

Hearing highlights implications of Supreme Court stay of the Clean Power Plan

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The Senate Committee on Environment and Public Works held a hearing on the implications of the U.S. Supreme Court stay of the President's Clean Power Plan (CPP). The CPP, announced in August 2015, sets state-by-state targets for reductions in carbon emissions from existing power plants.

In a 5-4 decision in February, the Supreme Court handed down a historic decision halting the implementation of the CPP pending further review. During the stay, states are not required to comply with the CPP; however, the stay does not prevent the EPA from issuing guidance and tools to states interested in working toward the CPP's goals. Additionally, the stay does not guarantee the postponement of compliance deadlines if the regulations are upheld. Therefore, opponents argued that states would effectively be required to keep up with the new regulations for fear of potential penalties, thereby negating any relief provided by the stay.

In his opening statement, Chairman James Inhofe (R-OK) expressed concern over the CPP's impact on energy costs and grid reliability. Missouri State Representative Jack Bondon echoed these concerns, arguing that Missourians who already pay 18 cents on the dollar for electricity cannot afford higher utility prices, and that the plan disregards steps Missouri has already taken to develop its own customized energy standards and provisions. Senator Deb Fischer (R-NE) similarly expressed concern for Nebraska, which would face the challenge of reducing its carbon emissions by 40 percent under the plan.

Chairman Inhofe additionally challenged the legality of the rule, calling the plan "unsound." Senator Dan Sullivan (R-AK) and others also expressed concern that the EPA is overstepping its congressionally authorized bounds.

Conversely, Senator Sheldon Whitehouse (D-RI) spoke in support of the CPP, using former Senator John Chafee's (R-RI) 1986 testimony on greenhouse gases to argue against a "wait and see" approach. Additionally, proponents of the CPP argued that the successful Regional Greenhouse Gas Initiative (RGGI) illustrates potential positive outcomes of the CPP.

The U.S. Court of Appeals announced in May that the CPP will go before the full Supreme Court in late September, skipping a customary three-judge panel review. This *en banc* review is extremely rare in the D.C. Circuit.

Sources: E&E News, Environmental Protection Agency
