

# EPA Issues 24 Press Releases Signaling Major Deregulatory Action

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March 14, 2025 Mary Mendoza, Victor Salazar

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PRACTICES Environmental

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On March 12, 2025, the Environmental Protection Agency (EPA) issued 24 press releases that announced the Trump administration's plans to reduce the agency's regulatory footprint. The changes mostly involve reevaluating and revising current rules and policies and will impact nearly all portions of EPA's jurisdiction. Many of these moves were foreshadowed by President Trump's Executive Orders. Environmental attorneys at Haynes Boone have highlighted a few of the key changes below. Subsequent alerts will address other key initiatives from EPA's March 12 announcements.

## **Waters of the US**

EPA announced that it, in conjunction with the U.S. Army Corps of Engineers, will review and revise the definition of "waters of the United States" (WOTUS) under the Clean Water Act. The WOTUS rule has been the subject of numerous revision and court cases. Most recently, in August 2023, the Biden administration promulgated revision to its January 2023 WOTUS rule to address the U.S. Supreme Court's holding in *Sackett v. Environmental Protection Agency*. Subsequent litigation challenging the January 2023 WOTUS rule resulted in the rule being stayed in 26 states and those 26 states using a pre-2015 version of WOTUS regulations.

On March 12, the EPA and the Corps of Engineers issued a joint memorandum providing guidance on the implementation of the WOTUS rule. The memorandum focuses on interpretation of the "continuous surface connection" language as explained in *Sackett* and seeks to make clear that the wetlands must "directly abut[] covered waters." The memorandum explicitly rescinds any guidance that assumed a discrete feature (such as "a non-jurisdictional ditch, swale, pipe or culvert") established a continuous surface connection.

## **EPA Endangerment Finding**

The EPA announced that it will work with the Office of Management and Budget to formally reconsider the Endangerment Finding. Since 2009, the Endangerment Finding has played a major role in every EPA action that regulates greenhouse gases. In it, the EPA determined that pollutants, such as carbon dioxide and methane, endanger the public health and welfare of current and future generations. The Endangerment Finding is the basis for the EPA's actions under the Clean Air Act to curb emissions of carbon dioxide, methane and other greenhouse gases that come from vehicles, power plants and other industrial sources.

According to Administrator Zeldin, the agency "will follow the science, the law and common sense wherever it leads, and we will do so while advancing our commitment towards helping to deliver cleaner, healthier and safer air, land and water." Because the EPA has used the Endangerment Finding as a basis for its greenhouse gas regulatory actions, repealing the document could call into question those actions.

## Social Cost of Carbon

The EPA announced that it would revisit its policy to consider the social cost of carbon when evaluating the impact of permit applications and rulemakings. Since 2008, the EPA has used the social cost of carbon to evaluate the economic impact of permitting and rulemaking. According to the EPA's [website](#), the social cost of carbon is “meant to be a comprehensive estimate of climate change damages and includes changes in net agricultural productivity, human health, property damages from increased flood risk and changes in energy system costs, such as reduced costs for heating and increased costs for air conditioning.” The social cost of carbon thus has been used by the EPA to attach a value to reductions in greenhouse gases when evaluating the economic benefit of regulatory actions.

## Enforcement resources

Administrator Zeldin announced that the EPA will be revising the National Enforcement and Compliance Initiatives to align with the Trump Administration priorities and directives. Specifically, the EPA's press release noted that enforcement actions will “not discriminate based on race or socioeconomic status” and will not “shut down energy production.” The EPA's current [initiatives](#) include “Reducing Air Toxics in Overburdened Communities” as well as initiatives addressing climate change, PFAS exposure, coal ash contamination, drinking water compliance and chemical accident reduction.

## 2024 Risk Management Plan Rules

The EPA announced that it will reconsider its 2024 Risk Management Plan rule that requires covered facilities to: (1) adopt new accident prevention and emergency preparedness measures, (2) conduct a “safer technologies and alternatives analysis” (STAA), (3) conduct third-party audits after incidents and (4) provide greater transparency to local communities and emergency responders. The rule has been heavily criticized by industry and stakeholder groups.

Haynes Boone previously authored an [article](#) about the potential changes.

## Conclusion

The EPA's March 12 announcements signal sweeping changes in almost all regulatory programs that the agency administers. Many of these changes will be effectuated through agency rulemaking actions, which will give interested parties the opportunity to provide input and comments. For example, the EPA has opened a rulemaking docket for the WOTUS rule and announced six listening sessions, inviting comment from the public, states, tribes, industry, agriculture and environmental stakeholders. Those in businesses potentially impacted by the EPA's planned rulemakings should closely track the activities. If you have questions or need assistance with environmental matters, please contact one of the attorneys listed below or a member of Haynes Boone's [Environmental Practice Group](#).