

## **Rescission of the Endangerment Finding**

**By: Addie Stromberg**

After much nervous anticipation, the Trump administration’s Environmental Protection Agency (“EPA”) rescinded the Endangerment Finding.<sup>1</sup> On February 12<sup>th</sup> of this year, the EPA announced that it was rescinding both the Greenhouse Gas Endangerment Finding and the Greenhouse Gas Emission Standards for light, medium, and heavy-duty vehicles.<sup>2</sup> By repealing this finding, the EPA is making the regulation of greenhouse gas emissions, and in turn, climate change, very difficult.<sup>3</sup> The repeal of environmental regulation, like others taken by this administration, poses major risks to many vulnerable populations in the United States, including people with low-incomes and people of color.<sup>4</sup>

### **What is the Endangerment Finding?**

In 2007, the Supreme Court decided a case called *Massachusetts v. EPA*.<sup>5</sup> States and other interested groups filed a writ of certiorari to ask the Court if the EPA had the “statutory authority to regulate greenhouse gas emissions from new motor vehicles.”<sup>6</sup> The Court held that greenhouse

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<sup>1</sup> Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act, 91 Fed. Reg. 7686 (Feb. 18, 2026).

<sup>2</sup> *Id.*

<sup>3</sup> Sarah Brown, *EPA Repeals Legal Basis for Regulating Greenhouse Gases. What it Means for the US – and the World*, WORLD RES. INST. (Feb. 19, 2026), <https://www.wri.org/insights/endangerment-finding-repeal-explained>.

<sup>4</sup> *EPA Report Shows Disproportion Impacts of Climate Change on Socially Vulnerable Populations in the United States*, EPA (Sept. 2, 2021) <https://www.epa.gov/newsreleases/epa-report-shows-disproportionate-impacts-climate-change-socially-vulnerable>.

<sup>5</sup> *Massachusetts v. EPA*, 549 U.S. 497 (2007).

<sup>6</sup> *Id.* at 504.

gases were considered to be pollutants as defined in Section 202 of the Clean Air Act.<sup>7</sup> Since greenhouse gases were considered air pollutants, the Court held that the EPA had the statutory authority and statutory obligation to regulate greenhouse gases as pollutants if the EPA were to find that greenhouse gases “may reasonably be anticipated to endanger public health or welfare.”<sup>8</sup> Therefore, if the EPA were to regulate greenhouse gas emissions they had to find that greenhouse gas emissions endangered public health.<sup>9</sup>

In 2009, the EPA issued an endangerment finding for six greenhouse gas emissions.<sup>10</sup> The finding states “that greenhouse gases in the atmosphere may reasonably be anticipated both to endanger public health and to endanger public welfare.”<sup>11</sup> The endangerment finding provided a legal basis for the EPA to regulate greenhouse gasses and “has provided the legal foundation for federal climate action.”<sup>12</sup> In the years following the finding the EPA used it to regulate greenhouse gas emissions from new cars and trucks, to introduce rules regulating greenhouse gas emissions from coal and gas power plants, and to reduce greenhouse gas emissions from the oil and gas industry.<sup>13</sup>

### **EPA’s Legal Justification for the Rescission?**

The Trump EPA used the rescission of the endangerment finding to assert that the EPA does not have the authority to impose emissions limits on new cars and trucks.<sup>14</sup> This upends over a

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<sup>7</sup> See generally Nathan Richardson, *The Rise and fall of the Clean Air Act Climate Policy*, 10 MICH. J. OF ENV’T & ADMIN. L. 69 (2020); See also Sierra J. Smarra, *Turning a Blind Eye: The Trump Administration’s Flagrant Disregard for the Warming Effects of Methane on Earth’s Climate*, LV SUFFOLK UNIV. L. REV. 481, 486 (2022).

<sup>8</sup> Massachusetts, *supra* note 5 at 506; 42 U.S.C. §7521(a)(1).

<sup>9</sup> Massachusetts, *supra* note 5 at 534.

<sup>10</sup> Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act, 75 Fed. Reg. 66496 (Dec. 15, 2009).

<sup>11</sup> *Id.* at 66497

<sup>12</sup> Brown, *supra* note 3.

<sup>13</sup> *How the Trump administration is removing limits on pollution*, ENV’T DEF. FUND, <https://www.edf.org/overview-epa-endangerment-finding>.

<sup>14</sup> Rescission, *supra* note 1.

decade of progress towards making cars on United States roads less polluting and denies clear science evidence.<sup>15</sup> While the Trump EPA has moved to destroy environmental protections, the science that supported the endangerment finding has become even stronger.<sup>16</sup> The anticipated dangers of increased greenhouse gas emissions have, in some part, come true as we are experiencing extreme weather events like wildfires, major storms, and heatwaves.<sup>17</sup> Despite this scientific evidence the Trump EPA concluded that the EPA doesn't have the authority to regulate greenhouse gas emissions.<sup>18</sup> EPA's stance is not based on differing views of the science, but is instead based on "a more limited reading of its powers under the Clean Air Act."<sup>19</sup> The limited reading of the Clean Air Act means that the Trump EPA would require Congress passing a statute directing the EPA to regulate these emissions.<sup>20</sup> Without Congressional authorization, EPA argues that the emissions from new cars and trucks "do not contribute to 'air pollution.'"<sup>21</sup> The EPA also claims that regulation is unnecessary because it "would not materially affect global climate change," a claim in stark contrast to the reality that "motor vehicles remain responsible for over 23 percent of all U.S. greenhouse gas emission."<sup>22</sup>

### **Why the Rescission Matters and Who it Will Hurt the Most**

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<sup>15</sup> Dena Adler & Kate Welty, *Exhaustive Precedent: EPA's Requirement to Regulate Motor Vehicle Emissions that Contribute to Dangerous Air Pollution*, INST. POLICY INTEGRITY, at i (Jul. 2025).

[https://policyintegrity.org/files/publications/Exhaustive\\_Precedent\\_Issue\\_Brief\\_vF.pdf](https://policyintegrity.org/files/publications/Exhaustive_Precedent_Issue_Brief_vF.pdf).

<sup>16</sup> *Scientific basis for EPA's endangerment finding if stronger than ever*, STAN. WOODS INST. ENV'T (Dec. 13, 2018) <https://sustainability.stanford.edu/news/scientific-basis-epas-endangerment-finding-stronger-ever>.

<sup>17</sup> *Id.*

<sup>18</sup> Carrie Jenks and Sara Dewey, *The Legal Reasoning Behind the Endangerment Rescission*, SALATA INST. CLIMATE AND SUSTAINABILITY (Feb. 17, 2026) <https://salatainstitute.harvard.edu/the-legal-reasoning-behind-the-endangerment-rescission/>.

<sup>19</sup> Cary Coglianese & Shelly Welton, *The Endangerment Finding and the Future of EPA's Authority*, Kleinman Ctr. for Energy Policy (Mar. 3, 2026) <https://kleinmanenergy.upenn.edu/commentary/podcast/the-endangerment-finding-and-the-future-of-epas-authority/>.

<sup>20</sup> Jenks, *supra* note 18.

<sup>21</sup> *Id.*

<sup>22</sup> Jenks, *supra* note 18 and 15 at 4.

The rescission is another blow against environmental regulation and progress towards environmental equity.<sup>23</sup> Recently, Trump ordered the Department of Defense to buy electricity from coal-fired power plants. Many of these plants are being told to remain open even though they were scheduled to retire, forcing consumers to pay to keep the aging coal plants running while reducing the U.S.'s ability to cut air pollution.<sup>24</sup>

The repeal of the tailpipe greenhouse gas emissions from new cars and trucks will hurt people of color and people with low incomes. A history of redlined and interstate siting policies has made it so that people of color and low-income people are more likely to live near highways.<sup>25</sup> People who live near highways and who experience higher levels of vehicle air pollution have a higher risk of having asthma and cardiovascular disease.<sup>26</sup> The EPA's abdication of its responsibility to regulate the tailpipe greenhouse gas emissions from new cars and trucks will undo years of work to reduce the air pollution experienced by people of color and people with low incomes.<sup>27</sup>

## Going Forward

Groups<sup>28</sup> suing the Trump EPA over this rule rescission are arguing that the rescission was blatantly unlawful and indicates that the EPA has decided “it is not responsible for protecting [people] from climate pollution.”<sup>29</sup> Some observers think that the pending suit, which is likely to

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<sup>23</sup><sup>23</sup> See e.g., Trumps's Climate and Energy Rollback Tracker, <https://www.actonclimate.com/trumptracker/>.

<sup>24</sup> Sam Branch, *The owners want to close this Colorado coal plant. The Trump administration says no*, NPR (Feb. 23, 2026) <https://www.npr.org/2026/02/23/g-s1-110980/trump-coal-energy-colorado>.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> <https://ceed.org/the-latest/endangerment-finding-revoked-ej-statement/>.

<sup>28</sup> *APHA and several organizations sue EPA over illegal repeal of climate protections*, APHA (Feb. 18, 2026) <https://www.apha.org/news-and-media/news-releases/apha-news-releases/epa-sued-over-illegal-repeal-of-climate-protections>.

<sup>29</sup> *NRDC and Coalition Sue Over Endangerment Rollback and Climate Protections*, NAT'L RES. DEF. FUND (Feb. 18, 2026), <https://www.nrdc.org/press-releases/nrdc-coalition-sue-endangerment-rollback-climate-protections>.

end up in the Supreme Court, will be a “rehash” of the issues decided in *Massachusetts v. EPA*.<sup>30</sup> Despite the pending clashes in court, the EPA is operating without the “legal underpinning of nearly all climate regulations under the Clean Air Act for motor vehicles, power plants and other pollution sources,” leaving other greenhouse gas regulatory regimes vulnerable.<sup>31</sup> While the rescission is a step backward for national climate policy, environmental justice networks are doubling down on holding the EPA accountable and speaking out to ensure the voice of environmental justice communities is heard.<sup>32</sup>

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<sup>30</sup> Karen Zraick, *E.P.A Faces First Lawsuit Over Its Killing of Major Climate Rule*, N.Y. TIMES (Feb. 18, 2026) <https://www.nytimes.com/2026/02/18/climate/epa-endangerment-finding-lawsuit.html>.

<sup>31</sup> Matthew Daly, *Groups sue Trump’s EPA over repeal of rule that supported climate protections*, PBS NEWS (Feb. 18, 2026) <https://www.pbs.org/newshour/politics/groups-sue-trumps-epa-over-repeal-of-rule-that-supported-climate-protections>.

<sup>32</sup> <https://ceed.org/the-latest/endangerment-finding-revoked-cj-statement/>.