

Achieving Regulatory Resilience

Durable Compliance in an Era of De-Regulation





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Challenging today.
Reinventing tomorrow.



Quote of the Day

“It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood;

if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow.”

James Madison,
Federalist No. 62 (1788)

Over a Year of Unprecedented Regulatory Changes

**January 2026
to May 2026**

Changes already implemented:

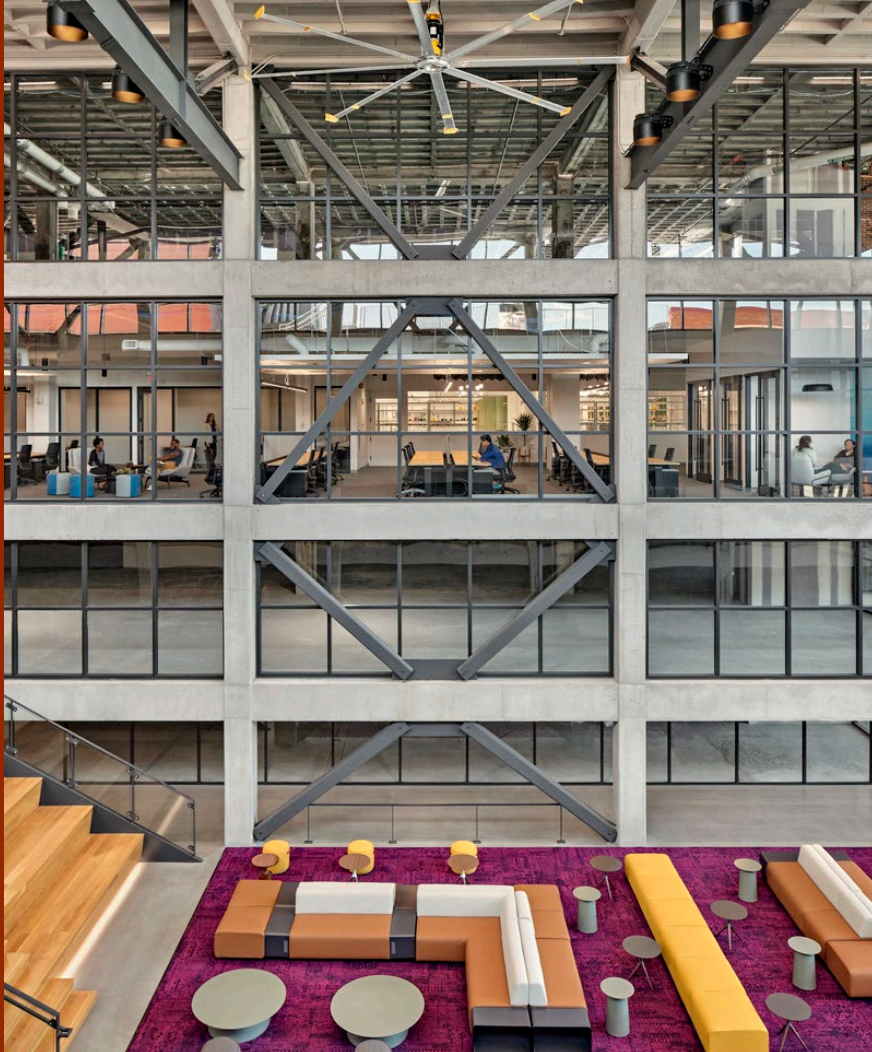
- National Environmental Policy Act (NEPA) rules revoked
- Permitting reviews for energy projects
- PFAS (could have RCRA, TSCA, SDWA and CWA implications)
- “Emergency” Declarations

Major proposed changes:

- The “Endangerment Finding”
- Endangered Species Act (ESA) (new proposed rules and definitions)
- The “Power Plant Rules”; other Clean Air Act actions/delays
- Clean Water Act (definition of “WOTUS,” Waters of the U.S.; Section 401 water quality certification; revised Nationwide Permits)



"You Can't Tell the Players Without a Scorecard!"



Valuable Resources (NOTE: these are recommended solely because these organizations have done an excellent job updating information and key developments impacting regulatory compliance)

- [Climate Backtracker | Sabin Center for Climate Change Law](#)
- [Regulatory Tracker– Environmental and Energy Law Program](#)
- [Litigation Tracker: Legal Challenges to Trump Administration Actions](#)

Drivers of Regulatory Change – NOT Just Rulemaking

- Political Leadership and Ideology
- Judicial Decisions
- Economic Pressures
- Inflation, energy costs, and supply chain disruptions are prompting calls for streamlined permitting and reduced regulatory burdens on businesses
- Emerging technologies (AI, biotech, clean energy) require updated regulatory frameworks to address new risks and opportunities
- Public Health & Safety Concerns (PFAS, climate change, air/water quality)



Regulatory Changes Result from...

Examples of legislation and executive actions

- Legislation - [*One Big Beautiful Bill Act*](#) (July 4, 2026)
 - Rollback of clean energy incentives
 - Reduced budgets for regulatory oversight
- Proposed Legislation -- "SPEED" Act; "PERMIT" Act
- Executive Order 14156, [*Declaring a National Energy Emergency*](#) (January 20, 2026)
 - Provides access to “emergency permitting provisions” within some statutes (ESA, CWA) for “energy” projects
 - Recently extended for another year
- Executive Order 14394, [*Removing Regulatory Barriers to Affordable Home Construction*](#) (March 13, 2026)



Regulatory Changes Result from... (cont'd.)

Enforcement Policies; Regulatory Analyses; and Litigation

- Current administration filed **fewer environmental lawsuits** in its first six months than any administration in the last 100 years
- Enforcement Priorities: EPA policy to emphasize “Compliance First” orientation
- Revised Interpretations: e.g. Migratory Bird Treaty Act
- Proposed Rollback to PM_{2.5} Regulation
 - Would keep the NAAQS standard at 12 ug/m³ versus reduction to 9 ug/m³
- Implementation of cost/benefit analyses
- Court Decision - *Seven County v Eagle County, CO* (May 29, 2026)



Stated Aims of Deregulation



Reducing or eliminating government rules and oversight in a specific industry or economic sector.

Goals of deregulation:

- Reduce Government Staffing— Fewer regulations, changes in enforcement may result in smaller federal teams
- Greater certainty for regulated entities
- Less Regulation Encourages Competition— Transfer control from government agencies to market forces, influencing how companies operate and compete

A Few Deregulation Efforts

January
20, 2026
Withdrawal
from the World
Health
Organization
and other
international
environmental
agreements

January
31, 2026
EO 14192
“10-to-1
Deregulation”

March 12,
2026
EPA
Administrator
Lee Zeldin
announces 31
deregulatory
actions, calling
it the “greatest
day of
deregulation
in U.S. history.

April 3,
2026
Rescission of
CEQ’s NEPA
Implementing
Regulations

April 8,
2026
EO 14260,
Protecting
American
Energy From
State
Overreach

April 9,
2026
EO 14279,
Zero-Based
Regulatory
Budgeting To
Unleash
American
Energy

RIFs and Initial DOGE actions lead to fewer regulators

Opportunities in a De-regulatory Regime



- Faster permitting and build-out of much-needed infrastructure
- Reduced government spending on agencies, staff, enforcement, litigation
- Faster market growth and increased innovation due to fewer restrictions
- Accelerate the clean energy transition (if equally applied to all energy sources)
- Less oversight could lead to less expensive development and production which could lower consumer costs
- States with the political will and funding ability can take more control over actions in their State

Challenges in De-regulatory Regime

Procedural:

- Confusion over what regulations apply and how they will be implemented
- Reduced transparency in agency decision-making
- Federal v. State and Local authority (e.g. proposed data center moratoria)
- Shift in enforcement to private parties, litigation

Practical:

- Agency staff reductions slow regulatory actions and project approvals
- Public perception concerning EHS protections; importance of local stakeholders
- Conflicts between existing corporate procedures/ commitments and government policy



Regulatory Resilience

Regulatory Resilience: The capacity to maintain long-term compliance with environmental laws - even as those laws evolve, while continuing to meet sustainability goals and minimize environmental impact

- Depends on how agencies address deregulation (e.g., variations in NEPA regulations/guidance amongst agencies)
- Regulatory policy v. a “Do It Right” philosophy
- Adopting a “risk management” approach
- U.S. v. international treaties/ standards



What Impacts Regulatory Resilience?



Regulatory Confidence; a Product of:

- Experience
- Knowledge
- Relationships
- Transparency

Companies Crave Regulatory Predictability

- Avoid Regulatory Delays
- Validate Long-Term Planning Efforts
- Maintain Schedule
- Stay on Budget

What Impacts Regulatory Resilience?

Company: “We anticipate a major change in the regulatory process due to the new administration’s priorities – how can we ensure (1) our facility remains in compliance, or (2) our project will stay on schedule?”

- Be aware of current and relevant regulatory changes
- Start the process early - in the Planning and Design phase
- Obtain/ assess strategic guidance and develop a permitting strategy
- Early engagement with agencies is key
- Build in adaptive management strategies
- Complete self-audits and create a monitoring regime
- Utilize innovative approaches (tracking software, AI regulatory updates)

All of these require knowledge, experience and relationships!



Questions/ Discussion?

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