

EPA'S RECONSIDERATION OF THE ENDANGERMENT FINDING

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Background

- 2009 Endangerment Finding: GHGs deemed pollutants under the Clean Air Act.
- Based on Massachusetts v. EPA (2007).
- Established EPA authority to regulate GHGs from vehicles and stationary sources.
- Supported by repeated federal court decisions.

Regulatory Importance

- Legal foundation for federal GHG standards.
- Covers:
 - Vehicle emissions standards (light-, medium-, heavy-duty).
 - Clean Power Plan (2015–2016).
 - Methane rules for oil & gas.
 - Carbon regulations for power plants.
- Contributed to:
 - Climate mitigation.
 - Improved air quality.
 - Public health benefits.

EPA Repeal Proposal

Announced July 29, 2025 by Administrator Lee Zeldin.

Key rationale:

- Narrower interpretation of Clean Air Act (excludes global impacts).
- Application of “major questions doctrine.”
- Claims of outdated or flawed science.

Outcome if repealed:

- EPA loses Section 202(a) authority over vehicle GHGs.
- Stationary source rules weakened or invalidated.

EPA Argument for Repeal

Cite \$54B in annual savings for industry.

Reduced compliance costs for automakers, energy producers, industrial sectors.

Claim repeal would:

- Boost domestic energy production.
- Lower fuel & electricity costs.
- Enhance competitiveness of U.S. industries.



Argument Against Repeal

Argue short-term savings outweighed by long-term costs:

- Climate damages: extreme weather, flooding, heat-related illness.
- Public health: increased respiratory & cardiovascular disease.
- Higher healthcare costs & productivity losses.

Warn of regulatory uncertainty and weakened U.S. credibility.



Impacts

Legal Authority

- With EF: EPA authority affirmed.
- Repealed: EPA loses vehicle GHG authority.

Climate Policy

- With EF: Federal climate targets reinforced.
- Repealed: Policy devolves to states, voluntary measures.

Economics

- With EF: Compliance costs offset by health & climate savings.
- Repealed: \$54B industry savings; climate damage costs grow.

Impacts Continued

Public Health

- With EF: Reduced illnesses & deaths.
- Repealed: Increased exposure to pollutants & climate hazards.

State-Federal Dynamics

- With EF: Federal baseline + state flexibility (e.g., California).
- Repealed: Fragmented, state-by-state landscape.

International Standing

- With EF: U.S. credibility in Paris Agreement.
- Repealed: Weakens commitments; trade/diplomacy risks.

Climate Program Implications

Federal GHG standards provide for a national framework to reduce emissions from mobile and stationary sources.

Repeal would:

- Increase emissions from vehicles and power plants.
- Place additional burdens on State and local agencies to find ways to reduce greenhouse gas emissions to meet their climate plan targets.

Transportation Implications

Transportation sector is one of the largest sources of GHG emissions in the US.

Federal vehicle greenhouse gas emission standards help reduce emissions over time.

Repeal would shift greater responsibility to States to identify emissions reductions, including through State regulatory or voluntary programs.

Regional Implications

Endangers 2030 and 2050 goals: 50% and 80% GHG reduction from 2005.

Federal emissions standards are critical for meeting these goals.

Loss of federal authority:

- Greater burden on State and local governments.
- Risk of fragmented and inefficient implementation.

CEEPC Position

COG's Climate Energy and Environment Policy Committee (CEEPC) may consider submitting a comment letter. The proposed letter may:

- Oppose repeal of Endangerment Finding.
- Urge EPA to maintain regulatory authority.
- Stress importance of federal standards for local and regional planning.
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- Highlight risks to attainment of climate program goals.

What if Repeal Occurs

If repeal proceeds, Congress should:

- Codify GHGs as pollutants under Clean Air Act.
- Preserve federal vehicle standards until replacements enacted.
- Support state innovation while ensuring national consistency.
- Provide resources for state/MPO planning & implementation.

Conclusion

The Endangerment Finding is legally sound, scientifically supported, and critical to public health.

Repeal would undermine federal leadership, economic certainty, and climate program goal attainment.

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