



CRWI Update February 28, 2026

MEMBER COMPANIES

Arcwood Environmental
Arkema, Inc.
Bayer CropScience
Clean Harbors Environmental Services
Eastman Chemical Company
Formosa Plastics Corporation, USA
INV Nylon Chemicals Americas, LLC
Ross Incineration Services, Inc.
The Dow Chemical Company
Veolia ES Technical Solutions, LLC
Westlake US 2, LLC

GENERATOR MEMBERS

Eli Lilly and Company
3M

ASSOCIATE MEMBERS

ALL4 LLC
Alliance Source Testing LLC
B3 Systems
Coterie Environmental, LLC
Envitech, Inc.
Eurofins TestAmerica
Focus Environmental, Inc.
Franklin Engineering Group, Inc.
Montrose Environmental Group, Inc.
Ramboll
Strata-G, LLC
TEConsulting, LLC
Trinity Consultants
W.L. Gore and Associated, Inc.

INDIVIDUAL MEMBERS

Ronald E. Bastian, PE

ACADEMIC MEMBERS

(Includes faculty from:)

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

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Greenhouse gas endangerment finding repeal

On February 18, 2026, EPA published a *Federal Register* notice rescinding the 2009 greenhouse gas (GHG) endangerment finding. This action also repealed all GHG emission standards and associated compliance, testing, reporting, averaging, banking, and trading provision for light-, medium-, and heavy-duty motor vehicles. This action only rescinds the finding authorized under section 202(a) of the Clean Air Act and does not impact the endangerment finding for stationary sources and aircraft. One of EPA's arguments for rescinding is based on "best reading" of section 202(a)(1) that the term "air pollution" means pollution that endangers the health and welfare of local and/or regional exposures, not global. EPA alleges that the recent Supreme Court decision that overturned Chevron (Loper Bright) requires the "best reading" of the statute. As one would expect, the environmental groups filed a petition for review with the U.S. Court of Appeals for the District of Columbia Circuit the day the final rule was published. The Clean Air Act allows parties 60 days after publication to file petitions for review. It is likely others will join this litigation. Whoever loses in the Appeals Court will probably ask the Supreme Court to review that decision.

MATS final rule

The Mercury and Air Toxic Substances (MATS) rule covers the air emissions from the coal and fossil fuel electric generation source category. When EPA conducted a risk and technology review rule on this source category in 2012, they did not add any restrictions based on either risk or technology. In 2024, EPA added three provisions to this source category: more restrictive particulate matter (PM) standards; a tighter mercury emission standard for lignite burning plants; and a PM continuous emissions monitoring requirement. On February 24, 2026, EPA published a final rule that rescinded the 2024 rule arguing that they were not "necessary." It is expected that this rule will also be challenged.

RMP proposed rule

In 2024, the Biden Administration promulgated a rule setting requirements for the development and implementation of risk management plans (RMP). On February 24, 2026, EPA published a proposed rule that would, if finalized, modify a number of these requirements. EPA's stated goal is to reduce the compliance burden and align RMP requirements with those of OSHA's Process Safety Management. EPA is specifically asking for comments on the current provision that:

- Require Safer Technology and Alternate Analysis;
- Third-party compliance audits;
- Employee participation;
- Natural hazards;
- Power loss; and
- Others.

For example, EPA is asking stakeholders for comments on two possible options for modifying the third-party compliance audit requirement. Option one would immediately suspend the requirement entirely. Option two would retain a modified requirement that would sunset in 10 years. More details can be found in the *Federal Register* notice. The comment period closes on April 10, 2026.

PFAS

EPA's Office of Water has sent two proposed rules to the Office of Management and Budget (OMB) pertaining to regulating per- and polyfluoroalkyl substances (PFAS) under the Safe Drinking Water Act. One proposes to extend the compliance timeline for the maximum contaminant limits (MCL) for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) from 2029 until 2031. The second would rescind the MCLs for hexafluoropropylene oxide dimer acid (HFPO-DA), perfluorononanoate (PFNA) and perfluorohexanesulfonic acid (PFHxS), and the hazard index limit for these three plus perfluorobutane sulfonic acid (PFBS). OMB can take up to 90 days for their review.

In the litigation of the Safe Drinking Water Act rule setting MCLs for the six PFAS compounds, EPA asked the court to split the case into two parts: the PFOA and PFOS MCLs which they will continue to defend; and the HFPO-DA, PFNA, PFHxS, and PFBS MCLs which EPA will soon propose to rescind. All other parties have opposed that motion.

On February 27, 2026, EPA has added sodium perfluorohexanesulfonate to the list of chemicals that must be reported under the Toxics Release Inventory. The effective date for this rule is March 30, 2026. The reporting date started January 1, 2026. Additional details can be found in the *Federal Register* notice.

In 2024, New Jersey, New Mexico, and North Carolina submitted a petition asking EPA to list PFOA, PFOS, PFNA, and HFPO-DA as hazardous air pollutants under the Clean Air Act. Under the statute, EPA is required to grant or deny that petition within 18 months. That deadline was the end of February. EPA has not announced how they will respond to the petition.

On February 26, 2026, the Department of War released their updated interim guidance on destruction and/or disposal of materials containing PFAS. The updated options include “hazardous waste incinerators with environmental permits that meet specific temperature requirements” as a destruction option. Specifically, “DoW Components may only use hazardous waste incinerators with RCRA and CAA permits, operating permits greater than 1100 °C in the afterburner/secondary combustion chamber, and that have conducted testing in accordance with EPA’s 2024 disposal and destruction guidance Appendix A...”

EPA personnel

John Busterud, Assistant Administrator for the Office of Land and Emergency Management, will be leaving his job on March 7, 2027. He was confirmed in October 2025. The Principal Deputy Assistant Administrator is Steven Cook. EPA has not announced who would be acting Assistant Administrator once Mr. Busterud officially leaves office.

EPA has formally disbanded the Office of Research and Development (ORD). This office had approximately 1,600 personnel in early 2026. About 400 were moved into the new Office of Applied Science and Environmental Solutions which is under the Office of the Administrator. Work from this office is expected to directly support program office priorities. A large number of ORD personnel took early retirement packages or voluntarily left the Agency. Observers estimate that between 150 and 400 remained in ORD. These personnel will be assigned to other duties. There will be no additional reductions in force (RIF) associated with closing ORD.

EPA has issued RIF notices to 22 regional offices staff that were working on environmental justice issues.

In January 2026, EPA had approximately 16,000 employees. Through retirements, early buyouts, and RIFs, the Agency is currently below 12,000. Indications are that the major personnel rearrangements have been completed and EPA will now start to add staff in selected areas.

Electronic filing for citizen suits

EPA currently requires any plaintiff intending to sue must file a notice of intent via certified mail with the appropriate authority 60 days before taking action. On February 24, 2026, EPA published a proposed rule that, if finalized, would require plaintiffs in citizen suit cases to file notices of intent electronically. The Agency’s stated logic was

so they can receive the notice “instantaneously” and will have more time to potentially address the concern, possibly eliminating the legal action.

Citizen enforcement

It has been estimated that about 140 lawyers from the Department of Justice’s Environment and Natural Resources Division have left the department since Mr. Trump took office. A number have been hired by environmental groups, some in specifically created positions involving enforcement. Some of these individuals will assist in the challenge to rescinding the greenhouse gas endangerment finding while others may be involved in citizen enforcement actions.

AI use by EPA

On February 10, 2026, EPA posted its “AI Use Case Inventory” (<https://www.epa.gov/data/ai-use-case-inventory>). Some of the uses listed were:

- Assistance in developing brownfield success stories;
- Summarize and draft responses to comments;
- Transitioning historical help desk knowledge to new help desk software;
- Identifying outliers in reported emissions data;
- Risk scoring of large quantity generators to support RCRA inspections; and
- Risk scoring of major and synthetic minor facilities to support Clean Air Act inspections.

The last two were conducted by the Office of Enforcement and Compliance Assurance.

St James Parish lawsuit

In 2023, citizens of St. James Parish, Louisiana, sued the parish over steering chemical plants into black neighborhoods, citing that since the first plant was built in 1958, 29 of the 32 plants built were sited in black neighborhoods while no facility was sited in white neighborhoods. The federal district court originally rejected the case finding that the statute of limitations has expired. The U. S. Court of Appeals for the 5th Circuit overturned the district court and St. James Parish appealed this to the Supreme Court. That appeal was denied leaving the 5th Circuit decision intact and sending it back to district court. On February 9, 2026, the district court denied St. James Parish’s motion to dismiss. This will allow the case to continue on merits. The plaintiffs are arguing that the land use practices of the parish violate the 13th and the 14th Amendments to the Constitution.

CRWI meetings

The next CRWI meeting will be held on May 20-21, 2026, in Oak Ridge, TN. It will feature a tour of an Oak Ridge Incineration facility. Please contact CRWI (703-431-7343 or mel@crwi.org) if you are interested in attending.