



## CRWI Update November 30, 2025

### MEMBER COMPANIES

Arcwood Environmental  
Arkema, Inc.  
Bayer CropScience  
Clean Harbors Environmental Services  
Eastman Chemical Company  
Formosa Plastics Corporation, USA  
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

ALL4 LLC  
Alliance Source Testing LLC  
B3 Systems  
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.

### INDIVIDUAL MEMBERS

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

### ACADEMIC MEMBERS

(Includes faculty from:)

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

43330 Junction Plaza, Suite 164-641  
Ashburn, VA 20147  
Phone: 703-431-7343  
E-mail: [mel@crwi.org](mailto:mel@crwi.org)  
Web Page: <http://www.crwi.org>

### HWC RTR proposed rule

The hazardous waste combustor (HWC) risk and technology review (RTR) proposed rule was published on November 10, 2025. The comment period closes on December 26, 2025. The current deadline to sign a final rule is December 31, 2025. On November 28, 2025, the Department of Justice filed a motion asking the court to extend that deadline until May 29, 2026. The plaintiffs in the case have opposed this motion.

### Secondary lead smelter proposed rule

There are two issues in the secondary lead smelter proposed technology review rule that are common with the HWC RTR proposed rule: should EPA use section 112(d)(6) of the Clean Air Act to set emission limits for unregulated pollutants instead of sections 112(d)(2) and (3) or (h); and does the phrase “as necessary” in section 112(d)(6) allow EPA to decline to set emission limits for unregulated pollutants. The comment period for this rule was extended until December 8, 2025.

### Methylene chloride extension

On November 13, 2025, EPA published a final rule that extended the compliance date of the Workplace Chemical Protections Program and the associated recordkeeping requirements for methylene chloride for industrial or commercial laboratories for 18 months. This puts the commercial labs on the same timetable as federal labs. Additional details can be found in the *Federal Register* notice.

### TCE extension

On November 14, 2025, EPA published a notice of a 90 day extension for certain uses of trichloroethylene (TCE) under TSCA. This extension is in conjunction with an ongoing litigation in multiple jurisdictions and a temporary stay by one of those courts. The new date is February 17, 2026. EPA has announced they intend to reconsider the underlying rule. Additional details can be found in the *Federal Register* notice.

## **PFAS**

In 2023, EPA published a final rule under TSCA that required certain companies to submit a one-time report on the manufacture, import, or use of per- and polyfluoroalkyl substances (PFAS) for each year from 2011 until 2022. That reporting requirement was delayed twice because of issues getting the electronic reporting templates in place. On November 13, 2025, EPA published a proposed rule to amend these requirements. These include exemptions for:

- Mixtures of mixtures or products at concentrations less than 0.1%;
- Imported articles;
- Certain byproducts;
- Impurities;
- Research and development chemicals; and
- Non-isolated intermediates.

Additional information can be found in the *Federal Register* notice. Comments are due on December 29, 2025.

## **Major source reclassification litigation**

EPA's actions on allowing major sources to reclassify to an area source has taken many turns. It originally started as a memo that set forth a policy that a source could change from being a major source to an area source by reducing emissions as long as those reductions take place prior to their compliance date. After that, the source would remain a major source no matter what its emissions were. This was called the "once in, always in" policy. The first Trump administration changed that policy and then codified those changes in regulations. This version allowed facilities to reclassify at any time as long as their potential-to-emit remained below the major source emission thresholds. Environmental groups challenged this rule. The Biden administration developed a final rule that required additional restrictions to that showing. This put the litigation on hold. At the beginning of the second Trump administration, Congress passed a resolution of disapproval for the Biden administration amendments. This action removed the Biden administration amendments and reverted the rule to the Trump version, restarting the litigation. The court has set the following briefing schedule: opening briefs are due January 23, 2026; reply briefs are due by April 10, 2026; and final briefs are due on June 18, 2026. Oral arguments have not been scheduled.

## **Disaster debris**

In August, EPA published an interim final rule to allow commercial and industrial solid waste incinerators (CISWI) to burn disaster debris on a temporary basis. To use this option, the debris must come from an area that has been declared as a state of emergency by a local, state, or federal government and all CISWI control devices must be operated if technically feasible. As with all interim final rules, EPA accepted comments on the action. Several environmental groups objected but the Agency did not

withdraw the interim final rule. Those groups sued. In their non-binding list of issues, the groups challenged the use of the “good cause” provisions of the Administrative Procedures Act to bypass a notice and comment period, alleged that the administrative record does not support the action, and the Agency ignored previous findings on the use of air-curtain incinerators.

## **Government reopens**

The Senate Republicans reached a compromise with enough Democrats to obtain the 60 votes needed to restrict debate. This compromise included passing three regular appropriations bills (military construction, agriculture, and legislative branch) and extending the current continuing resolution for the rest of the government until January 30, 2026. To get the Democrats on board, the bill also guarantees back pay for all furloughed employees, added specific protection for federal employees from firings, required reinstatement of those federal employees who have been wrongfully terminated during the shutdown, and a promise to bring up extending the subsidies for the Affordable Care Act in December. This version passed the House on a party line vote. It was signed by President Trump on November 12, 2025. At 42 days, this was the longest government shutdown in history. Congress now has to finish the other nine appropriations bills by January 30, 2026, or face another shutdown.

## **EPA reorganizations**

EPA has finalized the new organizational structure for the Office of Chemical Safety and Pollution Prevention (OCSPP), the Office of the Administrator, the Office of Air and Radiation, the Office of Land and Emergency Management, and the Office of Enforcement and Compliance Assurance. The new charts can now be found at <https://www.epa.gov/aboutepa/epa-organization-chart>. From the Office of Research and Development, 170 personnel have been assigned to OCSPP to help speed up chemical reviews. Approximately 300 employees have been transferred to the new Office of Applied Science and Environmental Solutions. This office reports directly to the EPA administrator. Given the agreement in the Senate to protect federal employees from reduction in force actions mentioned earlier, it is not clear what will happen to the rest of the employees of the former Office of Research and Development.

## **Environmental justice**

While the federal government has virtually ceased any enforcement actions based on environmental justice, New Jersey has not. They recently announced five new suits against gasoline stations in environmental justice communities and settling of two older suits. More details and a copy of the press release can be found at <https://www.njoag.gov/ag-platkin-and-dep-commissioner-latourette-announce-two-settlements-and-five-environmental-enforcement-lawsuits/>.

## **CRWI meetings**

The next CRWI meeting will be held on February 18-19, 2026, in Washington, D.C. (Veolia, 701 Pennsylvania Ave NW). Please contact CRWI (703-431-7343 or [mel@crwi.org](mailto:mel@crwi.org)) if you are interested in attending.