



# EPA rolls back Obama-era plan limiting coal-fired power plant emissions

By [Ellie Kaufman](#), CNN

Updated 1749 GMT (0149 HKT) June 19, 2019

**Washington (CNN)**The [Environmental Protection Agency](#) on Wednesday said states can set their own carbon emissions standards for coal-fired power plants -- a rule that the agency itself says could result in 1,400 more premature deaths by 2030 than the Obama-era plan it will replace.

The move fulfills part of President Donald Trump's promise to help the coal industry, but will likely face court challenges from environmental groups and several states who see the rollback as detrimental to clean air and efforts to fight the climate crisis. Former President Barack Obama's plan, if implemented, would have prevented 3,600 premature deaths a year, 1,700 heart attacks and 90,000 asthma attacks, according to analysis conducted by the EPA under his tenure.

The Obama Clean Power Plan was set to reduce greenhouse gas emissions, which contribute to the climate crisis, by up to 32% compared to 2005 levels by the same year.

"We are gathered here today because the American public elected a president with a better approach," EPA Administrator Andrew Wheeler said Wednesday. "One of the President's first acts in office was to issue an executive order to promote energy independence. In it, he instructed EPA to rescind, replace or revise the Clean Power Plan."

Wheeler said other administration officials who spoke at the event announcing the new rule referred to the Obama plan as an overreach of federal authority and highlighted how the Supreme Court issued a stay of the rule in 2016 after several groups challenged it.

"The CPP would have asked low- and middle-income Americans to bear the cost of the previous administration's climate plan," Wheeler said. "It also hurts the competitiveness of American businesses."

[RELATED: More coal-fired power plants have closed under Trump than in Obama's first term](#)

Obama's Clean Power Plan was challenged by several lawsuits from industry groups and conservative-led states. In 2016, the Supreme Court blocked the regulation, but some plants had already started to work on reducing pollution.

The new plan, which EPA is calling the Affordable Clean Energy rule, is designed to boost the struggling coal industry but also likely increase carbon emissions nationwide. EPA argues that any comparison to the Obama rule is incongruous because it was never implemented.

A senior EPA official said that comparing the CPP and the ACE rule was a "fantasy" because the CPP was never fully implemented. He instead said that "market forces alone" are causing change, and it's not the agency's job to regulate energy emissions.

"Is EPA an energy regulatory authority? Absolutely not," the senior EPA official said on a call with reporters.

The ACE rule allows states to set their own carbon emissions standards for coal-fueled power plants. This means states with coal mines can continue to operate those mines without being forced to meet what they considered burdensome regulations from the federal government.

"The Affordable Clean Energy rule -- ACE -- gives states the regulatory certainty they need to continue to reduce emissions and provide affordable and reliable energy for all Americans," Wheeler said. "Unlike the CPP, the ACE rule adheres to the four corners of the Clean Air Act. EPA sets the best system of emission reductions and then states set the standards of performance."

But it's unclear how much the industry can benefit, as it faces competition from cheap natural gas and renewable sources. US coal consumption has [plunged 39%](#) to the lowest level in 40 years, according to the US Energy Information Administration. Congressmen from states with coal mines that greatly impact their economy like Pennsylvania, Ohio and Indiana attended the ACE event announcement, voicing their support for the move. The congressmen who spoke referred to the ACE rule as a step to end the "war on coal."

Republican Rep. Bill Johnson of Ohio said he supported Trump's "decision to formally end the coal killing" regulations that Obama had put in place.

"I'm glad that the current leadership here at the EPA understands that we can have smart environmental regulations and protect coal jobs and our economy at the same time," Johnson said.

## States to sue

New York Attorney General Letitia James said her state and others will go to court.

"Given its clear violation of the Clean Air Act, I intend to sue the EPA over this "Dirty Power" rule and look forward to collaborating with other states and cities in taking action to protect all Americans from the increasingly disastrous impacts of climate change," James said in a statement.

"Connecticut is in close coordination with states across the nation and we are prepared to take legal action to block this measure," the state's attorney general, William Tong. "There is no serious debate -- climate change is a severe threat and we ignore science at our own peril."

At a House Energy and Commerce Committee hearing last week about the direction of the EPA, former EPA Administrator Gina McCarthy -- who finalized the Clean Power Plan under Obama -- said she believes the proposed Affordable Clean Energy rule, as well as other proposed rules the agency has made since Trump took office, undermines "the science and the law in how they're trying to roll back those rules."

"I do not dispute any administration coming in with different policies, but the challenge I think we're facing is they are really changing the rules of the road and not using sound science," McCarthy said. "They are not looking at cost benefits. They are trying to inflate the cost and lower the benefits in order to justify rules that simply don't make sense under the law."