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'Major Win for the Planet': Federal Court Strikes Down Trump Coal Power Plant Rule

"This decision frees up the new Biden administration to begin working immediately on the science-based greenhouse pollution rules we desperately need to make up for lost time."

by

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The Sherburne County (Sherco) Generating Station, a coal-fired power plant owned by Xcel Energy and located in Becker, Minnesota, shown in 2016. (Photo: [Tony Webster](#)/Flickr/cc)

Climate campaigners welcomed a federal court's decision Tuesday to strike down the Trump administration's Affordable Clean Energy rule—dubbed by its critics the "Dirty Power" rule—which loosened restrictions on greenhouse gas emissions from coal plants.

"A failure by Trump is a major win for the planet," said Clare Lakewood, legal director of the Center for Biological Diversity's Climate Law Institute. "The court has wisely struck down another effort by this administration to shred environmental protections in service of polluters."

Finalized in 2019 and signed by Environmental Protection Agency (EPA) chief Andrew Wheeler, a former coal lobbyist, the Affordable Clean Energy (ACE) rule was a replacement to the Obama-era Clean Power Plan. ACE was met with fierce outrage and [lawsuits](#) from environmental groups and dozens of states and

cities who [said](#) it was an industry-friendly rule that rejected science to the detriment of public health and the climate crisis.

The U.S. Court of Appeals for the District of Columbia Circuit [said](#) Monday that "promulgation of the ACE rule and its embedded repeal of the Clean Power Plan rested critically on a mistaken reading of the Clean Air Act." The court remanded the rule back to the EPA.

[According to Bloomberg](#),

Tuesday's decision rejects the Trump EPA's position that the Clean Air Act only allows the agency to craft emissions restrictions that apply directly "at the source" of power plants. The position was a departure from the Obama administration's sector-wide approach to reducing emissions.

"In other words, the EPA reads the statute to require the Agency to turn its back on major elements of the systems that the power sector is actually and successfully using to efficiently and cost-effectively achieve the greatest emission reductions," the court said.

It added that there is "no basis—grammatical, contextual, or otherwise—for the EPA's assertion."

Andrea McGimsey, senior director for Environment America's Global Warming Solutions campaign, saw the ruling as "a major step in the right direction" that affirms ACE "was clearly a disastrous and misconceived regulation from the start."

The Sierra Club also applauded the appeals court's decision and expressed hope the incoming Biden administration would put the EPA back on the right course.

"The court's decision to vacate former coal lobbyist Andrew Wheeler's Dirty Power Plan is the apt bookend to the Trump administration's EPA, which was defined by a general subservience to the fossil fuel industry and dozens of legal defeats brought by public health and environmental organizations," Joanne Spalding, the organization's chief climate counsel, [said](#) in a statement.

She said that "the EPA's role is to protect the American people from dangerous pollution and act on the greatest threat to our country: the climate crisis," but the "Dirty Power Plan didn't do either of these things and the court rightly vacated it."

"We now look forward to the Biden administration keeping its promise and acting aggressively to restore the EPA to its institutional mandate and put its resources

and expertise toward solving problems, not creating more of them," said Spalding.

Center for Biological Diversity's Lakewood added that the ruling "frees up the new Biden administration to begin working immediately on the science-based greenhouse pollution rules we desperately need to make up for lost time."