

High Court Review Puts EPA in Carbon Regulatory Limbo

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Bracewell's **Jeff Holmstead** discussed with *Law360* how the Environmental Protection Agency will need to proceed with caution in its efforts to regulate the electricity sector in light of the US Supreme Court's looming review of the agency's greenhouse gas emissions authority.

"It would be very odd for the EPA to move forward with a regulation when the Supreme Court has said, 'We're going to decide what the extent of its regulatory authority is under the Clean Air Act,'" said Holmstead. "If they move forward now, they're kind of feeling around in the dark."

The justices on Friday threw sand in the gears of any immediate plans to craft new rules limiting GHG emissions at existing power plants when they granted petitions from states and the coal industry that seek to severely restrict the agency's Clean Air Act authority to regulate GHGs.

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