

Overview of EPA's Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Clean Air Act



April 17, 2009

Today the Administrator is proposing to find that greenhouse gases in the atmosphere threaten the public health and welfare of current and future generations. The Administrator is also proposing to find that greenhouse gas emissions from new motor vehicles and new motor vehicle engines are contributing to the concentration of greenhouse gases in the atmosphere. This action is being taken under section 202(a) of the Clean Air Act. The action, if finalized, would not itself impose any requirements on industry or other entities.

Action

Today, the Administrator signed a proposal with two distinct findings regarding greenhouse gases under section 202(a) of the Clean Air Act:

- **Endangerment Finding:** The Administrator is proposing to find that the current and projected concentrations of the mix of six key greenhouse gases—carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆)—in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The Administrator is further proposing to find that the combined emissions of CO₂, CH₄, N₂O, and HFCs from new motor vehicles and motor vehicle engines contribute to the atmospheric concentrations of these key greenhouse gases and hence to the threat of climate change.

Background

On April 2, 2007, in *Massachusetts v. EPA*, 549 U.S. 497 (2007), the Supreme Court found that greenhouse gases are air pollutants covered by the Clean Air Act. The Court held that the Administrator 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, or whether the science is too uncertain to make a reasoned decision. In making these decisions, the Administrator is required to follow the language of section 202(a) of the Clean Air Act. The Supreme Court decision resulted from a petition for rulemaking under section 202(a) filed by more than a dozen environmental, renewable energy, and other organizations.

Scientific Basis

- After a thorough examination of the scientific evidence on the causes and impacts of current and future climate change, as well as other effects of greenhouse gases, the Administrator concludes that the science compellingly supports a positive endangerment finding for both public health and welfare. In her decision, the Administrator relied heavily upon the major findings and conclusions from recent assessments of the U.S. Climate Change Science Program and the Intergovernmental Panel on Climate Change.
- The Administrator is proposing this endangerment finding after considering both observed and projected future effects of climate change, key uncertainties, and the full range of risks and impacts to public health and welfare occurring within the United States. The scientific

evidence concerning risks and impacts occurring outside the United States, including risks and impacts that can affect people in the United States, provides further support for this proposed endangerment finding.

- Among the key scientific findings supporting the Administrator's proposal are:
 - Concentrations of greenhouse gases are at unprecedented levels compared to the recent and distant past. These high concentrations are the unambiguous result of human emissions and are very likely the cause of the observed increase in average temperatures and other climatic changes.
 - The effects of climate change observed to date and projected to occur in the future include, but are not limited to, more frequent and intense heat waves, more severe wildfires, degraded air quality, more heavy downpours and flooding, increased drought, greater sea level rise, more intense storms, harm to water resources, harm to agriculture, and harm to wildlife and ecosystems. The Administrator considers these impacts to be effects on public health and welfare within the meaning of the Clean Air Act.
 - Emissions of greenhouse gases from on-road vehicles regulated by section 202(a) of the Clean Air Act contribute to the climate change problem. These sources are responsible for 24 percent of total U.S. greenhouse gas emissions, and more than 4 percent of total global greenhouse gas emissions.

Public Involvement and Further Information

EPA will post a pre-publication copy of the signed package, including both the Administrator's proposal and the Technical Support Document (discussing the underlying science and greenhouse gas emission data) on the EPA Web site at: www.epa.gov/climatechange/endangerment.html. The Administrator's proposal will be available at www.regulations.gov after it is published in the *Federal Register*.

The materials in the docket for this rulemaking will also be available electronically at www.regulations.gov. The Docket ID number is: EPA-HQ-OAR-2009-0171. Docket materials are also available in hard copy at the EPA Docket Center (EPA/DC) Public Reading Room. Please call 202-566-1744 between 8:30 a.m. and 4:30 p.m. Eastern Standard Time for more information.

The public will be able to comment on the proposed endangerment and cause or contribute findings for 60 days following publication in the *Federal Register*.

EPA plans to conduct two public hearings: May 18, 2009, at the EPA Potomac Yard Conference Center, Arlington, VA; and May 21, 2009, at the Bell Harbor International Conference Center in Seattle, WA.

Additional information is available at: www.epa.gov/climatechange/endangerment.html.

The Web site for this action with additional information can be found at: www.epa.gov/climatechange/endangerment.html.

This fact sheet is intended to assist the public to understand key aspects of the proposal. However, this fact sheet is not intended to be a substitution for the proposal itself. Visit EPA's website at the address above for more information, including the proposal, or go to www.regulations.gov to access the rulemaking docket (EPA-HQ-OAR-2009-0171) which will be opened when the proposal is published in the Federal Register. For questions that cannot be answered through the Web site or docket, call 202-343-9927.