



U.S. Supreme Court GHG Decision Paves Way for New Coal-Fired Power Plant Emissions Regulations

By [John Georgakopoulos](#), Partner, with the assistance of Anand Srivastava, student-at-law. © Willms & Shier Environmental Lawyers LLP.



June 26, 2014

On June 23, 2014, the United States Supreme Court held that the United States Environmental Protection Agency (EPA) did not, unilaterally, have the authority to reduce greenhouse gas (GHG) emission permitting thresholds. Based on the constitutional separation of powers, EPA should have obtained the approval of the United States Congress. The Court, however, affirmed that EPA can regulate GHG emissions from industries already subject to air pollutant regulations – this decision will enable President Obama to implement proposed regulations to reduce coal-fired power plant emissions.

The Court's decision was viewed as a partial victory by both industrial groups and EPA. The central issue was decided in favour of industrial groups, which argued that EPA's power was not unlimited and could only fall within the authority granted to it by Congress. The Court did, however, affirm EPA's argument that it can regulate GHG emissions from industries that already require permits for other air pollutants. These regulated industries are responsible for most of the air pollutant emissions in the U.S., and include power plants, refineries, and other industrial facilities.

The Court's decision on EPA's ability to regulate GHG emissions for currently regulated industries allows President Obama to implement proposed regulations reducing coal-fired power plant emissions. These regulations focus on emission reductions of 30% of 2005 values by 2030.

[John Georgakopoulos](#), LL.B., M.Sc., B.Sc. (Hons.), is a partner at Willms & Shier Environmental Lawyers LLP. John advises on environmental compliance and due diligence, directors' and officers' environmental liability, and creates defensible policies and priorities for action. He also defends environmental prosecutions and orders, and litigates environmental claims. John may be reached at 416-862-4826 or jgeorgakopoulos@willmsshier.com.

The information and comments herein are for the general information of the reader only and do not constitute legal advice or opinion. The reader should seek specific legal advice for particular applications of the law to specific situations.