years 2018-22
<b>Strategic goal</b>	Protect human health and the environment by enforcing laws and assuring compliance	Greater certainty, compliance, and effectiveness
<b>Strategic objective</b>	Enforce environmental laws to achieve compliance	Compliance with law

Source: Environmental Protection Agency (EPA). | GAO-21-82

EPA's coordination with states on enforcement and compliance has generally remained the same or improved since it shifted priorities to compliance in 2018, according to EPA planning documents and officials from EPA and 10 selected states. During this time, EPA also elevated the importance of state coordination in a strategic goal. To support this goal, EPA issued both a plan to engage with states on the new national initiatives and a July 2019 policy that emphasizes the importance of joint work-planning and effective, two-way communication with states. However, EPA did not provide all states with key information about how to implement the new priorities, as planned. EPA headquarters officials said this was the first time they worked this closely with states to implement national initiatives, and it took longer than anticipated to gather state input. EPA identifies and analyzes its national initiatives every 4 years. By incorporating lessons learned from this first effort, EPA would have better assurance that states—key partners in enforcement and compliance—could coordinate effectively on joint work-planning and support its strategic goals.

EPA could not demonstrate the extent to which it assesses enforcement and compliance at the regional level—where OECA allocates over 70 percent of its enforcement resources—because it does not document outcomes of meetings and videoconferences that are its primary methods for assessing regional-level performance. By documenting assessment of regional enforcement and compliance activities, including progress toward performance goals, OECA could better ensure these activities support EPA's new strategic objectives.