

**Committee on Energy and Commerce**

**Opening Statement as Prepared for Delivery  
of**

**Subcommittee on Environment, Manufacturing, and Critical Materials Ranking Member  
Paul D. Tonko**

***Hearing on “EPA’s New Carbon Pollution Standards for Fossil Fuel Power Plants”***

**June 6, 2023**

Thank you, Mr. Chair.

Under the Clean Air Act, EPA has a responsibility and obligation to protect Americans’ public health and the environment from air pollution, and this includes carbon pollution.

As we know, the power sector is the second largest source of greenhouse gas emissions in the United States.

Many of the coal-fired power plants that we will hear about today will have been operating for over 60 years by the time EPA’s proposed rule would require them to take any compliance action.

During those decades, they have been able to emit limitless carbon pollution without consequences.

Do my Republican colleagues truly believe these plants should continue to be able to pollute at these levels for as long as possible?

Section 111 of the Clean Air Act allows the agency to establish standards of performance for new and existing electric generating units.

EPA has successfully used this authority to reduce air pollution since the 1970s, and each time, regulated entities have found cost-effective methods to comply with reasonable standards.

This proposed rule will be no different.

But today I expect we will hear misrepresentations of what is included in the proposal and fearmongering about how it will jeopardize grid reliability.

So, I would like to be clear about what is actually in the proposed rule.

First, the rule is reasonable. It is a far cry from a government takeover of our power sector.

On the contrary, it is based on existing market trends, which include significant coal plant retirements for economic reasons and increased deployment of renewables.

This is ultimately a modest rule that builds upon the Inflation Reduction Act, which will further support cost-effective compliance with the proposed standards.

Second, this proposal provides ample flexibility to entities.

The rule has proposed to regulate generating units by subcategories, taking into consideration a variety of factors, such as the size of units, when units plan to retire, and how often units intend to operate.

It acknowledges that depending on the date of retirement, the cost effectiveness of pollution controls will change.

Therefore, units planning to shut down within the next 15 years will need to take less stringent steps to comply. And some units will not need to do much of anything at all.

This will avoid stranded assets from the installation of pollution controls on power plants that will not operate for long enough to make those investments recoverable.

The proposal also allows for several pathways for compliance and does not dictate a specific type of pollution control strategy.

Some units may choose to pursue carbon capture. Others may adopt hydrogen co-firing.

And it provides ample timelines for compliance, which will allow utilities and grid operators to make long-term plans.

Third, this proposal is targeted.

The most stringent emissions controls will only be required on a small number of the largest and most polluting power plants.

These are disproportionate polluters.

28% of power sector emissions come from just 45 facilities that provide only 11% of our nation's power.

This rule intends that the most polluting sources of carbon pollution take greater action to reduce that pollution, and it ensures that smaller units, which may have a role to play in grid balancing as we achieve a cleaner electricity mix, are able to continue to operate.

For example, existing gas peaker plants, which do not run as often, will likely not be covered at all.

Finally, I want to say a word on reliability.

Despite this rule being incredibly different from the Obama Administration's Clean Power Plan, many of the attacks against it remain unchanged.

Back then, we also heard scare tactics that the rule would threaten reliability.

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What happened instead? Before the rule would have even gone into effect, market trends enabled nearly every state to achieve the 2030 goals of the proposal.

Just like then, today, Members are vastly underestimating how quickly our electricity system is becoming cleaner, and how quickly pollution control technologies will become cheaper.

Now, there certainly are steps Congress should take to strengthen the reliability of our electric grid.

Unfortunately, our Republican colleagues missed a huge opportunity by failing to agree to any serious transmission policies as part of last week's debt ceiling agreement.

We could have taken meaningful, commonsense steps to strengthen transmission connections between regions.

This definitely would have enhanced grid resilience in the short-term as we face increasing numbers of extreme weather events, and the long-term, as our electricity mix continues to change.

Mr. Chairman, I believe, despite what we will hear today, EPA has taken a sensible, flexible, targeted, and achievable approach to reduce emission from some of the largest carbon polluters in our country.

I look forward to today's discussion, but more importantly, I look forward to EPA finalizing this proposal.

I yield back.