

December 1, 2014

Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mail code 28221T
Attn: Docket ID No. EPA-HQ-OAR-2013-0602
1200 Pennsylvania Ave., NW
Washington, DC 20460

RE: EPA Clean Power Plan Proposed Rule (Docket ID. No. EPA-HQ-OAR-2013-602)

Dear EPA Administrator McCarthy,

Please accept the following comments submitted by the undersigned organizations regarding the Environmental Protection Agency (EPA) proposed rule titled *Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units* (Docket ID. No. EPA-HQ-OAR-2013-0602), also described by the EPA as its proposed “Clean Power Plan.” These comments are additionally being delivered to the White House.

We strongly agree with the President that climate change is an issue of global importance that demands attention, therefore we support his executive decision to use the Clean Air Act to reduce greenhouse gas emissions from the power sector. It is vital, however, that rules proposed by the EPA boldly and effectively respond with meaningful action. The dire consequences to our planet and future generations not only of inaction, but also of misdirected or inadequate action, compel us to speak directly to substantial flaws and deficiencies in the proposed rule and urge that they be corrected now, before the rule is adopted.

Science indicates that time is not on our side. It is essential that the United States put forth effective policies to rapidly and substantially reduce its share of greenhouse gas emissions, thus demonstrating that our nation is committed to doing its part to avoid climate catastrophe.

1. Targets and Timeframes

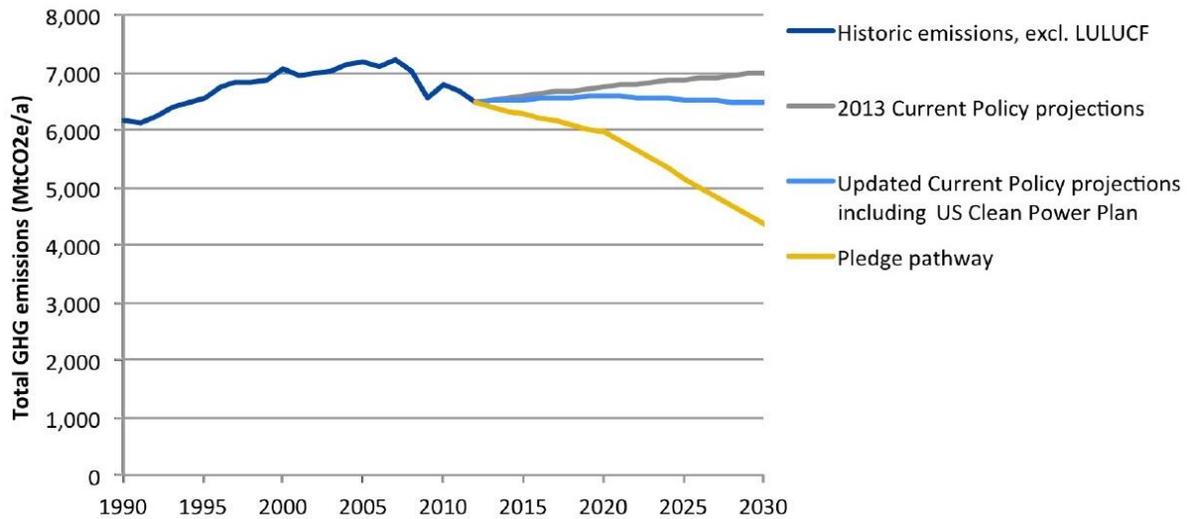
The proposed rule, if fully implemented, is projected to result in a 30% reduction in carbon dioxide emissions from power plants below 2005 levels by 2030. According to calculations by the Center for Biological Diversity, this corresponds to only a 7.7% reduction from 1990—the base year accepted by the United Nations Framework Convention on Climate Change. By using a misleading base year of 2005, the high point of economic activity pre-recession, the rule takes dubious credit for carbon dioxide reductions that occurred largely because of economic decline. As long as the U.S. continues to rely mostly on fossil fuels, these are not reductions that can be sustained with future economic activity and population growth. Furthermore, as discussed in the next section, much of that reduction is anticipated to come from greater reliance on natural gas, resulting in a surge of methane emissions that is likely to undermine climate benefits.¹

These projections become even worse when total greenhouse gas emissions from the United States are considered. According to Climate Action Tracker and ECOFYS, organizations comprised of scientists affiliated with the Intergovernmental Panel on Climate Change (IPCC), the rule would achieve an economy-wide greenhouse gas reduction of no more than 10% compared to 2005, which actually corresponds to a 5% *increase* in

¹ Hertsgaard, M. “A Top Obama Aide Says History Won’t Applaud the President’s Climate Policy,” *Harpers*, June 2, 2014. <http://harpers.org/blog/2014/06/a-top-obama-aide-says-history-wont-applaud-the-presidents-climate-policy/>

total greenhouse gas emissions compared to 1990.² See figure below. As depicted, this falls far short of economy-wide greenhouse gas reduction targets for the United States affirmed by the President as part of the Copenhagen accord for 2020 and 2030.³ Incidentally, those Copenhagen targets are also now known to be inadequate to avoid the worst impacts of climate change.⁴

Total Annual Greenhouse Gas Emissions of the U.S. Under Different Scenarios



Source: B. Hare, M. Lindberg, et al. Below 2 degrees C or 1.5 degrees C depends on rapid action from both Annex I and Non-Annex I countries, *Climate Action Tracker*, Policy Brief, June 4, 2014-revised June 7, 2014.
LULUCF = land use, land use change and forestry

² B. Hare, M. Lindberg, et al. Below 2 degrees C or 1.5 degrees C depends on rapid action from both Annex I and Non-Annex I countries, *Climate Action Tracker*, Policy Brief, June 4, 2014-revised June 7, 2014. http://climateactiontracker.org/assets/publications/briefing_papers/CAT_Bonn_policy_update_jun2014-final_revised.pdf. (Note: These projections may also be overly optimistic if based on U.S. greenhouse gas inventories which underestimate methane leakage.)

³ The Copenhagen pledge targets for the U.S. were expressed as total economy-wide greenhouse gas reductions relative to 2005 of 17% by 2020 and 42% by 2030. See United States Department of State, Letter to Executive Secretary of United Nations Framework Convention on Climate Change Confirming U.S. Copenhagen Targets, (Jan. 28, 2010), https://unfccc.int/files/meetings/cop_15/copenhagen_accord/application/pdf/unitedstatescphaccord_app.1.pdf; see also 2010 in Cancun: United States Framework Convention on Climate Change, Compilation of economy-wide emission reduction targets to be implemented by Parties included in Annex I to the Convention (June 7, 2011), <http://unfccc.int/resource/docs/2011/sb/eng/inf01r01.pdf>

⁴ Hare, et al., *Climate Action Tracker*, *supra* note 1; see also United Nations Environment Programme, The Emissions Gap Report (Nov. 2013), available at <http://www.unep.org/publications/ebooks/emissionsgapreport2013/>; Doyle, Alister. "Deep emissions cuts needed by 2050 to limit warming-UN draft." *Reuters*. August 7, 2014. <http://www.reuters.com/article/2014/08/07/us-climatechange-solutions-idUSKBN0G71SF20140807>; Anderson, Kevin, and Alice Bows. "Beyond 'dangerous' climate change: emission scenarios for a new world." *Philosophical Transactions of the Royal Society A: Mathematical, Physical and Engineering Sciences*. Vol. 369, Iss. 1934. January 13, 2011. <http://rsta.royalsocietypublishing.org/content/369/1934/20.full>; Roberts, David. "The brutal logic of climate change." *Grist*. December 6, 2011. <http://grist.org/climate-change/2011-12-05-the-brutal-logic-of-climate-change/>.

Another problem is that the rule does not actually limit total emissions, but rather the “intensity” of emissions. This means that instead of capping the amount of greenhouse gas or even carbon dioxide that power plants are allowed to pump into the atmosphere, the rule establishes a “rate based” emission target for each state, defined as pounds of carbon dioxide per megawatt-hour (CO₂/MWh). However, like a diet that limits calories per serving but not the number of servings, such an approach will ultimately fail if emissions are allowed to rise with increased demand. Targets should be based on the total mass of greenhouse gas entering the atmosphere, or at a minimum contain mass-based backstops, to ensure that aggressive greenhouse gas reductions are achieved.

Instead of concealing weak action with misleading benchmarks and calculations, the EPA should use all tools at its disposal to establish a carbon budget that effectively responds to the crisis at hand. Scientists warn that immediate deep cuts in greenhouse gas emissions are essential to preserve a likely chance of limiting global temperature rise to 2 °C, beyond which the worst impacts of climate change cannot be avoided. According to Climate Action Tracker, this requires that developed countries like the U.S. reduce total greenhouse gas emissions (measured as CO₂e equivalent) by 35% to 65% below 1990 levels before 2030.⁵ Another study has indicated that developed countries will have to reduce economy-wide emissions 50% below 1990 levels **by 2020** to have a “medium” chance of preventing a 2 °C rise in global temperature.⁶ However, the proposed rule addresses only carbon dioxide and sets extremely weak targets that are most lenient on states with the highest emissions. As explained above, even if fully implemented, this would result by 2030 in just a 7.7% reduction in carbon dioxide emissions for only power plants, and no net reduction for total greenhouse gases emissions in the United States at all relative to 1990. This is a far cry from much needed action.

Although we understand that Section 111 of the Clean Air Act provides for the consideration of costs, this has been improperly interpreted to preclude necessary and meaningful action. The consideration of “reasonable” expense must also forthrightly address the much greater financial, economic, and societal costs of inadequate response. The EPA can use its authority under Section 111 to establish emissions standards that push states to achieve much deeper reductions. Furthermore, the EPA has authority under the Clean Air Act to develop National Ambient Air Quality Standards (NAAQS) for greenhouse gases (including methane) at levels scientists recognize must be achieved to protect health and welfare. The EPA should use the strongest tools available under the Clean Air Act and other provisions of law to avoid climate catastrophe.

Fossil fuel power plants are responsible for over a third of greenhouse gas emissions in the U.S. Because the sector consists of a finite number of large emission sources, it is one of the most strategic and important to target for improvement. In order to demonstrate that the U.S. is serious about climate change, the EPA should adhere to the internationally accepted baseline year of 1990 for measurements and set much stronger targets for power plants with required benchmarks for compliance beginning no later than 2020.

Natural Gas And Fracking

The proposed rule’s endorsement of natural gas as a strategy for combating climate change is fundamentally flawed and not supported by science. This appears explicitly in building block #2 of the rule which advocates greater use (“dispatch”) of gas-fired power plants instead of coal, and implicitly in building block #3 as an option in planning for new facilities. Although the administration touts natural gas as “clean,” the best science shows that

⁵ B. Hare, M. Lindberg, et al. Below 2 degrees C or 1.5 degrees C depends on rapid action from both Annex I and Non-Annex I countries, *Climate Action Tracker*, Policy Brief, June 4, 2014-revised June 7, 2014.

⁶ M. G.J. den Elzen, A. F. Hof, M. Roelfsema, Analysing the greenhouse gas emission reductions of the mitigation action plans by non-Annex I countries by 2020, Netherlands Environmental Assessment Agency, *Energy Policy*, Volume 56, May 2013. <http://www.sciencedirect.com/science/article/pii/S0301421513000426>

systemic venting and leakage of methane which occurs during extraction, processing, and transport, along with carbon dioxide released during its combustion, negates any meaningful benefit that gas may have over coal with respect to climate change.

In discussing the proposed rule, the EPA and advocates for the gas industry often refer to emissions of “carbon” instead of “carbon dioxide.” This is misleading because the rule regulates only CO₂. According to recent analysis by the IPCC in its Fifth Assessment Report, methane is 34 times more potent—pound for pound—than carbon dioxide as a greenhouse gas over one hundred years and 86 times more potent over twenty years⁷—the most critical timeframe for taking action to avoid climate catastrophe. Climate scientists agree that rising levels of greenhouse gas in the atmosphere are causing the Earth to rapidly approach critical tipping points, beyond which major changes are likely irreversible due to environmental feedbacks, such as the melting of sea ice or thawing of permafrost which further accelerates climate change.⁸ This makes the powerful global warming potential (GWP) of methane over the next two decades extremely damaging. Yet the EPA discounts these effects by using an outdated GWP for methane, and by focusing its analysis on the hundred year timeframe.⁹

Compounding this, real-world measurements by the National Oceanic and Atmospheric Administration and several other independent “top-down” analyses indicate that at least 3% and potentially more than 7% of methane from natural gas is lost to the atmosphere prior to burning—far exceeding EPA estimates, which have been increasingly criticized by the scientific community as wishful thinking.¹⁰ Based on the most recent IPCC 20-year GWP for methane, a leakage rate of 2.8% or higher actually causes natural gas to be more damaging than coal as a driver of climate change.¹¹ Thus when the full life-cycle emissions of methane are considered, it becomes clear that switching from coal to gas has little climate benefit and could in fact make matters worse. Depending on the extent to which states try to comply with the rule’s meager targets by switching from coal to gas instead of taking useful action like improving the efficiency of existing power plants or renewables, carbon dioxide reductions could be substantially masked by the climate driving impacts of methane.¹²

Even if the EPA eventually considers separate efforts to limit methane loss, the rule is deficient because it would lead states to make decisions about electricity generation based on combustion emissions only. This in turn will

⁷ Stocker, T.F., D. Qin, G.-K. Plattner, M. Tignor, S.K. Allen, J. Boschung, A. Nauels, Y. Xia, V. Bex and P.M. Midgley (eds.). IPCC, 2013: Climate Change 2013: The Physical Science Basis, Working Group 1 Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge University Press. <http://www.ipcc.ch/report/ar5/wg1/>

(See Table 8.7. Note: These GWP estimates do not include CO₂ from methane oxidization.)

⁸ Howarth, Robert W. et al. “Venting and leaking of methane from shale gas development: response to Cathles et al.” *Climatic Change*. Vol. 113. February 1, 2012. http://www.eeb.cornell.edu/howarth/publications/Howarthetal2012_Final.pdf; Spratt, David. “The real budgetary emergency & the myth of ‘burnable carbon’.” *Climate Code Red*. May 22, 2014. <http://www.climatecodered.org/2014/05/the-real-budgetary-emergency-burnable.html>

⁹ U.S. EPA. “Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2010.” EPA 430-R-12-001. April 2012; <http://www.epa.gov/climatechange/Downloads/ghgemissions/US-GHG-Inventory-2012-ES.pdf>

¹⁰ Robert W. Howarth, “A Bridge to Nowhere: Methane Emissions and the Greenhouse Gas Footprint of Natural Gas,” *Energy Science & Engineering*. April 2014. <http://onlinelibrary.wiley.com/doi/10.1002/ese3.35/pdf> ;

Miller, Scot M et al. “Anthropogenic emissions of methane in the United States.” *Proceedings of the National Academy of Sciences*. Vol. 110, Iss. 50. December 2013. <http://www.pnas.org/content/early/2013/11/20/1314392110> ;

Brandt, A. R. et al. “Methane Leaks from North American Natural Gas Systems.” *Science*. Vol. 343, Iss. 733. February 2014. <http://www.novim.org/images/pdf/ScienceMethane.02.14.14.pdf>

¹¹ Robert W. Howarth, “A Bridge to Nowhere: Methane Emissions and the Greenhouse Gas Footprint of Natural Gas,” *Energy Science & Engineering*. April 2014. <http://onlinelibrary.wiley.com/doi/10.1002/ese3.35/pdf> ;

Hamburg, Steven. Environmental Defense Fund. “Methane: a Key to Dealing with Carbon Pollution?” November 5, 2013. <http://blogs.edf.org/energyexchange/2013/11/05/methane-a-key-to-dealing-with-carbon-pollution/>

¹² Hertsgaard, M. “A Top Obama Aid Says History Won’t Applaud the President’s Climate Policy,” *Harpers*, June 2, 2014. <http://harpers.org/blog/2014/06/a-top-obama-aide-says-history-wont-applaud-the-presidents-climate-policy/>

lead to poor choices regarding energy production, as seen in the rule's own Regulatory Impact Analysis (RIA). Compared to baseline forecasts, the rule would boost the amount of additional electricity generation from natural gas by nearly ten times the meager gain projected for renewables before 2020.¹³ Moreover, by accelerating gas investments in the near-term, the plan could tip the scales toward fossil fuels for decades to come. Once gas-fired plants are in operation, there will be less incentive for utilities to reinvest in renewables because the massive capital outlay for gas infrastructure will have already occurred.

The EPA's failure to use the most up-to-date 20-year GWP for methane and accurately account for methane loss creates the dangerously false impression that meaningful greenhouse gas reductions can be achieved by simply running ("dispatching") gas-fired power plants more and coal-fired plants less—the primary emphasis for building block #2 of the rule. Clearly since re-dispatch relies on excess capacity, this is also an inherently temporary measure in the face of growing demand. Unless fossil fuel alternatives become a much greater portion of the nation's energy portfolio, greater dispatch of existing gas-fired facilities will simply hasten the eventual need for additional new gas-fired capacity or the eventual need to resume the increased dispatch of coal. Similarly, while the rule does not specifically rely on the construction of new gas-fired facilities in the development of targets for building block #3, the construction of new gas-fired power plants are nevertheless contemplated as a means of achieving compliance and intrinsically incentivized because success is measured only by reduced emissions of carbon dioxide. These are fundamental problems with the rule as presently structured. The most comprehensive approach to regulating greenhouse gas emissions would involve setting targets that account for not only carbon dioxide, but the full-cycle of total greenhouse gas emissions, including methane lost to the atmosphere prior to and during combustion.¹⁴

Avoiding climate catastrophe will require that the U.S. swiftly and dramatically reduce its consumption of both coal and gas. Furthermore, because natural gas does not present a clear climate benefit over coal when full life-cycle impacts are considered, it is unsound climate policy to craft a rule that favors one fossil fuel over the other. The promotion of greater dispatch of gas-fired power plants as a substitute for coal should be removed from the description of building block #2. Furthermore, the rule should not accept the greater dispatch of gas-fired power plants or replacement of coal-fired power plants with gas as measures of compliance pursuant to building blocks #2 or #3. We cannot frack our way out of climate change. The rule should not encourage us to try. Finally, burning coal is harmful too, so the EPA should set much more aggressive goals for zero-emission renewables as discussed below.

In addition to the above concerns, the rule ignores the significant environmental, public health, economic, and societal harms related to the extraction of natural gas. Gas development today—which often involves the dangerous process of horizontal high-volume hydraulic fracturing ("fracking")—is largely unregulated and enjoys broad exemptions from landmark environmental laws, including the Clean Air Act, the Safe Drinking Water Act, and laws regulating hazardous wastes. While the rule goes to great lengths to describe the benefits of reducing coal consumption, it exhibits bias by failing to evaluate the negative consequences of increased natural gas production and related infrastructure, including but not limited to air and water contamination from drilling and fracking operations, unsafe waste disposal, earthquakes, ecological impacts, and damage to roads, property, and communities caused by the boom-bust cycle inherent to this extractive industry. Included with these comments is a recently assembled compendium of fully-cited reports, studies, and articles compiled by Concerned Health

¹³ Regulatory Impact Analysis, Table 3-11.

¹⁴ In the absence of this, criteria should be established to ensure that the rule does not favor one fossil fuel over the other, for example by applying a factor to emission estimates from gas-fired facilities to account for methane losses or by setting separate, but equally challenging, pollution control or efficiency improvement requirements for coal and gas facilities.

Professionals of New York, which describe the many risks and harms of fracking, including its impact on climate change.¹⁵ The Clean Air Act requires the EPA to consider these impacts in developing a standard of performance.¹⁶

2. Renewable Energy

Significant advances have occurred in both solar and wind technology recently that offer tremendous prospects for energy independence, job creation, and greenhouse gas reduction. However, instead of setting aggressive targets to maximize these opportunities, the proposed rule performs a rudimentary averaging of the Renewable Portfolio Standards that already exist within various parts of the country to create an extremely weak set of suggested goals for renewable energy in each state. Many of these goals are weaker than what states are already planning and in some cases weaker than the amount of renewable energy already in place today. For example, Missouri's own renewable energy goal is five times greater than the rule's suggested goal for the state, and Minnesota is producing 18% of its energy from renewables today, already exceeding the meager 15% goal suggested by the rule. Similarly, Kansas, which has far more wind potential than necessary to accommodate its own needs is given a suggested goal of only 20%; and many states, including those which are the worst power plant polluters, like Kentucky, are presented with negligible renewable goals of 1% or 2%.

Not surprising, according to the rule's RIA, the consequence of this approach is virtually no projected change in the total amount of power generation from renewables in 2030 compared to baseline forecasts without the rule. If fully implemented, the rule would result in less than 16% of the country's electricity needs being met with renewables (including hydropower) by 2030.¹⁷ The EPA asks whether an alternative approach should be considered involving the evaluation of renewable energy potential; however this too applies overly conservative technical and market constraints which limit the true capacity of renewables. For example, the rule completely ignores the significant potential of offshore wind simply because no offshore facilities have been built yet in the U.S. A rule that fails to "move the needle" on renewables, lacks any proactive policies or incentives to augment market forces, and remains stagnant with respect to technology that has been successfully implemented in other countries is of little value.

Responding to the threat of climate change requires that the EPA challenge states to maximize sources of energy that do not burn fossil fuel. The rule's extremely weak set of suggested renewable goals should be replaced with ambitious requirements based on the technical potential for renewable power in each state, also recognizing the capacity of some states to become net exporters of electricity from renewable sources. The National Renewable Energy Laboratory (NREL) offers significant data, mapping, and analysis to support this. Significantly, in its comprehensive 2012 *Renewable Electricity Future Study*, the NREL determined:

"Renewable electricity generation from technologies that are commercially available today, in combination with a more flexible electric system, is more than adequate to supply 80% of total U.S. electricity generation in 2050 while meeting electricity demand on an hourly basis in every region of the country."¹⁸

¹⁵ Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking (Unconventional Gas and Oil Extraction), *Concerned Health Professionals of New York*, July 10, 2014. <http://concernedhealthny.org/compendium/>

¹⁶ Clean Air Act § 111(a)(1).

¹⁷ Regulatory Impact Analysis, Table 3-11.

¹⁸ Mai, T.; Sandor, D.; Wisner, R.; Schneider, T (2012). *Renewable Electricity Futures Study: Executive Summary*. NREL/TP-6A20-52409-ES. Golden, CO: National Renewable Energy Laboratory, National Renewable Energy Laboratory. (2012). <http://www.nrel.gov/docs/fy13osti/52409-ES.pdf>;

Important research is also presented in the 2013 report titled *Examining the Feasibility of Converting New York State's All-Purpose Energy Infrastructure to One Using Wind, Water, and Sunlight* (Jacobson, et al.) which describes a strategy to replace New York's current energy portfolio—presently dominated by fossil fuels—with one relying entirely on renewables generated in state.¹⁹ Expanding on this, the “Solutions Project” advocates a plan for each state in the country to achieve independence from fossil fuels by the year 2050.²⁰

The bottom line is that climate catastrophe cannot be avoided if the U.S. continues to rely on fossil fuels to supply most of its energy. The rule should work toward a goal of transitioning to 100% renewable energy and set aggressive targets—like those demonstrated in the aforementioned reports—to require that each state meet the greatest achievable portion of its electricity with zero-emission renewables.²¹ To this end, we urge the EPA to set targets that will result in the United States meeting at least half of its electricity needs with zero-emission sources of energy by 2030.

3. Implementation

As presently structured, the rule is prone to failure and unlikely to achieve meaningful results. Granting excessive flexibility to states (or groups of states), the rule lacks clear, consistent, and enforceable criteria to evaluate emission reductions or the wide variety of substitute actions contemplated in lieu of reducing existing facility emissions. This is an open invitation to develop vague requirements, questionable metrics, and convoluted methods for assessing reductions that could, or supposedly already have, occurred. Particularly in states hostile to taking action on climate change, this does not position the rule for success.

In addition, the rule promotes inequitable standards, allowing emission requirements for similar power plants to vary from state to state, or even plant to plant. Aside from the negative climate consequences of continuing to let some facilities pump high levels of greenhouse gas into the atmosphere while others conform to a higher standard,

Full report: Renewable Electricity Futures Study. Hand, M.M.; Baldwin, S.; DeMeo, E.; Reilly, J.M.; Mai, T.; Arent, D.; Porro, G.; Meshek, M.; Sandor, D. eds. 4 vols. NREL/TP-6A20-52409. Golden, CO: National Renewable Energy Laboratory. Available at http://www.nrel.gov/analysis/re_futures/

In the 80% scenario considered by NREL, approximately 15% of electricity generation is achieved with biomass. Biomass energy generation produces significantly more CO₂ upon combustion than fossil fuels per megawatt-hour, and as the EPA's own Science Advisory Board panel on biogenic carbon dioxide has advised, cannot be considered *a priori* “carbon neutral.” In developing performance standards and evaluating compliance, the EPA must accurately account for net increases in atmospheric CO₂ concentrations caused by combustion of different biomass feedstocks. Even without biomass generation, however, the NREL scenario demonstrates that much more aggressive renewable energy targets are achievable. Excluding biomass, approximately 65% of electricity is generated by renewables in the NREL scenario, with approximately half by wind and solar. (Renewable Electricity Future Study—Executive Summary, Figure ES-3(b)).

¹⁹ Mark Z. Jacobson, et al., *Examining the Feasibility of Converting New York State's All-Purpose Energy Infrastructure to One Using Wind, Water, and Sunlight*, February 2013.

<http://www.stanford.edu/group/efmh/jacobson/Articles/I/NewYorkWWSEnPolicy.pdf>. The Jacobson report accepts biofuels as a short-term interim measure only. Its 2030 scenario meets 100% of total end-use power demand in New York State without biofuels, relying exclusively on zero-emission renewables powered by wind, water, or sunlight. (Jacobson report, Table 2). Again, as discussed in footnote 15 above, the EPA must ensure accurate, consistent accounting for biomass greenhouse gas emissions over the time period relevant to the rule in establishing performance standards and evaluating state plans for compliance.

²⁰ *The Solutions Project*. <http://thesolutionsproject.org/>

²¹ Denmark already obtains 35% of its electricity from renewables today, including offshore wind, and is on schedule to achieve 50% by 2020. By comparison, not a single offshore wind farm has been built in the United States.

this inconsistency regarding what is expected of facilities complicates compliance, monitoring, and enforcement. Vague provisions that allow for demand-side action instead of reducing power plant emissions also invite questionable hand-waving or the counting of consumer actions that would likely occur without the rule. Because individual state targets are very weak, the rule could even encourage plans that simply perpetuate “business as usual.” For example a state like California, which is expected to exceed its proposed target before 2030 without any additional effort, could transfer its “over-compliance” to other states, thus discouraging action that should be taken in all states to reduce emissions. The wholesale deferral of authority to state legislatures, lack of clear enforcement responsibility, and severely misguided strategies for natural gas and renewables place this rule on incredibly shaky ground.

To avoid these problems, the EPA should revise the propose rule to offer the most prescriptive guidance possible. Rather than creating a scenario in which compliance with meager targets can be achieved with limited and in some cases no additional effort, the rule should require aggressive action by all states on every front. The rule should require that state implementation plans include efficiency (heat-to-electricity transfer rate) improvements at all fuel-burning power plants (both coal and gas facilities) and maximize the development of zero-emission renewables. Furthermore, clear guidance should be provided with respect to enforcement, including consistent methodologies to be used for measuring power plant emissions, reductions attributable to renewables, and demand-side efficiency. As previously discussed, the rule should also reject dispatch from coal to gas as methods toward achieving compliance with the rule and should establish mass-based emission targets or ceilings to ensure that overall long-term emissions decline. The rule is also too slow to respond to the crisis at hand. Rather than allowing states to delay action for several more years, the rule should require that meaningful greenhouse gas reductions occur prior to 2020.

Finally, we would be remiss not to address the major contradiction between the administration’s promulgation of a power plant rule to address climate change and its aggressive support of fossil fuel exports, including both coal and gas, to the rest of the world. With respect to global warming, there is little difference in whether fossil fuels extracted in the U.S. are burned domestically or in another country. The additional energy consumed and emissions generated by the production and shipping of coal or liquefied natural gas (LNG) actually render the export of fossil fuel reserves even more damaging. The U.S. should pursue a consistent and comprehensive energy policy that encourages the transition away from fossil fuels both at home and overseas.

* * *

In conclusion, while the undersigned organizations appreciate the President’s desire to address climate change through rulemaking, we find that the EPA’s proposed performance standards for existing power plants as presently structured contain fundamental flaws that must be corrected to offer real hope for avoiding climate catastrophe. Rather than setting woefully inadequate targets that encourage the expansion of natural gas and fracking, the rule should aggressively promote the rapid transition to a sustainable future dominated by renewable energy. As such, we strongly urge the EPA to correct and substantially strengthen the proposed rule as outlined above. Nothing less than bold action will suffice to meet the challenge ahead.

Sincerely,

[THE UNDERSIGNED]