

INSIGHTS

President Trump Signs Executive Order “Promoting Energy Independence and Economic Growth”

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By: [Jeffrey R. Holmstead](#) and [Brittany M. Pemberton](#)

On March 28, President Donald Trump signed an Executive Order titled “[Promoting Energy Independence and Economic Growth](#).” Touted by the administration as both “protecting the environment and promoting [the] economy,” [\[1\]](#) the Order aims to “promote clean and safe development of our Nation’s vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation.”

To accomplish these goals, the Order rescinds key pieces of the prior administration’s environmental agenda and requires federal departments and agencies to begin a review process that will likely result in the rolling back of several Obama Administration regulations, including the controversial “Clean Power Plan,” that were designed to reduce emissions of greenhouse gases. Specifically, the Order:

- Requires the heads of Federal agencies to conduct an immediate review of all agency actions that potentially burden the safe, efficient development of domestic energy resources; agency heads have 180 days to present a plan for carrying out the review to the Office of Management and Budget, conduct the review, and issue a final report detailing the existing regulations, orders, guidance documents, policies, and other similar agency actions reviewed by the agency along with each agency’s recommendations for alleviating any undue burdens it has identified;
- Rescinds the Obama administration’s 2013 Executive Order “[Preparing the United States for the Impacts of Climate Change](#)” and three of the prior administration’s presidential memoranda issued in 2013, 2015, and 2016, respectively, which were aimed at [reducing carbon pollution from the power sector](#); [protecting natural resources](#); and [addressing climate change-related impacts as part of U.S. national security policy](#);

- Rescinds President Obama’s 2013 [*Climate Action Plan*](#) focusing on reducing carbon pollution and a similar [*strategy to reduce methane emissions*](#);
- Orders the Council on Environmental Quality (CEQ) to rescind its August 2016 guidance to Federal agencies regarding the consideration of greenhouse gas (GHG) emissions during environmental impact reviews under NEPA;[\[2\]](#)
- Directs the heads of Federal agencies to identify existing regulations related to any of the rescinded Obama administration actions or the CEQ guidance and to “suspend, revise, or rescind” – or publish a proposal to do so – “as soon as practicable”;
- Instructs EPA to review and then suspend, revise or rescind, as appropriate (1) the Clean Power Plan, which requires substantial reductions in carbon dioxide emissions from existing power plants;[\[3\]](#) (2) the final rule setting similar standards for new power plants;[\[4\]](#) and (3) a proposed rule that both established a federal plan applicable to states that fail to develop their own plan to meet the emission reductions under the Clean Power Plan and suggested a model trading plan states could incorporate into their compliance plans;[\[5\]](#)
- Orders federal departments and agencies to stop using the “social cost of carbon” (\$36 per ton) established by the Obama Administration; disbands the Interagency Working Group on Social Cost of Greenhouse Gases and withdraws its guidance calculating the [*social cost of carbon*](#) and [*methane and nitrous oxide*](#);
- Directs the Department of Interior to revoke the Obama administration’s [*moratorium on new coal leases on federal lands*](#);
- Requires EPA to review its final rule addressing methane emissions from new oil and natural gas sources;[\[6\]](#) and requires the Department of Interior to review its regulations impacting the oil and natural gas sector, including those involving hydraulic fracturing on Federal and Indian lands[\[7\]](#) and venting and flaring during oil and gas production on onshore Federal and Indian leases;[\[8\]](#)
- Directs EPA and Interior to work with the Attorney General to put on hold any litigation regarding any of the regulations mentioned above.

Bracewell’s team can provide more information and insights regarding this Executive Order and what to expect in the coming months on these issues.

[\[1\] https://www.whitehouse.gov/the-press-office/2017/03/28/daily-press-briefing-press-secretary-sean-spicer-30.](https://www.whitehouse.gov/the-press-office/2017/03/28/daily-press-briefing-press-secretary-sean-spicer-30)

[\[2\]](#) 81 Fed. Reg. 51866 (Aug. 5, 2016).

[\[3\]](#) 80 Fed. Reg. 64661 (Oct. 23, 2015).

[\[4\]](#) 80 Fed. Reg. 64509 (Oct. 23, 2015).

[\[5\]](#) 80 Fed. Reg. 64966 (Oct. 23, 2015).

[\[6\]](#) 81 Fed. Reg. 35824 (June 3, 2016).

[\[7\]](#) 80 Fed. Reg. 16128 (Mar. 26, 2015).

[\[8\]](#) 81 Fed. Reg. 83008 (Nov. 17, 2016).