

United States Senate

WASHINGTON, DC 20510

February 13, 2026

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

Dear Administrator Zeldin:

The Environmental Protection Agency's (EPA) final rule¹ rescinding the December 7, 2009, endangerment finding marks a fundamental break from nearly two decades of settled law, science, and regulatory practice under the Clean Air Act. Promulgated pursuant to the Supreme Court's direction in *Massachusetts v. EPA*, the endangerment finding forms the legal foundation for EPA's greenhouse gas regulatory framework. Its repeal destroys that framework and results in a failure to faithfully execute EPA's statutory mandate to protect human health—a mandate you acknowledged repeatedly during your confirmation hearing.² But setting aside the dire implications of this final rule, the timing of and context for this entire enterprise suggest that this was a predetermined outcome, perhaps dictated more by concern for corporate interests than by an honest review of the law and science of climate change.

From the outset of the reconsideration of the endangerment finding, you have made repeated public statements characterizing its repeal as the objective rather than a question to be evaluated through notice-and-comment rulemaking. You have described the endangerment finding as the “holy grail of climate change religion,”³ and stated that under your leadership, EPA would be “driving a dagger through the heart” of climate regulation.⁴ In media appearances and official communications, you framed repeal as “the largest deregulatory action in the history of the United States,” emphasizing cost savings and ideological opposition rather than engagement with the statutory endangerment standard—or with the massive costs to human health and welfare that greenhouse gas-driven climate change imposes.⁵

Your improper, conclusory statements align with internal EPA documents showing that EPA leadership was moving to finalize the rescission of the endangerment finding before EPA staff

¹ U.S. Environmental Protection Agency. *Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act, Preamble to Final Rule*. EPA-HQ-OAR-2025-0194; FRL-12715-02-OAR. Signed February 12, 2026. <https://www.epa.gov/system/files/documents/2026-02/preamble-rule-san12715-ef-vehiclerule-firm-20260212.pdf>.

² U.S. Environmental Protection Agency, “Our Mission and What We Do,” U.S. EPA, last updated October 20, 2025, <https://www.epa.gov/aboutepa/our-mission-and-what-we-do>.

³ New York Post, “EPA Chief Lee Zeldin to Repeal ‘Holy Grail’ Obama-Era Emissions Finding That Hiked Energy Costs for Years,” *New York Post*, Jul. 29, 2025, <https://nypost.com/2025/07/29/us-news/epa-chief-lee-zeldin-to-repeal-holy-grail-obama-era-emissions-finding-that-hiked-energy-costs-for-years/>.

⁴ Breanna Morello (@BreannaMorello), X, Jul. 29, 2025, *JUST IN EPA Administrator Lee Zeldin will revoke the Obama-Era Endangerment Finding...*, <https://x.com/BreannaMorello/status/1950141750485381148>.

⁵ Lee Zeldin (@epaleezeldin), X, May 1, 2025, “The Trump EPA is proposing the largest deregulatory action in the history of the United States...”, <https://x.com/epaleezeldin/status/1950283078691389644>.

had even had the chance to complete the agency’s required regulatory review. As reported by *Politico’s E&E News* in September 2025, internal agency notes and presentation slides show that you “intend[ed] to sign off . . . on the final policy and legal justifications for repealing the so-called endangerment finding and . . . climate rules for cars and trucks . . . before agency staff ha[d] time to sift through all public comments — or complete the legally required regulatory impact analysis.”⁶ Reporting further stated that political appointees had told career EPA officials that the cost-benefit analysis reflected in the Regulatory Impact Assessment (RIA) would “have no bearing on the final regulatory package.”⁷

These statements and internal documents came to light while reconsideration was pending and before EPA had reviewed or responded to the more than 570,000 public comments submitted to the docket, many of which pointed out the proposed withdrawal’s numerous scientific, legal, and logical deficiencies. And despite those comments, you and other Administration officials have repeatedly asserted that the endangerment finding had already been discredited and that repeal was necessary to restore “common sense” and reverse what they described as an illegitimate regulatory project.

These conclusory assertions were compounded by EPA’s initial reliance on a report produced by the now-defunct Department of Energy (DOE) Climate Working Group, which the proposed rule cites as support for questioning the scientific bases of the endangerment finding.⁸ The group’s five authors, including a former BP chief scientist and other researchers known for questioning mainstream climate science on issues such as the severity of climate impacts, have extensive histories promoting views at odds with widely accepted climate science.⁹ EPA’s invocation of this body at the proposal stage represents an effort to manufacture a scientific rationale for rescission where the established record provides none.

Legal challenges quickly unraveled that effort. After a Massachusetts federal court found that the Working Group was subject to the Federal Advisory Committee Act and, therefore, subject to certain transparency and public participation requirements,¹⁰ DOE Secretary Chris Wright disbanded the Working Group before it could finalize its report or address the legal deficiencies —presumably because doing so would expose fatal flaws in the Working Group’s methodology.

In December, the agency was ordered to produce records related to the group’s activities.¹¹ A federal judge then ruled that the DOE violated federal law when Secretary Wright hand-picked the five researchers and convened the Working Group in secret, finding that its formation and

⁶ Jean Chemnick, “Internal Docs: Zeldin races ahead without analysis in endangerment rollback,” *Politico: E&E News*, Sep. 24, 2025, [POLITICO Pro | Article | Internal docs: Zeldin races ahead without analysis in endangerment rollback](https://www.politico.com/news/2025/09/24/internal-docs-zeldin-races-ahead-without-analysis-in-endangerment-rollback/).

⁷ *Id.*

⁸ U.S. Department of Energy, “Department of Energy Issues Report Evaluating Impact of Greenhouse Gasses on U.S. Climate, Invites Public Comment,” *Energy.gov* (July 29, 2025), <https://www.energy.gov/articles/department-energy-issues-report-evaluating-impact-greenhouse-gasses-us-climate-invites>.

⁹ Sabin Center for Climate Change Law, *Department of Energy Report Includes False Claims about Climate Change*, Columbia Law School, July 29, 2025, <https://climate.law.columbia.edu/content/department-energy-report-includes-false-claims-about-climate-change/>.

¹⁰ *Environmental Defense Fund, Inc. v. Wright*, No. 1:25-cv-12249 (D. Mass. 2025).

¹¹ Lesley Clark, “Judge Orders DOE to Release Records on Climate Working Group,” *E&E News* (Dec. 9, 2025), <https://www.eenews.net/articles/judge-orders-doe-to-release-records-on-climate-working-group/>.

operation breached the Federal Advisory Committee Act’s requirements for transparency, public meetings, and balanced viewpoints.¹² The court’s judgement establishes as a matter of law that the report was produced through an unlawful and fundamentally compromised process, rendering its draft reports scientifically unreliable and legally unusable for any regulatory purposes.¹³ Although EPA now asserts in the final rule that it “is not relying”¹⁴ on either version of the Working Group’s draft report, that disavowal does not cure the deeper problem: the agency’s resort to an unlawfully constituted body, one selected to produce a predetermined narrative, reveals a desperate attempt to find any support they could, including an illegitimate scientific foundation, to justify rescinding the endangerment finding. The collapse of the Working Group effort simply underscores that EPA attempted, and failed, to manufacture support for a conclusion the established scientific record does not and cannot sustain.

Taken together, this evidence shows that EPA reached a firm conclusion about the outcome of the reconsideration well before reviewing the full administrative record or considering the substantial public comments submitted in response to the proposal.

EPA’s approach is particularly troubling because the endangerment finding rests on decades of firm science. An agency seeking to reverse such a determination is not writing on a blank slate; it must grapple with the existing record of evidence and explain how the facts have changed or why a different conclusion is now justified.¹⁵ Yet during the reconsideration, Administration officials publicly dismissed the underlying science¹⁶ and asserted without evidence¹⁷ that the EPA had ignored data in finalizing the endangerment finding.¹⁸ These statements stand in stark contrast to the extensive scientific record showing that the harms of climate change have compounded since 2009, with worsening extreme heat, flooding, wildfires, and record-breaking global temperatures documented by U.S. and international scientific bodies.¹⁹ They also fly in the face of not only *Massachusetts v. EPA* but also two D.C. Circuit Court of Appeals rulings upholding the endangerment finding—rulings the Supreme Court then declined to review.²⁰

¹² *Environmental Defense Fund, Inc. v. Wright*, 1:25-cv-12249 (D. Mass., Sep. 17, 2025).

¹³ *Environmental Defense Fund, Inc. v. Wright*, No. 1:25-cv-12249 (D. Mass. Jan. 30, 2026).

¹⁴ U.S. Environmental Protection Agency, *Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act, Preamble to Final Rule*. EPA-HQ-OAR-2025-0194; FRL-12715-02-OAR. Signed February 12, 2026, 23 n.8.

<https://www.epa.gov/system/files/documents/2026-02/preamble-rule-san12715-ef-vehiclerule-fm-20260212.pdf>.

¹⁵ See *Motor Vehicles Manufacturers’ Association v. State Farm Mutual Auto Insurance Co.*, 463 U.S. 29 (1983).

¹⁶ NEWS CENTER Maine, “Environmental Protection Agency Moves to Repeal Finding That Allows Climate Regulation,” YouTube video, Jul. 29, 2025, <https://www.youtube.com/watch?v=Nu7EmTGBFv8>.

¹⁷ With the exception of the bogus, never-completed DOE Working Group reported noted above. See *supra* notes 8, 9, & 10.

¹⁸ Chris Wright (@SecretaryWright), X, Jul. 31, 2025, “For far too long, politics surrounding climate change have shrunk...” (post), <https://x.com/SecretaryWright/status/1950318115692446029>,

¹⁹ World Meteorological Organization, “Rate and Impact of Climate Change Surges Dramatically in 2011–2020,” archived Aug. 5, 2025, via Perma.cc, <https://perma.cc/9G4A-H39U>.

²⁰ 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> (accessed Aug. 12, 2025); *Coalition for Responsible Regulation, Inc. v. EPA*, 684 F.3d 102 (D.C. Cir. 2012); *Concerned Household Elec. Consumers Council v. EPA*, Nos. 22-1139, Consolidated with 22-1140, 2023 U.S. App. LEXIS 13063 (D.C. Cir. May 25, 2023).

In its final rule, EPA attempts to distance itself from the science question altogether by arguing that EPA's 2009 endangerment finding and subsequent regulation represented a "profound misreading" of Supreme Court directive in *Massachusetts v. EPA*, and thus that EPA's decision to make the finding in the first place, and to regulate based on that finding, was legally flawed.²¹ On the contrary, the *Massachusetts* court ordered EPA to regulate emissions of greenhouse gases from motor vehicles unless it either "determine[d] that greenhouse gases do not contribute to climate change or if it provide[d] some reasonable explanation as to why it cannot or will not exercise its discretion to determine whether they do."²² This EPA does neither. EPA's willful disregard of the applicable law, in its determination to shirk its regulatory obligation, reflects the predetermined nature of the final rollback.

When an agency signals that the outcome of a proceeding is preordained, public participation becomes performative rather than meaningful, undermining the legitimacy of the rulemaking process and violating basic principles of administrative law. The Administrative Procedure Act prohibits agencies from engaging in rulemaking when decisionmakers have an "unalterably closed mind."²³ Notice-and-comment procedures are intended to ensure that agency decisions are informed by evidence, expert analysis, and public input—not to be discarded or ignored so that the agency can ratify outcomes that have already been decided.²⁴ That risk of prejudgment is particularly acute here in light of President Trump's repeated attacks on climate science and regulation.²⁵ Presidential policy preferences do not give EPA carte blanche to bypass statutory mandates to engage in good faith with sound science and public input in favor of predetermined outcomes.

The procedural integrity of EPA's reconsideration is further undermined by the fact that regulated industries have already undertaken significant, difficult-to-reverse investment decisions that assume reduced or eliminated greenhouse gas regulation—despite the absence of any final agency action. Since the announcement of the reconsideration, major actors in the transportation sector have adjusted capital planning, production strategies, and retirement schedules in ways that are consistent with an anticipated rollback of federal climate regulation, rather than with the continuation of the regulatory framework established under the 2009 endangerment finding. These actions, sometimes amounting to generational shifts in investment, raise substantial questions about whether EPA has already committed to that outcome, what EPA has communicated to those industries, and whether EPA has fully disclosed any communications or assurances influencing those expectations in the administrative record.

²¹ Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act (Feb. 12, 2026), <https://www.epa.gov/system/files/documents/2026-02/preamble-rule-san12715-ef-vehiclerule-firm-20260212.pdf> at 15.

²² 549 U.S. 497, 533 (2007).

²³ *Ass'n of Nat. Advertisers, Inc. v. FTC*, 627 F.2d 1151, 1171 (D.C. Cir. 1979).

²⁴ *Natural Resources Defense Council v. EPA*, 859 F.2d 156, 194 (D.C. Cir. 1988) ("agencies proceeding by informal rulemaking should maintain minds open to whatever insights the comments produced by notice under § 553 may generate.").

²⁵ See, e.g., Donald J. Trump, *Executive Order 14219: Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative*, February 19, 2025, Federal Register 90, no. 36 (Feb. 25, 2025): 10583–..., accessed January 15, 2026, The American Presidency Project, University of California, Santa Barbara, <https://www.presidency.ucsb.edu/documents/executive-order-14219-ensuring-lawful-governance-and-implementing-the-presidents>.

In December 2025, for example, Ford announced a \$19.5 billion write-down tied to pivot away from electric vehicles, discontinuing production of the all-electric F-150 Lightning, scrapping plans for an electric commercial van, and abandoning development of a full-size electric truck planned for 2028.²⁶ General Motors reported a \$6 billion charge in January and a \$1.6 billion charge in October 2025 following a reassessment of its EV strategy; in the same period, it announced thousands of layoffs at locations its Factory Zero EV plant and a separate EV battery plant.²⁷ Executives at the “Detroit Three” explicitly pointed to the Administration’s deregulatory posture when announcing renewed investments in gasoline- and diesel-powered vehicles.²⁸ Already, industry is relying on EPA’s expected retreat from federal greenhouse gas regulation.

To assist in our understanding of the bases, process, and effects of the repeal of the endangerment finding, please respond to the following questions and requests for production of documents no later than February 27, 2026:

1. Please identify and produce all communications, emails, memoranda, briefing materials, or meeting notes created or held by the Administrator, Deputy Administrator, Assistant Administrators, and senior political staff regarding the endangerment finding from January 20, 2025, through the final rulemaking announcement. Include all documents discussing the justification, anticipated outcome, or strategy for reconsideration, as well as any analyses or statements reflecting whether agency leadership had reached conclusions regarding the final rule prior to OIRA review.
2. Please identify and produce all communications, including emails, memoranda, meeting notes, text messages, and call logs between EPA leadership (including the Administrator, Deputy Administrator, Assistant Administrators, and senior political staff) and representatives of regulated industries, trade associations, or industry-funded organizations concerning the repeal or reconsideration of the endangerment finding dating from January 20, 2025, through the final rulemaking announcement.
3. Please identify and produce all communications, analyses, or internal memoranda discussing how regulated entities have relied or may rely on the 2009 endangerment finding in planning investments, capital expenditures, retirement schedules, production strategies, or other operational decisions. Include all materials reflecting EPA’s consideration of, or failure to consider, such reliance in the decision to repeal the finding.

²⁶ Pras Subramanian, “Ford Takes \$19.5B Charge in Hybrid Pivot, Cancels F-150 Lightning EV, Launches New Battery Storage Business,” *Yahoo Finance*, Dec. 16, 2025, <https://finance.yahoo.com/news/ford-takes-195b-charge-in-hybrid-pivot-cancels-f-150-lightning-ev-launches-new-battery-storage-business-210713166.html>.

²⁷ Neal Boudette, “G.M. Will Cut 1,750 Jobs in Electric Vehicle Business,” *New York Times*, Oct. 29, 2025, [https://www.nytimes.com/2025/10/29/business/general-motors-electric-vehicles-layoff.html#:~:text=As%20a%20result%2C%20550%20workers,for%20more%20than%20two%20decades.](https://www.nytimes.com/2025/10/29/business/general-motors-electric-vehicles-layoff.html#:~:text=As%20a%20result%2C%20550%20workers,for%20more%20than%20two%20decades.;); Dave Kinchen, “General Motors laying off more than 1,100 employees from two locations,” *Fox 2 Detroit*, Jan. 5, 2026, <https://www.fox2detroit.com/news/general-motors-laying-off-more-than-1100-employees-from-two-locations>.

²⁸ Grant Schwab, Breana Noble, Luke Ramseth, and Summer Ballentine, “Trump and Tariffs Dominated the Top Automotive Stories of 2025,” *The Detroit News*, Dec. 30, 2025, archived at <https://archive.ph/2025.12.31-041243/https%3A/www.detroitnews.com/story/business/autos/2025/12/30/trump-and-tariffs-dominated-the-top-automotive-stories-of-2025/87920164007/>.

4. Please identify all communications, including emails, meeting notes, text messages, and call logs, between EPA and the White House, OIRA, the Department of Energy, or other federal agencies regarding the outcome, timing, or scope of the endangerment finding reconsideration.

Sincerely,



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



Charles E. Schumer
United States Senator



Jeffrey A. Merkley
United States Senator



Adam B. Schiff
United States Senator



Chris Van Hollen
United States Senator



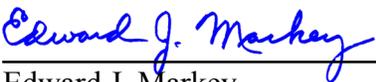
Kirsten Gillibrand
United States Senator



Bernard Sanders
United States Senator



Mazie K. Hirono
United States Senator



Edward J. Markey
United States Senator



Tammy Duckworth
United States Senator



Michael F. Bennet
United States Senator



Andy Kim
United States Senator



Jeanne Shaheen
United States Senator



Richard Blumenthal
United States Senator



Raphael Warnock
United States Senator



Mark R. Warner
United States Senator



Ruben Gallego
United States Senator



Catherine Cortez Masto
United States Senator



Lisa Blunt Rochester
United States Senator



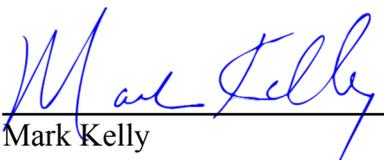
Jacky Rosen
United States Senator



Tina Smith
United States Senator



Maria Cantwell
United States Senator



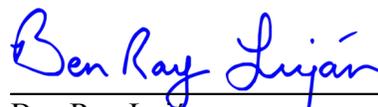
Mark Kelly
United States Senator



Tim Kaine
United States Senator



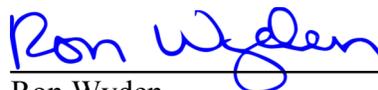
Angela D. Alsobrooks
United States Senator



Ben Ray Lujan
United States Senator



Richard J. Durbin
United States Senator



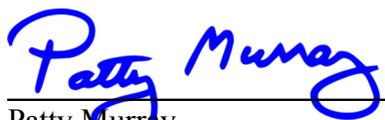
Ron Wyden
United States Senator



Alex Padilla
United States Senator



Peter Welch
United States Senator



Patty Murray
United States Senator



Cory A. Booker
United States Senator



Angus S. King, Jr.
United States Senator



Jon Ossoff
United States Senator



Martin Heinrich
United States Senator



Jack Reed
United States Senator



Amy Klobuchar
United States Senator



Elizabeth Warren
United States Senator



John Hickenlooper
United States Senator



Christopher S. Murphy
United States Senator



Christopher A. Coons
United States Senator