

# Clean Power Plan: State Attorney Generals' Letter to President-Elect Trump Urge Continued Defense

## Arkansas Environmental, Energy, and Water Law Blog



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Nineteen states and localities sent a December 28<sup>th</sup> letter to President-Elect Trump asking that he continue the federal government's defense of the Clean Power Plan.

The Clean Power Plan was promulgated in the Federal Register at 80 Fed. Reg. 64,662 and entitled "Carbon Pollution Emission Guidelines for Existing Stationary Sources; Electric Utility Generating Units.

On December 14<sup>th</sup>, 21 other state Attorney Generals (including Arkansas) asked that the incoming Administration and Congress withdraw the rule. [See previous blog post here.](#)

The 19 states and localities that signed the December 28<sup>th</sup> letter are led by the New York Attorney General. They argue that the Clean Power Plan is vital to efforts to limit carbon pollution. The letter cites human and economic costs inflicted by unchecked carbon pollution and characterizes the Clean Power Plan as a "well-considered and critical rule that reasonably limits emissions from fossil-fueled power plants, our nation's largest source of carbon pollution."

Rejecting the Clean Power Plan through formal withdrawal or issuance of an Executive Order is argued to be contrary to law because:

- The bases cited by the Attorney Generals in the December 14<sup>th</sup> letter erroneously presents as settled law, are wrong and have been disputed by the United States Department of Justice, our states, and many of the nation's leading businesses. . .
- As to the Executive Order, "History and legal precedent strongly suggest that such an action would not stand up in court"
- Various stakeholders should be consulted prior to committing to a course of action on climate change

[A copy of the news release from the New York Attorney General and the December 28<sup>th</sup> letter can be downloaded here.](#)