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What Is the Clean Power Plan, and How Can Trump Repeal It?

By The New York Times

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Scott Pruitt, the head of the Environmental Protection Agency, said Monday that he would issue a formal proposal to repeal the Clean Power Plan, a regulation on power plants that would have reduced domestic demand for coal and curbed the country's planet-warming emissions.

What is the Clean Power Plan?

The Clean Power Plan was President Barack Obama's signature policy on climate change, and it represented one of the strongest actions ever taken by the United States to combat global warming. But it has never taken effect, and the Trump administration hopes to repeal it before it does.

Under the rule, which was finalized in 2015, the E.P.A. assigned each state a goal for limiting emissions from existing power plants and gave the states broad latitude in meeting those goals, such as switching from coal to natural gas or building new wind or solar farms. At the time, the agency estimated that the rule would have reduced greenhouse-gas emissions from the power sector 32 percent below 2005 levels by 2030.

The Clean Power Plan was finalized alongside a separate proposal by the E.P.A. to regulate emissions from all new power plants, which would have effectively made it impossible to build a new coal plant in the United States unless it could capture and bury emissions underground.

How does the Clean Power Plan relate to the Paris agreement?

The Obama administration touted the Clean Power Plan as evidence that the United States was serious about taking meaningful action on climate change during the Paris climate talks in late 2015.

Under the Paris agreement, the United States promised to lower the nation's greenhouse-gas emissions 26 to 28 percent below 2005 levels by 2025. Because power plants account for roughly one-third of America's emissions, the Clean Power Plan was seen as a crucial part of that strategy.

President Trump has already vowed to withdraw from the Paris deal, although the United States technically cannot quit the pact until 2020. Without the Clean Power Plan in effect, it could prove more difficult for the United States to meet its Paris targets. That might make other countries feel less inclined to follow through on their own climate pledges.

What was happening with the Clean Power Plan until now?

The plan has been tied up in courts for more than a year. More than two dozen states, industry representatives and others sued the E.P.A. when the plan came out, claiming that it went far beyond what existing law allowed. In 2016, the Supreme Court temporarily blocked the law from taking effect while a lower federal court heard these arguments.

Mr. Trump criticized the Clean Power Plan during the campaign and promised to bring back coal mining jobs. Mr. Pruitt, as Oklahoma's attorney general, sued the E.P.A. 14 times over environmental regulations, including the Clean Power Plan.

In March, Mr. Trump signed an executive order that called on Mr. Pruitt to take steps to dismantle the plan.

Why does the Trump administration want to scrap the plan?

Mr. Trump has frequently expressed support for coal miners. He has also called global warming a hoax and said Mr. Obama's climate change policies were "stupid."

Mr. Pruitt has said that the Obama administration exceeded its legal authority in creating the Clean Power Plan. Historically, when the E.P.A. put forth regulations on power plants, it prescribed specific steps for utilities to reduce pollution at those plants. But with the Clean Power Plan, the Obama administration had assumed that utilities could take measures outside of the coal plants themselves, like building wind and solar farms elsewhere. Mr. Pruitt has argued that any regulation on greenhouse gases should be limited to modifications at existing plants.

A leaked draft of Mr. Pruitt's repeal proposal also asserted that the country would save $33 billion by not complying with the regulation and rejected the health benefits the Obama administration had calculated from the original rule.

What happens next?

In order to repeal regulations, federal agencies have to follow the same rule-making system (requiring periods of public notice and comment) used to create regulations, which can take about a year.

Mr. Pruitt has also indicated that he may solicit public comments on a more modest replacement rule for the Clean Power Plan, as many industry groups have said they would prefer, though he has not offered a timeline for doing so.

Several environmental advocacy groups and state attorneys general had previously moved to defend the Clean Power Plan in court, and they have already said they would challenge both the repeal proposal and whatever alternative Mr. Pruitt might devise. Drawn-out court battles could prevent the Trump administration from fully repealing and replacing the plan before the 2020 election.

Will getting rid of the Clean Power Plan bring back coal industry jobs?

Some of the arguments against the Clean Power Plan have come from the fossil fuel industries — specifically the coal industry, since coal-fired power plants were the main target of the rules. They have argued that the plan is overly punitive toward them.

However, the proliferation of cheap natural gas and a rise in renewable energy sources has also made coal less economically competitive even in the absence of the rule.

Removing regulations on coal-fired power plants wouldn't necessarily bring back a lot of coal jobs. Most coal mining, especially mountaintop removal mining, is now done by machines, so it would be hard to bring back the thousands of jobs that have been lost as automation takes hold.

Can the United States cut emissions even without the plan?

Many states are already moving toward cleaner sources of energy even without mandates from the federal government. Market forces and state clean-energy policies are moving energy production away from coal and toward natural gas, wind and solar.

The shift has been so profound that the United States may meet the original emissions goals of the Clean Power Plan even if it is repealed. A new study by the research firm Rhodium Group projects that emissions from the power sector will fall 27 to 35 percent below 2005 levels by 2030. Mr. Obama's original target was within that range.

Still, power plant emissions would have most likely fallen even further if the Clean Power Plan remained in place, because a dozen or more states that have been slow to shift away from coal would have been forced to take action. Those extra cuts would be significant, because the United States will not be able to meet its Paris goals with the original Clean Power Plan alone. And the world will not be able to avoid the worst effects of global warming unless the climate pledges made under the Paris agreement are eventually strengthened.

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