

## Greenhouse gases can't be regulated as toxic substances, says U.S. environmental agency

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- *NASA scientist James Hansen and others asked the U.S. Environmental Protection Agency to phase out fossil fuels*
- *EPA said the use of the nation's toxic substances and Superfund laws for this purpose was too broad*

The Biden administration on Wednesday refused to consider regulating greenhouse gas emissions as toxic substances, which a group of leading climate scientists said in a petition to the agency is necessary to combat climate change and would allow the government to phase out fossil fuels.

In a notice posted to the Federal Register, the U.S. Environmental Protection Agency said it agrees with the scientists that climate crisis warrants urgent action, but forming a rule under the Toxic Substances Control Act (TSCA) or the "Superfund" statute, which allows the government to recoup costs for cleaning up toxic sites, was overbroad and inappropriate.

TSCA requires the government to eliminate the use, distribution and disposal of chemicals that present unreasonable risks to human health and the environment. The scientists' petition targets too broad a range of chemicals, activities, industries and emission sources – from agriculture to the electric grid to residential homes – including activities that are already subject to regulation elsewhere, the government said.

“In the context of the massive climate change problem, the petitioners did not provide a sufficiently specific and targeted request addressing particular substances and industries,” the EPA said.

Many substances are also likely to be impacted by the landmark climate initiatives in the Inflation Reduction Act (IRA) recently signed by President Joe Biden, the agency said.

The petition was filed this summer by NASA scientist James Hansen, who is best known for his congressional testimony in the 1980s that helped raise widespread awareness around the threat of climate change. He was joined by former EPA scientist Donn Viviani, Richard Heede, who leads the Climate Accountability Institute's Climate Majors project, and John Birks, an atmospheric scientist best known for his research that discovered the potential impacts of nuclear winter, among others.

The petition asked the agency to begin the rulemaking process and phase out fossil fuels under TSCA, which the scientists argued would be the most effective way to slow climate change.

The EPA did not address whether greenhouse gases present an unreasonable risk of harm, despite agreeing climate change amounts to an “undeniable, urgent crisis,” said Viviani, who finds climate provisions in the IRA insufficient.

Regulatory controls are “the most efficient paths forward under existing law, if EPA really wants to stop polluters from baking the planet and acidifying the ocean,” he said.