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BLOG

Supreme Court Hears Oral Argument on the Cross-State Air Pollution Rule

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On December 10, 2013, the Supreme Court heard oral arguments in EPA's appeal from the vacatur of the Cross-State Air Pollution Rule (CSAPR) in *EPA v. EME Homer City Generation, L.P.* The general consensus of observers is that the oral argument went well for EPA. As expected, Justice Alito recused himself from the case, leaving only eight justices to decide the case. Justice Scalia appeared to be persuaded by the respondents' arguments against the rule, while Justices Breyer, Ginsburg, Kagan, and Sotomayor appeared to favor EPA. Chief Justice Roberts and Justice Kennedy were harder to pin down, although both appeared to be at least partially receptive to EPA's arguments. As usual, Justice Thomas asked no questions at oral argument.

View the PDF for an entire summary of the case.

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