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