



The Environmental Protection Agency will officially revoke what’s known as the endangerment finding tomorrow and in so doing try to erase the basis for virtually all that agency’s regulations cutting greenhouse gases. It’s not really a surprise — we’ve been waiting for this announcement for a year. But seeing the agency’s precise justification will help answer an important question: Does the administration rely on science or legal reasoning?

My UCLA Emmett Institute colleague **Ann Carlson** has been tracking these developments and [doing interviews](#) about what to look for on Thursday. The exact justification matters because there will definitely be legal challenges and the scientific argument has already been severely undermined. You might remember that EPA first announced plans to revoke the endangerment finding in late July on the same day that Energy Secretary Chris Wright published a report called “Critical Review of Impacts of Greenhouse Gas Emissions on the U.S. Climate,” a coordinated strategy to try to point to science as well as legal arguments as justification.

Turns out that enlisting a secret working group of climate skeptics is a bad way to make policy. Judge William Young of the U.S. District Court for the District of Massachusetts ruled late last month that the Energy Department violated the law when Secretary Wright handpicked five researchers to huddle in secret and [produce the government report](#) that downplays global warming and dabbles in pseudoscience.

“These violations are now established as a matter of law,” Judge Young wrote, noting that DOE’s so-called Climate Working Group constituted a federal advisory committee designed to inform policy and thus violated Federal Advisory Committee Act of 1972.

“The problem with a violation of FACA for the administration is that it means that relying on the ‘science’ that came out of the ‘Climate Working Group’ for purposes of repealing the endangerment finding is highly problematic,” Prof. **Ann Carlson** told me. “If you don’t follow proper process — correct committee representation, open meetings, notice of those meetings, etc. — your work product is at best highly suspect and at worst, as I understand it, could be subject to a judicial remedial order.”

The Energy Department tried to argue that this working group was comprised of independent experts who merely assembled relevant facts and information. How independent was this group? Not very.

The researchers closely coordinated with Trump political appointees and injected the administration’s own law and policy concerns into what was supposedly a scientific report. Email correspondence shows the researchers taking marching orders and deadline demands from the administration. In one email from April 19, a political official in the Energy Department told the Climate Working Group members that “the exact charge for you all is to provide an update on the science relevant to the EPA’s endangerment determination with respect to GHGs” and “the EPA team asked that the document be DOE-branded.” In another dated April 24, a DOE political appointee emailed the researchers, “I’ll update you all as soon as we get a new (interim/rushed) deadline from EPA.” Later that day the same political official emailed that “we have renewed buy-in that EPA will wait for this work and include it in its rulemaking.” Then on July 28, one day before the report’s release, a DOE political appointee emailed the “independent scientists” saying, “I believe the Secretary is aware that he owes you all some glowing public comments and an open bar tab at some point.” I wonder if they ever got those drinks?

These records are part of more than 68,000 pages of records obtained by Environmental Defense Fund and the Union of Concerned Scientists as the result of [the lawsuit](#) alleging FACA violations. (Read more of the emails [here](#).)

Alejandro Camacho, another Emmett Institute colleague of mine, points out the absurdity of the scientific argument. “Even Trump’s [NASA](#) acknowledges that

climate change is “unequivocal,” and that human pollution is the primary cause,” he said. “At a minimum, the decision to repeal the endangerment finding is a waste of public resources; at worst, it is a dangerous attack on science and the rule of law.”

Other things to look for in the announcement on Thursday: How does EPA respond to the avalanche of public comments submitted to its draft rule over the last year? And is the administration clearly positioning for the U.S. Supreme Court to overturn *Massachusetts v. EPA*? If the argument is that the Clean Air Act does not cover greenhouse gas emissions, states like California could have more leeway to do just that. It could also impact Big Oil’s defense against climate litigation or the challenge to climate superfund laws. There will be much more to say about the legal reasoning if that’s the direction they go.

These are wild times. [The Federal Judicial Center](#), a government agency that provides resources to judges, just removed a peer-reviewed chapter on climate change from a manual written to help judges understand important scientific questions they may confront in their courtrooms. That [strange decision](#) came after pressure from Republican attorneys general who made outlandish claims about the information being biased, while also criticizing the chapter for not citing the pseudoscience of the Energy Department’s Climate Working Group researchers.

The fact that infamous climate change denier **Myron Ebell** told the New York Times, “We are pretty close to total victory” is terrifying. Tossing the ‘endangerment finding’ puts us all in danger. But the Trump administration’s messy and overtly political process could also put their rescission effort in danger.

Welcome to The Drain, a weekly roundup of environmental and climate news from Legal Planet. Our song of the week is obviously “El Apagón,” by Bad Bunny.

Energy in Puerto Rico and Beyond

Puerto Rico’s energy grid was front-and-center in Bad Bunny’s (amazing) half time show. [Here at 10:04](#) into the performance, transformers explode while he sings “El Apagón,” his anthem about Puerto Rico’s chronic blackouts.

“For energy nerds, it was a rare opportunity to reflect on one of the worst, most prolonged infrastructure disasters in modern American history,” [writes Alexander](#)

Kaufman at Heatmap News.

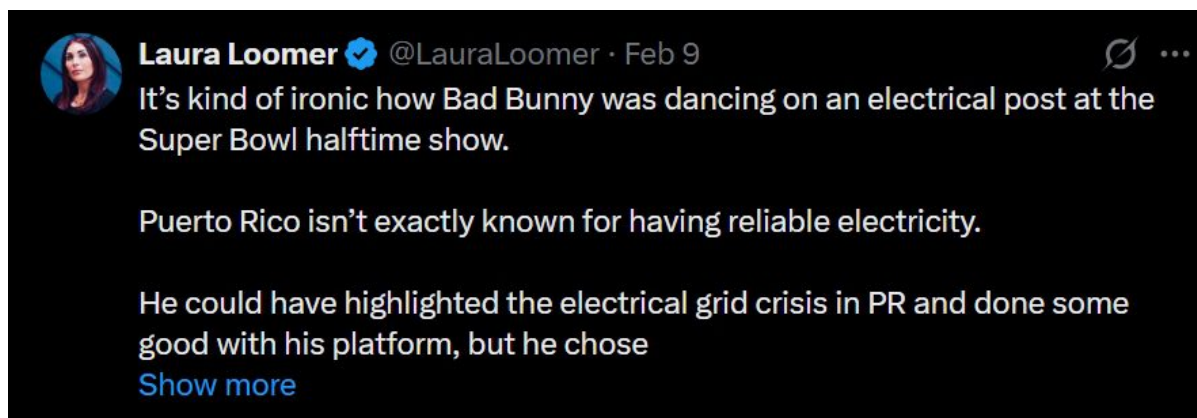
The superstar climbed a sparking electric pole as the Trump administration claws back millions in federal funding meant to fix the island's hurricane-battered grid, **Maria Gallucci** [wrote](#) at Canary. Last month, Trump's Department of Energy canceled \$450 million for grid resilience programs in Puerto Rico, [Latitude Media](#) [recently reported](#).

With an extremely high electricity rates of ~\$0.24 kWh, Puerto Rico's grid still remains unreliable years after Hurricane Maria, [writes](#) **Jessica Fishman**. "Frequent outages continue to affect homes, businesses, healthcare, and daily life. That's why many people on the island have turned to solar. As of November of last year, 'Puerto Rico reached 1.3 GW of residential solar and 185,000 residential batteries.'"

Becky Hammer has a great [Bluesky thread](#) analyzing "El Apagón" that intricately explains what underinvestment in the grid, gentrification, and rising housing prices have to do with one another. The music video for the song, I hadn't realized, includes a [mini documentary](#) by journalist **Bianca Graulau** about the energy politics.

Last spring, when Puerto Rico was again plunged into darkness, Bad Bunny [asked on social media](#): "¿Cuándo vamos a hacer algo?" When are we going to do something?

Some people truly don't get it.



Is the end of privately run gas stations within sight? [A new paper](#) in the journal Science by **Josh Lappen** and **Emily Grubert** lays out a near future in which

“electric transportation is becoming the market leader, but gasoline still has a share, albeit a declining one” and some areas of the country by the 2030s have very few profitable gas stations. They argue policymakers must anticipate now the timetable for when fossil fuel infrastructure will hit its downward spiral, Inside Climate News [reports](#).

“Solar energy is the energy of the future,” [tweeted](#) Katie Miller, married to Stephen Miller. “Giant fusion reactor up there in the sky – we must rapidly expand solar to compete with China.” She should tell Trump’s Energy Secretary.

Jeff St. John has [an important explainer](#) of why Chris Wright wrongly mischaracterizes how utilities and grid operators dispatch power plants. “The Department of Energy’s job is not to take a snapshot of the worst 15 minutes of the year and use it to justify policies that freeze in place that exact mix of grid resources.”

In Virginia, where most counties prohibit utility-scale solar, new legislation moving through the state’s Democratic-controlled Assembly would help change that, preventing outright bans while still allowing localities to reject large-scale solar projects on an individual basis, also from **Jeff St. John** [reporting](#) at Canary.

New York lawmakers last week announced that they are introducing a bill that would impose a three-year moratorium on data center development, **Molly Taft** [reports](#) at WIRED.

VP JD Vance delivered a [40-minute speech](#) last week asking 54 countries and the European Union to join a trading alliance led by the US to establish a supply of critical minerals that could meaningfully rival China by creating a “preferential trade zone.”

Tesla has [started hiring](#) staff to ramp up production of solar panels. The company wants to build 100 gigawatts of panel-manufacturing capacity supplied with raw materials produced in the U.S.

Washington Post Fallout



Washington Post offices in Washington D.C. Photo: mob mob via Flickr (CC BY-N.C. 2.0)

<https://www.flickr.com/photos/biblicone/3666632892>

I reported last week that the Washington Post had laid off at least 13 journalists who work on climate and the environment. **Sammy Roth** [put the number](#) at “at least 14” at Climate-Colored Goggles.

Brianna Sacks, a Washington Post reporter covering climate disasters who did *not* lose her job, has [spoken out](#) forcefully against the cuts. She says the Post lost about 14 people, leaving just four reporters to cover climate change globally. “The feedback we got from the top, up until the last moment, is that we were doing well,” she wrote. “During his call ... announcing the layoffs, Executive Editor Matt Murray even called out the Climate Team for our stellar work. And then they fired nearly everyone on it.” (Sacks and her team did amazing coverage of the LA fires and the Maui fires before them.)

The good news is that there is still a climate desk at the Washington Post.

Shannon Osaka, a WaPo climate reporter, is still on the job and [publishing](#) stories on the climate solutions beat. **Michael Cohen**, a climate columnist for WaPo, writes

that he's still very much on the beat too. The bad news is that four reporters can't adequately tell the story of global climate change. That and the opinion pages are chocked full of [bad takes](#), like this editorial supporting the EPA revoking the endangerment finding ("There may come a time when the people elected to enact laws decide the modest benefits of regulating greenhouse gases outweigh the considerable economic costs.")

There's a [layoff relief fund](#) for the 300 or so Washington Post journalists who've been cut.

Among the former Post staffers who have shed additional light on the layoffs are [Chris Mooney](#), who was one of the paper's first climate reporters and now writes the "Report Earth" Substack. This is part of a bigger picture, Mooney writes. "The volume of climate change coverage in the top 5 U.S. newspapers (including the *Post*) appears to show a recent decline."

"The scaling back of climate reporting is not just a loss of stories," [writes](#) Mongabay editor **Rhett Butler**. "It represents a thinning of the informational infrastructure that allows societies to recognize problems early enough to respond."

Geoffrey Fowler who covered Big Tech, including Amazon, with an eye toward consumer experience and sustainability was laid off and is [now writing](#) a Substack.

Hopefully many of those let go find success on new platforms. I look forward to reading what those remaining at the Post do on the climate beat.

California



The National Park Service is studying whether portions of the Los Angeles coast could become a national park, **Ian James** [reports](#). The public can weigh in at virtual meetings today (Feb. 11) and again on March 11, or in written comments.

This week, Assemblymember Robert Garcia introduced the California Clean Skies Act ([AB 1777](#)), a bill that affirms CARB's authority to regulate "indirect sources" that attract activity from polluting vehicles and equipment. Earthjustice [cheered](#) the move. It's a second attempt for this idea.

California is once again updating CalEnviroScreen, the influential tracking system it uses to decide which polluted communities in California get cleanup funding. But critics say it still overlooks some of them, **Alejandra Reyes-Velarde** [reports](#) for CalMatters. "Bradley Angel, director of the environmental group Greenaction for Health and Environmental Justice, faulted the state for not using the tool to deny waste permits to polluters."

CARB's clean-truck voucher program set aside about \$165 million to subsidize Tesla's Semi, which critics say reserves its largest-ever tranche of funding to subsidize "a largely unproven vehicle with a dubious production timeline," **Tony Briscoe** [reports](#) at the LAT.

The Los Angeles mayor's race will be a little more interesting with City Councilmember (and MIT-educated urban planner) Nithya Raman running to the left of Mayor Karen Bass. "Bass's path to reelection became considerably more challenging and a runoff is a virtual certainty," LAT's **Jim Rainey** [writes](#). It remains to be seen how that will impact climate policy discussions, but it could open legitimate differences in housing policy.

A wolf arrived in LA County this weekend, and it was the first time the apex predator has been documented in the area in at least a century, Lila Seidman [reports](#) at LAT.

Public health officials issued a [second warning](#) about foraging mushrooms. Thanks to a very wet December, [death caps](#) — or *Amanita phalloides* — have proliferated along the Central Coast and in Northern California.

The Courts

BYD [filed a lawsuit](#) against the U.S. government challenging Trump's bid to use sweeping authority to impose tariffs, and requested a refund for all levies it paid since last April, court documents show.

A federal district court judge in Texas struck down an anti-ESG law barring state agencies from investing in firms accused of boycotting fossil fuel companies. **Karen Zraick** [reports](#) that the 2021 law known as SB 13 "had become a model for similar measures around the country, as part of a larger push against the use of environmental principles in investing."

Chevron acquired a ranch in West Texas whose owner had been waging a legal battle accusing the US energy giant of negligently spilling toxic water and crude oil on the 22,000-acre property, Bloomberg Law [reports](#).

Climate Politics

If you're asking yourself, "who the fuck cares" and "what difference does it make?" **Amy Westervelt** [has an essay](#) at Drilled on why climate still matters.

More Americans (37% versus 25%) think Democrats, not Republicans, are the party most committed to reducing energy prices, a new POLITICO poll [found](#).

When Axios [asked](#) **Rahm Emanuel**, potential Democratic 2028 White House hopeful, about the endangerment finding repeal — his answer went right to prices, not climate change.

The 2026 Winter Olympics in Italy has seen lots of climate politics.

Sammy Roth [profiled](#) an athlete climate hero who is speaking out: Jacquie Pierri, a hockey player who grew up in the New Jersey suburbs, studied mechanical engineering at Brown University with a focus on energy, then popped over to Europe for her master's in sustainable energy systems.

Jessica Green [argues](#) at Noema Magazine that global cooperation is needed to rein in the power of fossil fuel asset owners using tax and investment policy. “We have been overly focused on the wrong problem: emissions mitigation rather than the power asymmetry between green and fossil asset owners.”

Climate Risks

Nearly half of all the wildfires in the U.S. in 2025 — 49% of 77,850 fires— ignited east of the Mississippi River, according to statistics [released last week](#) by the National Interagency Fire Center.

Chronic exposure to pollution from wildfires has been linked to tens of thousands of deaths annually in the United States, [according](#) to a new study published last week in the journal Science Advances.

Despite Trump's effort to prevent new climate superfund lawsuits, states around the country are proposing the Polluters Pay measures, **Karen Zraick** [reports](#) for NYT. In Maine, one bill passed a committee vote, and Illinois and New Jersey recently introduced them, with one expected soon in Connecticut.

In California, Sen. Scott Wiener recently [introduced](#) a [SB 982](#) to expressly give the state attorney general the power to go after fossil-fuel companies for damages from worsening natural disasters and then use the money to help with home insurance costs across the state.

Connecticut has launched a new website that displays extensive information about the climate risk of every property in that state — E&E [calls it](#) “an unprecedented move to alert residents and to promote flood insurance.”

Colorado River

On Friday, [federal forecasters cut their estimates](#) for how much water will flow down the Colorado River this year.

In recent days, Interior Secretary Doug Burgum called a meeting of Western governors to cut a water-sharing deal for the Colorado River — but issued none of the threats or ultimatums that have been key to prior agreements, **Annie Snider reports** at E&E.

The Upper Basin states of Colorado, New Mexico, Utah and Wyoming have emerged as the main obstacles to a fair deal, **Sammy Roth writes** in an OpEd for the New York Times. “They’ve gummed up negotiations by refusing to accept mandatory cuts of any amount — unlike the Lower Basin states, which have spent years slashing water use.”

Other Things Worth Your Time

The few old-school, outdoorsy, Roosevelt Republicans who are still fighting to protect cherished trout creeks and bird habitats are outnumbered and outgunned by “the inside Republicans,” **Stephen Lezak writes** in a NYT Opinion essay. “Maybe it’s too much to expect every president to go camping, but the American right will have to decide how much to tolerate a generation of leaders who are ambivalent or outright hostile to our nation’s natural heritage.”

Some former officials are taking action: A new, strange-bedfellows group called [Ground Shift](#) is launching an initiative with an ambitious goal: “reimagine how the United States manages its public lands and waters in the face of accelerating 21st-century challenges.” Axios reports that the names on its [advisory council](#) include Democratic climate vet John Podesta; Tracy Stone-Manning, who led the Bureau of Land Management under President Biden; Lynn Scarlett, who was deputy Interior secretary under George W. Bush; and Mark Rey, a former top Agriculture Department official overseeing public lands under Bush.

And happy mardis gras. There’s a growing effort to recycle all those mardi gras beads, as **Drew Hawkins reports** for New Orleans Public Radio.