

Anticipation Builds Over President Obama's Expected Announcement on Climate Policies

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Despite making strong statements in his inaugural and State of the Union addresses regarding the need to take action on climate change, President Obama's second term has so far seen little in the way of regulatory action. The prior EPA Administrator, Lisa Jackson, had embarked on an aggressive greenhouse gas regulatory agenda, which included the [Mandatory Greenhouse Gas Rule](#), [Tailoring Rule](#), [Tailpipe Rule](#), and most recently, the proposed [new source performance standards](#) ("NSPS") for greenhouse gas emissions from new electric generating units ("EGUs"), but no actions have been taken by EPA for well over a year. Recently, however, there have been [indications](#) that President Obama is preparing to announce his second-term greenhouse gas regulatory agenda, and that the announcement may come as early as July.

One of the most controversial rules of Obama's first Administration is the proposed NSPS for greenhouse gases, which sets such a stringent limit on CO₂ emissions from new power plants that it effectively prohibits the construction of new coal-fired power plants. After EPA missed the statutory deadline to finalize the greenhouse gas NSPS by April of this year, several environmental organizations and states filed [60-day notices of intent](#) to sue EPA. Those notices have now expired, but given the President's impending announcement, the groups have decided to hold off on filing suit for now. Meanwhile, several groups have floated [proposals](#) for EPA to consider in developing a rule for existing power plants. However, the fate of the proposed rule, as well as any rule on existing sources, is unknown due to the unusually long delay in the Senate confirmation of President Obama's nominee to head EPA, Gina McCarthy. In fact, it has been suggested that Republicans are using the delay in the confirmation proceedings as a political maneuver to obtain more industry-friendly regulations on GHG emissions from new and existing power plants in exchange for supporting McCarthy's nomination. With Congressional deadlock unlikely to result in any legislative action on climate change, the Obama Administration will undoubtedly have numerous challenges to overcome in implementing its second-term agenda on regulating greenhouse gas emissions.

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