U.S. Environmental Protection Agency
Docket EPA-HQ-OAR-2025-0194

Public Hearing on Proposed Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards, 90 Fed. Reg. 36,288 (Aug. 1, 2025)

August 19, 2025

Testimony of Dana Nessel
Attorney General of the State of Michigan

Written Testimony of
Michigan Attorney General Dana Nessel
on EPA's *Proposed Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards*

Hello. I am Dana Nessel, Attorney General for the State of Michigan. I am here to strenuously oppose the U.S. Environmental Protection Agency's unlawful and ill-conceived proposal to rescind its 2009 greenhouse gas endangerment finding.

In 2009, the EPA determined that greenhouse gas pollutants present a very clear and immediate danger to our environment, to our economy, and to the world. This finding was supported by years of due diligence to evaluate the scientific consensus. Now, with this proposed rulemaking, the federal government proposes to ignore its own scientific determinations and abdicate its legal duty to take action. This should not be finalized.

No state is entirely safe from the threats posed by climate change and the pollutants that are causing it. Michigan, despite being geographically distant from rising sea levels and forest fires, is acutely feeling the growing and accelerating perils of a warming world.

Like so many other states, we in Michigan are experiencing hotter and more rapidly changing temperatures, increasingly frequent and intense storms, flooding, droughts, and more.[1] All of these impacts, taken together, put the physical safety and economic wellbeing of our communities and residents in very real jeopardy.

[1] Michigan Department of Great Lakes, Environment, and Energy, *Michigan Healthy Climate Plan*, pp 8-12 (2022) <https://www.michigan.gov/egle/-/media/Project/Websites/egle/Documents/Offices/OCE/MI-Healthy-Climate-Plan.pdf?rev=d13f4adc2b1d45909bd708cafccbfffa> (accessed August 15, 2025).

Flooded roads from 2024 after Hurricane Beryl in Burton, MI, National Weather Service.[2]

We're famous for our cherries in Michigan, but in 2024 our farmers lost 75% of their harvest by some estimates—a trend that began years ago and is projected to continue as climate change impacts worsen.[3] Climate change-driven temperature increases mean more droughts[4] and more pests that survive the winter[5], both of which make it harder for our farmers to make a living and to produce a crop that has been a historic part of Michigan's and Michiganders' identities.

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[2] July 9-10, 2024, Heavy Rain & Flooding from the Remnants of Hurricane Beryl, National Weather Service, <https://www.weather.gov/dtx/flooding071024> (accessed August 15, 2025).
[3]MLive, *Cherry season such a 'disaster' in Michigan that Whitmer urges federal action* (2024) < https://www.mlive.com/environment/2024/08/cherry-season-such-a-disaster-in-michigan-that-whitmer-urges-federal-action.html> (accessed August 15, 2025).
[4] National Oceanic and Atmospheric Administration, National Centers for Environmental Information, State Climate Summaries 2022: Michigan <https://statesummaries.ncics.org/chapter/mi/> (accessed August 15, 2025).
[5] Skendžić S, Zovko M, Živković IP, Lešić V, Lemić D, *The Impact of Climate Change on Agricultural Insect Pests*, Insects(May 12, 2021) < https://pmc.ncbi.nlm.nih.gov/articles/PMC8150874/> (accessed August 15, 2025).

Loss of Cherry Crop, Michigan Healthy Climate Plan, Michigan Department of Great Lakes, and Energy, p 11 (2022).

Rising winter temperatures also mean our seasonal businesses that rely on predictable snow and ice formation are struggling to survive.[6] This has devastating implications for individuals' livelihoods and the greater Michigan economy, where winter recreation brings in more than $3 billion a year.[7]

Beyond the Michigan economy, climate change poses a serious and immediate risk to our residents' health. Canadian wildfires—which are exacerbated by climate change—have caused *more than 20 days of air quality advisories this summer*;[8]

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[6] House, *Climate change is erasing Michigan winters, taking our heritage with them*, Bridge Michigan (February 26, 2024) <https://www.bridgemi.com/michigan-environment-watch/climate-change-erasing-michigan-winters-taking-our-heritage-them> (accessed August 15, 2025); Ross, *Should a lack of snow become its own economic disaster?*, Planet Detroit (December 20, 2024) <https://planetdetroit.org/2024/12/ski-hill-drought-relief/> (accessed August 15, 2025).
[7] Great Lakes Business Network, *The Costs of Climate Change for Michigan: Great Lakes State at Risk*, p 3 <https://glbusinessnetwork.com/wp-content/uploads/2020/11/GLBN-Costs-of-Climate-Change-for-Michigan-Fact-Sheet-5-002.pdf> (accessed August 15, 2025).
[8]Neuman, *Wildfires in Canada are becoming the norm, thanks to climate change*, NPR (June 5, 2025) <https://www.npr.org/2025/06/06/nx-s1-5424434/wildfires-canada-u-s-climate-change> (accessed August 15, 2025); Lincolnhol, *We Checked: It's been a hazy summer in Michigan— here's how often*,

these "bad air days" are harmful to all Michiganders, and children, pregnant women, and people with pre-existing heart and lung conditions are especially vulnerable.[9] This is happening—not five, ten, or twenty years from now—but right now.

The justification for EPA's decision to abandon its responsibilities to protect all of us from the dangers posed by greenhouse gases is legally incorrect, scientifically unsound, and lacking in common sense. In *Massachusetts v. EPA*, the United States Supreme Court clearly held that EPA has significant authority to regulate greenhouse gas emissions that endanger public health and welfare.

EPA now claims that the science has grown uncertain. But every year the scientific evidence only gets more conclusive that human activities—including the release of the greenhouse gases listed in the 2009 endangerment finding—are affecting the climate.[10]

Constant regulatory chaos and uncertainty isn't just bad for the environment, it is bad for businesses and ordinary Michiganders who rely on the EPA to do its job: implementing and enforcing the Clean Air Act. With this proposed recission, the EPA shows it has strayed from its mandate to protect the health and welfare of the American People in order to uplift an aging and out of touch fossil fuel industry.

WKAR Public Media (August 5, 2025) <https://www.wkar.org/wkar-news/2025-08-05/we-checked-its-been-a-hazy-summer-in-michigan-heres-how-often> (accessed August 15, 2025).

[9] Buren and Nyong, *Stateside Podcast: Bad air day*, Michigan Public Radio (June 7, 2023) <https://www.michiganpublic.org/podcast/stateside/2023-06-07/stateside-podcast-bad-air-day> (accessed August 15, 2025).

[10] Intergovernmental Panel on Climate Change, *Climate Change 2023 Synthesis Report: Summary for Policymakers* (2023) <https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf> (accessed August 15, 2025).