

“Compliance First”: What Does EPA’s New Policy Mean for My Business?

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On December 5, 2025, the U.S. Environmental Protection Agency (EPA) Office of Enforcement and Compliance Assurance (OECA) issued an internal policy memorandum^[1] that sets a “compliance first” directive for EPA’s enforcement programs. The policy memorandum became effective immediately and applies to all EPA civil judicial and administrative enforcement staff and both pending and future cases. We provide a summary of the “Compliance First” policy and what regulated parties should expect in interactions with EPA moving forward.

OVERVIEW

Acting Assistant Administrator of OECA Craig Pritzlaff opens the policy memorandum by stating that the primary focus of EPA inspections, investigations, enforcement, and compliance assistance activities “must be on achieving and ensuring timely compliance.” The memorandum goes on to explain that EPA’s priority will be achieving compliance in “the most efficient, most economical, and [by the] swiftest means possible” while still ensuring that EPA’s actions are rooted in statutory and regulatory mandates. Pritzlaff also highlights that the compliance-first orientation is grounded in Executive Orders from the White House, including Unleashing American Energy^[2] and Unleashing Prosperity Through Deregulation, among others, and guidance from EPA Administrator Zeldin, especially the “Powering the Great American Comeback” Initiative.^[3]

THE SIX FACTORS OF A “COMPLIANCE FIRST” APPROACH

OECA outlines six factors for its new “compliance first” approach:

1. **Compliance Assistance Toolkit:** Pritzlaff notes that enforcement is just one tool. EPA is directed to prioritize proactive outreach, technical assistance, and training to help regulated entities understand and meet regulatory requirements. The EPA enforcement program will also promote voluntary compliance through self-reporting and audits.
2. **State Partner Coordination:** OECA will defer to states with authorized programs, and any OECA enforcement efforts must be based on a clear federal interest.
3. **Open Communication:** Pritzlaff calls for “open communication and genuine collaboration.” EPA staff must maintain transparent, timely, and collaborative two-way communication with states, Tribes, and regulated entities. The stated goal is a “no surprises” framework that accelerates compliance and builds trust with regulated entities. Pritzlaff

highlights that compliance solutions are best achieved in an environment that promotes communication to seek compliance, rather than focusing on adversarial or punitive outcomes.

4. **Finding of Violation:** Findings of violation must be based on clear, unambiguous, and well-tailored findings, using the “best reading” of statutes and implementing regulations. Expansive statutory or regulatory interpretations are discouraged to avoid regulatory uncertainty. Notably, Pritzlaff states that “where a regulated entity raises concerns about how EPA has applied a statute or regulation to its specific case, or if a material ambiguity is otherwise identified, such questions must be elevated immediately for further analysis.” Finally, to promote national consistency, OECA will develop a enforcement criteria guidance document that defines categories of violations for formal enforcement, informal enforcement, and field warnings.
5. **Compliance Requirements and Injunctive Relief:** Injunctive relief must be closely tied to specific violations and the governing statute and its implementing regulations. Expansive remedies outside clear regulatory or statutory requirements (like advanced monitoring or third-party audits) are generally not appropriate and require approval from Assistant Administrator Pritzlaff.
6. **Reasoned Decision-Making:** All enforcement decisions must be rational, transparent, and based on law, evidence, analysis, programmatic impact, and stakeholder impact (“LEAPS” factors).

WHAT DOES THIS MEAN FOR YOUR BUSINESS?

Implementation of the “compliance first” approach to enforcement may mean the following for your business and other regulated entities:

- **Current Enforcement Actions:** If you have a pending enforcement action with EPA, you may experience a temporary pause or slowdown while EPA personnel work to apply the new “compliance first” framework to your case.
- **More Predictable Compliance and Transparency:** Expect EPA to focus on regulated entities achieving compliance quickly, with less emphasis on punitive enforcement. EPA is instructed to communicate expectations and milestones clearly to avoid surprises. The forthcoming guidance document with consolidated criteria for enforcement is also expected to give regulated entities more clarity.
- **Limiting the Scope of Injunctive Relief:** Given expansive injunctive relief requires approval by the OECA Assistant Administrator, regulated parties should expect and negotiate injunctive provisions that are well tailored to the specific alleged violations in their case.
- **Avenues for Escalation:** OECA calls on EPA personnel to avoid findings of violation or orders exceeding statutory or regulatory requirements. Based on this memo, any material concern regarding inconsistent application of the law or a legal interpretation not grounded in the “best reading” of the statute is cause for escalation within EPA.

For more on how the Compliance First policy may affect your business, please contact Madalyn Feiger, Sam Trimbach, or another member of the Winston environmental department.

[1] Craig J. Pritzlaff, Reinforcing a “Compliance First” Orientation for Compliance Assurance and Civil Enforcement Activities (memorandum) (Dec. 5, 2025).

[2] Exec. Order No. 14154, Unleashing American Energy (Jan. 20, 2025); Exec. Order No. 14192, Unleashing Prosperity Through Deregulation (Jan. 31, 2025).

[3] EPA, *EPA Administrator Lee Zeldin Announces EPA’s “Powering the Great American Comeback” Initiative* (Feb. 4, 2025), available at <https://www.epa.gov/newsreleases/epa-administrator-lee-zeldin-announces-epas-powering-great-american-comeback>.

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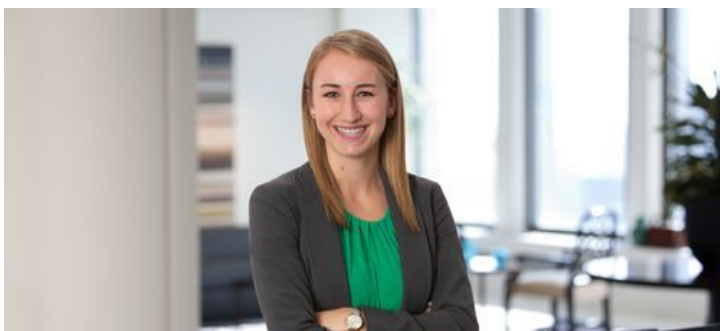
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