



Mary Fallin
Governor

FILED

APR 28 2015

OKLAHOMA SECRETARY
OF STATE

**EXECUTIVE DEPARTMENT
EXECUTIVE ORDER 2015-22**

I, Mary Fallin, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby provide policy guidance and direct the following actions by Oklahoma executive officials:

1. In 2013, President Obama directed the United States Environmental Protection Agency (EPA) to issue regulations regarding carbon pollution from existing power plants under Section 111(d) of the Federal Clean Air Act (Clean Air Act). He directed the EPA to issue a proposed rule by June 2014 and promulgate a final rule not later than June 2015.
2. On June 2, 2014, in response to this Presidential order, the EPA proposed a set of administrative rules designed to cut carbon emissions from existing power plants. These rules are commonly referred to by the federal agency as part of the Obama Administration's Clean Power Plan. This incredibly far-reaching regulatory scheme seeks to reduce carbon dioxide emissions from existing fossil fuel-fired power plants. EPA has historically interpreted its authority under the Clean Air Act as only being able to regulate emissions from power plants. However, the proposed regulations seek to go beyond that traditional authority and regulate all aspects of state energy systems. On December 1, 2014, I directed the Oklahoma Secretary of Energy and Environment to submit comments on behalf of Oklahoma opposing the proposed rules and specifically stated that "the proposed rule introduces unworkable barriers" and asked that the proposed rule "be withdrawn."
3. Similarly, Attorneys General from multiple states, including Oklahoma, have issued statements and scholarly papers stating that the proposed rules have numerous possible legal defects, each of which may provide an independent basis to invalidate the Clean Power Plan in its entirety.
4. If the proposed Clean Power Plan, Section 111(d) regulations are indeed finalized in June 2015, the final rule contemplates the development and submission of a State Implementation Plan (SIP) to ensure full compliance with the new federal mandates. Oklahoma stakeholders will have to be assembled to create a proposed plan. The development of such a SIP involves dozens of state and private entities and thousands of hours of study and negotiations. It is a massive undertaking and requires the commitment of untold amounts of financial and time resources.
5. If the Clean Power Plan is adopted in 2015, and Attorneys General are correct in their legal analysis, the EPA has exceeded its authority under the Clean Air Act to regulate carbon dioxide.

As Governor, I will not submit a Section 111(d) SIP to ensure Oklahoma's compliance with such a clear overreach of federal authority.

6. **I hereby prohibit** the Department of Environmental Quality from beginning efforts to develop a SIP related to carbon dioxide emissions from power generation sources under Section 111(d) of the Clean Air Act in response to the finalization of the Clean Power Plan rules. The development of a SIP may only proceed if such action is determined to be required by the Attorney General of Oklahoma or a court of competent jurisdiction. Additionally, such action may not begin absent express written authority of the Governor of Oklahoma.

7. **I further order** that if the Clean Power Plan rules are finalized by the EPA, that the Office of the Attorney General of Oklahoma immediately review such rules and publish on its website a white paper on the legal efficacy of such federal regulations. I would also respectfully request that the Attorney General take such action as is necessary to enforce the rights of the State of Oklahoma and its citizens from such federal actions as may impact the freedoms of its people.

This Executive Order shall be distributed to the Executive Director of the Department of Environmental Quality, the Office of the Attorney General of Oklahoma, and the Secretary of Energy and Environment, who shall cause the provisions of this Order to be implemented.

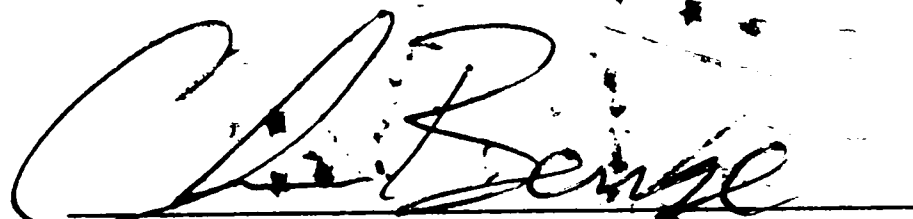
IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 28th day of April, 2015.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



MARY FALLIN

ATTEST:



SECRETARY OF STATE

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