

# *Public Health and Climate Policy at the USEPA*

Insights and Innovations Webinar

IU Richard M. Fairbanks School of Public Health

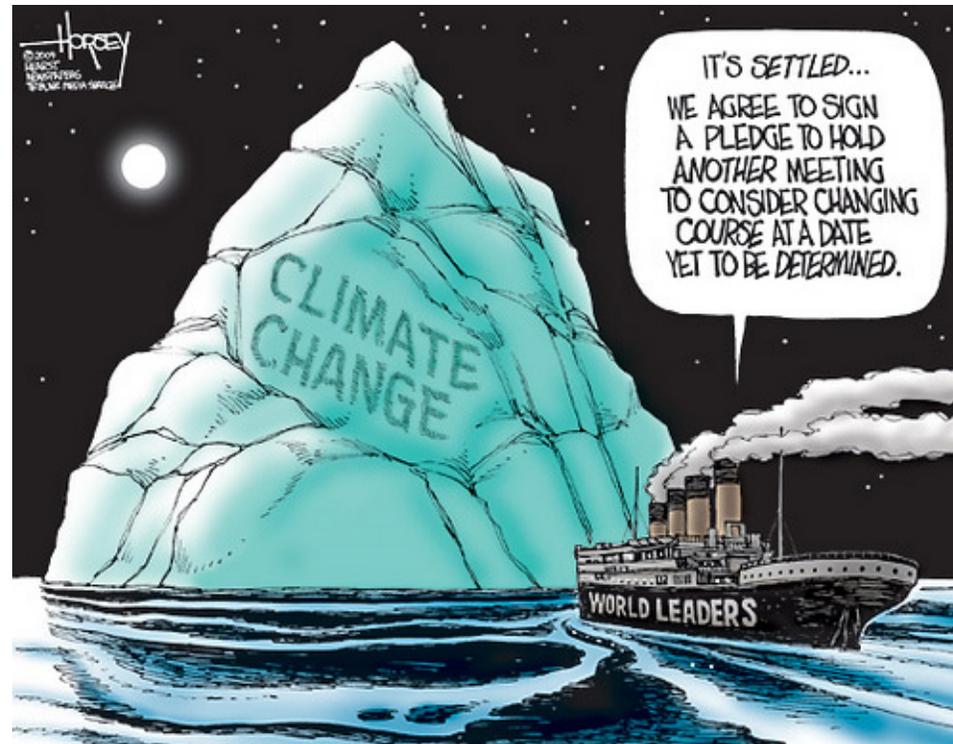
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January 26, 2018

# The Long Road to Action on Climate

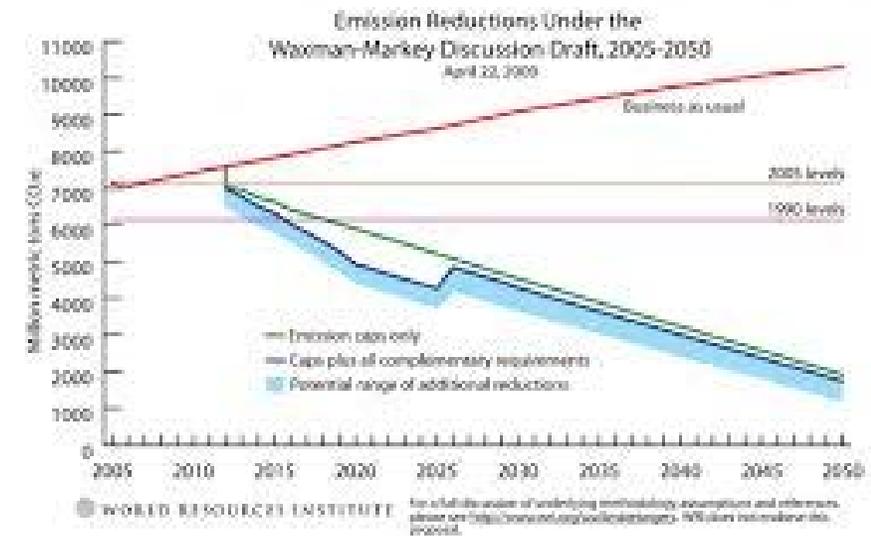


# International efforts

- 1992: United Nations Framework Convention on Climate Change (UNFCCC)—Rio
- 1997: Kyoto Protocol--legally binding obligations for developed countries to reduce their greenhouse gas emissions in the period 2008-2012
- 2010: Cancun Agreements--future global warming should be limited to below 2.0 °C (3.6 °F) relative to the pre-industrial level
- 2015: Paris Climate Accord--emission reductions from 2020 on through commitments of countries in ambitious Nationally Determined Contributions. Aimed at limiting global warming to less than two degrees Celsius, and pursue efforts to limit the rise to 1.5 degrees Celsius.

# Congressional Action

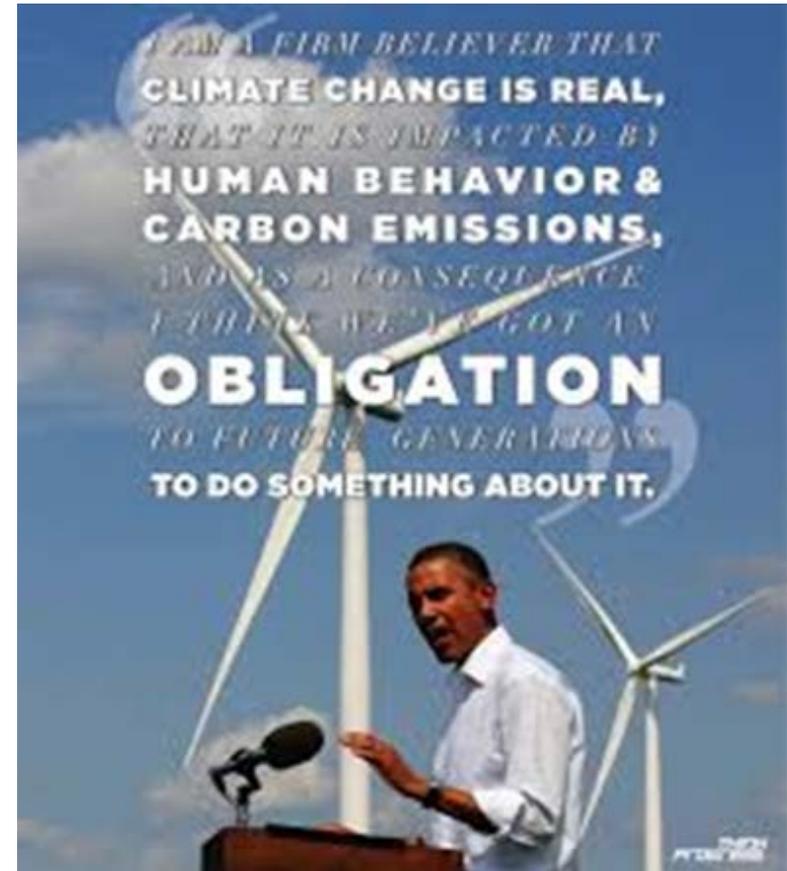
## American Clean Energy and Security Act of 2009 (Waxman-Markey)



# Administrative Action

- 1999: States and others file petition asking EPA to find greenhouse gas emissions from motor vehicles “endangers” public health and welfare
- 2003: EPA declines to respond to the petition
- 2007: In *Massachusetts v. EPA* Supreme Court (5-4) directed agency to respond
- 2009: EPA issues Endangerment Finding
- Endangerment Finding triggers regulatory processes for highest-emitting sectors

# But then we had....





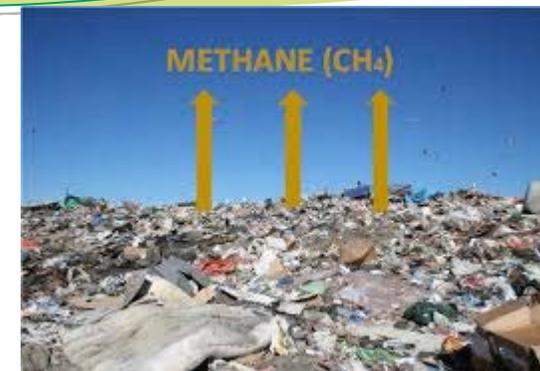
Clean Car rules 2010 and 2012



Clean Truck rules 2011 and 2016



The Clean Power Plan 2015

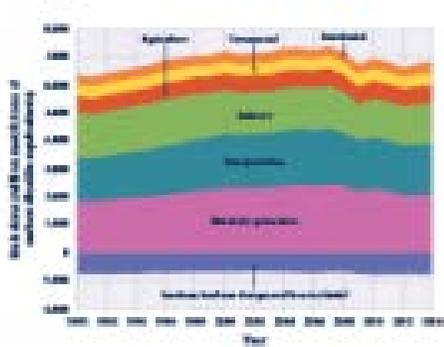


Landfill methane rules 2016

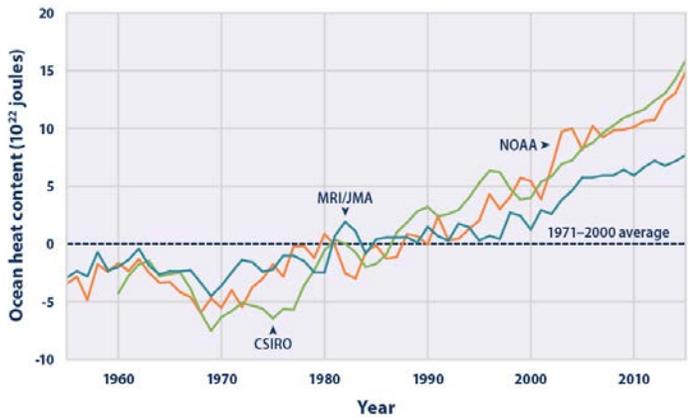
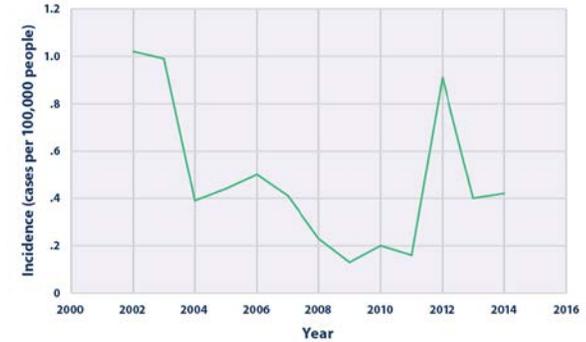


Oil and Gas Rules 2012 and 2016

# Climate science and information



NOAA, NASA, EPA, DOE,  
USGS, NSF, Commerce, etc.  
US Global Change Research  
Program



Climate Impacts  
Climate Indicators  
Emissions Inventories  
Climate Solutions



# Principles and Tools to Shift the Agenda

## Key themes in policy changes

- Reduce regulatory burden
- Smaller government
- Rule of law
- Federal-state relationship
- Role of science
- Climate change

## Key Tools Being Used

- Executive Orders
- The budget
- Regulatory Actions
- Organizational changes
- Internal policies
- Litigation
- Legislation
- EPA Strategic Plan

# Science and scientists

## Actions

- Key Administration vacancies
- Advisory board appointments
- Early retirements
- Review of grants
- Agency websites
- Participation in conferences
- Implementation of science-based laws

## Impacts

- Delay/roll back public health protections and climate action
- Deprive policy makers of needed, nonpartisan input
- Reduce research now and into the future (young scientists)
- Reduce credibility of science agencies in US and abroad

# Major Rules under reconsideration

- Clean Power Plan—proposed repeal; advanced notice for replacement rule
- Oil and Gas 2016 rule—reconsideration and delay; withdrawal of Information Collection Request; repeal guidelines for existing sources
- Clean Cars—redo MidTerm Review
- Reconsider trailers element of Trucks rule; repeal gliders' provision
- Clean Water rule—reconsideration and 2 year delay of effectiveness
- Coal Ash—reconsideration
- Steam Electric Effluent Guidelines—2 year delay for certain provisions
- Risk Management Program—2 year delay
- Ozone—pause in legal defense

# Other Key Policy Changes

- Social Cost of Carbon/Methane
- Whether and how to consider climate impacts
  - Executive Orders
  - Court pushback
- Regulatory streamlining; 2:1 requirement
- Enforcement
- Transparency
- Information available on agency websites

# Presidential Executive Order on Promoting Energy Independence and Economic Growth (March 2017)

- Withdraw all Obama EOs related to climate change
- Withdraw the Climate Action Plan and Climate Action Plan Strategy to Reduce Methane Emissions
- Withdraw CEQ Guidance on consideration of GHG emissions and climate change impacts in NEPA reviews
- Review and rescind Clean Power Plan and associated rules
- Disband the Interagency Working Group on Social Cost of Greenhouse Gases and withdraw that Group's documents
- DOI review oil and gas rules; lift moratorium on coal leases

# The Clean Power Plan

- CPP proposed repeal
  - Revised interpretation of legal authority
  - Changes to cost/benefit analysis
    - Domestic vs global climate impacts
    - How to value public health benefits of reduced air pollution
  - No commitment to replace
  - Comment period extended to April 26
- Advanced Notice of Proposed Rulemaking
  - Narrow interpretation of legal authority
  - No commitment to replace
  - Comments due February 26

# Oil and Gas

- Oil and gas (methane): reconsideration and proposed stay or extension of compliance deadlines; withdraw Information Collection Request for existing oil and gas operation
  - BLM methane rules
- Oil and gas reconsideration
  - Focus on getting more time, reconsideration underway
  - Changes to cost/benefit analysis

# Other Climate rules

- Landfills: reconsideration
- Light duty vehicles: reconsideration of technical Mid-Term Evaluation
- Trucks: reconsideration of trailer standards (court has stayed) and gliders
- What about the Endangerment Finding????

# What about the courts?

- *Clean Air Council v. EPA*, July 3, 2017. Court rejects EPA's attempt to stay the Oil and Gas compliance deadlines.
- *Mexichem v. EPA*, August 8, 2017. Court rejects EPA's regulation of HFCs for climate.
- *Sierra Club v. FERC*, August 22, 2017. FERC did not sufficiently evaluate climate change impacts in environmental review of pipelines.
- *Montana Environmental Information Center v. US Office of Surface Mining*. August 14, 2017. Court finds agency had not sufficiently evaluated climate impacts in approval of surface mining plan.
- *Wildearth Guardians v. BLM*, September 15, 2017. Court says agency erred in concluding that approval of coal leases would not result in more GHG emissions than denial. Remanded for corrections to the EIS, but did not vacate the leases.
- *California v. BLM*, October 4, 2017. Court rejected BLM's postponement of compliance dates for Oil and Gas rules.

# But.....

- Cities are taking action
- Businesses are moving forward
- Clean energy progress
- Clean transportation
- Public awareness



# IU Environmental Resilience Institute

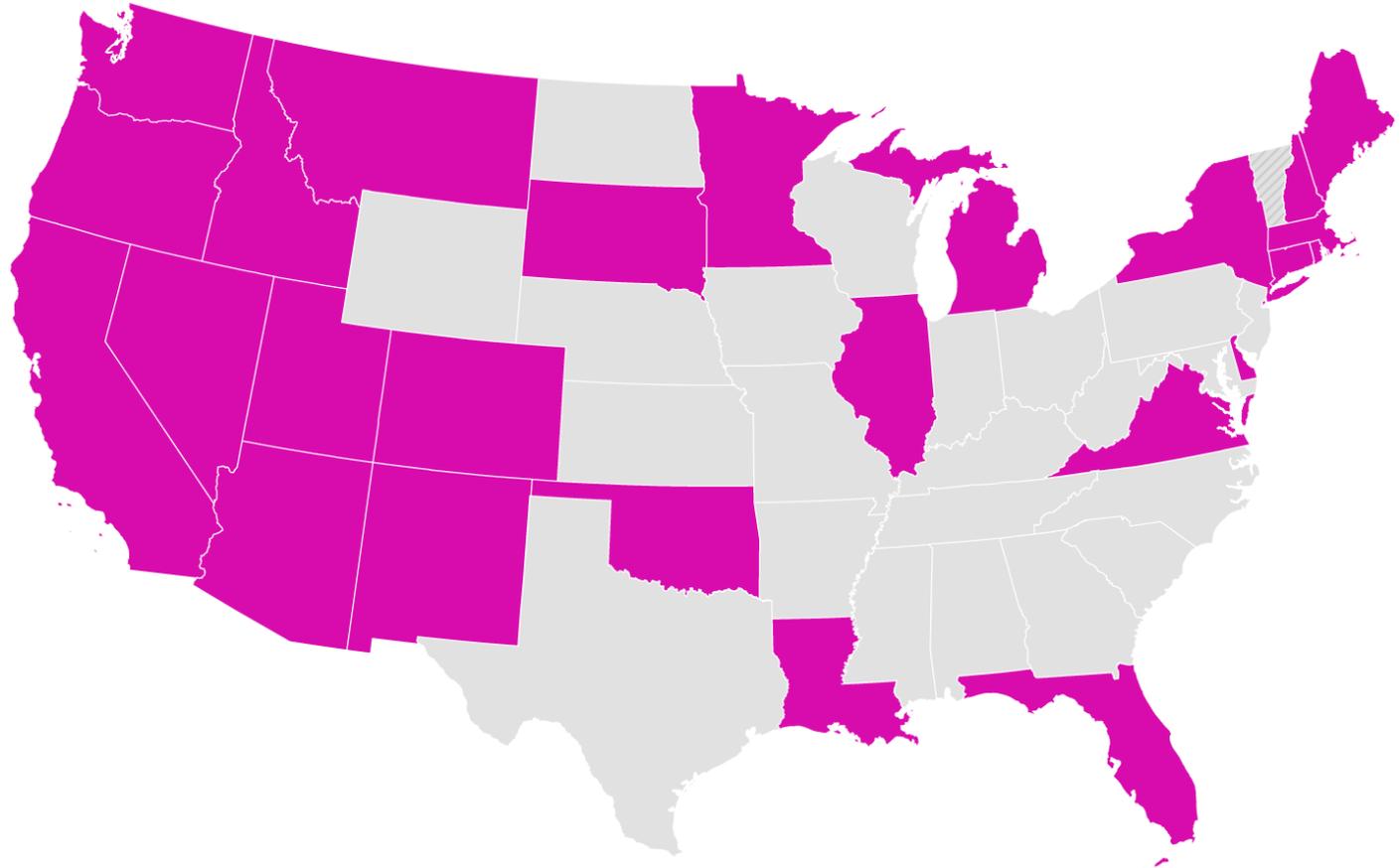
- As part of Indiana University's Grand Challenge: Prepared for Environmental Change, the Environmental Resilience Institute will help people address the environmental challenges we know are coming.
- Partnering with government, businesses and communities, IU faculty and researchers are identifying problems, developing solutions and enabling citizens to adapt to the effects of these coming changes.
- Numerous IU schools involved—many opportunities for research and partnership.
- Nearly three dozen projects are under way, across a range of areas, including ways to ensure river and stream health, tools to predict vector-borne illness such as Zika and West Nile, providing resources and information to municipal policy makers, and strategies for community green infrastructure to support greener, cleaner communities that promote business investment and workforce development.
- [eri.iu.edu](http://eri.iu.edu)

# And in the states...

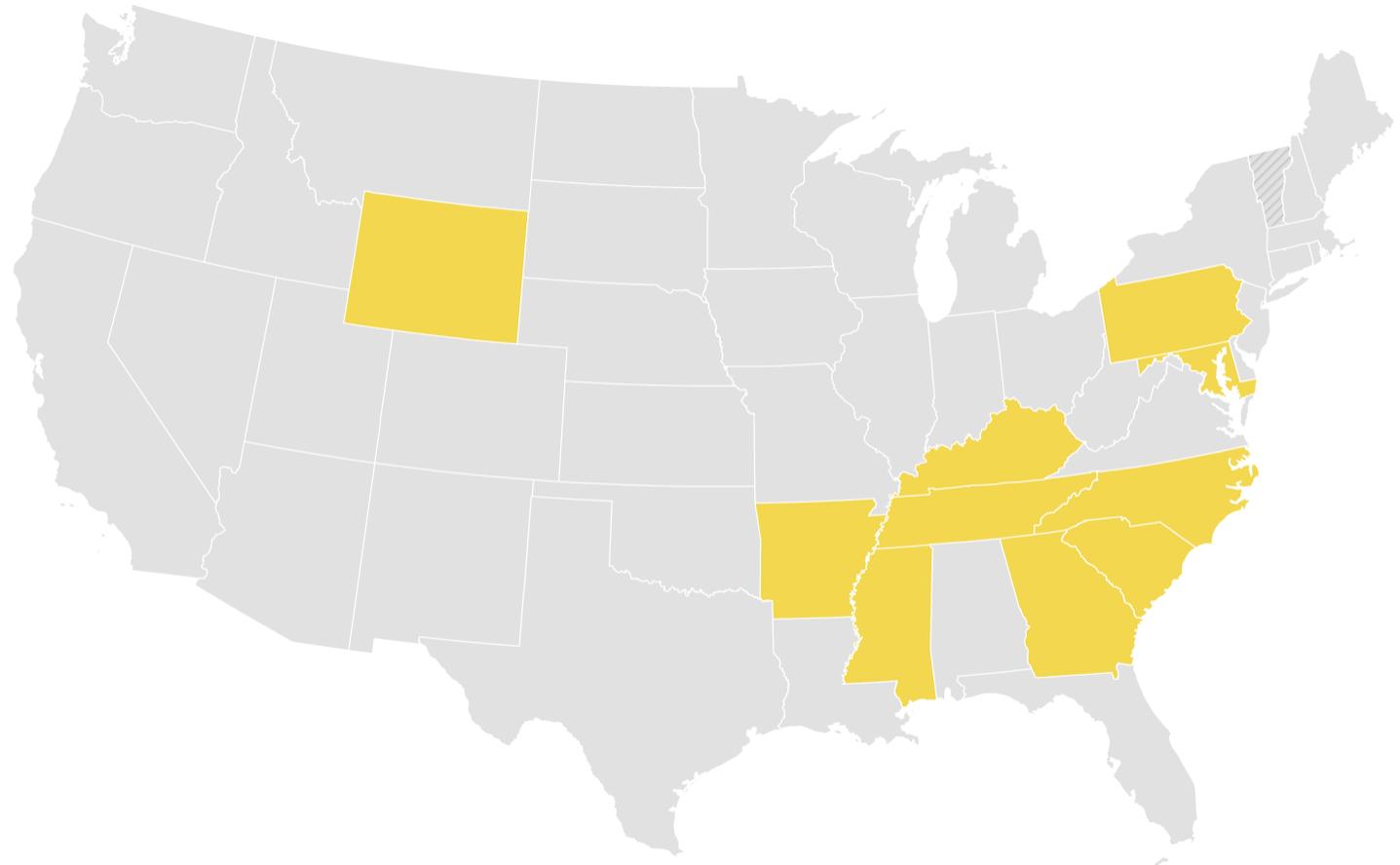
25 states likely to  
make their CPP  
targets.

Rhodium Group analysis,  
October 2017

States moving forward  
with carbon policies:  
California, Oregon, NE  
states (RGGI)

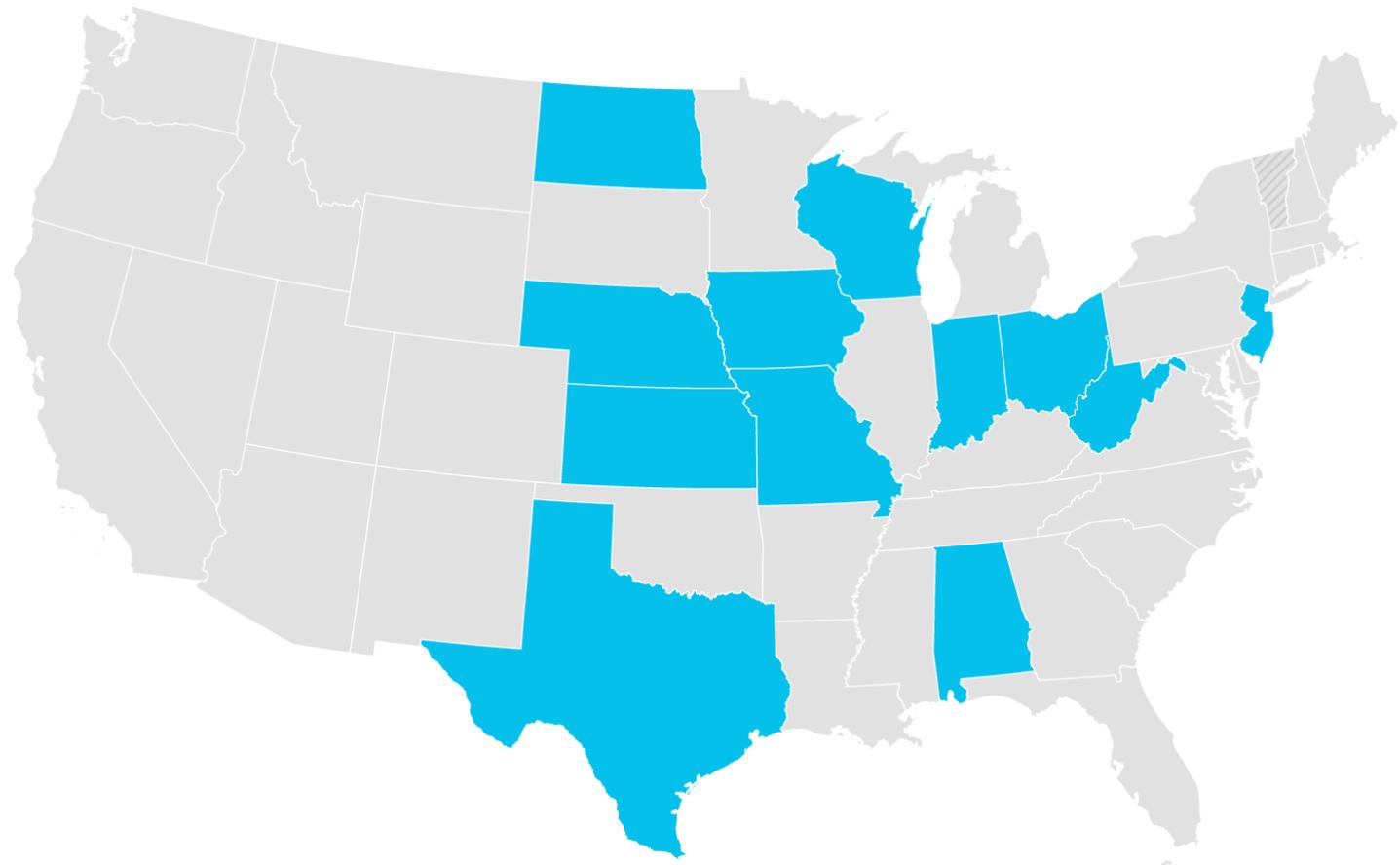


10 States close to meeting their CPP targets, depending on natural gas and renewables prices.

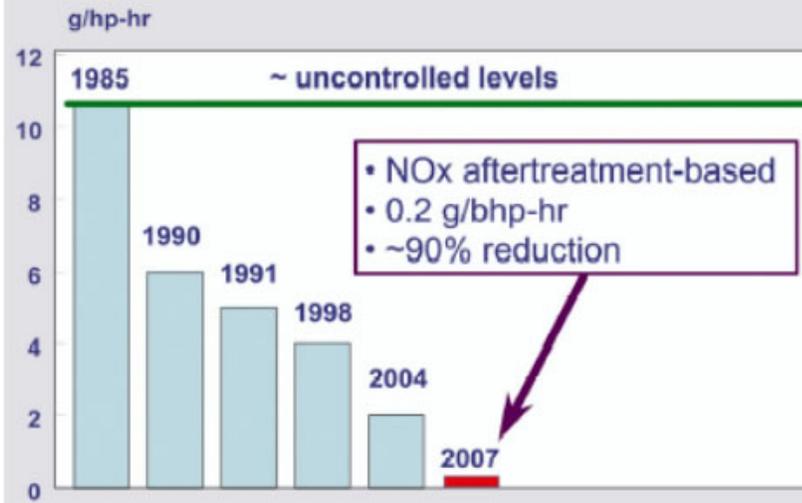


These 12 states produced 40 percent of the country's carbon emissions from power plants in 2014.

May not make their CPP targets, by a little or a lot, but that could change.

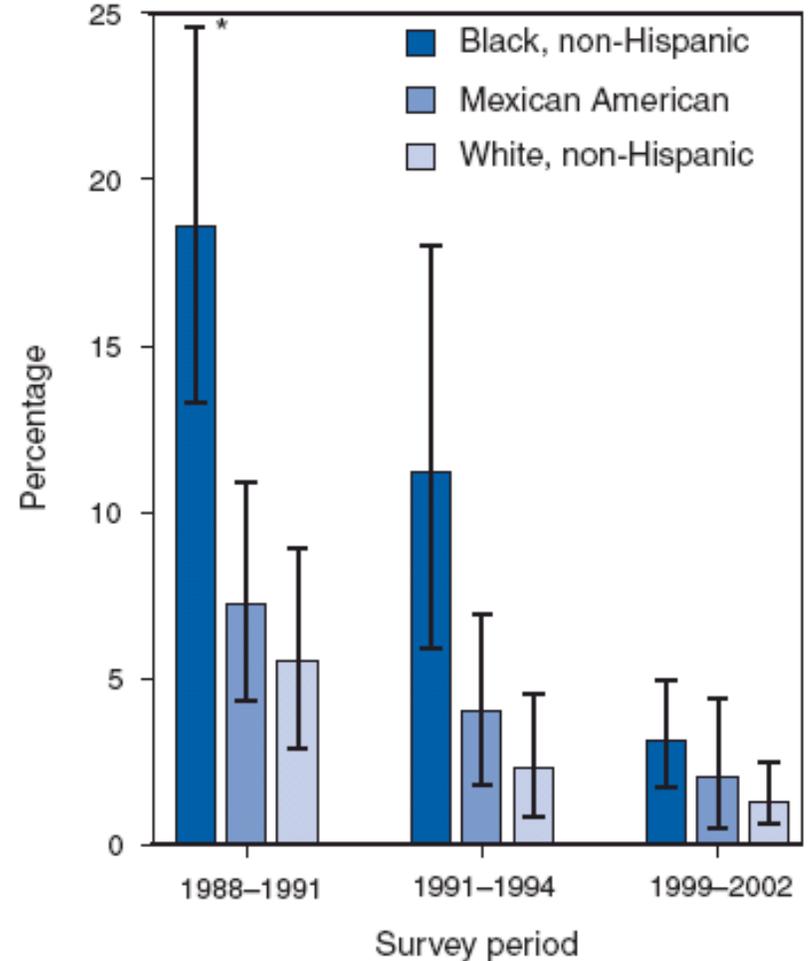


### 2007: Highway Diesel NOx Standards



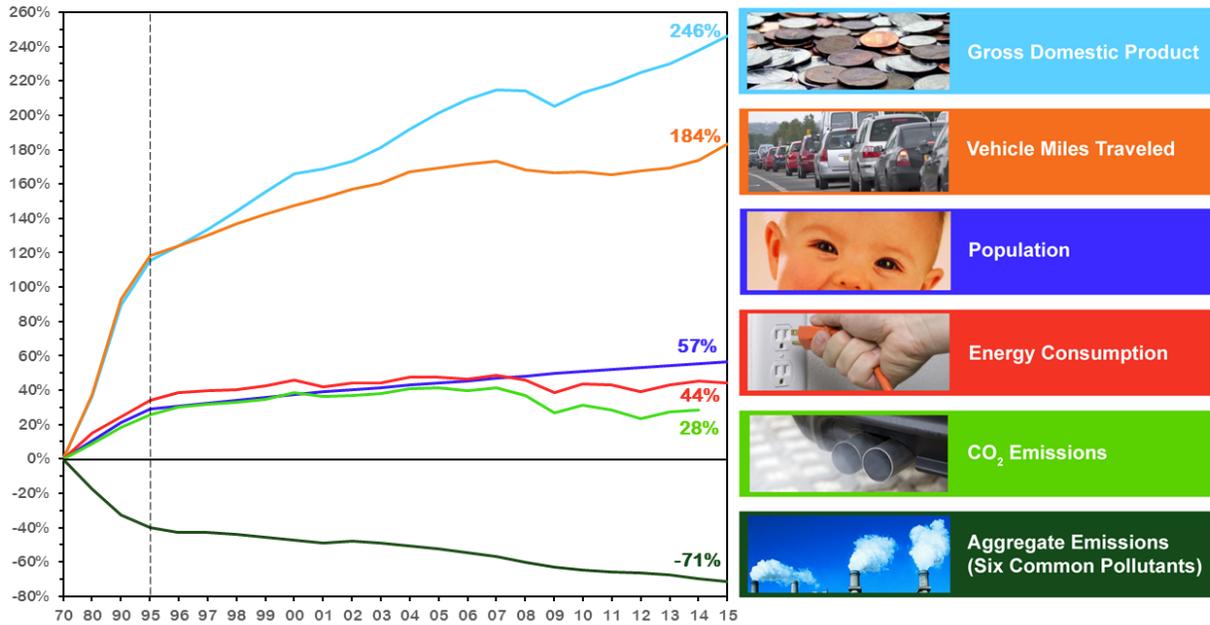
For model year 2007, NOx emission standards for heavy-duty engines are reduced over 90% of current standards.

FIGURE. Percentage of children aged 1–5 years with blood lead levels  $\geq 10 \mu\text{g/dL}$ , by race/ethnicity and survey period — National Health and Nutrition Examination Surveys, United States, 1988–1991, 1991–1994, and 1999–2002

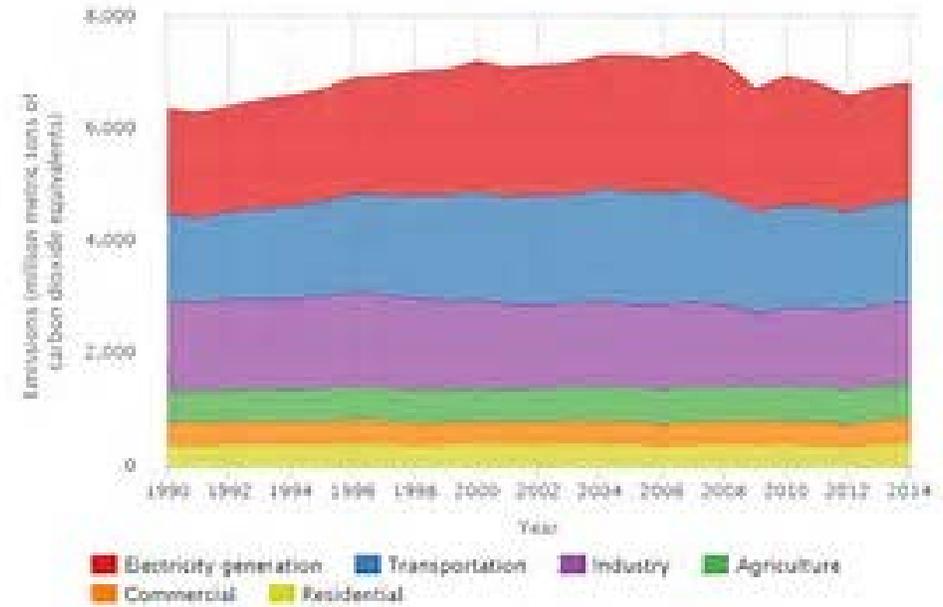


\*95% confidence interval.

### Comparison of Growth Areas and Emissions, 1970-2015



### U.S. Greenhouse Gas Emissions by Economic Sector, 1990-2014



Source: U.S. EPA Inventory of U.S. Greenhouse Gas Emissions and Sinks, 1990-2014. <http://www.epa.gov/climatechange/gpcomissionsandremovals.html>

