

EQC Director's Report: March 12, 2026

Attachment A: Federal Rollback Tracking

Title: EPA proposal to rescind Greenhouse Gas (GHG) regulation authority and vehicle emission standards

Description

EPA has taken final action in eliminating its 2009 finding that greenhouse gases pose a threat to public health and welfare. That change would effectively remove EPA's authority to regulate GHG emissions from new vehicles and engines.

By this action, EPA removed the federal framework that underpins vehicle emission standards and leaves much weaker protections in place nationwide. For Oregon, losing those standards makes it more difficult to reach our air quality and climate goals and increases health risks for communities already burdened by traffic-related pollution.

Current status

On Feb. 12, 2026, EPA finalized a rule to rescind the 2009 Greenhouse Gas Endangerment Finding. The final rule repeals all federal GHG emission standards issued under the Clean Air Act for light-duty, medium-duty, and heavy-duty vehicles and engines manufactured or imported into the United States for model years 2012 to 2027 and beyond. The final rule takes effect on April 20, 2026.

Potential agency action(s)

Work is ongoing to evaluate the consequences to Oregon's GHG emissions and associated climate impacts. Transportation remains a leading source of GHG emissions in Oregon, and states have limited authority to regulate tailpipe emissions from new vehicles. At the same time, Oregon's keystone GHG regulation programs, such as the Low Carbon Fuel Standard and Climate Protection Program, are implemented under state law and are not impacted by EPA's rescission of the endangerment finding and regulatory rollback. Additionally, the repeal does not impact state-level incentive programming focused on the adoption of zero-emission vehicles.

Title: EPA proposal to rescind HFC regulation

Description

The EPA has proposed changes to hydrofluorocarbon (HFC) regulations, including a proposed rule to rescind some Obama-era leak repair and maintenance rules for HFCs, and another proposal to relax technology transition rules for various sectors.

Current status

EPA released the proposal in October 2025 and accepted public comment until Nov. 17, 2025. EPA will compile public comments and then issue a final rule at a later date.

Potential agency action(s)

No direct DEQ actions are anticipated. DEQ will monitor whether and how EPA's proposal changes.

Title: EPA proposal to rescind GHG reporting requirements

Description

EPA has proposed eliminating nearly all reporting requirements in their federal greenhouse gas reporting program (GHGRP) established in 40 C.F.R. Part 98.

The GHGRP requires reporting of GHG data from large sources and suppliers across a range of industry sectors. The GHGRP collects greenhouse gas data from 47 source categories and currently has over a decade of annual data from these sources, including reports from more than 8,000 direct emitters and suppliers of GHGs.

If finalized, this would significantly diminish the available GHG emissions data nationally. In Oregon, our state GHG Reporting Program would persist so the vast majority of GHG data used by state programs would continue.

Current status

EPA released the proposal on Sept. 12, 2025, and accepted public comment until Nov. 3, 2025. EPA will compile public comments and then issue a final rule at a later date.

Potential agency action(s)

DEQ provided comments requesting that EPA reconsider their proposal and that request is under Section 103(a) of the CAA. Oregon's Attorney General signed on to a multi-state letter expressing opposition to EPA's proposal.

DEQ may consider proposing technical changes to both the state's GHGRP rules and the Clean Fuels Program to adjust to lack of federal GHG data in the future.

Title: EPA proposal to rescind Mercury Air Toxics Standards

Description

On June 11, 2025, EPA proposed to repeal the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for coal- and oil-fired electric generating units (EGUs). On May 22, 2025, EPA proposed a final rule to remove the NESHAP. The rule took effect on the same day as the published final rule.

In April 2025, President Trump, under a separate action, exempted 47 companies operating 68 coal-fired EGUs from the NESHAP. President Trump exempted an additional 3 facilities in July 2025. Environmental groups challenged the exemptions in *Air Alliance Houston, et al., v. Donald Trump*, Docket No. 1:25-cv-01852 (D.D.C. June 12, 2025) and *Air Alliance Houston, et al., v. EPA*, Docket No. 25-1143 (D.C. Cir. June 12, 2025) which are currently held in abeyance.

Current status

DEQ and the Oregon Health Authority provided comment to EPA on the proposed repeal of the rule. No stationary sources in Oregon were subject to the NESHAP, but DEQ expressed concern about contributions to global mercury emissions and that the fate and transport of those emissions could potentially impact Oregon's air, land and water.

Potential agency action(s)

DEQ proposes to continue to track ambient concentrations of mercury in air and water, however the agency does not anticipate proposing any specific actions to the commission given the lack of sources in Oregon subject to the rescinded rules.

Title: EPA proposal to reconsider the PM 2.5 National Ambient Air Quality Standard (NAAQS)

Description

On Feb. 7, 2024, EPA proposed a final rule to revise the NAAQS for primary annual PM_{2.5} standard from 12.0 µg/m³ to 9.0 µg/m³. The revised standard took effect on March 12, 2025, and EPA announced a reconsideration of the revised PM NAAQS.

Current status

On Jan. 29, 2025, DEQ proposed to EPA that all areas within Oregon be designated as attaining the revised PM NAAQS. Under the Clean Air Act, EPA must determine whether areas within states are attaining a revised NAAQS within two years of the revised standard taking effect.

EPA has not published a proposed revision to the PM NAAQS but has informed states and interested parties that it continues to be a priority of the agency to propose a rule revision before the agency is required to formally determine the attainment status areas within states.

Potential agency action(s)

DEQ will continue to track EPA's work on the PM NAAQS and inform the commission.

Title: USDA proposal to rescind the Roadless Area Conservation Rule

Description

On Aug. 29, 2025, the United States Department of Agriculture (USDA) published a rule to rescind the 2001 Roadless Area Conservation Rule (2001 Roadless Rule) (66 FR 3244, 36 CFR Subpart B (2001)), which prohibits road construction, road reconstruction, and timber harvesting in inventoried roadless areas, with limited exceptions. The proposed rule included the initiation of an environmental impact assessment that will evaluate the impacts of the proposed rule rescission and study alternatives for roadless area conservation on National Forest System lands, including the Tongass National Forest, in the context of multiple use resource management.

Current status

DEQ submitted comment on the proposed repeal of the Roadless Rule. The comment period is now closed. USDA stated it expects to issue an EIS in March 2026 and a final rule in late 2026.

Potential agency action(s)

DEQ will continue to monitor the rulemaking effort and inform the commission of any final changes and, if necessary, consideration for action in Oregon.

Title: Waters of the United States

Description

EPA proposed a new rule redefining "waters of the United States" (WOTUS) on Nov. 20, 2025, and accepted public comments until Jan. 5, 2026. Oregon agencies submitted a joint comment letter, which included a cover letter from Governor Kotek (dated Jan. 2, 2026) to EPA.

As expected, the proposed rule stated that it was crafted to increase conformity with the May 2023 Supreme Court decision in the Sackett v. Environmental Protection Agency case. Our expectations, based on listening sessions, evaluations by both EPA and the U.S. Army Corps of Engineers (USACE), and other information from federal staff and news, were realized in that the new rule fully reworked and revised the WOTUS definition.

The newest rule will refine a rule issued in September 2023 and a memorandum signed March 25, 2025, both jointly executed by EPA and USACE. The September 2023 rule, "Revised Definition of 'Waters of the United States'; Conforming," conformed to the May 2023 Supreme Court decision. The memorandum signed on March 12, 2025, by EPA and USACE provided guidance for implementing the "continuous surface connection" requirement. In other words, the newest rule maintains the "relatively permanent" standard and narrows the scope to waters with continuous surface water connections to navigable water.

Since the issuance of the March 2025 memo, USACE Portland District's jurisdictional determinations have regularly issued determinations that wetlands and waters without a continuous surface water connection are not WOTUS. These determinations have resulted in less protective regulatory measures for the implementation of Clean Water Act Section 401 water quality certification issued by DEQ because the water quality certification is only required when discharge may be placed within a WOTUS. A reduction in WOTUS jurisdiction by USACE and EPA directly reduces the regulatory authority of DEQ's 401 water quality certification program to ensure water quality compliance within the state.

Oregon Department of State Lands continues to operate the state wetland and waters removal-fill permit, which provides many protections to Oregon waters defined as "Waters of this state."

Current status

EPA and USACE conducted a 45-day public comment process from Nov. 20, 2025, to Jan. 5, 2026. DEQ, Department of Fish and Wildlife, Department of State Lands, and Department of Land Conservation submitted a joint comment letter, which included a cover letter from Governor Kotek (dated Jan. 2, 2026) to EPA. EPA will review public comments and then issue a final rule at a later date.

Potential agency action(s)

A joint comment letter by the Attorneys General of New York, Illinois, Massachusetts, Michigan, and Oregon was submitted during the public comment period.

DEQ will continue to monitor the rulemaking effort and inform the commission of any final changes and, if necessary, consideration for action in Oregon. Once the final rule is published, DEQ will evaluate the rule and coordinate across state agencies, the Governor's Office and DOJ as appropriate, in developing appropriate responses.

Title: EPA proposes to narrow scope of Clean Water Act Section 401

Description

EPA proposed a new rule to Section 401 of the Clean Water Act (CWA) called "Updating the Water Quality Certification Regulations" (91 Fed. Reg. 2008 (Jan. 15, 2026) (Proposed Rule or Proposal)). EPA has proposed substantive and procedural changes to Section 401 certification rules that have the potential to undermine Oregon's progress in promoting healthy and resilient waters throughout Oregon. EPA hosted listening sessions in 2025 to solicit feedback on the implementation challenges of the current 2023 401 Rule. Oregon provided comment in support of the 2023 401 Rule, and Oregon's continued position is that EPA's 2026 Proposed Rule is unnecessary and inconsistent with the Clean Water Act. At issue are:

- Potential reductions in the 401 certification's scope to protect and manage water quality
- Increase in project proponents' (applicants') role in modification process
- Pathway enabling Tribes to participate as states in 401 reviews removed
- Increase in potential burden for Oregon and other states
- Reductions in the scope of WOTUS compound these issues for Oregon and other states

Current status

DEQ submitted comments and a cover letter signed by DEQ Deputy Director Shannon Davis on Feb. 17, 2026

(CC: Oregon US Senators and US Representatives). A joint comment letter developed by several state Attorneys General including Oregon was submitted during the public comment period.

Potential agency action(s)

DEQ will continue to monitor the rulemaking effort and inform the commission of any final changes and, if necessary, consideration for action in Oregon. Once the final rule is published, DEQ will evaluate the rule and coordinate with DOJ, other state agencies, and the Governor's Office, as appropriate, to develop potential state position and evaluate options. DEQ will provide additional input regarding implications of the final rule and recommended next steps available to DEQ to ensure water quality protections remain consistent with those in place in 2017, addressing the requirements of the Oregon Environmental Protection Act.

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