Greenhouse Gas Endangerment Finding/Clean Air Act: Environmental Organizations/25 States Notice of Intent to Sue U.S. Environmental Protection Agency



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Various environmental organizations, 25 states, and a number of local governments (collectively, "EDF") sent a June 12th document to the United States Environmental Protection Agency ("EPA") titled:

Notice of Intent to Sue to Compel Agency Action on Petitions for Reconsideration of the Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act ("NOI").

EDF states that they are giving notice under 42 U.S.C. § 7604 of their intent to sue EPA to compel action on the Petitions for Reconsideration ("Petitions") submitted to EPA on April 1, 2026.

The Petitions are stated to have requested that EPA convene a proceeding for reconsideration of the rule entitled:

Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act (See 91 Fed. Reg. 7686 (Feb. 18, 2026) ("Recission").

EPA in February had finalized a repeal of the endangerment finding in addition to the various greenhouse gas standards that the federal agency had adopted for motor vehicles.

EPA in 2009 had concluded that CO2, methane, and other greenhouse gasses threatened public health and welfare. The federal agency cited Massachusetts v. EPA in which the United States Supreme Court in 2007 held that greenhouse gasses qualify as pollutants under the Clean Air Act. EPA concluded at that point that greenhouse gasses met the endangerment requirement which grants authorization to regulate such emissions from motor vehicles and other sources.

EDF's NOI argues that a prior EPA delay in acting upon the previously referenced Petitions is unreasonable. They state in part:

… The Petitions raise a straightforward, discrete, and glaring defect introduced in the final Rescission: EPA's reliance on new methodologies, data, and assumptions to support the Rescission's "futility" argument and other justifications, which were never made available for public comment.

EDF argues that instead of acting promptly upon the request, EPA has simply declined to act at all.

A copy of the NOI can be found here.