

AG Schimel: Trump's executive order a major victory in Wisconsin's fight against federal overreach

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Madison, Wis. – In December 2016, Attorney General Brad Schimel joined a 24-state coalition urging then President-elect Donald Trump and congressional leaders to withdraw President Obama's so-called Clean Power Plan and take the necessary steps to ensure similar or more extreme proposals never again take shape. Today, President Trump signed an Executive Order rolling back the Clean Power Plan.

"It was estimated that if the Clean Power Plan had gone into effect, it would have cost tens of thousands of jobs in our state. Furthermore, all Wisconsinites would have seen sky-high energy prices if the Obama-era Clean Power Plan went into effect," said Attorney General Schimel. "Last year's stay won by the coalition of states before the U.S. Supreme Court was the first step in putting an end to this misguided policy. Today's Executive Order was the next critical step. We look forward to working with President Trump and EPA Administrator Pruitt to complete the legal process necessary to eliminate this unconstitutional overreach once and for all."

In October 2015, West Virginia and Texas led a 27-state coalition, which included Wisconsin, challenging the EPA's Power Plan. That coalition then halted the rule's enforcement by winning an unprecedented and historic stay of the regulation before the U.S. Supreme Court. In September 2016, Wisconsin Solicitor General Misha Tseytlin argued the merits of the case on behalf of the states in front of the United States Court of Appeals for the D.C. Circuit.

The states argued the rule was unlawful because it allowed the EPA to set state energy policy by manipulating the electricity market and controlling the electric

grid, a role previously reserved for state regulators. The rule was an illegal expansion of EPA's authority, beyond what is permitted by the Clean Air Act.

Furthermore, it argued the Power Plan violated the U.S. Constitution by attempting to commandeer and coerce the states into carrying out federal energy policy.

Those who signed the December 2016 letter included Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, West Virginia, Wisconsin and Wyoming, along with the North Carolina Department of Environmental Quality and other state agencies.