



**National Conference of State Legislatures
Office of State-Federal Relations**

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Court Denies Stay of Clean Power Plan

On Jan. 21, the U.S. Court of Appeals for the D.C. Circuit [denied](#) a consolidated motion from a number of states and industry groups to stay implementation of the U.S. Environmental Protection Agency's [Clean Power Plan \(CPP\)](#) until litigation of the rule was completed. The CPP was finalized in August 2015 and aims to regulate the amount of carbon dioxide emissions from power plants.

With this ruling, the requirement for states to submit a compliance plan or initial plan with a request for an extension by Sept. 6, 2016 will remain in place, even as the legality of the rule continues to play out in the courts.

Along with the denial of a stay, the court also expedited the case, calling for the parties to file all briefs by April 15, 2016. Oral arguments will be held on June 2.

The CPP has proven to be a contentious issue, with 29 states and state agencies in legal opposition while 18 states and the District of Columbia have filed motions in support of the rule. Five states have not taken a legal position.

For more information on the CPP and state legislative reactions to the regulation, visit [NCSL's web-brief](#).

For any additional questions or concerns please contact NCSL staff [Ben Husch](#) (202-624-7779) or [Melanie Condon](#) (202-624-3597).