

Supreme Court Climate Ruling May Chill Regulation

Media Mentions

June 30, 2022 | *E&E News* | 1 minute read | Washington, DC

Bracewell's **Jeff Holmstead** gave comments to *E&E News* on the Supreme Court's ruling in *West Virginia v. EPA*.

"The majority had no trouble finding that the question of how the US electricity sector should be structured (and how much electricity should come from coal as opposed to other sources) was a major question," stated Holmstead.

The court's 6-3 ruling stated that the Clean Air Act did not give the agency authority to craft a broad power plant emissions rule like the Obama-era Clean Power Plan. The majority applied the "major questions" doctrine to reach its conclusion, which requires explicit congressional authorization for action on issues of broad importance and societal impact.

"Because it is a major question, EPA can make such determinations only if there's a clear statement that this is what Congress intended," he continued. "Since there is no such clear statement, EPA does not have this authority."

[Click here to read more from *E&E News*.](#)

Related People

Jeffrey R. Holmstead

Partner

WASHINGTON, DC

+1.202.828.5852

jeff.holmstead@bracewell.com

Related Industries

[Energy](#)

Related Practices

[Environment, Lands and](#)

[Resources](#)

[Environmental Litigation &](#)

[Enforcement Defense](#)

[Natural Resource Protection](#)

[Environmental Permitting &](#)

[Regulation](#)