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U.S. Environmental Protection Agency Announces New Temporary Enforcement Policy During COVID-19 Outbreak

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by Amanda G. Gurren

On March 26, 2020, the U.S. Environmental Protection Agency (“EPA”) issued a seven-page temporary policy regarding EPA treatment and/or discretionary enforcement of certain environmental obligations resulting from the COVID-19 pandemic (the “Temporary Policy”).

Under the Temporary Policy, the EPA will not seek penalties or other enforcement action(s) for violations of routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification obligations, so long as:

1. the EPA agrees that COVID-19 was the cause of the noncompliance; and
2. the entity provides supporting documentation of such fact to the EPA upon request.

Where the monitoring or reporting obligation applies to intervals of less than three (3) months—absent exigent circumstances—entities will not be required to “catch-up” with said missed monitoring or reporting obligation. For other monitoring or reports, such as those required on a bi-annual or annual basis, upon the Temporary Policy’s expiration, entities are expected to take reasonable measures to resume compliance activities as soon as possible, including conducting late monitoring or submitting late reports.

The Temporary Policy will apply retroactively beginning on March 13, 2020. The EPA will assess the continued need for and scope of the Temporary Policy on a regular basis.

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Please click [here](#) to read the EPA Policy on Enforcement during the COVID-19 outbreak.

Pullman & Comley attorneys have been closely monitoring the many developing implications of the COVID-19 pandemic for businesses and for professionals, including law firms. We have been responding, and will continue to respond, to a wide range of risk management questions. The firm's FOCUS page for the latest COVID-19 advisories may be found [here](#).

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