

INSIGHTS

Despite Delay, EPA Still Set to Release GHG Draft Rule

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As has been well reported, EPA will miss its September 30 deadline for releasing its draft rule on utility-focused greenhouse gas emissions. While a new deadline has not yet been announced for the rule, which focuses on reducing emissions from oil refineries and power plants, EPA administrator Lisa Jackson stated that reducing greenhouse gas emissions in power plants is still a priority for the agency, and that a new schedule for the rulemaking will be released shortly. Bracewell & Giuliani partner Lisa Jaeger, a former EPA General Counsel who worked on GHG rules at the agency, told the [Wall Street Journal](#) that EPA's claim that they need more time should come as no surprise. She stated that the "deadlines did not allow time for EPA to grapple with the far-reaching policy judgments implicated by setting greenhouse-gas standards." While Administrator Jackson said that the decision to delay greenhouse gas rules for power plants was "not at all" political, most experts knew for months that, administratively, EPA couldn't meet the deadline. Jaeger also commented to [Environmental Finance](#) that "it's very difficult to write emissions performance standards. I also think there's definitely a political element to it, [due to] a lot of concern from the Republicans in Congress and the electorate on overregulation."²