

# Why EEI Is Trying to Kill Biden's Climate Rule

Media Mentions

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The Edison Electric Institute (EEI) sued the Biden administration on May 22 over US Environmental Protection Agency's (EPA) decision to base its new climate change rule on carbon capture and storage.

The move represents a shift for a powerful industry group with a diverse membership of investor-owned utilities that seldom litigates over environmental rules.

Bracewell's **Jeff Holmstead** told *E&E News* that EEI's challenge is "a big deal."

The trade group hasn't attached its name to a legal challenge over pollution rules for years. And Holmstead said that was because the group — which operates on consensus — has some members who see an advantage in supporting a standard that they believe they can meet more easily than their competitors.

"I think there certainly are members of the EEI who are not accustomed to challenging EPA rules," said Holmstead.

That's not the case this time, he said, because utilities that own coal plants or plan to build new gas facilities would have to make large investments to capture most of their emissions. That describes most utilities.

"The virtual unanimity reflects the fact that people just think EPA has gone too far this time," he said.

EPA's rule incorporated numerous elements from EEI's comments, including the agency's decision to scrap its plans to regulate existing gas-fired power plants under the rule. But those concessions failed to satisfy the trade group.

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