Dated: November 19, 2026.

**Walter Mason,**

*Regional Administrator, Region 6.*

[FR Doc. 2026–24033 Filed 11–25–26; 8:45 am]

**BILLING CODE 6569–60–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 261

**[EPA–HQ–OLEM–2026–2773; FRL–13316–01–OLEM]**

**RIN 2050–AH51**

## Reducing Complexity in Management of Leather Waste

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to revise the regulations defining solid wastes that are not hazardous wastes by adding a new exclusion. The proposed revision specifies that leather articles used as personal protective equipment are not hazardous wastes when discarded, if they meet the same standards applicable to the currently excluded waste scrap leather from various leather product manufacturing industries.

**DATES:** Comments must be received on or before January 26, 2027.

**ADDRESSES:** You may send comments, identified by Docket ID No. EPA–HQ–OLEM–2026–2773, 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, 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 any 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 on EPA Docket Center services and the current status, please visit us online at *https://www.epa.gov/dockets.*

**FOR FURTHER INFORMATION CONTACT:** William Nicholas, Office of Land and Emergency Management, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, telephone number: (202) 566–0445, email address: *nicholas.william@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Public Participation

Submit your comments, identified by Docket ID No. EPA–HQ–OLEM–2026–2773, 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. As required by the Administrative Procedure Act at 5 U.S.C. 553(b)(4), a plain language summary of the proposed rule is available on the docket at *https://www.regulations.gov.*

### II. General Information

#### *A. Does this action apply to me?*

This action may affect industries that generate waste leather articles used as personal protective equipment. The personal protective equipment can be described to include gloves, boots, aprons, jackets, pants and coveralls, headwear, and related articles.

#### *B. What action is the Agency taking?*

EPA is proposing to revise its regulations in 40 CFR 261.4(b)(6) defining solid wastes that are not hazardous wastes. The proposed revision specifies that leather articles used as personal protective equipment are not hazardous waste when discarded, if they meet the same standards applicable to the currently excluded wastes from various leather product manufacturing industries (40 CFR 261.4(b)(6)). Specifically, EPA is proposing to exclude leather articles used as personal protective equipment, including gloves, boots, aprons, jackets, pants and coveralls, headwear, and other related articles at new paragraph § 261.4(b)(6)(I).

Section 261.4(b) identifies solid waste that the EPA has determined are not hazardous waste and therefore are excluded from regulation. Section 261.4(b)(6) addresses waste generated during the production of leather goods using trivalent chromium. EPA previously excluded wastes from leather tanning and finishing production activities from the definition of hazardous waste despite the presence of chromium, based on such wastes containing trivalent chromium exclusively (or nearly exclusively), having been generated from processes which use trivalent chromium exclusively (or nearly exclusively), and being typically and frequently managed in non-oxidizing environments. Given the relatively low toxicity of trivalent chromium, its low migratory potential, and the lack of indication of potential for oxidation under usual land disposal conditions, the Agency concluded that land disposal of these trivalent chromium-containing wastes in common landfill or impoundment situations would not pose a present or potential hazard to human health or the environment via soil migration to groundwater. (45 FR 72030). The EPA made this determination because the Agency determined it was necessary to recognize a distinction between tri- and hexavalent chromium-containing wastes when land disposed. (45 FR 72030)

To support the original exclusion, the EPA relied on data demonstrating these wastes contain nearly exclusively trivalent chromium, and the fact that the leather production industrial process generating the waste utilizes trivalent chromium because hides cannot be tanned successfully with hexavalent chromium. The tanning process either uses trivalent chromium as a tanning agent or, should trivalent chromium be unavailable, uses hexavalent chromium and reduces it to trivalent chromium so that the tanning process can be completed. In either case, the EPA concluded that there is a compelling commercial incentive to keep hexavalent chromium out of the process and hence out of the process wastes. EPA also concluded that the wastes

from these activities were ordinarily managed in non-oxidizing landfill environments. For these reasons, the Agency concluded that leather scrap wastes from these industries do not pose a hazard when discarded and excluded these wastes from the definition of hazardous waste. The EPA also excluded waste leather scrap from the shoe and other leather products manufacturing industries. The Agency found that these wastes are substantively identical to tannery wastes (being composed of the same trivalent chromium-tanned hides involved in the tanning process) and so contain trivalent chromium exclusively or nearly exclusively. These wastes also are ordinarily managed in landfills, and so are unlikely to be oxidized. (45 FR 72037)

The regulations excluding these wastes include conditions that the waste must meet. Specifically, the regulations state that the waste is not hazardous provided that (1) the chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and (2) the waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and (3) the waste is typically and frequently managed in non-oxidizing environments. 40 CFR 261.4(b)(6)(i)(A)–(C). If these conditions are met, manufacturers of leather goods can utilize trivalent chromium without the resultant waste produced during the processes being unnecessarily subjected to hazardous waste requirements. The regulations specifically exclude a number of wastes, including scrap leather, that are produced in the process of leather manufacturing and tanning. 40 CFR 261.4(b)(6)(ii)(A)–(H). Thus, such wastes are not hazardous if they can be documented to meet the requirements, are made using exclusively or almost exclusively trivalent chromium; do not fail the test for the toxicity characteristic for any other hazardous constituent; and do not exhibit any other characteristic.

Leather articles used as personal protective equipment are manufactured using the same leather as scrap leather from leather manufacturing, the latter of which, when discarded, is already excluded from hazardous waste requirements. However, these leather articles used as personal protective equipment may be hazardous waste if they fail the test for the toxicity characteristic for chromium at 5.0 mg/L. 40 CFR 261.24(b) or the equipment has been contaminated by other hazardous substances. Therefore, EPA is proposing to apply the same rationale to exclude from the definition of hazardous waste leather articles used as personal protective equipment, when discarded, provided the waste does not fail the test for the toxicity characteristic for any other hazardous constituent and does not exhibit any other characteristic. This proposed change avoids the inconsistency whereby an off-specification leather glove not suitable for use, such as one accidentally damaged by a box opener, could be discarded as non-hazardous waste by a leather product manufacturer, but a glove delivered to a customer and used as personal protection equipment would be considered hazardous when discarded by that customer. This proposed rule would clarify and apply consistent standards to these same leather wastes, reducing unnecessary complexity and ensuring regulatory certainty.

To date, the Agency has provided ongoing guidance to stakeholders that such leather articles, when discarded, likely satisfy the conditions for the exclusions. Furthermore, several states authorized to implement the hazardous waste program under RCRA have interpreted the existing exclusion to include leather personal protective equipment under § 261.4(b)(6)(i)(A)–(C) are met. EPA's proposed action would thus align with state interpretations. Examples of the Agency's guidance and state interpretations can be found in the docket for this proposed rulemaking.

For all these reasons, the EPA is proposing to add § 261.4(b)(6)(ii)(I) to exclude leather articles used as personal protective equipment from the definition of hazardous waste. EPA is requesting comment on this proposed change.

The EPA is not requesting comment on the original exclusion in this proposed rule and the Agency will consider any comments on the current regulation to be out of scope of this rulemaking. EPA is proposing this rule to harmonize the management of leather articles used as personal protective equipment with that of the leather used in their production, and has concluded that the original exclusion is appropriate for the management of these wastes.

### *C. What is the Agency's authority for taking this action?*

The EPA is proposing revisions to the definition of hazardous waste regulations found at 40 CFR part 261 under the authority of sections 2002(a)(1) and 1004(5) of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. 6912(a)(1) and 6903(5). Section 2002(a)(1) of RCRA authorizes the EPA to promulgate regulations as are necessary to carry out its functions under the Act. The statutory definition of ''hazardous waste'' is stated in RCRA section 1004(5).

### *D. Applicability of the Rule in Authorized States*

Under section 3006 of RCRA, EPA may authorize a state hazardous waste program to operate in lieu of the federal program within the state. There are 49 authorized state hazardous waste programs. EPA directly implements the hazardous waste program in Iowa, in US territories, and in Indian Country. Following authorization, EPA maintains its enforcement authorities, although authorized states have primary enforcement responsibility for their authorized programs. The standards and requirements for state authorization are found in 40 CFR part 271.

Prior to the enactment of the Hazardous and Solid Waste Amendments of 1984 (HSWA), an authorized state hazardous waste program operated entirely in lieu of the federal program in that state. The federal requirements no longer applied in the authorized state, and EPA could not issue permits for any facilities in that state. When new, more stringent or broader federal requirements were promulgated, the state was obligated to adopt equivalent authorities under state law within specified time frames. However, new requirements did not take effect in an authorized state until the state adopted such equivalent authorities, and these requirements did not become part of the authorized program enforceable by EPA until EPA authorized them.

In contrast, with the enactment of RCRA section 3006(g), which was added by HSWA, new federal requirements and prohibitions imposed pursuant to HSWA authority take effect in authorized states at the same time that they take effect in unauthorized states. EPA is directed by section 3006(g) to implement HSWA-based requirements and prohibitions in authorized states until EPA authorizes equivalent state authorities. While states must still adopt state-law equivalents to HSWA-based requirements and prohibitions to retain final authorization, until the states do so, and EPA authorizes the state-law equivalents, EPA implements and enforces these provisions in authorized states.

Authorized states are required to modify their programs when EPA promulgates federal requirements that are more stringent or broader in scope

than existing federal requirements. RCRA section 3009 allows the states to impose standards more stringent than those in the federal program (see also § 271.1). If EPA promulgates a federal requirement that is less stringent or narrower in scope than an existing requirement or of equivalent stringency, authorized states may, but are not required to, adopt a new equivalent requirement regardless of whether or not it is promulgated under HSWA authority.

*E. Effect on State Authorization*

This document proposes a change that, if finalized, would be less stringent than the current federal hazardous waste regulations. Thus, the 49 authorized states may, but would not be required to, adopt and seek authorization for these changes. In addition, this regulation would not be promulgated under the authority of HSWA to allow authorized states to consider this rule without requiring EPA to implement the rule until the state adopted it. Therefore, if finalized, it would be applicable on the effective date only in those states that do not have final authorization of their base RCRA programs, which at the present time is Iowa, and in all U.S. territories and Indian Country where EPA directly implements RCRA. Although authorized states would not be required to adopt these changes, the EPA believes that this rule has considerable merit and would encourage states to modify their programs.

*F. What are the costs and benefits of this action?*

The proposed exclusion from hazardous waste requirements for leather articles used as personal protective equipment will reduce waste management complexity for a variety of business sectors. This action codifies existing EPA guidance [1] and aligns varied interpretation by state programs of whether leather articles used as personal protective equipment qualify for the existing exclusion under 40 CFR 261.4(b)(6) when they meet the established criteria. The action does not substantively alter testing or disposal requirements, but provides more clarity about the regulatory status of both generators of these wastes and non-hazardous disposal facilities that receive these wastes. Because the action does not alter testing and compliance obligations for hazardous constituents other than chromium, affected industries and operations that generate large quantities of these wastes are unlikely to experience significant changes in testing or compliance costs. Modest efficiency gains for relevant industries and landfills may result from clarified testing protocols, but economic effects of these changes are not expected to be significant. See the corresponding Economic Assessment for this proposed rulemaking in the docket for more information.

[1] Clarifying letter from Matt Hale, Director of EPA's Office of Solid Waste, in response to South Carolina Department of Health and Environmental Control. Available at *https://rcrapublic.epa.gov/rcraonline/details.xhtml?rcra=14733.*

## 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 a significant regulatory action under section 3(f)(1) of Executive Order 12866. Accordingly, it was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket. The EPA prepared an economic analysis of the potential costs and benefits associated with this action. This analysis, ''Economic Analysis: Reducing Complexity in Management of Leather Waste'' (Ref. [EPA–HQ–OLEM–2026–2773–0001]), is available in the docket.

*B. Executive Order 14192: Unleashing Prosperity Through Deregulation*

This action is expected to be an Executive Order 14192 deregulatory action. This proposed rule is expected to provide burden reduction by reducing complexity for regulated entities by clarifying the regulatory status of leather PPE waste and providing modest efficiency gains for relevant industries and landfills that may result from clarified testing protocols.

*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 relieves regulatory burden on the small entities subject to the rule. By providing clarity about regulatory status of these wastes, small entities, such as metal working facilities, automotive repair operators, and firefighting operations, may see modest efficiency gains in the simplification of their testing protocols and limited potential reductions in disposal costs, but will not see significant economic effects. See the corresponding Economic Assessment for this proposed rulemaking in the docket for more information. 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.

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

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. EPA has concluded this action is not likely to have significant adverse energy effects because it does not directly impose requirements on energy production, transmission, or usage. By reducing complexity in testing requirements and providing limited potential waste disposal cost savings, any non-adverse energy effect is expected to not be significant.

*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 261**

Environmental protection, Hazardous waste, Solid waste.

**Lee Zeldin,**

*Administrator.*

For the reasons set forth in the preamble, EPA proposes to amend 40 CFR part 261 as follows:

## PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

■ 1. The authority citation for part 261 continues to read as follows:

**Authority:** 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y) and 6938.

### Subpart A—General

■ 2. Amend 261.4 by adding paragraph (b)(6)(ii)(I) to read as follows:

**§ 261.4 Exclusions.**

* * * * *

(b) * * *

(6) * * *

(ii) * * *

(I) Leather articles used as personal protective equipment, including gloves, boots, aprons, jackets, pants and coveralls, headwear, and related articles.

* * * * *

[FR Doc. 2026–24080 Filed 11–25–26; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 721

**[EPA–HQ–OPPT–2026–9934; FRL–13707–01–OCSPP]**

**RIN 2070–AB27**

### Significant New Use Rule on a Chemical Substance (P–24–195)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing a significant new use rule (SNUR) under the Toxic Substances Control Act (TSCA) for a chemical substance that was the subject of a premanufacture notice (PMN) and is also subject to an Order issued by EPA pursuant to TSCA. The SNUR requires persons to notify EPA at least 90 days before commencing the manufacture (defined by statute to include import) or processing of this chemical substance for an activity that is designated as a significant new use in the SNUR. The required notification initiates EPA's evaluation of the conditions of that use for that chemical substance. In addition, the manufacture or processing for the significant new use may not commence until EPA has conducted a review of the required notification; made an appropriate determination regarding that notification; and taken such actions as required by that determination.

**DATES:** Comments must be received on or before December 28, 2026.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2026–9934 online at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

**FOR FURTHER INFORMATION CONTACT:**

*For technical information:* James Yan, New Chemicals Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–2138; email address: *yan.james@epa.gov.*

*For general information on SNURs:* Iliriana Mushkolaj, New Chemicals Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–6877; email address: *Mushkolaj.Iliriana@epa.gov.*

*For general information on TSCA:* The TSCA Assistance Information Service Hotline, Goodwill of the Finger Lakes, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (800) 471–7127 or (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

**I. Executive Summary**

*A. What is the Agency's authority for taking this action?*

TSCA section 5(a)(2) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the factors in TSCA section 5(a)(2) (see also the discussion in Unit II.).

*B. What action is the Agency taking?*

EPA is proposing a SNUR for the chemical substance discussed in Unit III. This SNUR, if finalized as proposed, would require persons who intend to manufacture or process this chemical substance for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity.

*C. Does this action apply to me?*

1. General Applicability

This action applies to you if you manufacture, process, or use the chemical substance contained in this proposed rule. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Manufacturers or processors of the subject chemical substance (NAICS codes 325 and 324110), *e.g.,* chemical manufacturing and petroleum refineries.

2. Applicability to Importers and Exporters

This action may also apply to certain entities through pre-existing import certification and export notification