

Breaking down what deregulation means for landfills

Experts say it could be months or years before some of EPA's proposed rule changes are finalized. But top-down changes to the agency could already be impactful.

Published March 24, 2025



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An eagle and vulture sit on landfill gas wells. The Environmental Protection Agency's political leadership is moving to ease restrictions on landfill methane emissions despite their climate impact. TerryJ via Getty Images

The rollbacks to federal regulations announced by the U.S. EPA last week could take months or years to go into effect if the agency follows federal procedures for rulemaking, experts say. But combined with the Trump administration's plans for destaffing and budget cuts, the announcement could result in a dramatic shift in permitting rules and enforcement for owners of landfills, incinerators and other facilities.

Ryan Hathaway, the former White House director of environmental justice during Joe Biden's administration, said the consequences of these actions would appear most immediately in communities near new or existing waste facilities.

"They are going to feel the impacts pretty quickly," Hathaway said. "The lag isn't going to be ... in regulations, the lag is going to be, how long does it take for increased impacts from health toxins in communities to show up?"

The EPA proposed 31 actions on March 12 that it said would reduce “burdensome” regulations on industry and undo the agency’s focus on climate change. Among those actions were planned rollbacks of certain industrial air standards and a planned change in the agency’s enforcement priorities, which previously focused on climate change, PFAS and other growing issues.

The EPA also confirmed it would shut down the Office of Environmental Justice and all related work.

Agency leadership released a series of memos laying out their proposed changes. One memo guiding EPA’s enforcement priorities instructed agency staff to deprioritize “environmental justice considerations” that “inform EPA’s enforcement and compliance assurance work.”

The document also said enforcement of landfill methane emissions rules would “return to the core enforcement program.” The agency plans to continue enforcing Clean Air Act rules against MSW landfills that are out of compliance, according to EPA spokesman Jeff Landis.

“EPA continues to uncover noncompliance and for this reason, will proceed with investigating and initiating cases as part of the core civil enforcement program, as appropriate,” Landis said in an emailed statement.

For waste industry participants, these announcements are likely to mean little change to their work in the short term. While some states or local jurisdictions may respond with increased regulations, facility operators could expect greater flexibility in operations if reporting requirements are rolled back, according to the Solid Waste Association of North America.

“The waste and resource management industry will need to closely monitor the changes to stay in compliance with all federal, state,

and local regulations and permits. Certain organizations have internal goals and commitments that they may continue to follow voluntarily, regardless of the mandated requirements,” Kristyn Oldendorf, senior director of public policy and communications at SWANA, said in an emailed statement.

The National Waste and Recycling Association did not respond to a request for comment.

Air emissions

Among the EPA’s planned rollbacks are changes to the Greenhouse Gas Reporting Program. For over a decade, the program has required thousands of facilities to report their greenhouse gas emissions for compilation in a public data portal.

The EPA announced on March 14 that it would extend the deadline for operators to report their 2024 emissions from March 31 to May 30. It also released guidance documents explaining some of the changes it’s looking at for the program’s underlying regulation.

Specifically, the agency said it would address concerns brought by the waste industry regarding the accuracy of landfill emissions estimates. The agency is also contemplating revisions to the program as a whole to “streamline the reporting requirements.”

Alterations to the data collection requirements could harm efforts to tackle the waste industry’s greenhouse gas emissions, according to environmental groups. Landfills are responsible for nearly three-quarters of the industry’s total greenhouse gas emissions and are the third largest source of methane emissions in the country.

“Removing access to vital information at such a crucial crossroads is like asking the American people to navigate a dark maze with no map or flashlight. It will do untold harm,” Katherine Blauvelt,

circular economy campaign director at industrial climate solutions group Industrious Labs, said in an emailed statement.

The EPA administrator likely has broad latitude to shape the requirements of the Greenhouse Gas Reporting Program, said Mike McLaughlin, a senior vice president specializing in landfills at SCS Engineers.

“An administrator that wants to eliminate greenhouse gas reporting might say that we’ll require reports when hell freezes over. And if hell freezes over, we will require reports only for those who have greenhouse gas emissions more than a billion tons or something — essentially two absurd conditions that nobody meets,” McLaughlin said.

He also noted that landfill owners who participate in other reporting programs, either at the state level or for carbon credits, could miss the “regulatory seal of approval” an agency like EPA can provide.

If reporting requirements are dialed back, McLaughlin said it’s possible landfill operators will use the new flexibility to tinker with their gas collection wells and draw in less gas. But such actions could be complicated by state requirements.

Legal challenges could also thwart the EPA’s plans, three former EPA administrators said on a press call organized by the Environmental Protection Network.

Still, the speed at which the agency is attempting to slash personnel and budgets may outstrip any legal attempts to prevent regulatory rollbacks, said William Reilly, EPA administrator during the George H.W. Bush administration.

“I fear very much the resources won’t be there by the time they get around to it,” he said.