

*Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

*Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**.

This action is not a "major rule" as defined by 5 U.S.C. 804(2).

**List of Subjects**

*40 CFR Part 19*

Environmental protection, Administrative practice and procedure, Penalties.

*40 CFR Part 27*

Administrative practice and procedure, Assessments, Claims, Fraud, Penalties.

Dated: June 27, 2003.

**Christine Todd Whitman,**  
*Administrator.*

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

1. Revise part 19 to read as follows:

**PART 19—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION**

Sec.

19.1 Applicability.

19.2 Effective Date.

19.3 [Reserved].

19.4 Penalty Adjustment and Table.

**Authority:** Pub. L. 101–410, 28 U.S.C. 2461 note; Pub. L. 104–134, 31 U.S.C. 3701 note.

**§ 19.1 Applicability.**

This part applies to each statutory provision under the laws administered by the Environmental Protection Agency concerning the maximum civil monetary penalty which may be assessed in either civil judicial or administrative proceedings.

**§ 19.2 Effective Date.**

The increased penalty amounts set forth in this rule apply to all violations under the applicable statutes and regulations which occur after July 3, 2003. [The regulatory penalty provisions of this part effective on January 30, 1997 remain in effect for any violation of law occurring between January 30, 1997 and July 3, 2003.]

**§ 19.3 [Reserved].**

**§ 19.4 Penalty Adjustment and Table.**

The adjusted statutory penalty provisions and their maximum applicable amounts are set out in Table 1. The last column in the table provides the newly effective maximum penalty amounts.

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

U.S. Code citation	Civil monetary penalty description	New maximum penalty amount in dollars
7 U.S.C. 1361.(a)(1) .....	FEDERAL INSECTICIDE, FUNGICIDE, & RODENTICIDE ACT CIVIL PENALTY—GENERAL—COMMERCIAL APPLICATORS, ETC..	\$6,500
7 U.S.C. 1361.(a)(2) .....	FEDERAL INSECTICIDE, FUNGICIDE, & RODENTICIDE ACT CIVIL PENALTY—PRIVATE APPLICATORS—FIRST AND SUBSEQUENT OFFENSES OR VIOLATIONS.	\$650/\$1,100
15 U.S.C. 2615(a) .....	TOXIC SUBSTANCES CONTROL ACT CIVIL PENALTY.	\$32,500
15 U.S.C. 2647(a) .....	ASBESTOS HAZARD EMERGENCY RESPONSE ACT CIVIL PENALTY.	\$6,500
31 U.S.C. 3802(a)(1) .....	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE CLAIM.	\$6,500
31 U.S.C. 3802(a)(2) .....	PROGRAM FRAUD CIVIL REMEDIES ACT/VIOLATION INVOLVING FALSE STATEMENT.	\$6,500
33 U.S.C. 1319(d) .....	CLEAN WATER ACT VIOLATION/CIVIL JUDICIAL PENALTY.	\$32,500
33 U.S.C. 1319(g)(2)(A) .....	CLEAN WATER ACT VIOLATION/ADMINISTRATIVE PENALTY PER VIOLATION AND MAXIMUM.	\$11,000/\$32,500
33 U.S.C. 1319(g)(2)(B) .....	CLEAN WATER ACT VIOLATION/ADMINISTRATIVE PENALTY PER VIOLATION and MAXIMUM.	\$11,000/\$157,500
33 U.S.C. 1321(b)(6)(B)(i) .....	CLEAN WATER ACT VIOLATION/ADMIN PENALTY OF SEC 311(b)(3)&(j) PER VIOLATION AND MAXIMUM.	\$11,000/\$32,500
33 U.S.C. 1321(b)(6)(B)(ii) .....	CLEAN WATER ACT VIOLATION/ADMIN PENALTY OF SEC 311(b)(3)&(j) PER VIOLATION AND MAXIMUM.	\$11,000/\$157,500
33 U.S.C. 1321(b)(7)(A) .....	CLEAN WATER ACT VIOLATION/CIVIL JUDICIAL PENALTY OF SEC 311(b)(3)—PER VIOLATION PER DAY OR PER BARREL OR UNIT.	\$32,500 or \$1,100 per barrel or unit.
33 U.S.C. 1321(b)(7)(B) .....	CLEAN WATER ACT VIOLATION/CIVIL JUDICIAL PENALTY OF SEC 311(c)&(e)(1)(B).	\$32,500
33 U.S.C. 1321(b)(7)(C) .....	CLEAN WATER ACT VIOLATION/CIVIL JUDICIAL PENALTY OF SEC 311(j).	\$32,500