

Congress of the United States
House of Representatives
Washington, DC 20515-4319

June 21, 2024

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Regan,

We write to you today to express concern about the EPA's final rule requiring existing coal-fired power plants and new oil/gas-fired power plants to install new carbon capture technologies or drastically alter their energy production. The new rule (89 FR 39798) would set burdensome and costly requirements on American energy producers precisely at a time when there are already significant concerns about the reliability of the existing electric grid.

This new rule impermissibly intrudes directly into states' responsibilities to assure an electric generation mix that provides reliable, affordable power to their citizens. The rule limits existing generation, under the purview of states, and constrains the expansion of new gas-fired generation. This will further strain the nation's energy supply, drive up costs for consumers, and surge power outages throughout the country.

The recent *2024 Summer Reliability Assessment*¹ published by the North American Electric Reliability Corporation (NERC) underscores growing concerns that large regions of the United States are at risk of blackouts during periods of high demand. This report adds to a series of NERC reports about the potential for increased shortfalls and power outages during periods when people need it the most^{2,3}.

The EPA's final rule, which will go into effect on July 8, 2024 as it stands, will further exacerbate this problem, as it would cause coal-fired power plants to close down prematurely and restrict the ability for new natural gas-fired power plants to go into operation. This is not only bad policy, it is dangerous to the American public, as power outages pose significant health and safety risks to those affected. For example, a 2023 study⁴ published in the *Environmental*

¹ North American Electric Reliability Corporation. (2024, May). 2024 Summer Reliability Assessment. https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_SRA_2024.pdf

² North American Electric Reliability Corporation. (2023, November). 2023-2024 Winter Reliability Assessment https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_WRA_2023.pdf

³ North American Electric Reliability Corporation. (2022, May). 2022 Summer Reliability Assessment. https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_SRA_2022.pdf

⁴ Stone, B., Gronlund, C. J., Mallen, E., Hondula, D., O'Neill, M. S., Rajput, M., Grijalva, S., Lanza, K., Harlan, S., Larsen, L., Augenbroe, G., Krayenhoff, E. S., Broadbent, A., & Georgescu, M. (2023). How blackouts during heat

Science and Technology journal found that a potential heatwave in Arizona causing widespread blackouts could result in an estimated 12,800 deaths.

Furthermore, while EPA's rule requires coal plants and new gas plants to reduce carbon emissions by 90 percent, the agency's primary recommendation for how plants can meet this threshold is currently unfeasible. As Edison Electric Institute President and CEO Dan Brouillette⁵ explains "CCS is not yet ready for full-scale, economy-wide deployment, nor is there sufficient time to permit, finance, and build the CCS infrastructure needed for compliance by 2032."

Moreover, the rule relies on the same provisions of the Clean Air Act that the Supreme Court said could not be used to force states to transform their electricity generation. However, EPA is still doing just this, clearly to the detriment of public health and safety.

Given how detrimental this EPA rule would be for the public and given the likelihood that this policy would be vacated by the courts again, we strongly urge EPA to reconsider its position and withdraw the rule before it goes into effect on July 8, 2024.

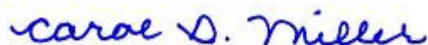
Sincerely,



Jodey C. Arrington
Member of Congress



Troy Balderson
Member of Congress



Carol D. Miller
Member of Congress




Pat Fallon
Member of Congress

waves amplify mortality and morbidity risk. *Environmental Science & Technology*, 57(22), 8245–8255.
<https://doi.org/10.1021/acs.est.2c09588>

⁵ EEI statement on EPA package of final rules for power plants |. (2024, April 25).

<https://www.eei.org/en/news/news/all/eei-statement-on-epa-package-of-final-rules-for-power-plants>



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