



**National Conference of State Legislatures  
Office of State-Federal Relations**

**EPA Proposes Repeal of the Clean Power Plan**

Oct. 11, 2017

On Oct. 10, Environmental Protection Agency (EPA) Administrator Scott Pruitt [proposed](#) to repeal the Clean Power Plan (CPP) claiming it “exceeds EPA’s statutory authority,” and is “inconsistent with the Clean Air Act (CAA).”

This action begins what will likely be a lengthy regulatory process per the Administrative Procedure Act while simultaneous litigation surrounding the previously finalized rule continues. [Unveiled](#) in 2015, the CPP aims to reduce greenhouse gas (GHG) emissions by requiring states to develop plans to meet requirements in the CPP, and if not, EPA would impose a federal implementation plan on a nonconforming state. Ten days after the rule was issued 27 states petitioned the U.S. Court of Appeals of the District of Columbia for an emergency stay, while 18 states indicated their support for the rule. The D.C. Circuit [denied](#) the stay, but in Feb. 2016, the U.S. Supreme Court stayed implementation of the rule pending judicial review by the D.C. Circuit. While the D.C. Circuit heard oral arguments in September 2016, the court granted President Donald Trump’s administration’s request to defer further judicial proceedings following an [executive order](#) directing the agency to review, revise, or potentially rescind the rule.

As the CPP remains stayed, the administration’s actions to withdraw the rule will not have any immediate effect on the implementation of the rule. For any other questions or concerns on the CPP or the withdrawal of the rule please contact NCSL staff [Kristen Hildreth](#) (202-624-3597) or [Ben Husch](#) (202-624-7779), or visit NCSL’s [webpage](#) on the CPP.

**Key Documents**

- [CPP Repeal Proposed Rule](#)
- [Proposed Rule Regulatory Impact Analysis \(RIA\)](#)
- [CPP Repeal Fact Sheet](#)