



ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE

WASHINGTON, D.C. 20460

January 10, 2024

MEMORANDUM

SUBJECT: Amendments to the EPA's Civil Penalty Policies to Account for Inflation (effective January 15, 2024)

FROM: David M. Uhlmann
Original signed by David M. Uhlmann

TO:
Regional Administrators
Deputy Regional Administrators
Director, Office of Civil Enforcement

This memorandum amends the EPA's existing civil penalty policies to account for inflation, consistent with the recently promulgated Civil Monetary Penalty Inflation Adjustment Rule (Penalty Inflation Rule).¹ The Penalty Inflation Rule amended 40 C.F.R. § 19.4 to adjust the statutory maximum and minimum civil penalties under the various environmental laws implemented by the EPA to account for inflation. The Penalty Inflation Rule was published on December 27, 2023, became effective the same day, and is attached to this memorandum. The amendments to the EPA's penalty policies are effective on January 15, 2024. This memorandum also clarifies the differences between the EPA's statutory maximum and minimum civil penalties and the EPA's penalty policies.

I. Background

The Federal Civil Penalties Inflation Adjustment Act Improvement Act (2015 Act)² was signed into law on November 2, 2015, to improve the effectiveness of statutory maximum and minimum civil monetary penalties and to maintain their deterrent effect, thereby promoting compliance with the law. The 2015 Act instructed the EPA and other federal agencies to annually adjust statutory maximum and minimum civil penalties for inflation beginning in January 2017. The 2015 Act prescribed a formula

¹ 88 Fed. Reg. 89,309 (Dec. 27, 2023).

² 28 U.S.C. § 2461 note, Pub. L. 114-74 (see <https://www.congress.gov/114/plaws/publ74/PLAW-114publ74.pdf>).

that federal agencies must follow in making these adjustments. Since January 2017, the EPA has published eight annual adjustments, which includes the Penalty Inflation Rule.³

Although not required by the 2015 Act, the EPA decided to amend its penalty policies every two years and did so in 2016,⁴ 2018,⁵ 2020,⁶ and 2022⁷ to better account for inflation when calculating civil penalties. While consistent with the purposes of the 2015 Act, these penalty policy amendments and the methodology used in making these amendments are not governed by, and are distinct from, the 2015 Act and the Penalty Inflation Rule. Furthermore, the Penalty Inflation Rule does not necessarily revise the penalty amounts that the EPA chooses to seek pursuant to its civil penalty policies in a particular case. The EPA's civil penalty policies, which guide enforcement personnel on how to exercise the EPA's statutory penalty authorities, take into account a number of fact-specific considerations, e.g., the seriousness of the violation, the violator's good faith efforts to comply, any economic benefit gained by the violator as a result of its noncompliance, and a violator's ability to pay.

This memorandum amends the EPA's penalty policies to account for inflation to date. Barring any significant changes to inflation in the next two years, the EPA plans to amend its penalty policies to account for inflation again in January 2026.

II. Applicability of this Memorandum

This memorandum supersedes the inflation-based amendments to the EPA's penalty policies made in the 2022 memorandum, but it is not intended to change the methodology used in that memorandum. This memorandum only partially supersedes the EPA's 2013 inflation amendments memorandum because the multipliers contained in the 2013 memorandum should still be used for violations that occurred on or before November 2, 2015.

This memorandum does not modify the EPA's Expedited Settlement Agreement penalty policies, the policy or guidance on economic benefit of noncompliance, nor the non-penalty dollar amounts within such civil penalty policies (e.g., those amounts deemed "insignificant" or "de minimis" that apply when calculating economic benefit of noncompliance).

³ Past inflation adjustment rules and past amendments to the EPA's penalty policies to account for inflation can be found here: <https://www.epa.gov/enforcement/enforcement-policy-guidance-publications>.

⁴ The July 27, 2016 memorandum is titled [Amendments to the U.S. Environmental Protection Agency's Civil Penalty Policies to Account for Inflation \(Effective August 1, 2016\)](#).

⁵ The January 11, 2018 memorandum is titled [Amendments to the EPA's Civil Penalty Policies to Account for Inflation \(effective January 15, 2018\) and Transmittal of the 2018 Civil Monetary Penalty Inflation Adjustment Rule](#).

⁶ The January 15, 2020 memorandum is titled [Amendments to the EPA's Civil Penalty Policies to Account for Inflation \(effective January 15, 2020\) and Transmittal of the 2020 Civil Monetary Penalty Inflation Adjustment Rule](#).

⁷ The January 12, 2022 memorandum is titled [Amendments to EPA's Civil Penalty Policies to Account for Inflation \(effective January 15, 2022\) and Transmittal of the 2022 Civil Monetary Penalty Inflation Adjustment Rule](#).

The penalty policies listed in Table A are the most recent narrative versions of each policy. The “narrative version” is the applicable media-specific penalty policy that comprehensively explains how the EPA enforcement practitioners should calculate penalties for purposes of administrative actions or settlements. This memorandum does not change or alter the narrative version of the media-specific penalty policies; this memorandum alters only the numerical gravity-based penalty amounts that are calculated under those policies to account for inflation.

The EPA media enforcement programs may modify their penalty policies individually, and any such modifications may supersede application of this memorandum for that program. Practitioners should rely on the multipliers in Table A until the applicable penalty policy is modified or civil penalty policy amounts are adjusted by subsequent program-specific memorandum in accordance with inflation.

III. Amendments to the EPA’s Civil Penalty Policies

Consistent with the methodology used in the January 12, 2022, penalty policy inflation amendments memorandum, the EPA is amending its penalty policies through the use of multipliers listed in Table A of this memorandum. Please note that the multipliers listed in Table A should be used for violations occurring after November 2, 2015. **For violations occurring on or before November 2, 2015, use the multipliers listed in the December 6, 2013, inflation adjustment memorandum.**⁸

A. Application of Inflation Multiplier to Gravity-Based Portion of Penalty

For each violation occurring after November 2, 2015, find the applicable penalty policy in Table A and use the policy to determine the initial calculated gravity-based penalty for your case.⁹ This initial gravity-based penalty is not yet adjusted for inflation to reflect the present value of the dollar. To adjust the penalty figure to reflect present value, multiply the initial calculated gravity-based portion of the penalty by the multiplier associated with the applicable penalty policy listed in Table A. Next, round the inflation-adjusted gravity-based portion of the penalty amount to the nearest dollar.¹⁰ Then, if applicable, calculate the gravity-based portion of the penalty for each violation occurring on or before November 2, 2015, using the applicable inflation multiplier from the guidance memorandum dated

⁸ The December 6, 2013 memorandum is titled [Amendments to the U.S. Environmental Protection Agency’s Civil Penalty Policies to Account for Inflation \(Effective December 6, 2013\)](#).

⁹ Most media specific penalty policies define “gravity” as the “seriousness of the violation.” Each media-specific penalty policy uses specific factors to calculate the gravity component. Many of these factors are taken from their respective statutes and some factors are unique to that specific penalty policy. Therefore, it is important for case teams to review each specific penalty policy to understand how the gravity component is defined and how it is calculated. The media-specific penalty policies are listed in Table A of this memorandum.

¹⁰ Case teams are instructed to round to the nearest dollar because this was the approach taken in the 2015 Act, the EPA’s penalty inflation memoranda from July 27, 2016, January 11, 2018, and January 15, 2020, and the Office of Management and Budget’s (OMB) [February 24, 2016](#), [December 15, 2017](#), [December 14, 2018](#), [December 16, 2019](#), [December 23, 2020](#), [December 15, 2021](#), and [December 15, 2022](#) memoranda that instructed federal agencies how to implement the 2016 through 2023 Rules, respectively.

December 6, 2013. Add the inflation-adjusted gravity-based portion of the penalty for pre-November 3, 2015 violations to the inflation-adjusted gravity-based portion of the penalty for post-November 2, 2015 violations to calculate the total inflation-adjusted gravity-based penalty. Once the total gravity-based penalty has been calculated, incorporate economic benefit¹¹ and any other factors (e.g., ability to pay, litigation considerations, etc.) that apply as instructed by the penalty policy to arrive at the total penalty.¹²

Enforcement practitioners should apply the multipliers in Table A only to the penalty amounts adopted within the “narrative” penalty policies listed in Table A. The multipliers in Table A should not be applied to penalty policies issued after the date of this memorandum unless expressly stated in the subsequent narrative penalty policy.

B. Derivation of the Inflation Multipliers

The purpose of amending the EPA’s penalty policies is to account for inflation since the penalty policies were last amended for inflation in the January 12, 2022, memorandum. Thus, the majority of multipliers listed in Table A were calculated by multiplying the multipliers listed in the January 12, 2022, memorandum by the inflation increase that has occurred since then.¹³

IV. Penalty Inflation Rule and the Newly Adjusted Statutory Maximum and Minimum Amounts

The EPA promulgated the Penalty Inflation Rule to fulfill the annual statutory maximum and minimum civil penalty inflation adjustment requirement in the 2015 Act. As instructed by the 2015 Act and as

¹¹ We are not modifying the long-standing approach of calculating economic benefit separately from the gravity-based amount, because economic benefit calculations, including calculations performed using the EPA’s BEN computer model, already take inflation into account. The inflation adjustments in this memorandum apply only to the gravity-based portion of the penalty.

¹² If the total penalty amount calculated is greater than the statutory maximum amount, then the penalty is capped at the statutory maximum amount. Similarly, the entire penalty sought (including economic benefit) in an administrative enforcement action cannot exceed any applicable administrative penalty caps. Note that penalty amounts greater than those calculated using the EPA penalty policies and this memorandum may be appropriate in limited circumstances. For example, in a formal administrative enforcement context, the EPA may seek, and presiding officers or the Environmental Appeals Board may assess, higher penalties provided such amounts do not exceed the statutory maximum, are in accordance with statutory civil penalty factors, and consider applicable civil penalty guidelines, and provided that any deviations from applicable penalty policies are persuasively and convincingly explained. *See, e.g.*, 40 C.F.R. § 22.27(b) and *In Re Morton L. Friedman & Schmitt Construction Company*, 11 E.A.D. 302 (EAB 2004).

¹³ In the January 12, 2022 memorandum, most of the multipliers were calculated using the increase established by the Consumer Price Index for all Urban Consumers (CPI-U) from the date the penalty policy was issued through October 2021. Consistent with that methodology, the multipliers listed in Table A of this memorandum were calculated by multiplying the multipliers from the January 12, 2022, memorandum by the CPI-U increase from October 2021 to October 2023. We used the October 2023 CPI-U because this CPI-U was used to calculate the statutory increases in the Penalty Inflation Rule. The October 2023 CPI-U was 307.671 and the October 2021 CPI-U was 276.589, yielding an increase of 1.11238. However, several multipliers in Table A do not follow this general calculation framework, such as CWA section 311 (*see infra* note 19), CAA Stationary Source Appendix IV (*see infra* note 21), RCRA section 7003(b) (*see infra* note 23), CERCLA section 106(b) (*see infra* note 25), and Lead-Based Paint Disclosure Rule (*see infra* note 31).

explained in the Penalty Inflation Rule, the EPA calculated the new penalty amounts by multiplying the cost-of-living multiplier¹⁴ by the previous statutory penalty amount as adjusted by the Penalty Inflation Rule. The result is the amount listed in the third column in Table 1 of 40 C.F.R. § 19.4 and the Penalty Inflation Rule. This amount applies to violations occurring after November 2, 2015, and assessed on or after December 27, 2023.

A. Penalty Pleading in Administrative Litigation

Where the EPA decides to cite the statutory maximum and/or minimum penalty amount in an administrative pleading (such as in an administrative complaint), the applicable statutory maximum and/or minimum penalty amount in effect for each violation should be used.¹⁵ The EPA should cite the statutory maximum and minimum penalty provisions and 40 C.F.R. § 19.4, along with the applicable inflation-adjusted penalty maximum levels set forth in 40 C.F.R. § 19.4. Multiple penalty-adjustment cycles should be used only when violations occurred on or before November 2, 2015, and after November 2, 2015.¹⁶ If this arises, the EPA should cite each applicable penalty-adjustment cycle and the corresponding penalty amount. Particularly where violations have occurred both before and after November 2, 2015, case teams may also find it helpful to state that the statutory maximum and minimum civil penalty level has been adjusted over time as required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note; Pub. L. 101-410), as amended by the Debt Collection Improvement Act of 1996, and most recently, by the 2015 Act.

B. Statutory Administrative Penalty Caps

Note that, effective December 27, 2023, where the EPA seeks administrative penalties in a complaint, amended complaint, or through a settlement under 40 C.F.R. § 22.18, the increased administrative penalty caps in Table 1 of § 19.4 in the attached Penalty Inflation Rule apply if *some or all* of the violations occurred after November 2, 2015. The lower administrative penalty caps in Table 2 of § 19.4 apply if *all* violations occurred on or before November 2, 2015.

¹⁴ The statutory cost-of-living adjustment multiplier is the percentage by which the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October 2023 exceeds the CPI-U for the month of October 2022. The October 2023 CPI-U was 307.671 and the October 2022 CPI-U was 298.012 yielding an increase of 1.03241.

¹⁵ If a respondent or defendant challenges the validity of any statutory maximum penalty amount, as adjusted in 40 C.F.R. Part 19, please notify the Office of Civil Enforcement of the challenge, so that OECA, the Region and the U.S. Department of Justice, as appropriate, can coordinate our response before it is filed.

¹⁶ For cases where the five-year statute of limitations (28 U.S.C. § 2462) applies, there will not be many future cases that have violations on or before November 2, 2015. However, these violations may arise in particular circumstances, such as when the alleged violator and the EPA agreed to a tolling agreement or where the EPA filed a timely enforcement action before a court, but the court has not yet assessed a penalty.

V. Multiple Penalty Cycles – Case Team Discretion

If the time period between seeking a penalty (through settlement or litigation) and the final penalty assessment¹⁷ covers more than one penalty-adjustment cycle (for example, where a complaint is filed on December 15, 2022, but the final penalty order is not filed with the Hearing Clerk until April 1, 2024), the case team would have discretion to modify the penalty amount sought (for example, to be consistent with the penalty amounts in the most recent annual inflation adjustment rule or guidance). But such modifications would *not* be expected where doing so would be:

- a. unnecessary to achieve sufficient deterrence; and
- b. *either* inappropriately disruptive¹⁸ *or* contrary to principles of judicial economy (for example, where the case has already gone to hearing based on previous penalty amounts).

In a settlement context, if defendants or respondents have signed a consent decree or consent agreement, the EPA would not expect the case team to renegotiate the penalty amount due to subsequent inflation adjustments. Prior to any such formal written settlement commitment (for example, where the parties may have reached an agreement in principle), case teams have discretion to decide whether to modify their penalty demand due to subsequent inflation adjustments (for example, depending on how far along the negotiations have progressed, the likely impact of an increased penalty on negotiations, the case team's evaluation of the likelihood that any informal agreements will not be consummated, and/or other factors).

VI. Further Information

Our goal in issuing this memorandum is to make these penalty policy modifications easy to implement, but if you have any questions concerning this memorandum, please contact David Smith-Watts of the Office of Civil Enforcement at (202) 564-4083 or by email at smith-watts.david@epa.gov.

cc: Cecil Rodrigues, Acting Principal Deputy Assistant Administrator, OECA
Regional Counsel and Deputies
ECAD Directors and Deputies

¹⁷ Note that enforcement personnel can only *seek* penalties. *Assessment* of penalties is effective in a formal administrative action once a final penalty order is filed with the Hearing Clerk, 40 C.F.R. §§ 22.31 and 22.6, or in civil judicial cases once the court enters a consent decree or issues a judgment awarding penalties.

¹⁸ Such disruptive impacts could be to settlement negotiations, or to other case-related enforcement efforts such as by creating an additional burden on the EPA's resources. If the EPA has not made a penalty demand or offer, a disruptive impact on negotiations is less likely where the penalty is recalculated to be consistent with the most recent inflation-adjustment amounts. It is possible, however, that a recalculation would be unduly burdensome and disruptive to the case team's efforts where, for example, there are an extremely large number of violations, the penalty calculation is complex, or where contractor resources are needed to perform such a calculation. In such circumstances, the case team would have discretion to determine that recalculating the penalty is not warranted even though the EPA has not yet made a penalty demand or offer.

All OECA Employees
Tom Mariani, Chief, DOJ-EES
Deputy and Assistant Chiefs, DOJ-EES
Environmental Appeals Board Judges
Susan Biro, Chief Administrative Law Judge
Regional Judicial Officers
Regional Hearing Clerks

Attachments (2)

1. Table A: Chart Reflecting Inflation Adjustment Multipliers
2. Rule promulgated in the *Federal Register* on December 27, 2023

Table A: Chart Reflecting Penalty Policy Inflation Adjustment Multipliers

<u>Applicable Penalty Policy</u>	<u>Year Issued</u>	<u>Inflation Adjustment Multiplier as of January 15, 2024</u>
CWA		
<u>Interim Clean Water Act Settlement Penalty Policy</u>	1995	2.00177
<u>Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act</u>	1998	1.87605 ¹
<u>CWA Section 404 Settlement Penalty Policy</u>	2001	1.73141
<u>Supplemental Guidance to the Interim Clean Water Act Settlement Penalty Policy (March 1, 1995) for Violations of the Construction Stormwater Requirements</u>	2008	1.42064
<u>Supplemental Guidance to the 1995 Interim Clean Water Act Settlement Penalty Policy for Violations of the Industrial Stormwater Requirements</u>	2016	1.29362 ²

¹ Case teams should apply the 1990 CPI multiplier of 2.30465 to the per-barrel/RQ discharge penalty amounts in the last column of the penalty matrix on page 11 (discharges over 125 barrels/RQ). This is an appropriate multiplier because such civil penalties under CWA § 311(b)(7)(A) & (D) concern environmental exposure (*i.e.*, the discharge of oil and hazardous substances), and because the per-barrel/RQ penalty matrix column contained in the 1998 penalty policy reflects the statutory maximum penalty amounts in effect when this penalty authority was enacted in 1990. It is important for the penalty matrix to retain a maximum per-barrel/RQ penalty policy amount that equals the current statutory maximum and to increase the other penalty policy matrix cells proportionally by the same inflation adjustment multiplier.

² Case teams should apply this multiplier to this 2016 penalty policy and also to the [2018 Supplemental Amendment](#), which applies to industrial stormwater cases. The 2018 Supplemental Amendment narrative continues to be applicable, but the 1.02168 multiplier referenced throughout is no longer applicable because it has been superseded by the 1.29362 multiplier.

SDWA		
<u>UIC Program Judicial and Administrative Order Settlement Penalty Policy</u>	1993	2.11168
<u>New Public Water System Supervision Program Settlement Penalty Policy</u>	1994	2.05801
CAA – Accidental Release Prevention/Risk Management Program		
<u>Final Combined Enforcement Policy for Clean Air Act Sections 112(r)(1), 112(r)(7), and 40 C.F.R. Part 68</u>	2012	1.33009
CAA – Stationary Source		
<u>Clean Air Act Stationary Source Civil Penalty Policy</u>	1991	2.23924
<u>Appendix I – Penalty Policy for Violation of Permit Requirements</u>	1987	2.66845
<u>Appendix II - Vinyl Chloride Civil Penalty Policy</u>	1985	2.83047
<u>Appendix III - Asbestos Demolition and Renovation Civil Penalty Policy</u>	1992	2.16976
<u>Appendix IV - Clean Air Act Penalty Policy as Applied to Stationary Sources of Volatile Organic Compounds (VOC) Where Reformulation of Low Solvent Technology is the Applicable Method of Compliance</u>	1987	2.23924 ³

³ For violations governed by Appendix IV, the EPA uses the same multiplier that applies to the 1991 “Clean Air Act Stationary Source Civil Penalty Policy” because the gravity-based component of such violations is calculated using the 1991 policy.

<u>Appendix VI - Leak Detection and Repair Penalty Policy</u>	2012	1.33009
<u>Appendix VII – Penalty Policy for New Residential Wood Heaters</u>	1989	2.44961
<u>Appendix VIII - Clean Air Act Civil Penalty Policy Applicable to Persons Who Manufacture or Import Controlled Substances in Amounts Exceeding Allowances Properly Held Under 40 C.F.R. Part 82: Protection of Stratospheric Ozone</u>	1990	2.30466
<u>Appendix IX - Clean Air Act Civil Penalty Policy Applicable to Persons Who Perform Service for Consideration on a Motor Vehicle Air Conditioner Involving the Refrigerant or Who Sell Small Containers of Refrigerant in Violation of 40 C.F.R. Part 82, Protection of the Stratospheric Ozone, Subpart B: Servicing of Motor Vehicle Air Conditioners</u>	1993	2.11168
<u>Appendix X - Clean Air Act Civil Penalty Policy for Violations of 40 C.F.R. Part 82, Subpart F: Maintenance, Service, Repair, and Disposal of Appliances Containing Refrigerant</u>	1994	2.05801
<u>Appendix XI - National Petroleum Refinery Initiative Implementation: Application of Clean Air Action Stationary Source Penalty Policy for Violations of Benzene Waste Operations NESHAP Requirements</u>	2007	1.47257

Appendix XII - Interim Penalty Policy Applicable To Certain Illegal Imports of Bulk Regulated Substances Under 40 C.F.R. Part 84: Phasedown of Hydrofluorocarbons, Appendix XII to the October 25, 1991 Clean Air Act Stationary Source Penalty Policy	2023	1.01933 ⁴
EPA Region 10's Civil Penalty Guidelines for the Federal Implementation Plans under the Clean Air Act for Indian Reservations in Idaho, Oregon, and Washington. 40 C.F.R. Part 49	2008	1.42064
CAA – Mobile Source		
Clean Air Act Title II Vehicle & Engine Civil Penalty Policy	2021	1.17620
Clean Air Act Mobile Source Fuels Civil Penalty Policy Title II of the Clean Air Act --40 C.F.R. Part 80 Fuels Standards Requirements	2016	1.29362
North American and U.S. Caribbean Sea Emissions Control Areas Penalty Policy for Violations by Ships of the Sulfur in Fuel Standard and Related Provisions	2015	1.29362
Civil Penalty Policy for Administrative Hearings	1993	2.11168
RCRA		
RCRA Civil Penalty Policy	2003	1.91827

⁴ Because the EPA issued this penalty policy in March 2023, the EPA calculated this multiplier by using inflation accrued from March 2023 to October 2023. The March 2023 CPI-U is 301.836 and the October 2023 CPI-U is 307.671. 307.671 divided by 301.836 equals 1.01933.

Guidance on the Use of Section 7003 of RCRA	1997	3.29800 ⁵
Revised Consolidated Enforcement Penalty Policy for Underground Storage Tank (UST) Regulations and Revised Field Citation Program and ESA	2023	1.21664 ⁶
CERCLA		
Interim Policy on Settlement of CERCLA Section 106(b)(1) Penalty Claims and Section 107(c)(3) Punitive Damages Claims for Noncompliance with Administrative Orders	1997	2.53575 ⁷
CERCLA & EPCRA		
Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act	1999	1.82921
EPCRA		
Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986) and Section 6607 of the Pollution Prevention Act (1990), February 24, 2017 (Amended)	2017	1.29362 ⁸

⁵ For RCRA section 7003(b) penalties, the EPA calculated this multiplier by dividing the new statutory maximum of \$18,139 by \$5,500, which is the maximum amount set forth in the 1997 narrative policy's matrix. This multiplier maintains the penalty policy's deterrent effect for all violations, including the most serious violations.

⁶ Case teams should calculate the gravity-based portion of the penalty using the penalty amounts in the 2023 Revised Consolidated Penalty Policy for UST Regulations and Revised Field Citation Program and ESA. For narrative instructions only, case teams should use the 1990 U.S. EPA Penalty Guidance for Violations of UST Regulations when calculating standard UST penalties and use the 1993 Guidance on Field Citation Enforcement narrative guidance on issuing field citations. Please note that the multiplier of 1.21664 applies to field citations. As stated in Section II. of this memorandum, this memorandum does not modify Expedited Settlement Agreement (ESA) penalty policies and this multiplier should not be applied for ESAs.

⁷ For CERCLA section 106(b)(1) penalties, the EPA calculated this multiplier by dividing the new statutory maximum of \$69,733 by \$27,500, which is the maximum amount set forth in the 1997 narrative policy's matrix. This multiplier maintains the penalty policy's deterrent effect for all violations, including the most serious violations.

⁸ Case teams should apply the multiplier of 1.29362 to the second matrix on page 11 of the Policy. This multiplier should not be applied to the first matrix on page 11 of the Policy.

FIFRA		
FIFRA Enforcement Response Policy (FIFRA ERP)	2009	1.42324
Appendix E to FIFRA ERP - Enforcement Response Policy for FIFRA Section 7(c): Establishment Reporting Requirements	2010	Use the 2009 FIFRA ERP and the 1.42324 multiplier
Appendix F to FIFRA ERP - Interim Final Penalty Policy for the Worker Protection Standard (WPS) (edited May 2018)	2018	Use the 2009 FIFRA ERP and the 1.42324 multiplier ⁹
Appendix G to FIFRA ERP - Enforcement Response Policy for the Federal Insecticide, Fungicide and Rodenticide Act Good Laboratory Practice (GLP) Regulations	1991	Use the 2009 FIFRA ERP and the 1.42324 multiplier
Appendix H to the FIFRA ERP - Enforcement Response Policy for the FIFRA Pesticide Container/Containment Regulations	2012	Use the 2009 FIFRA ERP and the 1.42324 multiplier
TSCA		
Guidelines for Assessment of Civil Penalties Under Section 16 of the Toxic Substance Control Act	1980	1.94043
Enforcement Response Policy for Reporting and Recordkeeping Rules and Requirements for TSCA Sections 8, 12, and 13	1999	1.94043 ¹⁰

⁹ When the EPA updated Appendix F to the FIFRA ERP in May 2018, the EPA did not update or alter the penalty amounts from the 1997 version. Therefore, the EPA case teams should use the penalty amounts listed in the 2018 version and apply the 1.42324 multiplier.

¹⁰ The "Penalty Matrix For Violations Occurring After January 30, 1997" on page 8 of this policy should be ignored. For all violations governed by this policy, the multiplier should be applied to the penalty amounts in the "Penalty Matrix For Violations Occurring On or Before January 30, 1997" found on the same page.

Amendment to the TSCA Section 5 Enforcement Response Policy – Penalty Limit for Untimely NOC Submissions	1993	1.94043 ¹¹
Enforcement Response Policy for TSCA §4 Test Rules	1986	1.94043
Final TSCA GLP Enforcement Response Policy	1985	1.94043
TSCA – Asbestos		
Enforcement Response Policy for the Asbestos Model Accreditation Plan (MAP) – Addendum to the AHERA ERP	1998	1.87605
Interim Final Enforcement Response Policy for the Asbestos Hazard Emergency Response Act	1989	2.44961
Enforcement Response Policy for Asbestos Abatement Projects: Worker Protection Rule	1989	1.94043
TSCA – Lead-Based Paint		
Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education (PRE) Rule; Renovation, Repair and Painting (RRP) Rule; and Lead-Based Paint Activities (LBPA) Rule	2013 ¹²	1.29362 ¹³

¹¹ Note that this Amendment from July 1, 1993, amends the June 8, 1989, policy titled “Amendment TSCA Section 5 Enforcement Response Policy.” The multiplier of 1.94043 applies to both the 1993 amendment and 1989 policy.

¹² Appendix B-2 was updated in April 2013 within the April 2010 Policy.

¹³ The 2010 “Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule” and the 2007 “Section 1018 – Disclosure Rule Enforcement Response and Penalty Policy” both penalize violators who fail to provide and document receipt of certain information related to the presence or risk of lead-based paint. Instead of having differing penalty amounts for essentially the same type of deficiency, the penalty matrix in the Pre-Renovation Education Rule component of the 2010 Consolidated Lead-Based Paint penalty policy was adopted from the 2007 Section 1018 Disclosure Rule penalty policy. Therefore, Level “a” penalties apply to violations of the Lead-Based Paint Renovation, Repair and Painting Rule and the Lead-Based Paint Activities (Abatement) Rule. Level “b” penalties are derived from the current Section 1018 Lead-Based Paint Disclosure Rule matrix because the major activities of the Disclosure Rule and Pre-renovation Education Rule are very similar. Therefore, under this Policy, Level “b” penalties apply to violations of the Pre-Renovation Education Rule.

TSCA – PCBs		
Polychlorinated Biphenyls (PCB) Penalty Policy	1990	1.94043
Residential Lead-Based Paint Hazard Reduction Act of 1992 Lead-Based Paint		
Section 1018 – Disclosure Rule Enforcement Response and Penalty Policy	2007	1.97264 ¹⁴

¹⁴ For the Residential Lead-Based Paint Hazard Reduction Act Section 1018 penalties, the EPA calculated this multiplier by dividing the new statutory maximum of \$21,699 by \$11,000, which is the maximum amount set forth in the 2007 narrative policy’s matrix. This multiplier maintains the penalty policy’s deterrent effect for all violations, including the most serious violations.

benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). E.O. 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. E.O. 14094 (Executive Order on Modernizing Regulatory Review) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in E.O. 12866 of September 30, 1993 (Regulatory Planning and Review), and E.O. 13563 of January 18, 2011 (Improving Regulation and Regulatory Review). The Office of Information and Regulatory Affairs has determined that this rulemaking is not a significant regulatory action under E.O. 12866, as amended by E.O. 14094. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at www.regulations.gov.

Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act, 5 U.S.C. 601–612, is not applicable to this rulemaking because notice of proposed rulemaking is not required. 5 U.S.C. 601(2), 603(a), 604(a).

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Paperwork Reduction Act (PRA)

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Assistance Listing

The Assistance Listing numbers and titles for the programs affected by this document are 64.104, Pension for Non-Service-Connected Disability for Veterans; 64.109, Veterans Compensation for Service-Connected Disability; and 64.110, Veterans Dependency and Indemnity

Compensation for Service-Connected Death.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

List of Subjects in 38 CFR Part 4

Disability benefits.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, signed and approved this document on December 18, 2023, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Luvenia Potts,

Regulation Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

■ For the reasons stated in the preamble, VA adopts as final the interim final rule published on April 14, 2023, at 88 FR 22914.

[FR Doc. 2023–28241 Filed 12–26–23; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 19

[FRL–5906.8–01–OECA]

Civil Monetary Penalty Inflation Adjustment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is promulgating this final rule to adjust the level of the maximum (and minimum) statutory civil monetary penalty amounts under the statutes the EPA administers. This action is mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (“the 2015 Act”). The 2015 Act prescribes a formula for annually adjusting the statutory maximum (and minimum) amount of civil monetary penalties to reflect inflation, maintain the deterrent effect of statutory civil monetary penalties, and promote compliance with the law. The rule does not establish specific civil monetary penalty amounts

the EPA may seek in particular cases. The EPA calculates those amounts, as appropriate, based on the facts of particular cases and applicable agency penalty policies. The EPA’s civil penalty policies, which guide enforcement personnel on how to exercise the EPA’s discretion within statutory penalty authorities, take into account a number of fact-specific considerations, *e.g.*, the seriousness of the violation, the violator’s good faith efforts to comply, any economic benefit gained by the violator as a result of its noncompliance, and the violator’s ability to pay.

DATES: This final rule is effective December 27, 2023.

FOR FURTHER INFORMATION CONTACT: David Smith-Watts, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, Mail Code 2241A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, telephone number: (202) 564–4083; smith-watts.david@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The 2015 Act¹ requires each Federal agency to adjust the statutory civil monetary penalties under the laws implemented by that agency annually, to account for inflation. Section 4 of the 2015 Act requires each Federal agency to publish these adjustments by January 15 of each year. The purpose of the 2015 Act is to maintain the deterrent effect of civil monetary penalties by translating originally enacted statutory civil penalty amounts to today’s dollars and rounding statutory civil penalties to the nearest dollar.

Since January 15, 2017, the EPA has made seven annual adjustments: (1) on January 12, 2017, effective on January 15, 2017 (82 FR 3633); (2) on January 10, 2018, effective on January 15, 2018 (83 FR 1190); (3) on February 6, 2019, effective the same day (84 FR 2056), with a subsequent correction on February 25, 2019 (84 FR 5955); (4) on January 13, 2020, effective the same day (85 FR 1751); (5) on December 23, 2020, effective the same day (85 FR 83818); (6) on January 12, 2022, effective the same day (87 FR 1676); and (7) on January 6, 2023, effective the same day (88 FR 986). This rule implements the eighth annual adjustment mandated by the 2015 Act.

¹ The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Section 701 of Pub. L. 114–74) was signed into law on November 2, 2015, and amended the Federal Civil Penalties Inflation Adjustment Act of 1990.

The 2015 Act provides a formula for calculating the adjustments. Each statutory maximum and minimum² civil monetary penalty, as currently adjusted, is multiplied by the cost-of-living adjustment multiplier, which is the percentage by which the Consumer Price Index for all Urban Consumers (CPI-U) for the month of October 2023 exceeds the CPI-U for the month of October 2022.³

With this rule, the new statutory maximum and minimum penalty levels listed in the third column of Table 1 of 40 CFR 19.4 will apply to all civil monetary penalties assessed on or after December 27, 2023, for violations that occurred after November 2, 2015, the date the 2015 Act was enacted. The former maximum and minimum statutory civil monetary penalty levels, which are in the fourth column of Table 1 to 40 CFR 19.4, will now apply only to violations that occurred after November 2, 2015, where the penalties were assessed on or after January 6, 2023, but before December 27, 2023. The statutory civil monetary penalty levels that apply to violations that occurred on or before November 2, 2015, are codified at Table 2 to 40 CFR 19.4. The fifth column of Table 1 and the seventh column of Table 2 display the statutory civil monetary penalty levels as originally enacted.

The formula for determining the cost-of-living or inflation adjustment to statutory civil monetary penalties consists of the following steps:

Step 1: The cost-of-living adjustment multiplier for 2024 is the percentage by which the CPI-U of October 2023 (307.671) exceeds the CPI-U for the month of October 2022 (298.012), which is 1.03241.⁴ Multiply 1.03241 by the

² Under Section 3(2)(A) of the 2015 Act, a “civil monetary penalty” [is] any penalty, fine or other sanction that is for a specific monetary amount as provided by Federal law; or has a maximum amount provided for by Federal law.” EPA-administered statutes generally refer to statutory maximum penalties, with the following exceptions: Section 311(b)(7)(D) of the Clean Water Act, 33 U.S.C. 1321(b)(7)(D), refers to a minimum penalty of “not less than \$100,000. . .”; Section 104b(d)(1)(A) of the Marine Protection, Research, and Sanctuaries Act, 33 U.S.C. 1414b(d)(1)(A), refers to an exact penalty of \$600 “[f]or each dry ton (or equivalent) of sewage sludge or industrial waste dumped or transported by the person in violation of this subsection in calendar year 1992. . .”; and Section 325(d)(1) of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11045(d)(1), refers to an exact penalty of \$25,000 for each frivolous trade secret claim.

³ Current and historical CPI-U’s can be found on the Bureau of Labor Statistics’ websites here: <https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-202309.pdf> and <https://www.bls.gov/news.release/pdf/cpi.pdf>.

⁴ Section 5(b) of the 2015 Act provides that the term “cost-of-living adjustment” means the

current penalty amount. This is the raw adjusted penalty value.

Step 2: Round the raw adjusted penalty value. Section 5 of the 2015 Act states that any adjustment shall be rounded to the nearest multiple of \$1. The result is the final penalty value for the year.

II. The 2015 Act Requires Federal Agencies To Publish Annual Penalty Inflation Adjustments Notwithstanding Section 553 of the Administrative Procedure Act

Pursuant to section 4 of the 2015 Act, each Federal agency is required to publish adjustments no later than January 15 each year. In accordance with section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553, most rules are subject to notice and comment and are effective no earlier than 30 days after publication in the **Federal Register**. However, section 4(b)(2) of the 2015 Act provides that each agency shall make the annual inflation adjustments “notwithstanding section 553” of the APA. Consistent with the language of the 2015 Act, this rule is not subject to notice and an opportunity for public comment and will be effective on December 27, 2023.

III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 14094: Modernizing Regulatory Review

This action is not a significant regulatory action as defined in Executive Order 12866, as amended by Executive Order 14094, and was therefore not subject to a requirement for Executive Order 12866 review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This rule merely increases the level of statutory civil monetary penalties that can be imposed in the context of a Federal civil administrative

percentage (if any) for each civil monetary penalty by which—

(A) the Consumer Price Index for the month of October preceding the date of the adjustment, exceeds

(B) the Consumer Price Index for the month of October 1 year before the month of October referred to in subparagraph (A).

Because the CPI-U for October 2023 is 307.671 and the CPI-U for October 2022 is 298.012, the cost-of-living multiplier is 1.03241 (307.671 divided by 298.012).

enforcement action or civil judicial case for violations of EPA-administered statutes and their implementing regulations.

C. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA. The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA), 5 U.S.C. 553, or any other statute. Because the 2015 Act directs Federal agencies to publish this rule notwithstanding section 553 of the APA, this rule is not subject to notice and comment requirements or the RFA.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action is required by the 2015 Act, without the exercise of any policy discretion by the EPA. This action also imposes no enforceable duty on any state, local or tribal governments or the private sector. Because the calculation of any increase is formula-driven pursuant to the 2015 Act, the EPA has no policy discretion to vary the amount of the adjustment.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175. This rule merely reconciles the real value of current statutory civil monetary penalty levels to reflect and keep pace with the levels originally set by Congress when the statutes were enacted or amended. The calculation of the increases is formula-driven and prescribed by statute, and the EPA has no discretion to vary the amount of the adjustment to reflect any views or suggestions provided by commenters. Accordingly, this rule will not have a substantial direct effect on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2-202 of the Executive order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. Since this action does not concern human health, EPA’s Policy on Children’s Health also does not apply.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

The rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations and Executive Order 14096: Revitalizing Our Nation’s Commitment to Environmental Justice for All

The EPA believes that this type of action does not concern human health or environmental conditions and therefore cannot be evaluated with respect to potentially disproportionate and adverse effects on communities with environmental justice concerns. As mandated by the 2015 Act, this rule adjusts for inflation the statutory civil monetary penalty amounts of the statutes administered by the EPA.

EPA acknowledges that the annual mandatory increase in civil penalty amounts to account for inflation may result in further deterrents of environmental violations that may trigger civil penalties. Detering violations has the benefit of promoting the overarching purpose of

environmental enforcement and may have a positive impact on the human health or environment of all populations including communities with environmental justice concerns.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. The CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and comment rulemaking procedures are impracticable, unnecessary or contrary to the public interest (5 U.S.C. 808(2)). The EPA finds that the APA’s notice and comment rulemaking procedures are unnecessary because the 2015 Act directs Federal agencies to publish their annual penalty inflation adjustments “notwithstanding section 553 [of the APA].”

List of Subjects in 40 CFR Part 19

Environmental protection, Administrative practice and procedure, Penalties.

Michael S. Regan,
Administrator.

For the reasons set out in the preamble, the EPA amends title 40, chapter I, part 19 of the Code of Federal Regulations as follows:

PART 19—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

■ 1. The authority citation for part 19 continues to read as follows:

Authority: Pub. L. 101–410, Oct. 5, 1990, 104 Stat. 890, as amended by Pub. L. 104–134, title III, sec. 31001(s)(1), Apr. 26, 1996, 110 Stat. 1321–373; Pub. L. 105–362, title XIII, sec. 1301(a), Nov. 10, 1998, 112 Stat. 3293; Pub. L. 114–74, title VII, sec. 701(b), Nov. 2, 2015, 129 Stat. 599.

■ 2. Revise § 19.2 to read as follows:

§ 19.2 Effective date.

(a) The statutory civil monetary penalty levels set forth in the third column of Table 1 of § 19.4 apply to all violations which occur or occurred after November 2, 2015, where the penalties are assessed on or after December 27,

2023. The statutory civil monetary penalty levels set forth in the fourth column of Table 1 of § 19.4 apply to all violations which occurred after November 2, 2015, where the penalties were assessed on or after January 6, 2023, but before December 27, 2023.

(b) The statutory monetary penalty levels in the third column of Table 2 to § 19.4 apply to all violations which occurred after December 6, 2013, through November 2, 2015, and to violations occurring after November 2, 2015, where penalties were assessed before August 1, 2016. The statutory civil monetary penalty levels set forth in the fourth column of Table 2 of § 19.4 apply to all violations which occurred after January 12, 2009, through December 6, 2013. The statutory civil monetary penalty levels set forth in the fifth column of Table 2 of § 19.4 apply to all violations which occurred after March 15, 2004, through January 12, 2009. The statutory civil monetary penalty levels set forth in the sixth column of Table 2 of § 19.4 apply to all violations which occurred after January 30, 1997, through March 15, 2004.

■ 3. Revise the section heading, introductory text, and Table 1 of § 19.4 to read as follows:

§ 19.4 Statutory civil monetary penalties, as adjusted for inflation, and tables.

Table 1 of this section sets out the statutory civil monetary penalty provisions of statutes administered by the EPA, with the third column setting out the latest operative statutory civil monetary penalty levels for violations that occur or occurred after November 2, 2015, where penalties are assessed on or after December 27, 2023. The fourth column displays the operative statutory civil monetary penalty levels where penalties were assessed on or after January 6, 2023, but before December 27, 2023. Table 2 of this section sets out the statutory civil monetary penalty provision of statutes administered by the EPA, with the operative statutory civil monetary penalty levels, as adjusted for inflation, for violations that occurred on or before November 2, 2015, and for violations that occurred after November 2, 2015, where penalties were assessed before August 1, 2016.

TABLE 1 OF § 19.4—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. Code citation	Environmental statute	Statutory civil monetary penalties for violations that occur or occurred after November 2, 2015, where penalties are assessed on or after December 27, 2023	Statutory civil monetary penalties for violations that occurred after November 2, 2015, where penalties were assessed on or after January 6, 2023, but before December 27, 2023	Statutory civil monetary penalties, as enacted
7 U.S.C. 136(a)(1)	FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA).	\$24,255	\$23,494	\$5,000
7 U.S.C. 136(a)(2) ¹	FIFRA	3,558/2,293/3,558	3,446/2,221/3,446	1,000/500/1,000
15 U.S.C. 2615(a)(1)	TOXIC SUBSTANCES CONTROL ACT (TSCA).	48,512	46,989	25,000
15 U.S.C. 2647(a)	TSCA	13,946	13,508	5,000
15 U.S.C. 2647(g)	TSCA	11,524	11,162	5,000
31 U.S.C. 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT (PFCRA).	13,946	13,508	5,000
31 U.S.C. 3802(a)(2)	PFCRA	13,946	13,508	5,000
33 U.S.C. 1319(d)	CLEAN WATER ACT (CWA)	66,712	64,618	25,000
33 U.S.C. 1319(g)(2)(A)	CWA	26,685/66,712	25,847/64,618	10,000/25,000
33 U.S.C. 1319(g)(2)(B)	CWA	26,685/333,552	25,847/323,081	10,000/125,000
33 U.S.C. 1321(b)(6)(B)(i)	CWA	23,048/57,617	22,324/55,808	10,000/25,000
33 U.S.C. 1321(b)(6)(B)(ii)	CWA	23,048/288,080	22,324/279,036	10,000/125,000
33 U.S.C. 1321(b)(7)(A)	CWA	57,617/2,304	55,808/2,232	25,000/1,000
33 U.S.C. 1321(b)(7)(B)	CWA	57,617	55,808	25,000
33 U.S.C. 1321(b)(7)(C)	CWA	57,617	55,808	25,000
33 U.S.C. 1321(b)(7)(D)	CWA	230,464/6,913	223,229/6,696	100,000/3,000
33 U.S.C. 1414b(d)(1)(A)	MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT (MPRSA).	1,535	1,487	600
33 U.S.C. 1415(a)	MPRSA	242,550/319,953	234,936/309,909	50,000/125,000
33 U.S.C. 1901 note (see 1409(a)(2)(A)).	CERTAIN ALASKAN CRUISE SHIP OPERATIONS (CACSO).	17,683/44,206	17,128/42,818	10,000/25,000
33 U.S.C. 1901 note (see 1409(a)(2)(B)).	CACSO	17,683/221,026	17,128/214,087	10,000/125,000
33 U.S.C. 1901 note (see 1409(b)(1)).	CACSO	44,206	42,818	25,000
33 U.S.C. 1908(b)(1)	ACT TO PREVENT POLLUTION FROM SHIPS (APPS).	90,702	87,855	25,000
33 U.S.C. 1908(b)(2)	APPS	18,139	17,570	5,000
42 U.S.C. 300g-3(b)	SAFE DRINKING WATER ACT (SDWA)	69,733	67,544	25,000
42 U.S.C. 300g-3(g)(3)(A)	SDWA	69,733	67,544	25,000
42 U.S.C. 300g-3(g)(3)(B)	SDWA	13,946/48,586	13,508/47,061	5,000/25,000
42 U.S.C. 300g-3(g)(3)(C)	SDWA	48,586	47,061	25,000
42 U.S.C. 300h-2(b)(1)	SDWA	69,733	67,544	25,000
42 U.S.C. 300h-2(c)(1)	SDWA	27,894/348,671	27,018/337,725	10,000/125,000
42 U.S.C. 300h-2(c)(2)	SDWA	13,946/348,671	13,508/337,725	5,000/125,000
42 U.S.C. 300h-3(c)	SDWA	24,255/51,744	23,494/50,120	5,000/10,000
42 U.S.C. 300i(b)	SDWA	29,154	28,239	15,000
42 U.S.C. 300i-1(c)	SDWA	169,700/1,697,012	164,373/1,643,738	100,000/1,000,000
42 U.S.C. 300j(e)(2)	SDWA	12,127	11,746	2,500
42 U.S.C. 300j-4(c)	SDWA	69,733	67,544	25,000
42 U.S.C. 300j-6(b)(2)	SDWA	48,586	47,061	25,000
42 U.S.C. 300j-23(d)	SDWA	12,799/127,983	12,397/123,965	5,000/50,000
42 U.S.C. 4852d(b)(5)	RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992.	21,699	21,018	10,000
42 U.S.C. 4910(a)(2)	NOISE CONTROL ACT OF 1972	45,850	44,411	10,000
42 U.S.C. 6928(a)(3)	RESOURCE CONSERVATION AND RECOVERY ACT (RCRA).	121,275	117,468	25,000
42 U.S.C. 6928(c)	RCRA	73,045	70,752	25,000
42 U.S.C. 6928(g)	RCRA	90,702	87,855	25,000
42 U.S.C. 6928(h)(2)	RCRA	73,045	70,752	25,000
42 U.S.C. 6934(e)	RCRA	18,139	17,570	5,000
42 U.S.C. 6973(b)	RCRA	18,139	17,570	5,000
42 U.S.C. 6991e(a)(3)	RCRA	73,045	70,752	25,000
42 U.S.C. 6991e(d)(1)	RCRA	29,221	28,304	10,000
42 U.S.C. 6991e(d)(2)	RCRA	29,221	28,304	10,000
42 U.S.C. 7413(b)	CLEAN AIR ACT (CAA)	121,275	117,468	25,000
42 U.S.C. 7413(d)(1)	CAA	57,617/460,926	55,808/446,456	25,000/200,000
42 U.S.C. 7413(d)(3)	CAA	11,524	11,162	5,000
42 U.S.C. 7524(a)	CAA	57,617/5,761	55,808/5,580	25,000/2,500
42 U.S.C. 7524(c)(1)	CAA	460,926	446,456	200,000
42 U.S.C. 7545(d)(1)	CAA	57,617	55,808	25,000
42 U.S.C. 9604(e)(5)(B)	COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA).	69,733	67,544	25,000
42 U.S.C. 9606(b)(1)	CERCLA	69,733	67,544	25,000
42 U.S.C. 9609(a)(1)	CERCLA	69,733	67,544	25,000
42 U.S.C. 9609(b)	CERCLA	69,733/209,202	67,544/202,635	25,000/75,000
42 U.S.C. 9609(c)	CERCLA	69,733/209,202	67,544/202,635	25,000/75,000
42 U.S.C. 11045(a)	EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA).	69,733	67,544	25,000
42 U.S.C. 11045(b)(1)(A)	EPCRA	69,733	67,544	25,000

TABLE 1 OF § 19.4—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Environmental statute	Statutory civil monetary penalties for violations that occur or occurred after November 2, 2015, where penalties are assessed on or after December 27, 2023	Statutory civil monetary penalties for violations that occurred after November 2, 2015, where penalties were assessed on or after January 6, 2023, but before December 27, 2023	Statutory civil monetary penalties, as enacted
42 U.S.C. 11045(b)(2)	EPCRA	69,733/209,202	67,544/202,635	25,000/75,000
42 U.S.C. 11045(b)(3)	EPCRA	69,733/209,202	67,544/202,635	25,000/75,000
42 U.S.C. 11045(c)(1)	EPCRA	69,733	67,544	25,000
42 U.S.C. 11045(c)(2)	EPCRA	27,894	27,018	10,000
42 U.S.C. 11045(d)(1)	EPCRA	69,733	67,544	25,000
42 U.S.C. 14304(a)(1)	MERCURY-CONTAINING AND RE-CHARGEABLE BATTERY MANAGEMENT ACT (BATTERY ACT)	19,437	18,827	10,000
42 U.S.C. 14304(g)	BATTERY ACT	19,437	18,827	10,000

¹ Note that 7 U.S.C. 136(a)(2) contains three separate statutory maximum civil penalty provisions. The first mention of \$1,000 and the \$500 statutory maximum civil penalty amount were originally enacted in 1978 (Pub. L. 95–396), and the second mention of \$1,000 was enacted in 1972 (Pub. L. 92–516).

* * * * *
 [FR Doc. 2023–28555 Filed 12–26–23; 8:45 am]
 BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 231219–0311]

RIN 0648–BM60

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; 2024 Specifications and Management Measures Corrections

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: This rule corrects 2024 harvest specifications for several species of groundfish where the numerical values were mathematically calculated incorrectly and do not accurately reflect the harvest policy recommendations of the Pacific Fishery Management Council (Council). These harvest specifications are for groundfish caught in the U.S. exclusive economic zone seaward of Washington, Oregon, and California, consistent with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Pacific Coast Groundfish Fishery Management Plan (PCGFMP). This rule revises harvest limits or allocations that were previously calculated based on incorrect annual catch limits (ACLs). This action implements corrected

numerical values that align with the Council’s intended harvest policy decisions and considers the most recent fishery information available at the time those policies were recommended.

DATES: This final rule is effective December 27, 2023.

ADDRESSES: This rule is accessible via the internet at the Office of the Federal Register website at <https://www.federalregister.gov/>. Background information and documents including an analysis for the policy decisions underpinning this action (Analysis), which addresses the statutory requirements of the Magnuson-Stevens Act are available from the Council’s website at <https://www.pcouncil.org>. The final 2022 Stock Assessment and Fishery Evaluation (SAFE) report for Pacific Coast groundfish, as well as the SAFE reports for previous years, are available from the Council’s website at <https://www.pcouncil.org>. The final Environmental Assessment (EA) and Regulatory Impact Review from the 2023–2024 harvest specifications is available from the NMFS website at <https://www.fisheries.noaa.gov/region/west-coast>.

FOR FURTHER INFORMATION CONTACT: Gretchen Hanshew, Fishery Management Specialist, at 206–526–6147 or gretchen.hanshew@noaa.gov.

SUPPLEMENTARY INFORMATION:

Background

This final rule corrects the numerical values of harvest specifications and resulting harvest target management measures for six species or stock complexes for 2024. The harvest policies by which these numerical values are derived were recommended by the Council at its April and June 2022 meetings and published in a proposed rule on October 14, 2022 (87 FR 62676) and final rule on December

16, 2022 (87 FR 77007). Hereafter, these proposed and final rules for the 2023–2024 harvest specifications and management measures will be referred to as the “original” proposed and final rules. In the original proposed and final rules, numerical values were miscalculated for a small subset (six species or stock complexes) of those harvest specifications and harvest target management measures regulations for 127 groundfish stocks or management units. Numerical values were either too high (increasing risk of overfishing) or too low (increasing risk of not achieving optimum yield). Specific details on the errors and corrected values for each species or stock complex are discussed in detail in the proposed rule for this action (88 FR 73810, October 27, 2023).

The harvest policies used to calculate the numerical values of the corrected harvest specifications and harvest target management measures in this rule are not revised from those described in the original proposed and final rules for the 2023–2024 harvest specifications and management measures. The Council recommended these corrections at its September 2023 meeting.

Corrections to Harvest Specifications and Harvest Targets

As described in the proposed rule (88 FR 73810, October 27, 2023) a few species and stock complex harvest specifications, which are numerical values of the harvestable surplus and include overfishing limits (OFLs), annual biological catch (ABCs), and ACLs, were calculated in error. Subsequent harvest target calculations that stem from the ACLs were also erroneous. This final rule corrects the numerical values of harvest specifications and applies the same sharing agreements to corrected ACLs to recalculate harvest targets. The OFLs,