

Congress of the United States

Washington, DC 20515

August 5, 2024

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

Dear Administrator Regan:

We commend the Environmental Protection Agency (EPA) and the Biden Administration for taking significant steps to cut harmful pollution across the U.S. economy and deliver cleaner air and water for American families. We also appreciate EPA's commitment to setting meaningful and comprehensive pollution standards for our nation's power plants, and respectfully urge you to adopt final rules on existing gas-fired power plants that include the strongest possible standards to limit greenhouse gases and other pollutants. In particular, these rules must take a comprehensive approach to the existing gas fleet by addressing all types of gas plants and their cumulative impacts, as well as the full spectrum of air pollution. Further, we urge you to conduct robust stakeholder engagement as part of this process—including among impacted workers and frontline and environmental justice communities.

EPA's final rule setting impactful limits on greenhouse gas pollution for new gas and existing coal power plants is a critical achievement that will curb 1.38 billion metric tons of carbon pollution through 2047 and provide hundreds of billions of dollars in health and climate benefits.¹ This important work will not be complete, however, unless similarly ambitious rules are extended to cover the existing gas-fired fleet.

We applaud the agency for taking the first step of opening a non-regulatory public docket on this topic to ensure the EPA hears from all of the necessary stakeholders about how the agency can design a strong, durable, and comprehensive approach to regulating the existing gas-fired fleet.² We agree with the goals you laid out in announcing this docket, including to take a "comprehensive approach to cover the entire fleet of natural gas-fired turbines, as well as cover more pollutants including climate, toxic and criteria air pollution."³

¹ According to EPA estimates, in 2035 alone, the health benefits that will result from the rule's pollution reductions include approximately 1,200 avoided premature deaths; 870 avoided hospital and emergency room visits; 1,900 avoided cases of asthma onset; 360,000 avoided cases of asthma symptoms; 48,000 avoided school absence days; and 57,000 lost work days. *Fact Sheet, Carbon Pollution Standards for Fossil Fuel-Fired Powerplants*, U.S. Environmental Protection Agency, EPA.gov, <https://www.epa.gov/system/files/documents/2024-04/cps-111-fact-sheet-standards-and-ria-2024.pdf>.

² *Nonregulatory Public Docket: Reducing Greenhouse Gas Emissions from Existing Gas Turbines at Power Plants*, U.S. Environmental Protection Agency, EPA.gov (March 26, 2024), <https://www.epa.gov/stationary-sources-air-pollution/nonregulatory-public-docket-reducing-greenhouse-gas-emissions>.

³ *Statement from EPA Administrator Michael S. Regan on EPA's approach to the power sector*, U.S. Environmental Protection Agency, EPA.gov (Feb. 29, 2024), <https://www.epa.gov/newsreleases/statement-epa-administrator-michael-s-regan-epas-approach-power-sector>.

Existing gas-fired power plants emit significant planet-warming pollution that is fueling the climate crisis. The power sector as a whole is the largest stationary source of carbon dioxide emissions in the United States, and, in 2022, gas-fired power plants accounted for 45 percent of power sector carbon pollution.⁴ As emissions from other sources fall, EPA projects existing gas plants' share of power sector greenhouse gas emissions to grow to 74 percent by 2035 in its baseline.⁵ Notably, one analysis found that an EPA framework that addresses greenhouse gas emissions from only existing coal and new gas facilities—while omitting existing gas plants from regulation—would leave more than half of the potential emissions reductions on the table.⁶

In addition to carbon dioxide, the combustion of natural gas releases toxic pollutants into the atmosphere, including: nitrogen oxides; carbon monoxide; volatile organic compounds; and hazardous air pollutants including formaldehyde, polycyclic aromatic hydrocarbons, benzene, toluene, xylenes, and others.⁷ Critically, exposure to air toxics, which disproportionately endanger frontline communities of color, is proven to cause cancer, respiratory illness, and other adverse health outcomes.⁸

These public health impacts—and the urgency of the climate crisis—compel EPA to regulate existing gas-fired power plants. EPA has the authority and the obligation to do so under the Clean Air Act, which aims to protect Americans from pollution sources that cause, or significantly contribute to, air pollution that endangers public health or welfare.⁹ Adopting the strongest possible emissions standards for existing gas plants, we believe, is essential to achieving President Biden's environmental justice goals, as well as his targets of cutting U.S. climate pollution in half by 2030 and having a carbon pollution-free power sector by 2035.

As EPA moves forward with formulating strong, comprehensive standards to cover the fleet of existing gas plants, the agency must obtain meaningful feedback from stakeholders, including environmental, labor, and environmental justice organizations, and engage frontline communities around the U.S. most impacted by the fossil fuel economy. Any standards proposed by EPA should address the cumulative impacts of pollution, particularly for frontline and environmental justice communities. Further, the agency's comprehensive approach to regulating pollution from existing gas power plants should fulfill all Clean Air Act requirements for both greenhouse gas

⁴ *How much of U.S. carbon dioxide emissions are associated with electricity generation?*, U.S. Energy Information Administration, EIA.gov, <https://www.eia.gov/tools/faqs/faq.php?id=77&t=8>.

⁵ Proposed Rule by the U.S. Environmental Protection Agency, *New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units . . .*, Federal Register.gov (May 23, 2023), <https://www.federalregister.gov/documents/2023/05/23/2023-10141/new-source-performance-standards-for-greenhouse-gas-emissions-from-new-modified-and-reconstructed#p-1601>.

⁶ Charles Harper et al., *Powering Toward 100 Percent Clean Power by 2035*, Evergreen Collaborative and Natural Resources Defense Council (January 2023), <https://collaborative.evergreenaction.com/policy-hub/Powering-Towards-100-Clean-Power.pdf>.

⁷ See AP42, Fifth Edition, Volume I Chapter 3: Stationary Internal Combustion Sources, Final Section – Supplement F, U.S. Environmental Protection Agency, EPA.gov (April 2000), <https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-fifth-edition-volume-i-chapter-3-stationary-0>.

⁸ See *Power Plants and Neighboring Communities*, U.S. Environmental Protection Agency, EPA.gov, <https://www.epa.gov/power-sector/power-plants-and-neighboring-communities>.

⁹ 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* decision. See *Loper Bright Enterprises v. Raimondo*, 603 U.S. __ (2024).

emissions and for other pollutants, address the entirety of the existing gas fleet, and significantly reduce carbon pollution.

Thank you for your steadfast leadership. Over the last four years, EPA has made immense progress towards securing a more equitable and climate-friendly future for our nation. We look forward to working with you to build on this momentum and securing the strongest possible standards to limit pollution from existing gas power plants.

Sincerely,



Kathy Castor
Member of Congress



Mike Levin
Member of Congress



Doris Matsui
Member of Congress



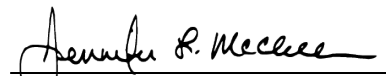
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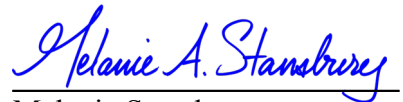
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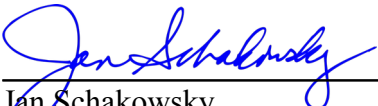
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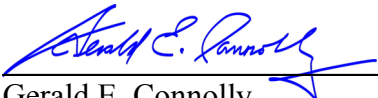
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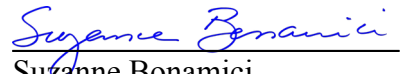
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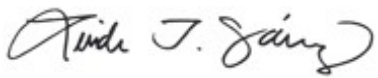
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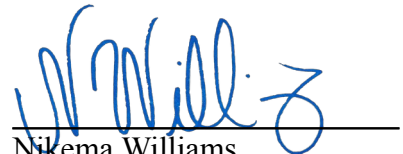
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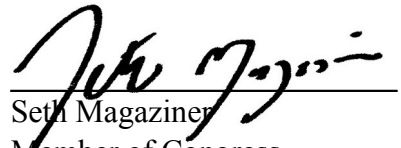
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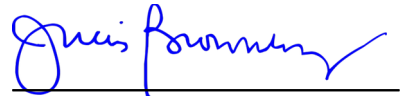
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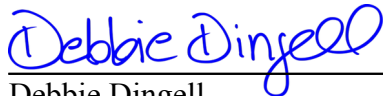
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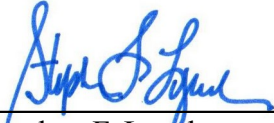
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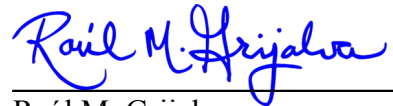
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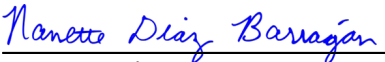
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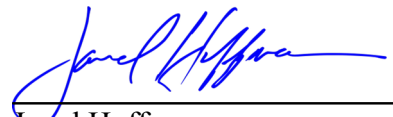
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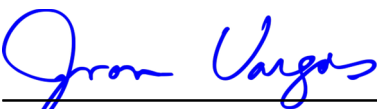
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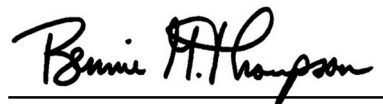
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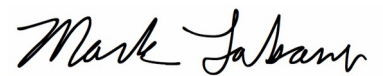
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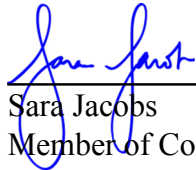
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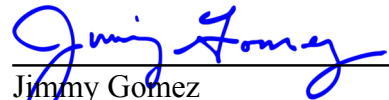
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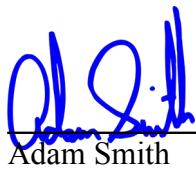
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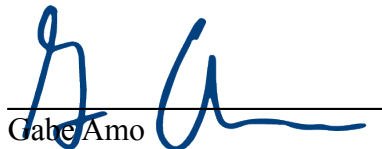
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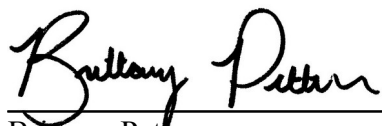
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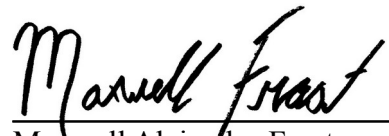
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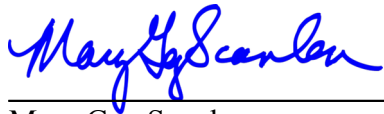
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Brittany Pettersen
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Maxwell Alejandro Frost
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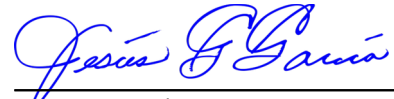
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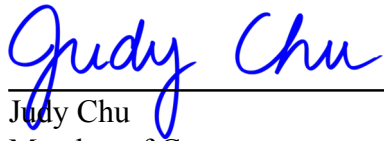
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