



Briefing Notice

The Supreme Court and EPA Carbon Rules

Thursday, March 6, 2014

2:00 - 3:00 PM

Senate Visitors Center (SVC) 209-208

Please RSVP: www.eesi.org/030614supremecourt#RSVP

The **Environmental and Energy Study Institute** (EESI) invites you to a briefing on the Supreme Court case, *Utility Air Regulatory Group v. Environmental Protection Agency (EPA)*, which is considering whether the EPA's authority to regulate the greenhouse gas emissions of new motor vehicles also extends to stationary sources, such as existing power plants. The case is the result of six separate challenges to EPA authority from industry groups and 12 states. On February 24, the Supreme Court heard oral arguments in the consolidated case.

This briefing will examine the arguments brought forth on February 24 and what can be derived from the line of questioning by the Justices. What is and is not at stake in this case, and what are the potential outcomes of the Court's decision? What does the relatively narrow focus of the case, despite a much broader challenge, mean for future judicial challenges to EPA's regulatory authority concerning greenhouse gases? Speakers for this forum are:

- **Michael B. Gerrard**, Professor, Columbia Law School; Director, Columbia Center for Climate Change Law
- **Amanda Leiter**, Associate Professor, American University Washington College of Law

In 2007, the Supreme Court ruled in *Massachusetts vs. EPA* that the environmental agency has the authority, under the Clean Air Act, to regulate greenhouse gases, such as carbon dioxide. The case specifically concerned regulating emissions from motor vehicles. In 2010, EPA issued rules imposing restrictions on greenhouse gas emissions from refineries and plants being expanded or modernized. The agency argues that since the Supreme Court determined that greenhouse gases are pollutants and are, therefore, covered by the Clean Air Act, its regulatory authority extends to the stationary sources (factories, power plants, and other structures) that are subject to permitting requirements in the Act, in addition to motor vehicles.

Fifteen states, including New York, California and Maryland, support the EPA's determination and believe the Clean Air Act gives the executive branch sufficient discretion to address new environmental threats to the atmosphere as they are identified by researchers. The D.C. Circuit, which reviewed the case before it reached the Supreme Court, also sided with the EPA. However, the plaintiffs object, arguing that EPA's regulation of greenhouse gas emissions by stationary sources is "one of the most brazen power grabs ever attempted by an administrative agency" (according to the court brief filed by the 12 petitioning states).

In a separate Supreme Court case on December 17, 2013, the Justices heard arguments on EPA's authority, also under the Clean Air Act, to regulate power plant emissions which cross state lines. The Court's decisions on both cases are expected in July 2014.

This event is free and open to the public.

For more information, contact Amaury Laporte at alaporte@eesi.org or (202) 662-1884.

