

**Statement of U.S. Senator Tom Carper  
Ranking Member, U.S. Senate Environment and Public Works Committee**

**EPA Public Hearing for the “Proposed Response to Clean Air Act Section 126(b)  
Petitions from Delaware and Maryland”**

**June 22, 2018**

On June 8, 2018, EPA proposed to reject all four of Delaware’s Clean Air Act 126 petitions. These petitions ask EPA to require four power plants to reduce the ozone pollution that comes into Delaware. The ozone pollution drifting from other states is hurting the health and the economy of my state. I urgently request that Environmental Protection Agency (EPA) take a closer look at the issue and reverse this decision.

Delaware, like many states on the East Coast, sits at the end of what I like to call ‘America’s tailpipe.’ This means most of the air pollution in Delaware isn’t caused by sources within our state. It comes from other states’ dirty emissions from cars and power plants that drifts east into our state. Ozone pollution is one of the most prevalent cross-state air pollutants.

Ozone, also known as smog, chokes and inflames peoples’ airways. It is particularly dangerous for children, the elderly, and people with lung diseases like asthma; and it can travel hundreds, sometimes thousands, of miles. Left unchecked, ozone pollution can cost billions of dollars every year in healthcare costs, missed work days and lives lost.

Delaware is working hard to protect its communities from dirty air, but emissions from other states account for nearly 94 percent of air pollution in the First State. Delaware must have cooperation from upwind states and EPA to meet the ozone health standards.

It may surprise some of you to hear how much ozone drifts into Delaware from other states, but it doesn’t surprise me. When I served as Governor of Delaware from 1993-2001, I could have shut down every emission source in our state’s economy, and we would still have been out of attainment of ozone air health standards due to upwind states’ dirty emissions.

Fortunately, when writing our clean air laws, Congress was especially concerned with the plight of downwind states like Delaware. The Clean Air Act requires EPA to ensure everyone is a good neighbor when it comes to healthy air. The Act also included provisions – such as the 126(b) petitions -to allow downwind states to hold upwind states accountable for pollution.

Delaware has followed the law and done its part to clean up its own ozone pollution by investing millions in clean air technology and working in good faith with other states in the region. Yet, New Castle County, -- located in northern Delaware -- was recently designated by EPA to be in nonattainment with the 2015 ozone standard.

Delaware presents a clear case in the four Clean Air Act 126 petitions. My state documents that, despite EPA's attempts to address cross-state ozone pollution, at least four fossil-fuel power plants in Pennsylvania and West Virginia are significantly contributing to Delaware's nonattainment status.

The good news is that these upwind facilities do not have to do much to help our little state. Three of the facilities already have the best air control technology for ozone installed at the plants. All my state is asking is for these power plants to consistently operate already installed pollution controls.

At the fourth facility, Delaware is asking the plant to continue to use natural gas and not be allowed to switch back to coal.

Granting Delaware's 126 petitions seems like a no-brainer to me. The requested actions laid out by Delaware's 126(b) petitions are de minimis for upwind states, especially compared to the costs my state and residents will incur if these long overdue actions are not taken.

This is a critical decision that effects the health of Delawareans and our state's economy. Delaware is currently in nonattainment. These four facilities are significantly contributing to that nonattainment, and EPA must act now to address this problem.

Under the law, EPA has sixty days to respond to 126(b) petitions. I am deeply disappointed that it took almost two years and legal actions by the State of Delaware to get a proposed rejection from EPA. That seems at odds with Administrator Pruitt's proclaimed "Rule of Law" approach to regulating pollution at EPA.

I am even more disappointed that, after taking 704 days to respond to Delaware's first petition, the agency has decided to keep the public comment period open for only 30 days and is so far refusing to hold a hearing in my state.

EPA needs to hear from the people of Delaware directly and that means going to the state. I echo Governor Carney's request to keep the comment period open longer to allow the agency to hear from Delaware constituents and to hold a hearing on this matter in Delaware.

In closing, I've long tried to live my life by the Golden Rule, to treat others the way I want to be treated. I believe that many other people do so, as well. My state shouldn't have to suffer because other states aren't following the law. For all Delawareans, especially for the 70,000 that live with asthma, I say enough is enough.

As I continue to hear from my constituents and local and state officials on this matter, I will have additional comments to share with EPA in the future on this issue. There is nothing more basic than ensuring that our children, our families, our neighbors have clean, safe air to breathe when we step outside every day, and we must never stop fighting to protect their health.

Thank you.

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