

# EEW CONGRESSIONAL REPORT CARD

SEAT HELD BY JOSEPH KENNEDY III SINCE 2013

26 August 2020

The [Environmental Enforcement Watch](#) (EEW), a project of [EDGI](#), produced this report using data from the EPA. It provides information about pollution violations and the EPA's efforts to control pollution. Congress has the power to strengthen and oversee how well EPA protects us from pollution.



**Disclaimer:** Data included herein were drawn from EPA's publicly available Enforcement and Compliance History Online ECHO database on August 25, 2020. EDGI has no control over the nature, content, or sustained availability of this database. While EDGI works to assure that the information in this report is correct, that information is subject to limitations of the ECHO database, and is provided "as is." EDGI makes no representations or warranties of any kind, express or implied, about the completeness or reliability of this information. The information and images within this report are for general information purposes only. To examine this data for yourself you can view our analysis here and re-run it here.

## WHY AND WHAT

### Why

It is Congress's job to oversee how the laws it passes are implemented by agencies like the Environmental Protection Agency (EPA). Congress has charged the EPA with enforcing most of the laws that protect environmental health by controlling the release of pollution and hazardous materials into the air, water and land. Without effective enforcement, **these laws are meaningless**. Congress can strengthen EPA enforcement by increasing resources to the EPA, passing more effective laws, requiring better data collection, and general oversight. In the House of Representatives, the Energy and Commerce Committee is the main committee that oversees the EPA.

#### [House Energy and Commerce Committee](#)

This Committee is the oldest house Committee with the broadest jurisdiction of any authorizing committee. The Committee oversees the EPA, and legislates on issues like environmental protection, clean air, climate change, safe drinking water, toxic chemicals and hazardous waste, and nuclear facilities. Currently, the Committee includes 55 members – 24 Republicans and 31 Democrats. The subcommittees of primary interest to these reports are Environment & Climate Change and Oversight & Investigations.

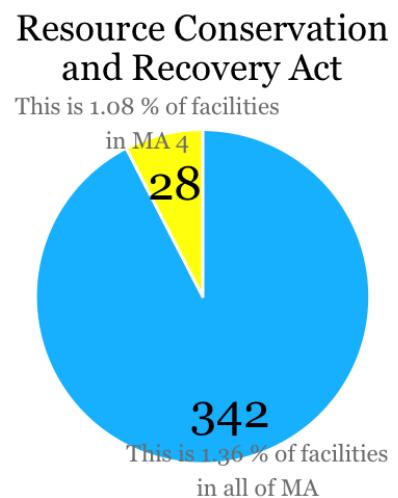
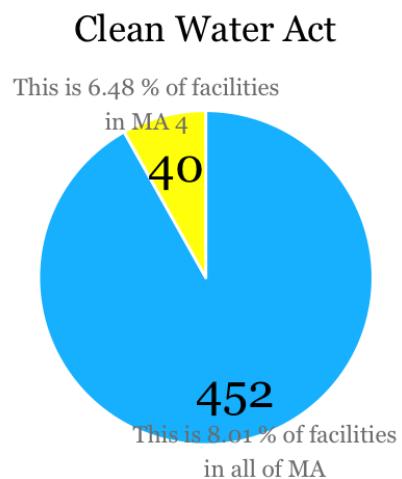
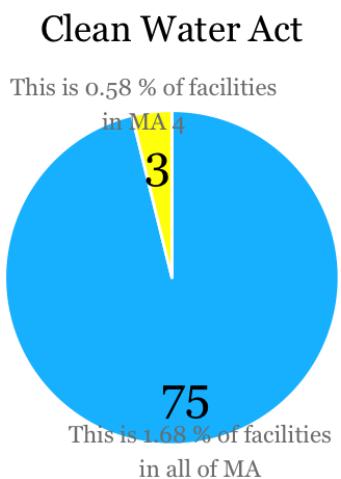
### What - the Data in this report

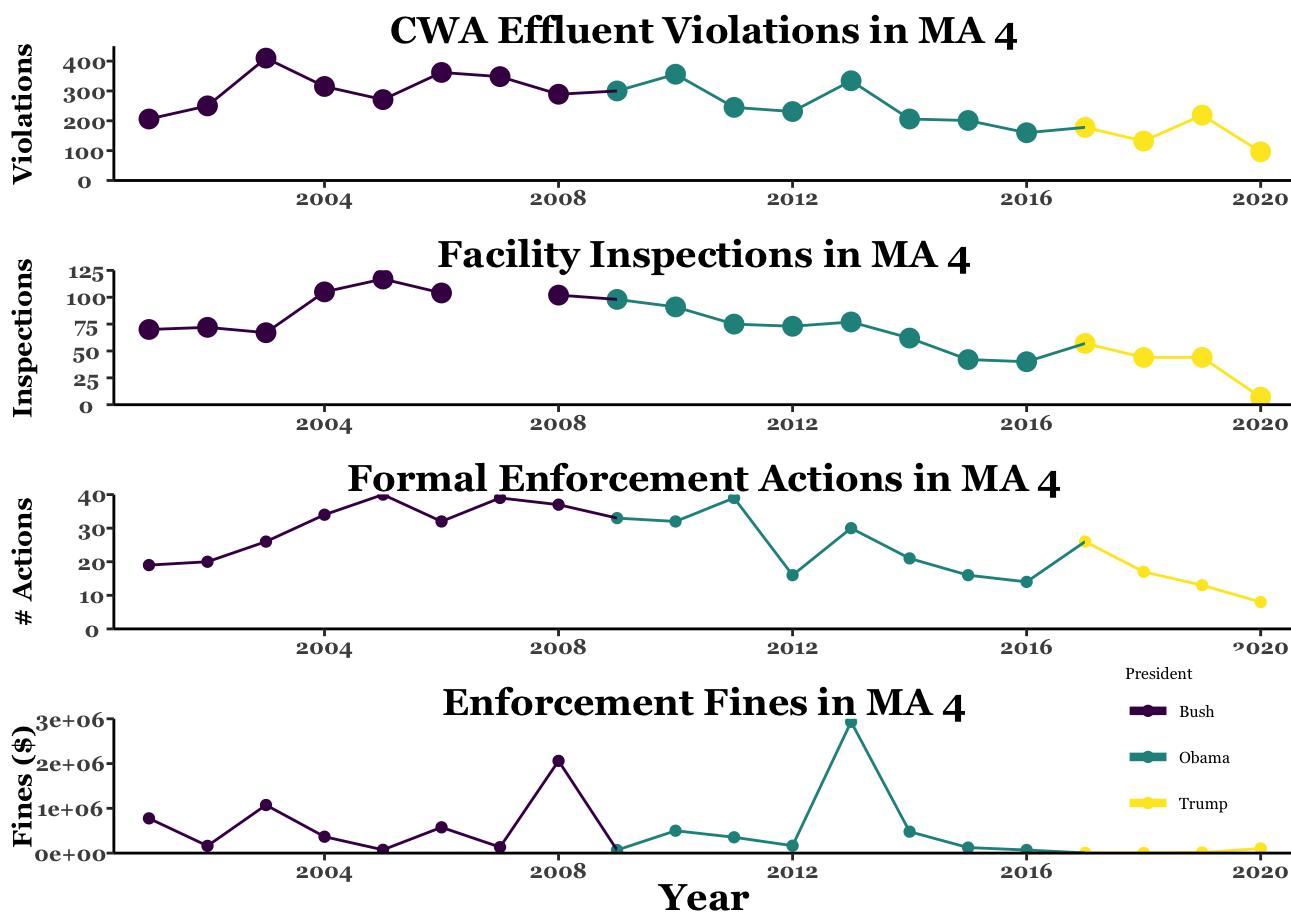
While ECHO remains the only publicly available and comprehensive source for environmental compliance data, it is known to be extremely unreliable. According to former EPA Administrator Cynthia Giles, states often report less than 5% of violations under the regulations controlling clean air and hazardous waste, which means that ECHO data may exclude more than 95% of such violations. Therefore, other than the Clean Water Act, for which violations are reported through an automated system, violation data should not be considered accurate. It is important to note that states which might have the most violations may actually be the most responsible in terms of their reporting to EPA. Below is a color code of reliability for each data type presented in this report:

## HIGHLIGHTS FOR YOUR DISTRICT

- **Highlight from Open Hour**
- **Highlight from Open Hour**
- **Highlight from Open Hour**

**Number of Regulated Facilities that spent at least 25% of the last 3 years in Violation per Program:**

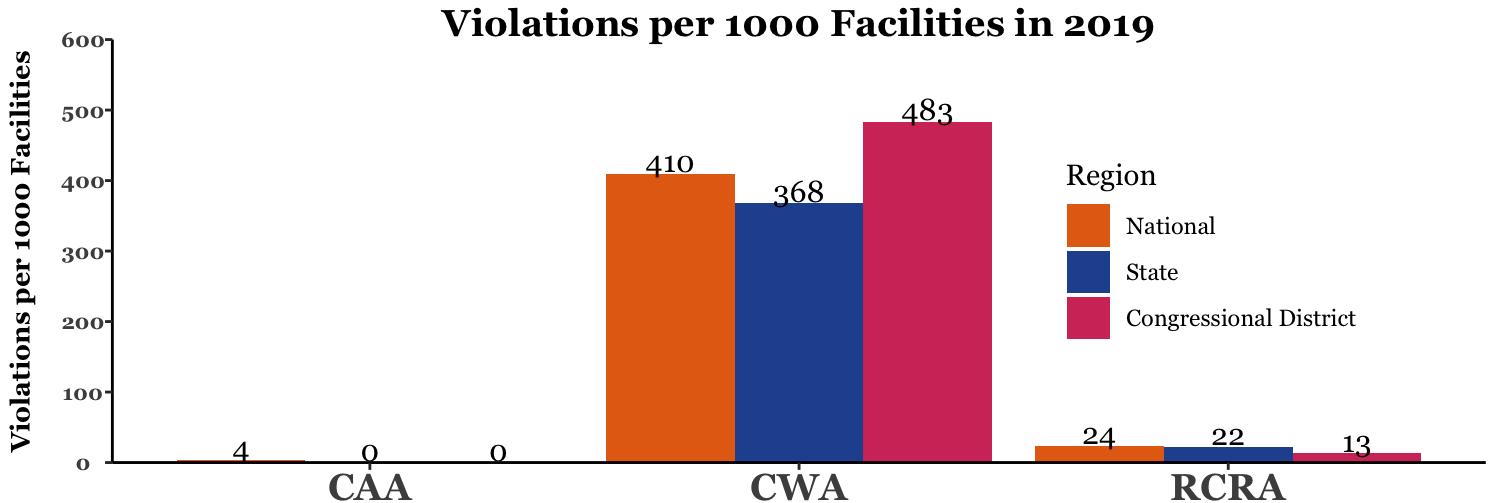
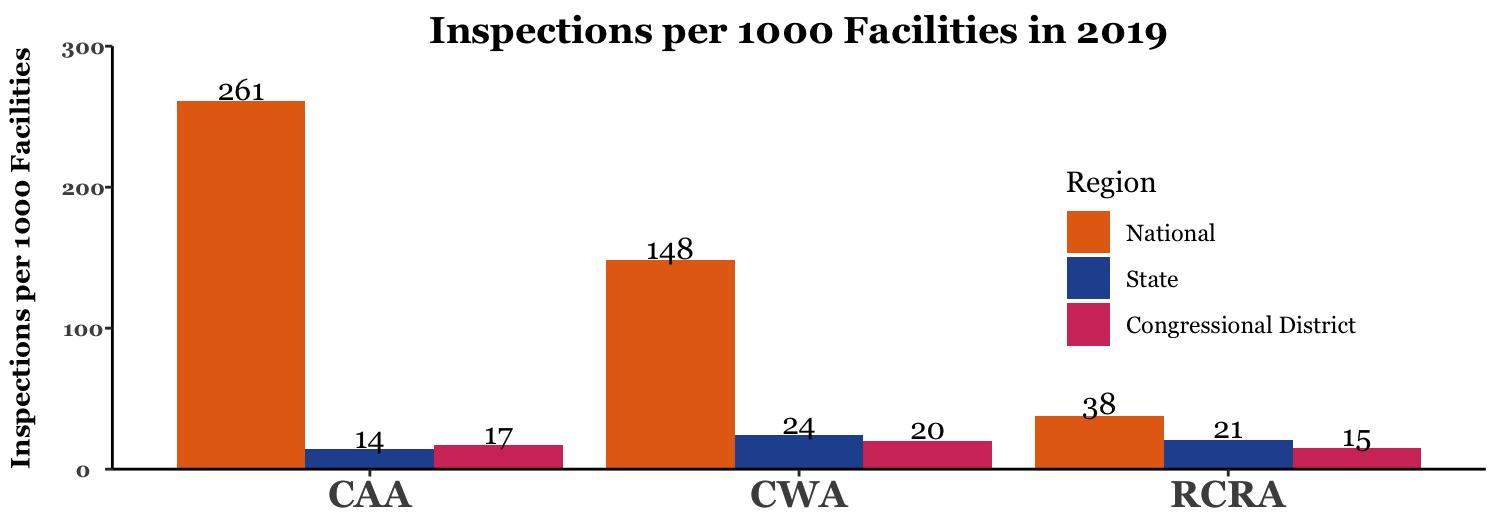




DRAFT NOT FOR CIRCULATION

## YOUR DISTRICT IN COMPARISON

The following two figures display the number of inspections and violations at the national, state, and district level per 1000 regulated facilities in 2019. Soon this will also include enforcement actions and fines



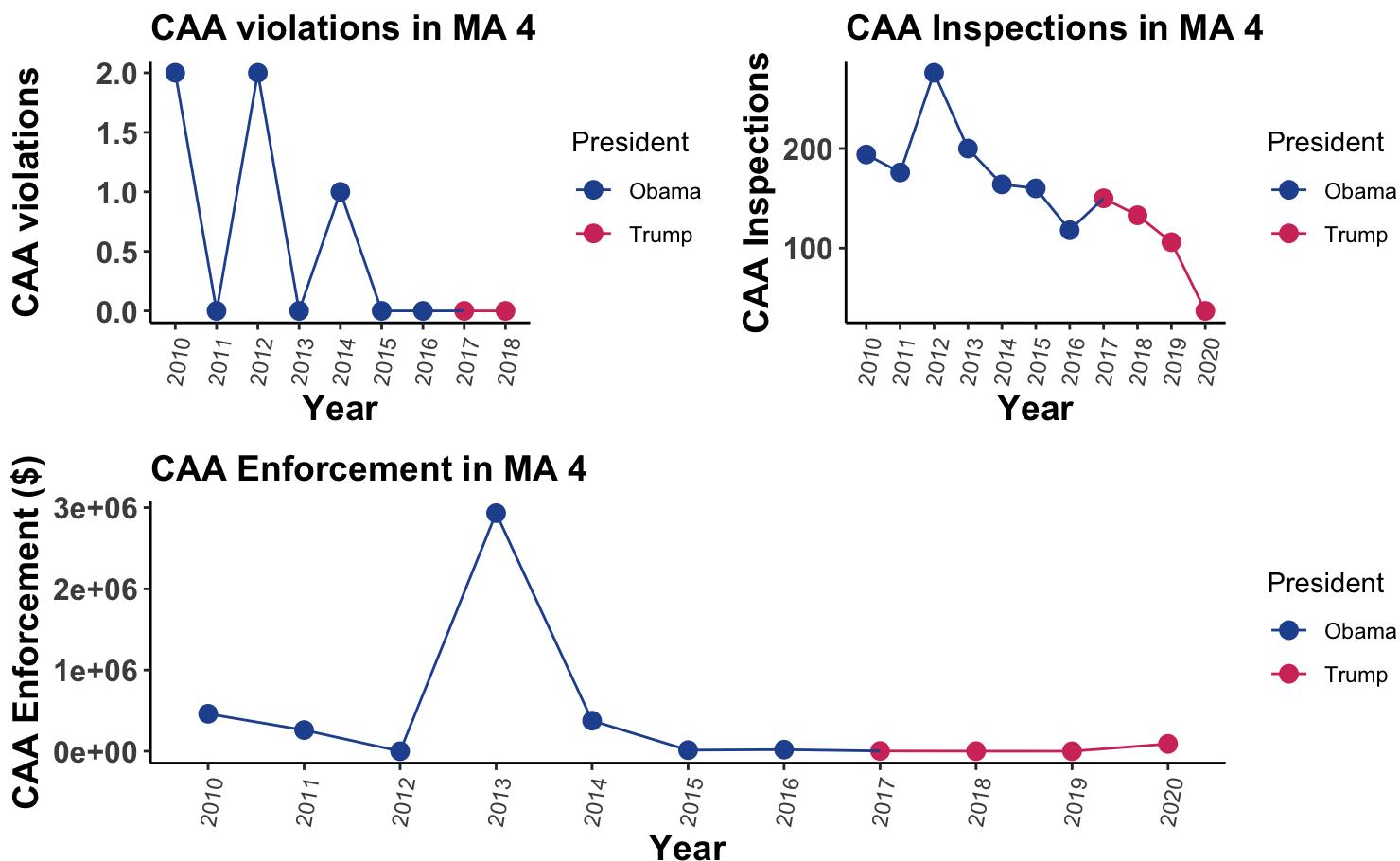
### Still need -

- Enforcement fines nationally and statewide
- GHG emissions nationally and statewide (2018)

# CLEAN AIR ACT

The Clean Air Act (CAA) is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and to regulate emissions of hazardous air pollutants [EPA](#). For the CAA, inspections are the most common way of identifying violations, so less violations aren't necessarily an improvement. Recent cuts in inspections is likely related to a drop in violations. [More info on CAA](#)

## There are 465 CAA facilities



Add here:

- Enforcement # over time since 2001

- Number and Naming facilities with top compliance problems past 3 years

## CLEAN WATER ACT

The Clean Water Act is a series of regulations that govern discharges of pollutants and regulates water quality standards for waters of the United States. The CWA established the National Pollutant Discharge Elimination System (NPDES) which permits discharges of pollutants [EPA](#). Unlike the CAA, CWA violations are reported automatically through the National Pollutant Discharge Elimination System (NPDES), so violations are recorded independently of facility inspections. CWA inspections often occur in response to recorded violations. [More info on CWA](#)

### There are 453 CWA facilities

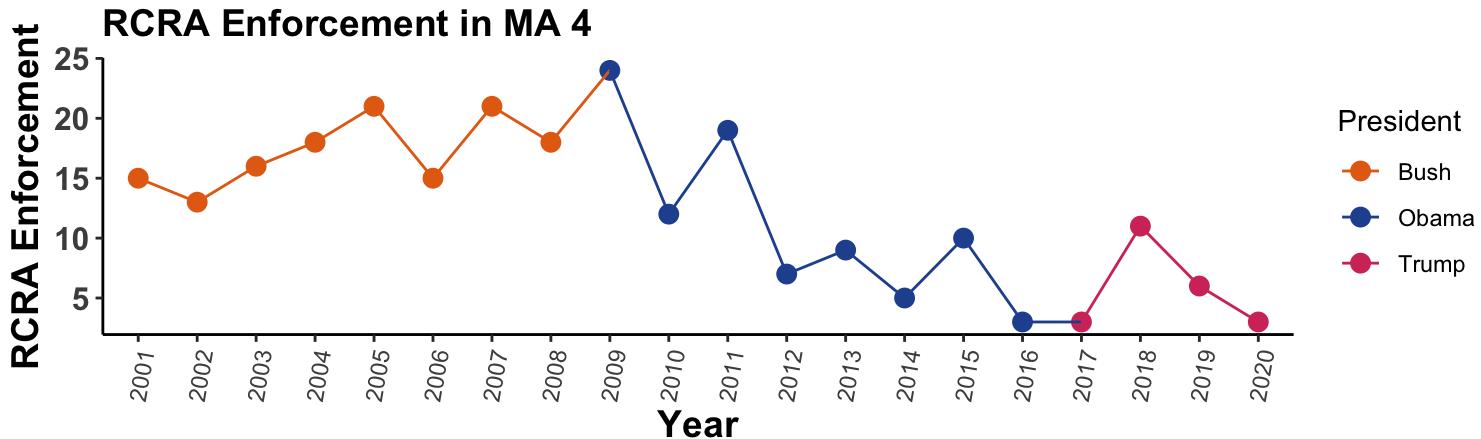
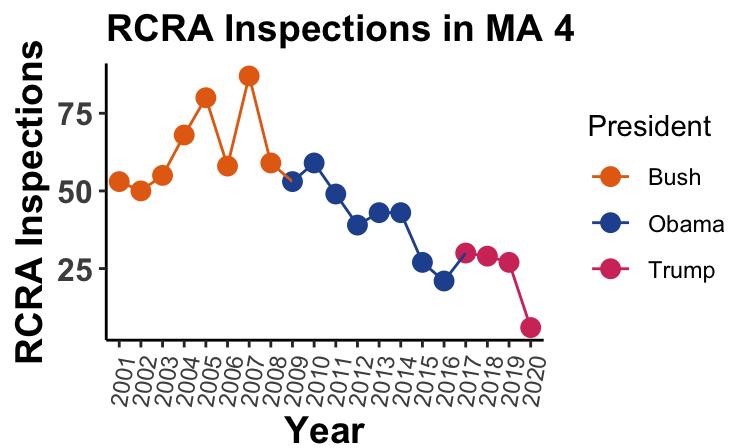
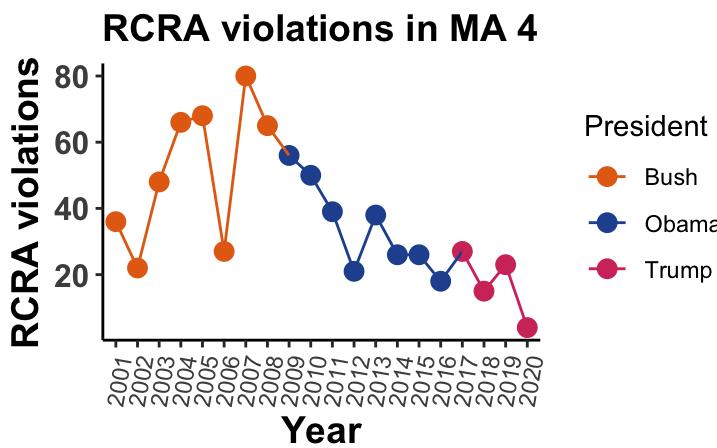
Once we have the data, add here:

- Violations over time since 2001
- Inspections over time since 2001
- Enforcement (\$ and #) over time since 2001
- Number and Naming facilities with top compliance problems past 3 years

# RESOURCE CONSERVATION AND RECOVERY ACT

The Resource Conservation and Recovery Act (RCRA) gives EPA the authority to control hazardous waste from the “cradle-to-grave”, regulating the generation, transportation, treatment, storage, and disposal of hazardous waste. Although facilities self-report under RCRA, like the CAA, violations are most often found after an inspection, and a reduction in violations might mean a reduction in inspections. [EPA More info on RCRA](#)

## There are 1746 RCRA facilities



Add here:

- Enforcement # over time since 2001

- Number and Naming facilities with top compliance problems past 3 years

## THE GREENHOUSE GAS REPORTING PROGRAM

The GHGRP is an EPA Program mandated by law that requires reporting of major sources and suppliers of GHG emissions in the United States, including from large direct emissions sources, fuel and industrial gas suppliers, and CO<sub>2</sub> injections sites. About 8,000 facilities are required to report their emissions annually, covering 85-90% of total US Annual GHG emissions [EPA](#). By reporting direct sources and suppliers in the same way, the program can misrepresent the geography of emissions, making it appear as if industrial regions have an excess of emissions and suburban areas—where many household-level direct emissions occur—have little to no emissions. [More info on GHGRP](#)

### There are 14 GHG facilities

Once we have the data, add here:

- Your district, 2010-2018 < what does this look like visually?
- Real world comparison
- Major emitters in your district

## LEGISLATOR INFORMATION

### Joe Kennedy



Democrat

In office since January 3rd, 2013

Relevant Committee Membership: [Energy and Commerce Committee](#)

The House Energy and Commerce Committee is the oldest house committee, and has one of the broadest mandates. Among other things, it has jurisdiction over environmental protection, clean air and climate change, safe drinking water, and toxic chemicals and hazardous waste. Additionally, it has oversight of the Environmental Protection Agency.

#### Relevant Subcommittees:

1. [Energy](#)
2. [Oversights and Investigations](#)

#### What powers do representatives on this committee/subcommittee have?

As a member of this committee and subcommittee, Joe can . . .

## DATA LIMITATIONS

### Disclaimer

Info about COVID policy.

- Gaps and Problems with ECHO data
  - Inability to assess compliance over time
  - Inability to easily assess data on politically-meaningful timeframes, e.g. 2, 4, and 6 years. Just 3 and 5.
  - No idea how many facilities operated in the past
  - Multiple program IDs for a single facility/permit
  - Geocoding errors
  - Mislabeled times (e.g. the inspections that will occur in 2052)

# ABOUT THE AUTHORS

## About EEW and this Project

Environmental Enforcement Watch (EEW) is a collaborative project across EDGI working groups. The EEW project builds on EDGI's 2019 [Sheep in the Closet Report](#) that documents large declines in EPA enforcement of environmental laws. This project and others used data from EPA's [ECHO](#) database, revealing how useful ECHO could be for communities to track pollution and EPA responses in their areas. However, they also revealed the inaccessibility of ECHO for non-specialists, along with many omissions, errors, and confusions present in the data itself.

A key goal of EEW is to highlight gaps and inadequacies in the enforcement of environmental laws, demonstrating EPA's failure to fulfill its congressionally mandated duty. To help bring awareness and action to the state of environmental non-compliance across the US, we are using Jupyter Notebooks that utilize ECHO data to present these congressional report cards for the 75 Senators and House Representatives that sit on the House Energy & Commerce Committee and the Senate Environment & Public Works Committee. By providing a novel and poignant look at the chronic state of non-compliance in their states and districts, we hope to provide these key representatives with the information and pressure they need to hold the EPA accountable.

## About EDGI

EDGI is an international network of over 175 members from more than 80 different academic institutions and non-profits, comprised foremost by grassroots volunteer efforts. Since 2016, EDGI has served as a preeminent watchdog group for federal environmental data, generating international effort to duplicate and monitor repositories of public data that are vital to environmental health research and knowledge. EDGI's work has been widely acknowledged, leading to EDGI testifying before Congress on declines in EPA enforcement, and hundreds of mentions in leading national and international media such as *The New York Times*, *The Washington Post*, Vice News, and CNN. For more about our work, read our [2019 Annual Report](#) and [2020 Annual Report](#).

Links to data will eventually appear here

