Institute *for*
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NEW YORK UNIVERSITY SCHOOL OF LAW

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# EPA'S REPEAL OF THE ENDANGERMENT FINDING AND MOTOR VEHICLE STANDARDS CONTRADICTS ECONOMIC EVIDENCE AND SETTLED LAW

## *STATEMENT AND ANALYTICAL RESOURCES*

Tomorrow, the U.S. Environmental Protection Agency (EPA) is expected to rescind its greenhouse gas emission standards for motor vehicles and reverse its finding that greenhouse gas emissions from U.S. motor vehicles contribute to air pollution that endangers public health or welfare.

**Richard Revesz,** faculty director at the Institute for Policy Integrity and AnBryce Professor of Law and Dean Emeritus at New York University School of Law, who served as Administrator of the Office of Information and Regulatory Affairs from January 2023 to January 2025, released the following statement:

*"This rescission is fatally wrong on both law and economics. EPA previewed its approach in its proposal. Legally, the agency relies on a novel and incorrect interpretation of the Clean Air Act. EPA's conclusion that the Clean Air Act does not permit regulation of greenhouse gases from motor vehicles contradicts three Supreme Court decisions from the past 20 years. And the rescission rests on a clearly incorrect reading of the statute.*

*"Economically, EPA is incorrect that regulating motor vehicles does not produce measurable impacts on climate change. In fact, prior EPA analyses have shown that reducing emissions from vehicles produces vast climate benefits. EPA's prior analyses have also found substantial consumer fuel savings from this program, and the agency's recent reversal is based on shoddy analysis that cannot withstand serious scrutiny."*

The Institute for Policy Integrity has filed numerous comment letters opposing this repeal and published many reports detailing the flaws in its rationale. These include:

- A report showing that each year the U.S. transportation sector contributes greenhouse gas emissions that cause thousands of U.S. deaths and billions of dollars in economic costs from future climate damages.
- A report showing how EPA has repeatedly recognized the dangers to public health from far smaller pollution contributions and regulated those emissions under the Clean Air Act.
- A report detailing the flaws in EPA's argument that regulating greenhouse gases from motor vehicles violates the major questions doctrine.

- A report explaining that cost considerations should not be part of an endangerment finding and that the benefits of EPA's regulations have far surpassed the costs.
- A report detailing the economic consensus that significant action to mitigate greenhouse gas emissions is warranted and cost-effective, rebutting contrary claims in a draft report from the U.S. Department of Energy.
- A report examining the overlooked benefits and costs of EPA's proposal to scrap greenhouse gas emissions standards for motor vehicles and DOT's proposal to roll back fuel-economy standards.
- A comment letter on the legal flaws of EPA's endangerment repeal.
- A comment letter on the economic and legal flaws of EPA's vehicles rescission.
- A joint comment letter on the flaws of EPA's failure to monetize greenhouse gas emissions.
- A joint comment letter on the increasing frequency and severity of extreme weather due to climate change.

Professor Revesz and other experts at the Institute for Policy Integrity are available for interviews on these issues.

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***The Institute for Policy Integrity*** *at New York University School of Law is a non-partisan think tank dedicated to improving the quality of government decisionmaking. The institute produces original scholarly research in the fields of economics, law, and regulatory policy; and advocates for reform before courts and government agencies.*