

No Accord: Summarizing the U.S. Withdrawal from the Paris Climate Agreement

IN SHORT

The Situation: In a multinational effort to address climate change, nearly 200 countries adopted the Paris Climate Accord in late 2015. But in June 2017, President Donald Trump announced that the United States will cease implementing the provisions of the Paris Accord.

The Result: The United States will no longer observe emissions reductions pledges, and the Paris Accord's emissions reductions targets will likely not be used by the federal government to determine greenhouse gas policies.

Looking Ahead: Formal U.S. withdrawal will take approximately four years. Also, a coalition of states is considering climate change actions independent of federal regulations.

On June 1, 2017, President Trump [announced](#) that the "United States will cease all implementation" of the Paris Climate Accord. This *Commentary* provides a short summary of the impacts of President Trump's announcement.

What are the Impacts of Trump's Announcement?

As a result of President Trump's announcement, the United States will no longer take steps to execute the agreement, including by submitting emissions reductions pledges (which are published by the United Nations Framework Convention on Climate Change) or attending "stocktake" events with the other signatories. In addition, the emissions reduction targets from the Paris Accord are not likely to be used by the federal government as justification for greenhouse gas regulations or policy.

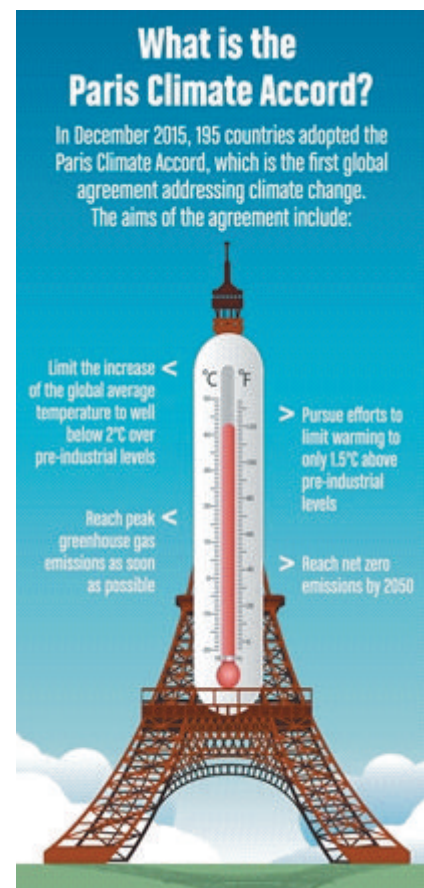
As an example, consider the Obama-era rule known as the [Clean Power Plan](#), a regulation that aims to reduce carbon dioxide emissions from existing power plants. The Obama Administration frequently pointed to the Paris Accord as evidence of the need for, and to provide context for the promulgation of, the Clean Power Plan. Pursuant to President Trump's March 2017 [Executive Order on Energy Independence](#) the United States Environmental Protection Agency ("EPA") is currently considering whether and how to suspend, revise, or rescind the Clean Power Plan.

The United States' withdrawal from the Paris Accord is a policy shift that may help EPA support any amendments it proposes for the Clean Power Plan, and reduce the ability of challengers to point to the Paris Accord as a reason why the Clean Power Plan should remain in place.

What Happens Next?

Formally withdrawing from the Paris Accord [will take time](#). Under Article 28 of the agreement, a party may withdraw by providing notice "at any time after three years from the date which this Agreement has entered into force," and "any such withdrawal shall take effect upon expiry of one year" from the notice. Thus, formal withdrawal will take approximately four years. In the interim, because the emissions reduction targets are voluntary, other participating countries will have little recourse if the United States does not adhere to its pledges.

As part of his announcement, President Trump vowed to "pursue a new deal that protects the environment, our companies, our



citizens, and our country." Private industry's position on the Paris Accord was not uniform—many companies [support the agreement](#), but others have noted that the measures required to meet the targets would be [too onerous](#).



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Although U.S. government policy will be less stringent, economic forces such as historically low natural gas prices and steadily decreasing costs for renewable power could combine to continue a gradual reduction in greenhouse gas emissions even in the absence of a U.S. commitment to the Paris Accord. Facilities in the countries that remain in the Paris Accord will, of course, continue to be subject to applicable greenhouse gas emissions reductions requirements in those locations.

Even in the United States, the rollback of climate change regulation at the federal level could result in increased regulation by some states. For instance, in response to President Trump's statement regarding the U.S. withdrawal from the Paris climate agreement, governors from California, New York, and Washington announced the formation of a [coalition](#) that "will convene U.S. states committed to taking aggressive action on climate change." Although the national strategy on climate change issues is shifting, the regulated community should continue to engage with their state and local regulators and communities regarding greenhouse gas emissions and climate change.

FOUR KEY TAKEAWAYS

1. Emissions reduction targets from the Paris Accord will likely not be used by the federal government as justification for greenhouse gas regulations.
2. The Trump Administration says it will pursue a new climate change agreement.
3. In response to the Paris Accord withdrawal, emissions standards could be addressed by authorities in some states.
4. Interested parties should continue to monitor evolving national and local policies for impacts on their operations.

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