

June 4, 2026

The Honorable Donald J. Trump
President of the United States of America
The White House
Washington, DC 20500

Dear Mr. President:

The Fix the EPA Veto Coalition is focused on a significant threat—the potential use of the Clean Water Act’s section 404(c) “veto” authority to revoke permits retroactively for resource and development projects that are critical to America’s energy, economy, and national security. We are especially concerned that a future, environmentally radical administration could rely on past court decisions to use this authority to eliminate projects, such as power, mining, pipeline, energy, and other infrastructure, that have been permitted by your Administration and that are actually in the process of being built. This authority could also be used pre-emptively to veto projects undertaken during your term, but that have not yet finished the permitting process.

Republicans in Congress have recognized this problem and are working to address it. Representative Pete Stauber, chairman of the House Natural Resources Committee’s energy and mineral resources subcommittee, has sponsored the Reducing Permitting Uncertainty Act, which has passed the House twice, but remains stalled in the Senate as part of the PERMIT Act. The 60-vote cloture requirement makes it unlikely that it will reach your desk because too many Democratic Senators are bitterly opposed to your energy dominance and re-industrialization agenda.

Although the EPA’s retroactive 404(c) veto authority was only used once each by the Obama and Biden Administrations, there are good reasons to think that it could be used to pull the plug on many more projects in the future by an even more environmentally extreme Democratic Administration. Moreover, the mere threat that a permit could be revoked after construction has begun provides a strong disincentive to invest billions of dollars in any project that could become the political target of Big Green.

We urge you to implement administratively to the fullest extent possible the core provisions of Representative Stauber’s legislation by directing the EPA to undertake regulatory actions that would ensure that 404(c) vetoes are undertaken only on projects with clear and egregious environmental implications, and only within a clearly defined time-period. Further, the EPA should define by rule “unacceptable adverse effects” (the statutorily required finding for a veto) to require truly extraordinary potential environmental consequences. The EPA’s current rules require a much lower threshold that could be used to kill the many projects your Administration is currently permitting.

To that end, the previous precedent-setting vetoes that don't meet this threshold should be withdrawn to make your intent clear on limiting the 404c veto power for future Administrations.

Thus, we respectfully request that you instruct senior White House officials to work on an Executive Order that addresses these concerns. Without reform of the 404(c) veto authority, major parts of your legacy to Make America Great Again will be in peril.

Please find attached a more-detailed description of our concerns as well as a list of the organizations that support your implementation of an E. O. and rulemakings to mitigate the future threat of the powerful EPA 404(c) veto.

We will be happy to work with your Administration on an effective Executive Order to protect your legacy. Feel free to contact our Senior Advisor, Myron Ebell at (202) 320-6685 or myrontebell@gmail.com or our Government Affairs Advisor, Jeff Loveng at (202) 280-8391 or jeff.loveng@covenantga.com for further information or for a meeting.

Respectfully,

Fix the EPA Veto Coalition

c: Administrator Lee Zeldin
Energy Dominance Council Staff
Office of Management and Budget

Attachment

Business Groups

Alaska Forest Association
Alaska Miners Association
Alaska Support Industry Alliance
American Exploration and Mining Association
Arizona Mining Association
Associated General Contractors of Alaska
Idaho Mining Association
Kentucky Coal Association
National Stone Sand and Gravel Association (NSSGA)
Petroleum Alliance of Oklahoma
US Oil and Gas Association

Utah Mining Association
Western Energy Alliance
Women in Mining

Non-Profit Organizations

American Energy Alliance
American Commitment
American Energy Institute
Better In our Backyard
Committee For A Constructive Tomorrow (CFACT)
Energy and Environment Legal Institute
The Heartland Institute
Truth in Energy and Climate