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**Natural Resources Defense Council**

**Maryland Attorney General Brian Frosh**
**Senate President Thomas V. Mike Miller**
**Speaker of the House Michael E. Busch**
**Clean Power Plan Listening Session in Annapolis, Maryland**

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Good morning. My name is Deron Lovaas, and I'm a Senior Policy Advisor at the Natural Resources Defense Council (NRDC). I want to thank Attorney General Frosh, Senate President Miller and Speaker Busch for holding this hearing on EPA's proposed repeal of the Clean Power Plan. And on behalf of NRDC's three million members and supporters, including more than 44,000 in Maryland, I strongly oppose repeal of 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 Maryland.

I'm here today with my colleagues Juanita Constible, Amanda Levin, Lyssa Lynch and Khalil Shahyd. I will focus on Maryland's experience in tackling emissions, which shows the Clean Power Plan is eminently achievable.

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]

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?

[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*.

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]

The U.S. Supreme Court has held three times that EPA has authority under the Clean Air Act to curb climate-changing pollutants[4] – 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

[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.

[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).

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. For example, since 2009, Maryland has participated in the Regional Greenhouse Gas Initiative, or RGGI, the nation's first market to cut carbon pollution. Thanks in part to this national model, Maryland has cut carbon pollution from the power plants by 43 percent.[6]

In the process, the RGGI states have also 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] We have also achieved other benefits:

[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.

[6] Power plants covered by the RGGI program emitted 79.1 million short tons of $CO_2$ in 2016, as compared to $CO_2$ 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 $CO_2$ 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.

- The RGGI 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]
- 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, specifically growing Maryland's economy by $341 million and creating 3,845 job-years of employment.[11]

[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*.
[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.

But we're not stopping there. RGGI states have further 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 create 34,000 employment years by doing so.[12] Now other states, including New Jersey and Virginia, are eager to join the program.[13]

Another pillar of Maryland's clean energy policy architecture is the EmPOWER Maryland program, launched in 2008 and extended through 2023 thanks to a new statute enacted last year.[14] This program drives a portfolio of energy efficiency investments by Maryland's 6 utilities and the Department of Housing and Community Development. As a recent study from the American Council for an Energy Efficient Economy found, it has been a boon to our state by delivering:[15]

- More than $4 billion in savings in total customer bills over the life of improvements made between 2008 and 2015;

[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.
[14] https://www.nrdc.org/experts/deron-lovaas/renewing-marylands-commitment-energy-efficiency
[15] Baatz, Brendon and Jim Barret, *Maryland Benefits:* Examining *the Results of EmPOWER Maryland through 2015*, ACEEE Research Report U1701, January 11, 2017, http://aceee.org/research-report/u1701.

- $1.81 in benefits for every dollar spent on energy efficiency measures due to lower wholesale prices for energy, savings from reduced need to build new power plants and power lines, reduced air pollution, and reduced need for electricity production;
- Total lifetime energy savings of more than 51 million megawatt hours, equivalent to the electricity used by 850,000 residential customers over five years; and
- Reduced emissions of nearly 19 million metric tons of carbon dioxide, more than 34 million pounds of nitrogen oxides, and nearly 78 million pounds of sulfur dioxide over the lifetime of the programs.

RGGI and EmPOWER Maryland underscore that state action is critical. But neither Maryland nor the RGGI states can 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. That's why I urge EPA to withdraw its repeal proposal, and to fulfill its duty to protect Americans from dangerous climate pollution.