

On Tuesday, Nov. 4, EPA sent its proposed GHG rule for power plants to the Office of Management and Budget. Not a widely reported story, perhaps because the internet was too busy [misquoting](#) EPA Administrator Jackson, who was speaking at Berkeley Law at the time. Or perhaps because we do not actually get the proposed regulations until OMB gives its approval. [Cleantechnica](#) and the [LA Times](#) have some background info.

The rule, "[Greenhouse Gas New Source Performance Standard for Electric Generating Units](#)," would require new and modified power plants to, well, do something to limit carbon emissions. Units that fall under the NSPS rule would be required to keep their emissions below a set standard, as established by the rule. According to EPA's website, they plan to publish the proposed rule in January 2012. As CleanTechnica points out, EPA was supposed to propose this rule by July 2011.

Fox News helpfully tells us that, with this new rule, EPA is doing "another end-run around a Congress that has balked at passing cap-and-trade legislation or other remedies to curb greenhouse gases." I agree: Congress really needs to come up with a substantive remedy to curb greenhouse gases. That is what Fox News meant, right? In the meantime, EPA is the only (national) game in town.

*Shameless plug: If you want more details on this rule, you can read my draft article on SSRN: <http://ssrn.com/abstract=1879513>. Get it quick, as I may be forced to revise my article if EPA ever actually releases this rule.*