

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

February 8, 2019

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Acting Administrator Wheeler:

Pursuant to Rules X and XI of the House of Representatives, we write to request information regarding the Environmental Protection Agency's (EPA) troubling record of rolling back important climate regulations. On November 20, 2018, the Committee sent EPA a letter requesting information about the Agency's controversial decisions to rollback three separate Obama-era rules: The Clean Power Plan, fuel economy standards for vehicles, and the methane rule. However, to date, the EPA has failed to provide the information requested by the Committee. Therefore, we reiterate our request.

The tragic human and financial costs of unchecked climate change are high and increasing fast, and unfortunately the Administration's actions for the last two years are only exacerbating these conditions. To that end, we request information, so the Committee can evaluate these new proposals and their consequences for public health and the environment.

On October 8, 2018, a report by the United Nations' Intergovernmental Panel on Climate Change (IPCC) warned of drastic environmental and public health consequences without "rapid and far-reaching transitions in energy, land, urban and infrastructure, and industrial systems" in order to limit global warming, as well as avoid risks of extreme weather and greater losses of species and ecosystems.¹ According to the report, temperature increases could cause hundreds of millions of people to be exposed to water shortages, heat waves, and life-threatening flooding by 2050. In 2017 and 2018, the United States experienced 27 climate and weather disasters,

¹ Intergovernmental Panel on Climate Change, *Global warming of 1.5°C, Summary for Policy Makers* (Oct. 2018) (www.ipcc.ch/news_and_events/pr_181008_P48_spm.shtml).

resulting in the deaths of over 3,300 people and costs to the American public of more than \$1 billion each.²

Despite these warnings, the Trump Administration abdicated the United States' role as a global leader on meaningful climate action by announcing its intention to withdraw the United States from the landmark Paris Climate Accord and disregarding consensus science that humans are a major driver of global warming.³ At the same time, EPA has engaged in the systematic dismantling of critical climate initiatives and public health protections. Furthermore, EPA continues to champion policies that would result in massive increases in greenhouse gas emissions with no regard for the associated climate or public health impacts. Three primary examples are: The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Year 2012-2016 Passenger Cars and Light Trucks;⁴ The Affordable Clean Energy (ACE) Rule;⁵ and the Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration (Methane Replacement Rule).⁶

Combined, the Administration's rollbacks willfully turn a blind eye to the dangers of climate change, putting American communities at risk and diverting EPA's mission to protect human health and the environment. These include:

1. *Repealing the Clean Power Plan, which set limits on harmful carbon pollution from power plants and put us on the path to a clean energy future and replacing it with the proposed ACE Rule that will achieve none of these goals.* ACE does not merely fail to control carbon emissions, it also resurrects harmful changes to the New Source Review (NSR) program previously rejected by the Courts that will promote significant increases in air pollution from the oldest and dirtiest power plants in the country. In fact, according to EPA's own analysis, the new rule could lead to up to 1,400 premature deaths each year by 2030 due to increased exposure to particulate

² National Oceanic and Atmospheric Administration, *Billion-Dollar Weather and Climate Disasters: Summary Stats* (2018) (www.ncdc.noaa.gov/billions/summary-stats).

³ *Fact-check: 'I Don't Know That It's Man-Made,' Trump Says of Climate Change. It Is*, New York Times (Oct. 15, 2018).

⁴ National Highway Traffic Safety Administration & Environmental Protection Agency, *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks*, 83 Fed. Reg. 42986-43500 (Aug. 24, 2018) (notice of proposed rulemaking).

⁵ Environmental Protection Agency, *Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Implementing Regulations; Revisions to New Source Review Program*, 83 Fed. Reg. 44746-44813 (Aug. 31, 2018) (proposed rule).

⁶ Environmental Protection Agency, *Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration*, 83 Fed. Reg. 52056-52107 (Oct. 15, 2018) (proposed rule).

matter (PM_{2.5}). PM_{2.5} is a pollutant linked to serious heart and lung diseases, as well as up to 16,000 cases of upper respiratory symptoms, an increase in bronchitis, and tens of thousands of missed school and work days.⁷ Additionally, we are concerned the replacement of the Clean Power Plan with the ACE Rule will stifle innovation in clean energy.

2. *Decimating popular vehicle fuel efficiency and pollution standards.* According to the draft environmental impact statement accompanying the rule, the proposed rulemaking would result in up to a ten percent increase of carbon emissions, further contributing to an increased global mean surface temperature,⁸ and reportedly putting an additional eight billion tons of carbon into the atmosphere during this century.⁹ The rollback will reportedly cost Americans up to an estimated \$236 billion in extra fuel costs by 2035.¹⁰ Additionally, gutting these standards would ultimately lead to loss of investments in fuel-efficient technologies and cut 60,000 jobs in the automotive sector.¹¹ EPA staff, the auto industry, and economists have identified significant flaws in the modeling used in the rulemaking, commenting that the Trump Administration's modeling is "premature and ill-advised."¹²
3. *Rolling back requirements for the oil and gas industry to monitor and repair methane leaks from its operations.* Methane is a powerful contributor to climate change, with more than 25 times the global warming potential of carbon dioxide. EPA's proposed Methane Replacement Rule rolls back existing safeguards which would reduce methane emissions from the oil and gas industry by 40 percent from 2012 levels by 2025.¹³ If finalized, this rollback would also undermine critical public health

⁷ Environmental Protection Agency, *Regulatory Impact Analysis for the Proposed Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units; Revisions to Emission Guideline Implementing Regulations; Revisions to New Source Review Program* (Aug. 2018).

⁸ National Highway Traffic Safety Administration, *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Year 2021–2026 Passenger Cars and Light Trucks, Draft Environmental Impact Statement* (July 2018).

⁹ *Trump Administration Sees a 7-Degree Rise in Global Temperatures by 2100*, The Washington Post (Sept. 28, 2018).

¹⁰ *Trump is freezing Obama's fuel economy standards. Here's what that could do.* Vox (Aug. 2, 2018) (www.vox.com/energy-and-environment/2018/5/3/17314000/trump-epa-cars-trucks-fuel-economy-cafe-standards).

¹¹ National Highway Traffic Safety Administration and Environmental Protection Agency, *Preliminary Regulatory Impact Analysis: The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rules for Model Year 2021 – 2026 Passenger Cars and Light Trucks* (July 2018).

¹² *The Trump Administration Flunked Its Math Homework*, The Atlantic (Oct. 31, 2018).

¹³ Environmental Protection Agency, *Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration*, 83 Fed. Reg. 52056-52107 (Oct.

protections from other harmful pollutants like benzene and volatile organic compounds.

We write to reiterate our request that EPA provide us information that will help us understand how these decisions were made and how these actions will affect the environment and human health. Specifically, we request you brief the Committee on these issues and provide the following:

1. Any EPA presentations, briefings, or memorandums, from January 20, 2017 to present, describing or detailing results from EPA's Optimization Model for reducing Emissions of Greenhouse Gases from Automobiles (OMEGA) used to inform the SAFE Vehicles Rule, EPA's reconsideration of the 2017 Mid-term Evaluation Final Determination, or any regulatory options for proposed greenhouse gas standards for light duty vehicle years from 2021 onward. This request includes, but is not limited, to any:
 - a. Presentations, briefings and any memorandums developed by the EPA Office of Transportation and Air Quality (OTAQ) comparing EPA OMEGA results to modeling completed by NHTSA and delivered to or prepared for EPA Administrator Wheeler, Office of Policy Associate Administrator Brittany Bolen, Office of Air and Radiation (OAR) Assistant Administrator William Wehrum, OAR Deputy Assistant Administrator Clint Woods, OAR Senior Policy Advisor Mandy Gunasekara, or OTAQ Director Christopher Grundler.
 - b. Electronic communications between or among the individuals identified in (a) discussing OMEGA results or NHTSA modeling results used to inform the proceedings listed in this question.
2. An explanation of why EPA has not posted updates to OMEGA models for the SAFE Vehicles Rule on the Agency's public website, and a deadline by which EPA will publicly post modeling inputs and technology cost estimates for OMEGA models and results supporting this rulemaking.
3. Materials summarizing Agency analysis and modeling evaluating actual annual emissions of air pollution estimated to occur under the proposed changes to the NSR Program included in the ACE Rule, including but not limited to:
 - a. Materials summarizing the estimated actual annual emissions of air pollution under proposed changes to the NSR Program in the ACE Rule (including but not limited to EPA's proposed NSR applicability requirements and proposed

15, 2018) (proposed rule) and Environmental Protection Agency, *Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources*, 81 Fed. Reg. 35824-35942 (June 3, 2016) (final rule).

exemptions, including exemptions of “life extension” projects) compared to current annual emissions.

- b. Any presentations, briefings and memorandums developed by the EPA delivered to or prepared for EPA Administrator Wheeler, Office of Policy Associate Administrator Brittany Bolen, OAR Assistant Administrator William Wehrum, OAR Deputy Assistant Administrator Clint Woods, or OAR Senior Policy Advisor Mandy Gunasekara which reference or explain expected emissions or human health impacts associated with proposed changes to the NSR Program in the ACE Rule.
 - c. The number of electric generating units (EGUs) EPA anticipates would make heat rate improvements (HRI) as a result of the proposed changes to the NSR Program in the ACE Rule.
 - d. A list of meetings, phone calls, or email exchanges from January 20, 2017 to present between former Administrator Scott Pruitt and any individual identified in (b) with external stakeholders regarding the proposed changes to the NSR Program in the ACE Rule. For each meeting, or phone call, provide the date, participants name, title, and organizational affiliation.
5. All Agency materials, analysis or modeling which summarize the climate, and public health effects of decreasing the frequency of methane leak inspections at wells and compressor stations under the Methane Replacement Rule. Provided materials should include any discussion or consideration of the effect of less frequent inspections on vulnerable populations like children, the elderly, outdoor workers, and minority communities.

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Please provide all requested answers and documents no later than February 22, 2019.
If you have any questions, please contact Jon Monger with the Committee staff at (202) 225-2927. Thank you for your attention to this matter.

Sincerely,



Frank Pallone, Jr.
Chairman



Diana DeGette
Chair
Subcommittee on Oversight
and Investigations



Paul D. Tonko
Chairman
Subcommittee on Environment
and Climate Change

cc: The Honorable Greg Walden, Ranking Member, Committee on Energy and Commerce
The Honorable Brett Guthrie, Ranking Member, Subcommittee on Oversight and
Investigations
The Honorable John Shimkus, Ranking Member, Subcommittee on Environment and
Climate Change