



EPA Selects Final National Enforcement And Compliance Initiatives

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**Richard E.
Glaze Jr.**
Partner

After proposing new National Enforcement and Compliance Initiatives (NECI) in January and considering comments from states, tribes, NGOs and other parties, [newly confirmed](#) Environmental Protection Agency (EPA) enforcement chief David Uhlmann [announced Thursday](#) the adoption of three new NECIs and one modified NECI for the 2023-2027 cycle.

The EPA selects NECIs to guide the EPA and [delegated states'](#) [deployment](#) of criminal and civil enforcement resources. The [initiatives are selected](#) based on the need to address serious and widespread environmental issues and significant violations impacting human health and the environment, particularly in overburdened and vulnerable communities. The agency also considers where federal enforcement authorities, resources, and expertise are needed and ensures the initiatives are consistent with the EPA's strategic plan.

The new NECIs are 1) mitigating climate change, 2) addressing exposure to PFAS, and 3) protecting communities from coal ash contamination. To address the EPA's "top-priority" – the climate crisis – it noted that it will address methane emissions from oil and gas facilities; methane emissions from landfills; and the use, importation, and production of hydrofluorocarbons (HFCs).

The agency's Office of Enforcement and Compliance Assurance, which Uhlmann heads, will focus on existing New Source Performance Standards at

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oil and gas facilities and landfills and enforce any new rules that may be promulgated to reduce methane emissions in the future.

The Uhlmann memorandum points out that the EPA has already taken a number of PFAS-related enforcement actions to ensure compliance with existing statutes and, if the EPA also designates PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the agency intends to hold responsible those who contribute to the release of PFAS into the environment, such as major manufacturers and users of PFAS.

Regarding coal ash contamination, the EPA said that, because noncompliance with the coal combustion residual requirements under the Resource Conservation and Recovery Act appears to be widespread and since coal ash facilities are often located near communities with environmental justice concerns, this NECI will focus enforcement efforts on conducting investigations at coal ash facilities affecting vulnerable communities.

The existing initiative called “Creating Cleaner Air for Communities” has been renamed “Reducing Air Toxics in Overburdened Communities” and has been modified to focus on communities selected by each EPA Region based on levels of toxic hazardous air pollutants (HAPs) in the communities. The regional selections will be made in partnership with states based on fence line and other air monitoring tools.

Two initiatives that will be continued from the prior cycle are increasing compliance with drinking water standards and chemical accident risk reduction.

In past years, EPA enforcement initiatives have been accurate harbingers of the agency’s deployment of enforcement resources and there is no reason to believe things will be different under Uhlmann’s leadership, especially given the agency’s abundant new funding.