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United States Senate
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510–6175

April 26, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt,

We strongly oppose the Environmental Protection Agency's (EPA) October 7, 2017 proposal to repeal the Clean Power Plan. The Clean Power Plan is a critical part of our national efforts to mitigate climate change. It was appropriately developed under EPA's Clean Air Act authority. Rescinding the Clean Power Plan ignores scientific evidence on the risks of climate change and puts generations of Americans at grave health and economic risk. EPA is considering a replacement for the Clean Power Plan that will increase traditional air pollution emissions – further endangering Americans' health. Your mission is to protect the American people from environmental risks like climate change, which is why we request that the Clean Power Plan remains in place.

For over forty years, the EPA has successfully used its authority under the Clean Air Act to address some of our nation's most pressing clean air issues, such as smog, soot, air toxics and acid rain pollution. Compared to 1970, our nation's air is much cleaner and safer today, but we still can and must do better for the health of the American people. Congress intentionally crafted the Clean Air Act to be flexible, allowing the EPA to address emerging air pollution problems without disrupting the economy. As a result, our nation has gained cleaner and healthier air all while growing the economy. Since 1970, aggregate emissions of common air pollutants have dropped by 73 percent, while the U.S. gross domestic product has grown by 253 percent. Overall, the Clean Air Act's benefits have outweighed costs of regulation by a margin of 30 to 1. Today, our nation faces yet another environmental problem – perhaps our most challenging air pollution challenge to date – in climate change. The Clean Air Act is one of the right tools to address this pressing air pollution issue.

The scientific evidence is clear; climate change is real and is a growing threat to all Americans. In 2009, EPA determined that six greenhouse gas pollutants may reasonably be anticipated to endanger public health or welfare. The agency also found that carbon dioxide is the "primary greenhouse gas emitted through human activities" and accounts for about "80.8% of all U.S. greenhouse gas emissions from human activities."1 This Endangerment Finding took

[1] https://www.epa.gov/climatechange/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a

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years to develop – building off of a Bush Administration proposal– and was issued only after the agency reviewed thousands of peer-reviewed scientific studies.[2]

Since 2009, scientific data about the existence and effects of climate change has only become more robust. Last summer, under the Trump Administration, NOAA released the State of the Climate report developed by 450 meteorologist scientists from over 60 countries. The report concludes that global temperatures are rising, and 2016 was the hottest year ever recorded. Sea levels and ocean temperatures are also rising, and there is more carbon dioxide pollution in the atmosphere today than in the past 800,000 years. The report also found growing evidence that climate change affects the intensity and frequency of weather events.[3]

Rising sea levels and extreme weather events are no longer a matter of debate. They have become the new normal, placing extreme burdens on the American people and economy. As we have seen most recently with Hurricanes Harvey and Maria, and with the wildfires in the West, the impacts of extreme weather and weather-related events are devastating not only in lives lost, but also in long-term economic impacts. NOAA has reported that since 1980, the costs of extreme weather events in the United States have exceeded $1.2 trillion. Individually, extreme weather events costing $1 billion or more have doubled (on average) in frequency over the past decade. In the past five years alone, extreme weather events have cost this country $425 billion. The federal government often has to pick up this tab for piecing together shattered homes, businesses, and infrastructure.

Beyond direct health impacts from extreme weather events, we are discovering other unfortunate ways that climate change threatens human health. Scientists and medical professionals link climate change to increased ground-level ozone and allergens in the air, deadly high temperatures, and to more pests in our food and water – all of which are having a negative impact on human health.[4] The Center for Disease Control and Prevention (CDC), warns, "[S]ome health impacts of climate change are already being felt in the United States," and that "[R]educing the release of heat-trapping gases like CO_2 [carbon dioxide] can help protect our health and wellbeing by decreasing impacts on our climate system."[5]

The public health and environmental risks of climate change are so great, it is clear EPA has a legal obligation under the Clean Air Act to address carbon pollution emissions. So far, the courts have agreed with this assessment. The U.S. Supreme Court stated in *Massachusetts v. EPA* that Congress intentionally drafted the Clean Air Act to allow the agency to adapt to "changing circumstances and scientific developments" such as climate change. After EPA issued the Endangerment Finding, it was unanimously upheld in a *per curiam* opinion from the U.S. Circuit Court of Appeals for the District of Columbia, and the U.S. Supreme Court declined your entreaties to review that decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas rules for mobile and stationary sources, including the emission guidelines established by the Clean Power Plan in August 2015.[6]

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[2] https://www.epa.gov/sites/production/files/2016-08/documents/endangerment_tsd.pdf
[3] http://www.ametsoc.net/sotc2016/StateoftheClimate2016_lowres.pdf
[4] https://nca2014.globalchange.gov/report/sectors/human-health
[5] https://www.cdc.gov/climateandhealth/pubs/air-quality-final_508.pdf
[6] https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean

Power plant carbon emissions must be reduced as part of a meaningful climate change mitigation strategy. In August 2015, the EPA finalized the Clean Power Plan to reduce carbon dioxide emissions from power plants, which are by far the nation's largest stationary sources of such emissions. EPA developed the Clean Power Plan pursuant to Section 111 of the Clean Air Act. Using a flexible, market-based system, the Clean Power Plan puts our nation's power plants on a fifteen-year glide path to reduce carbon dioxide emissions by a third from 2005 levels. In addition, the Clean Power Plan provides significant incentives for demand-side energy efficiency, which would result in lower electric bills for American households. Overall, this overdue federal policy will deliver climate and health benefits of up to $90 billion dollars, and reduce household energy prices by $85 a year.

The Clean Power Plan was not crafted in a vacuum. It reflects concerns, input and priorities of the states, the electric power sector and the public at large. The Plan went final only after an unprecedented two-year outreach and engagement process with states and stakeholders, and after thoughtful consideration of the 4.3 million comments submitted during the formal notice and comment process. The Clean Power Plan provides long-term certainty for our nation's power sector. It also enables the more than two-dozen states with policies that either limit power sector carbon dioxide emissions, or expand use of renewable energy, to easily integrate their policies into a national program.

EPA could have produced a more draconian carbon reduction plan than the Clean Power Plan. However, EPA concluded that a market-based system to reduce carbon dioxide emissions—using emission-reduction techniques already widely deployed in the power sector—was the "best system of emission reduction" for coal-fired power plants as required by Section 111. We agree with that assessment. We were pleased to see the Clean Power Plan reflect reasonable and flexible carbon pollution emissions rates for fossil fuel power plants individually, and on a state-by-state basis.

The power sector is well on its way to meeting the Clean Power Plan's emission limits. According to the Energy Information Administration, carbon dioxide emissions from the power sector in 2017 have decreased more than 27% from 2005 levels. At the same time, household electricity prices are also decreasing.

Yet, instead of spending time and resources building on this success, EPA, under your leadership, is choosing to wage a war on climate science and proposing to repeal the Clean Power Plan. Repealing the Clean Power Plan only provides greater uncertainty for the power industry and puts our communities at further risk from the impacts of climate change. Repealing the Clean Power Plan means that Americans will never realize its numerous health and economic benefits. Repealing the Clean Power Plan also means the EPA is walking away from its clear obligation to address climate change.

Adding insult to injury, your agency is considering replacing the Clean Power Plan with regulations that will not reduce power sector carbon emissions. Worse, they will likely increase electricity costs and the emissions of traditional air pollutants, such as sulfur dioxide. Scientists at Harvard's School of Public Health and other universities recently estimated that if EPA focused solely on an "inside the fenceline" approach, as proposed in the agency's 2017

Advanced Notice of Proposed Rulemaking (ANPRM), sulfur dioxide emissions would increase by 3% and result in premature lives lost, compared to reference case.[7] In addition, EPA now proposes to scrap the use of low-costs energy efficiency measures as a way to reduce carbon emissions. It is difficult to compare the weak ANPRM with the Clean Power Plan, which will save up to an estimated 4,500 lives annually and reduce household electricity bills by $85 a year. It would be a tragedy for the agency to shirk its legal obligation to act on climate change and exacerbate other environmental and health threats. That is why we request that you abandon plans to proceed with the Clean Power Plan ANPRM.

Rather than scrapping forward-looking standards, we should be looking at ways to continue to drive American innovation toward a clean energy future. America should be a global leader in this new energy revolution, not a laggard. We believe the Clean Power Plan – with its long-term certainty and flexible structure – is the federal policy that moves us in the right direction and fulfills the agency's legal and scientific obligations to address climate pollution. The Clean Power Plan should stay intact and be allowed to join the ranks of the Acid Rain program and Cross-State Air Pollution program as yet another Clean Air Act success story.

As we continue to hear from our constituents and local and state officials on this matter, we will likely have additional comments for you in the future on this issue. If you or your staff have questions about this letter, your staff is encouraged to contact Laura Gillam of Senator Carper's Environment and Public Works Committee staff at laura_gillam@epw.senate.gov. We also request that this letter be added to the docket under EPA-HQ-OAR-2017-0355, Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units.

We appreciate your prompt attention to our requests.

Sincerely yours,

Thomas R. Carper
Ranking Member

Bernard Sanders
United States Senator

Sheldon Whitehouse
United States Senator

Jeffrey A. Merkley
United States Senator

[7] https://chge.hsph.harvard.edu/replacing-clean-power-plan-%E2%80%9Cinside-fence-line%E2%80%9D-alternative-would-do-more-harm-doing-nothing

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United States Senator

Cory A. Booker
United States Senator

Edward J. Markey
United States Senator

Tammy Duckworth
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