

Congress of the United States
Washington, DC 20515

August 6, 2025

The Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, DC 20460

Dear Administrator Zeldin:

We write to express our concerns about the Environmental Protection Agency's (EPA) proposal to repeal all greenhouse gas (GHG) emissions standards for fossil fuel-fired power plants.

EPA's own Regulatory Impact Assessment acknowledges that the repeal will sacrifice public health benefits of \$129 billion while saving industry just \$19 billion.^{1, 2} And this analysis fails to account for the climate benefits of the 2024 regulations, estimated at an additional \$260 billion.³

The EPA is proposing to make a finding that GHG emissions from fossil fuel-fired power plants do not contribute significantly to dangerous air pollution. The EPA has offered no new analysis to support this claim. In fact, according to EPA's own reporting from August 2024, power plants are responsible for almost a quarter of U.S. GHG emissions,⁴ or about 3 percent of all global climate pollution. The power sector is the second-largest source of U.S. climate pollution.

In passing the Clean Air Act, Congress never intended for the significance of a single sector's contribution to climate change to become a litmus test to merit its regulation. In fact, the House report on the 1977 Clean Air Act amendments made clear that the committee intends the Administrator "to consider *all sources* of the contaminant which contribute to air pollution and to

¹ Regulatory Impact Analysis for the Proposed Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric Generating Units. Environmental Protection Agency. June 2025.
https://www.epa.gov/system/files/documents/2025-06/utilities_ria_proposal_111_repeal_2025-06.pdf.

² Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric Generating Units. Proposed Rule. Environmental Protection Agency.
https://www.epa.gov/system/files/documents/2025-06/12674-01-oar_carbon-pollution-standards-repeal-nrpm_proposal_20250611_clean_v3_0.pdf.

³ Fact sheet – Carbon pollution standards for fossil fuel-fired power plants final rule. Environmental Protection Agency. April 2024.
<https://www.epa.gov/system/files/documents/2024-04/cps-111-fact-sheet-overview.pdf>.

⁴ GHGRP Power Plants. Environmental Protection Agency.
<https://www.epa.gov/ghgreporting/ghgrp-power-plants>.

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consider all sources of exposure to the contaminant—food, water, air, etc.—in determining health risk”.⁵

By extension of the logic in EPA’s proposed rule, no sector would sufficiently “contribute significantly” to air pollution and therefore, the EPA would be unable to regulate any GHG emissions. This theory was rejected by the Supreme Court in *Massachusetts v. EPA*, where the Court confirmed that U.S. motor-vehicle emissions make a “meaningful contribution” to GHG concentrations when judged by any standard, even though the U.S. transportation sector represented less than six percent of global emissions.⁶

Independent analysis suggests that the regulations issued by EPA in April 2024 would cut between 68 to 390 million metric tons of carbon dioxide annually.⁷ These regulations would save thousands of lives by reducing other pollution from the power sector as well.

Congress has repeatedly affirmed EPA’s authority and obligation under Section 111 of the Clean Air Act to protect Americans from air pollution that endangers public health or welfare. As the Supreme Court recognized in *Massachusetts v. EPA* in 2007, greenhouse gases are air pollutants under the Clean Air Act.⁸ And in 2011, in *American Electric Power v. Connecticut*, the Court affirmed that EPA has the authority and responsibility to regulate power plants’ carbon dioxide emissions.⁹ The D.C. Circuit Court of Appeals ruled in *American Lung Association v. EPA* in 2021 that “under any reasonable threshold or definition,” carbon dioxide from fossil fuel-fired power plants represents “a significant contribution” to air pollution.¹⁰ And in *West Virginia v. EPA* in 2023, the Supreme Court affirmed EPA’s authority to set technology-based standards for power plants’ carbon pollution.¹¹

Congress reaffirmed this authority in the Inflation Reduction Act (IRA) by explicitly providing funding and direction for EPA to regulate power plants’ carbon pollution using existing authorities, which include those in Section 135.¹² Congress was clear: EPA can and must use its Clean Air Act authority to establish carbon pollution standards for power plants, protecting Americans from pollution sources that cause air pollution that endangers public health or welfare.¹³

⁵ H.R. Rep. No. 95-294, at 51 (1997).

⁶ *Massachusetts v. EPA*, 549 U.S. 497 (2007).

⁷ Bistline et al., Impacts of EPA’s finalized power plant greenhouse gas standards. *Science*. January 2025. <https://www.science.org/doi/10.1126/science.adt5665>.

⁸ *Massachusetts v. EPA*, 549 U.S. 497 (2007).

⁹ *American Electric Power Co. v. Connecticut*, 564 U.S. 410 (2011).

¹⁰ *American Lung Association v. EPA*, 985 F.3d 914 (2021).

¹¹ *West Virginia v. EPA*, 597 U.S. 697 (2022).

¹² Cong. Rec. E868 (August 23, 2022) (statement of Rep. Frank Pallone, Jr.); E879 (August 26, 2022) (statement of Rep. Frank Pallone, Jr.).

¹³ See 42 U.S.C. 7411, 7412; EPA maintains clear authority to regulate existing gas plants under the Clean Air Act, which remains true irrespective of the Supreme Court’s *Loper Bright*

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The 2024 regulations acknowledged stakeholder feedback on the challenges facing the power sector to meet demand growth while maintaining reliability and affordability. EPA conducted significant analysis demonstrating how operators can comply with the rule, even under high-demand scenarios. Furthermore, EPA introduced flexible, reliability-based deadline extension options. EPA's rules incentivize utilities and grid operators to reform their processes for connecting energy to the grid, making it easier to bring resources online quicker and meet demand growth. Even despite growing electricity demand that has exceeded the forecasts in EPA's 2024 analysis, EPA has chosen to ignore its previous analysis and has offered no new analysis to support their repeal.

We strongly oppose this proposed repeal and urge EPA to adhere to their Congressionally mandated responsibility to issue robust standards that limit pollution from fossil fuel-fired power plants, thereby cutting pollution and protecting public health.

Sincerely,



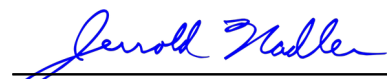
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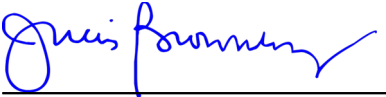
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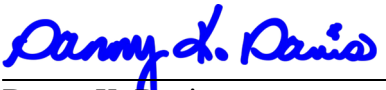
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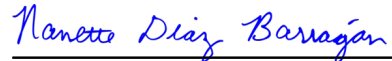
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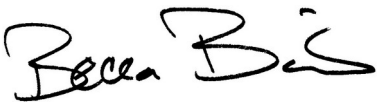
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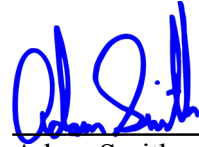


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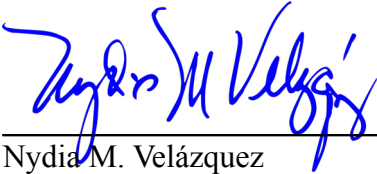
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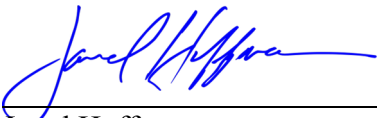
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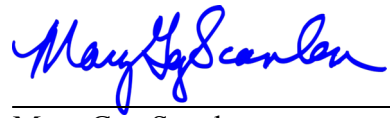
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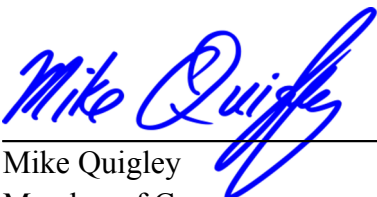
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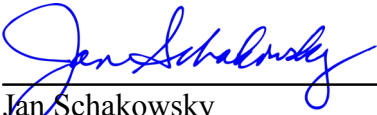


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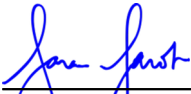
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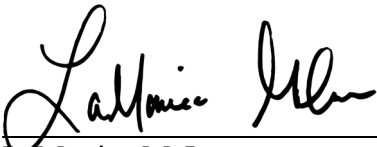
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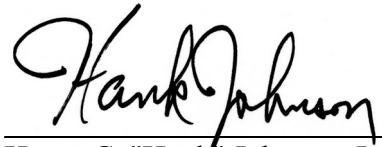
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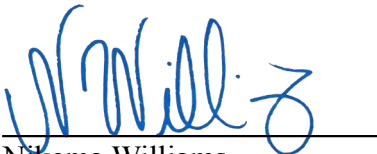
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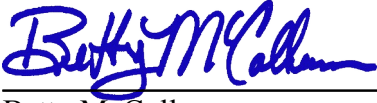


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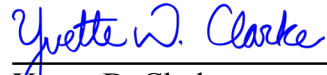


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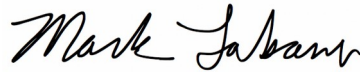
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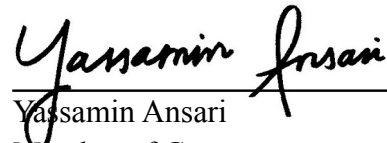
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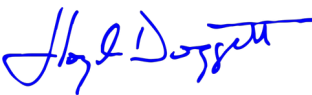
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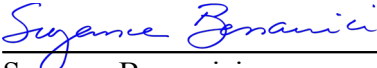
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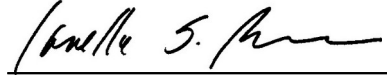
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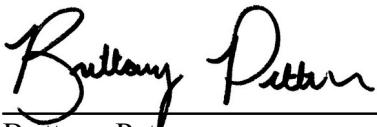
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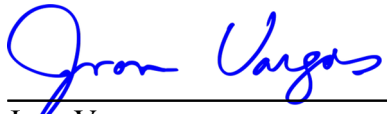
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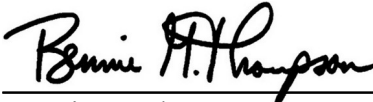


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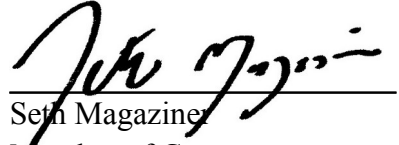


Mike Levin
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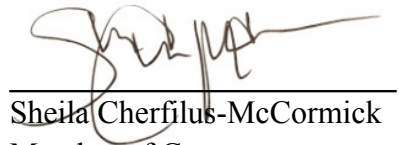
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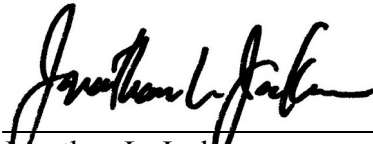
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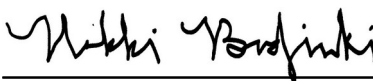
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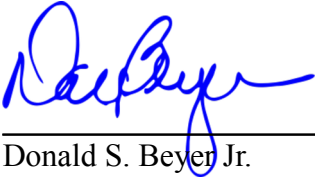


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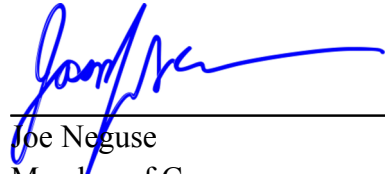


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