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Breaking News - SCOTUS Stays the Implementation of the Clean Power Plan

The United States Supreme Court ("Supreme Court"), in a rather surprising and unprecedented move, issued a ruling staying the Environmental Protection Agency's ("EPA") implementation of the Clean Power Plan. As you know, the Clean Power Plan represents President Obama's primary environmental effort targeted at significantly reducing, on a state-by-state basis, the amount of greenhouse gas emissions produced by electric generation plants.

Under the Supreme Court's ruling, the stay of the Clean Power Plan will remain in effect until all legal challenges to the regulations have been resolved in the pending appeal before the U.S. Court of Appeals for the District of Columbia Circuit, which is not likely to occur until late 2016 or early 2017, at which point the Supreme Court may formally review the inevitable appeal on its legal merits. As such, the legality of the Clean Power Plan is not likely to be resolved until 2017 or later, when the potential change in presidential administrations could make the issue moot if the new administration decides not to defend the regulations.

Regardless, while the Supreme Court's action yesterday does not permanently defeat the Clean Power Plan, the decision to issue a stay of these regulations represents a significant victory for those opposing the EPA's efforts, as the stay places on hold the development of state-specific compliance plans, which were previously due to the EPA in September 2016.

At least one Attorney General, West Virginia's Patrick Morrisey, who has helped lead the legal challenge to the Clean Power Plan, has called the Supreme Court's action "a great victory," as the ultimate impact of staying the regulations means "protecting workers and saving countless dollars" while the appeal of the regulations continues.

If you have any questions about this issue, please contact:

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