



E. SCOTT PRUITT
ADMINISTRATOR

May 9, 2017

The Honorable Tom Carper
United States Senate
Washington, D.C. 20510

Dear Senator Carper: *

Thank you for your letter of April 7, 2017, regarding the Energy Independence Executive Order.

On March 28, 2017, President Trump signed the Energy Independence Executive Order, which directs agencies responsible for regulating domestic energy production to submit plans to the White House. These plans will identify and propose measures to revise or rescind regulatory barriers that impede progress towards energy independence. Moreover, the Order rescinds several Obama executive orders and policies related to climate change. It also directs the Administrator of the Environmental Protection Agency and the Secretary of the Interior to review, and if necessary, revise or rescind, several regulations that may place unnecessary, costly burdens on coal-fired electric utilities, coal miners, and oil and gas producers.

Please find attached a set of documents responsive to your request.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Troy Lyons in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-4987 or Lyons.Troy@epa.gov.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Scott Pruitt", written over a horizontal line.

E. Scott Pruitt

Enclosures

News Releases from Headquarters

High Accolades Across the Country on Trump's Energy Independence Executive Order

04/04/2017

Contact Information:

U.S. EPA Media Relations (press@epa.gov)

In Kansas, Senator Pat Roberts said Trump's executive order was good news for energy consumers. As the Kansas City Star reports: "Sen. Pat Roberts, a Kansas Republican, also applauded Trump's decision 'to roll back burdensome Obama-era regulations,' calling the announcement 'good news for energy consumers and the economy.'"

In Kentucky, Senate Majority Leader Mitch McConnell penned an op-ed in Fox News praising President Trump's energy executive order that will restore sanity after Obama's failed climate policies. "I commend President Trump for sending this flawed regulatory plan, along with a number of others, back to the drawing board with Tuesday's Energy Independence Executive Order."

In Missouri, the Kansas City Star reports that Senator Roy Blunt blamed job-killing regulations for higher energy prices. "Blunt, who blamed environmental regulations for increases in utility bills, said that the order 'is an important step toward protecting low and middle-income Americans who can least afford higher costs on everything from gas to groceries.'"

In Montana, the Great Falls Tribune reports that the Montana Public Service Commission praised President Trump's executive order that rolls back job-killing regulations. "The five Republican members of the Montana Public Service Commission issued a joint statement praising Trump's executive order to roll back what they described as burdensome environmental regulations that restrict domestic energy production and raise rates for utility customers."

In New York, the editorial board at the New York Post writes that Trump's executive order will help restore our constitutional system. "Trump's move not only helps the economy and delivers on a promise, it also takes a step toward restoring America's constitutional system, in which Congress passes laws — not a dictatorial president."

In North Dakota, the Bismarck Tribune reports that North Dakotans praised the measure. North Dakota's coal industry applauded an executive order starting a roll back of climate regulation signed by President Donald Trump on Tuesday. Lignite Energy Council President Jason Bohrer said the order's energy independence focus "will help preserve, protect and enhance the lignite coal industry, as well as strengthen research and development efforts to develop an abundant supply of electricity for American businesses and families."

In Ohio, the Ohio Coal Association penned an op-ed in the Troy Daily News stating Trump's plan will save coal communities in Ohio. "Ohio's coal communities saw the CPP for exactly what it was: a thinly-veiled assault on their livelihood — and one that would cripple an already reeling industry while providing little environmental benefit. Fortunately, the Trump administration has done just what it promised. By executive order, President Trump

has axed the CPP along with another vestige of the Obama administration's anti-coal policy, the moratorium on all new leases of federal coal reserves.”

In Texas, the Texas Tribune reports that AG Ken Paxton said Trump's decision could result in lower energy prices. “President Trump's executive order is a significant step toward sparing all of us from a potentially disastrous change to the nation's energy policy that was orchestrated during the Obama era in violation of federal law,” [Attorney General Ken] Paxton said in a statement Tuesday. “The so-called Clean Power Plan would have subjected Americans to higher electricity costs and could have weakened the nation's power grid.””

In Utah, the Deseret News reports that Governor Herbert praised Trump's decision that will help his state. “Utah Gov. Gary Herbert called the executive order a step in the right direction. ‘Utah and many public land and energy producing states think that the Clean Power Plan was a significant overreach. It was really designed to kill off carbon-based fuels and particularly coal,’ he said. ‘The standards that they were trying to put in place, there is not even technology that allows you to meet those standards.’”

In Wisconsin, Brett Healy penned an op-ed in the Milwaukee Journal-Sentinel where he shared how damaging the Clean Power Plan would've been for families across the Badger State. “President Donald Trump's executive order instructing the Environmental Protection Agency to begin the process to repeal the Obama administration's Clean Power Plan, a slate of anti-coal regulations, is a welcome respite for Wisconsin and the nation. ... Closer to home, a MacIver Institute and Beacon Hill study found that the plan would have increased the average electricity price in Wisconsin by 19%, forced the average household electric bill to jump \$225 a year and cost our industrial manufacturers an astonishing \$105,094 more per year if implemented.”

In West Virginia, the Wheeling-News Register reports that leaders across the state rejoiced over the reversal of the Clean Power Plan. “If left in place, these regulations would have little positive impact on our climate while continuing to decimate West Virginia's economy,” U.S. Rep. David McKinley, R-W.Va., said. “The president's action will provide relief to coal communities that have been under a bureaucratic assault from Washington over the last eight years. The nightmare of the war on coal is now officially over.”

In Wyoming, the Associated Press reports that President Trump's executive order on Tuesday has electrified workers. “So when President Donald Trump lifted a federal coal leasing moratorium and ordered a review of greenhouse gas regulations, the announcement electrified many workers here who depend on fossil fuels for their livelihood. After years of layoffs and corporate bankruptcies, they are optimistic that jobs and a better economy will soon return.”

Finally, the Casper Star-Tribune reports that President Trump's pro-energy initiatives are helping the state. “Three months into Trump's term, he continues to please coal country. On Tuesday, the president asked the EPA to review and perhaps replace the controversial Clean Power Plan, which many locally thought could deal a death blow to the industry. He also overturned a controversial moratorium on coal leases.”

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE ADMINISTRATOR

March 30, 2017

The Honorable Brian Sandoval
Governor of Nevada
Capitol Building
Carson City, Nevada 89701

Dear Governor Sandoval:

On February 9, 2016, the Supreme Court of the United States stayed implementation of the Clean Power Plan (CPP) effectively "suspend[ing] administrative alteration of the status quo." *Nken v. Holder*, 556 U.S. 418, 428 n.1 (2009). Further, pursuant to the Administrative Procedure Act, the Supreme Court has authority to "issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights pending conclusion of the review proceedings." 5 U.S.C. § 705.

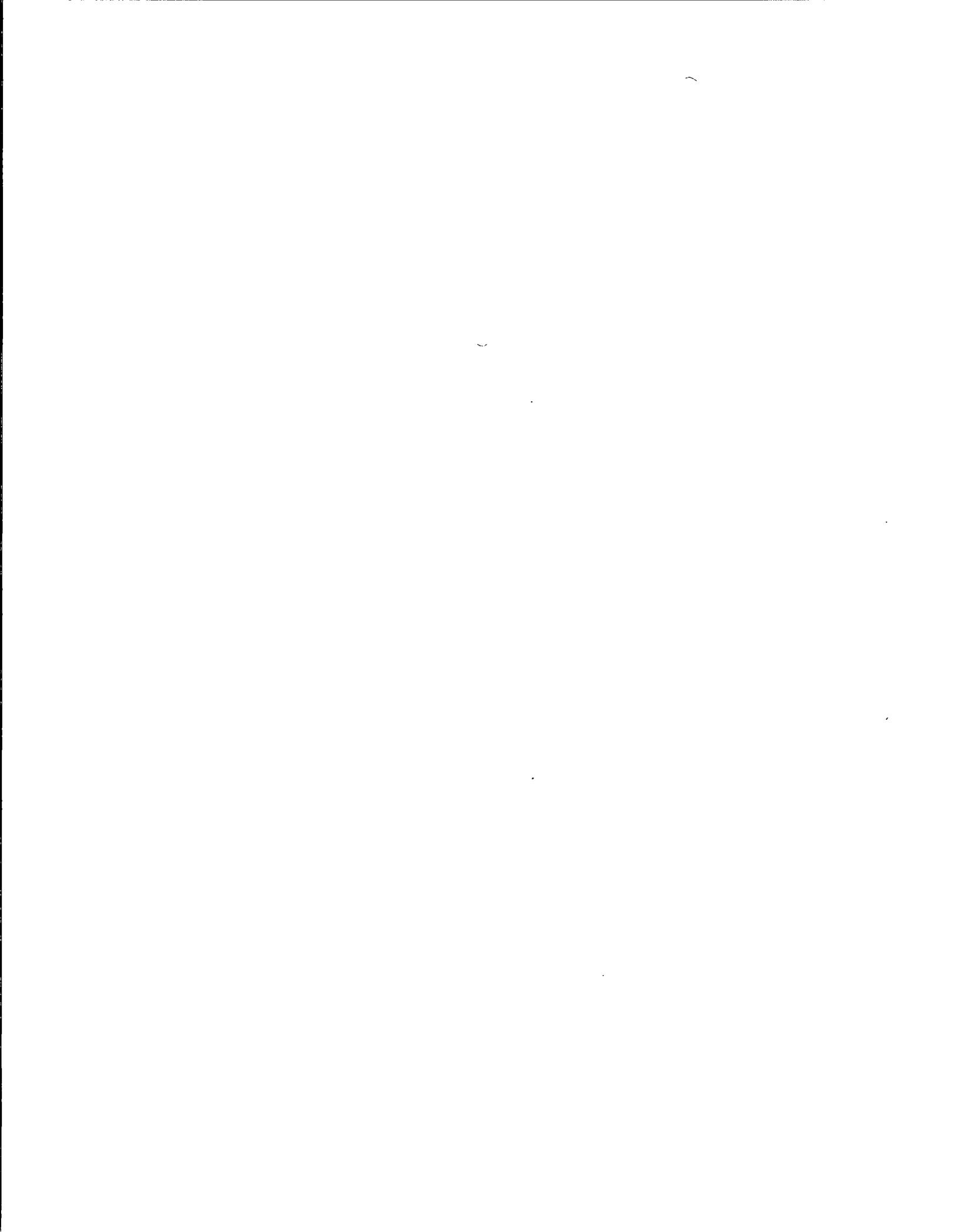
Under that precedent, States and other interested parties have neither been required nor expected to work towards meeting the compliance dates set in the CPP. It is the policy of the Environmental Protection Agency (EPA) that States have no obligation to spend resources to comply with a Rule that has been stayed by the Supreme Court of the United States. To the extent any deadlines become relevant in the future, case law and past practice of the EPA supports the application of day-to-day tolling.

The days of coercive federalism are over. Accordingly, I look forward to working with you, your state experts and local communities as we develop a path forward to improve our environment and bolster the economy in a manner that is respectful of and consistent with the rule of law.

Respectfully yours,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a large, sweeping flourish underneath.

E. Scott Pruitt



News Releases from Headquarters

EPA to Review the Clean Power Plan Under President Trump's Executive Order

03/28/2017

Contact Information:

U.S. EPA Media Relations (press@epa.gov)

WASHINGTON – Today, at the Environmental Protection Agency surrounded by American energy workers, public employees and members of Congress, President Donald Trump signed the Energy Independence Executive Order to protect thousands of jobs and strengthen energy security, while also ensuring that our policies provide clean air and clean water for all of our citizens.

The Energy Independence Executive Order directs agencies responsible for regulating domestic energy production to submit plans to the White House, which will identify, and propose measures to revise or rescind, regulatory barriers that impede progress towards energy independence. Moreover, the Order rescinds several Obama executive orders and policies related to climate change. It also directs the Administrator of the Environmental Protection Agency and the Secretary of the Interior to review, and if necessary, revise or rescind, several regulations that may place unnecessary, costly burdens on coal-fired electric utilities, coal miners, and oil and gas producers.

“The American people deserve an EPA that works to protect both the environment and enables a growing economy,” said Administrator Pruitt. “Our EPA puts America first. President Trump has a clear vision to create jobs and his vision is completely compatible with a clean and healthy environment. By taking these actions today, the EPA is returning the Agency to its core mission of protecting public health while also being pro-energy independence.”

You can see the Executive Order here: <https://www.whitehouse.gov/the-press-office/2017/03/28/presidential-executive-order-promoting-energy-independence-and-economi-1>

Administrator Scott Pruitt's Remarks

Thank you, thank you very much. Welcome to the EPA.

Perhaps this is your first visit to the EPA for some of you; it's good to see some coal miners here at the EPA. So, welcome to you, here.

We are gathered in the map room here at the EPA. Maps are intended to help you navigate; maps are intended to help you work toward a destination, journey toward a destination, and as we gather here today, the President is setting a new journey, a new pathway forward on how we are going to do business in this country, with respect to energy and the environment.

Number one, the president, by his signature today is rejecting the narrative that this country cannot be both pro-energy and pro-environment. We have done that throughout our history. We can actually achieve good jobs, good growth and pro-energy policies at the same time as protecting our environment. The president is sending that

message today, by his signature today on this executive order.

But, number two, he's also setting a pathway forward, a journey to say that we are no longer going to have regulatory assault on any given sector of our economy. That is going to end by the signing of this executive order. We are not going to allow regulations here at the EPA to pick winners and losers. And that is going to be very important as we chart the pathway forward.

But, the third thing is that we are going to play within the rules. The EPA should pass rules that are within the framework that Congress has established. That sounds pretty novel, but that is exactly what should occur. We shouldn't reimagine our authority to pick winners and losers. We are going to provide regulatory certainty. So, the president is setting a new pathway forward that is going to literally make sure that we transform our economy, grow jobs and also protect our environment. And it's an exciting day and I appreciate his leadership.

I now have the opportunity to introduce a good friend, a patriot, a partner in this process to make sure we are achieving the president's objectives – the Vice President of the United States, Michael Pence.

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LAST UPDATED ON MARCH 28, 2017