

April 6, 2021

President Joseph R. Biden, Jr.
1600 Pennsylvania Ave., NW
Washington, DC 20500

Re: Vital Public Health and Climate Protections to Address the Nation's Power Plant Pollution

Dear President Biden:

On behalf of our millions of members, we thank you for your bold vision to combat climate change and your dedication, in the American Rescue Plan and the American Jobs Plan, to building back an economy that creates millions of well-paying jobs and that protects and builds opportunity in communities on the front lines of air pollution and climate change.

Coal- and gas-fired power plants are the country's largest industrial source of dangerous air pollution. Despite years of progress thanks to past clean air protections and the plummeting costs of clean energy, power plants still emitted more than 1.6 billion metric tons of carbon pollution in 2019, nearly one million tons of sulfur dioxide, and nearly 900,000 tons of nitrogen oxides. Three-quarters of coal-fired plants still lack modern air pollution controls 30 years after the Clean Air Act was last amended, and every year they also discharge more than a billion pounds of toxic chemicals and other pollutants into the nation's waterways and dump tens of millions of tons of coal ash into ponds and landfills that can leach into rivers and groundwater.

As a result, these power plants still cause tens of thousands of deaths and hundreds of thousands of illnesses each year, are the nation's largest stationary source of climate pollution, and cause massive damage to ecosystems and agriculture. The health harms, climate impacts, and other damages fall disproportionately on overburdened and disadvantaged communities. We strongly support your commitment to ensure environmental justice communities and leaders are thoroughly engaged—and heard—in shaping and designing our nation's pollution control priorities and policies.

We support your goal of achieving 100 percent clean electricity by 2035. We applaud your Day One executive order directing EPA to reverse the Trump administration's effort to undermine standards for mercury and other toxic air pollutants. We note the decision of the D.C. Circuit Court of Appeals the day before your inauguration throwing out the former administration's do-nothing standard for power plant carbon pollution, and giving EPA both a clear mandate and a clean slate to set new standards that protect public health and the environment. And we support your intention to announce a new national commitment under the Paris Agreement this month.

We urge you now to set a clear and aggressive schedule for EPA to adopt and implement ambitious multi-pollutant power sector protections to curb the full range of dangers power plants pose. EPA has urgent responsibilities under three of the nation's fundamental environmental laws—the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery

Act—to address the serious public health and environmental threats from power plants. By carrying out EPA’s responsibilities under current law in parallel with seeking new incentives, investments, and authority from Congress to limit pollution, your administration can protect all communities while creating millions of good jobs for workers across the country, including those in industries currently dependent on high-polluting fuels. It is critical to phase down power sector carbon emissions at least 80 percent below their 2005 peak levels by 2030, which will support your administration’s 2035 target for 100 percent clean electricity. Cleaning up the power sector is also essential to a broader strategy of electrifying our vehicles, buildings, and industry, in order to reduce the health- and climate-harming pollution from those sectors.

A multi-pollutant power sector approach and schedule for action under our current laws should include at least the following key elements:

- Curbing toxic pollution: EPA must restore the “appropriate and necessary” finding and strengthen the current mercury and air toxics standards for power plants.
- Cleaning up deadly soot and smog: Every power plant must address its health-harming pollution. EPA must aggressively enforce existing ambient air quality standards for dangerous fine particles and ozone and should quickly update and strengthen those standards to reflect current science. The agency must strengthen the “good neighbor” and other implementation rules to protect millions of people afflicted by upwind pollution beyond their control, and must set state-of-the-art standards for smog-forming oxides of nitrogen from new gas plants. EPA must also require power plants to consistently use the control technologies they already have installed but frequently turn off or bypass, and the agency must close the illegal loopholes for pollution during startups, shutdowns, and malfunctions.
- Safeguarding our climate: Cutting climate pollution from the power sector is essential to addressing the climate crisis. EPA must adopt strong carbon pollution standards for existing coal and gas plants, and for new gas plants.
- Protecting our parks and visibility: EPA must protect the millions of visitors to our national parks and the local economies that depend on them by reinstating and strengthening pollution control requirements for power plants that pollute national parks and degrade vistas over vast areas of our beautiful country.
- Cutting toxic water pollution: EPA must close loopholes in the effluent limitations for coal-fired power plants and strengthen the standards based on state-of-the-art treatment technology.
- Curbing coal ash: EPA must restore and strengthen safeguards for disposal of coal ash, the toxic waste produced by coal-fired electric power generation.

These vital public health and climate protections should be implemented through a set of rulemakings proposed by the end of this year and promulgated in 2022.

We urge your administration to fully carry out its responsibilities under our air, water, and waste laws to protect all people in all parts of our nation from the dangerous pollution from coal and gas plants. It is critical that these actions guarantee meaningful public health, climate, and environmental protections through quantifiable and enforceable pollution reductions.

In parallel with enforcing robust limits on power sector pollution, the administration should also seek new authority and investments from Congress to equitably curb the multiple dangers posed by fossil fuel-fired power plants and ensure that disadvantaged communities experience the benefits of the transformation to a clean energy economy. We enthusiastically support the commitments to environmental justice made in your Executive Order on Tackling the Climate Crisis at Home and Abroad and the American Jobs Plan, and urge the administration to engage directly with frontline communities to advance programs to address cumulative pollution impacts and to direct clean energy and energy efficiency investments to the communities where they are needed most.

Thank you for your leadership in rebuilding the economy, creating good jobs, protecting people's health, and reducing the ravages of the climate crisis. We are excited to work with you on all these initiatives to achieve our shared goals of meeting the demands of science while creating a stronger and more equitable future for us all.

Sincerely,

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Natural Resources Defense Council

Gene Karpinski
President
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