



Clean Power Plan simply isn't lawful

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An important deadline came and went for the Obama-era Clean Power Plan (CPP), while Washington was focused on grilling EPA Administrator Scott Pruitt for his travel preferences and security muscle. The deadline: the submission of comments regarding the CPP's repeal.

Both events were surrounded by political theater, with protesters donning green T-shirts and waving signs. But there was much colorful exaggeration when it came to the commentary of those pleading with EPA to continue the CPP.

While the Clean Power Plan's tenuous underpinnings have currently left it in legal limbo, the groups protesting seemed more focused on reinforcing their climate credentials. One company, for example, touted its goal of powering operations through 100 percent renewable energy. Another explained its farm education programs.

While these are commendable efforts, they aren't particularly relevant. Yes, they demonstrate climate commitment. But much like the CPP itself, they provide little in the way of solid argument for why the CPP should be saved from its own, troubling interpretation of the Clean Air Act.

For starters, and as even former EPA Administrator Gina McCarthy has noted, the CPP was largely symbolic — a public relations effort to demonstrate the Obama administration's "commitment" to tackling climate change. In a late 2016 speech at the National Press Club, McCarthy observed that market forces are leading to lower greenhouse emissions, and any move to scrap the CPP would have little impact.

This is revealing, in that McCarthy appeared willing to accept what the CPP's critics already recognize about its impracticality.

Here's the key problem with the Clean Power Plan: It's simply not authorized under any realistic interpretation of the Clean Air Act. The CPP would radically reengineer America's electric grid — or, as the Obama administration believed, compel an “aggressive transformation in the domestic energy industry” and create a “new energy economy.” But such heavy-handed action goes far beyond the language of the Clean Air Act — which was originally established to monitor individual power plants, not restructure an entire industry with one broad mandate.

There's also the hefty costs posed by the CPP — troubling enough that the Supreme Court issued a stay in February 2016. Essentially, the CPP would have forced the premature retirement of 17,000 MW of coal-fired capacity — enough to power millions of homes. It would also have increased retail power bills by \$148 billion over a 20-year period. And that doesn't include the costs associated with integrating new, variable sources of electricity generation into the nation's power grid.

While the CPP would undoubtedly have raised electricity costs, there's also the wider question of grid reliability. The cold snap that hit the eastern United States early this winter taxed power utilities to the max. The National Energy Technology Laboratory reported that, “without available capacity from partially utilized coal units,” eastern region customers “would have experienced shortfalls leading to interconnect-wide blackouts.” Essentially, without coal plants, Americans from Illinois to Pennsylvania would have been left in chilly darkness amidst punishing arctic conditions.

For all this pain, though, the CPP would have yielded no meaningful impact on climate. A CATO Institute study estimated the plan would result in a reduction in global temperatures of a mere 0.02 degrees Celsius by 2100.

Those seeking to save the CPP no doubt have noble intentions. But an attempt to eliminate an entire industry based on heavy-handed tactics must be called out. And there's a better solution, since advanced coal technologies exist today that can eliminate nearly all regulated emissions and also significantly reduce CO2 emissions. Imagine if all the effort currently being channeled into street theater and grand PR gestures were redirected toward supporting high-tech upgrades to America's existing coal fleet. That might bring real action to achieve affordable, reliable power for a growing nation.