

## **ENVIRONMENTAL PROTECTION AGENCY (EPA)**

### **Statement of Priorities**

#### **OVERVIEW**

EPA works to ensure that all Americans are protected from significant risks to human health and the environment, including climate change, and that overburdened and underserved communities and vulnerable individuals -- including low-income communities and communities of color, children, the elderly, tribes, and indigenous people -- are meaningfully engaged and benefit from focused efforts to protect their communities from pollution. EPA acts to ensure that all efforts to reduce environmental harms are based on the best available scientific information, that federal laws protecting human health and the environment are enforced equitably and effectively, and that the United States plays a leadership role in working with other nations to protect the global environment. EPA is committed to environmental protection that builds and supports more diverse, equitable, sustainable, resilient, and productive communities and ecosystems.

By taking advantage of the latest science, the newest technologies and the most cost-effective and sustainable solutions, EPA and its federal, tribal, state, local, and community partners have made important progress in addressing pollution where people live, work, play, and learn. By cleaning up contaminated waste sites, reducing greenhouse gases, lowering emissions of mercury and other air pollutants, and investing in water and wastewater treatment, EPA's efforts have resulted in tangible benefits to the American public. Efforts to reduce air pollution alone have produced hundreds of billions of dollars in benefits in the United States, and tremendous progress has been made in cleaning up our nation's land and waterways. But much more needs to be done to implement the nation's environmental statutes and ensure that all individuals and communities benefit from EPA's efforts to protect human health and the environment and to address the climate

crisis.

EPA has initiated cross-Agency efforts to address our most complex environmental challenges including PFAS pollution. Per- and polyfluoroalkyl substances (PFAS) are a group of man-made chemicals, including PFOA and PFOS, that have been manufactured and used in a variety of industries around the globe, including in the United States, since the 1940s. Both chemicals persist in the environment and in the human body. The EPA Administrator established a Council on PFAS, comprised of a group of senior agency leaders who are charged with accelerating the Agency's progress on PFAS. EPA is committed to using all the Agency's authorities to address PFAS pollution including Safe Drinking Water Act, Clean Water Act, and the Comprehensive Environmental Response, Compensation, and Liability Act. EPA also is expanding our existing data collection efforts to better understand the environmental and human health impacts of PFAS. Similarly, EPA has developed a cross-Agency strategy to coordinate the Agency's efforts to reduce lead exposure and protect children and families from the harmful effects of lead.

EPA will use its regulatory authorities, along with grant- and incentive-based programs, technical and compliance assistance, and research and educational initiatives, to address the following priorities set forth in EPA's upcoming Strategic Plan:

- Tackle the Climate Crisis
- Advance Environmental Justice and Civil Rights
- Ensure Clean and Healthy Air for All Communities
- Ensure Clean and Healthy Water for All Communities
- Safeguard and Revitalize Communities
- Ensure Safety of Chemicals for People and the Environment

All this work will be undertaken with a strong commitment to scientific integrity, the rule of law and transparency, the health of children and other vulnerable populations, and with special focus on supporting and achieving environmental justice at federal, tribal, state, and local levels.

## **HIGHLIGHTS OF EPA'S REGULATORY PLAN**

This Regulatory Plan highlights our most important upcoming regulatory actions. As always, our Semiannual Regulatory Agenda contains information on a broader spectrum of EPA's upcoming regulatory actions.

### ***Tackle the Climate Crisis***

EPA must take bold and decisive steps to respond to the severe and urgent threat of climate change, including taking appropriate regulatory action under existing statutory authorities to reduce emissions from our nation's largest sources of greenhouse gases (GHG). The impacts of climate change are affecting people in every region of the country, threatening lives and livelihoods and damaging infrastructure, ecosystems, and social systems. Overburdened and underserved communities and individuals are particularly vulnerable to these impacts, including low-income communities and communities of color, children, the elderly, tribes, and indigenous people.

Exercising its authority under the Clean Air Act (CAA), EPA will address major sources of GHGs that are driving these impacts by taking regulatory action to minimize emissions of methane from new and existing sources in the oil and natural gas sector; reduce GHGs from new and existing fossil fuel-fired power plants; limit GHGs from new light-duty vehicles and heavy-duty trucks; and set requirements for the use of renewable fuel. EPA will also carry out the mandates of the recently enacted American Innovation and Manufacturing (AIM) Act to implement, and where appropriate accelerate, a national phasedown in the production and consumption of hydrofluorocarbons (HFCs),

which are highly potent GHGs.

- **Emission Guidelines for Oil and Natural Gas Sector.** The oil and natural gas industry are the largest industrial source of U.S. emissions of methane, a GHG more than 25 times as potent as carbon dioxide at trapping heat in the atmosphere. Executive Order 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,” states that the Administrator of EPA should consider proposing new regulations to establish emission guidelines for methane emissions from existing operations in the oil and gas sector, including the exploration and production, transmission, processing, and storage segments. The purpose of this action is to propose new emission guidelines for existing sources in the oil and gas sector by October 2021.
- **New Source Performance Standards for Crude Oil and Natural Gas Facilities: Review of Policy and Technical Rules.** Executive Order 13990 further directs EPA to review the new source performance standards (NSPS) issued in 2020 for the oil and gas sector about methane and volatile organic compound (VOC) emissions and, as appropriate and consistent with applicable law, consider publishing for notice and comment a proposed rule suspending, revising, or rescinding the NSPS. The Executive Order also directs EPA to consider proposing new regulations to establish comprehensive NSPS for methane and VOC emissions from the exploration and production, transmission, processing, and storage segments. The purpose of this action is to review the existing NSPS and propose new standards as necessary.
- **Emission Guidelines for Greenhouse Gas Emissions from Fossil Fuel-Fired Existing Electric Generating Units.** On January 19, 2021, the D.C. Circuit Court vacated the Affordable Clean Energy Rule (40 CFR part 60, subpart UUUUa) and remanded the rule to EPA for further consideration consistent with its decision. On February 12, 2021, considering the court’s

decision, the EPA published a memorandum on the status of the Affordable Clean Energy (ACE) rule and informed states not to continue the development or submittal of state plans in accordance with CAA section 111(d) guidelines for GHG emissions from power plants at this time. EPA continues to review the court's vacatur and remand of these actions. The anticipated proposal date for this action is by July 2022, and promulgation by July 2023.

- **Amendments to the NSPS for GHG Emissions from New, Modified, & Reconstructed Stationary Sources: EGUs.** . Under CAA section 111(b), EPA sets New Source Performance Standards (NSPS) for GHG emissions from new, modified, and reconstructed fossil fuel-fired power plants. In 2015, EPA finalized regulations to limit GHG emissions from new fossil-fuel fired utility boilers and from natural gas-fired stationary combustion turbines. In 2018, EPA proposed to revise the NSPS for coal fired EGUs. To date, that proposed action has not been finalized. The 2018 proposed rule would have revised the 2015 NSPS finalized in conjunction with the Clean Power Plan (80 FR 64510). Litigation remains in abeyance for the 2015 final NSPS. The purpose of this action is to review the NSPS and, if appropriate, amend the standards for new fossil fuel fired EGUs. Anticipated timing of the proposed rule is by June 2022 and promulgation by June 2023.
- **Restrictions on Certain Uses of Hydrofluorocarbons under Subsection (i) of the American Innovation and Manufacturing Act.** EPA intends to propose a rule that, in part, responds to petitions granted under subsection (i) of the AIM Act. Subsection (i) of the AIM Act provides that a person may petition EPA to promulgate a rule for the restriction on use of a regulated substance in a sector or subsector. EPA will consider a rule restricting, fully, partially, or on a graduated schedule, the use of HFCs in sectors or subsectors including the refrigeration, air conditioning, aerosol, and foam sectors informed by petitions received from environmental groups, trade associations, and individual companies. Additionally, EPA will consider

establishing recordkeeping and reporting requirements and addressing other related elements of the AIM Act.

- **Phasedown of Hydrofluorocarbons: Updates to the Allowance Allocation and Trading Program under the American Innovation and Manufacturing Act for 2024 and Later Years.**

As noted above, the AIM Act directs EPA to sharply reduce production and consumption of HFCs, which are harmful and potent greenhouse gases, by using an allowance allocation and trading program. This phasedown will decrease the production and import of HFCs in the United States by 85% over the next 15 years. The first regulation under the AIM Act established the allowance allocation and trading program for 2022 and 2023. To continue phasing down the production and consumption of listed HFCs on the schedule listed in the AIM Act, this rulemaking will provide the framework for how the Agency will issue allowances in 2024 and beyond.

- **Revised 2023 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions**

**Standards.** Executive Order 13990 directed EPA to review the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks (April 30, 2020). In August 2021, EPA proposed to revise existing national GHG emissions standards for passenger cars and light trucks for Model Years 2023 - 2026. The proposed standards would achieve significant GHG emissions reductions along with reductions in other criteria pollutants. The proposal would result in substantial public health and welfare benefits, while providing consumers with savings from lower fuel costs.

- **Volume Requirements for 2023 and Beyond under the Renewable Fuel Standard Program.**

CAA statutory provisions governing the Renewable Fuel Standard (RFS) program provide target volumes of renewable fuel for the RFS program only through 2022. For years 2023 and

thereafter, the statute requires EPA to set those volumes based on an analysis of specified factors. If EPA does not set those volumes, there will be no applicable requirement to blend renewable fuel into gasoline and diesel. This rulemaking will establish volume requirements for 2023 and some years beyond. The proposal will provide the public with an opportunity to provide feedback on various alternative volume requirements.

- **Renewable Fuel Standard (RFS) Program: RFS Annual Rules.** CAA section 211 requires EPA to set renewable fuel percentage standards every year. This action establishes the annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and total renewable fuel that apply to gasoline and diesel transportation fuel.

### ***Ensure Clean and Healthy Air for All Communities***

All people regardless of race, ethnicity, national origin, or income deserve to breathe clean air. EPA has the responsibility to protect the health of vulnerable and sensitive populations, such as children, the elderly, and persons overburdened by pollution or adversely affected by persistent poverty or inequality. Since enactment of the CAA, EPA has made significant progress in reducing harmful air pollution even as the U.S. population and economy have grown. Between 1970 and 2020, the combined emissions of six key pollutants dropped by 78%, while the U.S. economy remained strong growing 272% over that time period. As required by the CAA, EPA will continue to build on this progress and work to ensure clean air for all Americans, including those in underserved and overburdened communities. Among other things, EPA will take regulatory action to review and implement health-based air quality standards for criteria pollutants such as particulate matter (PM); limit emissions of harmful air pollution from both stationary and mobile sources; address sources of hazardous air pollution (HAP), such as ethylene oxide, that disproportionately affect communities with environmental justice concerns; and protect downwind communities from sources of air

pollution that cross state lines. Along with the full set of CAA actions listed in the regulatory agenda, the following high priority actions will allow EPA to continue its progress in reducing harmful air pollution.

- **Review of the National Ambient Air Quality Standards for Particulate Matter.** Under the CAA Amendments of 1977, EPA is required to review and if appropriate revise the air quality criteria for the primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) every 5 years. In December 2020, EPA published its final decision in the review of the PM NAAQS, retaining the existing standard established in 2013. The review included the preparation of an Integrated Review Plan, an Integrated Science Assessment (ISA), and a Policy Assessment with opportunities for review by EPA's Clean Air Scientific Advisory Committee (CASAC) and the public. These documents informed the Administrator's decision in the PM NAAQS review. On June 10, 2021, EPA notified the public that it will reconsider the 2020 decision to retain the PM NAAQS. As part of this reconsideration, EPA intends to develop a supplement to the ISA and a revised policy assessment to consider the most up-to-date science on public health and welfare impacts of PM and to engage with the CASAC and a newly constituted expert PM panel. Additionally, on July 7, 2020, EPA notified the public that it was initiating an update of the ISA for lead as part of the periodic review of the lead NAAQS.
- **NESHAP: Coal- and Oil-Fired Electric Utility Steam Generating Units-Revocation of the 2020 Reconsideration, and Affirmation of the Appropriate and Necessary Supplemental Finding.** Executive Order 13990 directs EPA to take certain actions by August 2021, including considering publishing, as appropriate and consistent with applicable law, a proposed rule suspending, revising, or rescinding the “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units—Reconsideration of Supplemental Finding and Residual Risk and Technology Review,” 85 FR 31286 (May 22,



2020). The May 2020 final action is the latest amendment to the February 16, 2012, National Emission Standards for Hazardous Air Pollutants for Coal- and Oil-fired Electric Utility Steam Generating Units (77 FR 9304). That 2012 rule (40 CFR part 63, subpart UUUUU), commonly referred to as the Mercury and Air Toxics Standards (MATS), includes standards to control HAP emissions from new and existing coal- and oil-fired steam EGUs located at both major and area sources of HAP emissions. In the May 22, 2020 action, EPA found that it is not appropriate and necessary to regulate coal- and oil-fired EGUs under CAA section 112. As directed by EO 13990, EPA will review the May 22, 2020, finding and, under this action, will take appropriate action resulting from its review of the May 2020 finding that it is not appropriate and necessary to regulate coal- and oil-fired EGUs under Clean Air Act section 112. Results of EPA's review of the May 2020 RTR will be presented in a separate action.

- **Interstate Transport Rule for 2015 Ozone NAAQS.** This action would apply in certain states for which EPA has either disapproved a “good neighbor” state implementation plan (SIP) submission under CAA section 110(a)(2)(D)(i)(I) or has made a finding of failure to submit such a SIP submission for the 2015 ozone NAAQS. This action would determine whether and to what extent upwind sources of ozone-precursor emissions need to reduce these emissions to prevent interference with downwind states’ maintenance or attainment of the 2015 8-hour ozone NAAQS. For upwind states that EPA determines to be linked to a downwind nonattainment or maintenance receptor, EPA would conduct further analysis to determine what (if any) additional emissions controls are required in such states and develop an enforceable program for implementation of such controls.
- **Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards.** Heavy-duty engines have been subject to emission standards for criteria pollutants, including PM, hydrocarbon (HC), carbon monoxide (CO), and oxides of nitrogen (NOx), for

nearly half a century. Current data suggest that existing standards should be revised to ensure full, in-use emission control. NO<sub>x</sub> emissions are major precursors of ozone and significant contributors to secondary PM<sub>2.5</sub> formation. Ozone and ambient PM<sub>2.5</sub> concentrations continue to be a nationwide health and air quality issue. Reducing NO<sub>x</sub> emissions from on-highway, heavy-duty trucks and buses is an important component of improving air quality nationwide and reducing public health and welfare effects associated with these pollutants, especially for vulnerable populations and in highly impacted regions. Through this action, EPA will evaluate data on current NO<sub>x</sub> emissions from heavy-duty vehicles and engines and propose options to improve control of criteria pollutant emissions through revised emissions standards. Additionally, this action will propose updates to the existing greenhouse gas emissions standards for heavy-duty vehicles.

- **National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilization and Fumigation Operations.** In response to EPA's most recent National Air Toxics Assessment (NATA), which identified several areas across the country as having the potential for elevated cancer risk due to emissions of ethylene oxide to the outdoor air, EPA has initiated a review of its existing air rules for source categories that emit this chemical. This includes reviewing the current National Emission Standards for Hazardous Air Pollutants (NESHAP) for Ethylene Oxide Commercial Sterilization and Fumigation Operations, which were finalized in December 1994 (59 FR 62585). The standards require existing and new major sources to control emissions to the level achievable by the maximum achievable control technology (MACT) and require existing and new area sources to control emissions using generally available control technology (GACT). In this action, EPA will conduct a statutorily required technology review for the NESHAP and will also consider the cancer risks of ethylene oxide emissions from this source category. To aid in this effort, EPA issued an advance notice of proposed rulemaking (ANPRM) on December 12, 2019 (84 FR 67889) that solicited comment

from stakeholders, developed important emissions-related data through data collection activities, and undertook a Small Business Advocacy Review (SBAR) panel, which is needed when there is the potential for significant economic impacts to small businesses from any regulatory actions being considered.

- **Review of Final Rule Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act.** This rulemaking will address the review of the final rule, “Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act” (Major MACT to Area, or MM2A final rule). See 85 FR 73854, November 19, 2020. Pursuant to Executive Order 13990, EPA has decided to review the MM2A final rule and, as appropriate and consistent with the CAA section 112, to publish for comment a notice of proposed rulemaking either suspending, revising, or rescinding the MM2A final rule. The MM2A final rule became effective on January 19, 2021 and provides that a major source can be reclassified to area source status at any time upon reducing its potential to emit (PTE) HAP to below the major source thresholds (MST) of 10 tons per year (tpy) of any single HAP and 25 tpy of any combination of HAP. Major sources that reclassify to area source status will no longer be subject to CAA section 112 major source requirements and, instead, will be subject to any applicable area source requirements. The MM2A final rule also included an interim ministerial revision that removed the word “federally” from the phrase “federally enforceable” in the PTE definition in 40 CFR 63.2.

### ***Ensure Clean and Healthy Water for All Communities***

The Nation's water resources are the lifeblood of our communities, supporting our health, economy, and way of life. Clean and safe water is a vital resource that is essential to the protection of human health. The EPA is committed to ensuring clean and safe water for all, including low-income

communities and communities of color, children, the elderly, tribes, and indigenous people. Since the enactment of the Clean Water Act (CWA) and the Safe Drinking Water Act (SDWA), EPA and its state and tribal partners have made significant progress toward improving the quality of our waters and ensuring a safe drinking water supply. Along with the full set of water actions listed in the regulatory agenda, the regulatory initiatives listed below will help ensure that this important progress continues.

- **Revised Definition of “Waters of the United States” – Rule 1:** In April 2020, the EPA, and the Department of the Army (“the agencies”) published the Navigable Waters Protection Rule (NWPR) that revised the previously-codified definition of “waters of the United States” (85 FR 22250, April 21, 2020). The agencies are now initiating this new rulemaking process that restores the regulations in place prior to the 2015 “Clean Water Rule: Definition of ‘Waters of the United States’” (80 FR 37054, June 29, 2015), updated to be consistent with relevant Supreme Court decisions. The agencies intend to consider further revisions in a second rule in light of additional stakeholder engagement and implementation considerations, scientific developments, and environmental justice values. This effort will also be informed by the experience of implementing the pre-2015 rule, the 2015 Clean Water Rule, and the 2020 Navigable Waters Protection Rule.
- **Revised Definition of “Waters of the United States” - Rule 2:** The EPA and the Department of the Army (“the agencies”) intend to pursue a second rule defining “Waters of the United States” to consider further revisions to the agencies’ first rule (RIN 2040-AG13) which proposes to restore the regulations in place prior to the 2015 “Clean Water Rule: Definition of ‘Waters of the United States’” (80 FR 37054, June 29, 2015), updated to be consistent with relevant Supreme Court Decisions. This second rule proposes to include revisions reflecting on additional stakeholder engagement and implementation considerations, scientific developments, and environmental justice values. This effort will

also be informed by the experience of implementing the pre-2015 rule, the 2015 Clean Water Rule, and the 2020 Navigable Waters Protection Rule.

- **Clean Water Act Section 401: Water Quality Certification.** In accordance with Executive Order 13990, EPA has completed its review of the 2020 Clean Water Act Section 401 Certification Rule (85 FR 42210, July 13, 2020) and has determined that it erodes state and tribal authority as it relates to protecting water quality. Through the new rulemaking, EPA intends to restore the balance of state, tribal, and federal authorities while retaining elements that support efficient and effective implementation of section 401. Congress provided authority to states and tribes under CWA section 401 to protect the quality of their waters from adverse impacts resulting from federally licensed or permitted projects. Under section 401, a federal agency may not issue a license or permit to conduct any activity that may result in any discharge into navigable waters unless the affected state or tribe certifies that the discharge is in compliance with the CWA and state law or waives certification. EPA intends to strengthen the authority of states and tribes to protect their vital water resources.
- **Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category.** On July 26, 2021, EPA announced its decision to conduct a rulemaking to potentially strengthen the Steam Electric Effluent Limitations Guidelines (ELGs) (40 CFR 423). This rulemaking process could result in more stringent ELGs for waste streams addressed in the 2020 final rule, as well as waste streams not covered in the 2020 rule. The former could address petitioners' claims in current litigation pending in the Fourth Circuit Court of Appeals. *Appalachian Voices v. EPA*, No. 20-2187 (4th Cir.). EPA revised the Steam Electric ELGs in 2015 and 2020.
- **Per- and polyfluoroalkyl substances (PFAS): Perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) National Primary Drinking Water Regulation Rulemaking.** On March 3, 2021, EPA published the Fourth Regulatory Determinations (86 FR 12272), including a determination to regulate perfluorooctanoic acid (PFOA) and

perfluorooctanesulfonic acid (PFOS) in drinking water. With this action, EPA intends to develop a proposed national primary drinking water regulation for PFOA and PFOS, and, as appropriate, take final action. Additionally, EPA will continue to consider other PFAS as part of this action.

- **National Primary Drinking Water Regulations for Lead and Copper: Regulatory**

**Revisions.** EPA promulgated the final Lead and Copper Rule Revision (LCRR) on January 15, 2021 (86 FR 4198). Consistent with the directives of Executive Order 13990, EPA is currently considering revising this rulemaking. EPA will complete its review of the rule by December 2021 in accordance with those directives and informed by a robust stakeholder engagement process, including hearing from low-income people and communities of color who are disproportionately affected by lead contamination. EPA understands that the benefits of clean water are not shared equally by all communities, and this review of the LCRR will be consistent with the policy aims set forth in Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities through the Federal Government.”

- **Cybersecurity in Public Water Systems** . EPA is evaluating regulatory approaches to ensure improved cybersecurity at public water systems. EPA plans to offer separate guidance, training, and technical assistance to states and public water systems on cybersecurity. This action is expected to provide regulatory clarity and certainty and promote the adoption of cybersecurity measures by public water systems.

- **Federal Baseline Water Quality Standards for Indian Reservations.** EPA is developing a proposed rule to establish tribal baseline water quality standards (WQS) for waters on Indian reservations that do not have WQS under the CWA. The development of this rule will help advance President Biden’s commitment to strengthening the nation-to-nation relationships with Indian Country. Currently, less than 20 percent of reservations have EPA-approved tribal WQS. Promulgating baseline WQS would address this longstanding gap and provide more scientific rigor and regulatory certainty to National Pollutant Discharge Elimination

System (NPDES) permits for discharges to these waters. Consistent with EPA's regulations, the baseline WQS would include designated uses, water quality criteria to protect those uses, and antidegradation policies to protect high quality waters. EPA has consulted with tribes and will continue to do so.

### ***Safeguard and Revitalize Communities***

EPA works to improve the health and livelihood of all Americans by cleaning up and returning land to productive use, preventing contamination, and responding to emergencies. EPA collaborates with other federal agencies, industry, states, tribes, and local communities to enhance the livability and economic vitality of neighborhoods. Challenging and complex environmental problems persist at many contaminated properties, including contaminated soil, sediment, surface water, and groundwater that can cause human health concerns. EPA's regulatory program works to incorporate new technologies and approaches to cleaning up land to provide for an environmentally sustainable future more efficiently and effectively, as well as to strengthen climate resilience and to integrate environmental justice and equitable development when returning sites to productive use. Along with the other land and emergency management actions in the regulatory agenda, EPA will take the following priority actions to address the contamination of soil, sediment, surface water, and groundwater.

- **Designation of Perfluorooctanoic and Perfluorooctanesulfonic Acids as Hazardous Substances.** EPA issued a PFAS Action Plan on February 14, 2019, responding to extensive public interest and input. The plan announced that EPA will begin the steps necessary to propose designating PFOA and PFOS as hazardous substances through one of the available statutory mechanisms in section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLA, commonly known as Superfund, provides EPA with enforcement authority and establishes liability for releases or threatened releases of

hazardous substances. Designating PFOA and PFOS as CERCLA hazardous substances will require reporting of releases of PFOA and PFOS that meet or exceed the reportable quantity assigned to these substances. This will enable federal, state, tribal and local authorities to collect information regarding the location and extent of release. Moreover, designating PFOS and PFOA as hazardous substances under CERCLA would expand EPA's authority to investigate or respond to a release, and, thereby, reduce harm or risk to human health, welfare, and the environment.

- **Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residues from Electric Utilities.** EPA is planning to amend the existing regulations in 40 CFR part 257 on the disposal of Coal Combustion Residuals (CCR) under subtitle D of the Resource Conservation and Recovery Act, initially issued on April 17, 2015 (80 FR 21302). By implementing the April 2015 final rule, EPA is working to ensure that CCR disposal units that do not meet rule requirements, including unlined surface impoundments, cease receipt of waste and close in a way that protects public health and the environment. In addition, the Water Infrastructure Improvements for the Nation Act of 2016 established new statutory provisions applicable to CCR disposal units and authorized EPA, if provided specific appropriations, to develop a federal permit program in nonparticipating states for CCR units. EPA plans to finalize regulatory amendments to provide a federal CCR permitting program. Finally, EPA plans to propose a rule to regulate inactive CCR surface impoundments at inactive utilities, or "legacy units."

**Accidental Release Prevention Requirements: Risk Management Program (RMP) under the Clean Air Act; Retrospection.** In accordance with Executive Order 13990, EPA is revising the RMP regulations, which implement the requirements of CAA section 112(r)(7). RMP requires facilities that use extremely hazardous substances to develop a Risk Management Plan.



In 2019, EPA finalized a reconsideration of the RMP regulations that eliminated many of the major incident prevention initiatives that had been established in 2017 amendments to the rule. To support the current revisions, EPA hosted listening sessions to provide interested stakeholders the opportunity to present information or comment on issues pertaining to these revisions.

### ***Ensure Safety of Chemicals for People and the Environment***

EPA is responsible for ensuring the safety of chemicals and pesticides for all people at all life stages. Chemicals and pesticides released into the environment as a result their manufacture, processing, distribution, use, or disposal can threaten human health and the environment. EPA gathers and assesses information about the risks associated with chemicals and pesticides and acts to minimize risks and prevent unreasonable risks to individuals, families, and the environment. EPA acts under several different statutory authorities, including the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Federal Food, Drug and Cosmetic Act (FFDCA), the Toxic Substances Control Act (TSCA), the Emergency Planning and Community Right-to-Know-Act (EPCRA), and the Pollution Prevention Act (PPA). Using best available science, the Agency will continue to satisfy its overall directives under these authorities and highlights the following rulemakings intended for release in FY2022:

**Chemical Specific Risk Management Rulemakings under TSCA section 6(a).** As amended in 2016, TSCA requires EPA to evaluate the safety of existing chemicals via a three-stage process: prioritization, risk evaluation, and risk management. EPA first prioritizes chemicals as either high- or low-priority for risk evaluation. EPA evaluates high-priority chemicals for unreasonable risk. If, at the end of the risk evaluation process, EPA determines that a chemical presents an unreasonable risk to health or the environment, the

Agency must immediately move the chemical to risk management action under TSCA. EPA is required to implement, via regulation, regulatory restrictions on the manufacture, processing, distribution, use or disposal of the chemical to eliminate the unreasonable risk. TSCA gives EPA a range of risk management options, including labeling, recordkeeping or notice requirements, actions to reduce human exposure or environmental release, or a ban of the chemical or of certain uses.

As announced on June 30, 2021, EPA reviewed the TSCA risk evaluations issued for the first 10 chemicals and as a result intends to implement policy changes to ensure the Agency is protecting human health and the environment under the requirements of TSCA. Upon review of the risk evaluations issued for Cyclic Aliphatic Bromide Cluster (HBCD) (RIN 2070-AK71), C.I. Pigment Violet 29 (PV29) (RIN 2070-AK87), and asbestos (part 1: chrysotile asbestos) (RIN 2070-AK86), EPA currently believes these risk evaluations are likely sufficient to inform the risk management approaches being considered and that these approaches will be protective; therefore, the Agency does not think it needs to conduct any additional technical analysis that would amend the risk evaluation. However, EPA does intend to reissue individual chemical risk determinations that amend the approach to personal protective equipment (PPE) and include a whole chemical risk determination for HBCD (RIN 2070-AK71) and PV29 (RIN 2070-AK87) and, during part 2 of the risk evaluation for asbestos. The Agency is also working expeditiously on risk management and believes the proposed rules for HBCD (RIN 2070-AK71) and asbestos (part 1: chrysotile asbestos) (RIN 2070-AK86) will likely be the first of the 10 to be ready for release in FY2022.

- **Modification to the Minimum Risk Pesticide Listing Program.** Under FIFRA section 25(b), EPA has determined that certain "minimum risk pesticides" pose little to no risk to human health or the environment and has exempted them from registration and other

requirements under FIFRA. In 1996, EPA created a regulatory list of minimum risk active and inert ingredients in 40 CFR 152.25. Such exemption reduces the cost and regulatory burdens on businesses and the public for those pesticides deemed to pose little or no risk and allows EPA to focus our resources on pesticides that pose greater risk to humans and the environment. EPA is considering streamlining the petition process and revising how the Agency evaluates the potential minimum risk active and inert substances, factors used in classes of exemptions, state implementation of the minimum risk program, and the need for any future exemptions or modifications to current exemptions. On April 8, 2021 (86 FR 18232), EPA issued an advance notice of proposed rulemaking to solicit public input that it is considering in developing a proposed rule that the Agency intends to issue in FY2022.

### ***Rules Expected to Affect Small Entities***

By better coordinating small business activities, EPA aims to improve its technical assistance and outreach efforts, minimize burdens to small businesses in its regulations, and simplify small businesses' participation in its voluntary programs. Actions that may affect small entities can be tracked on EPA's Regulatory Flexibility Web site (<https://www.epa.gov/reg-flex>) at any time.