

Alert | Environmental



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Regulatory Reset: EPA Rescinds 2009 Endangerment Finding, Repeals Greenhouse Gas Vehicle Standards

EPA based rescission on reinterpretation of Clean Air Act section 202

On Feb. 12, 2026, the U.S. Environmental Protection Agency (EPA) announced its **final rule** (published at 91 Fed. Reg. 7686) rescinding the 2009 **Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act**, 74 Fed. Reg. 66496 (Dec. 15, 2009) (Endangerment Finding) and all subsequent federal greenhouse gas (GHG) emission standards for vehicle and engine model years 2012 and onward that relied on the Endangerment Finding. This action represents a continuing shift in U.S. climate policy because the Endangerment Finding has served as the basis for many regulatory efforts to reduce GHG emissions from both mobile and stationary sources. The EPA predicated its final rule solely on its revised legal interpretation of its authority under the Clean Air Act (CAA), as corroborated by the major questions doctrine, and determined it was unnecessary and inappropriate to resolve outstanding scientific questions regarding global climate change impacts.

EPA's August 2025 Reconsideration Proposal

EPA **proposed to rescind** its Endangerment Finding on Aug. 1, 2025 (Reconsideration Proposal). In the Reconsideration Proposal, EPA identified two bases on which to rescind the Endangerment Finding. EPA's primary rationale was a legal argument that EPA lacked the statutory authority under the CAA to issue the Endangerment Finding and associated regulations. EPA also offered an alternative rationale based on a reconsideration of the scientific record underpinning the Endangerment Finding. For an in-

depth legal and regulatory history of the Endangerment Finding and a description of the Reconsideration Proposal, please see our [previous GT Alert](#).

EPA's February 2026 Final Rule Rescinding the Endangerment Finding

EPA based its final rule rescinding the Endangerment Finding solely on changes to the agency's understanding of its authority to regulate GHG emissions under the CAA. Rather than making a new finding under section 202(a)(1) that GHG emissions do not endanger public health, EPA determined it lacks the statutory authority to resolve the questions.

Influence of Supreme Court Decisions

EPA asserts its changing legal interpretations are primarily informed by Supreme Court decisions issued during the past several years. The final rule states the “Endangerment Finding and subsequent regulations...rested on a profound misreading of the Supreme Court’s decision in *Massachusetts v. EPA*, 549 U.S. 497 (2007),” which “assumed that [the decision] compelled us to read the statute as authorizing the regulation of GHG emissions under CAA section 202(a)(1).” 91 Fed. Reg. 7686, 7689–90, 7711. *Utility Air Regulatory Group v. EPA*, 573 U.S. 302 (2014), *Michigan v. EPA*, 576 U.S. 743 (2015), *West Virginia v. EPA*, 597 U.S. 697 (2022), which applied the “major questions doctrine” to GHG emissions regulation, and *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), which overruled *Chevron* deference for an agency’s statutory interpretation in favor of the “single, best meaning[,]” informed EPA’s revised view. *Id.* at 7702.

EPA's Interpretation of Section 202 Authority

EPA’s position is that section 202(a)(1) is “fixed by the terms Congress used when enacting and amending the language of CAA section 202(a)(1) from 1965 to 1977” and, therefore, EPA may use it to regulate “emissions that cause or contribute to air pollution that endangers public health and welfare through local or regional exposure.” *Id.* at 7711.

Because Congress focused on regulating criteria pollutants and air toxics during the 1960s and 1970s and did not reference GHG emissions or climate change concerns in section 202, EPA determined the Endangerment Finding and associated regulations exceeded its statutory authority under the “best reading” of the CAA. EPA also finalized its conclusion that “section 202(a)(1) requires issuing emission standards together with the findings necessary to invoke our regulatory authority, rather than severing the regulatory action into separate endangerment and standards-setting proceedings.” *Id.* at 7718.

Agency Declines to Make New Climate Science Determinations

EPA did not rely on any scientific basis to rescind the Endangerment Finding, nor did it make any new finding under section 202(a)(1) regarding the impact of GHG emissions on public health and welfare. The final rule states that while the “Administrator continues to harbor concerns regarding the scientific analysis contained within the Endangerment Finding,” EPA’s legal basis for rescission “make[s] it unnecessary and inappropriate to resolve outstanding scientific questions regarding global climate change concerns in the regulatory context of CAA section 202(a)(1).” *Id.* at 7688–89. This approach departed from Section IV.B of the Proposed Rescission, which offered an alternative rationale for invalidating the Endangerment Finding based on “insufficient reliable information to retain the conclusion that GHG emissions from new motor vehicles and engines in the United States cause or contribute to endangerment to public health and welfare in the form of global climate change.” 90 Fed Reg. 36310. The alternative rationale relied heavily on a draft report submitted by the U.S. Department of Energy Climate Working

Group to Secretary of Energy Christopher Wright on May 27, 2025, titled *Impacts of Carbon Dioxide Emissions on the U.S. Climate*.

Repeal of Federal GHG Emission Standards for New Motor Vehicles and Engines

EPA used the Endangerment Finding as its basis for regulating GHG emissions from new light, medium, and heavy-duty motor vehicles and their engines starting with model year 2012 under section 202(a)(1). Because EPA rescinded the Endangerment Finding, EPA also repealed all GHG-related emission standards, testing and measurement requirements, and manufacturer reporting and certification obligations. It also eliminated compliance flexibilities, credit programs (including off-cycle credit incentives for automakers to voluntarily adopt start-stop button features), and averaging, banking, and trading provisions related to these vehicles and engines. This rulemaking does not affect vehicle fuel economy standards, which the National Highway Traffic Safety Administration administers.

A “Futility” Determination

EPA also finalized its interpretation that “GHG emission standards for new motor vehicles and engines are futile because they have no material (i.e., non-*de minimis*) impact on the global climate change concerns animating this regulatory program.” 91 Fed. Reg. at 7702.

EPA provided two separate rationales for its “futility” interpretation:

- First, the interpretation supports the agency’s overall understanding that regulations imposed pursuant to section 202(a)(1) should target only air pollutants that endanger “human health and the environment through local and regional exposure and that domestic regulation can impact without requiring international emissions reductions.” *Id.* at 7702–03.
- Second, EPA concluded that maintaining GHG emission standards under section 202(a)(1) would be unreasonable “because they impose immense burdens without furthering any statutory objectives.” *Id.* at 7703.

EPA estimates the final rule will yield more than \$1.3 trillion in cost savings for American consumers and industry, and an average cost savings of over \$2,400 per vehicle, primarily through reduced regulatory and vehicle compliance costs.

Regulatory Implications

Effective April 20, 2026, The final rule repeals federal GHG emission standards for all vehicles and engines of model years 2012 to 2027 and beyond, as well as associated reporting and compliance programs, 40 C.F.R. Parts 85, 86, 1036, and 1037; 40 C.F.R. Parts 600 and 1039. This includes emission standards for four of the six “well-mixed GHGs” — CO₂, N₂O, methane, and HFCs. These regulations pertain to light, medium, and heavy-duty vehicles and engine GHG emission standards.

Although the final rule directly affects vehicle and engine GHG emission standards, it does not modify emission standards for criteria pollutants or air toxics. EPA stated it “may reconsider and propose to revise the regulatory provisions for those programs in a separate rulemaking action.” Other regulations that relied on the Endangerment Finding as a basis for EPA’s authority to regulate GHG emission from other sources, including stationary sources, will remain in place unless or until EPA adopts separate final rules to rescind those requirements. In addition, and perhaps in anticipation of state regulatory efforts, EPA reasserted that federal preemption for motor vehicle and engine emission standards under CAA section 209(a), including with respect to GHGs, continues to apply by its own force to preempt state laws,

regulations, and causes of action that adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or engines.

Other Regulations that Rely on the 2009 Endangerment Finding

Since 2010, EPA, at times in conjunction with other federal agencies, has promulgated a series of GHG standards and reporting requirements for stationary sources of GHG emissions, including but not limited to:

- Mandatory Reporting of Greenhouse Gases, 74 Fed. Reg. 56460 (Oct. 30, 2009) (does not directly rely upon Endangerment Finding but may be impacted by its reversal).
- Reconsideration of the Greenhouse Gas Reporting Program, Proposed Rule, 90 Fed. Reg. 44591 (Sept. 12, 2025) (public comment period ended Nov. 3, 2025) (does not directly rely upon Endangerment Finding but may be impacted by its reversal).
- Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources, 81 Fed. Reg. 35824 (June 3, 2016).
- Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review [known as the “policy amendments”], 85 Fed. Reg. 57018 (Aug. 14, 2020).
- Emission Standards for New, Reconstructed, and Modified Sources: Oil and Natural Gas Sector Reconsideration [known as the “technical amendments”], 85 Fed. Reg. 57398 (Sept. 15, 2020).
- Standards for Performance for New, Reconstructed, and Modified Sources and Emission Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review, 89 Fed. Reg. 16820 (March 8, 2024).
- Greenhouse Gas Reporting Rule: Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems, 89 Fed. Reg. 42062 (May 14, 2024).
- New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule, 89 Fed. Reg. 55521 (July 5, 2024).
- Waste Emissions Charge for Petroleum and Natural Gas Systems: Procedures for Facilitating Compliance, Including Netting and Exemptions, 89 Fed. Reg. 91094 (Nov. 18, 2024) (Congress directed EPA to remove the amendments to 40 C.F.R. Parts 98.3 and 98.4. Parts 98.3 and 98.4 via a Congressional Review Act resolution, *see* 90 Fed. Reg. 21225 (May 19, 2025)).
- Repeal of Greenhouse Gas Emissions Standards for Fossil-Fuel Fired Electric Generating Units, 90 Fed. Reg. 25752, Proposed Rule (June 17, 2025).

Takeaways

EPA’s final rule is likely to generate regulatory and legal uncertainty. In the absence of Congressional legislation, the Endangerment Finding has served as the foundation for numerous regulatory efforts to reduce GHG emissions from stationary sources across economic sectors, including electricity-generating power plants and oil and gas facilities. For example, EPA’s rules establishing emission guidelines for existing oil and gas facilities under section 111(d) of the CAA are based solely on regulating GHG emissions. Whether and how EPA’s rescission of the Endangerment Finding may affect legal obligations

at individual sources will depend on a variety of complex factors, including how the agency may regulate other non-GHG pollutants at those sources and whether there are existing state regulatory requirements.

Litigation may further complicate the landscape. On Feb. 18, the American Public Health Association, American Lung Association, Center for Biological Diversity, and other public health and environmental groups filed a petition for review in the D.C. Circuit Court of Appeals, challenging the rescission of the Endangerment Finding. However, the petitioners have yet to reveal their legal positions on challenging the reversal.

In the final rule, EPA opined the “appropriate policy response to global climate change concerns is a decision vested in Congress, and Congress did not decide the Nation’s policy response to these concerns when it enacted CAA section 202(a)(1) to address domestic air pollution problems nearly sixty years ago, or in any subsequent amendment thereto.” 91 Fed. Reg. at 7688. Indeed, a truly airtight regulatory framework may require explicit statutory direction. In the meantime, navigating the complex federal and state landscape of GHG emissions regulation will require close attention to regulatory developments.

Authors

This GT Alert was prepared by:

- [Eric Waeckerlin](#) | +1 303.685.7444 | Eric.Waeckerlin@gtlaw.com
- [Courtney M. Shephard](#) | +1 303.572.6531 | Courtney.Shephard@gtlaw.com
- [Myles Culhane](#) | +1 916.868.0665 | Myles.Culhane@gtlaw.com
- [Lauren Hammond](#) | +1 303.572.6518 | Lauren.Hammond@gtlaw.com
- [Marisa Del Turco](#) | +1 303.685.7409 | Marisa.DelTurco@gtlaw.com

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