Tackling Climate Change: Don't Forget Energy Efficiency

Joel B. Eisen
University of Richmond, jeisen@richmond.edu

Follow this and additional works at: http://scholarship.richmond.edu/law-faculty-publications

Part of the Environmental Law Commons

Recommended Citation
Todd S. Aagaard and Joel B. Eisen, Tackling Climate Change: Don't Forget Energy Efficiency, 252 N.Y. L.J., at 47.
**Outside Counsel**

**Tackling Climate Change: Don't Forget Energy Efficiency**

On June 2, the Environmental Protection Agency (EPA) proposed a new rule to reduce greenhouse gas (GHG) emissions from existing fossil fuel power plants. The proposal, if finalized, would be the first federal regulation to address this significant source of emissions. The rule would impact a vast number of power plants, a sector responsible for about 40% of total U.S. emissions. The proposed standards, called the Clean Power Plan, are an essential step in curbing GHG emissions and addressing climate change.

Recent developments:

- **July 21, 2015**: The U.S. Court of Appeals for the D.C. Circuit ruled that the EPA has the authority to regulate GHG emissions from existing power plants under the Clean Air Act. This decision upheld the EPA's authority to regulate emissions from these facilities, setting the stage for the Clean Power Plan's implementation.

- **July 14, 2015**: The American Petroleum Institute (API) filed a lawsuit challenging the Clean Power Plan, arguing that it is not a reasonable or appropriate use of the agency's authority and that it imposes a substantial burden on the economy.

The Clean Power Plan will require power plants to adopt new technologies and practices to reduce their GHG emissions. The proposal sets specific, state-specific emission reduction targets for each state, based on their historical emissions and electricity generation mix. States have the option to meet these targets through a variety of strategies, including improving the efficiency of existing power plants, constructing new, cleaner plants, and increasing the use of non-fossil fuel sources like renewable energy.

The Clean Power Plan is expected to be finalized in late 2015 and will begin in 2022, with states required to submit plans for how they will meet their targets by 2016.

**Conclusion**

The Clean Power Plan is a significant step forward in the fight against climate change. It is clear that the Clean Power Plan is necessary to achieve our national goals and to protect public health. The EPA's action is an important step in reducing our reliance on fossil fuels and transitioning to a cleaner energy future. However, the legal challenges to the Clean Power Plan highlight the complexity of the issue and the need for strong political leadership to ensure its successful implementation.
Expert Analysis / Outside Counsel

Survey

In a recent survey of 873 exceeded FERC's jurisdiction over wholesale electricity markets, a significant number of respondents believed that the agency's role was no longer adequate to address the issues.

The D.C. Circuit's decision was a significant victory for the energy sector and market stakeholders, and it may have implications for future regulatory decisions.

Looking Ahead

Both the Clean Power Plan and Order 763 reflect essential shifts in the energy sector and energy regulations. The D.C. Circuit's decision and the attacks on the EPRA Plan—many launched even before the agency released its final version—may be the beginning of a broader debate about the direction of electricity policy in the U.S.

Gas

As the Clean Power Plan implementation nears, the debate over greenhouse gas emissions and their impact on the economy will continue. The recent decision in Michigan v. EPA, which struck down the Clean Power Plan, has reignited concerns about the future of climate change policy in the U.S.

The recent decision in Michigan v. EPA, which struck down the Clean Power Plan, has reignited concerns about the future of climate change policy in the U.S. The decision has implications for other climate change regulations, such as the proposed methane rule, which was finalized by the Obama administration but is currently being challenged in court.

Climate

The D.C. Circuit's decision in Michigan v. EPA is just one example of the ongoing debate over climate change policy in the U.S. As the Supreme Court considers cases related to the Clean Power Plan and other climate change regulations, it will be critical to monitor the decisions and their implications for future policy.

Suits sought supplemental environmental impact statements on the Clean Power Plan and related orders. The suits alleged that the plan's harms were unprecedented and had the potential to cause significant adverse impacts to the beaches. The plan would require power plants to emit less carbon dioxide and nitrous oxide, which would have adverse impacts on the primary dune system, the habitats for marine birds, and the potential to cause significant adverse impacts to neighboring businesses that would suffer a competitive injury. The suits alleged that the plan would undermine the promise of $435 million in economic benefits included in the plan.

The suits also alleged that the plan would not live close enough to many people, because the other projects were outdated and obsolete in view of the plan. The suits argued that considering them improper considering linked projects related to a bridge. The suits are generally found not to require a negative declaration for this decision. The suits alleged that the plan's harms were unprecedented and had the potential to cause significant adverse impacts to the beaches. The suits alleged that the plan would undermine the promise of $435 million in economic benefits included in the plan.

The suits also alleged that the plan would not live close enough to many people, because the other projects were outdated and obsolete in view of the plan. The suits argued that considering them improper considering linked projects related to a bridge. The suits are generally found not to require a negative declaration for this decision. The suits alleged that the plan's harms were unprecedented and had the potential to cause significant adverse impacts to the beaches. The suits alleged that the plan would undermine the promise of $435 million in economic benefits included in the plan.

The suits also alleged that the plan would not live close enough to many people, because the other projects were outdated and obsolete in view of the plan. The suits argued that considering them improper considering linked projects related to a bridge. The suits are generally found not to require a negative declaration for this decision. The suits alleged that the plan's harms were unprecedented and had the potential to cause significant adverse impacts to the beaches. The suits alleged that the plan would undermine the promise of $435 million in economic benefits included in the plan.

The suits also alleged that the plan would not live close enough to many people, because the other projects were outdated and obsolete in view of the plan. The suits argued that considering them improper considering linked projects related to a bridge. The suits are generally found not to require a negative declaration for this decision. The suits alleged that the plan's harms were unprecedented and had the potential to cause significant adverse impacts to the beaches. The suits alleged that the plan would undermine the promise of $435 million in economic benefits included in the plan.