



## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER #186

#### Relating to a Prohibition on Implementing EPA Regulations Pending Completion of Federal Judicial Review

**WHEREAS**, on August 3, 2015, the U.S. Environmental Protection Agency (EPA) announced a controversial and unlawful new rule under section 111(d) of the Federal Clean Air Act ("the 111(d) Rule"), imposing broad new requirements on state power plants; and

**WHEREAS**, on October 23, 2015, this rule was published in the federal register; and

**WHEREAS**, the 111(d) Rule sets up a new regulatory scheme that imposes burdensome new standards on power-plant emissions and demands that states either develop and submit a state plan for EPA approval or be forced to comply with a stringent federal plan, with the goal of meeting the EPA's emissions targets by shifting energy infrastructure away from fossil fuel to other sources; and

**WHEREAS**, the 111(d) Rule oversteps the EPA's authority to regulate emissions, yet another example of executive overreach by the federal government; and

**WHEREAS**, the State of Wisconsin joined a coalition of other states and state agencies challenging the 111(d) Rule in federal court and requesting that the Supreme Court of the United States impose an immediate stay; and

**WHEREAS**, on February 9, 2016, the Supreme Court granted a stay, which prohibits the EPA from implementing the 111(d) Rule pending completion of judicial review;

**NOW THEREFORE, I, SCOTT WALKER**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and laws of this State, do hereby:

1. Prohibit any state agencies, departments, boards, commissions, or other state entities, or any of their agents, from developing or promoting the development of a state plan in response to the finalization of the 111(d) Rule; and
2. Provide that this Order shall remain in effect until the expiration of the stay issued on February 9, 2016, by the Supreme Court of the United States.



By the Governor:

*Douglas La Follette*  
DOUGLAS LA FOLLETTE  
Secretary of State

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this fifteenth day of February in the year two thousand sixteen.

*Scott Walker*  
SCOTT WALKER  
Governor