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OF THE  
UNITED STATES OF AMERICA

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May 12, 2017

**VIA ELECTRONIC FILING**

The Office of Regulatory Policy and Management  
Office of Policy  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Mail Code 1803A  
Washington, DC 20460

**Re: Response to EPA's April 13, 2017, Request for Comments on Evaluation of Existing Regulations (Docket ID No. EPA-HQ-OA-2017-0190)**

The U.S. Chamber of Commerce (Chamber), the world's largest business federation representing the interests of more than 3 million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, offers these **supplemental** comments in response to Environmental Protection Agency's (EPA's) April 13, 2017, request to identify regulations that eliminate jobs or inhibit job creation, are outdated, impose costs exceeding benefits, create serious inconsistencies, or rely on data not publicly available or insufficiently transparent to meet the standard of reproducibility. The comments below are in addition to the comments that the Chamber filed on May 9, 2017.<sup>1</sup> The regulations identified in this submission are supplemental to our May 9, 2017, submission since they are regulations specifically identified by the President in Executive Orders and the Environmental Protection Agency has already initiated reviewing actions. The Chamber supports the administration's efforts as stated below.

**Additional Specific Regulations in Need of Reform**

**1. Clean Power Plan**

Following up on the March 28, 2017, "Promoting Energy Independence and Economic Growth" Executive Order, the EPA published an April 4, 2017, notice in the Federal Register that it will be conducting a review of the Clean Power Plan (CPP), which regulates greenhouse gas emissions from power plants. After 27 states and numerous other stakeholders, including the Chamber, challenged the CPP in court, the U.S. Supreme Court stayed the rule in February 2016.

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<sup>1</sup> These comments can be found at <https://www.uschamber.com/comment/comments-epa-evaluation-existing-regulations>.

Through a notice in the April 3, 2017, Federal Register, the EPA announced the withdrawal of the proposed federal plan to implement GHG emission guidelines for existing power plants, model trading rules, amendments to Clean Air Act 111(d) framework regulations, and proposed design details for the Clean Energy Incentive Program under the Clean Power Plan.

The Chamber has been active in several of the above rules, including filing comments in December 2014 on the proposed Clean Power Plan. The Chamber also filed comments on the other GHG related rules, including January 2016 multi-association comments on the proposed federal plan requirements for the Clean Power Plan and November 2016 multi-association comments on the proposed Clean Energy Incentive Program design details. Throughout these efforts, the Chamber has maintained that the CPP exceeds EPA's statutory authority under the Clean Air Act and would harm American jobs and the economy.

### **Recommended Action**

The Chamber supports the administration's March 28, 2017, executive order directing the EPA to review the Clean Power Plan and take further action, as necessary.

## **2. Waters of the United States (WOTUS)**

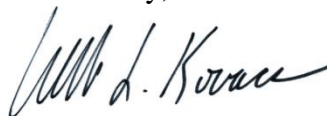
Since EPA's WOTUS rule is presently stayed by the courts and the administration has directed it to be reviewed, revised, or repealed, it is an appropriate time for the administration to clean up a regulatory mess that has been dragging on for decades. The administration should clearly differentiate between federal interstate waters and waters of the states. For more than 200 years, the federal government regulated interstate waterways and the states regulated intrastate waters. While that split may be too rigid, it is important that EPA's revised definition make clear that federal jurisdiction is limited to interstate waters and only those adjacent waters that directly flow into and adversely impact interstate waters. All other waters are waters of the state. This distribution of power keeps federalism alive and recognizes the important role of the states in environmental protection.

### **Recommended Action**

The Chamber supports the administration's February 28, 2017, executive order directing the EPA to review the WOTUS rule and recommends EPA issue a new rule.

The Chamber appreciates your consideration of these supplemental comments. If you have any questions, please contact me at 202-463-5533 or [wkovacs@uschamber.com](mailto:wkovacs@uschamber.com).

Sincerely,



William L. Kovacs