



GENERAL LEGAL ACTIVITIES

Environment & Natural Resources Division (ENRD)

FY 2023 Budget Request At A Glance	
FY 2022 President's Budget:	\$133.7 million (559 positions; 389 attorneys)
Current Services Adjustments:	+\$74,000
Program Changes:	+\$7.9 million
FY 2023 Budget Request:	\$141.8 million (615 positions; 432 attorneys)
Change From FY 2022 President's Budget:	+\$8.0 million (+6.0%) (+56 positions; +43 attorneys)

Mission:

The Environment and Natural Resources Division's (ENRD) mission is to enforce civil and criminal environmental laws and programs protecting the public and environment of the United States and to defend suits challenging environmental programs and activities. The ENRD oversees all Federal environmental and natural resources litigation arising under more than 150 Federal statutes. These statutes include the Clean Air Act; Clean Water Act; Comprehensive Environmental Response, Compensation and Liability Act (Superfund law); Endangered Species Act; National Environmental Policy Act; and many others. The Division's work entails bringing civil and criminal enforcement actions to stop polluters and recover clean-up costs, defending Federal agencies in their administration of Federal programs including management of Federal lands and other natural resources, defending Federal regulatory agencies that issue environmental regulations, resolving disputes related to Indian tribes and their lands, and acquiring real property by eminent domain for congressionally authorized purposes.

Resources:

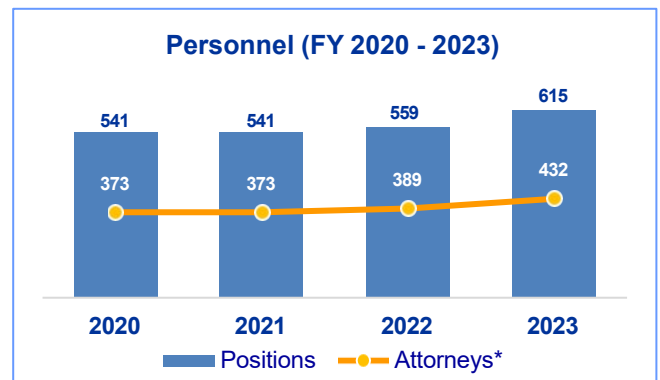
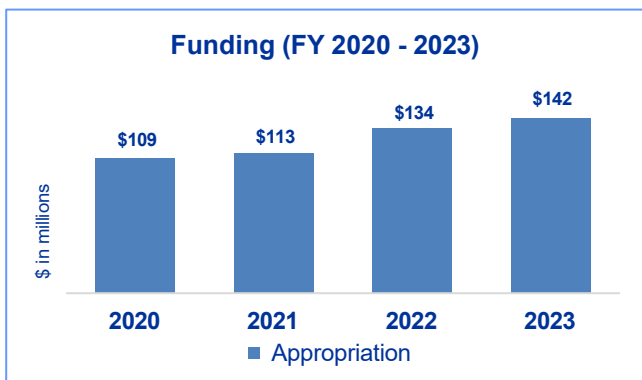
The FY 2023 budget request for the ENRD totals \$141.8 million, which is a six percent increase over the FY 2022 President's Budget and 18.2 percent increase over the FY 2022 Enacted.

Organization:

The ENRD is headed by an Assistant Attorney General (AAG), who is appointed by the President and confirmed by the Senate. The AAG is assisted by five Deputy Assistant Attorneys General. The AAG oversees a Division that is organized into several practice areas dedicated to the enforcement of the Nation's civil and criminal environmental laws and programs as well as the defense of the United States in matters concerning stewardship of the Nation's natural resources and public lands. With 11 small field locations across the United States, the Division is "the Nation's environmental lawyer", and the largest environmental law firm in the country.

Personnel:

The ENRD's direct requested positions for FY 2023 total 615 positions, including an increase of 56 positions over the FY 2022 President's Budget of 559 direct authorized positions.



FY 2023 Strategy:

The ENRD handles both civil and criminal litigation concerning the enforcement and defense of environmental laws and regulations. The ENRD represents many Federal agencies, including the Environmental Protection Agency (EPA), the Department of the Interior, the Department of Defense, the Department of Agriculture, and the Department of Homeland Security.

As the Nation's chief environmental litigator, the ENRD strives to obtain full compliance with environmental and conservation statutes. To this end, the ENRD seeks to redress past violations that have harmed the environment, establish credible deterrence against future violations, recoup Federal funds spent to abate environmental contamination, and obtain funds to restore or replace natural resources damaged through oil spills or the release of other hazardous substances. The Division ensures illegal emissions are eliminated, hazardous waste is cleaned up, and drinking water is safe. The ENRD's actions, in conjunction with the work of its client agencies, enhance the quality of the environment in the United States and the health and safety of its citizens.

In FY 2023, the Division will continue to pursue legal action to enforce Federal pollution abatement laws and obtain compliance with environmental protection and conservation statutes. In all matters concerning protection, use, and development of the Nation's natural resources and public lands, the ENRD will defend suits challenging the foregoing laws and fulfill the Federal Government's responsibility to litigate on behalf of Indian Tribes and individual Indians. The ENRD will continue to protect the Federal fisc; reduce harmful discharges into the air, water, and land; enable clean-up of contaminated waste sites; and ensure proper disposal of solid and hazardous waste.

The ENRD is charged with defending agency environmental and climate regulations and resource management plans in courts of appeals and district courts throughout the country. Ensuring the ENRD has sufficient resources available to defend the current and anticipated challenges to climate-driven regulations and management decisions is key to the Administration's work on combatting climate change. The Division is currently defending a wide variety of cases that have substantial climate implications, and this docket is expected to grow significantly in FY 2023 and future fiscal years. The ENRD has handled climate matters in the past and will continue to handle more as the Administration combats climate change through: (1) defense of greenhouse gas emission regulations and controls; (2) litigation in support of conversion to clean energy; and (3) defense of policy and management actions to protect sensitive resources

In FY 2023, the ENRD proposes funding its Superfund docket through a direct transfer in the Interior & Environment appropriations bill. The proposal would directly transfer up to 11 percent from the EPA's Superfund Enforcement allotment to the ENRD. This change in appropriations language would allow for a more effective, timely, and reliable means of providing the ENRD with funding for Superfund enforcement activities.

FY 2023 Program Changes:

Office of Environmental Justice: \$1.4 million and 7 positions (3 attorneys)

This request supports Executive Order (EO) 14008, "Executive Order on Tackling the Climate Crisis at Home and Abroad," which directs the Attorney General to create Office of Environmental Justice (OEJ) within the Department to coordinate environmental justice activities among Department of Justice components and United States Attorneys' Offices nationwide. The Office will be a key organizational unit providing sustained intra-departmental coordination, as well as necessary interagency coordination, in carrying out the Environmental Justice (EJ) enforcement strategy and the other EJ mandates of EO 14008. The OEJ is expected to: (1) provide recommendations to leadership on EJ and help facilitate implementation as appropriate; (2) work Department-wide to assess available resources and authorities to support EJ work and seek commitment of resources towards EJ; (3) serve as a repository for resources that support investigation, outreach, and litigation related to EJ; (4) facilitate greater outreach by the Department to communities with EJ concerns and EJ organizations (in coordination with USAOs, CRS, other DOJ components, and other federal agencies, such as EPA); (5) coordinate general community outreach and engagement on environmental justice issues and receive input from external stakeholders; (6) support relationships among DOJ offices and other governmental (local, tribal, State, and Federal) and nongovernmental actors engaged in EJ work; (7) participate in interagency coordination related to EJ; (8) in conjunction with the Executive Office of United States Attorneys and the National Advocacy Center, coordinate an education and training program within DOJ; (9) make information available to external stakeholders and the public, including through a public DOJ EJ website; and (10) assist with DOJ reporting relating to EJ. There are no current services for this initiative.

Securing Environmental Justice and Combating the Climate Crisis: \$6.5 million and 49 positions (40 attorneys) This request supports the President's directive to promote EJ and combat the Climate Crisis. The ENRD will carry out its important EJ responsibilities by addressing the disproportionately high and adverse human health, environmental, and other impacts borne by disadvantaged communities through, among other means, the use of existing affirmative enforcement authorities and the development and implementation of a comprehensive environmental justice enforcement strategy. The ENRD will also leverage existing authorities in affirmative cases to reduce greenhouse gas emissions and alleviate the impacts of climate change and will continue to defend Federal programs and actions designed to address the causes and impacts of climate change. Current services for this initiative are \$5.1 million and 18 positions (16 attorneys).

Environment & Natural Resources Division

(Dollars in Thousands)

	Environment & Natural Resources Division		
	Pos	FTE	Amount
2021 Appropriation	541	481	113,458
2022 Continuing Resolution	541	481	113,458
Expected Change from FY 2022 CR	18	36	20,280
2022 President's Budget	559	517	133,738
2023 Request	615	549	141,761
Change 2023 from 2022 President's Budget	56	32	8,023
Technical Adjustments			
Total Technical Adjustments	0	0	0
Base Adjustments			
Pay & Benefits	0	0	3,406
Domestic Rent & Facilities	0	0	-3,332
Total Base Adjustments	0	0	74
2023 Current Services	559	517	133,812
Program Changes			
Increases:			
Office of Environmental Justice	7	7	1,405
Securing Environmental Justice and Combating the Climate Crisis	49	25	6,544
Subtotal, Program Increases	56	32	7,949
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	56	32	7,949
2023 Request	615	549	141,761

Environment & Natural Resources Division

(Dollars in Thousands)

Comparison by activity and program	2022 President's Budget			2023 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Environment and Natural Resources	559	517	133,738	559	517	133,812
Total	559	517	133,738	612	517	133,812
Reimbursable FTE		41			41	
Total Direct and Reimbursable	559	558	133,738	559	558	133,812
<i>Sub-Allotments and Direct Collections (FYI)</i>		33			33	
FTE Grand Total		591			591	

Comparison by activity and program	2023 Total Program Changes			2023 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Environment and Natural Resources	56	32	7,949	615	549	141,761
Total	56	32	7,949	615	549	141,761
Reimbursable FTE	0	0	0	0	41	0
Total Direct and Reimbursable	56	32	7,949	615	590	141,761
<i>Sub-Allotments and Direct Collections (FYI)</i>		0			33	
FTE Grand Total		32			623	