

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

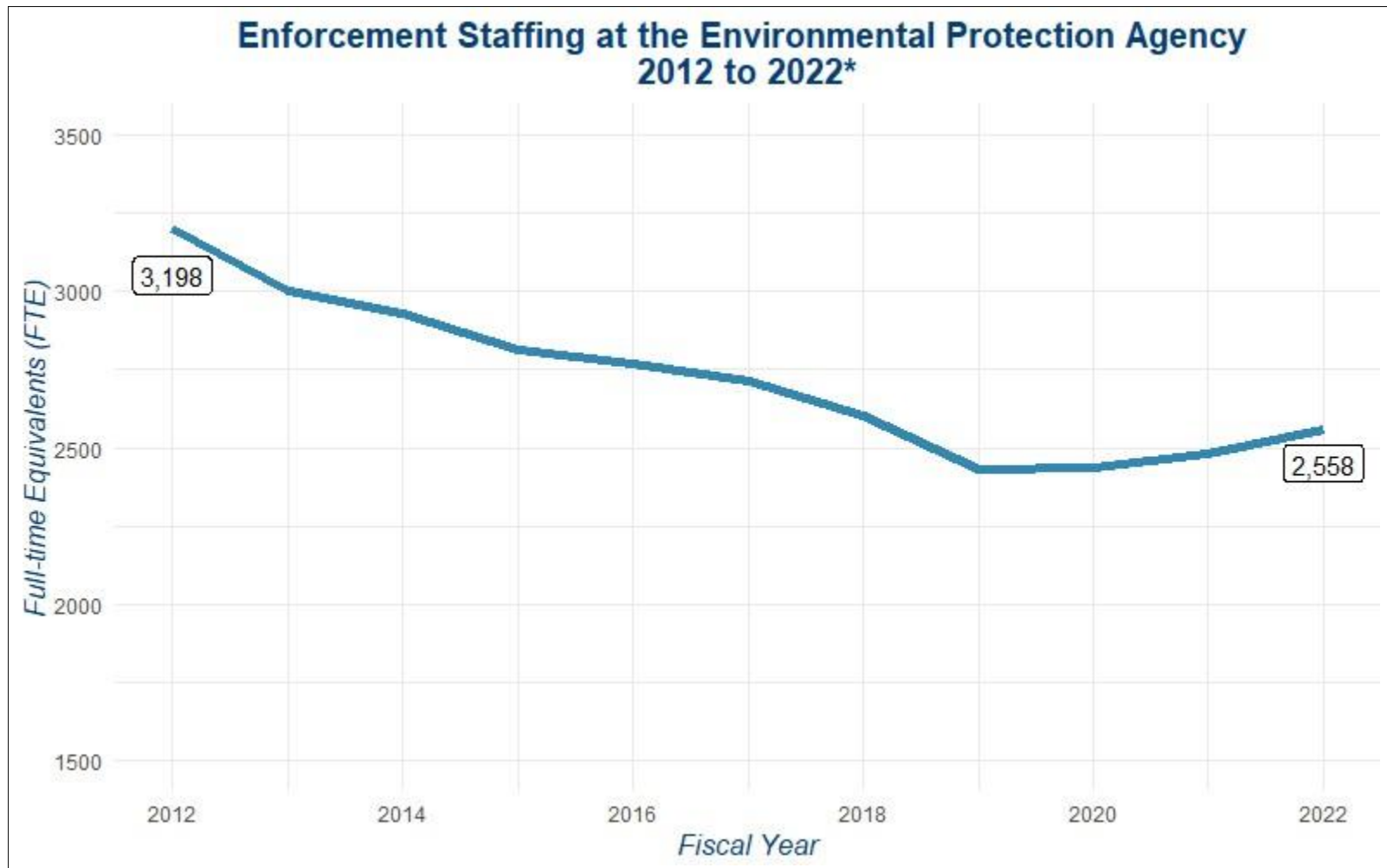
Suncoast Waterkeeper

Tampa Bay Waterkeeper

Utah Physicians for a Healthy Environment

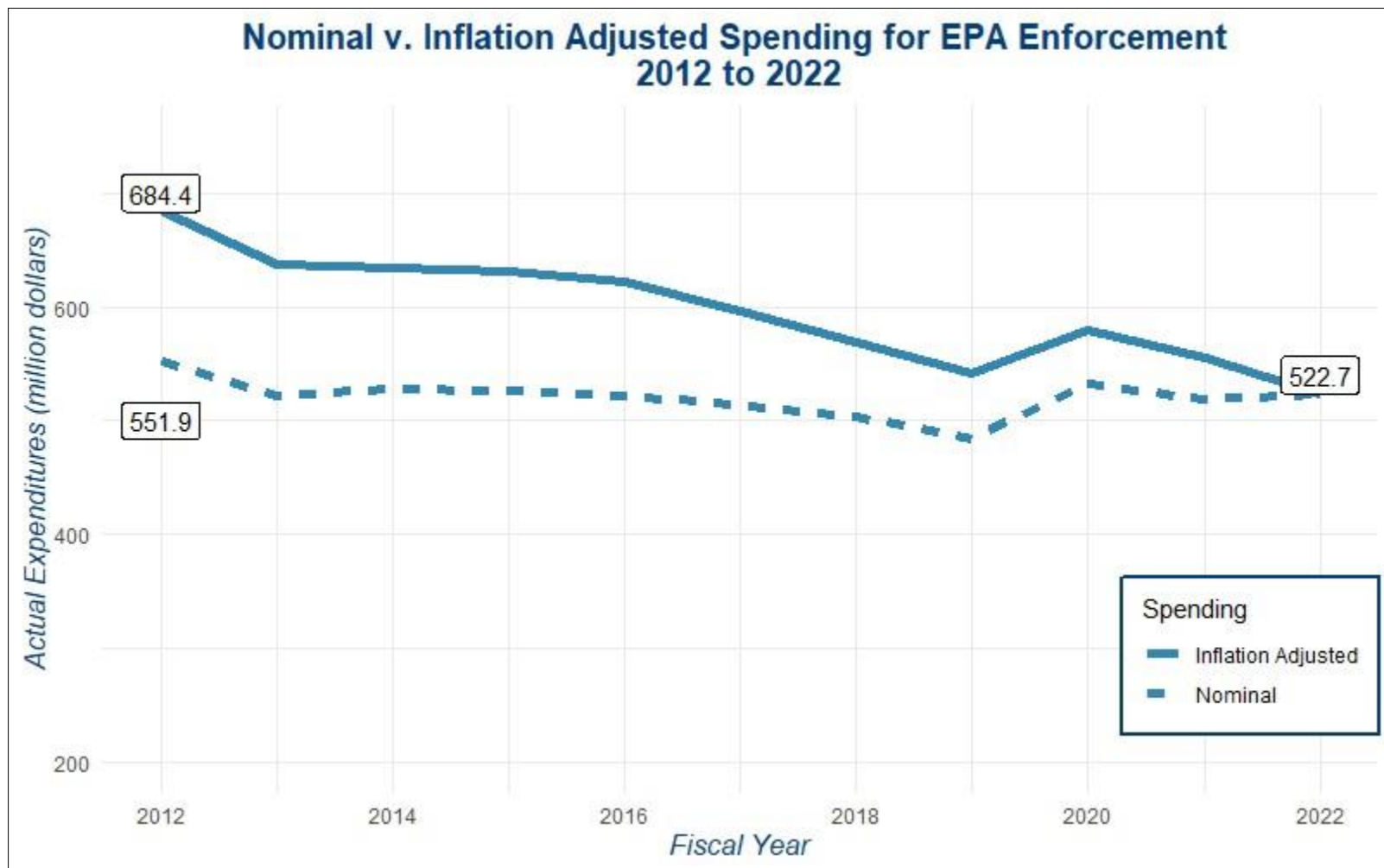
Western Organization of Resource Councils

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.



*Source: EPA Annual Justification of Appropriation Estimates for the Committee on Appropriations, adjusted to 2022 dollars based on CPI Inflation Calculator from the Bureau of Labor Statistics. FY 2022 amount from Omnibus Appropriations Act.*