CERCLA/Federal Facilities: Association of State and Territorial Solid Waste Management Officials Issue Fact Sheet



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

12/03/2025

The Association of State and Territorial Solid Waste Management Officials ("ASTSWMO") issued an October 2025 document titled:

Risk Mitigation Practices Fact Sheet ("Fact Sheet").

ASTSWMO states that the purpose of the Fact Sheet is to:

- Help regulators identify when RMP should be considered to:
- Mitigate environmental impacts.
- Identify potential existing resources available.

The Fact Sheet states that risk mitigation practices ("RMP") at Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") federal facility sites are critical for addressing environmental contamination efficiently and responsibly.

RMP is described as involving measures to:

… mitigate risks posed by hazardous substances while long-term remediation plans are developed and implemented.

Cited as examples in the Fact Sheet are:

- Access restrictions.
- Interim land use controls.
- Dig notifications.
- Public awareness.

Outlined are current RMP utilized by different federal agencies.

Sections of the Fact Sheet include:

- What are Risk Mitigation Practices (described as activities to reduce risks to human health and the environment prior to removal or remedial actions).
- Why Risk Mitigation is Important (cited as an example is the possibility that on-going construction and infrastructure projects at federal facilities can encounter environmental contamination before response actions finish, or even before the nature and extent of the contamination is fully characterized).

- When to Implement RMP (as soon as a site begins a Preliminary Assessment (PA) or Site Investigation (SI) as a potentially contaminated property which requires further investigation, the need for RMP should be evaluated).
- What Constitutes RMP (at CERCLA sites, is stated to apply to a wide range of contaminants, including munitions of explosive concern (MEC), its constituents, radionuclides, heavy metals, per- and polyfluoroalkyl compounds (PFAS), volatile organic compounds, and other hazardous substances and emerging contaminants).
- What is an Example of Risk Mitigation Practices at FUDS (Interim Risk Management (IRM) is a type of RMP which the DoD uses to implement risk management exclusively at FUDS MMRP sites).
- Examples of Risk Mitigation (Three case scenarios provided).
- Brookhaven National Laboratory investigating potential PFAS soil contamination areas.
- Asbestos containing materials in the soil within certain areas of the Buckley Space Force Base installation.
- Bellows Air Force Station conducting a Time Critical Removal Action (TCRA) across the site to identify and remove any unexploded ordnance.
- Available Resources on Risk Mitigation Practices.

ASTSWMO describes itself as representing the 50 States, 5 Territories and the District of Columbia whose mission is to enhance and promote effective State and Territorial programs and to affect relevant national policies for waste and materials management, environmentally sustainable practices, and environmental restoration.

A copy of the Fact Sheet can be found here.