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EPA Actions on Climate and Air Pollution

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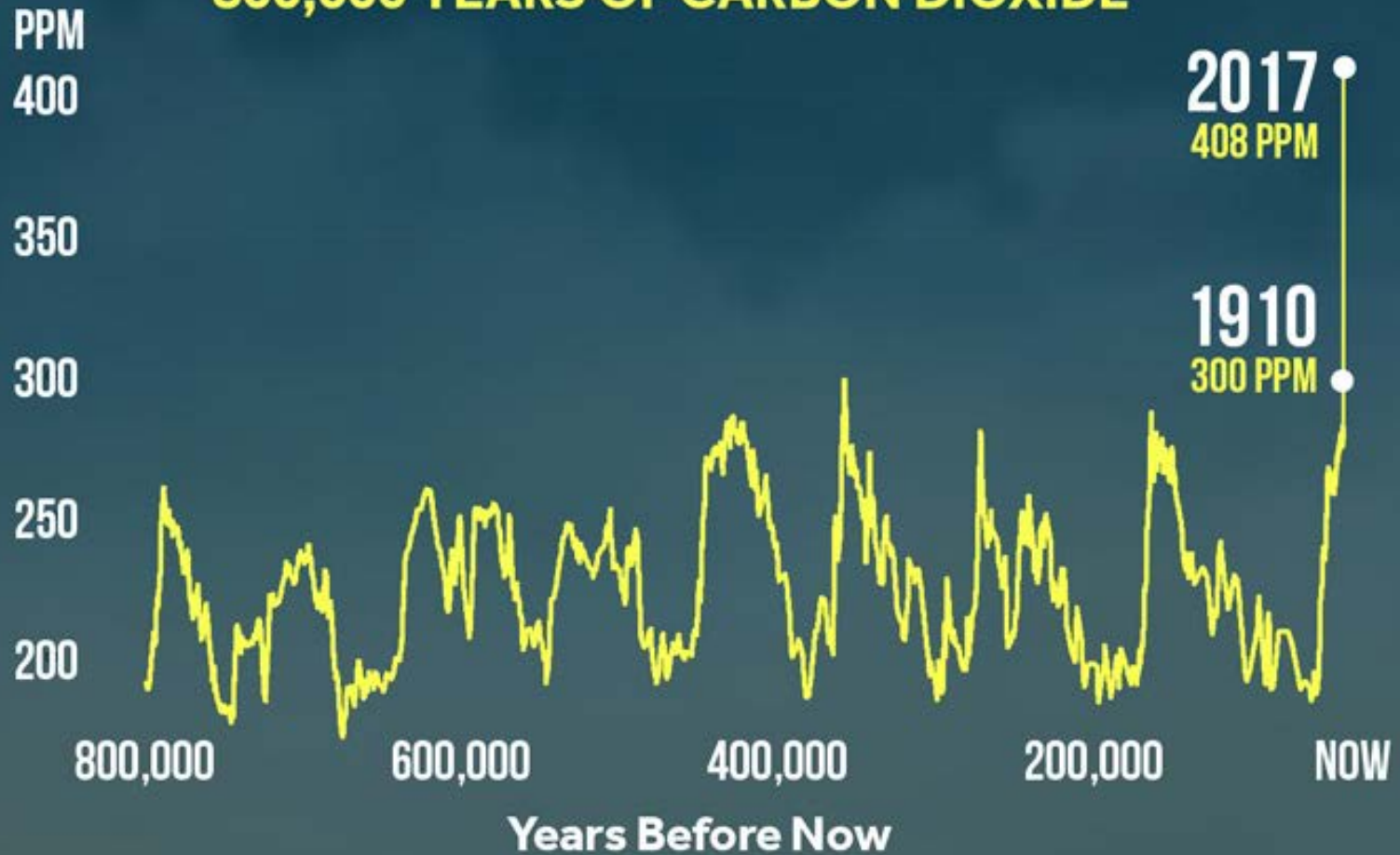
Director, Sabin Center for Climate Change Law

Biennial EPA Region 2 Conference


June 6, 2018

CHANGING OUR ATMOSPHERE

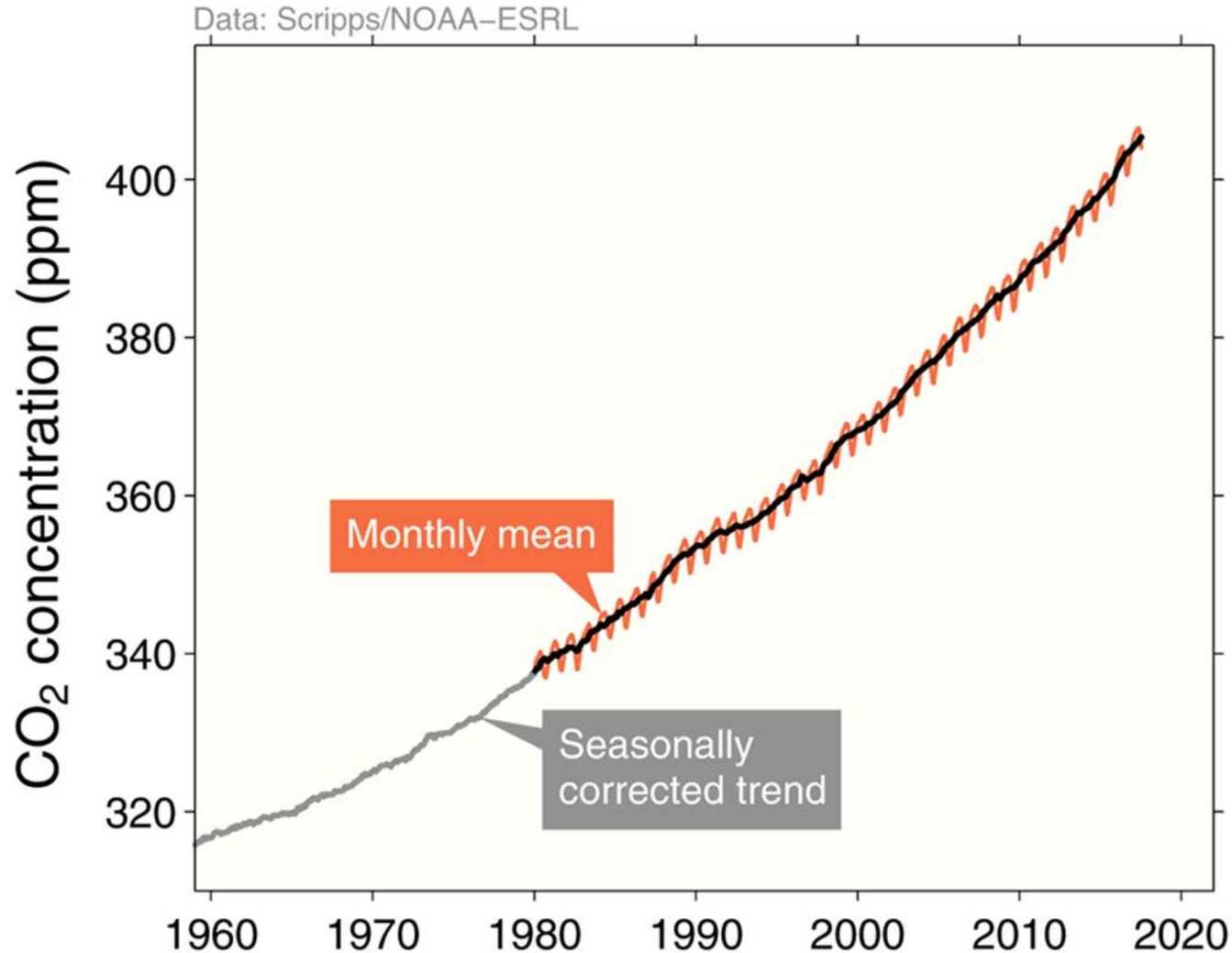
800,000 YEARS OF CARBON DIOXIDE



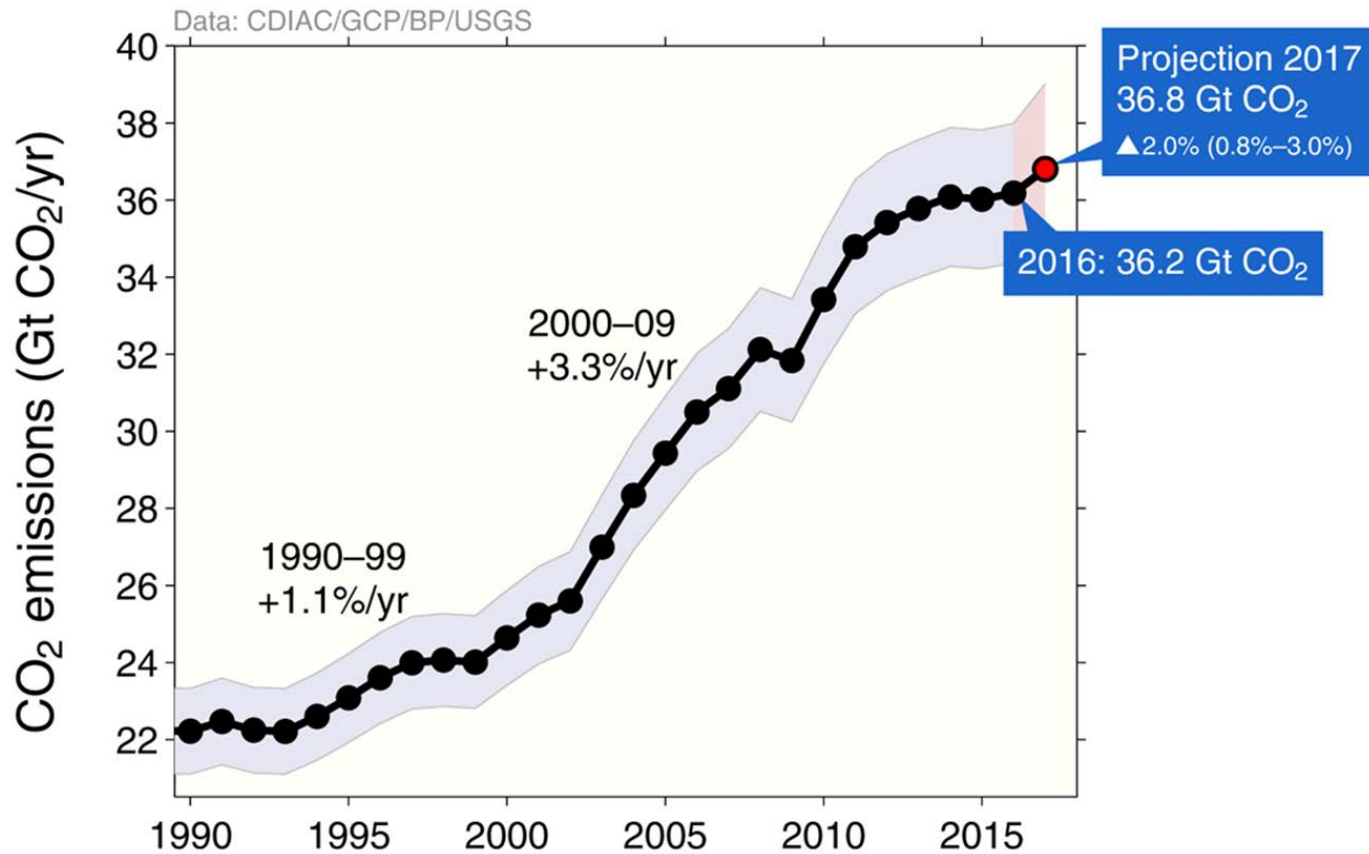
Source: Luthi et al (2008) (cdiac.ornl.gov) & Keeling et al (Scripps.ucsd.edu)

CLIMATE  CENTRAL

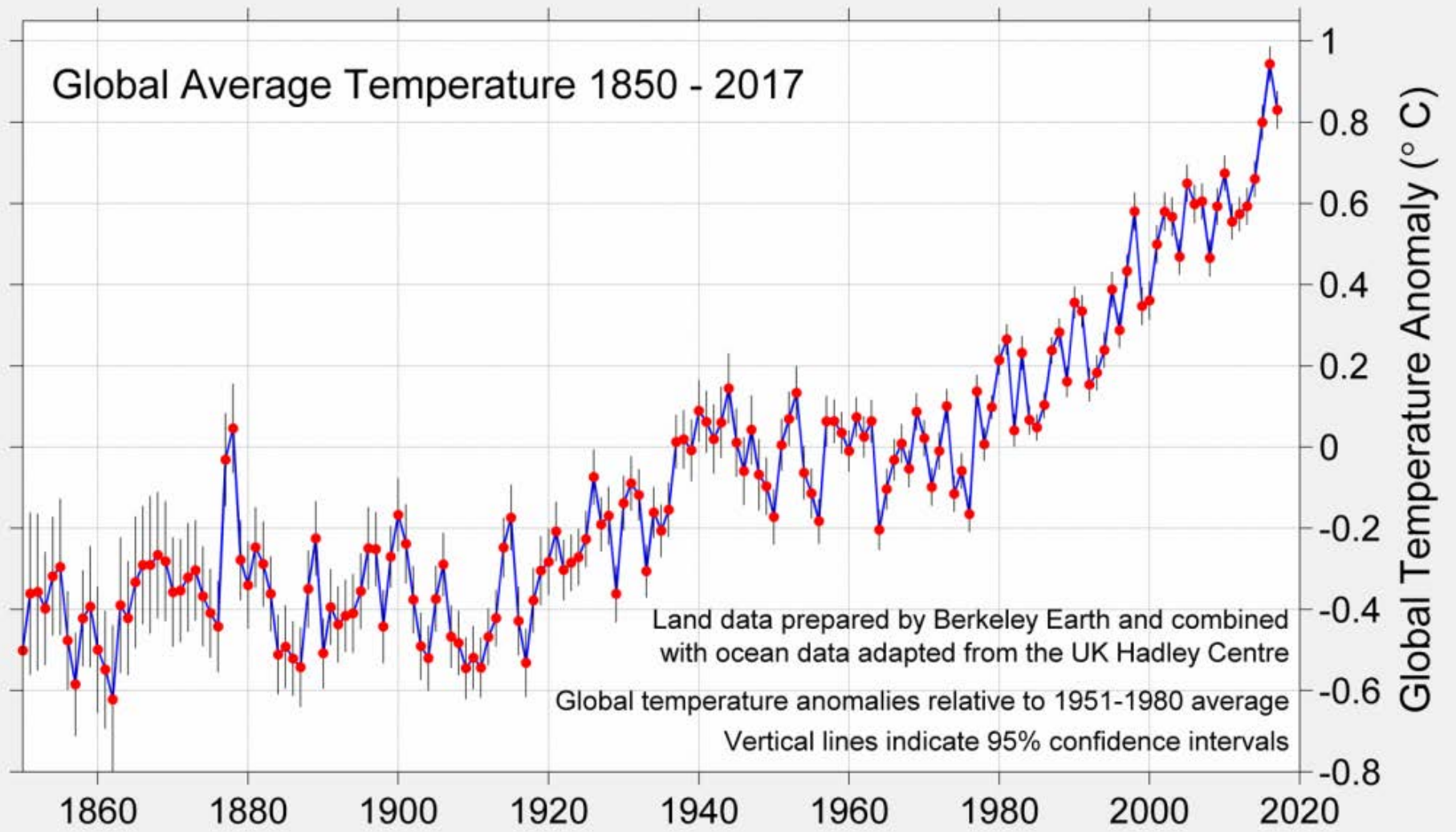
Atmospheric Concentrations of CO₂



Global Carbon Dioxide Emissions From Energy Use and Industry



Global Average Temperature 1850 - 2017



U.S. Pledges in Copenhagen (2009), Paris (2015)

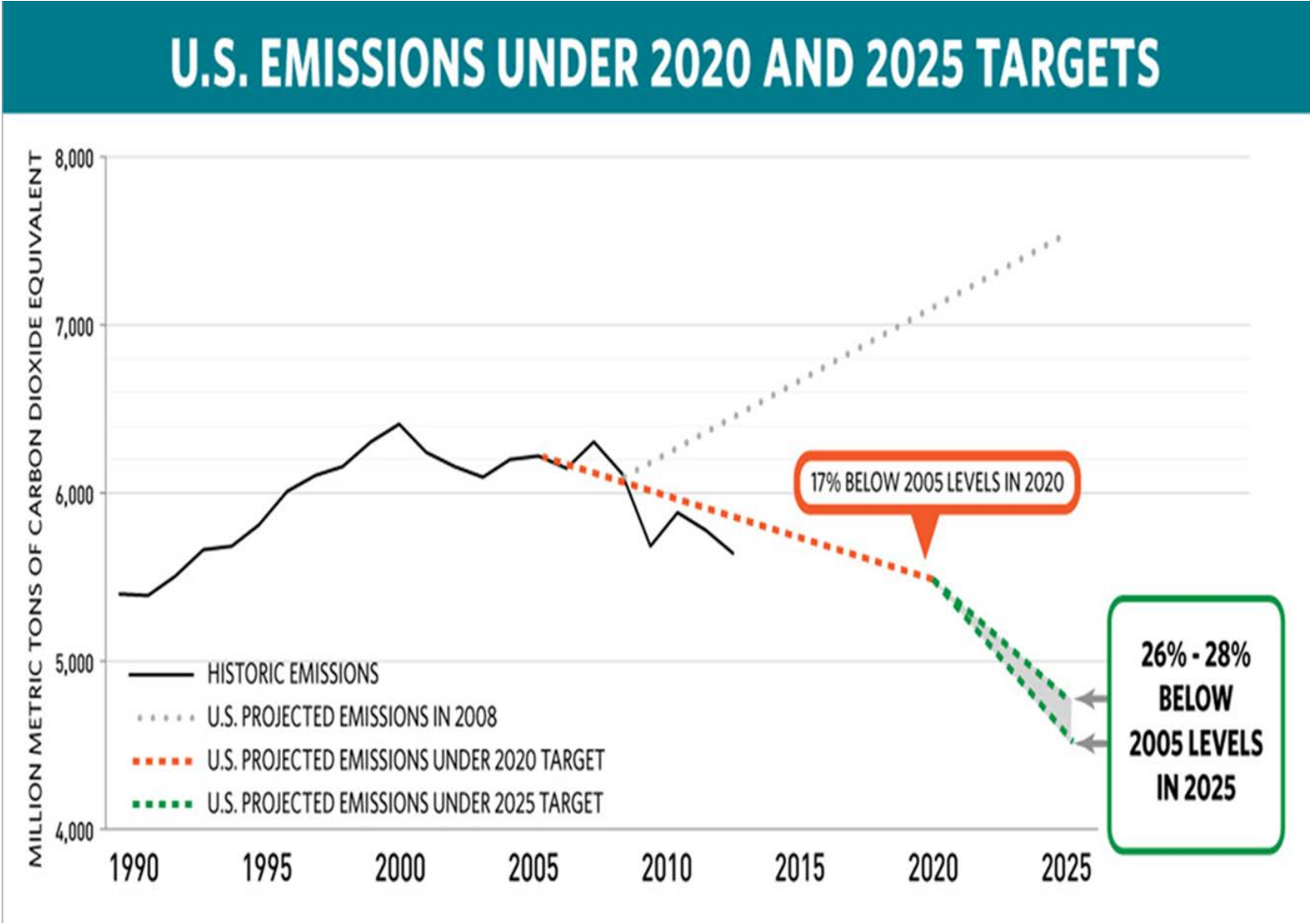
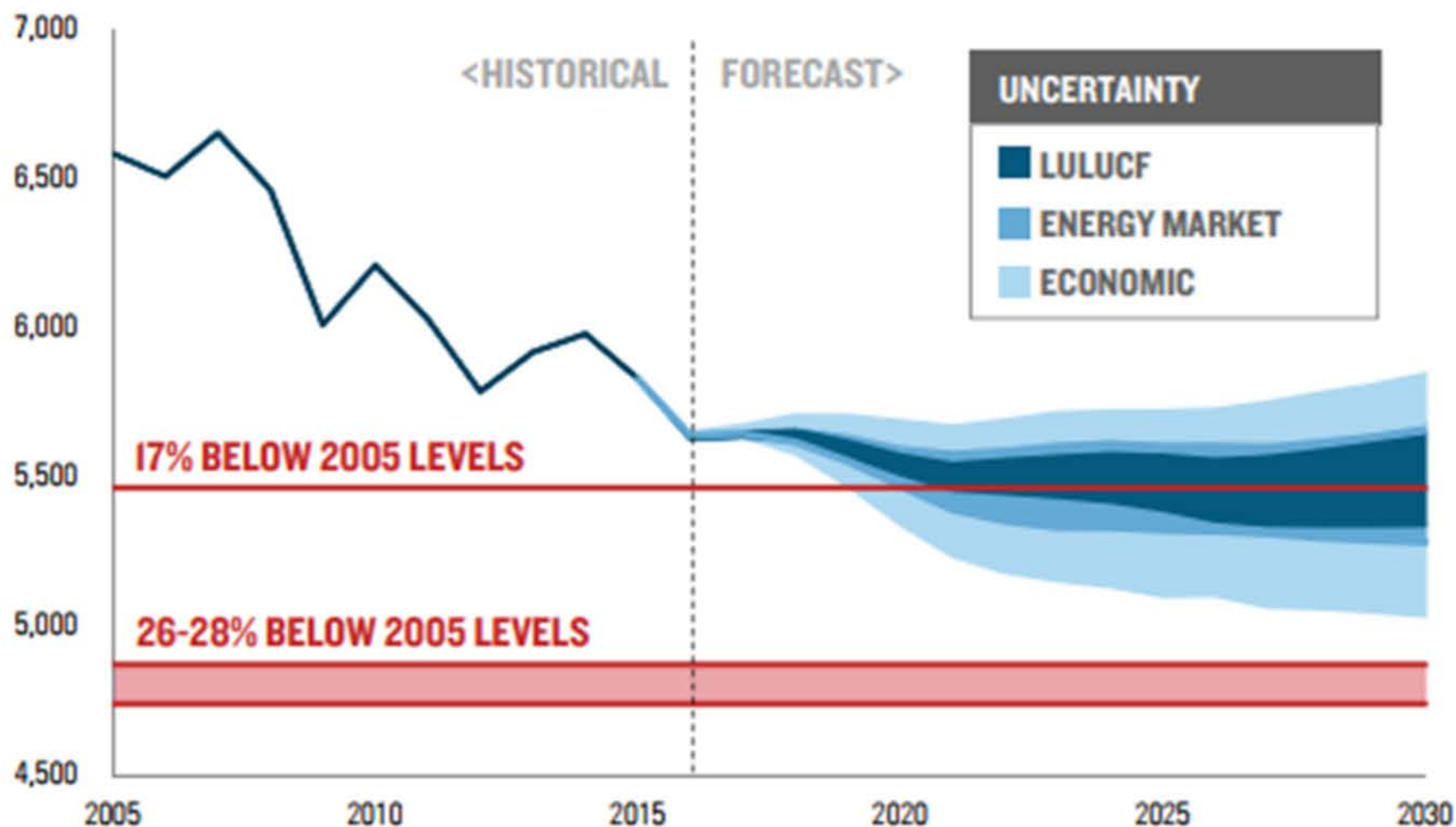
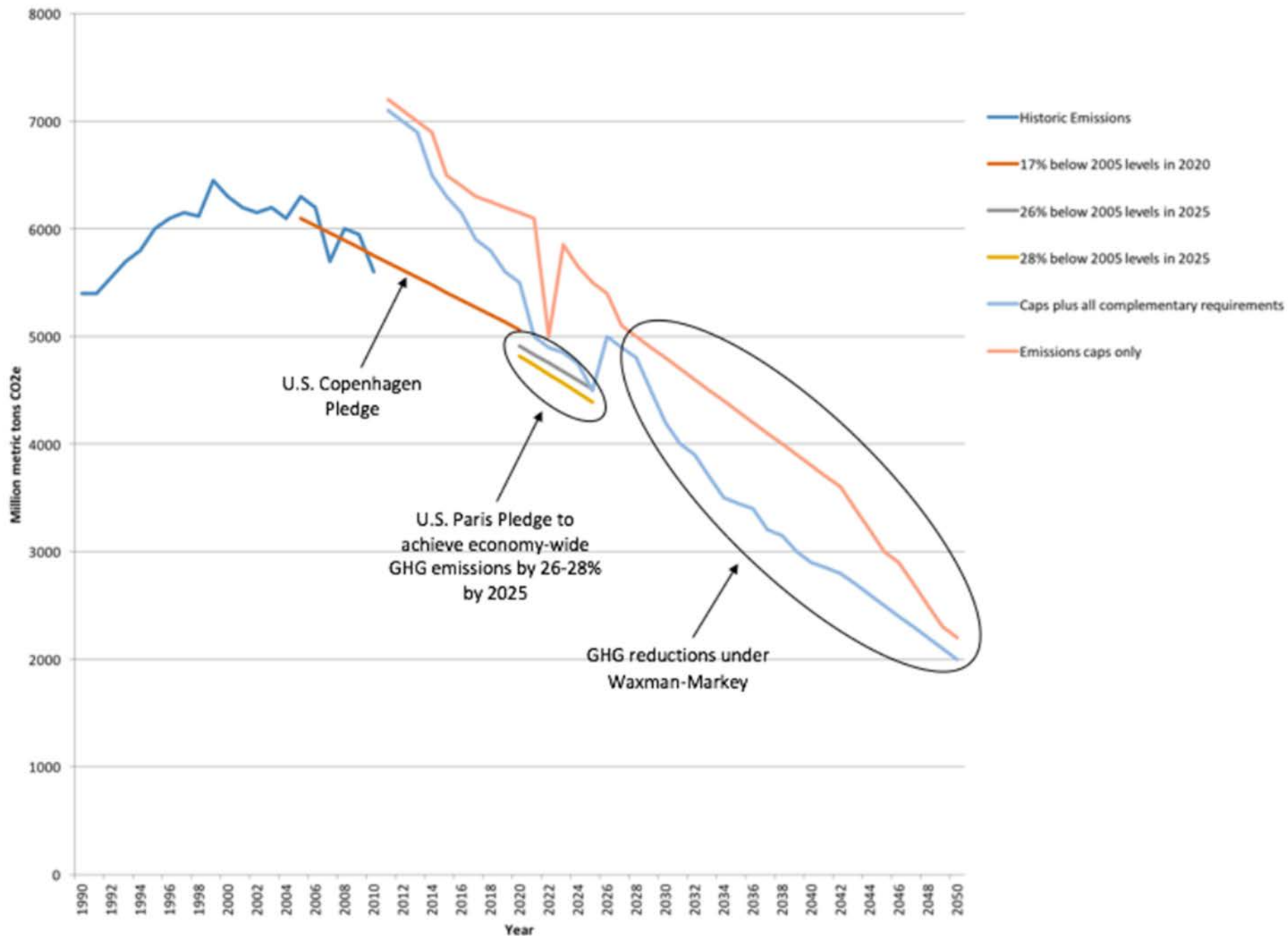


Figure 3: US net GHG emissions under current policy with energy and economic uncertainty
MMt CO₂e

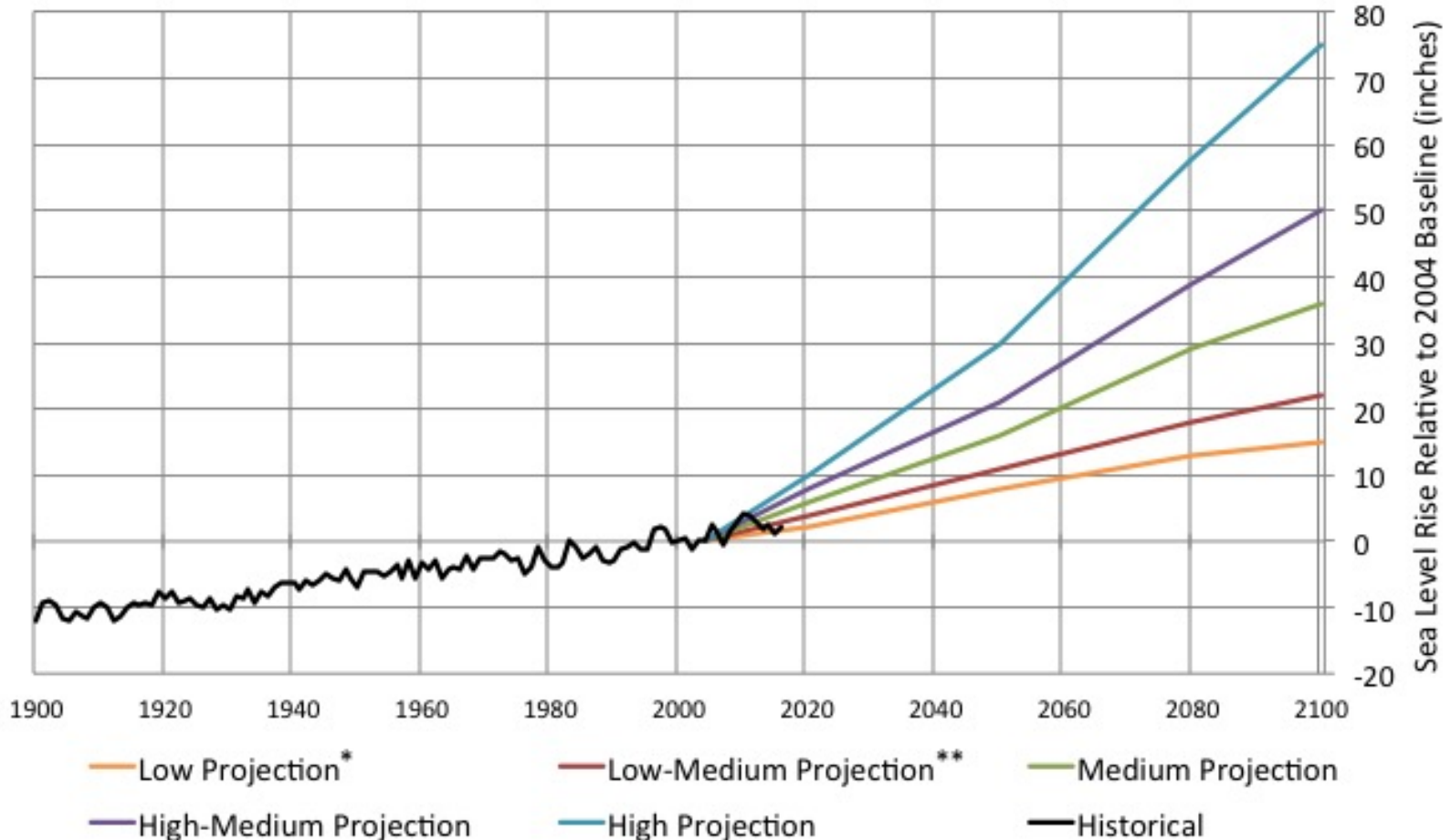


Source: EPA, Rhodium Group analysis.

Intended Nationally Determined Contributions Compared with Waxman-Markey Caps



Official Sea Level Rise Projections for New York City

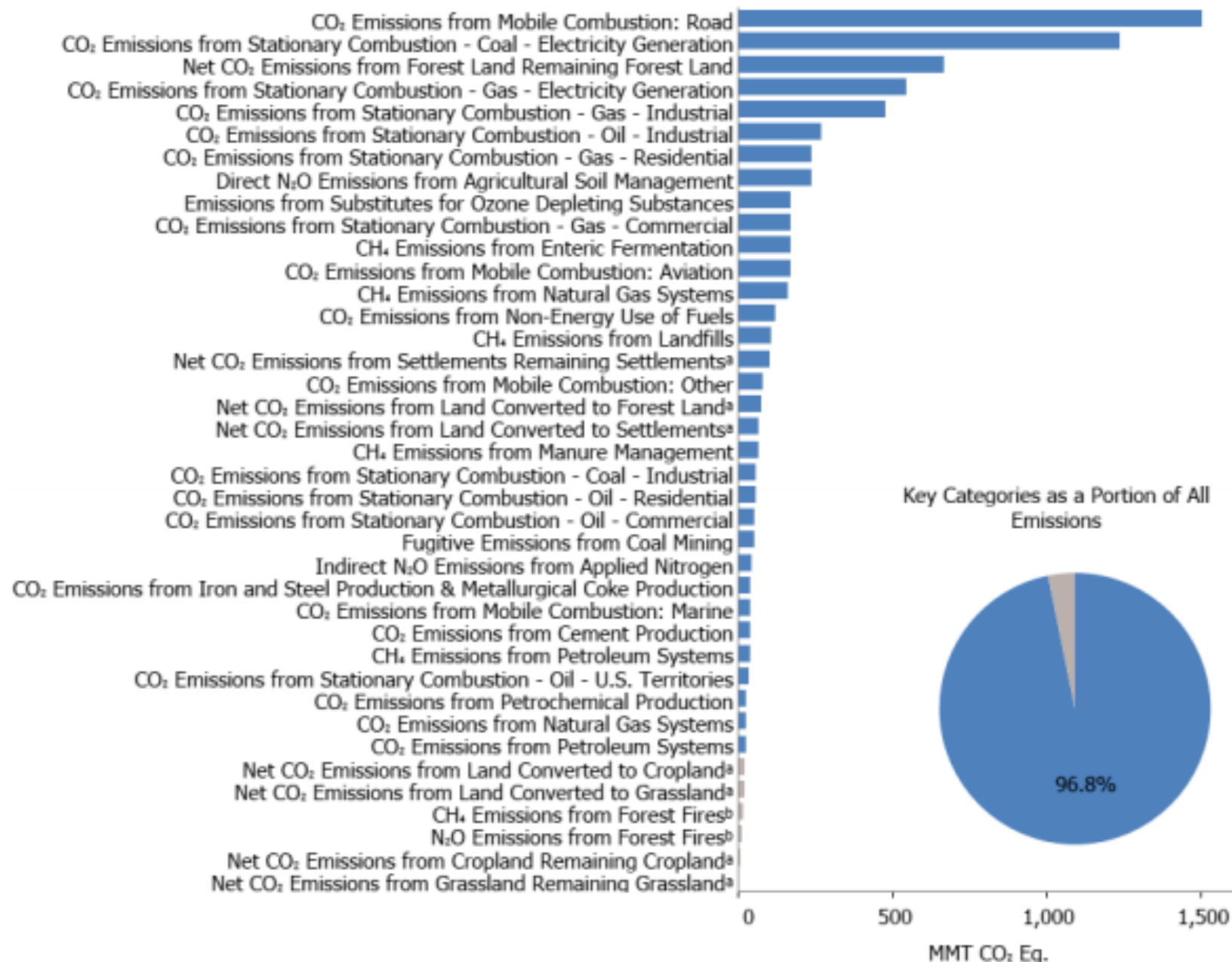


Graphics by Christian Termyn

* Historical sea level rise sourced from Permanent Service for Mean Sea Level data for New York (the Battery), available at: <http://www.psmsl.org/data/obtaining/stations/12.php>

** NYS Sea Level Rise Projections, 6 NYCRR Part 490. Projections represent inches of rise over baseline level, which is defined as the average level of the surface of marine or tidal water over the years 2000 through 2004.

Figure ES-17: 2016 Key Categories (MMT CO₂ Eq.)





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The Climate Deregulation Tracker identifies steps taken by the Trump administration and Congress to scale back or wholly eliminate federal climate mitigation and adaptation measures. The tracker is linked to our [database](#) of climate change regulations. [Read more →](#)

Key Updates:

Date	Action	Explanation	Agency
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Trump Signs Executive Order Unwinding Obama Climate Policies

By CORAL DAVENPORT and ALISSA J. RUBIN MARCH 28, 2017



President Trump was joined by his E.P.A. administrator, Scott Pruitt, left, and coal industry workers on

The Trump White House

Stories about President Trump's actions

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Ruth L 9 minutes ago
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Trump announces U.S. will exit Paris climate deal, sparking criticism at home and abroad

Trump has decided to pull the U.S. out of the Paris Agreement. Here's what you need to know.



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 **sense**



One small box shows how much energy all your devices are using.

President Trump has decided to pull the U.S. out of the Paris Agreement. Here's what you need to know. (Daron Taylor/The Washington Post)

By [Philip Rucker](#) and [Jenna Johnson](#) June 1 



News Releases

News Releases from Headquarters > Office of the Administrator (AO)

EPA Administrator Pruitt: GHG Emissions Standards for Cars and Light Trucks Should Be Revised

04/02/2018

Contact Information:

EPA Press Office (press@epa.gov)

WASHINGTON (April 2, 2018) — Today, U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt is announcing the completion of the Midterm Evaluation (MTE) process for the greenhouse gas (GHG) emissions standards for cars and light trucks for model years 2022-2025, and his final determination that, in light of recent data, the current standards are not appropriate and should be revised.

Administrator Pruitt is also announcing the start of a joint process with the National Highway Traffic Safety Administration (NHTSA) to

States sue EPA over plan to weaken vehicle emissions standards

17 states and the District of Columbia file joint lawsuit against EPA's proposed rollback.

MARK HAND  MAY 1, 2018, 4:07 PM

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In Rebuke to Pruitt, EPA Science Board Votes to Review Climate Policy Changes

The board, with more than a dozen Pruitt-appointed members, questioned his efforts to roll back the Clean Power Plan and weaken auto standards and other regulations.



BY MARIANNE LAVELLE

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JUN 1, 2018



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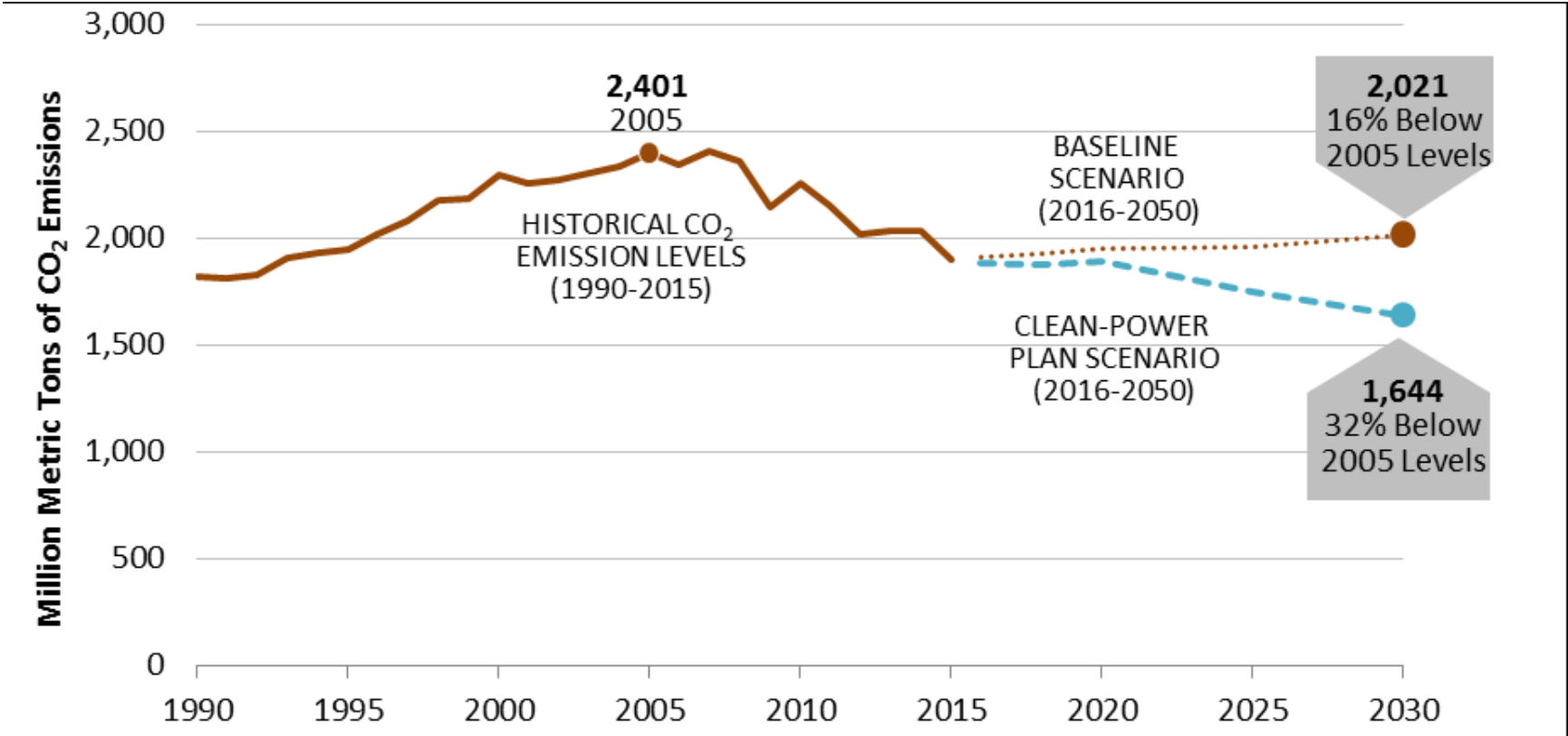
MOST POPULAR



Premature Birth Rates Drop California After Coal and Oil Plants Shut Down

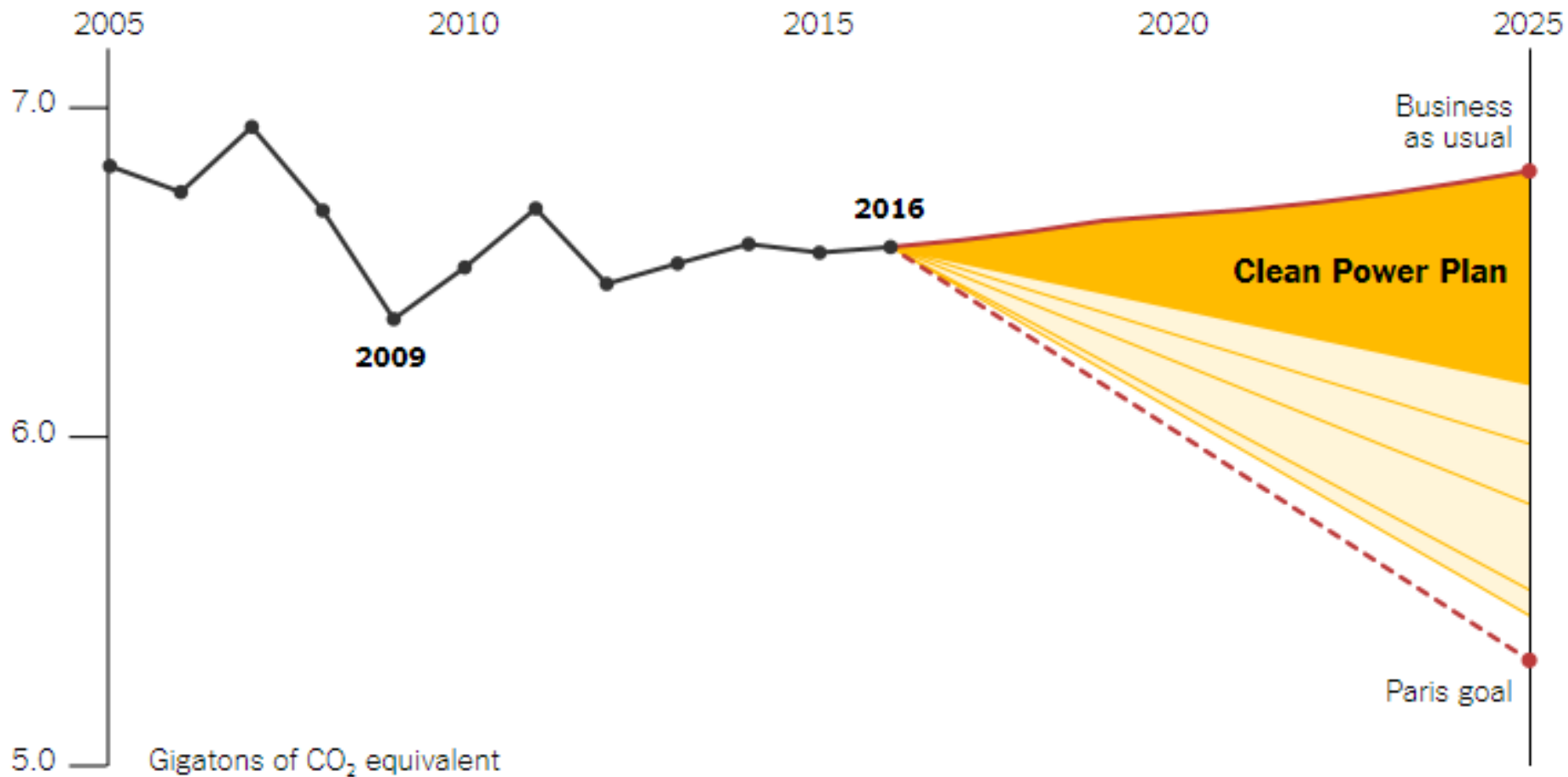
CO₂ Emissions from U.S. Electricity Generation

Source: Congressional Research Service (2017)



Cleaner power plants

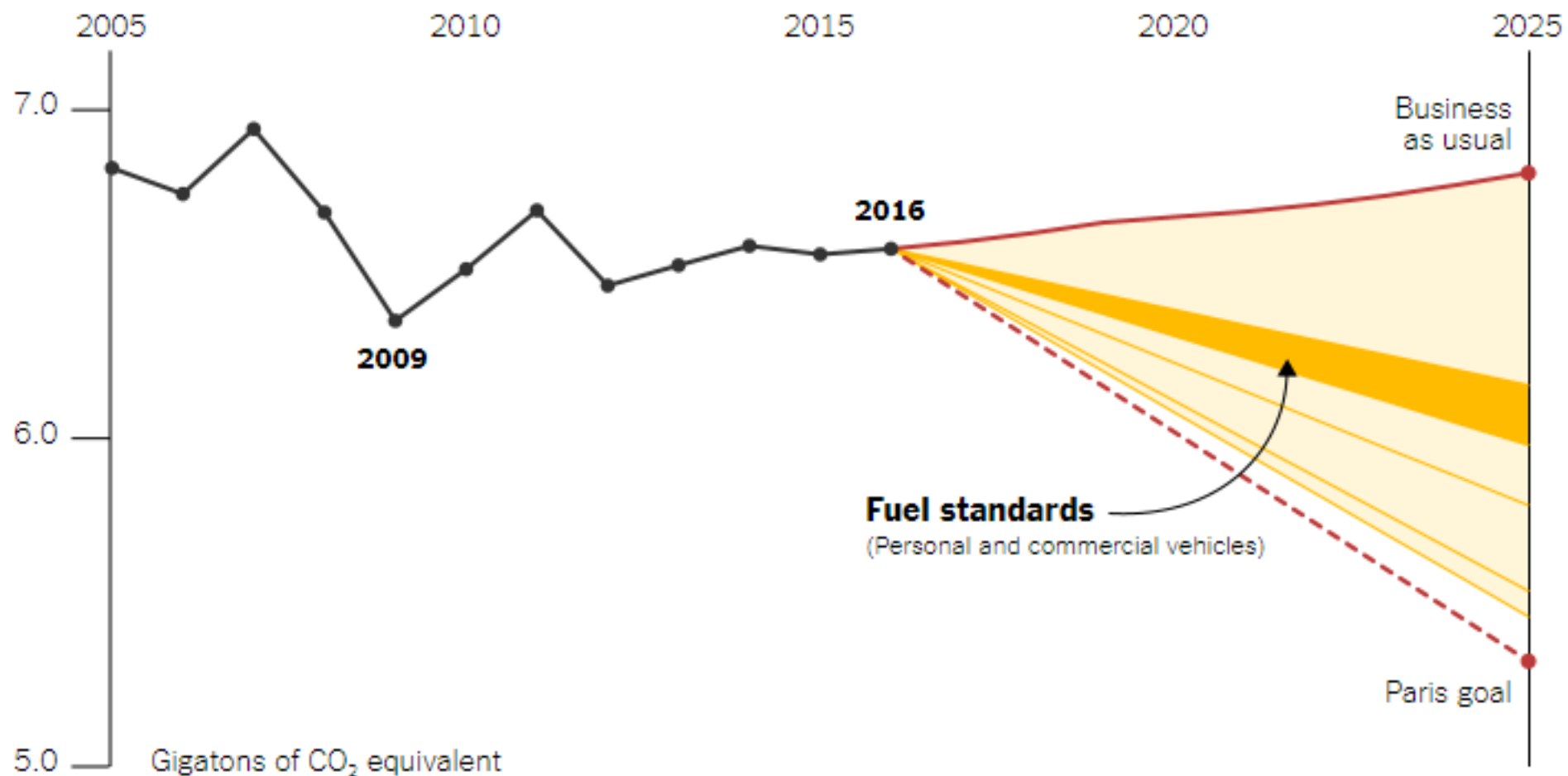
Obama-era policies for reducing greenhouse gas emissions



In an executive order released Tuesday Mr. Trump

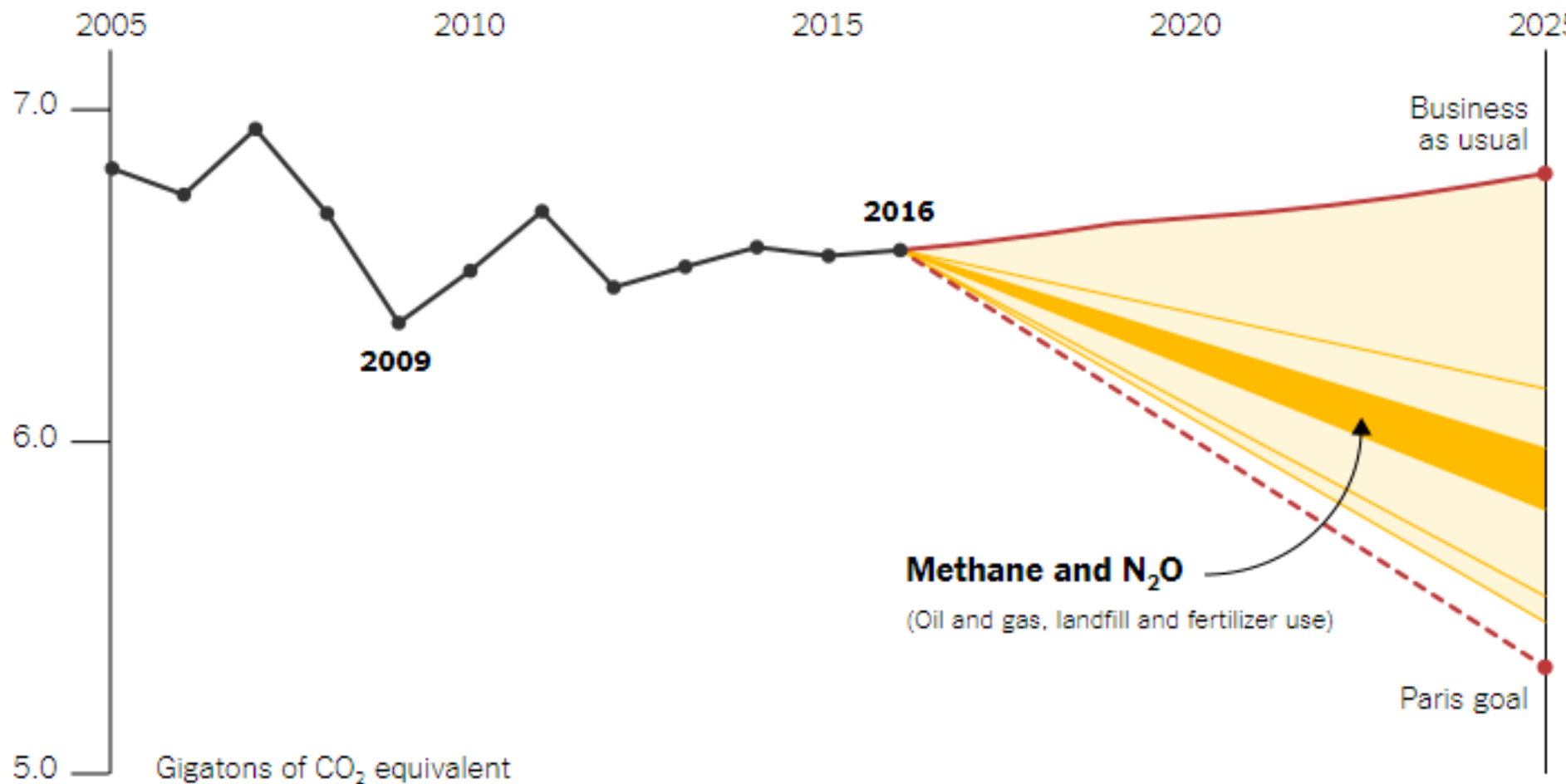
get to 26 percent by 2025," he said.

More efficient cars



an important part of reducing CO₂ emissions.

Fewer methane emissions



Reaching the Paris target will be difficult without tighter

General Deregulation Affecting EPA Activity

[Presidential Memorandum, “Regulatory Freeze Pending Review” Delays New Energy Efficiency, Renewable Fuel Standards \(1/20/2017\)](#)

[Executive Order on Enforcing the Regulatory Reform Agenda \(2/24/2017\)](#)

[Executive Order on Reducing Regulation and Controlling Regulatory Costs \(1/30/2017\)](#)

Status: Pending litigation challenging the E.O.

[EPA Seeks Input on Which Rules It Should Repeal, Replace or Modify in Order to Conform with Executive Order on Enforcing the Regulatory Reform Agenda \(4/13/2018\)](#)

[EPA Issues Proposal to Restrict Use of Scientific Evidence in Rulemaking \(4/30/2018\)](#)

Status: EPA Scientific Advisory Board voted to review rule (5/31/2018)

[Executive Order Revoking Federal Sustainability Plan, Including Federal Agency GHG Targets \(5/17/2018\)](#)

Climate-Related Deregulation: General

Subject Regulation or Program	Deregulatory Action	Status
Multiple	Executive Order “Promoting Energy Independence and Economic Growth” (3/28/2017)	Active, see related deregulatory actions directed by E.O.

EPA Climate-Related Deregulation: GHG Controls—Landfills

Subject Regulation or Program	Deregulatory Action	Status
Standards of Performance for MSW Landfills and Emission Guidelines and Compliance Times for MSW Landfills, both under CAA § 111	EPA Stayed Rules Establishing Methane Standards for Landfills for 90 Days	EPA's request to hold litigation over Obama Administration's standards in abeyance granted (09/26/2017); EPA has been sued for failing to implement and enforce the standards (5/31/2018)

EPA Climate-Related Deregulation: GHG Controls—Power Plants

Subject Regulation or Program	Deregulatory Action	Status
Clean Power Plan	Repeal and Advance Notice of Proposed Rulemaking (ANPRM) to Replace the Clean Power Plan	Supreme Court stayed CPP (2/9/2016); CPP challenge argued before the D.C. Circuit en banc (9/27/2016); D.C. Circuit granted EPA's request to hold the case in abeyance pending EPA review of the CPP (4/28/2017) and D.C. Circuit has continued to renew abeyance; Proposed repeal of CPP (10/10/2017); ANPRM to replace CPP (12/28/2017)
Clean Power Plan	Withdrawal of Proposed Rules for Model Trading Program, Clean Energy Incentive Program Accompanying CPP	Proposed rules withdrawn (4/30/2017)
Standards of Performance for GHG Emissions From New, Modified, and Reconstructed Electric Generating Units under CAA §111(b)	EPA Initiates Review of GHG Standards for New and Modified Power Plants	Standards under review (4/4/2017); D.C. Circuit grants indefinite abeyance (8/10/2017)

EPA Climate-Related Deregulation: GHG Controls—Oil & Gas

Subject Regulation or Program	Deregulatory Action	Status
Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources under CAA § 111(b)	<u>EPA Reviewed, Stayed & Amended Methane & Other Emission Standards for New & Modified Sources in Oil & Gas Sector</u>	Proposed 2-year stay (6/16/2017); D.C. Circuit orders stay be vacated (<i>Clean Air Council v. Pruitt</i> , 7/3/17); Final amendment published allowing allows leaks to go unrepaired during unscheduled or emergency shutdowns (3/12/2018)
Methane and VOC Standards of Performance for Existing Oil and Gas Sources under Section § 111(d) of the CAA	<u>Termination of Development of Guidance; Withdrawal of Information Request for Data from Industry</u>	EPA withdraws information request for industry to submit data on methane controls (3/2/2017); EPA decides not to proceed with the development of emission guidelines; Environmental groups threaten to sue

EPA Climate-Related Deregulation: GHG Controls—Vehicles, HFCs

Subject Regulation or Program	Deregulatory Action	Status
Mid-term evaluation of GHG standards for model year 2022–2025 light-duty vehicles under § 202(a) of the CAA	Reconsideration of GHG Standards for Light Duty Vehicles	Withdrawal of previous determination, and notice given that agency will initiate rulemaking to replace it (04/13/2018); Withdrawal challenged in multiple petitions in D.C. Circuit (5/2018); EPA sends proposed rule to OMB (5/30/18)
GHG Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2 Rule and CAA § 202(a)(1) and 216	Repeal of Emissions Requirements for Glider Vehicles, Glider Engines, and Glider Kits	NPRM (11/16/2017)
EPA’s Significant New Alternatives Policy under § 612 of the CAA of 1990	EPA Published Notice Announcing It Will Not Enforce 2015 HFC Alternatives Rule	Notice that EPA will not enforce the 2015 rule and intends to remand the rule (4/27/2018)

Conventional Air Pollutant Deregulation

Subject Regulation or Program	Deregulatory Action	Status
Accidental Release Prevention Requirements: Risk Management Programs Under the CAA	Delays of effective date, EPA reconsidering amendments to reduce preventative measures and reporting requirements	NPRM for amendments (05/30/2018) ; Final rule setting delay (6/14/2017) ; Suits in D.C. Circuit to stop delays (filed 6/15/2017, 7/24/2017)
Hazardous Air Pollutants under CAA § 112	EPA issued guidance memorandum withdrawing “once in always in” policy for the classification of major sources of hazardous air pollutants	Guidance Memo issued (01/25/18) ; Environmental and public health groups file legal challenge (3/26/2018)
Power Plant Startup, Shutdown, and Malfunction Rule under the CAA	EPA asked the D.C. Circuit to delay oral argument of litigation challenging Obama Administration rule pending EPA’s review of rule	D.C. Circuit canceled oral arguments and suspended case indefinitely (4/24/2017)

Conventional Air Pollutant Deregulation Cont.

Subject Regulation or Program	Deregulatory Action	Status
Regional Haze Program: State Implementation Plans under Regional Haze Rule and CAA § 169A	President directed EPA to revise Regional Haze Program, including to review all existing FIPs and develop options to replace those plans with SIPs	Presidential Memo (4/12/2018)
Regional Haze Rule and § 169A of the CAA	President directed EPA to review interactions with states under the program (4/12/2018); EPA announces review of aspects of the 2017 Regional Haze Rule (1/17/2018); Litigation challenging final rule is held in abeyance by D.C. Circuit while EPA completes its review per EPA's request	Announcement of Review (1/17/2018)
Cross-State Air Pollution Rule and Section 126 Petitions under the CAA	EPA failed to respond to petitions from DE and MD; Rejects petitions from CT	Notice of final action rejecting Connecticut's Brunner coal plant petition (4/9/2018); MD sues EPA (9/27/2017); DE files notice of intent to sue (1/2/2018)

Conventional Air Pollutant Deregulation Cont.

Subject Regulation or Program	Deregulatory Action	Status
Ozone National Ambient Air Quality Standards	EPA did not designate any non-attainment areas	<u>EPA sued for its failure to designate non-attainment areas (12/4-5/2017); D.C. Circuit Court ordered EPA to file a status report (12/19/2017); N.D. California said EPA could not delay designations for Texas or other Counties (3/12/2018); EPA announced it had made all remaining designations with the exception of the 8 Texas counties (4/30/2018)</u>
National Ambient Air Quality Standards	Modify process for revising NAAQS.	<u>Administrator Memo (5/9/2018);</u> Environmental groups say would weaken science-based process and inject economic considerations, and have threatened to sue

Conventional Air Pollutant Deregulation Cont.

Subject Regulation or Program	Deregulatory Action	Status
Coal Ash Rule under RCRA	EPA announced proposal to amend coal ash disposal regulation to "incorporate flexibilities"	NPRM (3/15/2018)
New Source Review	Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program: may reduce need for NSR permits	Administrator Memo (3/13/2018)
Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources under the CAA § 111(b)	Proposed withdrawal of the control techniques guidelines for the oil and natural gas industry	NPRM (3/9/2018)
Source Aggregation Rule	Makes nearby new sources less likely to meet major source threshold under NSR and Title V programs by redefining "common control"	Assistant Administrator Letter (4/30/2018)

Conventional Air Pollutant Deregulation Cont.

Subject Regulation or Program	Deregulatory Action	Status
Mercury and Air Toxics Standards under the CAA	EPA asked the D.C. Circuit to delay oral argument of litigation challenging Obama Administration rule pending EPA's review of rule	D.C. Circuit suspended the case indefinitely (4/27/2018)
National Emission Standards for Hazardous Air Pollutants Refinery MACT 1 and Refinery MACT 2 regulations under the CAA	EPA proposed amendments to work practice, recordkeeping, and reporting requirements	NPRM (4/10/2018)
Formaldehyde Emission Standards for Composite Wood Products	Compliance date extension	Final rule (9/25/2017); N.D. CA orders agreement setting new compliance deadline (3/13/2018)