September 22, 2025

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

VIA ELECTRONIC SUBMISSION

Subject: Proposed Rule, "Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards," 90 Fed. Reg. 36,288 (Aug. 1, 2025)

Docket No.: EPA–HQ–OAR–2025–0194; FRL–12715–01–OAR

Dear Administrator Zeldin,

The National League of Cities, the U.S. Conference of Mayors, Climate Mayors, C40 Cities and the Sabin Center for Climate Change Law at Columbia Law School ("Sabin Center") respectfully submit the following comments on the U.S. Environmental Protection Agency's ("EPA") proposed "Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards."[1]

[1] *Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards*, 90 Fed. Reg. 36,288 (Aug. 1, 2025); comment period extended by *Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards; Extension of Comment Period*, 90 Fed. Reg. 39,345 (Aug. 15, 2025).

The National League of Cities (NLC), founded in 1924, is the oldest and largest organization representing U.S. municipal governments. Its mission is to relentlessly advocate for, and protect the interests of, cities, towns and villages by influencing federal policy, strengthening local leadership and driving innovative solutions. In partnership with 49 state municipal leagues, NLC advocates for over 19,000 cities, towns and villages, where more than 218 million Americans live.

The U.S. Conference of Mayors, founded in 1932, is the official nonpartisan organization of the more than 1,400 U.S. cities that are home to 30,000 people or more. The Conference of Mayors established its Climate Protection Center and its Alliance for a Sustainable Future to assist local governments with implementation of both the 2005 Mayors Climate Protection Agreement and the goal to establish comprehensive decarbonization efforts to keep the global rise in temperature to the 1.5-degree Celsius level.

Climate Mayors is a bipartisan network of over 340 mayors who demonstrate climate leadership through meaningful actions in their communities. Representing 47 states and nearly 60 million Americans, Climate Mayors reflects U.S. cities' commitment to climate progress.

C40 Cities (C40) is a global network of nearly 100 mayors of the world's leading cities, including 14 cities in the United States, that are united in action to confront the climate crisis. Mayors of C40 cities are committed to cutting their fair share of emissions in half by 2030 and building healthy, equitable and resilient communities.

The Sabin Center develops legal techniques to combat the climate crisis and advance climate justice, and trains the next generation of leaders in the field. The Sabin Center's Cities Climate Law Initiative works with city legal departments and sustainability offices, and the networks that link them together, to provide key resources to efficiently and effectively address legal questions confronting the urban climate transition. The Sabin Center is also submitting a separate comment letter on EPA's assessment of climate science in Section IV.B of the Proposed Rule.

With respect to EPA's proposed repeal of the 2009 Endangerment Finding and proposed repeal of greenhouse gas ("GHG") emissions standards for vehicles, we write to make the following comments:

- In proposing to repeal the Endangerment Finding and all regulations for the emission of GHGs from motor vehicles, EPA fails to seriously consider the impacts of these regulatory actions in cities. Since 2009, when the Endangerment Finding was made, the scientific evidence that cities are experiencing devastating impacts from GHG-induced climate change, as established in the 2023 Fifth National Climate Assessment ("NCA5")[2] and as experienced in cities across the country, has only solidified. Moreover, EPA's proposed and we believe erroneous reading of the definition of the term "air pollutant" ignores these local harms.
- EPA's GHG standards for motor vehicles have significant benefits in cities, augmenting cities' own efforts to reduce GHG emissions from the transportation sector at the local level. In particular, local governments are preempted by Section 209 of the Clean Air Act from regulating air pollution from new motor vehicles, meaning that without federal regulation, this heavily emitting GHG source is left unregulated.

I. In Proposing to Repeal the Endangerment Finding and All Regulations for the Emission of GHGs from Motor Vehicles, EPA Fails to Seriously Consider the Impacts of These Regulatory Actions in Cities

EPA's proposal to repeal the Endangerment Finding and motor vehicle GHG standards ignores the reality that cities and rural communities are already bearing the brunt of climate change. Urban areas, with their concentrated populations, aging infrastructure, and heightened vulnerability, face disproportionate risks from flooding, rising sea levels, extreme heat, wildfires, air quality degradation, and other harms linked directly to GHG emissions. While less dense in population, rural communities similarly rely on aging infrastructure and face vulnerability to flooding, extreme heat, wildfires and air quality degradation. The scientific record since 2009—including the NCA5—only strengthens the conclusion that motor vehicle emissions endanger public health and welfare. By dismissing this evidence, EPA disregards both the law and the lived experience of communities nationwide.

The following sections briefly describe the science demonstrating the urban impacts of GHG

[2] Crimmins, A.R., Avery, C.W., Easterling, D.R., Kunkel, K.E., Stewart, B.C., & Maycock, T.K. (Eds.). (2023). *Fifth National Climate Assessment ("NCA5")* (Chapter 12: Built Environment, Urban Systems, and Cities). U.S. Global Change Research Program, https://toolkit.climate.gov/sites/default/files/2025-07/NCA5_2023_FullReport.pdf.

emissions, the lived experience and mounting costs borne by cities, and the fundamental legal flaws in EPA's proposals.

A. The Science Establishing the Impacts of GHG-Induced Climate Change in Cities Has Only Grown Stronger Since the Endangerment Finding Was Made In 2009

EPA's proposal disregards the overwhelming scientific consensus that GHG emissions endanger public health and welfare. The NCA5, released in 2023, is the nation's preeminent report summarizing the most current and trusted science on GHG-induced climate change and its impacts. It concluded that climate change is already affecting every region of the country and that transportation-sector GHGs remain a primary driver of those harms.[3] NCA5 emphasizes that cities are on the front lines of climate impacts, facing mounting risks of flooding from sea level rise and extreme precipitation, intensifying urban heat islands, worsening air quality, and cascading infrastructure failures during extreme weather events.[4] These harms compound existing stresses in areas where population density and aging infrastructure increase vulnerability. NCA5 also documents that "low-wealth" communities in cities bear disproportionate burdens of these climate risks, exacerbating inequities in health, housing, and economic opportunity.[5] The report makes clear that these harms are not theoretical or distant: they are occurring now, straining local governments with billions of dollars in annual adaptation, emergency response, and public health costs and losses, and are projected to intensify in coming decades absent strong regulation of GHGs.[6]

For example, the Northeast region has seen a dramatic increase in extreme precipitation: NCA5 reports that heavy precipitation events there have increased by about 60 percent since the mid-20th century,[7] resulting in frequent flooding, overwhelmed stormwater infrastructure, and damage to roads, bridges, and transit systems in cities. Motor vehicles are both a major source of the GHGs fueling these changes and are themselves highly vulnerable to flood damage, compounding costs for local governments and residents. In the Southeast, coastal cities are already contending with rising sea levels and more intense storms, causing both inland and coastal flooding,[8] which impose steep repair, mitigation, and

[3] *NCA5* at 13-6.
[4] *NCA5* at 12-5.
[5] *NCA5* at 12-13.
[6] *NCA5* at 12-15.
[7] *NCA5* at 21-5.
[8] *NCA5* at 22-9.

emergency response costs on local governments. Heat waves and energy burdens during summer months are increasingly common,[9] and motor vehicle GHG emissions—both directly, through their contribution to warming, and indirectly, through worsening local ozone formation—exacerbate these health risks.[10]

In the Southwest, NCA5 links GHG emissions to more frequent and severe heat waves, longer droughts, and elevated wildfire risk in this "heavily urbanized" region.[11] Cities in the region are already seeing higher rates of heat-related hospital admissions.[12] These health impacts are worsened by elevated levels of ground-level ozone and particulate matter during high-heat periods.[13] At the same time, reduced snowpack and shifts in precipitation timing have strained water supplies and energy systems.[14] These are just a handful of the impacts experienced at the local level around the country that are identified in NCA5. The Endangerment Finding and EPA's motor vehicle GHG standards are critical to ensuring that these harms are kept in check. Without robust federal regulation to curb GHGs from motor vehicles and other sources regulated pursuant to the Endangerment Finding, emergency response, infrastructure damage, public health crises, and adaptation costs will escalate steeply across every region of the country.

B. Cities Are Already Experiencing These Devastating Impacts and Costs of GHG-Induced Climate Change

Beyond the scientific data reported in the NCA5, cities are experiencing acute effects of GHG emissions, along with significant financial burden necessary to respond to climate disasters, prepare for future extreme weather, and reduce emissions.[15] The throughline between transportation sector GHG emissions and direct impacts to cities is clear. The transportation sector emits 28 percent of all GHG emissions in the United States.[16] While EPA insists that these emissions are a small share of the global total,[17] they are in fact larger than those of most countries.[18] Cities and other local governments rely on the

[9] *NCA5* at 22-20.
[10] *NCA5* at 22-21.
[11] *NCA5* at 28-6; 28-8.
[12] *NCA5* at 28-22.
[13] Id.
[14] *NCA5* at 28-9.
[15] *See State of the Climate 2023*, World Meteorological Org., https://library.wmo.int/viewer/68835/download?file=1347_Global-statement-2023_en.pdf&type=pdf&navigator=1.
[16] *Sources of Greenhouse Gas Emissions*, U.S. Envt'l Protection Agency (Mar. 31, 2025), https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions.
[17] 90 Fed. Reg. 36,312.
[18] Comparing *Inventory of U.S. Greenhouse Gas Emissions and Sinks 1990-2022*, U.S. Envt'l Protection Agency at 238, https://www.epa.gov/system/files/documents/2024-04/us-ghg-inventory-2024-main-text_04-18-2024.pdf, which reported that the U.S. transportation sector emitted 1,808 million metric tons of carbon dioxide equivalent in 2022, with *Historical*

EPA to appropriately assess the significance of motor vehicles' and other sectors' contributions to GHG pollution and to implement robust rules to limit those emissions of GHGs and lessen the impacts and costs of such emissions in their jurisdictions.

The specific impacts experienced in U.S. cities vary from place to place. Coastal cities – home to 20% of the total U.S. population – from Florida to Maine to California, are preparing for and responding to the overwhelming effects of sea level rise,[19] the associated high costs of infrastructure corrosion and inundation of coastal property,[20] and disruptions to daily life resulting from shrinking coastlines. Cities like Charleston, South Carolina and Boston, Massachusetts have already seen huge increases in so-called "nuisance flooding" that is further projected to increase as seas rise and land subsides.[21] Looming beyond the frequent serious damage and disruption of nuisance flooding is the extraordinary threat of destructive storm surges, similar or more severe than the ones that accompanied Hurricanes Helene, Ida, Maria, Isabel, Katrina, Rita, Harvey, Florence, Michael, Idalia, Ophelia, and Sandy. In 2024 alone, storms caused billions of dollars of damage to municipalities in the Gulf Coast region and up and down the eastern seaboard.[22] In October 2024, Hurricane Milton devastated parts of Tampa, Sarasota, and St. Petersburg, Florida with heavy rain, blistering winds, and a six foot storm surge in Naples.[23] In Norfolk, Virginia, another coastal city, these climate impacts also threaten the Naval Station Norfolk – the largest naval station in the U.S. – which could be "completely submerge[]d by "sea level rise coupled with significant storm surge."[24] The risks to the Naval Station Norfolk are indicative of broader risks to critical infrastructure housed in U.S. cities, such as transport supply chains, airports, ports, and energy infrastructure that sustain and grow the economy.[25] All of this is driven by GHG emissions from motor vehicles and other sources. The U.S. is one of the largest contributors to global GHG emissions in the

GHG Emissions, Climate Watch Data (last visited Sept. 16, 2025), https://www.climatewatchdata.org/ghg-emissions?end_year=2021&start_year=1990, which identifies only China, the U.S., India and Russia as emitting more than that amount in 2021. *Historical GHG Emissions* is cited by the EPA and linked from its *Greenhouse Gas Overview* page (Aug. 19, 2025), available at https://www.epa.gov/ghgemissions/global-greenhouse-gas-overview.

[19] *See* D. Hayward et al., IPCC, *Cities, Settlements and Key Infrastructure in* Climate Change 2022: Impacts, Adaptation and Vulnerability at 925.

[20] *Id*. at 958.

[21] *See Global and Regional Sea Level Rise Scenarios for the United States*, NOAA (Feb. 2022), https://sealevel.globalchange.gov/internal_resources/756/noaa-nos-techrpt01-global-regional-SLR-scenarios-US.pdf.

[22] *Hurricane Costs*, NOAA Office for Coastal Management, https://rb.gy/gxnhzo (last visited July 30, 2025).

[23] Laris Karklis et al., *The damage caused by Hurricane Milton*, WASH. POST (Oct. 10, 2024), https://www.washingtonpost.com/weather/2024/10/10/hurricane-milton-damage-florida/.

[24] Kelly A. Burks-Copes et al., *Risk Quantification for Sustaining Coastal Military Installation Assets and Mission Capabilities 9* (2014), https://rb.gy/7bvoyo.

[25] *See* D. Dodman et al., *Cross-Chapter Paper 2: Cities and Settlements by the Sea* in IPCC: Sixth Assessment Report 2022.

world, and when it comes to on-road motor vehicles, is the single largest contributor to GHG pollution, exceeding the next three countries' (China, India, and Brazil) on-road vehicle emissions *combined*.[26]

GHG pollution is also fueling more intense storms in inland and riverine areas. Increases in extreme precipitation and decreasing snowpack storage in mountainous regions have led to increases in flooding throughout non-coastal areas of the U.S. Each year, flooding costs the country an amount equal to 1-2% of the U.S.'s total gross domestic product (GDP), between $179.8 and $496 billion per year, and much of this cost is borne by and in cities.[27] For example, Detroit, Michigan, despite having spent hundreds of millions of dollars to improve its stormwater system, is still being deluged with flooding.[28] Further upgrading Detroit's stormwater systems to reduce flood risks would cost billions of dollars.[29] In Minnesota, a $3 billion river-flood diversion project in Moorhead will offer protection against river flooding, but not against costly flooding from extreme rain events.[30] The cost to make investments to overhaul existing storm sewers and other systems to adapt to increases in precipitation is an unexpected and hugely significant financial burden of hundreds of billions of dollars that cities like Moorhead, a small city with a population of approximately 45,000, must bear.[31]

Cities are also experiencing deadly heat waves made more frequent, severe, and longer by GHG-induced climate change, along with rising average summer temperatures. Researchers have noted that "human-induced climate change manifests through more intense and frequent weather events, with heat waves being the most dramatically affected."[32] As temperatures continue to rise, cities that already acutely experience the effects of extreme heat – like Houston, Texas and Phoenix, Arizona – could

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[26] Peter Howard, Jason A. Schwartz, and Mythili Vinnakota, *The Scale of Contribution: Vehicles*, Institute for Policy Integrity (July 2025) at 2, https://policyintegrity.org/files/publications/Vehicle_Sector_GHG_Contribution_Issue_Brief_v2.pdf.
[27] Taylor Delandro, *Flooding costs US billions of dollars per year: Report*, The Hill (Jun. 11, 2024), https://thehill.com/changing-america/resilience/natural-disasters/4714466-flooding-costs-us-billions-of-dollars-per-year-report/
[28] *See* Casey Crownhart, *Cities Are Scrambling to Prevent Flooding*, MIT Tech. R. (July 20, 2021), https://bit.ly/3ywGKAg.
[29] *Id*.
[30] Dan Gunderson, *Cost is a barrier as cities prepare for wild weather in a changing climate*, MPR News (Aug. 26, 2024), https://www.mprnews.org/story/2024/08/26/cost-is-a-barrier-as-cities-prepare-for-wild-weather-in-a-changing-climate.
[31] *Id*.
[32] Julie Arrighi et al., Climate Change and the Escalation of Global Extreme Heat: Assessing and Addressing the Risks (May 28, 2024), https://assets.ctfassets.net/cxgxgstp8r5d/5sjPWtBWuPk56xVZKuuL3g/fe050dd8d61e8b2a7e3a315a4b75b22f/Climate_Change_and_the_Escalation_of_Global_Extreme_Heat_Climate_Central.pdf.

experience average summer high temperatures at least six degrees warmer than what they are now.[33] Heat is the deadliest type of extreme weather, leading to thousands of deaths each year.[34] Because urban "heat islands"[35] heat up faster and stay hotter longer than suburban and rural areas, city dwellers are disproportionately harmed by heat waves.[36] Heat-related deaths and illnesses are projected to increase, causing additional damages, injuries, and deaths in cities.[37] The summer of 2024, the hottest on record, saw stifling heat domes across the country, resulting in dozens of deaths in cities across the Pacific Northwest, California, and Nevada.[38] Extreme heat often stresses infrastructure to the breaking point, like in Texas, where one of the multiple 2024 heat waves buckled roads, burst water pipes, and compromised air conditioners.[39] Grid operators in California have been forced to reduce output from natural gas plants, causing rolling blackouts in the state.[40] When extreme heat stresses the power system into failure, it can have cascading effects – "transportation, water and wastewater treatment, telecommunications, health services, and many other economic activities are also disrupted."[41]

Climate change caused by GHG pollution is also increasing the frequency, size, and severity of wildfires in the United States.[42] With more than 55,550 wildfires reported in the U.S. in 2023,[43] the

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[33] *See Shifting U.S. Cities*, Climate Central (July 13, 2022), https://www.climatecentral.org/climate-matters/shifting-u-s-cities.
[34] *See Austyn Gaffney*, *Heat Deaths Have Doubled in the U.S. in Recent Decades, Study Finds*, N.Y. Times (Aug 27, 2024), https://www.nytimes.com/2024/08/27/climate/heat-deaths.html.
[35] *See supra* note 4.
[36] M.H. Hayden et al., *Ch. 15: Human Health in* 5th National Climate Assessment at 15-6; IPCC, AR6 Synthesis Report: Climate Change 2023 (2023) [hereinafter IPCC AR6 SR] at 50.
[37] M.H. Hayden et al., *Ch. 15: Human Health in* 5th National Climate Assessment at 15-6.
[38] Hayley Smith, *As California swelters, climate officials declare Summer 2024 the hottest on record*, L.A. Times (Sept. 6, 2024), https://www.latimes.com/environment/story/2024-09-06/summer-2024-was-earths-hottest-on-record#:~:text=2024%20was%20the%20hottest%20boreal,was%201.24%20degrees%20Fahrenheit%20hotter.
[39] Acacia Coronado and Juan Lozano, *Deadly heat wave in the central US strains infrastructure, transportation and the Texas power grid*, AP News (Aug. 23, 2023) https://apnews.com/article/summer-heat-wave-fd19c3995992c93121ef4baedcbcf07e.
[40] Romany Webb, *California Blackouts Highlight Need to Better Plan for Climate Impacts*, Climate Law Blog (Oct. 12, 2020), https://blogs.law.columbia.edu/climatechange/2020/10/12/california-blackouts-highlight-need-to-better-plan-for-climate-impacts/.
[41] 5th Climate Assessment at 18-6.
[42] Tzeidle N. Wasserman & Stephanie E. Mueller, *Climate influences on future fire severity: a synthesis of climate-fire interactions and impacts on fire regimes, high-severity fire, and forests in the western United States*, 19 Fire Ecology 43, July 24, 2023, https://fireecology.springeropen.com/articles/10.1186/s42408-023-00200-8; Yizhou Zhuang et al., *Quantifying contributions of natural variability and anthropogenic forcings on increased fire weather risk over the western United States*, Procs. of the Nat'l. Acad. of Scis. of the U.S., Nov. 1, 2021, https://rb.gy/ak0rds.
[43] *Wildland Fire Summary and Statistics Annual Report 2023*, Nat. Interagency Coordination Ctr. (2023), https://www.nifc.gov/sites/default/files/NICC/2-Predictive%20Services/Intelligence/Annual%20Reports/2023/annual_report_2023_0.pdf.

Western U.S. has been particularly affected. During the record-setting year of 2020, wildfires consumed more than 10 million acres in the region.[44] Western cities like Los Angeles, California; Eugene, Oregon; Salt Lake City, Utah; and Denver, Colorado are ranked among the most polluted cities in the United States based on ozone and annual particulate matter pollution, with wildfires as the major contributor to the "increasing number of days and places with unhealthy levels of particle pollution" in recent years.[45] While the fires themselves are concentrated in the Western United States, cities across the country feel their effects, with smoke blowing in from other areas. Exposure to wildfire smoke can damage the heart, lungs, and brain,[46] and exposure during pregnancy correlates with pre-term births, low birth weights, and negative maternal health outcomes.[47] As GHG-induced climate change continues to increase wildfire smoke exposure in cities across the country, exposure to smoke may lead to mortalities on the scale of the temperature-related mortalities described above,[48] and may create compound events with other climate change impacts like heat waves.[49]

Alongside larger, more severe, and frequent wildfires, municipalities in the Western U.S. are suffering from severe droughts that are made worse and more frequent by the U.S. transportation sector's significant contribution to climate change. Droughts affect millions of residents and businesses who are living with strict permanent water-use regulations[50] and at risk of catastrophic wildfires due to drier conditions.[51] And drought duration and severity is expected to increase in the coming decades, with ripple effects across the economy, including agriculture.[52] As NOAA's Drought Task Force stated in its analysis of the 2020-2021 Southwestern U.S. drought:

> [t]he warm temperatures that helped make this drought so intense and widespread will continue (and increase) until stringent climate mitigation is pursued and

[44] Manas Sharma et al., *The Age of the "Megafire,"* Reuters Graphics (Feb. 1, 2021), https://tmsnrt.rs/3yx2uvw.
[45] *State of the Air: 2024 Report*, American Lung Ass'n. (2024), https://www.lung.org/getmedia/dabac59e-963b-4e9b-bf0f-73615b07bfd8/State-of-the-Air-2024.pdf.
[46] Alison Saldanha et al., *Dangerous Air: As California Burns, America Breathes Toxic Smoke*, KCRW (Sept. 28, 2021), https://kcrw.co/3ISH4Oh.
[47] Mona Abdo et al., *Impact of Wildfire Smoke on Adverse Pregnancy Outcomes in Colorado*, 2007 –2015, Int'l J. of Env't Rsch. and Pub. Health, Oct. 2019, https://bit.ly/3q2c1ab.
[48] Marshall Burke et al., *The Changing Risk and Burden of Wildfire in the United States*, Procs. of the Nat'l Acad. of Scis. of the U.S., Jan. 12, 2021, https://bit.ly/3F4s1yD.
[49] IPCC AR 6 at 51.
[50] *See, e.g.*, *Rulemaking to Make Conservation a California Way of Life*, State Water Res. Control Bd., https://www.waterboards.ca.gov/conservation/regs/water_efficiency_legislation.html (last accessed July 30, 2025).
[51] John Muyskens et al., *1 in 6 Americans live in areas with significant wildfire risk*, Wash. Post (May 22, 2022), https://www.washingtonpost.com/climate-environment/interactive/2022/wildfire-risk-map-us/.
[52] N. Bjarke et al., *Storylines for Global Hydrologic Drought Within CMIP6*, 12 Earth's Future 6, June 3, 2024, https://doi.org/10.1029/2023EF004117.

> regional warming trends are reversed. . . . Human-caused increases in drought risk will continue to impose enormous costs upon the livelihoods and well-being of the ~60+ million people living in the six states of the U.S. Southwest, as well as the broader communities dependent on the goods and services they produce.

Cities are already incurring billions of dollars in costs because of these GHG-induced climate impacts. The U.S. now experiences, on average, a billion-dollar weather or climate disaster every three weeks; one estimate puts the per year price tag of extreme weather events in the U.S. at $150 billion.[53] The average annual losses to residential homes due to flooding are projected to increase 67 percent to $34 billion over the next 30 years.[54] By 2050, over $100 billion worth of coastal property will likely be below sea level.[55] Wildfires also cause significant economic losses, with the 2025 California wildfires estimated to have caused between $76 billion and $131 billion in property and capital losses, only about $20 billion of which is likely insured.[56] And in a scenario where GHG emissions in the U.S. are left unchecked by regulation, hundreds of billions of dollars of infrastructure damage per year is expected by 2090.[57] All of these impacts fall in significant part at the feet of local governments.

The impacts felt at the local level encompass not only property damage but also loss of productivity, supply chain disruptions, and increased housing and healthcare costs. For example, heat exposure is estimated to have cost the U.S. economy more than 2.5 billion hours of labor in 2021 and more than $100 billion in 2020.[58] These costs are significant to local economies, as both workers lose pay and employers lose workforce capacity. When worker health is compromised by extreme heat and other climate impacts, downstream industries are vulnerable to disruptions in supply chains, particularly in the retail and other industries that depend on "just-in-time" inventory systems.[59] Rising sea levels, flooding, and more intense

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[53] 5th National Climate Assessment at 1-17.
[54] *Budget Exposure to Increased Cost and Lost Revenue Due to Climate Change: A Preliminary Assessment and Proposed Framework for Future Assessments*, White House Office of Mgmt. & Budget (Mar. 2023), https://www.whitehouse.gov/wp-content/uploads/2023/03/climate_budget_exposure_fy2024.pdf.
[55] *Climate Change Impacts on Coasts*, U.S. Env't. Protection Agency, https://www.epa.gov/climateimpacts/climate-change-impacts-coasts#:~:text=Damaged%20or%20lost%20coastal%20property,level%20if%20current%20trends%20continue (last accessed July 30, 2025).
[56] *Housing in the Climate Crosshairs*, Harvard Mag (Apr. 2, 2025), https://www.harvardmagazine.com/2025/04/harvard-briefing-climate-insurance-housing-crisis.
[57] *See* James E. Neumann et al., *Climate effects on US infrastructure: the economics of adaptation for rail, roads, and coastal development*, 167 Climatic Change 4 (Aug. 19, 2021), https://doi.org/10.1007/s10584-021-03179-w.
[58] Coral Davenport, *Heat is Costing the U.S. Economy Billions in Lost Proactivity*, N.Y. Times (July 31, 2023), https://www.nytimes.com/2023/07/31/climate/heat-labor-productivity-climate.html.
[59] Building Economic Resilience to the Health Impacts of Climate Change, Insight Report, World Econ. Forum (Sept. 2025) at 17,

storms can also disrupt the transport of goods, causing significant delays as goods are stranded.[60]

GHG-induced climate change is also pushing up housing costs in the U.S. by increasing the risks of damage from floods, wildfires, heat, and storms—homeowners in high-risk areas now pay substantially higher insurance premiums, and in some places insurers are pulling out altogether or refusing to renew policies.[61] In addition, climate risks are contributing to falling home values: a report found that by 2055, U.S. homes could see roughly $1.47 trillion in lost value due to climate-induced hazards, with especially severe value declines (10-40%) in some counties in Texas, Florida, and Louisiana.[62] In Las Vegas, homes have already been documented to have decreased in value by four percent due to wildfire smoke exposure.[63]

Healthcare costs are also on the rise as a result of GHG pollution, which strain local health systems, economies, and governments. Rising levels of ground-level ozone and fine particulate matter driven by climate change are projected to increase hospital admissions, emergency room visits, and premature deaths in the U.S., imposing substantial added medical costs and burdens on the health system.[64] If no mitigation or adaptation takes place, costs from climate-related health impacts will certainly escalate rapidly over coming decades, due to both increasing severity of climate hazards and more vulnerable populations.[65] In this context of ever-rising costs attributable to damage from GHG emissions, cities more than ever need a national policy framework to reduce harmful emissions from motor vehicles and other sources regulated pursuant to the Endangerment Finding.

C. EPA's Redefinition of "Air Pollutant" Is Unsupported by Law and Ignores Local Harms

https://reports.weforum.org/docs/WEF_Building_Economic_Resilience_to_the_Health_Impacts_of_Climate_Change_2025.pdf.

[60] Jaques Leslie, *How Climate Change Is Disrupting the Global Supply Chain*, Yale Env't360 (Mar. 10, 2022), https://e360.yale.edu/features/how-climate-change-is-disrupting-the-global-supply-chain.

[61] *Climate Risks Present a Significant Threat to the U.S. Insurance and Housing Markets*, U.S. Congress Joint Econ. Comm., (Dec. 2024), https://www.jec.senate.gov/public/_cache/files/3a2e4612-da0d-421e-9269-1db68af137e4/jec-report-on-climate-risks-to-the-insurance-and-housing-markets.pdf.

[62] Diana Olick, *U.S. housing market could lose nearly $1.5 trillion in value due to rising costs of climate change*, CNBC, (Feb. 19, 2025), https://www.cnbc.com/2025/02/19/us-housing-market-could-take-1point5-trillion-hit-due-to-climate-change.html.

[63] Luis A. Lopez and Nitzan Tzur-Ilan, *Air Pollution and Rent Prices: Evidence from Wildfire Smoke Plumes*, Fed. Reserve Bank of Dallas Working Paper No. 2502 (Jan. 10, 2025), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5091154#.

[64] *Air Pollution*, U.S. Ctrs. for Disease Control and Prevention (last visited Sept. 18, 2025), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5091154#.

[65] Vijay S. Limaye et. al., *Estimating the Costs Of Inaction And the Benefits Of Addressing The Harms Of Climate Change*, Health Affairs (Dec. 2020), available at https://www.healthaffairs.org/doi/10.1377/hlthaff.2020.01109.

One of EPA's major arguments for repealing the Endangerment Finding and the motor vehicles regulations is its reading of the definition of "air pollutant," which it proposes should include only those "for which the air pollution itself, through local or regional exposure to humans and the environment, endangers public health or welfare."[66] EPA's proposal is foreclosed by the U.S. Supreme Court's decision in *Massachusetts v. EPA*. 549 U.S. 497 (2007). There, the court held that the Act's "sweeping definition of 'air pollutant' includes '*any* air pollution agent or combination of such agents, including *any* physical, chemical… substance or matter which is emitted into the ambient air'" (emphasis added in original Supreme Court opinion), and that "greenhouse gases fit within the Act's capacious definition" of the term. Id., at 528-529. Therefore, we believe EPA's reading is erroneous and in conflict with Supreme Court precedent.

II. EPA Regulation of GHGs from Motor Vehicles Fills a Significant Gap in Cities

EPA's attempt to repeal regulation of motor vehicle GHG emissions also ignores the central role these standards play in supporting cities' climate strategies and protecting residents. Transportation-sector emissions are not only a leading driver of national GHG pollution but also the dominant source of emissions in many cities. Federal standards fill a crucial gap by addressing pollution that local governments are legally preempted from regulating, while also reinforcing local investments in clean transportation and resilient infrastructure. Without them, cities are left exposed to mounting climate impacts with fewer tools to mitigate the harms.

The following sections describe the benefits of federal GHG vehicle standards in cities and explain why robust EPA regulation is indispensable given the preemption of local authority under the Clean Air Act.

A. The GHG Vehicle Standards Have Significant Benefits in Cities

Transportation-sector emissions account for over one-quarter of U.S. GHG pollution and thus represent a major portion of the nation's climate footprint.[67] For cities, reductions in motor vehicle GHGs are critical. Transportation is often the single largest source of emissions at the local level, in many

[66] 90 Fed. Reg. 36,300.
[67] *Sources of Greenhouse Gas Emissions*, U.S. Envt'l Protection Agency (Mar. 31, 2025), https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions.

instances significantly exceeding the national average of 28 percent.[68] Regulation not only directly reduces GHGs, but also supports local climate strategies to electrify vehicle fleets, expand transit, and build out vehicle charging networks. Cities have invested in electric vehicle charging infrastructure, as well as enacted policies that incentivize private property owners to do so. For example, many local building codes include EV charging or EV-readiness requirements, including in New York City;[69] Seattle;[70] Oakland, California;[71] Atlanta;[72] and Fort Collins, Colorado.[73] Other cities require or incentivize electric vehicle chargers through their zoning codes; Salt Lake City mandates one electric vehicle charging space for every 25 parking spaces in new multi-family buildings.[74] Chenango, New York simplifies deployment by permitting EV charging stations as an accessory use in all zoning districts.[75] Complementarily, cities are steadily electrifying their municipal fleets with crucial federal funding provided by the Inflation Reduction Act,[76] and in August 2024, a network of nearly 350 mayors committed to electrifying at least 50 percent of their municipal fleets by 2030.[77] While these are local efforts to reduce transportation GHG emissions, their ultimate success is incumbent upon the EPA acknowledging the significance of GHG emissions from motor vehicles and regulating accordingly.

EPA's proposal to repeal all of its regulations for GHGs from motor vehicles dismisses the significant role that transportation-sector emissions play in driving climate impacts and undermines the effectiveness of local climate action. Strong federal regulation of motor vehicle GHGs amplifies and leverages the investments cities are already making, ensuring that local strategies to electrify fleets, expand transit, and deploy charging infrastructure achieve their intended climate and public health benefits.

B. Cities Are Preempted by the Clean Air Act from Regulating GHG Emissions from New Motor Vehicles and Therefore Rely on Robust Federal Regulation

[68] See, e.g., *Greenhouse gas emissions dashboard*, C40 (July 2025), https://www.c40knowledgehub.org/s/article/C40-cities-greenhouse-gas-emissions-interactive-dashboard?language=en_US.
[69] City of New York, N.Y. Intro. No. 0017-2024 (2024).
[70] City of Seattle, Ore. Elec. Code § 625.27.
[71] City of Oakland, Cal. Code. § 15.04.3.11010.
[72] City of Atlanta, Ga. Ord. 17-O-1654 (2017).
[73] City of Fort Collins, Colo. Code. § 5-30-E3401.5 (2019).
[74] City of Salt Lake City, Utah, Code. Ch. 21A.44.040.B (2019).
[75] Town of Chenango, N.Y. Code. § 74B-3.
[76] *See, e.g.*, CTA Receives $25 Million to Advance its Electric Bus Fleet, Chicago Transit Authority (June 27, 2023), https://www.transitchicago.com/cta-receives-25-million-to-advance-its-electric-bus-fleet-/.
[77] *Climate Mayors Announces Major New Commitment from Nearly 350 Mayors to Accelerate US Electric Vehicle Transition*, CLIMATE MAYORS (Aug. 13, 2024), https://www.climatemayors.org/post/electrify50-ev-announcement.

Under Section 209(a) of the Clean Air Act, local governments are preempted from adopting or enforcing "any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines." 42 U.S.C. § 7543(a). As a result, cities cannot directly regulate tailpipe emissions of carbon dioxide and other GHGs, even though these emissions impose enormous costs on them. Cities must therefore rely on EPA to set strong nationwide standards that reflect the true harms of motor vehicle GHG pollution.

Without federal regulation, cities are left without a vital tool to protect their residents. Preemption leaves them unable to fill the regulatory gap, even as they are forced to pay the price for climate impacts. Local governments are spending billions to expand stormwater systems, harden critical infrastructure, and protect residents from extreme heat. These costs will only grow if EPA abdicates its responsibility to regulate GHG emissions from motor vehicles under Clean Air Act Section 202. 24 U.S.C. § 7521. Strong, federally enforced motor vehicle GHG standards are essential to protect public health and welfare nationwide.

CONCLUSION

For the reasons stated in Parts I and II of this comment letter, we urge EPA not to repeal the Endangerment Finding or its motor vehicle greenhouse gas standards. The statutory text, Supreme Court precedent, and the overwhelming body of scientific evidence all compel EPA to retain regulation of transportation-sector GHGs and the underlying support for cross-sectoral GHG regulation that the Endangerment Finding affords. Cities, towns and villages across the United States rely on these federal protections to shield residents from climate harms and to support their own mitigation and adaptation efforts.

The Clean Air Act was designed precisely to address this kind of problem: pollution that is national in scope, that local governments are barred from regulating directly or have limited tools for doing so effectively, and that imposes acute harms in communities. EPA must continue to fulfill its mandate by maintaining the Endangerment Finding and ensuring robust regulation of motor vehicle GHG emissions.

Sincerely,

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