

INSIGHTS

After West Virginia, What's Next at EPA?

August 10, 2022

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The Biden Administration has said that the Supreme Court's recent decision in *West Virginia v. EPA* will not keep them from taking aggressive "executive actions" to address climate change. Outside groups (including most recently a group of state attorneys general) have called on EPA to set national ambient air quality standards (NAAQS) for CO₂ or to regulate it under Section 115 of the Clean Air Act or under the Toxic Substances Control Act (TSCA).

Bracewell Partners [Jeff Holmstead](#) and [Brittany Pemberton](#) discussed these options and why EPA is unlikely to pursue them in the wake of *West Virginia*. They also discussed the CO₂ and methane regulations that EPA is actually likely to propose -- for the power sector, for oil and gas operations, and for other industrial sources.

Mr. Holmstead was the head of EPA's Air Office under President George W. Bush and has long been involved in EPA's efforts to regulate greenhouse gas emissions under the Clean Air Act. Ms. Pemberton represents a wide range of clients on Clean Air Act matters and has also been involved in a number of matters involving these same issues.