

# **Enforcement Reform: Protecting Vermont's Environment and Upholding the Law**

The health of Vermont's forests, lakes and streams, drinking water, and air quality are being jeopardized by the state government's lax enforcement of our environmental laws. Vermont's strong and innovative environmental laws have little meaning if they are not consistently and effectively enforced.

Vermont's poor track record of enforcement is startling. For example, a 2006 report by the Conservation Law Foundation found that 31 percent of citizen complaints received by the Agency of Natural Resources (ANR) each year were unresolved. A staggeringly low 4 percent of all complaints result in enforcement actions involving fines. And only 18 percent of confirmed violations result in formal enforcement actions with the possibility of a fine. This track record leaves Vermont's environment — and the ability of a concerned public to watchdog it — in jeopardy. Moreover, ineffective enforcement is bad for business because it puts those businesses that spend the time and money to uphold their environmental obligations at a competitive disadvantage to those polluters who save money by taking risks and ignoring the law.

Slap-on-the-wrist penalties for environmental violations are undermining the impact that enforcement action should have in preventing future pollution. By giving the public a greater role in enforcement we can ensure that compensation paid by polluters is equal to the seriousness of the offense and sufficient to repair the damage done. Moreover, the resulting stigma and stiffer penalties will create greater incentives for more proactive and rigorous compliance by regulated entities.

## **BILL UPDATE – H. 685**

Last year Rep. Tony Klein began the effort to gain more and better environmental enforcement by introducing H. 259. That bill generated a good deal of discussion and support. Over the summer, an ANR study group released a report with recommendations for how to improve enforcement at the Agency. Seeking to combine the best of both efforts, last month Rep. David Deen, chair of the House Fish, Wildlife, and Water Resources Committee, introduced a new bill, H. 685, which borrows language from both documents.

This new bill outlines many initiatives that we support. Among other things, the bill would:

- require public input before settlements can be signed
- require monetary penalties be the primary form of penalty
- place holds on permit applications for applicant with unpaid penalties or pending enforcement actions
- require the creation of a publicly available database of enforcement actions
- enable citizens to bring suit to assure enforcement
- endow environmental enforcement officers with full law enforcement status
- authorize and fund the creation of two additional environmental enforcement officers

## **TALKING POINTS**

The bill is currently in the House Fish, Wildlife, and Water Resource Committee. We hope the Committee and the full House and Senate will pass H. 685 because it:

- ensures that polluters pay and that the punishment fits the crime
- empowers the public to have a role in enforcement
- provides new tools to ANR to enhance enforcement efforts
- punishes violators by limiting their ability to get additional permits while cases are pending

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