

# U.S. Environmental Protection Agency Enforcement Memorandum: 13 State Attorney Generals Seek its Rescission



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13 State Attorneys General (“AGs”) sent a March 18th letter to the United States Environmental Protection Agency (“EPA”) requesting that it rescind a December 5th memorandum titled:

*Reinforcing a ‘Compliance First’ Orientation for Compliance Assurance and Civil Enforcement Activities* (“Memorandum”).

The March 17th letter was transmitted by the AGs of the following states:

- New York
- Massachusetts
- Washington
- California
- Connecticut
- Delaware
- Hawaii
- Illinois
- Maryland
- Minnesota
- Oregon
- Rhode Island
- Vermont

The December 5th Memorandum by EPA was stated to reinforce:

... a “compliance first” orientation as the guiding principle for the U.S. Environmental Protection Agency’s Office of Enforcement and Compliance Assurance (“OECA”) and all related civil enforcement and compliance programs within the regional offices...

The policy was further stated to reinforce prioritizing environmental compliance across all OECA civil judicial and administrative enforcement activities in the most efficient, most economical, and swiftest means possible, while ensuring that its actions align with the clearest, most defensible interpretations of our statutory and regulatory mandates.

The AGs in their letter argue that in practice, the EPA Memorandum significantly curtails environmental enforcement and delays industry compliance. Further, they argue:

... Although cloaked in compliance-based language, the Pritzlaff Memo aligns EPA policy with the current administration's general stance on nonenforcement, which it announced before the President took office and reinforced on day one.

The Memorandum is argued to be expressly at odds with the prioritization of public health and the environment.

Points of the letter puts forward include:

- The Memo creates political bottlenecks that will stall enforcement.
- The Memo wholly fails to acknowledge its public health and environmental effects.
- The Memo ignores that policies to prioritize environmental compliance must be backed by robust enforcement.
- The Memo unlawfully furthers the current administration's aggressive nonenforcement and deregulatory agenda.

A copy of the AGs' letter can be found [here](#).