



The Honorable Rick Snyder  
 P.O. Box 30013  
 Lansing, Michigan 48909



ATTN: Attorney General Bill Schuette  
 525 W. Ottawa St.  
 P.O. Box 30212  
 Lansing, MI 48909



September 14, 2015



Dear Governor Snyder:



We, the undersigned organizations, are deeply concerned about your decision to implement President Obama’s destructive carbon dioxide regulation, the so-called “Clean Power Plan.” Your decision will lock-in fewer jobs and higher electricity rates for Michiganders already suffering from higher-than-average electricity rates.



As you know, Michigan recently joined sixteen other states suing EPA over the carbon rule. As Michigan Attorney General Schuette explained, the regulation is “yet another executive action taken by President Obama and the EPA that violates the Clean Air Act and causes the price of electricity to increase, placing jobs at risk and costing Michigan families more.”



Choosing to submit a state plan before legal resolution of this regulation relinquishes state control of electricity and ultimately empowers federal bureaucrats. Once a state plan is accepted, the state is legally bound to comply and these harmful actions are difficult to roll back when the court finds fault with the law. The Supreme Court recently found in Michigan v. EPA that EPA’s Mercury regulation was flawed, but for American families and businesses, dozens of gigawatts of affordable, reliable power production already closed to comply with the regulation.



Rushing to implement the rule now leaves Michigan with fewer options. The Clean Air Act allows states to submit state plans after EPA’s due date and even after EPA has imposed a federal plan. Yet EPA is only giving states one year to submit draft plans, an unprecedented short amount of time to comply with such a sweeping regulation. Waiting not only preserves state options, but it also allows the courts to examine the important legal issues raised by this mandate.



Michigan submitting a plan does not guarantee that EPA will accept the plan. On 52 occasions with previous regulations, the Obama administration has rejected state plans and turned them into federal plans—this happened a total of 7 times over the previous three administrations. There is a reason constitutional scholar and Obama mentor Laurence Tribe has said the rule relegates states to “marionettes dancing to the tune of a federal puppeteer.” History shows President Obama’s EPA will try to get what it wants, regardless of what the states think is best for their citizens.



Submitting a state plan is not a “model” for other states to follow, but a cautionary tale. EPA is luring state officials into signing away their rights to federal bureaucrats.





A state plan only provides the illusion of control. Instead of helping President Obama implement the rule, we believe the best approach is for states to reject state plans until the courts decide whether Obama even has the authority to impose his national energy takeover. For the sake of Michiganders and all Americans, it is worth the wait.

Sincerely,

- American Energy Alliance
- Mackinac Center for Public Policy
- Competitive Enterprise Institute
- Americans for Prosperity
- FreedomWorks
- Texas Public Policy Foundation
- Americans for Tax Reform
- Freedom Partners Chamber of Commerce
- MacIver Institute
- Montana Policy Institute
- Pelican Institute
- Buckeye Institute
- Mississippi Center for Public Policy
- James Madison Institute
- Palmetto Promise Institute
- Commonwealth Foundation
- Hispanic Leadership Fund
- Taxpayers Protection Alliance
- American Commitment
- National Black Chamber of Commerce
- 60 Plus Association
- Energy and Environmental Legal Institute
- Platte Institute for Economic Research
- Tea Party Patriots
- Federalism in Action
- State Budget Solutions
- Energy Makes America Great
- Campaign to Free America
- Americans for Limited Government
- Institute for Liberty
- Frontiers of Freedom
- National Center for Public Policy Research