

# Report: EPA overstating enforcement record

By DINA CAPIELLO – October 21, 2008

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WASHINGTON (AP) —

Accounting practices at the Environmental Protection Agency have helped mask how much the Bush administration has slashed penalties against polluters, according to congressional investigators.

A Government Accountability Office report to be released Tuesday says the agency has overstated its enforcement of environmental violations to the public and to Congress by including fines that may never be paid when it tallies penalties. EPA officials said that's the way the agency has always reported fines, including before President Bush took office. Granta Nakayama, the head of EPA's Office of Enforcement and Compliance Assurance, said in a letter to the GAO in response to its findings that reporting the penalties levied rather than those collected deters polluters. "We do not believe that penalties collected should be publicly reported," Nakayama wrote.

Fines levied against polluters by the EPA decreased from \$240.6 million in 1998 to \$137.7 million in 2007. The levied fines in 2004, 2005 and 2006 included a total of \$227.2 million in so-called default judgments. The agency admitted these hard-to-collect fines were larger in those years; GAO said they are unlikely to be collected. Removing those penalties "results in a significant reduction in the overall level of penalties reported," the GAO said.

House Energy and Commerce Committee Chairman Rep. John Dingell, D-Mich., who requested the GAO investigation, accused the EPA of trying to cover up its enforcement record. "The bottom line is that environmental enforcement has significantly declined since the Bush administration took office," Dingell said. On the Net:

- House Energy and Commerce Committee:  
<http://energycommerce.house.gov/>