

# FIX<sup>THE</sup> EPA 404(c) VETO

*Protect our energy, mineral,  
and economic infrastructure.  
Fix the EPA 404(c) Veto.*

## THE PROBLEM

Section 404(c) authority under the Clean Water Act gives the EPA power to veto dredge-and-fill permits issued by the U.S. Army Corps of Engineers—even years after a permit has been granted. It's commonly referred to as the 'EPA 404c veto.'

Under the Obama and Biden Administrations, EPA exercised this power both retroactively—striking

down already-issued permits, and preemptively. President Obama set this dangerous precedent for such action by vetoing Mingo Logan's Spruce No.1 coal mine four years after a permit that had been duly issued by the U.S. Army Corps of Engineers.

The coalition is concerned that future Democratic administrations will use

the 404(c) veto to retroactively block major infrastructure and energy projects approved by the Trump Administration—including the Alaska Natural Gas Pipeline; Minnesota Duluth Mining Complex; Arctic energy development; LNG terminals; critical mineral projects nationwide; most all projects in Alaska, and it doesn't end there.

## THE SOLUTION

The coalition is urging the Trump Administration to issue an Executive Order (E.O.) grounded in the principles of H.R. 3935, the Reducing Permitting Uncertainty Act, introduced by Rep. Pete Stauber (MN-08) and passed by the House twice. The Executive Order would go further by clearing up past abusive precedents and adding stronger safeguards against the

unchecked use of 404(c) authority by future administrations.

We recommend such an E.O. would include:

- » Limit future use of EPA 404(c) vetoes that conflict with Administration priorities, including job creation, energy affordability, national security, and economic growth.

- » Establish clear, defined timelines for when veto authority may be exercised, preventing retroactive or preemptive use.
- » Restore transparency, consistency, and legal clarity to the 404(c) review process.
- » Protect already-permitted and currently-permitting projects from future regulatory reversal.

## CALL TO ACTION

The Coalition urges the Administration to act now to put guard rails in place before the next administration has the opportunity to use the 404(c) veto as

a kill switch against American energy and infrastructure. Please join the coalition in urging the White House to issue such an E.O. to prevent an

unchecked EPA power grab, eliminate regulatory uncertainty, and ensure that projects are protected from a politically motivated veto.

## ABOUT THE COALITION

The **Fix the EPA Veto Coalition** is committed to protecting American jobs, energy development, and infrastructure, including projects already permitted and those currently in the permitting process by curbing EPA regulatory overreach. Our goal is to ensure that 404(c) veto authority can never again be weaponized as a political tool to kill energy, mineral, and infrastructure projects vital to U.S. economic strength and national security. The coalition's fundamental mission is protecting America's energy, minerals, and infrastructure from regulatory overreach.

For additional information or to join the coalition, please email [info@fixtheEPAveto.org](mailto:info@fixtheEPAveto.org).