

# **Comment on Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards by Citizens' Climate Lobby**

August 08, 2025

Citizens' Climate Lobby (CCL) appreciates the opportunity to submit a public comment on the Environmental Protection Agency's proposed reconsideration of the 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards (hereinafter, "Reconsideration").

We believe this proposal rests on misinterpretations of the law, Congressional intent, and scientific and economic research. Rescinding the endangerment finding and associated regulations of greenhouse gas emissions would pose a grave risk to Americans' health, safety, and economic wellbeing. CCL thus urges the EPA to withdraw this ill-conceived Reconsideration and resume regulating the greenhouse gas emissions that pose a clear threat to public health and welfare.

CCL is a grassroots organization that trains and supports volunteers to build relationships with their elected representatives in order to influence climate policy. CCL works to create political will for climate solutions while empowering individuals to exercise their personal and political power. CCL has over 240,000 supporters nationwide from every state and congressional district.

## **Primary Rationale for Proposed Rescission**

In its primary rationale for rescinding the 2009 endangerment finding, the Reconsideration claimed,

*"Because the text, structure, and history of CAA section 202(a) and related provisions demonstrate that this language targets air pollution that threatens public health or welfare through local or regional exposure, "air pollution" defined as six "well-mixed" GHGs raising global climate change concerns that adversely impact a subset of regions globally cannot satisfy this standard ... For the purposes of this proposed action, we use the phrase local or regional exposure to distinguish air pollution that impacts public health and welfare by its presence in the ambient air from "air pollution" consisting of six "well-mixed" GHGs that, as conceptualized in the Endangerment Finding, impacts public health and welfare only indirectly and not by its mere presence in the ambient air."*

The Reconsideration's interpretation of the Clean Air Act (CAA) Section 202(a) is inconsistent with both the statute's text and Congressional intent. First, the statutory language does not limit Section 202(a) to local or regional pollution. On the contrary, Section 302(h) specifies (emphasis added)

*"All language referring to effects on welfare includes, but is not limited to, effects on soils, water, crops, vegetation, manmade materials, animals, wildlife, weather, visibility, and **climate**"*

Second, Congress' actions over decades confirm that it intended EPA to regulate greenhouse gases from motor vehicles. Congress has repeatedly affirmed EPA's authority to regulate greenhouse gas emissions from motor vehicles.<sup>1</sup> Most notably, the Inflation Reduction Act explicitly defined greenhouse gases as "air pollutants" under the Clean Air Act and expanded EPA's regulatory authority in this area. Congress left these provisions largely intact in the subsequent One Big Beautiful Bill Act — clear evidence of continued support. In the 15 years since the 2009 Endangerment Finding, Congress has never acted to limit this authority, underscoring its consistent legislative intent.

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<sup>1</sup> Dotson, Greg. *Congress's Fifty Year Mission to Transition Motor Vehicles: A Brief History of Federal Electric Vehicle Policy in the United States*. Available at SSRN 5256344 (2025).

CCL believes that the Reconsideration's reinterpretation of the Clean Air Act is clearly incongruent both with Congress' intent and the language of the law.

### **Alternative Rationale for Proposed Rescission**

In an alternative rationale, the Reconsideration proposed,

*“the Endangerment Finding unreasonably applied the statutory standard for regulation to the scientific record and should be rescinded on that basis.”*

This conclusion rests almost entirely on a source that fails the most basic standards of scientific credibility. It is unreviewed, produced by a small group of authors outside the mainstream scientific community — only three of whom are climate scientists — and contradicts the overwhelming expert consensus. Several researchers whose work is cited within it have publicly stated that their findings were misrepresented.<sup>23</sup>

That source, the draft report “Impacts of Carbon Dioxide Emissions on the U.S. Climate” (CWG Draft Report), should carry no weight in regulatory decisionmaking; yet it forms the backbone of the Reconsideration's argument.

Since 2009, when the endangerment finding was published, humanity has emitted 580 billion tons of carbon dioxide — nearly one-third of all fossil fuel emissions in human history.<sup>4</sup> In that same period, global average temperatures have risen by 0.4°C, accounting for almost one-third of the total increase since pre-industrial times.<sup>5</sup>

During that time, the science of weather attribution has become increasingly robust, quantifying the significant contribution of climate change to dozens if not hundreds of individual extreme weather events that have caused immense damages to public health and welfare, including in the United States.<sup>6</sup> Ironically, on the day that the EPA published the Reconsideration, nearly half of all Americans sweltered under a life-threatening extreme heat wave — an event scientists estimated was made several times more likely by climate change.<sup>7</sup>

As just one example of its many misrepresentations of basic mainstream climate science and data, the Reconsideration disputes these dangers associated with worsening extreme heat, claiming,

*“the Endangerment Finding was unduly pessimistic in attributing health risks from heat waves to increases in global temperature ... the data suggest that domestic temperatures peaked in the 1930s and have remained more or less stable, in relative terms, since those highs (2025 CWG Draft Report at 57–60).”*

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<sup>2</sup> Hausfather, Zeke. *How the DOE and EPA used and misused my research.*

<https://www.theclimatebrink.com/p/how-the-doe-and-epa-used-and-misused>

<sup>3</sup> Tol, Richard. *Is climate change dangerous?* <https://richardtol.substack.com/p/is-climate-change-dangerous>

<sup>4</sup> Global Carbon Budget. <https://globalcarbonbudgetdata.org/>

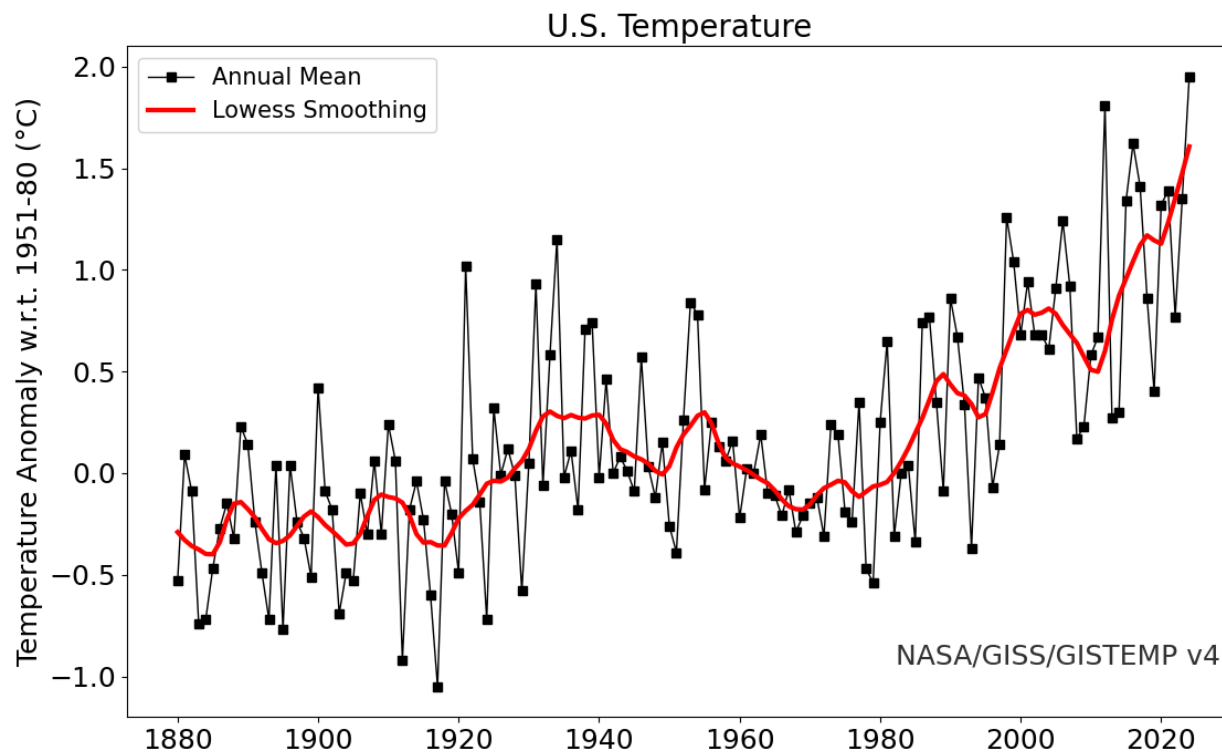
<sup>5</sup> Berkeley Earth. <https://berkeleyearth.org/data/>

<sup>6</sup> e.g., World Weather Attribution. <https://www.worldweatherattribution.org/>

<sup>7</sup> Climate Central. <https://csi.climatecentral.org/climate-shift-index?firstDate=2025-07-28&lastDate=2025-07-29>

This assertion is flatly false. According to data from the NASA Goddard Institute for Space Studies (GISS), average U.S. surface temperatures today are 1.3 degrees Celsius hotter than they were in the 1930s.<sup>8</sup> Extreme heatwaves and the associated threats they pose to public health and welfare have also increased accordingly. The Fifth National Climate Assessment Report concluded,<sup>9</sup>

*The Western US has been particularly affected by extreme heat since the 1980s ... The impacts of extreme high temperatures are more severe if such conditions persist for several days, and overall, multiday heatwaves have become hotter, more frequent, larger, and longer lasting in recent decades.*



*U.S. average surface temperature data, [from NASA GISS](https://data.giss.nasa.gov/gistemp/graphs_v4/).*

The insinuation in the Reconsideration that the threats and harms of climate change to public health and welfare are less today than in the 2009 endangerment finding could not be more at odds with the body of mainstream climate science (its misrepresentations in the CWG Draft Report notwithstanding) or Americans' lived experience.

Finally, in a separate basis for its proposed repeal of the greenhouse gas emissions standards, the Reconsideration claims,

*"Complying with our GHG emission standards often requires manufacturers to design and install new and more expensive technologies ... EPA has serious concerns that its GHG standards may be harming air quality by raising prices and reducing fleet turnover."*

<sup>8</sup> NASA GISS Surface Temperature Analysis (v4). Annual Mean Temperature Change in the United States. [https://data.giss.nasa.gov/gistemp/graphs\\_v4/](https://data.giss.nasa.gov/gistemp/graphs_v4/)

<sup>9</sup> Crimmins, A.R. (editor) et al. (2023). *Fifth National Climate Assessment*. <https://doi.org/10.7930/NCA5.2023>

But the Reconsideration provides none of the rigorous analysis that would be required to justify this concern. While a slowed fleet turnover might worsen air quality, reducing emissions per new vehicle would improve air quality. Moreover, reduced fuel costs associated with improved vehicle fuel efficiency can more than offset any increase in initial purchase costs. The EPA would need to conduct a rigorous cost-benefit analysis of all of these factors to determine the net impact of any proposed rule on consumer costs and air quality. In fact, the EPA did conduct such an analysis when it published its 2024 motor vehicle emissions standards, concluding that they would yield approximately \$1 trillion in net benefits over the next three decades while resulting in improved air quality nationwide.<sup>10</sup>

## **Conclusion**

In its justifications for rescinding the 2009 endangerment finding, the Reconsideration has misinterpreted the text of the Clean Air Act, Congress' decadeslong support for the EPA's mandate to regulate greenhouse gas emissions from motor vehicles and other major sources, and the vast body of peer-reviewed climate science research that documents the increasingly dangerous threats that those emissions pose to Americans' health and welfare. Because the bases of these justifications are fundamentally flawed, CCL urges the EPA to withdraw its ill-conceived Reconsideration of the 2009 endangerment finding. The EPA has both the authority and the responsibility to act. Americans cannot afford a retreat from science, law, and common sense in the face of a rapidly accelerating climate crisis.

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<sup>10</sup> US Environmental Protection Agency. *Proposed Rule: Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles* (2024).  
<https://www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-multi-pollutant-emissions-standards-model>