



The Collapse of Environmental Enforcement Under Trump's EPA

Department of Justice Civil Prosecutions of Illegal Pollution Plummet in Past Year

The Department of Justice (DOJ) settled just 15 of the cases referred by the Environmental Protection Agency (EPA) for civil prosecution in the year since President Trump's January 20, 2025, inauguration. That is far below the 71 concluded during the first full year of the Biden Administration or the 75 concluded within a year of January 20, 2018, the first full year of President Trump's first term.

The collapse of environmental civil enforcement at DOJ is spread across all programs:

- The Department virtually stopped enforcing the Clean Air Act, lodging only a single consent decree (one!) in a relatively small case since Trump's inauguration last year, versus 26 in the first year of Trump's first term, and 22 after Biden's first year in 2021. Enforcing the Clean Air Act means going after violators within the oil, gas, petrochemical, coal, and motor vehicle industries that account for most air pollution. But these White House favorites will be shielded from any serious enforcement, at least while Lee Zeldin remains EPA's Administrator.
- Superfund cleanup settlements hit a new low, with only seven consent decrees lodged in the past year, about a quarter of the totals in the first year following the Trump and Biden inaugurations in 2017 and 2021. DOJ landed four Clean Water Act consent decrees after the first year, a record low under any Administration.

TABLE 1
DEPT. of JUSTICE ENVIRONMENTAL CONSENT DECREES LODGED IN COURT

Statutory Violations	1/21/25 to 1/20/26	1/21/21 to 1/20/22	1/21/17 to 1/20/18
Clean Air Act	1	22	26
CERCLA (Superfund)	7	26	31
Clean Water Act	4	18	15
RCRA (Haz. Waste)	0	2	1
TSCA (Lead)	3	1	1
Oil Pollution Act	0	2	0
Safe Drinking Water Act	0	0	1
TOTAL	15	71	75

Table 1 Note: The [data](#) in this report counts the number of cases that are "lodged" in court by DOJ on EPA's behalf as consent decrees or settlement agreements and announced in the Federal Register. Following a 30-day comment period, courts invariably approve consent decrees and settlement agreements that have been lodged with no substantive changes. Virtually all civil prosecutions for violations of environmental law are resolved through consent decrees, for reasons explained below. The data also includes a handful of bankruptcy cases and substantial consent decree modifications. See Attachment A (Methodology) for more information on the cases included in this report.

As enforcement declines, vulnerable communities near some of the worst violators will be

stuck with illegal pollution that contributes to the asthma attacks and heart disease caused by smog or soot, or that fill local waterways with algae blooms, bacteria, or toxic chemicals.

- EPA's online Enforcement and Compliance History Online (ECHO) database identifies 2,374 major sources of air pollution that have not had a full compliance evaluation in at least five years.ⁱ According to ECHO, no enforcement action has been taken so far at more than 400 major sources with serious violations that EPA considers a “high priority” for enforcement.ⁱⁱ
- A review of the “emission events” reported to a state database in Texas shows that petrochemical plants in heavily populated areas repeatedly release unpermitted emissions of smog-forming chemicals or airborne carcinogens like benzene or butadiene without ever triggering an enforcement response.ⁱⁱⁱ
- Dozens of companies continue to market devices designed to remove or disable emission controls on diesel trucks, which EPA estimates have already released more than 50,000 tons of illegal nitrogen oxide emissions.^{iv} Meanwhile, smog levels in the Houston and Dallas metropolitan area continue to violate air quality limits for ozone established eighteen years ago.^v
- According to the Agency's ECHO database, nearly 900 sources reported exceeding their wastewater discharge limits fifty or more times over the past 24 months.^{vi} Half of U.S. rivers, streams, and lakes are already too dirty to be safe for recreation or to support fish and other aquatic life, according to state water quality reports.^{vii}
- As enforcement recedes, so will the level playing field that protects law-abiding businesses that work hard to stay in compliance from unscrupulous competitors.

How EPA Will Respond

EPA may point to enforcement results for the 2025 fiscal year, which ended on September 30, 2025. These annual reports usually include the number of consent decrees entered as final by federal courts, which generally can happen anywhere from six weeks to as long as ten months after the Justice Department and defendants have reached settlement by lodging a consent decree. All but six of the consent decrees entered during FY 2025 were lodged *before* President Trump took office.

EPA may also emphasize the number of administrative enforcement actions the agency has completed. Administrative enforcement is a good way to handle violations that can be resolved quickly and are less likely to be repeated. But they are not well suited for large, complex cases that warrant higher penalties or the substantial, long-term remedies needed both to correct any violations and to prevent their recurrence.

EPA may argue that a more cooperative, industry-friendly approach will achieve better compliance outcomes, as articulated in a December 5, 2025 [memo](#) from the Office of Enforcement and Compliance Assurance. But the memo signals that EPA will require much less from defendants in the form of remedies that will not only clean up violations but prevent them from recurring year after year. It also lays out an obstacle course of speed bumps and choke points requiring political clearance for many types of cases, discouraging staff from initiating enforcement actions that amount to more than traffic tickets.

EPA has long offered incentives for compliance. For thirty years, thousands of companies have voluntarily disclosed and corrected violations in return for penalty waivers and qualified immunity under EPA's audit policy. The cooperative approach extends to enforcement. Executive Orders dating back to the 1990s require the Justice Department to offer defendants the opportunity to settle *before* they are served with a complaint. That explains why in most cases, complaints are not even filed until a settlement is reached and lodged in federal court.

The shrinkage in DOJ's environmental docket should not be surprising. Buyouts, threatened layoffs, budget cuts, and transfers have already eliminated half of DOJ's Environmental Enforcement Section, and thinned the ranks of EPA staff who develop and refer the cases that DOJ and US Attorneys prosecute. EPA Administrator Lee Zeldin, who reflects Trump's contempt for EPA's mission, has mocked the "climate change religion" and the very notion of "environmental justice," investing instead in rollbacks that legalize pollution formerly prohibited by law.

The Trump Administration has repeatedly shown that it will not enforce laws that do not serve its interests or that inconvenience its business allies.

Elected leaders—at the national, state, and local level—who do not want EPA to cease enforcing the laws enacted by Congress must speak out. They can start by demanding, as U.S. Representative Sean Casten and fifteen of his colleagues in the U.S. House have already done,^{viii} that EPA disclose the serious violations already known to the Agency and asking what will happen to those cases.

Acknowledgement

PEER would like to acknowledge the contributions that Eric Schaeffer and Mike Northridge made to gathering and analyzing the data in this report.

Attachment A

Methodology

The attached [spreadsheet](#) provides a complete listing of the consent decrees that are the basis for the summary data in Table 1. The information was first compiled from Federal Register Notices that announce each environmental consent decree or settlement agreement lodged in federal court on behalf of EPA for the twelve months following January 20th of 2017, 2021, and 2025. Court dockets were then reviewed to confirm when the complaint alleging specific violations was filed, when the resulting consent decree was lodged, and when it was approved and entered by that court as a final, enforceable judgment.

All of the consent decrees in Table 1 for 2017 and 2021 were eventually entered by district courts without any substantive changes, as is almost always the case. Nine of the fifteen cases lodged on or after January 20 of this year have been entered; the remaining six were lodged in August or September of 2025 and will likely be entered in the months ahead.

This report includes several modifications of existing consent decrees that require significant investments in new pollution controls, additional cleanup, and sometimes a significant penalty. Column D in each of the Appendix tables identifies when DOJ filed a motion asking the court to approve the modification, as new complaints are not necessarily required in such cases.

The report also includes settlement agreements that ensure parties to bankruptcy proceedings meet their remaining cleanup obligations. Because creditors in such cases file a “Proof of Claim” (POC) rather than a complaint, Column D of the Appendix identifies when POC’s were filed for the bankruptcy cases included in this analysis.

The civil actions the Justice Department files on EPA’s behalf are resolved through settlements reflected in enforceable consent decrees that often include stringent cleanup requirements, actions to mitigate the harm caused by violations, and preventive measures to keep them from recurring. The settlement of civil claims by federal agencies has long been favored as a matter of policy and for practical reasons. A 1996 Executive Order directs federal litigators *not* to file a complaint until defendants are notified of the government’s claims and offered a reasonable opportunity to settle.^{ix} That explains why for 115 of the 161 cases included in this analysis, the consent decree and complaint were filed together or no more than three days apart.

In other cases, a settlement may be out of reach until a complaint has been filed, evidence gathered, and the court has ruled on important points of law. Even then, parties have the incentive to settle to avoid the time, expense, and risk of protracted litigation. Defendants

who agree to meaningful injunctive relief do not have to admit liability in civil cases and can expect to pay penalties far below the maximum amounts DOJ could seek under the applicable laws. EPA will often need technical input from defendants to design appropriate remedies. DOJ's motion asking the court to approve a consent decree is usually unopposed, and under the deferential standard of review that applies, the court almost always does so.

ⁱ US Environmental Protection Agency, Environmental Compliance History Online, <https://echo.epa.gov/facilities/facility-search>, Search results obtained Jan. 20, 2026.

ⁱⁱ *Id.*

ⁱⁱⁱ Texas Commission on Environmental Quality, "Search the Air Emission Event Report Database, at <https://www2.tceq.texas.gov/oce/eer/>. For examples, enter 01/01/2024 to 12/31/2025 for Event Start Date Range, and enter Blanchard Refining Galveston Bay Refinery, or Chocolate Bayou Plant under Regulated Entity Name.

^{iv} Letter from Evan Belser, Deputy Director, Air Enf. Div.(OECA), US EPA, to Jason E. Sloan, et. al., re: *Tampered Diesel PickupTrucks: A Review of Aggregated Evidence from EPA Civil Enforcement Investigations* (Nov. 20, 2020), available online at <https://int.nyt.com/data/documenttools/epa-on-tampered-diesel-pickups-11-20/6d70536b06182ad2/full.pdf>

^v Texas Commission on Environmental Quality, "Compliance with Eight-Hour Ozone Standard, at https://www.tceq.texas.gov/cgi-bin/compliance/monops/8hr_attainment.pl. The standard established in 2008 is designed to limit exposure averaged over 8 hours to 75 parts per billion. A geographic area has violated this health-based standard if the fourth highest 8-hour concentration averaged over the most recent three year period, exceeds 75 ppb.

^{vi} US Environmental Protection Agency, Environmental Compliance History Online, at <https://echo.epa.gov/facilities/facility-search>. Search results obtained Jan. 20, 2020.

^{vii} Environmental Integrity Project, "The Clean Water Act at 50," Tables I and II, pp. 4,5 (Mar. 22, 2022).

^{viii} Letter from Sean Casten, Member of Congress, et al. to Hon. Lee Zeldin, Administrator, US Environmental Protection Agency (July 15, 2025), submitted as Freedom of Information Act request.

^{ix} Exec. Order 12988, Sec. 1(a) " 61 Fed. Reg. 4729, (Feb. 7, 1996), at <https://www.govinfo.gov/content/pkg/FR-1996-02-07/pdf/96-2755.pdf>. See, also, Exec. Order 12778, Sec. 1(a), 56 Fed. Reg. 55195, (Oct. 25, 1991) at https://archives.federalregister.gov/issue_slice/1991/10/25/55195-55201.pdf.