



Written by [Brian Koenig](#) on February 27, 2013

Coal Plants Likely the First Targets of Climate-change Executive Orders

In a contentious effort to bypass the Republican-led House of Representatives, President Obama has embarked on a unilateral campaign to curb the impact of so-called climate change, in what could be a potentially fatal blow to the coal industry. The president's new energy policy, and the forthcoming regulations that will accompany it, could in fact terminate all blueprints for new coal-fired plant facilities.



The president's apparent desire to bankrupt the coal industry is part of a two-step process. [According to](#) James McGarry, a policy analyst at the environmental activist group the Chesapeake Climate Action Network, the EPA "is probably going to set standards that any new power plant that's built in the U.S. has to achieve a certain carbon dioxide emissions rate per unit of energy produced."

Those likely standards, which will potentially be unveiled in the coming weeks, could stamp out all plans to build new coal-fired power plants. "That's huge, because just to look at the numbers, coal fired power plants emit around 2,200 pounds per megawatt hour where a new gas-fired, natural gas power plant is about 900 pounds per megawatt hour," McGarry notes. "So in order for any new coal to be built in the U.S. in 2013-2014, they would have to have some sort of carbon-capture technology, which at the moment is economically unrealistic."

In recent years, many Democrats in Congress have sought to increase regulations on coal plants and other conventional energy-production facilities. In 2009, House Democrats (who controlled the chamber at the time) passed a landmark climate change bill that was ultimately shot down in the Democratic-led Senate. And now with Republicans controlling the House, efforts to pass meaningful climate change legislation will be an even greater challenge.

President Obama is clearly adopting a new strategy — that is, to rule by executive order, circumventing Congress and bypassing the Constitution's restraints on presidential power, as he has already done on a range of issues, [including](#) a brazenly unconstitutional power to detain and indefinitely imprison Americans who have not been charged with any crime.

"If Congress won't act soon to protect future generations, I will," the president continued in his SOTU address. "I will direct my Cabinet to come up with executive actions we can take, now and in the future, to reduce pollution, prepare our communities for the consequences of climate change, and speed the transition to more sustainable sources of energy."

Many environmentalists weren't ecstatic with Obama's "green" performance in his first term, particularly with regard to legislation intended to reduce climate change. One of the most valuable assets to the climate-alarmist community was Environmental Protection Agency (EPA) head Lisa Jackson, who during her tenure unleashed a flurry of new EPA regulations, before she resigned from her post earlier this month. And while environmentalists were dismayed over Jackson's resignation, Obama's nomination of [Gina McCarthy](#) as Jackson's successor seems to indicate a vast expansion in the



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EPA's regulatory regime. As the *National Journal* [put it](#):

McCarthy, an Irish Catholic from Massachusetts with a thick South Boston accent, a ready sense of humor, and a tough-talking style, would come to the job after 30 years of working on environmental regulations at the state and federal level. During Obama's first term, as he and Jackson came under fire from Republicans for waging a "war on coal" by regulating power-plant emissions, it's been McCarthy who's done the real work of writing and rolling out rules. Some environmentalists have nicknamed her "Obama's green quarterback."

Furthermore, other environmental efforts the Obama administration has contemplated could add to the already damning regulatory burden on existing power plants. And Obama's energy agenda could be even more damaging if he, yet again, shrugs off TransCanada's Keystone XL oil pipeline, which would generate tens of thousands of jobs while decreasing Americans' energy dependence on corrupt Middle Eastern regimes.

While the economic impact could be immense, all this neglects to address the flagrantly unconstitutional use of unilateral action in enacting such regulations. As noted in [Article I, Section 1 of the U.S. Constitution](#), "All legislative powers herein granted shall be vested in a Congress of the United States." Note that the Constitution does not say some law-making powers should reside in Congress. Indeed, asserting that all legislative powers shall be vested in Congress seems to indicate that none is left for the president.

Of course, beyond the unconstitutionality of the president ruling in such a manner, Congress *neither* has the authority to legislate these federal regulations, as they violate the [Tenth Amendment of the Bill of Rights](#), which states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Meanwhile, lawmakers on both sides of the aisle are preaching Armageddon over the looming fiscal "sequester," which is slated to shave some [\\$85 billion](#) off the federal budget, or less than two percent of the overall budget. But the less visible casualties of Washington's political agenda are the regulatory burdens now streaming through the pipeline.

Eighty-five billion dollars off the federal budget spells global catastrophe, lawmakers and political pundits say. But they neglect to mention the [\\$100 billion](#) that the EPA's newly-enacted mercury policy will cost Americans every year — not to mention the billions of dollars more that will emanate from the Obama administration's hyper-regulatory, and explicitly illegal, environmental agenda.



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