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. On February 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](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. 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](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](https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan).