



April 27, 2018

ATTORNEY GENERAL MADIGAN FILES COMMENTS IN SUPPORT OF CLEAN POWER PLAN***Madigan, Coalition: Proposed Repeal of First-Ever Nationwide Greenhouse Gas Limits On Existing Fossil-Fueled Power Plants Is "Unsupported, Arbitrary and Capricious, and Contrary to The Law"***

Chicago — Attorney General Lisa Madigan joined a coalition of states, counties, and cities filing comments opposing the federal government's "unlawful and unsupported" proposed repeal of the Clean Power Plan, the first nationwide greenhouse gas emission limits on existing fossil fuel-burning power plants.

In [comments](#) submitted to the U.S. Environmental Protection Agency (EPA) in response to its proposed repeal of the Clean Power Plan, Madigan and the coalition charge that the proposal is "unsupported by the facts or law" – not only ignoring the plan's increasingly compelling scientific underpinnings, but also the EPA's obligations to regulate power plant emissions of existing power plants under the federal Clean Air Act. The coalition also charges that EPA's newly revised analysis of the economic impacts of the Clean Power Plan is error-filled, and amounts to "a thinly-veiled attempt to provide factual support for its predetermined conclusion to repeal the [Plan]."

"States are already experiencing the damaging and lasting effects of climate change, which will only worsen if the EPA continues to ignore the facts and science supporting the reality of climate change," Madigan said. "The Clean Power Plan is crucial to helping states like Illinois protect our residents, environment and economy from the impact of climate change."

In their comments, the coalition compares the EPA's newly adopted, constrained version of the Clean Air Act, which the coalition calls, "the nation's most protective environmental statute," to "a horse with blinders (if not a blindfold)" that "completely ignores the dire threat climate change poses, the interconnected nature of power plants, and the nature of the pollutant (carbon dioxide) that is the subject of regulation." Specifically, the coalition challenges the proposed repeal of the Clean Power Plan on a number of fronts, arguing:

- Scientific reports issued after the Clean Power Plan was finalized provide further demonstration of the critical need to promptly and sharply cut climate change pollution from power plants and other large sources.
- The Clean Air Act is clear in requiring EPA to set limits on carbon pollution from existing power plants. The EPA's proposed repeal of the Clean Power Plan – without simultaneously replacing it – would violate the Act.
- Legal arguments being made by the EPA in support of its proposed repeal were carefully considered and rejected when raised in the Clean Power Plan rulemaking. As nothing has changed to now make these arguments meritorious, the proposed repeal is both contrary to the Clean Air Act, and arbitrary and capricious.
- The EPA's revised analysis on the economic impacts of the Clean Power Plan contains numerous errors, and systematically underestimates the benefits of the Clean Power Plan while exaggerating its costs.

States, counties, and cities are on the front lines of climate change. The coalition submitted with its comments an appendix highlighting the threats they are facing. In the next five to 25 years, increasing climate change means Illinois faces more frequent and heavier rainfall events, leading to flooding; warmer summer days leading to increased air pollution and heat related illness; and a 15 percent yield loss in crops such as corn and soybeans.

The Clean Power Plan is the culmination of a decade-long effort by partnering states and cities to require mandatory cuts in the emissions of climate change pollution from fossil fuel-burning power plants under the Clean Air Act. The Clean Power Plan, along with the companion rule applicable to new, modified, and reconstructed power plants, will control these emissions by setting limits on the amount of climate change pollution that power plants can emit. The Clean Power Plan is expected to eliminate as much climate change pollution as is emitted by more than 160 million cars a year – or 70 percent of the nation's passenger cars.

Joining Madigan in filing the comments were the attorneys general of California, Connecticut, Delaware, Hawaii, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and the District of Columbia; the chief legal officers of the cities of Boulder (Colo.), Chicago, Los Angeles, New York, Philadelphia, and South Miami (Fla.); as well as Broward County (Fla.).

-30-

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