



# EPA's Endangerment Finding

## Legal Background

### *Today's Action*

On December 7, 2009, EPA finalized its finding under Clean Air Act section 202(a) that greenhouse gases in the atmosphere endanger both the public health and the environment for current and future generations. The agency also found that the combined emissions of greenhouse gases from new motor vehicles and new motor vehicle engines are contributing to the buildup of greenhouse gases in the atmosphere, and thus to the climate change problem. The specific findings are:

- EPA finds that the elevated concentrations of the six greenhouse gases in the atmosphere—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>)—endanger both the public health and the public welfare of current and future generations.
- EPA finds that the combined emissions of greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas air pollution which endangers both public health and welfare.

### Key Milestones

- On October 20, 1999, the International Center for Technology Assessment and 18 other environmental and renewable energy industry organizations filed a petition seeking the regulation of greenhouse gas emissions from on-road vehicles under the Clean Air Act.
- On April 2, 2007, after years of litigation related to the petition, the Supreme Court ruled in *Massachusetts v. EPA*, that greenhouse gases are air pollutants covered by the Clean Air Act and that EPA must determine whether or not emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare.
- On December 5, 2007, EPA sent a draft proposal to the White House Office of Management and Budget, finding that concentrations of six key greenhouse gases in the atmosphere endanger the public welfare and that emissions from new motor vehicles contribute to this problem. After the Bush Administration refused to consider the proposal, EPA later withdrew the rulemaking.
- On July 11, 2008, EPA issued a broad Advance Notice of Proposed Rulemaking (ANPR) regarding regulating greenhouse gases under the Clean Air Act. The ANPR, among other things, summarized the key issues from the 2007 endangerment and contribution proposal, and included a “technical support document” that summarized the findings of the major science assessment reports on climate science and impacts.
- On April 17, 2009, EPA issued the proposed findings for greenhouse gases under Section 202(a) of the Clean Air Act and released a revised technical support document, updated to reflect more recent science and input received through public comment on the ANPR.
- During the 60-day public comment period on the Proposed Findings, which ended June 23, 2009, EPA received more than 380,000 public comments, including both written comments and oral testimony at two public hearings in Arlington, Virginia and Seattle, Washington.
- EPA carefully reviewed and considered the public comments, as indicated in EPA's Final Findings, the final technical support document, the 11-volume Response to Comments document, and other supporting materials released along with the Findings.