

EPA Rescinds 2009 Endangerment Finding, the Underpinning for Greenhouse Gas Regulation

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PRACTICES Environmental, Energy, Power and Natural Resources

On Feb. 12, 2026, the U.S. Environmental Protection Agency (EPA) rescinded the agency's 2009 "Endangerment Finding," which was the basis for regulating vehicle greenhouse gas (GHG) emissions and, thereafter, the underpinning for regulating GHG emissions from stationary sources like power plants. Consistent with this action, EPA also repealed all GHG emission standards for light-, medium- and heavy-duty vehicles and engines.¹

The rescission will have significant implications for industry stakeholders. For automakers and suppliers, eliminating federal GHG standards may reduce short-term regulatory burdens, but it will likely result in future uncertainty. Companies that have invested heavily in low-emission technologies may face shifting market expectations and an increasingly fragmented regulatory landscape.

EPA is also considering the repeal or revision of numerous emission-related regulations beyond the motor vehicle industry. In 2025, [EPA proposed to repeal GHG emissions standards for power plants](#), which action remains pending, and to reconsider [rules and enforcement priorities that affect the oil and gas industry](#). EPA may also consider the rescission of additional regulations that were based on the Endangerment Finding.

After more than 25 years of petitions, rulemakings and appeals, the rescission of a determination that has been considered the scientific and legal bedrock for climate change regulation has already drawn at least one legal challenge from more than a dozen public health and environmental groups, and it will undoubtedly draw more, which could ultimately delay its implementation. The rescission may also re-open the door for states to attempt to individually regulate GHGs with regulations that would have been previously preempted by EPA's rules more uniformly applied.

As justification for its rescission, EPA asserted that the Endangerment Finding exceeded statutory authority under Section 202(a)(1) of the Clean Air Act. In its rescission, EPA noted its statutory authority is limited to the "best reading of the statute" and cited the Supreme Court's 2024 decision in [Loper Bright Enterprises](#), which overturned the Chevron Doctrine that had previously mandated court deference to an agency's interpretation of the law.

In addition to attacking the statutory authority for the Endangerment Finding, EPA also determined that "GHG emission standards for new motor vehicles and engines do not impact in any material way the public health and welfare concerns [that were] identified in the administrator's prior findings in 2009."² EPA added that climate modeling submitted during the rule's comment period confirmed its analysis that "even the complete elimination of all GHG emissions from all new and existing vehicles in the U.S. would have only *de minimis* impacts that fall well within the standard margin of error for global temperature and sea level measurement."³

Attorneys at Haynes Boone are available to assist stakeholders in navigating this complex regulatory shift. For assistance or more information, please contact one of the attorneys listed

below or a member of the [Environmental Practice Group](#).

¹ For discussion about the history of the Endangerment Finding and its effect on federal regulations, please see Haynes Boone's earlier client alert titled: [EPA Proposes Repeal of Legal Foundation for Greenhouse Gas Rules](#).

² *Recission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, EPA-HQ-OAR-2025-0194, (Feb. 12, 2026) <https://www.epa.gov/system/files/documents/2026-02/preamble-rule-san12715-ef-vehiclerule-frm-20260212.pdf>.

³ *Id.*