

A satellite view of Earth from space, showing the Western Hemisphere. The image is overlaid with a semi-transparent dark blue layer. The text "The Current State of Climate Regulation" is centered in white, sans-serif font.

The Current State of Climate Regulation

Background: The Clean Air Act

- Congress did not explicitly define “air pollutant” or “air pollution” to include greenhouse gas emissions.
- Pollutants clearly covered by the act include carbon monoxide, lead, ozone, particulates, and mercury.



President Nixon signing the Clean Air Act at the White House, Washington, D.C., December 31, 1970.

In 1999, EPA received a petition to regulate GHG emissions from new vehicles . . .

CAA Title II: § 202(a)(1):

EPA “shall by regulation prescribe . . . standards applicable to the emission of any **air pollutant** from any class or classes of new motor vehicles or new motor vehicle engines, which in [the Administrator’s] judgment **cause, or contribute to, air pollution** which may reasonably be anticipated to endanger public health or welfare.”

Massachusetts v. EPA (S. Ct. 2007)

- EPA argued that GHGs are not “air pollutants” under the statute and, alternatively, that regulating them under the statute would be unwise.
- The Court (in a 5-4 decision) rejected both arguments.
- Obama Administration issued the endangerment finding in 2009.



Definition of Air Pollutant under Clean Air Act, 42 U.S.C. § 7602(g)

“The term ‘air pollutant’ means **any air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive (including source material, special nuclear material, and byproduct material) substance or matter which is emitted into or otherwise enters the ambient air.** Such term includes any precursors to the formation of any air pollutant, to the extent the Administrator has identified such precursor or precursors for the particular purpose for which the term ‘air pollutant’ is used.”

Clean Air Act & Climate Regulation

- Title I
 - National Ambient Air Quality (NAAQS) (§§ 108 – 109)
 - State Implementation Plans (SIPs) (§ 110)
 - **New Source Performance Standards (NSPSs) (§ 111)**
 - Standards for Hazardous Air Pollutants (§ 112)
 - **Prevention of Significant Deterioration (PSD) (§§ 160 – 69)**
 - Nonattainment Provisions (§§ 171 – 89)
- Title II
 - **Emissions Standards for New Motor Vehicles (§ 202)**
- Title IV
 - Emissions Trading Program for SO₂ (§§ 401 – 416)
- Title V
 - **Permit Program (for all major industrial sources of air pollution) (§§ 501-507)**

GHG Regulations under the CAA

Endangerment finding,
vehicle emissions

GHG Reporting Rule

PSD construction
permits for new and
modified sources that
need a PSD permit
anyway

Title V operating
permits for new and
existing sources

Carbon pollution
standards for new
power plants

State carbon caps for
existing power plants
under “Clean Power
Plan” (invalidated by
West Virginia v. EPA)

EPA actions since January 2025 . . .

- June 2025: Proposed rescission of GHG emission standards for fossil-fuel fired power plants
- Sept. 2025: Proposed reconsideration of GHG Reporting Rule
- Feb. 2026: **Final rule rescinding the endangerment finding and vehicle emissions standards**
 - July 2025: DOE's "Climate Working Group" report
 - Aug. 2025: EPA's proposed rescission rule



Regulatory Tracker

Clean Air Methane Emissions

EPA VOC and Methane Standards for Oil and Gas Facilities

Last updated:
June 8, 2026

Agencies
EPA

Actions
Slated for Rollback



Current Status

Why it Matters

Key Resources

Timeline

Experts

Current Status

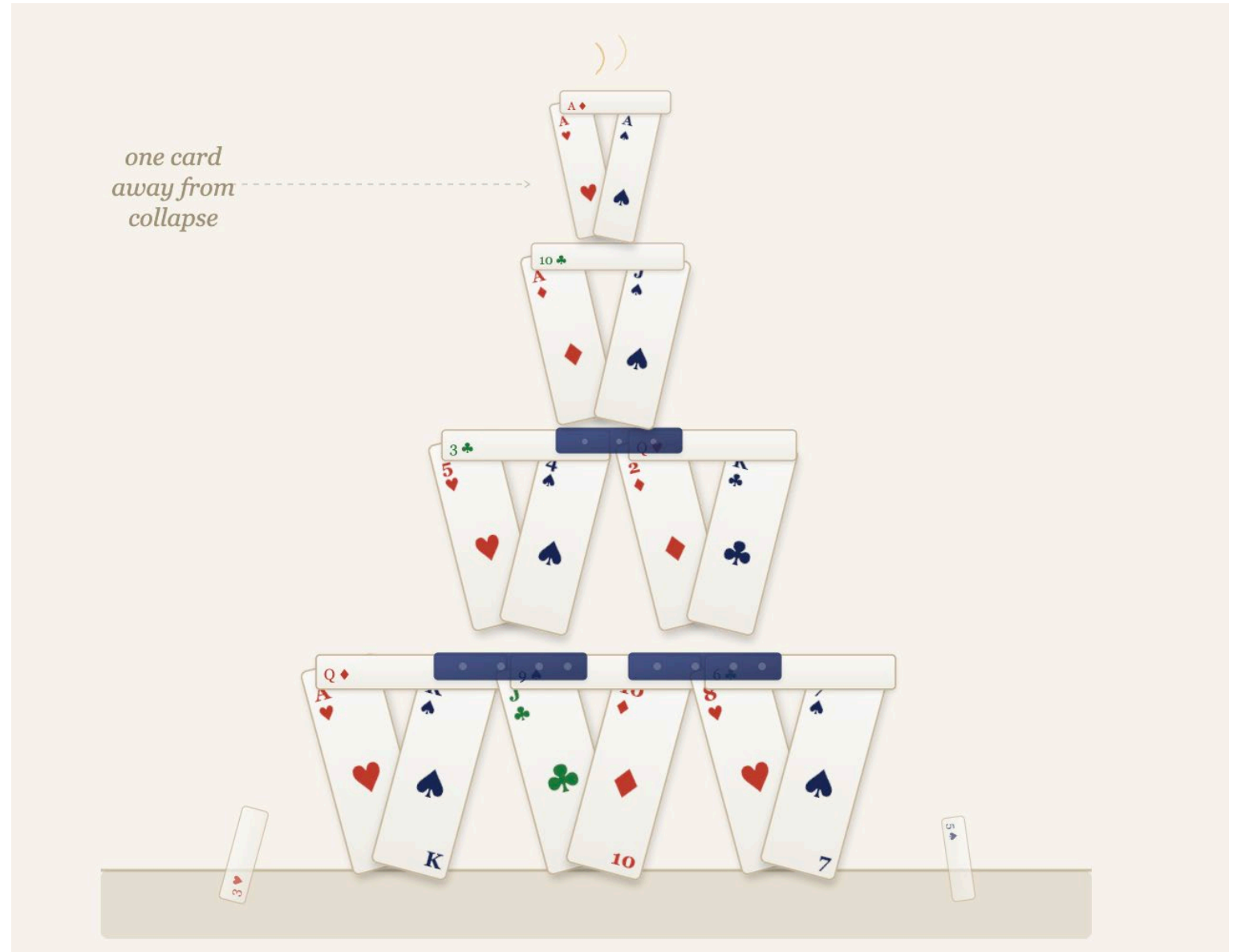
In 2024, EPA finalized [three rules](#) regulating methane from the oil and gas sector: [regulations](#) for VOCs and methane from the oil and gas sector (NSPS OOOOb/EG OOOOc), [revisions to the Greenhouse Gas Reporting Program Subpart W](#), and implementation of the [Waste Emissions Charge](#) in the Inflation Reduction Act, which has been repealed by the Congressional Review Act. In March 2025, Congress prohibited EPA from collecting the Waste Emissions Charge until 2034. In September, EPA proposed to delay the [Greenhouse Gas Reporting Program Subpart W program](#) until 2034. In November 2025, [EPA finalized the deadline exemptions](#) for certain provisions of the NSPS OOOOb/ EG OOOOc rule.

And in April 2026, EPA finalized a rule revising certain provisions of the 2024 NSPS for methane emissions from oil and gas. The rule will loosen requirements for flares and vent gas.

Rescission Rule: Legal Arguments

- “Air pollution” means local or regional pollution that directly exposes people to harm (e.g., smog).
- Regulation of GHG emissions is a “major political question” that requires explicit authorization from Congress.
- Regulation of GHG emissions from vehicles is futile because the effect on global warming is de minimis.
- Note: The final rule does not rely on the 2025 DOE report questioning climate science.

What happens
to federal
regulation
without the
endangerment
finding?



GHG Regulations under the CAA

~~Endangerment finding,
vehicle emissions~~

GHG Reporting Rule
(under reconsideration)

~~PSD construction
permits for new and
modified sources that
need a PSD permit
anyway~~

~~Title V operating
permits for new and
existing sources~~

Carbon pollution
standards for new
power plants (proposed
rescission)

Court Challenges to the Rescission of the Endangerment Finding

CLIMATEWIRE

24 states sue over EPA's rescission of the endangerment finding. California's attorney general said the president is "choosing to ignore the science" in a statement.

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BY: **ALEX NIEVES, ALEX GUILLÉN** | 03/20/2026 06:47 AM EDT



"This unlawful rescission is not about cutting 'red tape,'" said California Attorney General Rob Bonta (D).| Mark Schiefelbein/AP


Trump v. American Federation of Government Employees, 606 U. S. ____ (2025). - Google Search google.com

GREENWIRE

Endangerment finding takes effect, spotlight shifts to courts

Groups have urged a federal court to send EPA back to the drawing board on its big deregulatory climate decision.

BY: **JEAN CHEMNICK** | 04/21/2026 01:17 PM EDT | UPDATED 04/21/2026 06:26 PM EDT



A gavel is seen. | Francis Chung/E&E News

How does this affect state climate litigation?

CLIMATEWIRE



State judges rebuff oil industry bids to halt climate cases

The moves bring the cases a step closer to trial, even as a pending Supreme Court battle threatens to derail the lawsuits.



BY: LESLEY CLARK | 05/08/2026 06:23 AM EDT | UPDATED 05/08/2026 08:56 AM EDT



Utility workers repair cellphone service towers in the aftermath of the Maui wildfires in Lahaina, Hawaii, on Aug. 16, 2023. The city and county of Honolulu want the oil industry to pay for spewing greenhouse gas emissions that they say have worsened wildfires and other disasters. | Patrick T. Fallon/AFP/Getty Images

CERT. GRANTED

Suncor Energy Inc. v. County Commissioners of Boulder County

DOCKET NO.
[25-170](#)

OP. BELOW
[Colo.](#)

TERM
[October Term 2026](#)

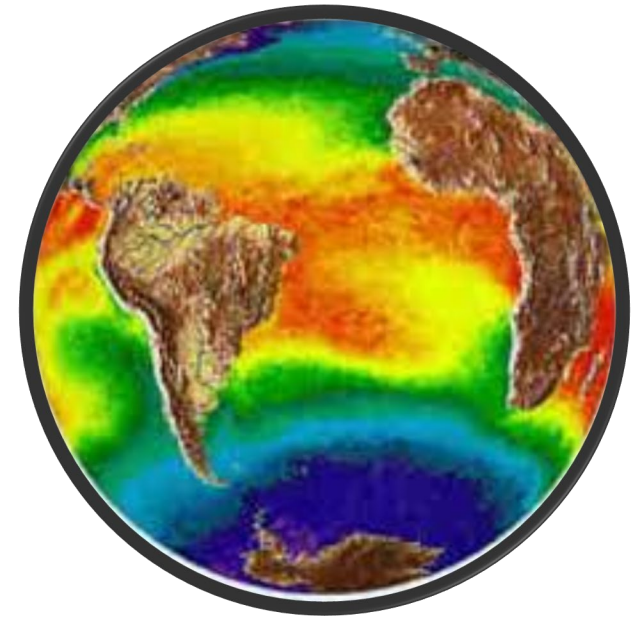
[SCOTUS Page ↗](#)

Issue

(1) Whether federal law precludes state-law claims seeking relief for injuries allegedly caused by the effects of interstate and international greenhouse-gas emissions on the global climate; and (2) Whether this court has statutory and Article III jurisdiction to hear this case

American Electric Power Co. v. Connecticut, 564 U.S. 410 (2011).

- Holding: The CAA and EPA regulatory authority . . . displace federal common law public nuisance claims.
- The Court did not decide whether the CAA preempts state common law claims.



Other Executive Actions Affecting Climate Policy

EO 14162: Withdrawal from Paris Agreement (effective Jan. 2026)

EO 14148: Repeal of Biden-era climate policies, including social cost of carbon

Cuts to federal workforce and funding for climate research

Dismantling of the Sixth National Climate Assessment, a report mandated by the 1990 Global Change Research Act.

EPA Launches Biggest Deregulatory Action in U.S. History

Administrator Zeldin Announces 31 Historic Actions to Power the Great American Comeback

March 12, 2025

Climate Change & Energy Policy

- Executive Orders
- Deregulatory rulemakings
- Shrinking of federal government
- Freezing/canceling loans and grants
- Legislative rollbacks of tax credits for wind and solar
- Orders to keep coal plants open beyond scheduled retirement dates



EO 14154 directs agencies to remove regulatory burdens "with particular attention to oil, natural gas, coal, hydropower, biofuels, critical mineral, and nuclear energy resources."