

Environmental Protection Agency Action Items for a Biden / Harris Administration

This chart lists action items for the Environmental Protection Agency. It includes actions we identified in our “High Priority Items” list plus additional items that we did not designate as the highest priority. This chart is organized vertically by agency office, with each action within the office listed alphabetically; and horizontally by type of action, rollback status, possible Biden administration action, and related litigation. The items were drawn from our [Regulatory Rollback Tracker](#), additional EELP research, and other expert sources.

EPA	Type of Action	Rollback Status	Possible Biden Action	Litigation
Air and Radiation				
Advanced Fuels - Low Carbon Fuel Standard	Rulemaking	N/A - New Action	Implement under CAA §211	N/A
Advanced Fuels - Renewable Fuel Standard	Rulemaking	Ongoing	Revisit to Promote Advanced Cellulosic Ethanol & Biomethane	Renewable Fuels Ass’n v. EPA, No. 18-9533 (10th Cir.) (vacated exemption extensions)
Air Quality – Considering Costs and Benefits in the Rulemaking Process	Rulemaking	Proposal	Revisit	N/A
Air Quality - Cross State Air Pollution Rule	Rulemaking	Proposal	Revisit	New York v. EPA, No. 19-1019 (D.C. Cir.). Vacated Close-Out rule (2019). Downwinders at Risk v. Wheeler, No. 1:20-cv-00349 (D.D.C.); New York v. Wheeler, No. 1:20-cv-00419 (S.D.N.Y); Center for Biological Diversity v. EPA, No. 20-09560 (10th Cir.). Ongoing.
Air Quality - Hazardous Air Pollutants (HAPs) “Once In, Always In”	Rulemaking	Finalized	Revisit	California Communities Against Toxics v. EPA, Docket No. 18-1085 (D.C. Cir.) (challenge to guidance memo dismissed)

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Air and Radiation (Cont'd)				
Air Quality - Mercury and Air Toxics Standards (MATS) Appropriate and Necessary Finding and Risk & Technology Review	Rulemaking	Finalized	Revisit	Westmoreland Mining Holdings v. EPA, No. 20-1160 (D.C. Cir.). Ongoing. The following cases are consolidated: American Academy of Pediatrics v. Andrew Wheeler, No. 20-01221 (D.C. Cir.); Massachusetts v. EPA, No. 20-01265 (D.C. Cir.); Advanced Emissions Solutions v. EPA, No. 20-01266 (D.C. Cir.); Air Alliance Houston v. EPA, No. 20-02168 (D.C. Cir.); Calpine Corporation v. EPA, No. 20-01270 (D.C. Cir.); Puget Sound Energy v. EPA, No. 20-1271 (D.C. Cir.). Ongoing.
Air Quality - NAAQS - Advisory Panels	Executive Action	Final Memo	Revisit	Natural Resources Defense Council, Inc. v. EPA, No. 1:19-cv-05174 (S.D.N.Y.). Vacated conflict-of-interest memo.
Air Quality - NAAQS - Ozone	Rulemaking	Proposal	Accelerate Review	Action Not Final
Air Quality - NAAQS - PM	Rulemaking	Proposal	Accelerate Review	Action Not Final
Air Quality - NAAQS - Streamline Memo	Guidance	Final Memo	Rescind May 2018 memo	N/A
Air Quality - NESHAPS - Brick and Clay Products	Rulemaking	Finalized	Revisit	N/A
Air Quality - NESHAPS - Petroleum Refinery Sector Rule	Rulemaking	Finalized	Revisit	N/A
Air Quality - NSPS - Petroleum Refinery Sector Rule	Rulemaking	Finalized	Revisit	N/A
Air Quality - Publicly Owned Treatment Works HAP Standards	Rulemaking	Finalized	Revisit	N/A
Air Quality - NSR - Consideration of Emissions Decreases at Step 1	Rulemaking	Finalized	Revisit	N/A
Air Quality - NSR - Project Aggregation at Step 1	Rulemaking	Finalized	Revisit	N/A

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Air and Radiation (Cont'd)				
Air Quality - Regional Haze Rule	Rulemaking	Ongoing	Revisit	State of Texas, et al v. EPA, et al, No. 17-1021 (D.C. Cir.) Consolidated case, ongoing.
Chemicals & Pesticides - Risk Management Program, Chemical Disaster Rule	Rulemaking	Finalized	Revisit	Air Alliance Houston v. EPA, No. 19-1260 (D.C. Cir.). Consolidated, ongoing.
GHG Emissions - Municipal Solid Waste - Regulate New and Existing Sources	Rulemaking	Finalized	Revisit	California, et al. v. EPA, Case No. 19-1227 (D.C. Cir.). Review of final rule, ongoing. California v. EPA, No. 4:18-cv-03237 (9th Cir.). Review of federal plan for disapproved states, ongoing.
GHG Emissions - Power Sector Existing Sources	Rulemaking	Finalized	Revisit	American Lung Association v. EPA, No. 19-01140 (D.C. Cir.).
GHG Emissions - Power Sector - Regulate New Sources	Rulemaking	Proposal	Revisit	North Dakota v. EPA, No. 15-1381 (D.C. Cir.) (challenging original 2015 rule)
Hydrofluorocarbons (HFCs)	Executive Action	Finalized Sec. 608 Rollback	Develop a Coordinated Regulatory Plan; Ratify & Implement Kigali Amendment	Nat. Res. Def. Council v. Wheeler, No. 18-1172 (D.C. Cir.) (SNAP program) Nat. Res. Def. Council v. Wheeler, Docket No. 20-01150 (D.C. Cir.) (Sec. 608 rule)
Methane / VOCs - Oil and Gas Sector Standards for New & Existing Sources	Rulemaking (2 rules)	Finalized	Revisit	CA v. Wheeler, 20-1357 (DC Cir.); EDF v. Wheeler, 20-01359 (D.C. Cir.)
Power Sector - Region 4 and 6 Findings on Startup, Shutdown, and Malfunction (SSM)	Rulemaking	SIP Approval	Revisit	Envtl Comm of Florida Elec. Power Coordinating Group v. EPA, Case No. 15-1239 (D.C. Cir.); Sierra Club v. EPA, Case No. 20-1229 (D.C. Cir.); Sierra Club, et al v. EPA, et al, Docket No. 20-01115 (D.C. Cir.).
Power Sector - Startup, Shutdown, and Malfunctions (SSM) Guidance	Guidance	Finalized	Revisit	Walter Coke v. EPA, No. 15-1166 (D.C. Cir.) (challenging 2015 guidance)

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Air and Radiation (Cont'd)				
Vehicles - CA CAA Waiver GHG Standards	Rulemaking	Finalized	Revisit	California v. Wheeler, No. 19-1239 (D.C. Cir.); Union of Concerned Scientists v. NHTSA, No. 19-1230 (D.C. Cir.). California v. Chao, No. 1:19-cv-02826-KBJ (D.D.C.); EDF v. Chao, No. 1:19-cv-2907 (D.D.C.).
Vehicles - GHG Standards for Medium and Heavy-Duty Vehicles	Rulemaking	Proposal - Gliders	Strengthen	Truck Trailer Mfrs. v. EPA, No. 16-01430 (D.C. Cir.) (challenge to Obama-era standards for truck trailers)
Vehicles - GHG Tailpipe Standards for Light Duty Vehicles	Rulemaking	Finalized	Strengthen	California v. Wheeler, No. 20-01167 (D.C. Cir.) EDF v. Owens, No. 20-01169 (D.C. Cir.); Center for Biological Diversity v. Wheeler, No. 20-01178 (D.C. Cir.); Calpine Corp. v. EPA, No. 20-01177 (D.C. Cir.); Nat'l Coal. for Advanced Transp. v. EPA, No. 20-01174, No. 20-01175 (D.C. Cir.); Competitive Enter. Inst. v. NHTSA, No. 20-01145 (D.C. Cir.).
Vehicles - Nitrogen Oxide Standards for Heavy-Duty Vehicles	Rulemaking	Advanced Notice of Proposed Rulemaking	Strengthen	Action Not Final
Water Quality - Uranium Extraction Water Quality Standards	Rulemaking	Withdrawal	Revisit	N/A
Chemical Safety and Pollution Prevention (CSPP)				
Biodiversity - Pesticide Protections for Species & Wildlife under the ESA	Rulemaking	Final Policy	Revisit	Notice of Intent to Sue
Chemicals & Pesticides - Agricultural Worker Protection Standard	Rulemaking	Finalized	Revisit	N/A

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Chemical Safety and Pollution Prevention (CSPP) (Cont'd)				
Chemicals & Pesticides - Bilingual Pesticide Labeling	Executive Action	Translation guide for optional translation released	Accelerate use or require translation	N/A
Chemicals & Pesticides - Chlorpyrifos Regulation	Rulemaking	Denial of Petition to Revoke All Tolerances & Cancel All Registrations	Revisit to take a science-based approach	New York v. Wheeler, No. 19-71982 (9th Cir.); LULAC v. Wheeler, No. 19-71979 (9th Cir.).
Chemicals & Pesticides - Dicamba Regulation	Rulemaking	Final Approval (Vacated but re-approved)	Revisit to take a science-based approach	National Family Farm Coalition, et al. v. EPA, 19-70115 (9th Cir.) .
Toxic Chemicals - Missing Industry Data - Use TSCA §4 and §8 to Collect	Rulemaking	N/A - New Action	Initiate	N/A
Chemicals & Pesticides - Pesticide Applicators Rule	Rulemaking	Rollback Dropped		N/A
Chemicals & Pesticides - Re-evaluation of Pesticides	Rulemaking	Ongoing Reviews	Revisit recently completed reviews and accelerate to meet 2022 deadline	Ongoing litigation over registration decisions, i.e., Rural Coalition, et al. v. EPA, No. 20-73220 (9th Cir.) (petition for review of approval of atrazine).
Toxic Chemicals - TSCA §6 and §7 Actions for immediate health risks	Rulemaking	Ongoing	Revisit	LCLA, et al v. EPA, No. 19-1042 (2nd Cir.) (challenging limited scope of methylene chloride ban).

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Chemical Safety and Pollution Prevention (CSPP) (Cont'd)				
Toxic Chemicals - TSCA Chemical Risk Evaluations	Rulemaking	Ongoing	Revisit	Safer Chemicals, Healthy Families v. EPA, Nos. 17-72260 (9th Cir.) (challenging risk evaluation rule and prioritization rule); EDF v. EPA (challenging Inventory Rule), No. 17-1201 (D.C. Cir.); Neighbors for Environmental, et al v. EPA, et al, No. 20-72091 (9th Cir. Jul 16, 2020) (litigation over methylene chloride risk evaluation).
Office of Enforcement and Compliance Assurance (OECA)				
Enforcement - “Best Practices for Compliance and Enforcement-Related Information Requests”	Guidance	Final Memo	Revisit	N/A
Enforcement - “Enhancing Effective Partnership Between EPA and the States in Civil Enforcement”	Guidance	Final Memo	Revisit	N/A
Enforcement - Increase PFAS-related Actions under TSCA, CWA, and CERCLA	Enforcement	Ongoing	Revisit	Environmental Defense Fund et al. v. Wheeler, No. 1:20-cv-762 (D.D.C.). Challenge to TSCA disclosure requirements.
Enforcement - “The Appropriate Use of Compliance Tools in Civil Enforcement Settlements”	Guidance	Final Memo	Revisit	N/A
Enforcement - “Transition from National Enforcement Initiatives to National Compliance Initiatives”	Guidance	Final Memo	Revisit	N/A
Office of International & Tribal Affairs				
Paris Climate Agreement	Study	N/A - Prepared Report	Help Prepare NDC Analysis	N/A

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Office of Land and Emergency Management				
Air Quality - EPCRA Air Release Reporting for CAFOs	Rulemaking	Finalized	Revisit	Rural Empowerment Association for Community Help v. EPA, No. 1:18-cv-02260 (D.D.C.).
Chemicals & Pesticides - PFOS/PFAS - Listing as CERCLA Hazardous Substances	Rulemaking	Pre-Proposal	Expedite	N/A
Coal Waste - Coal Ash RCRA Rulemaking	Rulemaking	Some Rules Finalized, Some Proposals	Revisit / Strengthen	Utility Solid Waste Activities Group v. EPA, Docket No. 15-01219 (D.C. Cir) (challenge to Obama-era regs that required them to be strengthened). Labadie Env'tl. Org. v. Wheeler, No. 1:20-cv-01819 (D.D.C.).
Office of Land and Emergency Management (Cont'd)				
Enforcement - Superfund Sites with Viable PRPs and EJ-implications	Enforcement	N/A - New Action	Expand	N/A
Mining - Financial Assurance Requirements for Hardrock Mining	Rulemaking	Finalized	Revisit	Idaho Conservation League, et al v. Andrew Wheeler, et al, case no. 18-1141 (D.C. Cir.) (ruled in favor of EPA).
Office of Research and Development				
Science - Transparency in Regulatory Science Rulemaking	Rulemaking	Proposal	Revisit	Action Not Final
Office of the Administrator				
Governance - Agency-Wide Memo to Incorporate EJ into all EPA Decisions	Executive Action	New Action	Issue	N/A
Governance - EPA's Tribal Consultation Policy	Executive Action	N/A	Strengthen	N/A
Governance - Trainings on Diversity and Systemic Racism	Executive Action	Cancelled	Initiate	N/A

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Office of the General Counsel, External Civil Rights Compliance Office				
Enforcement - Guidance on Considering EJ During the Development of Regulatory Actions	Guidance	Inaction	Update and Implement	N/A
ECRCO Compliance Toolkit	Guidance	Inaction	Complete and Implement	N/A
ECRCO Rulemaking on Investigating Title VI Complaints	Rulemaking	N/A	Initiate	N/A
ECRCO Strategic Plan	Executive Action	Inaction	Update and Implement	N/A
Office of Water				
Coal Waste - Power Plant Effluent Limits under CWA	Rulemaking	Finalized	Revisit	Clean Water Action v. Andrew Wheeler, No. 20-1436 (D.C. Cir.); Appalachian Voices v. EPA, No. 20-2187 (4th Cir.).
Drinking Water Standards - Maximum Contaminant Level (MCL) for Perchlorate	Rulemaking	Final Decision to Not Regulate	Revisit / Establish	NRDC v. EPA, No. 16 Civ 1251 (S.D.N.Y.) (consent decree to finalize MCL by Dec. 19, 2019). NRDC v. Wheeler, No. 20-1335 (D.C. Cir.) (challenge to decision not to regulate).
Drinking Water Standards - Maximum Contaminant Level (MCL) for Lead and Copper	Rulemaking	Proposal	Strengthen	Action Not Final
Drinking Water Standards - Maximum Contaminant Level (MCL) for PFAS	Rulemaking	Proposal	Establish	Action Not Final
Drinking Water Standards - Nationwide, Science-based System of Water Quality Monitoring	Executive Action	N/A - New Action	Establish	N/A
Drinking Water Standards - Safe Drinking Water Information System (SDWIS)	Executive Action	N/A	Update and Improve	N/A

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Office of Water (Cont'd)				
Water Quality - Cooling Water Intake Rules for Power Sector (Clean Water Act §316(b))	Rulemaking	N/A	Revisit / Strengthen	Cooling Water Intake Structure Coalition v. EPA, No. 14-4645 (2 nd Cir.) (upheld the rule and ESA compliance); U.S. Fish and Wildlife Service v. Sierra Club, No. 19-547 (ongoing Supreme Court case on FOIA dispute re: documents underlying this rule)
Water Quality - Non-Point Source Pollution - Task Force with State, Tribal, and Local Leaders	Executive Action	N/A - New Action	Establish	N/A

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Office of Water (Cont'd)				
Water Quality - Non-Point Source Pollution - TMDLs - Chesapeake Bay	Enforcement	Under Review by EPA	Revisit NY and PA management plans	MD v. Wheeler, 1:20-cv-02530 (D.D.C.); CBF v. EPA, 1:20-cv-02529 (D.D.C).
Water Quality - PFAS - Establish as Toxic Pollutant Under the CWA	Rulemaking	N/A - New Action	Establish	N/A
Water Quality - Section 401 Water Quality Certification	Rulemaking	Finalized	Revisit	In re Clean Water Act Rulemaking, No. 20-04636 (N.D. Cal.). S.C. Coastal Conservation League v. Wheeler, No. 2:20-cv-03062 (D.S.C.). Del. Riverkeeper Network v. EPA, No. 2:20-CV-3412 (E.D. Pa.).
Water Quality - Waters of the United States (WOTUS)	Rulemaking	Finalized	Revisit	Challenges filed in 9 federal courts D. Colo. stayed rule's implementation in Colo.