

Trump Administration Repeals GHG Endangerment Finding and Vehicle Emission Standards

On February 12, 2026, President Trump and the U.S. Environmental Protection Agency (“**EPA**”) announced a **final rule** (the “**Final Rule**”) rescinding the 2009 Greenhouse Gas Endangerment Finding (the “**Endangerment Finding**”), making the following six key greenhouse gases (“**GHGs**”) no longer legally required to be regulated under the Clean Air Act (“**CAA**”): carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (collectively, the “**Key GHGs**”). In the same package, the Trump administration repealed emission standards for light-, medium-, and heavy-duty vehicles. The Final Rule, which the Trump administration has identified as the “single largest deregulatory action in American history,” will have implications across multiple sectors, including consumer vehicles, commercial vehicles, and heavy-duty trucks, as well as coal-fired and natural gas power plants.

This client alert provides background on the Endangerment Finding and gives an overview of the Final Rule and the potential implications.

The Endangerment Finding

Under the CAA, EPA is legally required to regulate pollutants that cause, or contribute to, air pollution that may reasonably be anticipated to endanger public health or welfare. EPA’s 2009 Endangerment Finding followed petitions to regulate motor-vehicle GHG emissions and the Supreme Court of the United States’s (the “**Supreme Court**”) decision in *Massachusetts v. EPA* (2007), which held that GHGs fit within the CAA’s broad definition of “air pollutant,” but did not go as far as to require EPA to make an endangerment finding under the CAA. Instead, the Supreme Court required EPA to determine if GHGs pose a danger to public health or welfare or, in the alternative, whether the science is too uncertain to make such a determination.

In 2009, EPA concluded that emissions from the Key GHGs endanger human health and welfare, which is known as the Endangerment Finding. The Endangerment Finding empowered EPA to regulate the Key GHGs through the CAA. In fact, once EPA made the Endangerment Finding, it was legally required to act. The Endangerment Finding became the legal foundation for federal climate policy, including regulating vehicle, industrial, and power plant emissions and treating climate change as a public health issue under EPA’s authority. Since taking effect in 2010, the Endangerment Finding has been the legal underpinning for new

regulations targeting emissions from vehicles, oil and gas facilities, and large industries, including power plants.

The Final Rule

On February 12, 2026, EPA issued the Final Rule, rescinding the Endangerment Finding and repealing GHG emission standards for light-duty, medium-duty, and heavy-duty vehicles for Model Years 2012–2027 and beyond. In general, EPA reasoned that the conclusions reached in the Endangerment Finding were not supported by scientific evidence and legal interpretation. EPA also found that the CAA does not authorize EPA to prescribe emission standards in response to global climate change concerns for multiple reasons, including the “best reading” of the statutory terms “air pollution,” “cause,” “contribute,” and “reasonably be anticipated to endanger.” It stated that its “statutory interpretation is corroborated by application of the major questions doctrine.”

Without the Endangerment Finding, EPA lacks statutory authority under the CAA to prescribe new or revised standards for, or to otherwise regulate, emissions of the Key GHGs for certain motor vehicles. The Final Rule eliminates the following emission standards for light- (e.g., passenger cars, light-duty trucks), medium-, and heavy-duty vehicles, which were promulgated pursuant to the Endangerment Finding:

Light-Duty Vehicles

- > Model Year 2012–2016 Light-Duty Vehicle GHG Standards (jointly issued by EPA and the National Highway Traffic Safety Administration (“**NHTSA**”))
- > Model Year 2017 and Later Light-Duty Vehicle GHG Standards
- > Model Year 2023–2026 Light-Duty Vehicle GHG Standards
- > Model Year 2027 and Later Light- and Medium-Duty Multi-Pollutant Standards

Medium- and Heavy-Duty Vehicles

- > Model Year 2014–2018 Phase 1 Medium- and Heavy-Duty Vehicle GHG Standards
- > Model Year 2018–2027 (certain trailers) and Model Year 2021–2027 (combination tractors and their engines, combination tractor-trailers, vocational vehicles and their engines, heavy-duty pickup trucks and vans) Phase 2 Medium- and Heavy-Duty Vehicle and Engine GHG Standards
- > Model Year 2027 and Later Phase 3 Medium- and Heavy-Duty Vehicle GHG Standards
- > Model Year 2027 and Later Light- and Medium-Duty Multi-Pollutant Standards

Additionally, the Final Rule rescinds regulatory provisions directly tied to EPA’s vehicle GHG standards, including: (i) GHG testing and measurement requirements; (ii) manufacturer GHG reporting and certification obligations; and (iii) compliance flexibilities, credit programs, and averaging, banking, and trading provisions specific to GHG emissions.

The Final Rule does not rescind or modify regulations on traditional air pollutants, such as: (i) criteria pollutant emission standards; (ii) mobile source air toxics standards; or (iii) vehicle fuel economy Corporate Average Fuel Economy (“**CAFE**”) standards administered by NHTSA.

The Final Rule is set to be effective 60 days after publication in the Federal Register.

Potential Implications

The Final Rule will broadly affect companies that manufacture, sell, or import light-, medium-, and heavy-duty motor vehicles and engines into the United States, by eliminating, among other things, the federal tailpipe emissions standards that currently govern product design, certification strategies, and compliance roadmaps for OEMs, engine manufacturers, and fleet operators. The Final Rule will provide vehicle manufacturers with increased flexibility, because it alleviates technology-mixed constraints imposed by the Key GHG emission standards. However, companies will still be subject to emission standards and requirements for traditional air pollutants, state GHG regulations, customer procurement standards, and climate-related contractual commitments.

The Final Rule may also broadly affect coal-fired and natural gas power plants. While the Final Rule does not rescind GHG emission standards for power plants, the rescission of the Endangerment Finding gives the Trump administration a clear path to overturning CAA rules regulating emissions of the Key GHGs from new and existing fossil fueled power plants. EPA currently regulates new and existing power plants under Section 111 of the CAA. Importantly, EPA relied on the Endangerment Finding to set emission standards under Section 111 of the CAA. Also, Section 111 relies on the same definition of “air pollutant” as Section 202(a), which EPA has interpreted in the Final Rule to exclude the Key GHGs. EPA may apply its recent reinterpretation to Section 111, making it difficult to justify that the Key GHGs meet the criterion necessary for Section 111 standards. Notably, prior to the Final Rule’s issuance, EPA had already published a [proposed rule](#) on June 17, 2025, seeking to repeal all GHG emission standards for new and existing power plants.

However, the Final Rule will face significant legal challenges. Climate and environmental groups as well as a coalition of conservation and public health groups have already announced their intent to file a lawsuit in the U.S. Court of Appeals for the District of Columbia less than one week after the Final Rule’s issuance. In addition, since the Final Rule was issued, it has already been condemned by the Attorneys General of several states, including Washington, Massachusetts, California, and Colorado, and several environmental organizations and scientific organizations. It is expected that the early battle will center on whether the Final Rule can legally be implemented while litigation proceeds. Courts may temporarily enjoin the Final Rule, leaving the Endangerment Finding and vehicle emission standards in place during the litigation. Due to the significance of the Final Rule and its broad implications, it is expected that the litigation will be prolonged and may rise to the Supreme Court.

The Final Rule may also lead to investment uncertainty. The rescission of the Endangerment Finding removes regulatory predictability that companies and investors rely on when planning long-term investments. This could lead to delayed investments across industries while the Final Rule litigation makes its way through the court system, leaving companies with years of prolonged regulatory limbo.

If the Final Rule withstands legal scrutiny, it is likely that future Democratic administrations will work towards regulating the emissions from the Key GHGs. The most direct way to regulate emissions from the Key GHGs would be for Congress to declare a particular pollutant (or the Key GHGs) to be a hazard for human health and welfare, as it did for the criteria pollutants. Alternatively, EPA could restart the Endangerment Finding process, which will require developing supporting scientific and technical information and completing the

rulemaking process, which took over two years for the 2009 Endangerment Finding. This adds additional long-term regulatory uncertainty for the affected industries.

In addition, the Endangerment Finding has played a critical role in shaping climate litigation in the U.S. With the rescission of the Endangerment Finding, the public nuisance suits brought by states and localities against GHG emitters may be reinvigorated. In the *American Electric Power Company v. Connecticut* decision, the Supreme Court ruled that, because the CAA delegates the management of carbon dioxide and other GHG emissions to EPA, states were preempted in their suits brought under public nuisance law. Such preemption would stand even if EPA did not implement such regulations, so long as the CAA authorizes such regulations. Without the Endangerment Finding, the CAA would no longer authorize such regulations and thus undermine the justification for pre-emption.

In the absence of federal regulation, states and municipalities may take more aggressive action to regulate emissions from the Key GHGs, which may lead to a patchwork of policies across the country.

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