September 22, 2025

Submitted electronically via regulations.gov

Administrator Lee Zeldin
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW, Washington, DC 20460

Comment on Proposed Rule: "Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards," 90 Fed. Reg. 36288 (Aug. 1, 2025), Docket ID No. EPA-HQ-OAR-2025-0194

Dear Administrator Zeldin:

The undersigned organizations write in opposition to EPA's proposed rule. As proponents of good government and advocates for effective, accountable public institutions, the undersigned organizations have a keen interest in the integrity of the policy-making process.

EPA's proposal to repeal all greenhouse-gas emission standards for cars and trucks is a threat to the health and welfare of all Americans. Moreover, the proposal is based on faulty science, anchored by an error-ridden report that was engineered to achieve partisan political ends at the expense of our public health. EPA's reliance on manufactured uncertainty to roll back vital environmental protections is an abdication of the agency's statutory duties and a violation of the public trust. We urge you to withdraw this deeply flawed proposal.

EPA's proposal to rescind the Endangerment Finding relies on flawed science developed through a sham process.

In 2009, EPA issued its landmark Endangerment Finding, determining under Section 202(a) of the Clean Air Act that the "science is sufficiently certain" to establish that greenhouse-gas emissions from new motor vehicles contribute to air pollution that endangers public health and welfare.[1] In upholding the Endangerment Finding, the D.C. Circuit held that the statute requires EPA to make a purely scientific determination about the dangers of greenhouse-gas pollution without injecting policy considerations.[2] The D.C. Circuit concluded that EPA had assembled a "substantial" body of scientific evidence about those dangers.[3]

EPA now proposes to reverse the Endangerment Finding, arguing that there is "insufficient reliable information" about the dangers of greenhouse-gas emissions.[4] In EPA's current view, its

[1] Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act, 74 Fed. Reg. 66496, 66501 (Dec. 15, 2009).

[2] *Coal. for Responsible Regul., Inc. v. EPA*, 684 F.3d 102, 117–18 (D.C. Cir. 2012), *rev'd in part on other grounds sub nom. Util. Air Regul. Grp. v. EPA*, 573 U.S. 302 (2014).

[3] *Id.* at 119–24.

[4] 90 Fed. Reg. at 36310.

2009 findings were "unduly pessimistic" about climate change and failed to appreciate the "net benefits" of climate change—like "enhanced plant growth" resulting from higher carbon dioxide concentrations in the atmosphere.[5]

To reach these anti-scientific conclusions, EPA relies primarily on a flawed draft report by the Department of Energy's "Climate Working Group."[6] The Department of Energy assembled the Climate Working Group in secret, tapping five hand-picked climate change deniers with histories of public advocacy against climate science.[7] When environmental groups filed a lawsuit to challenge the secretive and biased process that produced the Climate Working Group's report, the government tried to dodge judicial review by purporting to dissolve the Working Group and claiming that the dispute had become moot.[8]

Not only was the process that led to the report highly irregular, but the substance is deeply flawed. The National Academies of Science, Engineering, and Medicine recently conducted an independent assessment of the science underpinnings of the Endangerment Finding. The National Academies concluded that "EPA's 2009 finding that the human-caused emissions of greenhouse gases threaten human health and welfare was accurate, has stood the test of time, and is now reinforced by even stronger evidence."[9] A separate, independently produced review by 85 climate scientists concluded that the Climate Working Group's report "fails to adequately represent the current scientific understanding of climate change" and "does not meet standards of quality, utility, objectivity and integrity appropriate for use in supporting policy making."[10] As those responses to the Climate Working Group report show, the evidence for harm to human health and welfare from human-caused greenhouse-gas emissions is beyond scientific dispute.[11]

EPA must not rely on the Climate Working Group report, which was the result of an illegal and unscientific process, contrived from the outset to achieve a political result rather than to pursue

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[5] *Id.* at 36308–09.

[6] *Id.* at 36292 & n.10, 36308–10.

[7] Science, *Contrarian climate assessment from U.S. government draws swift pushback* (July 30, 2025), https://www.science.org/content/article/contrarian-climate-assessment-u-s-government-draws-swift-pushback; Letter from Sen. Sheldon Whitehouse and Sen. Patty Murray to Secretary Wright (Sept. 2, 2025), https://perma.cc/6VV3-RFXL.

[8] Defs' Mem. in Opp. to Pls.' Mot. for Preliminary Injunction 11, *Envtl. Def. Fund v. Wright*, No. 25-cv-12249 (D. Mass. Sept. 4, 2025), ECF No. 43.

[9] National Academies of Sciences, Engineering, and Medicine, *Effects of Human-Caused Greenhouse Gas Emissions on U.S. Climate, Health, and Welfare* (2025), https://doi.org/10.17226/29239.

[10] Andrew E. Dessler & Robert E. Kopp eds., *Climate Experts' Review of the DOE Climate Working Group Report* (2025), available at https://sites.google.com/tamu.edu/doeresponse/home; Julia Simon, *Dozens of scientists find errors in a new Energy Department climate report*, NPR (Sept. 2, 2025), https://perma.cc/Z74N-F2RF.

[11] Nature, *Climate impacts are real—denying this is self-defeating* (Sept. 10, 2025), https://perma.cc/6HQB-US96.

science with integrity. To rescind the Endangerment Finding based on such a flawed and unreliable record would be the antithesis of the reasoned decision-making that the Administrative Procedure Act requires.

Manufactured uncertainty cannot stand in the way of protective regulation.

EPA's attempt to justify deregulation by sowing doubt about the overwhelming scientific consensus on climate change is an abdication of its statutory responsibilities and a violation of the public trust.

By 2009, the science about climate change was sufficiently certain to support the Endangerment Finding.[12] Scientific evidence for the conclusion that greenhouse gases threaten human health and welfare has been carefully and comprehensively established for decades. Indeed, industry scientists at ExxonMobil had scientific knowledge of climate change and its dangers in the 1970s.[13] The scientific evidence underlying the consensus around the causes and consequences of human-caused climate change has only grown more certain since EPA first adopted the Endangerment Finding.[14]

Even if some legitimate doubt remained about the scientific consensus on climate change, EPA would still not be justified in abandoning its statutory responsibility to protect people's health and welfare. The fossil fuel industry raised arguments about the certainty of climate science in their challenge to the 2009 Endangerment Finding, and the D.C. Circuit soundly rejected those arguments. As the D.C. Circuit explained, when Congress writes a statute that is precautionary in nature and designed to protect the public health, the existence of some residual uncertainty does not eliminate the government's authority or obligation to regulate.[15] Courts have consistently held that agencies that wait to regulate until there is absolute certainty of harm would fail to fulfill their statutory responsibilities to protect the public.[16]

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[12] 74 Fed. Reg. at 66501.

[13] G. Supran et al., *Assessing ExxonMobil's global warming projections*, Science (Jan. 13, 2023), https://www.science.org/doi/10.1126/science.abk0063; Laura Paddison, *Exxon accurately predicted global warning from 1970s—but continued to cast doubt on climate science, new report finds*, CNN (Jan. 12, 2023), https://perma.cc/R5SK-DJLS.

[14] *E.g.*, Intergovernmental Panel on Climate Change, *Sixth Assessment Synthesis Report* (2023), https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_FullVolume.pdf ("Human activities, principally through emissions of greenhouse gases, have *unequivocally* caused global warming," leading to widespread adverse impacts and related losses and damages to nature and people (*high confidence*)." (first emphasis added)); U.S. Global Change Research Program, *Fifth National Climate Assessment* (2023), https://toolkit.climate.gov/sites/default/files/2025-07/NCA5_2023_FullReport.pdf; NASA, *Scientific Consensus*, https://perma.cc/59XX-UZV9.

[15] *Coal. for Responsible Regul.*, 684 F.3d at 121–22.

[16] *Massachusetts v. EPA*, 549 U.S. 497, 534 (2007) ("Nor can EPA avoid its statutory obligation by noting the uncertainty surrounding various features of climate change . . . ."); *Ethyl Corp. v.*

EPA's proposal is part of a broader attack on science by this Administration.

EPA's rejection of well-established climate science is part of an alarming anti-science trend across the Administration. In the climate space, this Administration dismissed all scientists and researchers working on the statutorily required National Climate Assessment,[17] canceled funding for climate change research,[18] and wiped data about climate change from government websites.[19] Across the federal government, this Administration has terminated thousands of grants that fund science,[20] gutted the ranks of career scientists at federal agencies,[21] and politicized scientific research in unprecedented ways.[22]

EPA, 541 F.2d 1, 25 (D.C. Cir. 1976) ("[T]he statutes and common sense demand regulatory action to prevent harm, even if the regulator is less than certain that harm is otherwise inevitable."); *Lead Indus. Ass'n, Inc. v. EPA*, 647 F.2d 1130, 1154 (D.C. Cir. 1980) ("[S]ome uncertainty about the health effects of air pollution is inevitable."); *see also Wisconsin v. EPA*, 938 F.3d 303, 318–19 (D.C. Cir. 2019); *Upper Blackstone Water Pollution Abatement Dist. v. EPA*, 690 F.3d 9, 23 (1st Cir. 2012); *Miami-Dade Cnty. v. EPA*, 529 F.3d 1049, 1065 (11th Cir. 2008).

[17] Brad Plumer & Rebecca Dzombak, *All Authors Working on Flagship U.S. Climate Report Are Dismissed*, New York Times (July 8, 2025), https://www.nytimes.com/2025/04/28/climate/national-climate-assessment-authors-dismissed.html.

[18] Scott Danve, *How the Trump administration is already cutting off climate research*, Washington Post (July 5, 2025), https://css.washingtonpost.com/climate-environment/2025/04/10/trump-princeton-funding-cuts-climate-anxiety/; Brad Plumer & Austyn Gaffney, *Trump Administration Cuts Research Funding, Claiming It Creates "Climate Anxiety,"* New York Times (Apr. 9, 2025), https://css.washingtonpost.com/climate-environment/2025/04/10/trump-princeton-funding-cuts-climate-anxiety/.

[19] Ian James & Noah Haggerty, *Trump administration shuts down U.S. website on climate change*, Los Angeles Times (July 1, 2025), https://www.latimes.com/environment/story/2025-07-01/trump-us-climate-website; Rebecca Hersher, *A popular climate website will be hobbled, after Trump administration eliminates entire staff*, NPR (June 12, 2025), https://perma.cc/R9RZ-96QZ.

[20] Aatish Bhatia, et al., *Trump Has Cut Science Funding to Its Lowest Level in Decades*, New York Times (May 22, 2025), https://perma.cc/LNX3-3K7B.

[21] Benjamin Mueller, *Trump Administration Has Begun a War on Science, Researchers Say*, New York Times (Mar. 31, 2025), https://www.nytimes.com/2025/03/31/science/trump-science-nas-letter.html.

[22] Senate Permanent Subcommittee on Investigations, *Trump Administration Attacks on Scientific Integrity* (Sept. 9, 2025), https://perma.cc/KN3J-Q2E4; Columbia Law School Sabin Center for Climate Change Law, *Silencing Science Tracker*, https://perma.cc/FZH5-YTYZ; Senate Health, Education, Labor and Pensions Committee, *Trump's War on Science* (May 13, 2025), https://perma.cc/KT6Q-3C8K; Jeff Tollefson et al., *Will US science survive Trump 2.0?*, Nature (Apr. 29, 2025), https://perma.cc/KE3G-NX3P; Mary Kekatos, *Over 1,900 researchers describe*

This Administration's attacks on science will cause significant long-term damage to public health and safety. Meanwhile, climate change continues to harm communities, public health, infrastructure, and public investments across the country in real and material ways. While such impacts overlap and compound disproportionately in economically or socially vulnerable communities, the dangers and harms to health and safety from climate change are also unavoidable for every American.

For these reasons, the undersigned organizations strongly oppose the EPA's proposal to rescind the Endangerment Finding. We urge you not to finalize this flawed and damaging proposal.

Sincerely,

Democracy Forward

Climate Science Legal Defense Fund (CSLDF)

Friends of the Earth

Jacobs Institute of Women's Health

JustLeadershipUSA

Oregonizers

People Power United

ProgressNow Colorado

Public Employees for Environmental Responsibility

Society for Conservation Biology North America (SCBNA)

'assault' on science by White House: 'We see real danger,' ABC News (Apr. 1, 2025), https://perma.cc/77NH-FVNQ.