

The Legal Pitfalls of Zeldin's Climate Rule Rollback

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June 12, 2025 | *E&E News* | 1 minute read | Washington, DC

EPA Administrator Lee Zeldin announced that the agency will repeal two 2024 power sector standards: one to limit climate pollution and another to curb mercury pollution. In its draft rule repeal, EPA argues that the industry emits too little heat-trapping pollution to be worth regulating. The US power industry is the nation's second-highest emitting sector.

Bracewell's **Jeff Holmstead**, who served as EPA air chief during the George W. Bush told *E&E News* that the Clean Air Act requires the Trump administration to make a separate finding of significant contribution before regulating a new pollutant from any given sector.

"This issue, though, is separate from the question of whether CO₂ emissions from US power plants significantly contribute to climate change that harms public health or welfare," he said. "The courts could agree with EPA on this issue but still reject EPA's position that power plants do not significantly contribute to climate change."

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