



June 18, 2026

Katherine Scarlett
Chair
Council on Environmental Quality
Washington, DC 20503

Jessica Kramer
Assistant Administrator
Office of Water
Environmental Protection Agency
Washington, DC 20460

Adam Telle
Assistant Secretary for Civil Works
U.S. Army Corps of Engineers
Washington, DC 20314-1000

Dear Chair Scarlett, Assistant Administrator Kramer, and Assistant Secretary Telle:

The U.S. Chamber of Commerce writes to reaffirm our strong support for modernizing America's federal permitting system and urge the Agencies to initiate a rulemaking that would expressly prohibit the veto of a Clean Water Act Section 404 permit once issued. A modern, efficient, predictable, and transparent permitting process is essential to enabling timely investment in the infrastructure our communities need—energy, water, broadband, transportation, manufacturing, and critical minerals—while advancing responsible environmental stewardship. EPA, CEQ, and the Corps working together with the interagency community can play an important role in this effort by clarifying and modernizing the federal environmental review process and helping reduce unnecessary delays that drive up costs and postpone benefits for communities. We appreciate that EPA is proceeding with a potential rulemaking and look forward to providing feedback.

A central objective of permitting modernization should be providing real project certainty. As the Chamber has consistently emphasized, effective reform should improve predictability for applicants and communities, increase efficiency through better interagency coordination, and strengthen transparency so stakeholders can understand permitting milestones and timelines. Importantly, certainty is not achieved if projects can be stopped after they have already navigated extensive review and secured the approvals needed to proceed.

Accordingly, Clean Water Act Section 404(c)—and the potential for its arbitrary or otherwise inappropriate use to veto dredge-and-fill permits issued by the U.S. Army Corps of Engineers—has become foundational to the broader permitting modernization discussion. The ability to undo or preemptively block permitted projects undermines confidence in the permitting system and can chill investment even where projects have complied with established requirements. Guardrails on the 404(c) process are therefore critical to ensuring that permitted (and currently permitting) projects are not unnecessarily halted and that the federal government speaks with greater consistency across agencies.

H.R. 3898, the Promoting Efficient Review for Modern Infrastructure Today (PERMIT) Act, contains a provision that would expressly prohibit the withdrawal of a Section 404 permit once it has been approved. The bill passed the House and is being considered by the Senate as part of broad permit reform legislation.

In the meantime, the Chamber supports administrative reforms that, using existing statutory authority, would make progress toward the goals of the provisions of the PERMIT Act to restore transparency, consistency, and legal clarity to the 404(c) review process, including by establishing clear, defined timelines for when veto authority may be exercised, setting an appropriately robust threshold for unacceptable adverse effects, and preventing retroactive or preemptive use that destabilizes duly issued permits. In addition, the Administration should consider expressly repudiating previous precedent on setting 404c vetoes that do not meet such criteria. These types of safeguards complement the broader goal of permitting modernization: to make reviews more focused, coordinated, and timely, while maintaining appropriate protections and public input.

As EPA, CEQ, and the Corps continue their work to improve federal permitting and environmental review processes, we respectfully urge you to advance practical administrative reforms that increase certainty and reduce needless delay—including addressing via rulemaking the permitting instability created by the current 404(c) framework.

We stand ready to work with you on solutions that modernize permitting, support investment, and deliver stronger outcomes for communities across the nation.

Sincerely,

A handwritten signature in black ink, appearing to read "Marty Durbin". The signature is fluid and cursive, with a large initial "M" and a distinct "D".

Marty Durbin
Senior Vice President, Policy
President, Global Energy Institute
U.S. Chamber of Commerce

Cc: Mark Paoletta, Acting Administrator, Office of Information and Regulatory Affairs
Jarrod Agen, Executive Director of the National Energy Dominance Council