



National Tribal Air Association's Fact Sheet on EPA's Proposed Repeal of the Clean Power Plan

What Is This Proposed Repeal?

The Clean Power Plan established emission guidelines for states to follow in limiting carbon dioxide (CO₂) emissions from existing electric generating units (EGUs) approximately 30% below 2005 levels by 2030. Under the Clean Air Act (CAA) and supported by the Supreme Court's Endangerment Finding, CO₂ is considered to be a pollutant and therefore must be regulated by the EPA.

The CPP was originally proposed in June 2014 in order to comply with the law for regulating CO₂. It went through the legal process of hearings and comment periods, culminating in a final rule in October 2015. Early lawsuits opposing the CPP were rejected by the courts. The EPA is now proposing to repeal the CPP and rescind the accompanying legal memorandum. This repeal is based on the claim that the CPP regulates emissions "outside the fenceline" and that that goes beyond the legal reach of the CAA. While NTAA does not endorse the views of the Union of Concerned Scientists, [this blog post](#) includes a fair review of the legal justification for this repeal.

How Does It Affect My Tribe?

The [NTAA published a White Paper](#) in December, 2015, outlining the benefits of the CPP to Tribes. Rescinding this rule will undermine any forward momentum achieved in reducing CO₂ emissions from existing EGUs and will allow existing EGUs to continue emitting CO₂ at their current levels. Continued emissions of CO₂ will perpetuate the effects of climate change already being suffered by American Indians and Alaska Natives. Because AI/AN are disproportionately affected by environmental degradation and climate change, and have a lesser degree of control over emissions from EGUs, the health of these communities and their lands will continue to be negatively impacted.

Where Can I Find More Information?

EPA will hold a public hearing November 28 -29, 2017, in Charleston, W.Va, on the [proposed repeal of the Clean Power Plan](#). The Agency is accepting requests to speak at the public hearing, and registration will close on November 16, 2017. [Request to Speak at the Public Hearing](#)

How Can I Submit Comments?

The NTAA is developing a Policy Response Kit for Tribes, including a template letter and this fact sheet. When that is completed, it will be posted to www.ntatribalair.org.

EPA has extended the comment period on this proposal until **January 16, 2018**. Comments should be identified by [Docket ID No. EPA-HQ-OAR-2017-0355](#) and may be submitted by one of the following methods:

Online: Go to <https://www.regulations.gov> and follow the instructions for submitting comments to EPA-HQ-OAR-2017-0355.

Email: Comments may be sent to a-and-r-Docket@epa.gov. Include Docket ID No. EPA-HQ-OAR-2017-0355 in the subject line of the message.

Fax: Fax your comments to: (202) 566-9744. Attention Docket ID No. EPA-HQ-OAR-2017-0355.

Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Mail Code 28221T, Attention Docket ID No. EPA-HQ-OAR-2017-0355, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.

Hand/Courier Delivery: EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue, NW, Washington, DC 20004, Attention Docket ID No. EPA-HQ-OAR-2017-0355. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.