

DOJ

Number of criminal environmental prosecutions keeps dropping

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Criminal environmental prosecutions are continuing their downward trend and are on track to reach their lowest point in more than two decades.

The Transactional Records Access Clearinghouse today released data from the Justice Department showing that the federal government reported 55 prosecutions in the first three months of fiscal 2018.

If that trend continues, TRAC said, the government will prosecute 220 violators of environmental laws by the end of the year. That would be the fewest number of prosecutions since DOJ began its tracking more than 20 years ago.

TRAC obtained the data through a Freedom of Information Act request to the Executive Office for United States Attorneys. TRAC is a project of Syracuse University.

So far in fiscal 2018, six out of 10 environmental criminal prosecutions have been violations of wildlife protection laws, TRAC said. The Interior Department played the lead role in 23 of the 55 prosecutions, followed by U.S. EPA in 16 and the Agriculture Department in 11.

Almost half of all the prosecutions were litigated in three federal judicial districts: the Western District of Louisiana, the Central District of California and Montana.

The number of criminal prosecutions has dropped since the last year of the Obama administration. In fiscal 2016, the Justice Department reported 393 prosecutions. Last fiscal year, the number decreased to 338.

But the overall decline began before the Trump administration took office, according to the data. In fiscal 2007, DOJ reported more than 900 prosecutions, but by 2009 they had dropped to around 500. In both 2011 and 2012, the federal government prosecuted around 600 violators, but the numbers fell again in the following years.

The TRAC numbers, though, do not differentiate between high-profile environmental crimes resulting in multibillion-dollar settlements, such as the Volkswagen AG emissions cheating scandal and the BP PLC Deepwater Horizon disaster, and smaller violations of environmental laws.

A DOJ spokesman did not respond to a question on what's causing the downward trend reflected in the data.

Fewer referrals by agencies could be driving some of the decline. EPA currently has around 150 criminal agents, though a 1990 federal law requires the agency to have at least 200. In a report last year, Public Employees for Environmental Responsibility found that the agency had fewer than half of the special agents as it did in 2003 ([Greenwire](#), Aug. 24, 2017).

EPA, though, recently received authorization to hire 10 more investigators, Michael Fisher, director of the legal counsel division in EPA's Office of Criminal Enforcement, said at an October gathering of environmental lawyers.

At that same conference, Deborah Harris, who has been chief of DOJ's Environmental Crimes Section since 2014, blamed budget cutting for hampering environmental enforcement.

"I think the damage was done before the Trump administration got here," she said then. "Who knows what more damage will be done?" ([Greenwire](#), Oct. 20, 2017).

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