

“Affordable Clean Energy” Proposal Public Hearing

Thank you for allowing me to present today.

As Illinois Attorney General, I am here to express my strong opposition to USEPA’s Affordable and Clean Energy proposal.

We are at a critical time in the environmental life of our planet.

Meaningful action is needed to slow the undeniable impacts that man-made emissions of greenhouse gases are having on the Earth.

17 of the 18 warmest years recorded on earth all have occurred since 2000.¹

Our planet is frying, and the ACE proposal does nothing to stop it.

The impacts of climate change are clearly seen and understood.

¹ <https://climate.nasa.gov/vital-signs/global-temperature/>

Long ago, the US Gov't predicted that the Earth's warming would result in heat waves, drought, more frequent and stronger storms, and increased flooding.

All these predictions have become reality.

In Illinois, violent tornadoes in 2013 and the polar vortex in 2014 killed residents and caused significant property damage.

Heavy rains cause flooding in Chicago, its suburbs, and throughout the State, including in areas where flooding had not occurred previously.

In far southern Illinois, I've fought to protect the City of Cairo from catastrophic flooding from the Ohio River by litigating alongside the Army Corps of Engineers.

Climate change is causing life-threatening weather in Illinois to occur more frequently and become more destructive.

The ACE proposal increases these risks.

Lake Michigan

Uncontrolled carbon pollution also damages one of Illinois' greatest natural assets: Lake Michigan.

For instance, the Lake's water level whipsawed from a historic low in January 2013 to a historic high in 2015.

Extremely high water levels lead to beach erosion and extensive property damage.

Extremely low water levels restrict commercial shipping.

Climate change contributes to these rapid swings.

Agriculture

It also harms Illinois' farmers.

Extreme precipitation and extreme drought alternately floods fields and deprives farmers of necessary water.

These changes prevent farmers from planting crops on time, reduce crop yield, and harm crop quality.

Weeds and insects thrive at warmer temperatures, adding to farmers' troubles.

Climate change is predicted to cause a 15-percent loss in corn and soybean crop yields over the coming years.

Absent appropriate federal action on climate change, the losses could eventually hobble Illinois' agricultural economy.

Mass vs. EPA

As Illinois Attorney General, I joined *Massachusetts v. EPA*, the lawsuit which led to the Supreme Court ruling that greenhouse gases are a pollutant under the Clean Air Act.

I fully supported USEPA's effort to draft and defend the Endangerment Finding and the Tailoring Rule.

When USEPA developed carbon pollution standards for new and existing power plants, I provided written comments in support.

In 2014, I supported the proposed Clean Power Plan.

When the final rule was published, I intervened to defend the rule beside USEPA and USDOJ.

I fully support the Clean Power Plan as a flexible approach to addressing carbon pollution from existing power plants.

In federal court, I agreed with the positions thoroughly briefed and argued by the USDOJ before the DC Circuit, that the Clean Power Plan was a fully legal and proper approach to address carbon pollution.

Yet, the Affordable Clean Energy plan is neither affordable nor clean.

It is not affordable because it does not account for the costs incurred by people from continued adverse weather events, nor does it properly account for the increased number of premature deaths and asthma attacks caused by increased emission of criteria pollutants.

According to USEPA's *own analysis*, the new rules could lead to as many as 1,400 premature deaths, 48,000 new cases of "exacerbated asthma," and at least 21,000 new missed days of school every year, through 2030.

And **ACE is not clean** because it will not reduce carbon pollution and will lead to an increase in the emission of criteria pollutants harmful to anyone who breathes air.

If U.S. EPA chooses to revisit the Clean Power Plan, it should make the CPP *more ambitious*, rather than replacing it with a hollow regulation that backtracks on advances already achieved.

In addition to ACE's failure to reduce carbon pollution, I am particularly troubled by the proposed changes to the Clean Air Act's **New Source Review** program.

NSR is one of the few regulatory tools available to reach existing, dirty power plants.

Yet the ACE proposal exempts from NSR review, projects designed to allow power plants to increase their overall emissions and run longer without meeting modern pollution standards.

I joined multi-state comments opposing this misguided policy in February 2006, and I still oppose it now.

For 15 years as Illinois Attorney General, I have been committed to protecting the people of Illinois' Constitutional right to a healthy environment.

The Affordable Clean Energy proposal is a dangerous retreat in our battle to address climate change, and, on behalf of the people of Illinois, I strongly oppose this proposed rule.