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Fix the EPA Veto Coalition Launches To Stop EPA "Kill Switch" Threatening Energy and Infrastructure Projects

WASHINGTON-([BUSINESS WIRE](#))—The [Fix the EPA Veto](#) Coalition was launched today with the goal of stopping an Environmental Protection Agency (EPA) veto power that can be used as a kill switch to stop energy, infrastructure, and mining projects after they have been permitted, constructed, and operating. This loophole, section 404(c) of the Clean Water Act, can be used by future administrations to kill new projects approved by the Trump Administration and discourage investments in these projects that are critical to America's energy and national security.

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The coalition urges the Administration to align regulatory policy with the Reducing Permitting Uncertainty Act, introduced by Rep. Pete Stauber (R-MN) and passed by the House twice, to limit veto authority to projects with clear egregious environmental implications during a defined window of time to ensure a clear and consistent regulatory framework.

The political threat is real for important energy and mineral projects such as the Alaska natural gas pipeline, mining projects in Minnesota's Duluth Complex, Arctic energy, LNG terminals, critical mineral and lithium mines, pipelines, and many other essential infrastructure projects. The U.S. Army Corps of Engineers (USACE) grants 60,000 to 75,000 404 permits yearly, representing \$200 billion in economic activity.

"The Trump Administration deserves enormous credit for tackling the regulatory barriers that have strangled American energy and infrastructure development for years," said energy policy expert and coalition Senior Advisor Myron Ebell. "But there is a gaping hole in that agenda that must be closed: the EPA's unchecked ability to veto a project it simply doesn't like — even after it has been permitted and operating. That is a political risk more commonly found in a banana republic, not the U.S.A."

“Alaska will be ground zero for an activist future president to use the 404c veto to shut down our energy and mining infrastructure,” said Deantha Skibinski with the Alaska Miners Association. “Issuing an executive order and a formal EPA rulemaking are the right tools.”

The Biden and Obama Administrations have used this regulatory weapon before, starting when President Obama’s EPA retroactively vetoed the Mingo Logan Spruce No. 1 coal mine in West Virginia four years after USACE had already issued its permit. As litigation in related cases has since confirmed, the EPA’s 404(c) veto unilaterally alters the regulatory landscape governing permit applications nationwide, with no statutory constraint on its power.

“Fair, consistent, and predictable permitting processes are crucial for our members to produce the metals and minerals America needs for national and economic security and everyday use. Allowing future EPAs to exercise an unlimited, open-ended, retroactive veto undermines that security and discourages investment,” said American Exploration & Mining Association Executive Director Mark Compton. “The Trump Administration needs to prevent the future use of the Section 404(c) veto that would retroactively erase years of work, billions in investment, and thousands of jobs. We urge the Administration to slam the door shut on this loophole.”

About the Fix the EPA Veto Coalition

The [Fix the EPA Veto](https://www.fixtheepaveto.org/) Coalition is committed to protecting American jobs, energy development, and infrastructure by ensuring that 404(c) authority can never again be weaponized as a political tool against the energy, mineral, and infrastructure projects vital to U.S. economic strength and national security. For more information or to join the coalition, contact info@fixtheepaveto.org.