



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

October 31, 2017

By electronic mail and first class mail
Sarah Dunham (dunham.sarah@epa.gov)
Acting Assistant Administrator for Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Request for Public Hearings on Proposed Repeal of Clean Power Plan

Dear Acting Administrator Dunham:

By this letter, the Office of the Attorney General of New York hereby requests public hearings on the Environmental Protection Agency's proposed repeal of the Clean Power Plan, 82 Fed. Reg. 48,035 (Oct. 16, 2017). In light of Administrator Pruitt's prejudgment of the legality of the Clean Power Plan, we are submitting this request to you. Because of the importance of the issue of climate change to our state, this letter is to request that in addition to holding a public hearing in Washington, D.C., EPA also hold a public hearing in New York so it can have the benefit of hearing first hand from our residents the harms we are experiencing from climate change and why EPA's proposal to eliminate a critical tool to address those harms—the Clean Power Plan—would be a colossal mistake.

New Yorkers have experienced numerous climate change-related harms over the past decade. The approximately twelve inches of sea level rise New York City has experienced since 1900 exacerbated the flooding caused by Hurricane Sandy by about twenty-five square miles, damaging the homes of an additional 80,000 people in New York and New Jersey alone. That flood devastated areas of New York, including the Brooklyn-Queens Waterfront, the East and South Shores of Staten Island, South Queens, Southern Manhattan, and Southern Brooklyn, which in some areas lost power and other critical services for extended periods of time. The State has estimated that costs of Hurricane Sandy will top \$40 billion, including \$32.8 billion to repair and restore damaged housing, parks and infrastructure and to cover economic losses other expenses. That figure includes \$9.1 billion to mitigate potential damage from future severe weather events. Sea level will rise by more than six feet, possibly as early as 2100, if greenhouse gas emissions are not adequately abated.

In addition to harms caused by flooding, New York has experienced more frequent and severe storms. An Office of the Attorney General analysis on the frequency and intensity of damaging extreme rainfall events in New York published in 2014 found such events are increasing, consistent with scientists' predictions.¹ As but one example, devastating rainfall from Hurricane Irene in 2011 dropped more than eleven inches of rain in just twenty-four hours, causing catastrophic flooding in the Hudson Valley, eastern Adirondacks, Catskills and Champlain Valley. Thirty-one counties were declared disaster areas. Over one million people were left without power, more than 33,000 had to seek disaster assistance, and ten were killed. Damage estimates totaled \$1.3 billion. Additional anticipated climate change harms in New York include increased ozone pollution in the New York City area, resulting in worsening asthma rates, and the loss of cold water fisheries like native brook trout in the Adirondack Park.

Because of the urgent need to take action to address these threats to the health of our residents and our natural resources, we have taken steps to shift away from reliance on fossil fuels for electricity generation, transportation, and other sectors of our economy. For example, New York is one of the nine states participating in the Regional Greenhouse Gas Initiative, which has helped reduce regional carbon dioxide emissions from the electricity sector by more than 40 percent from 2005 levels. The RGGI states have demonstrated that by a combination of encouraging shifts to less carbon-intensive fossil fuel generation, increasing reliance on renewable energy, and reducing the demand for generation through energy efficiency, substantial reductions in carbon dioxide emissions are possible over a relatively short period, while supporting economic goals and maintaining grid reliability. We have also joined together with other states and cities to advocate for and defend policies to reduce greenhouse gas emissions, such as the Clean Power Plan, which EPA based in part on the success of RGGI.

Repealing the Clean Power Plan—especially without any commitment to replace it with a better approach to deal with the urgent problem of power plant carbon pollution—would be a grave mistake. Therefore we urge EPA to take the time to listen to the people of our State before proceeding down such a misguided path. We believe it would be appropriate for the agency to schedule the hearing in one of the areas of our State noted above that has already suffered climate change-related harms, and stand ready to work with the agency to make that happen.

Sincerely,



Lemuel M. Srolovic
Bureau Chief
(212) 416-8448
Lemuel.srolovic@ag.ny.gov

cc: Peter D. Lopez, Regional Administrator, Region 2 (by email at Lopez.Peter@epa.gov)
Peter Tsirigotis, Director, Sector Policies and Programs (by email at airaction@epa.gov)

¹ https://ag.ny.gov/pdfs/Extreme_Precipitation_Report%209%202%2014.pdf