

**Center for Biological Diversity \* Earthjustice \* Environment America  
Environmental Defense Fund \* League of Conservation Voters  
League of Women Voters \* Natural Resources Defense Council  
Sierra Club \* Southern Environmental Law Center**

March 14, 2016

Dear Representative,

On behalf of our millions of members, the undersigned organizations urge you to oppose the Satisfying Energy Needs and Saving the Environment Act, or SENSE Act (H.R. 3797), scheduled for a vote tomorrow (3/15/2016). This bill would weaken health safeguards for Americans on behalf of special interests and result in more air pollution and health hazards.

The SENSE Act would pick winners and losers under EPA's signature air pollution program, the Cross State Air Pollution Rule (CSAPR), by favoring waste coal-burning power plants at the expense of other in-state coal power plants and the public. This would turn the neutral, performance-based legal standard maintained for 39 years under the Clean Air Act into blunt political favoritism and weaker standards, while replacing existing state decisions with new federal mandates.

CSAPR gives upwind states like Pennsylvania or West Virginia the legal right to craft their own state rules to achieve emission reductions, and these states have already chosen to follow neutral, emissions-based formulae that are founded on highly cost-effective technologies. The SENSE Act would not only overturn these state-chosen plans and replace them with federal dictates for state-level emissions allowances, but would also place the U.S. EPA Administrator in charge of decisions that the Clean Air Act today reserves to states – including reducing allowances to other in-state coal plants.

Worse, this bill's attempt to maintain overall reductions while granting new exemptions is fatally flawed. The legislation grants an immediate legal right to waste coal plants to pollute above what today's law allows, but there is no guarantee or evidence that offsetting emission reductions will occur. The result will be dirtier air for communities. Indeed, the bill penalizes cleaner generation decisions by stripping valuable allowances from cleaner plants, creating an immediate disincentive to repowering coal units to natural gas or retiring older, inefficient units.

The SENSE Act also would create a weaker sulfur dioxide standard for waste coal plants, jettisoning more protective standards for toxic hydrogen chloride and sulfur dioxide. The bill thus overturns a federal appellate court decision that upheld the more protective standards against challenges by the waste coal lobby. The court had noted that many waste coal plants already met the standards and were “among the best performers” across all coal-burning plants.<sup>1</sup> The SENSE Act drags health standards down to the level of the laggards—resulting in greater harms for Americans living in states with waste coal plants as well as in downwind states.

This bill is bad policy and unjustified. It favors polluting industries at the expense of Americans and air quality, and will lead to greater pollution and health harms to Americans. We urge you to oppose the SENSE Act.

Sincerely,

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<sup>1</sup> See *White Stallion Energy v. EPA*, 748 F.3d 1222, 1250 (D.C. Cir. April 15, 2014).