

ONE HUNDRED NINETEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
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WASHINGTON, DC 20515-6115

Majority (202) 225-3641  
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September 22, 2025

The Honorable Lee Zeldin  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Dear Administrator Zeldin:

We write to express our serious concerns with the Environmental Protection Agency's (EPA) proposed reconsideration of the 2009 Endangerment Finding.<sup>1</sup> Reversing the Endangerment Finding – the scientific determination underpinning EPA's regulation of climate pollution that finds that greenhouse gases endanger public health and welfare – will have swift and catastrophic ramifications for the environment and health of all Americans. This proposal overlooks the long-standing scientific evidence supporting the Endangerment Finding's conclusion and disregards the serious threats that climate change poses to our nation. This proposal and the broader effort to advance Trump's irresponsible agenda will only benefit corporate polluters who stand to profit off the serious harm unchecked climate change will inflict on people's health, pocketbooks, jobs, homes, and lives.

In an attempt to counter the overwhelming evidence behind the 2009 Endangerment Finding, EPA's proposal shockingly relies on the dangerous and irresponsible Draft Report from the U.S. Department of Energy's (DOE) Climate Working Group.<sup>2</sup> As we mentioned in our September 3, 2025, letter to DOE which is attached, the Draft Report severely downplays the negative impacts and threats posed by climate change, and is part of a larger campaign by the

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<sup>1</sup> The 2009 Endangerment Finding concluded that under the Clean Air Act six greenhouse gases, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>), posed a danger to public health and welfare for "current and future generations" and that the emission of these greenhouse gases from vehicles "contribute to the... air pollution that endangers public health." Environmental Protection Agency, *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) (final rule); Environmental Protection Agency, *Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards*, 90 Fed. Reg. 36288 (Aug. 1, 2025) (proposed rule).

<sup>2</sup> Department of Energy, *A Critical Review of Impacts of Greenhouse Gas Emissions on the U.S. Climate* (July 2025).

Trump Administration to manufacture a basis for the federal government to cease protecting Americans from the real threats of climate warming pollution.<sup>3</sup> Since we sent that letter, the Climate Working Group has been disbanded, yet their egregious report has not been withdrawn.<sup>4</sup>

The National Academy of Sciences, Engineering, and Medicine reviewed the latest evidence and came to the conclusion that human-caused emissions of greenhouse gases and resulting climate change harm the health and welfare of people in the United States.<sup>5</sup> It is clear that no one should rely on the bogus DOE Draft Report for any legitimate policymaking, so it is especially concerning that EPA chose to do so for its proposed revocation of the 2009 Endangerment Finding.

Unlike the DOE Draft Report, the 2009 Endangerment Finding was the product of an extensive and thorough process, resting on a vast body of scientific evidence and extensive public input.<sup>6</sup> EPA examined the most complete and rigorous science available at the time, like work from the U.S. Global Change Research Program (USGCRP), Intergovernmental Panel on Climate Change (IPCC), the US Climate Change Science Program, and the National Research Council.<sup>7</sup> The recent National Academies report unequivocally states that “EPA’s 2009 finding ... was accurate, has stood the test of time, and is now reinforced by even stronger evidence.”<sup>8</sup>

It is true that since 2009, the danger greenhouse gases pose to people’s health and welfare has been repeatedly affirmed by the best available science and our understanding continues to grow stronger. The IPCC’s Sixth Assessment Report found that human activities have “unequivocally” caused global surface temperatures to rise 1.1°C above pre-industrial levels and have caused widespread and rapid changes to the Earth’s atmosphere, which is affecting many weather and climate extremes.<sup>9</sup> Today, the level of atmospheric carbon dioxide is nearly 50

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<sup>3</sup> See note 2.

<sup>4</sup> *Trump’s Energy Department disbands group that sowed doubt about climate change*, National Public Radio (Sept. 13, 2025).

<sup>5</sup> National Academies of Sciences, Engineering, and Medicine, *Effects of Human-Caused Greenhouse Gas Emissions on U.S. Climate, Health, and Welfare*, (Sept. 17, 2025); Andrew E. Dessler et al., *Climate Experts’ Review of the DOE Climate Working Group Report* (Aug. 30, 2025).

<sup>6</sup> Environmental Protection Agency, *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) (final rule).

<sup>7</sup> Environmental Protection Agency, *Technical Support Document for Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act* (Dec. 7, 2009).

<sup>8</sup> National Academies of Sciences, Engineering, and Medicine, *Effects of Human-Caused Greenhouse Gas Emissions on U.S. Climate, Health, and Welfare*, (Sept. 17, 2025).

<sup>9</sup> Intergovernmental Panel on Climate Change, *Climate Change 2023: Synthesis Report* (Mar. 20, 2023).

percent higher than pre-industrial levels,<sup>10</sup> and most future scenarios project all parts of the United States are likely to warm during this century.<sup>11</sup>

The 2009 Endangerment Finding found that the risks to society and the planet are projected to increase as climate change gets worse, increasing the possibility of large, abrupt regional or global climatic events.<sup>12</sup> This has been reaffirmed by recent studies, which found that the rate of sea level rise has more than doubled over the last 30 years.<sup>13</sup> The number of days of coastal flooding per year has increased more than tenfold in the last half century as a result of sea-level rise, and relative sea-level rise is projected to increase high-tide flooding by five to ten times on average across our nation's coasts by 2050.<sup>14</sup> Climate change is causing changes in the severity, frequency, intensity, and duration of heatwaves, heavy rainfall events, droughts, hurricanes, and wildfires.<sup>15</sup> For example, rising sea levels have led to an increase in coastal flooding since the 1950s, which threatens more than 40 percent of Americans who live near the coast, and \$1 trillion of property and structures.<sup>16</sup> Hurricanes are reaching higher intensities, and higher sea levels are making their coastal flooding more extensive.<sup>17</sup>

The economic impacts of climate change on the United States are already enormous, and they will only continue to worsen if it is left unchecked. Just in 2024 alone, the United States experienced 27 confirmed weather or climate disaster events that exceeded \$1 billion in damages.<sup>18</sup> Cumulatively, the United States has sustained 403 weather and climate disasters since 1980, costing an estimated \$2.915 trillion in damages.<sup>19</sup> By 2050, climate change is estimated to cost \$38 trillion per year globally and cause a 17 percent reduction in the income of the world economy.<sup>20</sup> Unfortunately, EPA's proposal downplays or completely ignores the

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<sup>10</sup> National Oceanic and Atmospheric Administration, *Climate change: atmospheric carbon dioxide* (Mar. 21, 2025) (<https://www.climate.gov/news-features/understanding-climate/climate-change-atmospheric-carbon-dioxide>).

<sup>11</sup> Andrew E. Dessler et al., *Climate Experts' Review of the DOE Climate Working Group Report* (Aug. 30, 2025).

<sup>12</sup> See note 7.

<sup>13</sup> National Aeronautics and Space Administration, *Understanding Sea Level* (<https://sealevel.nasa.gov/understanding-sea-level/key-indicators/global-mean-sea-level/>) (accessed Sept. 22, 2025).

<sup>14</sup> Mohsen Taherkhani et al., *Sea-level rise exponentially increases coastal flood frequency*, *Nature* (Apr. 16, 2020).

<sup>15</sup> See note 11.

<sup>16</sup> Environmental Protection Agency, *Climate Change Indicators: Coastal Flooding* (Sept. 11, 2025) (<https://www.epa.gov/climate-indicators/climate-change-indicators-coastal-flooding>).

<sup>17</sup> Environmental Protection Agency, *Climate Change Indicators: Tropical Cyclone Activity* (Feb. 4, 2025) (<https://www.epa.gov/climate-indicators/climate-change-indicators-tropical-cyclone-activity>).

<sup>18</sup> National Oceanic and Atmospheric Administration, *2024: An active year of U.S. billion-dollar weather and climate disasters* (Jan. 10, 2025) (<https://www.climate.gov/news-features/blogs/beyond-data/2024-active-year-us-billion-dollar-weather-and-climate-disasters>).

<sup>19</sup> See note 18.

<sup>20</sup> Potsdam Institute for Climate Impact Research, *Nature study on economic damages from climate change revised* (June 8, 2025) (press release).

serious economic risks associated with a rapidly changing climate. EPA makes claims about the costs of meaningful climate actions but fails to account for the costs of inaction.

EPA's legal arguments attempting to justify reversal of the 2009 Endangerment Finding are equally dubious. The 2009 Endangerment Finding followed the landmark 2007 Supreme Court decision in *Massachusetts v. EPA*, which reaffirmed that greenhouse gases are air pollutants under Section 202(a)(1) of the Clean Air Act.<sup>21</sup> The law therefore obligates the EPA to curb pollutants that endanger public health and welfare, including those that contribute to climate change.<sup>22</sup> This understanding has been upheld by the courts, followed by multiple administrations, and reaffirmed by Congress.<sup>23</sup>

Citing *Loper Bright v. Raimondo*, EPA now claims that the best reading of the Clean Air Act is that "air pollutant" only covers pollution with local or regional effects, not global pollution like greenhouse gases that cause climate change.<sup>24</sup> But the Supreme Court rejected this specific argument in *Massachusetts v. EPA*, and EPA directly spoke to the local endangerment of climate pollution in 2009 – both of which are ignored in EPA's current proposal.<sup>25</sup> Furthermore, EPA's new limitation on the definition of "air pollutant" is not based in the text of the law since the "local and regional" language does not exist. EPA appears to have fabricated this so called "new and best reading" of the Clean Air Act. In stark contrast, references to "weather" and "climate" *do* appear in the statutory definition of "welfare," which is completely ignored in EPA's proposal.<sup>26</sup>

Citing *West Virginia v. EPA*, EPA also argues that it lacks clear Congressional authorization to regulate greenhouse gas emissions, due to the major questions doctrine. Once again, the Supreme Court rejected this specific argument in *Massachusetts v. EPA*, and Congress recently addressed this issue with the passage of the Inflation Reduction Act. The proposal ignores the abundantly clear Congressional intent of the Inflation Reduction Act, which reinforces the longstanding and time-tested authority and responsibility of EPA to regulate greenhouse gases as air pollutants under the Clean Air Act, and deliberately instructs EPA to use it.

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<sup>21</sup> *Massachusetts v. EPA*, 549 U.S. 497 (2007).

<sup>22</sup> Natural Resources Defense Council, *EPA's Endangerment Finding: The Legal and Scientific Foundation for Cutting Climate-Changing Pollution* (Aug. 2025) (<https://www.nrdc.org/sites/default/files/epa-endangerment-finding-fs.pdf>).

<sup>23</sup> See e.g., *Massachusetts v. EPA* was upheld by the U.S. Court of Appeals for the District of Columbia Circuit in 2012, dismissing challenges to EPA's interpretation of the Clean Air Act in *Coalition for Responsible Regulation v. EPA*. *Coalition for Responsible Regulation, Inc. v. EPA*, No. 09-1322 (D.C. Cir. 2012).

<sup>24</sup> *Loper Bright v. Raimondo*, 603 U.S. 369 (2024).

<sup>25</sup> See note 6.

<sup>26</sup> 42 U.S. Code § 7602; All language referring to effects on welfare includes, but is not limited to, effects on soils, water, crops, vegetation, manmade materials, animals, wildlife, weather, visibility, and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being, whether caused by transformation, conversion, or combination with other air pollutants.

Any suggestion by EPA's current proposal that Congress chose to address climate change with incentives instead of regulations as part of the Inflation Reduction Act is patently false. The Inflation Reduction Act combined new economic incentives to reduce climate pollution, with bolstered regulatory drivers under its existing Clean Air Act authorities. These specific regulatory drivers include provisions supporting EPA rulemaking to address climate change, providing clean energy incentives that EPA may take into account in developing regulatory requirements, and imposing additional requirements that EPA must implement through rulemaking.<sup>27</sup>

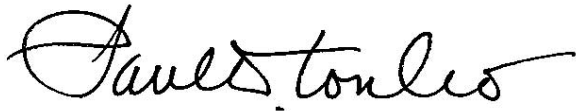
For these reasons, it is blatantly false for the proposal to claim that greenhouse gases are not air pollutants under the Clean Air Act, and that Congress has not directed EPA to broadly address climate pollution. The language of the Clean Air Act is unambiguous, and the intent and direction of Congress is clear that addressing greenhouse gas pollution is a goal of the Clean Air Act. These are truths EPA cannot ignore.

Therefore, we strongly urge EPA to uphold the 2009 Endangerment Finding and return EPA to its mission of protecting human health and the environment. By using false arguments to obscure the statute, court decisions, prior EPA interpretations, and Congressional intent, EPA's misguided proposal seeks to remove the basis for protecting the health and welfare of Americans from climate change, replacing it with nothing. The proposed repeal of the 2009 Endangerment Finding is nothing but a political effort to undo decades of protection against climate pollution, abdicating EPA's authorities and responsibilities in favor of fulfilling the whims of polluters. For the sake of the health and welfare of all Americans, this dangerous proposal must be withdrawn.

Sincerely,



Frank Pallone, Jr.  
Ranking Member



Paul D. Tonko  
Ranking Member  
Subcommittee on Environment



Kathy Castor  
Ranking Member  
Subcommittee on Energy

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<sup>27</sup> Statement of Representative Frank Pallone, Jr., Congressional Record, E868 (Aug. 12, 2022); These "existing authorities" include Clean Air Act Section 111 for stationary sources (among other provisions), which, since its enactment, has provided EPA extensive authority to promulgate impactful regulations that reduce GHGs, from, but not limited to, the electric power sector, the industrial sector, and the oil and gas sector as well as Section 202 and other provisions under title II for mobile sources.