



PRESS RELEASE

**Attorney General Frosh Joins 27-Member State, County, City
Coalition in
Defending the Clean Power Plan**
*Comments Also Submitted from Maryland's Public Hearing
Held in January 2018*

BALTIMORE, MD (April 27, 2018) – Maryland Attorney General Brian E. Frosh, part of a 27-member coalition of states, counties, and cities, today filed comments opposing the Trump administration's "unlawful and unsupported" proposed repeal of the Clean Power Plan, the first nationwide emission limits on exiting fossil fuel-burning power plants.

In [comments](#) submitted to the Environmental Protection Agency in response to its proposed repeal of the Clean Power Plan, the coalition charges that the proposal is "unsupported by the facts or law" – not only ignoring the Plan's increasingly compelling scientific underpinnings, but also the Agency's obligations to regulate power plant emissions of existing power plants under the federal Clean Air Act. The coalition also charges that EPA's newly revised analysis of the economic impacts of the Clean Power Plan is error-filled, and amounts to "a thinly-veiled attempt to provide factual support for its predetermined conclusion to repeal the [Plan]."

Because the EPA did not itself schedule hearings on the East Coast to solicit public input on the proposed repeal, Attorney General Frosh organized such a hearing together with state legislative leaders on January 11, 2018. The comments and testimony provided by Marylanders, advocates and others from that hearing and submitted online were also [submitted](#) to the EPA.

"The Environmental Protection Agency must do its job," said Attorney General Frosh. "We have a shared responsibility to protect our environment from harm. Any effort to pare down or eliminate the Clean Power Plan takes away years of progress to mitigate the harmful effects of climate change to our public health and our environment."

In their comments, the coalition compares the Trump EPA's constrained vision of the Clean Air Act, "the nation's most protective environmental statute," to "a horse with blinders (if not a blindfold)" that "completely ignores the dire threat climate change poses, the interconnected nature of power plants, and the nature of the pollutant (carbon dioxide) that is the subject of regulation." Specifically, the coalition challenges the proposed repeal of the Clean Power Plan on a number of fronts, including that:

- Scientific reports issued after the Clean Power Plan was finalized provide further demonstration of the critical need to promptly and sharply cut climate change pollution from power plants and other large sources.
- The Clean Air Act is clear in requiring EPA to set limits on carbon pollution from existing power plants. The Trump EPA's proposed repeal of the Clean Power Plan – without simultaneously replacing it – would violate the Act.
- Legal arguments being made by the Trump EPA in support of its proposed repeal were carefully considered and rejected when raised in the Clean Power Plan rulemaking. As nothing has changed to now make these arguments meritorious, the proposed repeal is both contrary to the Clean Air Act, and arbitrary and capricious.
- The Trump EPA's revised analysis on the economic impacts of the Clean Power Plan contains numerous errors, and systematically underestimates the benefits of the Clean Power Plan while exaggerating its costs.

States, counties, and cities are on the front lines of climate change. The coalition submitted with its comments an appendix highlighting the threats they are facing. The Clean Power Plan is the culmination of a decade-long effort by partnering states and cities to require mandatory cuts in the emissions of climate change pollution from fossil fuel-burning power plants under the Clean Air Act. The Clean Power Plan, along with the companion rule applicable to new, modified, and reconstructed power plants, will control these emissions by setting limits on the amount of climate change pollution that power plants can emit. The Clean Power Plan is expected to eliminate as much climate change pollution as is emitted by more than 160 million cars a year – or 70 percent of the nation's passenger cars.

In addition to Maryland, the comments were filed by Attorneys General of California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maine, Massachusetts, Minnesota, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and the District of Columbia, and the chief legal officers of the cities of Boulder (Colorado), Chicago, Los Angeles, New York, Philadelphia, and South Miami (Florida), and the county of Broward (Florida).