Submitted via email and www.regulations.gov

February 14, 2025

Mr. Steven Cook
Deputy Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Request for Withdrawal of EPA's Interim Framework for Advancing Consideration of Cumulative Impacts; Docket ID No. EPA-HQ-OLEM-2024-0360.

Dear Mr. Cook:

The undersigned trade associations respectfully urge the U.S. Environmental Protection Agency (EPA) to withdraw its Interim Framework for Advancing Consideration of Cumulative Impacts (Interim Framework).[1]

Our associations represent a diverse cross-section of America's agriculture, mining, construction, transportation, manufacturing, infrastructure, waste and recycling sectors. Our members are vital to building a thriving national economy and are essential to achieving the nation's critical infrastructure, manufacturing, supply chain, transportation, and energy goals. We understand EPA's interim framework was intended to provide guidance on how EPA program offices could incorporate analysis and consideration of cumulative impacts in agency decisions. Our members regularly obtain federal permits from EPA and operate in compliance with EPA regulations. We therefore have a significant interest in the development of the interim framework.

EPA should withdraw and reconsider the interim framework to align with the President's recent executive actions. The "Regulatory Freeze Pending Review" Presidential Memorandum instructed federal agencies to refrain from issuing "any rule in any manner…until a department or agency head appointed or designated by the President…reviews and approves the rule."[2] The Executive Order defines "rule" broadly to include not only the definitions of "rule" in the Administrative Procedure Act and "regulatory action" in Executive Order 12898, but also "guidance documents" as defined in Executive Order 13891. The order is clearly intended to pause ongoing regulatory actions initiated by the previous administration so that new agency leadership has an opportunity to review these actions to ensure alignment with the current administration's priorities. EPA developed the interim framework during the previous administration and proposed it for public comment on Nov. 21, 2024. It is therefore a prime candidate for withdrawal and reconsideration.

[1] 89 Fed. Reg. 92,125 (Nov. 21, 2024).
[2] "Regulatory Freeze Pending Review," 90 Fed. Reg. 8,249 (Jan. 20, 2025).

Additionally, many of the referenced documents in the interim framework, such as Executive Order 14096 and EPA's 2022 and 2023 Equity Action Plans, are either no longer in effect or no longer publicly available. Therefore, it is difficult to provide meaningful comments on the interim framework.

We welcome the opportunity to work with EPA on regulatory and permitting reforms that support environmental protection, encourage community engagement, and allow critical projects to move forward. We appreciate EPA's consideration of our request and look forward to discussing this further with your team. Please contact Caitlin McHale at cmchale@nma.org or (202) 463-2646 if you need more information or have any questions.

Sincerely,

American Coke and Coal Chemicals Institute
American Dairy Coalition
American Farm Bureau Federation
National Asphalt Pavement Association
National Mining Association
National Oilseed Processors Association
National Ready Mixed Concrete Association
National Waste & Recycling Association
Portland Cement Association
The Aluminum Association

CC: Mr. Barry Breen, Principal Deputy Assistant Administrator