

EPA Rules and Closely Related Rules Targeted for Potential Rollback

This list includes EPA rules that the Trump Administration is working to delay, reconsider and/or review. It also includes closely related rules of other agencies. Endnotes provide links that lead to more information on each rollback effort.

If you have information on ongoing EPA rollback actions not on this list, please contact saveepa.guide@gmail.com.

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Air and Climate Protection

Carbon Pollution Standards for New Power Plants -- Withdrawal

The Trump Administration has announcedⁱ plans to “withdraw” national emission standards for controlling climate-changing CO₂ emissions from new fossil-fuel-fired power plants – as well as from plants that are reconstructed or modified. These standards trigger a Clean Air Act requirement for state plans to control CO₂ emissions from existing power plants, the basis for EPA’s “Clean Power Plan.” (See Clean Power Plan entry.)

Status: A March 28, 2017, Trump executive orderⁱⁱ calls for review of this final rule. The Unified Agenda lists withdrawal of this rule among “long-term actions” not expected within in the next 12 months; its timing is “to be determined.”

Clean Power Plan Rule for Reducing Carbon Pollution from Existing Power Plants – Withdrawal

The Trump Administration has announcedⁱⁱⁱ plans to “withdraw” the Clean Power Plan rule, which requires states to reduce climate-changing carbon dioxide (CO₂) pollution from existing power plants, the country’s largest source of these emissions. The Clean Power Plan is one of the centerpieces of the Obama Administration’s efforts to cut emissions that cause climate change.

Status: The Unified Agenda lists this action among “long-term actions” not expected within the next 12 months; however, EPA sent a proposal on June 8, 2017, to the Office of Management and Budget, where it is listed as pending review, and is reportedly nearing release.^{iv}

Landfill Gas Standards for Municipal Landfills – Delay and Reconsideration

The Trump EPA is reconsidering 2016 requirements that would require more municipal landfills to control landfill gas, which includes climate-changing methane pollution and other smog-forming and toxic pollutants. Landfills are the country’s third-largest source of methane pollution, a “super-pollutant” with a global warming potential more than 25 times that of carbon dioxide. In response to an industry petition, the agency is reconsidering certain aspects of two related rules -- national standards for new landfills and guidelines for state regulation of existing landfills.

Status: EPA announced the reconsideration in a May 5, 2017, letter, and on May 31, 2017, stayed both rules until August 29, 2017. The Unified Agenda includes two simultaneous actions scheduled for summer 2017 to “further extend” the stay.^v

Methane Standards for Oil and Gas Sector (EPA) – Delay and Reconsideration

The Trump EPA has proposed to delay and is reconsidering key elements of standards to cut methane, smog-forming pollutants, and toxic air pollution from new, reconstructed and modified facilities in the oil and gas sector. Oil and gas wells and other facilities are this country's largest emitter of methane, a "super-pollutant" with a global warming potential more than 25 times that of carbon dioxide. Oil and gas facilities are also significant contributors to smog pollution in the West and other parts of the country.

Status: A March 28, 2017, executive order calls for EPA to review the emissions standards and, if appropriate, propose rules suspending, revising or rescinding them.^{vi} The delay proposal was published June 16, 2017, with public comments accepted through August 9, 2017. For more information, click [here](#). The Unified Agenda calls for the delay action to be finalized in August 2017, and does not include an action to change the rule.

Methane Rule for Federal and Indian Lands (Department of Interior, Bureau of Land Management) – Review

A March 28, 2017, Trump executive order^{vii} directs the Bureau of Land Management to review its rule to reduce natural resource waste and loss of royalties from new and existing oil and gas facilities on federal and Indian lands. The rule is designed to reduce the loss of natural gas through venting, flaring and leaks during the production of oil and gas on those lands. Methane is the primary component of natural gas.

Status: BLM on June 15, 2015, issued a stay to delay compliance deadlines for portions of the rule that have not yet gone into effect as litigation on the rule proceeds.^{viii} The Unified Agenda includes a delay and suspension of implementation dates for certain requirements, and a revision or rescission rule^{ix} (scheduled for July 2017 but reportedly at OMB as of August 23).

Mercury and Air Toxics Standards (MATS) for Power Plants – Review

The Trump EPA is considering whether to reopen 2012 toxic air pollution standards for fossil-fuel-fired power plants – even though power plants have already complied and are achieving large pollution reductions. The rule cuts emissions of mercury and other toxic air pollutants, as well as reducing emissions that form fine-particle pollution (soot) and ground-level ozone (smog). Exposure to methylmercury through eating fish can interfere with nervous system development in fetuses and young children, and other toxic pollutants from power plants are associated with cancer and other serious illnesses. Fine particles and ozone are associated with premature death, heart and lung ailments, hospitalizations and emergency room visits.

Status: In a court filing,^x EPA stated its intent to review the rule; EPA has yet to announce a next step. The Unified Agenda does not include a listing for this review.

Ozone National Air Quality Standards (NAAQS) – Review

The Trump EPA has stated that it “intends to closely review” the current national air quality standards for ground-level ozone (smog). The standards, which are supposed to protect public health and the environment from harm, were set in 2015 after extensive scientific review and advice from an expert scientific advisory committee. Ozone is associated with premature death, worsening of mortality, exacerbation of asthma attacks, and a variety of respiratory problems including permanent lung damage from long-term exposure.

Status: In a court filing,^{xi} EPA stated its intention to review the rule; EPA has yet to announce a next step. The Unified Agenda does not include a listing for this review.

Startup/Shutdown/Malfunction Rule for Industrial Facilities – Reconsideration

The Trump EPA is reconsidering a 2015 rule that directed 36 states to make their rules consistent with the Clean Air Act by removing provisions that treat excess emissions during startup, shutdown and malfunctions as not subject to emission limits and not in violation.

Status: A federal court on April 25, 2017, granted EPA’s request to delay a lawsuit while the agency reviews the rule for possible modification or repeal.^{xii} The Unified Agenda does not include a listing for this review.

Vehicle Climate Pollution Standards for Cars and Light Trucks – Reconsideration

(See also related Fuel Economy Standards entry below)

The Trump EPA has announced that it will reconsider a 2016 determination that it is feasible for automakers to meet previously issued standards for climate pollution that apply to model year 2022-2025 cars and light trucks. The agency is also reopening the climate pollution standards for model year 2021 cars and light trucks. Motor vehicles are the country’s second-largest source of climate pollution. The standards being reviewed are designed to cut climate pollution and improve fuel efficiency while bolstering energy security and spurring manufacturing innovation.

Status: In response to industry petitions, EPA on March 15, 2017, published a notice of intent^{xiii} to reconsider its mid-term evaluation of the feasibility of the model year 2022-2025 standards. On August 10, 2017, EPA issued a joint notice with the National Highway Traffic Safety Administration (NHTSA) that reopens the comment period on its 2016 determination and asks for comment on the model year 2021 standards. A public hearing is set for September 6, 2017. The comment period ends on October 5, 2017. For more information, click [here](#). The Unified Agenda does not include a listing for this action.

Last updated August 22, 2017

Fuel Economy Standards for Cars and Light Trucks (National Highway and Traffic Administration) – Reconsideration and Standard-Setting

(This non-EPA action is being taken in conjunction with EPA’s vehicle standards reconsideration described above because lowering carbon dioxide emissions and improving fuel economy are closely linked.)

The Trump National Highway Traffic Safety Administration (NHTSA) is considering setting model year 2022-2025 corporate average fuel economy (CAFE) standards for cars and light trucks that would be weaker than NHTSA’s prior “best estimate” of what these standards should be. The “best estimate” levels were consistent with EPA’s closely related climate pollution standards for model year 2022-2025 cars and light trucks, but were not finalized because NHTSA lacks statutory authority to issue standards so soon for the later model years. NHTSA is also re-evaluating its final model year 2021 fuel economy standards, which mirror EPA’s standards for that model year.

Status: NHTSA on July 26, 2017, published a notice of intent^{xiv} to prepare environmental impact statements for model year 2022-2025 fuel economy standards for cars and light trucks. The public comment period is open through August 25, 2017. For more information, click [here](#). On August 10, 2017, NHTSA issued a joint notice with EPA on standards for model year 2022-2025 cars and light trucks. The comment period for this notice ends October 5, 2017. For more information, click [here](#). The Unified Agenda includes a rulemaking to establish 2022-2025 fuel economy standards.

Civil Penalties for Violating Fuel Economy Standards (National Highway Traffic Administration) – Reconsideration

The Trump National Highway Traffic Safety Administration (NHTSA) is reconsidering inflation increases in the civil penalty rate for automakers violating corporate average fuel economy (CAFÉ) standards. The amount of the civil penalty was originally set by statute in 1975, and for most of the time since then has been constant. NHTSA raised the rate in 2016 following a formula in a recently passed law, but the agency is now reconsidering the level.

Status: NHTSA in July 12, 2017, Federal Register notice^{xv} requested public comment on the appropriate inflationary adjustment for CAFÉ civil penalties. Comments are due by October 10, 2017.

Vehicle Climate Pollution Standards for Medium- and Heavy-Duty Trucks – Review

The Trump EPA is weighing whether to reconsider standards for climate pollution from new medium- and heavy-duty trucks for model years 2019-2027. In August 2016, EPA and NHTSA jointly finalized those “Phase 2” standards, which improve fuel efficiency and cut climate pollution, while bolstering energy security and spurring manufacturing innovation.

Last updated August 22, 2017

Status: A federal court on May 8, 2017, granted a request by the Trump EPA to put a lawsuit on hold while EPA reviews a petition by the Truck Trailer Manufacturers' Association to reconsider the rule.^{xvi} The Unified Agenda does not include a listing for this review.

Water Protection

Clean Water Act Protections for Bristol Bay, Alaska (Pebble Mine) – Withdrawal

The Trump EPA has proposed to withdraw restrictions on discharge of mining wastes in Alaska's Bristol Bay watershed, the largest sockeye salmon spawning area in the world.

Status: The proposed withdrawal was published on July 19, 2017. The public comment period is open through October 17, 2017. For more information, click [here](#). The Unified Agenda does not include a listing for this review.

Clean Water Rule to Protect "Waters of the U.S." (WOTUS) – Proposal to Rescind

The Trump Administration has proposed to remove Clean Water Act protections from two million miles of waterways and millions of acres of wetlands. Rollback of this rule would put drinking water at risk for 117 million Americans.

Status: The proposed rescission was published on July 27, 2017. The public comment period, originally through August 28, 2017, has been extended to September 27, 2017^{xvii}. For more information, click [here](#). The proposal Unified Agenda calls for two actions:^{xviii} (1) a proposal to rescind the 2015 Clean Water Rule and revert to the prior rule defining the "waters of the U.S," and (2) a substantive re-evaluation and revision of the definition of water of the United States" in accordance with a February 28, 2017 executive order.^{xix} The Unified Agenda calls for proposal of the second action in December 2017.

Hydraulic Fracturing Rule (Department of Interior, Bureau of Land Management) – Proposal to Rescind

In response to a Trump executive order^{xx}, BLM has proposed to rescind its 2015 rule to require safeguards when hydraulic fracturing (often called "fracking") is used to enhance production of oil and gas on federal and Indian lands. The rule would protect water supplies, ensure safe environmental management of fluids that flow back to the surface, and ensure public disclosure of the chemicals used in hydraulic fracturing fluids.

Status: Consistent with the Unified Agenda, a proposal was published on July 25, 2017, to rescind the rule. The public comment period is open through September 25, 2017.^{xxi}

Last updated August 22, 2017

Toxic Water Rule for Power Plants – Delay and Reconsideration

The Trump Administration wants to delay a rule limiting toxic metals that power plants dump into rivers and streams, while the Administration considers weakening these limits.

Status: The proposal to delay the rule has been published, the comment period has closed, and a public hearing was held July 31, 2017. In the delay notice, EPA announced its intent to reconsider the rule. The Unified Agenda calls for finalizing the delay rule in August 2017, and lists the reconsideration proposal among “long-term actions” not anticipated within 12 months.

Chemical Accident Prevention and Response

Risk Management Plan Program Revisions – Delay and Reconsideration

In response to industry petitions, the Trump EPA is reconsidering a January 2017 rule that improves accident prevention and emergency response planning by facilities handling extremely hazardous chemical substances. The rule helps protect local first responders, community members and employees from death or injury due to chemical facility accidents.

Status: The rule’s effective date is delayed until February 19, 2019, as reconsideration proceeds.^{xxii} The Unified Agenda lists the action determining the final rule effective date among “long-term actions” not anticipated within 12 months.

Pesticides Safeguards

Certification Rule for Pesticide Applicators – Delay and Review

The Trump EPA has delayed and plans to review a rule strengthening protection for workers who apply restricted use pesticides. Published in January 2017, the rule set stronger standards to reduce risks to the individuals applying these pesticides in their daily jobs, and to help protect families, communities, and the environment from pesticide exposure.

Status: The rule’s effective date is delayed until May 22, 2018. EPA plans to review it under an April 25, 2017, executive order on agriculture.^{xxiii} The Unified Agenda lists the timing of the rule’s final effective date as “to be determined.”

About This List -- Information Sources

The information provided here is based on executive orders, Federal Register notices, the July 20, 2017, Unified Agenda of Regulatory and De-Regulatory Actions^{xxiv} issued by the Trump Administration, press statements, press reports, the Climate Law Blog^{xxv} and Climate Deregulation Tracker^{xxvi} of the Sabin Center for Climate Change Law at Columbia Law School, and The Washington Post deregulatory tracker^{xxvii}.

ENDNOTES

ⁱ Unified Agenda of Regulatory and Deregulatory Actions.

<https://www.reginfo.gov/public/do/eAgendaMain>

See also Executive Order 13783:

<https://www.federalregister.gov/documents/2017/03/31/2017-06576/promoting-energy-independence-and-economic-growth> Unified Agenda of Regulatory and Deregulatory Actions:

<https://www.reginfo.gov/public/do/eAgendaMain>

See also April 4, 2017, Federal Register notice:

<https://www.federalregister.gov/documents/2017/04/04/2017-06519/review-of-the-standards-of-performance-for-greenhouse-gas-emissions-from-new-modified-and>

ⁱⁱ See April 11, 2017, report in The Washington Post:

https://www.washingtonpost.com/news/energy-environment/wp/2017/04/11/d-c-circuit-grants-epas-request-to-delay-smog-rule-case/?utm_term=.5ab591cc00c1

ⁱⁱⁱ Unified Agenda of Regulatory and Deregulatory Actions:

<https://www.reginfo.gov/public/do/eAgendaMain>

See also Executive Order 13783:

<https://www.federalregister.gov/documents/2017/03/31/2017-06576/promoting-energy-independence-and-economic-growth>

Unified Agenda: <https://www.reginfo.gov/public/do/eAgendaMain>

See also April 4, 2017, Federal Register notice:

<https://www.federalregister.gov/documents/2017/04/04/2017-06519/review-of-the-standards-of-performance-for-greenhouse-gas-emissions-from-new-modified-and>

^{iv} OMB docket item on Clean Power Plan (40 CFR Part 60, Subpart UUUU):

<https://www.reginfo.gov/public/Forward?SearchTarget=RegReview&textfield=clean+power+plan>

See Unified Agenda:

<https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201704&RIN=2060-AT55>

See also June 9 news article in The Hill: <http://thehill.com/policy/energy-environment/337097-trumps-proposed-climate-rule-reconsideration-nears-public-release>

^v See <https://www.epa.gov/stationary-sources-air-pollution/municipal-solid-waste-landfills-new-source-performance-standards>, and <https://www.gpo.gov/fdsys/pkg/FR-2017-05-31/pdf/2017-10752.pdf>.

See also Unified Agenda of Regulatory and Deregulatory Actions, July 20, 2017. <https://www.reginfo.gov/public/do/eAgendaMain>

^{vi} See also Executive Order 13783:

<https://www.federalregister.gov/documents/2017/03/31/2017-06576/promoting-energy-independence-and-economic-growth>

^{vii} Executive Order 13783: <https://www.federalregister.gov/documents/2017/03/31/2017-06576/promoting-energy-independence-and-economic-growth>

^{viii} DOI BLM Federal Register Notice dated June 15, 2017 (82 FR 27430)

<https://www.federalregister.gov/documents/2017/06/15/2017-12325/waste-prevention-production-subject-to-royalties-and-resource-conservation-postponement-of-certain>

^{ix} Unified Agenda of Regulatory and Deregulatory Actions:

<https://www.reginfo.gov/public/do/eAgendaMain>

^x April 7, 2017, EPA court filing with the U.S. Court of Appeals for the D.C. Circuit, reported in The Washington Post on April 18, 2017: https://www.washingtonpost.com/news/energy-environment/wp/2017/04/18/epa-seeks-delay-over-rule-curbing-coal-plants-toxic-pollution/?utm_term=.40764a0319bb.

Court filing available at: <http://www.environmentallawandpolicy.com/wp-content/uploads/sites/186/2017/04/mats.pdf>

^{xi} The Washington Post, April 7, 2017: https://www.washingtonpost.com/pb/news/energy-environment/wp/2017/04/07/trumps-epa-makes-first-moves-on-obama-era-smog-protections/?outputType=accessibility&nid=menu_nav_accessibilityforscreenreader. See also court order: http://www.environmentallawandpolicy.com/wp-content/uploads/sites/186/2017/04/epa2017_0722.pdf

^{xii} <http://www.environmentallawandpolicy.com/2017/04/d-c-circuit-delays-ssm-rule-litigation/>

^{xiii} EPA news release dated March 15, 2017, announcing a notice of intent (82 FR 14671) published March 15, 2017, to reconsider its mid-term evaluation of the standards' feasibility: <https://www.epa.gov/newsreleases/epa-reexamine-emission-standards-cars-and-light-duty-trucks-model-years-2022-2025>

^{xiv} National Highway Traffic and Safety Administration web page on corporate average fuel economy: <https://www.nhtsa.gov/laws-regulations/corporate-average-fuel-economy>

^{xv} NHTSA Federal Register notice, “Reconsideration of final rule; request for comments,” July 12, 2017. <https://www.federalregister.gov/documents/2017/07/12/2017-14526/civil-penalties>

^{xvi} Columbia Law School Climate Law Blog, June 2017 Updates to the Climate Case Charts: <http://blogs.law.columbia.edu/climatechange/2017/06/07/june-2017-updates-to-the-climate-case-charts/>

^{xvii} Joint Army Corps of Engineers/EPA Federal Notice extending public comment period, August 22, 2017. <https://www.epa.gov/sites/production/files/2017-08/documents/2017-17739.pdf>

^{xviii} Unified Agenda of Regulatory and Deregulatory Actions: <https://www.reginfo.gov/public/do/eAgendaMain>

^{xix} Executive Order, “Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule,” February 28, 2017. <https://www.whitehouse.gov/the-press-office/2017/02/28/presidential-executive-order-restoring-rule-law-federalism-and-economic>

^{xx} Executive Order 13771: <https://www.gpo.gov/fdsys/pkg/FR-2017-02-03/pdf/2017-02451.pdf>.

^{xxi} BLM web page: <https://www.blm.gov/node/13073>. See also Unified Agenda of Regulatory and Deregulatory Actions: <https://www.reginfo.gov/public/do/eAgendaMain>

^{xxii} EPA web page on Risk Management Program Amendments: <https://www.epa.gov/rmp/final-amendments-risk-management-program-rmp-rule#rule-summary>

^{xxiii} The January 4, 2017, certification rule (82 FR 952) is being delayed in accordance with the Presidential directives as expressed in the memorandum of January 20, 2017, from the Assistant to the President and Chief of Staff, entitled “Regulatory Freeze Pending Review,” and the principles identified in the April 25, 2017 Executive Order “Promoting Agriculture and Rural Prosperity in America.” See delay notice (82 FR 25529) <https://www.federalregister.gov/documents/2017/06/02/2017-11458/pesticides-certification-of-pesticide-applicators-delay-of-effective-date>

^{xxiv} Unified Agenda of Regulatory and Deregulatory Actions, July 20, 2017. <https://www.reginfo.gov/public/do/eAgendaMain>

^{xxv} Sabin Center for Climate Change Law Climate Blog: <http://blogs.law.columbia.edu/climatechange/2017/06/07/june-2017-updates-to-the-climate-case-charts/>

^{xxvi} Climate Deregulation Tracker of the Sabin Center for Climate Change Law:
<http://columbiaclimatelaw.com/resources/climate-deregulation-tracker/>

^{xxvii} The Washington Post deregulatory tracker:
https://www.washingtonpost.com/graphics/politics/trump-rolling-back-obama-rules/?utm_term=.1803f09359e5