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# NSPS for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units/Clean Air Act: Arkansas and 24 Other Attorney Generals File Judicial Challenge

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Arkansas Attorney General Tim Griffin and 24 other state Attorney Generals filed on May 9th a Petition for Review (“Petition”) in the United States Court of Appeals for the District of Columbia challenging the recent rule promulgated by the United States Environmental Protection Agency (“EPA”) Clean Air Act Rule titled:

*New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule”*

See 89 Fed. Reg. 39,798 (May 9, 2024). The other Attorney Generals joining the Petition include:

- West Virginia
- Indiana
- Alabama
- Florida
- Georgia
- Idaho
- Iowa
- Kentucky
- Louisiana
- Mississippi
- Montana
- Nebraska
- New Hampshire
- North Dakota
- Oklahoma
- South Carolina

- South Dakota
- Tennessee
- Texas
- Utah
- Virginia
- Wyoming

The actions taken in the May 9th Rule include:

- Finalization of the repeal of the Affordable Clean Energy Rule
- Finalizing Emission Guidelines for greenhouse gas emissions from existing fossil fuel-fired steam generating electric generating units (“EGUs”) (which include both coal-fired and oil/gas-fired steam generating EGUs)
- Finalizing revisions to the Clean Air Act New Source Performance Standards (“NSPS”) for greenhouse gas emissions for new and reconstructed fossil fuel-fired stationary combustion turbine EGUs
- Finalizing revisions to the NSPS for greenhouse gas emissions from fossil fuel-fired steam generating units that undertake a large modification, based on the 8-year review required by the Clean Air Act

The Petition filed by the Attorney Generals argues that the final rule:

...exceeds the Agency’s statutory authority and is otherwise arbitrary, capricious, an abuse of discretion, and not in accordance with law.

A copy of the Petition can be downloaded [here](#).