

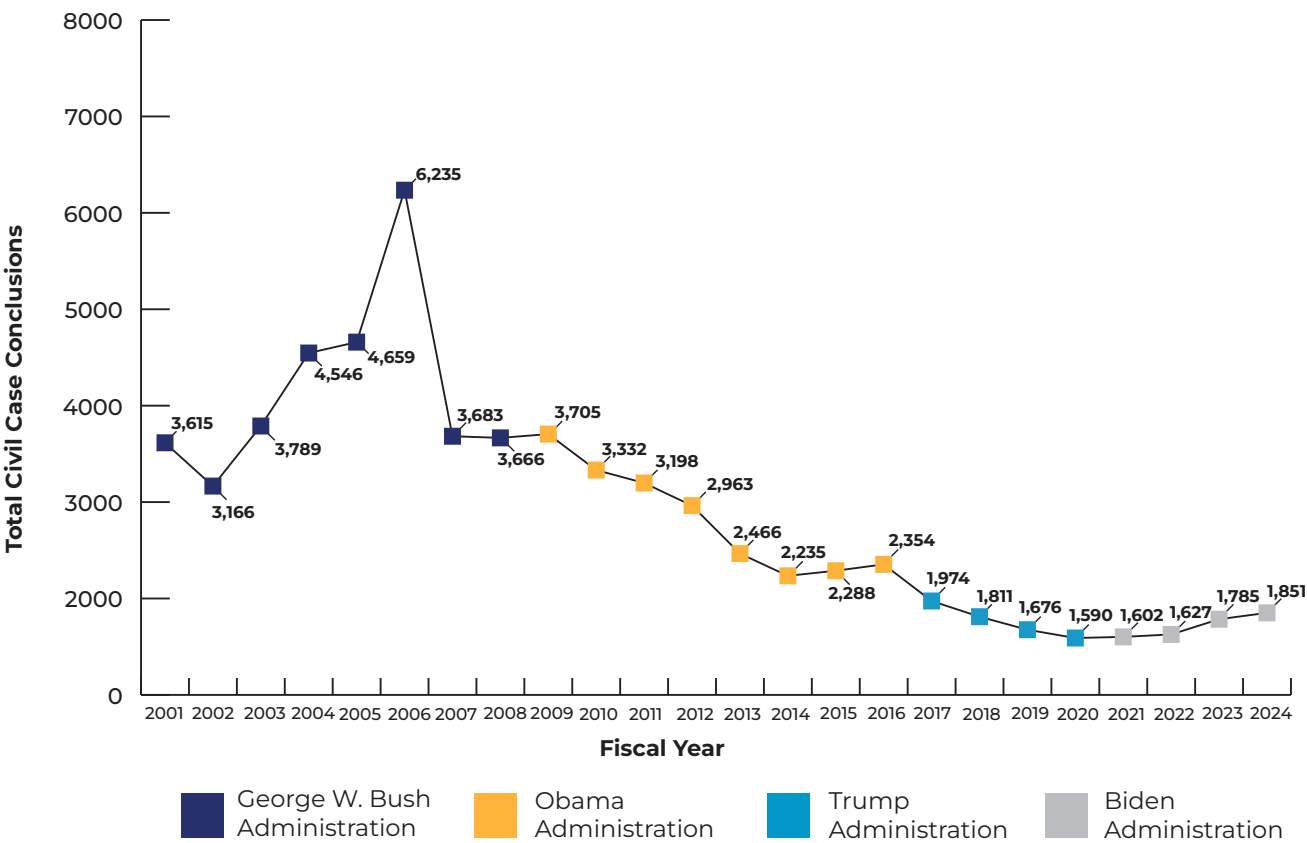


EPA Enforcement Could Drop Sharply in Second Trump Administration, After Improvements Under Biden

December 16, 2024

During the Biden Administration, Environmental Protection Agency (EPA) enforcement of pollution control laws generally improved compared to the Trump Administration, with increases in penalties for polluters, inspections, and civil case conclusions in federal fiscal year 2024 compared to 2020, [according to new EPA data analyzed by EIP](#).¹ During the first Trump Administration, EPA inspections, penalties, and the enforcement of environmental laws fell significantly, worsening a long-term decline in enforcement activity that began approximately twenty years ago.² As President-elect Trump prepares to take office for a second term, another dramatic drop in EPA enforcement could occur, especially in neighborhoods of color and low-income communities hardest hit by pollution. Trump's allies and advisors are calling for deep cuts, including the elimination of EPA's Office of Enforcement and Compliance Assurance and environmental justice programs, the relocation of EPA's headquarters in Washington D.C., and the shifting of responsibilities to state environmental agencies, which have also suffered from budget and staffing reductions over the years.^{3,4,5}

Graph 1. Total Civil Environmental Case Conclusions by Fiscal Year

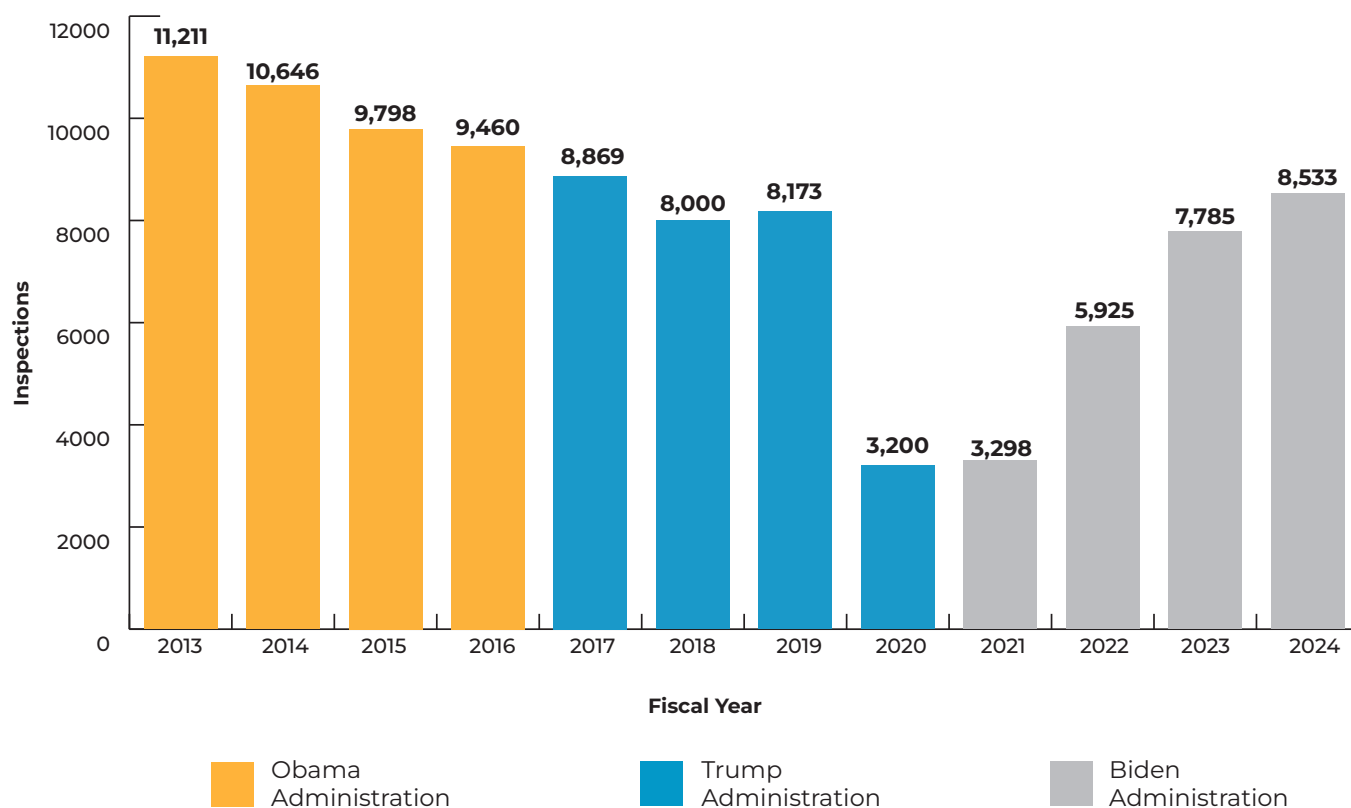


Source: EPA.

Comparing Administrations

EPA inspections of industrial facilities, civil cases concluded, new cases referred to the U.S. Department of Justice for civil prosecution, the amount paid by defendants to remedy violations, civil penalties imposed, and criminal defendants charged are important indicators of enforcement activity. Under President Trump, the average annual number of EPA inspections of polluters fell by about a third, compared to the average during Obama's second term, and the average number of civil enforcement cases closed fell by a quarter.⁶ The average annual number of civil cases referred by EPA to the U.S. Department of Justice fell by about a third under Trump as opposed to Obama's second term; average annual penalties in civil cases decreased by 35 percent; the total value of injunctive relief (pollution controls and cleanup projects) fell by 51 percent; and the average annual number of polluters charged in criminal cases fell by about 40 percent.⁷ After the Biden Administration took office in January 2021, some—but not all—enforcement measures began slowly inching upward.

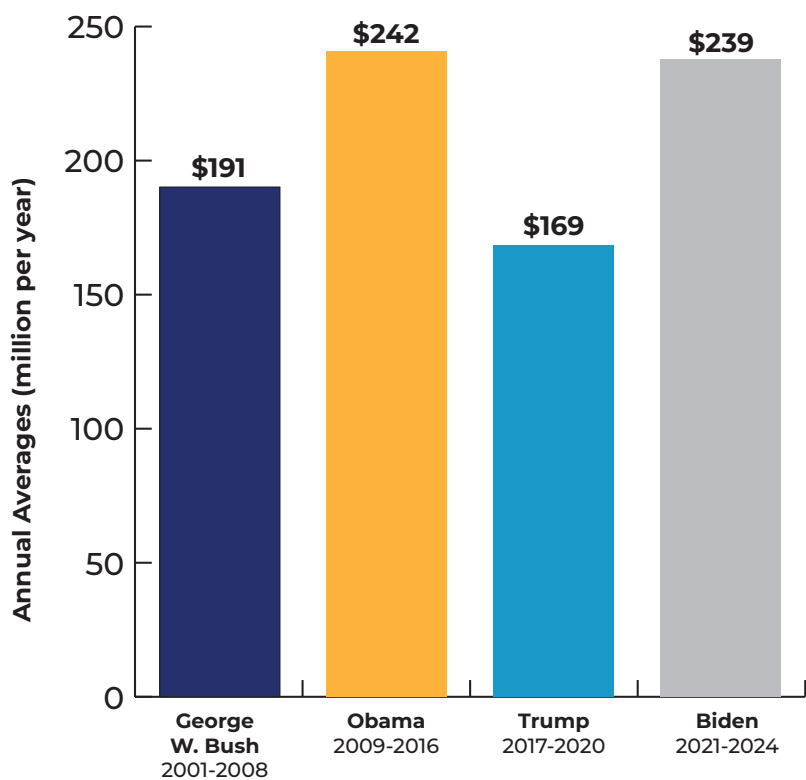
Graph 2. Inspections of Polluters by EPA Each Fiscal Year



Source: EPA. Years shown are federal fiscal years, which end on September 31 of the stated year. 2020 and 2021 were both impacted by Covid.

By the end of fiscal year 2024, the number of EPA inspections and civil enforcement cases closed under Biden had risen each year of his administration, while they ultimately fell under Trump’s administration, according to enforcement data recently released by the agency.⁸ Under Biden, civil enforcement cases closed by EPA rose 16 percent from 1,602 in fiscal 2021 to 1,851 in 2024. In addition, the costs defendants were expected to pay under civil consent decrees to address violations (i.e., installation of pollution controls) rose under the Biden Administration compared to Trump, with a total of \$23.7 billion between fiscal year 2021 and 2024 compared to \$18.6 billion during the prior four years. The Biden EPA imposed an average of \$239 million in civil penalties for environmental violations per year compared to an average of \$169 million per year during the Trump years.⁹

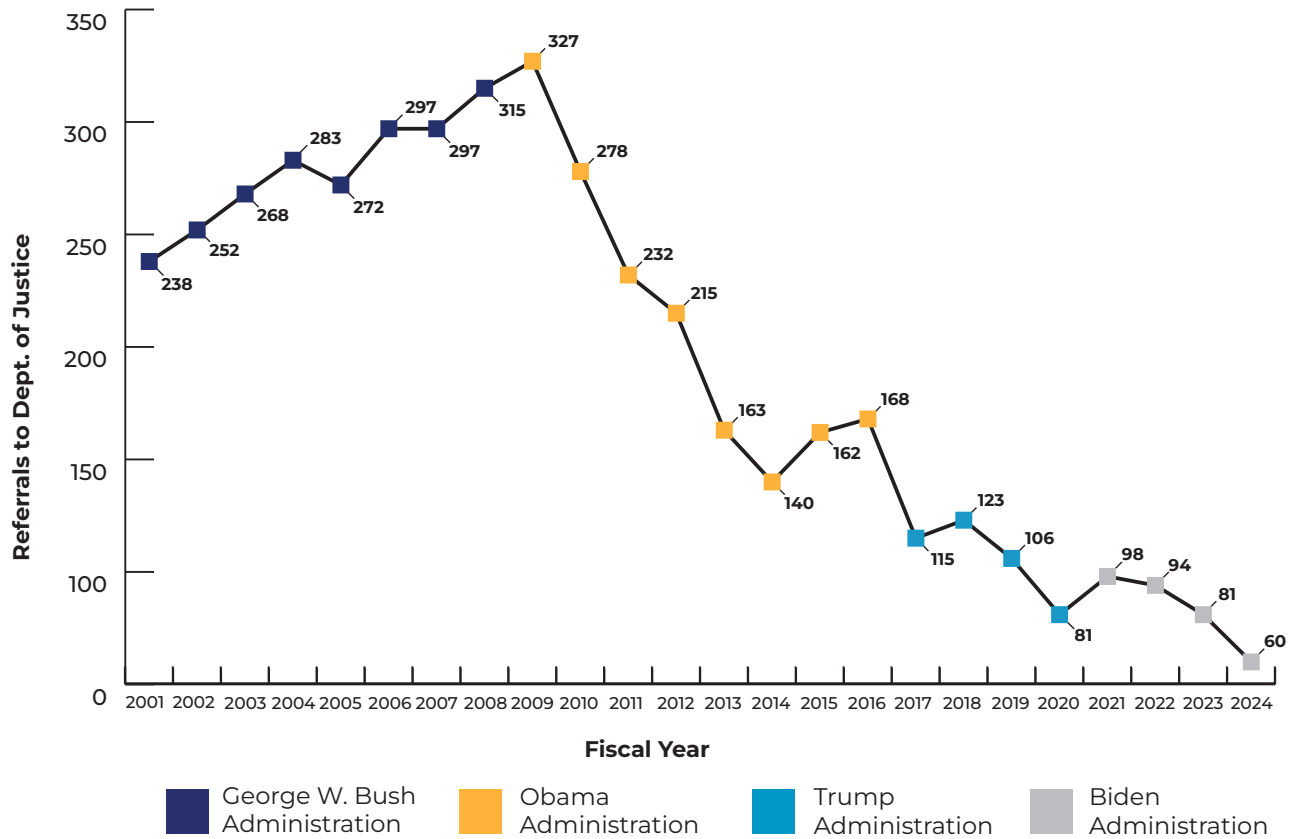
Graph 3. Civil Penalties for Environmental Violations, Annual Averages for Each Administration



Source: EPA. Figures are adjusted to 2024 dollars, with large outlier cases removed. For example, these figures do not include the 2016 \$5.5 billion dollar penalty against BP for the Deepwater Horizon oil spill because these rare outliers distort the averages and trends.

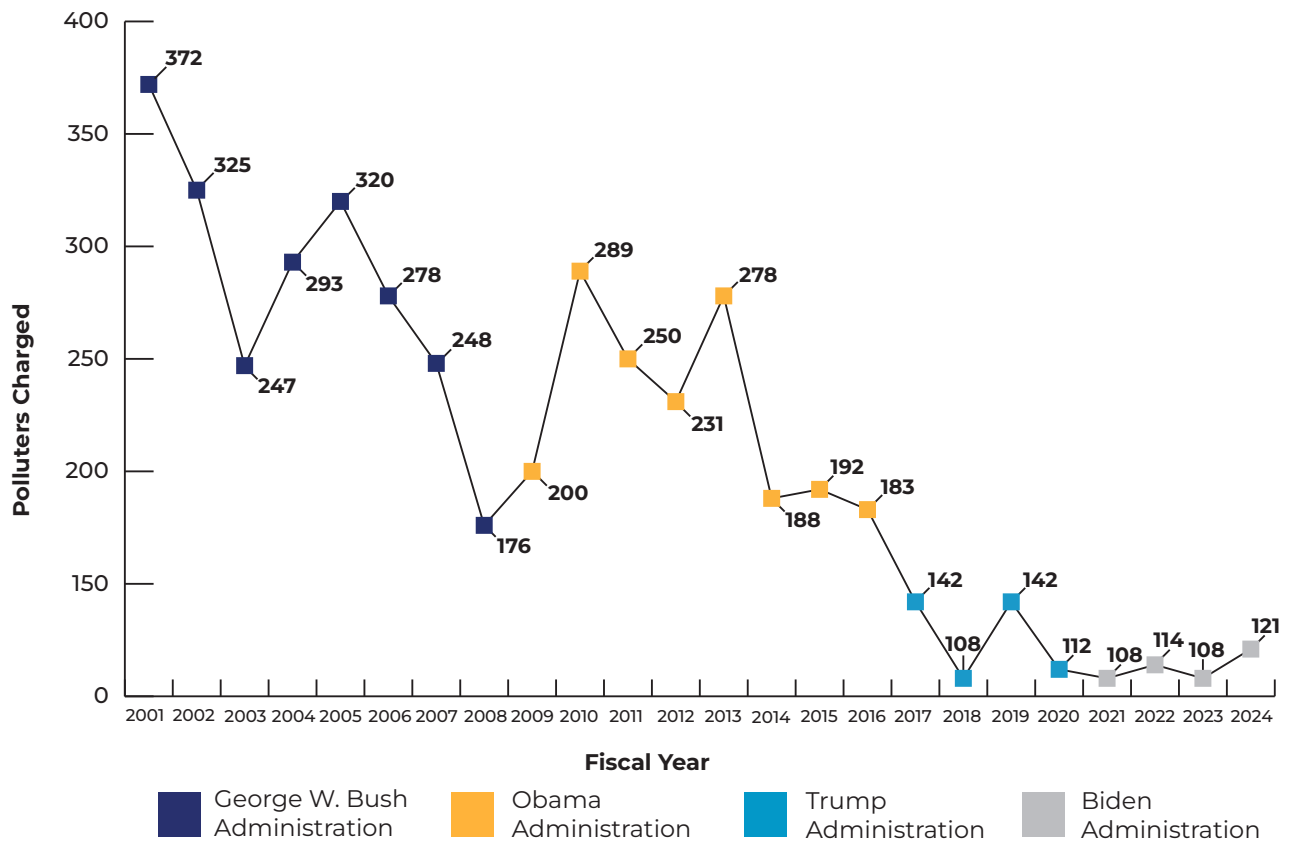
On the other hand, the number of new civil cases referred to the U.S. Department of Justice steadily dropped from 98 in fiscal year 2021 to 60 in fiscal year 2024 after a slight increase over the 81 cases the Trump administration referred in fiscal year 2020. In addition, the average number of criminal defendants charged during the Trump administration was 126 per year compared to 113 per year under the Biden administration.

Graph 4. Civil Cases Referred by EPA to Justice Department



Source: "Numbers at a Glance" section of annual enforcement reports published by USEPA.

Graph 5. Criminal Enforcement Actions by Federal Fiscal Year



Source: "Numbers at a Glance" section of annual enforcement reports published by USEPA.

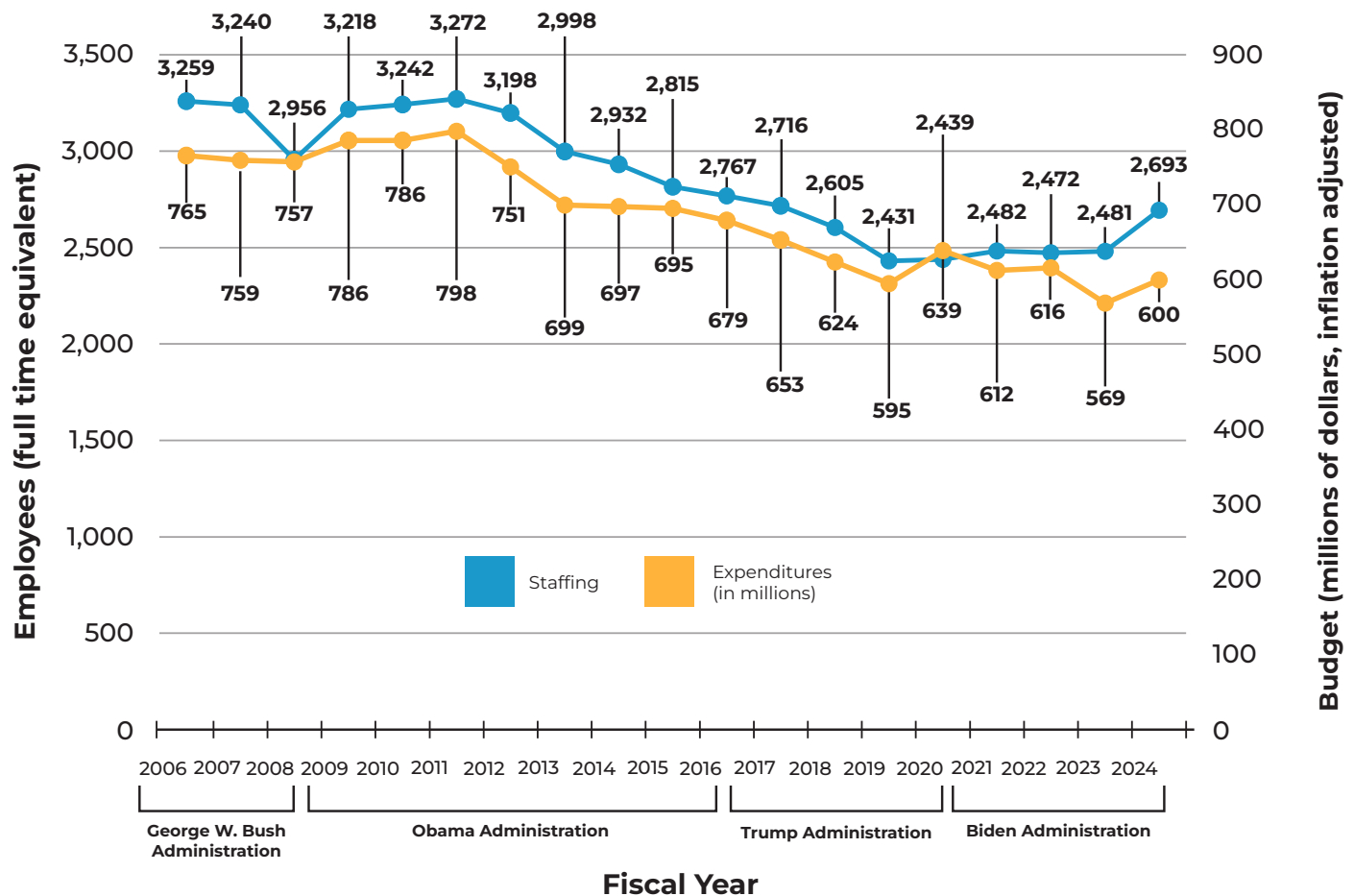
Long-Term Decline in Enforcement at EPA

The slow recovery under Biden may have been in part due to ongoing budget constraints, as well as a need to rebuild staffing levels and train new employees after EPA lost approximately 277 enforcement employees during the Trump years. In addition, the U.S. Senate's confirmation of David Uhlmann, the assistant administrator to run the EPA Office of Enforcement and Compliance Assurance was also delayed for more than two years until July 20, 2023.

As EPA data shows, however, most measures of performance have declined over the past twenty years.¹⁰ This calls into question EPA's ability to effectively address violations of environmental laws that harm public health and the environment. Despite some improvements in enforcement measures, the Biden administration did not reverse this trend.

EPA's enforcement program has been battered by significant cuts to enforcement staff and budgets, especially since the second term of the Obama Administration. The number of people working in the EPA's Office of Enforcement and Compliance Assurance, for example, declined by nearly a third, from 3,259 in the 2006 fiscal year to just 2,439 in 2020. Since 2020, under President Biden, staffing levels have increased by almost 10 percent, reaching 2,693 in 2024. Adjusted for inflation, the enforcement program's budget decreased by 17 percent between 2006 and 2020 and declined to \$569 million in 2023. Although the fiscal year 2024 budget for enforcement (\$600 million dollars) is five percent higher than last year, it remains six percent below 2020 levels.¹¹ Even after improvements under Biden, environmental enforcement indicators are still nowhere near the level they were under the Obama Administration or even George W. Bush.

Graph 6. Actual Staffing and Expenditures at EPA's Office of Enforcement and Compliance



Source: Annual EPA Justification of Appropriation Estimates reports.

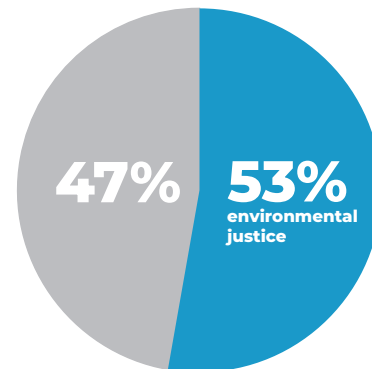
Drop in Enforcement Likely if Trump Implements Project 2025 Recommendations

As President-Elect Trump gears up for his second administration in January, supporters in the Heritage Foundation's "Project 2025: Presidential Transition Project," have made it a priority to once again attack EPA and minimize the critical role that enforcement plays in protecting public health and the environment. For example, Project 2025 calls for the elimination of EPA's Office of Enforcement and Compliance Assurance and the absorption of enforcement staff into other programs and the Office of General Counsel.¹² Project 2025 also calls for the disbanding of EPA's Office of Environmental Justice and External Civil Rights, which under Biden has worked to focus more federal pollution control efforts in historically marginalized communities of color and lower-income neighborhoods that have been hurt the most by industrial pollution.¹³

Project 2025 also advises the Trump EPA to, in general, take less of a leadership role in protecting the environment, and instead defer to the states: "EPA's structure and mission should be greatly circumscribed to reflect the principles of cooperative federalism and limited government... [and] streamlining of the agency to reflect... [s]tate [l]eadership."¹⁴ While it is important for federal and state agencies to work together to address environmental violations, EPA deference to states where there are clear violations of federal law can leave communities exposed to dangerous and illegal pollution. Some of Trump's allies are talking about relocating EPA's headquarters in Washington, D.C., and have mused about moving it to Texas, Florida, or another state – a shift apparently intended to encourage the resignations of experienced career EPA staff and a major distraction from the agency's work to ensure that communities have access to clean air, land, and water.¹⁵

If the Trump EPA follows through on these proposals, the most vulnerable communities will pay a heavy price. The Biden EPA made it a priority to focus a majority of its enforcement actions in environmental justice communities, which are neighborhoods that are disproportionately impacted by industrial pollution and are predominantly people of color or lower income.¹⁶ EPA conducted 8,533 inspections of polluters in 2024, with 53 percent of them in environmental justice neighborhoods. Half of EPA's civil enforcement case conclusions were in environmental justice communities, and these cases reduced 227 million pounds of pollution, according to EPA.¹⁷ The year before, 60 percent of EPA's inspections and 55 percent of its civil case closures were in communities of color or low-income neighborhoods. The number of enforcement actions closed in environmental justice communities last year in these communities was 80 percent higher than the 550 in 2020. By contrast, under President Trump, civil enforcement actions in these environmental justice communities fell by 24 percent, from 728 in 2017 to 550 in 2020.¹⁸

Graph 7. Inspections of Polluters in Environmental Justice Neighborhoods



EPA conducted 8,533 inspections of polluters in fiscal 2024. 53% of the inspections were in environmental justice neighborhoods.

Examples of the Biden EPA's enforcement actions in communities of color and low-income communities include a September 2024 EPA and Department of Justice settlement with Marathon Oil Company for air pollution violations at the company's oil and gas production operations on the Fort Berthold Indian Reservation in North Dakota. Marathon agreed to reduce air pollution from more than 200 facilities across the state and pay a \$64.5 million civil penalty.¹⁹ On May 17, 2023, EPA reached a Clean Air Act settlement agreement with BP at its Whiting oil refinery just south of Chicago that requires BP to pay a \$40 million civil penalty and reduce benzene air pollution through plant improvements that will cost \$197 million.²⁰ On February 28, 2023, EPA and partners filed a complaint against the Denka Performance Elastomer company for releases of chloroprene emissions, a carcinogenic air pollutant, from its neoprene manufacturing facility in LaPlace, Louisiana, a community that is majority Black.²¹ The ongoing Clean Air Act emergency action aims to compel Denka to significantly reduce the emissions of this cancer-causing pollutant from the facility.

Staffing and budget cuts, over time, have taken a clear toll on enforcement at EPA. However, the record is clear that EPA oversight against polluters – although already declining – worsened significantly during Trump’s last administration. Based on Trump’s prior record, another significant drop in enforcement activity is likely during Trump’s second term if the recommendations in Project 2025 are implemented, which will hit the most vulnerable communities the hardest.

For a spreadsheet of EPA data compiled by the Environmental Integrity Project, [click here](#).

For questions, please contact Tom Pelton at tpelton@environmentalintegrity.org or (443) 510-2574.

The Environmental Integrity Project is America’s environmental watchdog. We hold polluters and governments accountable to protect public health and the environment.

Endnotes

- ¹ U.S. Environmental Protection Agency, “Enforcement and Compliance Assurance Annual Results for Fiscal Year 2024,” December 5, 2024. Link: [Enforcement and Compliance Assurance Annual Results for FY 2024: Civil Enforcement | US EPA](#). Note: the federal fiscal year starts on October 1.
- ² Environmental Integrity Project, “EPA Enforcement After 20 Years,” February 25, 2022. Link: https://environmentalintegrity.org/wp-content/uploads/2022/02/EPA-Enforcement_20-Year-Review_Final_updated.pdf
- ³ The Heritage Foundation, “Mandate for Leadership: The Conservative Promise. Project 2025: Presidential Transition Project,” 2023. Link: <https://www.documentcloud.org/documents/24088042-project-2025s-mandate-for-leadership-the-conservative-promise/>, p. 421.
- ⁴ Lisa Friedman and Coral Davenport, “With Ready Orders and an Energy Czar, Trump Plots Pivot to Fossil Fuels,” November 8, 2024. Link: <https://www.nytimes.com/2024/11/08/climate/trump-transition-epa-interior-energy.html>
- ⁵ Environmental Integrity Project, “The Thin Green Line: Cuts in State Pollution Control Agencies Threaten Public Health,” Dec. 5, 2019. Link: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://environmentalintegrity.org/wp-content/uploads/2019/12/The-Thin-Green-Line-report-12.5.19.pdf>
- ⁶ U.S. Environmental Protection Agency, “Enforcement and Compliance Annual Results for FY 2023: Data and Trends,” accessed December 4, 2024. Link: <https://www.epa.gov/enforcement/enforcement-and-compliance-annual-results-fy-2023-data-and-trends#:~:text=In%20FY%202023%2C%20EPA%20performed,National%20Enforcement%20and%20Compliance%20Initiatives>.
- ⁷ When analyzing penalty and injunctive relief amounts, EIP removes large outlier cases, as they are rare and distort averages and trends. Penalty amounts over \$250 million, and the injunctive relief amounts from the BP and VW cases in 2016 and 2017, were removed when calculating the annual average values for each administration.
- ⁸ U.S. Environmental Protection Agency, “Enforcement and Compliance Assurance Annual Results for Fiscal Year 2024,” December 5, 2024. Link: [Enforcement and Compliance Assurance Annual Results for FY 2024: Civil Enforcement | US EPA](#)
- ⁹ When analyzing penalty and injunctive relief amounts, EIP removes large outlier cases, as they are rare and distort averages and trends. Penalty amounts over \$250 million, and the injunctive relief amounts from the BP and VW cases in 2016 and 2017, were removed when calculating the annual average values for each administration.
- ¹⁰ Environmental Integrity Project, “EPA Enforcement After 20 Years,” February 25, 2022. Link: https://environmentalintegrity.org/wp-content/uploads/2022/02/EPA-Enforcement_20-Year-Review_Final_updated.pdf
- ¹¹ EPA budget and staffing data are collected annually from the Justification of Appropriation Estimates for the Committee on Appropriations reports EPA prepares each year for Congress. For the most recent report: <https://www.epa.gov/system/files/documents/2024-03/fy-2025-congressional-justification-all-tabs.pdf>.
- ¹² The Heritage Foundation, “Mandate for Leadership: The Conservative Promise. Project 2025: Presidential Transition Project,” 2023. Link: <https://www.documentcloud.org/documents/24088042-project-2025s-mandate-for-leadership-the-conservative-promise/#document/p474>.
- ¹³ Ibid, page 474.
- ¹⁴ Ibid, pages 417 and 420.
- ¹⁵ Robin Bravender, “Ex-Trump official floats moving EPA to Texas or Florida,” Greenwire/Politico, October 2, 2024. Link: <https://www.eenews.net/articles/ex-trump-official-floats-moving-epa-to-texas-or-florida/>
- ¹⁶ EPA, “Enforcement and Compliance Assurance Annual Results for Fiscal Year 2024,” December 5, 2024. Link: <https://www.epa.gov/enforcement/enforcement-and-compliance-assurance-annual-results-fiscal-year-2024>
- ¹⁷ Ibid.
- ¹⁸ Ibid.
- ¹⁹ EPA, “Enforcement and Compliance Assurance Annual Results for Fiscal Year 2024,” December 5, 2024. Link: <https://www.epa.gov/enforcement/enforcement-and-compliance-assurance-annual-results-fiscal-year-2024>.
- ²⁰ EPA, “Civil Enforcement FY 2023 Annual Results,” accessed December 12, 2024. Link: <https://www.epa.gov/enforcement/civil-enforcement-fy-2023-annual-results>
- ²¹ Ibid.