

## Trump And Environment: States Must Pick Up Slack



Old king coal: As the Trump administration looks to turn back environmentally friendly fossil-fuel regulations, expect state-by-state regulators to step up.

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By MIRIAM E. VILLANI //

We can expect many changes as the country transitions from the Obama administration to a Trump administration.

One of several issues that will receive a lot of attention is the environment. It is still early and not possible to know what the Trump administration will do with regard to environmental protection and energy regulation. However, Trump made certain promises during his campaign and has started to outline his plans.

He's also named the person who will lead the EPA transition team on climate. As a result, we have an idea of what his environmental policy may look like.

Trump has plans to reorganize domestic energy and environmental priorities and to withdraw the United States from the Paris climate accord. On the [president-elect's website](#), he states his plans to open onshore and offshore leasing on federal lands and waters to encourage the production of fossil-fuel resources in an effort to make America energy independent.



Miriam Villani: New York boasts robust environmental protections.

The Trump administration says it will “end the war on coal” by reviewing all anti-coal regulations and reopening shuttered coal mines.

Trump also wants to reduce the Environmental Protection Agency to an advisory role and scrap the [Climate Action Plan](#) and the [Clean Power Plan](#), President Obama's proposed strategy to move utilities toward lower carbon emissions. It is Trump's view, as stated on his website, that these steps will lead to “more jobs, more revenues, more wealth, higher wages and lower energy prices.”

Trump has selected Myron Ebell to run the EPA working group on his transition team. Ebell is the director of energy and environmental policy at the [Competitive Enterprise Institute](#) and is known around the world as one of America's most prominent climate-change skeptics. This appointment is a significant indication of the direction we can expect Trump's environmental and energy policies to take.

Although it could take a while for Trump to officially withdraw the United States from the Paris accord, in the meantime we can expect him to disregard its guidelines and repeal climate-change regulation put in place under President Obama's administration. With a Republican congress, Trump will not face a lot of resistance, but pulling out will have implications for Trump's dealings with foreign leaders.

On the other hand, fossil-fuel industry advocates will see much opportunity, such as opening more public land and offshore areas to oil and gas drilling and building more energy infrastructure.

The coal industry is particularly buoyed by Trump's promises to rescind the coal mining lease moratorium and repeal anti-coal regulations. It is the coal sector's view that it has suffered lower demand and job loss as a direct result of regulations directed at its industry.

It's unlikely that coal will make a comeback, despite Trump's vows. Environmental considerations aside, it remains to be seen whether the steps Trump takes to increase the use of coal will make economic sense. Coal is being phased out because of its pollution – among fossil fuels, it's the dirtiest – and because of the falling prices of renewables such as solar and wind. Investors are choosing solar and wind because of economics.

During his campaign, Trump showed a lack of interest in wind and solar energy and voiced his intention to end federal spending on renewable energy in order to support a fossil fuel-based energy policy. However, if the United States begins to fall behind economically because the renewables energy market is being ignored here, the Trump administration may take a different tack. The first and best innovators in the world will have the advantage in the developing energy market.

One of Trump's promises is fairly certain to be carried out – his plan to eliminate the EPA's Clean Power Plan. The plan, based on Section 111(d) of the Clean Air Act, was proposed in June 2014 to put limits on greenhouse gas emissions from existing fossil fuel-fired power plants. It was finalized in August 2015.

The rule considers states' ability to shift power generation to cleaner sources. The Clean Power Plan is under review by the U.S. Court of Appeals due to a suit brought by 27 states and a few corporate interests, over whether the EPA properly exercised its authority under the Clean Air Act. The case is expected to go to the Supreme Court next year.

Legal commentators have suggested that Trump has several options for addressing the Clean Power Plan. He could not defend it in court, rescind the rule or ask Congress for support in blocking it.

The actions Trump has promised to take with regard to the environment are in keeping with his plans to reduce federal regulation and to move away from a strong central government. Trump's anti-regulation position is based on a view that the economy will be able to grow if business is free of the control of an overly powerful federal government.

It's important to keep in mind that this position anticipates that the states will retain their authority to regulate, and we may see states take up the slack. As federal environmental programs are gutted, states are likely to take steps to control their environmental affairs in a way that makes sense to them.

This will mean a lack of uniformity across the country, and neighboring and down-wind states could end up with complaints about pollution impacts from states with less-stringent environmental regulation.

Significantly, for businesses on Long Island and in the rest of New York, New York State has a robust environmental conservation and protection program administered by the state Department of Environmental Conservation. We can expect that New York State will continue its environmental regulatory program during a Trump presidency.

Many questions remain about what Trump's environmental policy will look like, but one thing is fairly certain: We are likely to see a rolling back of federal efforts by President Obama to combat climate change. In the face of this expectation, we will see the states take on a more significant role in environmental protection and energy regulation.

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