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High Court Agrees To Hear Greenhouse Gas Case Recommended By WLF

(Utility Air Regulatory Group v. EPA)

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WASHINGTON, DC—The U.S. Supreme Court today agreed to review the legal basis for the Environmental Protection Agency’s (EPA) authority to embark on an ever-expanding program to regulate greenhouse gases (GHG), a regulatory scheme that is likely to impact virtually the entire economy. The decision to review the case, *Utility Air Regulatory Group v. EPA*, was a victory for the Washington Legal Foundation (WLF), which filed a brief urging that review be granted.

The case arises from administrative rules adopted by the EPA in the wake of *Massachusetts v. EPA* to regulate GHGs as “air pollutants” under the Clean Air Act (CAA). In its brief, WLF argued that EPA has seized on the Supreme Court’s narrow ruling in *Massachusetts* (authorizing EPA to regulate GHG emissions solely from motor vehicles) to claim the authority to regulate GHG emissions from virtually *any* sector of the economy. As a result, WLF contends, EPA has decided to implement a scheme of GHG regulation that reflects not Congress’s priorities as set forth in the CAA or other federal statutes, but merely the Agency’s own internal priorities.

Following the grant of certiorari, WLF issued the following statement by Senior Litigation Counsel Cory Andrews:

“EPA has opened a Pandora’s Box of expansive greenhouse gas regulation that is likely to spread, on a timetable of EPA’s own choosing, to the entire economy. It is therefore vitally important that the Court has taken this case to clarify the intended scope of EPA’s authority, before this regulatory mischief expands any further.”

WLF’s brief was prepared with the pro bono legal assistance of Peter Glaser, of the law firm Troutman Sanders LLP.

WLF is a public interest law and policy center with supporters in all 50 States. WLF regularly litigates in environmental matters to promote a rational balance between environmental protection and economic growth.

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