



Institute for  
**Policy Integrity**  
NEW YORK UNIVERSITY SCHOOL OF LAW

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## **STATEMENT ON SCOTUS CASE ON EPA GREENHOUSE GAS REGULATION**

Today, the Supreme Court heard oral argument in *West Virginia v. EPA*, a case challenging the Environmental Protection Agency’s authority to regulate greenhouse gas emissions from existing power plants. The case could have profound implications for U.S. climate policy.

**Richard Revesz**, AnBryce Professor of Law and Dean Emeritus at the New York University School of Law, released the following statement on the oral argument:

*“Today’s argument underscored three important points. First, the Supreme Court is being asked to issue an advisory opinion, which it does not have the power to do, because there is no regulation currently in place. At best, all the Court could do is give guidance on what a future regulation might look like.*

*Second, the limitations on EPA’s authority advocated by West Virginia and its allies have no support in the text of the statute. They present a crabbed interpretation of the term “system” of emissions reduction that ignores the way in which the electric grid operates. Unsurprisingly, the bulk of the power sector opposes these limitations.*

*Third, the extensive invocation of the major questions doctrine by the opponents of EPA’s authority is misplaced. This is clear because in the absence of regulation, market conditions have, on their own, produced the shifts in energy markets that the Clean Power Plan was intended to produce if it had gone into effect.”*

Revesz filed an [amicus brief in this case](#) as an expert in administrative and environmental law, discussing the application of the “major questions doctrine.” He also recently published an [analysis](#) of why this case is an ideal candidate for being dismissed as improvidently granted.

**Revesz is available for interviews about the oral argument and the broader details of the case.**

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