



April 14, 2021

The Honorable Frank Pallone, Jr.  
 Chairman  
 Energy and Commerce Committee  
 United States House of Representatives  
 Washington, DC 20515

The Honorable Cathy McMorris Rodgers  
 Ranking Member  
 Energy and Commerce Committee  
 United States House of Representatives  
 Washington, DC 20515

Dear Chairman Pallone and Ranking Member McMorris Rodgers:

We write in support of the *Ensuring Safe Disposal of Coal Ash Act* (H.R. 2396), introduced by Representative Steve Cohen. Given the repeated rulemakings in less than three years attempting to gut the only safeguards in place against the harms of coal ash – the second largest industrial waste stream in the United States, we urge committee members to support and advance this legislation as soon as possible.

The *Ensuring Safe Disposal of Coal Ash Act* builds off of the committee’s CLEAN Future Act coal ash provisions, rectifying deficiencies in the 2015 Coal Ash Rule (CCR Rule) and directing the EPA to strengthen coal ash protections. Coal ash is the toxic waste left when power plants burn coal to generate electricity. Filled with dangerous pollutants, coal ash is directly linked to devastating harms such as cancer, brain swelling, nervous system damage, respiratory disease, and developmental defects.

Ignoring these impacts, the coal power industry has for decades utilized the cheapest disposal methods with little regard to the enormous public health and environmental risks. Utilities often dump their toxic waste into unlined ponds, allowing pollutants from coal ash to freely leach into drinking water sources. Coal plants generate about 100 million tons of coal ash each year, and environmental justice communities, low-income communities, communities of color, and tribal and indigenous communities experience disproportionate levels of exposure to coal ash pollution. They are more susceptible to inhalation of airborne ash and ingestion of drinking water polluted by coal ash toxins.

To address these issues, the bill requires new limits on fugitive dust emissions, prohibits the continued use of unlined impoundments, requires improvements to groundwater monitoring and testing, and strengthens minimum requirements for EPA-approved state coal ash programs. It further requires plant owners to provide financial assurance for cleanup costs in the event of hazardous spills or disasters, with the latter occurring much more frequently due to climate change. In addition, the bill requires

regulation of the many coal ash ponds and landfills at closed power plants, as well as old dumps at operating plants, and prohibits the use of coal ash as a substitute for clean soil at building sites without essential safeguards.

Notably, the bill would give communities more influence over the decision-making processes for permits and other projects that directly impact their health and surrounding environment. It requires EPA to establish meaningful public participation requirements and directs corrective action as needed to protect public health and the environment.

The *Ensuring Safe Disposal of Coal Ash Act* is a significant step forward to combat coal ash contamination in our air and water, to ensure polluters are held accountable for cleanup costs, and to empower and protect communities most vulnerable to coal ash harms by necessarily including them in the decision-making to clean up contamination at these sites that directly impact their lives.

We urge you to support this legislation. Thank you for your attention.

Sincerely,

Christine Santillana  
Earthjustice

Jennifer Peters  
Clean Water Action

Victor Alvarado  
Comité Diálogo Ambiental

Lisa Hallowell  
Environmental Integrity Project

Jeffrey Hammons  
Environmental Law & Policy Center

Tim Maloney  
Hoosier Environmental Council

Patricia Schuba  
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Madeleine Foote  
League of Conservation Voters

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Andrew Rehn  
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