

EPA Floats ‘Poorly Reasoned’ Claims on GHG ‘Significance,’ Observers Say

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Observers are faulting EPA’s legal arguments supporting its claim that power plants’ greenhouse gas emissions do not “significantly contribute” to public health harms, arguing the agency’s proposal on the issue is “poorly reasoned” and conflicts with the Supreme Court’s recent administrative law decisions.

Bracewell’s **Jeff Holmstead**, who previously served as EPA’s air chief, told *Inside EPA* that it’s “a little bit surprising” that agency priorities were part of EPA’s rationale. EPA’s “primary motivation here is to prevent future administrations from re-regulating especially CO₂ emissions.” But leaning on agency priorities “doesn’t help them,” since that could change from one administration to the next. He expects the EPA to “tighten up their rationale” in the final rule.

By contrast, Holmstead called EPA’s arguments focusing on global emissions “clearly legally relevant” and “plausible.” Holmstead noted that agency policies are “precisely the kind of thing” the Supreme Court in its 2007 *Massachusetts v. EPA* decision said the agency should not consider when weighing a separate but related “endangerment finding” about whether GHGs pose a danger to public health.

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