

# GAO Highlights

Highlights of [GAO-20-95](#), a report to congressional requesters

## Why GAO Did This Study

Enforcing environmental laws and regulations, including those governing water, air, and hazardous waste, is a central part of EPA's mission. In partnership with states, EPA oversees compliance with these requirements for about 800,000 regulated entities, such as refineries and sewage treatment plants. OECA carries out much of EPA's compliance and enforcement responsibilities through the agency's 10 regional offices. OECA has a range of compliance assistance, compliance monitoring, and enforcement tools available to elicit compliance with laws and regulations from regulated entities. These tools include conducting on-site inspection, training staff and providing technical assistance, developing cases, and issuing warning letters.

GAO was asked to review EPA's enforcement efforts. This report examines, among other objectives, the types of information EPA collects on its compliance assistance, compliance monitoring, and enforcement actions. GAO analyzed written responses to its questions from all 10 regional offices, reviewed agency documents and databases, and interviewed EPA officials in headquarters and regional offices.

## What GAO Recommends

GAO is making three recommendations to EPA, including that it should clearly document in guidance to its regional offices that they should collect data on compliance assistance activities and informal enforcement actions and specify which mechanism to use to maintain compliance assistance data. EPA agreed with GAO's recommendations and stated that the agency has either begun to or plans to implement them.

View [GAO-20-95](#). For more information, contact J. Alfredo Gómez at (202) 512-3841 or [gomezj@gao.gov](mailto:gomezj@gao.gov)

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# ENVIRONMENTAL PROTECTION

## Additional Action Needed to Improve EPA Data on Informal Enforcement and Compliance Assistance Activities

### What GAO Found

The Environmental Protection Agency (EPA) collects a range of information on compliance and enforcement such as data on inspections, violations, and enforcement actions. The agency uses these data to manage its efforts and assess progress in meeting the agency's strategic objectives. In an August 2018 memorandum, EPA's Office of Enforcement and Compliance Assurance (OECA) reported a key strategic change to increase compliance assistance activities (e.g., training) and informal enforcement actions (e.g., warning letters). However, the agency does not consistently collect or maintain data on either type of action (see figure). Specifically, OECA has not directed regional offices to collect or report data on compliance assistance activities since 2012 and, consequently, does not have guidance instructing regional offices to collect such data and specifying which mechanism offices should use to maintain these data. Also, the agency did not provide guidance to those offices defining informal enforcement actions or how to maintain data on them until September 30, 2019, but the guidance does not specify how to collect data on such actions. By clearly documenting in guidance how the offices should use the definition to collect data on such actions, EPA could more consistently collect these data.

**Types of Oversight and Status of Data Collection of Such Oversight by EPA's Office of Enforcement and Compliance Assurance**

Type of oversight	Status of data collection	Examples
Compliance assistance	EPA does not require the collection of these data	Telephone calls and training
Compliance monitoring	EPA requires the collection of these data	On-site inspections, off-site evaluations, and investigations
Informal enforcement actions	EPA requires the collection of some data	Warning letters and notices of violation
Formal enforcement actions	EPA requires the collection of these data	Judicial actions and administrative orders

Source: Environmental Protection Agency (EPA). | GAO-20-95

Note: The collection of informal enforcement data varied across different EPA programs due to differing definitions of informal enforcement actions until EPA's September 30, 2019, guidance providing a single definition.

As the figure shows, OECA does not require regional offices to collect data on compliance assistance or complete data on informal enforcement actions. Having complete information about its compliance assistance activities and informal enforcement is essential because EPA has elevated the role of such activities in its overall enforcement efforts. However, because EPA is not consistently collecting these data, the agency cannot be sure it is achieving its strategic objectives. EPA would have better assurance it has the information it needs by clearly documenting in guidance to the regional offices that they should:

- collect data on compliance assistance activities and informal enforcement actions and
- specify which mechanism to use to maintain compliance assistance data.

By doing so, EPA would have better assurance that the regional offices consistently collect and maintain these data in order to track progress toward the agency's strategic objective of increasing the use of such activities and actions.