



October 30, 2017

**SUBMITTED VIA REGULATIONS.GOV**

Administrator Scott Pruitt  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**RE: Request by Environmental Defense Fund for a Public Hearing on the Proposed Repeal of the Clean Power Plan, EPA-HQ-OAR-2017-0355**

Dear Administrator Pruitt:

On behalf of our over two million members and supporters, Environmental Defense Fund (EDF) respectfully requests public hearings on the proposed repeal of the Clean Power Plan<sup>1</sup> – America’s only nation-wide limit on climate-destabilizing pollution from existing fossil fuel-fired power plants. Your proposed repeal of this vital safeguard would abandon EPA’s fundamental legal obligation to protect the public from this pollution, and would expose communities across the country to greater risk of climate disruption. It would also cost thousands of American lives and harm public health in myriad other ways. A public hearing – which the Clean Air Act requires you to convene<sup>2</sup> - will provide an essential forum for us, our members, and the public to raise concerns related to this deeply harmful and reckless proposal.

The Clean Power Plan is the most important step that America has taken to address the urgent threat of climate change, which is already having severe and worsening impacts on Americans’ health and welfare. Americans across the country are reeling from deadly storms, flooding, and wildfires exacerbated by climate change. The impacts of climate change—

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<sup>1</sup> Repeal of Guidelines for Existing Stationary Sources: Electric Utility Generating Units, 82 Fed. Reg. 48,035 (Oct. 16, 2017).

<sup>2</sup> 42 U.S.C. § 7607(d)(5).

including extreme weather, spread of disease, sea level rise, increased food insecurity, among other harms—can cost businesses, families, governments and taxpayers hundreds of billions of dollars through rising health care costs, destruction of property, increased food prices, and more.<sup>3</sup> The Clean Power Plan is an eminently achievable step to reduce climate-destabilizing pollution from our nation’s largest stationary source of this pollution—as EPA is required to do under the Clean Air Act. EPA’s 2015 analysis of the final Clean Power Plan showed it would annually avoid up to 3,600 deaths, 90,000 childhood asthma attacks, and 300,000 missed school and work days.<sup>4</sup> Moreover, the Clean Power Plan would drive continued growth in the nation’s vibrant clean energy industry, which is already delivering well-paying jobs and broad-based economic opportunities in communities in red and blue states alike.<sup>5</sup> The proposed repeal of this common sense measure would also be contrary to the will of Americans - who overwhelmingly support strict limits on power plant carbon pollution.<sup>6</sup>

It is essential that the public have an ample opportunity to provide input on such a momentous and destructive action. Prior to issuing the proposed Clean Power Plan in 2014, EPA engaged in extensive outreach to the public to solicit ideas and input on the design of a program to reduce carbon pollution from the power sector. EPA held eleven listening sessions<sup>7</sup> across the country and heard from hundreds of stakeholder groups, including states, power companies, labor unions, nongovernmental organizations, consumer groups, industry and others. After the release of the proposed Clean Power Plan, EPA held four, two-day public hearings on the proposal which accommodated hundreds of members of the public who wished to speak about the proposal.<sup>8</sup> EPA also held a series of webinars<sup>9</sup> during the proposal and after finalization of the Clean Power Plan, continuing the Agency’s commitment to working with stakeholders. This process stands in stark contrast to the total absence of public hearings that preceded your proposed action.<sup>10</sup>

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<sup>3</sup> See Government Accountability Office, *Climate Change: Information on Potential Economic Effects Could Help Guide Federal Efforts to Reduce Fiscal Exposure* 20 (Sept. 2017), available at <https://www.gao.gov/assets/690/687466.pdf>.

<sup>4</sup> EPA, *Clean Power Plan by the Numbers* (Aug. 2017), available at

<https://19january2017snapshot.epa.gov/sites/production/files/2015-08/documents/fs-cpp-by-the-numbers.pdf>.

<sup>5</sup> See Environmental Entrepreneurs, *Opportunity Lost: How Rolling Back the Clean Power Plan Hurts America’s Economy* 2 (June 2017), available at <https://www.e2.org/wp-content/uploads/2017/06/FINAL-CPP-jobs-report-6.21.17.pdf>.

<sup>6</sup> Yale Program on Climate Change Communication, *Yale Climate Opinion Maps – U.S. 2016*,

<http://climatecommunication.yale.edu/visualizations-data/ycom-us-2016/?est=happening&type=value&geo=county>.

<sup>7</sup> US Environmental Protection Agency, Press Release, September 30, 2013. Available at:

<https://yosemite.epa.gov/opa/admpress.nsf/0/58F7B2A02AC26EA885257BF6006B6908>

<sup>8</sup> US Environmental Protection Agency, Press Release, July 28, 2014. Available at:

[https://archive.epa.gov/epapages/newsroom\\_archive/newsreleases/753ffbcc1748ced385257d23004777f8.html](https://archive.epa.gov/epapages/newsroom_archive/newsreleases/753ffbcc1748ced385257d23004777f8.html)

<sup>9</sup> US Environmental Protection Agency, “EPA Clean Power Plan Webinars” Website, available at:

<https://archive.epa.gov/epa/cleanpowerplantoobox/epa-clean-power-plan-webinars.html>

<sup>10</sup> Eric Lipton and Lisa Friedman, E.P.A.’s Chief’s Calendar: A Stream of Industry Meetings and Trips Home, NY Times, Oct. 3, 2017, <https://www.nytimes.com/2017/10/03/us/politics/epa-scott-pruitt-calendar-industries-coal-oil-environmentalists.html>.

For these reasons, we request a public hearing under section 307(d)(5) of the Clean Air Act on your proposed repeal of the Clean Power Plan. We emphasize that this hearing must provide a *meaningful* opportunity for public participation, just as EPA afforded on the proposed Clean Power Plan. We therefore request that you hold multiple public hearings in the same locations as the hearings on the proposed Clean Power Plan (held in Pittsburgh, Atlanta, Denver, and Washington, DC), as well as in communities that are on the front lines of climate change and suffering the harmful health impacts of power plant pollution on a daily basis. This approach would allow for broad participation by the millions of Americans in every region of the country who would be affected by your proposal to repeal America's only nation-wide limits on carbon pollution from existing power plants.

Respectfully submitted,

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