Existing NCIs FY2020-2023	FINAL NECIs FY2024-2027	Changes in Initiatives
N/A *However, EPA sought to incorporate climate resiliency considerations generally in implementing the FY2020-2023 NCIs.*	**1. Mitigating Climate Change**	*New*. For the first time, EPA has named an NECI that focuses exclusively on climate change-related problems because "tackling the climate crisis is EPA's top priority." Accordingly, EPA will concentrate its enforcement efforts on "significant contributors to climate change," namely: methane emissions from oil and gas facilities and landfills and hydrofluorocarbons ("HFCs"). As to methane emissions, EPA will specifically target oil and gas facilities and landfills—which EPA has identified as the second and third largest sources of methane emissions in the United States—to ensure compliance with air pollution requirements, such as New Source Performance Standards ("NSPS") and any new, related rules in the future. For HFCs, OECA will reduce harmful HFC emissions through criminal and civil enforcement of the American Innovation and Manufacturing Act of 2020 ("AIM Act") to ensure that the phasedown of HFCs occurs under the Act's required schedule.
N/A	**2. Addressing Exposure to PFAS**	*New*. EPA has selected this new NECI because of the alleged "toxicity and persistence of [PFAS] chemicals, and the breadth and scope of PFAS contamination throughout the country." OECA will focus on implementing the actions set forth in its 2021-2024 PFAS Strategic Roadmap (which we reviewed in October 2021) to ensure compliance with existing environmental statutes, such as by taking "action to address an imminent and substantial endangerment to communities." Under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), EPA is expected to issue its Final Rule to designate PFOA and PFOS as *hazardous substances* by February 2024. EPA has also indicated it would develop a CERCLA enforcement discretion and contribution protection settlement policy to guide its cleanup enforcement efforts. And, while an enforcement discretion policy has not officially been released, the Final NECIs memorandum states that "OECA does not intend to pursue entities where equitable factors do not support CERCLA responsibility, such as farmers, water utilities, airports, or local fire departments, much as OECA exercises CERCLA enforcement discretion in other areas." Rather, OECA will seek to "hold[] responsible those who significantly contribute" to PFAS contamination, "such as major manufacturers and users of manufactured PFAS, federal facilities that are significant sources of PFAS, and other industrial parties." EPA's initial enforcement goals focus on: achieving site characterization, controlling ongoing releases, ensuring compliance with permits and other agreements (e.g., Federal Facility Agreements), and addressing endangerment issues.

Existing NCIs FY2020-2023	FINAL NECIs FY2024-2027	Changes in Initiatives
N/A	**3. Protecting Communities from Coal Ash Contamination**	*New*. The basis for OECA selecting this new NECI is to address environmental justice concerns, as well as circumstances it perceives as threatening human health and the environment. EPA notes that there are approximately 300 regulated coal combustion residuals ("CCR") facilities nationwide, comprised of approximately 775 coal ash units (240 landfills and 535 surface impoundments), many of which are located near vulnerable or overburdened communities. OCEA's enforcement efforts will therefore include conducting investigations and taking enforcement action to address violations of the federal CCR rule under the Resource Conservation and Recovery Act ("RCRA"), and protecting and cleaning up contaminated groundwater, surface water, and drinking water resources.
Creating Cleaner Air for Communities by Reducing Excess Emissions of Harmful Pollutants	**4. Reducing Air Toxics in Overburdened Communities**	*Modified*. EPA will continue this Initiative from the FY2020-2023 NCIs but plans to shift its air enforcement efforts to addressing noncompliance with regulations of hazardous air pollutants ("HAPs"), particularly in environmental justice communities, who are "already highly burdened with pollution impacts." As an initial matter, each Region (in coordination with the states) will use fenceline monitoring and other air-pollution detection tools to select communities it identifies as facing higher levels of, or being impacted by, multiple sources toxic air pollution. OECA will then target, investigate, and address non-compliance with HAP regulations within and near those communities. And, where noncompliance is found and enforcement is appropriate, EPA will engage with community groups to determine the appropriate relief based on the community's concerns.
Reducing Non-Compliance with Drinking Water Standards at Community Water Systems	**5. Increasing Compliance with Drinking Water Standards**	*Continued*. This Initiative facilitated a significant increase in the number of Community Water Systems ("CWSs") achieving compliance with the Safe Drinking Water Act ("SDWA"). Even so, EPA will continue this Initiative the FY2024-2027 cycle because "further improvement in compliance is needed" in order "to ensure delivery of safe water to communities." OECA plans to "ramp up its field presence"; "pursue strategic enforcement to reduce noncompliance"; "offer more compliance assistance to prevent and address public health risks"; "communicate and work with the Association of State Drinking Water Administrators" (and its members); and "support and work with the regulated community, states, and other local governments."

Existing NCIs FY2020-2023	FINAL NECIs FY2024-2027	Changes in Initiatives
Reducing Risks of Accidental Releases at Industrial and Chemical Facilities	**6. Chemical Accident Risk Reduction**	*Continued*. EPA will continue this Initiative because OECA has found that facilities regulated under the risk management program of Section 112(r) of the Clean Air Act ("CAA") are operating in violation of the 112(r) regulatory program. EPA notes that many facilities handling extremely hazardous substances have been inadequately managing their risks and have failed to maintain their facilities so as to ensure that workers, first responders, and surrounding communities are protected from accidental chemical releases. To address this NECI, OECA will focus on facilities that handle two "extremely hazardous substances," namely anhydrous ammonia (used often as an agriculture fertilizer or refrigerant) and hydrogen fluoride (used in petrochemical manufacturing). Since OECA has determined that these chemicals "pose a high risk to communities," it intends to use "all available enforcement tools to address violations of risk management requirements, including holding entities criminally responsible."