



Can EPA Repeal the Endangerment Finding?

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Background

- The endangerment repeal is a key part of the Trump administration's many-layered attack on climate science and emission reduction policies.
- In February EPA rescinded its landmark 2009 "endangerment finding" and all emission standards limiting emissions of CO2 and other heat-trapping pollutants from motor vehicles.
- NRDC is part of a broad coalition challenging that move in *American Public Health Association v. EPA*, in the D.C. Circuit Court of Appeals.
- The lawsuit will unfold over the next year. Depending on the appeals court ruling, there may be appeals to the Supreme Court.
- Huge implications for EPA, states, companies, and the public.

What is an Endangerment Finding?

- Congress enacted the modern Clean Air Act in 1970.
- That law does more than address pollutants Congress understood at that time. It charges EPA to act whenever science identifies new threats.
- An “endangerment finding” triggers action under many parts of the Act.
- Whenever the EPA Administrator concludes:
 - (1) that a kind of air pollution “may reasonably be anticipated to endanger public health or welfare” and
 - (2) that emissions of “any air pollutant” from man-made sources “cause or contribute” to that air pollution,

Then EPA must issue emission standards to reduce that pollution.

- For motor vehicle pollutants, standards must allow the lead time needed to develop and apply technology, considering cost.

The GHG Endangerment Finding

- In 1998, EPA's general counsel ruled that the Clean Air Act authorizes standards for greenhouse gases if the agency makes an endangerment finding.
- Public interest groups then petitioned to find that CO₂ and other pollutants endanger public health and welfare by contributing to climate change and asked for motor vehicle emission standards.
- In 2003, EPA denied the petition, reversing the 1988 legal opinion and claiming the Clean Air Act does not cover climate-changing pollutants.
- NRDC joined states and other groups in a lawsuit to challenge this decision in *Massachusetts v. EPA*.
- The D.C. Circuit ruled for EPA, but with a strong dissent. We appealed.

What Did the Courts Say?

- The Supreme Court reversed EPA in *Massachusetts v. EPA* in 2007.
- It held that:
 - States had standing to sue. Massachusetts is losing coastal land due to sea level rise; reducing emissions would slow that loss.
 - Greenhouse gases are “unambiguously” air pollutants under the Act; “welfare” includes effects on “weather” and “climate.”
 - EPA must decide whether GHG air pollution endangers public health and welfare and whether vehicle emissions contribute.
 - That finding must be science-based, not factoring in other policy considerations.
 - Considerations like technology and cost come into play only when deciding how strong the standards should be.

EPA Makes the Finding, Sets Standards

- EPA made a science-based finding in 2009:
 - Evidence demonstrates the buildup in the atmosphere of six well-mixed greenhouse gases endangers public health and welfare, and
 - Vehicle emissions contribute to that pollution.
- EPA set light-duty vehicle emission standards in 2010. The auto industry agreed to meet those standards.
- The D.C. Circuit rejected challenges by other industries, red states, and climate-denier groups. *Coalition for Responsible Regulation v. EPA*. The Supreme Court declined to review that decision.
- EPA later strengthened the standards (again with auto industry buy-in) and set standards for heavy-duty vehicles. (EPA also addressed power plants, oil and gas methane, landfills, aircraft.)

Going into Reverse

- Congress rejected multiple bills to revoke the endangerment finding and take away EPA authority.
- The Supreme Court followed *Massachusetts* in three later cases.
- The first Trump administration attempted to weaken the vehicle standards.
 - But they did *not* attack the endangerment finding. A senior EPA political appointee called that “a fool’s errand.”
- The Biden administration reiterated the endangerment finding and strengthened the standards.
- But the second Trump administration is going much farther than the first.

EPA Proposes Endangerment Finding Repeal

- In 2025 the second Trump administration proposed to repeal the finding along with all GHG standards for vehicles.
- Relying on a report from five climate contrarians empaneled by DOE, EPA claimed that new developments undermined the scientific basis of the 2009 finding.
- EPA also claimed it had misread the Clean Air Act in 2009. Four claims:
 - GHGs can be “air pollutants” but not cause “air pollution.”
 - The law controls only “local or regional” air pollution.
 - Curbing vehicle emissions would be “futile.”
 - The standards cost consumers \$billions, when they actually save consumers \$billions.

The Final Repeal Decision

- The DOE report generated huge scientific backlash.
- The National Academy of Sciences concluded the 2009 endangerment finding “was accurate, has stood the test of time, and is now reinforced by even stronger evidence.”
- DOE disbanded the five-contrarian panel, which a court found violated the Federal Advisory Committee Act.
- EPA disclaimed any reliance on the report in final rule.
- But EPA continued to claim the Clean Air Act does not cover climate pollution and that standards would be “futile.”
- It repealed the rules in February 2026.
- NRDC and partners sued in *American Public Health Association v. EPA*

What Happens Next?

- The *American Public Health Association* lawsuit will likely come before the D.C. Circuit next year.
- We're asking the court to vacate the repeal, which would reinstate the endangerment finding and the vehicle standards.
- The auto industry is largely staying out of it. They want weaker standards but stability most of all.
- But the oil industry, eager to protect gasoline sales, is defending EPA.
- EPA is also moving to weaken or repeal climate pollution standards for other industries – power plants, oil and gas.

Stay Tuned!

- For more information, see these NRDC publications:
 - [EPA's Endangerment Finding: The Legal And Scientific Foundation](#)
 - [Trump's EPA Declares It's "Futile" to Fight Climate Change](#)
 - [5 Facts About the Endangerment Finding](#)
- Happy to answer questions.
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