

# State and Federal Enforcement: The Current Landscapes



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# Federal Trends



# Federal Trends

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Compliance First

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DOJ Changes

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Enforcement Priorities



# Recent Enforcement Developments

- Concluded **over 2,127** civil enforcement cases and reduced, treated, or eliminated **over 116 million pounds** of pollution and waste
- Conducted over **14,000** compliance monitoring activities
- Assessed **\$650 million** in civil penalties
- Charged **156 criminal defendants**
- Secured more than **\$6 billion** in compliance commitments

**SOURCE: EPA FY 2025 Enforcement and Compliance Report**

- DOJ/ENRD (current)
  - **Proposed Consent Decrees (lodged): 7**

**SOURCE: DOJ ENRD proposed consent decrees**



# DOJ Corporate Criminal Enforcement and Voluntary Self-Disclosure Policy

- March 2026 policy creates single department-wide framework; supersedes all component-specific and USAO policies
- Three-part structure
  - i. Declination
  - ii. “Near Miss”
  - iii. Other
- Regulator/ civil disclosures may qualify





# Region 6 Enforcement: 2025-26 Administrative Docket

- **CAA: 9 actions**
  - RMP cases
- **FIFRA: 6 actions**
  - Unregistered pesticide actions
- **TSCA: 1 action**
  - lead paint RRP case
- **RCRA: 2 actions**
  - General hazardous waste compliance
- **CWA: 9 actions**
  - 6 SPCC & Oil Pollution actions, 3 NPDES actions

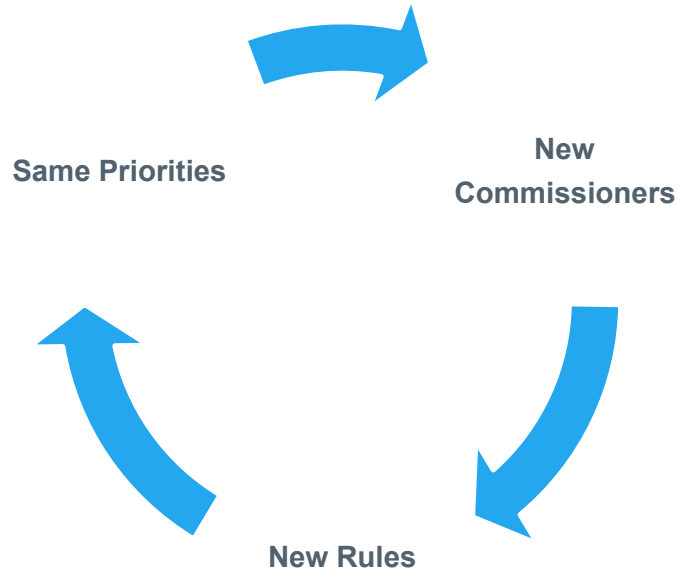


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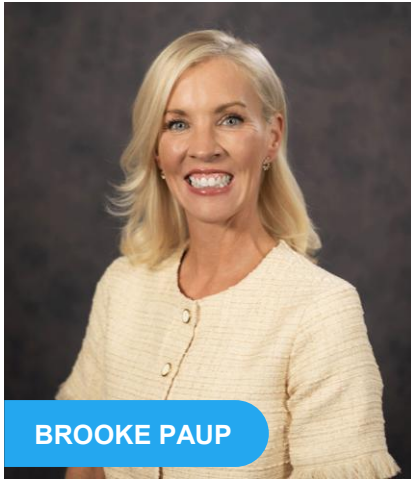
# Texas Outlook



# What Is New at The Q?

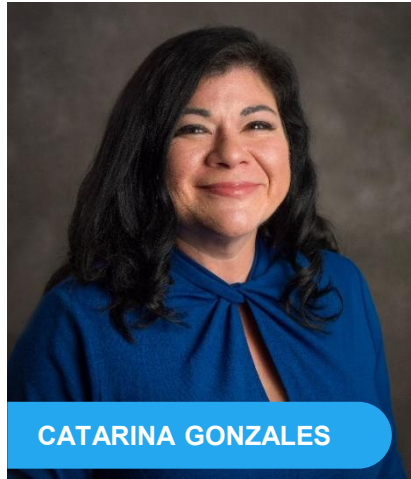


# TCEQ Commissioners



**BROOKE PAUP**

Source: TCEQ.Texas.gov



**CATARINA GONZALES**

Source: TCEQ.Texas.gov



**TONYA MILLER**

Source: TCEQ.Texas.gov





# Compliance History Updates

- Outcome of Sunset Commission Report
- Compliance history evaluated twice annually (March 1 and September 1)
  - Five-year review period begins on the initial enforcement screening date
  - Expanded violation scoring
- Includes all moderate and minor violations
- Includes all repeat similar violations
- Complexity-based repeat violator thresholds
- Total repeat violation points determine threshold status
- Mitigation Factors:
  - May adjust rating from unsatisfactory to satisfactory
  - Point total remains just below unsatisfactory threshold
- Appeals process:
  - New form required: Advanced Review of Compliance History

# TCEQ Enforcement Statistics

## Investigations

- FY 2023: ~108,000 investigations
- FY 2024: ~105,000 investigations
- FY 2025: ~101,000 investigations

## Notices of Violation (NOVs)

- FY 2023: 14,740
- FY 2024: 15,235
- FY 2025: 19,049 (increase in FY 2025, largely driven by Lead and Copper Rule amendments and drinking water violations)

## Administrative Orders Issued

- FY 2023: 1,023
- FY 2024: 1,083
- FY 2025: 1,170

## Administrative Penalties

- FY 2023: ~\$8.4M
- FY 2024: ~\$9.5M
- FY 2025: ~\$8.4M

# TCEQ Criminal Actions

- Major Drivers
  - Falsification and Record Tampering
  - Fraud and Deceptive Practices
  - False Statements to Investigators
- Managers, Environmental Staff, Consultants, Corporations
- County and District Attorneys are the charging authorities
- FY 2025: more felonies, search warrants, incarceration exposure





# Texas AG Updates

Election 2026

Headline grabbing litigation

Approach to civil penalties

# MAHA Initiatives

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PFAS

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General Mills

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Crest

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Investigation into pesticide spraying in grocery stores





## TCEQ → AG

- The AG works on referral from TCEQ. Tex. Water Code § 7.105
- Many referrals are discretionary
- Referral mandatory:
  - Failure to obtain initial authorization for discharge, solid waste facility, air emissions
  - Repeat violators - two or more final administrative penalty orders at the facility within the preceding two years for air emissions, unauthorized discharge, wastewater systems
- Currently 171 active TCEQ referrals to OAG
- Cases take ~2-7 years to resolve

# Civil Penalties

Year	Total AFJs	Total Penalties (Cumulative)	Cases > \$1M
Pre-COVID	14-20	\$1M-\$2.5M	0-1
2020	19	~\$16M	2
2021	15	~\$13M	4
2022	11	~\$4M	0
2023	10	~\$82M	1
2024	11	~\$8M	2
2025	14-15	~\$95M	6-7

# OECA & OCSPP Recent Confirmations

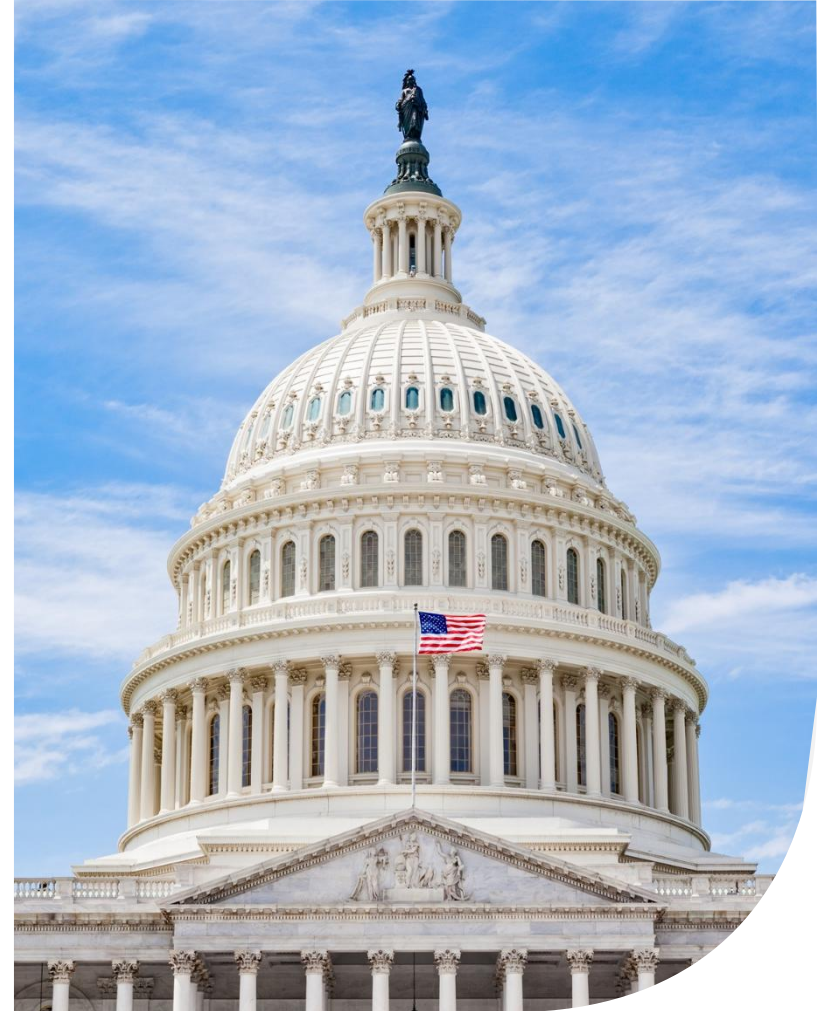
**Jeffrey Hall,**  
OECA AA  
(December 2025)

**Craig Pritzlaff,**  
Principal Deputy AA  
(No Senate Confirmation)

**Douglas Troutman,**  
OCSPP AA  
(October 2025)

# Recent Enforcement Developments: “Compliance First” Memo

- Timely compliance
- Compliance Assistance Toolkit
- **State Partner Coordination:** Cooperative Federalism
- Open Communication
- **Finding of Violation:** Rely on most defensible legal interpretation
- **Consolidated Criteria for Specific Categories of Violations**
- **Compliance Requirements and Injunctive Relief:** Based on the best, most defensible interpretation of the law
- **Disfavored Remedies:** Advanced monitoring, third-party audits, independent third-party verification/monitoring, electronic reporting, enhanced public reporting of compliance data
- Mitigation & Stipulated Remedies need OECA AA Approval
- **No SEPs** until further guidance issued
- Reasoned Decision Making: LEAPs



# Future Enforcement Priority: Imports

- **December 2025:** Enforcement visit to Port of Los Angeles and U.S. CBP
- Revitalized imports inspection and enforcement coordination
- Alignment with MAHA strategy to remove toxins from communities and food systems

**SOURCE:** [EPA Accelerates Crackdown on Toxic and Poisonous Imports in Concert with CBP, Keeping Americans Safe | US EPA](#)



# Questions?

Thank you!



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