Resolution in Response to EPA’s Plan to Regulate Greenhouse Gases under the Clean Air Act

WHEREAS, the President has directed EPA to issue regulations setting greenhouse gas emission New Source Performance Standards for new power plants and for modified, reconstructed, and existing power plants under the Clean Air Act; and

WHEREAS, ALEC has previously stated its opposition to EPA regulating greenhouse gases[1]; and

WHEREAS, EPA has proposed regulations for greenhouse gases from new fossil fueled power plants and has announced its intention to issue proposed regulations for existing fossil fueled power plants by June 1, 2014; and

WHEREAS, the U.S. Supreme Court has recently decided to review whether the EPA has the authority to issue new source permits for greenhouse gases from stationary sources under the Clean Air Act; and

WHEREAS, there is no commercially viable technology to capture and store CO₂ from power plants, ALEC is very concerned about the potential economic impact of greenhouse gas regulation on electricity prices and the harm EPA regulations may have on the economic recovery; and

WHEREAS, ALEC favors an “all-of-the-above” energy strategy and not an “all-but-one” approach that restricts the future use of coal to generate affordable electricity.

WHEREAS, our federalist system of government, as implicated in the Clean Air Act, requires that EPA recognize the rights and prerogatives of States.

THEREFORE BE IT RESOLVED, that ALEC opposes any regulation where States are not allowed to play their proper roles in making the significant policy judgments that are required in adopting any such regulation;

BE IT FURTHER RESOLVED, that ALEC opposes regulations that will prevent electric utilities from providing affordable, reliable and safe electric power.