

## Summary of President Trump's Executive Order:

### PROMOTING ENERGY INDEPENDENCE AND ECONOMIC GROWTH

**Policy** — Calls on all relevant agencies to review and revise policies and regulations to ensure they will promote clean and safe development of our nation's vast energy resources, while avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation.

**Immediate Review of All Agency Actions that Potentially Burden the Safe, Efficient Development of Domestic Energy Resources** — Directs federal agencies to review all existing regulations, orders, guidance documents, policies, and any other similar agency actions that potentially burden the development or use of domestically produced energy resources. Agency heads must, within 120 days, submit a report to the White House that includes the actions, along with specific recommendations, that could alleviate or eliminate aspects of the agency actions. The final report will be a blueprint for an administration energy strategy.

*This provides an opportunity to identify and submit issues related to both regulatory and infrastructure concerns from cooperatives. Prior to the executive order, NRECA provided preliminary input to the White House on barriers to infrastructure and our preferred solutions. We are asking our members to identify additional issues that we can share with the Administration.*

**Rescission of Certain Energy and Climate-Related Presidential and Regulatory Actions** — The EO rescinds Obama Administration executive orders and presidential memoranda related to climate change. It directs the Council on Environmental Quality to rescind its final guidance entitled "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews."

*The rescissions have the effect of removing the directive for agencies to place a premium on actions that address climate change. In particular, it rescinds the memo directing EPA to issue regulations on new, modified/reconstructed, and existing fossil power plants. The EO requirements in this section are largely superseded by the EO specific language directive to suspend revise or rescind both section 111(b) new source and 111(d) existing source GHG regulations*

*The NEPA GHG guideline presented a substantial barrier to cooperative infrastructure projects. Rescinding the NEPA GHG guidelines falls right in line with the NRECA infrastructure recommendations that advocated significantly limiting GHG consideration in NEPA evaluations to the project's direct impacts and not to upstream and downstream effects. The law is not clear at this point on whether NEPA requires any GHG consideration.*

**Review of the Environmental Protection Agency's "Clean Power Plan" and Related Rules and Agency Actions** — The EPA is to immediately review both the 111(b) (new and modified source rule) and 111(d) (existing source rule) regulations and any related rules or guidance associated with them and to, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules.

*Following up on the EO, the Department of Justice filed two motions to hold the litigation over 111(d) and 111(b) rules in abeyance. If granted by the court EPA will consider whether to repeal and replace the existing rules with new narrower regulations or whether to just repeal the two rules under a repudiation of the endangerment finding required as a requisite to section 111 GHG regulation.*

**Review of Estimates of the Social Cost of Carbon, Nitrous Oxide, and Methane for Regulatory Impact Analysis** — The EO disbands the Interagency Working Group on Social Cost of Greenhouse Gases (IWG) and the technical documents issued by the IWG shall be withdrawn as no longer representative of governmental policy. Effective immediately, when monetizing the value of changes in greenhouse gas emissions resulting from regulations, that any such estimates are consistent with the guidance contained in OMB Circular A-4 of September 17, 2003.

*The social cost of carbon is used by the Office of Management and Budget to calculate the benefit of reducing GHG emissions as part of the cost/benefit review of federal regulations, standards, e.g., appliance efficiency standards, etc. The Obama Administration assumptions inflated the cost of carbon thus overstating the benefits of the CPP and other regulations and standards in order to justify the actions. The EO requires that the SCC value be revised consistent with higher discount rates contained in OMB Circular A-4 (2003) and by the consideration of domestic vs international impacts.*

**Federal Land Coal Leasing Moratorium** — The Secretary of Interior shall take action necessary to lift any and all moratoria on federal land coal leasing activities and shall commence federal coal leasing activities consistent with all applicable laws and regulations.

*This action lifts the past administration positions that essentially barred further leasing for coal extraction on federal lands. This should benefit the many G&Ts that either directly lease or purchase coal from entities that obtain coal on Federal lands. On March 29, Secretary of Interior Zinke signed an order revoking the leasing ban.*

**Review of Regulations Related to United States Oil and Gas Development** — direct the EPA Administrator and the Secretary of Interior to review rules related to oil and gas development and if appropriate, shall, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules.

*This action will improve access and opportunities to explore, develop and transport recovered oil and gas from the vast reserves nationwide, including on Federal lands, which will help ensure continued availability of reasonably priced natural gas.*