

ClimateBrief: Trump's EPA Wants to Revoke the Legal Basis for Federal Emissions Rules. Experts Say California Will Step In to Fill the Void

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The Trump administration's Environmental Protection Agency has [proposed revoking](#) the legal basis for regulating transportation emissions under the Clean Air Act, potentially upending years of federal climate policy and creating a vacuum that will likely be filled by California state regulators.

On Aug. 1, the EPA promulgated in the Federal Register its intention and rationale for rescinding the agency's 2009 [endangerment finding](#) that enables the agency to regulate greenhouse gas (GHG) emissions from mobile vehicles. The August announcement also states the EPA's intention to reverse vehicle GHG regulations that ensue from the endangerment finding. The proposal follows the EPA's June [announcement](#) that it intends to revoke regulations for GHG emissions from stationary power sources.

The EPA's [proposal](#) claims that the 2009 endangerment finding was based on flawed legal analyses at the time. It also claims that new Supreme Court jurisprudence—especially the “major questions” doctrine the high court espoused in its 2022 decision in [West Virginia v. EPA \(2022\) 597 U.S. 697](#) – bolsters the Trump

administration's assertions that the Clean Air Act is not intended to regulate GHGs. The proposal also claims the science is more nuanced now and does not support the endangering health and welfare criteria for regulating GHGs under the Clean Air Act.

In particular, the EPA's proposal places much weight on a highly contested Department of Energy [draft review](#) of the science of climate change that the DOE also released in July.

"We further propose that empirical data, peer-reviewed studies, and real-world developments since 2009 have cast significant doubt on many of the critical premises, assumptions, and conclusions in the Endangerment Finding such that it would be unreasonable to retain the decision and the resulting regulatory framework," the EPA announcement states.

The EPA's actions require a public comment period before EPA Administrator Lee Zeldin can finalize them. The agency is receiving written comments until Sept. 22.

In addition to receiving written comments, in August the EPA held a virtual public forum for people to express their views on the proposal. A clear majority of the hundreds of commenters spoke up to criticize it, including California Attorney General Rob Bonta and California Air Resources Board Executive Officer Steven Cliff.

At the forum, Bonta cited climate impacts to Californian including rising sea level, snowpack melt, and wildfires. "In January 2025 California experienced two of the most destructive fires in our state's history," Bonta said, referring to January's wildfires in the Los Angeles area. "As average temperatures increase, so too have extreme heat events, a leading cause of climate-related deaths in California. EPA's proposal will exacerbate the significant risk to public health and welfare posed by climate change by increasing emissions of climate-destabilizing pollution from the transportation sector, the nation's largest source of greenhouse gas emissions."

Bonta added, "EPA's proposal is also unlawful. It relies on a draft, unvetted, scientifically unsound report from the Department of Energy to attempt to override the abundant and growing science supporting its Endangerment Finding, and motor vehicle GHG emissions standards for over 15 years. And EPA has a statutory mandate to regulate GHG emissions from vehicles."

Cliff similarly focused on the science the EPA cited in its proposal. “EPA’s proposal is based on deeply flawed assertions that rely on unfounded and cherry-picked claims that originate from the oil industry and self-proclaimed climate skeptics while ignoring the overwhelming scientific consensus,” Cliff said. “Unchecked climate emissions are wreaking havoc across the country – from Californians to Texans, red and blue, no American is immune...We have the solution. We need fearless leaders who will support innovation based on real science.”

The EPA’s 2009 endangerment finding was a direct response to the Supreme Court’s 2007 decision in [Massachusetts v. EPA \(2007\) 549 U.S. 497](#). In that decision, the court determined that a group of GHGs, including CO2 and methane, were pollutants under the Clean Air Act, and held that that EPA must determine whether GHG emissions endanger public well-being. The agency made that finding in 2009.

[Mary Nichols](#) chaired the California Air Resources Board (CARB) from 2007 through 2020, and is now distinguished counsel at the UCLA School of Law’s Emmett Institute on Climate Change and the Environment. Nichols recalls that the 2009 endangerment finding was issued at the same time that CARB was newly charged with implementing AB 32, the Global Warming Solutions Act, which Gov. Arnold Schwarzenegger signed in 2006.

“The endangerment finding felt like a long-overdue entry of the federal government into the biggest environmental issue of our time,” Nichols tells ClimateBrief. “It was a step that was clearly authorized and required by laws that were already on the books, namely the Clean Air Act, and that it was time for EPA and other federal agencies to get moving with respect to emissions from mobile and stationary sources to begin looking at what kind of regulations would be most effective.”

[Dan Farber](#), law professor at the UC Berkeley School of Law and faculty director for the school’s Center for Law, Energy and the Environment (CLEE), says that while the endangerment finding targeted GHG emissions from vehicles, it was important across sectors. “The endangerment view of the Obama administration — which the Trump administration has rejected — triggers regulations of the same substance everywhere in the Clean Air Act, not just mobile sources,” Farber tells ClimateBrief, noting areas including methane emissions and power plants.

The provision of the Clean Air Act the EPA relied on in the 2009 endangerment finding is Section 202 (a)(1), which states:

The Administrator shall by regulation prescribe (and from time to time revise) in accordance with the provisions of this section, standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare.

With clear constraints set by the Supreme Court's decision in *Massachusetts v. EPA*, the EPA reviewed endangerment as it pertained to GHGs, and concluded that they did endanger welfare and required regulation.

"When the EPA did look at it, they went through a normal administrative rulemaking process, applying the law as it is written, and came to the conclusion, to no one's surprise, that indeed GHG emissions from motor vehicles and other sources of air pollution were being emitted, and that was going to lead to major damage to the climate," Nichols says.

By reversing this conclusion, the EPA's proposal seeks to restrict Section 202 to pollution that is not by its nature global and cumulating through the atmosphere. "Because the text, structure, and history of CAA section 202(a) and related provisions demonstrate that this language targets air pollution that threatens public health or welfare through local or regional exposure, 'air pollution' defined as six 'well-mixed' GHGs raising global climate change concerns that adversely impact a subset of regions globally cannot satisfy this standard," the proposal stated.

This statutory interpretation doesn't seem to align with the Supreme Court's decision in *Massachusetts v. EPA*. There, Justice John Paul Stevens wrote: "While the Congresses that drafted § 202(a)(1) might not have appreciated the possibility that burning fossil fuels could lead to global warming, they did understand that without regulatory flexibility, changing circumstances and scientific developments would soon render the Clean Air Act obsolete." Justice Stevens added that "because greenhouse gases fit well within the Clean Air Act's capacious definition of 'air pollutant,' we hold that EPA has the statutory authority to regulate the emission of such gases from new motor vehicles."

Speaking to ClimateBrief, [Ken Alex](#), director of Project Climate at CLEE, says that when Congress writes environmental statutes, there is a recognition that the understanding of what a "pollutant" is changes over time. "The idea that things are stagnant at the point the legislation is written and you have to update it every time

there is a new pollutant -- that is antithetical to the way environmental statutes work,” Alex says.

The Supreme Court’s decision in *Massachusetts v. EPA* remains authoritative law, but the EPA claims that subsequent jurisprudence supports the agency’s proposal to rescind the 2009 endangerment finding. That jurisprudence includes 2023’s *Loper Bright Enterprises v. Raimondo*, which [revoked](#) the doctrine of Chevron deference to agency expertise, and 2022’s *West Virginia v. EPA*, which applied the court’s recently formulated “major questions” doctrine to environmental questions, thereby restricting the scope of environmental statutes. In addition to its holding that the CAA applies to local and regional pollution and new scientific appreciations, the EPA’s proposal asserts that regulating GHGs within the ambit of CAA section 202 is a misapplication of the statute.

“Nowhere in the Endangerment Finding did the Administrator consider the extent to which emissions from CAA section 202(a) sources have a more than de minimis effect on the danger identified with respect to elevated concentrations of GHGs in the upper atmosphere—let alone whether emissions from any particular class or classes of sources that EPA intended to regulate had such an effect,” the EPA’s Aug. 1 announcement states. It later adds, “We propose that this futility further demonstrates that CAA section 202(a) does not, as a matter of text and structure, authorize or require the EPA to prescribe emission standards for GHG emissions from new motor vehicles and engines.”

Alex and Farber both point out that the court in *Massachusetts v. EPA* considered the arguments as to de minimis and ineffectual impact and rejected them. In fact, Justice Stevens wrote in that decision:

EPA overstates its case. Its argument rests on the erroneous assumption that a small incremental step, because it is incremental, can never be attacked in a federal judicial forum. Yet accepting that premise would doom most challenges to regulatory action. Agencies, like legislatures, do not generally resolve massive problems in one fell regulatory swoop... That a first step might be tentative does not by itself support the notion that federal courts lack jurisdiction to determine whether that step conforms to law.

At the public forum over the EPA’s proposal, some commenters noted that the 2022 Inflation Reduction Act amended the Clean Air Act to specify that it regulates GHGs,

thus clarifying the CAA's scope. The EPA proposal admits to that change, but claims that the recently passed One Big Beautiful Bill Act (OBBBA) rescinded these changes. It states that the Act "repealed a number of relevant measures adopted in the IRA and rescinded the EPA's appropriations to carry out a number of funding programs related to GHG emissions."

"Among other things, Congress prohibited the Agency from collecting the waste emission charge for methane for ten years beyond the original statutory collection date, rescinded funding to administer grant programs in CAA sections 132 and 135-38, and repealed CAA section 134, which had included a section-specific definition of 'greenhouse gas' applicable to the grant," the proposal states.

[Greg Dotson](#), associate professor at the University of Oregon School of Law, worked on the IRA's text as Democratic Chief Counsel for the U.S. Senate Committee on Environment and Public Works during the Biden administration. He explains to ClimateBrief that while the OBBBA did rescind parts of the IRA's changes to the Clean Air Act, these pertain mostly to unobligated funds, and that the IRA-added definitions of GHGs remain, even with the rescission of some inclusions and definitions, such as the methane provision.

Dotson points out that while the OBBBA rescinds the methane fee of section 136 of the CAA, the IRA's changes for future methane regulation remain. He adds that obligated IRA funding and other provisions defining GHGs as falling under the CAA remain. Other IRA amendments and parts of amendments to the CAA have not been repealed, and these include GHG inclusions in the definitions. The OBBBA primarily focuses on the IRA's budgetary issues, not regulatory issues, Dotson said.

"What I think is overwhelmingly clear from the Inflation Reduction Act is that Congress understood that greenhouse gases are pollutants that are being addressed under the Clean Air Act, and should continue to be addressed under the Clean Air Act," Dotson says. "You can see that in many different provisions in different ways."

The EPA's announcement did bring up the issue of whether stakeholders who relied in some way on the endangerment finding would be impacted by the government's new position

Farber says this will likely be an issue, referring to the Supreme Court's discussion of reliance in its 2020 decision to uphold the Deferred Action for Childhood Arrivals (DACA) program in *Department of Homeland Security et al v. Regents of the University of California*. "They will have to confront that because this endangerment finding has been here a long time, since 2009, and eliminating the endangerment finding can have a significant effect on what the car industry has been doing and investments they already made," Farber says.

Pending the prospect of a Supreme Court review, California will likely do everything it can to counteract the revocation of the endangerment finding. [Alice Kaswan](#), environmental law professor at the University of San Francisco School of Law, believes that rescinding the endangerment finding will likely have less of an impact in California than in other parts of the country, "where states may not have the same political will." She points out that California can continue to achieve its transition to clean power through its [Renewables Portfolio Standard Program](#).

Farber agrees. "A lot of people have reflected that this will interfere with California's ability to regulate stationary sources and so forth. That's not so," Farber says. "If they want to stop California, they will have to do it a different way."

Photo: EPA Administrator Lee Zeldin testifies before the House Committee on Energy and Commerce Subcommittee on Environment on May 20, 2025 in Washington, D.C. (Photo by Kevin Dietsch/Getty Images)

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