April 13, 2015

Dear Representative,

On behalf of our millions of members, the undersigned organizations urge you to oppose Representative Whitfield's Ratepayer Protection Act. This dangerous legislation undermines climate action by allowing states simply to "opt out" of the EPA's Clean Power Plan (CPP), which sets the first national standards limiting carbon pollution from power plants. It also seeks to delay implementation of the CPP indefinitely until every polluter's lawsuit has been litigated.

The Clean Air Act was enacted in 1970 by an overwhelming bipartisan majority and signed into law by President Richard Nixon. Congressional leaders rightly recognized that air pollution is a national problem and leaving pollution control entirely to the states had failed. This state-federal partnership has made the Clean Air Act one of the most successful public health laws in our nation's history. Since 1970, we have cut many dangerous air pollutants by 90 percent or more, while our economy tripled in size. Millions of lives have been saved and illnesses avoided.

The Clean Air Act directs the Environmental Protection Agency to set national clean air standards – in this case, standards for carbon pollution from the nation's power plants. The law gives states the first shot at meeting these national standards, by writing state-specific pollution control plans tailored to local conditions, with the flexibility to meet the emissions reductions required in the most cost-effective way. But if a state cannot, or will not, hold its own polluters accountable, the law guarantees that communities have a federal back-stop.

This bill strikes at the heart of the federal Clean Air Act by letting each state simply walk away from national clean air requirements, giving polluters free rein to continue to dump unlimited amounts of carbon pollution into our air. The legislation sets a dangerous precedent by allowing any state to decide that meeting national clean air standards is merely optional. It would destroy the national guarantee that makes the Clean Air Act work: the assurance that EPA will directly regulate the big polluters if a state cannot, or will not do so.

Whitfield's bill would also delay implementation of the Clean Power Plan in every state until every polluter's lawsuit has been fully litigated and appealed, including to the Supreme Court – a process that can take years. This is not the way the Clean Air Act works and is just another way to delay climate action as long as possible.

The Clean Air Act already provides for "staying" implementation during lawsuits if the litigants can prove valid reasons. This bill would instead stall the Clean Power Plan by default, as long as a lawyer can keep the case alive even if there is no proof of irreparable harm or likelihood of success.

The Whitfield bill would destroy the national guarantee that makes the Clean Air Act work by simply letting any state just "opt out" of meeting national carbon standards and it would delay critical carbon pollution standards indefinitely until every polluter's lawsuit has run its course.

We urge you to oppose this latest attack on our health, the Clean Air Act, and efforts to reduce harmful carbon pollution.

Sincerely,

Center for Biological Diversity
Clean Air Council
Clean Water Action
Earthjustice
Environmental Law and Policy Center
Environment America
Environment California
Environment Maine
Environment New Jersey
Environment New Mexico
Environment Virginia
Environmental Advocates of New York
Environmental Defense Fund
Environmental Law and Policy Center
Friends of the Earth – US
Green Latinos
Interfaith Power & Light
KyotoUSA
League of Conservation Voters
League of Women Voters
Moms Clean Air Force
Natural Resources Defense Council
PennEnvironment
PennFuture
Physicians for Social Responsibility
Protect Our Winters
Public Citizen
Rachel Carson Council
Safe Climate Campaign
Sierra Club
Southern Environmental Law Center
The Center for the Celebration of Creation
Union of Concerned Scientists
Voces Verdes
WE ACT for Environmental Justice
Western Organization of Resource Councils