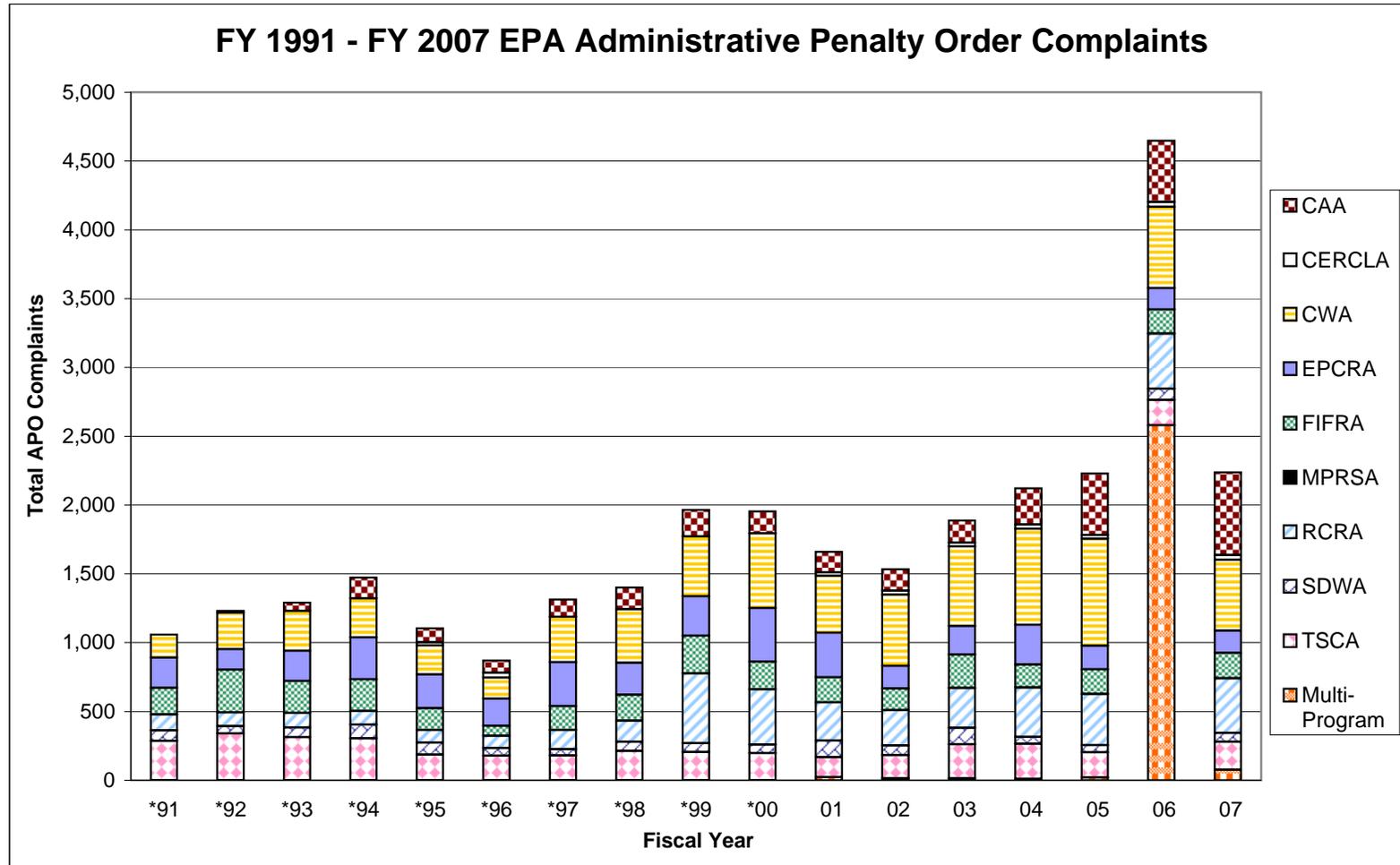




National Enforcement Trends (NETs)



*(Note: FY 91- FY 00 APOCs include extra credits. See Metadata)



National Enforcement Trends (NETs)

FY 1991 - FY 2007 Administrative Penalty Order Complaints

EPA Administrative Penalty Order Complaints																	
Statute	Fiscal Year (FY)																
	*91	*92	*93	*94	*95	*96	*97	*98	*99	*00	01	02	03	04	05	06	07
CAA	NR	12	61	152	102	88	126	156	193	160	149	156	162	263	448	445	600
CERCLA	NR	NR	NR	NR	23	37	0	1	0	0	25	29	26	31	25	36	36
CWA	167	265	290	284	212	153	329	389	436	544	414	518	580	699	779	590	514
EPCRA	221	149	219	305	244	196	319	233	285	390	325	162	207	288	170	155	160
FIFRA	192	310	233	230	160	73	174	187	274	199	182	158	241	166	179	174	185
MPRSA	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	2	2	3	2	2
RCRA	116	101	104	99	91	88	139	155	508	404	276	258	289	359	370	399	396
SDWA	78	53	71	100	86	57	45	65	64	61	121	69	119	48	51	82	65
TSCA	285	340	313	304	187	178	181	214	205	197	145	169	248	256	184	185	203
Multi-Program	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	23	14	14	10	20	2579	76
Total	1,059	1,230	1,291	1,474	1,105	870	1,313	1,400	1,965	1,955	1,660	1,533	1,888	2,122	2,229	4,647	2,237

NR - Not Reported

*(Note: FY 91- FY 00 APOCs include extra credits. See Metadata)

National Enforcement Trends (NETs) Metadata

NETs Page D-2, 2b: FY 1991 - FY 2007 Administrative Penalty Order Complaints	
Note 1	Prior to FY 2003 expedited administrative penalty orders (APOs) (complaints and final orders) were referred to as "field citations" in the Resource Conservation and Recovery Act (RCRA). Beginning in FY 2003 the term field citations was superceded by the term "expedited" action and additional programs now have expedited enforcement actions. In addition to the RCRA UST program, expedited APOs are now a formal enforcement tool used by the following programs: Clean Air Act (CAA) 112r, Clean Water Act (CWA) Stormwater, CWA Spill Prevention Control and Countermeasure (SPCC), CWA Oil Spills, and RCRA 3008A (Subtitle C).
Note 2	Prior to FY 1999 RCRA UST field citations were counted separately from other APOs. Beginning in FY 1999 field citations/expedited APOs have been included in counts of APOs and, therefore, are included in this D-2 APOC bar graph and table for FY 1999 - FY 2007.
Note 3	Expedited actions account for a significant portion of the administrative penalty order complaints (APOCs) reported. Of the 2,229 APOCs reported in FY 2005, 957 (43%) were expedited penalty order complaints; of the 4,647 APOCs reported in FY 2006, 863 (19%) were expedited penalty order complaints; and of the 2,237 APOCs in FY 2007, 821 (37%) were expedited penalty order complaints.
Note 4	From FY 1991 through 2002, EPA granted "Extra Credits" to certain enforcement case initiations: administrative compliance orders, administrative penalty order complaints and civil judicial referrals that involved 1) multiple significant violating facilities, 2) significant violations under multiple environmental statutes, 3) amendment of a previously referred enforcement case, and 4) enforcement of a final court order in an earlier concluded case. The "extra-credits" appeared in EPA's case initiation counts as additional APOC counts. Beginning with the count of enforcement cases for FY 2003, EPA discontinued the practice of granting extra-credits. A result of the cessation of the extra-credit practice was an apparent drop in the number of enforcement actions initiated by EPA. In the NETS tables and graphs, four years of historical data for civil judicial referrals (FY 1999 - FY 2002), and two years of historical data for administrative enforcement cases (FY 2001 - FY 2002) were changed to reflect the new counting methodology (no extra-credits added). Extra credits continue to be included in the APOC counts for FY 1991 - FY 2000, inflating the enforcement action numbers for those years.
Note 5	In FY 2003, as part of the larger change in not adding extra credits to referrals, Environmental Protection Agency (EPA) began collecting case initiation information in three similar and two different areas: the number of multi-program and multi-facility cases; the media/programs that make up EPA's multi-program cases; the total number of facilities that are the subject of EPA's enforcement actions; the number of EPA supplemental judicial referrals to amend an existing enforcement action to add parties and/or violations; and, the number of EPA supplemental judicial referrals to enforce judicial settlements. (See November 17, 2003, "New EPA Methodology for Civil Enforcement Case Initiation Counting" at: http://epa.gov/compliance/resources/reports/endofyear/eoy2003/newcasecountingmethod.pdf .)
Note 6	Since FY 2003, EPA captures in separate data tables (not included here) the following information that was formerly captured only as extra-credits: the number of multi-program and multi-facility cases; the media/programs that make up EPA's multi-program cases; the total number of facilities that are the subject of EPA's enforcement actions; the number of EPA actions to amend enforcement actions to add parties and/or violations; and the number of EPA actions to enforce judicial settlements.
Note 7	The significant increase in both administrative penalty order complaints (APOCs) and final administrative penalty order (FAPO) numbers in FY 2006 is the result of a unique, one-time enforcement initiative involving animal feeding operations (AFOs) that resulted in over 2,568 administrative consent agreements and final orders (referred to as the AFO Air Compliance Agreements). These cases were both initiated and resolved in FY 2006. Approximately 50% of the FY06 APOCs (as well as 50% of the FY06 FAPOs) were issued as part of this initiative. If these actions are subtracted from the total APOC and FAPO counts, the number of administrative penalty cases is about the same as in previous years. All of the AFO air compliance agreements were counted as multi-program APOCs in FY 2006 since all involved more than one statute. The animal feeding operation cases (discussed above) were not expedited penalty orders, which account for the lower percentage of expedited orders in FY 2006 (refer to Note 2 for percentages in FY 2005 vs. FY 2006).