



## **The Clean Power Plan: Achieving Healthier Air and a Safer Climate through Common-Sense Limits on Carbon Pollution**

The [Clean Power Plan](#) is a suite of historic Clean Air Act standards that will establish the first ever nationwide limits on carbon pollution from fossil fuel-fired power plants, America's largest source of greenhouse gas emissions.<sup>[i]</sup> There is enormous potential for the power sector to shift to clean energy and thereby protect public health, create jobs, and safeguard our planet for our children. The U.S. Environmental Protection Agency (EPA) projects that the Clean Power Plan will reduce carbon pollution from the power sector to 32 percent below 2005 levels by 2030. These reductions will yield public health and climate benefits worth up to \$54 billion per year by 2030 – benefits that include saving 3,500 lives and avoiding 90,000 asthma attacks each year.<sup>[ii]</sup> And because the Clean Power Plan enables states and power companies to use a wide array of cost-effective emission reduction measures – including energy efficiency projects that save consumers money – EPA estimates that the Clean Power Plan will reduce household energy bills by approximately \$80 per year by 2030.

### **Eminently achievable standards**

The carbon pollution targets in the Clean Power Plan phase in gradually between 2022 and 2030, providing states and power companies with unprecedented time to plan for compliance and to take cost-effective steps to reduce carbon pollution. EPA also based the final carbon pollution limits on measures that states and power companies are already deploying – including shifting generation from high-emitting power plants to lower-emitting power plants, and clean renewable energy. The result is a set of readily achievable standards. On a national basis, the power sector has already reduced carbon pollution emissions by 15 percent since 2005,<sup>[iii]</sup> a faster rate of reduction than the Clean Power Plan requires. Many states are well on their way to meeting the emission limits in the Clean Power Plan.<sup>[iv]</sup> A recent [analysis by EDF](#), for example, found that Texas is already on a path to achieve 88 percent of its target based on existing trends in its power sector.<sup>[v]</sup>

### **Flexibility to adopt streamlined, cost-effective state plans under existing law**

The Clean Power Plan provides the states with tremendous flexibility in deciding how to achieve their targets – including the option to use highly cost-effective market-based approaches similar to those used to tackle acid rain, interstate air pollution, and leaded gasoline. Power plants in ten states are already successfully using such programs to reduce greenhouse gas emissions,

and more than two dozen states have established such programs to reduce other harmful pollutants under the Clean Air Act.

### **A solid legal foundation**

The Supreme Court has affirmed EPA's authority to regulate greenhouse gases three times since 2007,<sup>[vi]</sup> and noted in 2011 that section 111(d) of the Clean Air Act – the provision that underlies the Clean Power Plan – clearly authorizes EPA's regulation of carbon pollution from existing power plants.<sup>[vii]</sup> Although “sky is falling” legal challenges immediately followed the rule's publication, the Clean Power Plan is wholly consistent with the language of the Clean Air Act, as well as other Clean Air Act rules addressing the power sector.

The Clean Power Plan rests on a rigorous, extensive technical record developed through nearly two years of public consultation, more than four million public comments, and multiple public hearings touching on nearly every aspect of the standards. Several provisions of the final Clean Power Plan were adopted in response to comments by industry and the states on grid reliability, costs, and other issues.

A diverse coalition has joined with EPA to defend these historic safeguards in court. 18 states, the District of Columbia, six municipalities, leading power companies, clean technology companies, and public health and environmental organizations have all partnered to help affirm the Clean Power Plan's solid legal foundation.

[Many leading legal experts](#) have agreed that the Clean Power Plan is firmly anchored in law:

“The EPA's Clean Power Plan is a critical step forward in responding to the threat of climate change. The rule is firmly grounded in science and the law. The rule incorporates successful strategies New York and other states have used to cut climate change pollution from power plants while maintaining electricity reliability, holding the line on utility bills, and growing our economies. We are committed to aggressively defending the Clean Power Plan to ensure progress is made in confronting climate change.” — Attorneys General of New York, California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Maryland, Minnesota, New Hampshire, New Mexico, Oregon, Rhode Island, Vermont, Washington, Massachusetts, Virginia, and the District of Columbia; attorneys for the cities of Boulder, Chicago, New York, Philadelphia, and South Miami; and the attorney for Broward County, Florida, [A.G. Schneiderman Leads Coalition of 25 States, Cities and Counties in Defense of EPA's Clean Power Plan](#), November 4, 2015

“The country needs to reduce CO<sub>2</sub> from existing power plants which generate 40% of America's CO<sub>2</sub>. The rule is needed, and the courts we hope will recognize that it is on the right side of history.” — William K. Reilly, former EPA Administrator under President George H.W. Bush, and William D. Ruckelshaus, former EPA administrator under Presidents Nixon and Reagan, [Former EPA Administrators Reilly and Ruckelshaus Issues Statement Regarding the EPA's Clean Power Plan](#), October 23, 2015

“Opponents of the Clean Power Plan have already sued twice before to strike down this rule, only to have their challenges thrown out as premature. This time, judges will hear their

arguments, but the arguments hold little legal merit.” — Prof. Richard Revesz, New York University School of Law, and Denise Grab, Senior Attorney at the Institute for Policy Integrity at New York University School of Law, [Noise Trumps Logic in Clean Power Plan Lawsuits](#), The Hill, October 27, 2015

***The Clean Power Plan draws on the time-tested framework of our nation’s foundational clean air law to take an important step forward for healthier air, a safer climate, and a more sustainable economy.***

<sup>[i]</sup> U.S. Environmental Protection Agency, “Clean Power Plan,” accessed October 21, 2015, available at <http://www2.epa.gov/cleanpowerplan>; U.S. Environmental Protection Agency, “U.S. Greenhouse Gas Inventory Report: 1990-2013,” accessed October 21, 2015, available at <http://www3.epa.gov/climatechange/ghgemissions/usinventoryreport.html>.

<sup>[ii]</sup> U.S. Environmental Protection Agency, “Overview of the Clean Power Plan,” accessed October 21, 2015, available at <http://www2.epa.gov/sites/production/files/2015-08/documents/fs-cpp-overview.pdf>.

<sup>[iii]</sup> U.S. Energy Information Agency, “September 2015: Monthly Energy Review, Table 12.6” September 25, 2015, accessed October 21, 2015, available at <http://www.eia.gov/totalenergy/data/monthly/index.cfm>.

<sup>[iv]</sup> Union of Concerned Scientists, “States of Progress,” August 13, 2015, accessed October 21, 2015, available at <http://www.ucsusa.org/global-warming/reduce-emissions/clean-power-plan-states-of-progress#.ViVVdE2FPIU>.

<sup>[v]</sup> Environmental Defense Fund, “Well Within Reach: How Texas Can Comply with and Benefit from the Clean Power Plan,” October 2015, accessed October 21, 2015, available at [https://www.edf.org/sites/default/files/content/cpp-texas\\_report.pdf](https://www.edf.org/sites/default/files/content/cpp-texas_report.pdf).

<sup>[vi]</sup> *Utility Air Regulatory Group v. EPA*, 134 S. Ct. 2427, 2449 (2014); *American Electric Power v. Connecticut*, 131 S. Ct. 2527, 2537 (2011); *Massachusetts v. EPA*, 549 U.S. 497, 528-29 (2007).

<sup>[vii]</sup> *American Electric Power*, 131 S. Ct. at 2537.