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## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

February 28, 2025

The Honorable Lee M. Zeldin  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Administrator Zeldin,

We write to express grave concern about your recommendation to the Director of the Office of Management and Budget (OMB) that the Environmental Protection Agency (EPA) withdraw its December 7, 2009, finding under section 202(a) of the Clean Air Act that “the current and projected concentrations of the six key well-mixed greenhouse gases . . . in the atmosphere threaten the public health and welfare of current and future generations” (the “Endangerment Finding”).<sup>1</sup> This key finding underpins EPA’s ability to regulate emissions from motor vehicles, which EPA also found in 2009 to “contribute to the greenhouse gas pollution that threatens public health and welfare,”<sup>2</sup> as well as other pollution-emitting sources. Without the finding, EPA cannot fulfill its core mission and legal obligation of ensuring clean air for the American people.

On February 20, 2025, President Trump issued Executive Order 3418, directing you, in collaboration with other agency heads, to submit joint recommendations to the OMB Director on the legality and continuing applicability of the Endangerment Finding.<sup>3</sup> On February 26, 2025, the *Washington Post* reported that you had “privately urged the White House to strike down” the finding.<sup>4</sup> President Trump’s directive and your recommendation, which follow years of legal precedent affirming the EPA’s authority to regulate greenhouse gas emissions under the Clean Air Act, raise serious concerns about the Administration’s commitment to respecting established science, following the law, and fulfilling EPA’s core mission of protecting clean air—all three of which you promised the Senate Environment and Public Works Committee you would do if confirmed as EPA Administrator.<sup>5</sup>

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<sup>1</sup> U.S. Environmental Protection Agency, *Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act*, <https://www.epa.gov/climate-change/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a>.

<sup>2</sup> *Id.*

<sup>3</sup> The White House, Executive Order 14154, *Unleashing American Energy*, 90 FR 8353 (Jan. 26, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-01956/unleashing-american-energy>.

<sup>4</sup> Maxine Joselow, “EPA tells White House to strike down landmark climate finding,” *Washington Post* (Feb. 26, 2025), <https://www.washingtonpost.com/climate-environment/2025/02/26/epa-endangerment-finding-trump-climate/>.

In 2007, the Supreme Court ruled in *Massachusetts v. EPA* that greenhouse gases qualify as pollutants under the Clean Air Act, compelling the EPA to regulate them if they pose a threat to public health and welfare. Following a rigorous review of peer-reviewed scientific evidence and extensive public input, EPA then issued the Endangerment Finding in 2009, requiring it to regulate greenhouse gases. The 2012 D.C. Circuit ruling in *Coalition for Responsible Regulation v. EPA* reaffirmed that the Endangerment Finding is grounded in substantial scientific evidence. The Supreme Court declined to review that decision and, in 2014, reaffirmed the EPA's ability to regulate GHG emissions in *Utility Air Regulatory Group v. EPA*.<sup>6</sup> The Supreme Court has continued to decline to hear challenges to the Endangerment Finding, including as recently as December 11, 2023.<sup>7</sup>

Over the intervening decade and a half, the scientific consensus supporting the Endangerment Finding has only strengthened, with successive National Climate Assessments and reports from the Intergovernmental Panel on Climate Change outlining in increasing detail the extensive harms caused by climate change.<sup>8</sup> Multiple other sources echo these warnings, and extend them to coming economic harms, which we see already presenting themselves in a property insurance—and increasingly unpredictable—crisis driven by increased flooding and wildfire risk. This overwhelming evidence underpinned EPA's promulgation of subsequent endangerment findings for greenhouse gases emitted from power plants, oil and gas sector sources of methane, and aircraft engines.

As you surely know, any attempt to rescind the Endangerment Finding flies in the face of established science and EPA's own findings. EPA has found that its greenhouse gas regulations generate billions of dollars in savings for Americans and huge reductions in premature deaths, emergency room visits, heart disease, cancer, stroke, asthma onset and symptoms, and missed work days.<sup>9</sup> Any attempt to rescind the Endangerment Finding will face significant legal and

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<sup>5</sup> Hearing Transcript, U.S. Senate Committee on Environment and Public Works, *Hearing on the Nomination of the Honorable Lee M. Zeldin to be Administrator of the Environmental Protection Agency* (Jan. 16, 2025), <https://www.epw.senate.gov/public/index.cfm/hearings?ID=2A6B7804-B26D-4F76-AF8F-0819571891DF> (Ranking Member Whitehouse's asked, "what effects do these carbon dioxide emissions have when they enter the atmosphere?" You responded, "Trapping heat, Senator." Senator Whitehouse asked, "does methane leakage from fossil fuel production and transport have in the atmosphere." You responded, "Same." You also stated clearly and unequivocally that "the emissions of greenhouse gases trap heat." With regards to the rule of law, you stated, "I can commit to every member of this dais on any question and every issue that gets brought forward that I will always follow my obligations under the law." And, with regard to respecting established science, you stated, "we should work with the scientists, leaving the science to the scientists.").

<sup>6</sup> *Utility Air Regulatory Group vs. EPA*, 573 U.S. 302 (2014).

<sup>7</sup> Supreme Court Order List, 601 U.S. (Dec. 11, 2023), [https://www.supremecourt.gov/orders/courtorders/121123zor\\_e29g.pdf](https://www.supremecourt.gov/orders/courtorders/121123zor_e29g.pdf).

<sup>8</sup> Intergovernmental Panel on Climate Change (IPCC), *Synthesis Report: Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, <https://www.ipcc.ch/report/sixth-assessment-report-cycle/>; U.S. Global Change Research Program, Fifth National Climate Assessment (eds. Allison Crimmins, Katharine Hayhoe, Robert R. Gillies, et al., Washington, DC), Global Change Research Program (2023), <https://www.globalchange.gov/our-work/national-climate-assessment>.

<sup>9</sup> U.S. Environmental Protection Agency, *Biden-Harris Administration Finalizes Suite of Standards to Reduce Pollution from Fossil Fuel-Fired Power Plants: Four Final Rules Deliver on the Biden-Harris Administration's Day-One Commitment to Lead on Climate Action and to Protect All Communities from Pollution* (Apr. 25, 2024), <https://epa.gov/newsreleases/biden-harris-administration-finalizes-suite-standards-reduce-pollution-fossil-fuel-fired-power-plants>.

procedural hurdles, and will create chaos and uncertainty for industries that are relying on existing regulations.

Your recommendation to strike down the Endangerment Finding appears to be part of a broader effort to dismantle environmental protections at the behest of fossil fuel interests. Reporting and previous investigations of the Senate Committee on the Budget indicate that oil industry lobbyists pre-drafted executive orders that would weaken climate regulations in anticipation of a second Trump Administration.<sup>10</sup> In short, the fossil fuel industry is now collecting the return on its investment in the 2024 election. Nevertheless, you promised at your confirmation hearing that you would “work with the scientists, leaving the science to the scientists.”<sup>11</sup> Despite that pledge, your push to undermine the Endangerment Finding seems based not on sound science or legal reasoning, but rather on an agenda that prioritizes industry profits over public health, environmental protection, and climate safety.

Accordingly, in order to assist in our understanding of your recommendation concerning the Endangerment Finding, please respond to the following questions and requests for production of documents no later than March 6, 2025:

1. Provide a copy of your correspondence with OMB and any other executive branch parties recommending that the Endangerment Finding be rescinded;
2. Identify the author(s) of any such correspondence;
3. Provide all scientific, legal, and economic analyses used to inform your recommendation to OMB regarding the Endangerment Finding;
4. Identify all individuals and organizations consulted as part of this review process, including meetings with industry representatives and external stakeholders;
5. Explain how the EPA intends to reconcile any proposed rescission of the Endangerment Finding with the Supreme Court’s ruling in *Massachusetts v. EPA* and subsequent legal precedent, which remains valid law;
6. Provide any communications (including but not limited to emails, text messages, and memoranda)—dating from November 1, 2024 to present—between and among the EPA and White House officials, members of the Trump 2024 campaign, members of the Trump-Vance Transition Team, OMB staff, Elon Musk, Russell Vought, Mandy Gunasekara, or Jonathan Brightbill regarding the review and potential withdrawal of the Endangerment Finding; and
7. Detail any plans the EPA has to conduct a formal rulemaking process to revise or rescind the Endangerment Finding.

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<sup>10</sup> U.S. Senate Committee on the Budget, “In New Bicameral Letters, Democrats Demand Big Oil Executives Comply with Investigation Into Trump’s Attempt to Sell Official Actions for \$1 Billion” (Dec. 7, 2022), <https://www.budget.senate.gov/chairman/newsroom/press/in-new-bicameral-letters-democrats-demand-big-oil-executives-comply-with-investigation-into-trumps-attempt-to-sell-official-actions-for-1-billion>; U.S. Senate Committee on the Budget, “Budget, Finance Committees Launch Joint Investigation Into Donald Trump’s Quid Pro Quo Offer to Big Oil” (Mar. 17, 2022), <https://www.budget.senate.gov/chairman/newsroom/press/budget-finance-committees-launch-joint-investigation-into-donald-trumps-quid-pro-quo-offer-to-big-oil->.

<sup>11</sup> Hearing Transcript, U.S. Senate Committee on Environment and Public Works, “*Hearing on the Nomination of the Honorable Lee M. Zeldin to be Administrator of the Environmental Protection Agency*” (Jan. 16, 2025), <https://www.epw.senate.gov/public/index.cfm/hearings?ID=2A6B7804-B26D-4F76-AF8F-0819571891DE>.

The American people deserve transparency regarding policies that impact public health, the environment, and the stability of our climate. We expect your prompt and thorough response.

Sincerely,



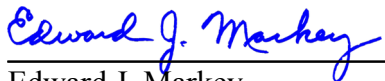
Sheldon Whitehouse  
United States Senator  
Ranking Member  
Committee on Environment  
and Public Works



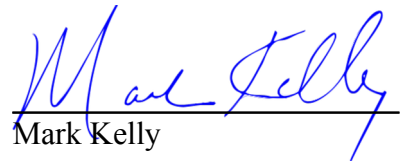
Bernard Sanders  
United States Senator



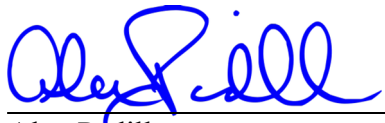
Jeffrey A. Merkley  
United States Senator



Edward J. Markey  
United States Senator



Mark Kelly  
United States Senator



Alex Padilla  
United States Senator



Adam B. Schiff  
United States Senator



Lisa Blunt Rochester  
United States Senator



Angela N. Alsobrooks  
United States Senator