

**Center for Biological Diversity * Clean Water Action
Climate Hawks Vote* Earthjustice
Environment America * Environmental Defense Fund
Friends of the Earth * GreenLatinos
Hip Hop Caucus * Interfaith Power & Light
League of Conservation Voters
Moms Clean Air Force * National Parks Conservation Association
Natural Resources Defense Council * Power Shift Network * Public Citizen
Sierra Club * Southern Environmental Law Center**

March 6, 2018

Dear Representative,

On behalf of our millions of members, the undersigned organizations urge you to oppose the amended Satisfying Energy Needs and Saving the Environment Act, or SENSE Act (H.R. 1119). This bill would weaken health safeguards for Americans on behalf of special interest groups and result in more toxic air pollution and health hazards.

The SENSE Act would provide a giveaway to power plants that burn waste coal under EPA's Mercury and Air Toxics Standards (MATS). The bill favors waste coal-burning power plants at the expense of other in-state coal power plants and the public through blunt political favoritism.

Specifically, the SENSE Act would permanently exempt power plants that burn waste coal from having to meet certain pollution limits. Power plants, including waste coal plants, are already meeting these standards – passing this bill would be a free giveaway to polluters, and nothing more.

And the courts agree.

When waste coal plant owners filed lawsuits challenging the MATS standards in the first place, they claimed it was “virtually impossible” to meet the acid gas and sulfur dioxide limits set in MATS. The court rejected the plants’ arguments.

The judges pointed to clear evidence that waste coal plants *already* were meeting these limits. EPA had evidence demonstrating that 8 out of 19 waste coal units nationwide already could meet the rule’s acid gas standard or alternative sulfur dioxide standard. In fact, the court noted that not only were the plants meeting these supposedly “impossible” standards, but some of these plants were “among the best performers” in achieving hydrogen chloride reductions among all coal-burning units under the rule.¹

¹ See *White Stallion Energy v. EPA*, 748 F.3d 1222, 1250 (D.C. Cir. April 15, 2014).

Doomsday claims to justify this bill are just that. Waste coal plants have already had more time than other power plants to come into compliance with MATS. Rewarding laggards who continue to drag their feet, *even after already getting special treatment*, would undermine all pollution reduction programs and disincentivize compliance.

Were this bill to become law, the result will be dirtier air for communities. Indeed, the SENSE Act drags health standards down to the level of the laggards—resulting in greater harms for Americans living in states with waste coal plants as well as in their downwind neighboring states. This bill is not only bad policy - it is unjustified. It favors the very dirtiest of polluting facilities at the expense of Americans, air quality, and responsible power plants who have already taken steps to clean up their air pollution. Worst of all, it will lead to greater toxic pollution and health harms to Americans. We urge you to oppose the SENSE Act.

Sincerely,

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