

**Comments of Environmental Law & Policy Center at EPA's Public Hearing
on Reconsideration of
2009 Endangerment Finding and Greenhouse Gas Vehicle Standards**

Docket ID No. EPA-HQ-OAR-2025-0194

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The Environmental Law & Policy Center opposes the EPA's misguided and unlawful proposal to rescind the science- and fact-based Endangerment Finding that greenhouse gas pollution harms public health and welfare. We request that the Agency withdraw its proposal as contrary to law and to sound, fact-based science. Moreover, the Agency's proposal whipsaws longstanding federal policies thereby discouraging businesses' and governments' long-term energy and transportation capital investments that require predictability and stability.

Climate change is real and accelerating. We're seeing the consequences here in the Midwest: extreme heat and erratic weather, more intense storms that destroy farmers' crops, and toxic algae outbreaks and other threats to the Great Lakes – which are our economic and cultural lifeblood and hold one-fifth of the world's fresh surface water.

EPA's proposal to abandon the Endangerment Finding rests on the false premise that greenhouse gas pollution does not substantially contribute to climate change. Since 2009, EPA has repeatedly concluded based on scientific evidence that greenhouse gas pollution from power plants and vehicles harms public health.

EPA's rationale contains at least two fundamental errors of law:

First, EPA's proposal misconstrues the Clean Air Act by arguing that greenhouse gas emissions are not "pollutants" subject to regulation because their harmful impacts are somehow too indirect. That statute, however, addresses other "air pollutants" whose harmful effects occur indirectly, such as through atmospheric ozone depletion or acid rain formation. The Supreme Court recognized in *Massachusetts v. EPA* that CO₂ and other greenhouse gases are pollutants. Lest there was any doubt, in 2022 legislation, Congress reinforced that greenhouse gases are pollutants under the Clean Air Act. EPA's proposal is legally incorrect.

Second, EPA's argues in its proposal's preamble that it can withdraw the Endangerment Finding and refrain from regulating greenhouse gases, but still both displace federal common law actions against businesses emitting greenhouse gases and preempt state climate change action laws. That contorted legal argument is contrary to the U.S. Supreme Court decisions in *American Electric Power v. Connecticut* and *National Pork Producers v. Ross*. EPA has no power to change these Supreme Court decisions.

The Endangerment Finding is based on a broad scientific consensus about climate change and its causes. It is foundational for EPA's climate regulations, which would save hundreds of thousands of lives and avoid billions of dollars in the impacts caused by extreme heat, worsening air quality, hurricanes, wildfires, and other climate-fueled natural disasters in the coming decades. If EPA nonetheless chooses to repeal the Endangerment Finding and abandon regulation of GHGs, that will complicate the legal landscape instead of simplifying regulation, and that will create more uncertainty deterring business investment that requires more predictability.

We will submit detailed written comments to the EPA. The wisest path for the EPA is to withdraw this misguided and unlawful proposal. Thank you for your consideration.