U.S. power plants emit 1.5 billion tons of carbon dioxide a year, a little less than the entire country of Russia. The Trump Administration is proposing to end all regulation of carbon emissions by power plants, on the theory that these emissions should be considered insignificant. There are two parts to EPA's argument: first, that the statute requires EPA to make a finding that those specific emissions cause significant harm, and second that the emissions are actually insignificant. In a series of blog posts, I've argued that both of EPA's contentions are seriously flawed.

Does the statute really require EPA to make a significance finding before it regulates? The subsection of the Clean Air Act that directly applies to those regulations does not mention such a requirement. EPA has not historically made such findings when it issues a new pollution control regulation for an industry on the list. My previous posts argue that EPA's effort to reconcile its interpretation of the statute with past practice is contrived and unpersuasive. (Here and here.)

Second, even if a finding is required, is EPA's conclusion defensible that the U.S. power sector is an insignificant contributor to climate change? My last post argued that the answer is no. To get to its conclusion, EPA had to interpret the word "significant" in a wildly all-inclusive way. The considerations it cites, like Trump's emphasis on the importance of fossil fuels, go far beyond assessing the harm from the emissions. And much of EPA's more specific analysis is highly questionable. EPA emphasizes that the U.S. power sector's emissions are only 3% of global emissions. But EPA ignores the fact that causing 3% of climate harm is still significant harm – a small percentage of a huge number is still a big number.

The speciousness of EPA's analysis of significance is highlighted by its need to completely ignore what it did in Trump's first term. Back then, it had no difficulty in finding that U.S. power plant emissions were significant, because they are a large share of total U.S. carbon emissions. In other words, the first Trump Administration hadn't completely lost touch with common sense, something the current Administration prefers to ignore.

To put it bluntly: EPA's arguments against regulating power plant emissions are basically a house of cards. They may look impressive at first glance, but they're at risk of collapsing in the first stiff breeze.