

**Testimony of Bruce Ho, Senior Energy Advocate,
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**Delaware Department of Natural Resources and Environmental Control
Clean Power Plan Listening Session in Wilmington, Delaware**

January 8, 2018

Good morning. My name is Bruce Ho, and I'm a Senior Energy Advocate at the Natural Resources Defense Council (NRDC). I want to thank DNREC for holding this hearing for members of the public to comment on EPA's proposed repeal of the Clean Power Plan. And on behalf of NRDC's three million members and supporters, including more than 6,500 here in Delaware, I want to register our strong opposition to repealing this rule.

Since 1970, NRDC's lawyers, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment. Our top institutional priority is curbing global warming emissions and building a clean energy future, and we have been deeply engaged on the Clean Power Plan as well climate and clean energy efforts at the state and regional levels, including in Delaware.

I'm here today with my colleague Khalil Shahyd, who will testify on the significant benefits that the Clean Power Plan would provide to low-income families – benefits that would be taken away if the rule is repealed. I will focus on Delaware's own experience in tackling emissions, which shows the Clean Power Plan is eminently achievable, and on the lack of justification for its repeal.

According to the U.S. National Climate Assessment – released by the Trump administration in November – we are now in the warmest period “in the history of modern civilization.”¹ The report concludes:

[I]t is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century. For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence.²

¹ U.S. Global Change Research Program (2017), *Climate Science Special Report: Fourth National Climate Assessment*, Vol. I [Wuebbles, D.J., D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.)], https://science2017.globalchange.gov/downloads/CSSR2017_FullReport.pdf, at 10.

² *Id.*

And yet EPA proposes to repeal the Clean Power Plan – one of the most significant steps our country has proposed to slow this dangerous warming.

The question is, why?

It cannot be because of the science. The National Climate Assessment confirms that climate change is real, it is happening, it is caused by humans, and it is already harming Americans.

It cannot be because EPA Administrator Pruitt and President Trump are concerned for health and safety. EPA's own Regulatory Impact Analysis concludes that repealing the Clean Power Plan could result in up to 4,500 more premature deaths each year by 2030, due to extra soot and smog pollution from allowing power plants to continue emitting high levels of sulfur dioxide and oxides of nitrogen, alongside carbon pollution.³

³ U.S. EPA (2017), *Regulatory Impact Analysis for the Review of the Clean Power Plan: Proposal*, https://www.epa.gov/sites/production/files/2017-10/documents/ria_proposed-cpp-repeal_2017-10_0.pdf, at 123.

The U.S. Supreme Court has held three times that EPA has authority under the Clean Air Act to curb climate-changing pollutants⁴ – so this proposal cannot be justified by arguing that EPA lacks such a mandate.

And on the economics? Repeal of the Clean Power Plan cannot be justified on these grounds either. EPA’s original analysis of the Clean Power Plan estimated it would generate \$34 billion to \$54 billion in public health and climate benefits per year in 2030, lower electricity bills, and prevent thousands of premature deaths, tens of thousands of asthma attacks, and hundreds of thousands of missed school and work days.⁵

Real-world experience confirms that we can cut carbon pollution, grow our economy, and create jobs. Since 2009, Delaware has participated in the Regional Greenhouse Gas Initiative, or RGGI, the nation’s first market to cut carbon pollution. Together with Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont,

⁴ *Massachusetts v. EPA*, 549 U.S. 497 (2007); *American Elec. Power Co. v. Connecticut*, 564 U.S. 410 (2011); *Utility Air Regulatory Group v. EPA*, 573 U.S. ___, 134 S. Ct. 2427 (2014).

⁵ U.S. EPA (2015), “Factsheet: The Clean Power Plan by the Numbers,” <https://archive.epa.gov/epa/cleanpowerplan/fact-sheet-clean-power-plan-numbers.html>, accessed Jan. 6, 2018.

Delaware has cut carbon pollution from the region’s power plants by more than 40 percent.⁶

In the process, the states have cut illness-causing soot and smog, saving the region \$5.7 billion in health costs, including by preventing hundreds of premature deaths, more than 8,000 asthma attacks, and more than 39,000 lost work days.⁷

They have also achieved other benefits:

- The region’s economy has outpaced the rest of the country, even as RGGI states cut carbon pollution almost two times faster;⁸
- Electricity prices are down 6.4 percent, even as they’ve risen 6.2 percent outside of RGGI;⁹

⁶ Power plants covered by the RGGI program emitted 79.1 million short tons of CO₂ in 2016, as compared to CO₂ emissions of 132.9 million tons from the nine states in 2008, the year before RGGI began, representing an emissions reduction of 40.4 percent. See RGGI, Inc. (2009), “Historical Emissions (2000-2008),” https://www.rggi.org/historical_emissions; RGGI, Inc., “RGGI CO₂ Allowance Tracking System: Summary Level Emissions Reports,” https://rggi-coats.org/eats/rggi/index.cfm?fuseaction=search.rggi_summary_report_input&clearfuseattribs=true.

⁷ Abt Associates (2017), *Analysis of the Public Health Impacts of the Regional Greenhouse Gas Initiative, 2009–2014*, http://abtassociates.com/getattachment/Reports/2017/RGGI/RGGI-Public-Health-Impacts_final4.pdf.aspx.

⁸ Acadia Center (2017), *Outpacing the Nation: RGGI’s environmental and economic success*, http://acadiacenter.org/wp-content/uploads/2017/09/Acadia-Center_RGGI-Report_Outpacing-the-Nation.pdf.

⁹ *Id.*

- RGGI has saved customers \$773 million on their energy bills, thanks to investments in energy efficiency and other programs, and is expected to save customers billions of dollars more,¹⁰ and
- RGGI has boosted economic growth at least \$2.9 billion and created more than 30,000 years of full-time employment, including \$170 million and more than 1,400 employment years in Delaware.¹¹

The RGGI states have so successfully cut carbon pollution that they've already achieved their Clean Power Plan targets, more than a decade early.

But Delaware and its partners aren't stopping there. They've committed to cut pollution at least 30 percent more by 2030, and expect to spur \$3.95 billion in economic growth, put \$2.11 billion in families' pocketbooks, and

¹⁰ RGGI, Inc. (2016), *The Investment of RGGI Proceeds through 2014*, https://www.rggi.org/docs/ProceedsReport/RGGI_Proceeds_Report_2014.pdf; RGGI, Inc. (2017), *The Investment of RGGI Proceeds in 2015*, https://www.rggi.org/docs/ProceedsReport/RGGI_Proceeds_Report_2015.pdf.

¹¹ Analysis Group (2011), *The Economic Impacts of the Regional Greenhouse Gas Initiative on Ten Northeast and Mid-Atlantic States: Review of the Use of RGGI Auction Proceeds from the First Three-Year Compliance Period*, http://www.analysisgroup.com/uploadedfiles/content/insights/publishing/economic_impact_rggi_report.pdf; Analysis Group (2015), *The Economic Impacts of the Regional Greenhouse Gas Initiative on Nine Northeast and Mid-Atlantic States: Review of RGGI's Second Three-Year Compliance Period (2012-2014)*, http://www.analysisgroup.com/uploadedfiles/content/insights/publishing/analysis_group_rggi_report_july_2015.pdf.

create 34,000 employment years by doing so.¹² Now other states, including New Jersey and Virginia are looking to join the program.¹³

State action is critical. But the RGGI states cannot solve climate change on their own. Carbon pollution from other states continues to cause harm to all. We need leadership from our federal government to ensure every state does its part to prevent the worst impacts of climate change.

I urge EPA to withdraw its repeal proposal, and to fulfill its duty to protect Americans from dangerous climate pollution.

¹² ICF (2017), *RGGI Program Review: REMI Modeling Results*, http://rggi.org/docs/ProgramReview/2017/12-19-17/REMI_2017_12_19.pdf.

¹³ See, e.g., "RGGI finalizes rule to cut emissions 30% from 2020 to 2030" (Dec. 20, 2017), *S&P Global Platts*, <https://www.platts.com/latest-news/electric-power/houston/rggi-finalizes-rule-to-cut-emissions-30-from-21880578>.