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# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR  
GABRIELLE BATKIN, MINORITY STAFF DIRECTOR

May 17, 2017

The Honorable Scott Pruitt  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Administrator Pruitt:

Thank you for your May 9, 2017, response to an April 7, 2017, letter from 22 of my Senate colleagues and me regarding EPA's review and anticipated repeal of the Clean Power Plan (CPP) and other regulations addressing climate change. EPA's action could result in considerable damage to public health and the environment.

Unfortunately, your response was not responsive to our requests, provided none of the requested information about the agency's CPP review process, and consisted entirely of a four-sentence summary of the Executive Order, copies of two publicly available press releases and a letter you sent to the Governor of Nevada in March.

Because your letter does not respond to our requests for information and documents, I ask you again to respond in full so that Congress can perform its oversight responsibilities. I remind you that you committed to being responsive to oversight requests during your confirmation process.

Please find the referenced letter attached, again. If you have further questions, your staff may contact [REDACTED] at the Committee on Environment and Public Works at (202) 224-8832.

With best personal regards, I am,

Sincerely yours,



Tom Carper  
Ranking Member

United States Senate  
WASHINGTON, DC 20510

April 7, 2017

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt,

On March 28, 2017, President Trump signed an Executive Order directing federal agencies to review federal regulations intended to address climate change, including the Clean Power Plan. The same day you signed a Federal Register notice describing the review process the Environmental Protection Agency (EPA) will undertake to consider whether to suspend, revise or rescind the Clean Power Plan. Rescinding the Clean Power Plan will put generations of Americans at grave health and economic risk. We seek further information concerning the process and schedule the EPA plans to use to carry out the Executive Order's (EO's) directives. We also want to know how the agency intends to meet its legal obligations to address carbon pollution emissions if the Clean Power Plan is rescinded.

The EPA has a clear legal obligation to address carbon pollution emissions. After reviewing thousands of peer-reviewed scientific studies, former EPA Administrator Lisa Jackson issued a final Endangerment Finding in December 2009. EPA determined that six greenhouse gas pollutants may reasonably be anticipated to endanger public health or welfare. The agency also found that carbon dioxide (CO<sub>2</sub>) is the "primary greenhouse gas emitted through human activities" and accounts for about "80.8% of all U.S. greenhouse gas emissions from human activities."<sup>[1]</sup> The largest sources of carbon dioxide – according to electric utility reporting – comes from our nation's fossil fuel power plants.<sup>[2]</sup>

In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.<sup>[3]</sup>

In August 2015, the EPA finalized the Clean Power Plan to reduce carbon pollution from power plants, after an unprecedented two-year outreach and engagement process with states and stakeholders, and after taking into consideration 4.3 million comments submitted during the formal notice and comment process. The Clean Power Plan, which reflects the concerns, input

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<sup>[1]</sup> <https://www.epa.gov/climatechange/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a>

<sup>[2]</sup> <https://www.epa.gov/ghgemissions/overview-greenhouse-gases>

<sup>[3]</sup> <https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean>

and priorities of states, the electric power sector and the public, gives states and electric utilities the time and flexibility to meet reasonable carbon pollution emissions reduction targets, allowing five years until reductions need to begin. The Clean Power Plan provides both long-term certainty for our nation's power sector, and tools to enable the more than two dozen states that have policies either limiting power sector CO<sub>2</sub> emissions, or expanding renewable energy, to integrate those policies with a national program.

Rescinding the Clean Power Plan also means that Americans will never realize its numerous health and economic benefits. The EPA estimated the Clean Power Plan would cut emissions from power plants 32 percent below 2012 levels by 2030. In 2030, the pollution standards will deliver climate and health benefits of up to \$90 billion dollars and reduce household energy prices by \$85 per year.<sup>141</sup>

Walking away from the Clean Power Plan, and other efforts to address climate change, will also increase risks to the federal budget and taxpayers. The costs of inaction on climate are so troubling that the Government Accountability Office (GAO) has listed climate change on the agency's High Risk List since 2013 because it is a "significant financial risk to the federal government."<sup>151</sup>

Knowing the health and economic benefits of the Clean Power Plan, and the risks our nation faces by not reducing CO<sub>2</sub> emissions from power plants, please respond to the following:

1. Please provide a detailed description, including a schedule with milestones, of the review process that the EPA will follow respect to the Clean Power Plan.
2. In the event that the EPA review determined that a rulemaking to suspend, revise or rescind the Clean Power Plan is needed, please provide a detailed description of the process the agency would follow in such a case. Please include relevant timelines and milestones.
3. Please identify the actions the EPA will take to ensure inclusive, extensive, and productive outreach to, and engagement with, the power sector, states, stakeholders and the public as the agency implements the Executive Order.
4. During an exchange with Senator Gillibrand during your confirmation hearing before the Environment and Public Works Committee, you stated, "I believe that the EPA, because of the *Mass v. EPA* case and the endangerment finding, has obligations to address the CO<sub>2</sub> issue." If the EPA rescinds the Clean Power Plan, how does the agency intend on fulfilling its legal obligations to address carbon pollution emissions? Please explain in detail how an alternative to the Clean Power Plan would achieve the full range of public health, economic, and environmental benefits that would have resulted from Clean Power Plan.
5. On March 9, 2017, you made the following statement about carbon dioxide on CNBC: "So no, I would not agree that it's a primary contributor to the global warming that we

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<sup>151</sup> [http://www.gao.gov/highrisk/limiting\\_federal\\_government\\_fiscal\\_exposure/why\\_did\\_study](http://www.gao.gov/highrisk/limiting_federal_government_fiscal_exposure/why_did_study)

see." This comment directly contradicts: a) your testimony and answers provided in response to questions for the record during your confirmation process; b) the EPA's endangerment finding, which was upheld by the D.C Circuit Court of Appeals; and c) the views of 196 countries and 97 percent of climate scientists. Between the time of your confirmation hearing and your March 9 statement, did you obtain additional scientific information or analysis supporting your March 9 statement and contradicting your statements about CO2 during your confirmation process? If so, please provide us with that information and analysis.

6. What assurances can you provide us that your answer to Senator Gillibrand's question and similar statements you made at your confirmation hearing, as opposed to your statement on March 9, will guide the work of the EPA in carrying out the directives in the Executive Order?
7. Please provide a copy of all documents, (including but not limited to hand-written notes, paper files, emails, memos, white papers, telephone logs, presentations or meeting minutes) between and among any combination of you, other agency officials, other federal government officials, any state officials, and any non-governmental entities that inform, contribute to, direct, or are otherwise related to related to any decision you take in EPA's review or under the Executive Order with respect to the Clean Power Plan.
8. The contention that the Clean Power Plan is a deathblow to coal industry jobs is highly questionable. Studies have found that regulations may play some small part in reductions in the coal workforce; but automation, shifts in mining practices, and prices of natural gas are all major contributing factors to the decline of coal. <sup>[6]</sup> Please provide a list of every coal mine and coal-fired plant that will remain open, be built, or be expanded as a result of the rescission of the Clean Power Plan, along with the expected number of jobs that will be retained or added as a result. On what basis was each EPA projection made?

As we continue to hear from our constituents and local and state officials on this matter, we may have additional questions for you in the future. In the meantime, we would appreciate your thorough responses to these requests by no later than May 4, 2017. If you or your staff have questions about these requests, your staff may contact [REDACTED] of Senator Carper's staff at 202-224-8832.

We appreciate your prompt attention to our requests.

Sincerely,

  
Tom Carper  
U.S. Senator

Al Franken  
U.S. Senator

Margaret Wood Hassan  
U.S. Senator

Richard Blumenthal  
U.S. Senator

Brian Schatz  
U.S. Senator

Sheldon Whitehouse  
U.S. Senator

Elizabeth Warren  
U.S. Senator

Patty Murray  
U.S. Senator

Tom Udall  
U.S. Senator

Jeanne Shaheen  
U.S. Senator

Jeffrey Merkley  
U.S. Senator

Kamala Harris  
U.S. Senator

Michael Bennet  
U.S. Senator



Edward J. Markey  
U.S. Senator



Christopher Coons  
U.S. Senator



Ron Wyden  
U.S. Senator



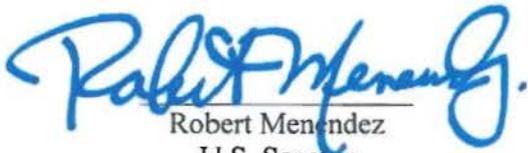
Kirsten Gillibrand  
U.S. Senator



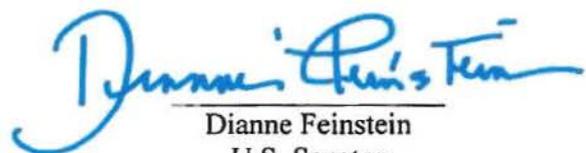
Mazie K. Hirono  
U.S. Senator



Amy Klobuchar  
U.S. Senator



Robert Menendez  
U.S. Senator



Dianne Feinstein  
U.S. Senator



Maria Cantwell  
U.S. Senator



Chris Van Hollen  
U.S. Senator