



FOR IMMEDIATE RELEASE

June 23, 2014

Media Contact: Cory Andrews | 202-588-0302

In Partial Victory for WLF, High Court Curbs EPA's Attempt to Rewrite Clean Air Act and Grab Power

(Utility Air Regulatory Group v. EPA)

“Today’s decision reinforces the limits of EPA’s regulatory authority. The Court’s decision makes clear that the statutory scheme Congress created under the Clean Air Act imposes real constraints on whose emissions EPA can regulate.”
—Cory Andrews, WLF Senior Litigation Counsel

WASHINGTON, DC—The U.S. Supreme Court today rejected the Environmental Protection Agency’s attempt to rewrite the statutory emission thresholds for Clean Air Act regulations. The decision marked a partial victory for Washington Legal Foundation.

The case arose from a legal challenge to EPA’s controversial “tailoring rule,” which the agency adopted to allow for more expansive regulation of greenhouse gases in the wake of the Court’s earlier decision in *Massachusetts v. EPA*. In its brief, WLF argued that EPA had improperly seized on the Supreme Court’s narrow ruling in *Massachusetts* to aggrandize the agency’s authority to regulate sources just on the basis of their greenhouse gas emissions. *Massachusetts* had decided that the Clean Air Act authorizes EPA to regulate greenhouse gas emissions from motor vehicles, but EPA tried to interpret the statute more broadly to allow regulation of nearly all greenhouse gas emitters.

The Supreme Court agreed that EPA interpreted *Massachusetts* too aggressively, and it struck down the tailoring rule and held that EPA does not have the authority to rewrite applicable statutory emissions thresholds under the Clean Air Act. However, in deciding that EPA can regulate greenhouse gas emissions of emitters whom it is already regulating for other reasons, the Supreme Court’s decision still allows EPA to regulate the vast majority of affected entities.

WLF’s brief was prepared with the substantial *pro bono* legal assistance of Peter Glaser, a partner in the Washington, DC office of Troutman Sanders LLP.

In response to the decision, WLF issued this statement by Senior Litigation Counsel Cory Andrews: “Today’s decision reinforces the limits of EPA’s regulatory authority. The Court’s decision makes clear that the statutory scheme Congress created under the Clean Air Act imposes real constraints on whose emissions EPA can regulate.”

WLF is a public interest law and policy center with supporters in all 50 States. WLF regularly litigates in environmental matters to promote a rational balance between environmental protection and economic growth.

###