

United States Senate

WASHINGTON, DC 20510

October 26, 2017

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

Dear Administrator Pruitt:

We write to request additional information regarding the Environmental Protection Agency's (EPA's) October 10, 2017 proposal to repeal the Clean Power Plan. Our review of the 2017 Repeal proposal¹ reveals significant deficiencies associated with the cost-benefit analysis used to support the 2015 Rule's repeal. At seemingly every turn, the 2017 Repeal proposal uses mathematical sleights of hand to over-state the costs of industry compliance with the 2015 Rule and under-state the benefits that will be lost if the 2017 Repeal is finalized. Denying the science and fabricating the math may satisfy the agency's paperwork requirements, but doing so will not satisfy the requirements of the law, nor will it slow the increase in frequency and intensity of extreme weather events, the inexorable rise in sea levels, or the other dire effects of global warming that our planet is already experiencing. It will also not improve our standing in the international community or bring certainty to power markets as states plan for their future energy needs.

Specifically, we note that:

- Although the World Health Organization has stated² that “small particle pollution has health impacts even at very low concentrations – indeed no threshold has been identified below which no damage to health is observed,” the 2017 Repeal asserts that there may not be any health effects associated with exposure to soot particles below certain thresholds³. This dramatic departure from the use of the best-available, peer-reviewed science has the effect of lowering the health co-benefits of the 2015 Rule from \$14-\$34 billion⁴ by 2030 and 3,600 avoided deaths, to the 2017 Repeal's estimate of \$1.3-\$4.5 billion and 120-420 avoided deaths.

¹ https://www.epa.gov/sites/production/files/2017-10/documents/ria_proposed-cpp-repeal_2017-10.pdf

² <http://apps.who.int/iris/bitstream/10665/250141/1/9789241511353-eng.pdf?ua=1>

³ See for example, page 8 of https://www.epa.gov/sites/production/files/2017-10/documents/ria_proposed-cpp-repeal_2017-10.pdf

⁴ https://www3.epa.gov/ttnecas1/docs/ria/utilities_ria_final-clean-power-plan-existing-units_2015-08.pdf See the 3% 2030 case in Table ES-7 and compared to Tables 1-4 and 3-10 of https://www.epa.gov/sites/production/files/2017-10/documents/ria_proposed-cpp-repeal_2017-10.pdf

- Although the 2015 Rule projected compliance costs of the Clean Power Plan to be between \$5.1 and \$8.4 billion by 2030⁵, the 2017 Repeal lists these costs to be as high as \$33.3 billion by 2030, an almost four-fold increase. This appears to be because the cost-savings associated with energy efficiency improvements in homes and businesses are no longer counted in the ‘costs column,’ a deceptive accounting move seemingly designed to artificially inflate the costs of compliance with the 2015 Rule.
- The 2015 Rule was projected to yield \$20 billion in climate benefits by 2030⁶, whereas the 2017 Repeal projects only \$0.5-\$2.7 billion. This is because in the 2017 Repeal proposal, EPA chose to depart from a methodology that took years of discussion and review to develop and confined its analysis to climate damages predicted to occur only within the United States. EPA also low-balled the costs associated with the damages caused by climate change, reducing these costs by as much as 97% from the costs included in the 2015 Rule⁷.
- The 2017 Repeal’s cost-benefit analysis fails to incorporate available studies and data demonstrating that the electricity sector has made significant progress in complying with the 2015 Rule and that the costs of doing so have declined considerably since the 2015 Rule was finalized, even though some of these studies are cited in the 2017 Repeal proposal.

Your rejection of the scientific consensus that greenhouse gas pollution causes global warming is well-known⁸. Additionally, we continue to await your response to the April 7, 2017 letter⁹ requesting more details about your views related to the cause of global warming and the agency’s plan to repeal and replace the 2015 Clean Power Plan Rule. Our review of the 2017 Repeal proposal only heightens our concerns.

So that we can better understand the basis for the 2017 Repeal, we request that you provide us with all documents (including but not limited to emails, memos, meeting notes and correspondence) sent or received by EPA that are related to EPA’s cost-benefit analysis for its 2017 Repeal of the Clean Power Plan. Thank you very much for your attention to this important matter. Please provide your response no later than December 1, 2017. If you or members of your staff have further questions, please feel free to ask them to contact Michal Freedhoff at the Committee on Environment and Public Works at (202) 224-8832.

Sincerely yours,

⁵ See Table ES-5 of https://www3.epa.gov/ttnecas1/docs/ria/utilities_ria_final-clean-power-plan-existing-units_2015-08.pdf

⁶ See Table ES-7 of https://www3.epa.gov/ttnecas1/docs/ria/utilities_ria_final-clean-power-plan-existing-units_2015-08.pdf 3% discount 2030 case compared to the same case in Table 1.3 of https://www.epa.gov/sites/production/files/2017-10/documents/ria_proposed-cpp-repeal_2017-10.pdf

⁷ https://www.washingtonpost.com/news/energy-environment/wp/2017/10/11/new-epa-document-reveals-sharply-lower-estimate-of-the-cost-of-climate-change/?utm_term=.e2d01c43f315

⁸ <https://www.cnbc.com/2017/03/09/epa-chief-scott-pruitt.html>

⁹ <https://www.epw.senate.gov/public/index.cfm/2017/4/carper-senate-democrats-question-pruitt-on-epa-s-plan-to-address-carbon-pollution-without-the-clean-power-plan>



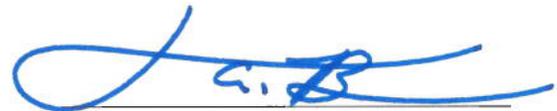
Tom Carper
United States Senator



Sheldon Whitehouse
United States Senator



Christopher A. Coons
United States Senator



Cory A. Booker
United States Senator



Al Franken
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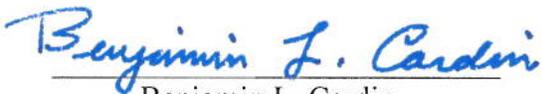
Jeanne Shaheen
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Richard Blumenthal
United States Senator



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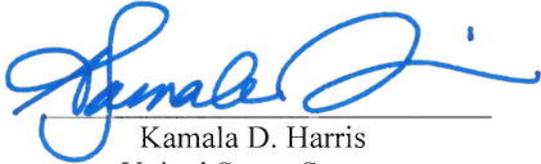
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Brian Schatz
United States Senator



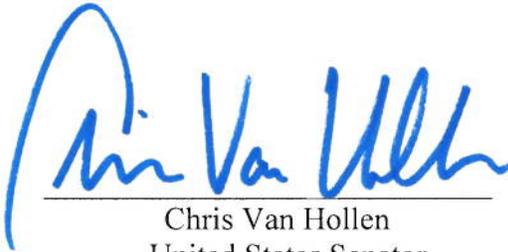
Margaret Wood Hassan
United States Senator



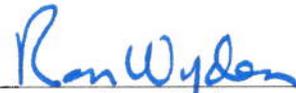
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United States Senator



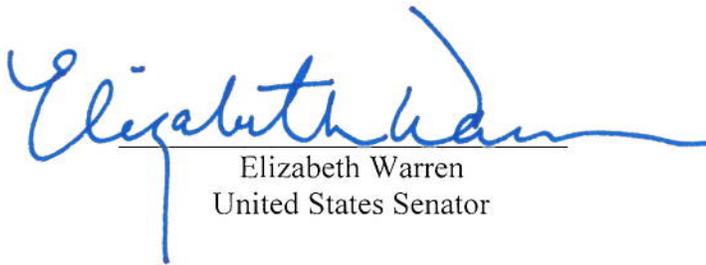
Jeffrey A. Merkley
United States Senator



Chris Van Hollen
United States Senator



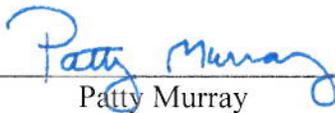
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Elizabeth Warren
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