Press Release

Is EPA's Endangerment Finding at Risk?

ALLIE WATSON | MARCH 3, 2025

As directed by President Trump's executive order, the Environmental Protection Agency (EPA) is planning to challenge and potentially rescind its 2009 endangerment finding. In a new insight, Director of Environmental and Energy Policy Shuting Pomerleau argues that repealing the endangerment finding may not have a material impact on EPA's ability to issue climate regulation as the 2022 Inflation Reduction Act provided EPA with authority to regulate greenhouse gas emissions under the Clean Air Act. Nevertheless, the move could still wreak havoc on U.S. climate policy as it would subject the agency to legal challenges and produce increasing policy uncertainty for businesses.

An excerpt:

> *From the perspective of policymaking, rescinding EPA's endangerment finding puts a big question mark on the outlook of U.S. climate policies. Currently, at the federal level, the United States uses a patchwork of policies to mitigate greenhouse gas (GHG) emissions, such as handing out massive clean energy tax subsidies under the IRA and relying on command-and-control EPA regulations. The IRA energy tax provisions will likely be subject to at least partial repeal in an upcoming 2025 reconciliation bill. Even if a future administration seeks to regulate GHG emissions via EPA rulemaking, it would take a long time, and generally such regulations are costly, inflexible, and vulnerable to legal challenges.*

Read the analysis.