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ELECTRONIC SUBMISSION

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Industrial Processing and Power Division (D243-02)
Office of Clean Air Programs
U.S. Environmental Protection Agency
EPA Docket Center, Docket ID No. EPA-HQ-OAR-2025-0124
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants and Repeal of Regulations for Power Plant Greenhouse Gas Emissions Under Clean Air Act Section 111, Docket ID No. EPA-HQ-OAR-2025-0124

Dear Ms. Thompson:

We appreciate the opportunity to comment on the supplemental notice of proposed rulemaking published by the U.S. Environmental Protection Agency (EPA) titled "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants and Repeal of Regulations for Power Plant Greenhouse Gas Emissions Under Clean Air Act Section 111" (Supplemental Proposal).[1] In it, EPA proposes that Section 111 of the Clean Air Act (CAA) does not authorize the agency to regulate emissions from power plants in response to global climate change concerns. On that basis, EPA proposes to rescind the Administrator's 2015 findings and determinations and to repeal all remaining 2015 and 2024 greenhouse gas (GHG) standards for fossil fuel-fired electric generating units (EGUs).

We support the Supplemental Proposal and urge EPA to finalize it. Congress has never clearly authorized EPA to use Section 111 to address global climate change by reshaping how America generates electricity.[2] According to EPA's own estimates, the climate benefit of these standards is negligible.[3] Yet power plant GHG regulation has raised costs for the families and businesses that

[1]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants and Repeal of Regulations for Power Plant Greenhouse Gas Emissions Under Clean Air Act Section 111," *Federal Register*, Vol. 91, No. 179 (September 17, 2026), p. 59002, https://www.federalregister.gov/documents/2026/09/17/2026-19072/rescission-of-the-greenhouse-gas-findings-for-fossil-fuel-fired-power-plants-and-repeal-of.

[2]*Cf. American Electric Power Co. v. Connecticut*, 564 U.S. 410, 424 (2011) (holding that the Clean Air Act "speaks directly" to carbon dioxide emissions from power plants for purposes of displacing federal common law, without deciding whether Section 111 authorizes regulation to address global climate change).

[3]U.S. Environmental Protection Agency, "Economic Impact Analysis for the Supplemental Proposed Rule, Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants and Repeal of Regulations for Power Plant Greenhouse Gas Emissions Under Clean Air Act Section 111," memorandum to Docket No. EPA-HQ-OAR-2025-0124, September 11, 2026, pp. 3 and 18, https://www.epa.gov/system/files/documents/2026-09/utilities_eia_proposed_rescission_and_repeal_2026-09.pdf; U.S. Environmental Protection Agency, "General Fact Sheet: Final Carbon Pollution Standards Repeal & Proposed Repeal of GHG Standards for Fossil-Fired EGUs,"

ultimately pay for electricity, and it has pushed reliable generation off the grid. Finalizing this proposal would align EPA's power sector program with the best reading of the statute, continue the work EPA began when it rescinded the 2009 endangerment finding, and give energy developers the regulatory certainty they need to keep the lights on as electricity demand climbs.

Background and Summary of the Supplemental Proposal

In 2024, EPA finalized the Carbon Pollution Standards, which would have required coal plants planning long-term operation and new baseload natural gas turbines to meet emission standards based on capturing roughly 90 percent of their carbon dioxide through carbon capture and storage (CCS) by 2032.[4] In June 2025, EPA proposed to repeal those standards.[5] On September 14, 2026, EPA finalized a partial repeal that removes the emission guidelines for existing coal-, oil-, and gas-fired steam units, the CCS-based standards for coal units undertaking a large modification, and the CCS-based Phase 2 standards for new baseload combustion turbines.[6] That final action rested on a reevaluation of the best system of emission reduction (BSER) and took no action on the statutory authority question.[7] In that repeal, EPA determined that 90 percent CCS is not adequately demonstrated and that its costs are not reasonable.[8]

This Supplemental Proposal goes further and would repeal the GHG requirements that remain on the books, including the 2015 standards for new, modified, and reconstructed steam generating units and IGCC facilities and the standards for new and reconstructed combustion turbines in both the 2015 rule and the Phase 1 portion of the 2024 rule.[9] EPA offers several independent grounds. It proposes that "air pollution" in Section 111(b)(1)(A) is best read as air pollution that endangers public health or welfare through local or regional exposure, that the 2015 findings were independently flawed, that Congress has not clearly authorized EPA to decide the nation's response to global climate change, and that regulating power plant GHG emissions would be futile

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September 2026, https://www.epa.gov/system/files/documents/2026-09/fact-sheet_final-and-supp_general_september2026_1.pdf; U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," pp. 59037–59040.

[4]U.S. Environmental Protection Agency, "New Source Performance Standards for Greenhouse Gas Emissions From New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions From Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule," *Federal Register*, Vol. 89, No. 91 (May 9, 2024), p. 39798.

[5]U.S. Environmental Protection Agency, "Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric Generating Units," *Federal Register*, Vol. 90, No. 115 (June 17, 2025), p. 25752.

[6]U.S. Environmental Protection Agency, "Partial Repeal of the Carbon Pollution Standards for Fossil Fuel-Fired Electric Generating Units," *Federal Register*, Vol. 91, No. 179 (September 17, 2026), p. 58954, https://www.federalregister.gov/documents/2026/09/17/2026-19071/partial-repeal-of-the-carbon-pollution-standards-for-fossil-fuel-fired-electric-generating-units.

[7]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," pp. 59004 and 59008.

[8]U.S. Environmental Protection Agency, "Technical Fact Sheet: Final Carbon Pollution Standards Repeal & Proposed Repeal of GHG Standards for Fossil-Fired EGUs," September 2026, https://www.epa.gov/system/files/documents/2026-09/fact-sheet_final-and-supp_technical_september2026_1.pdf.

[9]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59042.

even if authorized.[10] EPA estimates that the final partial repeal will save Americans and the power sector up to $310 billion and that the Supplemental Proposal would save an additional $370 million in compliance costs in present value from 2026 through 2047 at a 3 percent discount rate, or about $23 million per year.[11]

I. Section 111 Does Not Authorize Power Plant Regulation Based on Global Climate Change Concerns

A. In Response to C-2: "The textual requirements of CAA section 111(b), relevant context from the remainder of CAA section 111, and relevant structural arguments regarding the CAA more generally, including statutory provisions not specifically discussed in this proposal."

Section 111(b)(1)(A) of the Clean Air Act directs the Administrator to list a category of stationary sources if, in his judgment, it "causes, or contributes significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare."[12] That language was written to address pollution problems that a category of pollution sources actually causes and that controls on those sources can actually fix. Nothing in it suggests that Congress meant to give EPA authority over a global atmospheric phenomenon to which American power plants are already a sharply declining contributor. The U.S. power sector carbon dioxide emissions ended 2025 about 38 percent below their 2005 level.[13] EPA's record shows that U.S. fossil fuel-fired power plants accounted for only 3.0 percent of global GHG emissions in 2022.[14] Even if all fossil fuel-fired power plants were shuttered immediately, it would be ineffective at changing global GHG emission levels.

EPA's proposed reading of "air pollution" is the most reasonable one. Congress enacted Section 111 in 1970 as one of three related programs for stationary sources, alongside the national ambient air quality standards and the hazardous air pollutant program, each aimed at pollutants that harm public health or welfare through local or regional exposure.[15] When Congress later chose to address a global atmospheric problem, the depletion of the stratospheric ozone layer, it did so

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[10]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," pp. 59005–59006 and 59020–59021.
[11]U.S. Environmental Protection Agency, "General Fact Sheet"; U.S. Environmental Protection Agency, "Economic Impact Analysis for the Supplemental Proposed Rule," p. 15, Table 4; U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59044, Table 8.
[12]42 U.S. Code § 7411(b)(1)(A).
[13]Edison Electric Institute, "Industry Data," https://www.eei.org/en/resources-and-media/industry-data/; Center for Climate and Energy Solutions, "U.S. Emissions," https://www.c2es.org/content/u-s-emissions/; U.S. Energy Information Administration, "U.S. Energy-Related Carbon Dioxide Emissions, 2025," July 21, 2026, https://www.eia.gov/environment/emissions/carbon/.
[14]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59024.
[15]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," pp. 59008–59010.

expressly by adding a new title to the Act in 1990.[16] Section 111 contains no comparable language. Congress also chose the phrase "contributes significantly" for Section 111 rather than the lower "contribute" threshold it used elsewhere in the Act, which signals that a source category must account for a meaningful share of the danger before EPA may act.[17]

EPA's 2015 standards for new power plants did not respect that limit.[18] Rather than treating the regulation of carbon dioxide as a new question requiring a pollutant-specific finding of significant contribution, the agency leaned on the fact that power plants had long been a listed source category for conventional pollutants.[19] That approach let EPA attach regulation of an entirely different pollutant, for an entirely different purpose, to a listing decision made decades earlier. EPA made findings and determinations in 2015 to support those standards, and those are the findings the Supplemental Proposal would rescind.[20] The 2015 standard rested on the 2009 endangerment finding, which EPA has since rescinded, removing the legal foundation.[21] Whether or not EPA must make a pollutant-specific finding, global climate change concerns are not the kind of "air pollution" Section 111(b)(1)(A) was designed to address.[22]

Finalizing the Supplemental Proposal would also keep EPA's approach consistent. In February 2026, EPA rescinded the 2009 endangerment finding and repealed all GHG standards for motor vehicles, concluding that Section 202(a)(1) does not authorize the agency to prescribe standards in response to global climate change concerns based on the best reading of the terms "air pollution," "cause," "contribute," and "reasonably be anticipated to endanger." EPA found that conclusion corroborated by the major questions doctrine and further determined that vehicle GHG standards do not affect the public health and welfare concerns identified in 2009 in any material way.[23] In other words, the rulemaking argued that the endangerment finding and the GHG

[16]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," pp. 59024–59025.
[17]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59024.
[18]U.S. Environmental Protection Agency, "Standards of Performance for Greenhouse Gas Emissions From New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units," *Federal Register*, Vol. 80, No. 205 (October 23, 2015), p. 64510.
[19]The Heritage Foundation, comment letter on "Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel-Fired Electric Generating Units," Docket ID No. EPA-HQ-OAR-2025-0124, August 7, 2025, https://static.heritage.org/-2025/Comments/Heritage_Comment_Letter_on_GHG_Standards_for_Power_Plants.pdf.
[20]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59018.
[21]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59030.
[22]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59005 n.3 and p. 59018.
[23]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act," *Federal Register*, Vol. 91, No. 32 (February 18, 2026), p. 7686, https://www.federalregister.gov/documents/2026/02/18/2026-03157/rescission-of-the-greenhouse-gas-endangerment-finding-and-motor-vehicle-greenhouse-gas-emission.

regulations built on it were not in accordance with law and exceeded EPA's statutory authority.[24] Section 111 requires an even stronger showing, that a source category contribute "significantly" to dangerous air pollution. It would make little sense for EPA to conclude that it lacks authority to regulate vehicle GHGs for climate purposes while preserving power plant GHG regulation that rests on the same premise and requires a higher burden of proof.

B. In Response to C-4: "Whether and how the Supreme Court's decision in Loper Bright should inform the EPA's approach to interpreting CAA section 111 and selecting which interpretation better reflects the best reading of the statute."

The broader legal landscape has also shifted. Under *Loper Bright Enterprises v. Raimondo*, courts no longer defer to an agency's reading of an ambiguous statute, so EPA must adopt the best reading of Section 111 rather than the most expansive one it can defend.[25] When Congress wrote and amended the language at issue in 1970 and 1977, "air pollution" was defined in contemporaneous dictionaries as the "contamination of the atmosphere by noxious substances", and the terms Congress used to define effects on welfare, including "weather" and "climate," referred to conditions in a particular place or region.[26] *Loper Bright* also recognizes that some statutes expressly leave agencies flexibility through terms such as "appropriate" or "reasonable." "Air pollution" is not such a term, so EPA has no discretion to stretch it beyond its ordinary meaning at the time of enactment.[27] In *Utility Air Regulatory Group v. EPA*, the Court cautioned that when an agency claims to discover in a long-standing statute an unheralded power to regulate a significant portion of the American economy, courts should greet that claim with skepticism.[28] In *Michigan v. EPA*, the Court made clear that reasonable regulation requires paying attention to both the advantages and the disadvantages of agency decisions, including cost.[29] Each of these cases supports EPA's proposed conclusion that Section 111 does not authorize GHG regulation of power plants at significant cost to address global climate change with little real benefit.

C. In Response to EPA's Request in Section V.B: "The EPA requests comment on the proposed application of the major questions doctrine to the 2015 Findings and whether Congress clearly authorized the agency to regulate GHG emissions from fossil fuel-fired power plants in CAA section 111(b)(1)(A)."

The major questions doctrine points in the same direction. In *West Virginia v. EPA*, the Supreme Court held that EPA lacked clear congressional authorization to use Section 111 to force a

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[24]Mario Loyola, comment on "Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards," Docket No. EPA-HQ-OAR-2025-0194, September 22, 2025, https://static.heritage.org/-2025/Comments/Mario_Loyola_FIU_Heritage_Comment_Endangerment_Finding_Reconsideration_Comment_and_Exhibits.pdf.

[25]*Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024).

[26]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," pp. 59021–59022.

[27]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," pp. 59027–59028.

[28]*Utility Air Regulatory Group v. EPA*, 573 U.S. 302, 324 (2014).

[29]*Michigan v. EPA*, 576 U.S. 743, 753 (2015).

nationwide shift in how America generates electricity.[30] The 2024 standards tried to reach a similar result by a different route. Instead of ordering utilities to shift generation away from coal and natural gas, the rule demanded CCS at a scale that has never been demonstrated, leaving retirement as the only realistic compliance option for many plants. Calling that a source-specific standard does not change its practical effect. Whether and how to limit GHG emissions from the nation's entire power fleet is a question of vast economic and political significance, and that is exactly the kind of question Congress, not the EPA, must answer clearly.

Congress has not answered it. In 2009, the House passed the American Clean Energy and Security Act, which would have directed EPA to regulate GHG emissions from large stationary sources, by a vote of 219 to 212, but the Senate never voted on it.[31] In 2025, Congress rescinded unobligated funding for the Inflation Reduction Act's low emissions electricity program and, through the Congressional Review Act, disapproved three waivers that had allowed California and other states to enforce GHG standards for motor vehicles.[32] When Congress has acted on GHGs, it has used specific statutes, tax credits, and funding programs, not the general listing language of Section 111 or an amendment to it.[33]

D. In Response to EPA's Request in Section V.A.1.e: "The EPA requests comment on its proposed interpretations and applications of Massachusetts, AEP, American Lung Association, and West Virginia to the question whether CAA section 111(b)(1)(A) authorizes the EPA to regulate GHG emissions from fossil fuel-fired power plants based on global climate change concerns."

EPA's own record also needs shoring up. The final partial repeal rested on a reevaluation of the best system of emission reduction and took no action on the statutory authority question, so this supplemental record seems to carry that question on its own.[34] Opponents will lead with *Massachusetts v. EPA*, which held that greenhouse gases fit the Act's definition of "air pollutant," and *American Electric Power Co. v. Connecticut*, which held that the Act and the EPA actions it authorizes displace federal common law nuisance claims over power plant carbon dioxide emissions.[35] Neither decision resolves the question presented here. *Massachusetts* addressed whether greenhouse gases can be air pollutants, not whether Section 111 authorizes EPA to regulate power plants to address global climate change. *American Electric Power* relied on *Massachusetts*, and *West Virginia* later explained that *American Electric Power* said nothing about how Congress intended EPA to exercise its Section 111 authority.[36] Even some scholars

[30] *West Virginia v. EPA*, 597 U.S. 697 (2022).
[31] U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59017.
[32] U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," pp. 59018 and 59034.
[33] U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," pp. 59033–59034.
[34] U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," pp. 59007–59008.
[35] *Massachusetts v. EPA*, 549 U.S. 497 (2007); *American Electric Power Co. v. Connecticut*, 564 U.S. 410 (2011).
[36] *West Virginia v. EPA*, 597 U.S. at 730.

sympathetic to deregulation have called EPA's legal case for the vehicle rescission unconvincing.[37] EPA should therefore address both precedents directly and build the most complete statutory record possible. EPA should also confirm in the final rule, as the proposal does, that returning to the pre-2015 status quo leaves the Act's displacement of federal common law claims intact.[38]

E. In Response to C-1: "Any relevant arguments and information, including with respect to legitimate reliance interests on the 2015 NSPS and the 2024 CPS."

EPA asks whether its additional rationales implicate reliance interests beyond those raised in response to the June 2025 proposal.[39] They do not, and reliance on the 2015 findings has always been limited. Petitions challenging the 2015 standards were filed in the D.C. Circuit and have been held in abeyance since 2016, and the 2024 standards were challenged in court soon after promulgation.[40] Regulated parties have operated under unresolved legal challenges for a decade.

Repeal also would not strand investments. EPA expects that regulated parties would not need to alter existing plans, designs, technologies, or investments as a result of the repeal.[41] EPA's 2015 analysis projected only negligible emission changes from the 2015 standards because new units were expected to choose technologies that met them anyway, which suggests that little compliance investment was made solely because of those standards.[42] Any changes to building plans would likely cost less overall due to a looser standard but developers are free to proceed as if under the higher standard if they so choose. States that built programs around the 2015 findings also keep their authority to limit emissions from sources within their borders.[43]

Finally, reliance interests cannot supply authority Congress never granted. An agency changing course must acknowledge the change, give good reasons for it, and take serious reliance interests into account,[44] but no reliance interest can justify keeping a regulation the statute does not authorize. EPA should still address reliance expressly in the final rule, but the emphasis should be limited given the lack of expected negligible impact.[45]

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[37]Jonathan H. Adler, "Can the EPA Withdraw the Endangerment Finding?" *Regulation*, Cato Institute, Summer 2026, https://www.cato.org/regulation/summer-2026/can-epa-withdraw-endangerment-finding.
[38]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59043.
[39]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59019.
[40]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," pp. 59015–59016.
[41]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59042.
[42]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59039 (quoting 80 Fed. Reg. 64640).
[43]42 U.S. Code § 7416; U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59043.
[44]*FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009).
[45]*Department of Homeland Security v. Regents of the University of California*, 591 U.S. 1 (2020).

II. Repeal Will Not Measurably Affect the Climate

A. In Response to C-3: "The alternative interpretation that removing GHG emissions from EGUs would be futile."

EPA's own analysis shows how little is at stake environmentally. EPA's economic impact analysis for the Supplemental Proposal projects that repeal would cause no change in generation, fuel use, fuel prices, or emissions.[46] Under EPA's modeled compliance approach, the current standards would push some developers to build more combustion turbine capacity than they otherwise need, raising capital and maintenance costs without changing how much electricity those turbines generate or how much they emit.[47] In other words, the 2015 standards impose real costs on new generation while delivering no projected emissions reductions.

EPA's broader futility analysis is just as clear. Using the FaIR climate model, EPA estimates that eliminating every ton of carbon dioxide from U.S. power plants would avoid about 0.035 degrees Celsius of warming by 2100. A 50 percent reduction, which EPA treats as a more realistic but still generous proxy for what Section 111 standards could achieve, would avoid about 0.018 degrees.[48] Even that proxy is generous. The Clean Power Plan, the most aggressive of EPA's power plant rules, projected an average reduction of 414 million short tons in 2030, roughly half the 849 million short tons in EPA's 50 percent scenario.[49] Eliminating all U.S. power plant carbon dioxide would reduce projected sea level rise by about 1.4 centimeters by 2100.[50] By comparison, year-to-year variability in global temperature from 2016 to 2025 was 0.14 degrees, nearly four times the effect of eliminating the entire sector's emissions.[51]

Under Section 111(b)(1)(A), a source category must contribute significantly to air pollution that endangers public health or welfare. A regulation that cannot produce more than a trivial change in the named danger of global warming cannot satisfy that standard, and courts have long recognized that general statutory language does not reach *de minimis* concerns.[52] EPA is right to conclude that these standards produce virtually no benefit.[53]

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[46]U.S. Environmental Protection Agency, "Economic Impact Analysis for the Supplemental Proposed Rule," p. 18.
[47]U.S. Environmental Protection Agency, "Economic Impact Analysis for the Supplemental Proposed Rule," p. 3.
[48]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," pp. 59036–59039, Table 5.
[49]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," pp. 59039–59040.
[50]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59039, Table 7.
[51]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59040.
[52]*Alabama Power Co. v. Costle*, 636 F.2d 323, 360–61 (D.C. Cir. 1979); *Wisconsin Department of Revenue v. William Wrigley, Jr., Co.*, 505 U.S. 214, 231 (1992).
[53]U.S. Environmental Protection Agency, "General Fact Sheet."

B. In Response to C-5: "Climate impact modeling with respect to the impact from GHGs from EGU, if any."

EPA's FaIR model was endorsed by the National Academies in 2017 and independent modeling has reached similar results.[54] Heritage modeling has found that eliminating all U.S. carbon dioxide emissions would reduce global temperatures by less than 0.2 degrees Celsius by 2100.[55] Heritage's Climate Calculator, built on the Model for the Assessment of Greenhouse Gas Induced Climate Change (MAGICC) used by the Intergovernmental Panel on Climate Change, allows users to test different assumptions about climate sensitivity and emissions cuts, and under every combination the temperature effect of U.S. carbon dioxide reductions remains minimal.[56] The Global Carbon Project projects 2025 fossil emissions, including GHG emissions, of 5.0 billion tons for the United States, 12.3 billion tons for China, and 3.2 billion tons for India, meaning the United States accounts for about 13 percent of the global total compared with about 32 percent for China.[57] The final record should note that a other widely used models, run across a range of climate sensitivity assumptions, point the same way as EPA's FaIR results.

EPA's projection is also consistent with the broader scientific record. In finalizing the vehicle rescission, EPA relied on the statute, corroborated by the major questions doctrine, and on its finding that vehicle GHG standards would not materially affect the concerns identified in 2009, and it did not finalize the additional bases it had originally proposed.[58] That is the legal footing here as well. EPA frames the issues in this proposal as legal and states that the National Academies' 2026 report on attributing extreme weather events does not conflict with its legal rationales.[59]

The scientific record shows how much less certain the predictions behind GHG regulation are than past rulemakings implied. When EPA first proposed the rescission, the 2009 finding was based on data from 2007, and newer evidence calls several of its premises into question.[60] Further, many climate models have overpredicted warming. Newer data show no long-term increase in the frequency and intensity of hurricanes and tornadoes despite higher GHG concentrations. Moderate warming and elevated carbon dioxide levels can produce real benefits, including fewer cold-related

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[54]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59037.
[55]Kevin D. Dayaratna, Katie Tubb, and David Kreutzer, "The Unsustainable Costs of President Biden's Climate Agenda," Heritage Foundation *Backgrounder* No. 3713, June 16, 2022, https://www.heritage.org/sites/default/files/2022-06/BG3713_0.pdf.
[56]The Heritage Foundation, "Calculate the Temperature Changes for Alternative Carbon Dioxide-Reduction Policies," Heritage Calculator, June 17, 2024, https://calculators.heritage.org/climate/calculate-the-temperature-changes-for-alternative-carbon-dioxide-reduction-policies/.
[57]Global Carbon Project, "Figures from the Global Carbon Budget 2025," Figures 11 and 12, https://robbieandrew.github.io/GCB2025/.
[58]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Endangerment Finding," p. 7686.
[59]U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59019.
[60]Kevin D. Dayaratna and Diana Furchtgott-Roth, "Reversing the EPA's Endangerment Finding on Greenhouse Gases," Heritage Foundation *Policymaker Memo* No. 02, July 30, 2025, https://www.heritage.org/environment/report/reversing-the-epas-endangerment-finding-greenhouse-gases.

deaths, longer growing seasons, and better agricultural productivity. The evidence linking climate change to rising asthma rates or particulate-related deaths is weak. And the social cost of carbon, the metric most often used to justify sweeping climate regulation, depends on speculative assumptions and is not a valid policy tool.[61]

The climate models and emissions scenarios underlying federal climate policy have not always tracked observed conditions. The Department of Energy's 2025 review reported that CMIP5 and CMIP6 models have simulated more warming than observations in the tropical mid- and upper troposphere and that emissions and concentration projections have historically tended to exceed observed outcomes.[62] EPA's own economic analysis of its 2026 rescission separately estimated that eliminating federal greenhouse-gas standards for motor vehicles would produce more than $1.3 trillion in savings from 2027 through 2055, including approximately $1.1 trillion in reduced new-vehicle costs and $200 billion in avoided expenditures for electric-vehicle chargers and related equipment.[63] These costs have particular implications for households and communities that depend on access to affordable vehicles for access to employment, education, health care, and essential services.

The Department of Energy report, which EPA relied on in reconsidering the 2009 Endangerment Finding, also identifies significant uncertainties and disagreements in the scientific literature concerning climate sensitivity, model-observation discrepancies, extreme-weather attribution, economic effects, and estimates of the social cost of carbon.[64] None of this requires EPA to resolve every scientific debate. It does, however, reinforce the need for the agency to distinguish observed evidence from modeled projections, explain the uncertainties underlying its conclusions, and determine whether emissions from the regulated source categories satisfy the Clean Air Act's applicable endangerment and contribution requirements.

The Supreme Court's decision in *Michigan v. EPA* arose under a different section of the Clean Air Act and therefore does not independently require EPA to conduct a formal cost-benefit analysis under Section 202. It nevertheless underscores the broader principle that an agency must engage in reasoned decision-making and consider the factors made relevant by the governing statutory provision. As the Court explained, it is not rational to impose billions of dollars in economic costs

[61] Dayaratna and Furchtgott-Roth, "Reversing the EPA's Endangerment Finding on Greenhouse Gases."
[62] Climate Working Group, *A Critical Review of Impacts of Greenhouse Gas Emissions on the U.S. Climate*, U.S. Department of Energy, July 23, 2025, pp. 34–39 and 61–66, https://www.energy.gov/sites/default/files/2025-07/DOE_Critical_Review_of_Impacts_of_GHG_Emissions_on_the_US_Climate.pdf.
[63] U.S. Environmental Protection Agency, *Regulatory Impact Analysis: Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act*, EPA-420-R-26-002, February 2026, pp. 22–26, https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P101HV06.pdf.
[64] Climate Working Group, *A Critical Review of Impacts of Greenhouse Gas Emissions on the U.S. Climate*, U.S. Department of Energy, July 23, 2025, pp. ix–xvi, 21–27, 34–39, 61–66, and 109–121, https://www.energy.gov/sites/default/files/2025-07/DOE_Critical_Review_of_Impacts_of_GHG_Emissions_on_the_US_Climate.pdf.

in return for only negligible benefits.[65] EPA should therefore ensure that any greenhouse-gas regulatory program rests on the best reading of the statute, a candid assessment of the scientific record, and a defensible account of the program's expected benefits and costs.

III. Repeal Supports Reliable and Affordable Electricity

A. In Response to C-6: "Additional information on cost savings, benefits, and disbenefits, including those that have not been monetized, quantified, or qualitatively discussed. To the extent feasible, provide uncertainty analyses with any monetized or quantified information."

EPA estimates that the Supplemental Proposal would save the power sector $370 million in present value from 2026 through 2047 at a 3 percent discount rate and $230 million at a 7 percent rate.[66] Part of those compliance savings reflects taxes and tax credits that shift costs rather than reduce them. EPA separately estimates $270 million in real resource cost savings at a 3 percent rate, a measure that excludes those transfers.[67]

EPA's estimate is conservative, and the final rule should say so. EPA counted no savings from repealing the 2015 standards for new coal units because its modeling projects no new coal plants, even though the agency acknowledges that companies are pursuing new coal-fired facilities in Alaska and West Virginia that would no longer have to install partial CCS infrastructure if they do not plan to use it. EPA also notes that stakeholders have told the agency the Phase 1 standards could have much larger impacts than EPA estimated, which would make the savings from repeal larger.[68]

Repeal also carries benefits EPA has not monetized. Dispatchable plants that can run whenever they are needed cannot be fully replaced by wind and solar resources that depend on weather conditions or require significant backup. As long as the 2015 findings and the remaining standards stay on the books, utilities and investors face the risk that a future administration will use them to revive CCS mandates or something like them. Power plants are long-lived assets financed over decades, and regulatory whiplash raises the cost of building and keeping them. Rescinding the underlying findings, not just the most burdensome standards, is what provides real certainty. On the other side of the ledger, EPA projects no meaningful, definite change in emissions from repeal, so there is no projected environmental disbenefit to weigh against these savings.[69]

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[65] *Michigan v. Environmental Protection Agency*, 576 U.S. 743, 750–753 (2015), https://www.govinfo.gov/content/pkg/USREPORTS-576/pdf/USREPORTS-576-743.pdf.
[66] U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," p. 59044, Table 8.
[67] U.S. Environmental Protection Agency, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants," pp. 59044–59045.
[68] U.S. Environmental Protection Agency, "Economic Impact Analysis for the Supplemental Proposed Rule," pp. 3, 6–7, and 14.
[69] U.S. Environmental Protection Agency, "Economic Impact Analysis for the Supplemental Proposed Rule," p. 18.

More importantly, these costs do not stay with utilities but are passed down to consumers and businesses. Utilities recover regulatory compliance expenses through the rates paid by households, businesses, manufacturers, schools, and hospitals.[70] EPA's estimated savings of up to $310 billion from the final partial repeal and $370 million from the Supplemental Proposal represent costs that utilities could otherwise pass on to customers through their electric bills.[71] Those burdens are also regressive. Low-income households spent an average of 17.8 percent of their income on home energy and transportation fuel in 2022, more than three times the national average.[72] Regulations that raise electricity prices for no measurable climate benefit hurt all Americans, and particularly the families least able to absorb them.

B. In Response to C-7: "Other electric utility modeling or information related to the impacts of this proposed regulatory action that may be more appropriate than the use of the Integrated Planning Model (IPM). Please provide justification for the use of a different model as well as whether it is open source."

EPA's economic impact analysis relies on the agency's Integrated Planning Model (IPM) 2025 Reference Case.[73] EPA should consider, alongside IPM, the reliability assessments that grid planners and the Department of Energy have produced, because they examine shortfall and outage risk directly. The North American Electric Reliability Corporation's (NERC's) 2025 Long-Term Reliability Assessment projects that summer peak demand will grow by 224 gigawatts over the next 10 years, a forecast more than 69 percent higher than the previous year's, with data centers accounting for most of the increase. Winter peak demand is projected to grow even faster. NERC warns that uncertainty and lag in new resource additions are raising concerns that the industry will not be able to keep up.[74] Among its top recommendations, NERC calls for managing generator deactivations, which is exactly what premature retirements driven by federal GHG standards undermine.[75]

The Department of Energy reached a similar conclusion. Its July 2025 resource adequacy report found that 104 gigawatts of firm generation is slated to retire by 2030 and that, without replacement, those retirements combined with projected load growth could increase the risk of

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[70]Lisa Wood et al., *Recovery of Utility Fixed Costs: Utility, Consumer, Environmental and Economist Perspectives*, Lawrence Berkeley National Laboratory, LBNL-1005742, June 2016, https://emp.lbl.gov/publications/recovery-utility-fixed-costs-utility; Georgia Power, "Electric Service Tariff: Environmental Compliance Cost Recovery Schedule 'ECCR-14,'" effective January 2025, https://www.georgiapower.com/content/dam/georgia-power/pdfs/business-pdfs/tariffs/2025/eccr-14.pdf.

[71]U.S. Environmental Protection Agency, "General Fact Sheet."

[72]American Council for an Energy-Efficient Economy, "Combined Energy Burdens: Estimating Total Home and Transportation Energy Burdens," May 2024, https://www.aceee.org/wp-content/uploads/2026/05/combined_energy_burdens_-_estimating_total_home_and_transportation_energy_burdens.pdf.

[73]U.S. Environmental Protection Agency, "Economic Impact Analysis for the Supplemental Proposed Rule," pp. 1–2 and 4.

[74]North American Electric Reliability Corporation, *2025 Long-Term Reliability Assessment*, January 2026, https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

[75]North American Electric Reliability Corporation, "2025 Long-Term Reliability Assessment Infographic," February 2026, https://www.nerc.com/globalassets/our-work/assessments/ltra_infographic_2025.pdf.

power outages by 100 times. Of the 154 gigawatts of capacity in advanced stages of development, only 19 gigawatts can regularly operate around the clock.[76] Some analysts, in a review prepared for environmental groups, argue that NERC's projections are too pessimistic. But that same review identifies delays in connecting new generation as the most significant risk to resource adequacy, which only strengthens the case for keeping existing dispatchable plants online rather than regulating them off the grid.[77]

These assessments are published analyses, not alternative models, so EPA would use them to check IPM's results rather than replace them. But they bear directly on the real-world consequences of keeping standards that discourage investment in dispatchable generation, and they belong in the record.

What EPA Should Do

To provide lasting relief and legal clarity, EPA should:

- Finalize the rescission of the 2015 findings and determinations and repeal all remaining GHG standards for fossil fuel-fired EGUs, including the remaining standards for new and reconstructed combustion turbines.
- Adopt its proposed reading that "air pollution" in Section 111(b)(1)(A) means air pollution that endangers public health or welfare through local or regional exposure (C-2, C-4).
- Retain the major questions doctrine and futility as independent and alternative grounds, so that the final rule stands even if a court disagrees with any single rationale (C-3).
- Explain expressly why reliance on the 2015 findings and standards does not justify retaining them (C-1).
- Present EPA's FaIR results alongside other widely used models and a range of climate sensitivity assumptions to demonstrate their reasonableness within the consensus (C-5).
- Describe the unquantified savings from repealing the 2015 coal standards and the Phase 1 turbine standards, along with the reliability value of keeping dispatchable generation online (C-6).
- Consider NERC and Department of Energy reliability assessments alongside IPM (C-7).
- State clearly that the action does not affect EPA's regulation of conventional and hazardous air pollutants from power plants.

[76]U.S. Department of Energy, *Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid*, July 2025 (revised October 27, 2025), https://www.energy.gov/sites/default/files/2025-11/DOE%20Final%20EO%20Report%20%28REVISED%20OCT%2027%29.pdf.
[77]Adria E. Brooks, Michael Goggin, and John D. Wilson, "Review of NERC's 2025 Long-Term Reliability Assessment," Grid Strategies, March 5, 2026, https://gridstrategiesllc.com/wp-content/uploads/FINAL-2025-LTRA-Review.pdf.

Conclusion

The Supplemental Proposal is the logical next step after EPA's rescission of the endangerment finding and its partial repeal of the 2024 Carbon Pollution Standards. Section 111 was not written to give EPA control over the nation's electricity mix in the name of global climate change, and the environmental consequences of repeal are negligible. The consequences of keeping these rules, by contrast, are significant and lead to higher costs, less dependable generation, and continued uncertainty for an industry that needs to build quickly to meet rising demand.

EPA should finalize the Supplemental Proposal. Thank you for the opportunity to comment.

Respectfully yours,

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