

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 -- in particular, communities with environmental justice concerns -- 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 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 Strategic Plan:

- Tackle the Climate Crisis

- Take Decisive Action to Advance Environmental Justice and Civil Rights
- Enforce Environmental Laws and Ensure Compliance
- 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

As EPA develops regulations, we seek to increase participation and engagement of members of the public affected by our regulations, including in the development of our regulatory priorities. In our Regulatory Plan we detail engagement efforts that have helped to inform our priorities to date, as well as future engagement efforts we have planned. Throughout our engagement, EPA would particularly like to hear from members of the public who have not typically participated in the regulatory process, including families and communities affected by climate change, rural workers, and others.

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 is taking appropriate regulatory action under existing statutory authorities to reduce emissions from our nation's largest sources of greenhouse gases (GHG) to respond to the severe and urgent threat of climate change. 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; and limit GHGs from new light-duty vehicles and heavy-duty trucks. EPA will also carry out the mandates of the 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. Further, these regulatory priorities complement the commitment to holistically and aggressively combat damaging climate pollution while supporting the creation of good jobs and lowering energy costs for families together with implementation of relevant climate provisions of the Inflation Reduction Act.

- **New Source Performance Standards and Emission Guidelines for Crude Oil and Natural Gas Facilities: Climate Review**

On November 15, 2021, the EPA proposed new source performance standards and emission guidelines for crude oil and natural gas facilities that would secure major climate and health benefits for all Americans by reducing emissions of methane and other harmful air pollution from both new and existing sources in the oil and natural gas industry. (86 FR 63110). This action was in response to the January 20, 2021, Executive Order titled 'Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.' The 2021 action proposed to update and strengthen methane and VOC standards on the books for new sources, add standards for currently unregulated new sources, and establish the first nationwide Emission Guidelines for states to regulate existing sources. On December 6, 2022, EPA issued a supplemental proposal to update, strengthen and expand its November 2021 proposal (87 FR 74702). The supplemental proposal would achieve more comprehensive emissions reductions from oil and natural gas

operations by improving standards in the 2021 proposal and adding proposed requirements for sources not previously covered. Specific proposed requirements include fugitive emissions monitoring and repair at well sites, stronger requirements for flares, zero emissions standards for pneumatic pumps, new standards for dry seal compressors, and a program to allow approved third parties to identify super-emitting events for prompt mitigation. The supplemental proposal also promotes innovation in methane detection technology by allowing for the use of advanced methane detection systems. The proposal included details for implementing the Emissions Guidelines. EPA received more than 515,000 public comments on the 2022 supplemental proposal, in addition to 470,000 comments received on the 2021 proposal. EPA held multi-day virtual public hearings on both proposals and has conducted numerous trainings and webinars for communities, members of Tribal Nations, tribal environmental professionals and small businesses. The Agency expects to issue a final rule later this year.

- **NSPS for GHG Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired EGUs; Emission Guidelines for GHG Emissions from Existing Fossil Fuel-Fired EGUs; and Repeal of the ACE Rule**
Fossil fuel-fired electric generating units (EGUs) are the nation's second largest source of greenhouse gas (GHG) pollution. In May 2023, EPA proposed to set limits for new gas-fired combustion turbines, existing coal, oil and gas-fired steam generating units, and certain existing gas-fired combustion turbines. Consistent with EPA's traditional approach to establishing pollution standards for power plants under section 111 of the Clean Air Act, the proposed standards are based on technologies such as carbon capture and sequestration/storage (CCS), low-GHG hydrogen co-firing, and natural gas co-firing, which can be applied directly to power plants that use fossil fuels to generate electricity. As laid out in section 111 of the Clean Air Act, the proposed new source performance standards (NSPS) and emission guidelines reflect the application of the best system of emission reduction (BSER) that, taking into account costs, energy requirements, and other statutory factors, is adequately demonstrated for the purpose of improving the emissions performance of the covered electric generating units. The comment period for the proposed rule concluded on August 8, 2023. EPA intends to issue a final rule in spring 2024.
- **Management of Certain Hydrofluorocarbons and Substitutes under Subsection (h) of the American Innovation and Manufacturing Act of 2020**

This proposed rulemaking would establish requirements for the management of certain HFCs and their substitutes under subsection (h) of the AIM Act. Specifically, this proposal considers provisions to control, where appropriate, practices, processes, or activities regarding the servicing, repair, disposal, or installation of equipment, for the purposes of maximizing the reclamation and minimizing the release of certain HFCs from equipment and ensuring the safety of technicians and consumers. Among other provisions, EPA is proposing emissions reduction requirements for certain equipment containing HFCs and their substitutes as well as requirements to increase the reclaiming of HFCs.

- **Application-Specific Review and Renewal Rule**

The AIM Act identifies six applications that are to receive “the full quantity of [HFC] allowances necessary, based on projected, current, and historical trends,” under the allowance allocation program through the end of 2025. The six applications are a propellant in metered dose inhalers, defense sprays, structural composite preformed polyurethane foam for marine use and trailer use, the etching of semiconductor material or wafers and the cleaning of chemical vapor deposition chambers within the semiconductor manufacturing sector, mission-critical military end uses, and onboard aerospace fire suppression. EPA can renew this status for up to five years at a time based on statutory criteria outlined in the AIM Act. This proposed rule will review and consider whether to renew eligibility for each of the six applications, consistent with this statutory process under AIM subsection (e)(4)(B). Additionally, EPA intends to establish how it will review eligibility if petitioned for inclusion of additional applications and to consider revisions to existing regulatory requirements.

- **Greenhouse Gas Emissions Standards for Heavy-Duty Engines and Vehicles – Phase 3**

- Transportation is the largest source of GHG emissions in the United States and heavy-duty (HD) vehicles are the second-largest contributor in the sector. GHG emissions have significant impacts on public health and welfare as evidenced by the well-documented scientific record and as set forth in EPA’s Endangerment and Cause or Contribute Findings under section 202(a) of the CAA. GHG reductions would benefit all U.S. residents, including populations such as people of color, low-income populations, indigenous peoples, and/or children that may be especially vulnerable to various forms of damages associated with climate change. On April 12, 2023, EPA announced a proposal for more stringent standards to reduce greenhouse gas emissions from HD vehicles beginning in model year (MY) 2027. The new standards would be applicable to

HD vocational vehicles (such as delivery trucks, refuse haulers, public utility trucks, transit, shuttle, school buses, etc.) and tractors (such as day cabs and sleeper cabs on tractor-trailer trucks). Specifically, EPA proposed stronger CO₂ standards for MY 2027 HD vehicles that go beyond the current standards that apply under the HD Phase 2 Greenhouse Gas program. EPA also proposed an additional set of CO₂ standards for HD vehicles that would begin to apply in MY 2028, with progressively more stringent standards each model year through 2032. This proposed “Phase 3” greenhouse gas program maintains the flexible structure created in EPA’s Phase 2 greenhouse gas program, which is designed to reflect the diverse nature of the heavy-duty industry. EPA has conducted outreach with a wide range of interested stakeholders to gather input which we have considered in developing this proposal, and we will continue to engage with the public and all interested stakeholders as part of our regulatory development process.

- **Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles**

On April 12, 2023, EPA announced a proposal for new, more ambitious multipollutant emissions standards to further reduce harmful air pollutant emissions from light-duty passenger cars and light trucks and Class 2b and 3 vehicles (“medium-duty vehicles” or MDVs) under its authority in section 202(a) of the Clean Air Act (CAA), 42 U.S.C. 7521(a), starting with model year 2027. The proposal builds upon EPA’s final standards for federal greenhouse gas emissions standards for passenger cars and light trucks for model years 2023 through 2026 and leverages advances in clean car technology which would result in significant benefits to Americans ranging from reducing climate pollution, to improving public health, to saving drivers money through reduced fuel and maintenance costs. The proposed standards phased in over model years 2027 through 2032. EPA conducted outreach with a wide range of interested stakeholders to gather input which was considered in developing the proposal and will continue to engage with the public and all interested stakeholders as part of our regulatory development process as we develop the final rule.

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 2022, the combined emissions of six key pollutants dropped by 78%, while the U.S. economy remained strong as GDP grew 304% 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 linked 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.

- **National Ambient Air Quality Standards for Particulate Matter Reconsideration (PM NAAQS Reconsideration)**

Under the Clean Air Act 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. On December 18, 2020, the EPA published a final decision retaining the NAAQS for particulate matter (PM), which was the subject of several petitions for reconsideration as well as petitions for judicial review. As directed in Executive Order 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," signed by President Biden on January 20, 2021, EPA is undertaking a reconsideration of the December 2020 decision to retain the PM NAAQS because the available scientific evidence and technical information indicate that the current standards may not be adequate to protect public health and welfare, as required by the Clean Air Act. As part of this reconsideration, EPA developed a Supplement to the 2019 PM Integrated Science Assessment (ISA) and a Policy Assessment to take into account the most up-to-date science on public health impacts of PM and engaged with the chartered Clean Air Scientific Advisory Committee (CASAC) and a newly constituted expert CASAC PM panel. The notice of proposed rulemaking was signed on January 5, 2023. The EPA proposed to revise the primary annual PM_{2.5} standard from its current level of 12.0 µg/m³ to within the range of 9.0 to 10.0 µg/m³, while proposing to retain the primary 24-hour PM_{2.5} standard, the primary 24-hour PM₁₀ standard, and the secondary PM standards. The EPA also proposed revisions to the Air Quality Index (AQI)

and to the PM_{2.5} monitoring network. The EPA held a public hearing in February 2023, where more than 300 individuals provided oral testimony. The EPA also received more than 700,000 written public comments from individuals, environmental and public health organizations, industries, federal, state, and local representatives, and tribes and tribal groups. The EPA has also provided other opportunities for public engagement throughout the reconsideration, including public meetings of the CASAC, and tribal consultation offers and informational meetings. EPA intends to issue a final rule in fall 2023.

- **Review of the Secondary National Ambient Air Quality Standards for Ecological Effects of Oxides of Nitrogen, Oxides of Sulfur and Particulate Matter (Ecological Effects of NO_x, SO_x and PM Secondary NAAQS Review)**

Under the Clean Air Act, the EPA is required to review and, if appropriate, revise the air quality criteria and national ambient air quality standards (NAAQS) every 5 years. On April 3, 2012, the EPA published a final rule in which the Agency determined to retain the current secondary standards (welfare-based) for nitrogen oxides (NO_x) and for sulfur oxides (SO_x). On January 15, 2013, the EPA published a final rule in which the Agency retained the secondary standards for particulate matter. The current review of the air quality criteria and secondary standards for ecological effects of SO_x, NO_x and particulate matter includes the preparation of an Integrated Science Assessment and a Policy Assessment by the EPA, with opportunities for review by the EPA's Clean Air Scientific Advisory Committee (CASAC) and the public. These documents will inform the Administrator's proposed decision as to whether to retain or revise the standards. The proposed decision would be published in the **Federal Register** with opportunity provided for public comment. The Administrator's final decisions would take into consideration these documents, CASAC advice, and public comment on the proposed decision. Opportunities for public engagement and sharing of information concerning this NAAQS review will include public hearings, tribal consultation, informational meetings, and through the CASAC public meetings.

- **NESHAP: Coal-and Oil-Fired Electric Utility Steam Generating Units-Review of the Residual Risk and Technology Review**

- On February 16, 2012, EPA promulgated National Emission Standards for Hazardous Air Pollutants for Coal-and Oil-fired Electric Utility Steam Generating Units (77 FR 9304). The rule (40 CFR part 63, subpart

UUUUU), commonly referred to as the Mercury and Air Toxics Standards (MATS), includes standards to control hazardous air pollutant (HAP) emissions from new and existing coal- and oil-fired electric utility steam generating units (EGUs) located at both major and area sources of HAP emissions. There have been several regulatory actions regarding MATS since February 2012, including a May 22, 2020, action that withdrew EPA's threshold finding that it is appropriate and necessary to regulate hazardous air pollution from power plants under section 112 of the CAA, and finalized the residual risk and technology review (RTR) conducted for the Coal- and Oil-Fired EGU source category regulated under MATS (85 FR 31286). As directed by Executive Order 13990, EPA has reviewed the May 2020 final action. After this review, based on the best available science, EPA issued a final action on February 15, 2023, that reinstated the Agency's appropriate and necessary finding for MATS. Following a review of the RTR portion of the May 2020 final action, EPA also proposed to update and strengthen the MATS on April 24, 2023 (88 FR 24854). (88 FR 13956). The proposal reflects feedback EPA received from representatives from local and state governments, industry groups, and environmental organizations. Additional public input will inform EPA as the final regulation is developed. For example, the Agency held a virtual public hearing on May 9, 2023, where 93 speakers provided oral testimony. EPA also participated in a National Tribal Air Association/EPA Air Policy Update Call on May 25, 2023, to inform attendees about the rule and how to submit comments to the docket. Written comments were accepted during the 60-day comment period until June 23, 2023. EPA intends to issue a final rule addressing the RTR in 2024.

- **National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilization and Fumigation Operations**

In this action, EPA is conducting the second residual risk and technology review for the National Emission Standards for Hazardous Air Pollutants for ethylene oxide commercial sterilizers and considering potential updates to the rule. The proposed rule was published in April 2023 (88 FR 22790). If finalized as proposed, the rule would reduce ethylene oxide emissions by 80% and would reduce lifetime cancer risk in all impacted communities to acceptable levels, many of which have environmental justice concerns. Prior to proposal, EPA issued an advance notice of proposed rulemaking that solicited comment from stakeholders, undertook a Small Business Advocacy Review panel, which is needed when there is the potential for significant economic impacts to small businesses from any regulatory actions being considered, and conducted

outreach meetings within the communities affected by the highest-risk facilities as well as engagement with state and local governments. The comment period for this proposal concluded on June 27, 2023, and EPA intends to issue a final rule by March 2024.

- **Review of Final Rule Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act**

In 2019, EPA issued a proposed rule that would allow major sources of hazardous air pollutants (HAP) subject to National Emissions Standards for Hazardous Air Pollutants (NESHAP) to reclassify to area source status by taking limits on their potential to emit such that they are no longer subject to major source NESHAP. The final rule, Reclassification of Major Sources as Area Sources Under section 112 of the Clean Air Act (Major MACT to Area- MM2A final rule), was promulgated on November 19, 2020. (See 85 FR 73854) The MM2A final rule became effective on January 19, 2021. As directed by Executive Order 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,” EPA has reviewed the MM2A action and published for comment a notice of proposed rulemaking to determine whether changes are necessary for sources seeking to reclassify from major source status to area source status. This proposal reflects engagement with state and local agencies, representatives of communities, and other stakeholders.

- **Revisions to the Air Emission Reporting Requirements (AERR)**

On August 8, 2023 (88 FR 54118), the EPA proposed revisions to the Air Emissions Reporting Requirements in 40 CFR part 51, subpart A. The existing AERR rule was last revised on February 19, 2015 (80 FR 8787). EPA is proposing new requirements to improve the quality and completeness of HAP emissions data from stationary sources and all pollutant emissions from prescribed fires. Specifically, the EPA is proposing to require certain sources report information regarding emission of hazardous air pollutants (HAP); certain sources to report criteria air pollutants, their precursors and HAP; and to require State, local, and certain tribal air agencies to report prescribed fire data. Further, EPA is considering how best to quantify emissions from intermittent sources such as backup generators; how to obtain data from permitted facilities in Indian Country when a Tribe is not required to report emissions data; and how to address known data gaps,

streamline processes, and improve data quality, documentation, and transparency for nonpoint and mobile sources. The proposed revisions also include changes for reporting data on airports, rail yards, commercial marine vessels, locomotives, and nonpoint sources. This proposed action would allow for EPA to annually collect (starting in 2027), hazardous air pollutant (HAP) emissions data for point sources in addition to continuing the criteria air pollutant and precursor (CAP) collection in place under the existing AERR. The proposed amendments would ensure that EPA has sufficient information to identify and solve air quality and exposure problems and ensure that communities have the data needed to understand significant environmental risks that may be impacting them.

- **NSPS for the Synthetic Organic Chemical Manufacturing Industry and NESHAP for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins Industry**

This action will address the agency's technology review under Clean Air Act (CAA) section 112(d)(6) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for four subparts in 40 CFR part 63 (subparts F, G, H, and I) which are commonly referred to together as the Hazardous Organic NESHAP (HON) and that apply to the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and to equipment leaks from certain non-SOCMI processes. This action will also address the agency's technology review of the NESHAP for two subparts in 40 CFR part 63 (subparts U and W) that apply to the Group I and Group II Polymers and Resins industries. The HON standards were most recently updated when the agency conducted a residual risk and technology review (RTR) on December 21, 2006. Similarly, the Group I and II Polymers and Resins NESHAP were most recently updated when the agency conducted its RTR on December 16, 2008, and April 21, 2011. The HON and Group I and II Polymers and Resins NESHAP contain maximum achievable control technology (MACT) standards for controlling emissions of hazardous air pollutants (HAP) from process vents, storage vessels, transfer operations, heat exchange systems, wastewater streams, and equipment leaks. The HAP emitted from these emission sources include, but are not limited to, ethylene oxide, benzene, 1,3-butadiene, vinyl chloride, ethylene dichloride, methanol, hexane, toluene, xylenes, and chloroprene.

The agency also plans to consider risks from the SOCMI source category and from the Neoprene Production source category in the Group I Polymers and Resins NESHAP during its technology review and to ensure

the standards continue to provide an ample margin of safety to protect public health. Lastly, this action will also address the agency's review, under CAA section 111(b)(1)(B), of four New Source Performance Standards (NSPS) in 40 CFR part 60 (subparts III, NNN, RRR, and VVa) for emissions of Volatile Organic Compound (VOC) from SOCMI air oxidation unit processes, SOCMI distillation operations, SOCMI reactor processes, and equipment leaks located at SOCMI sources. These subparts were originally promulgated pursuant to section 111(b) of the CAA on June 29, 1990 (subparts III and NNN), August 31, 1993 (subpart RRR), and November 16, 2007 (subpart VVa). On April 25, 2023, the EPA published a proposed rulemaking in the Federal Register (see 88 FR 25080) for this action. In addition, the EPA has conducted public outreach activities, including hosting an informational webinar on April 13, 2023, and holding a public hearing on the proposed rulemaking on May 16, 2023. EPA intends to publish the final action by March 2024.

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. 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.

- **Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category**
- On March 29, 2023, EPA published a proposed rule to potentially strengthen the Steam Electric Effluent Limitations Guidelines and Standards (ELGs) (40 CFR 423). EPA previously revised the Steam Electric ELGs in 2015 and 2020. The proposed rule would establish more stringent ELGs for two wastestreams addressed in the 2020 "Steam Electric Reconsideration Rule" (flue gas desulfurization wastewater and bottom ash transport water). In addition, the proposal would establish more stringent effluent limitations and standards for an additional wastestream (combustion residual leachate) and takes comment on potential

revisions to limitations and standards for a fourth wastestream (legacy wastewater). The first two wastestreams mentioned above are the subject of current litigation pending in the U.S. Court of Appeals for the Fourth Circuit. *Appalachian Voices, et al. v. EPA*, No. 20-2187 (4th Cir.). The 2015 limitations for combustion residual leachate and legacy wastewater discharged by existing sources were vacated by the U.S. Court of Appeals for the Fifth Circuit in *Southwestern Electric Power Co., et al. v. EPA*, 920 F.3d 999 (5th Cir. 2019). EPA has conducted outreach with Tribal governments, state governments and governmental organizations, and potential communities with environmental justice concerns on this rulemaking.

- **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. EPA is finalizing a National Primary Drinking Water Regulation (NPDWR) for PFOA, PFOS, and other PFAS as part of this action. EPA proposed the NPDWR for public comment in March 2023. The Agency anticipates issuing a final regulation in late 2023 after considering public comments on the proposal.
- **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) and subsequently reviewed those revisions to further evaluate whether the LCRR fully protected families and communities (86 FR 71574; December 17, 2021) particularly those that have been disproportionately impacted by lead in drinking water. Through this review, the Agency concluded that there are significant opportunities to improve the LCRR. EPA is developing a new proposed NPDWR, the Lead and Copper Rule Improvements (LCRI), to strengthen the regulatory framework and address lead in drinking water. EPA expects to issue the proposed LCRI in Fall 2023. The Agency anticipates issuing a final regulation prior to October 16, 2024, after considering public comments on the proposal.
- **Federal Baseline Water Quality Standards for Indian Reservations**

On April 27, 2023, the EPA Administrator signed a proposed rule to establish federal baseline water quality standards (WQS) for waters on Indian reservations that do not have WQS under the CWA. This proposed

rule would help advance President Biden's commitment to strengthening the nation-to-nation relationships with Indian country. Fifty years after enactment of the CWA, over 80% of Indian reservations do not have this foundational protection expected by Congress as laid out in the CWA for their waters. Addressing this lack of CWA-effective WQS for the waters of more than 250 Indian reservations is a priority for EPA, given that WQS are central to implementing the water quality framework of the CWA. Promulgating baseline WQS would 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 include designated uses, water quality criteria to protect those uses, and antidegradation policies to protect high quality waters. EPA consulted with tribes in the summer of 2021 during the pre-proposal phase and in the summer of 2023, concurrent with the public comment period associated with the proposal.

- **Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights**
- Many tribes hold reserved rights to resources on lands and waters where states establish WQS, through treaties, statutes, or other sources of federal law. The U.S. Constitution defines treaties as the supreme law of the land. On November 28, 2022, the EPA Administrator signed a proposed rule that would, if finalized, revise the federal WQS regulation to ensure that WQS do not impair tribal reserved rights by giving clear direction on how to develop WQS where tribes hold reserved rights. This proposed rule would help EPA ensure protection of resources reserved to tribes in treaties, statutes, or other sources of federal law when establishing, revising, and reviewing WQS. The development of this rule helps advance President Biden's commitment to strengthening the nation-to-nation relationships with tribes. EPA consulted with tribes in the summer of 2021 during the pre-proposal phase and in the winter of 2023, concurrent with the public comment period for the proposed rule. EPA is working to expeditiously finalize the proposed rule, taking into account public comments.

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 15 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 acts under several different statutory authorities, including the Resource Conservation and Recovery Act (RCRA), and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). 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.

- **PFAS: RCRA Listing and CERCLA Designation**

Based on public health and environmental protection concerns and in response to several petitions which requested EPA to take regulatory action on PFAS under RCRA, EPA is evaluating the existing toxicity and health effects data on four PFAS constituents to determine if they should be listed as RCRA Hazardous Constituents. If the existing data for the four PFAS constituents support listing any or all of these constituents as RCRA hazardous constituents, EPA will propose to list the constituents in a Federal Register notice for public comment. The four PFAS chemicals EPA will evaluate are: perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorobutane sulfonic acid (PFBS), hexafluoropropylene oxide dimer acid (HFPO-DA or GenX). EPA has communicated with interested stakeholders about this action and will do conduct additional outreach with the public, organizations, states, tribal groups, and affected parties following publication of a proposed rule.

Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA" or "Superfund"), the Environmental Protection Agency (EPA or the Agency) is moving to finalize the designation of perfluorooctanoic acid (PFOA) and perfluoro octane sulfonic acid (PFOS), including their salts and structural isomers, as hazardous substances. CERCLA authorizes the Administrator to promulgate regulations designating as hazardous substances such elements, compounds, mixtures, solutions, and substances which, when released into the environment, may present substantial danger to the public health or welfare or the environment. Such a designation would ultimately facilitate cleanup of contaminated sites and reduce human exposure to these "forever" chemicals.

- **Hazardous and Solid Waste Management System: Addressing Coal Combustion Residues from Electric Utilities**

On April 17, 2015, the Environmental Protection Agency (EPA or the Agency) promulgated national minimum criteria for existing and new coal combustion residuals (CCR) landfills and existing and new CCR surface impoundments. On August 21, 2018, the D.C. Circuit Court of Appeals issued its opinion in the case of Utility Solid Waste Activities Group, et al v. EPA, which vacated and remanded the provision that exempted inactive impoundments at inactive facilities from the CCR rule. In May 2023, EPA proposed regulations to implement this part of the court decision for inactive CCR surface impoundments at inactive utilities, or “legacy CCR surface impoundments”. This proposal included adding a new definition for legacy CCR surface impoundments. EPA also proposed to require such legacy CCR surface impoundments to follow existing regulatory requirements for fugitive dust, groundwater monitoring, and closure, or other technical requirements. Finally, EPA proposed requirements for CCR management units including a facility evaluation and to follow existing regulatory requirements for groundwater monitoring, corrective action, and closure for all CCR contamination (regardless of how or when that CCR was placed) at a regulated facility. After reviewing the public comments on the proposed rule, EPA will take final action.

- **Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act, as amended; Safer Communities by Chemical Accident Prevention**

- On August 31, 2022, the Environmental Protection Agency (EPA) published proposed amendments to its Risk Management Program (RMP) regulations as a result of Agency review. The proposed revisions included several changes and amplifications to the accident prevention program requirements, enhancements to the emergency preparedness requirements, increased public availability of chemical hazard information, and several other changes to certain regulatory definitions or points of clarification. Such amendments seek to improve chemical process safety; assist in planning, preparedness, and responding to RMP-reportable accidents; and improve public awareness of chemical hazards at regulated sources. EPA aims to release the final rule by the end of 2023.

- **Revisions to Standards for the Open Burning/Open Detonation of Waste Explosives**

- This rulemaking proposes to revise regulations will consider revisions to the regulations that allow for the open burning and detonation (OB/OD) of waste explosives. This allowance or “variance” to the prohibition on the open burning of hazardous waste was established at a time when there were no alternatives to the safe treatment of waste explosives. However, recent findings from the National Academies of Sciences, Engineering, and Medicine and the EPA have determined identified that safe alternatives that are potentially applicable to many energetic/explosive waste streams. Because there are potentially safe alternatives in use today that capture and treat emissions prior to release, the EPA is considering revising regulations to promote the broader use of these alternatives, where applicable. As part of the rule development process, EPA has held two rounds of engagement with states, territories, tribes, environmental and community groups, and owners/operators of OB/OD units.

- **Definition of Hazardous Waste Applicable to Corrective Action for Solid Waste Management Units**

EPA is considering a proposed rule that would modify the regulations at 40 CFR part 264 to clarify that the definition of hazardous waste found in RCRA section 1004(5) is applicable to corrective action for releases from solid waste management units. The proposed rule would codify in regulation EPA's interpretation of its authority under RCRA section 3004(u) and (v).

- **Hazardous Substance Response Worst Case Discharge Planning**

The Clean Water Act (CWA) provides that regulations shall be issued "which require an owner or operator of a tank vessel or facility ... to prepare and submit ... a plan for responding, to the maximum extent practicable, to a worst case discharge, and to a substantial threat of such a discharge, of ... a hazardous substance." EPA was sued for failure to fulfill this mandatory duty imposed by Congress. This regulatory action is being conducted under the terms of a consent decree entered into on March 12, 2020, which requires that a proposed action is signed within 24 months of the final agreement and that a final action follow within 30 months of the publication of the proposed rule. Subsequently, the Environmental Protection Agency proposed a regulatory action to require planning for worst case discharges of CWA hazardous substances under section 311(j)(5)(A). EPA plans to promulgate a final rule by Spring 2024 meet the terms of the Consent Decree.

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 FY2024:

- **Collecting Data to Better Understand the Environmental and Human Health Impacts of Per- and Polyfluoroalkyl Substances (PFAS)**

Building on EPA's completion of actions identified in the PFAS Strategic Roadmap that the EPA Administrator announced on October 18, 2021, the Agency is considering whether to add PFAS chemicals to the list of chemicals required to report to the Toxics Release Inventory (TRI) Program under EPCRA section 313 in furtherance of section 7321(d) of the National Defense Authorization Act for Fiscal Year 2020 (NDAA), which directs EPA to add any PFAS that EPA determines meet the listing criteria by December 2023.

- **Improving Procedures for Assessing the Risks of New and Existing Chemical Substances under TSCA**

As amended in 2016, TSCA requires EPA to assess the risks of each new chemical substance for which a notice was received under TSCA section 5(a)(1) of the law and make an affirmative determination on whether such a new chemical substance presents an unreasonable risk to human health or the environment under known, intended or reasonably foreseen conditions of use before the submitter may commence manufacturing or processing of the chemical substance that is the subject of the submitted notice, and to take action as required in association with the determination. On May 26, 2023, EPA proposed to amend the

new chemicals procedural regulations in 40 CFR Parts 720, 721, 723, and 725 for the purpose of aligning EPA's processes and procedures with the 2016 TSCA amendments and to clarify and improve the efficiency of the Agency's review process (RIN 2070-AK65). One of the major objectives of the rulemaking is to reduce the need to redo all or part of the risk assessment for a new chemical by increasing the quality of information initially submitted in new chemicals notices, ensuring that the Agency's processes result in the timely, effective completion of new chemical risk assessments. Another key objective of the rulemaking is to improve the review process for low volume exemptions (LVEs) and low release and exposure exemptions (LoREXs), which include requiring EPA approval of an exemption notice prior to commencement of manufacture, making per- and polyfluoroalkyl substances (PFAS) categorically ineligible for these exemptions, and providing that persistent, bioaccumulative, toxic (PBT) chemical substances are also ineligible for these exemptions, consistent with EPA's 1999 PBT policy. EPA expects to promulgate final revisions to the new chemicals procedural regulations in November 2024.

In addition, the 2016 TSCA amendments require 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 then evaluates high-priority chemicals for unreasonable risk. As a result of litigation challenging the 2017 final rule that established EPA's procedural framework for conducting existing chemical risk evaluations under TSCA, and in consideration of Executive Order 13990, the Agency proposed to amend that framework in order to better align the Agency's processes with the statutory text and structure and Congress' intent in the 2016 amendments to TSCA (RIN 2070-AK90). Key provisions of the proposed rule include clarifications regarding the required scope of risk evaluations, considerations related to peer review, the process for revisiting a completed risk evaluation, requirements for manufacturer-requested risk evaluations and related information-gathering provisions, provisions addressing violations and penalties, and other aspects based on lessons learned in the process of carrying out the first 10 TSCA risk evaluations. EPA expects to promulgate final revisions in April 2024.

- **Addressing the Unreasonable Risk of Existing Chemical Substances under TSCA**
- Upon determining that an existing chemical presents an unreasonable risk of injury to health or the environment, the Agency must immediately initiate an action to apply, by rule, requirements under TSCA to

eliminate the unreasonable risk. EPA may consider a range of risk management options under TSCA in such a rule, including labeling, recordkeeping or notice requirements, actions to reduce human exposure or environmental release, or a ban of the chemical or of certain uses. After determining that the chemical substances present unreasonable risk under their conditions of use, the Agency intends to propose risk management regulations for addressing the unreasonable risks of 1-bromopropane (RIN 2070-AK73) and n-methylpyrrolidone (RIN 2070-AK85) and promulgate final rules addressing the unreasonable risks of chrysotile asbestos (RIN 2070-AK86), methylene chloride (RIN 2070-AK70), and trichloroethylene (RIN 2070-AK83) by Spring 2024, and to issue final risk management regulations addressing the unreasonable risks of carbon tetrachloride (RIN 2070-AK82) and perchloroethylene (RIN 2070-AK84) in Summer 2024. The Agency has undertaken extensive outreach and consultation efforts throughout the development of these actions. In addition to stakeholder outreach conducted throughout the risk evaluation and risk management rulemaking processes for these chemical substances, EPA also consulted with State, local, and Tribal government officials, and held public environmental justice consultations to further opportunities for underserved and overburdened communities to share information and input with the Agency prior to proposal. When applicable, EPA also convened Small Business Advocacy Review Panels and consulted with small entity representatives as required under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) to provide advice and recommendations to ensure that EPA carefully considers small entity concerns. Further, the Agency has hosted public webinars to brief stakeholders on proposed risk management regulations that have published in the **Federal Register** and to receive additional public input in addition to written public comments submitted to the rulemaking dockets. EPA's chemical risk management efforts reflect the feedback we have received from the various stakeholders and government officials, and the Agency will continue these practices of sharing information and seeking input. For more information about the Agency's public involvement efforts, please visit <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-existing-chemicals-under-tsca#meetings> and <https://www.epa.gov/reg-flex/small-business-advocacy-review-sbar-panels>.

- **Reevaluating Changes to the Dust-Lead Hazard Standards and Dust-Lead Post-Abatement Clearance Levels under TSCA**

The Agency's dust-lead hazard standards (DLHS) provide the basis for risk assessors to determine whether

dust-lead hazards are present, and apply to target housing (i.e., most pre-1978 housing) and child-occupied facilities (pre-1978 non-residential properties where children 6 years of age or under spend a significant amount of time such as daycare centers and kindergartens). EPA's dust-lead clearance levels (DLCL) indicate the amount of lead in dust on a surface following the completion of an abatement activity. On July 9, 2019, EPA promulgated a final rule to lower the DLHS, and on January 6, 2021, EPA promulgated a final rule to lower the DLCL. On May 14, 2021, the United States Court of Appeals for the Ninth Circuit issued an opinion to remand without vacatur the 2019 DLHS final rule and directed EPA to reconsider the 2019 DLHS rule in conjunction with a reconsideration of the DLCL. Notably, the Court instructed EPA to consider only health factors when setting the DLHS while affirming that the Agency is able to consider reliability, effectiveness, and safety, including non-health factors such as laboratory capabilities/capacity and achievability, when setting the DLCL. As part of EPA's efforts to reduce childhood lead exposure, and in accordance with the U.S. Court of Appeals for the Ninth Circuit 2021 opinion, EPA proposed on August 1, 2023, to lower the DLHS from 10 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) and 100 $\mu\text{g}/\text{ft}^2$ for floors and window sills to any reportable level as analyzed by a laboratory recognized by EPA's National Lead Laboratory Accreditation Program. EPA also proposed to change the DLCL from 10 $\mu\text{g}/\text{ft}^2$, 100 $\mu\text{g}/\text{ft}^2$ and 400 $\mu\text{g}/\text{ft}^2$ for floors, windowsills, and window troughs to 3 $\mu\text{g}/\text{ft}^2$, 20 $\mu\text{g}/\text{ft}^2$, and 25 $\mu\text{g}/\text{ft}^2$, respectively. The Agency consulted with State, local and Tribal government officials during the rulemaking. EPA expects to promulgate final revisions to the DLHS and DLCL (RIN 2070-AK91) in October 2024 and will continue its efforts to engage its partners to ensure the successful implementation of the amended hazard standards and clearance levels.

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.