



INSTITUTE FOR 21ST CENTURY ENERGY

U.S. CHAMBER OF COMMERCE



Business matters.



October 30, 2013

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy:

The Institute for 21st Century Energy, along with the undersigned state chambers of commerce representing the interests of millions of businesses, urge you to include our states as part of EPA's listening session tour on forthcoming greenhouse gas (GHG) regulations on existing power plants.

As you know, on September 30 EPA announced a series of 11 public listening sessions on "the best Clean Air Act approaches to reducing carbon pollution from existing power plants."¹ In EPA's own words, the feedback from these listening sessions "will play an important role in helping EPA develop smart, cost-effective guidelines."

This rulemaking process follows a wave of EPA regulations on the coal industry that has been cited as a factor in the closure of nearly 300 coal units in 33 states.² Given the potential negative impacts of this process on American jobs and the economy, it is vital that EPA take the time to get the regulation right. This starts with a robust, inclusive process that works with key stakeholders to address serious concerns regarding the design and impacts of the rule.

However, EPA has chosen to locate most of these hearings in states and regions that use very little coal, while neglecting states most dependent on coal for affordable and reliable electricity generation. For example, EPA is not planning listening sessions in any of the 10 states most reliant on coal for electricity generation, instead choosing states such as California (1% of electricity from coal), New York (4%), and Washington (4%).

This imbalance is inconsistent with EPA's own *Public Involvement Policy*, which states "when the subject of a public hearing, meeting or other information exchange process relates to conditions or facilities in a specific geographic area, EPA should hold the public hearing or meeting in that general geographic area."³ (Emphasis added.)

This principle is particularly important when it comes to GHG regulations on existing plants, because states are ultimately responsible for the development and implementation of EPA's regulations. In testimony to Congress last month,

¹ <http://www2.epa.gov/carbon-pollution-standards/public-listening-sessions>

² http://www.cleancoalusa.org/sites/all/files/Coal_Facts_July_2013.pdf

³ <http://www.epa.gov/publicinvolvement/pdf/policy2003.pdf>

you suggested that state outreach would be a key element of EPA's outreach plans before crafting these regulations:

For existing plants, we are engaged in outreach to a broad group of stakeholders with expertise who can inform the development of proposed standards, regulations, or guidelines, which we expect to issue in June of 2014. These guidelines will provide guidance to States, which have the primary role in developing and implementing plans to address carbon pollution from existing plants. This framework will allow us to capitalize on state leadership and innovation while also accounting for regional diversity and providing the necessary flexibility.⁴

We applaud your recognition of the importance of working closely with state and local stakeholders, and respectfully request that you sustain this commitment throughout the regulatory development process, beginning with public listening sessions where EPA can hear directly from businesses and individuals in our states.

We thank you for your attention to this request and look forward to working with you to develop rules that preserve the critical role of coal in providing Americans with affordable, abundant and secure supplies of energy.

Sincerely,

Karen A. Harbert
President & CEO
Institute for 21st
Century Energy
U.S. Chamber of
Commerce

Rachael Petro
President & CEO
Alaska Chamber

Randy Zook
President & CEO
Arkansas State Chamber
of Commerce/
Associated Industries
of Arkansas

Kevin Brinegar
President & CEO
Indiana Chamber
of Commerce

Dave Adkisson
President & CEO
Kentucky Chamber
of Commerce

Barry L. Kennedy
President
Nebraska Chamber of
Commerce & Industry

Lew Ebert
President & CEO
North Carolina
Chamber

Andy Petersen
President & CEO
Greater North
Dakota Chamber

Andy Doehrel
President & CEO
Ohio Chamber of
Commerce

Barry DuVal
President & CEO
Virginia Chamber
of Commerce

Steve Roberts
President
West Virginia
Chamber

Kurt Bauer
President & CEO
Wisconsin Manufacturers
& Commerce

Julie Simon
President & CEO
Campbell County
Chamber of
Commerce, Wyoming

Angela Fox Jarvis
President
Wyoming Chamber
of Commerce
Partnership

⁴ <http://docs.house.gov/meetings/IF/IF03/20130918/101308/HHRG-113-IF03-Wstate-McCarthyG-20130918.pdf>