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WEST VIRGINIA JOINS OTHER STATES IN URGING U.S. SUPREME COURT TO CONSIDER FIGHT OVER GREENHOUSE GAS EMISSIONS

States file 'friend of the court' brief in support of Supreme Court petition challenging EPA regulations that will have adverse economic burden on states and consumers.

CHARLESTON - Gov. Earl Ray Tomblin and Attorney General Patrick Morrisey today announced West Virginia joined Kansas and **Montana** in filing an amicus, or "friend of the court," brief asking the U.S. Supreme Court to hear a challenge to Environmental Protection Agency rules that would allow the federal government to regulate greenhouse gas emissions from stationary sources.

The amicus brief asking for a writ of certiorari was filed Thursday, May 23, and follows a ruling by the U.S. Court of Appeals for the District of Columbia in favor of the EPA in four consolidated cases. If allowed to stand, the D.C. Circuit's ruling will fundamentally alter the Constitution's separation of powers and grant unprecedented authority to the EPA and other federal agencies.

Significantly, the states contend the EPA's "tailoring rule" contradicts explicit provisions of the Clean Air Act and establishes new compliance levels for greenhouse

gas emissions that are significantly higher than the levels specified in the statute.

West Virginia and the other amicus states maintain the U.S. Supreme Court should hear the case to clarify that the EPA has misinterpreted the Clean Air Act and acted outside the scope of its legal and Constitutional authority.

"In addition to this brief, I wrote to the President last month urging him, in the strongest of terms, to direct the EPA to discontinue its anti-coal policies," Gov. Tomblin said. "The EPA's proposed limits on greenhouse gas emissions threaten the livelihood of our coal miners to the point of killing jobs and crippling our state and national economies, while also weakening our country's efforts toward energy independence. I hope the high court recognizes the urgency and critical importance of our brief for all Americans."

Attorney General Morrisey said the EPA's rules regarding greenhouse gas emissions are another example of the federal agency overstepping its role to the detriment of West Virginians.

"The EPA's decision to regulate greenhouse gas emissions in this way will have a devastating impact on the industries that must comply with these rules, as well as consumers," Morrisey said. "Once again, the EPA is moving ahead on an issue with little regard for the plain language of the statute and the people who are directly impacted by these incredible new burdens."