FACT SHEET

Flaws in EPA's Repeal of Greenhouse Gas Standards for Power Plants

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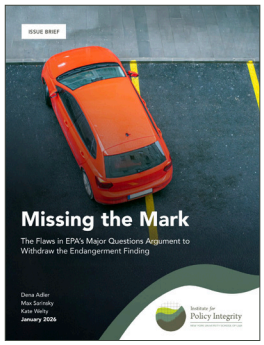
In September 2026, EPA took two actions to repeal greenhouse gas emission standards for power plants. First, EPA finalized a rule repealing key greenhouse gas standards for power plants on the basis that carbon capture and sequestration is not adequately demonstrated and is too costly. Similarly, EPA repealed the prior rule's requirements for natural gas co-firing after finding them to be impermissible and unachievable.

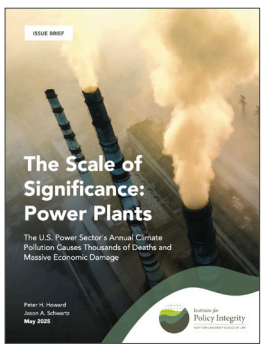
Second, EPA proposed a rule asserting that it does not have the authority to set greenhouse gas standards for power plants. EPA primarily argues that the Clean Air Act provision authorizing power plant emission standards does not extend to greenhouse gases. EPA also argues that regulation would be futile because greenhouse emissions from U.S. power plants would have a relatively small impact on global temperature and sea-level rise.

EPA's actions are wrong on numerous accounts. As our resources explain, legal precedent and scientific and economic evidence justify U.S. climate regulations:



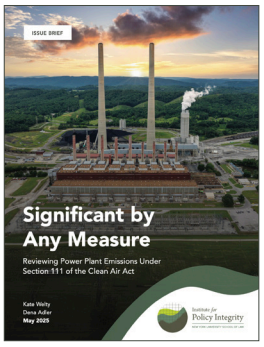
1. **EPA has broad authority to regulate greenhouse gas emissions from power plants**. Congress expressly contemplated that EPA would regulate climate pollutants when it passed the Clean Air Act, and, in 2011, the Supreme Court confirmed that EPA has authority to regulate greenhouse gas emissions from power plants. Since then, Congress and the Supreme Court have reaffirmed EPA's authority to regulate greenhouse gases.

2. **The major questions doctrine does not undercut that regulatory authority.** EPA's regulation of greenhouse gases from motor vehicles did not trigger the doctrine because it was neither unheralded nor transformative of EPA's authority. The same logic applies for power plants. And the Supreme Court essentially rejected EPA's major questions argument in 2007.



3. **Greenhouse gas emissions from U.S. power plants cause enormous harm to U.S. health and welfare.** The sector's annual greenhouse gas emissions cause thousands of U.S. deaths and hundreds of billions of dollars in economic costs from future climate damages.

4. **EPA has repeatedly regulated sectoral emissions under the Clean Air Act based on far smaller pollution contributions.** Given EPA's longstanding practice of addressing much smaller emissions contributions, greenhouse gases from U.S. power plants undeniably satisfy the Clean Air Act's standard for regulating.



5. **The benefits of EPA's power sector greenhouse gas regulations—including climate and public health benefits—greatly exceed the costs**. The rescinded climate regulations were projected to produce hundreds of billions of dollars in net benefits, including over $7 billion in annual health benefits, $17 billion in annual climate benefits, and over 500 avoided deaths per year.

6. **EPA unreasonably dismisses these substantial benefits and inappropriately characterizes greenhouse gas emission regulation as futile.** The agency provides no good arguments to call the existing climate change evidence into question. Moreover, EPA ignores its own established and peer-reviewed practices for measuring climate change damages.

7. **EPA's final repeal of key standards relies on flawed cost estimates and a misunderstanding of when a technology is adequately demonstrated.** EPA's analysis of the cost of carbon capture and sequestration was based on faulty and inadequate assumptions. Further, decades of regulatory practice and caselaw confirm that a technology can be adequately demonstrated even if it is not yet in widespread use.