

**US ENVIRONMENTAL PROTECTION AGENCY
REGULATORY ACTION TO CONTROL
GREENHOUSE GAS EMISSIONS
SINCE CLOSE OF RECORD IN ICC DOCKET NO. 09-0373**



Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Clean Air Act

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Resources and Tools

- [Findings](#)
- [Technical Support Document](#)
- [Response to Comment Documents](#)
- [Press Release](#)
- [Resources](#)
 - [Legal Basis \(PDF\)](#) (1 p., 117 KB, [About PDF](#))
 - [Health Effects \(PDF\)](#) (1 p., 95 KB, [About PDF](#))
 - [Environmental and Welfare Effects \(PDF\)](#) (1 p., 45 KB, [About PDF](#))
 - [Climate Change Facts \(PDF\)](#) (1 p., 39 KB, [About PDF](#))
 - [Light Duty Vehicle Program \(PDF\)](#) (1 p., 39 KB, [About PDF](#))
 - [Timeline \(PDF\)](#) (1 p., 30 KB, [About PDF](#))
- [Frequently Asked Questions \(PDF\)](#) (3 pp., 38 KB, [About PDF](#))
- [Contact Us](#)

Action

On December 7, 2009, the Administrator signed two distinct findings regarding greenhouse gases under section 202(a) of the Clean Air Act:

Endangerment Finding: The Administrator finds that the current and projected concentrations of the six key well-mixed 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 finds that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare.

These findings do not themselves impose any requirements on industry or other entities. However, this action is a prerequisite to finalizing the EPA's [proposed greenhouse gas emission standards for light-duty vehicles](#), which were jointly proposed by EPA and the Department of Transportation's National Highway Safety Administration on September 15, 2009.

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.

On April 17, 2009, the Administrator signed proposed endangerment and cause or contribute findings for greenhouse gases under Section 202(a) of the Clean Air Act. EPA held a 60-day public comment period, which ended June 23, 2009, and received over 380,000 public comments. These included both written comments as well as testimony at two public hearings in Arlington, Virginia and Seattle, Washington. EPA carefully reviewed, considered, and incorporated public comments and has now issued these final Findings.

Findings

These findings were signed by the Administrator on December 7, 2009. On December 15, 2009, the final findings were published in the *Federal Register* (www.regulations.gov) under Docket ID No. EPA-HQ-OAR-2009-0171. The final rule will be effective January 14, 2010.

[Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Clean Air Act](#) (52 pp., 308 KB, [About PDF](#))

Technical analyses developed in support of the Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Clean Air Act may be found here:

[Technical Support Document for the Findings](#) (210 pp., 2.5 MB, [About PDF](#))

Response to Comments

EPA's response to public comments received on the Proposed Findings and accompanying Technical Support Document may be found here:

[Volume 1: General Approach to the Science and Other Technical Issues \(PDF\)](#) (146 pp., 13.9 MB, [About PDF](#))

[Volume 2: Validity of Observed and Measured Data \(PDF\)](#) (104 pp., 704 KB, [About PDF](#))

[Volume 3: Attribution of Observed Climate Change \(PDF\)](#) (59 pp., 372 KB, [About PDF](#))

[Volume 4: Validity of Future Projections \(PDF\)](#) (81 pp., 483 KB, [About PDF](#))

[Volume 5: Human Health and Air Quality \(PDF\)](#) (95 pp., 704 KB, [About PDF](#))

[Volume 6: Agriculture and Forestry \(PDF\)](#) (43 pp., 172 KB, [About PDF](#))
[Volume 7: Water Resources, Coastal Areas, Ecosystems and Wildlife \(PDF\)](#) (65 pp., 311 KB, [About PDF](#))
[Volume 8: Other Sectors \(PDF\)](#) (25 pp., 95 KB, [About PDF](#))
[Volume 9: Endangerment Finding \(PDF\)](#) (37 pp., 137 KB, [About PDF](#))
[Volume 10: Cause or Contribute Finding \(PDF\)](#) (18 pp., 76 KB, [About PDF](#))
[Volume 11: Miscellaneous Legal, Procedural, and Other Comments \(PDF\)](#) (40 pp., 167 KB, [About PDF](#))

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To access materials related to the proposed finding, please visit the [Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Clean Air Act](#) archive.

Contact Us

Contact us at ghgendangerment@epa.gov with questions about this action.

Disclaimer: The comment period for this action has ended; comments made during this time will not be entered into the docket.

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Last updated on Friday, December 18th, 2009.
<http://www.epa.gov/climatechange/endangerment.html>



Climate

Regulatory Initiatives

Related Links

[EPA Climate Economics](#)

[EPA Transportation and Climate](#)

[EPA Climate Change and Water](#)

[EPA Underground Injection Control Program-Geologic Sequestration of CO₂](#)

[DOT Transportation and Climate Change Clearinghouse](#)

EPA has issued regulatory actions under the Clean Air Act and in some cases other statutory authorities to address issues related to climate change. Below is a list of these actions along with links to pages with more information.

New! [Greenhouse Gas Endangerment and Cause or Contribute Findings](#)

On December 7, 2009, Administrator Lisa Jackson signed a final action, under Section 202(a) of the Clean Air Act, finding that six key well-mixed greenhouse gases constitute a threat to public health and welfare, and that the combined emissions from motor vehicles cause and contribute to the climate change problem.

[Proposed Greenhouse Gas Permitting Requirements on Large Industrial Facilities](#)

On September 30, 2009 EPA proposed new thresholds for greenhouse gas emissions (GHG) that define when Clean Air Act permits under the New Source Review and title V operating permits programs would be required. The proposed thresholds would tailor these permit programs to limit which facilities would be required to obtain permits and would cover nearly 70 percent of the nation's largest stationary source GHG emitters—including power plants, refineries, and cement production facilities, while shielding small businesses and farms from permitting requirements.

[Comment Requested on Greenhouse Gas Permitting Guidance under Reconsideration](#)

On September 30, 2009, EPA released a request for public comment as the agency reconsiders the December 18, 2008 memorandum entitled "EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program." This interpretive memo, from then-EPA Administrator Stephen L. Johnson to the EPA Regional Administrators addressed when the Prevention of Significant Deterioration program applies to carbon dioxide, a chief greenhouse gas, and other GHGs.

[Final Mandatory Reporting of Greenhouse Gases Rule](#)

In response to the FY2008 [Consolidated Appropriations Act](#) (H.R. 2764; Public Law 110-161), EPA has issued the Final Mandatory Reporting of Greenhouse Gases Rule. Signed by the Administrator on September 22, 2009, the rule requires in general that suppliers of fossil fuels and industrial greenhouse gases (GHGs), manufacturers of vehicles and engines outside of the light duty sector, and facilities that emit 25,000 metric tons or more of GHGs per year to submit annual reports to EPA. The rule is intended to collect accurate and timely emissions data to guide future policy decisions on climate change.

[EPA and NHTSA Propose National Program to Cut Greenhouse Gas Emissions and Improve Fuel Economy for Cars and Trucks](#)

On September 15, 2009, EPA and the Department of Transportation's National Highway Traffic Safety Administration (NHTSA) proposed a new national program that would reduce greenhouse gas emissions and improve fuel economy for all new cars and trucks sold in the United States. EPA proposed the first-ever national greenhouse gas (GHG) emissions standards under the Clean Air Act, and NHTSA proposed Corporate Average Fuel Economy (CAFE) standards under the Energy Policy and Conservation Act. This proposed national program would allow automobile manufacturers to build a single light-duty national fleet that satisfies all requirements under both Federal programs and the standards of California and other states.

[Waste Energy Recovery Registry](#)

On July 23, 2009, EPA published a rule which proposes to establish the criteria for including sources or sites in a Registry of Recoverable Waste Energy Sources (Registry), as required by Energy Independence and Security Act of 2007. The agency is also proposing the Survey processes by which EPA will collect data and populate the Registry. The proposed rule would apply to major industrial and large commercial sources as defined by EPA in the rulemaking.

[California Greenhouse Gas Waiver Request](#)

On June 30, 2009, EPA granted a waiver of Clean Air Act preemption to California for the State's GHG emission standards for motor vehicles beginning with the 2009 model year.

[Renewable Fuel Standard 2 \(RFS\)](#)

Published May 26, 2009, EPA, under the Energy Independence and Security Act of 2007, is responsible for revising and implementing regulations to ensure that gasoline sold in the United States contains a minimum volume of renewable fuel. The Renewable Fuel Standard (RFS) program will increase the volume of renewable fuel required to be blended into gasoline from 9 billion gallons in 2008 to 36 billion gallons by 2022. The new RFS program regulations are being developed in collaboration with refiners, renewable fuel producers, and many other stakeholders.

[Geologic Sequestration of Carbon Dioxide](#)

Geologic sequestration (GS) is the process of injecting carbon dioxide (CO₂) from a source, such as a coal-fired electric generating power plant, through a well thousands of feet underground. With proper site selection and management, [geologic sequestration](#) could play a major role in reducing emissions of CO₂. In July 2008, EPA published the Federal Requirements under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO₂) Geologic Sequestration (GS) Wells Proposed Rule for public review and comment.

[Advance Notice of Proposed Rulemaking: Regulating Greenhouse Gas Emissions under the Clean Air Act](#)

Published July 11, 2008, the Advanced Notice of Proposed Rulemaking (ANPR) was one of the steps EPA has taken in response to the U.S. Supreme Court's decision in *Massachusetts v. EPA*. The Court found that the Clean Air Act authorizes EPA to regulate tailpipe greenhouse gas emissions if EPA determines they cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare.

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