

**FOR IMMEDIATE RELEASE – May 11, 2023**

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## **STATEMENT ON NEW GREENHOUSE GAS EMISSIONS STANDARDS FOR POWER PLANTS**

Today, the Environmental Protection Agency proposed new standards to reduce greenhouse gas emissions from existing coal- and gas-fired power plants as well as new gas-fired power plants. These new standards are projected to deliver massive net benefits by reducing climate damages and improving public health including by reducing air pollutants that contribute to asthma attacks, heart attacks, and premature deaths. Together with Congressional incentives in the Inflation Reduction Act, EPA has found that these standards will help move the power sector to cleaner technology at reasonable costs.

**Dena Adler, Attorney at the Institute for Policy Integrity at NYU School of Law, issued the following statement:**

“Congress and the President have tasked EPA to reduce climate-damaging pollution from the power sector. Recent litigation, legislation, and technological developments have mapped out the available pathways for EPA to deliver on its obligation, and the agency has carefully walked those lines in this proposal.

Congress designed the Clean Air Act to be technology-forcing and push the industry forward to protect public health rather than memorialize the status quo. The carbon capture technology contemplated in this rule entails pollution controls at the facility level. This type of approach is squarely within EPA’s wheelhouse.

Dating back to EPA’s early sulfur dioxide limits for power plants from the 1970’s, EPA has based limits on installing the next wave of technology even if it is not yet in widespread use. EPA has been setting standards this way since the ink was fresh on the Clean Air Act. Time and again industry has found ways to meet emission standards more easily and cheaply than predicted. Moreover, state regulators and plant operators have flexibility in how they achieve EPA’s emission limits, allowing them to identify cost-saving and equity-enhancing alternatives.

For over a decade, the Supreme Court has recognized that EPA has authority to reduce greenhouse gas emissions from the power sector under Section 111 of the Clean Air Act. EPA’s authority to reduce greenhouse gas emissions was reinforced by Congress in the Inflation Reduction Act. Last summer, in *West Virginia v. EPA*, the Supreme Court took issue with *how* an Obama-era rule, the Clean Power Plan, picked the best controls to determine emission limits. Specifically, it said EPA could not consider shifting generation from dirtier sources to cleaner sources as a “best system of emission reduction.” The *West Virginia* decision left intact EPA’s obligations to reduce greenhouse gas emissions that endanger public health from the power sector.”

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