



Climate Protection & Restoration Initiative

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Petition to Phase Out Greenhouse Gas (GHG) Pollution to Restore a Stable and Healthy Climate

On June 16, 2022, experts on climate change will file a petition with the U.S. Environmental Protection Agency (EPA) demanding a phase-out of GHG pollution to restore a stable and healthy climate.

Specifically, Petitioners invoke a procedure under the Toxic Substances Control Act (TSCA) requiring EPA to act to restrict chemicals that present an unreasonable risk of injury to health or the environment. In the Petition, they demand a phase out of continuing GHG pollution within reach of US law, and an abatement of the current high levels of GHGs in the atmosphere. Petitioners also press EPA to engage in a consultative rulemaking process that solicits input from groups most affected by climate change.

Petitioners include the renowned climate scientist James E. Hansen, former EPA scientist Donn J. Viviani, atmospheric chemist John Birks, climate accountability analyst Richard Heede, physician and clinical professor of psychiatry Lise Van Susteren, the non-profit organization Climate Science, Awareness & Solutions, and the non-profit organization Climate Protection & Restoration Initiative (CPRclimate.org). They are represented by attorney Dan Galpern. See [here](#).

We hope you can support this effort - only together can we get this done! **You can help by endorsing and sponsor the Petition.** [See here](#).

FREQUENTLY ASKED QUESTIONS

What are we asking EPA to do? What will its impacts be?

The Petition asks EPA to make a determination that the continuing disposal of GHG emissions in the atmosphere, along with the continuing production, processing, distribution, use and disposal of fossil fuels, presents an unreasonable risk of injury to health and the environment. That determination will require EPA to start a regulatory process, known as a “rulemaking,” to enact regulations that will eventually eliminate the risk imposed by US GHG pollution. Under TSCA, EPA is legally required to take measures to restrict GHG emissions and sources until they no longer present such an unreasonable risk.

What specific measures does this Petition propose?

The Petition asks EPA to commence a rulemaking process with broad public participation, but it does not specify precisely what EPA needs to do to phase out GHG emissions and sources. The rulemaking process must include consultation with groups most affected by climate change – including children and future generations, individuals at increased personal risk such as the elderly and persons with disabilities, populations at increased risk due to their socioeconomic status or homelessness, and Indigenous and Native communities as well as communities of color. Their participation is critical to ensure that the regulations are well-conceived and effective.

What is the legal basis for [this Petition](#)?

The primary basis is the Toxic Substances Control Act (TSCA), [as amended](#) in 2016, and other existing US law. Under [Section 21 of the law](#), any person may petition the EPA to amend the list of chemicals restricted under TSCA.

Is EPA required to act?

Yes. [Section 6 of TSCA](#) requires that if EPA finds that these chemicals present “an unreasonable risk of injury to health or the environment,” it *must* start rulemaking to impose requirements that may range from a rising emissions fee to phasing out GHG emissions and fossil fuels.

Are GHGs even covered by TSCA?

Yes. For instance, the major human-influenced GHGs – carbon dioxide, methane, nitrous oxide, and fluorinated gases – are already listed as TSCA chemical substances, though they are not sufficiently restricted.

What about the carbon dioxide and other greenhouse gases that have built up in the atmosphere from decades of fossil fuel burning and other industrial activity?

The Petition deals with such “legacy” GHG emissions as well. While new and continuing emissions need to be phased out, a substantial share of such legacy emissions also must be removed and securely sequestered. Accordingly, Petitioners demand, among other things, not only that the fossil fuel industry phase-out emissions, but also that it be required to clean up its mess – or pay for the costs of doing so.

How can you clean up the atmosphere? Does the Petition demand specific methods of carbon capture or geoengineering?

No. There are many methods under consideration to secure “negative emissions,” including agricultural improvements, reforestation, enhanced rock weathering, and direct air capture. The Petition does not prescribe any single best approach but, consistent with the latest review of the science by the Intergovernmental Panel on Climate Change, Petitioners accept that we cannot limit global warming to 1.5°C and protect the climate system by emissions reductions alone.

Can EPA just impose an *immediate* phaseout?

If EPA determines that these chemicals impose not only an unreasonable risk, but also one that is [imminent, serious, and widespread](#), then the Agency is able to seek a court order to reduce that risk. Petitioners expect EPA to recognize the extreme urgency and take that action as well.

How will you ensure equity, so that the burdens of the phaseout do not fall on the least powerful?

We specifically request EPA to engage in broad-based public consultation, to craft an approach that makes sense. If EPA moves forward with rulemaking, it is up to all of us to ensure that the regulations are sound and protect communities’ rights.

Will this result in higher gas and energy prices? We are still very dependent on fossil fuels.

The goal of the Petition is not to raise fossil fuel prices, but to rapidly phase out fossil fuels altogether. That will undoubtedly require some significant changes. Ultimately, we believe the costs for this shift should be borne by the fossil fuel companies, who for decades have profited most from actions that contribute to climate change. If we are to limit catastrophic climate harms, however, we have no choice but to act rapidly to phase out the major GHG pollution sources.

Could a future administration simply reverse any EPA rules?

To undo a rulemaking a future administration would have to reverse the determination that GHG emissions pose an unreasonable risk to health and the environment, or else propose an alternate pathway to eliminating the risk. Each of these decisions would be subject to court challenge, and Petitioners are determined to defend a strong rule.

Won’t the fossil fuel industry complain that this is all a bit too tough?

It might, but widespread wildfire, intolerable heatwaves, rising seas, an acidifying ocean – these also impact the children of industrial titans. They need and deserve a viable future too.

For further information, please visit CPRclimate.org/about/actions-campaigns/petition-to-epa/