



DEPARTMENT OF THE ATTORNEY GENERAL

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**Statement of the Department of the Attorney General regarding the ruling in
West Virginia v. EPA:**

“Yesterday’s ruling in *West Virginia v. Environmental Protection Agency (EPA)* is an unfortunate and significant setback to reduce greenhouse gas emissions and address the threat of climate change,” Attorney General Shikada said. “The Supreme Court’s decision to limit EPA’s authority to regulate the fossil fuel industry, represents a regrettable rejection of EPA’s efforts to reduce overall carbon emissions from the second largest source of greenhouse gases, coal-fired power plants.”

In rejecting EPA’s broad authority to regulate carbon emissions, the court examined the “Clean Power Plan”, a 2015 rule establishing goals for each state to cut power plant emissions by 2030, which the EPA had already repealed and intends to replace with a new rule. The majority opinion provides that section 111(d) of the Clean Air Act does not empower EPA to compel the energy sector to undertake a generational shift in energy production away from coal to technologies generating less carbon dioxide. Rather, the decision holds that a question of this magnitude should be treated as a “major question” that only Congress can answer by explicitly legislating such a shift. This embrace of the “major questions doctrine” is a novel approach to statutory interpretation and places additional limitations on an agency’s ability to exercise its expertise in determining how best to implement legislation. The majority decision suggests that Congress didn’t entrust the EPA to adopt regulations that balance the interests of energy production and environmental controls on a scale necessary to effectuate meaningful change.

The Hawai’i Department of the Attorney General had joined a coalition of 30 states and municipalities in a [brief](#) to the U.S. Supreme Court arguing that the EPA does in fact have authority under the Clean Air Act to regulate fossil fuel energy sector emissions.

The Department of Health (DOH) is committed to reducing greenhouse gas emissions in Hawaii. DOH Deputy Director of Environmental Health Kathleen Ho stated, “Climate change is a major threat to public health—climate change threatens our clean air and drinking water and will lead to the emergence of new diseases. Yesterday’s Supreme

Court ruling is disappointing, but we join Governor Ige in recommitting to state action to fight climate change and protect public health and the environment.”

The Supreme Court decision can be found [here](#).

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