JEFFREY V. KESSLER
PRESIDENT OF THE SENATE
LIEUTENANT GOVERNOR

THE SENATE OF WEST VIRGINIA
OFFICE OF THE PRESIDENT
LIEUTENANT GOVERNOR
CHARLESTON 25305

7 June 2012

The Honorable John D. Rockefeller, IV
Senator, United States Senate
531 Hart Senate Office Building
Washington, DC 20510

The Honorable Joe Manchin III
Senator, United States Senate
311 Hart Senate Office Building
Washington, DC 20510

Dear Senator Rockefeller and Senator Manchin:

Greetings. I trust that this message finds you both well.

As President of the West Virginia State Senate, I urge you to please pass S.J. Res. 37 now pending before the United States Senate, which would disapprove the Mercury and Air Toxics Standards (MATS) rule under the authority of the Congressional Review Act. The West Virginia Senate has a long standing history of ardently supporting the coal industry, which is arguably our most valuable state natural resource and industry. It is our understanding that permitting the MATS rule to stand would prove to be detrimental to the prosperity of the State, the industry, and unfortunately, citizens' lifestyles of our State. With our nation's dependency on foreign sources of energy, we would prefer to see the coal industry incorporated into our country's energy needs in a more cost-effective manner that retains and creates jobs, rather than a rule attacking and constructively hampering the coal industry by creating excessive regulations and rules from the Environmental Protection Agency (EPA) meant only to impede the utilization of this abundant domestic energy source.

On May 25, 2012, the State of West Virginia challenged the MATS rule and cited four reasons the defective rule should be rejected. These included the EPA's failure to adequately consider the impact on the reliability of the electricity supply; the EPA's failure to adequately consider cost and economic impact; the EPA's failure to adequately consider power plant emissions "after imposition

of the requirements" of the Clean Air Act; and the EPA's failure to set emission limits for new power plants that reflect limits "achieved in practice by the best controlled similar source" as required by the Clean Air Act. There does not appear to be any justification for the implementation of MATS other than to attack the coal mining industry based on political and philosophical ideology. Coal is our most reliable and cost efficient source of energy. Providing obstacles and bureaucratic procedures, such as those included in MATS, only delays the advancement of our industry and the financial health of our corporations and satellite industries reliant upon the coal industry for their existence.

I applaud the courageous battle that you continually wage for the working men and women of our great State and ask that you continue to fight for our jobs, our future, and the way of life the citizens of West Virginia have come to embrace and cherish by supporting passage of S.J. Res. 37.

Very truly yours,

Jeffrey V. Kessler
Senate President/Lt. Governor