

**Congress of the United States**  
**Washington, DC 20515**

October 4, 2018

The Honorable Andrew Wheeler  
Acting Administrator  
Environmental Protection Agency (EPA)  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Acting Administrator Wheeler:

As members of the Safe Climate Caucus, we write to you with serious concerns regarding the EPA's proposed rule to replace the Clean Power Plan, the so-called Affordable Clean Energy rule. An abundance of scientific evidence, including your agency's own analysis, indicates that the proposed rule will increase emissions of dangerous pollutants, including those that contribute to global climate change, and have negative effects on public health, causing up to 1,630 more deaths per year. With the dangers it presents to the environment and public health, we urge you to pull the rulemaking.

As directed by the Supreme Court in *Massachusetts v. EPA*, EPA analyzed and found that greenhouse gas emissions endangered the public health and welfare of current and future generations. Required to mitigate that finding, EPA consequently finalized the Clean Power Plan in 2015 to set the first ever national limits on carbon pollution from power plants, which, at the time, were the nation's largest source of emissions. That plan would have resulted in a 32 percent reduction in greenhouse gas emissions by 2030. It was designed to regulate power plant emissions on a sector-wide and state-wide basis, which would help incentivize a shift away from dirty energy sources and toward lower-emitting sources while maintaining flexibility for states to choose the most cost-effective methods for power generation.

Conversely, the Affordable Clean Energy rule would do almost nothing to curb carbon emissions from the power sector. It could lead to increases rather than reductions of carbon dioxide emissions by requiring heat rate improvements to increase the efficiency of individual power plants. States can set weak standards, or even require no emissions reductions at all. The rule also modifies the protections afforded by the New Source Review (NSR) program, ensuring that the dirtiest power plants could run for more hours per day, more months per year, and could extend the life of these plants by, potentially, decades, rather than replacing them with cleaner, safer, more modern energy choices. Further, there are several additional "within the fence line" emission reduction strategies mentioned in the rule—such as co-firing with natural gas or using carbon capture, utilization and storage—which are barely elaborated upon. As written, this approach fails to uphold the EPA's legal requirement under the Clean Air Act to set limits for pollution reduction achievable through the "best system of emission reduction."

Beyond a failure to address greenhouse gas emissions, the anticipated public health consequences of the Affordable Clean Energy Rule are striking. The rule would result in increased pollution from nitrogen oxide, sulfur dioxide, mercury, and other harmful pollutants, creating health burdens that would fall disproportionately on low-income communities and communities of color. The health impacts of the proposal extend deep into the power sector. The proposal's NSR exemptions for coal fired power plants extend to other facilities – even for projects at older fossil power plants that are extending their facility life for reasons unrelated to ACE compliance. The EPA's own analysis estimates that the rule could lead to as many as 1,630 premature deaths annually by 2030 due to an increase in the particulate matter and ozone, not to mention the non-fatal problems such as up to 15,000 new cases of upper respiratory problems, and ten thousand missed school days. By comparison, the existing rule could *prevent* between 1,500 and 3,600 premature deaths per year by 2030.

At a time when the world is facing record heat waves and droughts, wildfires and hurricanes of unprecedented size and frequency, rising sea levels, and a surge in other extreme weather patterns, it is unthinkable that the Administration would propose regulations which will exacerbate the impacts of climate change and risk the welfare of the American people. The Clean Power Plan was a crucial step toward reducing the deadly climate-changing pollution produced by power plants. We urge you to side with the 70 percent of Americans who support strict limits on carbon pollution of existing power plants, and abandon plans to replace the Clean Power Plan with a plan that worsens the American public's health and welfare. If you will not rescind the Affordable Clean Energy Rule, we request that at the very minimum you allow for additional public hearings and time for the public to comment.

Sincerely,



ALAN LOWENTHAL  
Member of Congress



DONALD S. BEYER JR.  
Member of Congress



DEBBIE WASSERMAN SCHULTZ  
Member of Congress



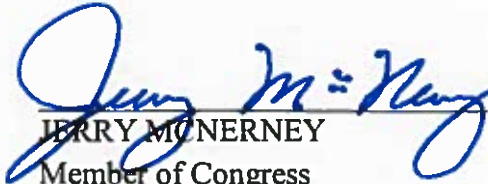
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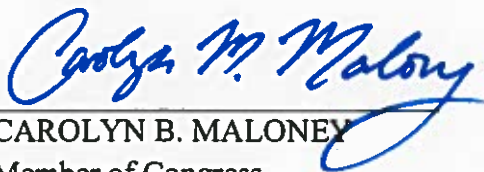
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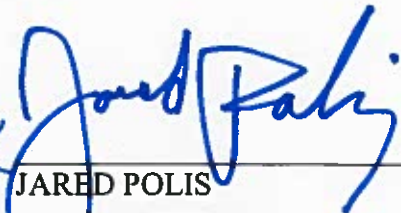


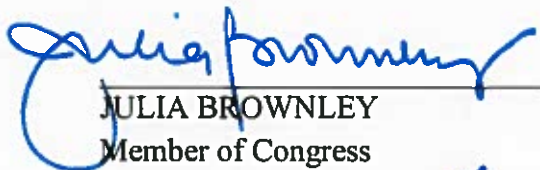
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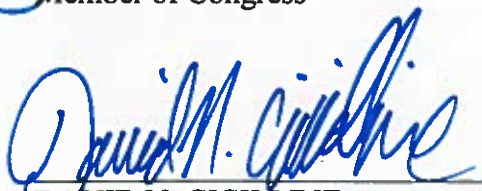
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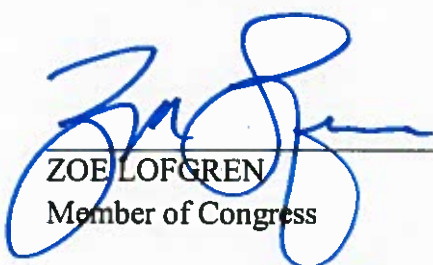
  
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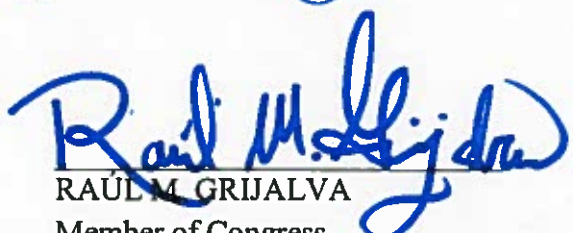
  
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