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EPA Proposes to Regulate Greenhouse Gas Emissions from Aircraft

On June 10, 2015, the Environmental Protection Agency (EPA) issued a proposal finding that greenhouse gas (GHG) emissions from aircraft endanger public health and welfare.

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On June 10, 2015, the Environmental Protection Agency (EPA) issued a proposal finding that greenhouse gas (GHG) emissions from aircraft endanger public health and welfare. This “endangerment finding” is a key step under the Clean Air Act (CAA) that EPA must take before it can regulate GHG emissions from the aircraft sector. Through the proposal, the EPA Administrator finds that “greenhouse gas emissions from certain classes of engines used in aircraft are contributing to air pollution—the mix of greenhouse gases in the atmosphere—that endangers public health and welfare under section 231(a) of the Clean Air Act.”

On December 15, 2009, EPA made a similar endangerment finding for GHG emissions from new motor vehicles, setting in motion the eventual promulgation of GHG standards for light-duty vehicles, commonly referred to as the CAFE standards. See 40 C.F.R. § 600.

While EPA's proposal does not yet establish regulations for GHG emissions from airlines, it commences EPA's rulemaking process. EPA has indicated that future regulation of aircraft GHG emissions will draw heavily from the international CO₂ emissions standards for aircraft being developed through international collaboration at the International Civil Aviation Organization (ICAO). The ICAO standards are expected to be adopted in early 2016, and by issuing the aircraft GHG proposal, EPA is laying the foundation to adopt the ICAO standards through the required rulemaking process.

EPA invites affected parties to submit comments to help shape the final rule, and any objections to EPA's proposal must be raised during this time before they can be raised in future court challenges. EPA projects publication in the Federal Register late June or early July of 2015.

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