

Steve Marshall
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Attorney General Marshall Sends Letter Rebuking EPA's Proposed New Rule on Power Plants

(Montgomery) – Alabama Attorney General Steve Marshall signed on to a [21-state coalition letter opposing the U.S. Environmental Protection Agency's \(EPA\) proposed new rule on existing coal, natural gas, and oil-fired power plants](#). The EPA's proposal unlawfully attempts to use a narrow regulatory provision in the Clear Air Act to force existing power plants into retirement en masse. The U.S. Supreme Court rebuked the EPA for a similar scheme just last year in *West Virginia v. EPA*.

"Just as our coalition was successful before the Supreme Court, this letter reminds the EPA that its authority is subject to authorization from Congress," said Attorney General Marshall. "As the last line of defense, I will continue to combat these out-of-control agencies who set illegal standards that will lead to devastating economic consequences for our great state."

The letter explains how the EPA's proposal violates the Supreme Court's 2022 decision because Congress has not given the EPA statutory authorization to remake the electricity grids. In its latest proposal, the EPA tries to sidestep that decision by forcing a massive shift in electricity production indirectly: by setting standards reliant on theoretical technology that as it exists today cannot be used by the regulated power plants to meet the standards. The result is intended: the plants will close, and the nation's electrical grid will be transformed without Congress's input or State involvement in the regulatory process, both of which the Clean Air Act requires.

Attorney General Marshall joined attorneys general from Arkansas, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah and Virginia in the the West Virginia-led letter.

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