

SUBJECT: DISCUSSION / DIRECTION – PROPOSED RULE:
RECONSIDERATION OF 2009 ENDANGERMENT FINDING AND
GREENHOUSE GAS VEHICLE STANDARDS

DATE: SEPTEMBER 2, 2025

PREPARED BY: SAMMA FOX, DEPUTY CITY MANAGER

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SUMMARY:

According to [Regulations.gov](https://www.regulations.gov):

In this action, the U.S. Environmental Protection Agency (EPA) is proposing to repeal all greenhouse gas (GHG) emission standards for light-duty, medium-duty, and heavy-duty vehicles and engines to effectuate the best reading of Clean Air Act (CAA) section 202(a). We propose that CAA section 202(a) does not authorize the EPA to prescribe emission standards to address global climate change concerns and, on that basis, propose to rescind the Administrator's prior findings in 2009 that GHG emissions from new motor vehicles and engines contribute to air pollution which may endanger public health or welfare. We further propose, in the alternative, to rescind the Administrator's prior findings in 2009 because the EPA unreasonably analyzed the scientific record and because developments cast significant doubt on the reliability of the findings. Lastly, we propose to repeal all GHG emission standards on the alternative bases that no requisite technology for vehicle and engine emission control can address the global climate change concerns identified in the findings without risking greater harms to public health and welfare.

The comment due date is listed as September 22 in the “Document Details” section, however, the content of the regulations.gov site states in the “DATES:” section that comments must be received on or before September 15, 2025 and have a best chance of consideration by the Office of Management and Budget if received on or before September 2, 2025. Comments can be submitted to the Federal eRulemaking Portal: *Federal eRulemaking Portal: <https://www.regulations.gov/>.*

This item is brought for council discussion and direction for potential council comment on this rulemaking.

BACKGROUND / PRIOR DISCUSSIONS:

During the [August 19, 2025](#) council meeting, under identification of future agenda items, Councilmember Cooperman requested that Council consider commenting on the proposed ruling at a future date. Councilmembers Kern, Hoefner, and Mayor Leh supported, and the item was set for the September 16 agenda as it was believed comments are due September 22, 2025. This agenda item was moved to the September 2 agenda once the earlier deadlines were identified.

ANALYSIS:

Legislative Agenda

City Council adopts a legislative agenda annually and it serves as a guiding document for the City's engagement in legislative affairs and a resource for City Council in representing the City. The [2025 Legislative Agenda](#) includes an Energy & Environment section which supports legislation that addresses climate change, including the reduction of greenhouse gas emissions. The agenda goes on to support state plans to reduce greenhouse gas emissions and improvement of air quality. While this federal rulemaking is not specifically called out, it appears to conflict with City Council's intent in this section and will be up to City Council to determine if comments should be made and / or the legislative agenda should be expanded to include federal initiatives in the future.

Other Cities / Regional Groups

Staff has reached out to cities in the region and a summary of potential actions is included below:

- **City of Northglenn** - Their legislative committee recommended and their Council supported drafting a comment letter to the EPA and a council resolution, primarily as an educational and communication tool for residents. These items will be formally presented to Council for a vote on September 8, 2025.
- **City of Boulder** - City staff are preparing a letter to present to Council for direction on next steps. They are also coordinating with federal lobbyists to determine the most effective use of political capital.
- **Boulder County** - Commissioner Stolzmann recently provided testimony at EPA's hearing on its proposed endangerment finding and greenhouse gas (GHG) emission standards for vehicles. A summary of her comments is available on [Boulder County's social media post](#). Boulder County expects to support and sign on to actions taken by CC4CA as this process advances.
- **Colorado Communities for Climate Action (CC4CA)** - CC4CA has emailed its members with an Action Alert providing the following options for action:
 - *For elected officials, add your name to this [sign-on letter](#) by September 16.*
 - *Consider having your board/council adopt a resolution in support of the Endangerment Finding (or your opposition to the proposed rollback). [CC4CA has prepared a sample resolution](#) and is happy to tailor this to your jurisdiction.*
 - *Submit [written comments by September 22](#) to the EPA; we [CC4CA] have [overall talking points](#) drafted for members and will have a sample letter available in early September.*

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2025 COUNCIL WORK PLAN:

Environmental sustainability is one of City Council's lenses through which all items are reviewed and decarbonization is a large initiative of the 2025 Council Work Plan.

FISCAL IMPACT:

Budgeted?: **Not Applicable**

Commenting on a rule making should not have a fiscal impact.

ALTERNATIVE(S):

City Council may choose to comment or not on this rulemaking. Not commenting may cause frustration in the community as this rulemaking appears contrary to City priorities. In the current federal environment, the risks and benefits of commenting are unclear. In general, comments aligning a larger group or region can have a greater impact.

RECOMMENDATION:

Staff recommends City Council provide clear direction.

ATTACHMENT(S):

None