



## **EPA ruling a victory for separation of powers, says expert**

Chris Woodward

Tuesday, June 24, 2014

**A legal expert thinks yesterday's Supreme Court ruling on emissions is the EPA's loss and the separation of powers' gain – and he predicts it won't be the last legal decision that finds actions by the Obama administration to be incompatible with the law.**

On Monday the Supreme Court placed limits on the Obama administration's efforts to regulate greenhouse gases. Andrew Grossman, adjunct scholar at the Cato Institute, says even though the high court did allow the EPA to continue regulating emissions from the largest sources in the country, it ruled the EPA doesn't have the authority to rewrite a portion of the Clean Air Act so as to reach any medium-sized or small business in the emissions from those establishments.

As a result, Grossman thinks Monday's ruling was a major blow to the EPA.

"The Obama administration has been unable to get any kind of greenhouse gas regulatory measures through Congress," he points out, "and so the administration decided to set off and try to do it on its own. But I think what the court is telling it is *You need congressional authorization before you're going to start regulating a major portion of the economy.*"

That is where the administration's proposed regulations for existing power plants come into question.

"An interesting aspect of it is that it concludes so-called 'demand response regulation,'" Grossman shares. "In other words, it would transform the EPA into a regulator of all energy and electricity usage throughout the economy. In this very opinion [Monday], the court cast doubt that the EPA on its own can really claim that kind of authority and that its powers extend so far."

In his column about the ruling, Grossman calls the ruling "a stiff dose of constitutional common sense." He adds: "[Monday's] decision – as well as one last month by the D.C. Circuit rejecting a nearly identical regulatory gambit by the Federal Energy Regulatory Commission – suggests that this won't be the last court decision throwing out Obama administration actions as incompatible with the law."