President Trump’s impact on Obama’s environmental legacy

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Agenda

1) President Obama’s climate legacy
2) How Trump could reverse those policies
3) Two examples
   - Clean Power Plan
   - Methane rules
4) Conclusion
President Obama’s climate legacy

- Obama signed 35 executive orders during his two-term presidency
  - Those orders ranged from emission goals for federal buildings to fighting climate change
- Clean Power Plan and New Source Performance Standards
  - Both aimed at reducing carbon emissions from power sector
- Methane rules for oil and gas
  - Would reduce methane emission from oil and gas drilling on federal lands
- Paris Climate Accord
  - US’ goal was 26-28% below its 2005 levels in 2025
How Trump could reverse those policies

• Executive orders to reverse Obama policies
  • New executive orders that reverse, amend or stall any previous orders
  • Would take immediate effect and could shift environmental policy quickly

• Courts
  • Trump could choose not to defend policies that he does not wish to continue

• Congressional action
  • Congress could amend or rescind laws that support environmental policy
    • Democrats, however, could filibuster
  • Congress could reverse any agency policies under a Congressional Review Act (CRA)
    • Option would be limited to rules passed within the past 60 days
    • CRA has only been used once

• Unilateral decision
  • Could opt out of some policies without any approval
Clean Power Plan

- CPP would reduce power-sector emissions by 32% from 2005 levels by 2030 (111d)
Way to unwind the CPP

• CPP would not be subject to a Congressional Review Act
  • CRA allows Congress to reject an agency regulation as long as it was finalized within a 60-day limit
    • Rarely used option for Congress
• Congress could amend the Clean Air Act to limit EPA authority
  • Democrats could filibuster this effort
• Trump could choose not to defend CPP in the courts
  • DC Circuit ruling cannot be derailed, because Trump administration missed deadline for additional options
  • If appealed, Trump could use this option in the Supreme Court
Methane rule for oil and gas sector

- Rule puts restrictions on flaring on federal lands and places requirements on detecting leaks and gas capture during pre-drilling phases
How to derail the methane rule

• Congressional Review Act
  • Unlike the CPP, the methane rule is within the 60-day window for Republicans to challenge
    • Republicans have already passed a CRA through the House of Representatives on Feb. 3
    • If approved by the Senate, Trump could immediately derail the final rule
  • Trump could also stall Obama’s broader goal of reducing methane emissions
    • These actions would happen unilaterally since additional rules have not been finalized