# United States Senate

WASHINGTON, DC 20510

March 2, 2010

The Honorable Harry Reid
Majority Leader
S-221, The Capitol
United States Senate
Washington, DC 20510

Dear Majority Leader Reid:

We strongly embrace the promise of clean energy to make America more energy independent, create millions of new green jobs, and stave off the worst effects of global warming. In order to accomplish all of these goals, we need to begin to de-carbonize our utility sector and make the transition to clean energy. As a result, we are writing to ask you to ensure that energy and climate legislation does not weaken the Clean Air Act's application to existing coal-fired power plants, the nation's biggest global warming polluters, so that they meet up-to-date technology standards for carbon dioxide.

America's aging fleet of coal-fired power plants, more than three-fourths of which were built prior to 1980, are responsible for a disproportionate amount of the country's air pollution, including toxic mercury, soot and smog-forming pollutants, and carbon dioxide. Indeed, coal-fired power plants emit one-third of the nation's total carbon dioxide emissions.

America cannot achieve the reductions in global warming pollution that science indicates are needed to protect future generations and the planet from catastrophic and irreversible global warming if we do not begin to de-carbonize the utility sector today and start the march to clean energy. This transition will help rebuild our manufacturing base by creating jobs in clean energy technology, increase our energy security, and reduce global warming pollution.

Yet this necessary transition to clean energy could well be short-circuited if old and inefficient power plants continue to be favored in America's electricity market. This would crowd out any sizable move to wind and solar power and other clean energy sources, since the U.S. Department of Energy projects that electricity demand will be relatively flat over the next 20 years (an annual average growth rate of less than 1 percent).

Regrettably, this crowding-out scenario appears all too plausible if, contrary to the Clean Air Act, a massive loophole is created for existing coal plants, such that they never have to meet performance standards for their carbon pollution. In the absence of such performance standards, utilities may very well continue to operate—or even expand—existing plants in the early years of the program rather than invest in cleaner sources of energy. Further, in the medium term—as the economic realities set in of an emissions cap that is increasingly tightening and allowances to pollute that are increasingly auctioned rather than given away—those utilities that have delayed transitioning to cleaner sources of energy may confront the need to abruptly shutter aging coal

plants that continue to provide the bulk of America's electricity. In the face of potential brownouts or blackouts, tremendous political pressure would be brought to bear to weaken the cap, a result that would compromise our economic, national security, and environmental goals.

In order to prevent such a scenario from coming to pass, the cap on emissions must be paired with clean energy standards and Clean Air Act or equivalent performance standards for power plants that ensure that America moves to clean technology at a reasonable pace and can achieve the needed longer term cuts in pollution.

Such an approach—pairing a cap on emissions with performance standards for power plants—is the path Congress took in 1990 when it enacted the highly-successful Acid Rain Program, the nation's first cap-and-trade program. At that time, Congress debated eliminating the Clean Air Act's requirements that power plants meet source-specific standards, but Congress instead recognized that those standards are essential to drive technology improvements.

As strong supporters of clean energy, we urge you to ensure that energy and climate legislation builds on the existing Clean Air Act and does not create loopholes for old, inefficient, and polluting coal-fired power plants. The bill should require coal-fired power plants—old and new alike—to meet up-to-date performance standards for carbon dioxide that will complement an overall cap on emissions and move America to clean energy.

Sincerely,

ROBERT MENENDEZ
United States Senator

BENJAMIN L. CARDIN
United States Senator

KIRSTEN GILLIBRAND
United States Senator

FRANK R. LAUTENBERG
United States Senator

PATRICK LEAHY
United States Senator

CHRISTOPHER J. DODD
United States Senator

JEFF MERKLEY
United States Senator

JACK REED
United States Senator

BERNIE SANDERS
United States Senator

SHELDON WHITEHOUSE
United States Senator

BARBARA BOXER
United States Senator

RON WYDEN
United States Senator

AL FRANKEN
United States Senator

cc: The Honorable John Kerry
The Honorable Joseph Lieberman
The Honorable Lindsey Graham