Congress of the United States
Washington, DC 20515

May 22, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator McCarthy:

We write to express our concerns with the U.S. Environmental Protection Agency's (EPA) planned regulation of carbon dioxide (CO_2) emissions from existing electric generating units (EGUs) under Section 111(d) of the Clean Air Act (CAA). As we understand, a draft proposed rule, which could have a serious economic impact on the State of Texas, was forwarded by EPA to the Office of Management and Budget (OMB) for interagency review on March 31, 2014 with the timetable for a Notice of Proposed Rulemaking to be issued by June 1, 2014.

It is our position that climate change policy should be directed by Congress. The decision by EPA to move forward with rulemaking to regulate CO_2 emissions from existing EGUs raises serious legal and implementation questions. We share the view expressed by the Texas Commission on Environmental Quality and the Public Utility Commission of Texas that CAA Section 111(d) is not the appropriate vehicle for regulating CO_2 emissions from existing EGUs.[1]

Texas leads the nation in population growth and electricity demand. With a robust manufacturing base, and as the leading producer of oil, gas and petrochemical products, our state is an economic engine for the entire nation. Texas has been able to take this leading role in large part due to the availability of reliable and affordable electricity generated by fossil-fuels such as coal, lignite, and petroleum coke. Given such growth and potential, EPA should recognize that Texans require an all-of-the-above approach to power generation, not one that will raise the cost of electricity by selectively eliminating certain types of fossil fuels.

Affordable and reliable energy is essential to future growth. Beyond ensuring a stable power supply, the industries built around fossil energy have a direct economic impact on local communities in Texas, including in rural areas. Consumer owned electric cooperatives, whose role it is to ensure delivery of affordable electricity, are particularly vulnerable to new power sector regulations. If regulatory changes result in the retirement of a significant amount of generation capacity, it will lead to higher electricity rates, threats to grid reliability, and a loss of jobs.

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[1] Texas Commission on Environmental Quality and Public Utility Commission of Texas. Comments on CO_2 emissions for EGUs, Section 111(d) of the Clean Air Act. Submitted to the U.S. Environmental Protection Agency on January 14, 2014.

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We are troubled by EPA's interpretation of its authority under the CAA. EPA should recognize the authority of states under Section 111(d) to determine for themselves standards of performance for existing sources. To the extent that EPA proceeds with regulations under Section 111(d) for EGUs, we request that EPA work with Congress and the State of Texas to ensure that the rights and interests of the state and its citizens are fully protected.

Thank you for your prompt attention to our concerns. Should you have any questions, please contact Brandon Mooney in Congressman Barton's Office at (202) 225-2002 or Wendell Frank White Jr. in Congressman Cuellar's Office at (202) 225-1640.

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Sincerely,

Joe Barton
Member of Congress

Henry Cuellar
Member of Congress

Lamar Smith

Ralph M. Hall

Randy K. Weber

John Culberson

Pete P. Gallego

K. Michael Conaway

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Jeb Hensarling