

US Republican Attorneys General Sue to Stop EPA's Carbon Rule

Media Mentions

May 10, 2024 | *Reuters* | 1 minute read | Washington, DC

Republican attorneys general from 27 US states and industry trade groups sued the Environmental Protection Agency on May 9, seeking to block a landmark rule requiring sweeping reductions in carbon emissions from existing coal-fired power plants and new natural gas plants.

The rule mandates that many new gas and existing coal plants reduce their greenhouse gas emissions by 90 percent by 2032. The requirements are expected to force the US power industry to install billions of dollars' worth of emissions control technologies or shut down the dirtiest facilities running on coal.

EPA's assertion is that emissions reduction is feasible if power plants install carbon capture and sequestration (CCS) technologies, but the Clean Air Act requires the EPA to set standards that are attainable using technologies that are "adequately demonstrated." CCS has been installed at dozens of facilities that process various fuels, but just four coal-fired power plants globally have CCS installed, according to the Global CCS Institute.

"They've taken a pretty aggressive view of what it means to have something be adequately demonstrated, and I just think the Supreme Court will look at this and say EPA is out over its skis," said Bracewell's **Jeff Holmstead**.

The new carbon emissions regulations come nearly two years after the US Supreme Court struck down a previous power plant emissions rule developed during the Obama administration, which sought to spur a shift from coal to cleaner energy sources.

Related People

Jeffrey

Partner

WASHINGTON, DC

+1.202.828.5852

jeff.holmstead@bracewell.com

Related Industries

[Energy](#)

[Infrastructure](#)

Related Practices

[Environment, Lands and Resources](#)

[Environmental Litigation &](#)

[Enforcement Defense](#)

[Government Relations](#)

[Litigation](#)

[Environmental Litigation](#)

[Strategic Communications](#)