

November 2, 2026

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

Re: EPA's Proposed Rescission of Greenhouse-Gas Findings for Fossil Fuel-Fired Power Plants and Repeal of Power-Plant Greenhouse-Gas Regulations Under Clean Air Act Section 111 (Docket ID: EPA-HQ-OAR-2025-0124)[1]

Administrator Zeldin:

The undersigned health and medical organizations, representing health professionals, communities across the country, and individuals who are at greater risk of health harms from air pollution and climate change, strongly oppose EPA's proposed rescission of the greenhouse gas findings and determinations underlying regulation of fossil fuel-fired power plants under Section 111 of the Clean Air Act, as well as the proposed repeal of associated greenhouse gas regulations for power plants.

In this rulemaking, EPA is proposing to:

- conclude that Clean Air Act Section 111 does not authorize its regulation of greenhouse gas emissions from fossil fuel-fired electric generating units in response to climate change concerns,
- rescind the 2015 power plant greenhouse gas findings (including EPA's determination that such emissions from fossil fuel-fired power plants endanger public health and welfare and that such plants contribute significantly to that endangering pollution) and determinations supporting such regulation, and

[1] https://www.federalregister.gov/documents/2026/09/17/2026-19072/rescission-of-the-greenhouse-gas-findings-for-fossil-fuel-fired-power-plants-and-repeal-of

- repeal all remaining greenhouse gas regulations (GHG standards for fossil fuel-fired electric generating units, including the 2015 NSPS[2] and the 2024 Carbon Pollution Standards[3]).

This proposal is arbitrary, unsupported by scientific and technical records, inconsistent with EPA's statutory obligations under the Clean Air Act and contrary to decades of agency findings and judicial precedent. Its impacts on air pollution and public health would undermine EPA's core mission to protect human health and the environment. We ask that EPA immediately withdraw this proposal in its entirety.

1. EPA's proposal conflicts with the Clean Air Act

Greenhouse gases are air pollutants under the Clean Air Act (CAA), as established by the Supreme Court[4] and repeatedly recognized by EPA. CAA Sec.111 directs EPA to regulate categories of stationary sources that "cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare." The CAA's expansive language broadly defines both "air pollutant" and "effects on welfare" to include impacts on weather, climate and other environmental effects. Nothing in the statutory text excludes greenhouse gases, nor does it limit EPA to regulate only those pollutants that cause purely localized harms. EPA's proposed interpretation of CAA Sec.111 conflicts with the statute's text, structure, history and longstanding implementation.

For more than a decade, EPA has repeatedly interpreted CAA Sec.111 as authorizing regulation of GHG emissions from power plants. Industry, states, utilities, investors, technology developers and electricity markets have relied upon the existence of a regulatory framework addressing greenhouse gas emissions. EPA is now seeking to reverse its long-standing interpretation, not because the underlying science has changed, but because the Agency has adopted a different legal interpretation of the statute that does not have any compelling basis in the statutory language. This reversal would undermine regulatory certainty and frustrate long-term planning and investment decisions throughout the power sector, along with exacerbating health harms by failing to regulate pollution from power plants.

2. Fossil fuel-fired power plants contribute significantly to dangerous air pollution

All major sectors that emit conventional air pollutants also contribute, either directly or indirectly, to the atmospheric accumulation of GHGs. Fossil fuel-fired power generation is one of the largest sources of GHG emissions in the U.S. EPA has long recognized this in its own prior rulemakings, which repeatedly found that carbon dioxide (CO_2) emissions from fossil fuel-fired electric generating units (EGUs) contribute significantly to the cumulative burden of GHGs that drive climate change.

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[2] 2015 NSPS - 40 CFR Part 60, Subpart TTTT https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-60/subpart-TTTT

[3] 2024 Carbon Pollution Standards - 40 CFR Part 60, Subpart TTTTa https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-60/subpart-TTTTa

[4] Massachusetts v. EPA | 549 U.S. 497 (2007) | Justia U.S. Supreme Court Center

In this proposal, EPA questions the relevance of its prior findings regarding the significance of power sector GHG emissions and proposes to rescind those findings as part of its broader conclusion that CAA Sec. 111 does not authorize regulation of power plant GHG emissions in response to climate change concerns. The proposal does not provide adequate evidence to explain the change in interpretation. In fact, EPA's proposal does not dispute the basic atmospheric science demonstrating that emissions from fossil fuel-fired EGUs increase atmospheric concentrations of CO_2, nor does the proposal demonstrate that power sector emissions have become scientifically insignificant.

EPA's prior determinations correctly recognized that the relevant statutory question under CAA Sec.111 is whether emissions from a source category contribute significantly to the endangering GHG pollution that accelerates climate change, and not whether that source category is the sole or dominant contributor of GHGs. In this proposal, the agency appears to substitute a new interpretation that could create a scenario under which no individual source category could be regulated unless its emissions independently drive anthropogenic climate change. That interpretation would be inconsistent with the cumulative nature of GHG pollution and could undermine regulation of numerous pollutants emitted across many sectors that collectively create serious public health harms.

3. EPA has failed to provide a reasoned scientific or technical basis for reversing its prior findings

An agency may change policy, but it must provide a reasoned explanation for departing from previous, factual findings and conclusions. When an agency seeks to reverse prior factual findings grounded in extensive scientific records, it must address that evidence directly and explain why it is no longer persuasive. In this proposal, EPA fails to provide a reasoned explanation for abandoning decades of scientific findings and prior agency determinations related to GHG emissions from combustion of fossil fuels.

Here, EPA proposes to reverse years of administrative findings that GHG emissions from power plants contribute significantly to dangerous air pollution that endangers human health and welfare, and that regulation under CAA Sec.111 is authorized and appropriate. It is doing so without identifying any fundamental change or new evidence to the contrary in climate science, atmospheric chemistry or radiative forcing science; in emissions inventories; in the observed climate impacts; or in public health research that would justify reversing those findings.

Carbon dioxide is the primary GHG with a very long residence time in the atmosphere and it exerts cumulative warming effects as its atmospheric concentrations increase over time. It illustrates the global nature of atmospheric gases and air pollutants, as its emissions impact the climate worldwide regardless of where and by which source sector it is emitted. Emissions from a single emitting facility may represent a small fraction of the global emissions but still contribute to the cumulative atmospheric concentrations responsible for global and local climate impacts. EPA's proposal gives substantial weight to the global nature of GHG pollution while failing to recognize that global mixing and cumulative impacts are precisely why a broad source-category regulation is scientifically justified.

The scientific understanding of climate change has become much more robust since EPA's prior power sector-related GHG findings, with growing evidence on the causes, magnitude and consequences of anthropogenic climate change. Multiple independent scientific assessments have concluded with increasing confidence that

- atmospheric GHG concentrations will continue to increase as a result of human activities,
- CO_2 emitted from fossil fuel combustion is the dominant contributor to long-term planetary warming,
- accelerated climate change is causing measurable increases in extreme heat, wildfire conditions, heavy precipitation, sea-level rise, ecosystem disruption and other impacts affecting public health and welfare, and
- future harms increase as cumulative emissions increase.

EPA fails to refute any of these scientific findings that were the basis of its prior actions. Where scientific conclusions remain valid, EPA must provide a scientifically grounded explanation for rejecting them.

Under previous EPA rulemakings involving power plant greenhouse gas emissions, the agency developed extensive technical records that evaluated emissions inventories, atmospheric transport, atmospheric behavior, persistence, accumulation, and deposition of greenhouse gases;

climate impacts, economic damages and mitigation technologies. In this proposal, the agency arbitrarily disregards the conclusions supported by those records. The proposal identifies no comparable technical record demonstrating that prior findings related to GHG emissions from the power sector were scientifically incorrect. An agency may change policy, but it may not simply ignore prior technical findings without demonstrating that the prior analysis was flawed or the underlying facts have changed, or that new evidence supports a different conclusion.

4. EPA disregards extensive evidence of harm to health and welfare from climate change

The proposal disregards overwhelming evidence on the harms of accelerated climate change on human health and welfare. The multitude of impacts of climate change include increased heat-related mortality and morbidity; increased formation of ground-level ozone during extreme heat events; increased exposure to wildfire smoke and associated particulate pollution; greater risks from flooding and severe weather; expansion of infectious and vector-borne diseases; disruptions to food, water, and critical infrastructure systems; and harms to mental health and community wellbeing.[5] These impacts, which are well documented in scientific literature and have been recognized by federal agencies, medical organizations, and prior EPA findings, fall well within the Clean Air Act's broad definition of impacts on public health and welfare.

In this proposal, EPA does not meaningfully dispute the existence of these harms, but largely argues that it lacks authority to address them through CAA Sec.111 because of

[5] United Nations' Intergovernmental Panel on Climate Change (IPCC), (2023). Sixth Assessment Report (AR6), Working Group II: Impacts, Adaptation and Vulnerability; U.S. Global Change Research Program, (2023). Fifth National Climate Assessment (NCA5)

the global nature of climate pollution. That legal contention does not diminish the scientific evidence demonstrating that GHG emissions, whether they occur on a national or global scale, cause climate change, which endangers both public health and welfare. EPA's proposal does not adequately address the extensive body of scientific literature on these impacts of climate change.

5. EPA fails to adequately consider the consequences of repeal

EPA fails to adequately account for the enormous climate, health and economic costs that would result from abandoning regulation of GHG emissions from the power sector. EPA analyses from prior regulations in controlling GHG emissions from the power sector found substantial climate and health benefits and co-benefits that extend well beyond carbon reductions alone. Reductions in fossil fuel combustion also reduce emissions of harmful co-pollutants such as particulate matter, sulfur dioxide, nitrogen oxides and other pollutants linked to premature mortality, respiratory disease, cardiovascular disease, hospital visits, missed school days and lost productivity.

The proposal places disproportionate weight on asserted compliance costs while failing to address the substantial public health, environmental and economic harms associated with increased greenhouse gas emissions. That imbalance renders this proposal arbitrary and capricious.

Conclusion

Greenhouse gases are air pollutants. Fossil fuel-fired power plants emit substantial quantities of greenhouse gases. Those emissions are contributing significantly to dangerous air pollution resulting in accelerated climate change. Climate change endangers public health and welfare. The Clean Air Act authorizes and requires EPA to address such pollution.

EPA's proposed rescission of greenhouse gas findings for fossil fuel-fired power plants and repeal of power plant greenhouse gas regulations is inconsistent with the text and purpose of the Clean Air Act, disregards overwhelming scientific and technical evidence, fails to provide a reasoned basis for reversing longstanding agency findings and ignores the substantial harms to public health and welfare that climate change is causing now and will continue to cause into the future. For these reasons, EPA should immediately withdraw the proposed rescission of greenhouse gas findings and determinations for fossil fuel-fired power plants, and should retain the regulatory framework governing greenhouse gas emissions from power plants under Clean Air Act Section 111.

Allergy & Asthma Network
American Academy of Pediatrics
American College of Chest Physicians
American Lung Association
American Public Health Association (APHA)
Asthma and Allergy Foundation of America
Climate Psychiatry Alliance
Medical Students for a Sustainable Future (MS4SF)
Medical Society Consortium on Climate and Health (MSCCH)
National Association of Pediatric Nurse Practitioners

Oncology Advocates United for Climate and Health - International (OUCH)
Physicians for Social Responsibility (PSR)