

To: Streett, Mary [redacted]@bp.com]
From: Swink, Suzanne [/O=MSXBP/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/[redacted]]
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From: Stephanie Meadows [mailto:[redacted]@api.org]
Sent: Wednesday, November 09, 2016 10:53 AM
To: [redacted]@listserve.api.org ([redacted]@listserve.api.org)
Subject: Articles on What Trump Administration Might do on Energy and Environment

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For your information.

Stephanie

Trump To Nix Climate Regs, Boost Fossil Fuel Development

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Law360, New York (November 9, 2016, 2:40 AM EST) -- President-elect Donald Trump will look to roll back efforts by predecessor Barack Obama to combat climate change, putting a host of regulations on the chopping block while pushing for increased fossil fuel development and directing energy regulators to tread lightly, experts say.

Trump has pledged to rescind virtually every energy and climate initiative started by the Obama administration, from the [U.S. Environmental Protection Agency's](#) Clean Power Plan, which slashes greenhouse gas emissions from existing power plants, to regulations reducing methane emissions from oil and gas infrastructure, to the United States' participation in the landmark global climate change agreement that went into force Nov. 4.

Meanwhile, he's promised to open up more federal onshore and offshore areas to oil and gas drilling and revoke policies that would limit drilling techniques such as hydraulic fracturing and revoke the current moratorium on new federal coal leasing.

"He'd be all in with respect to more leasing of federal lands to development of onshore and offshore energy," said [K&L Gates LLP](#) partner Tim Peckinpaugh, who manages the firm's political action committee. "On the environmental front, he'd do anything he could to revoke any of the regulations perceived to be part of the war on coal, including the federal coal leasing moratorium and the stream protection rule."

Other regulations that will be on Trump's chopping block include the EPA and [U.S. Army Corps of Engineers'](#) controversial Clean Water Rule and the EPA's rule capping carbon emissions from new power plants. But rescinding a regulation isn't as simple as waving a hand and making it disappear, experts say.

"Stuff that's not final, he can deal with very quickly and decisively," Peckinpaugh said. "Stuff that's final, he'd have to go through a very laborious process in the form of issuing a new rule-making that would have the effect of rescinding the old one."

That includes the Clean Power Plan, which calls for existing power plants to slash their carbon emissions by 32 percent from 2005 levels by 2030, but whose legality is currently being challenged in the D.C. Circuit. The appeals court is expected to issue a decision early next year, and a conclusion that the rule is illegal as crafted would make rescinding it a far easier task than if the rule were upheld.

Trump has said he would remove federal regulatory barriers to increased coal, oil and gas production and fast-track energy infrastructure projects, including streamlined permitting for projects. And if there has been little mention of what Trump's renewable energy policies would be, there's a reason for that, experts say.

"He sees renewables as secondary to the discussion. He's focused on hydrocarbon fuels and sees that as the ticket to energy independence," Peckinpaugh said.

Virtually every significant energy policy enacted by the Obama administration came via executive action, and experts say Trump will likely pursue a similar route, perhaps even more aggressively than Obama did.

"A lot of folks are viewing the executive order process as an expedient way to move toward his policy agenda," Peckinpaugh said.

Trump could also use executive orders to undo climate change orders Obama issued, such as requiring federal agencies to reduce their greenhouse gas emissions and energy consumption, according to Rubin & Rudman LLP partner Bicky Corman, a former EPA deputy general counsel.

"There's a question whether these executive orders will remain intact," Corman said.

When it comes to selecting energy and interior secretaries, an EPA administrator and other regulators to help carry out his energy policies, Trump will look to install officials with a decidedly hands-off approach, experts say.

"He's going to be looking at people that don't like regulation," said [Holland & Knight LLP](#) senior policy adviser Beth Viola, who served on the White House [Council on Environmental Quality](#) during President Bill Clinton's administration and as an energy and environmental policy adviser to Vice President Al Gore and 2004 presidential candidate John Kerry.

One of Trump's primary energy advisers during his campaign was [Continental Resources Inc.](#) CEO Harold Hamm. The man leading Trump's transition team for the EPA is Myron Ebell of the free market think tank Competitive Enterprise Institute, who is a noted climate change skeptic.

"Look at his transition team: It's a who's who of establishment figures in the energy field," Peckinpaugh said. "They've had careers based on enunciating policies that relay on traditional fuels."

Trump's preference for executive action will occur regardless of which party controls Congress, given the way he clashed with senior Republican leadership during his campaign, according to Viola.

"If anything, he's going to demand certain things from the Congress," Viola said. "They're probably going to push back."

Trump's ability to pick federal judges could go a long way in helping cement his energy policies, experts say. The [U.S. Supreme Court](#) is currently split 4-4 along ideological lines, and Trump has said he'd like to appoint a ninth judge in the vein of the deceased Justice Antonin Scalia, a skeptic of broad executive power who took a highly critical view of energy and climate policies enacted by the Obama administration.

But for a president seemingly ready to embrace strong executive action to push his energy policies, picking a Justice Scalia clone doesn't come without some risks, Peckinpaugh said.

"Trump may perhaps outsmart himself if he were to pick a fifth justice who is a Scalia type and might slap his wrist for overstepping his executive powers," Peckinpaugh said.

--Editing by Katherine Rautenberg and Edrienne Su.