

Assistant Administrator for EPA's Office of Enforcement and Compliance Assurance Susan Bodine today released the following statement in response to the misleading Washington Post story on the Agency's enforcement efforts:

"The Washington Post's January 24 article about EPA enforcement suffers from serious analytic errors.

"The analysis behind the article mis-uses averages to make it appear that civil penalties imposed in previous years were higher than they actually were. The article states that '[i]n the two decades before President Trump took office, EPA civil fines averaged more than \$500 million a year, when adjusted for inflation.'

"It is not statistically valid to imply a trend by averaging an outlier value with other values. Excluding the unprecedented civil penalty against BP in 2016 (\$5.7 billion), the average civil penalty drops to \$160 million/year.

"EPA is continuing to deter violations of environmental law with a strong enforcement program. That includes imposing high penalties where appropriate. However, high penalty cases do not get resolved every year, as demonstrated in the 10-year trend shown on slide 10 of EPA's FY 2017 annual enforcement results. <https://www.epa.gov/sites/production/files/2018-01/documents/fy17-enforcement-annual-results-data-graphs.pdf>

"For example, the \$305 million civil penalty in the recently settled Fiat Chrysler Automobiles (FCA) case was larger than all the administrative and civil judicial penalties imposed by EPA in seven of 10 previous fiscal years (FY2009, FY2010, FY2011, FY2012, FY2014, FY2015, and FY2018).

"Let there be no mistake—EPA enforcement will continue to correct non-compliance using all the tools at its disposal, including imposing civil penalties to maintain a level playing field and deter future misconduct. To suggest otherwise undermines our enforcement efforts and fails to acknowledge to good work performed by EPA enforcement staff every year."