July 12, 2022

The Honorable Jeff Merkley
Chairman
Senate Appropriations Subcommittee on
Interior, Environment, and Related Agencies
U.S. Senate
Washington, DC 20510

The Honorable Chellie Pingree
Chair
House Appropriations Subcommittee on
Interior, Environment, and Related Agencies
U.S. House of Representatives
Washington, DC 20515

The Honorable Lisa Murkowski
Ranking Member
Senate Appropriations Subcommittee on
Interior, Environment, and Related Agencies
U.S. Senate
Washington, DC 20510

The Honorable David Joyce
Ranking Member
House Appropriations Subcommittee on
Interior, Environment, and Related Agencies
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Merkley and Ranking Member Murkowski, and Chairman Pingree and Ranking
Member Joyce:

We write to strongly support the request by Senators Dick Durbin, Ed Markey and Elizabeth Warren
to fund the USEPA's compliance monitoring and enforcement programs at the levels proposed in the
President’s budget for the 2023 fiscal year. We also want to thank the House Appropriations
Committee for agreeing to provide such funding in H.R. 8262, approved by the Committee on June
29, 2022.

Adjusted for inflation, EPA enforcement expenditures fell 10% between 2020 and 2022, and have
fallen 23.6% since 2012. The enforcement program lost more than 600 scientists, engineers,
attorneys, investigators, and support staff between 2012 and 2022, about 20% of its workforce.
The modest increases in the President’s FY 2023 request would help to reverse that trend, but still
leave the enforcement staff substantially smaller than it was just a decade ago.

These budget cuts mean that even the most serious violators are less likely to be caught, penalized,
or required to clean up illegal pollution that endangers the public health or despoils the natural
resources that every American has the right to enjoy. Enforcement activity has declined
dramatically in almost every category between the 2017 and 2021 fiscal years. In those four years,
the number of inspections, criminal investigations, enforcement actions initiated or concluded, and
criminal penalties fell at least 50% compared to the annual average between 2002 and 2016, while
civil penalties declined 36%.

With fewer environmental cops on the beat, illegal pollution is left unchecked and continues to
accumulate. As of June 28, 2022, EPA’s public database identifies 485 facilities with “high priority
violations” of the Clean Air Act that have not yet been addressed through enforcement actions.
At least three hundred and eighty-one public and private wastewater treatment plants have reported
violating Clean Water Act discharge limits more than 100 times over the past three years, in many
cases exceeding those limits by orders of magnitude. These worrying statistics do not include many
more violations that remain hidden because neither EPA nor state agencies have the resources to
find them.
Weaker enforcement leaves EPA less able to protect communities of color and working-class neighborhoods already disproportionately harmed by pollution. And it leaves law-abiding companies who work hard to stay in compliance at the mercy of unscrupulous competitors.

EPA Administrators appointed by Republican and Democratic Presidents have understood that environmental laws that cannot be enforced will eventually fade away. We hope you will agree that ensuring that EPA has the capacity to enforce laws enacted by Congress is a bipartisan responsibility. Thank you for considering our views.

Air Alliance Houston
Center for Biological Diversity
Chesapeake Bay Foundation
Chesapeake Climate Action Network
Clean Air Council
Clean Water Action
Clean Wisconsin
Conservation Law Foundation
Earthjustice
Environment America
Environmental Defense Fund
Environmental Integrity Project
Environmental Law & Policy Center
League of Conservation Voters

Maryland League of Conservation Voters
National Environmental Law Center
National Parks & Conservation Association
Natural Resources Defense Council
Ohio Environmental Council
Patuxent Riverkeeper
Prairie Rivers Network
Sierra Club
Southern Environmental Law Center
Suncoast Waterkeeper
Tampa Bay Waterkeeper
Utah Physicians for a Healthy Environment
Western Organization of Resource Councils

Enclosure
Source: Annual Justification of Appropriation Estimates for the Committee on Appropriations Reports from EPA.
*Enacted Level, FY 2022 Omnibus Appropriations. Actual numbers likely to be lower.
Nominal v. Inflation Adjusted Spending for EPA Enforcement
2012 to 2022