

EPA Repeals Endangerment Finding - Major Uncertainty for the Regulated Community



By [Amy L. Reichhart](#), [Ian A. Shavitz](#), [Madelyn M. VanDorpe](#)

February 12, 2026 | **CLIENT ALERTS**

On February 12, 2026, U.S. Environmental Protection Agency (EPA) Administrator Lee Zeldin announced the repeal of the 2009 Endangerment Finding Final Rule (the “Endangerment Finding”), which determined that six key greenhouse gases (*i.e.*, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) pose a threat to public health and welfare due to the impact the gases have on climate change. Based upon this finding, the federal Clean Air Act (CAA) required EPA to regulate these emissions from vehicle emissions, power plants, and other sources, making the Endangerment Finding the foundation for federal climate policy over the past sixteen years. Along with repealing the Endangerment Finding, the EPA also repealed all greenhouse gas emission standards for cars and trucks from models beginning in 2012.

This repeal could have unintended consequences for industry. In *American Electric Power v. Connecticut*, the Supreme Court found that the CAA blocked federal common law climate lawsuits against corporations, as long as EPA was regulating greenhouse gases. With that regulatory framework gone, this protection may disappear as well, allowing for lawsuits against power plants, oil companies, and other emitters. Further, with the loss of federal

regulatory authority, states may push forward with their own emission standards, creating a non-uniform patchwork of regulations across the country.

To support the repeal, EPA claims that, absent additional Congressional authorization, the CAA does not provide EPA with authority to regulate vehicle emissions to address climate change. EPA also relies upon recent Supreme Court rulings in *Loper Bright Enterprises v. Raimondo*, *West Virginia v. EPA*, and *Utility Air Regulatory Group v. EPA* to demonstrate that EPA's earlier interpretation was wrong. EPA also argues that many of the dire predictions behind (and thus the justifications for) the Endangerment Finding never came true, and that eliminating all vehicle greenhouse gas emissions in the United States would have "no material impact on global climate indicators through 2100."^[1] On the economic side, EPA claims that the repeal will save Americans over \$1.3 trillion and reduce vehicle costs by approximately \$2,400 per car.

Following this announcement, various environmental groups – including the American Public Health Association, American Lung Association, Conservation Law Foundation, Environmental Defense Fund, Natural Resources Defense Council, and Sierra Club – have filed suit, arguing that the repeal ignores science and violates the CAA. A significant hurdle for EPA in defending its repeal may be the Supreme Court's 2007 decision in *Massachusetts v. EPA*, which confirmed EPA's authority to regulate greenhouse gases and recognized that climate change harms are "serious and well recognized."

For more information about this Client Alert, contact Environment & Energy Practice Team Leader Ian Shavitz at ishavitz@lippes.com.