

Full statement from George Czerniak, former EPA Director, Air and Radiation Division, Region V (Chicago)

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A vigorous enforcement program is an essential tool for delivering the promise of our environmental statutes. Without it, our regulatory and permit limits are merely suggestions.

Aggressive enforcement of our Nation's environmental statutes is critical to ensuring that the public and the environment realize the health and environmental protections that Congress envisioned in developing the statutes. It is important that EPA maintain the "cop on the beat" presence that can deliver those protections. The need for this vigilance continues today, with many violations arising from a company's failure to maintain and properly operate its pollution control equipment, as well as the failure to capture and direct pollution to control equipment. These violations often cause exposure to unhealthful and sometimes toxic levels of pollution in the surrounding area, all too often impacting segments of society that are already disadvantaged. Importantly, violations that are detected are often an indication of a need to look for similar problems which can be present at other facilities in the same industrial sector. The talented and dedicated staff of EPA's enforcement programs have been particularly adept at uncovering excess emissions from even the most complex industrial operations. That must continue.

Detection of violations is an important first step. Ultimately, though, it is important that EPA and the Department of Justice work together to aggressively use all of the enforcement authorities at their disposal to resolve the problem. Not only must the resolution to violations correct the underlying cause of the unhealthful pollution, it must assure that it is done in a way that prevents future re-occurrence of the problem with appropriate monitoring. Finally, violators must not derive a competitive advantage from their non-compliance. Any resolution should restore a level playing field and serve as a deterrent to future violations.

The public health and environmental protections provided by vigorous enforcement must not be taken for granted. Continual support through the highest levels of government is necessary to maintain its effectiveness. Reductions to the number of EPA's enforcement staff reduces the "cop on the beat" presence, and can, in fact, promote non-compliance. Restrictions or bureaucratic impediments to the use of investigative tools provided by the statutes make the detection of violations at increasingly more complex industrial operations more challenging. Finally, any perception that EPA and/or the Department of Justice are hesitant to use the full weight of the statutes to correct violations, can cause regulated industry to take their environmental responsibilities less seriously and embolden outliers.