

# Congress of the United States

Washington, DC 20515

September 17, 2025

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

Dear Administrator Zeldin:

We are writing in response to the U.S. Environmental Protection Agency's (EPA) proposed rule to reconsider the 2009 Greenhouse Gas Endangerment Finding and Greenhouse Gas Vehicle Standards.<sup>1</sup> For sixteen years, the Endangerment Finding<sup>2</sup> has required EPA to regulate greenhouse gas (GHG) emissions. By rescinding the Endangerment Finding, EPA would remove its authority to set standards for GHG emissions, risking public health. We strongly urge you to maintain the 2009 Endangerment Finding and Greenhouse Gas Vehicle standards to protect the public health and welfare of all Delawareans and all communities across the country.

The Clean Air Act (CAA) requires EPA to regulate air pollutants that are reasonably “anticipated to endanger public health or welfare.”<sup>3</sup> In *Massachusetts v. EPA* (2007), the U.S. Supreme Court found that GHG emissions are air pollutants under the CAA, and mandated that EPA make a determination on whether GHG emissions endanger public health and welfare, thus requiring regulation.<sup>4</sup> As a response to that mandate, the EPA issued the 2009 Endangerment Finding, which concluded that “elevated concentrations of six greenhouse gases in the atmosphere—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride—endanger the public health and welfare of current and future generations.”<sup>5</sup> It also found “that the combined emissions of greenhouse gases from new motor vehicles and new motor vehicle engines” pose a threat to public health and welfare.<sup>6</sup> Supporting the Endangerment Finding was an overwhelming record of scientific evidence<sup>7</sup> that GHG emissions do affect the public health and welfare of Americans by contributing to climate change. Since 2009, federal courts have repeatedly upheld the scientific basis of the Endangerment Finding.<sup>8</sup>

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<sup>1</sup>*Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards*, 90 Fed. Reg. 36288 (Aug. 1, 2025), EPA proposes to rescind the Endangerment and Cause or Contribute Finding for Greenhouse Gases Under Section 202(a) of the Clean Air Act, 74 Fed. Reg. 66496 (Dec. 15, 2009).

<sup>2</sup>*Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act* (“Endangerment Finding”), 74 Fed. Reg. 66,496 (Dec. 15, 2009).

<sup>3</sup>Clean Air Act §202(a).

<sup>4</sup>*Massachusetts v. EPA*, 549 U.S. 497 (2007).

<sup>5</sup>EPA, “EPA’s Endangerment Finding” (Dec. 7, 2009),

[https://www.epa.gov/sites/default/files/2016-08/documents/endangermentfinding\\_legalbasis.pdf](https://www.epa.gov/sites/default/files/2016-08/documents/endangermentfinding_legalbasis.pdf).

<sup>6</sup>*Id.*

<sup>7</sup>*Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act* (“Endangerment Finding”), 74 Fed. Reg. 66,496 (Dec. 15, 2009).

<sup>8</sup>*Concerned Household Electricity Consumers Council v. EPA*, No. 22-1139 (Judgment, May 25, 2023), cert. denied 144 S. Ct. 497 (2023); *Coalition for Responsible Regulation v. EPA*, 684 F.3d 102 (D.C. Cir. 2012), found that the “body of scientific evidence marshaled by the EPA in support of the Endangerment finding is substantial.” The U.S. Supreme Court declined to review.

That scientific evidence for the Endangerment Finding continues to grow.<sup>9</sup> Your recommendation to rescind the Endangerment Finding is in direct conflict with scientific evidence—and puts the health and welfare of our constituents at risk. Without regulating GHG emissions, more Americans will feel the impacts of climate-fueled extreme weather events, increased levels of ground-level ozone and particulate matter, and a spike in vector-borne diseases.<sup>10</sup>

Delaware is already feeling the effects of climate change. As the state with the lowest mean elevation, Delaware's coastline faces extreme risks from sea level rise, a direct result of climate change. Sea levels have risen more than one foot since 1900 and are expected to rise an additional 9 to 23 inches by 2050.<sup>11</sup> By the end of the century, 8 to 11 percent of Delaware could be underwater, including 99 percent of Sussex County's saltmarshes.<sup>12</sup> Sea level rise and effects of climate change are expected to have a devastating impact on local businesses, especially Delaware's \$4.7 billion tourism industry,<sup>13</sup> and will cause over \$69 billion in economic losses for the state by the end of the century.<sup>14</sup> Analyses indicate that heavier and more frequent precipitation will increase<sup>15</sup> and threaten Delaware's nearly \$8 billion agriculture industry.<sup>16</sup> Increased storm events and extreme tides are already causing saltwater intrusion, degrading soil quality, and reducing corn and soy yields for Delaware farmers.<sup>17</sup>

Extreme weather events are occurring at an accelerating rate due to climate change, creating growing safety and health concerns for Delaware residents. In the last five years, Delaware residents have experienced 8 extreme weather events that each caused \$1 billion or more in damages, totaling over \$110 billion, and led to at least 247 lives lost in the Mid-Atlantic region.<sup>18</sup> Extreme storms and increased precipitation will lead to more flooding, as average precipitation is expected to increase by 10 percent by the next century.<sup>19</sup> While Lewes, Delaware experienced nine days of flooding in 2019, the town is expected to experience between 50 to 135 high tide flood events annually by 2050.<sup>20</sup> It's not just our coastal communities that are feeling the effects of climate-fueled

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<sup>9</sup>Hoesung Lee et al., “‘Climate Change 2023’ Synthesis Report,” Intergovernmental Panel on Climate Change, Sixth Assessment Report (AR6), March 17, 2023, [https://www.ipcc.ch/site/assets/uploads/2023/03/Doc5\\_Adopted\\_AR6\\_SYR\\_Longer\\_Report.pdf](https://www.ipcc.ch/site/assets/uploads/2023/03/Doc5_Adopted_AR6_SYR_Longer_Report.pdf); A. R. Crimmins et al., eds., “Fifth National Climate Assessment,” National Oceanic and Atmospheric Administration, 2023, <https://repository.library.noaa.gov/view/noaa/61592>.

<sup>10</sup>Ofremu, Gibson Owahoro, “Exploring the relationship between climate change, air pollutants and human health: Impacts, adaptation, and mitigation strategies,” *Green Energy and Resources*, Vol. 3, Issue 2, 2005 (<https://www.sciencedirect.com/science/article/pii/S2949720524000286>).

<sup>11</sup>DNREC, “Delaware's Climate Impacts,” (last accessed Sept. 9, 2025), <https://dnrec.delaware.gov/climate-plan/impacts>.

<sup>12</sup>University of Delaware Research: Online Magazine, “Sea Level Rise,” ISSN 2150-5128, 2018, [https://www1.udel.edu/researchmagazine/issue/vol4\\_no1/slr\\_intro.html](https://www1.udel.edu/researchmagazine/issue/vol4_no1/slr_intro.html).

<sup>13</sup>Delaware Public Media, “2023 was a record-breaking year for Delaware Tourism,” (Mar. 4, 2025) <http://www.delawarepublic.org/news/2025-03-04/2023-was-a-record-breaking-year-for-delaware-tourism>.

<sup>14</sup>DNREC, “Delaware's Climate Impacts,” (last accessed Sept. 9, 2025), <https://dnrec.delaware.gov/climate-plan/impacts>.

<sup>15</sup> *Id.*

<sup>16</sup>University of Delaware, “Agricultural Programs — Cooperative Extension: Sustainable Production, College of Agriculture & Natural Resources,” (last accessed September 10, 2025), <https://www.udel.edu/academics/colleges/canr/cooperative-extension/sustainable-production/>.

<sup>17</sup>University of Delaware, Salt Impacted Agricultural Lands, Cooperative Extension, College of Agriculture & Natural Resources (accessed September 10, 2025), <https://www.udel.edu/academics/colleges/canr/cooperative-extension/environmental-stewardship/salt-impacted-ag-land/>.

<sup>18</sup>NOAA National Centers for Environmental Information, “Billion-Dollar Weather and Climate Disasters: Delaware Summary” (2025) <https://www.ncei.noaa.gov/access/billions/state-summary/DE>.

<sup>19</sup>DNREC, “Delaware's Climate Impacts,” (last accessed Sept. 9, 2025), <https://dnrec.delaware.gov/climate-plan/impacts>.

<sup>20</sup> *Id.*

extreme weather events. During Hurricane Sandy, the Broadkill River surged, flooding local businesses across downtown Milton, Delaware.<sup>21</sup>

In your confirmation hearing, you stated that EPA's "mission is simple but essential, [it's] to protect human health and the environment."<sup>22</sup> Your reported recommendation to rescind the Endangerment Finding is in direct contradiction with this mission. It also negates your commitment to follow the science.<sup>23</sup> Rescinding the Endangerment Finding is not just detrimental to our climate; it is also a threat to public health. For example, experts report that air pollution is harmful and can lead to wheezing and coughing, asthma attacks, and even lung cancer, which leads to increased healthcare costs.<sup>24</sup> Its rescission will put more communities at risk from environmental and climate-related health threats—and all too often the communities that will suffer the most from these risks are communities already overburdened with environmental harms. Delawareans and all communities, including our future generations, deserve an environment that supports their health and welfare. We urge you to maintain the 2009 Endangerment Finding and protect Delawareans and all communities across the country.

Sincerely,



Lisa Blunt Rochester  
United States Senator



Christopher A. Coons  
United States Senator



Sarah McBride  
Member of Congress

<sup>21</sup> Evans Jr., Henry J., "Downtown Milton sustains Hurricane Sandy damage," *Cape Gazette* (Oct. 31, 2025), <https://www.capegazette.com/article/downtown-milton-sustains-hurricane-sandy-damage/36486>.

<sup>22</sup> Senate Environment & Public Works Committee, "Hearing on the Nomination of the Honorable Lee. M. Zeldin to be Administrator of the Environmental Protection Agency, (Testimony of Lee M. Zeldin) (Jan. 16, 2025) [https://www.epw.senate.gov/public/index.cfm/hearings?Id=2A6B7804-B26D-4F76-AF8F-0819571891DF&Statement\\_id=7014CC1B-663E-47B4-B05F-737AA814E9EE](https://www.epw.senate.gov/public/index.cfm/hearings?Id=2A6B7804-B26D-4F76-AF8F-0819571891DF&Statement_id=7014CC1B-663E-47B4-B05F-737AA814E9EE).

<sup>23</sup> Senate Environment & Public Works Committee, "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/\\_cache/files/c/4/c4282a20-59a6-4523-bcd3-f692ffd133c9/BA023DD60A07E4B417B6DA9813A57307AECB8171E9B518601F316BC288B4C10F.spw-01162025-nomination-of-hon-lee-zeldin-.pdf](https://www.epw.senate.gov/public/_cache/files/c/4/c4282a20-59a6-4523-bcd3-f692ffd133c9/BA023DD60A07E4B417B6DA9813A57307AECB8171E9B518601F316BC288B4C10F.spw-01162025-nomination-of-hon-lee-zeldin-.pdf).

<sup>24</sup> American Lung Association, "The Terrible 10: Air Pollution's Top 10 Health Risks" (2017) <https://www.lung.org/research/sota/health-risks>.