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EPA finalizes illegal dirty air plan to hike fuel costs 76c/gal, despite public outcry

Jameson Dow
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In July, the US Environmental Protection Agency proposed a plan to delete its scientific finding recognizing that greenhouse gases are harmful to human health, with the goal of making cars less efficient, deadlier and more costly. Public comments widely opposed the plan, but now before the agency has barely even started reading those comments, it announced today that it's going through with its illegal plan anyway.

(Update: This article has been updated to reflect that the finalization was announced in a press conference today)

To recap: At issue is the EPA's "Endangerment Finding," which is the scientific basis of EPA's regulation of harmful greenhouse gases. The endangerment finding acknowledges that greenhouse gases are harmful to human health, recognizing a scientific fact that every serious person has known for a long time – but now it was at least codified into federal procedure.

The Endangerment Finding focused specifically on carbon dioxide (CO₂), methane (CH₄), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), nitrous oxide (N₂O), and perfluorocarbons (PFCs, now more commonly known as PFAS or “forever chemicals”), all of which we are certain cause climate change and harm humans.

And, in fact, the EPA is required to regulate these pollutants by the Clean Air Act. But why would we ever let that get in the way of oil industry profits?

Lee Zeldin finalizes plan to poison you and raise your fuel costs

Despite that legal requirement, Lee Zeldin – a fraudster placed into the position of chief saboteur of the EPA by a convicted felon who sought a billion-dollar bribe from the oil industry while running for an office he is Constitutionally barred from holding – has announced the finalization of his plan to repeal this finding today, flying in the face of law, science, public health and American economic interests.

To be clear: scientific facts remain facts, regardless of the feelings of oil-bought saboteurs like Zeldin. Climate change is still happening, and it is still caused by humans, primarily through the burning of fossil fuels.

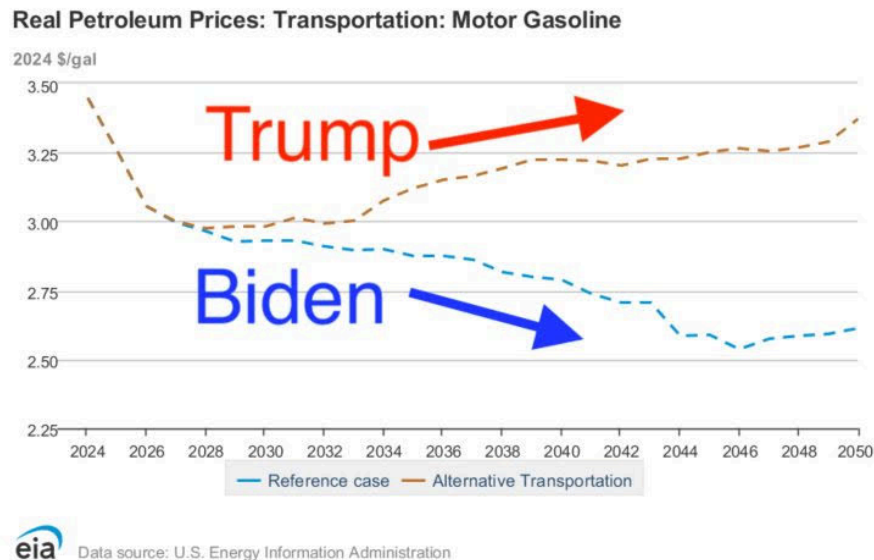
Zeldin’s stated purpose for his action is because if the finding is gone, it will allow him to roll back other life- and money-saving vehicle efficiency regulations. He wants to revert those regulations because they constrain the fossil fuel industry – which has given him hundreds of thousands of dollars in bribes over his political career.

The specific regulations that Zeldin has his eyes on are automotive regulations put in place by the EPA under President Biden. According to the government’s own numbers, these regulations stand to save 2,000 lives per year and save Americans over \$100 billion dollars per year in fuel and health costs – along with over 7 billion tons of carbon reduction, the equivalent of hundreds of coal plants.

But republicans want to go further than this, and according to one analysis the plans sought by them could cost Americans \$310 billion in higher costs, \$710 billion in lost GDP, 110,000 lost jobs annually, and 17,000 deaths. Another analysis, using EPA’s own estimated of mortality from pollutants, found the rollbacks sought could cause 50,000 premature deaths.

This is perhaps why Zeldin recently moved to stop considering the health and human life costs of regulations, to take attention off his plan to murder thousands of Americans.

When he first announced his illegal plan to kill Americans and cost all of us more money, Zeldin was joined by Chris Wright, a censorship advocate and former oil CEO who is currently the titular head of the Department of Energy. In April, Wright signed off on a DoE report which said the rollbacks sought by Zeldin would raise gas prices by 76 cents per gallon, showing that the people behind this plan know it will increase your costs and yet are shoving it down your throat anyway.



The reason gas prices would rise is because of higher demand. If vehicles are less efficient, not only will they burn more gasoline thus costing you more money and also causing more pollution, more dependency on foreign oil and the conflicts involved in stealing it, and higher health costs for everyone, but that gasoline will be more expensive because that's what happens to prices of products when demand rises.

And the proceeds from those higher gas prices aren't going to anything societally beneficial, they're rather going to line the pockets of oil elites. The EDF says the total transfer of wealth from you to those elites could be as high as \$1.4 trillion –

and that's just fuel costs, health and climate costs could be up to \$4.7 trillion additionally, using EPA's own health cost estimate model.

Wright's office offered a junk report from a handpicked committee of climate deniers in an attempt to build a case for the EPA's action. But that report was found to be wrong in 100 ways, including by the author of one of the cited studies, who immediately pointed out DoE misinterpreted their study. Even an internal DoE review found the report "misleading" and "not factual." Also, the formation of the group that wrote the report was recently ruled illegal in federal court.

So, even the stretched justifications offered for the plan are steeped in the ignorance we have come accustomed to since last January.

And, of course, the plan will benefit China. As we have already seen, domestic manufacturing investment has tanked over the course of the last year, with tens of billions in investment and tens of thousands of jobs already lost. That investment will go to a country which isn't pulling back on its EV plans, and will be more ready for the present moment of rapidly growing global EV sales, while the US languishes thanks to republicans.

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Public comments widely oppose the plan

As is legally required, the policy went up for public comment, where it received massive opposition. The first time the Endangerment Finding went up for public comment in 2009, it received 380,000 public comments, most in favor of acknowledging science.

Now in 2025, public support for the Endangerment Finding is, if anything, even greater. The plan again received a huge amount of comments – 571,673 according

to the EPA's current count. And, like last time, the vast majority of these comments sit in favor of the science, and oppose Zeldin's violent plan to harm America – along with hundreds of comments during a four-day public hearing in August, where over 97% opposed EPA's plan.

The EPA even touted the large amount of public comments that it received as part of its press release announcing its violent action. It neglected to mention that those comments almost universally opposed this action.

Commenters opposing the plan include 17 US states, 50 US cities, and a bipartisan group of former EPA administrators (including those who worked under both Bushes), two of whom recently penned an op-ed opposing the plan. Even comments from businesses are opposed to the plan. It seems that basically nobody other than Zeldin's oil masters want this to happen.

However, most of those comments have been hidden (including this author's, which was submitted Aug1 and only accepted months later on Oct7). Only 30,926 have been accepted for posting as of this writing, as the EPA says it has to sort through comments to categorize them as substantive, remove comments with profanity (although, one wonders if profanity is really all that unjustified when it's on a plan that will knowingly kill thousands of people per year), and organize comments that were sent as part of public form-letter comment campaigns.

So given that such a tiny percentage of comments have even been looked at yet, it seems perhaps premature to finalize this regulation.

This matters because according to the Administrative Procedures Act, government agencies are required to put their plans up for public comment (generally for a longer period than the EPA did here), and to consider and respond to substantive comments. If they refuse to even acknowledge the existence of those comments, administrative policy changes can and have been thrown away in court (to the point where the NRDC won 90% of its cases against illegal republican environmental rollbacks from 2017-2021).

Everyone knows this is illegal, so what's EPA's goal?

And that's the rub – the EPA seems to know that what it's doing here is illegal, and that it will end up in court. We wouldn't be surprised to see a lawsuit filed within

days, if not hours of the regulation being put on the books – in fact, we already know of several organizations which have vowed to sue the EPA for its illegal act.

Fred Krupp of the Environmental Defense Fund put it strongly and clearly:

The unlawful, year-long effort by the political leadership at EPA to reject the overwhelming evidence that climate pollution threatens everyone's health and safety.

This action will only lead to more of this pollution, and that will lead to higher costs and real harms for American families. The evidence – and the lived experiences of so many Americans – tell us that our health will suffer. Property values will decline, and flood and fire insurance premiums will increase, if they're still available at all in some disaster-prone parts of the country. Crops yields and water supplies will be threatened. Many have already lost loved ones and seen homes and businesses destroyed because of climate disasters that have cost the U.S. more than \$3 trillion since 1980, and they're only going to intensify with more pollution.

EDF will challenge this decision in court, where evidence matters, and keep working with everyone who wants to build a better, safer and more prosperous future.

Like much of what the republican party has done recently, the purpose seems either to gum up the courts and cause chaos or stall progress, even if they know it won't stick; or to get certain rules partially repealed, no matter how much of an example of judicial activism it would represent to pretend that when they wrote the Clean Air Act, Congress didn't actually want the air to be clean; or just to throw as many ridiculous ideas at the wall in the hope that e.g. Brett Kavanaugh came to work after boozing his favorite alcohol and issues the sort of opinion you'd expect out of a drunk rapist.

So the goal probably isn't even to get this specific regulation implemented. It's merely bait for an idiotic, illegitimate "Supreme Court" which republicans know is not interested in following the law, but rather overrunning Congress in a way that sidesteps the processes of democracy that the republican party has hated for so long.

To be clear: Congress could simply change the Clean Air Act if it really wants to make the air dirtier, but that would expose its members to potential difficulties in seeking re-election, a problem that illegitimate lifelong squatters on the Court do not have to worry about.

So, of the many undemocratic ways to get this poison forced through, it seems that EPA has settled on the most undemocratic of them all.

What could happen in court, and after?

However, a court decision could backfire. The court is a more blunt instrument, presumably restricted to interpreting rather than making law. Thus, in theory, the court can't write new words into law, and rather must limit its changes to reinterpretations of the words that are already there.

This leads to situations where the court must contort itself into twisted logic to achieve the political goals it has already prejudged cases by, and that twisted logic can open up other lines of attack for environmental defenders.

For example, the Court might try to claim that the section of the Clean Air Act that tells the EPA to regulate greenhouse gases actually doesn't say anything about greenhouse gases (it's said similar nonsense before), and therefore the EPA doesn't have to regulate them.

But that same section of the law is the one which holds the prohibition against individual states regulating greenhouse gases – so if that section doesn't apply to greenhouse gases, then that means states aren't prohibited from regulating them. Naturally, then, California could set its own CO2 rules, and could make them stronger than the federal government's rules, and the courts and EPA couldn't do anything to stop them.

Then, companies would need to consider the CO2 rules of 50 different states instead of a single national standard, which makes everyone's jobs harder (this has happened before, and the auto lobby hasn't stopped complaining about it, even though they're the ones who asked for it in the first place).

It also means that companies might just default to following the strongest standard adopted by the largest bloc of states – which happens to be led by California,

which on its own is already the 4th strongest economy in the world and has the third lowest per capita emissions of any state in the US. So we could see California informally setting national emissions standards, at least until the court decides to contradict itself once again.

And, indeed, ruling in the EPA's favor, in any way, would represent a very recent contradiction for the court. Last year, it issued one of its dumbest opinions ever, stating in *Loper Bright v Raimondo* that "Chevron deference" should no longer be used.

The long and short of this case is that the scientists in federal executive agencies now have less freedom to respond to new scientific data when implementing regulations, and instead have to ask non-scientists in Congress or the courts to reinterpret law for them. As a result, government becomes slower, less efficient, more roadblocked, and more beholden to partisanship and the whims of unqualified Congresspeople than to science and informed professionalism.

But it also would mean that, at least if the court is consistent (a big if), many of the changes in regulatory interpretation by the current squatters in various executive agencies are illegal, since they haven't been directly asked for by Congress. So, many changes in EPA regulation could be challenged on that front.

<https://electrek.co/2026/02/12/epa-set-to-finalize-illegal-dirty-air-plan-to-hike-fuel-costs-76c-gal-despite-outcry/>