



OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE

WASHINGTON, D.C. 20460

March 12, 2025

MEMORANDUM

SUBJECT: Implementing National Enforcement and Compliance Initiatives Consistently with Executive Orders and Agency Priorities

FROM: Jeffrey A. Hall, Acting Assistant Administrator **JEFFREY HALL** Digitally signed by JEFFREY HALL
Date: 2025.03.12 23:16:31 -04'00'

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

I. Purpose

The Office of Enforcement and Compliance Assurance (OECA) is issuing this 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.¹

II. Background

On January 20, 2025, the President signed *Ending Radical and Wasteful Government DEI Programs and Preferencing*. The following day, the President signed *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, which orders all federal agencies “to terminate all discriminatory and illegal preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, and requirements” and revokes Executive Order 12898 (*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*). Also on January 20, 2025, the President signed *Declaring a National Energy Emergency and Unleashing American Energy*, which

¹ Exec. Order No. 14151, [Ending Radical and Wasteful Government DEI Programs and Preferencing](#) (Jan. 20, 2025); Exec. Order No. 14154, [Unleashing American Energy](#) (Jan. 20, 2025); Exec. Order No. 14156, [Declaring a National Energy Emergency](#) (Jan. 20, 2025); Exec. Order No. 14173, [Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#) (Jan. 21, 2025); Exec. Order No. 14219, [Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative](#) (Feb. 19, 2025); Press Release, EPA, [“Powering the Great American Comeback” Initiative](#) (Feb. 4, 2025).

direct the removal of impediments to the development and use of the United States' abundant energy and natural resources and direct agencies to consider using enforcement discretion to advance this policy. On February 19, 2025, the President signed *Ensuring Lawful Governance and Implementing the President's "Department Of Government Efficiency" Deregulatory Initiative*, which, among other directives relevant to enforcement, directs agencies to align enforcement actions with these policies.

On February 4, 2025, Administrator Zeldin announced EPA's "Powering the Great American Comeback" Initiative, by which EPA will achieve the Agency's core mission while energizing the greatness of the American economy. The Initiative consists of five pillars: (1) Clean Air, Land, and Water for Every American; (2) Restore American Energy Dominance; (3) Permitting Reform, Cooperative Federalism, and Cross-Agency Partnership; (4) Make the United States the Artificial Intelligence Capital of the World; and (5) Protecting and Bringing Back American Auto Jobs.

III. Implementation

OECA will review and revise the NECl's as appropriate to ensure alignment between the NECl's and the Administration's directives and priorities. In the interim, all EPA enforcement and compliance actions must accord with the following directions.

A. Environmental Justice

Pursuant to the President's Executive Orders, environmental justice considerations shall no longer inform EPA's enforcement and compliance assurance work. The current NECl's state that "[a]ll of the initiatives incorporate environmental justice considerations." These considerations are incorporated by references to "vulnerable" communities, "overburdened" communities, and "communities with environmental justice concerns." All enforcement and compliance assurance actions and decisions must now be careful to avoid using or relying upon those considerations unless expressly required by statute or regulation. In all enforcement and compliance assurance activities—from targeting, information requests, and case initiation to the assessment of penalties and enforcement of orders—no consideration may be given to whether those affected by potential violations or those in the vicinity of facilities or other sources of pollution constitute minority or low-income populations as described in the NECl's. Race and socioeconomic status are not permissible considerations or criteria for exercising enforcement discretion unless expressly required by statute or regulation. The EJScreen tool maintained by the Office of Environmental Justice and External Civil Rights has been disabled and may not be used for any enforcement or compliance activity. Historical data from that tool may not be considered in decision making. To the extent the NECl's or any other documents or directives incorporate the idea of "vulnerable" or "overburdened" communities, those concepts shall be limited to 1) the physiological vulnerabilities of community members to the particular pollutant(s) at issue and the attendant physiological effects and 2) the level of the particular pollutant found in one area relative to others. Any broader considerations related to those terms, including any qualitative cumulative pollution risk, require approval by the Assistant Administrator for OECA or his/her delegee before use. These directions supersede any contrary directions provided in *Strengthening Enforcement in Communities with Environmental Justice Concerns*, April 30, 2021; *Strengthening Environmental Justice Through Criminal Enforcement*, June 21, 2021; and *Strengthening Environmental Justice Through Cleanup Enforcement Actions*, July 1, 2021.

B. Unleashing American Energy

Pursuant to the President's Executive Orders, enforcement and compliance assurance actions shall not shut down any stage of energy production (from exploration to distribution) or power generation absent an imminent and substantial threat to human health or an express statutory or regulatory requirement to the contrary. Enforcement and compliance assurance at any facility or activity involved in energy production or power generation shall prioritize addressing violations that threaten human health and safety or risk releases or accidents that would disrupt energy production or power generation. Any proposed order or other enforcement action that would unduly burden or significantly disrupt energy production or power generation, shut down any facility engaged in energy production or power generation, or severely restrict capacity for energy production or power generation must be approved in advance by the Assistant Administrator for OECA or his/her delegee.

C. Specific NECs and Considerations

Beyond these broad directives, the focus of specific NECs shall be adjusted to conform to the President's Executive Orders and the Administrator's Initiative. Unless otherwise stated, these directions concern only the prioritization of enforcement and compliance activities accomplished by the current NECs.

Mitigating Climate Change: This NECI provides that EPA will focus enforcement and compliance resources on three issues related to climate change. To conform this NECI to the President's Executive Orders and the Administrator's Initiative, enforcement and compliance will no longer focus on methane emissions from oil and gas facilities. Any orders, settlements, or other resolution of Clean Air Act violations regarding methane emissions from oil and gas facilities already found shall require the concurrence of the Assistant Administrator for OECA or his/her delegee. Enforcement and compliance assurance regarding hydrofluorocarbons (HFCs) shall focus on the unlawful import and subsequent sale of HFCs. Enforcement and compliance assurance regarding landfills shall return to the core enforcement program.

Protecting Communities from Coal Ash Contamination: This NECI focuses in large part on perceived noncompliance with current performance standards and monitoring and testing requirements and is motivated largely by environmental justice considerations, which are inconsistent with the President's Executive Orders and the Administrator's Initiative. To align this NECI with those, henceforth enforcement and compliance assurance for coal ash at active power plant facilities shall focus on imminent threats to human health. Except where expressly required by statute or regulation, under no circumstances may enforcement or compliance assurance incorporate environmental justice considerations. Any order or other enforcement action that would unduly burden or significantly disrupt power generation shall require the advance approval described above.

Reducing Air Toxics in Overburdened Communities: This NECI provides that regions will focus on communities facing high levels of toxic air pollution from hazardous air pollutants (HAPs). While enforcement and compliance assurance can continue to focus on areas with the highest levels of HAPs affecting human health, to ensure consistency with the President's Executive Orders, they will no longer focus exclusively on communities selected by the regions as being "already highly burdened with pollution impacts" (and thereby ignore areas with high levels of a singular, toxic pollutant).

Instead, enforcement and compliance assurance will target the worst pollution from HAPs affecting human health, wherever that may be found, in accordance with the above directives regarding environmental justice.

Chemical Accident Risk Reduction: This NECI focuses on ensuring that facilities handling extremely hazardous substances implement the risk management programs required under Section 112(r) of the Clean Air Act. The NECI further focuses on two particular hazardous substances, anhydrous ammonia and hydrogen fluoride, the latter of which is used in petrochemical manufacturing. Nevertheless, in practice hydrogen fluoride has comprised the justification for only a small number of inspections, and hazardous substances other than the two noted in the NECI have comprised the justification for the majority of inspections. Future inspections should prioritize high-risk facilities regardless of the regulated chemicals utilized at the facility. Any order or other enforcement that would unduly burden or significantly disrupt energy production shall require the advance approval described above.

Other Rules: EPA may reconsider past administrative actions, including rulemakings. Concurrence from the Assistant Administrator for OECA or his/her delegatee shall be sought before any enforcement or compliance assurance actions regarding the requirement of a rule under reconsideration are taken.

IV. Applicability

This 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 in existing enforcement matters. The guidance is not a regulation, does not change or substitute for any applicable regulation, and does not impose legally binding requirements on EPA or regulated parties. It is intended to improve the internal management of EPA and is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity, against the Agency, its officers or employees, or any other person.