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To ensure domestic sources of the critical mineral vanadium necessary for the steel, infrastructure, energy, and defense needs of the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2026

Mr. HUSTED introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To ensure domestic sources of the critical mineral vanadium necessary for the steel, infrastructure, energy, and defense needs of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Spent Petroleum Catalyst Recycling and Critical Minerals and Metals Recovery Exemption Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In accordance with Executive Order 14272 (90 Fed. Reg. 16437; relating to ensuring national security and economic resilience through section 232 actions on processed critical minerals and derivative products), it is vital to maintain a supply of critical minerals for the domestic manufacturing and defense industries to protect the United States from strategic supply-chain threats of foreign economic and military enemies, such as China and Russia. Vanadium, a critical mineral, can be obtained domestically from recycling spent petroleum catalyst to produce ferrovanadium—a critical component in high-strength steel used across the United States steel, defense, infrastructure, and energy sectors—thereby reducing dependence on foreign sources, such as China and Russia.

(2) Units that recover vanadium and other metals and critical minerals from spent petroleum catalyst legitimately recycle spent petroleum catalyst solely for metals recovery, not for waste incineration or energy recovery. Those units can include thermal treatment units (such as roasters) that recycle spent petroleum catalyst into an intermediate product suitable for metals recovery and metallurgical units (such as furnaces and hydrometallurgical units) that

recover the metals from spent petroleum catalyst or intermediate products. When legitimately recycled in that manner, spent petroleum catalyst is eligible for exclusions from classification as a solid waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), such as the transfer-based exclusion under section 261.4(a)(24) of title 40, Code of Federal Regulations.

(3) The recovery of metals, including vanadium, from spent petroleum catalyst can be a 3-step process. First, oil refineries substantially partially reclaim the spent petroleum catalyst through a de-oiling process, or other process, to reduce volume and recover hydrocarbons. Second, thermal treatment, in a unit such as a roaster, is utilized to recycle spent petroleum catalyst by converting vanadium, other metals, or both from sulfides to oxides to produce an intermediate product suitable for metals recovery. Third, a metallurgical unit such as a furnace or hydrometallurgical unit is used to recover the vanadium or other valuable metals using spent petroleum catalyst or the intermediate product. Those steps do not need to occur at the same facility.

(4) The notice of the Environmental Protection Agency entitled ''Hazardous Waste Management

System; Identification and Listing of Hazardous Waste: Petroleum Refining Process Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities'' (60 Fed. Reg. 57747 (November 20, 1995)) stated the following:

(A) De-oiling crude oil tank sediment—which reduces waste volumes and recovers hydrocarbons—is legitimate recycling exempt from the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), analogous to substantial partial reclamation of spent petroleum catalyst.

(B) Units that recover vanadium and other metals and critical minerals from spent petroleum catalyst are analogous to smelting, melting, and refining furnaces, which are conditionally exempt from the Boilers and Industrial Furnaces (referred to in this section as ''BIF'') requirements under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) because they recover valuable materials.

(C) Units that recover vanadium and other metals and critical minerals from spent petroleum catalyst process hazardous waste solely for

materials recovery as opposed to destruction or energy recovery.

(D) Units that recover vanadium and other metals and critical minerals from spent petroleum catalyst, which recycle spent petroleum catalyst (which is a commodity), should be exempt under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) to promote the recovery of valuable materials.

(E) Units that recover vanadium and other metals and critical minerals from spent petroleum catalyst are already equipped with pollution controls comparable to those required under BIF and further regulation may be unnecessary.

(5) Permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) and other air permits and regulations already enforce robust environmental safeguards, making the application of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) BIF requirements to units that recover vanadium and other metals and critical minerals from spent petroleum catalyst duplicative and unnecessary.

(6) Clarifying the regulations pursuant to section 3 will encourage environmentally safe domestic

recovery of metals and critical minerals, including vanadium, from spent petroleum catalyst to ensure access to an affordable, resilient, and sustainable supply of processed critical minerals for United States industry while avoiding unnecessary regulatory burdens, as the Environmental Protection Agency proposed in the notice described in paragraph (4).

SEC. 3. REGULATIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall promulgate a final rule to revise the regulations under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) as follows:

(1) Revise subsections (c) and (d) of section 266.100 of title 40, Code of Federal Regulations, to expressly provide that units reclaiming valuable metals, including critical minerals (such as vanadium), from spent hydrotreating catalyst (EPA Hazardous Waste No. K171) and spent hydrorefining catalyst (EPA Hazardous Waste No. K172) from petroleum refining operations are exempt from the Boilers and Industrial Furnaces requirements under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(2) Clarify that the exemption described in paragraph (1) applies to—

(A) thermal treatment units, including roasters, that process the spent petroleum catalyst into an intermediate product suitable for metals reclamation; and

(B) metallurgical units, including furnaces and hydrometallurgical units, that reclaim metals from spent petroleum catalyst and intermediate products.

(3) Clarify that the transfer-based exclusion under section 261.4(a)(24) of title 40, Code of Federal Regulations, can be used when spent petroleum catalyst is sent to a third party for metals reclamation.

(b) IMPLEMENTATION.—

(1) IMMEDIATE EFFECTIVENESS.—Notwithstanding any other provision of law, the final rule promulgated under subsection (a) shall take effect on the date on which the final rule is published in the Federal Register.

(2) EXEMPTION.—The rulemaking required under subsection (a) shall be carried out without re-

gard to the notice and comment requirements under section 553 of title 5, United States Code.

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