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Hawaii Attorney General Files Motion to Intervene on Behalf of EPA's Right to Regulate Greenhouse Gas Emissions from Existing Power Plants

HONOLULU – Hawaii Attorney General Clare E. Connors, joining a coalition of 30 states and local governments led by New York Attorney General Letitia James, filed a motion to intervene [\[LINK\]](#) on behalf of the federal government in order to defend the Environmental Protection Agency's (EPA's) authority to establish meaningful emission limits on greenhouse gases from power plants and other industrial sources. The intervention pushes back against industry challenges to EPA authority under section 111(d) of the Clean Air Act to limit these emissions.

"The EPA has clear authority to regulate greenhouse gas emissions," said Attorney General Connors. "Protecting that authority is critical to ensuring the states can make meaningful progress towards a healthier environment."

The motion to intervene, filed in cases brought against EPA by several coal mining companies and other industry interests, is separate and distinct from the action the state and municipal coalition took to initiate its ongoing multistate lawsuit against EPA over its roll-back of the Clean Power Plan, the first-ever nationwide limits on one of the largest sources of climate change pollution – existing fossil-fueled power plants. The EPA's proposed rule, the "Affordable Clean Energy"—aka the "Dirty Power Plan"—will have virtually no impact on these emissions, prolonging the nation's reliance on polluting, expensive coal power plants and obstructing progress of states toward clean, renewable, and affordable electricity generation. While the states in that lawsuit contend that the "Dirty Power Plan" rule change is unlawful and should be prevented from being implemented, the states do not contest that the EPA has the authority to limit greenhouse gas emissions from existing power plants. In fact, they challenge that it has the affirmative obligation to ensure that compliance with the Clean Air Act be based on the emissions reductions achievable through the "best system of emission reduction."

Joining Attorney General Connors in today's motion to intervene— filed in the US Court of Appeals for the District of Columbia Circuit – are the Attorneys General of California, Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, Nevada, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and the District of Columbia, and the chief legal officers of Boulder, Chicago, Denver, Los Angeles, New York City, Philadelphia, and South Miami.

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