



Regulatory Trim – The Presidential Executive Order on Promoting Energy Independence and Economic Growth

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On March 28, 2017, President Trump signed the Presidential Executive Order on Promoting Energy Independence and Economic Growth (the “Executive Order”). This Executive Order emphasizes the nation’s interest in promoting clean energy development and in ensuring safe, affordable, and clean electricity that is able to be produced from coal, natural gas, nuclear material, flowing water, and other domestic sources including renewable sources. The Executive Order notes the importance of the development of natural resources as essential to the nation’s geopolitical security.

The main crux of the Executive Order, however, is to set in motion certain steps to reevaluate current regulatory programs that unnecessarily burden energy development and economic growth. The Executive Order emphasizes the nation’s interest in avoiding these regulatory burdens “that unnecessarily encumber energy production, constrain economic growth, and prevent job creation.” (Executive Order, Section 1(a)).

What this means is that executive departments and agencies will soon be reevaluating existing regulations and agency actions that potentially burden the development or use of domestically produced energy resources. Once identified, the agencies are directed to “appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law.” (Executive Order, Section 1(c)).

There are three target dates by which agencies have to comply with the various requirements under this Executive Order. Within 45 days of the Executive Order, or by May 12, 2017, the agencies must submit to the Office of Management and Budget (“OMB”) its planned course of action for the review process. Within 120 days, or by July 26, the agencies must submit a draft final report to OMB detailing the specific actions taken by the agency that potentially burden the development or use of domestically produced energy resources. Finally, within 180 days of the Executive Order, the agencies must issue a final report which identifies its policies and regulations that burden energy production and hinder economic growth.

Also included in the Executive Order are directions to rescind certain energy and climate-related executive orders entered into under the previous administration, as well as directions to review the final rules set forth in the Environmental Protection Agency’s (“EPA”) Clean Power Plan for

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consistency with the new policy set forth in the Executive Order. (Executive Order, Section 4). If appropriate, the EPA is directed to suspend, revise, or rescind the Clean Power Plan, which sets forth emissions standards for coal plants.

The full impact of this Executive Order has yet to be seen, and the agencies are currently undergoing the review process. A likely outcome of this regulatory review and ultimate reformation, however, will be fewer regulations impacting industries relating to energy production and climate change.

See the full Executive Order here: <https://www.whitehouse.gov/the-press-office/2017/03/28/presidential-executive-order-promoting-energy-independence-and-economi-1>

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