



ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE

WASHINGTON, D.C. 20460

July 24, 2026

The Honorable Letitia James
Attorney General of the State of New York
Office of the State Attorney General
The Capitol
Albany NY 12224-0341

Dear Attorney General James and Colleagues:

Your letter relies on a series of material factual and legal misstatements that warrant correction and call into question your motivation for sending it. EPA frequently partners with your states, and even your specific offices, on matters related to environmental compliance and enforcement. Your states presumably care about cooperative federalism. The public, and your citizens, should expect you to first engage with EPA in good faith about EPA's internal "Compliance First" memorandum and the goal of advancing compliance with the law found therein. Instead, your offices chose to publicly attack and mischaracterize EPA's efforts without even an attempt at dialogue. We welcome honest debate—the memorandum itself makes clear that we prize open communication—and we have been talking with state environmental programs across the country. Yet it is clear your letter is fashioned to advance a political narrative rather than engage with the substance of the memorandum and EPA's commitments. Let us correct your narrative.

As the lead law enforcers for your respective states, and indeed the highest attorneys therein, you surely understand that government agencies—especially those vested with enforcement and police powers—must seek to act only within the clear boundaries of the authorities vested in them. You also understand that your mandate is to act with reasoned decision-making framed by the law, gold standard science, and solid evidence to ensure actions are well-tailored to quickly address actual noncompliance. State attorneys general have historically been among the strongest advocates for respecting jurisdictional boundaries and preserving state authority. It is therefore surprising that your letter appears to criticize EPA for taking steps to ensure that its enforcement decisions remain firmly grounded in statutory authority and established legal principles. Your reframing and misreading of the Compliance First memorandum suggests that disciplined adherence to these principles is the opposite of how you operate. EPA remains committed to the rule of law.

Your letter contains several fundamental misunderstandings—if not outright lies—that are undermined by the facts and that must be corrected:

- **Efficiency, Not Bottlenecks:** Our goal is to take fast action that achieves compliance more quickly and within the law. You claim we have created “bureaucratic bottlenecks” by providing for elevating questions about the proper interpretation of law, yet you fail to recognize that only material allegations of misapplied law are elevated for review. These material issues are elevated to the national office—as they should be—to ensure national consistency, rather than being left for EPA Regional Offices to resolve in patchwork fashion. Most legal questions we deal with have never been addressed by courts, so there is no precedent to apply. A unified, proper interpretation of our legal mandates is a prerequisite for, not a barrier to, efficient enforcement.
- **The Compliance Toolkit:** We agree that a robust compliance toolkit is vital; that is why it is the first factor in our framework. This includes encouraging voluntary audits and self-disclosures under existing EPA policies. Your letter incorrectly conflates “Compliance First” with uneven reliance on only some of these tools. All remain firmly on the table. What is under review is the use of expanded injunctive relief—such as third-party audits, third-party verification, and supplemental environmental projects—that has gone beyond clear statutory and regulatory mandates and was used to fund local pet projects under previous administrations.¹
- **Targeted Injunctive Relief:** Your assertion that the memorandum eliminates injunctive relief is flatly wrong. Worse, you deliberately misquote the Compliance First memorandum as saying that “injunctive relief and mitigation are ‘generally not appropriate’” when it says something entirely different. As the memorandum clearly states, injunctive relief is appropriate but “shall be based on the best, most defensible interpretations of the law” and must be “well-tailored to address specific violations” to achieve compliance quickly. We are refocusing relief on clear legal remedies that address identified noncompliance, not on non-statutory, nebulous matters such as so-called “environmental justice.”² Moreover, your deliberate misreading of the memorandum is belied by the hundreds of enforcement actions that this Administration has taken to order parties to come into compliance and the many settlements negotiated and entered by this Administration that include appropriate injunctive relief.

¹ You appear to conflate voluntary self-disclosure audits with mandated third-party audits/verification used in injunctive relief. Our memorandum addresses the latter, specifically as used in the now-rescinded 2021 Biden-era policy that sought to expand enforcement beyond statutory mandates. EPA continues to support existing policies that encourage voluntary audits and self-corrections; your suggestion to the contrary is wrong and misrepresents the record.

² Your linkage of this policy to a COVID-19-era policy emphasizing self-reporting is utterly absurd. That temporary measure addressed unprecedented field presence difficulties and massive economic shifts caused by lockdowns—many of which were imposed by your very states for much longer than necessary. It was then the Biden Administration that allowed these temporary measures to disrupt inspections and enforcement for years. To equate an initial pandemic response with a permanent shift toward lawful, efficient governance is a reach that ignores the realities of that period and the work that this Administration has done.

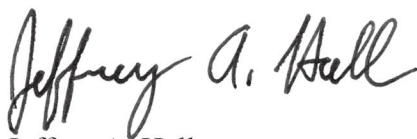
- **Enforcement Results:** Your letter also willfully misrepresents EPA’s proven results. Your central thesis is simply incompatible with the results, not only for this past fiscal year, but also for the first year of this Administration. The data from January 2025 to January 2026—the first year of the Trump II EPA—shows some of the strongest enforcement and compliance results in years.³ The record reflects that this Administration has also finished some of EPA’s largest cases, which were started during the First Trump Administration. This Administration holds polluters accountable. We are achieving more by focusing on compliance and actual effects rather than divisive rhetoric, lengthy negotiations over lawless demands, and performative litigation.

Rather than the caricature presented in your letter, the “Compliance First” orientation is rooted in the reality that environmental protection and economic prosperity are mutually reinforcing goals, not binary choices. Our objective—which you appear to oppose—is ensuring that compliance is achieved through the “most efficient, most economical, and swiftest means possible” under a clear and defensible interpretation of our legal mandates. By maintaining a focus on timely results and compliance *first*, we more closely adhere to the spirit of the nation’s environmental statutes, which are designed for the general welfare, benefit, and development of ALL Americans.

Ultimately, your letter reflects a fundamental disagreement about the role of government enforcement. EPA believes enforcement should be grounded in clear legal authority, sound science, and a focus on achieving compliance as quickly and effectively as possible. Your criticism appears directed not at any reduction in enforcement, but at EPA’s decision to insist that enforcement remains tethered to statutory authority and measurable results, while taking into account the opportunity cost of continuing languishing actions instead of finding and resolving current noncompliance. While your attack is merely tilting at windmills, it hides a pernicious preference to pursue enforcement projects for political attention.

The American people deserve environmental protection that is effective, lawful, and accountable. They do not benefit when agencies pursue policy preferences untethered from congressional authorization, nor when enforcement becomes an exercise in political power and theater. EPA will continue to focus on compliance, results, and the rule of law, regardless of criticism from those who appear more interested in defending a particular vision of administrative power than in addressing environmental noncompliance in a manner that benefits the American people.

Sincerely,



Jeffrey A. Hall
Assistant Administrator



Craig J. Pritzlaff
Principal Deputy Assistant Administrator

³ <https://www.epa.gov/newsreleases/trump-epa-releases-strongest-enforcement-and-compliance-results-years>.

cc: Sarah Talmage, Associate Administrator, Office of Congressional and Intergovernmental Relations
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