

END THE EPA'S CARBON REGULATION REGIME

Preston Brashers, Research Fellow



TOPLINE: Congress should clarify that the Environmental Protection Agency (EPA) lacks [authority](#) under the Clean Air Act (CAA) to regulate carbon dioxide (CO₂) and other greenhouse gases (GHGs) that [don't directly harm](#) human health.

BACKGROUND: Tightening Regulations. The CAA authorizes the EPA to set emission standards for new vehicles to limit hydrocarbons, carbon monoxide, nitrogen oxides, and particulate matter—substances that are harmful to breathe, contribute to smog, and [endanger](#) public health and welfare. In 2009, the EPA promulgated an [Endangerment Finding](#) concluding that CO₂ and other GHG emissions from new motor vehicles “endanger public health,” pointing to remote and distant fears about global warming. Based on that finding, the EPA [established](#) fleetwide average CO₂ targets in 2010. Targets for cars and light trucks depend on vehicle footprints—the square footage of space between the vehicle's axles and between the left and right wheels.

Costly Vehicle Redesigns. When the EPA set the targets, it [expected](#) manufacturers to meet them by changing engine and transmission technology, reducing vehicle weight, using more efficient (and costly) tire designs and air conditioning, focusing more on aerodynamics, and by transitioning to more hybrid and electric vehicles (EVs).

Rescinding the 2009 Endangerment Finding. In February 2026, the EPA [rescinded](#) the 2009 [Endangerment Finding](#) and the GHG regulations that resulted from it, concluding that the CAA doesn't give the EPA “authority to prescribe motor vehicle emission standards for the purpose of addressing global climate change concerns.”

Action Items (Congress):

- **Enact legislation clarifying that a future EPA cannot regulate CO₂ and other GHGs under the auspices of the CAA.**
- Alternatively, **appropriations bills should include riders that block funding for enforcement of vehicle GHG standards.**

How It Would Make Life More Affordable:

- The EPA [estimated](#) that rescinding the 2009 Endangerment Finding would lead to cost savings of **\$1.1 trillion** through 2055 (more than \$2,400 per vehicle).
- The EPA estimated it would result in an additional **\$200 billion** in savings related to avoiding the costs of EV chargers and related equipment.

Related Legislation: Preserving Choice in Vehicle Purchases Act ([H.R. 346](#)); Choice in Automobile Retail Sales Act ([S. 995](#)).

BOTTOMLINE: CO₂ is not a harmful pollutant; it's a natural part of Earth's atmosphere that contributes to higher crop yields and a greener planet. Carmakers should design vehicles to meet the preferences of consumers, not the whims of EPA regulators.