

**Insights**

## **EPA WITHDRAWS PROPOSED RCRA RULE ADDRESSING SCOPE OF CORRECTIVE ACTION**

May 28, 2026

### **SUMMARY**

On [May 8, 2026](#), the United States Environmental Protection Agency (“EPA”) announced it would withdraw a proposed rule under the Resource Conservation and Recovery Act (“RCRA”) first issued in 2024 that could have required the remediation of a potentially ambiguous category of constituents under RCRA’s “Hazardous Wastes” definition.

### **I. What Was the 2024 Proposed Rule?**

RCRA was enacted, in large part, to manage a defined category of materials, “Hazardous Wastes,” from “[cradle-to-grave](#).” In 2024, EPA issued a [proposed rule](#) that would have expanded the regulatory definition of “Hazardous Waste” as applied to corrective action at RCRA-permitted facilities to include all wastes that “cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.”

### **II. What Has EPA Withdrawn?**

EPA’s withdrawal announcement removes this proposed rule under which any constituent meeting this general category could possibly have been administered through the RCRA framework.

[EPA’s announcement](#) explains that the 2024 proposed rule “would have complicated, rather than contributed to, efficient implementation of cleanup at hazardous waste facilities.”

Additional information regarding this removal can be found at [EPA’s website](#) entitled “Withdrawal of Proposal to Clarify Authority to Address Releases of Hazardous Waste at Treatment, Storage, and Disposal Facilities.”

For more information regarding how this action influences your business, please contact Erin Brooks, Christian Bromley, Bryan Keyt, Daron Ravenborg, John Kindschuh, or any member of the Environmental team.

## **RELATED CAPABILITIES**

- Environmental and Toxic Tort
- PFAS

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