The Daily Dish

Repealing the Endangerment Finding

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In an utterly unsurprising development, the Environmental Protection Agency (EPA) repealed the Obama-era finding that greenhouse gases (GHGs) endanger public health and welfare. This endangerment finding provided the legal authority for the EPA to regulate emissions of GHGs from point sources (e.g., cars or electricity plants) under the Clean Air Act.

President Trump issued an executive order entitled "Unleashing American Energy" on his first day in office. Among other things, it tasked the EPA with making recommendations on the legality and applicability of the endangerment finding. One of the most important developments in recent climate policy has been the major decisions doctrine enunciated by the Supreme Court in *West Virginia v. EPA*. In light of this, it has become increasingly likely that the Supreme Court would not uphold the legal stretch that the EPA had undertaken to regulate GHGs. This is the Congress' job.

As a practical matter, however, this leaves the United States without any real climate policy, in large part because Congress has not done its job over the years. At one level, this is good news as it eliminates the current policy, which is enormously burdensome and economically expensive while producing exactly zero progress toward controlling the actual concentrations of GHGs in the atmosphere.

This is not the same thing as saying it had no impact on emissions. As shown below, total emissions decreased by 5.2 percent between 1990 and 2023 and are down18 percent from the 2007 peak.(Source: *Inventory of U.S. Greenhouse Gas Emissions and Sinks*.) But there was no consensus on the policy, which results in regulatory ping-pong as administrations change party control. So, those emission reductions are achieved at an excessively large cost. The challenge going forward is to develop a consensus, whatever it may be, that Congress can support on a consistent basis. The second task is to tie the U.S. policy to a

global framework that has a real impact on global GHG concentrations. This has never been the case, so this is no small task.

Climate alarmists will loudly decry the repeal of the endangerment finding. But the status quo is not working and the repeal simply lays bare the size of the policy challenge that has always been present.

