

## **FACT SHEET**

### **Proposal to Repeal the Clean Power Plan**

#### **Action**

- On October 10, 2017, following a review as directed by President Trump’s Energy Independence Executive Order, the EPA proposed to repeal the Clean Power Plan (CPP).
- The CPP was premised on a novel and expansive view of agency authority that this Administration now proposes to determine is inconsistent with the Clean Air Act.
- Traditionally, EPA rules issued under Section 111 of the Clean Air Act were based on measures that could be applied to, for, and at a particular facility, also referred to as “inside the fence line” measures.
  - Before the CPP every single Section 111 rule on the books, including a handful of existing source rules and around 100 new-source rules, obeyed this limit.
- The proposed rule would return EPA’s actions to its understanding that the “best system of emission reduction” for a source should be based only on measures that can be applied to or at the source.
- EPA estimates that repealing the CPP could lead to up to \$33 billion dollars in avoided compliance costs in 2030.
- EPA will accept comment on the proposal for 60 days after publication in the Federal Register and will hold a public hearing if one is requested.

#### **Regulatory Impact Analysis**

- The Regulatory Impact Analysis (RIA) accompanying this proposed repeal both examines the previous administration’s cost-benefit analysis, as well as provides insights to support an updated analysis of the environmental, health and economic effects of the proposed repeal.
- This administration is presenting a wide range of analysis scenarios meant to address numerous concerns and uncertainties associated with the previous administration’s approach, including:
  - Comparing domestic costs to domestic benefits;
  - Focusing on the targeted pollutant and increasing transparency of “co-benefits” from reducing other pollutants; and
  - Treating energy efficiency as a benefit instead of an avoided cost, to show the true magnitude of the CPP's costs
- The RIA for the proposed repeal is available online at <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>.

#### **Background**

- The previous Administration issued the CPP on October 23, 2015.
- Soon after the rule was final, 150 entities including 27 states, 24 trade associations, 37 rural electric co-ops, and three labor unions challenged the CPP highlighting a range of legal and technical concerns.

- By December 1, 2015, a bipartisan majority of the United States Congress formally disapproved of the CPP pursuant to the Congressional Review Act.
- On February 9, 2016, the United States Supreme Court stayed the CPP immediately halting implementation. The Supreme Court had never before issued a stay to block the enforcement of a rule pch 28, 2017, President Trump signed the Energy Independence Executive Order which called, among other things, for a review of the Clean Power Plan and, if appropriate, reconsideration proceedings to suspend, revise, or rescind the rule.
- On the same day, Administrator Pruitt signed a notice indicating EPA's intent to review and, if appropriate, to propose to revise or rescind the Clean Power Plan.
- The U.S. Court of Appeals for the D.C. Circuit has been holding Clean Power Plan litigation in abeyance since April 28, 2017.

### How to Comment

- Comments on the proposed repeal should be identified by Docket ID No. EPA-HQ-OAR-2017-0355, and may be submitted by one of the following methods:
  - **Online:** Go to <https://www.regulations.gov> and follow the online instructions for submitting comments to Docket ID No. EPA-HQ-OAR-2017-0355.
  - **Email:** Comments may be sent to [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov). Include Docket ID No. EPA-HQ-OAR-2017-0355 in the subject line of the message.
  - **Fax:** Fax your comments to: (202) 566-9744. Attention Docket ID No. EPA-HQ-OAR-2017-0355
  - **Mail:** Environmental Protection Agency, EPA Docket Center (EPA/DC), Mail Code 28221T, Attention Docket ID No. EPA-HQ-OAR-2017-0355, 1200 Pennsylvania Avenue, NW, Washington, DC 20460
  - **Hand/Courier Delivery:** EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue, NW, Washington, DC 20004, Attention Docket ID No. EPA-HQ-OAR-2017-0355. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information
- For additional information, including the full EPA public comment policy, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

### For more information

- A copy of the proposed rule and supporting documents are available on EPA's website at <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>.