



Institute for
Policy Integrity

NEW YORK UNIVERSITY SCHOOL OF LAW

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Contact: Derek Sylvan | (614) 638-8282 | derek.sylvan@nyu.edu

STATEMENT ON SUPREME COURT REVIEW OF POWER PLANT GHG REGULATION

Today, the Supreme Court announced that it will review challenges to a January 2021 decision from the U.S. Court of Appeals for the District of Columbia Circuit vacating the EPA’s so-called Affordable Clean Energy rule (“ACE”), a Trump-era regulation of greenhouse gas emissions from existing power plants. ACE had been issued on the theory that its predecessor, the Obama-era Clean Power Plan, was unlawful—a claim that the D.C. Circuit forcefully rejected.

Richard Revesz, AnBryce Professor of Law and Dean Emeritus at New York University School of Law, where he directs the Institute for Policy Integrity, issued the following statement:

“Petitioners in this case argue that EPA lacks authority to employ flexible, cost-minimizing techniques like emissions trading when regulating carbon pollution from existing power plants under the Clean Air Act. That argument is at odds with decades of regulatory practice under administrations of both parties. EPA has repeatedly employed flexible techniques like emissions trading in Clean Air Act rules and should be able to continue to do so as it works to decarbonize the power sector. Petitioners’ claims lack merit, as this case will hopefully reveal.”

Revesz is available for interviews on this issue.

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