

**Testimony of Richard Yates, Clean Power Attorney, Environmental Defense Fund
EPA, Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric
Generating Units, Docket ID No. EPA–HQ–OAR–2025–0124**

Delivered at Public Hearing on Tuesday, July 8, 2025

My name is Richard Yates, and I am a Clean Power Attorney with the Environmental Defense Fund (EDF). EDF strongly opposes EPA’s proposed repeal of the 2024 Carbon Pollution Standards for natural gas- and coal-fired power plants. The standards protect the public health and welfare from the dangers of power plant air pollution, as Congress required under the Clean Air Act. Because EPA has found in its past actions – as the agency must – that power plants significantly contribute to greenhouse gas (GHG) air pollution that endangers the health and welfare of the U.S. population, EPA is mandated to require carbon pollution standards that meaningfully address this harmful pollution.¹ EPA’s proposal to repeal the 2024 standards would effectively remove all nationwide emission limits on greenhouse gases from fossil plants in dereliction of that obligation and in a way that would expose Americans to more climate disruption and more pollution-driven death and disease. The 2024 Carbon Pollution Standards for existing coal and new gas plants are a step towards fulfilling the agency’s obligations to promulgate health- and climate-protective requirements, and the agency should not repeal them.

EPA has found that coal and natural gas power plant climate pollution is contributing significantly to health and welfare harms from the climate crisis.² These include: more frequent and more intense heat waves and extreme weather events such as hurricanes, wildfires, and heavy precipitation events – such as the event near San Antonio last week that killed at least 100 people;³ rising sea levels and retreating snow and ice; increased ozone pollution including for communities in metropolitan areas with already unhealthy ozone levels; increased deaths from infectious and waterborne diseases; changes in water supply and quality due to changes in drought and extreme rainfall events; increased risk of storm surge and flooding in coastal areas and land loss; increases in peak electricity demand and risks to electricity infrastructure; risk of significant agricultural disruptions including crop failures; and ocean acidification that threatens marine ecosystems.⁴

At the time EPA released the final rule in 2024, atmospheric concentrations of CO₂ measured at Mauna Loa Observatory in Hawaii reached 419 parts per million (ppm), 50 percent higher than preindustrial levels and higher than any time in the last 2 million years.⁵ Now, only one year

¹ See 42 U.S.C. 7411(b)(1)(A).

² 89 Fed. Reg. 39,798, 39,825 (May 9, 2024).

³ New York Times, Texas Flood Death Toll Tops 100 With More Rain to Fall (July 8, 2025), <https://www.nytimes.com/live/2025/07/07/us/texas-floods>.

⁴ 89 Fed. Reg. at 39,800, 39,807-809 (quoting 74 Fed. Reg. 66,498, 66,525 (Dec. 15, 2009)).

⁵ 89 Fed. Reg. at 39,808.

later, Mauna Loa’s reading has risen to 428 ppm.⁶ EPA found that global average temperature has increased by about 2 degrees Fahrenheit in the 2011 to 2020 decade relative to the late 19th century, and that the 2010s were the warmest decade ever recorded – warmer than any multi-century period in the past 100,000 years. EPA documented how sea level has risen by about 8 inches from 1901 to 2018 with rise in just the last 12 years of that period occurring three times as fast, and the rate over the 20th century faster than any century in at least the last 2,800 years.⁷

EPA found that fossil fuel-fired power plants are “one of the biggest domestic sources of GHG emissions,” and that in 2021 the power sector emitted 25% of U.S. GHG emissions, the largest stationary source of GHGs.⁸ And, EPA found that while existing coal plants “accounted for 65 percent of the GHG emissions from the [power] sector,” they only contributed to 23% of total electricity generation.⁹

Harvard researchers estimated in 2023 that 460,000 premature deaths from 1999 to 2020 resulted from the dangerous particulate matter formed from the nitrogen oxides and sulfur dioxide pollution that coal power plants emit.¹⁰ In a 2023 report, the Sierra Club estimated that coal plants continue to contribute to 3,800 premature deaths per year, attributing premature deaths to power plants such as: 244 premature deaths per year to the pollution from the General James M. Gavin coal plant in Gallia County, Ohio; 195 premature deaths to pollution from the Labadie plant in Franklin County, Missouri; 160 deaths to the Keystone plant in Armstrong County, Missouri; and 154 premature deaths to the Martin Lake plant in Rusk County, Texas.¹¹ The impacts of this pollution are also felt at far distances. For example, although the Labadie plant is in Missouri, some 300 miles away from Cook County, Illinois, the dense Chicago metropolitan center is where most of the 195 annual premature deaths occur from the Labadie plant due to population density.¹²

Natural gas-fired power plants also emit dangerous pollution. The Union of Concerned Scientists estimates that some natural gas plants emit over 100 tons of nitrogen oxides per year, the equivalent amount to travelling 11 million miles in a diesel school bus.¹³ Once emitted, the

⁶ CO2.earth, Daily CO2 (last visited July 7, 2025), <https://www.co2.earth/daily-co2>. *See also* Andrew Freedman, Trump admin tries to kill the most indisputable evidence of human-caused climate change by shuttering observatory, CNN (July 1, 2025), <https://www.cnn.com/2025/07/01/climate/trump-cuts-mauna-loa-keeling>.

⁷ 89 Fed. Reg. at 39,808.

⁸ 89 Fed. Reg. at 39800.

⁹ *Id.*

¹⁰ Lucas Henneman et al., Mortality risk from United States coal electricity generation, *Science* (Nov. 23, 2023), <https://www.science.org/doi/10.1126/science.adf4915>.

¹¹ Daniel Prull, PhD, Out of Control: The Deadly Impact of Coal Plant Pollution, Sierra Club at 4, tbl. 1 (Feb. 2023), <https://coal.sierraclub.org/deadly-impact-of-coal-pollution>.

¹² *Id.* at 6.

¹³ Mark Specht, No, Natural Gas Power Plants Are Not Clean, Union of Concerned Scientists (Nov. 9, 2018), <https://blog.ucs.org/mark-specht/natural-gas-power-plants-are-not-clean/>.

nitrogen oxides react with other substances to produce particulate matter and ozone, which cause shortness of breath, heart attacks, and premature death.¹⁴

Repealing the 2024 Carbon Pollution Standards will have serious impacts on communities' health. These include forgoing the 1,200 premature deaths EPA estimated would be avoided in just 2035 alone, once the standards are more fully implemented; forgoing the avoidance of 1,900 new asthma cases, 360,000 asthma attacks, 57,000 lost workdays, 48,000 school absence days, and 870 hospital and emergency room visits also just in 2035 alone.¹⁵

EPA estimated \$120 billion in health benefits from the standards due to particulate matter and ozone reductions through 2047 for just a subset of health effects.¹⁶ Not included are nervous system effects, such as dementia; diabetes; reproductive and developmental effects such as pre-term births and low birth weight; and cancer.¹⁷

EPA estimated the climate benefits from the rules' reduction of 1.38 billion metric tons of carbon dioxide through 2047 to be \$270 billion, which doesn't account for several impacts, such as the effects of ozone, black carbon, or aerosols; ocean acidification; salt-water intrusion and erosion from sea level rise; most of the impacts from changes in precipitation and other extreme weather events; and the potential for damages from triggering critical tipping-points in natural and socioeconomic systems.¹⁸

The total benefits of \$390 billion are about 20 times greater than the compliance costs, which equate to roughly \$1 billion per year in costs across the power sector.¹⁹

EPA has a legal obligation to address power plant pollution under the Clean Air Act, just as it does for any other emissions source category. The 2024 Carbon Pollution Standards are in furtherance of the agency's obligations to promulgate health- and climate-protective requirements, and EPA should not repeal them.

EDF thanks EPA for convening this important public hearing and for considering our views. We also ask EPA to hold additional public hearing sessions, as the Clean Air Act requires EPA to do, to ensure all those who would like to provide oral testimony can do so.

¹⁴ *Id.*

¹⁵ EPA, Fact Sheet – Carbon Pollution Standards for Fossil Fuel-Fired Power Plants Final Rule at 2 (April 2024), <https://www.epa.gov/system/files/documents/2024-04/cps-111-fact-sheet-overview.pdf>.

¹⁶ 89 Fed. Reg. at 40,008.

¹⁷ EPA, Regulatory Impact Analysis for the New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule at 4-29, tbl. 4-4 (April 2024), <https://www.regulations.gov/document/EPA-HQ-OAR-2023-0072-8913>.

¹⁸ See 89 Fed. Reg. at 40,008; EPA, Regulatory Impact Analysis at 4-9, 4-14, 4-15, 4-30.

¹⁹ See 89 Fed. Reg. at 40,008; Regulatory Impact Analysis at ES-7, tbl. ES-2.