

Jonathan Brightbill Discusses EPA Clean Air Act Proposal with *E&E News*

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Winston & Strawn Partner Jonathan Brightbill spoke with *E&E News* about challenges that could make or break the Biden administration's latest Clean Air Act proposal, including legal action in the Supreme Court, which rejected Obama and Trump's proposed rules for power plants for greenhouse gas emissions.

Last year, the court ruled that the Obama approach, which set state-by-state reduction targets instead of limiting pollution at individual plants, went beyond the bounds of the Clean Air Act. In their ruling the Court endorsed the "major questions" doctrine, stating that agencies need clear approval from Congress to take actions with vast economic and political significance. EPA's new proposal is expected to rely on technologies such as capturing coal plants' carbon pollution before it hits the atmosphere or blending hydrogen into the fuel mix at natural gas plants.

Jonathan noted that the technologies the Biden administration is said to be considering, including carbon capture and co-firing with hydrogen, were studied and rejected by the Trump-era EPA in its bid to regulate power plant carbon. The agency still has to make its case that carbon capture meets the Clean Air Act's dictates.

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