

FACT CHECK



The EPA Endangerment Finding One-Pager



On July 29, 2025 U.S. Environmental Protection Agency (EPA) Administrator Lee Zeldin announced that the EPA will reconsider the 2009 Endangerment Finding. This Finding legally established that greenhouse gas emissions from new motor vehicles threaten public health and welfare. This Finding underpins the EPA's authority to regulate greenhouse gases from other major sources like power plants and industrial sectors. Without it, the EPA cannot regulate these emissions. In a new EPA one pager, the EPA makes claims that need to be countered with the facts:

1

THE EPA SAYS: "Through this reconsideration, EPA will give the public a chance to weigh in on the science, law, and policy choices at issue in the Finding."

FACT CHECK:

The government is making it harder for people to share their thoughts on new rules. Before, people could use a special tool called an API (Application Programming Interface) to send comments through other websites. Now, that tool is being stopped. You have to send your comments by using the government's own website, [regulations.gov](https://www.regulations.gov). If you try to send comments through other sites or tools, they won't be accepted anymore.

2

THE EPA SAYS: "EPA cannot prejudice the outcome of this reconsideration process."

FACT CHECK:

If the EPA is not prejudging the outcome of this process then why is Lee Zeldin on record as saying: "We are driving a dagger straight into the heart of the climate-change religion." [NEWSWEEK](https://www.newsweek.com). This is the definition of pre-judging. Secondly, climate change is not a religion. It is science. [99% of peer reviewed science studies](https://www.ipsos.com/en-us/news-research/99-percent-peer-reviewed-science-studies-agree-climate-change-caused-human-activity) agree that climate change is mainly caused by human activity.

3

THE EPA SAYS: "WHAT IS THE ENDANGERMENT FINDING & WHY DOES IT MATTER? The 2009 Endangerment Finding was the first step in the Obama-Biden Administration's (and later the Biden-Harris Administration's) overreaching climate agenda. That agenda has imposed trillions of dollars of costs on Americans. For a generation, defenders of this agenda have avoided scrutiny of how it all began. That evasion ends today."

FACT CHECK:

“That evasion ends today.” This phrase is a blatant prejudice yet Zeldin claims he is not going to make any prejudgements. And the costs of climate change on Americans is vast - health costs from illness, death and disease caused by climate change and fossil fuel pollution tops \$820 billion a year in the US alone.

4

THE EPA SAYS: “**THE HISTORY:** In 2007, the Supreme Court in Massachusetts v. EPA ruled that the George W. Bush EPA erred when in 2003 it denied a petition to regulate greenhouse gas emissions from new motor vehicles that the petitioners argued were causing climate change. Massachusetts held that the Clean Air Act’s general, Act-wide definition of “air pollutant” was broad enough to include carbon dioxide. Massachusetts explicitly did not hold that EPA was required to regulate these emissions from these sources.”

FACT CHECK:

The Supreme Court clearly ruled that greenhouse gases are "air pollutants" under the Clean Air Act, giving EPA clear authority and a duty to regulate them from new motor vehicles unless the EPA provides scientific evidence showing they do not endanger public health or welfare. Where is that evidence Administrator Zeldin?

5

THE EPA SAYS: “**ADDITIONAL CONTEXT:** When the Court sent the matter back to EPA, the agency proceeded in an unorthodox manner. Slicing and dicing the language of the statute, it made an “endangerment finding” totally separate from any actual rulemaking setting standards for emissions from cars. EPA argued it had the authority to do this because Congress didn’t specifically forbid it from taking this approach. By taking this approach, the Endangerment Finding intentionally ignored costs of regulations that EPA knew would follow from the Finding—and indeed ignored any other policy impacts of those regulations.

The Finding also took an unorthodox approach with the alleged “pollutant” at issue. It focused not solely on carbon dioxide, but on a mix of six gases—some of which cars don’t even emit. Contrary to popular belief, the Finding never makes a straight-line conclusion that carbon dioxide from new motor vehicle engines is causing endangerment.

Instead, it looked at this mix of six gases, from all sources over the world, and used multiple mental leaps to determine that this mix contributed, not caused, an unknown amount above zero to climate change, and that climate change contributed, not caused, an unknown amount above zero of endangerment to public health.

Then, the Finding looked at U.S. vehicle emissions—the only thing this section of the Clean Air Act actually authorizes EPA to regulate— and said that they were a big enough piece of the pie (some 4 percent of global emissions) to be “causing or contributing” to the mix of six gases—not to the endangerment itself.”

FACT CHECK:

- Zeldin’s claims misrepresent both the legal process and scientific method of the EPA’s greenhouse gas Endangerment Finding, a science-driven response required by law and supported by court. It was not an “unorthodox,” policy-ignoring maneuver. It relied on extensive, peer-reviewed climate science synthesized by the IPCC and major U.S. science agencies.
- Specifically, the EPA found six key greenhouse gases—CO₂, methane, nitrous oxide, HFCs, PFCs, SF₆—collectively contribute to climate change, cars emit CO₂, methane, and nitrous oxide, the principal mobile GHGs.
- The EPA’s Finding explicitly concluded U.S. motor vehicle GHG emissions contribute to the “mix” that causes endangerment, as the Clean Air Act only requires a finding of contribution, not direct causation for every pathway.

6

THE EPA SAYS: “BOTTOM LINE: EPA does not prejudge the outcome of this reconsideration, but these and other legal issues require fresh scrutiny, particularly in light of multiple major Supreme Court cases issued since the Finding came out, including Loper Bright, West Virginia, UARG, and Michigan. Additionally, the Finding acknowledges multiple areas of serious uncertainty and does not take account of subsequent major developments in innovative technologies, science, economics, and mitigation. With this reconsideration, EPA will ensure that the Endangerment Finding complies with the law and is based on sound science and policy, as it must do with all its actions.”

FACT CHECK:

The EPA’s call for “fresh scrutiny” ignores that the 2009 Endangerment Finding has been repeatedly upheld by courts, including the D.C. Circuit Court of Appeals which confirmed it was supported by “robust” and “compelling” scientific evidence under the Clean Air Act. The Supreme Court cases cited by EPA—Loper Bright, West Virginia, UARG, and Michigan—do not overturn *Massachusetts v. EPA*. Advances in technology strengthen rather than negate the need for regulation. Zeldin’s proposal reflects political agenda, not scientific or legal necessity.

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