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Implementing National Enforcement and Compliance Initiatives Consistently with Executive Orders and Agency Priorities: U.S. EPA Office of Enforcement and Compliance Assurance Memorandum

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The United States Environmental Protection Agency (“EPA”) Office of Enforcement and Compliance Assurance (“OECA”) issued a March 12th memorandum titled:

Implementing National Enforcement and Compliance Initiatives Consistently with Executive Orders and Agency Priorities (“Enforcement Memorandum”).

The Enforcement Memorandum is transmitted from EPA Acting Assistant Administrator, Jeffrey A. Hall, to:

- Regional Administrators and Deputy Regional Administrators.
- Regional Counsel and Deputies.
- Regional ECAD Directors and Deputies.
- Regional SEMD Directors and Deputies.
- OECA Office Directors and Deputies.
- OCEFT Special Agents in Charge and Assistant Special Agents in Charge.

OECA states that it is issuing the Enforcement Memorandum to provide:

...initial guidance on implementing the FY 2024–2027 National Enforcement and Compliance Initiatives (NECIs) consistently with the President’s Executive Orders and with Administrator Zeldin’s “Powering the Great American Comeback” Initiative.

EPA OECA states that it will review and revise the NECIs “as appropriate” to ensure alignment with the NECIs and the Administration’s directives and priorities. In terms of specific national enforcement and compliance initiatives, the Memorandum addresses:

- Mitigating Climate Change (noting that the agency will no longer focus on methane emissions from oil and gas facilities).
- Protecting Communities from Coal Ash Contamination (enforcement and compliance assurance for coal ash at active powerplant facilities shall focus only on imminent threats to human health).

- Reducing Air Toxics in Overburdened Communities (will no longer focus exclusively on communities selected by the regions as being “already highly burdened with pollution impacts” and will instead target the worst pollution from HAPs affecting human health, wherever that may be found).
- Chemical Accident Risk Reduction (future inspections should prioritize high-risk facilities regardless of the regulated chemicals utilized at the facility).

The Guidance is effective immediately and applies to all civil and criminal enforcement staff and all enforcement matters moving forward, including with respect to future actions taken and existing enforcement matters.

Note that the State of Arkansas has been delegated almost every federal environmental program. As a result, the primary sources of enforcement are Arkansas agencies. Nevertheless, EPA has the authority, and does on occasion, to initiate enforcement actions involving Arkansas facilities.

A copy of the Memorandum can be downloaded [here](#).