

## Compliance First for the New Year: EPA Sweeps Away Overreach in Enforcement

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**January 5, 2026**

On December 5, 2025, EPA Assistant Administrator Craig Pritzlaff issued a [memorandum \(the "Pritzlaff Memo"\)](#) directing the Office of Enforcement and Compliance Assurance ("OECA") to adopt a renewed "compliance first" approach across all civil enforcement and compliance programs. The memorandum reflects a deliberate shift away from prolonged investigations and expansive remedial demands, refocusing EPA on efficient return to compliance, clear and defensible statutory interpretation, and consistent application of enforcement principles across EPA regions. EPA's new approach promises more predictable, cooperative, and legally grounded enforcement, reducing expansive demands and giving regulated entities a clearer path to resolve ambiguities.

With the new year underway and EPA recalibrating its enforcement policy, now is the ideal time for companies to proactively resolve enforcement issues and secure efficient, durable compliance outcomes.

### The Compliance First Framework

The Pritzlaff Memo directs EPA personnel to prioritize timely compliance rather than extended investigations or the pursuit of every conceivable violation. The agency acknowledges that earlier approaches—often marked by lengthy fact-finding, layered information requests, or efforts to expand regulatory interpretations—can delay actual environmental protection without actually improving long-term outcomes. The memorandum identifies six guiding principles for its compliance first framework:

#### **1. Emphasis on Compliance Assistance**

EPA encourages proactive outreach, technical assistance, training, and voluntary compliance through audits and self-reporting to help regulated entities identify and correct issues promptly. The goal is straightforward: where early engagement can correct noncompliance, enforcement escalation should be unnecessary.

#### **2. Reinforced Cooperative Federalism**

EPA commits to appropriate deference to authorized state programs, close coordination with state partners, and avoidance of duplicative or conflicting oversight. States remain the primary

implementers for many environmental programs, and EPA signals an intent to support, not supplant, them.

### **3. Open Communication with the Regulated Community**

EPA staff are instructed to maintain a transparent, “no surprises” approach during inspections and enforcement actions. Clear expectations and predictable processes are intended to foster trust and achieve earlier, more efficient resolutions.

### **4. Enforcement Based on Clear and Defensible “Best Reading” of Law**

Going forward, violations must rest on clear, unambiguous, and narrowly tailored interpretations grounded in the best reading of the governing statutory and regulatory text. The memorandum cautions that expansive interpretations untethered from plain meaning create regulatory uncertainty and undermine public confidence. Notably, the memorandum situates this guidance in the post-*Chevron* administrative landscape, expressly referencing the Supreme Court’s decision in *Loper Bright*, and signals OECA’s heightened sensitivity to judicial scrutiny of agency interpretations.

The memorandum further directs that material legal ambiguities may no longer be resolved *ad hoc* at the regional or field level but instead must be elevated to national leadership to ensure consistency and avoid divergent regional interpretations. Regional staff, including enforcement attorneys, are expressly instructed not to resolve such questions independently, ensuring consistent nationwide application of environmental statutes.

### **5. Compliance Requirements and Injunctive Relief**

Another shift reflected in the memorandum is the rescission of the April 2021 OECA guidance that encouraged the use of expansive injunctive tools for enforcement, such as advanced monitoring, third-party supervision and verification, enhanced reporting, electronic data portals, facility-wide audits, supplemental environmental projects (“SEPs”), and other measures bearing only attenuated connections to statutory violations.

Under EPA’s new policy, enhanced monitoring and reporting requirements are now “generally not appropriate” unless expressly required by law and directly tied to the specific noncompliance at issue. Likewise, third-party audits, third-party verification, and third-party monitoring may be raised in settlement negotiations only with prior approval from the OECA Assistant Administrator.

### **6. Reasoned Decision Making: LEAPS**

The memorandum stresses the application of the “LEAPS” framework when making decisions on noncompliance and the appropriate means for achieving compliance:

- **Law:** the clearest, most defensible reading.
- **Evidence:** reliable and supportable facts.

- **Analysis:** sound, transparent reasoning.
- **Programmatic Impact:** avoiding mission creep.
- **Stakeholder Impact:** including states, Tribes, and regulated entities.

The LEAPS framework reflects the agency's recognition that environmental statutes are complex enough without the addition of novel or aggressive interpretations. EPA further states that it will act "swiftly" to limit abusive litigation tactics from third parties, such as citizen suits. While citizen suits play an important enforcement role, the memo acknowledges that some have sought remedies beyond what environmental laws authorize.

### **What Now? Practical Implications for Regulated Entities**

Although the guidance is not legally binding, the Pritzlaff Memo was transmitted to OECA and regional leadership and took immediate effect, applying to all civil, judicial, and administrative enforcement matters, including those already underway. Regulated entities should anticipate meaningful shifts in EPA's day-to-day enforcement posture under the Pritzlaff Memo.

Inspections and enforcement interactions are likely to become more transparent and predictable, with a stronger emphasis on cooperation and prompt return to compliance rather than extended adversarial exchanges. Entities should also see fewer expansive or creative injunctive demands, particularly those not grounded in statutory authority, reducing uncertainty and costs associated with negotiating extra-regulatory requirements.

At the same time, the memorandum creates a clearer basis for challenging questionable or unsupported interpretations of environmental laws, since EPA staff must elevate ambiguities to national leadership for consistent resolution. Ongoing enforcement matters may slow or be recalibrated as the agency aligns its approach with the new framework. Additional clarity is expected once OECA issues its forthcoming unified guidance document on enforcement levels, which should further define expectations and outcomes for regulated parties.

### **Conclusion**

The Pritzlaff Memo marks a deliberate recalibration of EPA's enforcement philosophy: a return to clarity, consistency, and timely compliance. While environmental enforcement will remain vigorous where necessary, regulated entities should expect (and demand if necessary) a more focused, legally grounded, and predictable process that aims to resolve noncompliance efficiently rather than expand the scope of regulatory obligations through enforcement leverage.

For assistance with regulatory compliance and enforcement issues, please contact Tim Sowecke or Tyler A. Self. GableGotwals' Administrative & Regulatory, Energy, Oil and Gas, and Environmental and Natural Resources teams regularly advise clients on regulatory compliance and enforcement.



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