

September 21, 2025

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

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

Dear Administrator Zeldin,

The organizations listed below, together representing communities on the frontlines of climate change, write in strong opposition to your proposal to eliminate the U.S. Environmental Protection Agency's ("EPA's") 2009 Endangerment Finding. This proposal will compound the suffering we are already seeing in our communities and communities across the country, especially the most [vulnerable communities](#), due to the escalating intensity of extreme weather events amplified by [fossil fuel pollution](#). This proposal ignores science, violates the law, and stands in direct conflict with the EPA's Congressionally mandated mission to protect our health and the environment. We urge you to not repeal the Endangerment Finding and the greenhouse gas requirements for motor vehicles.

A. Communities' Lived Experiences Show that Greenhouse Gases Are Already Endangering Public Health and Welfare.

Communities' lived experiences show that greenhouse gas pollution and the climate change caused by that pollution are already impacting public health and welfare. These lived experiences demonstrate that EPA has a duty to regulate GHGs to protect public and welfare.

As members of frontline communities who live every day with the compounding harms of greenhouse gas pollution, we know that climate change is not an abstract threat for us. We experience it in a multitude of ways: rising asthma rates among our children, heat waves that endanger our elders, floods that displace families, and wildfires that make our air unsafe to breathe. These daily realities confirm what science has long established: greenhouse gases endanger public health and welfare. Rolling back the Endangerment Finding is not only unlawful but a direct dismissal of the lived experiences of millions of people already bearing the costs of this crisis.

The impacts of climate change do not occur in isolation; they layer on top of one another, amplifying harm and deepening existing inequities. When extreme heat combines with high levels of air pollution, communities already overburdened by industry face even greater risks of cardiovascular and respiratory disease. When storms and floods destroy homes, the economic toll falls hardest on low-income families least able to recover. These compounding effects ripple through daily life—keeping children out of school, disrupting livelihoods, and threatening access to clean water and food security. EPA has a legal and moral mandate to regulate greenhouse gases to reduce these harms and safeguard public health and welfare.

For Tribal Nations and Indigenous peoples, the rollback is a violation of sovereignty and a continuation of environmental injustice. Tribal communities are already experiencing the loss of sacred lands, food sources, and cultural heritage due to climate impacts like drought, shifting ecosystems, and sea level rise. By retreating from regulating greenhouse gases, EPA is ignoring its trust responsibility and deepening harm to Tribal Nations whose sovereignty and

survival are already under threat. We urge EPA to uphold the Endangerment Finding and fulfill its responsibility to protect our health, our rights, and our shared future.

Below are testimonials from community organizations and members living with the first-hand, intergenerational impacts of climate change. Their lived experiences underscore why the science behind the Endangerment Finding remains undeniable and essential.

“As a Black woman, I have seen firsthand how environmental injustices harm our communities. Growing up, and even now, I have witnessed how neighborhoods like mine are more likely to face air pollution, contaminated water, and the devastating impacts of climate change. These harms are not abstract; they shape our daily lives, our health, and our future.

Instead of allowing that injustice to silence me, I have used those experiences to fight for change. My story is not just about surviving environmental harm, but about channeling that pain into advocacy for cleaner air, safer water, and a healthier climate for everyone. No matter where people live, the color of their skin, or their income level, we all deserve protection from the pollutants that threaten our families.

The EPA’s Endangerment Finding has been one of the most powerful tools for holding polluters accountable and protecting communities. Repealing it would remove the very foundation we have to regulate greenhouse gas emissions, opening the door to more pollution and greater harm. That is unacceptable.

I stand with others across the country in calling on the EPA to keep this safeguard in place. Our communities need stronger protections, not weaker ones. Our lived experiences make it clear: climate justice cannot be achieved if the government abandons its responsibility to regulate the industries driving the crisis.”

-Tee McClenty, Executive Director, MN350 & MN350 Action

“A year later, our community in Western North Carolina is still navigating the tremendous devastation from Hurricane Helene. Lives lost, homes and businesses gone forever, rural communities and low income families are suffering the most. I wish for no other community to face the hardships from severe weather events supercharged by fossil fuels. Please regulate greenhouse gases so that we can avoid more events like the one we experienced.”

-Kelly Sheehan, Co-Executive Director, Initiative for Energy Justice

“CURE is a rurally-based Minnesota organization that protects and restores resilient communities and landscapes by harnessing the power of people who care about them. We do this because we believe that robust human communities can only be sustained by healthy ecosystems, and robust natural environments can only be regained through vigorous stewardship. Decades of disinvestment, malinvestment, and extraction from rural places has resulted in a persistent gap in unemployment and poverty rates, food insecurity, and health inequities between metro and non-metro communities. This leaves rural communities often unprepared to deal with the range of climate impacts that are disproportionately impacting rural places. In Minnesota, farmers and agricultural communities are seeing their livelihoods put at risk by increasingly common seasonal flooding while northern Minnesota’s forestlands face

escalating wildfires and deadly smoke-filled air. The endangerment finding has been critical in helping protect rural communities from climate impacts caused by carbon pollution that harms our communities and our future economic growth. Farmers, foresters, hunters, harvesters, and all of us who live in rural America need a new clean energy economy that meets our needs and replaces polluting technologies endangering our way of life.”

-Hudson Kingston representing CURE

"Growing up in South Phoenix, I lived with my grandma for some time. Every year, she would fly to the East Coast to visit my uncle. I'll never forget one year when she told us she was considering moving there permanently. We were shocked and even more shocked when she explained why. She said, "I breathe easier on the East Coast than I do here in South Phoenix."

At the time, I didn't fully understand. But as I grew older and learned about environmental racism, her words made sense. Pollution in our community isn't just an abstract issue, it has a direct and harmful impact on our families. My grandma's experience is one of many stories in South Phoenix that show how dirty air worsens health and quality of life.

Rolling back protections like the endangerment finding will only make stories like hers more common. Our community deserves clean air and the chance to breathe without harm."

-Community Member from the Solar for All Coalition in Arizona

"Lee Zeldin and the Trump administration are doing what they can to destroy an agency that we the people forced Richard Nixon to create in 1970, the year of the first Earth Day, in response to deadly air and water pollution from unrestrained industry. Some of us are old enough to remember those days, with so many days recommended to stay inside because of the bad air quality. Too many have and still get asthma as a result of air pollution. The Endangerment Finding is the basis for the government regulating these pollutants."

-member, Occupy Bergen County

"My city has been subject to multiple hurricanes including Superstorm Sandy and Hurricane Ida. Flooding and sea level rise are a constant concern. Thousands are adversely affected almost every time it rains due to the effects of global warming."

-Community Organization, New Jersey

"Farmers' livelihood and our food security are impacted by severe climate; removing the Endangerment Finding will negatively impact growing food for the planet."

-Northeast Organic Farming Association, Massachusetts Chapter

“Without the endangerment finding, environmental protections for all living things are dealt a fatal blow. Since 1970, over 70% of vertebrates, including mammals, birds, amphibians, reptiles, and fish, have perished from the earth. We are all endangered and need these protections. Without them, the future of all living things on earth are in grave danger. We are now on track to exceed 3°C degrees of warming by as early as 2060. At this level, the State of Virginia will be uninhabitable for at least 3 months of the year. Outdoor sports and camping will be off limits during the summer months. This is common sense. We should not have to argue to defend the very planet we depend on to live that flourish.”

-Co-Founder, Third Act Richmond, VA

B. The Administration’s Arguments Do Not Support Repealing the Endangerment Finding.

This Administration’s proposed repeal would be a dangerous setback for public health and welfare, especially for frontline communities. Each of the Administration’s three primary arguments for repealing the Endangerment Finding and the motor vehicle requirements are unsound and fail. First, contrary to the Administration’s arguments, the Clean Air Act authorizes, and in fact requires, EPA to address dangerous greenhouse gases. Second, the Administration’s attempt to question the longstanding and vast scientific body of evidence with a handful of hand-picked skeptics is arbitrary and capricious. The Endangerment Finding is supported by a vast body of robust science that is stronger now than when the finding was made. Third, viable and economical technology exists to reduce harmful greenhouse gas emissions from cars, and requirements to reduce motor vehicle emissions will significantly benefit public health and welfare.

(1) The Clean Air Act Authorizes, and In Fact Requires, EPA to Address Dangerous Greenhouse Gas Emissions.

This Administration erroneously misinterprets key Clean Air Act (“CAA”) language to argue that it does not have authority to regulate greenhouse gases (“GHGs”) under the Clean Air Act. This argument is patently wrong. A close examination of the CAA’s statutory language, EPA’s historical interpretations, and judicial decisions show that EPA has statutory authority and in fact must address dangerous GHGs.

(a) EPA incorrectly argues that “air pollution” only includes local and regional pollution.

Initially, EPA erroneously argues that the best reading of CAA section 202(a) limits the meaning of “air pollution” and “air pollutant” to only to local or regional exposure that endangers public health and welfare.¹ This is contradicted by the plain language of the Clean Air Act, where Congress clearly defined “air pollutant” in a broad and flexible manner. The Supreme Court authoritatively interpreted the term in *Massachusetts v. EPA*, finding that “[t]he Clean Air Act’s sweeping definition of ‘air pollutant’...embraces all airborne compounds of whatever stripe and underscores that intent through the repeated use of the word ‘any.’”² In *Massachusetts*, the Supreme Court further affirmed that greenhouse gas emissions’ inclusion under this sweeping

¹ 90 Fed. Reg. 36,288, 36,300 (Aug. 1, 2025).

² 549 U.S. 497, 528-9 (2007).

definition was “unambiguous.”³ Indeed, even the Proposed Rule acknowledges that in *Massachusetts*, “the Supreme Court rejected the argument that GHGs are not ‘air pollutants’ under the Act-wide definition.”⁴

Several other Clean Air Act sections confirm that Congress intended to include pollution beyond regional and local pollution within the law’s reach. For example, the Clean Air Act references “climate,”⁵ requires the control of air pollution that crosses state boundaries;⁶ requires that standards are set for the nation, not just localities or regions;⁷ requires prevention or elimination of any air pollutant emitted in the United States which endangers public health or welfare in foreign countries;⁸ and recognizes that air pollution controls should not be weakened even if high stack heights are dispersed over great distances.⁹ The Clean Air Act also requires control of any substance that “may reasonably be anticipated to affect the stratosphere,”¹⁰ and it recognizes the need to regulate acid rain pollution and its precursors in the atmosphere because acid rain is a problem of “national and international significance.”¹¹ The Clean Air Act further requires emission standards for aircraft that affect “regions throughout the United States.”¹² Congress has also more recently explicitly ratified EPA’s inclusion of greenhouse gas emissions as air pollutants, while defining greenhouse gases in two sections of the Clean Air Act as “the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.”¹³ Thus, applying the whole-text canon of statutory interpretation to the plain text of the Clean Air Act further confirms that “air pollutants” is not limited to local and regional pollution.

Finally, the Administration’s “local and regional pollution” argument also mischaracterizes the facts underlying the Endangerment Finding as only relating to international harm from greenhouse gases when in actuality EPA’s Endangerment Finding shows how greenhouse gases contribute to domestic local and regional harm.¹⁴ The Supreme Court has also made this connection between greenhouse gas emissions and local and regional harm, finding that the risk of domestic catastrophic harm would be reduced if greenhouse gases were regulated.¹⁵

(b) EPA’s authority to regulate GHGs after finding endangerment is settled law.

Next, this Administration advances the novel argument that the single, best reading of the CAA bars EPA from issuing a standalone “endangerment” finding, and that instead, Congress

³ *Id.* at 529 (finding that greenhouse gas emissions were unambiguously included under 202(a), which relates to new motor vehicles and new motor vehicle engines).

⁴ 90 Fed. Reg. at 36,302.

⁵ CAA § 302(h). *See also* *Massachusetts v. EPA*, *supra* note 2 at 506.

⁶ *See, e.g.*, 42 U.S.C. §§ 7406, 7506 (setting forth provisions related to the control of interstate pollution); 42 USC 7426 (discussing limits to operation of facilities that impact other states).

⁷ *See, e.g.*, 42 U.S.C. § 7409 (requiring the setting of “National” ambient air quality standards).

⁸ *See, e.g.*, 42 U.S.C. § 7415.

⁹ *See, e.g.*, 42 U.S.C. § 7423.

¹⁰ 42 U.S.C. § 7671n (providing the EPA Administrator authority to regulate any “substance, practice, process, or activity [that] may reasonably be anticipated to affect the stratosphere, especially ozone in the stratosphere, and such effect may reasonably be anticipated to endanger public health and welfare.”)

¹¹ *See, e.g.*, 42 USC § 7651.

¹² *See, e.g.*, 42 USC § 7571.

¹³ 42 U.S.C. § 7433; *see also* 42 USC § 7437 (emphasis added).

¹⁴ *See, e.g.*, U.S. EPA Endangerment Finding, Technical Support Document, https://www.epa.gov/sites/default/files/2021-05/documents/endangerment_tsd.pdf, pp. 141-153 (discussing the impacts to specific regions of the United States).

¹⁵ *Massachusetts v. EPA*, *supra* note 2.

intended for EPA to make separate endangerment findings for each source of pollution.¹⁶ This belies the plain language of the Clean Air Act, which does not require proof of causation of harm for regulating a particular source. Rather the Clean Air Act applies to sources that “contribute to” pollution “which may reasonably be anticipated to” endanger public health and welfare¹⁷ and allows for pollutants to be considered in “combination of...air pollution agent[s],”¹⁸ again showing that a separate endangerment finding is not needed for each individual source. Indeed, this Administration’s argument is at odds with the plain language in the Court’s opinion in *Massachusetts*, which states: “On the merits, the first question is whether § 202(a)(1) of the Clean Air Act authorizes EPA to regulate greenhouse gas emissions from new motor vehicles in the event that it forms a ‘judgment’ that such emissions contribute to climate change. We have little trouble concluding that it does.”¹⁹ As the Court in *Massachusetts* described, the initial endangerment finding is a scientific finding; as to the subsequent set of decisions, how to regulate, “EPA no doubt has significant latitude as to the manner, timing, content, and coordination [with] other agencies.”²⁰ Thus, the Supreme Court has already confirmed that section 202(a) of the Clean Air Act does not require a stand-alone finding that each individual source causes harm, much less “in a single causal chain” — a requirement that is found nowhere in the text of the Clean Air Act nor in the many judicial opinions interpreting it.²¹

Recent Supreme Court decisions have not changed the finding in *Massachusetts*. This Administration’s invocation of the Supreme Court’s *West Virginia v. EPA* decision is inapt. In *West Virginia*, the Supreme Court left undisturbed the underlying endangerment finding, even though it was before them.²² Rather, the *West Virginia* decision only addressed the *form* of regulations that could be promulgated based on that finding.²³ Similarly the Supreme Court in the *Utility Air Regulatory Group* case did not question the underlying endangerment finding, and rather just focused on regulations based on that finding.²⁴

In the Proposed Rule, this Administration notes the passage of the 2025 reconciliation bill²⁵ and proposes “that this legislation . . . indicates that the EPA erred in attempting to resolve significant policy issues on its own accord in the Endangerment Finding.”²⁶ Contrary to this Administration’s assertions, the reconciliation bill did not change the inclusion of the Clean Air Act definition of greenhouse gases, and there is in fact no indication in the statute itself or its legislative history or committee reports to support this Administration’s contention that it was intended to signal anything with regard to the Endangerment Finding. As the Supreme Court

¹⁶ See 90 Fed. Reg. at 36,302-36,303. For example, this Administration proposes that “it is impermissible for the Administrator to make an endangerment finding without prescribing the emission standards required in response to such finding.” This Administration further argues that CAA section 202(a) imposes a duty on the Agency “to evaluate whether source emissions cause or contribution [sic] to air pollution and whether that air pollution poses endangerment in a single causal chain.”

¹⁷ 42 U.S.C. § 7521(a)(1).

¹⁸ *Id.*

¹⁹ 549 U.S. at 528.

²⁰ *Massachusetts v. EPA*, *supra* note 2 at 533.

²¹ For example, the Supreme Court’s opinion in *Loper Bright* does not change the analysis, as that opinion pertains to the interpretation of different statutory provisions that the Supreme Court found “ambiguous.” In contrast, in *Massachusetts*, the Court found that the language of section 202(a) was “unambiguous” in its applicability to greenhouse gases, and recognized that Congress had delegated “significant latitude” on how to regulate to EPA.

²² *West Virginia v. EPA*, 597 U.S. 697 (2022).

²³ Furthermore, the Court’s decision in *West Virginia* involved interpreting language in section 111(d) of the Clean Air Act, in contrast to the language in section 202(a) that the Court in *Massachusetts* found “unambiguous.”

²⁴ *Utility Air Regulatory Group v. EPA*, 573 U.S. 302 (2014).

²⁵ Pub.L. 119-21 (2025).

²⁶ 90 Fed. Reg. at 36,307.

has consistently held, Congress is generally presumed not to “hide elephants in mouseholes” by “[altering] the fundamental details of a regulatory scheme in vague terms or ancillary provisions.”²⁷ Because there is in fact no clearly expressed Congressional intent to disapprove of EPA’s issuance of the Endangerment Finding, sixteen years earlier, there is no reasoned basis for this Administration’s assertion that this legislation supports the proposed actions.

Finally, the Proposed Rule wrongly suggests that the “integrated” finding of both endangerment and causation or contribution is required because to find otherwise would “[lead] to untenable results and [lack] any limiting principle,” offering the example of water vapor, which could lead to harm “by resulting in rain that leads to slip-and-fall injuries.”²⁸ However, the 2009 Endangerment Finding itself incorporates the limiting principles this Administration seeks because the question of *how* the pollution should be regulated is addressed in “the standard setting portion of CAA section 202(a).”²⁹

(c) EPA has authority to regulate GHGs even if the regulations do not eliminate risks.

This Administration further proposes that the Administrator must “consider the ability of the EPA’s CAA section 202(a)(1) authority to meaningfully address the identified risks,” and that in this case, “even a complete elimination of all GHG emissions from new motor vehicles and engines would not address the risks attributed to elevated global concentrations of GHGs.”³⁰ However, the courts have established that there is no requirement that all regulations must surpass any particular threshold in resolving the problem the regulations were intended to address. Notably, the Supreme Court in *Massachusetts v. EPA* rejected this same type of argument, describing how it “rests on the erroneous assumption that a small incremental step, because it is incremental, can never be attacked in a federal judicial forum [because it does not show contribution to harm]. Yet accepting that premise would doom most challenges to regulatory action. Agencies, like legislatures, do not generally resolve massive problems in one fell regulatory swoop.”³¹

(2) This Administration’s Reliance on a Handful of Handpicked Climate Skeptics and Cherry-Picked Data Is Arbitrary and Capricious Given the Overwhelming Evidence of Climate Change’s Harms.

This Administration argues that “empirical data, peer-reviewed studies, and real-world developments since 2009 have cast significant doubt on many of the critical premises, assumptions, and conclusions in the Endangerment Finding such that it would be unreasonable to return the decision and the resulting regulatory framework.” This argument is wholly inconsistent with the vast body of robust scientific evidence of climate change’s harms. In light of the overwhelming evidence, this Administration “[cannot] avoid its statutory obligation by noting the uncertainty surrounding various features of climate change and concluding that it would therefore be better not to regulate at this time.”³²

Indeed, the evidence of the devastating impacts of greenhouse gas emissions have only grown stronger in the 15 years since EPA made the Endangerment Finding..³³ The most recent

²⁷ *Whitman v. American Trucking Ass’ns*, 531 U.S. 457, 468 (2001).

²⁸ 90 Fed. Reg. at 36,304.

²⁹ 74 Fed. Reg. at 66,522.

³⁰ 90 Fed. Reg. at 36,312.

³¹ *Massachusetts v. EPA*, *supra* note 2 at 534.

³² *See Massachusetts v. EPA*, *supra* note 2.

³³ *See, e.g., J. Wentz, Attribution Science and EPA’s Reconsideration of the GHG Endangerment Finding* (May 22, 2025) (describing how the evidentiary basis for the Endangerment Finding has only grown stronger),

National Climate Assessment, which is the United States' "preeminent report"³⁴ on climate change, showed that greenhouse gases are causing an increasing number of extreme weather disasters and rising healthcare costs from sickness due to extreme heat and respiratory issues like wildfire smoke.³⁵ The last global assessment of the climate, reflected in the Intergovernmental Panel on Climate Change ("IPCC") assessment, which relied on over 700 scientists and synthesized all available research, definitively affirmed that the risks and harms from greenhouse gas emissions are increasing.³⁶ In extensive detail, the last IPCC assessment described the devastating, wide-ranging consequences of rising greenhouse emissions and the irreversible risks if emissions are not reduced. This recent IPCC assessment further found that climate impacts on people and ecosystems are more widespread and severe than expected, and that future risks will escalate rapidly with every fraction of a degree of warming.³⁷ Despite this grim prediction, greenhouse gas emissions are still increasing, and concentrations of carbon dioxide have not slowed. This last year, carbon dioxide concentrations rose faster than they had any other year.³⁸

Climate change is already impacting front-line communities first and worst. Study after study has shown that the communities who bear the brunt of disasters are those who are already at risk, including communities of color, low-income communities, and other marginalized groups.³⁹ This Administration must not ignore its statutorily mandated duty to protect communities from the harm of air pollution, and therefore EPA must retain the endangerment finding.

Furthermore, this Administration's reliance on cherry-picked data from a handful of scientists lacks an adequate factual basis and is thus arbitrary and capricious. In an affront to the scores of scientific studies demonstrating both the actual and anticipated climate change-caused harms to public health and welfare, this Administration appears to rely nearly entirely on a Department of Energy ("DOE") report written by five hand-picked scientists who selectively misrepresent data to make it look like there are uncertainties related to climate change data.⁴⁰ This DOE report did not undergo peer review, presents an incomplete and skewed view of the science, and is full of errors and misrepresentations.⁴¹ This Administration's reliance on this biased and

<https://blogs.law.columbia.edu/climatechange/2025/05/22/attribution-science-and-epas-reconsideration-of-the-ghg-endangerment-finding/>.

³⁴ See, e.g., Purdue University, 5th National Climate Assessment (describing the 5th Climate Assessment)

<https://mrcc.purdue.edu/fifth-national-climate-assessment>.

³⁵ The Trump Administration removed the National Climate Assessment from government websites, but it is still available on an archived site. A.R. Crimmins, et. al, Fifth National Climate Assessment (2023), available at <https://repository.library.noaa.gov/view/noaa/61592>. See also A. Borunda, et. all, *National Public Radio, Climate Change Affects Your Life in 3 Big Ways* (Nov. 14, 2023) (summarizing the National Climate Assessment), <https://www.npr.org/2023/11/14/1206506962/climate-change-affects-your-life-in-3-big-ways-a-new-report-warns>.

³⁶ International Panel on Climate Change (IPCC), Sixth Assessment Report, <https://www.ipcc.ch/assessment-report/ar6/>.

³⁷ *Id.*; see also S. Boehm, et. al, World Resources Institute, *10 Big Findings from 2023 IPCC Report on Climate Change* (March 20, 2023), <https://www.wri.org/insights/2023-ipcc-ar6-synthesis-report-climate-change-findings>.

³⁸ U.S. Department of Commerce, National Oceanic & Atmospheric Administration, Trends in Atmospheric Carbon Dioxide (CO₂), available at https://gml.noaa.gov/ccgg/trends/gl_gr.html.

³⁹ See also A. Borunda, et. all, *National Public Radio, Climate Change Affects Your Life in 3 Big Ways* (Nov. 14, 2023) (summarizing the National Climate Assessment), <https://www.npr.org/2023/11/14/1206506962/climate-change-affects-your-life-in-3-big-ways-a-new-report-wa>

⁴⁰ See DOE Response Site, Climate Experts' Review of the DOE Climate Working Group Report, <https://sites.google.com/tamu.edu/doeresponse/home> (providing links to comments by dozens of scientists who found errors in the DOE report).

⁴¹ *Id.*; P. Voosen, *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>.

problematic report instead of the vast field of scientific literature is arbitrary and capricious because it disregards substantial evidence.

Finally, this Administration's proposal to rescind the Endangerment Finding is deeply inconsistent with the broad, expert international consensus recognizing the "urgent and existential threat" facing the world and concluded that those harmed by human-caused climate change may be entitled to "reparations" by those engaging in the production and consumption of fossil fuels.⁴²

(3) Controlling Vehicle Emissions Provides Significant Benefits to Public Health and Welfare.

This Administration argues that there is "evidence that reducing GHG emissions from new motor vehicles and engines to zero would not have a scientifically measurable impact on global GHG concentrations and climate trends," thereby necessitating the repeal of motor vehicle GHG emission standards. The Administration further argues that "GHG emission standards harm public health and welfare by increasing prices, decreasing consumer choice, and slowing the replacement of older vehicles that are less safe and emit a greater volume and variety of air pollutants than new motor vehicles and engines."⁴³ Both of these arguments are wrong.

Initially, the premise underlying the Administration's arguments is factually incorrect. Regulating motor-vehicle emissions will reduce the risk of significant climate harms, as the Supreme Court in *Massachusetts* confirmed: "Judged by any standard, U.S. motor-vehicle emissions make a meaningful contribution to greenhouse gas concentrations and hence...to global warming."⁴⁴

Furthermore, given the significant amount of vehicle emissions produced in the U.S., it is not surprising that vehicle regulations provide significant benefits to public health and welfare. EPA's most recent light- and medium-duty vehicle standards, which were finalized last year, were projected to save more than \$800 billion in fuel costs and reduce more than \$1.5 trillion in climate-change damages.⁴⁵ Another analysis projected that greenhouse gas fuel economy standards "have reduced fuel consumption by well over one and a half trillion gallons, saved consumers trillions of dollars and avoided 14 billion tons of GHG emissions."⁴⁶

The benefits of greenhouse gas regulations can be felt most acutely in the communities that are already disproportionately impacted by multiple sources or types of pollution. This proposed repeal will disproportionately impact these disadvantaged communities, which are more likely than average to be located near a high-volume road or in an area with greater traffic,⁴⁷ and that are already experiencing the devastating impacts of climate change. Thus, if standards are repealed, the impacts will be felt by these frontline communities first and worst. These communities have long-relied on the EPA standards and have devoted time and resources to advocating for expedited implementation of cleaner transportation vehicles.

⁴² International Court of Justice, *Obligations of States in respect of Climate Change*, <https://www.icj-cij.org/case/187>.

⁴³ 90 Fed. Reg. at 36,291.

⁴⁴ *Massachusetts v. EPA*, *supra* note 2 at 525.

⁴⁵ 89 Fed. Reg. 27,842 (Apr. 18, 2024).

⁴⁶ D. Greene, et. al, *U.S. fuel economy and greenhouse gas standards: What have they achieved and what have we learned?*, 146 *Energy Policy* 111783 (Nov. 2020), <https://www.sciencedirect.com/science/article/abs/pii/S0301421520305048#:~:text=saved%20consumers%20trillions%20of%20dollars>.

⁴⁷ See, e.g., Gregory M. Rowangould, *A Census of the US Near-Roadway Population: Public Health and Environmental Justice Considerations*, 25 *Transp. Res. Part D* 59, 59, 66 (2013).

C. Conclusions and Requests

The testimonials included in this comment show how climate change is already hurting communities throughout the country, and the comment above shows how the Administration's three primary arguments for repealing the Endangerment Finding and the motor vehicle requirements are unsound and fail. This Administration must not ignore the needs of the most vulnerable communities by carrying out the proposed Endangerment Finding rescission and repeal of GHG standards for new motor vehicles and engines. A rescission and repeal would directly harm the communities the Clean Air Act was intended to protect, which is a contradiction of EPA's core mission and duties. We request that the Administration, at the very least, do the following:

- Fully consider the impacts that the Administration's harmful proposal on frontline communities;
- Not repeal the Endangerment Finding, and instead confirm that Endangerment Finding is consistent with robust science and necessary to protect frontline communities;
- Strengthen motor vehicle standards and requirements to better protect frontline communities; and
- Disclose information concerning any use of generative artificial intelligence ("AI") relied upon in developing this proposed action, as well as any intended use of AI in this rulemaking process. The Administrative Procedure Act requires the disclosure of assumptions, data, and methodology to ensure that commenters can meaningfully participate in rulemakings that incorporate sophisticated methodology.⁴⁸ Considering the lack of AI regulation and emerging environmental and energy impacts of the data centers that power this technology, many of the undersigned organizations are particularly concerned about its use. Disclosing this information is necessary to ensure transparency and public participation in the regulatory process.

* * *

Thank you for considering these comments.

Sincerely,

198 methods
350.org
350Brooklyn
350Hawaii
350Juneau
350 Triangle
Activate 48
AFGE Local 704
Alaska Wilderness League
Animals Are Sentient Beings, Inc.
Bayou City Waterkeeper.org
Center for Coalfield Justice
Chispa Arizona
Chispa TX
Clean Water Action

⁴⁸ 5 U.S.C. § 553. *See also* Portland Cement Ass'n v. Ruckelshaus, 486 F.2d 375, 393 (D.C. Cir. 1973).

Climate Justice Alliance
Collectrify: A Frontline-Led Energy Fund
Commission Shift
CURE
Dayenu: A Jewish Call to Climate Action
Eco-Justice Collaborative
Elders Coalition for Climate Action
Endangered Species Coalition
Farmworker Association of Florida
Food & Water Watch
Friends of the Earth
Global Alliance for Incinerator Alternatives (GAIA)
Gonzaga Institute for Climate, Water, and the Environment
Grassroots Global Justice Alliance
GreenLatinos
GreenRoots
Initiative for Energy Justice
Institute for Policy Studies Climate Policy Program
Just Solutions
Mat-Su Friends Monthly Meeting
Micronesia Climate Change Alliance
MN 350
Montana Environmental Information Center
Movement Rights
MoveOn.org HobokenRESIST!
NC Climate Justice Collective
Nevada Environmental Justice Coalition
New Virginia Majority
Northeast Organic Farming Association of Connecticut (CT NOFA)
Northeast Organic Farming Association-Interstate Council
Northeast Organic Farming Association of Massachusetts
Northeast Organic Farming Association of New Jersey (NOFA NJ)
Northeast Organic Farming Association of Rhode Island
Northeast Organic Farming Association of Vermont (NOFA-VT)
Occupy Bergen County
Oregon Just Transition Alliance
Out For Justice
Physicians for Social Responsibility
Physicians for Social Responsibility Arizona
Physicians for Social Responsibility Pennsylvania
Port Arthur Community Action Network (PACAN)
Preserve Giles County
Progressive Leadership Alliance of Nevada
Protect Our Water, Heritage, Rights
SEE (Social Eco Education)
Sunflower Alliance
The Alliance for Appalachia
The Chisholm Legacy Project
Third Act Richmond, VA
Turtle Island Restoration Network (TIRN)
Unitarian Universalists for a Just Economic Community

Unitarian Universalists for Social Justice
Verde
Virginia Organizing
Visibility Outreach Touch Engage South Arkansas
West Virginia Rivers Coalition
Woodstock Fisheries LLC