



U.S. CHAMBER LITIGATION CENTER

CASES SUPREME COURT PARTY LITIGATION NEWS & EVENTS ABOUT SEARCH

Home > Case >

MURRAY ENERGY V. EPA

Chamber urges Court of Appeals to evaluate the EPA's authority to impose proposed GHG rule

U.S. Chamber's Position

In the coalition [brief](#), the Chamber asked the District of Columbia Circuit Court to evaluate the EPA's authority, in a proposed rule to substantially regulate greenhouse gas emissions from existing power generators. The proposed rule's annual compliance costs will reach at least \$7.3 billion by 2030. The brief argues that CAA §111(d)(1), precludes EPA from directing States to "establish standards of performance for any existing source for any air pollutant ... which is...emitted from a source category ... regulated under section 7412 [i.e., CAA §112]." Because the Mercury Rule regulates power plants under §112, EPA may not adopt the proposed rule. The brief points out that that owners and operators of power plants are already heavily governed by multiple EPA regulations imposing costs of billions of dollars per year on the industry. The proposed rule's annual compliance costs will reach at least \$7.3 billion by 2030, dramatically increase electricity's costs for the industry, while mandating obligations making electric service less reliable.

The U.S. Chamber of Commerce filed the brief jointly with the National Association of Manufacturers ("NAM"), the American Chemistry Council ("ACC"), The American Coatings Association ("ACA"), the American Fuel & Petrochemical Manufacturers ("AFPM"), the American Iron and Steel Institute ("AISI"), the Council of Industrial Boiler Owners ("CIBO"), the Independent Petroleum Association of America ("IPAA") and the Metals Service Center Institute ("MSCI").

[Peter D. Keisler](#), [Roger R. Martella](#), [C. Frederick Beckner III](#), and Paul J. Ray of [Sidley Austin, LLP](#) represented the U.S. Chamber of Commerce as co-counsel to the U.S. Chamber Litigation Center.

Case Outcome

This case has not been decided yet.

Procedural History

U.S. Chamber amicus brief filed 12/22/2014.

Case Documents

 [U.S. Chamber Amicus Brief -- Murray Energy v. EPA \(DC Circuit Court\).pdf](#)

CASE DETAILS

Status: [Awaiting Decision](#)

Court: [U.S. Court of Appeals for the District of Columbia Circuit](#)

Docket: [14-1112](#); [14-1151](#)

Issue: [Energy & Environment](#)

Sub-Issue: [Greenhouse Gases](#)

Industry: [Energy & Utilities](#)

Sub-Industry:

CASES RELATED BY THIS ISSUE

[Little v. Louisville Gas & Electric Co. Robinson Township v. Commonwealth of Pennsylvania \(III\)](#)

[Lennox International, et al. v. DOE et al. Coalition for Responsible Regulation, Inc., et al. v. EPA \(Coordinated Endangerment Rule, Auto Rule, Timing Rule, Triggering Rule, and Grounds Arising After Lawsuits\)](#)

[North Dakota, et al. v. Heydinger \(Minnesota\)](#)