
31 STATES OPPOSE EPA'S PROPOSED CO₂ STANDARDS

Legislative bodies, Governors, and Attorneys General representing 30 states have expressed opposition to the approach EPA has taken in setting carbon standards for existing coal-fired power plants. In addition to these 30 states, Texas has made clear its opposition to EPA's proposal.ⁱ

Five states have passed laws that set carbon standards based on inside-the-fence measures:

1. **KANSAS** (House Bill No. 2636)
2. **KENTUCKY** (HB 388)
3. **LOUISIANA** (ACT No. 726)
4. **MISSOURI** (House Bill No. 1631)
5. **WEST VIRGINIA** (H.B. 4346)

Nine states have passed resolutions supporting inside-the-fence standards:

1. **ALABAMA** (Joint Resolution 57)
2. **ARIZONA** (Concurrent Resolution 1022)
3. **FLORIDA** (SM 1174)
4. **GEORGIA** (H.R. 1158)
5. **NEBRASKA** (Legislative Resolution 482)
6. **OKLAHOMA** (Concurrent Resolution No. 39)
7. **SOUTH DAKOTA** (Concurrent Resolution No. 1022)
8. **WEST VIRGINIA** (House Resolution No. 13)
9. **WYOMING** (Joint Resolution No. 1)

Six states have passed resolutions or legislation in either their House or Senate supporting inside-the-fence standards or explicitly opposing EPA's proposal:

1. **ARKANSAS** (I.R. 2013-007)
2. **ILLINOIS** (HR 0782)
3. **INDIANA** (HR 11)
4. **OHIO** (H.B. No. 506)
5. **PENNSYLVANIA** (House Resolution No. 815)
6. **TENNESSEE** (House Joint Resolution 663)

VIRGINIA passed legislation (SB 615) requiring an analysis of inside-the-fence policy options.

Attorneys General from 20 states, including many of the states listed above, have signed a White Paper opposing EPA's approach to setting standards and/or have taken legal action recently against EPA's proposal:ⁱⁱ

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| 1. ALABAMA | 11. MONTANA |
| 2. ALASKA | 12. NEBRASKA |
| 3. ARIZONA | 13. NORTH DAKOTA |
| 4. FLORIDA | 14. OHIO |
| 5. GEORGIA | 15. OKLAHOMA |
| 6. INDIANA | 16. SOUTH CAROLINA |
| 7. KANSAS | 17. SOUTH DAKOTA |
| 8. KENTUCKY | 18. WEST VIRGINIA |
| 9. LOUISIANA | 19. WISCONSIN |
| 10. MICHIGAN | 20. WYOMING |

Governors from 15 states, including many of the states listed above, signed a joint letter to the President on September 9 stating that EPA does not have the legal authority to regulate carbon emissions from power plants, nor does the agency have authority to set carbon standards outside the fence:ⁱⁱⁱ

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| 1. ALABAMA | 9. NORTH DAKOTA |
| 2. ALASKA | 10. OKLAHOMA |
| 3. ARIZONA | 11. PENNSYLVANIA |
| 4. IDAHO | 12. SOUTH CAROLINA |
| 5. INDIANA | 13. UTAH |
| 6. MISSISSIPPI | 14. WISCONSIN |
| 7. NEW MEXICO | 15. WYOMING |
| 8. NORTH CAROLINA | |

September 14, 2014

ⁱ "Texas May Refuse to Follow Climate Rules," The Texas Tribune, August 7, 2014.

ⁱⁱ *Perspective of 18 States on Greenhouse Gas Emission Performance Standards for Existing Sources under § 111(d) of the Clean Air Act*, signed by 17 Attorneys General and the Commissioner of the Indiana Department of Environmental Management, September 11, 2013 ("White Paper"). *In Re: Murray Energy Corporation, Brief of the States of West Virginia, Alabama, Alaska, Kentucky, Nebraska, Ohio, Oklahoma, South Carolina, and Wyoming as Amici Curiae in Support of the Petitioner*, June 25, 2014. *West Virginia et al v. EPA*, July 31, 2014. In addition, on August 25, 2014, 13 Attorneys General signed a letter stating that EPA must withdraw its proposal because analyses upon which the rule is based are missing from the rulemaking docket.

ⁱⁱⁱ September, 9, 2014, letter signed by 15 Governors to President Obama. In addition to disputing EPA's legal authority under the Clean Air Act, the Governors "... highlight some of the more urgent and vexing compliance issues inherent in [EPA's] proposal, while cautioning that [our] list is by no means exhaustive." The letter went on to urge the Administration to "... withdraw the proposal until it can give due consideration to these critical concerns."

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