

I wrote [earlier](#) about why the 2016 Presidential election will be the election that matters (politically) for the long-term success of the new greenhouse gas rules proposed by EPA. (The status of legal challenges is a different question.) I want to elaborate a little more now about why the 2014 midterm elections are pretty much irrelevant to the political future of those rules.

First, it is important to remember that if Congress wants to amend the Clean Air Act to prohibit these rules, there are two significant obstacles: First, the filibuster rule in the Senate requires 60 votes to move to a final vote on any substantive legislation; and second, and more significantly, President Obama is sure to veto any efforts to eliminate these rules. (It is hard to imagine Obama letting Congress eliminate his [primary second-term policy achievement](#).) Overriding a veto requires a two-thirds majority in both houses. It is highly unlikely that Republicans would attain a two-thirds majority in either house, even with alliances from coal-state Democrats. For instance, in the House, Prof. Sabato at the University of Virginia (a leading election prognosticator) [predicts](#) that the Democrats will retain at least 190 seats in the House, with the Republicans attaining at most 245.

However, a veto-override in the House requires at least 290 votes (two-thirds of 435 House seats). The primary coal-producing states in America are: Montana, Wyoming, Illinois, Indiana, Pennsylvania, West Virginia, Ohio, and Kentucky. (Helpful map [here](#); see also this [map](#) for the how important coal is for energy production in various states.) In these states, [there are currently 25 Democratic House members](#). Even if every single one voted to override (improbable, since, for instance, Democratic House members representing Chicago aren't going to vote to override the President on this issue), the Republicans would be 20 votes short of an override. And in the Senate, Prof. Sabato [predicts a gain of up to 8 Republican Senators](#), increasing the Republicans from 45 to 53, still short of the 67 needed to override, even with votes from coal-state Democratic senators (of whom there are [only 8, but two of these](#) are among those who would be those who would lose if the Republicans gain these states). Even if you add in the three Democratic Senators from the other major fossil-fuel dependent states (Alaska, Louisiana, and North Dakota) Republicans still come up short (and again, two of these three are among those who are up for election this fall in any case). A substantive revision of the Clean Air Act seems highly unlikely.

A second option that Republicans are mulling is [forcing a showdown over the budget](#) by inserting language prohibiting EPA from spending any money on the regulations. This allows the Republicans to avoid the 60 vote filibuster requirement in the Senate, but it still requires overcoming a Presidential veto (as above, highly unlikely). The main leverage here is that the budget has to pass – otherwise the government will shutdown. But given what happened the last time the Republicans tried to use a government shutdown to force Obama

to give up a signature policy achievement, I think Republicans will also be unlikely to succeed here. After all, when Republicans tried to use a shutdown to defund Obamacare, they were pummeled politically.

Indeed, the polling indicates that the EPA regulations are **more popular** at the national level than Obamacare, so the national politics are even less favorable to the Republicans here. Moreover, despite the unpopularity of these rules in particular parts of the country, [the national public support for the rules means that these rules are very unlikely to have a major impact on the political races at a national level](#). Republicans who are hoping that a “wave” election can be inspired by these rules will probably be disappointed. Democratic Senate candidates [in states like Iowa and Colorado are embracing the new rules](#). And in fact, Democrats have mostly already lost their prior position in “coal country” – [there just isn’t much more to lose, and therefore there isn’t much political price to be paid by Democrats for these rules](#). So I doubt there will be much national pressure on the party to back away from the rules. (Interestingly, the White House apparently is [taking its political cues in part from the failure of the 2010 ballot initiative in California](#) to repeal the state’s greenhouse gas regulations, which I discussed in my first post.)

There are other reasons to care about the 2014 elections – but not for these rules.