

Congress of the United States
Washington, DC 20515

June 29, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington D.C. 20460

Dear Administrator Wheeler:

We write to you with great concern regarding the current state of the U.S. Environmental Protection Agency (EPA) Region 5 enforcement of critical environmental laws and of industry compliance in the Great Lakes Basin.

A recent report¹ by the Environmental Law & Policy Center found that there has been a decline in enforcement at Region 5. Specifically, there has been a steady decline in enforcement case initiations, and Region 5 enforcement actions under the Clean Water Act are resulting in fewer compliance costs. For example, from \$961 million in Fiscal Year (FY) 2016 down to \$251 million in FY 2019. The report also shows a decline in staff levels at Region 5. Fewer staff means that there are fewer resources available to enforce and monitor compliance with environmental laws. Agency-wide, EPA has spent less than what Congress allocated to EPA in FY 2018 and 2019. We are concerned that cost-cutting measures are affecting enforcement and coming at the expense of public health and the environment, including the Great Lakes, which provide drinking water for over 40 million people.

The trends noted above appear to have led to a rise in facilities violating the Clean Water Act across the region. According to the report, in FY 2016, there were 128 facilities in significant noncompliance with the Clean Water Act, but by FY 2019 there were 211 facilities. Discharges from these facilities include pollutants like nitrogen, phosphorus, mercury, selenium, and cyanide—each of which can be harmful to public health, aquatic life and water quality in the Great Lakes and the waters that feed them. These are waters that people rely on for safe clean drinking water, fishing, and recreation.

We ask that you prioritize protecting human health and safety through effective enforcement of environmental laws, including during difficult times such as the coronavirus (COVID-19) pandemic. Given the data and these concerns, we ask you to respond to the following questions:

¹Environmental Law & Policy Center. (April 2020). *EPA Region 5 Clean Water Enforcement Declines: Trend Coincides with Increase in Significant Noncompliance*. Accessed online: http://elpc.org/wp-content/uploads/2020/04/Region5Report_FINAL_April2020.pdf

1. What is your plan to retain and increase staffing levels in Region 5 generally and for enforcement activities?
2. How much of Region 5 staff is dedicated to enforcement activities and compliance monitoring? How much of that has changed over the last three years?
3. The budgetary data from the report is reflective of total EPA spending. What is Region 5 spending on enforcement and compliance monitoring?
4. COVID-19 is causing enormous strain on state budgets. How will EPA increase assistance to state and tribal partners to ensure regulatory compliance?
5. How is EPA's Temporary Enforcement Policy for noncompliance resulting from COVID-19 going to be tied to the White House's Opening Up America Guidelines and what is the EPA's plan in the event of any possible second wave of the virus?
6. Industrial sources of water pollution, like air pollution, often have a disproportionate impact on environmental justice communities. In light of the reduction of enforcement activity during the COVID pandemic, what is EPA doing to protect environmental justice communities?

Thank you for your attention to this important matter. It is our shared responsibility to ensure public health and our environment remains protected for future generations and environmental laws are properly enforced. Thank you for your consideration of this request. We look forward to a prompt and full response.

Sincerely,

DEBBIE DINGELL
Member of Congress

PETER J. VISCLOSKY
Member of Congress

TIM RYAN
Member of Congress

MIKE QUIGLEY
Member of Congress

JAN SCHAKOWSKY
Member of Congress

BILL FOSTER
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RASHIDA TLAIB
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ROBIN KELLY
Member of Congress

CC: Regional Administrator Kurt Thiede, Region 5, U.S. Environmental Protection Agency