ComtIQ

REGULATORY INTELLIGENCE REPORT · FINAL RULE STAGE

What the public said about the endangerment finding, and what EPA answered

Rescission of the 2009 greenhouse gas endangerment finding and the motor vehicle greenhouse gas standards.

DOCKET	AGENCY	FINAL RULE
EPA-HQ-OAR-2025-0194	U.S. Environmental Protection Agency	91 FR 7686, Feb. 18, 2026
COMMENT PERIOD	**DATA CUTOFF**	**VERSION**
Aug. 1 to Sep. 22, 2025	Posted record through May 28, 2026, still the last posting when checked on Oct. 22, 2026; litigation through Oct. 9, 2026	1.3, October 25, 2026

QUESTION THIS REPORT ANSWERS

Who commented on the rescission, what did they argue, and which of those arguments did EPA answer in the final rule and its Response to Comments?

BOTTOM LINE UP FRONT

EPA rests the rescission on three grounds it calls severable, a reading of Clean Air Act section 202(a)(1), the major questions doctrine and a finding that vehicle standards cannot materially affect the danger. It does not answer the climate science and health comments on their merits. In a sample of typed comments coded by an analyst, 62%[1] raise climate change or climate science and 43%[1] raise health. The Response to Comments gives climate science 24 lines[2], 0.2% of its length, and health 0.4%[3]. The preamble summarizes the science comments in section VI.A "for informational purposes only."[4] The legal grounds, futility included, take about two thirds[5] of the response.

EPA calls each ground an independent conclusion[6], so the rule survives if a court upholds any one of them. The science record bears on the futility ground where it disputes how EPA measured the vehicles' share of the problem, because EPA assumed the validity of the

standard climate models. Whether setting the rest aside met the duty to respond to significant comments is for the court to decide.

KEY FINDINGS

Five findings

1 To overturn the rule a court must reject all three of EPA's grounds, and the science and health comments got no answer on the merits.

The preamble states that each basis in its section V is severable and that the three are "independent conclusions that stand on their own."[6] The grounds are the reading of section 202(a)(1) in V.A, the major questions doctrine in V.B and futility in V.C. EPA states in section 3.1 of the Response to Comments that comments on climate science, including comments on the Department of Energy Climate Working Group report, are out of scope because it does not rely on the proposed science rationale. The preamble summarizes the main science themes in section VI.A, at 91 FR 7734 to 7737, and offers that summary "for informational purposes only."[4] Section 5.11 treats health and emissions impacts as out of scope. The document uses "out of scope" 42 times[7] across 28 sections.

High confidence

Final rule preamble, sections II.A, V and VI.A; Response to Comments, sections 3.1, 3.2, 3.3 and 5.11; counts computed from the full text.

2 Mass campaigns ran 98.7% against repeal by signatures, and EPA lists the sponsor as unknown for 112 of the 169.

EPA lists 169[8] mass comment campaigns with 534,160[8] signatures. We read the model letter of each one. 158 campaigns, with 527,258[9] signatures, oppose the rescission. 7, with 5,971[10] signatures, support it. EPA lists the sponsor as "unknown" for 112 campaigns holding 275,609[11] signatures, and all 7 supporting campaigns are in that group. Signatures count submissions, and one person can sign more than one campaign.

High confidence

Response to Comments, Appendix A; campaign letters in the docket.

3 In our sample, most individual support for repeal came from diesel owners objecting to equipment the rule does not touch.

In a random sample of 120 typed comments, 21 support repeal and 19 of those[12] come from owners of diesel trucks or tractors complaining about diesel exhaust fluid, particulate filters and exhaust gas recirculation. With 21 supporters in the sample, the 95% interval for that share runs from 71% to 97%. About 1,530[13] typed comments mention these systems, most filed in mid August 2025. The systems control conventional pollutants, and EPA did not propose to change those standards. The Response to Comments never mentions DEF, DPF or EGR. An agency need not answer comments outside the scope of its proposal, so the gap tells readers who was talking more than it tells a court anything.

Moderate confidence

Sample read by an analyst; term search across 13,590 typed comments and the full Response to Comments; Response to Comments, section 4.2.2.

4 Automakers have no federal backstop standard to plan around, since EPA declined the revised standards they asked for.

The Alliance for Automotive Innovation and the Manufacturers of Emission Controls Association asked EPA to revise the vehicle standards as a backstop instead of removing them. Tesla asked EPA to withdraw the proposal. The National Association of Manufacturers asked EPA to repeal the vehicle rule and defer the finding. Trucking and fuel groups, including ATA, OOIDA and AFPM, supported repeal. EPA answered that it lacks authority to keep any greenhouse gas standard and set no alternative.

High confidence

Comments 7547, 0931, 1009, 1277, 0940, 1503, 3083; Response to Comments, sections 4.3.1 and 7.8.

5 The count of what arrived does not match the record a visitor can open.

EPA reports about 572,000[14] comments. The public docket holds 30,929[15] records, and 17,339[16] of them are placeholders pointing at an attachment. The appendix text says 170[17] campaigns and the table lists 169. Two campaigns appear twice with the same signature count, Green America at 9,465[18] and the American Geophysical Union at 919[19]. Section 3.1 of the Response to Comments sends readers to preamble section V.A for the science summary, and in the published rule that summary sits in section VI.A[4].

High confidence

Response to Comments, introduction, section 3.1 and Appendix A; final rule table of contents; full collection of the posted docket.

THE RECORD IN NUMBERS

What arrived, and what is visible

571,676[20]
comments received, Federal Register counter

534,160[8]
signatures in 169 mass campaigns, EPA Appendix A

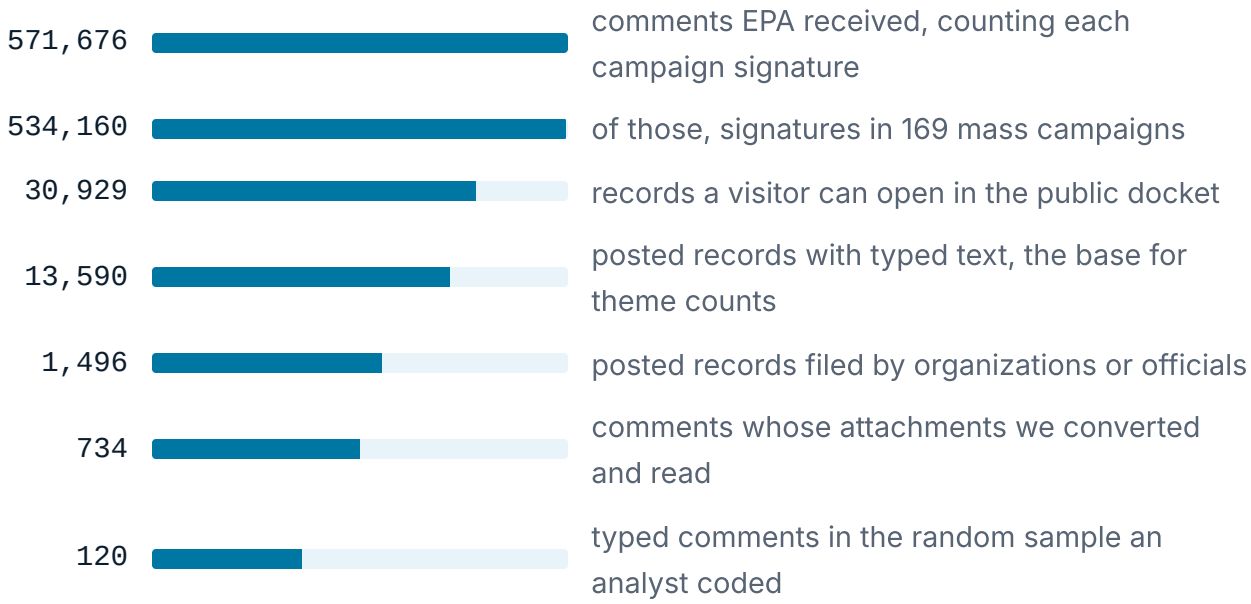
30,929[15]
records posted to the public docket

17,339[16]
posted records that are placeholders for an attachment

13,590[15]
posted records with typed comment text

64 days[21]
median wait between receipt and posting

Which count each number in this report comes from. Bar length uses a log scale.



EPA held a four day public hearing from August 19 to 22, 2025, with more than 600 speakers[22]. It says it did not consider about 250 comments[23] that arrived after the deadline, and that 17 late mass mailers with about 6,500 signatures[24] are left out of its totals. 128 posted records declare 482,049[25] submissions inside them, and the five largest of these hold between 29,666 and 48,118 signatures each.

We converted 1,065 attachment files[26] from 734 comments to text, including scanned letters read by optical character recognition. 26 files held no readable text.

WHO IS COMMENTING

Governments, industry and advocates, by position

Individuals are reported only in aggregate. The table lists organizations whose letters we read and whose position we confirmed in their own words.

GROUP	AGAINST RESCISSION	FOR RESCISSION OR REPEAL OF STANDARDS
States	Attorneys general of California, Massachusetts, New York and other states 2974; New Jersey 1370; New York DEC 1137; Connecticut DEEP 1144; Maine DEP 1343	West Virginia and Kentucky attorneys general 1487
Local government	Harris County, Texas 1352; Cleveland 0984; Missoula 0857; Providence 10625; Alameda County 1135; El Paso County commissioner 1134	None found
Tribes	Nez Perce Tribe 10626; Pokagon Band of Potawatomi 1187; National Congress of American Indians 1182	None found
Vehicles and parts	Tesla 1009; Alliance for Automotive Innovation and MECA asked for revised standards instead of none 7547 0931	American Trucking Associations 0940; OOIDA 1503
Energy and manufacturing	None found	AFPM 3083; East Kentucky Power Cooperative 0895; WSPA 0980; API asked to limit the rule to section 202(a) 0869; NAM asked to repeal the vehicle rule and defer the finding 1277
Advocacy and science	EDF, NRDC, Sierra Club, Clean Air Task Force, American Geophysical Union with more than 900 scientists 1442, U.S. Conference of Catholic Bishops 0866	CFACT 1161; CPAC Foundation 0868; Energy Policy Research Foundation 0892

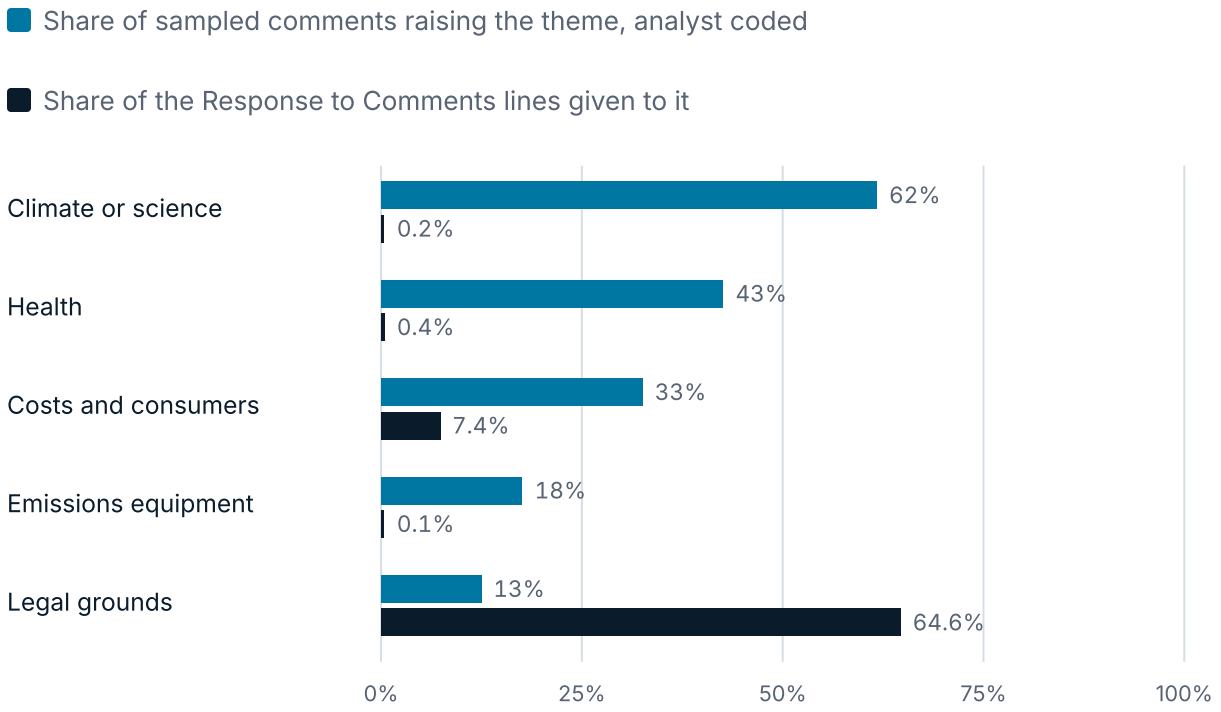
Organizations and officials. By our reading of the submitter fields, organizations and officials filed 1,496[27] of the posted records. They include 485 records from advocacy groups, 400 from industry and trade groups, 212 from academics and scientists, 129 from local governments, 228 from state attorneys general and agencies, 26 from tribes

and 16 from members of Congress. We confirmed positions only for the letters in the table above. Coding the position of all 1,496 is planned for version 1.2.

Individuals. In a random sample of 120 typed comments read by an analyst, 89 oppose the rescission (74%)[28], 21 support it (17.5%) and 10 take no clear position. With 120 comments the margin is about 8 points either way. One analyst coded the sample. A second, independent coding of 40 of these comments is planned for version 1.2, with the agreement rate reported.

ARGUMENTS, AND WHERE EPA SPENT ITS ANSWER

What the public raised against what EPA addressed



The two bars measure different things. The first is the share of 120 randomly sampled typed comments that raise the theme, coded by an analyst, with 95% intervals of 53 to 70% for climate or science, 34 to 51% for health, 25 to 41% for costs, 12 to 25% for emissions equipment and 8 to 20% for legal authority. A term search across all 13,590 typed comments[29] gives similar shares. The second bar is the share of the 14,249 lines of the Response to Comments under the matching sections, which shows where EPA spent its space and says nothing about whether an answer was legally adequate. Legal grounds cover sections 1 and 2, which include the futility ground in section 2.2; costs covers section 5 except 5.11. A comment can raise more than one theme. The sample represents typed comments in the public docket. It does not represent the 534,160 campaign signatures or every comment EPA counted, and campaign letters lean even more heavily against repeal.

Strongest arguments against rescission

- *Massachusetts v. EPA* already settled that greenhouse gases are air pollutants under the Act, as the state attorneys general (2974) and Tesla (1009) argue.
- The change of position ignores reliance by states, automakers and the electric vehicle supply chain.
- The futility rationale would let EPA ignore any single source of a global pollutant.
- The Energy Department report behind the science rationale was disputed by scientific bodies, including the American Geophysical Union with more than 900 scientists.

Strongest arguments for rescission

- The best reading of section 202(a) covers pollution with local effects, and global climate is outside it.
- Rules of this economic weight need clear authorization from Congress under the major questions doctrine.
- The heavy duty Phase 3 standards were unachievable for model year 2027 trucks.
- EPA should state that federal preemption of state climate laws survives the rescission.

COORDINATED CAMPAIGNS

169 campaigns, one direction

POSITION IN THE MODEL LETTER	CAMPAIGNS	SIGNATURES	SHARE
Against rescission	158	527,258[9]	98.7%
For rescission	7	5,971[10]	1.1%
No position readable	4	931	0.2%
Total	**169**	**534,160**	**100%**

The largest campaigns with a named sponsor came from NRDC (43,169 and 13,253), the National Audubon Society (21,013), Evergreen Action (20,236), Sierra Club (16,098), the Center for Biological Diversity (13,985), Climate Hawks Vote (13,788) and Friends of the Earth (13,079). The single largest campaign, 48,118 signatures, has no named sponsor. 194,436 signatures[30] arrived in campaigns dated September 22, the last day of the period.

One campaign of 25 was filed with the template still unfilled, reading "Write your message here using the talking points above."[31]

AGENCY RESPONSE

Argument and answer, side by side

Each pair quotes a comment on the left and EPA's Response to Comments on the right. Comment quotes are short excerpts; open the comment ID for the full letter. Individuals are quoted without names or IDs.

Answered on the merits	EPA engages the substance of the argument and gives reasons.
Answered by the legal basis	EPA disposes of the argument by pointing to one of its statutory grounds, without engaging its substance.
Out of scope	EPA says the comment falls outside the action and does not answer it.
No response	We found no passage of the Response to Comments addressed to the argument.

Do greenhouse gases fall within section 202(a)?

Answered on the merits

Comment · Attorneys General of California, Massachusetts, New York and others · 2974

"EPA's approach is untethered from Congress's design."

EPA · Response to Comments 2.1.1.1

"The best reading of CAA section 202(a)(1) ... is that the Agency's authority to prescribe emission standards relates to pollution that adversely impacts health and welfare through local and regional exposure."

Does *Massachusetts v. EPA* settle the question?

Answered on the merits

Comment · Tesla · 1009

"The proposed interpretation of Section 202(a) is contrary to the text of the statute and was expressly rejected by Massachusetts v. EPA."

EPA · Response to Comments 2.1.1.1

"The EPA disagrees with commenters' assertion that Massachusetts held broadly that CAA section 202(a)(1) authorizes the regulation of GHGs in response to global climate change concerns. The Court did not have before it that broad question."

Is regulating vehicle emissions futile?

Answered on the merits

Comment · Tesla · 1009

"Massachusetts also rejected the argument that anticipated growth of sources of pollution in other countries would render regulation futile."

EPA · Response to Comments 2.2.1

"... the EPA and reviewing courts consistently understood that regulation must be capable of having at least a material impact on the identified danger."

What about the climate science and the Energy Department report?

Out of scope

Comment · American Geophysical Union and more than 900 scientists · 1442

"Based on an inaccurate and cherry-picked Department of Energy report, even though decades of rigorous, peer-reviewed science leave no room for doubt."

EPA · Response to Comments 3.1

"Comments related to climate science are out of scope of this rulemaking. This includes, but is not limited to, comments on the Department of Energy's (DOE) Climate Working Group (CWG)."

What happens to public health?

Out of scope

Comment · Harris County, Texas · 1352

"EPA's proposal fails to demonstrate that greenhouse gases no longer endanger public health and welfare."

EPA · Response to Comments 5.11

"The EPA is finalizing this action based on the proper interpretation of its CAA authority, and the issues raised by commenters are not applicable to the arguments in the final action. The EPA considers these comments out of scope for this rulemaking."

Should EPA revise the standards instead of removing them?

Answered by the legal basis

Comment · Alliance for Automotive Innovation · 7547

"Develop and implement revised GHG standards as an alternative or backstop to the Proposed Rule."

EPA · Response to Comments 4.3.1

"We are not putting in place alternative GHG emission standards in this final action and are not committing to alternative GHG emission standards in a separate action."

What about reliance by automakers and states?

Answered by the legal basis

Comment · Attorneys General of California, Massachusetts, New York and others · 2974

An agency changing course must give "a reasonable explanation for its change" and consider "legitimate reliance interests."

EPA · Response to Comments 1.3.3.2

"Reliance interests are irrelevant when assessing whether to rescind an action that the Agency lacked statutory authority to take."

Does federal preemption of state climate law survive?

Out of scope

Comment · National Association of Manufacturers · 1277

"Repeal of the 2009 Endangerment Finding would not diminish federal preemption of state GHG laws and climate-related common law actions."

EPA · Response to Comments 7.1

"The EPA did not propose, nor are we taking, any action with respect to preemption. ... Comments regarding the EPA's authority to alter preemption by regulation are outside the scope of this final action."

Diesel exhaust fluid, particulate filters and EGR

No response

Comment · individual diesel owner, one of about 1,530

"Diesel mandates such as DEF and other vehicle regulations have led to nothing more than an increase in prices for the consumer."

EPA · closest text, Response to Comments 4.2.2, written in reply to manufacturers

"The suggested changes are outside the scope of this rule because the EPA did not propose to change standards for criteria exhaust emissions ..."

Tribal treaty rights

Answered by the legal basis

Comment · Pokagon Band of Potawatomi · 1187

"Climate change threatens the sovereignty of Tribes to hunt, fish, and gather on their ancestral lands."

EPA · Response to Comments 6.5

"The Agency also recognizes that Tribal treaty rights constitute Federal law. However, Tribal treaty rights do not expand Congress's grant of authority to the Agency under the CAA."

Did EPA use artificial intelligence?

Answered on the merits

Comments · as summarized by EPA, Response to Comments 6.7

"Several commenters stated their objection to the EPA using any artificial intelligence (AI) tools in working through the public comments."

EPA · Response to Comments 6.7

"We did not use artificial intelligence to assist in drafting the proposal, summarizing comments, formulating responses to the comments, or making decisions for the final action."

Three questions to keep apart. First, EPA did not answer the climate science and health comments on their merits; the Response to Comments shows this. Second, EPA classified them as out of scope because they address a science rationale it proposed and did not finalize; it says so in section 3.1. Third, whether that approach meets the duty to respond is a legal question. "An agency must consider and respond to significant comments received during the period for public comment," *Perez v. Mortgage Bankers Ass'n*, 575 U.S. 92, 96 (2015); see 5 U.S.C. § 553(c). The first two are findings of this report. Only the court in No. 26-1037 can settle the third.

Why the science record can still matter. The statutory reading and the major questions ground do not depend on facts about the climate, so science comments do not reach them. The futility ground does rest on modeling. EPA estimates that eliminating all U.S. vehicle greenhouse gas emissions would change global mean temperature by about 0.013°C by 2050 and 0.037°C by 2100[32], and it calls those effects de minimis while assuming the models are valid. Comments that dispute that measure of the vehicles' share, or argue that incremental reductions count, reach the futility ground directly. *Massachusetts v. EPA* held that agencies "do not generally resolve massive problems in one fell regulatory swoop," 549 U.S. 497, 524 (2007), and Tesla's comment (1009) presses that point. Full Response to Comments: document 31089.

IMPLICATIONS AND SCENARIOS

Where this goes next

The challenges are consolidated in the D.C. Circuit under *American Public Health Association v. EPA*, No. 26-1037, with petitions from 25 states, D.C. and local governments (No. 26-1061), the Zero Emission Transportation Association, SEIU, youth petitioners and others. On October 5, 2026[33] the court denied the youth petitioners' motion to stay the rule. A motion to hold the case for 30 days while EPA acts on four petitions for reconsideration was opposed by EPA in August. As of our cutoff the court had set no merits briefing schedule and no argument date.

Meanwhile EPA released a partial repeal of the power plant carbon standards on September 14, 2026 and, in the same docket, `EPA-HQ-OAR-2025-0124`, a proposal to rescind the findings behind all remaining power plant greenhouse gas standards, published September 17, 2026. That proposal reads "air pollution" in section 111 as local or regional, as this rule read section 202(a), and adds a futility rationale built on climate models. Comments closed November 2, 2026.

SCENARIO	LIKELIHOOD	CONFIDENCE	BASIS	WHAT WOULD CHANGE THIS VIEW
The rescission stays in effect through the end of 2026	Very likely	High	Stay denied on October 5; no briefing schedule yet	A stay or vacatur order from the D.C. Circuit before December 31, 2026
A D.C. Circuit merits decision before mid 2027	Unlikely	Moderate	Briefing has not been ordered; merits briefing and argument typically take months	An expedited briefing order before the end of 2026
EPA grants a reconsideration petition in a way that changes the rule	Very unlikely	Moderate	EPA opposed the abeyance and defends the rule in court	EPA asks the court for a voluntary remand or abeyance to reconsider

SCENARIO	LIKELIHOOD	CONFIDENCE	BASIS	WHAT WOULD CHANGE THIS VIEW
The final power plant rule again sets climate science comments aside as out of scope	Likely	Moderate	The proposal rests on the same local or regional reading; its futility model may draw a direct answer on modeling	A final preamble in EPA-HQ-OAR-2025-0124 that answers modeling comments on the merits

`Almost no chance 1-5%` `Very unlikely 5-20%` `Unlikely 20-45%` `Roughly even 45-55%` `Likely 55-80%` `Very likely 80-95%` `Almost certain 95-99%`

The terms follow the probability scale of Intelligence Community Directive 203. They state an analyst's judgment from the sources cited and are not the output of a statistical model.

Likelihood is the chance we assign to the event. Confidence is our view of the evidence behind it. High means many consistent sources, moderate credible but incomplete sources, and low thin or conflicting ones. Each judgment is recorded in data/forecast-log.csv and will be scored when it resolves.

STRATEGIC IMPLICATIONS

What the record means for each stakeholder

The middle column is documented in the record. The right column is our inference and carries the uncertainty of the scenarios above. None of it is legal or investment advice.

STAKEHOLDER	WHAT THE RECORD SHOWS	WHAT WE INFER, AND WHAT TO WATCH
Litigants in No. 26-1037	Three grounds declared severable; science and health comments out of scope; stay denied October 5, 2026	Challengers must defeat all three grounds, and the record holds the least agency reasoning on health. Watch for the briefing order and for whether the court reaches futility.
Automakers and suppliers	EPA set no backstop standards (4.3.1) and took no position on preemption (7.1); two district courts held the rescission does not change their preemption analysis	Federal greenhouse gas compliance planning has lost its reference point while state requirements and preemption move through the courts. Watch No. 26-1037 for any remand that revives the 2027 standards.

STAKEHOLDER	WHAT THE RECORD SHOWS	WHAT WE INFER, AND WHAT TO WATCH
Power sector commenters	The power plant proposal in EPA-HQ-OAR-2025-0124 reads "air pollution" the same way and adds a futility rationale built on climate models; comments closed November 2, 2026	That record is the next test of whether EPA answers modeling comments on the merits. Compare its response with sections 2.2, 3.1 and 5.11 here.
Investors and analysts	The rescission is in effect and the court has set no merits schedule	The rule will very likely hold through 2026. Its longer life turns on the merits decision, which is unlikely before mid 2027.

RECOMMENDED ACTIONS AND DATES

What readers could do

Power plant commenters	Comments on EPA-HQ-OAR-2025-0124 closed November 2, 2026. When the final rule comes out, compare its response with sections 3.1 and 5.11 here. The proposal leans on a futility model, so challengers should check whether EPA answers the modeling comments on the merits.
Litigants	The rule falls only if the court rejects all three grounds. Review with counsel the futility analysis in preamble section V.C, where the modeling and the science comments meet, and the out of scope list in sections 3.1, 5.11 and 7.1 of the Response to Comments.
Automakers, suppliers	EPA declined to set backstop standards and to address preemption. Two federal district courts held that the rescission does not change their preemption analysis, *West Virginia v. James* (N.D.N.Y. Aug. 31, 2026) and *United States v. New York* (S.D.N.Y. Sep. 23, 2026). Track No. 26-1037 for any stay or remand that revives the 2027 standards.
Associations, NGOs	EPA's response does not engage the campaign letters' arguments beyond listing them in Appendix A. For the next docket, put detailed comments on the legal basis the agency adopts, the part of the record this docket shows EPA answers at length.

METHOD, SOURCES AND LIMITS

How we built this report

Collection. All 30,929 posted records were collected through the Regulations.gov API by the Rulemaking Observatory in July 2026. A check on October 22, 2026 found the same 30,929 records, the last posted May 28, 2026. Attachments were downloaded from the public file server and converted to text, with optical character recognition for scanned files. The Response to Comments (document 31089) and the final rule were read in full.

Sample and coding rules. The sampling frame is the typed comments in the July 2026 collection, excluding placeholders that only point to an attachment. 120 comments were drawn at random with seed 7 and each was read in full. Position takes one of three values. A comment opposes or supports the rescission when it says so or asks EPA to keep or drop the finding or the standards; otherwise it takes no clear position. A theme is coded when the comment raises it in at least one sentence, and a comment can carry several. The codebook (data file published with the online report) defines each code, and the coding file gives one row per sampled comment.

Classification. Position and themes of individual comments come from a random sample of 120 typed comments read in full by an analyst. Themes were coded as climate or science, health, legal authority, costs and vehicle emissions equipment; a comment can carry more than one. A term search across all 13,590 typed comments serves as a cross-check. An automatic keyword classifier was used only to find candidates; it decided 71 of the 120 sample comments and was right on 63. Campaign positions come from reading each model letter. Organization positions were confirmed in the organization's own words. Submitter types come from the organization and name fields.

Answer labels. Each argument and answer pair carries one label. "Answered on the merits" means EPA engages the substance and gives reasons. "Answered by the legal basis" means EPA disposes of the argument by pointing to its section 202(a) reading. "Out of scope" means EPA says the comment falls outside the action. "No response" means we found no passage addressed to the argument after searching the full text.

Forecast log. Every likelihood judgment in this report is recorded with its likelihood band, confidence and the test that will settle it, in data/forecast-log.csv. When each one resolves we will score it and publish the result, building a calibration record across ComtIQ reports.

Limits. The sample represents typed comments in the public docket and does not represent campaign signatures or comments EPA did not post. We did not open 16 attachments larger than 100 MB, which appear to be signature packages. Comments EPA received but did not post cannot be analyzed. Section length measures the space EPA gave a theme and says nothing about legal adequacy. One analyst coded the sample,

and the interval for any subgroup, such as the 21 supporters, is wide. Litigation status comes from public dockets and reports as of the cutoff and may have changed. This report is analysis and is not legal advice.

APPENDIX

Documents cited

ID	SUBMITTER	POSITION
31089	EPA, Response to Comments	Agency
91 FR 7686	EPA, final rule	Agency
2974	Attorneys General of California, Massachusetts, New York and others	Against
1487	Attorneys General of West Virginia and Kentucky	For
1370	New Jersey Attorney General	Against
1137	New York State Department of Environmental Conservation	Against
1352	Harris County, Texas	Against
10626	Nez Perce Tribe	Against
1442	American Geophysical Union and more than 900 scientists	Against
7547	Alliance for Automotive Innovation	Revise standards
0931	Manufacturers of Emission Controls Association	Revise standards
1009	Tesla	Against
1277	National Association of Manufacturers	Repeal vehicle rule, defer finding
0869	American Petroleum Institute	Limit to section 202(a)
0980	Western States Petroleum Association	For
0940	American Trucking Associations	For
1503	Owner-Operator Independent Drivers Association	For

ID	SUBMITTER	POSITION
3083	American Fuel and Petrochemical Manufacturers	For
0895	East Kentucky Power Cooperative	For
0866	U.S. Conference of Catholic Bishops	Against

Litigation sources: Civil Rights Litigation Clearinghouse and Sabin Center Climate Litigation Database case pages for No. 26-1037; Law360, October 5, 2026; Harvard Environmental and Energy Law Program tracker on the power plant actions. Power plant proposal: Beveridge & Diamond, "EPA Partially Repeals Power Plant Carbon Rules, Punts Questions of Broader Authority to New Proposal," 2026. Legal standard: *Perez v. Mortgage Bankers Ass'n*, 575 U.S. 92 (2015).

Data files. Appendix A campaigns with the position of each model letter (data file published with the online report) (169 rows). Coding of the 120 sampled comments (data file published with the online report), position and themes, without names or comment IDs. Codebook (data file published with the online report) with the definition of each code. Forecast log (data file published with the online report) (4 rows).

ENDNOTES

Sources for the numbers in this report

Each superscript in the text points to the entry below. The online version opens the same source next to the number.

1. **Themes in the sampled comments.** "Of 120 randomly sampled typed comments, read in full: 74 raise climate change or climate science (62%), 51 raise health (43%), 39 raise costs (33%), 21 raise vehicle emissions equipment (18%) and 15 raise legal authority (13%). 14 raise none of these." ComtIQ analyst coding, random seed 7; coding file in the appendix (data/sample-120-coding.csv, published with the online report). 95% intervals: climate or science 53 to 70%, health 34 to 51%, costs 25 to 41%, emissions equipment 12 to 25%, legal authority 8 to 20%. A comment can raise more than one theme.
2. **Science in the Response to Comments.** "As the EPA does not adopt or rely on the proposed scientific alternative rationale in this final action, the Agency does not need to, and is not legally required to, summarize or respond to comments that address that unfinalized alternative." EPA, Response to Comments, section 3.1. Section 3.1 runs 24 of the document's 14,249 lines of extracted text, 0.2%.
3. **Health in the Response to Comments.** "The EPA considers these comments out of scope for this rulemaking." EPA, Response to Comments, section 5.11, Emissions Inventories and Health Impacts. Section 5.11 runs 56 of 14,249 lines, 0.4%.
4. **The science summary in the preamble.** "Nevertheless, in the interest of transparency and to assist the public in understanding the outcome of this rulemaking, the EPA provides the following summary of major themes raised by commenters regarding the proposed scientific alternative rationale. The EPA offers this summary for informational purposes only." EPA, final rule preamble, section VI.A, 91 FR 7734. Section VI.A runs from 91 FR 7734 to 7737. Section 3.1 of the Response to Comments refers to this summary as section V.A; in the published rule, V.A is the statutory reading.

5. **The legal basis in the Response to Comments.** “That legal interpretation is sufficient to support rescission of the Endangerment Finding and repeal of the related GHG standards.” EPA, Response to Comments, section 3.1, restating the basis of sections 1 and 2. Sections 1 (legal framework) and 2 (rescission, including futility) run 9,203 of 14,249 lines, 64.6%. Section 2.1 alone is 48.3%.
6. **Three severable grounds.** “Each basis for this final action presented in section V of this preamble is severable” EPA, final rule preamble, section II.A, 91 FR 7686. The preamble adds that the grounds "provide independent grounds for rescinding the 2009 Endangerment Finding" and are "independent conclusions that stand on their own." Section V.A sets out the reading of section 202(a)(1), V.B the major questions doctrine and V.C futility.
7. **How often EPA says out of scope.** “Therefore, comments related to climate science are out of scope of this rulemaking.” EPA, Response to Comments, section 3.1, one of the 42 occurrences. Count of the phrases "out of scope", "outside the scope" and variants in the full text of the Response to Comments, spread across 28 numbered sections. The final rule preamble uses them 14 times.
8. **Mass comment campaigns.** “The mass comment campaigns are listed in the table below, organized by the sponsoring organization (if known), along with the number of signatures.” EPA, Response to Comments, Appendix A. ComtIQ parsed every row of the Appendix A table. 169 rows, 534,160 signatures in total.
9. **Campaigns against rescission.** “I strongly oppose the EPA's proposed repeal of the Endangerment Finding.” Model letter of the largest campaign, 48,118 signatures. ComtIQ read the model letter or petition text of each of the 169 campaigns. 158 oppose the rescission.
10. **Campaigns for rescission.** “I strongly support the EPA's proposal to reconsider and repeal the 2009 Endangerment Finding and GHG vehicle standards.” Model letter of the largest supporting campaign, 2,976 signatures. 7 campaigns support the rescission: 2689, 2653, 2671, 2706, 2656, 2657 and 2658. EPA lists all 7 with sponsor unknown.
11. **Campaigns with no named sponsor.** “EPA-HQ-OAR-2025-0194-2680 Mass Comment Campaign sponsoring organization unknown 8/22/25 48,118” EPA, Response to Comments, Appendix A, largest row. 112 of the 169 rows read "sponsoring organization unknown". Together they hold 275,609 signatures, 51.6% of all campaign signatures.
12. **Who supports repeal among individuals.** “Diesel mandates such as DEF and other vehicle regulations have led to nothing more than an increase in prices for the consumer.” Typed comment from an individual in the sample, name and ID withheld. 19 of the 21 supporting comments in the sample object to diesel exhaust fluid, particulate filters, exhaust gas recirculation or regeneration cycles. A 20th objects to vehicle emissions equipment in general. 95% interval for 19 of 21, 71% to 97%.
13. **Diesel equipment comments.** “1,533 of 13,590 typed comments mention diesel, DEF, DPF, EGR, regeneration, tuning or engine brands such as Duramax and Cummins.” Computed by ComtIQ from the posted record. Most were received in August 2025, with the largest days on August 14 (297), August 8 (215) and August 13 (174).
14. **EPA's own count.** “About 572,000 written comments were submitted to the public docket for this proposal. The vast majority of these, about 534,000 comments, were submitted in the form of 169 mass comment campaigns.” EPA, Response to Comments, introduction.

15. **The posted record.** “30,929 posted records. 13,590 carry typed comment text; 17,339 are placeholders that point to an attachment.” Rulemaking Observatory collection of every posted record through the Regulations.gov API, snapshot of July 2026, records posted through May 28, 2026..
16. **Placeholder records.** “17,339 of 30,929 posted records (56.1%) hold only a pointer such as "See attached file(s)".” Rulemaking Observatory collection of every posted record through the Regulations.gov API, snapshot of July 2026, records posted through May 28, 2026..
17. **Two different campaign counts.** “There were 170 mass comment campaigns submitted prior to the close of the comment period by various organizations.” EPA, Response to Comments, Appendix A. The introduction says 169 campaigns and the table that follows lists 169 rows.
18. **Green America listed twice.** “EPA-HQ-OAR-2025-0194-0782 … 9/18/25 9465 Green America EPA-HQ-OAR-2025-0194-1438 … 9/22/25 9465 Green America” EPA, Response to Comments, Appendix A. Both letters state they are submitted on behalf of 9,465 individuals. The table counts both rows.
19. **American Geophysical Union listed twice.** “EPA-HQ-OAR-2025-0194-1442 … 9/22/25 919 American Geophysical Union (AGU) EPA-HQ-OAR-2025-0194-1504 … 9/22/25 919 American Geophysical Union (AGU)” EPA, Response to Comments, Appendix A. Two rows, same sponsor, same date and same count.
20. **Comments received.** “571,676 comments received.” Federal Register comment counter for the proposed rule, collected by the Rulemaking Observatory. EPA rounds the same figure to "about 572,000" in the Response to Comments.
21. **Wait between receipt and posting.** “Median 64 days between the receive date and the posted date, 90th percentile 97 days, maximum 280 days.” Rulemaking Observatory collection of every posted record through the Regulations.gov API, snapshot of July 2026, records posted through May 28, 2026.. At the close of comments on September 22, 2025, 29,903 records, 97% of what would be posted, had been received but not yet posted.
22. **The public hearing.** “During the four-day public hearing (August 19-22, 2025), more than 600 individuals testified over more than 30 hours.” EPA, Response to Comments, introduction.
23. **Late comments.** “The EPA has not considered or responded separately to comments received after the comment period closed at midnight on September 22, 2025. These include nearly 250 comments from individuals, organizations, companies, or governmental entities and several mass mailers.” EPA, Response to Comments, introduction.
24. **Late mass mailers.** “Seventeen mass mailers representing about 6,500 signatures were submitted after the close of the comment period are not included in these totals.” EPA, Response to Comments, introduction, footnote 1.
25. **Submissions declared inside records.** “128 posted records declare 482,049 submissions inside them. The five largest declare between 29,666 and 48,118 each.” Rulemaking Observatory collection of every posted record through the Regulations.gov API, snapshot of July 2026, records posted through May 28, 2026..
26. **Attachments read.** “1,065 attachment files from 734 comments converted to text, scanned letters through optical character recognition. 26 files held no readable text; 16 files over 100 MB were not opened.” ComtIQ processing of files from the public file server.

27. **Records from organizations and officials.** “1,496 posted records: advocacy groups 485, industry and trade 400, academics and scientists 212, local governments 129, state attorneys general 128, other state agencies 100, tribes 26, members of Congress 16.” Rulemaking Observatory collection of every posted record through the Regulations.gov API, snapshot of July 2026, records posted through May 28, 2026.. Types come from the organization and name fields of each record. Positions of these records are confirmed only for the letters in the table.
28. **Position of individual commenters.** “Random sample of 120 typed comments read by an analyst: 89 oppose the rescission, 21 support it, 10 take no clear position.” ComtIQ analyst review, random seed 7. At n = 120 the 95% margin is about 8 points. One analyst coded the sample. Names and comment IDs of individuals are not reported.
29. **Term search across all typed comments.** “Of 13,590 typed comments, 7,379 use science or climate terms (54.3%), 6,232 use health terms (45.9%), 3,860 use cost terms (28.4%), 1,533 use diesel equipment terms (11.3%) and 1,439 use legal terms (10.6%).” Computed by ComtIQ from the posted record. Term lists. Science: science, climate change, global warming, IPCC, peer review, warming. Health: health, asthma, lung, breath. Legal: 202(a), Clean Air Act, statute, Congress, Massachusetts v., major questions, Loper. The term search counts words and the sample coding counts arguments, so the shares differ by a few points.
30. **Campaigns on the last day.** “Campaign rows dated 9/22/25 in Appendix A add up to 194,436 signatures.” EPA, Response to Comments, Appendix A.
31. **An unfilled template.** “Dear EPA Administrators, Write your message here using the talking points above.” Campaign of 25 signatures, Appendix A row 2721.
32. **The futility estimate.** “Eliminating all U.S. new and existing light-, medium- and heavy-duty vehicle and engine greenhouse gas emissions would change global mean surface temperature by about 0.013°C by 2050 and 0.037°C by 2100.” EPA, final rule preamble, sections II.A and V.C (summary). EPA describes these impacts as de minimis and states that it assumes, for purposes of the action, the validity and the uncertainties of the relevant models. It also says the action does not turn on scientific findings about the extent of climate change.
33. **Stay denied.** “The D.C. Circuit denied the youth petitioners' request to halt the repeal while their challenge proceeds.” Law360, October 5, 2026 (summary). Docket history: Clearinghouse and Sabin Center case pages for No. 26-1037.

ABOUT THIS REPORT

Who made it, and how to correct it

Authors. Vanessa Panitz and John Panitz, ComtIQ. The collection runs on the Rulemaking Observatory.

Funding and independence. No client, funder or party to the rulemaking or the litigation paid for or reviewed this report before release. ComtIQ takes no position on the rescission. We report what each side argued and how EPA answered.

Corrections. If a number or quote is wrong, tell us through comtiq.com. We fix errors in a new version and list each change in the version history.

Version history. 1.0, October 21, 2026, first release. 1.1, October 22, 2026, after internal review. Added the preamble summary in section VI.A, analyst-coded theme shares with intervals, the count ladder, answer labels with written criteria, organizational records by type, the legal standard and named court decisions, data files and this section. Rewrote the power plant recommendation so it holds after the November 2 deadline. 1.2, October 23, 2026, after external review. Described the three severable grounds of the final rule in place of a single legal ground, separated what the record shows from the legal question of adequacy, explained where the science record meets the futility ground, added strategic implications, sampling and coding rules with a codebook, a representativeness note and the source of the probability scale. 1.3, October 25, 2026, added a confidence rating and what would change each view to the scenarios, and a forecast log for calibration.

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