

## **Testimony of John Bullock, Legal Fellow, Environmental Defense Fund, at Public Meeting on the Proposed Repeal of Carbon Pollution Guidelines for Existing Stationary Sources: Electric Utility Generating Units**

**Wilmington, DE**

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My name is John Bullock and I am a Legal Fellow with Environmental Defense Fund, a non-profit environmental organization with more than two million members and supporters, including over 6,700 members and activists in Delaware. Today I am speaking in support of the Clean Power Plan because it will yield enormous public health and environmental benefits for families and communities in all parts of the country, hasten the transition towards a clean energy economy, and improve the lives of millions of Americans.

- Repealing the Clean Power Plan would be deeply harmful to the health and well-being of communities across the country. EPA has a legal and moral responsibility to protect Americans from air pollution that destabilizes our climate and damages our health. But instead of fulfilling its obligation, EPA's proposal to repeal the Clean Power Plan—especially without committing to any meaningful replacement—would put more Americans in danger.
- EPA's proposed repeal of the Clean Power Plan would harm communities that are in the shadow of, or downwind from high-polluting power plants, costing thousands of American lives and increasing the risk of asthma attacks, heart attacks, and other harmful health impacts for some of the most vulnerable Americans. Just last week, Delaware [announced](#) that it was sending four Notice of Intent to Sue letters to EPA, because the agency has failed to combat harmful ozone-forming pollution from upwind states in the region. According to those notices, over 90 percent of the ozone in Delaware originates in upwind states.
- Even in its new proposal, EPA itself recognizes that repealing the Clean Power Plan could have devastating health impacts nationwide, including as many as 4,500 additional deaths from air pollution each year, as well as 90,000 additional childhood asthma attacks and hundreds of thousands of lost school and work days.
- We are also deeply concerned that EPA is proposing its harmful repeal of this protection without providing Americans across the country an adequate opportunity to present their views.
- When EPA proposed the Clean Power Plan, it held four public hearings in different regions of the country, in addition to eleven public listening sessions that preceded the proposal. All of these opportunities to provide the agency with input occurred before the close of the comment period. Before repealing the Clean Power Plan—and depriving Americans of its health and climate benefits—EPA owes the American people at least that level of outreach. To date, EPA has only held a single public hearing, and has announced—but not set dates for—three additional listening sessions, which may take place after the close of the comment period on January 16.
- EPA has ignored the requests for additional public hearings that were filed on behalf of millions of Americans who would be directly impacted by the proposed repeal of the Clean Power Plan. These include requests from at least eight states and five cities, as well as dozens of organizations representing people and communities who are on the front lines of climate change and suffer from harmful power plant pollution on a daily basis. We urge EPA to respond to these requests by providing at least the same level of opportunity for public hearings and listening sessions that it provided when it was developing the Clean Power Plan.

- EPA's recent publication of an advance notice that solicits information on a possible replacement rule does nothing to change or mitigate the enormous damage that will be caused by this repeal. The notice merely reinforces what many have suspected all along; EPA does not have a plan for a meaningful replacement of the Clean Power Plan. And EPA has continued to leave open the possibility that it will not replace the Clean Power Plan at all.
- Just weeks ago, the Trump Administration released the latest Climate Science Special Report. This report is the product of years of work by many of America's top scientists, and all of its findings have survived rigorous fact-checking and peer review. Its conclusion is clear: climate change is accelerating, and the risks to America are growing more severe. And communities across the country are seeing these risks firsthand. In the last few months, lives were overturned by hurricanes in Texas, Puerto Rico, and Florida. Wildfires inflicted untold damage to lives, property, and the environment across the West, from California to Montana. These are the kinds of events that are becoming more intense and frequent with climate change.
- The Clean Power Plan will also help leverage one of the most promising sources of new jobs and economic opportunities in America—clean energy. The United States clean energy sector is now a rapidly growing, \$200 billion industry employing more than 3 million people. These benefits are spread all across America. According to the American Wind Energy Association, wind manufacturing jobs are now located in forty-three states. Seventy percent of wind farms are located in low-income counties.
- EPA's proposal to repeal wrongly concludes that the Clean Power Plan's best system of emission reduction (commonly referred to as the BSER) is unlawful.
  - The Clean Power Plan's BSER reflects common-sense, cost-effective approaches used for decades by the power sector to reduce carbon pollution.
  - This system does not conflict with the broad language of section 111 or other provisions of the Clean Air Act.
  - And legal experts, former republican EPA Administrators, as well as Delaware's Attorney General and the Attorneys General of 17 other states stood up in court to defend the lawfulness of this system.
- Finally, EPA's sparsely written proposal fails to consider or explain its departure from the enormous factual record that EPA compiled when promulgating the Clean Power Plan. And EPA entirely fails to explain how its new interpretation comports with the unique characteristics of carbon pollution that is generated by the power sector.
- This Administration has repeatedly shown a disregard for EPA's core mission of protecting the health and welfare of regular Americans, while also repeatedly flouting basic legal requirements governing agency action. I strongly urge that EPA change course, hold more public hearings on this matter, and reverse its efforts to repeal the Clean Power Plan.
- Thank you for the opportunity to speak today in support of the Clean Power Plan. We appreciate your leadership in protecting the people of Delaware from harmful pollution, and we ask that you take legal action to protect these vital safeguards in the event that EPA finalizes its repeal of the Clean Power Plan. Thank you.