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Arcwood Environmental
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INDIVIDUAL MEMBERS

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

ACADEMIC MEMBERS (Includes faculty from:)

Colorado School of Mines
Lamar University
Louisiana State University
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University of Dayton
University of Kentucky
University of Maryland
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CRWI Update December 31, 2025

HWC RTR proposed rule

On November 28, 2025, EPA filed a motion with the U.S. District Court for the District of Columbia requesting a five month delay of the deadline to sign a final hazardous waste combustor (HWC) risk and technology review (RTR) rule. The plaintiffs opposed this motion. On December 23, 2025, the judge granted the motion and gave EPA until May 29, 2026, to sign a final rule. The comment period for the HWC RTR proposed rule closed on December 26, 2025.

HAP delisting

In 2019, Dow Chemical submitted a petition to remove 2-butoxyethyl benzoate from the list of hazardous air pollutants (HAP) under the Clean Air Act. EPA reviewed the data submitted on the health and environmental effects and on December 22, 2025, published a proposed rule to grant that petition. The proposed rule also includes a streamlined process for evaluating future petitions to delist HAPs. The comment period closes on February 20, 2026. Additional details can be found in the *Federal Register* notice.

Phthalates

On December 31, 2025, EPA announced that based on a finding of unreasonable risk, the Agency will start the process to regulate the use of five phthalate compounds (butyl benzyl phthalate, dibutyl phthalate, dicyclohexyl phthalate, diethylhexyl phthalate, and diisobutyl phthalate) under TSCA. These chemicals are commonly used to make plastics more flexible. The announcement stated that the risk evaluation did not include consumer products because those are under the jurisdiction of Food and Drug Administration or the Consumer Product Safety Commission. This work will develop regulations to eliminate unreasonable risks to workers and the environment. These rules will be targeted to personal protective equipment, engineering controls, and alternative approaches to minimize risk. The Agency did not give a timetable for the next steps in the process.

Enforcement

On December 5, 2025, the Acting Assistant Administrator for the Office of Enforcement and Compliance Assurance (OECA) issued a memo to Agency directors and regions that laid out a policy of “compliance first” for future Agency actions. There are several pieces to this new policy. The overall objective of OECA will be to ensure that compliance is “achieved in the most efficient, most economical, and swiftest means possible, all under the clearest interpretation of our legal mandates.” The memo states that enforcement often delays compliance and thus should be avoided. The enforcement program will promote self-reporting and voluntary audits to proactively identify and correct compliance issues. Any finding of non-compliance must be clear and unambiguous and based on the “best reading” of the regulations. Any ambiguity must be elevated to senior management for resolution. Inspectors and staff are not responsible for resolving these ambiguities. All decision to proceed must be made at the national level. This memo also withdraws a 2021 memo that allowed the use of supplemental environmental projects. Third party audits, verification, and monitoring must be carefully considered and should be approved by the Assistant Administrator. The Agency will also move quickly to limit third party litigations and citizen suits. While this memo does not disavow enforcement, it certainly points to getting a facility back into compliance as soon as possible rather than using enforcement tools. OECA has not officially released a copy of the memo but it has been posted by others. Several law firms have developed a detailed analysis of the memo with potential ramifications. One can be found at <https://www.bdlaw.com/publications/compliance-first-what-epas-updated-priorities-mean-for-industry/>.

PHMSA ANPRM on using highly automated transportation systems

On December 4, 2025, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published an Advanced Notice of Proposed Rule Making (ANPRM) on modernizing transportation of hazardous materials regulations to include the use of highly automated transportation systems. The current regulations are primarily designed with traditional transportation methods in mind. PHMSA is asking stakeholder how to develop future regulations where highly automated delivery systems (e.g., drones, delivery robots, fully automated freight trucks, etc.) are used. Comments are due on March 4, 2026. Additional details can be found in the *Federal Register* notice.

FY 2026 NDAA

On December 18, 2025, President Trump signed S. 1071, the FY 2026 National Defense Authorization Act (NDAA), into law. The Senate version of the bill eliminated section 343 of the FY 2022 NDAA. This was the section that banned the use of incineration by the military to treat PFAS wastes. That section was replaced in conference by Section 324 which allows the military to use any technology that is cost effective and is “permitted or otherwise approved by a Federal or State Agency that regulates the destruction or disposal” of PFAS compounds. The new section goes on to tell the Secretary of Defense to issue guidance implementing that authority and that

guidance should include technologies that meet the two criteria listed above. They are also to review and revise that guidance on a periodic basis. While the FY 2026 NDAA does not repeal the 2022 ban on incineration, it seems to give the Secretary of Defense a mechanism to decide whether the military can use incineration to treat PFAS wastes.

PFAS

The Trump Administration continues to defend the rule that designated two per- and polyfluoroalkyl substances (PFAS) as hazardous substances under CERCLA. In their final brief delivered to the court on December 5, 2025, the Agency repeated the arguments made by the Biden Administration in their opening briefs stating “PFOA and PFOS plainly meet the standard given the extensive record evidence of their adverse health impacts and chemical properties.” In the final brief, the Agency urges the court to remand the rule without vacatur should the court grant the petitioners request to overturn the rule. Oral arguments are scheduled for January 20, 2025.

In a recent study published in the *Proceeding of the National Academy of Sciences* (<https://www.pnas.org/doi/10.1073/pnas.2509801122>), researchers examined mother/infant pairs upstream and downstream of a PFAS contaminated site in New Hampshire. Using data from 2010-2019, the data showed 191% increase in first year infant mortality, 168% more births before 28 weeks, and 180% more births with weights below 1,000 grams when comparing the upstream population to the downstream one. One of the criticisms of the study is that it relied on modeled exposure to perfluorooctanoic acid and perfluorooctane sulfonic acid rather than actual measurement of well water contamination.

EPA personnel

The Senate has confirmed Doug Troutman to be the Assistant Administrator for EPA's Office of Chemical Safety and Pollution Prevention and Jeff Hall to be the Assistant Administrator for the Office of Enforcement and Compliance Assurance. These are the last two major EPA program office leaders awaiting confirmation.

FY 2026 appropriations

Appropriations bills have been completed for FY 2026 for agriculture, the legislative branch, and military construction. The rest of the government is functioning under a continuing resolution that expires on January 30, 2026. EPA's appropriations bills were approved by both House and Senate committees in July of 2025. The Senate version did not significantly alter the funds for EPA while the House version cut the level of funding by 23%. The Senate version included an order for the Agency to stop dismantling the Office of Research and Development and restore that office to the level it was operating in 2021. Neither the House nor the Senate versions have seen any floor time. The Senate attempted to pass a “minibus” package that included appropriations for Labor, Defense, Transportation, Interior-EPA, and Commerce Departments in December. They could not get the necessary votes to restrict debate.

Neither Congress (both Democrats and Republicans) nor the President currently seem to be interested in shutting down the government again but a lot can happen (or not happen) between now and January 30.

H.R. 6566

On December 10, 2025, Congressman Dan Crenshaw (R-TX) introduced H.R. 6566, a bill that would amend the Clean Air Act to define pyrolysis, gasification, depolymerization, catalytic cracking, solvolysis, or chemolysis as manufacturing processes as long as at least half of the output was deemed as a “product” by EPA. The bill currently has two co-sponsors, both Republicans, and has been assigned to the Energy and Commerce Committee. It is early in the process and it is difficult to predict whether this bill will be enacted.

Permitting reform

Both Congress and EPA are becoming more active in permitting reforms. The House passed H.R. 3898 that would revise the permitting requirements under the Clean Water Act for large industrial projects (including data centers) on December 11, 2025, by a 221-205 vote. Six Democrats joined the Republicans voting in favor of the legislation. Environmental groups opposed the bill saying it would undermine state authority in protecting rivers and lakes. The authors of the bill describe it as common sense reforms that will help lower construction costs, speed up project timelines, and provide greater regulatory certainty. This bill has been sent to the Senate and was referred to the Environment and Public Works Committee.

The House also passed H.R. 4503 which directs federal agencies to adopt modern, digital platforms and data standards for environmental reviews and authorizations. This includes requiring the Council on Environmental Quality (CEQ) to develop and publish data standards for the collection and curation of environmental review data. This is intended to ensure consistency and allow for the automated data exchange between different federal agencies. CEQ is also required to design, test, and build prototype tools, such as application submission and tracking portals, to help agencies implement the new requirements. The bill mandates the development and maintenance of a unified interagency data system, which is designed to make the process more accessible and transparent for all parties. This legislation has also been sent to the Senate and referred to the Environment and Public Works Committee. Both the committee chair and ranking member appear to be receptive to permitting reforms. However, the Senate often takes a different approach than does the House.

In addition, the House Energy and Commerce Subcommittee on the Environment approved several bills on December 10, 2025. H.R. 4218 would extend the timeline for reviewing national ambient air quality standards (NAAQS) from every five years to every ten years, EPA would be allowed to consider the likelihood of states achieving air quality standards when revising or setting NAAQS standards, allows states one year to submit correction plans to address deficiencies, and protects states if they can prove that

factors beyond their control contributed to a violation. H.R. 6387 proposes to amend the Clean Air Act to change how air quality data influenced by wildfires and related mitigation efforts are handled in federal environmental regulations. H.R. 4214 would require EPA to publish guidance for implementing a new or revised NAAQS standards concurrently with the final rule for that standard. H.R. 161 would clarify the definitions of "modification" and "construction" under the New Source Review program of the Clean Air Act to make permitting more precise. All now go to the full committee for consideration. More information on each of these can be found at <https://www.congress.gov/> and searching for the specific bill number (include the H.R.).

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) if you are interested in attending.