



MEMORANDUM

TO: TPB Technical Committee
FROM: Robert Christopher, Environmental Planner
SUBJECT: EPA's Endangerment Finding and Current Repeal Efforts
DATE: August 29, 2025

OVERVIEW

On July 29, 2025, the EPA Administrator Lee Zeldin announced that the agency intends to repeal the 2009 Endangerment finding as well as related vehicle emissions standards. The Endangerment Finding had determined that greenhouse gases (GHGs), particularly carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆)—constitute “air pollution” that endangers public health and welfare and as such could be regulated under the Clean Air Act (EDF, n.d.).

The finding was issued as a result of a Supreme Court decision in *Massachusetts v. EPA* (2007), which held that GHGs qualify as pollutants under the Clean Air Act and required the EPA to decide whether they threaten human health and welfare. The EPA determined that they constitute such a threat. The legal basis for the finding has been upheld in federal court multiple times in the intervening years, including with the U.S. Court of Appeals for the D.C. Circuit (2012, 2023) and additionally through denials by the Supreme Court to review cases related to the finding (NRDC, n.d.).

IMPORTANCE AND REGULATORY IMPACT

The Endangerment Finding is the legal basis for federal regulation of GHG emissions from motor vehicles and stationary sources such as power plants, oil and gas facilities, and industrial sectors (EDF, n.d.).

Key regulatory actions stemming from the finding include:

- Vehicle GHG standards for light-, medium-, and heavy-duty fleets (2010–2011) (NRDC, n.d.).
- Clean Power Plan targeting power sector CO₂ emissions (2015–2016).
- Strengthened vehicle rules, methane standards for oil and gas, and power plant carbon regulations (2022–2024) (Reuters, 2025).

These measures have contributed to climate mitigation, improved air quality, and reduced public health risks.

DETAILS OF THE REPEAL PROPOSAL

The EPA's stated rationale for repeal includes:

- A narrower legal interpretation of the Clean Air Act that excludes global climate impacts (The Regulatory Review, 2025).
- Application of the central questions doctrine to limit EPA authority (The Regulatory Review, 2025).
- Claims that the original finding relied on flawed or outdated science (New York Post, 2025).

If repealed, the EPA would lose its statutory authority under Section 202(a) to regulate GHG emissions from motor vehicles, which are the largest source of GHG emissions in the US, and related stationary source rules would be weakened or invalidated (Reuters, 2025).

ECONOMIC AND POLICY ARGUMENTS

Supporters of repeal view the action as a deregulatory step that could reduce compliance burdens on vehicle manufacturers, energy producers, and other regulated industries. They cite industry estimates of approximately \$54 billion in annual savings from avoiding costs tied to meeting GHG and fuel economy standards, installing emissions controls, and complying with related reporting requirements (New York Post, 2025). Proponents also argue that loosening these standards could encourage domestic energy production, reduce fuel and electricity prices, and improve the competitiveness of U.S. industries in global markets (Reuters, 2025).

Opponents argue these short-term savings would be outweighed by long-term public health and economic costs. Such costs include increased GHG emissions, which could worsen climate-related impacts—such as extreme weather, flooding, and heat-related illnesses—that carry substantial damage and adaptation costs (NRDC, n.d.; EDF, n.d.). They also note the potential for increased rates of respiratory and cardiovascular disease from degraded air quality, leading to increased healthcare expenses and lost productivity (San Francisco Chronicle, 2025).

Critics further caution that repealing the Endangerment Finding would create regulatory uncertainty, potentially slowing private-sector investment in clean technologies and undermining U.S. credibility in international climate negotiations (The Regulatory Review, 2025; Reuters, 2025).

POTENTIAL IMPACTS: BEFORE AND AFTER REPEAL

Category	With Endangerment Finding (Status Quo)	If Repealed
Legal Authority	EPA has authority under the Clean Air Act to regulate GHGs from vehicles and stationary sources (EDF, n.d.).	EPA loses authority to regulate GHGs from vehicles under Section 202(a); stationary source rules weakened or invalidated (Reuters, 2025).
Climate Policy	Federal climate targets reinforced through emissions standards and sectoral rules (NRDC, n.d.).	Loss of federal GHG standards; climate policy shifts to states or voluntary measures (The Regulatory Review, 2025).

Category	With Endangerment Finding (Status Quo)	If Repealed
Economic Costs/Benefits	Industry compliance costs offset by health, climate, and energy savings (NRDC, n.d.).	Estimated \$54B annual savings to industry; potential long-term climate damage costs (New York Post, 2025).
Public Health	Reduced respiratory illnesses, premature deaths, and climate-related health risks (EDF, n.d.).	Increased exposure to air pollutants and climate hazards over time (San Francisco Chronicle, 2025).
State-Federal Dynamics	States supplement federal rules with stricter standards (e.g., California) (San Francisco Chronicle, 2025).	States may act independently, leading to a fragmented regulatory landscape (Reuters, 2025).
International Standing	U.S. seen as meeting Paris Agreement obligations via federal rules (EDF, n.d.).	Weakens U.S. credibility on climate commitments; may affect trade and diplomacy (Reuters, 2025).

REFERENCES

Environmental Defense Fund. (n.d.). Overview: EPA Endangerment Finding. Retrieved from <https://www.edf.org/overview-epa-endangerment-finding>

Massachusetts v. EPA, 549 U.S. 497 (2007).

National Resources Defense Council. (n.d.). EPA's Endangerment Finding: The Case for Climate Action. Retrieved from <https://www.nrdc.org/sites/default/files/epa-endangerment-finding-fs.pdf>

San Francisco Chronicle. (2025, July 29). EPA moves to undo key climate rule; California vows to fight back. Retrieved from <https://www.sfchronicle.com/climate/article/epa-endangerment-california-20792752.php>

Reuters. (2025, Aug. 12). How a retreat by the EPA would endanger the U.S. economy. Retrieved from <https://www.reuters.com/sustainability/boards-policy-regulation/how-retreat-by-epa-would-endanger-us-economy-2025-08-12/>

The Regulatory Review. (2025, Apr. 16). Ending EPA's Endangerment Finding. Retrieved from <https://www.theregreview.org/2025/04/16/reiter-ending-epas-endangerment-finding/>

New York Post. (2025, July 29). EPA chief Lee Zeldin to repeal Obama-era emissions finding. Retrieved from <https://nypost.com/2025/07/29/us-news/epa-chief-lee-zeldin-to-repeal-holy-grail-obama-era-emissions-finding-that-hiked-energy-costs-for-years/>