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Obama's Clean Power Plan on Trump Chopping Block

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WASHINGTON, DC, October 12, 2017 (ENS) – U.S. Environmental Protection Agency Administrator Scott Pruitt is proposing to repeal the Obama-era Clean Power Plan, which aims to reduce carbon dioxide emissions from electrical power generation by 32 percent by 2030, relative to 2005 levels.

First proposed by President Barack Obama's Environmental Protection Agency in June 2014, the plan is focused on reducing emissions from coal-burning power plants, as well as increasing the use of renewable energy, and energy conservation.



The coal-fired Keystone Generating Station, owned by a consortium of mid-Atlantic power companies, is located just west of Shelocta, Pennsylvania. Jan. 1, 2014 (Photo by Zach Fralley)

Even before this repeal proposal, the Clean Power Plan never went into effect due to a lawsuit from 27 states opposed to it.

On February 9, 2016, the U.S. Supreme Court ordered the Obama EPA to halt enforcement of the plan until a lower court rules in the lawsuit against the plan. The 5–4 vote, split along ideological lines, was the first time the Supreme Court had ever stayed a regulation before a judgment by the lower Court of Appeals.

President Donald Trump's proposed 2018 federal budget defunded the Clean Power Plan.

On March 28, President Trump signed an Executive Order on Energy Independence, establishing a national policy in favor of energy independence, economic growth, and the rule of law. The purpose of the Executive Order (EO) is to facilitate the development of U.S. energy resources and to reduce unnecessary regulatory burdens associated with the development of those resources.

That same day, EPA Administrator Scott Pruitt signed four Federal Register notices in response to the Executive Order, including a formal announcement of review of the Clean Power Plan. Now that the review is over, the EPA has proposed to determine that the Clean Power Plan Clean Power Plan must be repealed.

"The Obama administration pushed the bounds of their authority so far with the Clean Power Plan that the Supreme Court issued a historic stay of the rule, preventing its devastating effects to be imposed on the American people while the rule is being challenged in court," said Pruitt, proposing the repeal.

"We are committed to righting the wrongs of the Obama administration by cleaning the regulatory slate. Any replacement rule will be done carefully, properly, and with humility, by listening to all those affected by the rule," Pruitt said.

Pruitt claims that the Clean Power Plan repeal will save up to $33 billion in avoided costs by 2030, due to incorrect calculations of the plan's benefits by the Obama administration.

"With this action, the Trump administration is respecting states' role and reinstating transparency into how we protect our environment," said Pruitt.

The Clean Power Plan was based on what Pruitt called "a novel and expansive view of Agency authority" that the Trump administration now proposes to determine is inconsistent with the Clean Air Act.

Pruitt says the Clean Power Plan required regulated entities to take actions "outside the fence line." Traditionally, EPA rules based on Section 111 of the Clean Air Act were measures that could be applied to, for, and at a particular facility, also referred to as "inside the fence line" measures.

As the Clean Power Plan departed from this traditional limit on EPA's authority under an "inside the fence line" interpretation, EPA is proposing to repeal it.



Emissions pour from Xcel Energy's Sherburne County Generating Station, a coal-fired power plant near Becker, Minnesota, Jan. 2016 (Photo by Tony Webster)

"EPA will respect the limits of statutory authority. The Clean Power Plan ignored states' concerns and eroded longstanding and important partnerships that are a necessary part of achieving positive environmental outcomes. We can now assess whether further regulatory action is warranted; and, if so, what is the most appropriate path forward, consistent with the Clean Air Act and principles of cooperative federalism," said Pruitt.

Upon publication in the Federal Register the public will have 60 days to comment on the proposed repeal.

Environmental groups, naturally, already are presenting comments in defense of the Clean Power Plan.

Ken Kimmel, president of the Union of Concerned Scientists, called the repeal proposal, "a terribly irresponsible decision."

"Recent ferocious storms, intensified by warming oceans and air, remind us of the urgent need to cut greenhouse gas emissions," said Kimmel. "The Obama administration's Clean Power Plan is a sensible, flexible, cost-effective rule addressing one of one of the biggest sources of US carbon emissions, and one of the least expensive sources to control."

Kimmel says the manner in which the EPA is killing CPP is "one of the most tainted and cynical moves to date by the Trump administration."

"The EPA hangs its repeal hat entirely on a legal hook," said Kimmel. "The EPA now claims that the Clean Power Plan violated the law because it regulates 'beyond the fenceline' of individual power plants – a claim that is directly contrary to what the EPA and the Department of Justice argued in court just last fall. With this legal sleight of hand, EPA Administrator Scott Pruitt once again forsakes the mission of the agency he heads – to safeguard human health and the environment – to pander to fossil fuel interests."

The Natural Resources Defense Council has opened a petition to the Trump administration to abandon the repeal effort in view of the recent wildfires and hurricanes devastating a warming world.

In the two days since Pruitt proposed repeal, over 66,000 activists have spoken out against the Trump administration's assault on the Clean Power Plan by signing this petition. The NRDC's goal is 100,000 signatures by October 17.



The Tennessee Valley Authority's Paradise Fossil Plant-4 is located in western Kentucky on the Green River near the village of Paradise. The destruction of this area by coal-mining is mourned in John Prine's song "Paradise." (Photo by TVA)

NRDC President Rhea Suh said, "Losing the Clean Power Plan would mean losing our best chance at stopping the madness we're witnessing as climate change wreaks havoc on us and the natural world around us. Millions of us are bearing the brunt of monster-sized hurricanes fueled by our overheated atmosphere and oceans, 500-year flood events that occur nearly every year, rising sea levels, and record-setting heat waves."

The Clean Power Plan was adopted after millions of Americans weighed in with public comments supporting it, said Suh.

She said, "The Trump administration cannot dismantle the plan without first accepting official public comments on the proposed rollback – so this is our best chance to generate enough public opposition to force Trump's EPA to reconsider its blatant assault on our environment."

Opposition statements from Democrats in Congress were swift and united in favor of the Clean Power Plan.

House Democratic Caucus Chairman Joe Crowley of New York said, "Climate change is undeniably real – one just needs to review the sheer number of natural disasters Americans have experienced in the last month to understand how the decision to end the Clean Power Plan will put Americans' health, well-being, and security at further risk."

"This was an incredibly short-sighted decision from the administration that highlights President Trump's continued support of special interests over Americans' interests," Crowley said.

Senator Edward Markey of Massachusetts, a member of the Environment and Public Works Committee and Chair of the Senate Climate Change Task Force, said, "President Trump has failed his climate IQ test with the repeal of the Clean Power Plan. He is giving up on the economic opportunity that would be unleashed by deploying clean energy technologies in every state of the union."

"We know that by cutting carbon pollution, we can grow our economy, save American families money and protect the health of children and families. We did it in Massachusetts through the Regional Greenhouse Gas Initiative, and countries participating in the Paris Climate Accord are putting in place their own carbon emissions reduction plans," he said.

"Climate deniers like Scott Pruitt may call the Clean Power Plan a war on coal, but the only war that was declared was on America's clean energy future with this decision. The Trump administration's repeal will no doubt be litigated, and I look forward to the courts' upholding these historic rules."

Senator Jeff Merkley, an Oregon Democrat, called the repeal proposal "an assault on clean air, our children's health, and the American economy…"

"The Clean Power Plan is the most significant federal action underway to curb carbon pollution and take on climate change, and a major component of the U.S.'s commitments under the Paris climate accord. By reversing it, Pruitt and President Trump are letting politics trump public interest," said Merkley.

"While China and other nations are seizing the moment to be leaders in the energy technologies that will power the future, President Trump and Pruitt are trying to give that leadership and those jobs away," the Oregon senator said.

"Our politicians can sing as loudly as they want off the Koch Brothers' climate denial song sheet, but it won't stop increasingly destructive hurricanes, wildfires, and droughts from wrecking Americans' lives, homes, and businesses," he said.

Merkley favors setting "a bold vision to get to 100 percent clean and renewable energy by 2050." He has outlined that vision in the 100 by '50 Act, legislation laying a path for the U.S. to transition completely off of fossil fuels by 2050.

The United States appears to be on that path already. The latest issue of the U.S. Energy Information's Monthly Energy Review, with data through June 30, 2017, shows that domestic production and use of renewable energy sources, such as biofuels, biomass, geothermal, hydropower, solar and wind, continued to show strong growth during the first half of the year as the consumption of both nuclear power and fossil fuels declined.

Meanwhile, the Trump administration is financially supporting the fossil fuel industry.

On August 24, Energy Secretary Rick Perry announced a $50 million funding opportunity through the Office of Fossil Energy to design, construct, and operate two large-scale pilots for "transformational coal technologies that improve coal-powered systems' performance, efficiency, emission reduction, and cost of electricity."

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