



Endanger-what??!

Understanding EPA's Big Announcement on Greenhouse Gas Emissions

The U.S. Environmental Protection Agency recently [announced](#) it would seek the repeal of the 2009 “endangerment” legal interpretation on greenhouse gas emissions that has since formed the backbone of federal and state emissions policies and standards. EPA Administrator Lee Zeldin also outlined the agency’s plans to repeal its multipollutant standards for light- and medium-duty motor vehicles (i.e. tailpipe standards).

[SEMA is excited](#) by this announcement – but why? We explain below.

What’s happening?

The EPA is taking concrete steps to repeal a formal declaration from 2009 that establishes that greenhouse gas emissions pose a threat to public health and welfare. The agency will use the federal rulemaking process, a series of steps that will play out over the course of several months (including an opportunity for the public to comment), before a repeal is official. It all started with the July 29 announcement of a forthcoming proposed rule to rescind the 2009 endangerment finding and with it all subsequent greenhouse gas emissions regulations for motor vehicles and engines.

Why is this important?

The greenhouse gas emissions endangerment finding has served as the legal and scientific backbone of many federal actions to regulate the emissions of motor vehicles, but also power plants and other industries determined to be sources of carbon dioxide, methane, and several other heat-trapping air emissions.

How did this all happen?

Like a lot of things in Washington, D.C., it started with a court case. In 2007, the U.S. Supreme Court in *Massachusetts v. EPA* ruled that greenhouse gases are air pollutants covered under the Clean Air Act and therefore subject to regulation. The EPA, under the Obama Administration, then underwent an extensive rulemaking period (similar to the one that’s about to start), which resulted in a “Cause or Contribute” determination for motor vehicles.

The first greenhouse gas emissions standard for vehicles were issued in 2010 under the Obama Administration, with both the *Massachusetts* decision and rulemaking as the legal justification. Ever since then, the EPA has used the greenhouse gas endangerment finding as its basis to regulate motor vehicle emissions.

What’s affected?

If finalized, this proposed rule will eliminate greenhouse gas standards for light-, medium- and heavy-duty vehicles and heavy-duty engines on new vehicles. This will ensure that

automakers are able to produce vehicles based on consumer demand, rather than to stay under greenhouse gas limits defined by the EPA, which have significantly influenced the models of vehicles available to the American people since 2009. This policy shift will directly impact the range of new vehicle choices that exist in the coming years.

What's not affected?

The EPA's proposed rule will directly impact federal **new** car requirements **but does not allow vehicle owners to remove emissions control features from vehicles driven on-road.**

Accordingly, defeat devices remain illegal under section 203(a)(3) the Clean Air Act and 40 C.F.R. §§ 1068.101(b). This has not changed; the EPA continues to maintain the authority to enforce against businesses that manufacture, offer for sale, sell, or install any parts or components that bypass or defeat emissions controls **for on-road vehicles.**

Similarly, any production, sale, distribution, or use of aftermarket products that take a street-use motor vehicle out of compliance with federal emissions standards could still face action by EPA and the Department of Justice.

Check out our [previous FAQ](#) for more information.

My friends say if I support this, I'm anti-environment. Is that true?

Absolutely not. This proposed regulation is about supporting the free market and not handcuffing our nation's innovators. "Vehicle choice" isn't anti-environment – it's about providing a foundation upon which automakers can build and sell cars that people want to drive. If the product is right, people will buy it, and this frees up the marketplace to follow the lead of the consumers.

In a free-market economy, options drive down prices and consumer demand dictates production on behalf of manufacturers. That's great for families, small businesses, and anyone else who relies on their vehicle day-in and day-out.

Same with the aftermarket: this frees you up to develop products that are better than the ones our predecessors offered. If you've got an idea that's safer, more efficient, and downright better, you should have the opportunity to see if your customers agree. Because isn't that what our industry is all about? For over 100 years, your work has consistently delivered more horsepower while reducing emissions profiles. You deserve the opportunity to continue this legacy, and this is what this policy change is about.

What can I do?

First, help combat misinformation and work with us to educate the public. This is complicated, slow government policy stuff. It's not instant, it's not black-and-white, and it can be pretty technical and heady (and boring!) at times.

So call out people when they misrepresent what's happening here – on *both sides*.

Yes, that means those in our community who see a click-bait headline and use them as an excuse to break the law or encourage others to do so. Those who oppose our industry are paying attention and they keep receipts, just like we do. Let's not give them any fuel for the fire that our opponents can use to fire up their supporters.

Second, and just as important, consider submitting a comment. Your story and perspective are highly valued. Stay tuned for more details in the coming weeks on how to submit your own comments for consideration.

I still have questions.

And we've got answers! Contact Eric Snyder, SEMA's senior director for federal government affairs, at erics@sema.org.