

The Non-Endangerment Finding:

What the Climate Activists don't know
or don't want you to know

A man in a dark suit is seen from behind, looking out at a large, detailed image of the Earth from space. The sun is shining brightly on the left side of the globe, creating a lens flare effect. The man's hands are clasped behind his back. The background shows a lush green forest in the foreground and a blue sky with white clouds.

STEPHEN EINHORN

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or Don't Want You to Know**

By
Stephen Einhorn

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Atmospheric Carbon Dioxide (CO₂)



MORE CARBON DIOXIDE – MORE PLANT GROWTH

- CO₂ helps plants grow through photosynthesis, during which plants use CO₂ and release oxygen that humans and animals need to breathe.
- CO₂ is a colorless, odorless gas that is naturally present in the air and is the same gas that creates the bubbles in drinks like Coca-Cola.
- Over the past 180 years, global temperatures have risen by about 1°C, and natural forces not CO₂ has likely driven most of this warming.

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Introduction

This is a booklet about the Endangerment Finding (EF) which is the decision made by the U.S. Environmental Protection Agency (EPA) in 2009 that carbon dioxide (CO₂) endangers public health and welfare and therefore must be regulated.

Almost half of all Americans believe that it is the continual increase in atmospheric CO₂ which is causing global warming, climate change and more extreme climate events. Today, virtually all of the professors in the Climate Departments at liberal universities teach that atmospheric CO₂ causes significant climate change for which all of us are guilty contributors. Many think that a climate catastrophe is imminent. As a result, many Americans believe the atmosphere is already destructive, and that huge numbers of Americans die each year from heat, hurricanes or tornadoes; or are moving to higher land because of the rapid sea-level rise.

Actually, since the Clean Air Act (CAA) was passed, there are 80% less toxic gases and particles in our atmosphere, and such a small number of Americans are dying from weather events that humanity has a much larger chance of being struck by lightning than Americans dying from a weather event.¹

That fact will come as a surprise for many readers, so let me provide some details: Yearly, around the world, about 24,000 people are killed from lightning strikes, but fewer than 800 Americans are killed by weather events,^{2 3} which is equal to two in one million. This is why the Endangerment Finding which claims in its Technical Support Document (TSD) that CO₂ causes “Increased heat stroke and cardiovascular stress” with “Higher mortality among elderly and vulnerable populations” and more “Extreme weather”⁴ are mostly nonsense.

Certainly, heart disease which kills 700,000 Americans and cancer which kills 900,000 Americans each year should be of far greater concern than the two people out of a million who die yearly from weather events in the U.S. In total, the U.S. Government spends in total about \$50 billion yearly on heart disease and cancer. Yet the Inflation Reduction Act (2022) commits the U.S. Government to spend over \$1 Trillion on climate change. Of this 98% was scheduled to address atmospheric CO₂.⁵

This \$1 Trillion spent on climate change will not reduce temperatures by 1/10 of one degree by 2050.⁶ This misallocation of resources is a major reason why the Endangerment Finding which justified this large, misallocated spending should be rescinded.

To a great extent, the Endangerment Finding is a scientific claim, and the author has concentrated on scientific evidence, most of which comes from studies by the U.S. Government and has tried to avoid the political aspects of this issue.

The purpose of this booklet is to explain how faulty science, misinterpretations of the U.S. Constitution and confusing and contradictory legal decisions resulted in an attack on atmospheric CO₂. The Endangerment Finding significantly increased our costs of living, reduced our purchasing flexibilities, and interfered with our liberties.

Chapter 1:

CO₂ and the Legal Framework of the Endangerment Finding

In which the Author explains why a harmless and innocent molecule like CO₂ has been ruthlessly attacked by the U.S. Government through an erroneous scientific finding called The Endangerment Finding and how the courts have provided an ambiguous and contradictory collection of rulings related to what should be a simple matter and how a clear understanding of the English language could easily eliminate this confusion and how important it is to eliminate run-on sentences like this one.

Carbon Dioxide (CO₂) is Not a Toxic Pollutant

CO₂ is colorless, odorless and tasteless; non-toxic in our atmosphere (about 400 parts per million, ppm); essential to life because it enables plants to build tissue through photosynthesis; and increases crop yields. It is naturally present in the atmosphere and does not degrade air quality. The EPA tells us that it becomes harmful only in enclosed places at more than 10 times current atmospheric concentrations (>10,000 ppm)⁷ which will be thousands of years from now at current CO₂ increase rates (3 ppm per year). Unlike sulfur dioxide, lead, ozone, or mercury, it is not harmful, or poisonous to humans.

The EPA study shows that eliminating the *Greenhouse Gas Endangerment Finding* regulations would save \$1.3 trillion in lower compliance costs.⁸ Four of the other regulated greenhouse gases (N₂O, SF₆, PFCs and HFCs) have total compliance costs of less than \$1 billion,⁹ and Methane has a compliance cost of \$14 billion. This indicates that the only non-toxic greenhouse gas regulated under the Endangerment Finding, which is **CO₂, is attributed to 98% of the regulatory burden expense.**^{10 11} This is about 100 times the compliance cost of any other regulated greenhouse gas.

Plants thrive in atmospheres with more CO₂. Increasing CO₂ beyond current levels by 300 ppm would likely increase average plant growth by more than 40%.^{12 13} When humans exhale CO₂, plants grow faster and crop yields increase, and there is more “greening of the Earth.”¹⁴

Water vapor and CO₂ are both greenhouse gases which heat up the earth, and both are non-toxic, but the EPA has ruled that water vapor is not a pollutant, but CO₂ is. Therefore, only CO₂ is regulated, even though water vapor has 25 times the concentration of CO₂ in the atmosphere (100 water molecules v. 4 CO₂ molecules out of 10,000 total).

One common question is why the Supreme Court ruled that greenhouse gases, but not water vapor, were pollutants? If you read the following sentence, you will find out why. The reason was that in the Supreme Court case relating to this issue the plaintiffs¹⁵ specified the request to regulate CO₂ but did not mention water vapor. Thus, the Supreme Court did not consider water vapor since it was not specifically included in the plaintiffs’ legal request.

Currently, about 5 million people die from either extreme heat or cold, of which 90% die from cold.¹⁶ CO₂ may or may not influence climate, but influence is not harm: If the Climate Activists' claim that the majority of the 1°C increase in temperature during the past 100 years is due to CO₂ is correct, then atmospheric CO₂ has reduced the number of deaths due to extreme temperature by over 200,000 per year.

West Virginia v. EPA (2022)

This case, often referred to as the **Major Questions Doctrine Case**, stated that only Congress had the ability to implement policies which affected a major sector of the economy. In particular, the case stopped the EPA from restructuring the energy sector (fundamentally destroying the coal industry) by basically stating that “this is Congress’s job” and “Congress did not clearly authorize EPA to restructure the national energy system under a 1970 smog statute.”¹⁶

This Major Questions Doctrine applies when billions in economic activity is involved and Congress has not provided clear authorization. In other words, the Court held that the EPA has no authority to issue regulations under the Clean Air Act (including the Endangerment Finding) with vast economic and political significance. This is Congress’s job!¹⁷

Major Questions include economy-wide carbon regulation such as controlling electricity generation;¹⁸ ¹⁹ restricting transportation fuels²⁰ and transforming industrial systems,²¹ all of which have been illegally regulated by the EPA. The EPA’s interpretation of the Clean Air Act’s broad language has enabled the EPA to exercise virtually unlimited authority over any substance the Agency believes affects climate in any way.

The EPA’s regulation, if implemented, would have destroyed the coal industry. Their claim was that CO₂ was a pollutant. In his legal decision in *West Virginia v. EPA*, Chief Justice Roberts explained that “The Agency instead issued a rule that required generation shifting from higher-emitting to lower-emitting producers of electricity.” He noted that “The Clean Power Plan would have required the retirement of dozens of coals plants, eliminated coal’s share of domestic electricity generation, and forced a nationwide transition away from the use of coal to generate electricity.”

Roberts characterized this as “a decision of such magnitude and consequence,” and of such a huge economic magnitude that, “clear congressional authorization” was required. He further stated that “we know that Congress did not clearly authorize EPA to restructure the national energy system under the guise of regulating air pollution,” and explained that “In certain extraordinary cases, both separation of powers principles and a practical understanding of legislative intent make us ‘reluctant to read into ambiguous statutory text’ the delegation claimed to be lurking there.” He concluded by reaffirming the core

constitutional principle that “We presume that Congress intends to make major policy decisions itself, not leave those decisions to agencies.”

Massachusetts v. EPA (2007)

This case affirmed that because of the Clean Air Act’s broad definition of “air pollutant,” the EPA had a responsibility to determine whether CO₂ “endangers public health or welfare.” This was a remarkable decision by the Supreme Court and, as will be verified in this report, an example which clarifies that the Supreme Court overruled an agency with a ruling that resulted in adding over a trillion dollars of national debt with hardly any meaningful corresponding benefits.

In *Massachusetts v. the EPA*, the EPA did not request permission to regulate CO₂. Instead, the EPA argued that CO₂ was not an “air pollutant” under the statute; that even if it were, the EPA had discretion not to regulate it; and regulating CO₂ involved policy judgments better left for Congress. These arguments were rejected by the Court in a 5-4 decision.²² Isn’t it interesting that these same arguments will shortly be before the Supreme Court to review its decision of 15 years ago?

In a sense it is surprising the Supreme Court ruled that the EPA must determine whether CO₂ “endangers health or welfare” because the Clean Air Act definition of “air pollutant” was “intentionally broad,”²³ and therefore must be regulated. I write this because in 2007, the major public concerns were urban smog (LA), sulfur dioxide from coal plants, carbon monoxide from vehicles, leaded gasoline, particulates and industrial toxic emissions.²⁴ CO₂ was not on the list of harmful, toxic gases. In fact, Congress never passed a law which declared that CO₂ was harmful, toxic or bad!

But shouldn’t the only pollutants of concern be toxic pollutants? Isn’t it reasonable to conclude that CO₂ which is non-toxic, essential to life and contributes to plant strength and growth is not dangerous? The claim that CO₂ “May reasonably be anticipated to endanger public health or welfare” is simply false

The Clean Air Act (CAA)

The core provisions of the Clean Air Act (CAA) which apply to the Endangerment Finding are referred to as the Air Pollutant and Endangerment clauses, which follow:

- **Air Pollutant** (42 U.S.C. § 7602(g)):
“The term ‘air pollutant’ means any air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive... substance or matter which is emitted into or otherwise enters the ambient air.

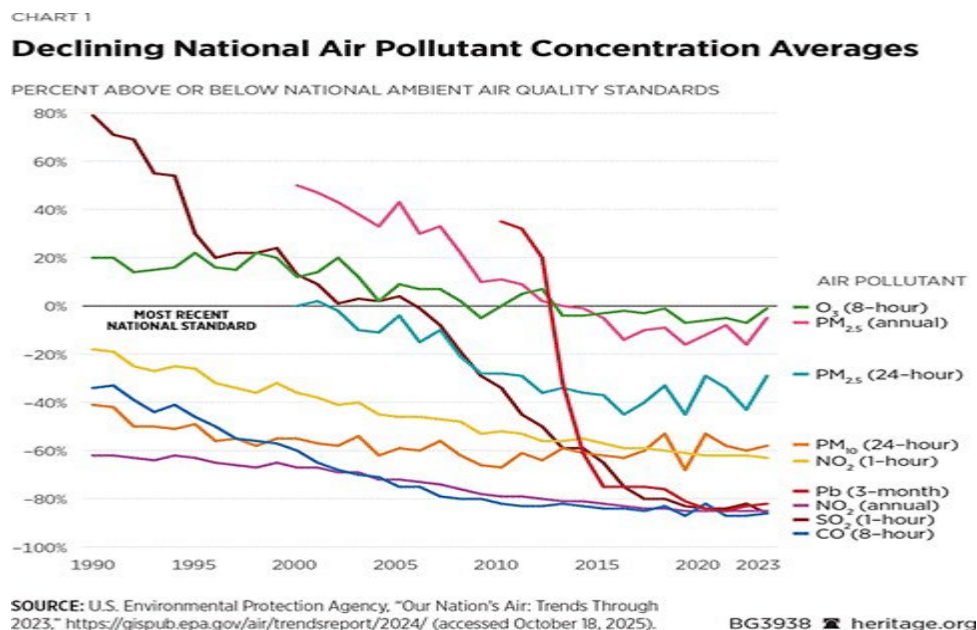
- **Endangerment** (42 U.S.C. § 7521(a)(1)):

“The Administrator shall by regulation prescribe... standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles... which in his judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare.”

The Results of the Clean Air Act (CAA)

When the CAA passed in 1970, there was significant air pollution including particulates, smog and toxic materials. Today, because of business innovation and government activity, the air in the U.S. has 80% less pollutants²⁵ and is cleaner than in 1970.

More CO₂ & Cleaner Air



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Historical Development of the Endangerment Finding

In *Massachusetts v. EPA* (2007), the Clean Air Act was central to the legal dispute over whether the Environmental Protection Agency (EPA) could regulate greenhouse gases like carbon dioxide.

This led to The 2009 Endangerment Finding in which the EPA determined that CO₂ contributes to climate change and climate change endangers public health and welfare. This became the legal basis for enormous regulations in our economy including vehicle Green House Gas (GHG) standards, power plant CO₂ rules, massive CO₂ regulations and climate-related permitting requirements.

Historically, it is important to note that Congress in 2007 never identified CO₂ as a pollutant and nowhere is CO₂ listed in the statute. Nor was it mentioned as a pollutant in any major committee reports. Any discussion of CO₂ was peripheral.²⁶ CO₂ was never a meaningful part of the Congressional committee hearings, was only mentioned as part of research programs and does not appear in the Clean Air Act statute.²⁷ All interpretations that CO₂ was an air pollutant relate to litigation and EPA decisions and not through Congressional activity.²⁸

Definitions

All words have meanings. For the Clean Air Act, many of the important words have been misinterpreted and are examples of abuse of the language which has allowed CO₂ to seriously and improperly suffer from defamation as a molecule.²⁹ Allow me to make a deal with you: After you read the following paragraph, if you agree with the definitions therein, I give you permission to save time and skip the following two pages because all they do is explain in great detail why correct definitions of these words will confirm that the Endangerment Finding falsely accuses CO₂ of responsibility for disturbing the atmosphere or causing any climate disaster or catastrophe.

Summary Definitions

- Climate & Welfare: The Clean Air Act's inclusion of "climate" within welfare was not intended to turn a public-health statute into an open-ended mandate.
- Endanger & Endangerment: To "endanger" public health or welfare requires a serious, material and likely probable harm, not speculative projections.
- Harm & Toxic: Harm denotes concrete, measurable injury. CO₂ is non-toxic, colorless, odorless, and biologically essential, thus making it distinct from traditional pollutants that contaminate air and directly impair health.
- Public Health: Demonstrating endangerment would require meaningful deterioration in American health outcomes. This is contradicted by the substantial rise in atmospheric CO₂ since 1900 while American life expectancy has increased from under 50 to nearly 80 years, alongside unprecedented gains in overall well-being.

Detailed Definitions

Endanger: By definition, for CO₂ to “endanger” it must do much more than to provide Americans with background noise of theoretical risk or harm. It must cause a real danger to our safety. As you have previously read here, CO₂ is not a toxic pollutant, is a colorless, odorless and tasteless gas which is non-toxic, and essential to life. CO₂ is naturally present in the atmosphere and does not degrade air quality. As we will discuss in the next chapter, there has been no increased destruction or harm in our climate caused by CO₂ in the past 100 years including all major climate issues. The past “endangerment” predictions of the Climate Activists have almost always proven to be excessive and false.

Endangerment: Although the difference between the words “endanger” and “endangerment” is small, precision matters. The Clean Air Act authorizes regulation only where air pollution “may reasonably be anticipated to endanger public health or welfare.” The phrase “reasonably anticipated” implies a material, probable threat—not a speculative projection built on weak modeling assumptions extending decades into the future. A risk must be serious, concrete, and meaningful to qualify as endangerment; incremental temperature changes over long periods, especially where there are major biological and agricultural benefits, do not satisfy that threshold. Any legal standard without a meaningful limiting principle is illegal and meaningless. CO₂, a naturally occurring and biologically essential molecule, cannot logically be deemed to “endanger” public health absent a demonstrated, material, and probable harm.

In *Massachusetts v. EPA*, the Court held that greenhouse gases fit within the statutory definition of “air pollutant,” but it did not declare that any detectable influence on climate automatically constitutes endangerment. If mere contribution to atmospheric change is sufficient, then virtually all energy use and all industrial activity without limit could be reasonably called endangerment.

Harm: Reasonably means actual damage, loss, or negative impact on health, property, or economic well-being. The Supreme Court in *Massachusetts v. EPA* treated CO₂ as an “air pollutant” without requiring proof that it is inherently harmful. By equating “climate influence” with “endangerment,” the Court blurred the distinction between measurable and theoretical injury and risk. Influence is not harm! All movement requires energy and all energy, even to the most minimal influence affects the climate, but in almost all cases constitutes no climate damage.

CO₂ is not directly toxic to humans and does not degrade air quality at the point of emission. Traditional pollutants under the Clean Air Act were substances that contaminate air locally and cause immediate health or environmental injury. Expanding the statute to cover a globally mixed, non-toxic trace gas disregards the ordinary meaning of harm and stretches the law beyond its logical bounds.³⁰

Public Health: Public health concerns the protection and improvement of national health outcomes and not isolated theoretical risks. Over the past century, atmospheric CO₂ concentrations have increased, yet life expectancy in the United States has risen from under 50 years to almost 80. Any serious evaluation of CO₂'s impact on public health must consider that important empirical reality. A substance alleged to endanger population health must show significant deterioration in health outcomes. The historical truth is that the increased amount of atmospheric CO₂ has occurred while Americans have seen unprecedented gains in longevity and overall human well-being.

Many people do not know, that in proper concentrations, CO₂ has been proven to assist in improving human health. In fact, research has now linked insufficient carbon dioxide in the body to heart disease, diabetes, asthma and cancer.^{31 32}

Toxic: Neither the Clean Air Act, nor *Massachusetts v. EPA* (2007), nor *West Virginia v. EPA* (2022) established that CO₂ is toxic. Any such proof is impossible because CO₂ at ambient atmospheric levels is not poisonous and does not negatively affect air quality. By treating CO₂, which is a biologically essential trace gas, as equivalent to traditional toxic contaminants, the EPA and the Supreme Court blurred the distinction between true pollution and climatic influence. The statute does not require toxicity, but it is illogical to stretch the concept of “pollutant” beyond its English meaning and make this non-toxic molecule into a regulatory hazard based solely on a highly speculative downstream possibility.

Welfare: The Clean Air Act defines welfare broadly to include effects on “soils, water, crops, vegetation, man-made materials, animals, wildlife, weather, visibility, and climate.”^{33 34} In 1970, this language meant only conventional air pollution (smog, visibility impairment, crop injury, and property damage). The Supreme Court ruled that this general welfare clause was a mandate to regulate gases and the EPA subsequently included CO₂, a naturally occurring, non-toxic trace gas, essential to life.

Treating CO₂ as a “welfare” pollutant changes the law beyond recognition. By equating climate change with air pollution, the Supreme Court and EPA allowed a non-toxic trace gas into a vehicle for restructuring national energy policy without congressional authorization. The inclusion of “weather” and “climate” in the welfare definition has become an open-ended hook for limitless regulation, totally irrelevant to the Act's original purpose.

Clean Air Act

Comparison: 1970 Law; EPA and Major Questions

Issue	1970 CAA Law	EPA Regulation	Major Questions (WV v. EPA)
Statutory Trigger	Air pollution affecting public health & welfare	Climate change as welfare endangerment	Ambiguous language used for vast policy shift
Scale of Regulation	Localized contaminants	Nationwide greenhouse gas regulation	Regulation of “vast economic & political significance”
CO₂ Classification	Not treated as pollutant	Defined as air pollutant	No clear Congress authorization for national carbon control
Regulatory Mechanism	Source-specific emission limits	System-wide shifting / decarbonization	Agency restructuring national energy markets
Policy Impact	Pollution abatement	Energy system transformation	Congress must decide major policies
Federalism Balance	State implementation with federal standards	Centralized federal climate authority	Alteration of federal-state balance without explicit mandate

Chapter 2: The Defamation of Carbon Dioxide

In which the author proves that CO₂ has been continually accused of climate crimes for which there is no truth. In particular, natural forces have warmed our planet since the last glacial advance, 18,000 years ago, but it is CO₂ that is blamed. Besides, the U.S. government (primarily NOAA and the EPA) have proven through their studies that there has been no acceleration in sea-level rise, no more hurricanes or tornadoes than 100 years ago; and since scientific measurements have been taken, there has not been any meaningful increase in area which is either wetter or drier.³⁵

The U.S. Government Forest Service has verified that there are no more acres burned or more fires than in the past and claims of extreme weather or climate are pure nonsense because there is no standard definitions of extreme weather or climate and nobody knows what extreme weather or climate means. Finally, for those of you who are worried about the polar bears, the coral reefs and claims of rapid extinction of animals will be relieved to know that all such claims are bogus. Now that it is illegal to kill polar bears and the coral reefs are thriving.³⁶

Finally, allow the author to advise you that if you believe the statements above, you will agree that it makes no sense for the U.S. Government to spend another \$1 trillion attacking CO₂ because of the Endangerment Finding. Let's stop defaming CO₂ and claiming that it is destroying our climate, save the \$1 trillion and reduce our future national debt.

Fundamentally, the Endangerment Finding is a Scientific Finding and not a Legal Finding. It relates to CO₂ and whether CO₂ has negatively affected the climate in the U.S. It is concerned with how CO₂ affects the climate but not its participation in Coca Cola. To start this discussion, let's agree that deaths from weather events in the U.S. are minimal since according to the National Weather Service, between 2020 and 2024 the U.S. total of deaths due to weather events was about 700 per year.^{37 38} This equals two deaths per million Americans.

To demonstrate how minuscule CO₂ has modified our climate and to show how little, if any, net damage it has caused in the U.S. the authors asked AI³⁹ what were important weather and climate topics and the 10 most important climate damaging-type events in the U.S. so that we could address climate changes in the U.S. As you will see, CO₂ provides virtually no problem in the atmosphere which is a major reason why we have not been able to eliminate the CO₂ problem: There is no CO₂ problem and it is very difficult to eliminate a problem that does not exist.

1. Global Warming

Since 1900, the average temperature in the US has increased about 2°F (1.1°C).⁴⁰ Climate Activists claim this increase is primarily due to CO₂.⁴¹ Bjorn Lomborg of the

Copenhagen Consensus estimated that globally \$16 trillion has been spent on global warming.⁴² The largest individual American law related to money to be spent on global warming was \$600 billion in the Inflation Reduction Act (IRA) that actually reduced nothing at all but totally contributed to increasing our national debt. Meanwhile, even the Climate Activists admit that the \$16 trillion spent on global warming has not altered the temperature by 1/10 of a degree.⁴³ Sounds like a waste of money? What do you think?

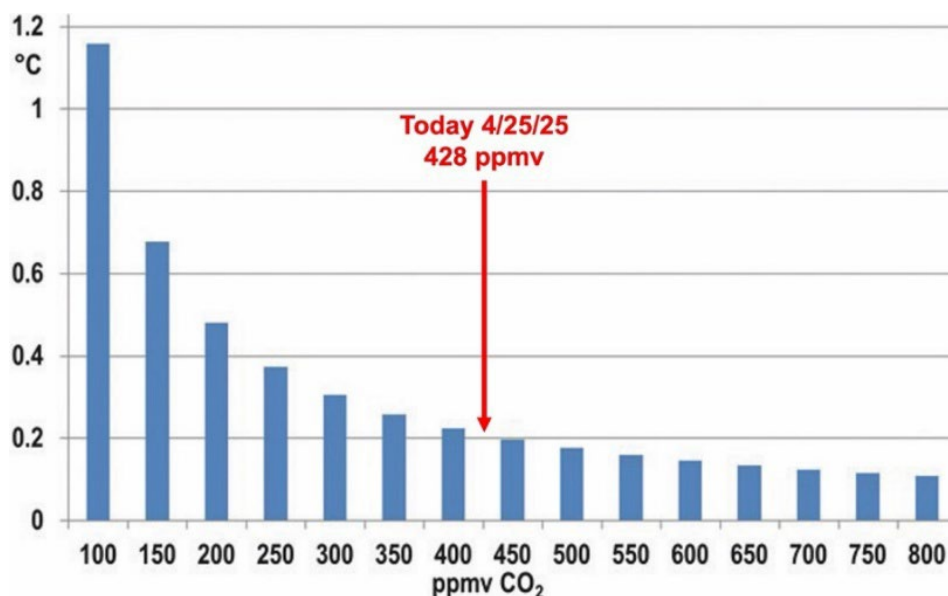
The U.S. generates 13% of global CO₂ emissions⁴⁴ and has 4% of the world's population. Clearly, no matter how much we spend to reduce global warming, it will have no effect on global warmth.

Virtually all scientists agree that the earth has been in a warming period for 18,000 years since the last glacial advance, a time when the northern U.S. states were covered by over ½ mile of ice.⁴⁵

Every year the atmospheric CO₂ increases, but there is minimal correlation between those increases and the earth's temperature. (If you would like to know how many molecules we exhale every time we breathe look up this footnote.)⁴⁶

Doubling the atmospheric CO₂ concentration from 420 ppm to 840 ppm could increase food production by about 40%, while increasing temperature by only 0.75 °C (1.4 °F).⁴⁷

Warming For Each Additional 50 Parts-Per-Million-By-Volume of CO₂ Concentration



2. Extreme Weather

Perhaps the vaguest of the Climate Activists' scare tactics is the claim of extreme weather caused by fossil fuels. Global warming can be measured, but climate change is vague and even vaguer are claims of extreme weather. The extreme weather claim is so vague, depending on the definition, you can make claims to achieve the goal you desire.

For example, different government agencies define extreme weather differently: Here are 4 different definitions used by different agencies: (1) Percentile-based, (2) Absolute thresholds; (3) return-period (4) Impact-based.^{48 49} With enough creativity you can pick any year you want and determine that it is the winner in extreme weather.

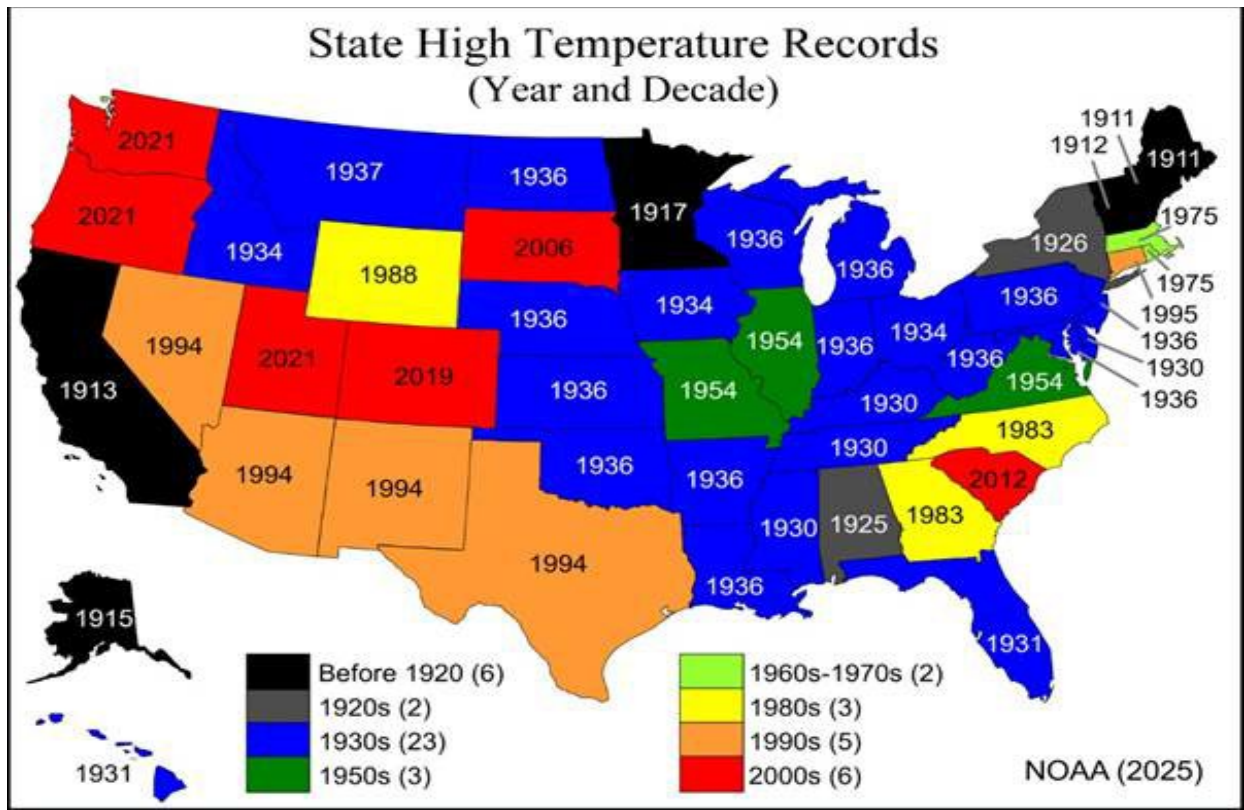
Another problem with the claim of extreme weather is that for most years, we don't have complete datasets. To compare the years 2006 and 2023 across six major categories, Heat Waves; Extreme Cold Events; Flooding Events; Drought; Hurricanes and Tornadoes, we cannot claim with certainty that there were more extreme weather days in 2024 than in 2006. Even AI cannot do that.⁵⁰

Certainty and accurate measurement require 3 conditions:

- (1) Consistent definitions;
- (2) Complete national coverage;
- (3) Same detection capability.

So, let's examine which of the years 2006 and 2023 had more extreme events? Even AI could not get the information to address the datasets in (1), (2) and (3) above.⁵¹ And (4) Impact-based depends on your assumptions: U.S. Government unadjusted value for 2006 was \$26 billion; value adjusted for "normalization" (wealth, population) \$52 billion. So, pick your number!^{52 53}

Since global warming is the basis for Climate Activist claims that there has been CO₂ damage, let's examine for the year that each state had its hottest day.



As you can see from the map above, as measured by NOAA, for most states the hottest years were in the 1930's, almost 100 years ago. Notice that not one state had its warmest day after 2021 and only 6 had their warmest day in the 21st century. Because extreme heat has not been a recent reality in America, let's strike it from the claims of extreme weather events and eliminate it from causes of Climate Anxiety. If global warmth is a major climate discussion topic, then extreme heat days should not be an issue according to the U.S. government scientific studies.

Besides, according to NOAA and the National Weather Service only 1 American in a million dies each year from heat so there really is no reason for Heat Anxiety.

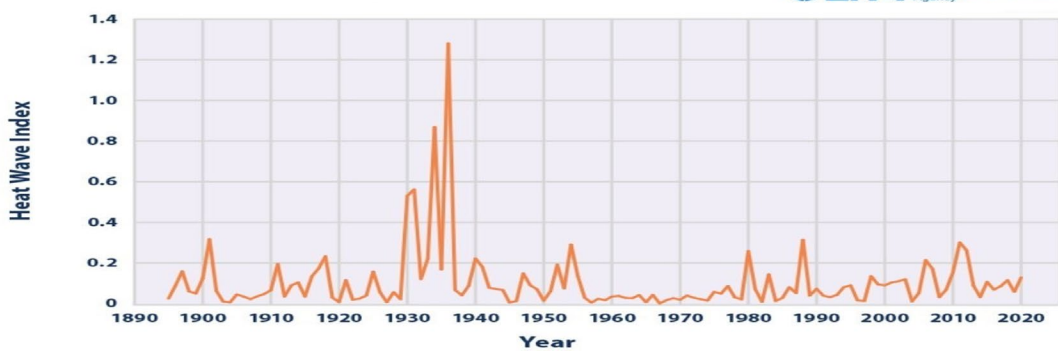
The following is a U.S. Government (EPA) chart.

Extreme Heat: Last Century 1936

Climate Change Indicators: Heat Waves

This indicator describes trends in multi-day extreme heat events across the United States.

Figure 3. U.S. Annual Heat Wave Index, 1895–2020



This figure shows the annual values of the U.S. Heat Wave Index from 1895 to 2020. These data cover the contiguous 48 states. An index value of 0.2 (for example) could mean that 20 percent of the country experienced one heat wave, 10 percent of the country experienced two heat waves, or some other combination of frequency and area resulted in this value. <https://www.epa.gov/climate-indicators/climate-change-indicators-heat-waves>, twitter.com/bjornlomborg

The chart above confirms that for the lower 48 states, the 1930's were the hottest decade on record.⁵⁴ Unfortunately, the EPA removed it from the internet so this booklet is one of the few places you can find it.

COLD: The National Weather Service has measured temperatures since the 19th Century (1870), but the coldest days for many major U.S. cities including Minneapolis (1970) and Chicago (1985)⁵⁵ have been in the 20th Century. Do you know anyone who would object to these 2 cities being a bit warmer?

3. Sea Level Rise

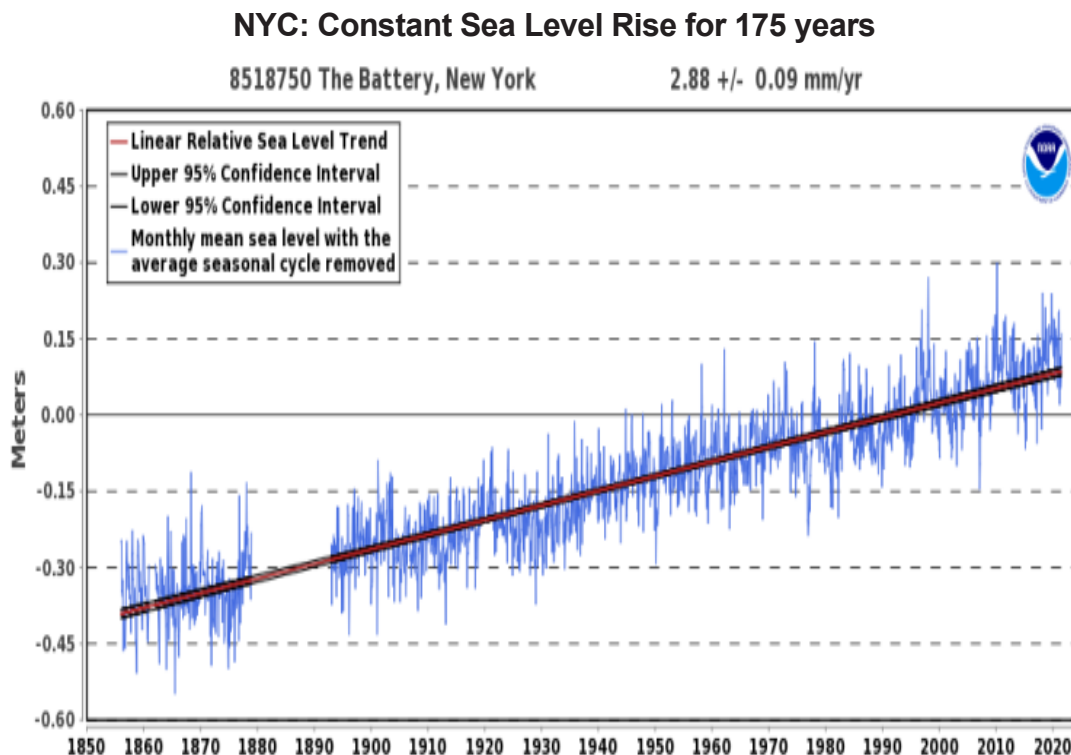
The UN Intergovernmental Panel on Climate Change (IPCC), the world's most influential Climate Activist organization stated in their 5th and 6th Climate Change Assessment (2013) that the sea level acceleration between 1900 and 2013 increased from 1.3 mm/year to 3.7 mm/year. Actually, these UN IPCCs "scientific claims" are wrong because the sea level rise since 1900 has been steady at about 3.5 mm/year.⁵⁶ NOAA studies for the seven largest coastal cities in the world confirm this, and, in fact, there has been no acceleration in the sea rise at any of the seven largest coastline cities in the world (Buenos Aires, Calcutta, Los Angeles, Mumbai, New York City, Tokyo and Shanghai)⁵⁷ However, NOAA has projected that the sea levels will rise by 2050 (25 years from now) to about 10" which equals the actual sea level rise during the entire 20th century.⁵⁸

The U.S. government has made many decisions based on false IPCC exaggerated sea level rise claims. This has caused much harm, damage, unnecessary expenses and Climate Anxiety.

Of all the potential climate crises claimed by the Activists during the past 30 years, claims of enormous, accelerated sea levels rise are perhaps the most frightening. For example, in 1989, the U.N. predicted that “Entire nations could be wiped off the face of the Earth by rising sea levels if global warming is not reversed by the year 2000.”

NEW YORK CITY (NYC): According to NOAA, the seas at NYC have risen steadily with no acceleration at about 3 mm./year or 1 foot in 100 years.

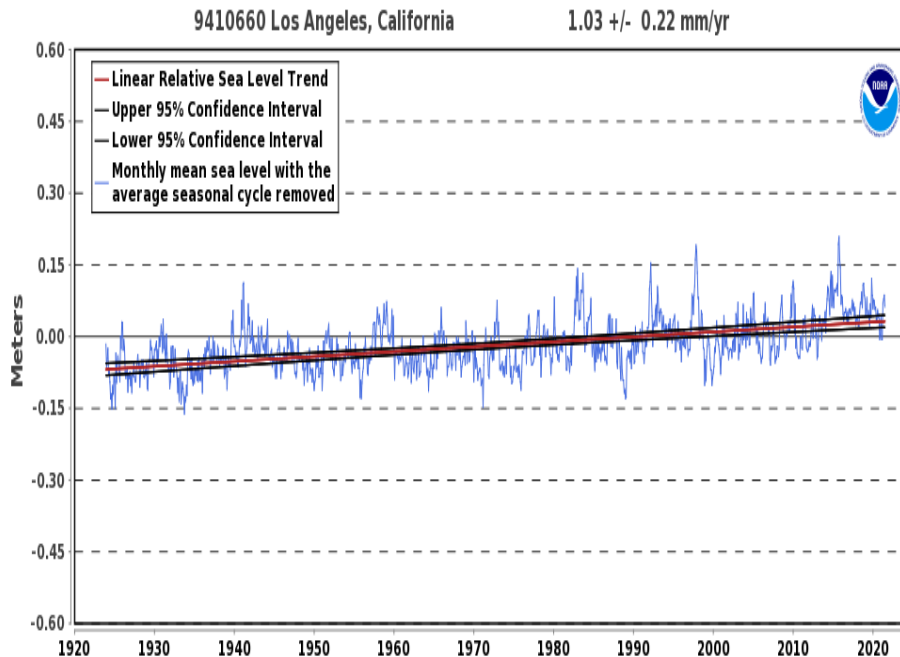
The following is a U.S. Government (NOAA) chart.



LOS ANGELES (LA) The Pacific Ocean adjacent to Los Angeles is rising at about 1 mm. per year or about 1 foot in 300 years. How much should this knowledge cause us to worry that there will be millions of sea refugees moving to higher land near Los Angeles?

The following is a U.S. Government (NOAA) chart.

LA: Constant Sea Level Rise for 100 years



Virtually All of the U.S. Government (NOAA) studies on sea level rise show virtually no acceleration in 100 years.⁵⁹ There is no justification to blame CO₂ for increases in the sea levels acceleration since there has been none.

4. Hurricanes⁶⁰

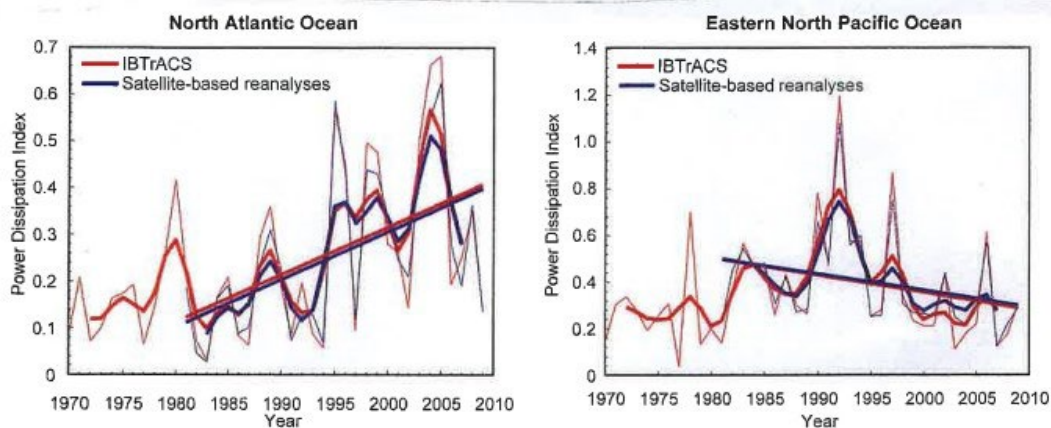
U.S. Government (NOAA) studies confirm that there has been no increase in hurricanes: It is premature to conclude that human activities, particularly greenhouse gas emissions have had a detectable impact on Atlantic hurricane or global tropical cyclone activity. Even the UN IPCC agrees that no robust trends of tropical storms, hurricanes, and major hurricane counts have been identified over the past 100 years in the North Atlantic basin. Thus, there is almost total agreement that CO₂ has not caused more hurricanes.

But, in their efforts to prove CO₂ damage, the Activists now claim that CO₂ is causing an increase in hurricane speeds in the Atlantic. In other words, if you can't prove more hurricanes, just prove that they are moving faster. The Climate Activists have claimed that studies have shown that Category 4 and 5 hurricane speeds (150-200 miles/hour)

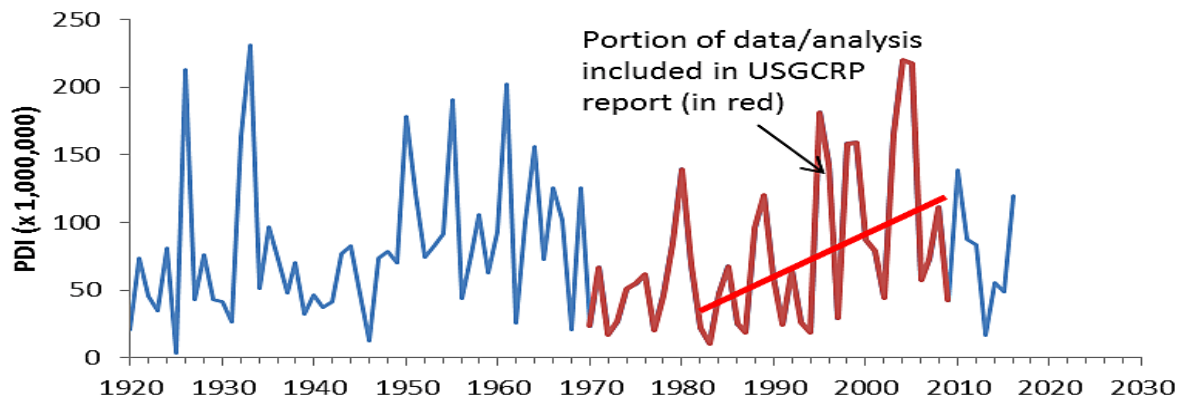
in the Atlantic have increased at least 2% (3-4⁶¹ miles/hour) due to CO₂. However the Activists apparently ignored that scientific studies have shown that the International Best Track Archive for Climate Stewardship (IBTAfCS), which is the world's most comprehensive global tropical cyclone database scientific studies have shown an almost equivalent decrease in Pacific Ocean hurricane speeds. Should we blame CO₂ for increasing hurricane speeds in the Atlantic and decreasing them in the Pacific? Your thoughts?

Here is a chart that shows the difference between the intensities of hurricanes in the Atlantic and the Pacific.

Hurricane Power Dissipation (Atlantic and Pacific)



North Atlantic Hurricane Intensity (PDI), 1920-2016

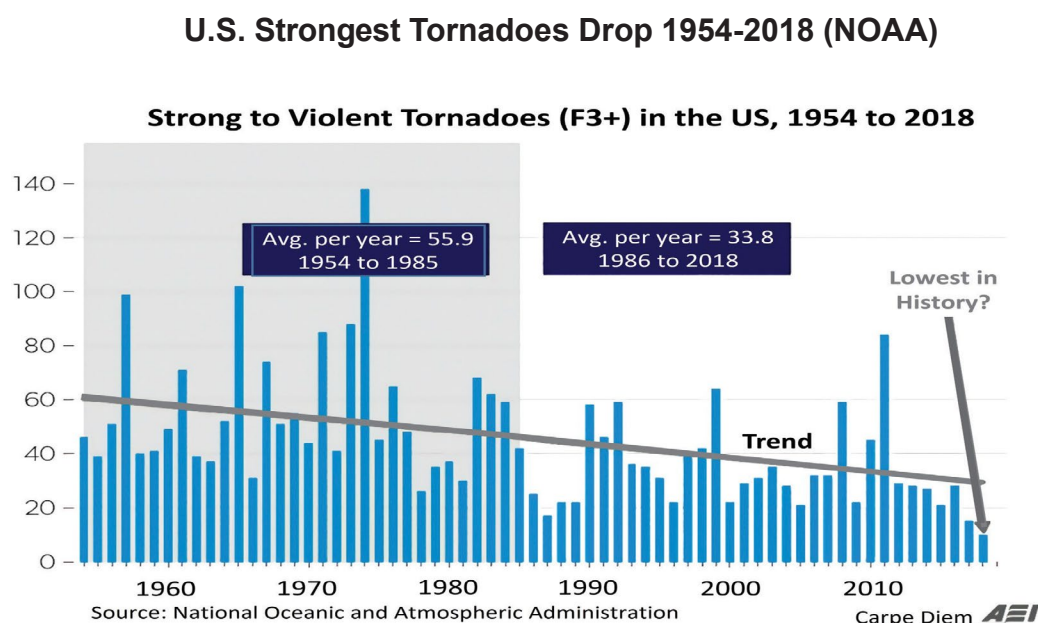


Actually, the intensity of hurricanes was significantly greater prior to 1970. As you can see from the chart above, whoever prepared that chart for the North Atlantic that starts from 1970 is cherry-picking data. This is often the case when one wants to prove something that is not true!

5. Tornadoes

The strongest tornadoes are referred to as Category 5 (over 200 miles per hour). Since 2013 there have been no Category 5 tornadoes although there were almost 60 in the prior 60 years.⁶² According to the National Weather Service, less than 1 American in 5 million Americans die from tornadoes yearly.

The following is a U.S. Government (NOAA) chart.



We cannot blame CO₂ for more U.S. violent tornadoes because these tornadoes are not becoming more frequent.

6. Heat Waves

Like extreme weather, there is no measurement standard for heat waves. If you change the definition, say from 3 days above 90°F to 2 days above 95°F or 2 days above the 95th percentile, you can get a different answer. All claims are methodology dependent. It is hard to claim that heat waves are more prevalent now than in the past because there was no national heat wave measurement before 1950 so comparisons with earlier years are meaningless.⁶³

One of the major claims of the EPA in its Endangerment Finding that CO₂ was harmful is the bogus claim that CO₂ causes “more intense and longer heat waves.”⁶⁴ And, as you have read earlier, Americans have a better chance of being struck by lightning than dying from a heat wave (only 1 in a million Americans die each year from a heat wave). Thus, the Climate Activist claim that CO₂ is causing heat waves in the U.S. should be ignored.⁶⁵

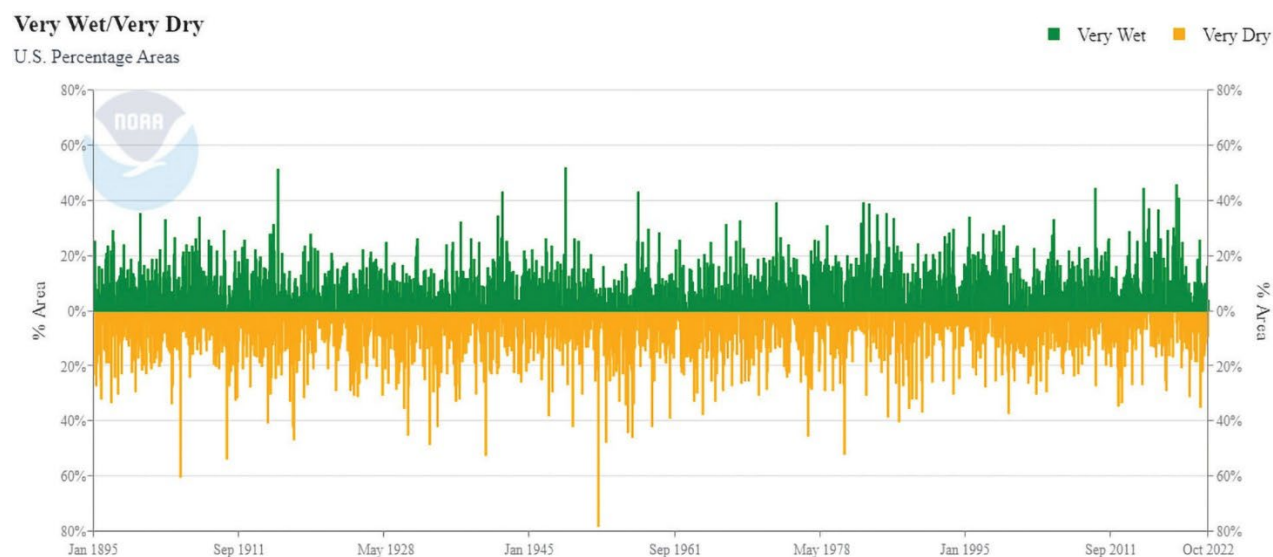
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7/8. Drought and Floods (Major Rainfall)

Climate Alarmists claim that drought or heavy precipitation (rainfall), are both CO₂ related climate change problems because some areas have too much water and some have too little water and both are caused by atmospheric CO₂ because warmer air holds more moisture which causes heavier rainfalls and warmer air pulls more moisture from the soils which dries out the landscapes.⁶⁷

The following is a U.S. Government (NOAA) chart.

The chart below shows that there have been no more areas which are either wetter or drier than 100 years ago in the US (NOAA).



No Increase in Dry or Wet Areas during the Past 135 Years

In the chart above, the Green shows areas that are very wet and the Orange show areas that were very Dry. The chart does not show either clear dominance over the other or any material change in either. According to the National Weather Service there have been no deaths from droughts in the U.S. during the last 5 years. Let's not accuse CO₂ for causing deaths because of droughts.

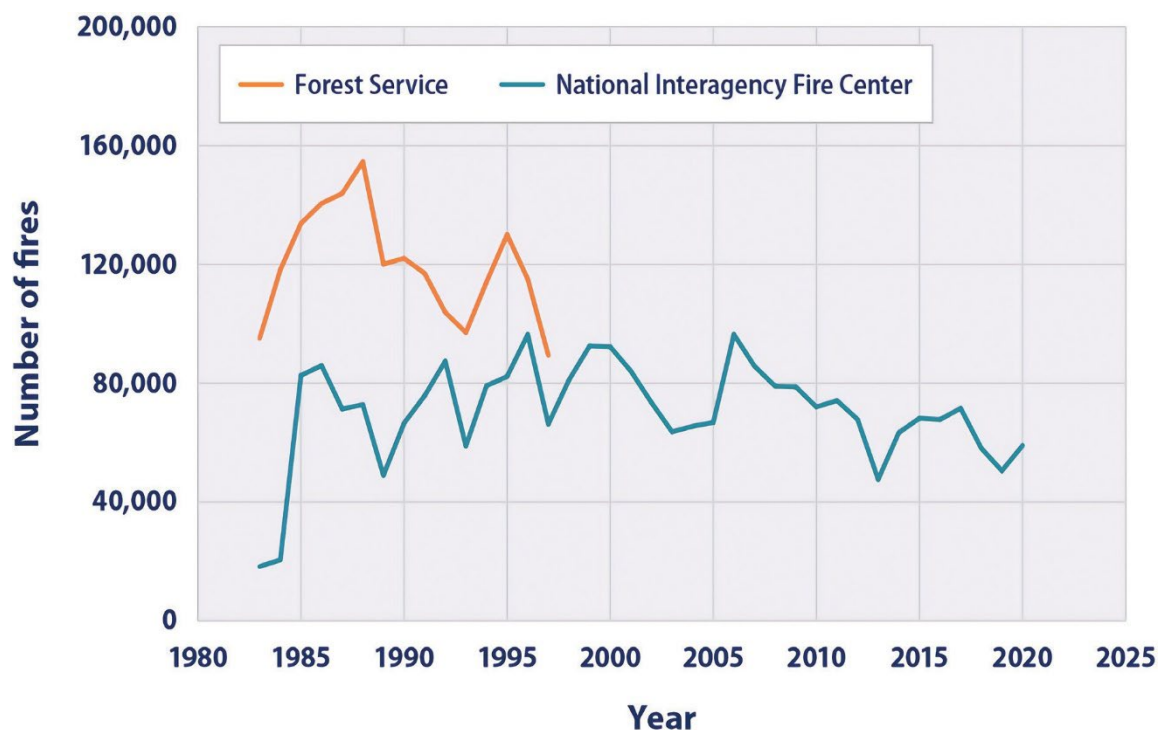
Floods: The largest floods in the U.S. occurred decades ago: They killed more people, were much larger and lasted longer.⁶⁸ During the 19th century the largest floods were the Great Mississippi floods of 1844 and 1851. The Great Flood of 1862 was the “worst disaster ever to strike California.” All of these events took place more than 150 years ago, long before increased CO₂ emissions and fossil fuel use could have played any role. The major United States flood during the 20th century was the Great Mississippi Flood of 1927, which covered 27,000 square miles and produced water depths of up to 30 feet for several months.

9. Forest Fires

Number of Forest Fires

Historically, there have not been more forest fires than in the past (U.S. Forest Service and National Interagency Fire Center).

The following is a U.S. Government (NIFC) chart.⁶⁹



No Increase in U.S. Forest Fires 1983-2020

The **blue line** shows the total number of forest fires per year from 1983 to 2020. These totals include all reported forest fires, which can be as small as just a few acres.

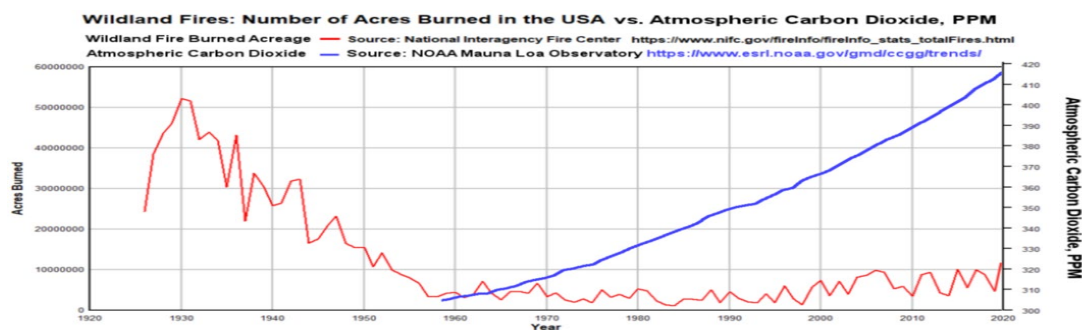
Acreage Burned

If CO₂ were causing more forest fires in the U.S., we should be recording more acres of forests destroyed by fire during recent years. But the data shows just the opposite. During the past 20 years, U.S. forest fires have totaled less than 10 million acres, but before 1920 an average of over 30 million acres burned almost every year.⁷⁰

Increase in CO₂ and reduction in Global Acreage Burned 1920-2020

Fewer Acres Burned-NIFC

National Intergovernmental fire Center



10

The chart above shows there is no relationship between **acres burned** and **CO₂ increase**.

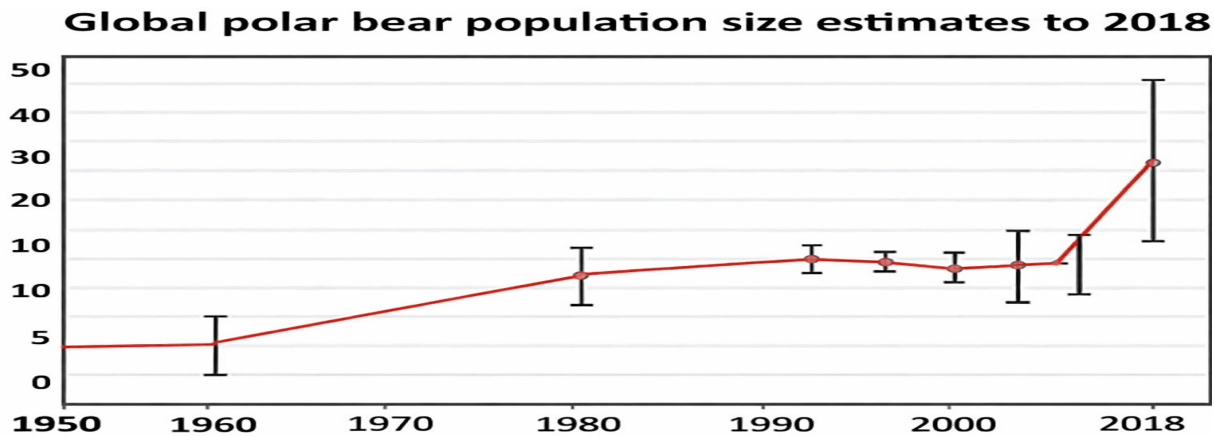
The U.S. Forest Service reported that during the 20th century, over 2,000 forest fires out of about 2,500 were started by humans. Increases in atmospheric CO₂ have not caused either more or larger forest fires because there have not been more or larger forest fires.

10. Extinction

Most species listed as extinct in recent government actions actually vanished many decades ago, but only recently met the scientific criteria for formal “extinct” status. No large, widely recognized U.S. animal (like a bird or mammal familiar to the public) has genuinely gone extinct *for the first time within the last decade* — most confirmed extinctions relate to species unseen for much longer.⁷¹

Polar Bears: Because of the extended discussions of their imminent extinction, let’s give the polar bear situation special mention. It is true that prior to 1970, polar bears were headed for extinction, but it had nothing to do with CO₂, it was directly attributed to killing

of polar bears by humans who wanted to make beautiful bear rugs. Killing polar bears became illegal in 1973 and polar bears have thrived since.⁷²



Coral Reefs: Claim: CO₂ is acidifying oceans and destroying marine ecosystems. There has been significant reduction in some of the U.S. based coral reefs and the Climate Activists attribute this to CO₂. However, it has been documented that overfishing leads to algae overgrowth.⁷³ Pollution and toxins damage coral health.⁷⁴ Boating has damaged and directly broken up reefs.⁷⁵ Some sunscreen ingredients have been proven to harm corals⁷⁶ and about 5,000 tons of sunscreen lotion are estimated to flow into coral reef waters.⁷⁷ Thus there is no way to prove that CO₂ has had a major impact –or any impact on the coral reefs because of human influence. The largest group of coral reefs in the world is the Great Barrier Reef in Australia. The years 2023,2024 and 2025 showed the greatest coral reef coverage since measurements began. Not surprisingly only 5% of people know that the Great Barrier Reefs have recently gained strength.

In summary, there are no noted animal extinctions during the past half century and the polar bears and coral reefs are ok and would be doing better if human pollution and other interferences were reduced. CO₂ has no presence in these matters.

Chapter 3: Why the Punishment of CO₂ Should Stop

Before providing you with a short summary of this, the final chapter in this booklet, the author wants to remind you that in the last chapter, he provided you with U.S Government scientific studies which proved that the good behavior of the atmospheric CO₂ molecules have caused Americans no injury by any major climate event and that death by weather in the United States is a rare event indeed. Since there is no scientific basis to attack CO₂, let's now address the permitting, regulatory and costs associated with this bureaucratic monster and address how this Finding is inconsistent with the Constitutional balance between federal and states' rights and contains significant legal flaws and, finally, you will read what you have been waiting for which are the justifications for reconsidering the Endangerment Finding in connection with CO₂ and the author promises that this will be the final run-on sentence in this document.

One-Sentence Summary: The Historical "Scientific" Justification by the EPA for the Endangerment Finding can be summed up in one sentence:

CO₂ raises atmospheric temperatures and is the primary cause of global warmth which in turn worsens the climate and injures human health.

Specific EPA Claims:

1. CO₂ causes most global warming^{78 79}
2. Elevated levels of CO₂ cause bad weather events and undesirable climate change.^{80 81}

Note: In the previous chapter, you just read 12 pages on why neither of these EPA claims are valid.

What the EPA Did Not Claim:

1. The EPA did not make any claim that CO₂ directly caused damage. All EPA claims against CO₂ are indirect injuries caused by global warming and climate change.^{82 83}
2. EPA did not claim that atmospheric CO₂ was toxic or poisonous to humans.⁸⁴

Bureaucracy and the Endangerment Finding:

- **Permitting Nightmare:** The average industrial EPA-related permit now exceeds 400 hours⁸⁵ of administrative time, exclusive of capital expenditures, consultant fees, and project delay costs. Once CO₂ was classified as a regulated pollutant, thousands of facilities became subject to agency review. For example, Title V requires detailed documentation, public hearings, comment analysis, and formal responses to objections, creating substantial administrative and legal costs. The

Endangerment Finding made CO₂, a naturally occurring, non-toxic trace gas, subject to expanded regulatory reach across broad sectors of the economy while creating procedural burdens, systemic delays and permitting nightmares.^{86 87}

- **Regulatory Burden:** The Endangerment Finding has placed enormous compliance burdens on numerous industries:
 - The automotive industry including Ford,⁸⁸ General Motors,⁸⁹ and Stellantis⁹⁰ have had to devote substantial resources to emissions averaging, credit strategies, and technology redesigns. Start-stop systems, electric vehicle features, and constant fleet rebalancing changes were shaped by EPA endangerment rules but not market demand.
 - Electric Utilities including Duke Energy⁹¹ and American Electric Power⁹² have faced compliance mandates tied to CO₂ relating to major long-term capital allocations.
 - Oil & Gas Industry: Firms such as ExxonMobil⁹³ and Chevron⁹⁴ must incorporate methane and CO₂ compliance forecasting into upstream and downstream investments, adding regulatory risk layers that influence project timing and financing.
 - If you are not bored yet, feel free to look at the end notes, where similar burdens have been placed on the cement, steel and chemical industries.⁹⁵
- **Costs of the Endangerment Finding:**⁹⁶ My belief is that you will not be surprised to read that the Endangerment Finding has been extremely expensive to Americans. Only the most creative misguided Americans could possibly believe that a Cost/Benefit analysis would prove that the Endangerment Finding was reasonable, prudent, measured, sensible or judicious.
 - The current EPA has calculated that terminating the Endangerment Finding will save \$1.3 trillion in reduced regulations. The stated regulatory relief includes CO₂ Vehicle compliance costs (\$500 billion),⁹⁷ electric vehicle charging Infrastructure & equipment (\$130 billion),⁹⁸ new cars and trucks (\$360 billion);⁹⁹ shifting more to electric vehicles and hybrids (\$200 billion).¹⁰⁰
- **Net Zero** is the concept that the total amount of atmospheric CO₂ remains constant and does not increase. The EPA has not declared that the Endangerment Finding should attempt to reach Net Zero but its regulations and emission standards have been designed to guide our country to very low or near-zero emissions.
 - Let's look at the relative costs and benefits of the U.S. for reaching Net Zero. For achieving Net Zero for the U.S. only the benefits have been calculated to be about \$20 Billion per year.¹⁰¹

- Meanwhile, the estimated costs of achieving Net Zero are about \$27 Trillion.¹⁰² Regarding how America alone reaching Net Zero would be about 0.1°C by 2050¹⁰³ if others did not reduce accordingly.
- It is virtually impossible for the rest of the world to achieve Net Zero while China adds one coal plant every week and India expands its coal industry so that their people can improve their standard of living.

Infringement on States Rights¹⁰⁴

The Endangerment Findings disrupt the constitutional balance because:

- Energy policy has traditionally been a state responsibility
- It intrudes into state-regulated utility authority¹⁰⁵
- It reduced state discretion by expanding federal Title V¹⁰⁶ permitting to include construction and modification which traditionally have been governed primarily by state permitting regimes.¹⁰⁷
- Congress never delegated climate regulations to the EPA for national control of CO₂ emissions, which altered the federal-state balance without explicit Congressional authority.¹⁰⁸

Summary of the Major Legal Flaws of the Endangerment Finding

Category	Flaw
Statutory Intent	Climate regulation not contemplated in 1970
Textual Interpretation	Overly broad reading of “air pollutant”
Separation of Powers	Court enabled executive policymaking
Scientific Basis	Forward-looking “endangerment” standard
Federalism	Global issue shoehorned into regional statute
Doctrinal Consistency	Shifting standards over time

Reconsideration of the Endangerment Finding in Regard to CO₂

Summary: The Endangerment Finding contains very few benefits for the American people. There are virtually no harms caused by CO₂, but enormous harms by the Finding, itself.

1. Major Questions Doctrine — Lack of Congressional Authorization

- The Endangerment Finding has been used to restructure the American energy, transportation, and industrial sectors. This has vast economic and political consequences and requires Congressional authorization.
- The EPA was never authorized to issue regulations that would transform the national economy.
 - **Authority:** West Virginia v. EPA; Utility Air Regulatory Group v. EPA; Alabama Assn. of Realtors v. HHS; 42 U.S.C. § 7602(g)

2. Nondelegation--- Congress Cannot Hand Over Unlimited Power

- The Constitution requires Congress to make major policy decisions and not allow Agencies to have unlimited policy making authority.
 - **Authority:** Gundy v. United States; Whitman v. American Trucking Associations; J.W. Hampton Jr. & Co. v. United States

3. Federalism---The States Traditionally control Energy

- Congress must clearly state when it plans to remove from the states regulation authority over electricity systems or utilities.
 - **Authority:** Bond v. United States; Gregory v. Escrows', Virginia v. EPA

4. Arbitrary and Capricious — Failure to Adjust when Scientific Knowledge Changes

- If additional evidence-based science confirms that previous scientific claims and climate projections have failed and are materially different than previously maintained, the EPA must reconsider. Failing to do so is legally unreasonable.
- **Authority:** Motor Vehicle Manufacturers Assn. v. State Farm; FCC v. Fox Television Stations; 5 U.S.C. § 706(2)(A)

5. Statutory Context — The meaning of “Air Pollutant”

- The Clean Air Act was written to deal with harmful air contaminants like smog, sulfur dioxide, and particulates—things that directly damage health when breathed. Carbon dioxide is naturally occurring, globally mixed, and not toxic at

normal levels. Reading the statute to treat CO₂ the same as smog stretches the law far beyond how it was originally intended

- **Authority:** Utility Air Regulatory Group v. EPA; King v. Burwell; 42 U.S.C. § 7602(g)

6. Failure to Properly Consider Cost

- If a regulatory decision leads to enormous economic consequences, the agency cannot pretend cost is irrelevant. Any rational review of the Cost/Benefit of the Endangerment Finding cannot rationally support its existence.
- **Authority:** Michigan v. EPA

7. Heavy Reliance on Long-Range Climate Models

- The Endangerment Finding relies heavily on climate models projecting many decades into the future under different scenarios. These are not based on clear near-term dangers, but instead on speculation without concrete risk. The reasoning is scientifically unsupported and internally inconsistent.
- **Authority:** Motor Vehicle Manufacturers Assn. v. State Farm; Baltimore Gas & Electric Co. v. NRDC

8. Causation — Traceability of U.S. Emissions to Domestic Harm

- U.S. emissions constitute a fraction of global concentrations. Regulatory reductions for America will not meaningfully alter global atmospheric CO₂ concentrations. The EPA acts as if domestic regulations will significantly alter global warming and climate change which is not valid.
- **Authority:** Department of Commerce v. New York; Lujan v. Defenders of Wildlife

Correlation between CO₂ Levels and the Pro Football Season

For fun, I thought it would be interesting to compare the relationship between global warming, CO₂ levels, and the football season in Wisconsin. Climate activists often present charts showing a correlation between rising atmospheric CO₂ and rising global temperatures. The connection is weak and occurs over long periods of time.

By contrast, the chart below shows a stronger correlation between the football season and falling temperatures where every year football season temperatures drop by roughly 40°F.

The decline in temperature during the football season is far more tightly correlated than the small temperature increase of 2°F that has been attributed to rising CO₂ over the past

century and a half. This illustrates that correlations can appear strong even when the relationship is clearly unrelated to the actual cause.

WISCONSIN CLIMATE DATA

Temperature & CO₂ Levels

September → January • Average °F • CO₂ in ppm (averaged across seasons)

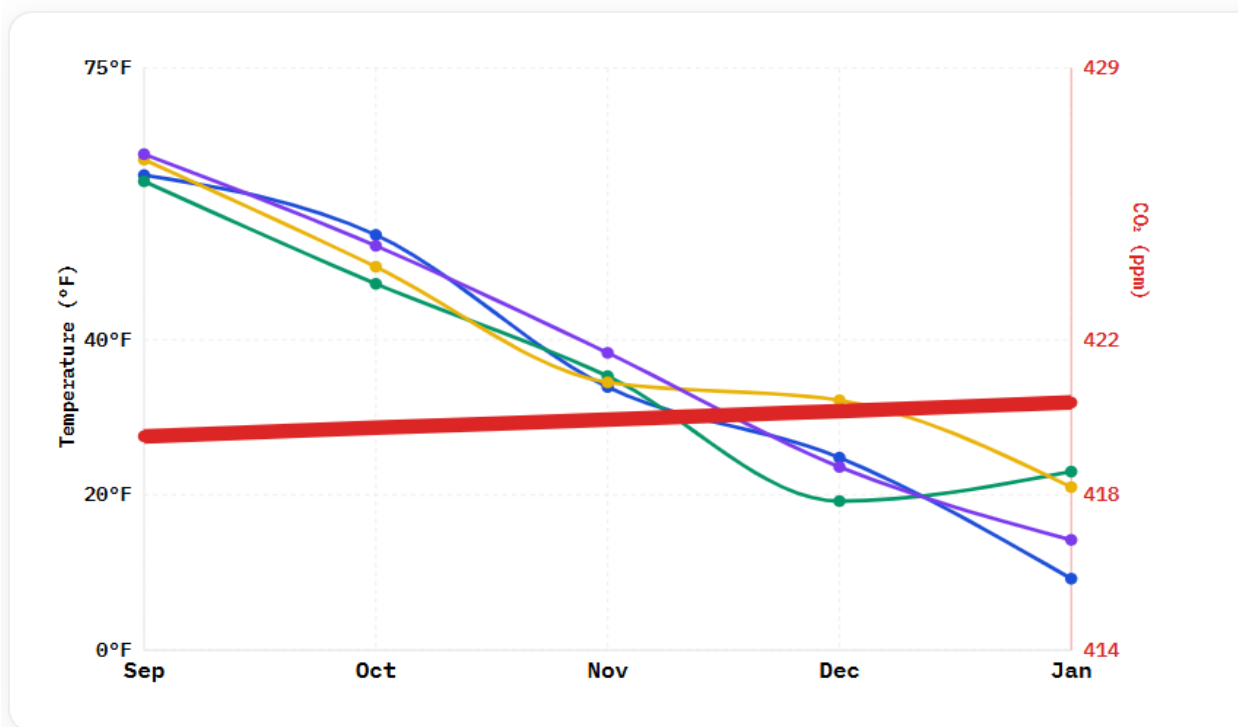
2021-22

2022-23

2023-24

2024-25

CO₂ (ppm)



C:\Users\Steve\Documents\Climate Change\Endangerment Finding\Endangerment Finding Comprehensive Review 022226 SE.docx;

End Notes

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- ¹ <https://atgpt.com/c/6999c773-0b3c-8330-9c93-76426c584d81>
- ² The U.S. Government: The National Weather Service.
- ³ <https://chatgpt.com/c/6999c773-0b3c-8330-9c93-76426c584d81>
- ⁴ <https://chatgpt.com/c/699c1058-c238-832f-affc-088521cc8241>
- ⁵ <https://chatgpt.com/c/699c7c85-6b88-8325-b313-092bf08bf6b4> A major “updated score” from Penn Wharton estimates ~\$1.045 trillion for the IRA’s climate and energy provisions over FY2023–2032. Goldman Sachs also publicly referenced ~\$1.2 trillion of IRA incentives by 2032.
- ⁶ Bjorn Lomborg, Copenhagen consensus.
- ⁷ https://www.fsis.usda.gov/sites/default/files/media_file/2020-08/Carbon-Dioxide.pdf
- ⁸ https://www.epa.gov/newsreleases/president-trump-and-administrator-zeldin-deliver-single-largest-deregulatory-action-us?utm_source=chatgpt.com
- ⁹ <https://www.epa.gov/sites/default/files/2015-07/documents/regulatoryimpactanalysisghg.pdf>;
<https://www.epa.gov/system/files/documents/2022-07/Regulatory%20Impact%20Analysis%20for%20Phasing%20Down%20HFCs.pdf>
- ⁹ https://www.epa.gov/system/files/documents/2023-12/eo12866_oil-and-gas-nsps-eg-climate-review-2060-av16-ria-20231130.pdf?utm_source=chatgpt.com
- ¹⁰ Ibid. N₂O, SF₆, PFCs total compliance cost is less than \$1 billion. HFCs cost is less than \$100 million;
- ¹¹ Trump revokes basis of US climate regulation, ends vehicle emission standards | Reuters
- ¹² See note on Wikipedia foundation above.
- ¹³ ChatPro powered by OpenAI
- ¹⁴ All references agree. Look up Google, AI, Bing or ask any scientist to confirm this.
- ¹⁵ Massachusetts v. EPA
- ¹⁶ This is a commonly cited summary of the Court’s decision, not a word-for-word line and paraphrases Chief Justice John Roberts’ majority decision.
- ¹⁷ The Clean Air Act was not intended for global climate policy; Congress, not EPA, must decide major economic transformations. The Court stated that capping carbon dioxide emissions at a level that would force a nationwide energy transition “may be a sensible solution,” but it is not plausible that Congress gave EPA that authority under the Clean Air Act.
- ¹⁸ 80 Fed. Reg. 64,510 (Oct. 23, 2015). 89 Fed. Reg. 39,798 (May 9, 2024) Clean Air Act §111(b).
- ¹⁹ Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units 80 Fed. Reg. 64,662 (Oct. 23, 2015)
- ²⁰ 75 Fed. Reg. 25,324 (May 7, 2010); Renewable Fuel Standard Program: Standards for 2023–2025 88 Fed. Reg. 44,468 (July 10, 2023); Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles 89 Fed. Reg. 27,842 (Apr. 18, 2024)
- ²¹ 75 Fed. Reg. 31,514 (June 3, 2010); Clean Air Act §§165 & 169. This applied to refineries, cement plants, chemical plants and steel plants; 81 Fed. Reg. 35,824 (June 3, 2016)
- ²² The source of this citation is the official Supreme Court opinion, 549 U.S. 497 (2007), and the EPA’s briefs filed in that case.
- ²³ “intentionally broad” comes directly from the majority opinion in Massachusetts v. EPA

²⁴ 1970 Clean Air Act itself, contemporaneous committee reports, and well-documented historical events referenced in those materials.

²⁵ ozone, PM, NO_x, SO₂, VOCs

²⁶ CO₂ was not explicitly identified or listed as a pollutant in the original statute: 42 U.S.C. § 7602 — Definitions (1970 Act). This is the principal definitional section of the Clean Air Act and does not list carbon dioxide by name as a regulated pollutant. Instead, it defines broad categories like “air pollutant” and “welfare” effects: 42 U.S.C. § 7602(g)–(h) § 7602(g) defines air pollutant as any “agent ... substance or matter which is emitted into or otherwise enters the ambient air.” § 7602(h) defines “welfare” effects to include weather and climate but does not itself list or regulate specific substances like CO₂. See 549 U. S. 497, 2007

The National Ambient Air Quality Standards (NAAQS) did not include CO₂: The pollutants originally identified and regulated were ozone, particulate matter, carbon monoxide, sulfur dioxide, nitrogen dioxide, and lead.

²⁷ IS CO₂ A POLLUTANT AND DOES EPA HAVE THE POWER TO REGULATE IT? | Congress.gov | Library of Congress

²⁸ Massachusetts v. EPA | 549 U.S. 497 (2007) | Justia U.S. Supreme Court Center

²⁹ According to ChatGPT, the 10 major climate issues are global warming, extreme weather, sea levels, hurricanes, tornadoes, heat waves, drought, major rainfalls, floods or wildfires.

³⁰ CO₂ is used in farming to stun or kill livestock, primarily pigs and poultry and assists in processing animals in slaughterhouses. Although highly valued for its efficiency and reduction to reduce animal stress, there remains an intense ethical debate related to animal welfare.

³¹ Douglas Pollock dpollock@mi.cl

Carbon Dioxide is Important For Human Health : Who Knew, Actually Scientists Did Long Ago- Part One

In 1904 Christian Bohr, a Danish biochemist discovered that carbon dioxide facilitates the release of oxygen (O₂) to our cells. Oxygen is carried through our body by the hemoglobin in our red blood cells. Bohr discovered carbon dioxide acts as a catalyst for hemoglobin to release its oxygen for use by our bodies. When levels of carbon dioxide in our bodies become too low the bond between the Oxygen and hemoglobin increases making it more difficult for the oxygen to be released to our cells. Poor physical oxygenation leads to many unhealthy problems within our bodies. Conversely, it is actually difficult to have too little oxygen in our bodies. For a healthy body, over breathing or inhaling pure oxygen has little benefit delivering to our tissues and organs recently in 2017 when Dr. U.P. Singh at the Suharto Medical College in India discovered that there were many relationships between yoga breathing and CO₂. He wrote in his paper referenced below that CO₂ stimulated the vagus nerve. He discovered that increased levels of CO₂ in the blood could activate the vagus nerve and slow the heart rate. He describes carbon dioxide as a “natural sedative”. It soothes the irritability of the brains conscious centers, promoting our ability to use logic, reason and common sense. Without CO₂ we become anxious, depressed, and angry.

Trials of CO₂ therapy in epilepsy patients found that after only a few treatments, onset of seizures was reduced. Yandle Henderson, a Yale physiologist found a mixture of oxygen and 5% CO₂ could generate excellent results in patients with asthma, stroke, pneumonia, heart attack and asphyxia in new born babies. CO₂ helps dilate the smooth muscle tissues and helps regulate the cardiovascular system. CO₂ gets converted to carbonic acid thereby becoming a primary regulator of the alkaline/acid balance of the body. It also plays an important role in the proper functioning of the digestive system.

Songhai U.P. Evidence-Based of Hypercapnia (excess CO₂) and Exhaustion Phase in Vagus Nerve Stimulation: Insights into Hypercapnia Yoga Breathing Exercises” J. Yoga Physics Ther 7, no 276 (2017).

³² Ibid

³³ 42 U.S.C. § 7602(h)

³⁴ Ibid.

³⁵ Geological evidence proves that Earth is almost always warming or cooling. There is no evidence that these warmings and coolings have been caused by changes in atmospheric concentrations of CO₂. During the last few million years, when ice core records show a strong correlation between CO₂ concentrations temperature, the changes of CO₂ follow changes in temperature, but not vice versa.

³⁶ Since 2023, the Great barrier Reef (GBR) in Australia, the world’s largest coral reef has had coral reefs thriving more than another tie since measurements have been taken. Only 5% of all people know this.

³⁷ <https://www.weather.gov/media/hazstat/sum20.pdf>

³⁸ Ibid.

³⁹ ChatGPT

⁴⁰ National Oceanic and Atmospheric Administration and the U.S. Environmental Protection Agency

⁴¹ 70% heat from fossil fuels and CO₂

⁴² \$16 trillion down the drain in the greatest financial scandal in world history. By Stephen Moore

⁴³ Ibid.

⁴⁴ Global fossil CO₂ emissions have not yet reached their tipping point Max Planck Institute

⁴⁵ This is referred to as the Laurentide Ice Sheet. Great Black Swamp - Wikipedia

⁴⁶ One normal human breathe generates hundreds of quintillions or about 5×10^{20} molecules. Simply put, we breathe out lots of molecules of CO₂.

⁴⁷ <https://co2coalition.org/publications/co2-coalition-comment-2-on-epa-endangerment-finding/>

Dr. Lindzen and Dr. Happer’s written comments regarding the Endangerment Findings discuss CO₂ saturation, where adding more CO₂ at higher CO₂ concentrations actually reduces the added CO₂’s warming capability.

⁴⁸ IPCC AR6 WG1 (2021), Chapter 11 – Detection and Attribution of Climate Extremes
NOAA NCEI Billion-Dollar Disasters Methodology; • National Academies of Sciences (2016),
Attribution of Extreme Weather Events in the Context of Climate Change

⁴⁹ IN detail, here you go: (1) Percentile-based, 1% or 5%); (2) Absolute thresholds (e.g., >95°F for X days); (3) Impact-based definitions (>\$1 billion damage); (4) Return-period definitions (1-in-100-year event).⁴⁹

⁵⁰ <https://chatgpt.com/c/699a2edd-cd68-832c-b599-29f78812b7d>

⁵¹ <https://chatgpt.com/c/699a2edd-cd68-832c-b599-29f78812b7d>

⁵² <https://chatgpt.com/c/69996799-1404-832f-8750-eba86d937d68>

⁵³ https://en.wikipedia.org/wiki/2024_United_States_wildfires?utm_source=chatgpt.com

⁵⁴ The Climate Activists blame this on humans for poor agricultural practices and exceptionally dry years. This is possibly true, but the 1930s remain the warmest decade on record and stating that the 2020’s were the warmest decade is not accurate.

⁵⁵ National Weather Service

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- ⁵⁶ Climate Change: What They Rarely Teach in College (Chapter 2—Sea Levels) by Stephen Einhorn
- ⁵⁷ *ibid*
- ⁵⁸ Sweet, W. V., B. D. Hamlington, R. E. Kopp, et al. (2022).
Global and Regional Sea Level Rise Scenarios for the United States.
NOAA Technical Report NOS 01.
- ⁵⁹ Climate Change: What They Rarely Teach in College, Chapter 2 by Stephen Einhorn
- ⁶⁰ <https://osf.io/f4cdu> There have been a number of studies of the relationship between climate change and the properties of hurricanes published between 1994-2023. In many cases, there were significant conflicts of interest even though not one of the 330 authors disclosed conflicts of interest. In particular funding was supplied by Left-wing Non-Governmental Organizations (NGOs) and it appears that many of the “scientific” conclusions were pre-approved. This represented an avalanche of pseudoscientific misinformation covering much of academic works. This produced a false consensus which led to government funding for fictitious research.. Because these studies are true fake news, I have not included them in this chapter.
- ⁶¹ For the North Atlantic Ocean, check out this website: <https://www.cato.org/blog/climate-science-deception>
- ⁶² There will be a more detailed discussion of the reduction in major tornadoes in the chapter on AI.
- ⁶³ National Oceanic and Atmospheric Administration (NOAA) and National Centers for Environmental Information (NCEI)
- ⁶⁴ <https://chatgpt.com/c/699c1058-c238-832f-affc-088521cc8241>
- ⁶⁵ <https://atgpt.com/c/6999c773-0b3c-8330-9c93-76426c584d81>
- ⁶⁶ <https://chatgpt.com/c/6999c773-0b3c-8330-9c93-76426c584d81>
- ⁶⁷ CO₂ Coalition July 28.2025 newsletter , page 5.
- ⁶⁸ <https://chatgpt.com/c/6998dea7-de28-832f-91de-a8fe31979334>
- ⁶⁹ National Interagency Fire Center (NIFC)
- ⁷⁰ U.S. Forest Service historical fire ecology research. And the NIFC
- ⁷¹ www.fws.gov/press-release/2023-10/21-species-delisted-endangered-species-act-due-extinction?utm_source=chatgpt.com
- ⁷² Susan Crockford studied polar bear populations and proved they were doing just fine after 1973. However, she was terminated as a professor at the University of Victoria for her study.
- ⁷³ https://sanctuaries.noaa.gov/science/assessment/florida-keys/population-dynamics.html?utm_source=chatgpt.com
- ⁷⁴ https://oceanservice.noaa.gov/facts/coral-pollution.html?utm_source=chatgpt.com
- ⁷⁵ https://sanctuaries.noaa.gov/news/dec19/noaa-launches-mission-iconic-reefs-to-save-florida-keys-coral-reefs.html?utm_source=chatgpt.com
- ⁷⁶ <https://chatgpt.com/c/699768f5-b8d4-8330-ad7a-de11a8e96ae5>
- ⁷⁷ https://www.nps.gov/subjects/oceans/sunscreen.htm?utm_source=chatgpt.com
- ⁷⁸ https://www.epa.gov/sites/default/files/2021-05/documents/endangerment_tsd.pdf
- ⁷⁹ https://www.epa.gov/sites/default/files/2021-05/documents/endangerment_tsd.pdf
- ⁸⁰ IPCC assessment reports; USGCRP / CCSP assessments (U.S. government climate assessments); National Research Council (NRC) / National Academies work
- ⁸¹ https://www.epa.gov/sites/default/files/2021-05/documents/federal_register-epa-hq-oar-2009-0171-dec.15-09.pdf The Federal Register notice says these assessments were the primary scientific

⁸² <https://chatgpt.com/c/699c1058-c238-832f-affc-088521cc8241>

⁸³ <https://chatgpt.com/c/699b8566-4740-832d-9b43-befd741bbf79>

⁸⁴ <https://chatgpt.com/c/699b8566-4740-832d-9b43-befd741bbf79>

⁸⁵ Regulatory Impact Analysis for the Final Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule - Final Report

⁸⁶ Ibid.

⁸⁷ Federal Register :: Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule

⁸⁸ EPA, Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles (Federal Register, 2024)

⁸⁹ EPA 2025 RIA for Light-Duty GHG Rule

⁹⁰ Stellantis Annual Report (Risk Factors – Climate Regulation): outlines compliance planning and capital allocation tied to U.S. GHG standards.

⁹¹ Duke Energy 10-K (Regulation and Climate Risk section): addresses Clean Air Act permitting, carbon regulation exposure, and capital planning adjustments.

⁹² AEP 10-K (Environmental Matters): discusses generation mix changes and compliance obligations under CO₂ regulation. EPA Tailoring Rule RIA (2010) – acknowledges permitting burden and system “paralysis” concerns absent threshold adjustments.

⁹³ ExxonMobil 10-K (Climate Change and Regulatory Risk): identifies federal GHG regulation as affecting project economics and capital allocation.

EPA Greenhouse Gas Reporting Program (40 CFR Part 98) – mandates measurement and reporting obligations for oil and gas facilities.

⁹⁴ Chevron Annual Report (Environmental and Regulatory Matters): discusses compliance forecasting and regulatory uncertainty. EPA Methane and GHG Rule (2023 Final Rule, Federal Register) – expands compliance and monitoring obligations.

⁹⁵ Cement producers like LafargeHolcim, steel manufacturers such as Nucor Corporation, and chemical companies like Dow Inc. operate energy-intensive facilities where PSD and Title V triggers can add hundreds of hours before permitting, modeling, and documentation before expansion projects move forward. In each case, companies are required to focus on compliance documentation and regulatory strategy rather than productivity improvements, safety enhancements, or product innovation.

Because of the Endangerment Finding, every policy shift creates planning volatility, new capital strategies, supplier realignment, and technology pivots, followed by possible reversals. The cumulative effects of the Endangerment Finding across automotive manufacturing, utilities, oil and gas, and the others listed here are long timelines, more compliance, overhead, and operational uncertainty,

⁹⁶ All of these Endangerment Findings Costs are in Regulatory Impact Analysis for the Final Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule - Final Report

⁹⁷ with a 7% present value (PV).

⁹⁸ at 7% PV.

⁹⁹ over 10 years.

¹⁰⁰ EPA 2025 Draft RIA, “Opportunity and Resource Cost Savings — Vehicle Composition.”

¹⁰¹ [News.stanford.edu/stories/2021/06/professors-explain-social-cost-carbon?utm_source=chatgpt.com](https://news.stanford.edu/stories/2021/06/professors-explain-social-cost-carbon?utm_source=chatgpt.com)

¹⁰² [Princeton.edu/news/2020/12/15/big-affordable-effort-needed-america-reach-net-zero-emissions-2050-princeton-study](https://princeton.edu/news/2020/12/15/big-affordable-effort-needed-america-reach-net-zero-emissions-2050-princeton-study)

www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_FullVolume.pdf?utm_source=chatgpt.com

¹⁰⁴ Federal Power Act, 16 U.S.C. § 824(b) “Such Federal regulation... shall extend only to those matters which are not subject to regulation by the States.”

¹⁰⁵ FERC v. Electric Power Supply Association, 577 U.S. 260 (2016)
Reaffirmed state authority over generation facilities and retail electricity markets.

¹⁰⁶ “It reduced state discretion by expanding federal Title V permitting...” This refers to PSD and Title V expansion after greenhouse gases became regulated pollutants. Title V & PSD Framework, • Clean Air Act Title V. 42 U.S.C. §§7661–7661f. • Clean Air Act Prevention of Significant Deterioration 42 U.S.C. §§7470–7492. After the Endangerment Finding and Tailpipe Rule: • EPA Tailoring Rule 75 Fed. Reg. 31,514 (June 3, 2010); EPA acknowledged that literal application of the statute would dramatically expand permitting to thousands of small sources

¹⁰⁷ West Virginia v. EPA. The Court described the Clean Power Plan as restructuring the national energy system by shifting generation from coal to gas and renewables — traditionally regulated by states. and held that generation-shifting under the Clean Power Plan intruded into traditional state authority over electricity generation and required “clear congressional authorization.”

The Non-Endangerment Finding:

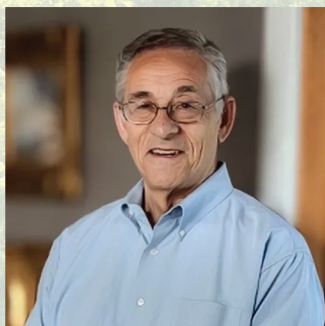
What the Climate Activists don't know or don't want you to know

The Endangerment Finding is the U.S. Government's claim that increases in atmospheric carbon dioxide (CO₂) through fossil fuel use injures our health by causing global warming, which in turn causes climate change and extreme weather events. Therefore, CO₂ must be regulated. This booklet explains that CO₂ has caused only minimal warming. In fact, the Sun, which has been warming the Earth since the beginning of time, has had a greater impact on this small temperature change (1°C - 1½°C) during the past 180 years. Meanwhile, the increase in atmospheric CO₂ has accelerated plant growth.

This book, in non-technical English, explains the history of mixed judicial and legal messages and the false justifications for regulating CO₂. It primarily uses U.S. Government scientific studies and charts to prove there has been no meaningful climate change. It explains why claims of more extreme weather events are meaningless.

FACTS:

- We are told that more and more people are dying yearly from our bad weather, but the fact is that only 2 out of 1 million Americans (700) die each year from weather events, according to the National Weather Service.
- CO₂ is a non-toxic molecule that has minimal impact on our weather, but is essential for plant growth.
- CO₂ is tasteless and odorless. It is the molecule that makes the bubbles in your Coca-Cola and is harmless. It is the only non-toxic greenhouse gas regulated by the EPA, but it accounts for 98% of the regulatory expense.
- Americans have wasted over \$1 trillion on climate change to reduce atmospheric temperatures, but this expense has not reduced temperatures by even .1°C.



About the Author: Stephen Einhorn lives in Milwaukee, Wisconsin, with his wife, Nancy, of 62 years. He has been blessed with two sons and seven grandchildren. He graduated from Cornell University with a major in chemistry and received a Masters of Polymeric Materials from Brooklyn Polytechnic Institute. He is the author of *Climate Change: What They Rarely Teach in College*, which focuses on why there is no meaningful problem with climate change. The book received a 4.5 rating on Amazon, where it was #1 in weather and #3 in climate for a short time. He is also the author of the video, *Climate Change explained in Seven Minutes*. He has worked in a family-owned chemical business, as a mergers and acquisitions consultant, and as a venture capitalist focused on technology companies. He is the author of a business joke book titled, *If You Try to Please Everybody, You Will Lose Your Ass*.