

pertinent to the issues the proposed rule raises; use appropriate means to regulate the conduct of persons present at the hearing; question witnesses and permit others to do so; limit the time for such questioning; and leave the record open for a reasonable time after the hearing for the submission of additional data, evidence, comments, and arguments from those who participated in the hearing (29 CFR 1911.16). In addition, pursuant to 29 CFR 1911.4, the Assistant Secretary may, on reasonable notice, issue additional or alternative procedures to expedite the proceedings, to provide greater procedural protections to interested persons, or to further any other good cause consistent with applicable law.

At the close of the hearings, there will be a post-hearing comment period during which those persons who submitted a NOITA may submit final briefs, arguments, summations, and additional data and information to OSHA.

II. Notice of Intention To Appear at the Hearing

Interested persons who intend to testify, provide documentary evidence, or question other witnesses at the hearings must electronically submit their NOITA via <https://www.osha.gov/deregulatory-rulemaking> on or before July 6, 2026 and in accordance with the instructions in the **ADDRESSES** section earlier in this document. The NOITA must provide the following information:

- (1) Name, address, email address, and telephone number of each individual who will give oral testimony;
- (2) Name of the establishment or organization each individual represents, if any;
- (3) Occupational title and position of each individual testifying; and
- (4) A brief statement of the position each individual will take with respect to the issues raised by each proposed rule the individual intends to comment on.

The agency will consider the information in each submission when setting the schedule for the hearings. Before the hearings, OSHA will make the hearing procedures and schedule for the hearings available at <https://www.osha.gov/deregulatory-rulemaking> and in each docket. OSHA emphasizes that the hearings are open to the public; however, only individuals who file a NOITA may testify at any hearing or question witnesses.

Witnesses will be asked to specify the approximate amount of time requested for each individual or group's testimony (5, 10, 15, or 20 minutes). Individuals or groups who request more than 10 minutes to present their oral testimony

at the hearings, or who will submit documentary evidence at the hearings, must submit the full text of their testimony and all documentary evidence no later than August 5, 2026. OSHA will provide instructions for submitting testimony and documentary evidence to those who file a NOITA. The agency will review each submission. If OSHA believes the requested time is excessive, the agency will allocate an appropriate amount of time for the presentation. Any participant who fails to comply substantially with these procedural requirements may be limited to a 5-minute presentation. Before the hearings, OSHA will notify participants of the time the agency will allow for their presentation and, if less than requested, the reasons for its decision.

III. Certification of the Hearing Record and Agency Final Determination

Following the close of the hearings and the post-hearings comment period, the ALJ will certify the record to the Assistant Secretary of Labor for Occupational Safety and Health. The record will consist of all written comments and oral testimony as well as documentary evidence received during the proceedings. The ALJ, however, will not make or recommend any decisions as to the content of the final standards. Following certification of the record, OSHA will review all of the evidence received into each record and will issue final rules based on each record as a whole.

Authority and Signature

This document was prepared under the direction of David Keeling, Assistant Secretary of Labor for Occupational Safety and Health. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor's Order No. 07-2025 (90 FR 27878), and 29 CFR part 1911.

Dated: May 26, 2026.

David Keeling,

Assistant Secretary of Labor for Occupational Safety and Health.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 304

[EPA-HQ-OLEM-2026-2047; FRL-13112-01-OLEM]

RIN 2050-AH48

Rescinding the Regulations for Arbitration Requirements and Procedures for Small Superfund Cost Recovery Claims

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Environmental Protection Agency (EPA) is proposing to rescind regulations establishing arbitration procedures for small cost recovery claims arising under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA is proposing this rescission to simplify the body of Federal regulations.

DATES: Comments must be received on or before August 3, 2026.

ADDRESSES: You may send comments, identified by Docket ID No. EPA-HQ-OLEM-2026-2047, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov> (our preferred method). Follow the online instructions for submitting comments.

- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Office of Land and Emergency Management, Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

- *Hand Delivery or Courier:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m. to 4:30 p.m., Monday-Friday (except Federal Holidays).

FOR FURTHER INFORMATION CONTACT: Scott Mansfield, Office of Land and Emergency Management, Mail Code 5305T, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, telephone number: (202) 566-0174, email address: mansfield.scott@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Submit your comments, identified by Docket ID No. EPA-HQ-OLEM-2026-2047, at <https://www.regulations.gov> (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the

docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). Please visit <https://www.epa.gov/dockets/commenting-epa-dockets> for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

II. General Information

A. Does this action apply to me?

This action may affect individuals, corporations, or municipalities that are currently engaged in Small Superfund Cost Recovery Claims arbitration proceedings or may engage in those proceedings in the future.

B. What action is the agency taking?

Environmental Protection Agency (EPA) is proposing to rescind all of the regulations found in part 304 ("Arbitration Procedures for Small Superfund Cost Recovery Claims") of subchapter J ("Superfund, Emergency Planning, and Community Right-to-Know Programs") of chapter I of title 40 of the CFR. Section 107(a) of CERCLA establishes liability for certain response costs associated with hazardous substances and the release thereof, *see* 42 U.S.C. 9607, and section 122(h)(2) of CERCLA establishes that arbitration may be used as a method of settling such claims brought by the United States where the total response costs do not exceed \$500,000 (excluding interest), *see* 42 U.S.C. 9622(h)(2). To that end, section 122(h)(2) of CERCLA provides that department and agency heads "may establish and publish regulations for the use of arbitration or settlement" "[a]fter consultation with the Attorney General." *Id.* 40 CFR part 304 contains the regulations that EPA promulgated to establish procedures for the arbitration of section 107(a) cost recovery claims brought by EPA. *See* 40 CFR 304.10; 40 CFR 304.11. For example, part 304 establishes specific processes for, among

other things, the referral of claims to arbitration, *see* 40 CFR 304.21; the appointment of an arbitrator, *see* 40 CFR 304.22; and intervention in and withdrawal from arbitration, *see* 40 CFR 304.24. Part 304 also sets forth specific requirements and procedures related to arbitral pleadings, pre-hearing conferences, hearings, and decisions. *See* 40 CFR 304.30–304.33. EPA now finds part 304 to be unnecessary.

Arbitration was intended to be an alternative dispute resolution technique for reaching settlements with individuals, corporations, or municipalities in appropriate small cost recovery cases. However EPA is not aware of the last time the process was used or if it has been used at all. In addition to the questionable utility of the alternative process given its lack of use, if that process were ever used in the future, the Agency could be in the position of using an unpracticed method, which may require shifting and/or reallocating limited agency resources. In the original proposed and final rulemakings for part 304, EPA explained that "arbitration is an alternative dispute resolution technique that should provide a quicker and less costly method or resolution than traditional litigation or negotiation." 53 FR 29428, 54 FR 23179. The absence of parties that have used arbitration pursuant to part 304 could indicate that it is not as quick and simple of a process as we originally thought. EPA is soliciting comments on this interpretation. Additionally, no statute requires EPA to establish an extensive framework governing arbitration; instead, EPA exercised its discretionary authority and opted to promulgate such regulations as permitted by section 122(h)(2) of CERCLA. *See* 42 U.S.C. 9622(h)(2). Moreover, part 304 introduces a significant amount of complexity to the body of Federal regulations, as it establishes specific and somewhat complicated requirements and processes for the arbitration of a particular subset of section 107(a) cost recovery claims brought by EPA.

EPA is therefore proposing to rescind part 304 in its entirety to simplify the body of Federal regulations. EPA seeks comments on this proposed action.

C. What is the agency's authority for taking this action?

The authority to propose this rule is found in sections 107 and 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9607 and 9622).

D. What are the costs and benefits of this action?

By eliminating an unused method of dispute resolution and removing unnecessary regulatory text, this action will reduce complexity for regulated entities engaging with the federal government.

III. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is expected to be an Executive Order 14192 deregulatory action. The proposed rule is expected to provide burden reduction by simplifying the body of Federal regulations.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This action does not contain any information collection activities.

D. The Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the EPA concludes that the impact of concern for this rule is any significant adverse economic impact on small entities and that the agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities because the rule has no net burden on the small entities subject to the rule. This proposed rule is a deregulatory action and does not add any additional burden. We have therefore concluded that this action will relieve regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action will impose no

enforceable duty on any state, local or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175 (65 FR 67249, November 9, 2000) because it does not have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order.

Therefore, this action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. Since this action does not concern human health, EPA’s Policy on Children’s Health also does not apply. This action is proposing to rescind regulations establishing arbitration procedures for small cost recovery claims. There are no children’s health considerations for this action.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA) and 1 CFR Part 51

This action does not involve technical standards.

List of Subjects in 40 CFR Part 304

Environmental protection, Claims, Superfund.

Lee Zeldin,
Administrator.

PART 304—[REMOVED AND RESERVED]

■ For the reasons set forth in the preamble, and under the authority of 42 U.S.C. 9607(a) and 9622 (h)(2), Executive Order No. 12580, 52 FR 2923 (January 29, 1987), EPA proposes to remove and reserve 40 CFR part 304.

[FR Doc. 2026–11052 Filed 6–2–26; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 305

[EPA–HQ–OLEM–2026–2048; FRL–13113–01–OLEM]

RIN 2050–AH49

Amending the Administrative Hearing Procedures for Claims Against the Hazardous Substance Superfund Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Environmental Protection Agency (EPA) is proposing to amend the administrative hearing procedures for claims brought against the Hazardous Substance Superfund pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

DATES: Comments must be received on or before August 3, 2026.

ADDRESSES: You may send comments, identified by Docket ID No. EPA–HQ–OLEM–2026–2048, by any of the following methods:

- **Federal eRulemaking Portal:** <https://www.regulations.gov> (our preferred method). Follow the online instructions for submitting comments.
- **Mail:** U.S. Environmental Protection Agency, EPA Docket Center, Office of Land and Emergency Management, Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

- **Hand Delivery or Courier:** EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center’s hours of operations are 8:30

a.m. to 4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov>, including personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Scott Mansfield, Office of Land and Emergency Management, Mail Code 5305T, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, telephone number: (202) 566–0174, email address: mansfield.scott@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Written Comments

Submit your comments, identified by Docket ID No. EPA–HQ–OLEM–2026–2048, at <https://www.regulations.gov> (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA’s docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). Please visit <https://www.epa.gov/dockets/commenting-epa-dockets> for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

II. General Information

A. Does this action apply to me?

This action affects persons who file claims for eligible response costs incurred in carrying out the National Oil and Hazardous Substances Pollution Contingency Plan.