

EPA FY 2021 Enforcement Results

The U.S. Environmental Protection Agency recently released its Enforcement Annual Results for Fiscal Year 2021 (<https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2021>). A few notes before offering specific observations about the data. An overall observation is that **the statistics are at best a mixed bag** that falls short of EPA's press release statement that: "Coming off a challenging few years, these 2021 results make clear that rigorous enforcement is back at EPA."

There are several things to consider when looking at the numbers. One is that these are Fiscal Year (FY) statistics, and **FY 2021 includes nearly three months of the Trump Administration**. Indeed, many of the significant accomplishments highlighted in the report are cases that were resolved during the Trump administration, including the \$2 billion Clean Water Act settlement with [the City of Houston](#), the \$1.5 billion Clean Air Act settlement with [Mercedes and Daimler](#), the \$180 million Clean Air Act settlement with [Toyota](#), the RCRA settlement with [U.S. Magnesium](#) to ensure the proper management of about 5.9 million pounds of waste, the \$245 million Superfund settlement [with Allied Paper](#) in Kalamazoo, Michigan, and the \$20 million lead paint settlement with [Home Depot](#).

Many of the Agency's accomplishments in the last three quarters of FY 2021 stem from efforts that were well under way before late January 2020. **Many of the statistics are lagging indicators**, such as criminal sentencings that occur months, if not years, after an investigation is initiated.

Another consideration is that **EPA is still operating under continuing resolutions**, and its performance is directly tied to its resources. EPA's FY 2022 Budget Justification (<https://www.epa.gov/sites/default/files/2021-05/documents/fy-2022-congressional-justification-all-tabs.pdf>) requests \$11.2 billion in funding (a \$2 billion increase over FY 2021) and an additional 1,027 staff. Included in those totals are an additional \$26.2 million and 49 staff for civil enforcement, and an additional \$7.8 million and 32 staff for criminal enforcement. Those additional resources, were they to be appropriated, would very likely be reflected in future year enforcement statistics.

EPA's Office of Enforcement and Compliance Assurance is also still operating under an Acting Assistant Administrator because the **Senate has not yet confirmed David Uhlmann** to be the permanent Assistant Administrator. That is by no means a criticism of Acting Assistant Administrator Larry Starfield, who has served in many Regional and Headquarters positions, including the OECA Principal Deputy Assistant Administrator, for several decades. It is simply an observation that the Agency still lacks important political leadership that would help to implement the current Administration's priorities.

Another consideration is the **EPA's focus on Environmental Justice (EJ) and Climate Change**. As noted in EPA's FY 2021 Enforcement Results, President Biden issued Executive Order 14008 on January 27, 2021, calling for a "whole of government approach" to the climate crisis and for EJ to be a part of the mission of every Executive Branch agency. Those directives were echoed in statements by the EPA Administrator in April 2021, and then incorporated into four memoranda issued by the Acting Assistant Administrator for EPA's Office of Enforcement and Compliance Assurance. EPA's focus on EJ is evinced by its new EJ comparison tables in the FY 2021 Enforcement Results, where certain categories of statistics are broken down further to show enforcement results in communities with EJ concerns.

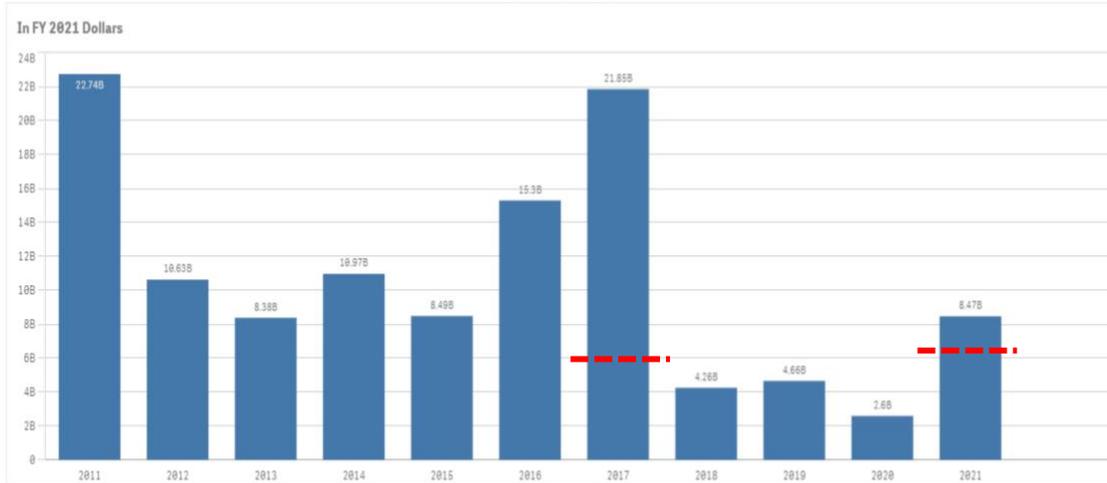
Exactly how EPA's focus on EJ and Climate Change will impact its future enforcement numbers will be interesting to see. The Agency has used CAA emergency orders and stated its intent to use these authorities and other tools, such as injunctive relief, to address environmental violations early in the process.

It is also fair for EPA to note that the **COVID-19 pandemic** continued to impact the Agency in FY 2021. It is true that the pandemic posed challenges for on-site inspections, for example, where inspectors and the regulated community had shared safety concerns. EPA adapted, in part, by focusing on off-site inspections, including using technology to perform virtual inspections of facilities. Still, EPA has not been immune from the same logistical challenges, like remote working, that other government agencies, the regulated community, and the public have faced since early 2020.

The following observations are made with respect to EPA's data tables, which are copied below – although it is difficult to read the small print in this format. The tables are available at <https://www.epa.gov/enforcement/enforcement-annual-results-fiscal-year-2021>. The tables below are also reordered to emphasize civil and criminal enforcement information.

Civil and Criminal Enforcement

Estimated Value of Administrative and Civil Judicial Complying Actions (Injunctive Relief) FY 2011 – FY 2021



- In FY 2021, EPA enforcement actions required companies to invest more than \$8.47 billion in actions and equipment to control pollution (called "injunctive relief"), the highest amount in four years.
- In three FY 2021 cases, the settlements required significant injunctive relief—City of Houston (\$2 billion), City of New York (\$1.1 billion) and Dekalb County, Georgia (\$1.1 billion).
- Injunctive relief results can vary significantly from year to year depending on the timing of the resolution of the largest cases.
 - For instance, the FY 2017 results are dominated by a Volkswagen settlement which required over \$15.9 billion in injunctive relief.

1. The term "injunctive relief" refers to actions mandated by an enforcement action that a regulated entity must perform, or refrain from performing, to bring that entity into compliance with environmental laws. The chart shows the estimated cost of all such mandated actions resulting from enforcement case conclusions in that fiscal year.
2. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2021 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.
3. Dollar figures referenced in the bullets are not adjusted to reflect inflation/deflation.

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Data Source: Integrated Compliance Information System (ICIS)
Data as of: December 20, 2021

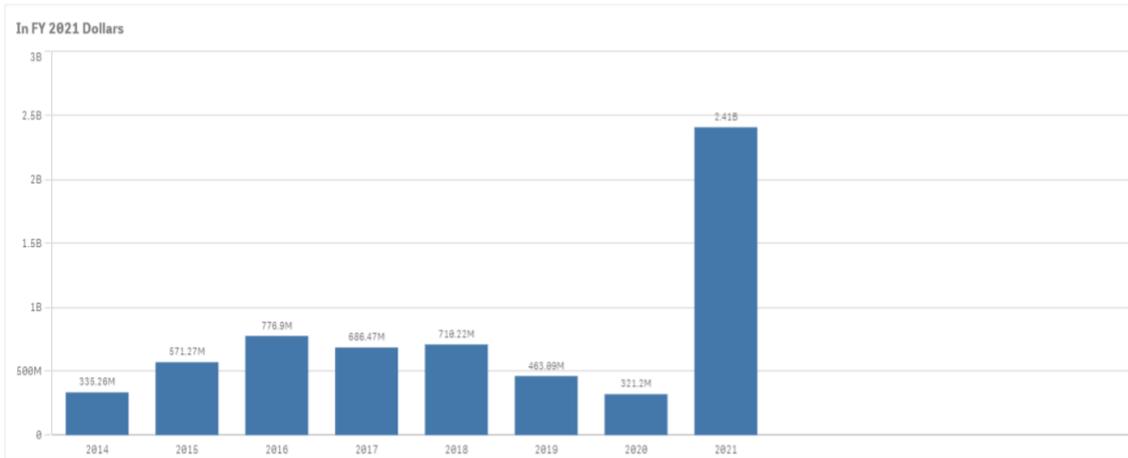
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There was an increase in the value of **Injunctive Relief**. \$2 billion of the \$8.5 billion came from the City of Houston action (that occurred during the Trump Administration). The spike in FY 2017 is due to the \$15.9 billion in injunctive relief in the massive Volkswagen case. Without that, the FY 2017 number would have been \$6 billion, which would have been closer to the FY 2018 through FY 2020 numbers. The dotted red lines show approximately where those years would have been without the large cases.



Estimated Value of Administrative and Civil Judicial Complying Actions (Injunctive Relief) in Areas of Potential Environmental Justice Concern

FY 2014 – FY 2021



- EPA is reporting for the first time results obtained in cases involving non-compliance at facilities in areas of potential EJ concern. EPA plans to increase its focus on non-compliance in such areas in FY 2022 and beyond.
- In FY 2021, over 28% of the total injunctive relief EPA obtained in all cases were in areas of potential EJ concern, including City of New York (\$1.1 billion), City of Jackson, Mississippi (\$642 million), Allied Paper Inc. in Kalamazoo, Michigan (\$226 million) and City of Quincy, Massachusetts (\$128 million).

1. EPA is reporting results from FY 2014 and on because we don't have complete information on EJ status prior to FY 2014.
 2. Cost of Complying Actions totals, adjusted for inflation, are shown from cases which have at least one facility in an area of potential EJ concern. For multi-facility cases where only some facilities are in an area of potential EJ concern, the Cost of Complying Actions is adjusted for the percentage of the facilities in an area of potential EJ concern.
 3. The term "injunctive relief" refers to actions mandated by an enforcement action that a regulated entity must perform, or refrain from performing, to bring that entity into compliance with environmental laws. The chart shows the estimated cost of all such mandated actions resulting from enforcement case conclusions in that fiscal year.
 4. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2021 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

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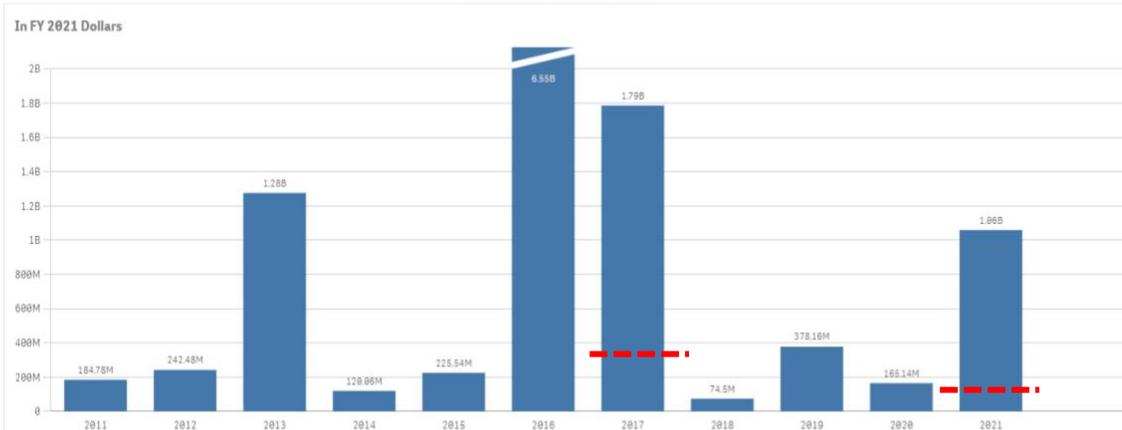
Data Source: Integrated Compliance Information System (ICIS)
 Data as of: December 20, 2021

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EJ-Related Injunctive Relief. This is an example of the Environmental Justice subset of data that the Agency started publishing this year. EPA's analysis seems a bit convoluted, where these numbers represent "cases which have at least one facility in an area of potential EJ concern." The Agency also states that, "[f]or multi-facility cases where only some facilities are in an area of potential EJ concern, the Cost of Complying Actions is adjusted for the percentage of the facilities in an area of potential EJ concern."

While the graph seems to show a spike in FY 2021 EJ-related injunctive relief, EPA notes that the \$2.41 billion figure amounts to 28% of the overall FY 2021 number.

Administrative and Civil Judicial Penalties Assessed FY 2011 – FY 2021



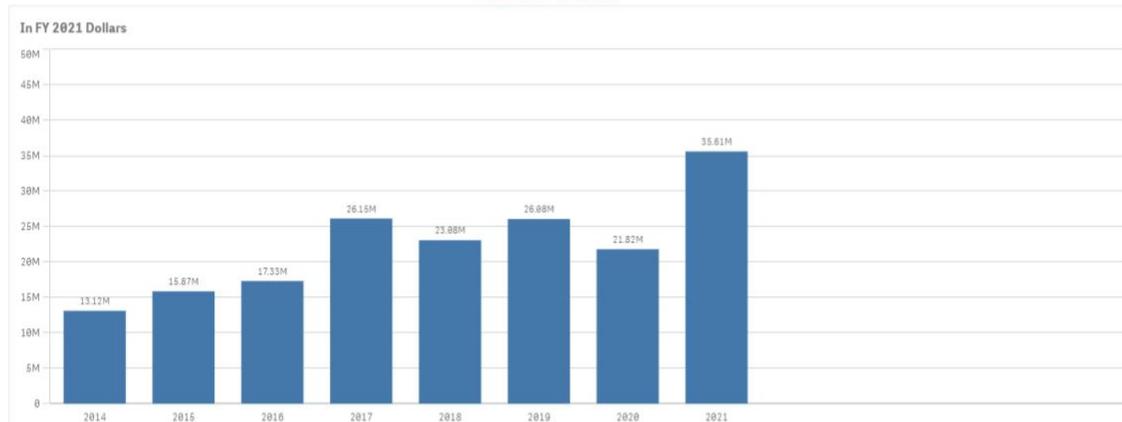
- In FY 2021, EPA assessed nearly \$1.06 billion in federal administrative and civil judicial penalties, the highest amount in four years.
- Annual total penalties assessed are often strongly influenced by one or two large cases.
 - FY 2021 results include the Clean Air Act – Mobile Source penalties paid by Mercedes and Daimler (\$743 million) and Toyota (\$180 million).
 - FY 2017 results include the record-setting \$1.45 billion Clean Air Act – Mobile Source penalty paid by Volkswagen.
 - FY 2016 results include the \$5.7 billion BP case and the FY 2013 results include the \$1 billion Transocean case; both cases were related to the 2010 Gulf of Mexico oil spill.

1. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2021 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.
 2. Dollar figures referenced in the bullets are not adjusted to reflect inflation/deflation.
 Data Source: Integrated Compliance Information System (ICIS) U.S. Environmental Protection Agency
 Data as of: December 20, 2021

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Administrative and Civil Judicial Penalties Assessed were slightly lower than FY 2020 without the Mercedes and Daimler and the Toyota cases (that were resolved during the Trump Administration). Backing out those large cases leaves the FY 2021 number at \$137 million (FY 2020 was \$165.14 million). Backing out the Volkswagen case from FY 2017 leaves that number at \$340 million, which is also more in line with recent history. The dotted red lines show approximately where those years would have been without the large cases.

Administrative and Civil Judicial Penalties Assessed in Areas of Potential Environmental Justice Concern FY 2014 – FY 2021



- EPA is reporting for the first time results obtained in cases involving non-compliance at facilities in areas of potential EJ concern. EPA plans to increase its focus on non-compliance in such areas in FY 2022 and beyond.
- Penalties for cases at facilities in areas of potential EJ concern totaled over 26% of all penalties assessed excluding the two very large cases (Mercedes and Daimler, and Toyota).
- FY 2021 EJ results include \$9.6 million penalty paid by the Home Depot, Inc. TSCA case in Atlanta, Georgia; and \$2.4 million penalty paid by the United Parcel Service RCRA Hazardous Waste case at facilities in Louisiana, Texas, Arkansas, Oklahoma, and New Mexico.

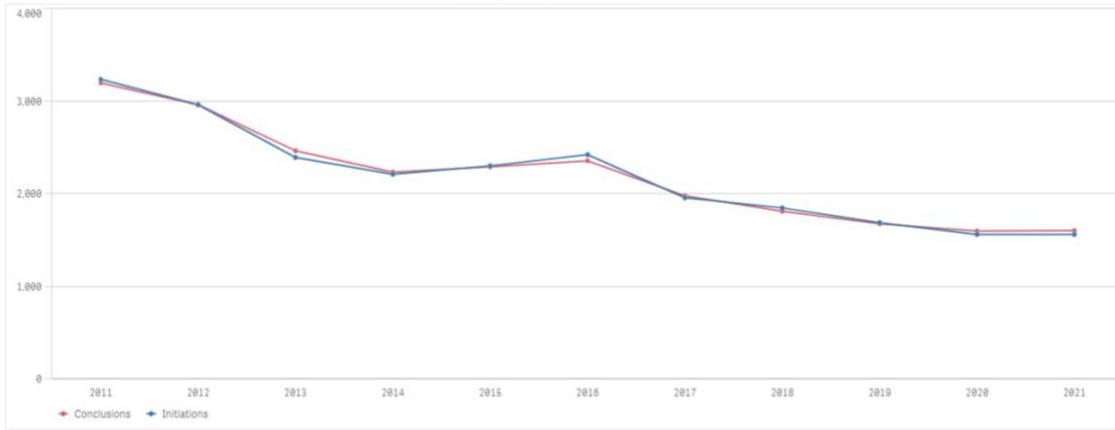
1. EPA is reporting results from FY 2014 and on because we don't have complete information on EJ status prior to FY 2014.
 2. Penalty assessed totals, adjusted for inflation, are shown from cases which have at least one facility in an area of potential EJ concern. For multi-facility cases where only some facilities are in an area of potential EJ concern, the penalty assessed amount is adjusted for the percentage of the facilities in an area of potential EJ concern.
 3. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2021 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.
 Data Source: Integrated Compliance Information System (ICIS) U.S. Environmental Protection Agency
 Data as of: December 20, 2021

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The **EJ subset** of that data indicates an increase from \$21.82 million in FY 2020 to \$35.61 million in FY 2021, and EPA notes that "totaled over 26%" of all penalties assessed excluding Mercedes and Daimler

and Toyota. The \$35.61 million FY 2021 EJ figure amounts to just 3.36% of the full \$1.06 billion from FY 2021 (unless statistical gymnastics would categorize some portion of those cases as EJ).

Total Civil Enforcement Case Initiations and Conclusions FY 2011 – FY 2021



- In FY 2021, EPA initiated and concluded approximately 1,600 civil judicial and administrative cases.
- Initiations measure the number of administrative actions begun and the number of referrals made to DOJ for civil action. Conclusions measure the number of administrative or judicial enforcement actions concluded. Many enforcement actions are initiated and concluded in the same year, and, thus, there is considerable overlap in the counts.

1. Totals include CERCLA Initiations and Conclusions.

Data Source: Integrated Compliance Information System (ICIS)
Data as of: December 20, 2021

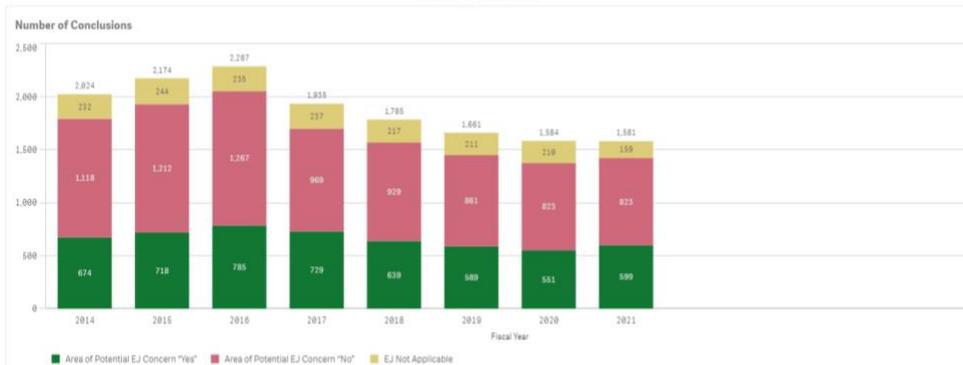
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Total Civil Enforcement Case Initiations and Conclusions. The blue line tracks case initiations (although that includes referrals to DOJ for civil judicial enforcement, and it is unclear what happened to those matters post-referral). The red line tracks case conclusions. Both are essentially unchanged from FY 2020.

Total Civil Enforcement Case Conclusions in Areas of Potential Environmental Justice Concern FY 2014 – FY 2021



- The percentage of cases taken at facilities in areas of potential EJ concern in FY 2021 was over 37% of the total number of FY 2021 conclusions. This is the highest percentage since FY 2014, the first year for which EPA has complete EJ statistics.
- EPA is reporting for the first time the number of cases involving non-compliance at facilities in areas of potential EJ concern. EPA plans to increase its focus on non-compliance in such areas, and thus expects the proportion to increase in FY 2022 and beyond.

1. Area of Potential EJ Concern "Yes" = Cases which have at least one facility in an area of potential EJ concern. Area of Potential EJ Concern "No" = Cases where none of the facilities are in an area of potential EJ concern. EJ Not Applicable = The facilities at these cases are excluded from EJ reporting.
2. The number of conclusions on this bar chart are slightly lower than the total number of conclusions that EPA obtained because cases initiated prior to FY 2014 are excluded.

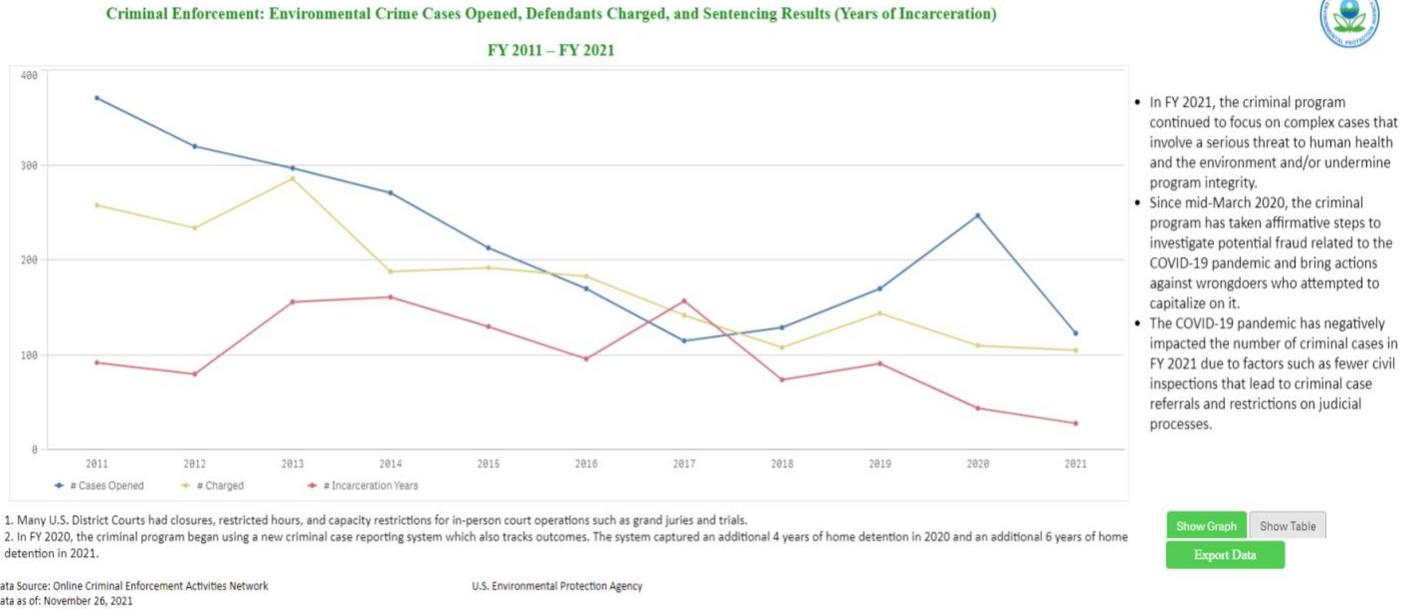
Data Source: Integrated Compliance Information System (ICIS)
Data as of: December 20, 2021

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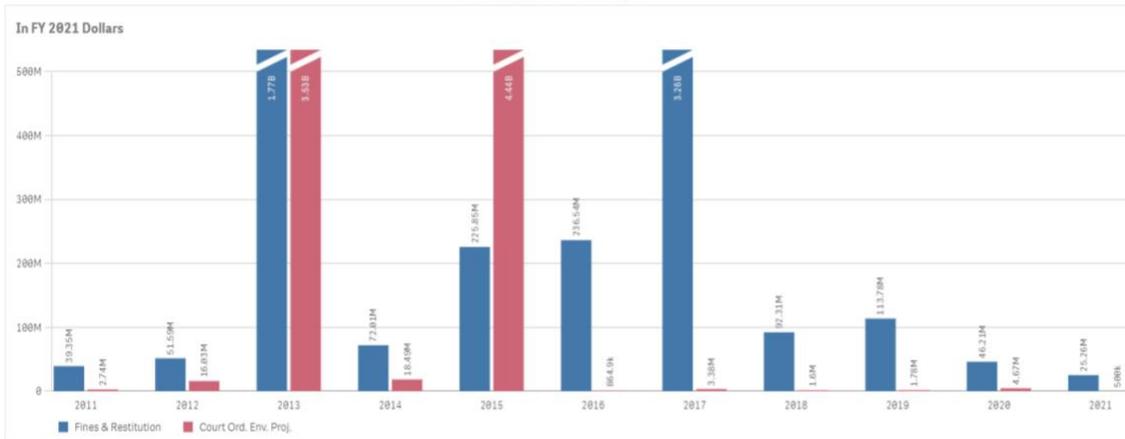
This is the **EJ subset of data for Civil Cases Concluded** (the red line in the preceding graph) indicating that "cases taken at facilities in areas of potential EJ concern in FY 2021 was over 37% of the total number of FY 2021 conclusions." These numbers reflect a confusing analysis, where the green segments depict "cases which have at least one facility in an area of potential EJ concern;" the pink segments depict "cases where none of the facilities are in an area of potential EJ concern;" and the yellow segments indicate that "the facilities at these cases are excluded from EJ reporting." Given the Agency's focus on EJ, it is likely

that future case openings will make every effort to find "potential EJ concerns" with at least one involved facility.



Criminal Enforcement. The **blue line** indicates **criminal cases opened** – read "investigations" rather than necessarily prosecuted by DOJ. EPA rightly notes its work during the pandemic on COVID-related fraud – mostly cases that involve fraudulent claims about disinfectants' effectiveness against COVID. Those cases are partly responsible for the increase in cases opened in FY 2020. However, after a steady increase in the number of new criminal cases opened each year since 2017, that number decreased in FY 2021. The **yellow line** – **Cases Charged** – dipped less dramatically than Cases Opened. That is a bit of a lagging indicator because it takes time to charge a case after an investigation is opened. The blue line and the yellow line coming closer together in FY 2021 suggests that fewer cases were charged after being opened, which would be more in line with recent history and make sense where some of the COVID fraud investigations turned out not to be appropriate criminal cases. The **red line** – **Incarceration in Years** – is not only a significantly lagging indicator, but one that includes factors that are largely out of EPA's control, such as the exercise of prosecutorial discretion by DOJ and sentencing decisions by the courts. EPA did not break this statistic down into an EJ sub-category.

Criminal Enforcement: Value of Fines and Restitution and Court Ordered Environmental Projects FY 2011 – FY 2021



- In FY 2021, the total of criminal fines, restitution, and court ordered projects exceeded \$25 million.
- Annual totals vary widely due to large cases such as BP in 2013, Duke Energy in 2015, and Volkswagen in 2017.

1. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2021 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

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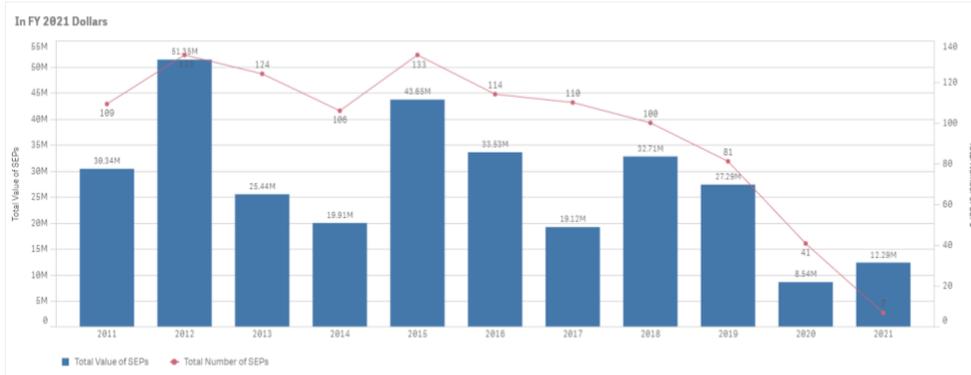
Data Source: Online Criminal Enforcement Activities Network
Data as of: November 26, 2021

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Fines and Restitution (the blue bars) and Court Ordered Environmental Projects (the red bars). These are also lagging indicators where cases need to run their full course before any of these resolutions become final. EPA notes spikes due to BP in 2013, Duke Energy in 2015, and Volkswagen in 2017. It is also not uncommon for there to be parallel criminal and civil proceedings, where significant civil penalties would also be part of the picture (but that would not be included in these numbers). Some of these numbers are related to an ongoing argument about the proper role of the federal government in requiring payments to third parties and environmental projects, rather than requiring payments to either go to the U.S. Treasury (fines) or to victims (restitution). In June 2017, Attorney General Jeff Sessions issued a memorandum prohibiting DOJ from requiring payments to non-governmental third parties in criminal case resolutions, limiting those resolutions to fines and restitution. DOJ's Environment & Natural Resources Division (ENRD) implemented that directive for environmental cases in a January 2018 memorandum. Similarly, in March 2020, DOJ-ENRD prohibited Supplemental Environmental Projects (SEPs) in civil cases, and ENRD implemented that prohibition in a regulation in January 2021. The ENRD memoranda were almost immediately withdrawn by the then-Acting Assistant Attorney General for ENRD on February 4, 2021, but the SEP rule has not yet been withdrawn. EPA did not break this statistic down into an EJ sub-category.

Supplemental Environmental Projects (SEPs) FY 2011 – FY 2021



- In FY 2021, 7 EPA enforcement cases included agreements by the violator to perform Supplemental Environmental Projects (SEPs) with a total estimated value of \$12.29 million.
 - EPA's ability to include SEPs in settlements in FY2021 was severely limited by a series of policies and a regulation previously issued by the Department of Justice.
- SEPs are environmentally beneficial projects that are not legally required that a defendant/respondent voluntarily agrees to undertake as part of the settlement of an enforcement action. SEPs have a close nexus to the violations being resolved and were considered as a factor to mitigate a civil penalty.

1. A single settlement can have multiple SEPs.
 2. All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2021 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

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 Data as of: December 20, 2021

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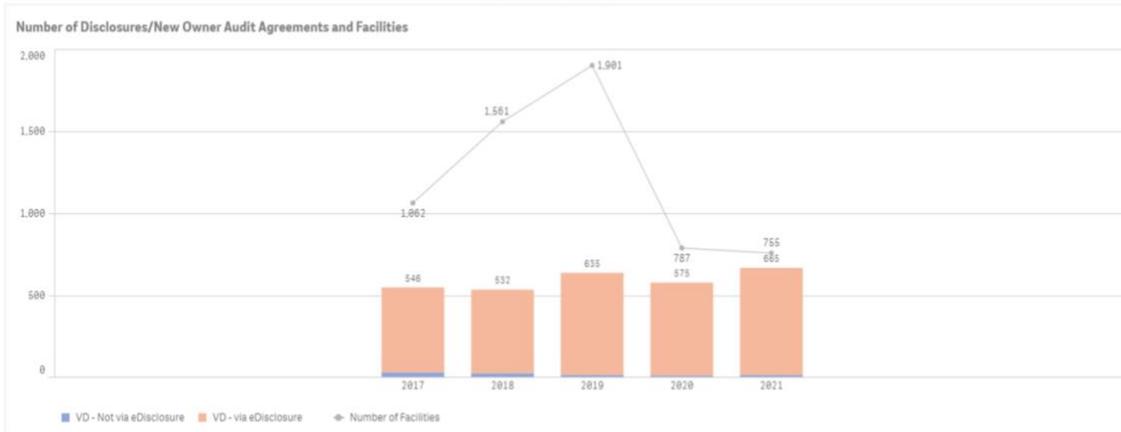
This graphic tracks **SEPs**, which increased slightly in value in FY 2021 (the **blue bars**) while decreasing in number (the **red line**). These numbers are consistent with the number of civil case initiations and conclusions essentially flat in FY 2021. SEPs are clearly back, though, and their number will likely increase going forward. Because they are also a way to mitigate civil penalties, though, more SEPs will negatively affect civil penalty totals. EPA did not break this statistic down into an EJ sub-category.

Voluntary Disclosures

EPA Voluntary Disclosure Programs - Number of Disclosures/New Owner Audit Agreements and Facilities



FY 2017 – FY 2021



- In FY 2021, 655 voluntary disclosures and/or new owner audit agreements covering violations at 755 facilities were made pursuant to EPA's self-disclosure policies.

1. VD stands for Voluntary Disclosure.

Data Source: Integrated Compliance Information System (ICIS) and eDisclosure System
 Data as of: November 5, 2021 (ICIS) and October 27, 2021 (eDisclosure System)

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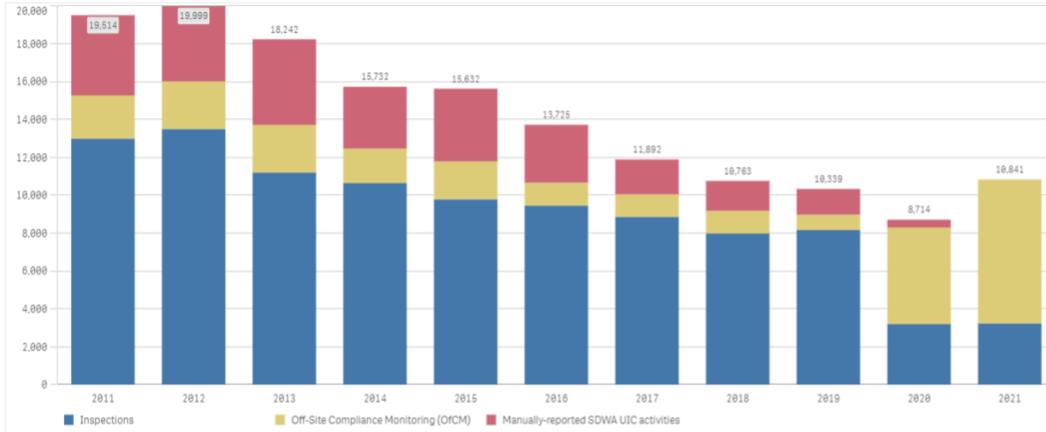
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The **Number of Voluntary Disclosures** (the **blue** and **tan** bars combined) increased slightly in FY 2021, while the **number of facilities** involved (the **black line**) decreased slightly after a precipitous fall in FY 2020 due to the pandemic's effect on industry staffing levels and ability to identify violations. The question is

whether companies that identify violations will trust that they will be treated fairly by EPA going forward if they voluntarily disclose those violations. The significant increase in the number of facilities that were the subject of voluntary disclosures in FY 2017 through FY 2019 indicates that companies believed that they had a strong incentive to self-police and disclose violations to EPA. EPA did not break this statistic down into an EJ sub-category.

Inspections and Compliance Monitoring

Federal Compliance Monitoring Activities Conducted by EPA FY 2011 – FY 2021



- During FY 2020 and FY 2021, the COVID-19 public health emergency severely constrained EPA's ability to perform on-site inspections in the field. In response, EPA emphasized off-site compliance monitoring activities (OFCM), which are activities EPA performs, but not in-person at a facility, to determine a facility's compliance.
- In FY 2021, EPA increased the number of off-site compliance monitoring activities by over 49% percent as compared to FY 2020.
- Inspections performed by EPA represent a fraction of the total number of inspections conducted across the programs. Most inspections in many programs are performed by states. For information on inspections reported by states see [ECHO's "EPA/State Dashboards"](#).
- EPA continued to focus on the highest priority work, as evidenced by the fact that 20% of FY 2021 inspections address National Compliance Initiatives.

1. An inspection is a compliance monitoring activity performed on-site at a regulated facility; OFCM activities are not performed on-site. Manually-reported SDWA UIC activities can include both on or off-site activities. Therefore, those UIC activities are listed separately. EPA stopped collecting these data separately in FY 2021.
 2. Prior to FY 2020, OECA used a different methodology for deciding which off-site compliance monitoring activities would be reported in its Annual Results and did not collect data on all off-site compliance monitoring activities conducted. The totals for FY 2019 and earlier years reflect the prior methodology. Use caution when comparing FY 2020 and FY 2021 results to prior years.

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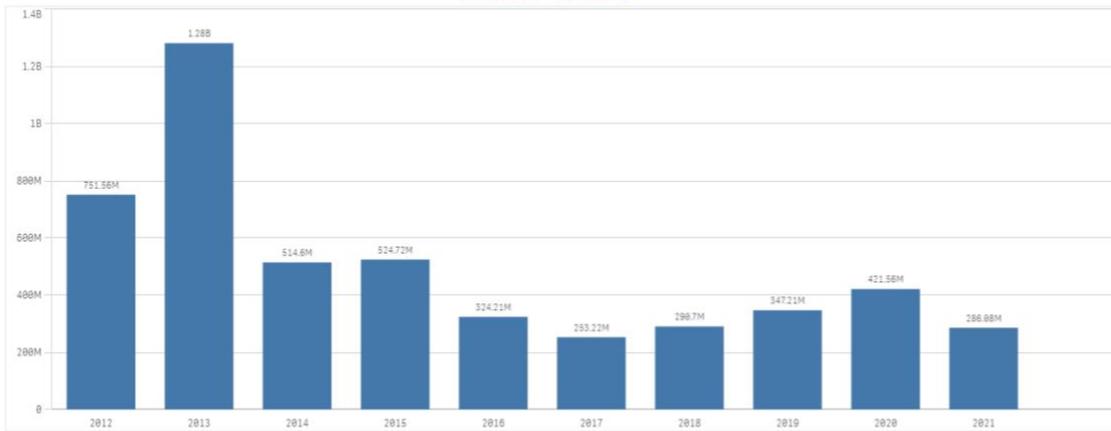
Data Source: ICIS, RCRA Info (for RCRA HW), manual (for SDWA UIC)
 Data as of: December 20, 2021

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The number of **physical inspections** (the **blue segments**) remained essentially the same in FY 2021 compared to FY 2020 after dropping due to the pandemic's affect on EPA's ability to conduct those inspections. **Off-site Compliance Monitoring** (the **yellow segments**) increased significantly, though, demonstrating EPA's effort to adapt to the times by increasing its emphasis on data reported to the agency, as well as its reliance on technology to perform virtual inspections. It is expected that on-site inspections will increase as the pandemic (hopefully) wanes, but EPA will likely continue its off-site compliance monitoring, especially in remote areas. EPA did not break this statistic down into an EJ sub-category.

Other FY 2021 Statistics

Commitments to Reduce, Treat, or Eliminate Pollution (Air, Toxics, and Water) FY 2012 – FY 2021



- In FY 2021, EPA enforcement actions required facilities to commit to reduce, treat, or eliminate pollution by an estimated 285 million pounds per year.
- Annual totals for environmental benefits are often influenced by one or two large cases. For instance, in FY 2021, the Indianapolis Power and Light Company, CAA Stationary Source case, accounted for over 45% of the total.
- In prior years, EPA focused on addressing the largest stationary sources of air pollution and the largest municipal dischargers. In FY 2021, EPA increased focus on reducing toxic pollutants that may affect communities. Emissions of these toxic pollutants are typically smaller in amount but higher in toxicity.

1. Starting in FY 2012, EPA changed the way it stores environmental benefit information in the ICIS data system. Therefore, data are not reported for fiscal years prior to FY 2012.

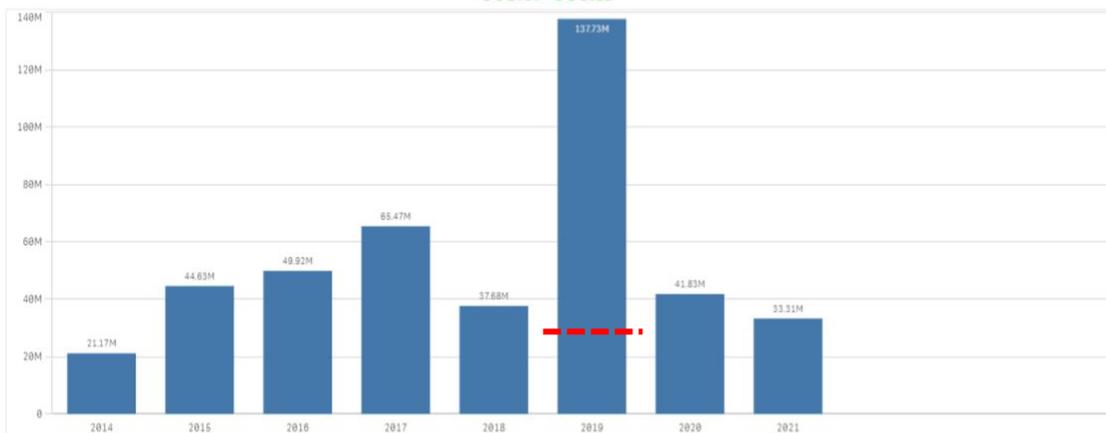
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Data as of: December 20, 2021

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These are **Commitments to Reduce, Treat, or Eliminate Pollution** expressed in pounds. FY 2021 saw a decrease from 421.6 million pounds in FY 2020 to 286.1 million pounds in FY 2021. Note that these are "commitments" and not actual reductions in pollution, which are subject to change over time if consent decrees and other resolutions are amended.

Commitments to Reduce, Treat, or Eliminate Pollution (Air, Toxics, and Water) in Areas of Potential Environmental Justice Concern FY 2014 – FY 2021



- EPA is reporting for the first time results obtained in cases involving non-compliance at facilities in areas of potential EJ concern. EPA plans to increase its focus on non-compliance in such areas in FY 2022 and beyond.
- For FY 2021, nearly 12% of the total pollutant reductions commitments EPA obtained in all cases were in areas of potential EJ concern.
 - Air pollutants, reduced, treated, or eliminated – nearly 18 million pounds;
 - Water pollutants reduced, treated, or eliminated – 15.2 million pounds.
- For FY 2019, two large cases (MR Developers LLC - Montecielo CWA NPDES case in Guaynabo, Puerto Rico and the Bruin E&P Partners, LLC CAA Stationary Source case at the Fort Berthold Indian Reservation North Dakota) accounted for 79% of the EJ results that year.

1. EPA is reporting results from FY 2014 and on because we don't have complete information on EJ status prior to FY 2014.
2. Air, toxics, and water pounds reduced totals are shown from cases which have at least one facility in an area of potential EJ concern. For multi-facility cases where only some facilities are in an area of potential EJ concern, the pounds reduced amount is adjusted for the percentage of the facilities in an area of potential EJ concern.

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Data as of: December 20, 2021

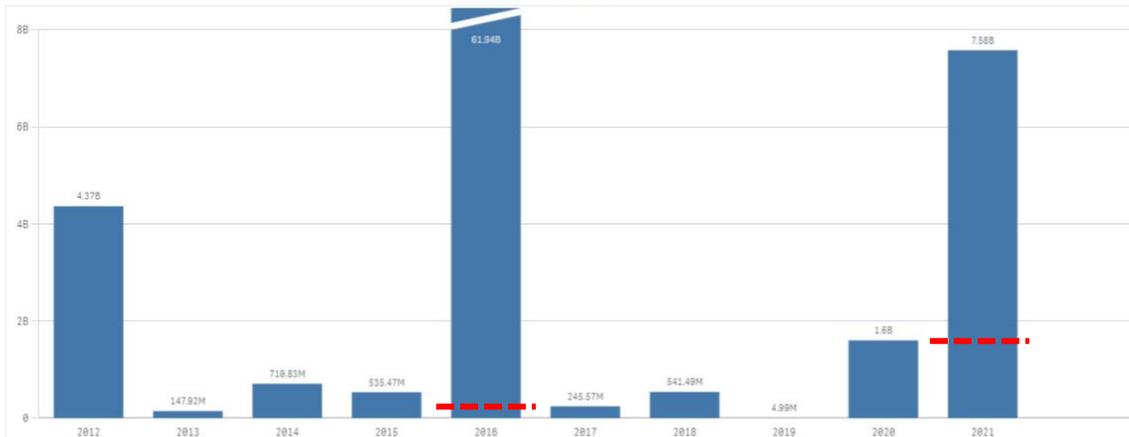
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The **EJ subset** of that category also indicates a decrease from FY 2020. Excluding the two large cases from the spike in FY 2019 would bring that number down from 137.8 to 29.9 million pounds (depicted by the red dotted line), which would be more aligned with recent years.

Estimated Environmental Benefits: Hazardous Waste and Non-Hazardous Waste Treated, Minimized, or Properly Disposed



FY 2012 – FY 2021



- In FY 2021, EPA enforcement actions required facilities to commit to treat, minimize, or properly dispose of an estimated 7.58 billion pounds of hazardous and non-hazardous waste.
 - The US Magnesium RCRA case accounts for all but 1.69 million of this annual total. This is the second largest RCRA hazardous and non-hazardous waste case of all time.
- In FY 2016, the Mosaic Fertilizer RCRA hazardous waste case (61.72 billion) accounted for over 99% of the annual total (61.94 billion).

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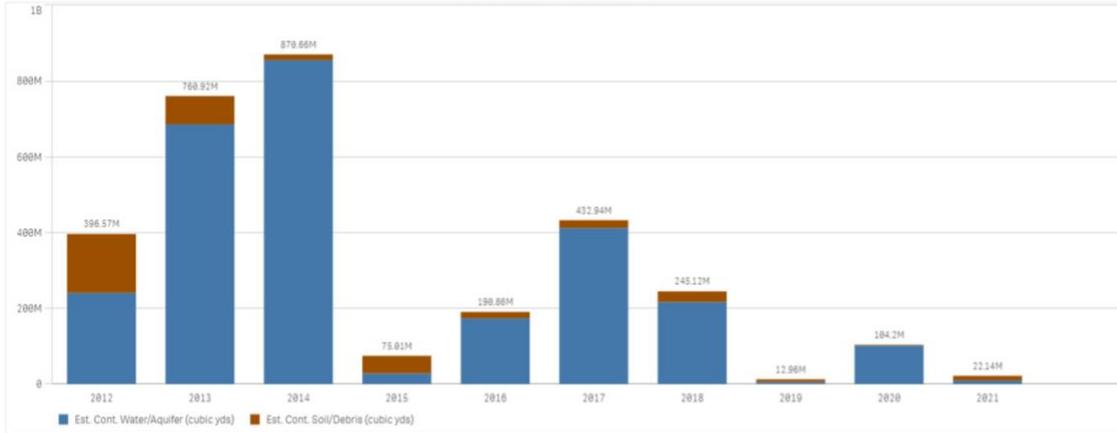
1. Starting in FY 2012, EPA changed the way it stores environmental benefit information in the ICIS data system. Therefore, data are not reported for fiscal years prior to FY 2012.
 2. Starting in FY 2016, EPA combined reductions in hazardous waste and non-hazardous waste into one measure. Totals for FY 2012 – 2015 are for hazardous waste reductions only. Nonetheless, the vast majority of the reductions in all years are hazardous waste.

Data Source: Integrated Compliance Information System (ICIS)
 Data as of: December 20, 2021

U.S. Environmental Protection Agency

Hazardous and Non-Hazardous Waste Treated, Minimized, or Properly Disposed was essentially unchanged without the U.S. Magnesium case (which was resolved during the Trump Administration), which accounted for "all but 1.69 million" pounds of the \$7.58 billion pound total. The FY 2020 number was 1.68 billion pounds. Backing out the 61.72 billion pounds from the Mosaic Fertilizer case in FY 2016 leaves that year's number at less than 220 million pounds. The dotted red lines show approximately where those years would have been without the large cases. EPA did not break this statistic down into an EJ sub-category.

Estimated Environmental Benefits: Volume of Contaminated Soil and Water to be Cleaned Up FY 2012 – FY 2021



- In FY 2021, EPA enforcement actions obtained commitments to clean up an estimated 22.14 million cubic yards of contaminated soil and water.
 - CERCLA cases (both private and federal facility) account for more than 98% of the FY 2021 total.
- Annual totals of soil and water to be cleaned up are often strongly influenced by one or two large cases. For example, in FY 2013 and FY 2014 three big cases accounted for the majority of the soil and water to be cleaned up.
- The Volume of Contaminated Media Addressed (VCMA) estimates the amount of soil and water by volume to be cleaned up but not the difficulty of the cleanups, which is influenced by the location, type of material, toxicity, etc.

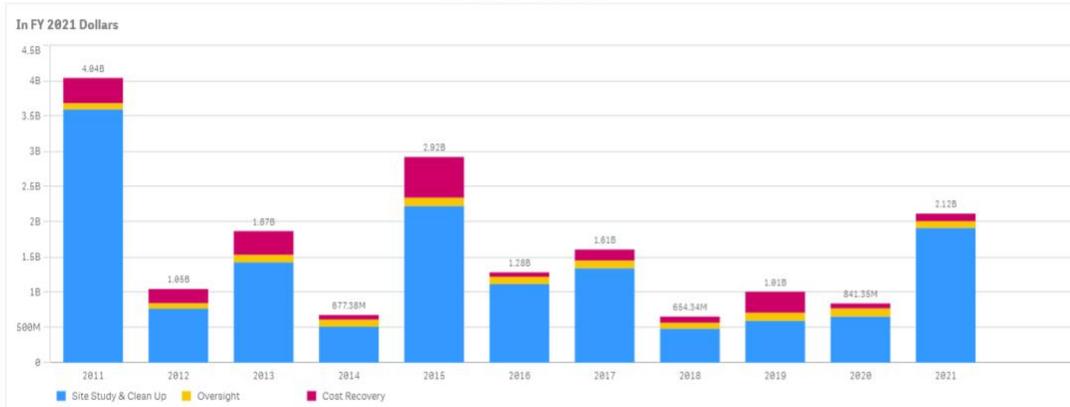
- Starting in FY 2012, EPA changed the way it stores environmental benefit information in the ICIS data system. Therefore, data are not reported for fiscal years prior to FY 2012.
- Starting in FY 2018, the Agency is reporting contaminated soil and water cleanup from all cases, not just from CERCLA and RCRA Corrective Action cases as in past years.
- The VCMA is reported the year in which the enforcement action that initially required the cleanup is issued or entered. If a unilateral administrative order (UAO) is followed by a judicial consent decree that requires the same cleanup (i.e., the respondent did not comply with the UAO), the same VCMA is not counted again.

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Data Source: Integrated Compliance Information System (ICIS) U.S. Environmental Protection Agency
Data as of: December 20, 2021

Volume of Contaminated Soil and Water to be Cleaned Up, measured in cubic yards, remained low – the second lowest in ten years. As with "Commitments to Reduce, Treat, or Eliminate Pollution," these are "commitments" and not actual reductions in pollution, which are subject to change over time if consent decrees and other resolutions are amended. EPA did not break this statistic down into an EJ sub-category.

Superfund Enforcement Commitments from Private and Federal Parties FY 2011 – FY 2021



- In FY 2021, EPA obtained commitments from private and federal parties to spend \$1.9 billion on new site cleanup. Responsible parties also agreed to reimburse \$106.1 million of EPA's past costs from cleanup work at Superfund sites. Additionally, parties were billed approximately \$95.5 million in oversight, for a total of \$2.1 billion.
- Annual totals for both cleanup and cost recovery settlements are often influenced by the existence of one or two large cases that involve complex cleanups.
 - In FY 2021, the Unilateral Administrative Order (UAO) issued at the Gowanus Canal site in Region 2 (valued at \$1.1 billion) accounts for 54% of all party commitments. The UAO was the highest dollar value UAO ever to be issued and the 4th highest dollar value enforcement instrument ever program to date.

- Totals include "allowed claims" under bankruptcy settlements.
- All prior FY dollar figures in the graph are adjusted to reflect the current value in FY 2021 dollars based on the monthly rate of inflation/deflation as determined by the U.S. Department of Labor Consumer Price Index for All Urban Consumers.

Data Source for Cleanup and Cost Recovery: U.S. Environmental Protection Agency
FY11-FY13 Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS);
FY14/15 Manual Reporting; FY16 forward Superfund Enterprise Management System (SEMS).
Data Source for Oversight: Compass Business Objects Reporting (CBOR).
Data as of: October 18, 2021

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Superfund Enforcement Commitments from Private and Federal Parties remained essentially the same in FY 2021 (\$1.02 billion) when subtracting the \$1.1 billion Gowanus Canal site in New York City from the \$2.1 billion FY 2021 total. The FY 2020 total was \$841.35 million.