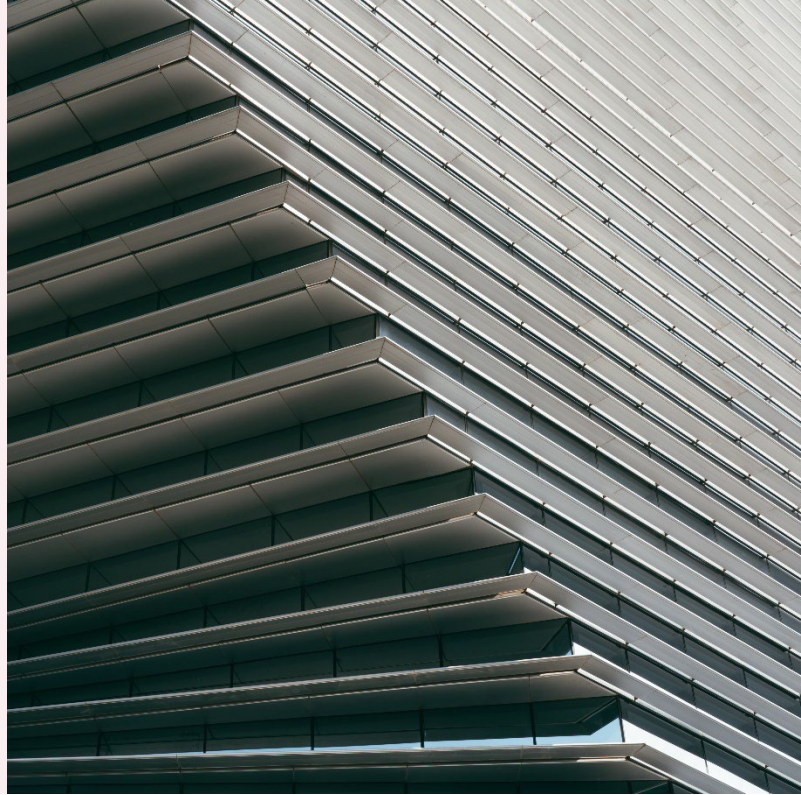


EPA Partially Repeals Power Plant Greenhouse Gas Emissions Standards and Proposes Complete Rescission

September 23, 2026



On September 14, 2026, the U.S. Environmental Protection Agency (EPA) finalized a rule repealing most of the greenhouse gas ("**GHG**") emission standards for fossil fuel-fired electric generating units adopted in 2024 (the "**2024 Carbon Pollution Standards**") (the "**Final Partial Repeal Rule**"). The Final Partial Repeal Rule is currently scheduled to take effect on November 16, 2026.¹ Concurrently, EPA issued a supplemental proposed rule that would rescind all remaining GHG emission standards for fossil fuel-fired power plants under Section 111 of the Clean Air Act ("**CAA**") (the "**Supplemental Proposed Rule**").²

The Final Partial Repeal Rule repeals certain emission guidelines applicable to existing fossil fuel-fired steam generating units, coal-fired steam generating units, and new base load stationary combustion turbines. The Supplemental Proposed Rule would go further by rescinding the remaining federal GHG emission standards for fossil fuel-fired power plants.

¹ U.S. EPA, *Partial Repeal of the Carbon Pollution Standards for Fossil Fuel-Fired Electric Generating Units* (Sept. 17, 2026), available [here](#); U.S. EPA, *Greenhouse Gas Standards and Guidelines for Fossil Fuel-Fired Power Plants*, available [here](#).

² U.S. EPA, *Supplemental Proposal: Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants and Repeal of Regulations for Power Plant Greenhouse Gas Emissions Under Clean Air Act Section 111* (Sept. 14, 2026) available [here](#); U.S. EPA, *General Fact Sheet: Final Carbon Pollution Standards Repeal & Proposed Repeal of GHG Standards for Fossil-Fired EGUs* (Sept. 2026), available [here](#).

Key issues

- 1 EPA has repealed most of the 2024 Carbon Pollution Standards.

EPA repealed the emission guidelines for existing fossil fuel-fired steam generating units and certain carbon capture and sequestration ("CCS")-based requirements applicable to coal- and gas-fired power plants. The agency concluded that CCS was not an adequately demonstrated system of emissions reduction for the affected source categories.
- 2 Some federal power plant GHG standards remain in place for now.

EPA is proposing to rescind the remaining requirements through supplemental rulemaking.
- 3 EPA has proposed a broader basis for eliminating the remaining power plant GHG standards.

EPA has proposed rescinding the remaining federal power plant GHG requirements and the underlying findings supporting those requirements. If finalized, the Supplemental Proposed Rule could eliminate the remaining GHG standards applicable to the power sector under Section 111 of the CAA.
- 4 Legal challenges are already underway.

Several environmental and public health organizations have filed a petition for review challenging the Final Partial Repeal Rule in the U.S. Court of Appeals for the District of Columbia Circuit.

Background

CAA Section 111 authorizes EPA to establish performance standards for certain categories of stationary sources. For new, modified, and reconstructed sources, EPA establishes standards of performance under Section 111(b). For certain pollutants emitted by existing sources, EPA establishes emissions guidelines under Section 111(d) that states use in developing plans for implementing and enforcing applicable standards.³

Under different federal administrations, EPA has taken various approaches to regulating GHG emissions from fossil fuel-fired power plants under CAA Section 111. In August 2015, EPA promulgated the Clean Power Plan,

³ Clean Air Act § 111, 42 U.S.C. § 7411.

which sought to reduce carbon dioxide emissions from existing power plants. The rule never took effect and was ultimately invalidated by the U.S. Supreme Court in *West Virginia v. EPA*, which held in June 2022 that EPA exceeded its authority under CAA Section 111(d) by relying upon generation shifting across the electricity grid as the basis for regulation.⁴

On April 25, 2024, EPA promulgated the 2024 Carbon Pollution Standards, establishing GHG emission standards and guidelines for certain new and existing fossil fuel-fired electric generating units. The 2024 Carbon Pollution Standards relied upon CCS as the "best system of emission reduction" for certain covered units.⁵

On June 11, 2025, EPA issued a proposed rule seeking to repeal the 2024 Carbon Pollution Standards.⁶ On September 14, 2026, EPA finalized the Final Partial Repeal Rule and simultaneously issued the Supplemental Proposed Rule.⁷

These actions are part of EPA's broader reconsideration of climate-related regulations, including the agency's ongoing efforts to reassess the legal and regulatory framework governing GHG emissions under the CAA. For more information on EPA's climate-related regulatory initiatives, see our prior briefings, [U.S. Environment, Health and Safety Regulation: What to Look Out for in 2026](#) and [EPA Proposes to Rescind Key 2009 Endangerment Finding](#).

EPA's Final Partial Repeal Rule

Specifically, the Final Partial Repeal Rule repeals: (i) the emission guidelines for existing fossil fuel-fired steam generating units; (ii) the CCS-based standards for coal-fired steam generating units undertaking a large modification; and (iii) the CCS-based standards for new base load stationary combustion turbines.⁸ The Final Partial Repeal Rule does not impact the efficiency-based standards applicable to certain new intermediate load and base load combustion turbines.⁹

EPA based the Final Partial Repeal Rule on its reevaluation of the "best system of emission reduction" for the affected source categories. EPA determined that 90 percent CCS is not adequately demonstrated for long-term existing coal-fired steam generating units or new base load stationary combustion turbines. EPA also determined that 40 percent

⁴ *West Virginia v. EPA*, 597 U.S. 697 (2022).

⁵ *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; Repeal of the Affordable Clean Energy Rule*, 89 Fed. Reg. 39798 (Apr. 25, 2024), available [here](#).

⁶ *Partial Repeal of the Carbon Pollution Standards for Fossil Fuel-Fired Electric Generating Units*, *supra* note 1.

⁷ *Id.*; U.S. EPA, *Supplemental Proposal: Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants and Repeal of Regulations for Power Plant Greenhouse Gas Emissions Under Clean Air Act Section 111*, *supra* note 2.

⁸ *Partial Repeal of the Carbon Pollution Standards for Fossil Fuel-Fired Electric Generating Units*, *supra* note 1.

⁹ *Id.*

natural gas co-firing is not the best system of emission reduction for existing medium-term coal-fired steam generating units.¹⁰

EPA estimates that the Final Partial Repeal Rule will result in cost savings of up to \$310 billion. The Final Partial Repeal Rule was published in the *Federal Register* on September 17, 2026, and is scheduled to take effect on November 16, 2026.¹¹

EPA's Supplemental Proposed Rule

Concurrently with the Final Partial Repeal Rule, EPA issued the Supplemental Proposed Rule. The remaining GHG emissions standards that would be subject to rescission under the Supplemental Proposed Rule include certain standards applicable to new, reconstructed, or modified steam generating units, integrated gasification combined cycle facilities, and new or reconstructed stationary combustion turbines.¹²

The Supplemental Proposed Rule also solicits comment on additional grounds for rescinding the remaining GHG requirements. In the Supplemental Proposed Rule, EPA has indicated that CAA Section 111 does not authorize EPA to regulate GHG emissions from fossil fuel-fired power plants to address global climate change. EPA has also proposed that such emissions do not cause or contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare.¹³

The Supplemental Proposed Rule remains subject to the notice-and-comment rulemaking process. EPA will hold a virtual public hearing on October 1, 2026, and the public comment period will remain open through November 2, 2026.¹⁴

Legal Challenges

Legal challenges to the Final Partial Repeal Rule are already underway. On September 17, 2026, several environmental and public-health organizations filed a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit challenging the Final Partial Repeal Rule.¹⁵

The petition initiates judicial review of EPA's final action but does not specify the petitioners' substantive grounds for challenging the Final

¹⁰ *Id.*

¹¹ *Id.*

¹² U.S. EPA, *Supplemental Proposal: Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants and Repeal of Regulations for Power Plant Greenhouse Gas Emissions Under Clean Air Act Section 111*, supra note 2.

¹³ *Id.*

¹⁴ U.S. EPA, *General Fact Sheet: Final Carbon Pollution Standards Repeal & Proposed Repeal of GHG Standards for Fossil-Fired EGUs*, supra note 2.

¹⁵ *American Lung Association et al. v. U.S. Environmental Protection Agency*, Petition for Review, U.S. Court of Appeals for the District of Columbia Circuit (filed Sept. 17, 2026).

Partial Repeal Rule. As a result, the scope and potential effect of the litigation will become clearer as the proceedings develop.

Next Steps and Practical Considerations

EPA's partial repeal of the 2024 Carbon Pollution Standards marks a continued shift in the federal regulation of GHG emissions. The Final Partial Repeal Rule may affect compliance planning (and related capital expenditures) for certain existing fossil fuel-fired steam generating units, coal-fired steam generating units, and base load stationary combustion turbines. Companies with existing or planned fossil fuel-fired electric generating units should assess how the Final Partial Repeal Rule may affect current compliance strategies, permitting assumptions, project timelines, and operational budgets.

The Final Partial Repeal Rule does not repeal all federal GHG emission standards applicable to fossil fuel-fired power plants. Certain federal GHG emission standards remain in effect, subject to the Supplemental Proposed Rule and the ongoing rulemaking process. EPA's actions under these rules are limited to federal GHG emission standards promulgated under CAA Section 111 and do not affect other applicable federal, state, or local environmental requirements.

The Supplemental Proposed Rule is subject to notice-and-comment rulemaking. Entities that may be affected by the proposed rescission of the remaining GHG emission requirements may wish to attend EPA's virtual public hearing on October 1, 2026, and consider whether to submit comments during the comment period, which will end on November 2, 2026.

Given the legal challenges (which will likely continue to the extent the proposed rule is finalized), the regulatory landscape remains unsettled. Legal challenges may impact the ultimate scope and durability of EPA's actions. We will continue to track developments related to the Final Partial Repeal Rule, the Supplemental Proposed Rule, and related litigation and provide updates as additional information becomes available.



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