

Toppling the Regulatory Pillars Of Sustainable Development

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Four Pillars to Be Toppled

- Regulations on Greenhouse Gas Emissions
- Vehicle Mandates
- Renewable Energy Mandates and Subsidies
- Rolling Back Hydrocarbon Bans



Budget Proposal Slashes Climate Programs

“Regarding the question as to climate change...we’re not spending money on that anymore.”

—Mick Mulvaney, Director of Office of Management and Budget, March 16, 2017



- EPA Budget Cut from \$8.2 to \$5.7 Billion
- “Clean Energy” Cuts from Department of Energy
- Climate Programs Cut at NASA, NOAA, and the State Department

2009 Endangerment Finding—The Core Issue

“...greenhouse gas pollution which threatens public health and welfare.”



Climate Change - Regulatory Initiatives

You are here: [EPA Home](#) [Climate Change](#) [Regulatory Initiatives](#) Endangerment and Cause or Contribute Findings

Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act

Action

On December 7, 2009, the Administrator signed two distinct findings regarding greenhouse gases under section 202(a) of the Clean Air Act:

Endangerment Finding: The Administrator finds that the current and projected concentrations of the six key well-mixed greenhouse gases--carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆)--in the atmosphere threaten the public health and welfare of current and future generations.

Cause or Contribute Finding: The Administrator finds that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution which threatens public health and welfare.

Basis for GHG Rules:

Power Plant Emissions

Clean Power Plan

CAFE Standards

Social Cost of Carbon

Massachusetts v. EPA, 2007

- Massachusetts and Ten Other States Sued Claiming EPA Should Regulate GHG Under the Clean Air Act

“Under the clear terms of the Clean Air Act, EPA can avoid taking further action only if it determines that greenhouse gases do not contribute to climate change or if it provides some reasonable explanation as to why it cannot or will not exercise its discretion to determine whether they do.”

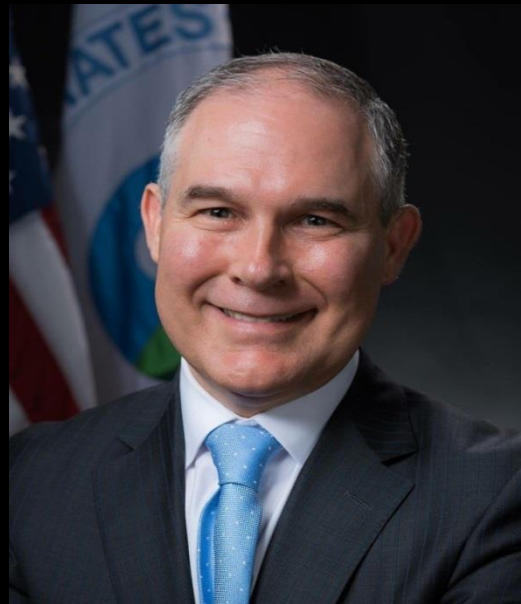
— US Supreme Court

5–4 Majority Opinion, April 2, 2007



“...the Administrator has an important role when it comes to the regulation of carbon dioxide, which I will fulfill consistent with Massachusetts v. EPA and the agency’s Endangerment Finding on Greenhouse Gases respective of the applicable statutory framework established by Congress.”

**—EPA Administrator Scott Pruitt,
Written Congressional Testimony,
January 18, 2017**



Endangerment Rule Rescindment— Path Through a Legal Minefield?

Will Face:

- **A New Public Comment Period**
- **A Multi-Year Court Battle by States and NGOs**
- **Risk of Defeat as “Arbitrary” or
“Against Scientific Opinion”**



A More Direct Path?—Clarify the Clean Air Act

Congressional Action to Exclude GHG from the CAA:

- **Scientific Uncertainty Does Not Support
“Endangerment of Public Health and Welfare”**
- **Will Remove Legal Basis for GHG Laws**
- **Would Face a Senate Filibuster**



Roll Back Sustainable Vehicle Statutes

Corporate Average Fuel Economy (CAFE)

- **Automobiles: 54.5 mpg by 2025**
- **Heavy Trucks:**
 - **“Lower CO2 Emissions by 1.1 Million Tons”**
 - **Adds \$15,000 to Cost of New Heavy-Duty Truck**
- **Problem: California and Other State Regulations**



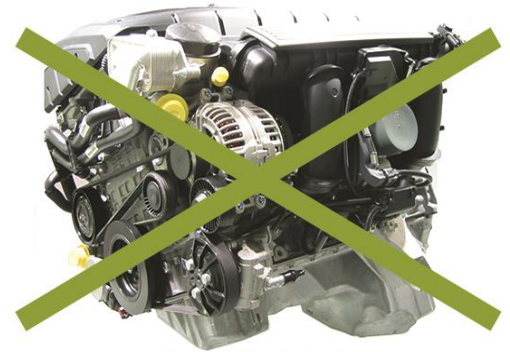
Electric Cars—Created by Sustainable Ideology

“We can break our dependence on oil...and become the first country to have one million electric vehicles on the road by 2015.” —President Barack Obama, Jan. 2011

- American Clean Energy and Security Act of 2009
 - \$7,500 Purchase Tax Credit
- Over \$5 Billion in Grants and Loan Guarantees

“EV Everywhere Challenge”

“Workplace Charging Challenge”

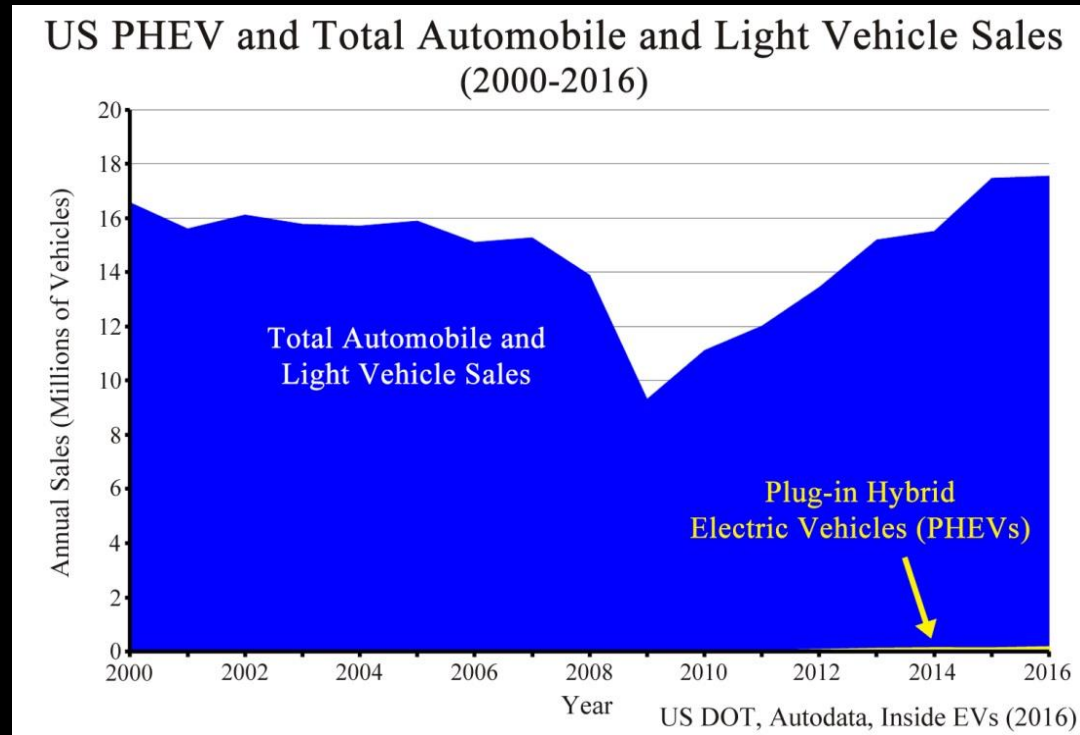


Internal Combustion Engine

Germany Wants All Europe to Ban Non-Electric Cars by 2030
—*ItchPost*, October 31, 2016

Most Americans Don't Want Plug-in Electrics

- Ford F-Series Pickup Truck—Sales 5 Times Total PHEVs
- 63% of 2016 US Sales Were Small Trucks and SUVs



Roll Back the Green Energy Subsidy Regime

- Wind Production Tax Credit
- Solar Net Metering Subsidies
- State Renewable Portfolio Standards Laws



Texas Windfarm



Ivanpah Solar, California

Why is Wind Such a Hit in Iowa?

**Federal Production Tax Credit: 2.3 cents per kW-hr
(Now 1.84 cents per kW-hr)**

**Iowa Renewable Energy Production Tax Credit:
1.5 cents per kW-hr**



Windfarm, Cerro Gordo, IA

Why is Wind Such a Hit in Iowa?

**Federal Production Tax Credit: 2.3 cents per kW-hr
(Now 1.84 cents per kW-hr)**

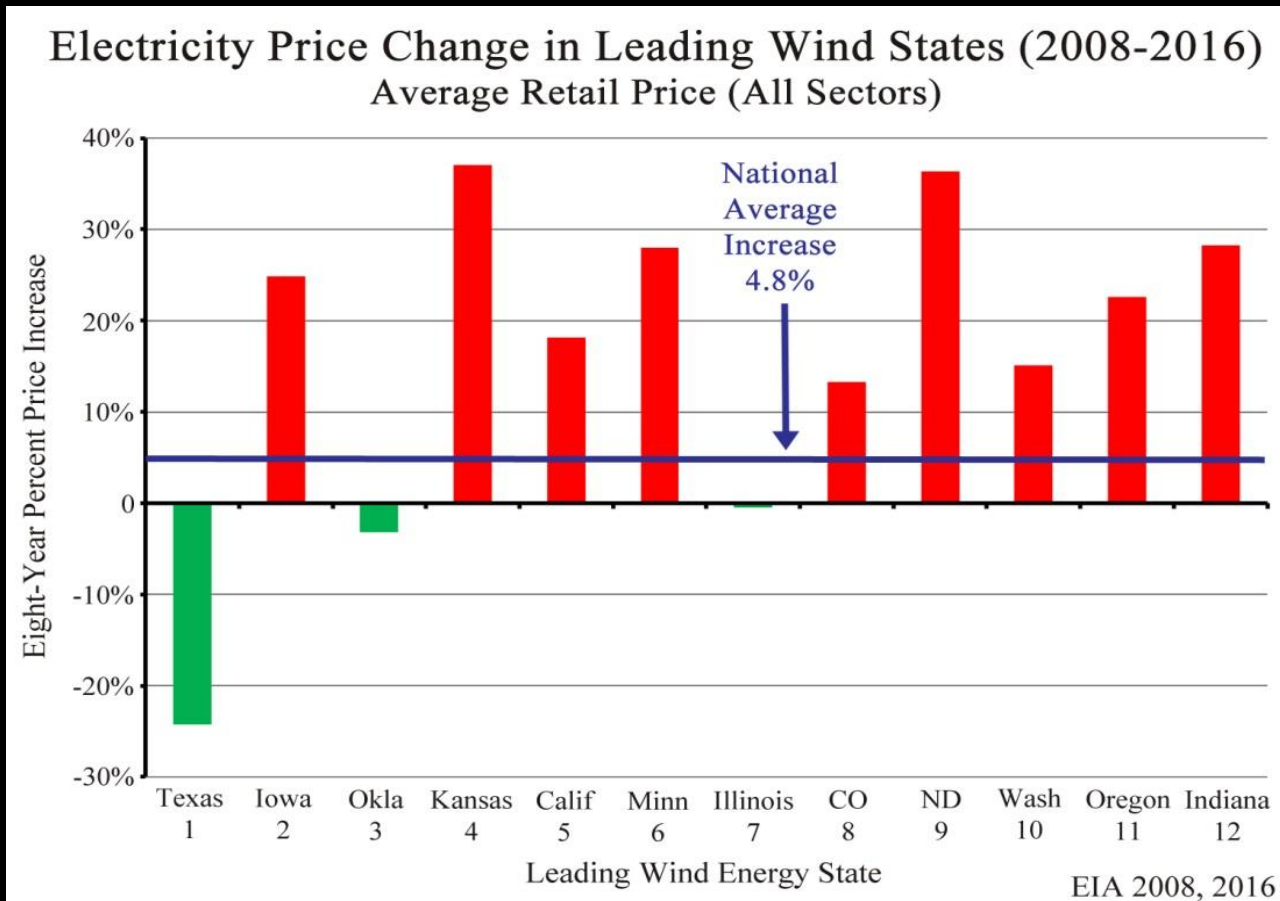
**Iowa Renewable Energy Production Tax Credit:
1.5 cents per kW-hr**

**Market Price:
3.5 cents/kW-hr!**



Windfarm, Cerro Gordo, IA

Prices Increasing Faster in Wind States



Massachusetts: Enormous Solar Subsidies

“We have a solar revolution underway here in the Commonwealth...Solar is a key part of our clean energy future.” —Deval Patrick, Massachusetts Governor (2014)

Solar Farms Paid
30 cents/kW-hr vs.
Market Price of
5 cents/kW-hr



Plympton Solar Farm, MA

Does Solar Provide Net Energy Gain?

Ferroni and Hopkirk 2016 Germany/Switzerland
Photovoltaic Solar Analysis (ERoEI):

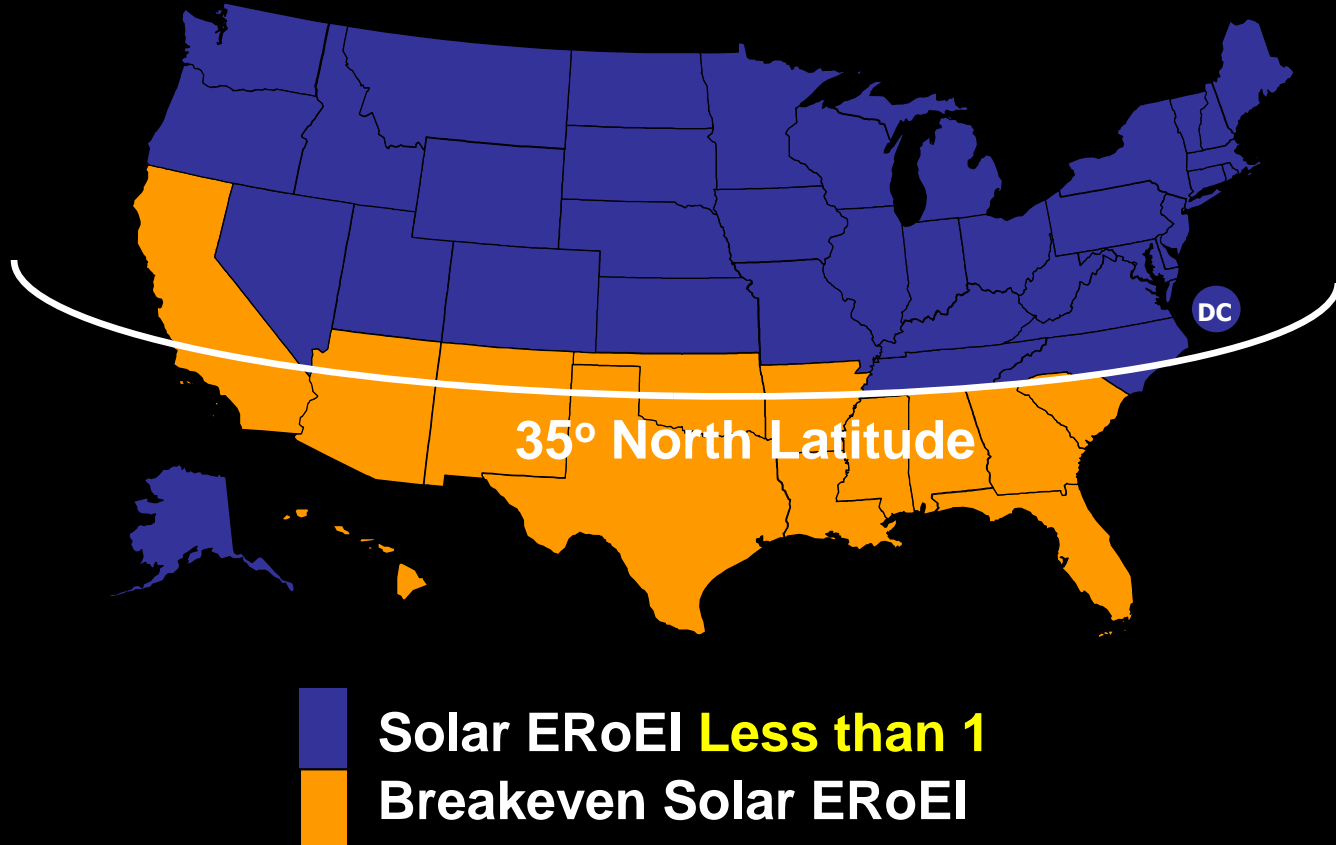
Energy Returned over 25-Year Life = 2,203 kW-hr/m²

<u>Energy Invested</u>	<u>kW-hr/m²</u>
PV System Production	1,300
Grid Buffering	349
Installation, Maintenance, Capital	<u>1,115</u>
TOTAL	2,664

**Returned Only 82% of
Energy Invested!**



Most States—Negative Solar Energy Gain



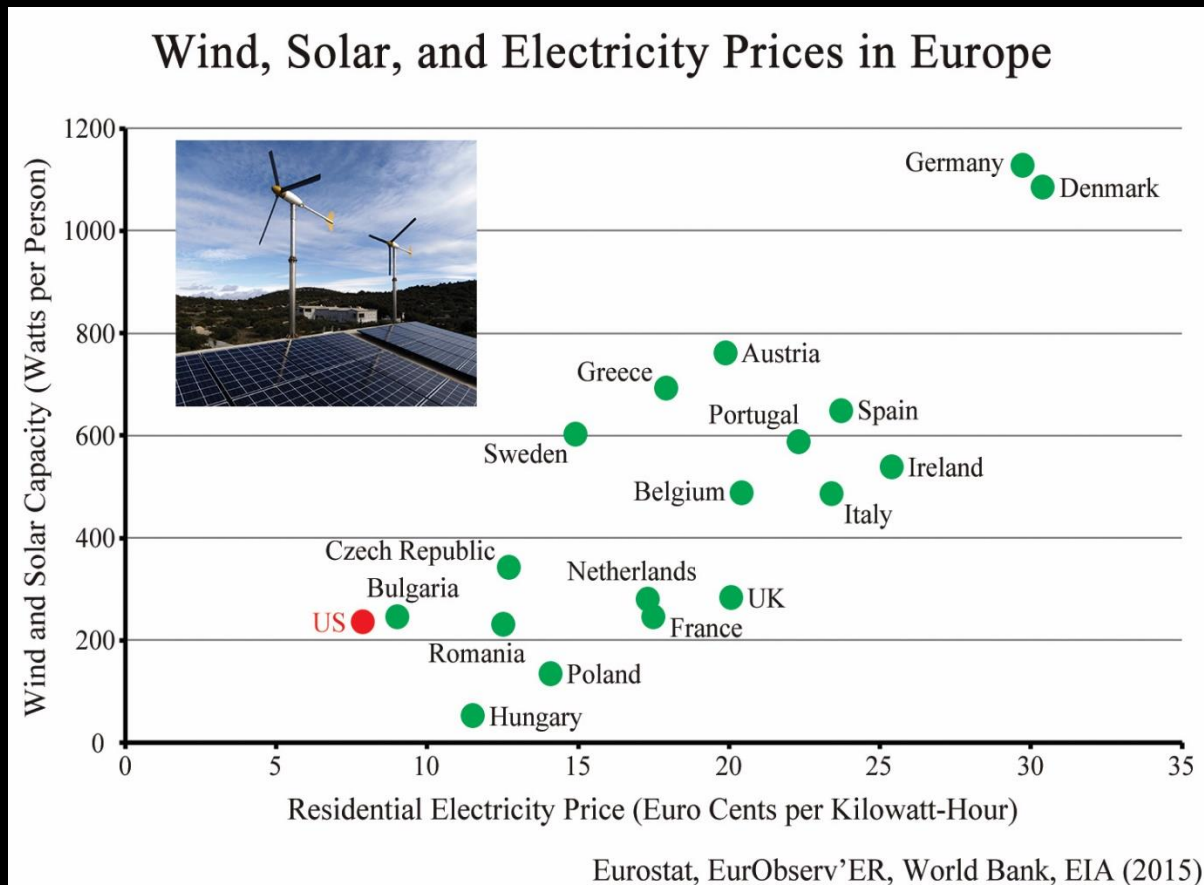
Change Net-Metering to Wholesale Price

- Net-Metering Laws **Subsidize** Solar
 - Pays Retail Price (8-20 cents/kW-hr)
 - Value (3-5 cents/kW-hr)
- In 2015, Nevada Changed Solar Credit from Net-Metering to Wholesale Price
 - **Solar Installations Dropped 90 Percent**

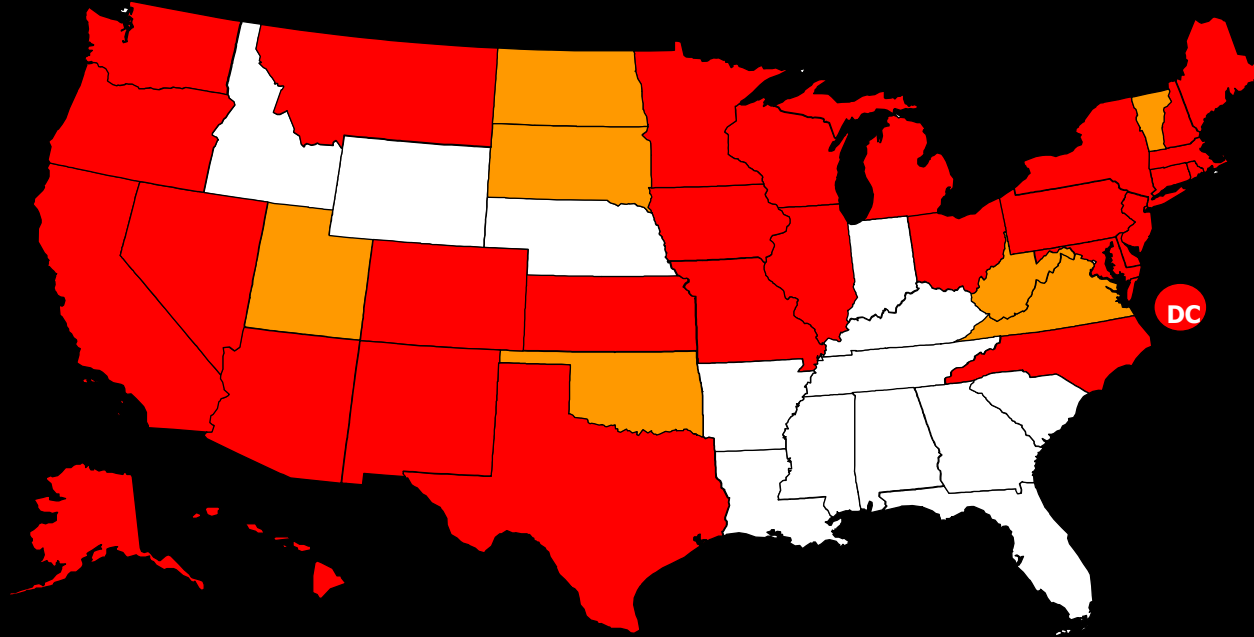


Can You Feel the
Solar Power?

Europe's Lesson—The More Wind and Solar...

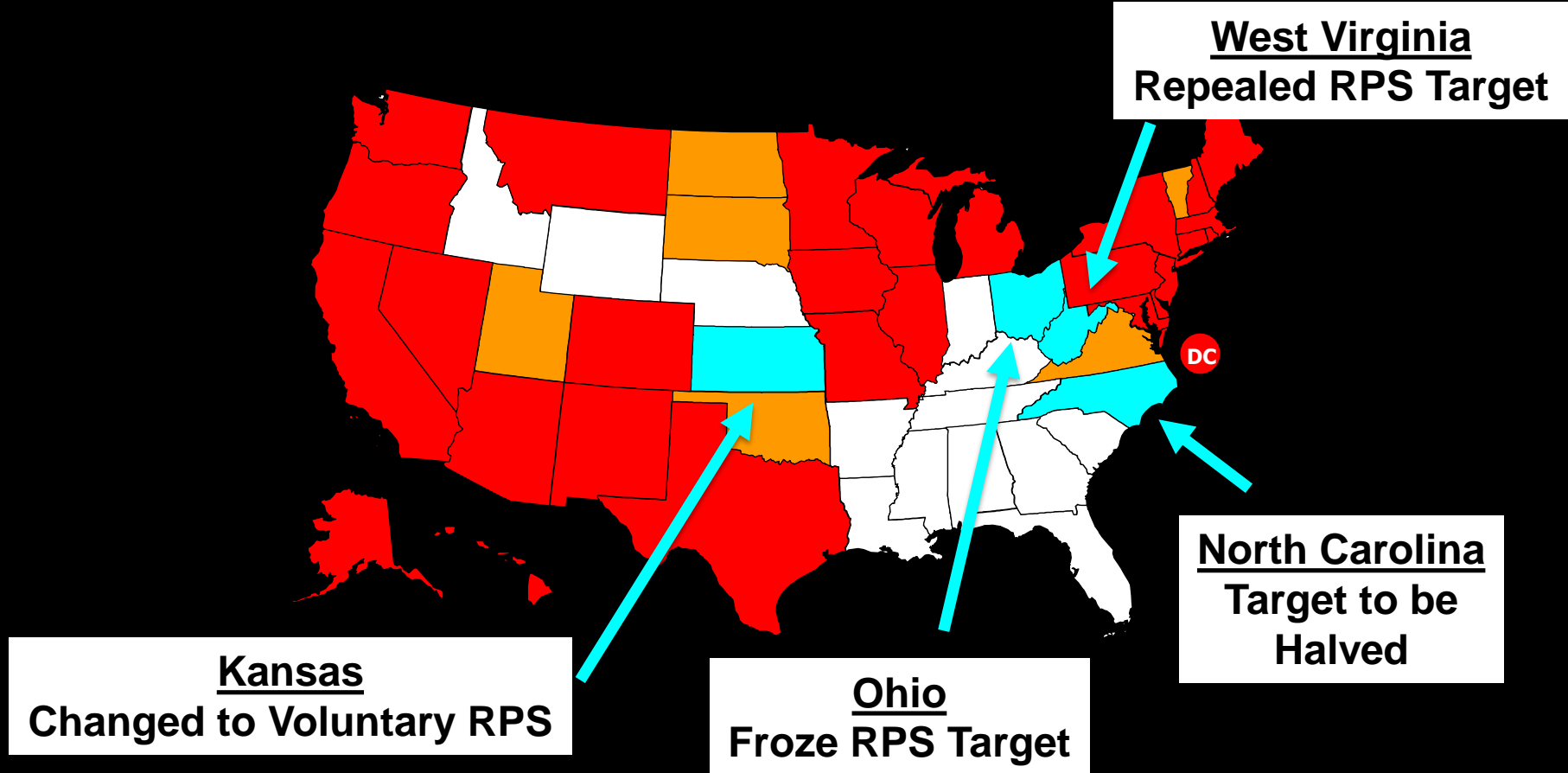


Renewable Portfolio Standards



- Renewable portfolio standard (29 states)
- Renewable portfolio goal (7 states)

Push-Back on RPS Laws



EcoWatch

Confirmed: Oklahoma Earthquakes Caused by Fracking

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New Scientist

March 3, 2016

Oregon Becomes the First US State to Go Coal Free

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CLIMATEPROGRESS

September 30, 2014

Explosive Debate Over a New Natural gas Pipeline Through the Northeast

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Seattle Harbor Protest, June 2015



Roll Back Hydrocarbon Bans

- Pipeline Bans (Keystone XL, Dakota Access) ✓
- Coal Mining Ban on Federal Lands (Federal, 2016)
- Eastern US Offshore Drilling Ban (Federal, 2016)
- Arctic Drilling Ban (Federal, 2016)
- Hydraulic Fracturing Bans (NY, 2010; VT, 2012)



Summary—The Effect of Climate Regulation



Summary—The Effect of Climate Regulation



**Why Do You Want to Raise
Our Energy Prices??**

Summary—Toppling Sustainable Regulations

1. Amend the Clean Air Act to Exclude GHG (Congress)
2. Remove CAFE Standards (Executive Branch)
3. Eliminate PHEV Subsidies (Congress and Executive)
4. Phase Out Wind and Solar Subsidies (Congress, States)
5. Rescind State RPS Laws
(State Legislatures)
6. Rescind Hydrocarbon Bans
(Congress, Executive)



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