State Audit Privilege and Immunity Laws
Updated April 16, 2002

The following states have enacted environmental audit privilege and/or penalty immunity laws. The first date contained in the parenthetical indicates when the law was enacted; the subsequent dates reference actions to satisfy minimum requirements for federally authorized, delegated or approved environmental programs (i.e., sunset, amendment, memorandum of agreement and/or attorney general statement).

Privilege Only
1. Illinois (1/95)
2. Mississippi (4/95)
3. Oregon (11/93, 6/01)*
4. Arkansas (2/95, 3/99)*
5. Indiana (7/94, 5/99)*

Privilege and Immunity
1. Kansas (7/95)
2. Alaska (5/97, 3/00)***
3. Kentucky (7/94, 6/01)*
4. Nevada (7/97, 6/01)*
5. Nebraska (4/98, 3/01)*
6. Iowa (4/98, 2/01)*
7. Colorado (6/94, 5/00)*
8. South Carolina (6/96, 5/00)*
9. New Hampshire (7/96, 5/99)*
10. Virginia (7/95, 1/98)*
11. Michigan (3/96, 11/97)*
12. Ohio (12/96, 7/98)*
13. Montana (5/97, 12/99, sunset 10/01)*
14. Minnesota (1/95, 5/99)*
15. Wyoming (2/95, 3/98)*
16. Utah (3/95, 5/97)*
17. Texas (5/95, 5/97)*
18. South Dakota (3/96, 2/99, 3/99)*
19. Arizona (4/00)**
20. Idaho (7/95, sunset 12/97)

Immunity Only
1. Rhode Island (7/97, 7/01)*

Note: Oklahoma has adopted a regulation (6/97) allowing penalty immunity under certain conditions.

Key:

* State has enacted statutory revisions and/or issued a clarifying Attorney General's statement and/or entered into a Memorandum of Agreement with EPA to satisfy minimum requirements for federally authorized, delegated or approved environmental programs.

** State has enacted a law that contains elements of audit privilege and/or immunity in the context of encouraging environmental management systems. Law satisfies minimum requirements for federally authorized, delegated or approved environmental programs.

*** State has issued a clarifying Attorney General's statement to satisfy minimum requirements for full approval of its Clean Air Act Title V program.