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NEWS FOR IMMEDIATE RELEASE

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AG Kaul Joins Letter Calling on EPA to Rescind Policy Limiting Enforcement of Federal Civil Environmental and Public Health Laws

MADISON, Wis. – Attorney General Josh Kaul and 13 other state attorneys general across the country submitted a [letter](#) yesterday to Environmental Protection Agency (EPA) denouncing the March 26 memorandum announcing a nationwide policy on the civil enforcement of federal environmental laws during the COVID-19 crisis. The coalition issued the following statement:

“As the chief law enforcement officers of our states, we are greatly concerned by the EPA’s announcement of a nationwide policy significantly curtailing enforcement of our nation’s bedrock environmental and public health laws.

“Although it is appropriate for EPA to consider whether safeguards against the coronavirus impact the ability of industry to comply, the agency cannot—in the midst of a public health crisis—lose sight of its mission to protect public health and the environment. Because the policy turns a blind eye to the impacts on our communities of more pollution and lesser accountability, we strongly urge EPA to rescind it.

“We will continue to enforce our state environmental laws in a reasonable manner, and stand ready to hold regulated entities accountable under critical federal environmental laws if EPA will not.”

On March 26, the EPA issued a policy entitled “COVID-19 Implications for EPA’s Enforcement and Compliance Assurance Program.” The policy, which applies retroactively to March 13, has no end date. EPA states in the policy that it does not intend to take enforcement action against companies that, for example, violate

existing reporting and monitoring requirements, provided that the companies draw a nexus between COVID-19 and their noncompliance. Absent any requirement to provide EPA, states, tribes, or the public with notice of such noncompliance, fence line communities—often low income and minority communities—could be exposed to harmful pollution without adequate warning.

This is made more troubling by EPA’s statement in the policy that it may forego enforcement even in situations where a polluter’s noncompliance presents an imminent threat to public health or the environment. The policy also ignores the connection between air pollution and cardiovascular and respiratory conditions (e.g., asthma), which may increase risk of serious harms—including premature death—for individuals who contract the COVID-19 virus. EPA can provide guidance to companies without putting the health of our communities at even greater risk than they are already facing.

A copy of the letter can be found [here](#).