

Supreme Court Accepts Appeal Challenging EPA's Greenhouse Gas Rules

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On Tuesday, the [Supreme Court of the United States granted](#) six separate petitions for certiorari from a decision of the Federal Circuit Court for the District of Columbia upholding EPA's efforts to regulate greenhouse gas (GHG) emissions under the **Clean Air Act (CAA)**. The petitions will be consolidated and the Court's review will be limited to a single question: "Whether EPA permissibly determined that its regulation of greenhouse gas emissions from new motor vehicles triggered permitting requirements under the Clean Air Act for stationary sources that emit greenhouse gases." The petitioners include the State of Texas, the U.S. Chamber of Commerce, and industry associations of energy producers and users.

The Supreme Court ruled in 2007 that EPA has the authority to regulate GHG emissions ((Massachusetts v. EPA) and cited EPA's developing regulatory framework in its 2011 decision to dismiss claims related to damages caused by climate change (AEP v. Connecticut). Still, its decision to review the D.C. Circuit Court's opinion in this case is a win for opponents of GHG regulation since it signals the Court's interest in potentially scaling back EPA's efforts.

The [decision](#) being appealed resulted from the litigation titled *Coalition for Responsible Regulation, Inc. et al., v. Environmental Protection Agency* (D.C. Cir. Index No. 09-1322). This case is a consolidation of dozens of separate lawsuits challenging EPA's 2009 [endangerment finding](#) and the resulting rules that propose GHG emission limits for light-duty vehicles (tailpipe rule) and large, stationary sources (timing and tailoring rules). You can read more about the circuit court's opinion [here](#). The Supreme Court also denied three petitions arising out of this case and declined to consider some of the largest issues, including the validity of EPA's endangerment finding and EPA's adaptation of the CAA's permitting provisions to GHG emissions through the tailoring rule.

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