

United States Senate

WASHINGTON, DC 20510

June 12, 2003

The Honorable Christine Todd Whitman
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Whitman:

We are deeply disappointed in EPA's response to our April 28, 2003 letter to the Agency requesting information on EPA's analysis of the Clean Air Planning Act, a bill we have sponsored in the 108th Congress. Additionally, we are very concerned that the EPA has not released its analysis of electric system reliability and of the costs and human health benefits associated with our bill and with the administration's own proposal. We urge you to do so as soon as possible.

Senator Gregg is chairman of the Senate's Health, Education, Labor and Pensions Committee. Senators Carper and Chafee are members of the Environment and Public Works Committee. We have a serious and legitimate interest in the questions on which we have requested information. The EPA's failure to engage in a cooperative dialogue based on a shared understanding of the relevant facts hinders the Senate's ability to debate issues of crucial importance to our country.

To be more specific, on April 28 we requested the results of EPA's cost/benefit modeling of the Clean Air Planning Act. On May 9, the Agency responded with a vast set of raw data that focused exclusively on the NO_x, SO₂ and mercury provisions of the Clean Air Planning Act. The Agency made no attempt to summarize or interpret these data for us; however it is our understanding that summaries and interpretation have been completed. EPA provided no information regarding the CO₂ provisions or on the human health and environmental benefits of the bill either. On June 6, EPA provided additional information on the impact of CO₂ controls. Once again, it made no attempt to summarize or interpret the data or to provide information on the human health or environmental benefits. Again, we are well aware that EPA has performed exactly the data analyses that we seek.

Notwithstanding the incomplete and cumbersome state of the information contained in your response, a preliminary assessment of the data provided to date indicates the following:

- **The Clean Air Planning Act will achieve substantially greater emissions reductions than the Clear Skies Act.** The Clean Air Planning Act will generate an additional 23 million tons of SO₂ reductions, 3 million tons of NO_x reductions, 240,000 pounds of mercury reductions, and 764 million tons of CO₂ reductions relative to the Clear Skies Act in the first 20 years of the program.

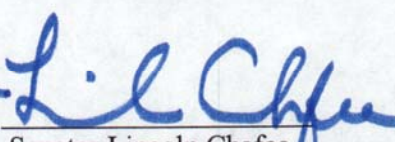
- **The projected costs of the Clean Air Planning Act are only marginally higher than the costs associated with the Clear Skies Act.** In both 2010 and 2020, total annual electric system costs under the Clean Air Planning Act are projected to be only 2.5 percent higher than under Clear Skies (\$86.23 billion versus \$84.13 billion in 2010, and \$103.4 billion vs. \$100.9 billion in 2020). This *includes* the cost of regulating CO₂ under the Clean Air Planning Act. On a net present value basis, the total cost difference between Clear Skies and the Clean Air Planning Act *over a 20-year period* (2005 to 2025) is in the range of two to three percent.
- **While the costs are reasonably similar, the human health benefits are likely to be substantially greater under the Clean Air Planning Act than under Clear Skies.** In the absence of access to EPA's analysis of the potential benefits of the Clean Air Planning Act, I have sought to determine from other sources the scale of the benefits. The Clean Air Task Force has performed an analysis based on the methodologies that EPA itself has employed. Their analysis concludes that in 2020 the Clean Air Planning Act would avoid an additional 9,100 premature deaths compared with the Clear Skies Act. Over the ten years from 2010 to 2020, the Clean Air Planning Act is projected to avoid an additional 88,000 premature deaths compared to Clear Skies.
- **The Clean Air Planning Act and the Clear Skies Act will both preserve a diverse fuel mix.** Both bills are projected to have a minimal impact on coal use. In 2010, coal use is projected to be 2 percent lower under the Clean Air Planning Act than under Clear Skies (50 percent versus 48 percent). Coal is projected to constitute 45 percent of the electric generating mix in 2020 under both Clear Skies and the Clean Air Planning Act.

In our own view, the Clean Air Planning Act makes reasonable tradeoffs between the costs of multi-pollutant legislation and its human health and environmental benefits. However, notwithstanding our views, other members of Congress are entitled to make their own assessments, based on full information from the Agency responsible for this important issue. Given the crucial nature of the issues at stake, we hope that EPA has a change of heart soon and decides to provide its complete analysis to us and to our colleagues this month, thereby ensuring that a productive dialogue results in effective legislation.

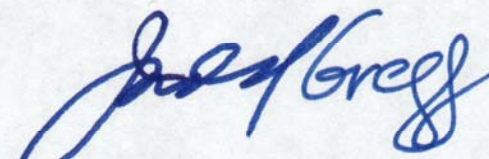
Sincerely,



Senator Tom Carper



Senator Lincoln Chafee



Senator Judd Gregg