

MEDIA MENTION

# Erik Baptist Quoted in Coverage of Challenge to EPA's Affordable Clean Energy Rule

*E&E News - Energywire*

September 12, 2019

Erik C. Baptist, partner in Wiley Rein's Environment & Product Regulation Practice, was quoted by *E&E News - Energywire* in a September 10 article about the legal challenges to the Environmental Protection Agency's (EPA) Affordable Clean Energy (ACE) rule.

According to the article, a group of companies and organizations last week filed multiple petitions asking the U.S. Court of Appeals for the District of Columbia Circuit to review the ACE rule, which the EPA adopted to repeal and replace the previous Administration's Clean Power Plan. The article cited the petitioners' likely arguments that Section 111(d) of the Clean Air Act prohibits the EPA from regulating coal-fired power plants because those sources are already regulated under Section 112 for mercury emissions.

The Clean Air Act section authorizing regulations of existing sources of air emissions is "very jumbled," according to Mr. Baptist, who previously served as the Senior Deputy General Counsel in the EPA's Office of General Counsel. Mr. Baptist directed the reporter's attention to similar thoughts that then-Judge Brett Kavanaugh expressed in 2016 regarding the statutory provision, during oral arguments before the D.C. Circuit. (Kavanaugh is now a Justice on the Supreme Court of the United States.)

To read the article, click here (*subscription required*).

## Related Professionals

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## Practice Areas

Environment & Product Regulation