United States Senate
WASHINGTON, DC 20510

May 21, 2014

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama,

We write to express our deep concerns about the Environmental Protection Agency's (EPA) proposed New Source Performance Standard (NSPS) for carbon dioxide emissions from new affected fossil fuel-fired electric utility generating units. We are committed to improving air quality; however, the emission standards in the proposed rule are not based on technology that has been adequately demonstrated on a commercial scale. There has yet to be a completed commercial plant with the carbon capture and sequestration (CCS) technology mandated by the rule. As a result, these proposed requirements will inhibit the construction of new, cleaner-burning coal plants, and stall research into CCS technologies. Further, by impeding the development of CCS for coal-fired generation, the Administration is also placing in jeopardy the future uses of the technology for all other fossil fuel-fired applications. We urge you to reassess the proposal and consider the full implications of enacting the regulation in its current form.

Coal is currently responsible for 313,000 megawatts of electric generating capacity in the United States and is mined in 25 states, providing more than 760,000 good-paying jobs, and according to projections from the Energy Information Administration (EIA), coal will still represent at least 32% of electric generation in 2040. Coal will therefore continue to play a critical role in every part of the country by delivering reliable, affordable electricity to families and businesses.

In addition to providing a reliable, affordable source of energy, the utilities and their technology providers have already reduced CO_2 emissions from coal-fired power by 23% as compared to 2005 levels, and are projected to reduce CO_2 emissions by an additional 15% by 2020. Ultra-supercritical coal-fired power plants are a proven means to increase plant efficiency and offer the potential for even greater CO_2 reductions. The proposed rule, however, makes it practically impossible for companies to build such highly efficient ultra-supercritical facilities because of the burdensome costs and regulatory uncertainty of installing CCS technology in these plants. So too, American technology providers will be incentivized to stop research and innovation in coal combustion, further delaying domestic development of pioneering new technologies that could be exported to improve plants around the world.

Understanding that affordable energy from coal will remain an important part of the world's economy, it is necessary for us to adopt the right policies and regulations that encourage long-term investment in further emissions reduction technologies and efficiencies. In short, this proposed rule does not encourage that needed innovation or investment. The rule provides no graduated or realistic targets over the long-term; instead, it immediately sets a low baseline emissions target based on CCS technologies that have significant, unanswered environmental and regulatory questions and cannot currently be achieved cost-effectively.

We know that CCS will eventually play a role in our national energy infrastructure and that we must do everything we can to ensure it is quickly and affordably implemented. Given current obstacles related to deploying CCS, however, mandating the use of CCS technologies today would undermine the research and development of the technology in the United States by prohibiting construction and deployment of other clean coal technologies. These technologies could immediately reduce the carbon footprint of coal-fired electric generation and with further development would ease the adoption of CCS.

We strongly recommend that you evaluate more appropriate ways to regulate emissions in order to truly support the development of CCS and other clean coal technologies. Long-term thinking is essential to ensure that every U.S. citizen will have access to affordable and reliable energy while encouraging energy solutions that lower our carbon footprint. By working together to develop smart regulations, this can be achieved.

We urge you to consider an approach that establishes a standard in the near-term that can be achieved by high efficiency coal-fired technologies operating without CCS and lower standards over the long-term as CCS becomes commercially available. Such an approach would encourage construction of new plants with the very best technology and truly encourage investment and innovation in more advanced clean coal technologies, with an ultimate goal of a CCS standard that will sustain American technology leadership.

Thank you in advance for your consideration of this matter.

Sincerely,

Joe Donnelly
United States Senator

Heidi Heitkamp
United States Senator

Mary L. Landrieu
United States Senator

Joe Manchin III
United States Senator

Claire McCaskill
United States Senator

Mark Pryor
United States Senator

Mark Warner
United States Senator