

Environmental Defense Fund
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Testimony for EPA Public Hearing on Proposed Repeal of Carbon Pollution Emission
Guidelines for Existing Stationary Sources: Electric Utility Generating Units
New York, NY
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My name is Elizabeth Stein. I'm a fourth generation New Yorker and an attorney at Environmental Defense Fund, a non-profit and non-partisan environmental organization headquartered in New York City, with more than 166,000 members and activists in New York. I have lived in Harlem since 2005. Two members of my household suffer from asthma, a condition that can be exacerbated by ozone and particulate matter pollution.

My colleague, EDF Attorney Ben Levitan of Kentucky, provided comments in the November 28, 2017 EPA Public Hearing in Charleston, W.V. Like him, I respectfully speak in support of the Clean Power Plan. In addition to yielding profound public health and environmental benefits for families and communities in all parts of the country, and improving the quality of life of millions of Americans, the Clean Power Plan will serve as an economic driver, powering the economy into a cleaner energy future that all other major industrialized nations recognize as essential to achieve.

We are 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. 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. The Clean Air Act requires EPA to provide a meaningful opportunity for public hearings as well.

Yet the November public hearing in West Virginia was the only public hearing scheduled by EPA in connection with this proposed repeal. The EPA continues to ignore requests for additional hearings that were filed on behalf of millions of Americans who would be directly affected by the proposed repeal of the Clean Power Plan, and who deserve the same chance to have their voices heard as those participated in the hearing in West Virginia. Additional listening sessions have been announced in additional states (California, Wyoming, and Missouri), but those have not yet been scheduled — and even including these sessions, the EPA continues to decline to hear the voices of the tens of millions people in the northeast, who are hit especially hard by air pollution and climate change. I want to take this opportunity to thank NY Attorney General Eric Schneiderman and New York City Mayor Bill DeBlasio for providing this much needed opportunity for public comment concerning the proposed repeal of the Clean Power Plan.

Repealing the Clean Power Plan would be deeply harmful to the health and well-being of communities nationwide. EPA has a legal and moral responsibility to protect Americans from air pollution that destabilizes our climate and damages our health. 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.

When EPA issued the Clean Power Plan in 2015, it estimated that the plan would create \$54 billion in annual benefits.ⁱ Subsequent analysis from New York University's Institute for Policy Integrity concludes that compliance with the Clean Power Plan has become dramatically cheaper as a result of the plummeting costs of clean energy.ⁱⁱ A June 2016 analysis by M.J. Bradley & Associates, which used the same model and methodology as the EPA, but with updated information, found that compliance would be 84% less costly than the original EPA estimates from 2015.ⁱⁱⁱ These are just two of the many analyses of the CPP completed since 2015 that highlight the economic benefits of the Clean Power Plan.

In late 2017, the Trump Administration released the latest Climate Science Special Report.^{iv} 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 stark: climate change is accelerating, and the risks to America are growing more severe. 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. Here in New York, we are seeing the kinds of events that become more intense and frequent with climate change with increasing frequency, most memorably in the case of Hurricanes Irene and Sandy. Climate change also increases the frequency of extreme winter weather events, including major snowstorms – New Yorkers of my generation marvel at the frequency of snow days compared to when we were in school, but this is consistent with the increase in major precipitation events in general, and snow storms in particular, that New York has experienced in our lifetimes. Of the six heaviest snowfalls ever recorded in New York City, half have occurred during the lifetime of my oldest child, who turns 15 today.^v Climate change may even contribute to extreme cold events of the type we have recently experienced, because a warming Arctic may weaken the jet stream, allowing polar air to penetrate further south than normal.

EPA’s proposed repeal of the Clean Power Plan would also harm people’s health in communities that are in the shadow of or downwind of 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. EPA itself recognizes in the proposed rule that repealing the Clean Power Plan could lead to 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. New York City is a case in point: We are the only northeastern city that the American Lung Association has ranked among the “most polluted” for ozone, and air pollution from upwind power plants burning coal is a significant contributor to this dubious distinction.^{vi} A recent study found that 2,700 annual premature deaths could be tied to PM and ozone pollution in the city.^{vii}

The Clean Power Plan will 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. And wind developers pay \$222 million a year for leases to U.S. farmers, ranchers and other rural landowners.^{viii}

Repealing the Clean Power Plan would threaten these opportunities, without yielding any benefits for coal communities. As market analysts have been saying for years, and as confirmed in a report issued by the Department of Energy in August 2017, coal-fired power generation and coal mining jobs have been declining primarily because of market forces including competition from low-cost natural gas and increased automation – not climate and clean air protections. Rather than tear down climate and clean air protections that benefit all Americans, we need to find real solutions that ensure the clean energy economy brings jobs and economic prosperity to coal communities. All Americans – including Americans living in coal-producing regions – deserve to enjoy healthier air and a safer climate, and to share in the benefits of the clean energy economy.

Thank you for giving me the opportunity to speak today in support of preserving the Clean Power Plan. Again, we urge EPA to retain the Clean Power Plan and hold more hearings so that more Americans can share their views.

ⁱ Regulatory Impact Analysis for the Clean Power Plan Final Rule, October 23, 2015, EPA, <https://19january2017snapshot.epa.gov/sites/production/files/2015-08/documents/cpp-final-rule-ria.pdf>

ⁱⁱ The Falling Costs of Clean Power Plan Compliance, NYU Institute for Policy Integrity, October 2017, http://policyintegrity.org/files/publications/Falling_Cost_of_CPP_Compliance.pdf

ⁱⁱⁱ <http://www.mjbradley.com/reports/modeling-analysis-epas-clean-power-plan>

^{iv} Climate Science Special Report, Fourth National Climate Assessment (NCA4), Volume I, <https://science2017.globalchange.gov/>

^v Weekend Storm is Second on List of Five Snowiest Blizzards in NYC History – Just Short of the Record, *NY Daily News*, Jan. 24, 2016, <http://www.nydailynews.com/new-york/5-snowiest-blizzards-new-york-city-history-article-1.2507123>

^{vi} American Lung Association, While Air Quality in NYC Continues to Improve, Lots of Failing Grades Issued in the 2016 State of the Air Report, <http://www.lung.org/local-content/content-items/about-us/media/press-releases/while-air-quality-in-nyc.html?referrer=https://www.google.com/>; Nenad Aleksic, John Kent, and Chris Walcek, Ozone Concentrations in Air Flowing Into New York State, *Atmospheric Environment*, September 2016 (abstract at <http://www.sciencedirect.com/science/article/pii/S135223101630526X>)

^{vii} Sarah Crean, While Improving, City's Air Quality Crisis Quietly Persists, *Gotham Gazette*, June 19, 2014, <http://www.gothamgazette.com/index.php/government/5111-while-improving-quiet-crisis-air-quality-persists-new-york-city-asthma-air-pollution>

viii U.S. Wind Power Jobs Hit Record, Up 20 percent in 2016

<https://www.awea.org/MediaCenter/pressrelease.aspx?ItemNumber=8736>