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## United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

September 16, 2025

Kevin D. Roberts, Ph.D.  
President  
The Heritage Foundation  
214 Massachusetts Avenue NE  
Washington, DC 20002

Dear Dr. Roberts:

I write to better understand your role in the proposed Environmental Protection Agency (EPA) rescission of the 2009 endangerment finding—a foundational scientific and legal determination that greenhouse gases threaten public health and welfare that is grounded in extensive peer-reviewed science and confirmed by successive National Climate Assessments and reports from the Intergovernmental Panel on Climate Change.<sup>1</sup> The endangerment finding is based on the Supreme Court’s 2007 ruling in *Massachusetts v. EPA* that greenhouse gases are air pollutants covered by the Clean Air Act, and the D.C. Circuit Court of Appeals has twice upheld the endangerment finding—rulings the Supreme Court has declined to review.<sup>2</sup>

As you well know, rescinding the endangerment finding would cripple the federal government’s ability to combat climate pollution and mark an alarming retreat from decades of legal precedent, peer-reviewed science, and public health protections.<sup>3</sup> The endangerment finding underpins EPA’s ability to regulate emissions from various pollution-emitting sources, including motor vehicles—which EPA also found to “contribute to the greenhouse gas pollution that threatens public health and welfare.”<sup>4</sup> If the proposal is finalized, it would hand massive benefits to polluting industry actors and their enablers, allowing them to reap billions in profit while shifting

<sup>1</sup> U.S. Environmental Protection Agency, *Proposed Rule: Repeal of the Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act*, EPA-HQ-OAR-2024-0127, July 29, 2025, <https://www.epa.gov/system/files/documents/2025-07/nprm-12712-01-oar-vehicle-rule-reg-preamble-2025-0729.pdf>; Intergovernmental Panel on Climate Change (IPCC), *Synthesis Report: Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, <https://www.ipcc.ch/report/sixth-assessment-report-cycle/>; U.S. Global Change Research Program, Fifth National Climate Assessment (eds. Allison Crimmins, Katharine Hayhoe, Robert R. Gillies, et al., Washington, DC), Global Change Research Program (2023), <https://www.globalchange.gov/our-work/national-climate-assessment>.

<sup>2</sup> 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); Supreme Court Order List, 601 U.S. (Dec. 11, 2023), [https://www.supremecourt.gov/orders/courtorders/121123zor\\_e29g.pdf](https://www.supremecourt.gov/orders/courtorders/121123zor_e29g.pdf).

<sup>3</sup> Dharna Noor and Oliver Milman, “Trump Bids to Scrap Almost All Pollution Regulations,” *The Guardian*, July 31, 2025, <https://www.theguardian.com/environment/2025/jul/31/trump-epa-endangerment-finding>.

the burdens of climate disasters onto the American families, businesses, and taxpayers. Rescinding the endangerment finding at the behest of industry is irresponsible, legally dubious, and deeply out of step with the EPA's core mission of protecting human health and the environment, and the American public deserves to understand your role in advancing EPA's dangerous decision.

I am concerned about the role that fossil fuel companies, certain manufacturers, trade associations, polluter-backed groups, and others with much to benefit from the repeal of the endangerment finding—including your organization—played in drafting, preparing, promoting, and lobbying on the proposal. In the wake of EPA's announcement, various polluting industry organizations and their supporters celebrated the rejection of well-settled science. The oil and gas industry's largest trade association, the American Petroleum Institute (API), celebrated the accompanying repeal of motor vehicle emissions just moments after its announcement.<sup>5</sup> The America First Policy Institute (AFPI) applauded the dismantling of the “cornerstone of the radical climate agenda.”<sup>6</sup> The Heartland Institute made the absolutely ridiculous assertion that “[c]arbon dioxide clearly does not endanger public health and welfare.”<sup>7</sup> Other groups rushing to express their excitement about the partisan retreat from science included the American Trucking Associations, the author of the EPA chapter of Project 2025, your organization, the National Automobile Dealers Association, and more.<sup>8</sup> Beyond these groups, the Chamber of Commerce, the National Association of Manufacturers, and other fossil fuel industry-funded or aligned groups have also long pressed for rescission.<sup>9</sup> Given the billions at stake for polluting industry interests and significant potential conflicts of interest, the public deserves a full accounting of any efforts to influence this decision behind closed doors.

Accordingly, by not later than September 30, 2025, please produce to my staff all documents dated from November 5, 2024, through July 29, 2025, in your possession, custody, or control—including but not limited to internal and external communications, memoranda, reports, meeting materials, presentations, and draft rescission language—containing any of the following words or phrases, or any variation thereof: “endangerment,” “tailpipe,” “consumer choice,” “preempt,” or “preemption.” For the avoidance of doubt, this request includes internal communications as well as external communications with executive branch officials, Trump Vance 2025 or Trump Vance Transition personnel, trade associations, and any other relevant parties.

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<sup>4</sup> 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).

<sup>5</sup> American Petroleum Institute, *API Statement on EPA Proposal to Repeal Vehicle Emissions Standards* (July 31, 2025), <https://www.api.org/news-policy-and-issues/news/2025/07/29/api-statement-on-epa-proposal-to-repeal-vehicle-emissions-standards>.

<sup>6</sup> U.S. Environmental Protection Agency, “WHAT THEY ARE SAYING: Leaders Praise the EPA for Launching Largest Deregulatory Action in U.S. History with Proposal to Rescind Obama-Era Endangerment Finding,” *EPA News Releases*, August 1, 2025, <https://www.epa.gov/newsreleases/what-they-are-saying-leaders-praise-epa-launching-largest-deregulatory-action-us>.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Geoff Dembicki, “Who Are the Climate Deniers Fighting the Endangerment Finding?,” *Desmog* (July 30, 2025), <https://www.desmog.com/2025/07/30/climate-deniers-trump-epa-endangerment-finding/>.

Should you have any questions, please do not hesitate to contact my staff at (202) 224-8832. We look forward to your prompt reply.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sheldon Whitehouse", is positioned above a horizontal line.

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