



## CRWI Update January 31, 2025

### MEMBER COMPANIES

Arkema, Inc.  
Bayer CropScience  
Clean Harbors Environmental Services  
Eastman Chemical Company  
Formosa Plastics Corporation, USA  
Heritage Thermal Services  
INV Nylon Chemicals Americas, LLC  
Ross Incineration Services, Inc.  
The Dow Chemical Company  
Veolia ES Technical Solutions, LLC  
Westlake US 2, LLC

### GENERATOR MEMBERS

Eli Lilly and Company  
3M

### ASSOCIATE MEMBERS

AECOM  
ALL4 LLC  
Alliance Source Testing LLC  
B3 Systems  
Civil & Environmental Consultants, Inc.  
Coterie Environmental, LLC  
Envitech, Inc.  
Eurofins TestAmerica  
Focus Environmental, Inc.  
Franklin Engineering Group, Inc.  
Montrose Environmental Group, Inc.  
Ramboll  
Spectrum Environmental Solutions LLC  
Strata-G, LLC  
TEConsulting, LLC  
Trinity Consultants  
W.L. Gore and Associated, Inc.  
Wood, PLC

### INDIVIDUAL MEMBERS

Ronald E. Bastian, PE  
Ronald O. Kagel, PhD

### ACADEMIC MEMBERS

(Includes faculty from:)

Clarkson University  
Colorado School of Mines  
Lamar University  
Louisiana State University  
Mississippi State University  
New Jersey Institute of Technology  
University of California – Berkeley  
University of Dayton  
University of Kentucky  
University of Maryland  
University of Utah

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### HWC RTR

When the district judge set a December 31, 2025, deadline for EPA to sign a final rule, he did not set a deadline for a proposed rule. The Agency has not shared any estimates for the timing of a proposed rule. The current regulatory freeze is not expected to have an impact on this rule because it has a court ordered deadline.

### Civil penalty adjustment

The Inflation Adjustment Act requires all federal agencies to modify their civil penalties based on the inflation rate from the previous year. EPA and OSHA published cost-of-living adjustments to their civil penalties on January 8, 2025, and January 10, 2025, respectively. Both increased their penalties by 1.02598. Details can be found in the respective *Federal Register* notices.

### OB/OD alternative methods

On January 3, 2025, EPA updated their "Compendium of Potential Alternative Technologies to Open Burning and Open Detonation of Hazardous Waste Explosives." This document identifies alternative treatment technologies that potentially can be used in place of open burning and open detonation of certain hazardous waste explosives. The update adds explosive waste streams for a previously listed technology, adds a new table specific to mobile treatment unit manufacturers and vendors, and improves clarity through removal of incomplete information and revised descriptions. The revised document and additional information can be found at <https://www.epa.gov/hwpermitting/compendium-potential-alternative-technologies-open-burning-and-open-detonation>.

### EtO exemptions

In one of his final acts, President Biden signed an executive order (January 16, 2025) specifying a process where commercial sterilizers can request waivers from the final rule limiting emissions of ethylene oxide (EtO). The authority to grant these waivers was delegated to EPA and the Department of Health and Human Services. The maximum duration for the exemptions in the executive order is two years.

## PFAS

On January 6, 2025, EPA updated its list of per- and polyfluoroalkyl substances (PFAS) subject to reporting under the Toxics Release Inventory. The effective date for this rule is February 5, 2025, but that date will likely be extended. Additional details can be found in the *Federal Register* notice.

On January 13, 2025, EPA released a final Integrated Risk Information System toxicity assessment for perfluorohexanesulfonic acid (PFHxS) and its related salts. It sets a reference dose of  $4 \times 10^{-10}$  mg/kg body mass/day. The complete assessment can be found at [https://iris.epa.gov/ChemicalLanding/&substance\\_nmbr=705](https://iris.epa.gov/ChemicalLanding/&substance_nmbr=705).

On January 15, 2025, EPA published a draft sewage sludge risk assessment for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS). The draft finds that both landfilling and land application pose human health risks to nearby populations. The comment period closes on March 17, 2025, but this will likely be extended. It is also possible that the proposed rule will be withdrawn to give the Trump Administration time to decide how to proceed. More details can be found in the *Federal Register* notice.

The report language from the FY 2025 Department of Defense appropriations bill (S. 4921) required the Department of Defense to update Congress on the Department's guidance on the destruction and disposal of PFAS containing materials. This was delivered to Congress on January 17, 2025. There is little new in this document. It reiterates their 2023 interim guidance document that allows the use of the following options in order of consideration:

- Carbon reactivation units with environmental permits (activated granular carbon use only);
- Hazardous waste landfills;
- Solid waste landfills with composite liners and leachate collection and treatment systems; and
- Hazardous waste incinerators.

It also acknowledges the 2024 revisions to EPA's PFAS disposal and destruction guidance. A copy of the report can be obtained from CRWI.

The state of Maryland is suing W. L. Gore and Associates for ongoing and future PFAS cleanup costs and natural resource damages. The suit cites the addition of PFOA and PFOS as hazardous substances under CERCLA as justification for the action.

## Environmental justice

The Biden Administration continued to commit money allocated under the Inflation Reduction Act and the bipartisan infrastructure law until January 19, 2025. Region 6 announced \$95 million in grants to various Texas entities, \$52 million in grants to

entities in Louisiana, and \$22 million in grants to entities in New Mexico. EPA also announced \$2.4 million in funding to small businesses to develop environmental technologies. Some of the projects are to develop a process for removing PFAS from biosolids, using AI to enhance disaster responses, handheld methods for real-time water quality measurements, and develop a nature-based absorbent technology to remove PFAS, pathogens, and other pollutants from water. EPA estimates that 93% of their Inflation Reduction Act funds have been allocated. In addition, EPA released six pilot indicators of environmental health disparity. These are:

- Blood lead levels;
- Population in monitoring counties meeting the PM2.5 National Ambient Air Quality Standards;
- Age-adjusted hypertension;
- Adverse birth outcomes;
- Childhood asthma prevalence; and
- Life expectancy.

In their first set of executive orders, the Trump Administration revoked Biden and Clinton Administration executive orders promoting diversity, equity, and inclusion (DEI) and environmental justice. The new political appointees are expected to make significant changes in EPA's environmental justice offices and the Department of Justice's Environment and Natural Resources Division during the next couple of months.

### **EPA personnel**

On January 29, 2025, the Senate confirmed Lee Zeldin as the new EPA Administrator by a 56-42 margin. All Republicans and three Democrats (Mark Kelly – AZ, Ruben Gallego – AZ, and John Fetterman – PA) voted to approve the nomination. During his confirmation hearing, Mr. Zeldin stated he would follow the requirements of the Inflation Reduction Act and the bipartisan infrastructure law but would account for funding and potentially claw back any funds that were inappropriately spent. When asked about whether carbon dioxide is a pollutant, he responded that the Supreme Court ruling in *Massachusetts v. EPA* allows EPA to curb greenhouse gases but did not elaborate.

In addition, President Trump has nominated David Fotouhi to be the next EPA Deputy Administrator. Mr. Fotouhi has considerable experience on environmental issues from both inside and outside the Agency. Once confirmed, he is expected to handle the day-to-day activities of the Agency. The Senate Environment and Public Works Committee has not set a date for a confirmation hearing.

There are thirteen political positions at EPA that require Senate confirmation. As of the end of January, the Administrator has been confirmed and the Deputy Administrator has been nominated. It may take some time for Assistant Administrators to be nominated and confirmed. Meanwhile, several Schedule C political appointees that do not require Senate confirmation that have been placed in senior level positions. These individuals will likely be making decisions until Assistant Administrators can be confirmed. These

include Steve Cook, Deputy Assistant Administrator for the Office of Land and Emergency Management, Lynn Dekleva, Deputy Assistant Administrator for the Office of Chemical Safety and Pollution Prevention, and Abbie Tardiff, Principal Deputy Administrator for the Office of Air and Radiation. Until Senate confirmations are made, Sarah Dunham and Barry Breen are acting Assistant Administrators for the Office of Air and Radiation and the Office of Land and Emergency Management, respectively.

Regional administrators do not require Senate confirmation. Regional administrators have been appointed for Region 2 (Michael Martucci), Region 6 (Scott Mason IV), and Region 7 (Jim Macy). The rest are currently being led by acting administrators.

### **Trump Administration transitions**

The Trump Administration has rapidly made changes in several Departments and agencies, including EPA. As anticipated, a January 20, 2025, executive order put a regulatory freeze on all current regulatory actions by all agencies and departments pending a review by Trump Administration officials. The Director or Acting Director of the Office of Management and Budget may exempt any rule he deems as necessary to address emergency situations or other urgent circumstances (includes statutory or judicial deadlines). All agencies are to withdraw all rules sent to the Office of Federal Register but not yet published in the *Federal Register*. Each agency is to consider postponing the effective date for 60 days for any rule already published but the effective date was after January 20, 2025. This order was expected and happens when a new party takes control of the White House. The order does not set a timetable for when the freeze will end.

Even before Mr. Zeldin was confirmed, the Acting EPA Administrator James Payne made a number of changes. He dismissed all panelists for the Science Advisory Board and the Clean Air Scientific Advisory Committee. He directed all EPA staff to halt communications with external parties. EPA staff is still allowed to communicate to state and local authorities. It is not known how long the communications blackout will last. EPA staff was ordered to return to the office as soon as practicable but no later than February 24, 2025. EPA staff, along with most other federal employees, received a buyout offer. Staff has until February 6, 2025, to make a decision. If staff chooses this option, they can leave their position immediately but still get paid through the end of September 2025. All inspector generals have been terminated. Executive orders to eliminate many of the civil service protections, freeze new hiring, and overhaul existing hiring practices have been signed. Mr. Trump also signed an executive order freezing all grant funding. This was challenged and a federal district judge has put a stay on that freeze saying it violates the Constitution and various statutes. One should expect several more lawsuits challenging these actions.

Mr. Trump is expected to significantly decrease activities in climate change and environmental justice. It is anticipated there will be work on streamlining the permitting process. The next four years are expected to be deregulatory.

The first two weeks of the Trump Administration has seen a large number of changes. Specifically, these are the policies that were put in place by previous executive orders and can be modified by new executive orders. EPA will start working on the more difficult changes (deciding which lawsuits to defend, which rules and guidance documents to modify, etc.) in the coming months. Senior personnel are likely to be moved around. If the buyout offer does not generate enough downsizing, additional reductions in force will likely occur. The new hires will be the most vulnerable since they are on probation for at least a year. The news media is reporting that 1,100 new hires have received an email saying they could be terminated immediately. All of this is creating considerable chaos in the Agency. This coupled with the lack of Senate confirmed Assistant Administrators will slow down the amount of work coming out of the Agency.

## **CRA**

One of the tools Congress can use to overturn regulations from the Executive Branch is a resolution of disapproval under the Congressional Review Act (CRA). This law allows Congress to disapprove of any regulation promulgated by the Executive Branch by passing a resolution of disapproval by a simple majority and having the resolution signed by the president. Because most presidents would not sign such a resolution for something his agencies did, the utility of this law only comes into play when there is a new administration and the same party controls the House, the Senate and the Presidency. The law is also restricted to regulations promulgated in the last 60 legislative days. This law gives the current administration the ability to look at any regulation promulgated under the Biden Administration since early August 2024. The Congressional Research Service has not released the exact look back date. Thirteen resolutions of disapproval were introduced in the House and Senate during January. Four are for EPA rules. They are the:

- Greenhouse gas emission standards for heavy-duty vehicles – Phase 3;
- National primary drinking water regulations for lead and copper;
- Trichloroethylene regulation under the Toxic Substances Control Act; and
- Phasedown and management of certain hydrofluorocarbons and substitutes under the American Innovation and Manufacturing Act of 2020.

If a resolution of disapproval is enacted, it prohibits that agency from promulgating a future rule that is substantially the same rule. Expect several more resolutions in February and March.

## **CRWI meetings**

The next CRWI meeting will be held on February 25, 2025, in Tulsa, OK. It will be held in conjunction with the IT3 Conference. Please contact CRWI (703-431-7343 or [mel@crwi.org](mailto:mel@crwi.org)) if you are interested in attending.