

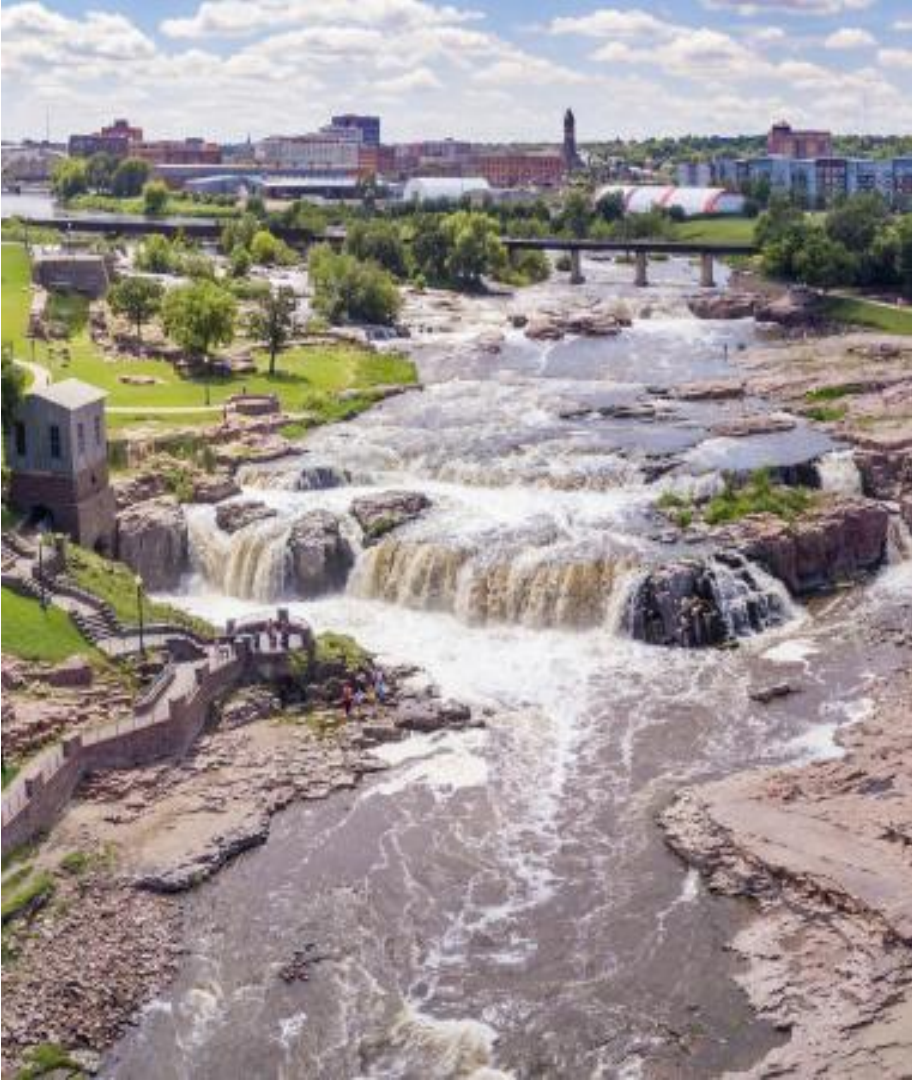


NAEP Endangerment Finding Webinar

Impacts on Environmental Practice

Karen Burchardt
August 4, 2026





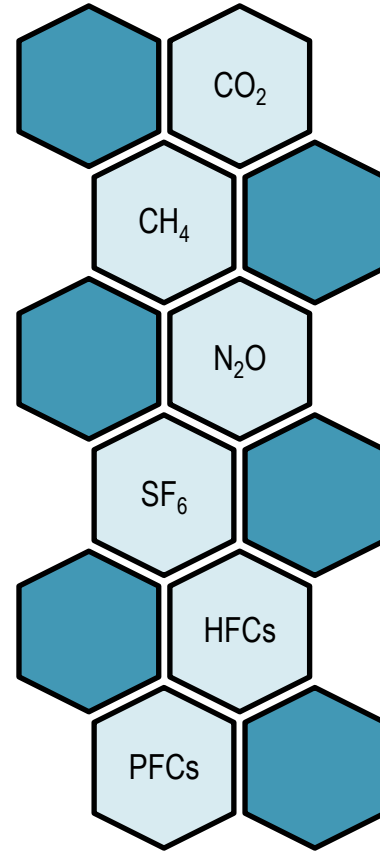
Agenda

- Impact of the 2009 Endangerment Finding
- Impact of the 2026 Repeal

**How did the 2009 Endangerment
Finding fundamentally change
environmental practice?**

2009 Endangerment Finding

- Determined that six GHGs endanger public health and welfare
- Determined that emissions from new motor vehicles contributed to GHG pollution
- Required the USEPA to regulate these GHGs (motor vehicles and other sources)



Air Permitting

- Quantify GHG emissions
- GHG emissions considered in determining if a source or modification was major for PSD
- GHG emissions considered in determining if a source was major for Title V
- BACT for PSD
- Regulatory applicability analysis included federal rules with GHG standards



NEPA Process - EA/EIS

- 1/9/2023 – CEQ issued interim guidance: “National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change”
- Assist federal agencies in their consideration of GHGs and climate change in NEPA reviews
- CEQ sought public notice
- Issued as temporary guidance for immediate use, but guidance was not finalized



NEPA Process - EA/EIS

- Quantify GHG emissions
- Calculate the Social Cost of Carbon
- Evaluate downstream impacts (e.g., GHG emissions from natural gas users for a proposed pipeline expansion)
- Climate change impacts included



Mobile Source Standards

Light-Duty Vehicles

- 12/30/2021 final rule – Revised 2023 and Later Model Year GHG standards
- These standards were more stringent
- Passenger cars and light trucks, MY 2023 through 2026
- EPA was planning separate rulemaking to set standards for MY 2027 and later
- Goal: transition of the light-duty vehicle fleet towards zero-emissions



Mobile Source Standards Heavy-Duty Vehicles

- 4/22/2024 final rule – Set GHG standards for heavy-duty vehicles (Phase 3)
 - New standards for model year 2032 and later
 - Revised some Phase 2 standards for MY 2027 and later
- Vocational vehicles (e.g., delivery trucks, public utility trucks, school buses)
- Tractors (e.g., cabs on tractor-trailer trucks)



What are the potential impacts of the Endangerment Finding repeal?

Endangerment Finding Repeal

- Removes the legal basis for federal regulation of GHG emissions from motor vehicles under the CAA
- Repeals GHG standards for motor vehicles
- Federal regulation of GHG emissions from other source categories – future impacts?



Air Permitting

- GHG emission calculations:
 - Emission factors from 40 CFR Part 98 (e.g., Table C-1 and C-2 to Subpart C for combustion)
 - GWPs from 40 CFR Part 98 (Table A-1 to Subpart A)
 - Mandatory GHG Report Rule proposed for reconsideration (9/2025)



Air Permitting

NSPS standards (40 CFR Part 60) for GHG proposed for repeal

- Subpart TTTT: GHG Emissions for Electric Generating Units
- Subpart TTTTa: GHG Emissions for Modified Coal-Fired EGUs and New/Reconstructed Stationary Combustion Turbine EGUs
- Subpart UUUUb: GHG Emission Guidelines for EGUs
- Subpart OOOOa/b/c: Methane from affected facilities in the crude oil and natural gas source category



GHG Reporting Rule

- Deadline for reporting for 2025 extended from 3/31 to 10/30/2026 (final rule on 2/27/26)
- Not clear what happens for the 2026 reporting year and beyond



State Considerations

State Regulatory Agencies

- States may still have GHG emission regulations
- Some states rely on Mandatory GHG Report Rule for reporting

States & Other Stakeholders

- States may still have GHG reduction or net-zero targets
- Some states have enacted state-level climate laws (CA, NY, VT)
- Private and publicly held companies may still have GHG reduction targets

NEPA Process - EA/EIS

- CEQ withdrawal of GHG guidance for NEPA assessment (5/28/2025)
- Lead agency guidance needed, evolving
 - GHG emission quantification – yes?
 - Social Cost of Carbon – no?
 - Downstream impacts – no?
 - Climate change – yes?



Mobile Source Standards

- All GHG emission standards for light-duty, medium-duty, and heavy-duty vehicles and engines repealed
- CAA 209(a) prohibits states from setting their own vehicle emission standards
- CAA 209(b) allows CA to seek authorization to enforce its own standards for new nonroad engines and vehicles
 - EPA can approve waiver after a public notice process
 - Three prior waivers voided in June 2025 under Congressional Review Act



Conclusions

- Lots of uncertainty, regulations in flux
- Future impacts to other source categories?
- CEQ guidance?
- NEPA lead agency guidance?



Questions?

Karen Burchardt
Senior Air Quality Specialist
HDR, Inc.

Karen.Burchardt@hdrinc.com
(773) 380-7989

