

Power Plant Ruling Puts Legal Pin in Biden's Climate Plans

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Bracewell's **Jeff Holmstead** told *Bloomberg Law* that the Supreme Court's ruling in *West Virginia v. EPA* can be seen as a check on broad agency power.

Holmstead said the court had "no trouble" deeming this issue a major question. "EPA can make such determinations only if there's a clear statement that this is what Congress intended," he stated. "Since there is no such clear statement, EPA does not have this authority."

The ruling doesn't strip the agency of all power to regulate greenhouse gases for coal-fired plants under section 111 of the Clean Air Act. The two major cases that set that precedent—*AEP v. Connecticut* and *Massachusetts v. EPA*—weren't touched.

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