

## Suzanne Murray in TIPRO'S Upstream Texas: Courts Slow Federal Regulatory Push Against Producers

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October 18, 2016

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**PRACTICES** Energy Regulatory, Permitting, Regulatory Counseling, and Compliance, Energy, Power and Natural Resources, Environmental, Litigation

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At his first cabinet meeting in 2014, President Barack Obama vowed to advance his agenda one way or another.

"We are not just going to be waiting for legislation in order to make sure that we're providing Americans the kind of help that they need," President Obama said. That was hardly the first time the president expressed a willingness to use means other than legislation to achieve his desired ends. Only a couple years before, President Obama launched an initiative known as "We Can't Wait" ... the implied words missing from that phrase being "for Congress" ...

Of course, if the statutory bases on which the administration has attempted to build many of its initiatives prove less than stable, that may be partially attributable to the fact that the EPA and other agencies keep trying to interpolate today's issues into laws written and passed decades ago, suggests Suzanne Murray, a partner at Haynes Boone in Dallas, which is representing the Texas Independent Producers & Royalty Owners Association in its effort to intervene in a lawsuit where environmental organizations are seeking to impose stricter standards on oil and gas operations. Even the law of the most recent vintage that the Obama administration uses to justify its authority is the Clean Air Act (CAA) revision, she notes, which Congress passed in 1990.

"We are dealing with old environmental statutes," says Murray. "When an agency tries to regulate in this world for issues that concern people today, it is trying to fit a square peg into a round hole, because those laws were never drafted to deal with issues such as climate change."

***Excerpted from TIPRO'S Upstream Texas. To read the full article, please [click here](#).***