

## Testimony of Lance Bowman, Environmental Defense Fund

### *Public Hearing on the Affordable Clean Energy (ACE) Proposal to Replace the Clean Power Plan*

Chicago – October 1, 2018

Thank you for the opportunity to testify today. My name is Lance Bowman, and I'm a legal fellow at Environmental Defense Fund.

On behalf of our more than two million members and supporters, EDF urges EPA to withdraw its unlawful and destructive proposal to roll back the Clean Power Plan. In stark contrast to the Clean Power Plan, the proposed rule fails to place any meaningful limits on climate pollution from existing power plants — abandoning EPA's fundamental legal obligation to protect the public from climate pollution.

The results for our climate and our health would be disastrous. According to EPA's own analysis, the proposed rule would cause up to 1,630 additional premature deaths from air pollution by 2030 relative to the Clean Power Plan. It would cause tens of thousands of childhood asthma attacks and more than 100,000 missed school and work days each year. And the cumulative increases in carbon pollution resulting from this proposed rule through 2030 would be approximately 863 million tons — an amount equivalent to the annual pollution of almost 168 million cars.

This deeply damaging proposal comes at a time when the consequences of climate change have never been more apparent or more urgent. Just over the past few months, we've witnessed catastrophic wildfires in the West exacerbated by excessively hot, dry conditions [linked to climate change](#). [Warmer temperatures fueled record rainfalls](#) from Hurricane Florence last month in North Carolina and from Hurricane Harvey last year in Texas. As these events — and many others — demonstrate, climate change is harming communities across America.

The Clean Power Plan set cost-effective and achievable limits on climate pollution from power plants — helping protect our communities against the threat of climate change by employing proven measures that states and power companies have long used to reduce climate pollution. In recent years, climate pollution from the power sector has fallen at an even faster rate than the Clean Power Plan anticipated, showing that — if anything — more ambitious reductions in carbon pollution are readily achievable.

Yet this administration's proposed rule ignores the tools that industry is already using successfully to reduce pollution. The proposal would achieve only meager pollution reductions — or possibly no reductions at all. This approach cannot plausibly satisfy EPA's legal obligation to choose the "best" system of emission reduction.

In addition to undermining the Clean Power Plan, EPA has used this proposal as a Trojan horse for other actions that would expose our communities to more pollution. In particular, EPA has proposed significantly weakening the New Source Review program — a crucial Clean Air Act protection that helps ensure that power plants are as clean as possible when they are newly built or undergo modifications. Under EPA's proposal, power plants could now undertake major modifications that increase their emissions of health-harming pollutants that contribute to soot and smog — all without implementing modern pollution controls.

Unfortunately, this proposal is just one of several assaults that this administration has launched on the health and safety of Americans just in the last few weeks. Since August, EPA has proposed to roll back climate pollution standards for passenger cars and trucks, prohibit California and twelve other states from implementing their own clean cars standards, and weaken standards for methane leaks from new and modified oil and gas facilities. And just yesterday, press reports indicated that EPA is putting the finishing touches on a proposal to roll back protections that required power plants to control mercury, arsenic, acid gases and other harmful pollutants for the first time – protections that are saving thousands of lives each year and have generated billions of dollars in health benefits.

Thank you for the opportunity to testify. We urge EPA to hold more hearings, especially in communities hardest hit by climate change, to hear from those who will be hurt the most by this proposal and who cannot be represented here today. And we reiterate our request that EPA extend the comment period to give the public a meaningful opportunity to weigh in. A 61-day comment period is completely inadequate for such a multifaceted and consequential proposal and is significantly shorter than the comment periods EPA provided when proposing the Clean Power Plan and even when proposing to repeal it. But above all, we urge EPA to abandon this unlawful and deeply harmful proposal.