

Subcommittee on Environment and Climate Change
Hearing on
“We’ll Always Have Paris:
Filling the Leadership Void Caused by Federal Inaction on Climate Change”
February 28, 2019

Ms. Carla Frisch, Principal, Rocky Mountain Institute

The Honorable John Shimkus (R-IL)

1. A number of legal scholars have argued that U.S. participation in the Paris Agreement may authorize EPA to pursue a broad range of greenhouse gas regulations under section 115 of the Clean Air Act (CAA). According to a forthcoming Columbia University [report](#) entitled *Legal Pathways to Deep Decarbonization in the United States*, these regulations could address industrial carbon emissions, agriculture, and even an economy-wide cap and trade system.
 - a. Do you believe the President’s formal “acceptance” of the Paris Agreement provides legal justification for regulation under CAA Section 115?

RESPONSE:

Formal “acceptance” of the Paris Agreement is essential to show the world that the United States is a leader on climate action. Supporting the Paris Agreement could provide significant economic opportunities. Reducing greenhouse gas emissions requires deployment and further development of clean energy technologies; we should put the U.S. in a position to take the lead on producing and exporting those clean energy technologies.

Regarding Clean Air Act Section 115, I am not a legal scholar and do not have a view on legal justification for regulation under CAA 115. Legal scholars have suggested multiple approaches for satisfying the reciprocity conditions of CAA 115, for example in this paper:

<http://columbiaclimatelaw.com/files/2016/06/Burger-et-al.-2016-01-Reduce-GHG-Emissions-Under-Section-115-of-CAA.pdf>

- b. Does the Rocky Mountain Institute support use of CAA Section 115, under the Paris Agreement, as a means to address greenhouse gas emissions?

RESPONSE:

Rocky Mountain Institute does not provide legal perspectives on regulations and does not advocate for particular policies. Rocky Mountain Institute supports use of all available tools to address climate change, including economy-wide greenhouse gas pricing and appropriate use of existing Clean Air Act authorities.

- c. If formal “acceptance” of the Paris Agreement does not provide legal justification for CAA section 115, do you believe Senate “ratification” of the Paris Agreement would constitute legal justification for regulation under this section of the Clean Air Act?

RESPONSE:

Rocky Mountain Institute does not provide legal perspectives on regulations and does not advocate for particular policies.