Before the

ENVIRONMENTAL PROTECTION AGENCY

Washington D.C. 20460

In the Matter of	)	
Reconsideration of 2009 Endangerment	)	EPA-HQ-OAR-2025-0194
Finding and Greenhouse Gas	)	
Vehicle Standards	)	

COMMENTS OF THE TOWN OF WASHINGTON GROVE, MARYLAND

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SUMMARY

The Agency proposes to rescind its 2009 Endangerment Finding and the vehicle emissions rules based upon it.[1] Because the result will be acceleration of adverse climate change, the Town of Washington Grove, Maryland objects to the Endangerment Finding rescission, and the consequent elimination of rules intended to control adverse climate change. This comment first describes the unique nature of the Town and explains how the Town and its residents will be harmed by adverse climate change. Next, we point out that the evidence of endangerment is greater now than when the finding was made in 2009, and that the Agency's and Department of Energy's analyses of the causes and risks of climate change are deeply flawed.

I INTRODUCTION

A. The Town of Washington Grove, Maryland[2]

Washington Grove began after the Civil War in 1873 as a Methodist Camp and was incorporated in 1937. Today it is one of the smallest municipalities (500+ residents) in Maryland. The first Mayor, Roy McCathran, referred to the Grove as a "Town Within a Forest" because of its 89 acres of preserved forest and 129 acres of resident land covered with thousands of trees and shrubs. We also have a 12-acre green space that is one of the only preserved meadows in Montgomery County designated as a park by the Parks Department.

The Town has only two paid employees; a full-time clerk and a part-time treasurer. General town maintenance is done by landscape companies and other contractors. Most of the other town business is handled entirely by volunteers, which includes the Mayor and Town Council, Commissions, Committees and ad hoc groups. At any one moment, there may be ~100 resident volunteers involved in preserving the unique environment of Washington Grove. Preservation of the Grove's unique character is extremely important, and a group of volunteers succeeded in having the National Park Service include the Town in the National Register of Historic Places as a Historic District in 1980. Our Historic Preservation Commission updated its filing in 2020, and the nomination was

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1 90 Fed. Reg. 36288, Aug.1, 2025

2 https://washingtongrovemd.gov

enthusiastically approved by the Maryland Historical Trust and by the National Park Service.[3]

B. Dedication of the Town to sustainability during climate change

1. Appointment and purpose of the Sustainability Committee

With the publication of the Paris Climate Accords in 2015-2016, of which the United States was one of the original signers, Washington Grove responded by forming a Sustainability Committee whose major goal was to implement plans to lower the greenhouse gas emissions (GHG) of the town to near zero levels. [4] We are providing incentives to purchase electric vehicles and heat pumps and urging residents to sign up for renewable energy sources. We are keenly aware of air pollution as we are surrounded by some of the heaviest traffic in Maryland: Shady Grove Road, MD 355 Road, I 270, and I 370. We are also next door to a major bus depot, a salt barn using many diesel trucks, and a busy CSX diesel train track.

2. Participation in Sustainable Maryland

a. Recognition of Green Team

While developing plans for lowering the Town's carbon footprint, it became apparent that it would be helpful to join other groups working towards the same goals. We chose to join *Sustainable Maryland,* which is also associated with organizations in 17 states working along similar lines.[5] The Green Team of the Sustainability Committee was then officially recognized by a Town Council resolution which was submitted to Sustainable Maryland. Our application was accepted, and we began working towards certification of Washington Grove as a municipality identified as one advancing towards carbon neutrality.

b. Certification requirements & accomplishments

Obtaining certification was an important step as it committed the Town to long term lowering of GHGs. Certification required the group to initiate and make progress on a number of goals within these areas: Community Action, Community-Based Food System, Energy, Greenhouse Gas, Health and Wellness, Historic Preservation, Local Economies, Natural Resources, Planning and Land Use,

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3 https://washingtongrovemd.gov/about-wg/our-history/wg-desi

4 https://washingtongrovemd.gov/community/committees/sustainability

5 https://sustainablemaryland.com; https://www.sustainablestates.net

Transportation.[6] Good progress was made in less than two years, and we were officially accepted as a Certified Sustainable Maryland municipality.[7] *Progress in all the above areas will be directly and indirectly negatively impacted by removing restrictions on GHG emissions.* Thus, we strenuously object to this step backwards in the national and international efforts to improve the health and welfare of the human race.

II RESIDENTS OF WASHINGTON GROVE WILL EXPERIENCE SUBSTANTIAL HEALTH AND ECONOMIC HARMS AND DAMAGE TO THEIR RELIANCE INTERESTS IF THE ENDANGERMENT FINDING IS RESCINDED

A. Health and economic harms

The Fifth National Climate Assessment (NCA5) report individually assessed the impacts of the changing climate on the 10 major regions of the country.[8] It found that the Northeast region is heating faster than the rest of the country, resulting in more extreme heat deaths than any other extreme weather events.[9] NCA5 drilled down to the county level for the impacts of 3 predicted scenarios on

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[6] https://sustainablemaryland.com/certification/certification-overview

[7] https://sustainablemaryland.com/certification/participating-communities/certification-report?tx_sjcert_certification%5Baction%5D=show&tx_sjcert_certification%5Bcertification%5D%5B__identity%5D=144&tx_sjcert_certification%5Bcontroller%5D=Certification&cHash=d500f1879a2ab3b255369f288a95c6f6

[8] https://nca2023.globalchange.gov Apparently concerned that the National Climate Assessment contradicts the information in its proposal, EPA has removed its website and dismissed the authors of the next NCA. Rebecca Hersner, The White House Took Down the Nation's Top Climate Report., https://www.npr.org/2025/07/01/nx-s1-5453501/national-climate-assessment-nca5-archive-reporthttps://perma.cc/6386-CUGF., https://www.npr.org/2025/04/29/nx-s1-5380816/climate-assessment-authors-released. NCA5 Atlas now found at storymaps.arcgis.com. An EPA power point remains on the website: https://www.epa.gov/syst,em/files/documents/2023-12/fifth-national

[9] https://www.usgs.gov/news/northeast-warming-faster-rest-us#:~:text=By%20Climate%20Adaptation%20Science%20Centers,Rhode%20Island%20and%20the%20Northeast.

heat, precipitation, sea level rise and flooding The chief immediate risks for our town include excessive heat (11 more days > 95º, 20 fewer nights < 70º), 31% greater likelihood of days with extreme rain, 21% increase in volume in extreme events, and greater overall precipitation (5-12%).[10]

The impacts to our town of the extreme heat will be reflected in severe health impacts, including greater risk of heat related deaths, loss of productivity, and increased AC usage. The impacts to our town of the excessive storms will be reflected in severe erosion of our watersheds, immediate tree canopy loss and damage, and increased insurance costs for damage to our houses and public buildings. The impacts may include increase wildfire risks to our two forest preserves and our historic wooden "Town within a Forest."

The impacts of this altered climate will also radically disrupt the ecosystem we depend on, with collapse of the existing natural systems and eventual intrusion of invasive insect species and tropical diseases. It is still to be determined with certainty what the actual process of collapse and adaptation the ecosystem will be and what these changes will hold for the inhabitants of Washington Grove. More broadly, the altered climate will impact our food supply and job opportunities as we cede clean and renewable energy leadership to foreign countries.

The town's tree canopy, both in the residential area and in nearly 100 acres of woods, is a treasured and valuable resource. Mature oaks, hickories, and other native canopy trees, plus understory trees that are likewise appropriate to our current climate, provide shade and comfort, making it possible to spend more time outdoors and reducing summer cooling costs. The trees also purify the air, help prevent damage from high stormwater events, and create habitat for other species native to this region. However, failure to address the ongoing rise in CO_2 and other greenhouse gases will result in the not distant future in the loss of our local ecosystem.

[10] https://nca-atlas-nationalclimate.hub.arcgis.com/pages/bad7d7c366c94b15ada248035b30b148

Based on a recent study's projections for the adjacent city of Gaithersburg, MD,[11] we are currently on course in about 55 years for summers in Washington Grove to be 10.9° F (6.1° C) warmer and 5.9% wetter. Winters would be 10° F (5.6° C) warmer and 21.9% wetter than today. Our vegetation would shift from broadleaf and mixed forests to conifer forests. The best climate analog location for Gaithersburg's climate in 2080 is today's climate in the northwest corner of Louisiana.

The study also modeled the impact of an achievable mitigation strategy that included steps to reduce the rise in atmospheric CO_2[12]. Under this scenario, in about 55 years summers in Washington Grove are expected to be 3.7° F (2.1° C) warmer and 9% wetter. Winters would be 4.4° F (2.4° C) warmer and 6% wetter than today. Under this mitigated scenario, our vegetation would remain as it is, broadleaf and mixed forests.

Even if one ignores such threats posed by factors such as more extreme weather events and the northern migration of more tropical diseases brought about by a failure to mitigate the rise of atmospheric CO2, the loss alone of our broadleaf and mixed forests would have severe consequences for our town. Dead and dying trees pose risks from falling on structures and transmission lines, while also raising the risk of wildfires and flooding. The cost of clearing over a hundred acres of dead trees would be difficult for a town of about 200 households to absorb financially, even if a sudden calamitous event were avoided.

B. The Town has a reliance interest in the endangerment finding and the rules that flow from it to mitigate and restrain the adverse effects of anthropogenic climate change.

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[11] Fitzpatrick, M.C., Dunn, R.R. Contemporary climatic analogs for 540 North American urban areas in the late 21st century. *Nat Commun* 10, 614 (2019). https://doi.org/10.1038/s41467-019-08540-3.

[12] Thomson, A.M., Calvin, K.V., Smith, S.J. *et al.* RCP4.5: a pathway for stabilization of radiative forcing by 2100. *Climatic Change* 10, 977 (2011). https://doi.org/10.1007/s10584-011-0151-4

The Town has made long- and short-term commitments (*see,* Sec. I, above) to the sustainability of its unique forested environment in reliance on the soundness of the 2009 Endangerment Finding, the regulations adopted that depend on it, and the acceptance of its scientific validity by countries around the world. Undoubtedly many thousands of other entities have comparable or greater reliance interest.

III BECAUSE THE ENDANGERMENT FINDING'S VALIDITY IS EVEN STRONGER THAN WHEN ADOPTED, THE CLEAN AIR ACT CONTINUES TO AUTHORIZE EPA TO SET GREENHOUSE GAS EMISSSION STANDARDS

A. The EPA properly implemented the Clean Air Act following the Supreme Court's conclusion that carbon dioxide is a greenhouse gas.

For several years following passage of the Clean Act, the Agency's position was that it had no authority to regulate carbon dioxide because it was not a "pollutant." This position was challenged by several states, eventually leading to a Supreme Court decision which clarified that greenhouse gases are an air pollutant subject to regulation under the Clean Air Act, noting:

> A well-documented rise in global temperatures has coincided with a significant increase in the concentration of carbon dioxide in the atmosphere. Respected scientists believe the two trends are related. For when carbon dioxide is released into the atmosphere, it acts like the ceiling of a greenhouse, trapping solar energy and retarding the escape of reflected heat. It is therefore a species — the most important species — of a "greenhouse gas."[13]

From that finding the Court held:

> …under the clear terms of the Clean Air Act, EPA can avoid taking further action only if it determines that greenhouse gases do not contribute to climate change or if it provides some reasonable explanation as to why it cannot or will not exercise its discretion to determine whether they do."[14]

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[13] *Massachusetts v. EPA*, 549 US 497, 505; 127 S. Ct. 1438, 1444 (2007) ("*Mass.*")

[14] Id. 127 S.Ct. at 1462

EPA has offered no reasoned explanation for its refusal to decide whether greenhouse gases cause or contribute to climate change. Its action was therefore "arbitrary, capricious, . . . or otherwise not in accordance with law." 42 U. S. C. § 7607(d)(9)(A). [15]

B. The 2009 Endangerment Finding and rules adopted in reliance on it were extensively reviewed and found well supported and valid.

Following the Court's decision, the Agency then proceeded to adopt the Endangerment Finding it now seeks to rescind, finding that greenhouse gas emissions from motor vehicles may reasonably be anticipated to endanger public health and welfare by contributing to climate change.[16] Subsequently it set emission standards for cars and light trucks, known as the "Tailpipe Rule."[17] After the Agency denied multiple Petitions for Reconsideration, several parties filed Petitions for Review. The U.S. Court of Appeals for the District of Columbia Circuit consolidated appeals of the Endangerment Finding, the Tailpipe Rule, the Timing Rule, and the Tailoring Rule and upheld the Agency as to the first two and dismissed the latter two for lack of standing.[18]

C. Enhanced justification is required because the proposal rests on factual findings that contradict the Agency's prior findings.

The EPA acknowledges the proposal to rescind the Endangerment Finding is a complete reversal of its prior conclusion and rests upon factual findings inconsistent with those made in 2009.[19] The justifications given for the policy change and the reversal of the prior factual findings are inadequate under the Administrative Procedure Act as explained by the Supreme Court and the District of Columbia Circuit.

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15 Id., 127 S.Ct. at 1463

16 74 Fed. Reg. 66,496 (Dec. 15, 2009)

17 75 Fed. Reg. 25,324 (May 7, 2010)

18 *Coalition for Responsible Regulation v. EPA*, 684 F. 3d 102 (D.C. Cir. 2012), cert. denied in relevant part sub nom. Chamber of Commerce v. EPA, 571 U.S. 951 (2013). *See also, Concerned Household Electricity Consumers Council v. EPA,* D.C. Cir. No. 22-1139 (Judgment, May 25, 2023), cert. denied 144 S. Ct. 497 (2023).

19 90 Fed. Reg. 36288, 36291, 36296, Aug. 1, 2025.

In *FCC v. Fox Television Stations, Inc.,* the Supreme Court stated that when an agency adopts a new policy it

> need not always provide a more detailed justification than what would suffice for a new policy created on a blank slate. Sometimes it must — when, for example, its new policy rests upon factual findings that contradict those which underlay its prior policy; or when its prior policy has engendered serious reliance interests that must be taken into account.[20] 556 US 502, 516; 129 S. Ct. 1800, 1811 (2009)

Subsequently, in a case involving the EPA, the D.C. Circuit explained

> if a "new policy rests upon factual findings that contradict those which underlay [an agency's] prior policy," the agency "must" provide "a more detailed justification" for its action. *Id.* The same is true if the agency's "prior policy has engendered serious reliance interests that must be taken into account." *Id.* In such cases, in order to offer "a satisfactory explanation" for its action, "including a rational connection between the facts found and the choice made," *State Farm,* 463 U.S. at 43, 103 S.Ct. 2856 (internal quotation marks omitted), the agency must give "a reasoned explanation ... for disregarding facts and circumstances that underlay or were engendered by the prior policy," *Fox,* 556 U.S. at 516, 129 S.Ct. 1800.[21]

As explained below the Agency's justification, including the DoE paper, for rescission of the Endangerment Finding does not meet the APA requirements for original rulemaking, much less a rescission that rest on findings that contradict both its original findings and subsequent science.

D. Subsequent research and analysis has strengthened the justification for the finding of endangerment.

1. Fifth National Climate Assessment (2023)

The 5th National Climate Assessment (NCA5) conducted by NOAA provides substantial support for the conclusions in the 2009 Endangerment Finding.[22] The NCA5 found that emissions have been reduced from 2007 levels

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20 556 US 502, 516; 129 S. Ct. 1800, 1811 (2009)

21 *Mingo Logan Coal Co. v. EPA*, 829 F. 3d 710 (DC Cir. 2016)

22 These assessments are required no less than 4 years apart, and are internationally recognized as the best source for national climate change

while both GDP and population rose. At the same time the frequency and severity of natural disaster losses have increased 5-fold, averaging $1B every 3 weeks. The US is warming 50% faster than the global average and the impacts are felt by ever increasing numbers of people. On the bright side, it found that there is broad public support and trust of the findings and many states, counties, and municipalities have stepped up to meet the challenge, investing millions of dollars in efforts to mitigate the emissions and adapt infrastructure to the reality seen in the science. It found the private sector has responded as well, creating projects and jobs, realizing that the price to address the issue now pales in comparison to the price to address it in the future.

These assessments have been used for over 20 years by local, state and federal policy makers in crafting legislation, and by business leaders in making decisions about their investments. The Act required the assessment to address a broad range of impacts including environmental, agricultural, energy, land use, water, transportation, economic and health, and to project these impacts out 20 and 100 years. The assessment took a broad based, comprehensive approach that avoids general, prescriptive solutions or advocates a particular viewpoint. It also included, as required, both confidence metrics and likelihood assessments, and addressed the uncertainties of each finding.

The National Academies of Science, Engineering and Medicine review of the draft 5th Assessment described the report as "the largest scale of collaboration to date…with input from hundreds of experts from all levels of government, academia, non-governmental organizations, the private sector, and the public." This independent NAS review itself consisted of a broad group of experts experienced in assessments to high institutional standards, including its own peer review process. It found that "The draft NCA5 report has done a masterful job

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information. 15 U.S.C. 2921 The 5th National Climate Assessment was published in 2023 after several years of intensive work by over 500 authors and 250 technical contributors from every state and territory as well as coordination with 15 federal agencies. It went through an extensive review process to make sure that it was in compliance with the Global Change Act of 1990, accurately reflected the scientific consensus in its findings, and was consistent with the previous 4 assessments.

pulling together diverse information on the complex topic of global change together, …it is comprehensive, thorough, and well documented." [23]

2. A large number of other studies show the facts justifying the Endangerment Finding are more compelling than in 2009

Most research since the 2009 Endangerment Finding further supports the decision. In a far-reaching review in the journal Science, the authors found:

> For each of the areas addressed in the EF, the amount, diversity, and sophistication of the evidence has increased markedly, clearly strengthening the case for endangerment…. New evidence about the extent, severity, and interconnectedness of impacts detected to date and projected for the future reinforces the case that climate change endangers the health and welfare of current and future generations. For the sectors analyzed in the 2009 EF, new evidence expands the range of case studies, deepens the understanding of mechanisms, and analyzes the contribution of climate change to particular types of extreme events. In many cases, new evidence points to the risk of impacts that are more severe or widespread than those anticipated in 2009. Further, several categories of climate change impacts, including effects on ocean acidification, violence, national security, and economic well-being, are now supported by such broad evidence that they warrant inclusion in the framing of endangerment.[24]

International research has almost unanimously supported the fact that GHG concentrations endanger people throughout the world. Foremost are the findings of the United Nations' Intergovernmental Panel on Climate Change (IPCC) Working Group III published in support of the Sixth Assessment Report in 2022:

> Reducing GHG emissions across the full energy sector requires major transitions, including a substantial reduction in overall fossil fuel use, the deployment of low-emission energy sources, switching to alternative energy

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[23] National Academies of Sciences, Engineering, and Medicine. 2023. Review of the Draft Fifth National Climate Assessment. Washington, DC: The National Academies Press. https://doi.org/10.17226/26757.

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[24] https://www.science.org/doi/10.1126/science.aat5982

> carriers, and energy efficiency and conservation. The continued installation of unabated fossil fuel infrastructure will 'lock-in' GHG emissions. [25]

The International Court of Justice issued an advisory opinion, *Obligations of States in Respect of Climate Change, July 23, 2025,* that there was demonstrable evidence of endangerment and that countries and businesses have a legal responsibility to address the impacts of elevated GHG emissions. It agreed with the IPCC that:

> …approximately 3.3 to 3.6 billion people are highly vulnerable to climate change. It has concluded with high to very high confidence that, in all regions, increases in extreme heat events have resulted in human mortality and morbidity, and that there is an increased incidence of climate-related diseases. Moreover, increasing weather and climate extreme events have exposed millions of people to acute food insecurity and reduced water security. Individuals' livelihoods have been affected through the destruction of homes and infrastructure, and the loss of property, income and human health.[26]

And:

> …with "very high confidence" that risks and projected adverse impacts and related loss and damage from climate change will escalate with every increment of global warming.[27]

The scope of the endangerment is such that "By the end of the century, billions of people will routinely endure heat and humidity extremes beyond the limits of

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[25] M. Pathak, et al., Technical Summary. In: *Climate Change 2022: Mitigation of Climate Change. Contribution of Working Group III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* [Malley, (eds.)]. Cambridge University Press, Cambridge, UK and New York, NY, USA. doi: 10.1017/9781009157926.002.)
https://www.ipcc.ch/report/ar6/wg3/chapter/technical-summary/

[26] International Court of Justice, Obligations of States in Respect of Climate Change, July 23, 2025, p. 36

[27] Id. at p. 37

human survival, even if we limit warming to 2 degrees C."[28] Perhaps out of concern that the continued collection of data could further undermine its erroneous views on climate change, the Agency is now reported to eliminate collection of emissions data.[29]

As explained in detail in Section IV, below, the recent hastily drawn and abbreviated DOE report has no comparable findings based on broadly recognized scientific expertise, no carefully researched impacts, no regionally derived data, nor any tools or resources made available to address the most critical issue of our times. It cannot be considered an authoritative refutation of the findings of the NCA5.

IV THE AGENCY'S JUSTIFICATION AND THE DEPARTMENT OF ENERGY STUDY ARE SCIENTIFICALLY AND LOGICALLY FLAWED, PROVIDING NO SUPPORT TO THE PROPOSED RESCISSION

A. The EPA proposal

The EPA proposal to eliminate the tail-pipe GHG emissions regulations from all cars and trucks requires the abrupt abandonment of years of systematic research. Using "procedural discretion" it also reverts to the rejected finding that endangerment only applies to direct, local impacts, ignoring the clear evidence of endangerment demonstrated by the increasingly extreme weather events taking increasingly higher tolls on ever more parts of the country. This is obvious to most of the public who continue to favor actions to combat climate change, counter to the intent of the proposal.

The proposal contends Congress did not intend that emissions-related climate change impacts be regulated under the Clean Air Act. This flies in the face of numerous actions by Congress directly indicating their interpretation of the Act to include these indirect impacts. The political slant of Congress may change over the years, but the actual history of Congressional actions based on the best reading of endangerment remains as evidence of their intent.

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[28] E. Cutts, Earth's Turbulent Eons of Climate Change, Science News, August 2025. 32, 39

[29] EPA To Stop Collecting Emissions Data From Polluters, New York Times, Sep. 12, 2025

This new rationale tries to minimize the impact of *current* tail-pipe GHG emissions on global totals, preferring to ignore the county's significant historical totals and point to larger "foreign sources". At the same time, it claims the regulations to date have had no significant impacts on GHG totals and that even reducing emissions to zero would not have a "scientifically measurable" impact. This statement conflicts with the extensive modeling projecting otherwise, as detailed in the NCA5.

It also claims the current standards somehow harm public health and welfare by having some limited and narrow economic impacts. It is well documented that the regulations bring over $1 trillion in broad benefits including fuel savings, health improvements and economic investments. It also claims that no "requisite technology exists that can address climate change without risking greater harms to public health and welfare", citing economic rather than health impacts. The truth is the transition to cleaner technologies is well underway as evidenced by the auto industry already broadly retooling to meet the challenge, and solar and wind energy now being the cheapest way to generate electricity.[30] Our town is well along in the transition because we find that mitigation of GHG emissions will result in health and welfare benefits *as well as* economic benefits. For example:

- WG residents who have signed up for community solar — about a quarter of the town as of Sept. 1, 2025 — are realizing significant savings on their electric bills compared with those who still rely on the PJM grid powered by more expensive and dirtier forms of energy.

- WG residents with rooftop solar similarly will experience significant energy savings over the lifetimes of those systems.

- As battery costs continue to fall, the upfront costs of plug-in vehicles are reaching parity with internal combustion vehicles, while the operating costs are already lower. Home battery storage costs are also falling, which offers

[30] Despite the well-established economic and air pollution benefits of solar and wind, the current Administration is actively attempting to reduce their implementation and encourage the recovery and use of fossil fuels. https://www.pbs.org/newshour/show/economic-fallout-mounts-as-trump-halts-near-finished-wind-power-project, Reuters.com/sustainability/boards-policy-regulation/timeline-trumps-moves-dismantle-us-wind-solar-energy-industries-2025-08-26/

the promise of local resilience should the grid go down. Any policy that discourages manufacturers from continuing to improve and market these technologies will adversely affect the finances and safety of WG residents.

- It is clear globally that the jobs of the future are not in coal and oil or cars powered by gasoline or diesel. Ignoring this global reality would adversely affect the US economy, and therefore the employment opportunities of WG residents.

The proposal contends that "empirical data, peer-reviewed studies, and real-world developments since 2009 have cast significant doubt" on the reliability of the Endangerment Finding. As evidence, it references the recent DOE report put together by a *handful* of contrarian scientists hand-picked to reflect the current EPA desire to reverse the Finding. The drafting of this report was in direct conflict with 1972 Federal Advisory Committee Act requiring transparency and balance of viewpoints in both the committee selection and proceedings, with all the records made public. The abrupt turn of this one report from the clear direction of over 20 years of NOAA findings should not be taken as providing the authority required for rescission.

B. The 2025 DoE study does not provide credible support for rescission.

1. The DoE conclusions are not credible

On August 1, 2025 the Department of Energy published in the Federal Register a review of the effects of greenhouse gases on the environment written by a "climate working group" of non-employees.[31] The report immediately received negative comments from multiple scientists and scientific organizations asserting the review misrepresented their work, cherry picked data, drew erroneous conclusions and left out relevant context.[32]

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[31] Climate Working Group (2025) A Critical Review of Impacts of Greenhouse Gas Emissions on the U.S. Climate. Washington DC: Department of Energy, July 23, 2025. ("DoE Review")

[32] Letter, Andrew Dessler and Robert Kopp to Chris Wright, Secretary, Department of Energy, Aug. 30, 2025., (Dessler letter), "…… scientists say DOE distorts, misrepresents their work." https://drive.google.com/file/d/1PwAR8I9YYmPhbQ6CRekHkroJGMbjbX7l/view

In their letter to Secretary Wright the group of noted climate scientists, summarized their findings:

> "As explained at length in these comments, the CWG report currently fails to adequately represent the scientific understanding of climate change. DOE must subject the CWG report to unbiased, robust, and transparent peer review under the Information Quality Act and other federal requirements. Accordingly, it will require very substantial revision before it can be relied upon by any federal agency or other entity."[33]

On September 2, 2025 Lisa Friedman and Sachi Kitajima Mulkey wrote in the New York Times:

> "Dr. Dessler's 439-page report — nearly three times as long as the Energy Department's — disputes each chapter of the agency's findings. In many cases, the government's version deploys a scientific "kernel of truth," taken out of context, to make its arguments seem credible, he said."
>
> "Their goal was to muddy the waters, to put out a plausible-sounding argument that people can use in the public debate to make it sound like we don't know whether climate change is bad or not," said Andrew Dessler, a professor of atmospheric sciences at Texas A&M University, who led the rebuttal."[34]

The scientists made 48 succinct comments, backed up by years of research that challenged the many inaccurate statements in the DOE report, concluding:

> "Our review reveals that the DOE report's key assertions—including claims of no trends in extreme weather and the supposed broad benefits of carbon dioxide—are either misleading or fundamentally incorrect. The authors reached these flawed conclusions through selective filtering of evidence ('cherry picking'), overemphasis of

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See also, Wired Aug. 4, 2025, Hausfather: DoE mischaracterized his 2019 paper, Wall Street Journal, Aug. 2-3, 2025, A4.

[33] Id.

[34] Lisa Friedman and Sachi Kitajima Mulkey, Scientists Denounce Trump Administration's Climate Report, New York Times, Sep. 2, 2025

> uncertainties, misquoting peer-reviewed research, and a general dismissal of the vast majority of decades of peer-reviewed research.
>
> No one should doubt that human-caused climate change is real, is already producing potentially dangerous impacts, and that humanity is on track for a geologically enormous amount of warming. No one knows what socioeconomic impacts of this warming will be. It should also be clear that the DOE report's approach to undermining scientific evidence mirrors tactics previously employed by the tobacco industry to create artificial doubt.
>
> Though our review doesn't explicitly address the EPA's 2009 Endangerment Finding, the process of compiling our response made one thing clear: in the 16 years since that finding, evidence of human-caused climate change and its threats to public health and welfare has only strengthened.
>
> Instead of relying on this report, the DOE should instead use the thoroughly vetted assessments from the Intergovernmental Panel on Climate Change and National Climate Assessment, which offer more accurate representations of our scientific understanding of climate change.[35]

The legality of the process of preparing and issuing the report was also challenged on the basis that the Department violated the Advisory Committee Act.[36]

2. Contrary to claims in the DoE memorandum, increasing carbon dioxide is not beneficial for plant growth.

The Department of Energy study claims that increasing carbon dioxide has societal benefits from increasing plant growth.[37] This claim ignores the well-

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[35] Dessler letter.

[36] *Environmental Defense Fund v Wright*, Case 1:25-cv-1229, D DMa, filed Aug 12, 2025. DoE now claims that it has disbanded the Climate Working Group making the legal challenges moot. The plaintiffs disagree. Plaintiffs' reply in support of motion for preliminary injunction and a stay, or, in the alternative, for summary judgment or consolidation under rule 65(a)(2), filed Sep.10, 2025.

[37] DoE Review at 3-6.

established understanding that there is a net benefit reduction from increased concentration not only in the effects on plants eaten by humans and animals, but also in the other deleterious effects of climate change. Increased concentrations of CO2 can result in increased biomass, but nutrient (e.g. nitrogen, iron, zinc, phosphorus) concentrations decline per unit of plant tissue. Thus, each bite contains fewer essential nutrients as if one replaced kale with iceberg lettuce. The result will likely be population declines of herbivores from caterpillars to white tailed deer, and a reduction in biodiversity and food security. Crops seriously affected include cereals such as wheat, rice and barley, legumes and oilseeds, and potatoes.[38]

V CONCLUSION

"Our species has never seen an iceless plant"[39] Human civilization developed largely during a period of stable atmospheric CO2 in concentrations supportive of favorable environmental conditions for habitation, food production, and trade.[40] Major cities have developed primarily in the large temperate zones of global land masses, often along rivers, lakes and coastlines. Climate change threatens to end these stable and favorable conditions, with likely dire effects on critical needs such as food production. We are already experiencing more frequent extreme weather events with ever increasing and often crippling costs.[41] Evidence is mounting that the mortality costs from extreme weather such as hurricanes in the

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[38] *See,* https://magazine.publichealth.jhu.edu/2024/less-nutritious-crops-another-result-rising-co2, https://nationalzoo.si.edu/news/rising-carbon-dioxide-may-be-diluting-plant-nutrients-threatening-herbivores, https://pmc.ncbi.nlm.nih.gov/articles/PMC9003137/

[39] Cutts, Earth's Turbulent Eons of Climate Changed, Science News, Aug. 2025, p.32, at 37.

[40] Cutts, op cit.

[41] Oxera, Ltd. The economic cost of extreme weather events — Prepared for the International Chamber of Commerce 7 November 2024. National Centers for Environmental Information (NOAA). Assessing the U.S. and Global Climate in September 2024. https://www.ncei.noaa.gov/news/assessing-us-and-global-climate-september-2024#&_intcmp=fxw_weather-news_article_main-content_article-body_2_5

Southeast[42], wildfires in the West[43], and extreme heat[44] are resulting in far higher excess deaths than have been reported in official statistics.

Whether we consider the risks posed to Washington Grove or the country as a whole, the rational course is the same: recognize greenhouse gas emissions, including CO2, for the threat that they are, and take the necessary actions to stabilize atmospheric CO2 at a level that mitigates the risk. Judging by its name, the Environmental Protection Agency belongs at the forefront of addressing this threat.

As described above, the EPA's 2009 *Endangerment Finding* was not only well supported when adopted, but sound scientific studies and real-world experience since then have made the conclusion even more sound. The agency's legal authority to adopt the *Finding* was clear at the time and remains so. Most importantly the proposed recession of the *Finding,* followed by recession of emission and other rules based upon it would inevitably lead to further exacerbation of global warming causing severed harm to the citizens of Washington Grove, the State of Maryland, this country and the world. The Town of Washington Grove therefore urges the Agency to reject the proposed rescission of the *Endangerment Finding* and the Emissions Rules.

Respectfully submitted,

Town of Washington Grove

By: John Compton, Mayor

Robert Booher, Chairman,
Sustainability Committee

September 21, 2025

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[42] Young, R., Hsiang, S. Mortality caused by tropical cyclones in the United States. *Nature*, 121–128 (2024). https://doi.org/10.1038/s41586-024-07945-5

[43] Qiu, M., Li, J., Gould, C.F. *et al.* Wildfire smoke exposure and mortality burden in the US under climate change. *Nature* (2025). https://doi.org/10.1038/s41586-025-09611-w

[44] Howard JT, Androne N, Alcover KC, Santos-Lozada AR. Trends of Heat-Related Deaths in the US, 1999-2023. *JAMA.* 2024;332(14):1203–1204. doi:10.1001/jama.2024.16386