

Press Release

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“Oklahoma Attorney General’s Plan” Offers State-Focused Framework for Power Plant Emissions Standard

Plan Allows States, Rather than EPA to Take Lead in Setting CO₂ Standards

WASHINGTON D.C. –Oklahoma Attorney General Scott Pruitt on Tuesday unveiled his proposal to give states flexibility to address carbon dioxide emissions standards from existing power plants. The plan titled, “The Oklahoma Attorney General’s Plan: The Clean Air Act Section 111(d) Framework that Preserves States’ Rights,” was the focus of Tuesday’s event in Washington, D.C., hosted by the Federalist Society.

“The Environmental Protection Agency has played an important role historically in protecting the environment. But the Clean Air Act and other environmental laws envision a cooperative federalism where the states and federal government work together to protect our air and water,” Attorney General Pruitt said. “Unfortunately, the EPA has grown increasingly unwilling to properly defer to state authority and instead is attempting to usurp the role of the states through initiatives like proposing new regulations on emissions from existing power plants.”

The President’s Climate Action Plan directs the EPA to regulate carbon dioxide emissions from new and existing fossil-fuel fired power plants. The plan has no legal basis, nor the force of law, and in fact goes against the spirit of cooperative federalism that underscores most environmental laws. The Clean Air Act gives states the authority to design and implement regulations to address emissions standards. By directing the EPA to set emissions standards, the Administration is using a federal agency to impose its anti-fossil fuel agenda while undermining state authority.

Attorney General Pruitt said the Oklahoma Attorney General’s Plan is a better approach to addressing emissions standards. The plan allows each state to set emissions standards for existing units by evaluating each unit’s ability to improve efficiency and reduce carbon dioxide emissions in a cost effective way. The Oklahoma Attorney General’s Plan institutes a unit-by-unit, “inside the fence” approach to determining state emissions standards. It accounts for the practical reality that air quality impacts differ from state to state, as do costs and opportunities for carbon dioxide emission reductions.

“States have a vested interest in protecting the air and water, and they have the experience,

expertise, and ability to regulate these issues,” Attorney General Pruitt said. “Cooperative federalism empowers states by letting them lead the way in addressing these issues. The Oklahoma Attorney General’s Plan provides the states the ability to make necessary policy judgments in order to address carbon dioxide emissions standards. This approach preserves state primacy and does not turn over management of local power generation fleets to the EPA. The Oklahoma Attorney General’s Plan keeps resource planning in the hands of state regulators with specialized expertise and a focus on ratepayer impacts and protection of the public interest.”

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The Federalist Society hosted Oklahoma Attorney General Scott Pruitt and a panel of experts Tuesday at the National Press Club in Washington D.C. for a discussion on state-based solutions to the Obama Administration’s Climate Action Plan to address greenhouse gas emissions.