



JULY 2015 ■ NO. 1

## Aviation and Environmental

### EPA Takes Initial Steps toward Regulating Greenhouse Gas Emissions from Aircraft

**Action Item: As a first step towards regulating aircraft emissions that contribute to climate change or emit greenhouse gas pollutants, the EPA has proposed to find that some greenhouse gas emissions from certain aircraft engines contribute to air pollution that endangers public health and welfare under section 231(a) of the Clean Air Act. Towards that goal, the EPA has issued an Advance Notice of Proposed Rulemaking that establishes the process for regulating these emissions, in coordination with the FAA and ICAO. The public comment period is until August 30, 2015.**

#### Executive Summary

On June 10, 2015, the Administrator of the Environmental Protection Agency (“EPA”), Gina McCarthy, proposed to find that greenhouse gas (“GHG”) emissions from certain aircraft engines contribute to air pollution that endangers public health and welfare under section 231(a) of the Clean Air Act, and to issue an Advanced Notice of Proposed Rulemaking (“ANPRM”) that establishes the process for regulating these emissions in coordination with the International Civil Aviation Organization (“ICAO”). This EPA endangerment finding was issued after a petition was filed with the EPA pursuant to the Administrative Procedure Act and the Clean Air Act by

environmental groups, including Friends of the Earth, Oceana, the Center for Biological Diversity, and Earthjustice. The EPA is not expected to regulate emissions from aircraft before February 2016. Certain smaller aircraft and military aircraft will be exempt from the regulations. The ANPRM was issued in the Federal Register on July 1, 2015, and is open for public comments for 60 days or until August 30, 2015. ([80 FR 37758](#)). In addition, the EPA plans to hold a public hearing on August 11, 2015, in Washington, D.C., if there is sufficient interest.

#### Background

The EPA has been regulating GHG emissions from automobiles and trucks for several years, and certain types of aircraft emissions have also been regulated. But, this is the first time the EPA has turned to the topic of regulating aircraft emissions that contribute to climate change or emit greenhouse gas pollutants. And it has proposed to do so in a fairly measured manner, i.e., in coordination with both the Federal Aviation Administration (“FAA”) and ICAO.

The EPA has determined that aircraft remain the single largest GHG-emitting transportation sector that is not yet subject to

EPA regulation. The EPA concluded that U.S. aircraft emit:

- 11 percent of GHG emissions from the U.S. transportation sector;
- 3 percent of total U.S. GHG emissions;
- 29 percent of GHG emissions from all aircraft globally; and
- .05 percent of total global GHG emissions.

Based on these facts, the Administrator proposed to make its endangerment finding for six well-mixed GHGs, including carbon dioxide, methane, nitrous oxide, hydroflourocarbons, perflourocarbons, and sulfur hexafluoride, as well as to find that GHG emissions from certain classes of engines used in aircraft are contributing to the mix of GHGs in the atmosphere. Examples of covered aircraft would, on the one end, include the Cessna Citation CJ2 and the Embraer E170—the smaller jet aircraft—and on the larger side, the Airbus A380 and the Boeing 747. It is anticipated that rules limiting gas emissions from aircraft would likely cost the airline industry billions of dollars to update, install, and maintain energy efficient engines.

### The Process

The ANPRM focuses on the process that the EPA will use to regulate GHG emissions from U.S. aircraft. The principal proposal is to coordinate the EPA policy with ICAO actions and not unilaterally adopt the EPA regulations. The EPA intends to issue its regulations when ICAO does so, anticipated in early

2016. Whether the EPA maintains this schedule or is pressed by the environmental petitioners to pursue its own regulations remains to be seen.

The EPA is seeking comments from all interested parties, including small businesses, on the following issues:

- the appropriate effective dates for the international CO2 standard;
- the appropriate stringency levels for the CO2 standard; and
- whether international standards should apply to new in-production aircraft as well as new aircraft types.

As noted above, these comments must be submitted to the EPA by August 30, 2015, identified by Docket ID No. EPA-HQ-OAR-2014-0828 and submitted through [www.regulations.gov](http://www.regulations.gov) or email to [A-andR-Docket@epa.gov](mailto:A-andR-Docket@epa.gov).

### For further assistance in responding to the EPA finding of endangerment and the ANPRM, please contact:

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