



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL
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January 16, 2018

Scott Pruitt, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: EPA-HQ-OAR-2017-0355
FRL-9969-75-OAR

Dear Administrator Pruitt:


Delaware's Department of Natural Resources and Environmental Control hosted a public meeting on January 8, 2018 to provide an opportunity for Delawareans and citizens of other East Coast states to comment on the US Environmental Protection Agency's proposal to repeal the federal Clean Power Plan (CPP). The DNREC-sponsored listening session began at 10 a.m. at the Chase Center on the Riverfront, 815 Justison Street, Wilmington, DE 19801.

The listening session was well attended by the public with over 100 in attendance. Comments were heard from 31 members of the public as well as from Governor Carney and Senator Carper. We are submitting a transcript of the testimony given by the public. ATTACHMENT 1

EPA should not take action to repeal this important rule without first hearing from our citizens and considering their comments. Delaware stepped up to host this public meeting because EPA is not offering a reasonable venue for citizens' voices to be heard.

Delaware respectfully requests that you enter these into the EPA's hearing docket for this proceeding and give them the same weight and consideration as comments delivered had EPA held this hearing.

Sincerely yours,


Ali Mirzakhali, P.E.
Director

Delaware's good nature depends on you !

ATTACHMENT 1
Delaware Department of
Natural Resources &
Environmental Control



Delaware Public Meeting – January 8, 2018

Testimony of Commenters

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In The Matter Of:

*Department of Natural Resources & Environmental Control
In re: Proposed Repeal of the Federal Clean Power Plan*

*Public Meeting
January 8, 2018*

*Wilcox & Fetzer, Ltd.
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Wilmington, DE 19801*

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Min-U-Script® with Word Index

STATE OF DELAWARE

DELAWARE DEPARTMENT OF NATURAL
RESOURCES & ENVIRONMENTAL CONTROL

IN RE: PUBLIC MEETING ON:
PROPOSED REPEAL OF THE :
FEDERAL CLEAN POWER PLAN :

Public Meeting taken pursuant
to notice at the Chase Center on the
Riverfront, 815 Justison Street, Harland &
Hollingsworth Room, Wilmington, Delaware,
beginning at 10:10 a.m., on Monday, January
8, 2018, before Gloria M. D'Amore, Registered
Professional Reporter and Notary Public.

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1 APPEARANCES:

2
3 On behalf of the State of Delaware
4 Delaware Department of Natural
5 Resources & Environmental Control:
6 SECRETARY SHAWN M. GARVIN
7 ALI MIRZAKHALILI, P.E.
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1 SECRETARY GARVIN: Welcome and
2 thank you for attending today's public
3 hearing on EPA's proposed repeal of the
4 Federal Clean Power Plan Rule.

5 EPA scheduled and held only one
6 public hearing about the significant rule.
7 That hearing was held on November 28th and
8 29th, 2017 in Charleston, West Virginia.
9 They did add three listening sessions, but
10 they were in California, Missouri and
11 Wyoming, and they will occur after the public
12 comment period closes.

13 The State of Delaware is
14 hosting today's meeting to provide a
15 convenient, local opportunity for public
16 comment on the proposed repeal of the Federal
17 Clean Power Plan Rule.

18 All comments made today will be
19 compiled and submitted to the EPA by DNREC.

20 Before I provide additional
21 details about the meeting, I would like to
22 provide a brief history and timeline.

23 On December 2009, U.S. EPA
24 determined that the science shows that carbon

1 dioxide threatens the public health and
2 welfare and is a pollutant that must be
3 regulated.

4 U.S. Courts have upheld EPA's
5 findings and have recognized EPA's authority
6 to issue national rules limiting carbon
7 pollution from stationary sources, like power
8 plants.

9 The EPA set the first-ever
10 carbon pollution limits for the nation's
11 existing power plants in August of 2015.

12 EPA's rule is called Clean
13 Power Plan and was issued under the Clean Air
14 Act.

15 EPA adopted this rule after
16 hundreds of meetings with various
17 stakeholders; holding numerous listening
18 sessions and public hearings and considering
19 over a million written comments.

20 The CPP directed states to put
21 together plans to limit carbon pollution from
22 power plants. It provided flexibility to
23 states to determine the best way to do this
24 within their own boundaries.

1 State plans are due
2 September 2018..

3 In good faith, Delaware began
4 working on its plans by holding a series of
5 listening sessions and workshops in 2015 and
6 2016.

7 On October 16, 2017, EPA
8 published a notice in the Federal Register
9 that it would repeal the Clean Power Plan and
10 it is seeking comment on alternative methods.

11 All comments are due by
12 January 16, 2018.

13 Because EPA has refused to
14 provide a reasonable venue for Delawareans
15 and others along the East Coast to voice
16 their opinions on the proposed CPP repeal,
17 DNREC has chosen to conduct a listening
18 session enabling that opportunity.

19 DNREC believes that the future
20 of the CPP is important and that decisions
21 should be not rushed without fully
22 considering public input.

23 So details for today's meeting.
24 Public comments will be accepted today, and

1 we will stay until everyone who wishes to
2 speak has had an opportunity.

3 A court reporter is here to
4 capture each commenter's remarks.

5 DNREC asked for the commenters
6 to pre-register, but it is not required.
7 People who wish to speak that did not
8 pre-register can sign up at the front door.

9 We will call names of the
10 people who pre-registered to step up to the
11 mic first, and then we'll move to those who
12 have signed up to speak today.

13 We ask that commenters take no
14 more than five minutes to make their remarks.

15 A timekeeper will signal each
16 speaker when their time has run out. You'll
17 get a two-minute warning and then red means
18 your time has run out. Speakers are asked to
19 be respectful of the time limits and wrap up
20 quickly when the timekeeper indicates that
21 your time is up.

22 Comments from the Delaware
23 public meeting will be submitted by DNREC to
24 EPA's federal docket in the form of a

1 transcript on behalf of all who speak on the
2 proposed repeal.

3 Speaking at today's event does
4 not prevent you from submitting in any way
5 separate written comments to the EPA.
6 Instructions for commenting can be picked up
7 at the sign-in table up front.

8 If you have prepared comments,
9 if you would like to submit them to help our
10 court reporter, that would be appreciated.

11 I want to quickly recognize a
12 couple of people before I introduce our next
13 speaker.

14 First, Angie Jenkins, who is
15 here representing the Virginia Department of
16 Environmental Quality.

17 Kate Roher, who is here
18 representing Senator Coon's office.

19 Courtney McGregor, who is
20 representing Representative Blunt Rochester's
21 office.

22 And I would like to recognize
23 Collin O'Mara, former Secretary of DNREC.

24 At this time, I would like to

1 introduce Delaware's Governor John Carney.

2 The Governor has been a leader
3 in the State and nationally supporting air
4 protection, renewable energy, and efforts to
5 mitigate the causes of climate change. He
6 has also focused on adapting and becoming
7 more resilient to the impacts in Delaware who
8 is currently experiencing impacts as the
9 lowest lying state in the nation.

10 During his time in Congress, he
11 stood up to attempts to repeal the Clean
12 Power Plan. And as Governor, he has
13 partnered with other states in the creation
14 of the Climate Alliance to continue the
15 state's commitments outlined in the Clean
16 Power Plan. And he has also been a leader in
17 opposing offshore drilling and other air
18 quality impacts, such as ozone transport.

19 Please welcome Governor John
20 Carney.



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1 GOVERNOR CARNEY: Thank you,
2 Secretary Garvin. And thank you all. I
3 think I was pre-registered to speak.

4 I don't know whether I can get
5 through this in five minutes. I don't know
6 about that two-minute or thirty-seconds --

7 SENATOR CARPER: You have the
8 floor.

9 GOVERNOR CARNEY: Thank you,
10 Senator Carper.

11 Thank you all for coming out.

12 EPA wouldn't have a listening
13 session with easy access to the people of
14 Delaware, so we brought the listening session
15 here to each of you.

16 I want to thank Secretary
17 Garvin, Ali and their staff at DNREC for
18 doing this, and for all of you for coming and
19 for your advocacy and activity over the
20 years.

21 Special recognition to State
22 Representative John Kowalko, who is sitting
23 up front. I don't see other elected
24 officials other than Senator Carper who will



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1 speak briefly afterwards.

2 I'm pleased to be here to
3 present Delaware's perspective on EPA's
4 proposal to repeal Carbon Pollution Emission
5 Guidelines for Existing Stationary Sources,
6 commonly known as the Clean Power Plan.

7 Our state environmental
8 regulators are charged with protecting
9 Delawareans' health and our environment in
10 collaboration with the Federal government.

11 The proposed repeal will make
12 our efforts here in Delaware to reduce carbon
13 pollution much more difficult and will also
14 remove a strong incentive for states and the
15 Federal government to work together to clean
16 up our air.

17 EPA is required under the Clean
18 Air Act to take action to regulate greenhouse
19 gases.

20 EPA has done this in a number
21 of ways, including establishing the Clean
22 Power Plan, which mandates greenhouse gas
23 reductions from electric power generation in
24 every state in the nation.

1 About a third of the greenhouse
2 gas emissions in the U.S. result from burning
3 fossil fuels to generate electricity for our
4 homes and for our businesses.

5 The U.S. emits more carbon
6 dioxide per person than other any other
7 nation in the world.

8 Greenhouse gases are air
9 pollutants that endanger the health of
10 everyone on the planet.

11 These pollutants are directly
12 responsible for global climate change, which
13 is increasing global temperatures, melting
14 glaciers, increasing sea levels, acidifying
15 our oceans and contributing to billion dollar
16 disasters in the U.S. and around the globe.

17 Climate change is proven by
18 science, and its negative impacts can be seen
19 and felt everywhere, especially here in
20 Delaware.

21 Delaware is the lowest-lying
22 state. Sea levels, as measured in Lewes,
23 Delaware have risen more than 13 inches since
24 1919. This has contributed to an increase of

1 300 percent in, quote, Nuisance flooding
2 since the 1950's.

3 Without significant reductions
4 in greenhouse gas emissions, Delaware's tidal
5 water could rise by an additional five feet
6 permanently inundating 17,000 homes and
7 500 miles of roadway.

8 The citizens and economy of
9 Delaware are negatively affected by these
10 changes. And if the Clean Power Plan is
11 repealed, we will suffer even more.

12 Rising average temperatures and
13 prolonged heat waves pose critical health
14 risks to Delaware farmers, outdoor workers,
15 children and the elderly.

16 Changing climate conditions
17 will increase local levels of particulate
18 matter and ground-level ozone, which increase
19 the risk our residents face of premature
20 death and chronic heart and lung problems.
21 And many of these pollutants are transported
22 from states to the west of us.

23 These threats will only
24 increase if we don't take a stance as a

1 nation and a global community to reduce the
2 human emissions of greenhouse gases that feed
3 rapid climate change.

4 Delaware has become a national
5 leader in taking that stance and going to
6 great lengths to reduce greenhouse gas
7 emissions.

8 Delaware joined the Regional
9 Greenhouse Gas Initiative, RGGI, in 2005 and
10 has worked with our regional partners since
11 then to reduce CO2 emissions from power
12 plants in the region.

13 Since RGGI began, emissions
14 across the region have gone down by over
15 40 percent. And with the recently announced
16 program improvements, we expect more
17 reductions in our power sector as the state
18 continues to invest in clean energy.

19 Delaware created the Division
20 of Energy and Climate responsible for
21 developing policies and programs to reduce
22 greenhouse gas emissions, adapt to climate
23 change, improve energy efficiency and
24 increase the use of renewable energy

1 resources.

2 Delaware established a
3 Sustainable Energy Utility, which enables
4 energy consumers to reduce costs, improve the
5 environment and ensure energy independence
6 for future generations.

7 But Delaware, and a handful of
8 other willing states, cannot and should not
9 be expected to tackle carbon pollution alone.

10 And I'm here today to state
11 that the rest of the country must follow
12 Delaware's lead and be part of the solution,
13 rather than making the problem worse.

14 The Clean Power Plan is a very
15 good plan in response to the risk climate
16 change impacts imposed for our country. And
17 also fulfills EPA's legal obligation to
18 regulate emissions of carbon dioxide.

19 The CPP maintains the
20 longstanding practice of sharing regulatory
21 responsibility between EPA and the states.

22 CPP builds on experiences of
23 the states who have already begun enacting
24 clean energy policies, again Delaware, chief

1 among them. CPP does not infringe on the
2 jurisdiction of the other states' energy
3 regulators.

4 Delaware's environmental and
5 energy regulatory agencies act independently,
6 yet collaboratively regulate within the
7 respective jurisdictions.

8 Delaware and other states have
9 proven, if not showcased this model through
10 the successful implementation of RGGI.
11 Energy and environmental regulation co-exist
12 and co-exist successfully.

13 Moving ahead with the Clean
14 Power Plan is of particular importance to
15 Delaware, given EPA's failure to directly
16 address emissions from power plants that
17 impact Delaware's air quality.

18 CPP promises to provide
19 additional ozone precursor emission
20 reductions, which would mean significant
21 public health benefits.

22 I am convinced that the nation
23 needs viable environmental action, such as
24 the Clean Power Plan.

1 We must reduce greenhouse gas
2 emissions to address climate change and the
3 perils it poses to all of us here in the
4 United States and around the world.

5 I leave you today with the
6 pledge that Delaware stands ready to
7 implement the Clean Power Plan as originally
8 proposed.

9 And I strongly encourage the
10 EPA to reconsider their proposal to repeal
11 it.

12 And I want to thank everybody
13 in the room for coming. We look forward to
14 your comments and input as well.

15 Thank you very much.



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1 SECRETARY GARVIN: Thank you,
2 Governor.

3 I want to introduce our next
4 speaker, Senator Tom Carper, who has served
5 the State of Delaware with distinction as our
6 Congressman, Governor and for the last 17
7 years as our Senator.

8 As the ranking member on the
9 Environment and Public Works Committee,
10 Senator Carper leads the national fight to
11 protect our environment, particularly our air
12 quality and the impacts of climate change.

13 I welcome Senator Carper here
14 this morning to share with us and the EPA his
15 thoughts on the Clean Power Plan.

16 Senator.



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1 SENATOR CARPER: There's a
2 young woman standing there next to Collin
3 O'Mara. Come on up here. I want you to meet
4 Laura Haynes Gillam. Laura has been my
5 Environmental Advisor for any number of
6 years. Give her a nice round of applause.
7 She has worked hard.

8 You watch. As I read this
9 statement, you will see her lips move.
10 She'll put her hand over my mouth. What the
11 Senator meant to say was this. She came up
12 here on the train. She rode the train all
13 the way up here. And we're glad you can make
14 it.

15 Katie Wilson. Where is Katie?
16 Katie is the person who is our Press
17 Secretary. She gets the message all across
18 Delaware, the Delaware Valley. Katie does a
19 wonderful job. Katie. Nice round of
20 applause.

21 I'll tell you, I've got this
22 statement to give. I'm going to enter it for
23 the record. But I do want to talk to you
24 straight from my heart, straight from my

1 heart.

2 When I was Governor of Delaware
3 and John was our Secretary of Finance and
4 part of a great team, we could have shut down
5 the whole state. We could have shut down the
6 economy of the whole state. We could have
7 got every car off the road, had every
8 business closed, and we would have still been
9 out of compliance for clean air.

10 There's a lot of bad stuff that
11 goes up in the air to the west of us. There
12 are big and tall smokestacks that are way up
13 high in the air so it will get out of their
14 state and come to our state.

15 We are at the end of America's
16 tailpipe. Delaware, New Jersey, New York,
17 other states to the north of us. It's not
18 fair. It's not fair.

19 At church yesterday, our pastor
20 talked about the Golden Rule. Treat other
21 people the way we want to be treated. Good
22 neighbor. And the idea, somehow the people
23 off to the west of us who put whatever they
24 want up in the air and send it to us so they

1 don't have to worry about it. It brings down
 2 their energy costs so they can burn their
 3 cheap, dirty coal. It reduces their
 4 healthcare costs because the health effects
 5 from that pollution come all the way here,
 6 and we end up breathing it and we are less
 7 healthy as a result. It's just not fair.

8 Well, somebody ought to say
 9 something, and somebody is saying something.
 10 And we're saying it every day, every day in
 11 Washington, D.C., folks that serve with me on
 12 the Environmental Public Works Committee,
 13 typically on our side and some on the other
 14 side.

15 We have a nominee before us
 16 right now whose name is Kathleen Hartnett
 17 White. Now I'm just going to give you a
 18 flavor for what we're up against.

19 She used to run energy
 20 environmental pollution activities down in
 21 Texas for Governor Rick Perry. And here's
 22 what she has said. And she has been
 23 nominated for the job that Russ Peterson used
 24 to hold. Russ Peterson, remember he was, as

1 well as being Governor of Delaware, headed up
 2 the Audubon Society, and he was the Chairman
 3 on the Counsel on Environmental Quality in
 4 the White House for two administrations, two
 5 Republican administrations.

6 And the woman who has been
 7 nominated to hold that seat in the future
 8 believes that folks who think that climate
 9 change is real are communists and pagans.
 10 Communists and pagans. She thinks that the
 11 only way to damage yourself, your health from
 12 the ozone is by putting your mouth around
 13 your tailpipe of your vehicle for eight hours
 14 at a time. That's what we're up against.
 15 She believes that particulates in the air
 16 don't cause health problems. It doesn't
 17 cause disease problems. Doesn't cause lung
 18 problems. That's what we're up against.

19 And we're bound and determined
 20 to make sure that the job that Russ Peterson,
 21 who was one of the great champs of the
 22 environment in the history of this country,
 23 to make sure that the person who has been
 24 nominated by this Administration to take his

1 former job never sets foot in that door.

2 Second point. To say it's
3 impossible to have clean air and also have
4 jobs, that's hogwash. We're going to have
5 both.

6 In the last Administration,
7 which now took office, what, nine-years-ago
8 almost to the day, worked really hard to
9 clean up our air, really hard to reduce
10 emissions of all kinds. And you know what,
11 they launched the longest running economic
12 recovery in the history of this State -- of
13 the United States -- the longest running
14 economic recovery. Don't tell me you can't
15 have jobs and clean air and clean water. We
16 can have both. We have had both. And we can
17 have both again.

18 Third point. This Clean Power
19 Plan, is it a lot of nonsense that just got
20 thrown together? Well, correct me if I'm
21 wrong, I think in all of the hearings around
22 the country where EPA held meetings and so
23 forth, scores of meetings, scores of
24 meetings, maybe hundreds, I think they got

1 something like a million comments, a million
2 comments. I might be wrong about that, but
3 they had a ton of comments about what the law
4 should say.

5 And the idea that this is
6 somehow thrown together, that's baloney.
7 That is baloney.

8 I was visited by about six or
9 seven CEOs from utility companies about
10 eight-years-ago. They sat in my office in
11 Washington, and we talked about how we can
12 reduce emissions in coal, sulfur dioxide,
13 nitrogen oxide, mercury, CO2. How do we do
14 it?

15 And we went back and forth for
16 hours. I had legislation that didn't work
17 out. And at the end of the meeting, one of
18 the CEOs, the old guy from somewhere down
19 south, he said, and I'll never forgot what he
20 said, he said, Senator, here's what you
21 should do. You should tell us what the rules
22 are going to be. Give a reasonable amount of
23 time. Give us some flexibility and get out
24 of the way. That's exactly what he said.

1 Tell us what the rules are going to be, give
2 us a reasonable amount of time, some flex
3 time and get out of the way.

4 That's what the Clean Power
5 Plan does. That is exactly what the Clean
6 Power Plan does. And it is not going to lead
7 to the diminishment of jobs, but it will lead
8 to the creation of jobs.

9 Last thing. Has anybody ever
10 been Downstate on State Route 1 and passed
11 over -- down past Milford -- you get a little
12 bit past Milford and you come across the road
13 called Prime Hook Road. Prime Hook Road.

14 And I invite my colleagues who
15 believe that climate change is not real -- I
16 know people have -- the Administration says
17 -- What happened to climate change? You
18 ought to get it back.

19 Well, be careful what you ask
20 for, Mr. President. Be careful what you ask
21 for. When it comes back, we won't just have
22 the kind of crazy weather we're having here
23 on the East Coast. We won't just have those
24 forest fires out on the West Coast. We won't

1 just have rainfalls in Silicon Valley and the
2 Bay area last year measured by the foot.
3 We'll really see some fireworks if we don't
4 do something about this.

5 You're right. Drive with me
6 down State Route 1. You go by Dover. You go
7 by Milford. There's Prime Hook Road. Take a
8 left turn. And we head east on Prime Hook
9 Road. And we drive past one of the most
10 beautiful national wildlife preservations in
11 the country, Prime Hook.

12 And when we keep going, we get
13 to the bay, the Delaware Bay. We stop there
14 at waters edge and look to the east. If you
15 look to the east, you can't see it every day,
16 but to the east is New Jersey. You, as you
17 look at the bay, you get out of your car, and
18 you walk up to the end of the bay, you know
19 what used to be under the water there, a
20 parking lot. A parking lot. And now it's
21 under water.

22 And if we stand there at waters
23 edge looking toward New Jersey, look off
24 around one o'clock, you can see the concrete

1 bunker sticking out a foot or two out of the
2 water.

3 I have a picture from 1947, a
4 photograph that showed that bunker, that
5 bunker 500 feet west of it, west of the bay.
6 Not east. Not out of the water. West of the
7 bay.

8 Something is happening here.
9 And what it is is perfectly clear. Perfectly
10 clear. And we can do something about it.

11 And thanks to all of you folks
12 being here today, we're going to do something
13 about it. God bless you all. Thank you.



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1 SECRETARY GARVIN: Thank you,
2 Senator.

3 We're going to transition in a
4 second, and I'll turn it over to Ali to start
5 inviting guests up to speak.

6 I do want to recognize Ali and
7 all of the staff, but particularly Valerie
8 Gray, who has done a tremendous job not only
9 in helping to get this together, but in her
10 work in climate and RGGI and other things.

11 So thank you very much,
12 Valerie, and all of the DNREC folks who have
13 done an amazing job.

14 With that, Ali, the show is
15 yours.



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1 MR. MIRZAKHALILI: Thank you
2 very much for being here.

3 Again, my name is Ali.
4 Mirzakhali. I'm the Director of the
5 Division of Air Quality.

6 I would like to welcome all of
7 our guests and all of our speakers here.
8 We'll go ahead and get started. We'll start.
9 We have a speakers' list that we had
10 published. We're just going to go down the
11 list and read the names. And you can select
12 to come up here to the podium or to that
13 microphone, whichever you are more
14 comfortable with. We're not picky.

15 So with that, I'll just ask
16 Secretary O'Mara to step up here.

1 SECRETARY O'MARA: Good morning.

2 It's wonderful to be with all
3 of you, and it's great to be here and not in
4 the Capitol or at the Department of Interior
5 in D.C. right now.

6 The process that we went
7 through to develop this plan was one of the
8 most comprehensive inclusive processes for a
9 regulation in American history.

10 And I can't be more proud to be
11 at the first of the citizens' hearings in
12 this country on the Clean Power Plan right
13 here in Delaware in the First State.

14 And, frankly, because of
15 Delaware's leadership, there's going to be
16 one in Annapolis in a couple of days; there's
17 going to be one in Philadelphia, and,
18 ultimately, all across the country. Because
19 this is simply shameful that the only public
20 hearing that was held was in West Virginia.
21 But even in West Virginia, there are
22 stereotypes of all economy there. The
23 aggregate for the Clean Power Plan overwhelms
24 the folks that did not want this repeal.

1 My friend, Angie Rosser, who
 2 runs the West Virginia Rivers Coalition,
 3 which is the nationalized federation
 4 affiliate there, gave an impassioned plea,
 5 along with coal miners and others, saying,
 6 Look, we want our health back. We want to
 7 make sure that our communities are cleaner
 8 and our communities are safer, and we're
 9 investing in jobs in the future, not just
 10 doubling down on the past.

11 Over the past year, I've had
 12 the chance to be in every state in the
 13 country. And I'll tell you one thing, that
 14 outside of the Beltway, there isn't a debate
 15 on climate that you see on TV, that you see
 16 in the halls of Congress.

17 And I've had to console
 18 families that have been dealing with the
 19 aftermath of massive record megafires in the
 20 Northwest. And in California, folks that
 21 have seen an intensity of frequency of fires
 22 that are three and four times greater than
 23 what they anticipated just 15-years-ago.

24 Folks seeing multiple Category

1 5 Hurricanes. Folks in Puerto Rico still
 2 picking up the pieces. Thirty percent of the
 3 folks still don't have power today, which,
 4 actually, is disgraceful. The folks in Texas
 5 and folks in Florida that are still picking
 6 up the pieces from these incredible storms.
 7 And Congress finds time for so many other
 8 issues, but very little time for the folks
 9 that were actually affected and actually need
 10 relief from government.

11 And when you look at the impact
 12 across the entire country, you realize that
 13 these storms, these more extreme weather
 14 events, don't acknowledge political
 15 boundaries and don't really acknowledge
 16 political parties. They don't really care
 17 about whether or not an area voted for the
 18 Republicans or the Democrats, but folks are
 19 being affected.

20 And you can have the most
 21 conservative Tea Party members that are
 22 fishing guides in Idaho that are concerned
 23 about warming waters affecting the trout
 24 streams. You can talk to folks that are

1 farming that are concerned about the
2 reification and the increased temperatures
3 that affecting farm yields and affecting soil
4 moisture.

5 The impacts are everywhere.
6 And the Clean Power Plan is a way to begin
7 the process of showing American leadership
8 and showing American innovation, again, who
9 is in State leadership, is a way to reduce
10 emissions.

11 The reason that the Clean Power
12 Plan is so important in the way that it was
13 designed was that it gives states the ability
14 to figure out the best solutions for their
15 state.

16 And Delaware's encouraged
17 efforts were so important because we were one
18 of the leaders in RGGI. And one of the
19 things that we asked for, we asked Shawn,
20 when he was in his previous role as Region
21 III Administrator, we just said, Hey, rather
22 than telling us exactly how to do it, tell us
23 the number we need to hit, which gets to
24 Senator Carper's plan about industry-wide

1 uncertainty. Then tell us the number we need
2 to hit, and we'll figure out the best way to
3 get there.

4 In the Northeast, it's going to
5 be through partnerships. It's going to be
6 through collaborations, like RGGI, to have
7 more energy efficiency and making sure there
8 is more for offshore wind and solar and
9 bringing more renewables online.

10 In other places, it might be
11 trying to make units more efficient.
12 Different ways to solve it. But the amount
13 of input that went into it was actually
14 staggering.

15 And, I think, for Delaware, it
16 had a greater impact than almost any other
17 state as the lowest-lying state in the
18 country, and the state that's going to see
19 impact in sea level rise and extreme weather
20 events.

21 As Dave Carter told me when
22 they taught the program, told them at DNREC,
23 when they were still there, the impact on our
24 tidal wetlands are massive in this state.

1 There is no state that will be more impacted.

2 So, again, we cannot solve the
3 problem. And I think our efforts alone will
4 not solve the problem.

5 But if the U.S. does not show
6 leadership, we cannot help other countries.
7 And this is where Delaware's leadership is
8 more important than others. We have done
9 great things. And I'm proud of our renewable
10 energy work. I'm proud of the work in solar.
11 I'm proud of the work in energy efficiency.

12 We need to become a leader in
13 offshore wind. That's the next frontier.
14 The best way to display massive amounts of
15 fossil fuel energy is through the biggest
16 utility source we have there and that's
17 offshore wind. We need to figure out a way
18 to do it regionally with our partners in
19 Maryland, in Virginia and in New Jersey.
20 There's an opportunity with new leadership in
21 these states to do great things and create a
22 ton of jobs.

23 And there's a great advantage.
24 And this is, again, what we need to do, that

1 we're defending the Clean Power Plan and
2 making sure we're raising our voices up in
3 Washington. Because there are economic
4 benefits for those tons of states that decide
5 to leave. There's innovation here in
6 Delaware, at DelTech, at DelState that's
7 incredibly important to get in the market and
8 create product.

9 There is no bigger champion
10 right now of the Clean Power Plan acting on
11 climate in the U.S. Senate than Senator
12 Carper. He's a ranking member of the
13 Environmental Works Committee. He's leading
14 this charge every day. But we need all of
15 our voices.

16 We need to be more engaged than
17 ever. Because this is a fight we're going to
18 win. We're going to win the court of public
19 opinion. We're going to win the legal court.
20 We're going to win the politics. We
21 eventually need additional play for our fight
22 in carbon and national solutions. This is a
23 part of that solution.

24 But together we can do it.

1 Everyone in this room should be proud of what
 2 Delaware is doing. I do want to say that I
 3 am proud when I go in every other part of the
 4 country, we talk Delaware's leadership, but
 5 we still have a lot to do.

6 And so, thankfully, at the end
 7 of the day, Delaware leads the way, and our
 8 country and our world will be in a much
 9 better place.

10 Thank you very much for holding
 11 this hearing.



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1 MS. GRAY: Next is Bruce Ho.
 2 NRDC.

3 MR. BRUCE HO: Good morning.
 4 My name is Bruce Ho, and I'm a Senior Energy
 5 Advocate at the Natural Resources Defense
 6 Council, NRDC.

7 And I want to thank DNREC for
 8 holding this hearing for members of the
 9 public to comment on EPA's proposed repeal of
 10 the Clean Power Plan.

11 And on behalf of NRDC's three
 12 million members and supporters, including
 13 more than 6,500 here in Delaware, I want to
 14 register our strong opposition to repealing
 15 this rule.

16 Since 1970, NRDC's lawyers,
 17 scientists, and other environmental
 18 specialists have worked to protect the
 19 world's natural resources, public health and
 20 the environment.

21 Our top institutional priority
 22 is curbing global warming emissions and
 23 building a clean energy future. And we have
 24 been deeply engaged on the Clean Power Plan,



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1 as well as climate and clean energy efforts
2 at the state and regional levels, including
3 in Delaware.

4 I believe that my colleague
5 from NRDC, Khalil Shahyd, will testify later
6 on the significant benefits that the Clean
7 Power Plan would provide to low-income
8 families, benefits that would be taken away
9 if the rule was repealed.

10 But I'll just focus my
11 testimony on Delaware's own experience in
12 tackling emissions, which shows that the
13 Clean Power Plan is eminently achievable, and
14 there is no lack of justification for its
15 repeal.

16 According to the U.S. National
17 Climate Assessment, which was released by the
18 Trump Administration in November, we are now
19 in the warmest period in the history of
20 modern civilization.

21 The report concludes, It is
22 extremely likely that human activities,
23 especially emissions of greenhouse gases, are
24 the dominant cause of the observed warming

1 since the mid-20th century.

2 For the warming over the last
3 century, there is no convincing alternative
4 explanation supported by the extent of the
5 observational evidence.

6 And yet, EPA proposes to repeal
7 the Clean Power Plan, one of the most
8 significant steps our country has proposed to
9 slow this dangerous warming.

10 The question is why?

11 It cannot be because of the
12 science. The National Climate Assessment
13 confirms that climate change is real. It is
14 happening. It is caused by humans. And it
15 is already harming Americans.

16 It cannot be because EPA
17 Administrator Pruitt and President Trump are
18 concerned for health and safety.

19 EPA's own Regulatory Impact
20 Analysis concludes that repealing the Clean
21 Power Plan could result in up to 4,500 more
22 premature deaths each year by 2030, due to
23 extra soot and smog pollution from allowing
24 power plants to continue emitting high levels

1 of sulfur dioxide and oxides of nitrogen,
2 alongside carbon pollution.

3 The U.S. Supreme Court has held
4 three times that EPA has authority under the
5 Clean Air Act to curb climate-changing
6 pollutants.

7 So this proposal cannot be
8 justified by arguing that EPA lacks such a
9 mandate.

10 And on the economics. Repeal
11 of the Clean Power Plan cannot be justified
12 on these grounds either. EPA's original
13 analysis of the Clean Power Plan estimated it
14 would generate \$34 billion to \$54 billion
15 dollars in public health and climate benefits
16 per year in 2030, lower electricity bills and
17 prevent thousands of premature deaths, tens
18 of thousands of asthma attacks and hundreds
19 of thousands of missed school and work days.

20 Real-world experience confirms
21 that we can cut carbon pollution, grow our
22 economy and create jobs.

23 Since 2009, Delaware has
24 participated in the Regional Greenhouse Gas

1 Initiative, or RGGI, the nation's first
2 market to cut carbon pollution. Together
3 with Connecticut, Maine, Maryland,
4 Massachusetts, New Hampshire, New York, Rhode
5 Island and Vermont, Delaware has cut carbon
6 pollution from the region's power plants by
7 more than 40 percent.

8 In the process, the states have
9 cut illness-causing soot and smog, saving the
10 region \$5.7 billion dollars in health costs,
11 including by preventing hundreds of premature
12 deaths, more than 8,000 asthma attacks, and
13 more than 39,000 lost work days.

14 They've also achieved other
15 benefits.

16 The region's economy has
17 outpaced the rest of the country, even as
18 RGGI states cut carbon pollution almost two
19 times faster.

20 Electricity prices are down 6.4
21 percent, even as they've risen, 6.2 percent
22 outside of RGGI.

23 RGGI has saved customers \$773
24 million dollars on their energy bills thanks

1 to investments in energy efficiency and other
2 programs and is expected to save customers
3 billions of dollars more.

4 And RGGI has boosted economic
5 growth at least \$2.9 billion dollars and
6 created more than 30,000 years of full-time
7 employment, including \$170 million dollars
8 and 1,400 employment years in Delaware.

9 The RGGI states have so
10 successfully cut carbon pollution that
11 they've already achieved their Clean Power
12 Plan targets more than a decade early.

13 But Delaware and its partners
14 aren't stopping there. They've committed to
15 cut pollution at least 30 percent more by
16 2030, and expect to spur \$3.95 billion
17 dollars in economic growth, put \$2.11 billion
18 dollars in families' pocketbooks, and create
19 34,000 employment years by doing so.

20 Now, other states, including
21 New Jersey and Virginia are looking to join
22 the program.

23 State action is critical. But
24 the RGGI states cannot solve climate change

1 on their own. Carbon pollution from other
2 states continues to cause harm to all.

3 We need leadership from our
4 Federal government to ensure every state does
5 its part to prevent the worst impact of
6 climate change.

7 I urge EPA to withdraw its
8 repeal proposal and to fulfill its duty to
9 protect Americans from dangerous climate
10 pollution.

11 Thank you.
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1 MS. GRAY: State Representative
2 Kowalko.

3 MR. JOHN KOWALKO: Good
4 morning. I am State Representative John
5 Kowalko, District 25, Newark South.

6 I want to thank the Delaware
7 Department of Natural Resources and
8 Environmental Control for this opportunity to
9 provide testimony.

10 I am here to speak out today in
11 opposition to any attempt to repeal or weaken
12 the Clean Power Plan Act.

13 I want to thank, in particular,
14 Senator Carper for his effort, Governor
15 Carney, who has always been a champion of the
16 environment and Former Secretary O'Mara for
17 mentioning the offshore wind.

18 I spent a week in London at the
19 invitation of The British Embassy and was
20 astounded by how easily they have put
21 together one of the most prominent offshore
22 wind programs that will be providing power
23 for the entire Continent of Europe
24 eventually.

1 I know there will be many
2 commenters who will relay the legitimate
3 concerns with the proposed dismantling of the
4 Clean Power Plan by the current
5 Administration in Washington.

6 So I want to bring this to a
7 little bit of a personal level.

8 I worked 11 years at the
9 Philadelphia Naval Shipyard, and I worked
10 25 years at the refinery, so I've seen my
11 colleagues die. I've seen the effect it has
12 had on water supply, pollution and air
13 pollution.

14 I'm a husband. I'm a father.
15 I'm a grandfather. I am responsible for the
16 health and welfare of nearly one million
17 Delaware residents.

18 I also have asbestosis that I
19 first contracted at the age of 18 during my
20 apprenticeship at the Philadelphia Naval
21 Shipyard, a government facility.

22 I regularly have CAT scans, an
23 occasional biopsy, but that is a history that
24 cannot be changed.

1 When the responsible leaders of
2 our country became fully aware of the threat
3 of asbestos, they restricted the use of
4 asbestos. They regulated its removal and its
5 disposal. You only have to turn on your
6 Television set for half an hour a day to
7 witness the endless commercials from lawyers
8 to understand the horrific health effects and
9 the costs of this one product.

10 But we managed to address that
11 problem with the strenuous action by
12 responsible elected officials.

13 When President Nixon created
14 the EPA, it was hopefully to examine and
15 address these threats to our citizens' health
16 and the nation's economy. And we had a tool
17 to wield the needed results.

18 Dismantling the Clean Power
19 Plan poses grave risks to the citizens and
20 community across Delaware and the United
21 States. Climate deniers and fossil fuel
22 lobbyists have freedom of speech in this
23 country. However, they do not have the right
24 to yell fire in a movie theater. And they do

1 not have the right to endanger my present and
2 our children's futures.

3 Ignoring air pollution won't
4 make our country great for kids with asthma
5 or older Americans who struggle to breathe.

6 Ignoring climate change won't
7 make American families safe from storms
8 powered by oceans that are rising and growing
9 warmer or wildfires fueled by hotter
10 temperatures.

11 When it comes to global
12 warming, President Trump needs to accept the
13 science, recognize the reality, and put the
14 health and well being of Americans first.

15 I'm sure all of you have an
16 idea what a catch-basin is, a stormwater
17 catch-basin. Well, you should be aware that
18 Delaware is nature's catch-basin for much of
19 the foul and polluted air that is produced in
20 other states.

21 Delawareans are more at risk
22 and face a bigger threat to the health of our
23 families and children than other states.

24 The Trump Administration's

1 attack on common sense and common decency by
2 supporting the big corporations' fossil fuel
3 investments is an attack on all Delawareans
4 and all Americans.

5 You need go no further than to
6 consider the insanity of permitting offshore
7 drilling to extract more fossil fuel to be
8 turned into a deadly haze that threatens the
9 very existence of mankind to fully appreciate
10 how far we've regressed.

11 I've learned to accept my
12 circumstances and predicaments arising from a
13 more ignorant time long passed. But I will
14 not stand by silently and allow such an
15 obvious assault on future well-being of
16 mankind and Delawareans as posed by
17 dismantling of the Clean Power Plan and
18 weakening of the EPA.

19 Thank you very much.
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1 MS. GRAY: John Skyes.

2 MR. JOHN SYKES: Good morning.

3 Thank you to Secretary Garvin for an
4 opportunity to speak in support of the Clean
5 Power Plan again.

6 I did this several years ago,
7 and I'm here one more time.

8 My name is John Sykes. I'm the
9 founding Director of the Delaware Interfaith
10 Power and Light, which is a collection of 30
11 plus congregations here in Delaware with a
12 goal of providing a religious response to
13 causes and effects of climate change.

14 We are part of a national
15 network across 40 states with over 14,000
16 congregations.

17 I'm not only part of IPL, but
18 I'm also a member of the Governor's Council
19 of Faith-Based Partnerships. And I'm a proud
20 member of the Unitarian Universalist Church
21 of Southern Delaware, which this past year
22 achieved a status of net zero energy usage
23 through energy efficiency and solar. So we
24 know that this can be done.



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1 We believe that global warming
2 is real. We believe it's an existential
3 threat. We believe that it's happening
4 faster than was anticipated. And we believe
5 that we all have a moral imperative to
6 address this issue.

7 We believe that a response is
8 necessary commensurate with the level of this
9 threat.

10 As the Senator might say in
11 previous days, This is an all-hands on-deck
12 situation. So we have to have everybody
13 working together here, the State, the
14 Counties, the towns, cities, businesses. We
15 can come together to do this, but it would be
16 great to have leadership from the Feds again.

17 And we have done this sort of
18 thing in the past. Working with Secretary
19 O'Mara back four-years-ago, we were able to
20 bring in the Heat Health Warning System,
21 which provided advanced warning for extreme
22 heat situations, which we believe are going
23 to save lives and response money as we go
24 forward. So we can do this.

1 The SEU working with Delmarva
2 Power and Light were able to bring in
3 community energy centers, four of them, which
4 addressed low energy needs to help folks
5 understand what their opportunities are for
6 helping themselves, as well as getting some
7 help to address energy needs.

8 And SEU working with some of
9 the folks who are deniers were actually able
10 to come up with some additional programs that
11 would help low income folks deal with energy
12 issues as well.

13 So we know we can work across
14 the aisle on this and strongly encourage us
15 to do this.

16 One of the things that we need
17 to do, though, is set aggressive goals.

18 This past year, the U.S.
19 Conference of Mayors set a goal for 2035 of
20 achieving a hundred percent of renewable
21 energy in this country. We can do that.

22 And I challenge the Secretary
23 and the Governor to set similar goals here in
24 Delaware. We think we can make it working

1 together.

2 There are mechanisms to do
3 that. Within Delaware, we've got sustainable
4 planning grants that have been issued for
5 five cities here in Delaware. We need to
6 have that for more cities and have more
7 resources available for those cities to move
8 ahead.

9 Within the Clean Power Plan,
10 there is the Clean Energy Incentive Program,
11 which would be really terrible if that gets
12 lost because that offers double opportunity
13 and incentives for low-income communities to
14 be able to work on energy efficiency and
15 renewable energy opportunities.

16 One example of that that we are
17 seeing here in Wilmington is along the Route
18 9 Corridor. There are some of the community
19 support folks who are putting together a
20 program that will work with six women, female
21 heads of households to make interior storm
22 windows. These interior storm windows will
23 reduce heating loss through windows by 30
24 percent. They cost about 65 bucks a piece to

1 make. And these folks can do that and make
2 some money to support their effort at the
3 same time.

4 So it's a triple win. It's
5 saving energy. It's reducing pollution, and
6 it's bringing jobs into the low-income
7 sector.

8 So we know we can do this. So
9 I challenge the folks in this audience, and I
10 challenge our leadership here to set
11 aggressive goals and to beat this problem.

12 Thank you.

1 MS. GRAY: Chad Tolman.

2 MR. CHAD TOLMAN: Good morning.

3 My name is Chad Tolman. I'm
4 speaking today on behalf the League of Women
5 Voters of Delaware.

6 The Delaware League strongly
7 opposes the Federal government's quoted goal
8 of repealing the Clean Power Plan, and
9 recommends that Delaware continues to reduce
10 carbon emissions from its power sector
11 through RGGI, Regional Greenhouse Gas
12 Initiative, and from the transportation
13 sector through the 8-State Transportation and
14 Climate Initiative.

15 We also support strengthening
16 state goals for reducing greenhouse gas
17 emissions from all sources and strengthening
18 the goal for its Renewable Portfolio Standard
19 for the electrical sector.

20 The Clean Power Plan was the
21 cornerstone of the previous Administration's
22 attempt to significantly reduce U.S. carbon
23 dioxide emissions. Carbon dioxide or CO2 is
24 the most powerful of the greenhouse gases and

1 the most important in electricity generation
2 for the U.S. and is the largest source of
3 carbon dioxide emissions. That's not true
4 for all states.

5 And Delaware, along with eight
6 other Northeast and Mid-Atlantic states have
7 decreased their total power plant emissions
8 of carbon dioxide under RGGI by over
9 40 percent since 2009.

10 Their emissions from
11 transportation now exceed those from power
12 plants. President Obama tried to reduce
13 transportation emissions by requiring greater
14 fuel efficiency from the vehicle fleet.

15 However, along with pulling out
16 of the Paris Climate Agreement and
17 threatening the Clean Power Plan, President
18 Trump has promised to eliminate higher fuel
19 efficiencies for automobiles.

20 The Paris Agreement was the
21 first one in history where all of the world's
22 nations, except for the United States, agreed
23 to try to reduce their emissions enough that
24 the global average temperature would not

1 increase more than two degrees Celsius above
2 what it was in 1750.

3 The temperature has already
4 risen by more than one degree and will
5 continue to increase by an unknown amount,
6 even if we were able to completely stop all
7 additional carbon dioxide emissions.

8 Now, rather than stopping,
9 global emissions are rising every year. Two
10 degrees is the internationally agreed limit
11 beyond which we should not go if we want to
12 avoid doing serious damage to the climate
13 system.

14 With just a little over one
15 degree, we already have unprecedented
16 droughts, wildfires, rainfall, flooding, and
17 hurricane damage. Some estimates of the
18 damage in 2017 for just the Hurricane Harvey,
19 Irma and Maria are as high as \$245 billion
20 dollars. That amounts to over \$700 dollars
21 for every man, woman and child in the United
22 States.

23 Revoking the Clean Power Plan
24 will be especially damaging for Delaware. We

1 are the canary in the mine. We have a very
2 long coastline relative to our area. The
3 average elevation is the lowest of any state
4 in the nation. And the coast is sinking even
5 in the absence of global sea level rise,
6 which has been projected to be as much as 6.6
7 feet by 2100.

8 The amount will depend heavily
9 on what happens to the Arctic and Antarctic
10 ice sheets, which are losing ice at
11 accelerating rates. More powerful storms
12 resulting from warming sea water will add
13 higher storm surges to rising seas, with
14 potentially devastating effects on Delaware's
15 coastal communities.

16 Hurricane Sandy, which was
17 expected to make landfall in the middle of
18 Delaware, went further north and did great
19 damage to New Jersey and New York.

20 The storm surge in New York
21 raised the water level at the battery tide
22 gauge in Manhattan by nine feet above the
23 normal high tide. But for the grace of God,
24 we would have taken the full brunt of the

1 storm.

2 Delaware spends millions of
3 dollars every year to replenish beach sand in
4 the absence of major storms.

5 According to Senator Carper,
6 our beaches attract tourists who spend nearly
7 \$10 million dollars to add to our economy,
8 and that's greater than our state budget, and
9 employ ten percent of our workforce.

10 The Delaware Sea Level Advisory
11 Committee found that there was a 4.9 feet
12 rise in sea level rise, and the highest one
13 considered, it would inundate 11 percent of
14 Delaware's land area, 99 percent of its
15 coastal wetlands, 73 percent of the Port of
16 Wilmington, 25 percent of the heavy
17 industrial land and coastal zone, six percent
18 of the state's railroads and five percent of
19 its roads and bridges. And that's for a
20 bathtub model that doesn't include the effect
21 of huge waves and storm surge.

22 Fortunately many nations,
23 regions, states and cities are ignoring the
24 Federal government's ill-advised rejection of

1 the CPP and are going ahead with what is best
2 for their own citizens.

3 Delaware, and the U.S. as a
4 whole, should be among them.

5 The League of Women Voters
6 urges the EPA to let the Clean Power Plan
7 stand as it is written.

8 Thank you.
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1 MS. GRAY: Coralie Pryde.

2 MS. CORALIE PRYDE: Good
3 morning. I'm representing the Delaware
4 Chapter of the Sierra Club.

5 The Sierra Club strongly
6 supports implementation of the Clean Power
7 Plan. It's a sensible, carefully researched
8 and designed approach for the U.S. to begin
9 decreasing the level of greenhouse gases
10 emitted by large scale electrical generation.

11 At the same time, the CPP would
12 reduce pollution of air, ground and water by
13 particulate matter, sulfur dioxide and
14 radioactive omni and toxins, such as mercury
15 and arsenic.

16 The draft report of the First
17 National Climate Assessment reenforces
18 lessons we have seen in the headlines in just
19 the last year. The number of very intense
20 iconic storms in 2017 was high as predicted
21 with warmer water.

22 The U.S. suffered
23 disproportionately from these storms with
24 massive damage from Harvey, Irma and Maria.



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1 And fueled by extreme high temperatures and
2 droughts, fires took a heavy toll in Spain,
3 Portugal and California.

4 This unprecedented number of
5 record breaking weather events came as the
6 world experienced the three hottest years on
7 record between 2014 and 2017.

8 Around five million Americans,
9 which is a record number, registered for
10 diaster aid in 2017.

11 The combination of wind, fire
12 and flooding damage costs the U.S. nearly
13 \$400 billion in damages last year.

14 The high number of natural
15 disasters here and around the world was
16 fueled by a temperature rise of just over one
17 degree Celsius.

18 As temperatures continue to
19 rise, coastal flooding from heavier rain,
20 lack of crops from drought conditions and
21 fires and loss of marine species from ocean
22 warming and acidification was taking an
23 increasingly painful economic and human toll
24 here and around the world.



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1 The eventual costs will warp
2 the funds that should be invested now to
3 limit global warming.

4 Common sense requires that we
5 immediately take all reasonable steps to curb
6 emission of greenhouse gases. Instead, EPA's
7 Administrator Pruitt is trying to dismantle
8 the Clean Power Plan, which would decrease
9 pollution from the single largest source of
10 greenhouse gases in this country.

11 Making changes required by the
12 CPP will not harm the economy as Delaware and
13 other states in the Regional Greenhouse Gas
14 Initiative have demonstrated.

15 Reducing production from
16 coal-fired plants has brought lower prices in
17 significant savings in healthcare costs of
18 those living in the vicinity of plants.

19 Pruitt's plan to subsidize
20 coal-fired generation will result in
21 electricity costs higher than those from
22 gas-generated electricity and much higher
23 than that generated by wind, onshore wind or
24 utility level solar installation.

1 Perhaps, more important,
2 revised coal mining is bringing very few new
3 jobs. In contrast, jobs in the solar and
4 wind industries are going 12 times as fast as
5 the rest of our economy. It may even be
6 higher than that. That was a year ago for
7 that estimate.

8 President Trump's emphasis on
9 saving coal states really won't help them.
10 It simply delays their entry into the modern
11 economy.

12 Many people in these states
13 understand this very well. Late last
14 November, the EPA held a two-day hearing in
15 Charleston, West Virginia, which is the heart
16 of the coal country.

17 As expected, coal mine owners
18 and executives of mining associations urged
19 the repeal of the CPP. But many more
20 individuals, including health professionals,
21 coal miners and their families and
22 environmentalists testified against repeal.

23 Ordinary citizens described how
24 the dominance of the coal industry in West

1 Virginia resulted in generations of poverty
2 and ill health for their families.

3 A law professor describes
4 studies done by the Public Service
5 Commission, the West Virginia DPT and the PJM
6 grid. The studies found that the Clean Power
7 Plan would cause minimal impact on service
8 and prices in the 13 state PJM grid, which
9 includes Delaware.

10 Mine operations would also not
11 change greatly. Coal burning generators are
12 already being steadily replaced by cheaper
13 more efficient gas units.

14 So, in short, the Clean Power
15 Plan did not kill the coal industry.
16 Repealing the Clean Power Plan will not bring
17 it back.

18 Whatever happens with the CPP,
19 the Sierra Club of Delaware urges our leaders
20 to move ahead quickly with reducing
21 greenhouse gas emissions from all sectors.
22 This can be done through energy efficiency
23 and support of renewable energy, including
24 interconnected offshore wind farms stretching

1 from New England to Virginia.

2 Thank you.

1 MS. GRAY: Alan Greenglass.

2 MR. ALAN GREENGLASS: Thank
3 you, Secretary Garvin, Governor Carney and
4 Senator Carper for hosting this session and
5 allowing Delawareans to comment on the Clean
6 Power Plan.

7 I'm here to speak in support of
8 the plan. Obviously, there has been a lot of
9 passion already demonstrated and a lot of
10 information. So I'm not sure I have a lot to
11 add to what has been said.

12 But I do think that the Clean
13 Power Plan will be something that we need to
14 support. You also need to support the
15 Regional Greenhouse Gas Initiative, both in
16 the region, and we have to support the
17 consumer efforts throughout the country.

18 I'm here speaking as a board
19 member of Physicians for Social
20 Responsibility. So my take is going to be a
21 little bit on healthcare, and also as a local
22 physician advocate for the American Lung
23 Association.

24 As someone who has practiced

1 primary care for many years and has led
2 population health initiatives in Delaware, I
3 have a keen interest in how air quality
4 affects the health of the people we care for,
5 the health of our neighbors.

6 Some may think of climate
7 change as a long-term futuristic threat. But
8 our climate and our health is very negatively
9 impacted, the health of Delawareans and the
10 health of other people, people in the
11 country.

12 In Delaware, especially in New
13 Castle County, our air quality is already
14 poorer than it needs to be.

15 In fact, New Castle County
16 ranks second in the Northeast in terms of the
17 number of poor air quality health days.

18 In 2015, the Wilmington/
19 Philadelphia Metropolitan area had 97 high
20 smog days and 212 high soot days. Smog is
21 ground level ozone. Soot is particulate
22 matter. Those are coming from the emissions
23 from power plants.

24 And this is an improvement over

1 what we had before we had the Clean Power
2 Plan and before we had the Clean Air Act.

3 Our population, including our
4 children, is already sicker than it should
5 and could be with asthma, chronic lung
6 disease and heart disease due to the
7 irritants in our air.

8 We have 18,000 children in
9 Delaware with asthma. That's nine percent of
10 the children in Delaware.

11 Nationally, the incidence of
12 asthma in children and in the population of
13 65 and older has increased over the last ten
14 years. So in children, it has increased from
15 around eight percent to nine percent. In the
16 older population, it has increased from about
17 seven percent, once again, to about nine
18 percent. This is directly related to the
19 quality of air that we ask folks to breathe.

20 So we have asthma, we have
21 chronic lung disease, and we have heart
22 disease all impacted by our air quality.

23 Poor air quality is causing
24 missed work and school days, increased

1 healthcare costs and premature deaths.

2 A recent study on the impact of
3 RGGI has shown that improved air quality has
4 improved health throughout the Northeast as
5 demonstrated by Dr. Cristina Archer at the
6 University of Delaware. As our climate
7 becomes warmer, the level and impact of smog
8 and particulates worsens.

9 We have to do more, not less,
10 just to maintain where we are now. And to
11 make progress, we need a strong, clean power
12 plant.

13 According to the insert of my
14 most recent electric bill from Delmarva, coal
15 provided 34 percent of my electricity.
16 Natural gas, 26 percent. Nuclear, 34
17 percent. Renewables only six percent. This
18 is not a formula for cleaner healthier air.

19 The Clean Power Plan is a step
20 in the right direction.

21 There are many folks speaking
22 today from great organizations. I hope that
23 one thing that comes out of this is a united
24 front and those organizations being able to

1 work together. The healthcare folks, the
2 NRDC folks, the EDF folks, the State folks,
3 we're stronger by speaking up together and by
4 encouraging and taking steps ourselves to
5 improve the quality of our air.

6 Thank you.
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1 MS. GRAY: Lisa Locke.

2 MS. LISA LOCKE: My name is Lisa
3 Locke. And I serve as the Executive Director
4 of the Delaware Interfaith Power and Light.

5 As John Sykes' nurturing, our
6 mission, which we share with our 39 state
7 affiliates representing 20,000 faith
8 communities, is to serve as a religious
9 response to climate change through promotion
10 of energy conservation, energy efficiency,
11 renewable energy and environmental justice
12 strategies.

13 Our goal, ultimately, is to
14 assure the preservation of a healthy,
15 sustainable planet, and closer to home to
16 improve the everyday life, quality of life of
17 our families, our neighbors and our
18 communities.

19 We believe we have a moral
20 responsibility to care for creation, to
21 protect those most vulnerable, to
22 scientifically inform and spiritually deepen
23 our understanding of our relationship with
24 each other and with the natural world. And

1 given that understanding, we believe climate
2 change is the defining moral issue of our
3 times.

4 I had recently written that the
5 EPA's decision to repeal the Clean Power Plan
6 is confounding and appalling. But today I
7 submit that it is unconscionable and
8 indefensible.

9 Rationale for the proposed
10 repeal defies peer-review findings of over 97
11 percent of climate scientists and supporting
12 positions of 197 leading scientific
13 organizations around the globe. It ignores
14 concerns of national and international health
15 and medical associations. It obscures the
16 true cost of burning of fossil fuels. And it
17 dismisses the opinion of over 70 percent of
18 Americans who support regulations on
19 greenhouse gas emissions, which we know to be
20 the dominant driver of a warming planet. And
21 yet, they/we are not being heard. To whom is
22 the EPA and our administrator listening? To
23 whom are they beholden?

24 It is the mission of the EPA to

1 protect human health and the environment. It
2 has a legal obligation to regulate carbon
3 emissions, supported by a 2007 Supreme Court
4 decision and a 2009 ruling by the EPA that
5 CO2 is a pollutant under the Clean Air Act.

6 The EPA created the Clean Power
7 Plan with extensive input from citizens
8 around the country, including 4.3 million
9 comments on the draft plan and input from
10 hundreds of meetings with states, utilities
11 and communities.

12 The EPA under the new
13 Administration now proposes to repeal the
14 Clean Power Plan, originally offering public
15 hearings only in West Virginia's coal
16 country. And though three additional
17 hearings are being planned, this effectively
18 and discriminatively limits the opportunities
19 for public discourse on this critically
20 important issue.

21 We have become increasingly
22 concerned to see that the Administration has
23 been removing references to climate change,
24 most alarmingly from websites of the EPA and

1 the National Institute of Environmental
2 Health.

3 We have been somewhat reassured
4 to see that, for the time being, the NASA
5 website still maintains its section on Global
6 Climate Change, Vital Signs of the Planet.
7 And the NOAA website maintains extensive
8 materials on Climate Change Indicators, Human
9 Causes and Societal Impacts.

10 We witness those impacts as
11 every day the media brings new images of
12 melting ice caps, retreating shorelines,
13 devastating weather events, bleaching of
14 coral reefs, species extinction, uncontrolled
15 spread of disease.

16 We can see it right here in
17 Delaware. According to an EPA report, higher
18 water levels are already eroding our beaches,
19 submerging low lands, damaging farmland,
20 worsening coastal flooding and increasing
21 salt levels in critical estuaries and
22 aquifers.

23 Our growing season is being
24 affected, as our migratory patterns of the

1 birds and the waterfowl that we take so much
2 delight in, which attract tourists from
3 around the world.

4 All of this underscores a moral
5 consensus that climate change is grave,
6 growing and an insufferable threat to human
7 life and all creation.

8 We do not believe that God will
9 intervene to save us from our ill-informed
10 and reckless mistakes. We have a long and
11 dismal history of risking our health and
12 spoiling our nests, of desecrating this
13 beautiful, wondrous, miraculous creation that
14 sustains us. And we have paid a high price
15 in human suffering.

16 Delaware Interfaith Power and
17 Light stands faith-driven and science-based
18 as part of a moral consensus and pledges to
19 be part of the solution.

20 Practical, efficient,
21 enhancing, sustaining resources are available
22 to us here and now. It's up to us to embrace
23 them, to share them and to call on decision
24 makers to do the same. And that includes

1 opposing repeal of the Clean Power Plan.

2 They don't need to hear us
3 quote statistics on health impacts of more
4 pollution in the air, or the devastating
5 threats from rising temperatures, heat waves,
6 extreme precipitation, flooding, hurricanes,
7 sea level rise, cold waves, winter storms,
8 wildfires, flooding, droughts, and
9 vector-borne diseases. Or how some
10 vulnerable, a term that has been banded from
11 the CDC, communities will be impacted more
12 than others.

13 The sad irony is that you have
14 all of the information available to you to
15 make the wisest possible decisions to fulfill
16 your mission, and you appear to cherry pick
17 them to suit your agenda.

18 We cannot afford to live in a
19 state of denial, nor can our policymakers.
20 We need a reality check for ourselves, and we
21 need to hold our leaders accountable. Then,
22 together, we need to believe that we can pull
23 back from the brink of our own
24 destructiveness. It will require inquiring

1 minds, open hearts, helping hands and a
2 certain leap of faith to deliver this
3 precious and all too fragile cargo to our
4 children's children. They are counting on
5 us.

6 Our sincere thanks to DNREC for
7 holding this.

1 MS. GRAY: John Mateyko.

2 MR. JOHN MATEYKO: Thank you,
3 Secretary Garvin, for arranging this.

4 Good morning. I'm John
5 Mateyko. I'm proud to serve as President of
6 the Delaware Interfaith Power and Light.

7 Today, I'm speaking in my
8 professional role as an architect working
9 along with Delaware coastline the last 25
10 years.

11 What I've seen changing in
12 Delaware is extremely alarming to me.

13 I've seen this from several
14 perspectives professionally. I've chaired
15 the Delaware Board of Architects. I've been
16 the Director of the American Institute of
17 Architects Chapter in Delaware. I've chaired
18 the Sustainability Program. And I currently
19 Chair the National Committee of Architects
20 reviewing how the profession of architects,
21 as a whole, will come to grips with the legal
22 obligation of licensure to protect the public
23 health, safety and welfare under the changed
24 conditions of climate change.

1 This is a licensure dilemma,
2 which is at odds with this proposed rule
3 change, and I will focus on that.

4 The medical community will
5 document climate change as a dire threat to
6 human health. But I want to focus on the
7 roles of the design professions, engineers,
8 architects, planners must play to, as their
9 license mandates, protect the public health
10 and safety in stopping climate change by
11 completely eliminating, quote, Getting to
12 zero.

13 The 46 percent of all
14 greenhouse gases that the American Institute
15 of Architects finds generated upstream,
16 downstream and operationally, 46 percent by
17 the built environment.

18 In Delaware and nationwide, we
19 can now make net zero buildings. We know how
20 to do it, and we must.

21 Until carbon and other
22 greenhouse gas emissions are quickly slowed
23 and then stopped completely to net zero, the
24 climate change impacts and sea level rise on

1 Bethany families, storm surge on Lewes
 2 businesses and my house and extreme heat on
 3 Wilmington children, new vectors of
 4 insect-borne disease everywhere and other
 5 awful impacts on our drinking water and food,
 6 all of that will continue to only get much
 7 worse in Delaware and get worse at an
 8 accelerating rate.

9 Among other impacts, we will
 10 see more and more flooding. This is
 11 life-threatening. The CPP is our lifeboat to
 12 safety.

13 Since sea level rise and storm
 14 surge are already flooding in Lewes, Savannah
 15 Road, Pilottown Road, New Road, and in Dewey,
 16 Bethany and all along the coast.

17 As has been mentioned, this
 18 State with the lowest elevation above sea
 19 level rise is particularly at risk, and this
 20 proposed rule change is irresponsible,
 21 negligent and even reckless. It's like
 22 destroying the lifeboat on a sinking ship.

23 Given these same grave risks
 24 nationwide, the American Institute of

1 Architects and its counterpart in other
 2 design professions nationwide, have concluded
 3 that the zero emissions in building design is
 4 imperative, imperative for public health and
 5 safety, reflecting the scale and urgency
 6 required by the science.

7 The CPP supports this.
 8 Professions support this. The faith
 9 community supports this. But the Trump
 10 Administration's rule change does not.

11 Their proposed rule change is
 12 like a dark ages rule trying to roll back
 13 knowledge, science, technology and observed
 14 reality of disasters of increasing frequency
 15 and intensity from flooding streets of
 16 Delaware, Boston, Miami, California droughts,
 17 hurricanes and all of the rest.

18 In the last ten years, it has
 19 cost \$1.5 trillion dollars. This is also an
 20 attempt to roll back law since the Supreme
 21 Court has already ruled that the carbon
 22 pollution -- what the CPP stops -- under the
 23 Clean Air Act is a risk to public health and
 24 safety. That is the law of the land. Normal

1 regulations reflect this.

2 This rule change is thus
3 lawless, as well as science-less, to create a
4 word.

5 It would create legal
6 contradictions with regard to protection of
7 the public, health and safety that licensed
8 professionals are highly required to uphold
9 under Delaware law.

10 Professions cannot both follow
11 the dictates of law and science, as they
12 must, and this make-believe dark ages rule
13 not based on either.

14 This contradiction renders the
15 proposed rule arbitrary and capricious.

16 The rule's authors, apparently,
17 inhabit their own Disney-like Fantasyland,
18 which the rest of us have every right, and in
19 some cases, obligation to reject and call
20 out, to be intellectually honest, this is
21 sheer madness what is being proposed. It
22 needs to be said.

23 To conclude, under a normal
24 Administration, either Republican or

1 Democratic, today's hearing might well have
2 been dedicated to the application in Delaware
3 of the Obama era science-based plan submitted
4 to the UN under the Paris Climate Agreement
5 advancing the CPP in even more detail, the
6 United States Mid-Century Strategy for Deep
7 Decarbonization.

8 Our Delaware and other states,
9 the professions, the faith community, the
10 American people, we're still in, and we're
11 getting to zero.

12 As law, science and common
13 sense dictates, we advocate rejecting this
14 rule change.

1 MS. GRAY: Jennifer Adkins.

2 MS. JENNIFER ADKINS: Hi. My
3 name is Jennifer Adkins, and I'm here
4 speaking on behalf of myself. I'll be very
5 brief. I feel lucky to have gone after some
6 very knowledgeable and informative remarks
7 that were before me.

8 But as a concerned citizen and
9 a life-long resident of Delaware, I'm here in
10 support of the Clean Power Plan. I think
11 repealing it would be a terrible mistake.

12 Again, I'm speaking on behalf
13 of myself and other members of my community
14 and the people I love here in Delaware. For
15 all of the reasons that have already been
16 very well explained by a lot of other
17 speakers, I think the Clean Power Plan is
18 moving us in the right direction in terms of
19 what's good for our country, certainly what's
20 good for us, as Delawareans, here in
21 Delaware, both from an environmental
22 perspective, but also from an economic
23 perspective and also from the perspective of
24 public health.

1 So I just wanted to add my
2 voice to the others that are here today in
3 support of the Clean Power Plan.

4 Thank you.
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1 MS. GRAY: Pastor McDuffy.

2 PASTOR LOUIS McDUFFY: We wish
3 you greetings in the name of our Lord and
4 Savior, Jesus Christ.

5 I'm Pastor Louis McDuffy. I'm
6 also the Commander of the Disabled Veterans
7 for New Castle County. I'm going to be
8 speaking on behalf of our Veterans. But I'm
9 going to be speaking on behalf of the
10 community as well.

11 I'm President of Eden/Hamilton
12 Park Civic Association, in an area of Route
13 9, which in town is probably one of the most
14 contaminated areas in this State.

15 Our area, our community was
16 built on a town, which used pure arsenic to
17 clean animal hide. It's part of the 53 towns
18 located in this area.

19 Now, I'm saying this because we
20 have long, intimate relationship with the
21 EPA. And I'm not concerned even, or I don't
22 believe that even on their best day with full
23 funding -- and I agree with everything that
24 has been said here -- I agree with Governor

1 Carper -- that they can manage what they're
2 getting ready to have to deal with.

3 I'm a former scientist. I'm a
4 mathematical physicist in chemical
5 engineering. But I'm going back. We started
6 cleaning up areas in 1961. So I'm coming
7 forth with this

8 Now, I want to thank Governor
9 Carper, who is not here now. He gave me an
10 award a decade ago for finding the cause, or
11 one of the main causes of cancer coming to
12 the industries. And I want to thank him for
13 that because most people won't do that.

14 I'm a little concerned about
15 the EPA today. But let me just read this to
16 you for a couple of minutes and then we'll
17 move along. We'll try to get through this.
18 But I need to get to that first.

19 Now, Ali, Mr. Secretary, I want
20 to thank him. He has equipment there that's
21 set up in our neighborhood, which is
22 monitoring the air quality. I want to thank
23 him for that.

24 And I want to thank him for the

1 fact, we've had so many different tests that
 2 we've conducted, that our community has
 3 conducted, just like that. And when he runs
 4 into a problem, we have something there to
 5 tell him what that means.

6 Let me just say this to you and
 7 try to get through this.

8 I'm an advisor to the Veterans
 9 groups for soil contamination. They have a
 10 number of their bases that are contaminated,
 11 including the one I was at. There were six
 12 different types of contamination.

13 Now, if you look up what's
 14 called toxic soldier, you'll get an idea of
 15 just how many are contaminated and that will
 16 give you maybe an inspiration to start
 17 helping out there, too. They're really
 18 having some problems.

19 Let me try to get through this.
 20 And I'm going to leave the final paperwork
 21 for you and I'll send that to you.

22 Now, I agree with the effort
 23 here to deal with the subject that we're
 24 dealing with to talk on repealing of Clean

1 Power Plan. I agree with President Obama. I
 2 agree with the Governors on what they're
 3 trying to do and their efforts.

4 I don't have much belief in the
 5 EPA. And I'll read you this really quickly.

6 President Obama and Governor
 7 Carper, their plan was to reduce greenhouse
 8 emissions from power plants by more than
 9 30 percent by 2030, mitigating the impact of
 10 climate change, to improve the benefit of the
 11 air quality in Delaware and around the nation
 12 with sound doctrine.

13 I wrote the article in The News
 14 Journal repeating what Senator Carper's
 15 article was in 2010, hoping it would move and
 16 inspire something like this, a meeting like
 17 this. Because I think we're in real trouble.

18 I think from closely working
 19 with the EPA, anything that jeopardizes this
 20 present Administration, I'm not going to say
 21 anything real negative, but he did say
 22 something. That's the way it has to go in
 23 his mind. And I've been doing this for a
 24 long time.

1 In 1991, we studied this with
 2 the People of Color Conference, which is all
 3 races together and we put together. I didn't
 4 bring any of that stuff with me today. But
 5 we have a problem here. And it's a problem
 6 dealing not just with the Chief, because the
 7 Chief has his own way of thinking, but
 8 dealing with the EPA. We're going to have a
 9 problem.

10 And I might as well say this,
 11 and then I'll sit down because I'm going to
 12 send a full report in. I had to help the EPA
 13 on a number of occasions because they had
 14 lost sight of Delaware City. They lost sight
 15 of an explosion in Delaware City, where I
 16 went to the president of the university and
 17 tried to get help for them. And EPA
 18 explained to me that there was no help
 19 because they had gone everywhere to try to
 20 get help. A lot of people know about this.

21 I continued to work with the
 22 EPA on a number of instances. And then the
 23 EPA, some of the community asked, and I'll
 24 say this and then I'll sit down, they asked,

1 Well, listen, why haven't you mentioned that
 2 African Americans are working on this
 3 project. And let the children know,
 4 especially in Wilmington where you have so
 5 much violence, maybe there's something they
 6 should do.

7 And EPA answered and said,
 8 Well, we won't have an award or anything for
 9 him. And in this letter, which I'll give
 10 them a copy of, they answered that. But,
 11 yes, he did the work. And The News Journal
 12 told me that they had increased salaries from
 13 this work. And I was shocked. I wasn't
 14 trying to get money for it. But if you're
 15 going to have increased salaries, Why can't
 16 you allow these children, who don't have
 17 parents sometimes, to know that African
 18 Americans did all of your work for years?

19 I've got a problem with that.
 20 I think we're going to have a problem with
 21 the EPA. But I support everything we're
 22 trying to do here.

23 God bless you.
 24

1 MS. GRAY: Cara Cook.

2 MS. CARA COOK: Good morning.

3 Thank you for the opportunity to provide
4 comments today.

5 My name is Cara Cook. I'm a
6 Registered Nurse and I'm a member of the
7 Alliance of Nurses for Healthy Environments,
8 the only national nursing organization
9 focused solely on how the environment impacts
10 human health.

11 As a public health
12 professional, I'm concerned that the proposed
13 action by the EPA in repealing the Clean
14 Power Plan will result in a weakening or
15 delay of critical protections that will
16 protect people from the harmful impacts of
17 air pollution and climate change.

18 Power plants generate about a
19 third of total greenhouse gas emissions in
20 the United States with the Clean Power Plan
21 outlining standards to reduce those
22 climate-destablizing emissions.

23 As nurses serving on the
24 frontlines of communities and caring for our

1 most vulnerable population, we are already
2 seeing the very real effects of climate
3 change on health.

4 Weakening or repealing measures
5 that limit harmful carbon pollution set the
6 United States on a course where we will see
7 worsening rates and worsening impacts of a
8 changing climate on human health.

9 These include worsening rates
10 of asthma and chronic respiratory conditions,
11 death and illness related to extreme heat and
12 extreme weather events and increased cases of
13 vector-borne diseases, such as Lyme disease.

14 Repeal of the United States
15 only federal limits on carbon pollution from
16 existing power plants not only puts the
17 health of our communities at a greater risk,
18 but it also disregards EPA's legal obligation
19 to regulate harmful pollutants under the
20 Clean Air Act.

21 Decreasing carbon emissions is
22 an essential step to reduce the burden of
23 climate change, but the benefits go far
24 outside of the impacts on the climate.

1 With the Clean Power Plan, we
2 would see reductions in harmful sulfur
3 dioxide and nitrous oxide emissions that are
4 released with carbon pollution from power
5 plants.

6 Exposure to these air
7 pollutants are linked to damage to the lungs
8 and aggravation of existing respiratory
9 conditions, while newer research has linked
10 nitrogen dioxide exposure to cardiovascular
11 harm, adverse birth outcomes and premature
12 death.

13 Further, these pollutants are
14 precursors to fine particle matter and ozone
15 pollution with elevated levels in the air we
16 breathe potentially causing respiratory and
17 cardiovascular harm as well as premature
18 death.

19 A cornerstone of healthcare is
20 preventing illness before it occurs, as this
21 is essential to improve health outcomes, save
22 lives and reduce costs, both through
23 reductions in emergency room visits and
24 hospitalizations, as well as an economic

1 cost.

2 Action to reduce air pollution
3 that harms human health and prevents
4 worsening climate change translates to a
5 healthier future and stronger economy.

6 Further, our organization is
7 concerned about the lack of transparent and
8 thorough process and consideration of
9 repealing these regulations.

10 Prior to issuing the proposed
11 Clean Power Plan in 2014, the EPA engaged in
12 extensive outreach to the public to solicit
13 ideas and input on a design of a program to
14 reduce carbon pollution from the power
15 sector.

16 The EPA reviewed over four
17 million comments, conducted numerous outreach
18 efforts and held four, two-day hearings in
19 various areas across the United States.

20 This process stands in stark
21 contrast to the current process.

22 It is essential for there to be
23 ample opportunity for a diverse array of
24 impacted individuals to air their concerns

1 and provide input on such a momentous action,
 2 especially in places where Americans are
 3 already experiencing the adverse impacts of
 4 climate change and deaths and illness caused
 5 by power plant pollution.

6 Climate change is one of the
 7 most serious public threats we face today,
 8 and there is a urgent need to act.

9 To limit harm, the United
 10 States must significantly reduce greenhouse
 11 gas emissions. Setting standards to reduce
 12 carbon emissions as outlined in the Clean
 13 Power Plan is both feasible and cost
 14 effective.

15 The U.S. and the EPA need to
 16 lead action, not reverse efforts to limit
 17 carbon emissions. Any attempts to weaken
 18 clean air protections will put all Americans
 19 at risk, especially the most vulnerable.

20 Therefore, the Alliance of
 21 Nurses for Healthy Environments expresses
 22 strong opposition to a repeal of the Clean
 23 Power Plan and supports the implementation of
 24 strong carbon emission standards from power

1 plants that promote a healthy climate and
 2 protect public health.

1 MS. GRAY: Katie Huffling.

2 MS. KATIE HUFFLING: Hello.

3 Good morning. Thank you for this opportunity
4 to provide comments here today.

5 My name is Katie Huffling, and
6 I'm a nurse midwife. I'm also the Executive
7 Director of the Alliance of Nurses for
8 Healthy Environments. And I work with nurses
9 around the country, including a number here
10 in Delaware on a variety of vital
11 environmental health issues.

12 Today, we're facing the
13 greatest public health threat of our time,
14 climate change. And unless we take strong
15 action today to quickly and substantially
16 reduce our carbon pollution, this public
17 health crisis is only going to worsen.

18 As a nurse, I feel it is my
19 duty to protect those I serve from the
20 devastating impacts of climate change.

21 I'm just one of legions of
22 nurses around the country who are voicing our
23 support for strong climate action because we
24 are on the frontlines of climate change.



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1 We are caring for patients
2 whose lives are deeply impacted by these
3 problems and the numbers will only continue
4 to grow, unless we take strong action now
5 against climate change.

6 As outlined in recent reports
7 by leading health professionals, the Lancet
8 Countdown on Climate Change, the human
9 symptoms of climate change are unequivocal
10 and potentially irreversible.

11 Our delayed response to climate
12 change over the past 25 years has jeopardized
13 human life and livelihoods and we cannot
14 delay any longer.

15 Repealing the Clean Power Plan
16 will have negative consequences on the health
17 of all Delawareans and throughout the country
18 and the world.

19 Imagine having your
20 two-year-old struggle to breathe because he
21 went outside to play on a hot day when the
22 smog levels are high.

23 Imagine you're a parent who is
24 barely making ends meet, but you have to take



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1 an unpaid sick day because your child has to
2 go to the emergency room with a severe asthma
3 attack.

4 Imagine your sister going into
5 preterm labor because of an extreme heat
6 wave.

7 These are all scary real life
8 examples of climate impacts already being
9 felt here in the U.S. today.

10 Unfortunately, carbon pollution
11 especially impacts low-income communities and
12 communities of color as a large proportion of
13 minorities live within 30 miles of coal-fired
14 power plants.

15 African Americans and Latinos
16 also make emergency room visits for
17 asthma-related issues many more times more
18 often than whites.

19 As a nurse and a nurse midwife,
20 I've worked with many inner-city patients and
21 have seen these impacts first-hand.

22 I've also seen how the poor air
23 quality days, which will only increase
24 without climate action, my pregnant asthmatic

1 patients that come into my office wheezing or
2 reporting an increase use of their inhalers.

3 Having good control of asthma
4 is an essential part of a healthy pregnancy
5 as the mother's breaths are the baby's only
6 source of oxygen.

7 Communities of color and
8 low-income communities are also more
9 vulnerable to other climate impacts, such as
10 heat waves and extreme weather.

11 We've seen in many areas of
12 this country deaths of elderly residents
13 during heat waves because they did not have
14 access to air conditioning or could not
15 afford to run their air conditioners.

16 We have also seen how these
17 communities have had difficulty during
18 extreme weather events, such as the issues of
19 many in New Orleans during Hurricane Katrina,
20 who did not have the means to evacuate nor
21 the funds to rebuild after the storm.

22 Fortunately, there is something
23 we can do about these health disparities.
24 And one of these is to support the Clean

1 Power Plan.

2 We should be strengthening the
3 plan, not replacing it.

4 This public health standard is
5 an excellent first step to addressing the
6 climate impacts of climate change.

7 Nurses around the country are
8 looking to their state officials to lead the
9 way in protecting the health of their
10 citizens from the effects of climate change
11 by pushing back on efforts to replace the
12 Clean Power Plan.

13 We can be leaders in addressing
14 climate change, but we have to start now.

15 Our children and future
16 generations are depending on it.

17 Thank you.

1 MS. GRAY: Kevin Stewart.

2 MR. KEVIN STEWART: Good
3 morning. I thank Governor Carney, Mr.
4 Secretary, Mr. Director.

5 I'm Kevin Stewart. I serve as
6 the Director of Environmental Health for the
7 American Lung Association of the
8 Mid-Atlantic. And I'm representing not only
9 the five million people in our service area,
10 who suffer from chronic lung disease, but
11 also the tons of millions more who desire to
12 breathe clean air.

13 And the American Lung
14 Association of the Mid-Atlantic has
15 championed the EPA's efforts to set strong
16 carbon pollution standards for both new and
17 existing power plants.

18 We have applauded those state
19 administrations, like Delaware, who have
20 worked to make the promise of the Clean Power
21 Plan a reality.

22 We have recognized that it
23 would bring not only long term, but also
24 immediate health benefits to the American

1 people.

2 And we are on record as
3 supporting the Clean Power Plan as a
4 tremendous step forward in the United States
5 fight against carbon pollution. And it
6 should be no surprise that we are here today
7 to oppose its repeal.

8 Revoking the Clean Power Plan
9 gives power plants a license to pollute.
10 Repeal allows them to continue to avoid
11 paying for the costs of their pollution.

12 By 2030, to the tune of some
13 90,000 pediatric asthma attacks. 4,500
14 premature deaths. Hundreds of thousands of
15 lost work and school days. And tens of
16 billions of dollars each year. This action
17 puts children and other vulnerable
18 populations in harm's way due to air
19 pollution and climate change, and this is
20 unacceptable.

21 We stand by what we said in the
22 testimony two-years-ago.

23 Carbon pollution poses a
24 current and growing threat to lung health and



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1 public safety.

2 The changing climate threatens
3 the health of Americans alive now and in
4 future generations.

5 Climate change is already
6 affecting the health of people in our region.
7 And many communities of color and low income
8 face higher risks from climate change and
9 from air pollution from power plants.

10 Ozone, a serious respiratory
11 irritant that can lead to asthma attacks,
12 hospitalizations, premature deaths, is likely
13 to be worse in much of the Mid-Atlantic as a
14 result of climate change than it would
15 otherwise be.

16 To expand, we expect higher
17 average annual precipitation. The greater
18 likelihood of extreme weather.

19 Delaware's sea levels, as
20 you've heard, are rising.

21 Together these mean that
22 Delaware will experience more flooding with
23 resulting disease.

24 Climate change increases the



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1 risk of drought and wildfire. Even distance
2 events in 2002 and 2016 were clearly observed
3 in Delaware.

4 Tick population establishment
5 is projected to increase in the Delmarva area
6 and many tick diseases are detrimental to
7 lung health.

8 Our concerns extend to fine
9 particle pollution, already of much greater
10 concern as a result of conditions conducive
11 to wildfires and dust storms, exacerbated by
12 climate change.

13 The World Health Organization
14 recognizes that no threshold for health
15 impacts through fine particle pollution has
16 been identified.

17 And I emphasize that the EPA's
18 own Health Effects Subcommittee fully
19 supports EPA's use of no threshold model to
20 estimate the mortality reductions associated
21 with reduced particulate matter exposure.

22 Indeed, the case has done
23 nothing but grow stronger year after year.

24 Harvard's Chan School found

1 statistically significant increases in
2 mortality at levels below the current max for
3 fine particle pollution, and at levels far
4 below the current ozone max, especially among
5 minority and low-income populations.

6 And just two-months-ago, the
7 Trump Administration in the Fourth National
8 Climate Assessment found simply, Human
9 activities are now the dominant cause of the
10 observed trends in climate and that there was
11 no convincing alternative explanation.

12 We must emphasize that the
13 populations potentially at risk from exposure
14 to air pollution are not a few persons in
15 fragile health, but here in the Mid-Atlantic
16 are groups containing hundreds of thousands
17 or even millions of individuals.

18 For example, just here in The
19 First State, we're talking about 360,000
20 infants, children and senior citizens. Over
21 80,000 people with asthma. About 50,000 with
22 lung diseases, such as chronic bronchitis and
23 emphysema. 70,000 with heart disease.
24 80,000 with diabetes. Many others, including

1 people with existing health problems, those
2 living in poverty, they're also at high risk
3 from air pollution.

4 And taken together, these make
5 up more than half the population. And even
6 more important to remember, every one of them
7 is a real person, not a nameless statistic.
8 Every one of these people are a human being
9 worthy of our attention, a neighbor, a
10 coworker, a friend, a family member. Maybe
11 even yourself.



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1 MS. GRAY: Amanda John Kimsey.

2 MS. AMANDA JOHN KIMSEY: Good
3 morning. Thank you, DNREC, for creating this
4 opportunity to speak today.

5 My name is Amanda John Kimsey,
6 and I'm here on behalf of National Parks
7 Conservation Association, our 1.3 million
8 members, and I serve as the Pennsylvania and
9 Delaware Program Manager.

10 Climate change is one of the
11 greatest threats facing our national parks
12 and people across the country and our planet.
13 Coal plants are a major source of carbon
14 dioxide pollution that drives climate change.

15 Yet, the Trump Administration
16 is taking steps to repeal the very rule
17 intended to cut their damaging pollution.

18 National parks and millions of
19 people across the country have already
20 experienced the pervasive impacts of climate
21 change, including catastrophic weather events
22 that are becoming more frequent.

23 Climate change amplifies
24 extreme and unpredictable weather like



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1 stronger storms, longer droughts, hotter
2 temperatures and intense wildfires.

3 Parks like Shenandoah are
4 experiencing warming water temperatures,
5 threatening the very existence of some
6 species like the native brook trout.

7 Sea level rise is rapidly
8 eroding coastlines at Biscayne Bay in Florida
9 and Cape Hatteras in North Carolina. Rocky
10 Mountain and Great Smoky Mountains are
11 experiencing record wildfires in both
12 intensity and scope.

13 The Clean Power Plan sets a
14 common sense, necessary limit on otherwise
15 unlimited carbon pollution from power plants.

16 The plan drives critical
17 reductions in unhealthy haze pollution that
18 threatens visitors' health and obscures views
19 in our parks.

20 Coal plants that drive climate
21 change are the same sources of the pollution
22 that threaten the health of national park
23 visitors, staff and neighboring communities,
24 while also making it harder to see park



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1 landscape.

2 The Administration's move to
3 repeal the Clean Power Plan counters existing
4 law and is being carried out in ways that
5 prevent adequate public input.

6 The Clean Air Act requires the
7 EPA to protect people across the nation from
8 air pollutants that harm our health and well
9 being, including specifically pollutants that
10 threaten a stable climate.

11 The Clean Power Plan is
12 consistent with the law, earlier court
13 precedents and other EPA standards that
14 protect Americans from dangerous pollution.

15 The U.S. Supreme Court has
16 ruled on three separate occasions that EPA
17 has the legal responsibility under the Clean
18 Air Act and other laws to protect our
19 families and communities from harmful
20 greenhouse gas pollution from power plants
21 and other sources.

22 A 2017 Yale University study
23 found that a majority of Americans in all 50
24 States and all 435 Congressional Districts



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1 support setting strict carbon dioxide
2 emission limits on coal-fired power plants.

3 Now is time for EPA double down
4 on reducing emissions from coal-fired power
5 plants. The EPA should not roll back the
6 scientifically proven, legally sound and
7 widely supported Clean Power Plan.

8 Thank you.
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1 MS. GRAY: Khalil Shahyd.

2 MR. KHALIL SHAHYD: Good
3 morning, everyone, and thank you.

4 My name is Khalil Shahyd. I'm
5 a Senior Policy Advocate with the Natural
6 Resources Defense Counsel based in our
7 Washington, D.C. office. But I'm also happy
8 to be back in Delaware. I'm actually a
9 graduate of UD right down the road.

10 So, again, thank you, all, the
11 Department of Natural Resources and the
12 people of Delaware, for hosting this forum,
13 this conversation.

14 Today, I am submitting the
15 following comments on behalf of Energy
16 Efficiency For All. We are a national
17 partnership led by Elevate Energy, the
18 National Housing Trust and the International
19 Resources Defense Council to bring awareness
20 to increase energy efficiency in affordable
21 multifamily housing.

22 We work in 12 states with
23 electric and gas utilities and their
24 regulators to design innovative energy

1 efficiency programs for low-income housing.
 2 We collaborate with utility owners, managers,
 3 businesses and advocates in order to achieve
 4 energy savings in multifamily properties.

5 Two-years-ago, EEFA, Energy
 6 Efficiency for All, organized with many
 7 partners in the affordable housing community
 8 to work with the U.S. Environmental
 9 Protection Agency to ensure that the Clean
 10 Power Plan met the needs presented by the
 11 nation's low-income families living in
 12 affordable housing in every state and
 13 congressional district across the nation.

14 We supported the EPA in the
 15 development of the Clean Energy Incentive
 16 Program in order to help ensure that the
 17 benefits of the CPP were shared broadly
 18 across society and that potential adverse
 19 impacts on low-income ratepayers were
 20 avoided.

21 EPA staff members understand
 22 that there have been historic economic
 23 logistical and information barriers to
 24 implementing demand-side energy efficiency



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1 programs in low-income communities. These
 2 barriers have increased the costs and
 3 restricted the availability of such programs.

4 As such, low-income households
 5 experience an average energy burden of any
 6 demographic, 7.2 percent higher, and that is
 7 twice as high as the median U.S. energy
 8 burden of 3.5 percent.

9 Furthermore, low-income
 10 households have an energy burden that is
 11 three times higher than that of non-low
 12 income households. Three times higher.

13 For these reasons, we strongly
 14 oppose any attempts to weaken, replace or
 15 repeal the Clean Power Plan.

16 Implementing the Clean Power
 17 Plan, through the early adoption and
 18 incorporation of the Clean Energy Incentive
 19 Program, would have delivered numerous
 20 benefits to the nation's poorest families,
 21 those struggling with rising energy costs
 22 that are increasing faster even than the cost
 23 of housing in many states.

24 Many low income and vulnerable



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1 households have few residential options, but
 2 to rely on poor quality housing that results
 3 from residential segregation, long-term
 4 neighborhood disinvestment and deferred
 5 maintenance to the housing stock. These
 6 homes tend to be energy inefficient,
 7 impacting the financial stability of many
 8 families due to high utility bills and
 9 recurring illnesses from poor indoor air
 10 quality.

11 Struggling families sometimes
 12 spend more than 20 percent of their incomes
 13 on electricity and heat, far more than the
 14 national average of 2.7 percent. For these
 15 people, a cold winter can bring hard choices.
 16 Heat or medicine. Utilities or groceries.
 17 Or hidden dangers. Space heaters, stovetops
 18 and ovens are involved in 79 percent of fatal
 19 home heating fires when building heating
 20 systems are inadequate. And existing
 21 weatherization and low-income bill assistance
 22 programs are inadequate to meet the existing
 23 needs for services, much less the growing
 24 needs in many states.

1 The Clean Power Plan would
 2 provide an incentive to expand such programs
 3 and a market to generate the resources
 4 necessary to deliver.

5 Failure to implement the Clean
 6 Power Plan would mean that these households
 7 can expect electricity bills that are on
 8 average \$17 dollars per month higher by 2030
 9 than they are today if we just implemented
 10 the Clean Power Plan.

11 Boosting energy efficiency also
 12 means that we lower the costs of constructing
 13 expensive energy infrastructure like power
 14 plants and transmission lines, reducing
 15 American' energy-related utility costs. And
 16 further, everyone's health improves when we
 17 help stabilize the climate and reduce the
 18 amount of hazardous mercury, sulfur dioxide
 19 and particulate matter spewing out of power
 20 plant smokestacks and furnaces.

21 Further, reducing energy
 22 efficiency is the largest single measure
 23 source of potential carbon reductions in the
 24 nation. Every year, our Weatherization

1 Assistance Programs alone reduce America's
2 climate pollution by two million metric tons.

3 In total, residential energy
4 efficiency can account for as much as 555
5 million metric tons of CO2 equivalent
6 emissions reductions annually by 2050, or
7 equal to the combined electric power
8 emissions of California, Texas, New York,
9 Florida, Illinois and Virginia in 2016.

10 In addition to the
11 environmental health and cost saving benefits
12 of investing in energy efficiency, there are
13 job and economic development benefits that
14 provide opportunities for families.

15 For every dollar invested in
16 energy efficiency for low-income families,
17 two dollars are put back into the economy
18 through energy savings and increased income
19 from job creation.

20 In fact, energy efficiency
21 already accounts for more than 2.2 million
22 jobs across the nation, which is ten times
23 more than oil and gas and thirty times more
24 than coal mining.



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1 Because of these and other
2 benefits and energy efficiency for all, we
3 strongly urge EPA not to weaken, repeal or
4 replace the Clean Power Plan.

5 Thank you.



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1 MS. GRAY: Our next speaker is
2 Kim Letke.

3 MS. KIM LETKE: My name is Kim
4 Letke. I'm just a citizen. And I've come to
5 shed some light on the issue of the loss of
6 trees and the CO2 level. Nobody is really
7 managing the loss of the trees.

8 I've called the Zoning Board.
9 I live in Rehoboth. I have a place in
10 Rehoboth. And all along Old Landing Road,
11 all of the trees are gone. All of the
12 developments are taking up all of the trees.
13 But trees really help with the CO2 level.

14 And I think the State of
15 Delaware and every county needs to start
16 managing the Zoning Board and what trees can
17 be taken down and what the wetlands are doing
18 and to replace some of the trees.

19 So I knew there would be a lot
20 of conversation about the Clean Power Plan.
21 I've read all of the Executive Orders. I
22 don't think EPA is following Executive Order
23 3563. But I figured there's a lot of
24 conversation on that, but I wanted to shed

1 some light on the trees.

2 States and local government
3 could actually manage replacement of trees.
4 In Maryland, if you take one tree down, you
5 put two trees up.

6 In Delaware, nobody is managing
7 the Zoning Board. When I called the Zoning
8 Board to find out who was managing these
9 trees, if they were replacing them anywhere,
10 the answer was no.

11 So I think that the state and
12 local government could do more pushback on
13 replanting trees and creating some kind of
14 economic barrier or some CO2 level where we
15 can say, Hey, we've done this. You can't go
16 after a power plant and say, Hey, we're going
17 to cause you all of these problems because
18 you're not doing well here. But you're over
19 here not even doing what you're supposed to
20 be doing with the trees. You're supposed to
21 be monitoring the air quality.

22 And the air quality at the
23 beach, we have lot of population down there
24 in the summertime, and all of the trees are

1 gone because everybody is buying houses at
2 the beach.

3 So you've got a smoke and
4 mirror screen going on over here with your
5 power plant, but you're not doing your job
6 over here. So I just think you should look
7 at where you're putting these trees and start
8 planting these trees.

9 Thank you.

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1 MS. GRAY: Pat Todd.

2 MS. PAT TODD: My name is Pat
3 Todd. I'm a resident of Delaware. I'm
4 speaking as an individual.

5 I am opposed to the repeal of
6 the Clean Power Plan by the Environmental
7 Protection Agency.

8 I am not a lawyer so it is
9 difficult for me to respond to legal
10 interpretation as applied to Section 111(d)
11 of the Clean Air Act on which the CPP was
12 based.

13 But I can certainly understand
14 that from the information provided by EPA in
15 the Federal Register, Volume 82, No. 198
16 dealing with costs on Page 9 through 11, that
17 there are many financial costs to the
18 federal, state, local governments,
19 corporations, businesses, nonprofits and
20 individuals that are not included in this
21 decision to repeal the Clean Power Plan.

22 We must look at the costs. If
23 the people of the U.S. allow this repeal to
24 happen, then how are we going to pay for the

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1 damage from more and worse droughts,
 2 wildfires, torrents of rainfall, flooding,
 3 sea level rise and hurricane along with
 4 health, safety and infrastructure costs and
 5 the loss of many lives. These real costs are
 6 not included. These costs far outbalance the
 7 costs that were included.

8 The purpose of the CPP was to
 9 set goals among states to reduce greenhouse
 10 gas emissions by 30 percent. Only by
 11 reducing greenhouse gas emissions are these
 12 problems going to go away. Attempting to
 13 address these problems without goals and
 14 strategies to meet these goals is like
 15 piloting a rudderless ship.

16 Delaware is well on its way to
 17 meet these goals and plans to reach 30
 18 percent plus more by 2030.

19 The Federal Administration
 20 should be helping these states which are
 21 having difficulty complying.

22 Is the Federal government
 23 offering meaningful job programs to those
 24 states that need help in meeting the

1 30 percent goal?

2 Is EPA providing research money
 3 to find ways for these states to reduce the
 4 greenhouse gas emissions?

5 It seems that the costs to the
 6 Federal government would be much less with
 7 carbon dioxide reduction goals than providing
 8 billions to states that have experienced and
 9 will, in the future, experience flooding,
 10 droughts and wildfires.

11 Thank you.

1 MS. GRAY: Christopher
2 Edginton.

3 MR. CHRISTOPHER EDGINTON:
4 Thank you for the opportunity to speak today.
5 I'm from Milton, Delaware. And I'm speaking
6 as myself.

7 I'm not going to repeat
8 everything that was said because I,
9 basically, agree with it all, and you all
10 don't need to hear it again.

11 So I'm just going to say the
12 obvious thing. I think we all know the
13 reasons why this is happening. I guess I
14 really don't need to say much more, other
15 than we need to continue to work regionally
16 and don't pay attention to the Federal
17 government.

18 Thank you.
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1 MS. GRAY: Beth Chajes.

2 MS. BETH CHAJES: Good
3 afternoon. And I see we have switched into
4 the afternoon.

5 I am Beth Chajes. And as the
6 agenda notes, I work as the Communications
7 Manager for the Delaware Environmental
8 Institute at the University of Delaware or
9 DENIN for short.

10 In this position, I have been
11 privileged over the past eight years to work
12 with many of Delaware's most capable and
13 knowledgeable scientists and brightest
14 graduate students as they strive to
15 understand and keep us informed about the
16 state of our environment both locally here in
17 Delaware and on planet Earth at large.

18 Nearly 200 faculty and
19 professional researchers at the University of
20 Delaware are affiliated with my Institute,
21 many of them directly are involved in climate
22 research.

23 Prior to 2010, I held
24 communications positions in several other

1 units at the University of Delaware,
2 including a six-year stint at the College of
3 of Earth, Ocean and Environment in the early
4 1990s.

5 This was soon after scientist,
6 James Hansen at NASA, began seriously
7 sounding the alarm about climate change. And
8 I worked hard to bring this information to
9 the attention of the public.

10 What I have heard from my
11 scientific colleagues at UD over the years
12 has become increasingly urgent. With very
13 few exceptions, and, in fact, I can only
14 think of one, the science is settled and the
15 scientists are alarmed.

16 The research questions they are
17 asking are not whether the climate is
18 changing or whether humans are responsible
19 for it because of our greenhouse gas
20 emissions. Their answers to these questions
21 are a resounding yes. Instead, they are now
22 asking how bad it will get and how fast. In
23 their minds, the time for taking action is
24 running out.

1 The lack of governmental
2 response to these desired scientific
3 findings, despite the best efforts of the
4 scientists and environmental education and
5 communication professionals like myself, is
6 what spurred me to become a more active
7 citizen.

8 And so I am here to speak
9 today, not on behalf of the Delaware
10 Environmental Institute for the University of
11 Delaware, but in my capacity as the Delaware
12 State Coordinator of Citizens' Climate Lobby.

13 Citizens' Climate Lobby is an
14 international, nonpartisan, nonprofit
15 organization dedicated to creating the
16 political will for a livable world for
17 ourselves and for a future generation.

18 Our 90,000 supporters advocate
19 with laser-like focus for government action
20 on climate change. There are 457 active
21 chapters worldwide with 396 of those in the
22 United States.

23 I launched the first Delaware
24 chapter of CCL in June of 2016.

1 Since that time, our statewide
2 leadership has grown from about 25 to nearly
3 300 concerned citizens.

4 Citizens' Climate Lobby
5 recognizes that to limit damage to our
6 climate, our health, to our economy and our
7 quality of life, we must reduce our emissions
8 of carbon dioxide and other greenhouse gases
9 as quickly as possible.

10 Our preferred means for doing
11 so is the carbon-pricing mechanism known as
12 carbon fee and dividend. We believe that a
13 market-based solution that holds polluters
14 accountable for the damage they cause to our
15 air, water and climate while providing
16 financial relief to our most vulnerable
17 citizens will pay higher energy-related costs
18 is the most efficient, fair and politically
19 viable proposal for controlling emissions.
20 It would also have the advantage of
21 addressing emissions across all economic
22 sectors in one fell swoop.

23 However, a proposal such as
24 carbon fee and dividend must be enacted by

1 Congress, and while Citizens' Climate Lobby
2 volunteers, as well as representatives of
3 many other organizations, many represented
4 here, many of which I also belong to, are
5 working hard to urge Congress to act and to
6 elect members who will act, we should not
7 hold our breath and wait. The urgency is too
8 great.

9 In the absence of Congressional
10 act, the Clean Power Plan is the best tool we
11 have to reduce carbon emissions. It
12 addresses the largest single source of
13 electrical power generation, which is
14 responsible for about one-third of our
15 emissions, but also allows states flexibility
16 in meeting the target goals. It aims to
17 reduce emissions most from the dirtiest
18 source coal.

19 Americans overwhelmingly
20 believe that global warming is happening and
21 that carbon emissions should be reduced.

22 According to the Yale program
23 on Climate Communication, 69 percent of
24 American adults support strict CO2 limits on

1 existing coal-fired power plants, including
2 majorities in every congressional district.

3 Here in Delaware, a poll
4 commissioned by DNREC and the Delaware Sea
5 Grant Program found that 76 percent of
6 Delawareans think immediate action should be
7 taken to reduce the impact of climate
8 changes.

9 By acting to repeal the Clean
10 Power Plan, the EPA under Scott Pruitt is
11 neither doing what is best for most
12 Americans, nor carrying out their political
13 will.

14 This is the very antithesis of
15 democracy.



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1 MS. GRAY: David Stevenson.

2 MR. DAVID STEVENSON: Hello.

3 I'm David Stevenson of the Caesar Rodney
4 Institute. I've been a policy analyst for
5 the Caesar Rodney Institute for the last
6 seven years on energy environmental issues.

7 Before that, just so you are
8 aware, I was in the building industry. I
9 designed and built and live in a net zero
10 house. I was one of the cofounders of the
11 Green Building Counsel that is part of the
12 Homeowners Association of Delaware.

13 So why do I support the repeal
14 of the Clean Power Plan?

15 One of the key factors that has
16 always served this country well is the rule
17 of law. And, quite frankly, the Clean Power
18 Plan was passed in an illegal fashion.

19 Now, you've heard a lot of
20 comments about the Supreme Court upholding
21 that there's a danger of carbon dioxide
22 emissions, and that's true.

23 First of all, if you've read
24 the actual repeal, there is no challenge to



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1 the science of climate. There is no
2 reference at all. It uses the same
3 endangerment finding from 2009 as the
4 original Clean Power Plan. That's not even a
5 discussion on the table.

6 But 29 states and hundreds of
7 corporations and individuals sued over the
8 Clean Power Plan. And the Supreme Court in
9 an extremely rare situation didn't wait for
10 the Appeals Court ruling, they put a stay on
11 the plan.

12 The EPA has authority to
13 regulate individual power plants, any
14 individual emission source in the country,
15 typically power plants.

16 It does not have the authority
17 to go in and say, We're taking over the
18 electric grid, which is, basically, what
19 happened.

20 The electric grid, federal
21 government, Congress specifically designates
22 to control the electric grid to the Federal
23 Energy Regulatory Commission for interstate
24 power and for State Public Utility

1 Commissions for individual state control.
2 And that's what we do.

3 I've intervened in about two
4 dozen PSC dockets. And we routinely look at
5 price. We look at reliability. We look at
6 the environmental issues and do a very good
7 job of that at the state level.

8 What the EPA, basically, said
9 was throw out price, reliability and even
10 other environmental concerns. The only thing
11 we're going to look at for the electric grid
12 from now on is carbon dioxide emissions.

13 So I want to see something
14 that's legal and this plan wasn't.

15 Just so you know, the goals of
16 the Clean Power Plan were a 28 percent
17 reduction by 2025. With the latest emission
18 information from the U.S. Information Agency,
19 we've already hit 26 percent. We're going to
20 meet these goals that are set in the Clean
21 Power Plan.

22 There are still power plants
23 being closed. For example, two that DNREC is
24 very concerned about, Brunner Island in York,

1 Pennsylvania has switched to being a --
 2 they've spent \$100 million dollars to become
 3 a flex fuel plant. During the ozone season,
 4 they'll be burning natural gas instead of
 5 coal.

6 The West Virginia plant has
 7 spent a lot of money getting refined coal,
 8 which is a cleaner burning type of coal.

9 So these changes are going to
 10 continue. We're going to meet the 2030 goal
 11 as well. But what we want to do is make sure
 12 that we do this in a legal fashion.

13 The EPA has already started at
 14 the next replacement for the CPP where they
 15 will be looking at just individual power
 16 plants and how to increase the energy
 17 efficiency of that.

18 So things are not as bad as a
 19 lot of folks are saying. Yes, we need to do
 20 things about climate change, and we're not
 21 arguing about that. But let's do it in a
 22 legal fashion. We don't want the EPA, or
 23 DNREC, or anybody else running off and doing
 24 things in an illegal fashion.

1 So there are a number of things
 2 that the EPA is looking at in this
 3 regulation.

4 For example, the U.S. Energy
 5 Information Agency, the forecasting agency
 6 for the Federal government, they're talking
 7 about using those forecasts for future energy
 8 use, instead of alternative systems.

9 U.S. Office of Management and
 10 Budget controls how a cost-benefit analysis
 11 is done. They tell you what discount rate
 12 you should use. They say you got to compare
 13 domestic cost to domestic benefits, not use
 14 global benefits, and then use only domestic
 15 costs. That's not an honest comparison. We
 16 want an honest comparison.

17 I'll read this one because I
 18 want the exact words. The EPA should assume
 19 no health benefits from air quality
 20 improvements below National Ambient Air
 21 Quality Standards, which are rigorously
 22 established compared to using studies that
 23 rely in whole or in part on data information
 24 or methods that are not publicly available or

1 that are insufficiently transparent to meet
2 the standard for reproducibility.

3 A lot of the studies that are
4 used by the EPA simply have never been peer
5 reviewed. And the data is hidden.

6 I want to see transparency, and
7 I want to see peer-review data. So with
8 that, I think I've run out of time.

9 Thank you.

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1 MS. GRAY: John Bullock.

2 MR. JOHN BULLOCK: My name is
3 John Bullock, and I'm a Legal Fellow with the
4 Environmental Defense Fund, a non-profit
5 environmental organization with more than two
6 million members and supporters, including
7 over 6,700 members in Delaware.

8 Today, I'm speaking in support
9 of the Clean Power Plan because it will yield
10 enormous public health and environmental
11 benefits for families and communities in all
12 parts of the country, hasten the transition
13 towards a clean energy economy and improve
14 the lives of millions of Americans.

15 Repealing the Clean Power Plan
16 would be deeply harmful to the health and
17 well being of communities across the country.

18 EPA has a legal and moral
19 responsibility to protect Americans from air
20 pollution that destabilizes our climate and
21 damages our health.

22 But instead of fulfilling its
23 obligation, EPA's proposal to repeal the
24 Clean Power Plan, especially without

1 committing to any meaningful replacement;
2 would put more Americans in danger.

3 EPA's proposed repeal of the
4 Clean Power Plan would harm communities that
5 are in the shadow of or downwind from
6 high-polluting power plants, costing
7 thousands of American lives and increasing
8 the risk of asthma attacks, heart attacks,
9 and other harmful health impacts for some of
10 the most vulnerable Americans.

11 Just last week, Delaware
12 announced that it was sending four Notice of
13 Intent to Sue letters to EPA because the
14 agency had failed to combat harmful
15 ozone-forming pollution from upwind states in
16 the region.

17 According to those notices,
18 over 90 percent of the ozone in Delaware
19 originated from uplands states.

20 Even in its new proposal, the
21 EPA itself recognizes that repealing the
22 Clean Power Plan would have devastating
23 health impacts nationwide, including as many
24 as 4,500 additional deaths from air pollution

1 each year, as well as 90,000 additional
2 childhood asthma attacks and hundreds of
3 thousands of lost school and work days.

4 We are also deeply concerned
5 that EPA is proposing a harmful repeal of
6 this protection without providing Americans
7 across the country an adequate opportunity to
8 present their views.

9 When EPA proposed the Clean
10 Power Plan, it held four public hearings in
11 different regions of the country, in addition
12 to eleven public listing sessions that
13 preceded the proposal. All of these
14 opportunities to provide the agency with
15 input occurred before the close of the
16 comment period.

17 Before repealing the Clean
18 Power Plan and depriving Americans of its
19 health and climate benefits, the EPA owes the
20 American people at least that level of
21 outreach.

22 To date, EPA has only held a
23 single public hearing and has announced, but
24 not yet set dates, for three additional

1 listening sessions, which may take place
2 after the close of the comment period.

3 EPA has ignored the requests
4 for additional public hearings that were
5 filed on behalf of millions of Americans who
6 would be directly impacted by the proposed
7 repeal of the Clean Power Plan. These
8 include requests from at least eight states
9 and five cities, as well as dozens of
10 organizations representing people and
11 communities who are on the frontline of the
12 climate change and suffer from harmful power
13 plant pollution on a daily basis.

14 We urge EPA to respond to these
15 requests by providing at least the same level
16 of opportunity for public hearings and
17 listening sessions that it provided when it
18 was developing the Clean Power Plan.

19 EPA's recent publication of an
20 advanced notice that solicits information on
21 a possible replacement rule does nothing to
22 change or mitigate the enormous damage that
23 will be caused by this repeal.

24 The notice merely reinforces

1 what many have suspected all along. EPA does
2 not have a strategy for a meaningful
3 replacement of the Clean Power Plan. And EPA
4 has continued to leave open the possibility
5 that it will not replace the Clean Power Plan
6 at all.

7 Finally, EPA's sparsely written
8 proposal fails to consider or explain its
9 departure from the enormous factual record
10 that EPA compiled when promulgating the Clean
11 Power Plan.

12 And EPA entirely fails to
13 explain how its new interpretation comports
14 with the unique characteristics of carbon
15 pollution that is generated by the power
16 sector.

17 This Administration has
18 repeatedly shown a disregard for EPA's core
19 mission of protecting the health and welfare
20 of regular Americans, while also repeatedly
21 flouting basic legal requirements governing
22 agency action.

23 I strongly urge that EPA change
24 course, hold more public hearings on this

1 matter and reverse its efforts to repeal the
2 Clean Power Plan.

3 Thank you for the opportunity
4 to speak today in support of the Clean Power
5 Plan. We appreciate your leadership in
6 protecting the people of Delaware from
7 harmful pollution. And we ask that you take
8 legal action to protect these vital
9 safeguards in the event that EPA finalizes
10 its repeal of the Clean Power Plan.

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1 MS. GRAY: Reverend Hall.

2 REVEREND ROBERT HALL: Good
3 morning.

4 My name is Bob Hall. I'm
5 United Methodist Clergy.

6 I have the honor to be the
7 Executive Director of the Delaware Ecumenical
8 Council on Children and Families. We are an
9 organization that was started in Delaware in
10 1987 for the specific purpose of involving
11 the faith communities in the work of the
12 Division of Public Health, particularly as it
13 focuses on family health.

14 Our original purpose was on
15 maternal and child health. Lately responding
16 to the change in Delaware's demography, we're
17 focusing on our -- how do we say this,
18 LaVaida -- aging population of which LaVaida
19 and I are proud to be representatives.

20 We are concerned about a couple
21 of things. All faith communities, at least
22 every one that I have examined, recognize
23 that there is a moral obligation on the part
24 of we, who are created, to respect the

1 creation. Creationism is not building a
2 phony park in Kentucky. Creationism is
3 respecting what we have, the resources we
4 have and acknowledging that they need to be
5 passed on to others.

6 We are concerned, though, about
7 the impact that environmental problems have
8 had on human and other natural health. We
9 have worked with our own state's public
10 health and office on aging to look at issues
11 like asthma among small children. We have
12 programs that support young families, and I
13 mean young families. And so many of them
14 have children that are affected by asthma way
15 beyond the national average.

16 In the older population when we
17 go into homes to help older persons with just
18 basic housekeeping chores, we find these
19 older people oxygen dependent because they
20 have COPD, asthma, or some other disease of
21 the lungs. And they tend to find that this
22 is because of particulate pollution, and, of
23 course, they suffer deeply during the ozone
24 season. And these become concerns to us.

1 So we are in opposition to the
2 EPA's action because, as Senator Carper said
3 this morning, Delaware does kind of tend to
4 be a dumping ground for the pollutants of the
5 rest of the country.

6 I know just in my own personal
7 experience, 25-years-ago, I got married. I
8 wanted to take my wife, who is from Nebraska,
9 wherever that is, to show her what a really
10 nice looking part of the country looks like.
11 And I wanted to show her some of the places
12 that I had visited as a child where we went
13 fishing and crabbing and put a boat over. We
14 can't find them. They're under water now.
15 They're down in Worcester County on the bay
16 side, or, excuse me, on the ocean side of the
17 Delmarva Peninsula.

18 So it's very real what's
19 happening to us through, I think, probably
20 minimal fault of people here in Delaware.
21 But I think we need to be, as many people in
22 Delaware are, people of faith. And I think
23 we need to understand we have a moral
24 obligation to protect what we have and to

1 join with each other as citizens, public
2 citizens to respect the work that is being
3 done by the Secretary and his Department and
4 to be strong advocates for the protection of
5 this wonderful creation that we have been
6 given here in Delaware.

7 Thank you very much.
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1 MS. GRAY: Brittany Wright.

2 MS. BRITTANY WRIGHT: Good
3 afternoon. My name is Brittany Wright with
4 the Chesapeake Bay Foundation. And today,
5 I'm here representing over 231,000 members
6 from six watershed states and the District of
7 Columbia, including over 4,700 members in the
8 State of Delaware.

9 Thank you for the opportunity
10 to comment today on the proposed repeal of
11 the Clean Power Plan.

12 The Chesapeake Bay Foundation
13 applauds Delaware's commitment to reducing
14 greenhouse gas emissions, as well as its
15 participation in the Regional Greenhouse Gas
16 Initiative.

17 The Chesapeake Bay is the
18 nation's largest estuary, supporting vibrant
19 commercial fishing and tourism industry. But
20 climate change caused by carbon dioxide
21 emissions threatens the health, culture and
22 way of life in the Chesapeake Bay.

23 Rising levels of carbon dioxide
24 in the atmosphere are causing oceans to warm

1 and acidify. Ocean acidification negatively
2 impacts the growth and development of
3 juvenile oysters, clams, and other creatures
4 with calcium shells.

5 Chesapeake Bay Foundation is
6 committed to oyster restoration and has
7 planted more than 200 million oysters into
8 the Chesapeake Bay.

9 Greenhouse gas emissions have
10 often caused global temperatures to increase,
11 which has led to warming ocean waters.

12 Ocean warming and then melting
13 of sea ice is one of the primary causes of
14 sea level rise, which threatens to inundate
15 communities throughout the bay and in
16 Delaware.

17 The East Coast is projected to
18 be a hot spot of sea level rise and the State
19 of Delaware is proactively planning for one
20 to five feet of sea level rise.

21 But the Clean Power Plan was
22 designed to reduce carbon dioxide emissions,
23 which would help to mitigate ocean warming,
24 ocean acidification and sea level rise.

1 The design of the Clean Power
2 Plan will also help improve water quality in
3 the Chesapeake Bay by transitioning the power
4 sector away from dirty energy towards cleaner
5 sources of fuel.

6 Over 30 percent of the nitrogen
7 deposited into the bay comes from air
8 pollution, including air pollution from
9 coal-fired power plants.

10 The Clean Power Plan would
11 reduce this nitrogen air pollution by
12 transitioning away from high polluting
13 sources of energy to cleaner, renewable
14 sources of energy.

15 And as stated by many of the
16 health professionals earlier, this would
17 provide beneficial human health impacts by
18 reducing ozone, which causes respiratory
19 diseases.

20 Finally, the Clean Power Plan
21 rests on strong legal footing.

22 The current administration
23 narrowly reads the Clean Air Act and the Best
24 System of Emissions Reductions requirement to

1 only apply to single individual sources.

2 But this narrow reading
3 completely ignores the EPA's long history of
4 relying on trading, credits and national and
5 regional pollution budgets to achieve
6 emissions reductions.

7 This reading of the Best System
8 of Emissions Reductions requirement would
9 require carbon dioxide reduction measures
10 that are more expensive than co-firing with
11 natural gas or carbon capture and
12 sequestration, or measures that are capable
13 of achieving far less reduction, like heat
14 rate improvements, neither of which meets the
15 Best System of Emissions Reduction
16 requirement under the Clean Air Act.

17 In conclusion, the Chesapeake
18 Bay Foundation supports the Clean Power Plan
19 and Delaware's efforts to reduce greenhouse
20 gas emissions. And it is opposed to the
21 current effort to repeal the critically
22 needed regulations.

23 Thank you.
24

1 MS. GRAY: Laura Michelle
2 Kaplan.

3 MS. LAURA MICHELLE KAPLAN:
4 Good afternoon.

5 Thank you for the opportunity
6 to speak today in opposition to the proposal
7 to repeal of the U.S. Environmental
8 Protection Agency Clean Power Plan.

9 My name is Laura Kaplan. I am
10 an attorney residing in Delaware, and I'm
11 licensed to practice law in Pennsylvania and
12 D.C.

13 I studied climate change and
14 environmental law since 2006 in law school
15 and during internships and research down at
16 the Environmental and Natural Resources
17 Clinic at Widener University, as well as in
18 the environmental section of the Delaware
19 Attorney General's Office.

20 Although I am appearing today
21 as an individual, I am a member of the
22 Environmental Advocacy Committee of the
23 Delaware Nature Society and have served in
24 the past as a Compliance Officer for the

1 Delaware Chapter of the Sierra Club and on
2 the Zero Waste Working Committee of Delaware.

3 As I am very privileged today
4 to have the opportunity to speak, I also was
5 privileged to speak at the original hearings
6 for the Clean Power Plan in Washington, D.C.
7 when they were held in 2014.

8 There are times in human
9 history when we have a moral imperative to
10 speak up and to act, and this is one of those
11 times. The harmful effects to human health
12 and welfare of carbon dioxide and warming of
13 the earth are only in their initial stages.
14 The threat to the entire planet must be seen
15 as severe, or even more dangerous than
16 military aggression or terrorism.

17 The effects of CO2 emissions,
18 i.e., warming of the planet, melting ice
19 sheets, sea level rise and warming oceans
20 mandate long term and complex mitigation
21 efforts. It is only by individuals rising to
22 the occasion speaking, demanding that
23 appropriate actions through enforced
24 legislation and pointing out the fallacies

1 being propagated, that we can have any hope
2 of minimizing the increasingly dangerous
3 damage that is already on its way.

4 Government has a duty to
5 protect, conserve and steward public health
6 and public trust resources using the best
7 available science.

8 One of the main roles of
9 administrative agency regulations is to
10 oversee the effects of manufacturing
11 processes, which may be solely profit
12 motivated on public health and welfare.

13 Protection from the impacts of
14 climate change is one of these obligations.

15 Carbon dioxide emissions are a
16 primary cause of climate change and it is
17 critical that they be reduced. This is why
18 the Clean Power Plan was enacted and why this
19 repeal proposal should be rejected.

20 In April of 2017, I attended an
21 Environmental Law conference in Harrisburg,
22 PA, presented by the Pennsylvania Bar
23 Association. When the news that Trump wanted
24 to abandon the Paris Accord was raised, the

1 response was that the CPP was an effective
2 and actually legally binding statute, which
3 would effectively serve to regulate the CO2
4 emissions so that everything would be okay.
5 Ironically, today that safety net is being
6 attacked by the proposed repeal.

7 I will direct my comments
8 further today to the legal pitfalls of the
9 proposal to repeal.

10 The CPP is an existing rule.
11 It has gone through the extensive statutorily
12 required rule-making process. An agency
13 proposing to change a rule must do so in
14 context of the past reasoning, science,
15 factual evidence and conclusions, statutory
16 requirements and compliance with precedence
17 of past court decisions. An agency cannot
18 choose to ignore inconvenient law, or their
19 own prior conclusion.

20 The Supreme Court reiterated
21 that an agency proposing a policy change must
22 provide a reasoned explanation for
23 disregarding facts and circumstances that
24 underlay the prior policy. If there is an

1 unexplained inconsistency, then the new
2 action must be rejected.

3 The EPA has ignored
4 inconvenient law, their own prior
5 conclusions, and its proposal is based on
6 unexplained inconsistency.

7 The proposal at hand ignores
8 the very reason the CPP was created, to
9 reduce carbon emissions, which are a danger
10 to human health and to the entire planetary
11 environment shown by massive amounts of
12 scientific research over decades.

13 The CPP was constructed to
14 comply with meticulous documentation
15 regarding best businesses and state
16 practices.

17 The EPA has ignored both
18 inconvenient law and its own prior
19 conclusions.

20 Its Regulatory Impact Analysis,
21 included with this proposal, was done using
22 faulty base assumptions and the table and
23 proposal seem to be skewed.

24 Therefore, the repeal of this

1 proposal must be rejected.

2 The proposal, while ignoring
3 all reasoning behind the purpose of the CPP,
4 claims it does not comply with the Clean Air
5 Act, that the CPP does not comply, which
6 Pruitt says applies only to stationary
7 sources, that the coal companies are unable
8 to reduce their emissions to their required
9 levels, and that the option of changing
10 energy production to clean energy methods is
11 not allowed by the Clean Air Act.

12 Following this reasoning
13 constitutes circular logic. Allowing coal
14 companies to continue to operate and emit
15 huge quantities of CO2 is a scenario that
16 does not comply with the purpose of the Clean
17 Air Act.

18 In its technical focus on
19 criticism of the way the Clean Power Plan
20 requires owners of stationary electrical
21 utility generating sources to come into
22 compliance with emission standards, the EPA
23 repeal proposal claims that these
24 modifications can only be those that can be

1 accomplished at the location of the source
2 itself, which is referred to as inside the
3 fence and not by outsourcing to renewable
4 sources.

5 This change to a different
6 method of energy production is referred to as
7 generation shifting, such as to wind or solar
8 energy. It is by doing this outsourcing,
9 which is referred to as outside the fence,
10 that a majority of the CO2 reduction to be
11 accomplished under the CPP, the existing law,
12 was to be affected.

13 By eliminating these renewable
14 non-polluting sources of energy, Pruitt
15 effectively is engaging in a doomed effort to
16 resuscitate the dying coal industry. The
17 fact that it is dying is a fact that this
18 Administration somehow refuses to recognize.

19 Even without implementation of
20 the CPP, there has been a significant
21 decrease in coal-fired utility energy and of
22 the CO2 emissions they would have produced.
23 And there has been increasing closure of coal
24 producing plants.

1 Carbon pollution from the power
2 sector has decreased by more than 20 percent
3 since 2005, which equals roughly two-thirds
4 of the way towards meeting the CPP
5 requirements for 2030.

6 Therefore, having the CPP in
7 place provides a policy framework and also a
8 stable signal for investors.

9 Clearly, Pruitt has actually
10 proposed to eliminate renewable energy
11 sources as a way of mitigating emissions.
12 Pruitt's plan proposes to remove them as an
13 option. Renewable sources of energy and the
14 growing economy of renewables, which do not
15 create greenhouse gas emissions, such as wind
16 and solar energy, have been disallowed in the
17 proposals, whereas using these energy sources
18 have created many jobs and economic growth
19 while reducing carbon pollution.

20 Pruitt effectively ignores the
21 purpose and rationale of the CPP and proposes
22 to actually maintain, or increase CO₂
23 emissions by supporting the coal industry,
24 contrary to the whole purpose of the CPP.

1 The culmination of three court
2 cases and finding, the endangerment finding
3 which mandates that the EPA act to control
4 emissions, is something that must be
5 recognized. It is not a choice. They must
6 do it. And they are failing to do it by
7 accepting this flawed proposal.

8 Thank you very much.

1 MS. GRAY: Debbie Heaton.

2 MS. DEBBIE HEATON: Hello. My
3 name is Debbie Heaton. I'm a member of the
4 Sierra Club, and I see other Sierra Club
5 members here today. Glad you can make it.

6 I live in Middletown, Delaware.
7 And this proposed repeal is going to directly
8 impact me and the area where I live.

9 First, I would like to thank
10 DNREC for holding this listening session on
11 the proposed Clean Power Plan repeal. It
12 does feel good to vent. We've all enjoyed
13 that this morning. But I'm guessing the
14 recent legal case filed against the EPA may
15 have a little more impact.

16 I'm confused about Mr. Pruitt's
17 claim that the CPP was an example of coercive
18 federalism. Based on what I've learned, the
19 CPP seems more like the cooperative
20 federalism the Administration seems to
21 admire. It sets goals, but it also sets up a
22 partnership between the EPA and the state to
23 reach those goals.

24 But I digressed.

1 Now, regarding the docket we've
2 all come here to talk about today. We've all
3 seen the impacts of climate change on
4 Delaware's residents, natural resources and
5 infrastructure and business. Strong actions
6 are required to mitigate impacts greenhouse
7 gases have had and will continue to have on
8 Delaware's land and economy.

9 My hopes were that the Clean
10 Power Plan, under the authority of the Clean
11 Air Act, would help guide some of these
12 actions by reducing carbon emissions created
13 through the generation of power and shifting
14 generation to clean energy renewables.

15 Delaware and our Regional
16 Greenhouse Gas Initiative neighbors have
17 successfully demonstrated their ability to
18 coordinate across state lines, work with
19 power providers and engage citizens to reduce
20 carbon emissions through a cap and reduce
21 plan.

22 In the past seven years of the
23 program, power plant emissions were reduced
24 by over 45 percent compared to 1990 levels.

1 These reductions happened as the GDP in the
2 states continued to gradually grow.

3 Member states have also created
4 a framework to drive deeper electric sector
5 reductions in the future.

6 As many of you may or may not
7 know, RGGI holds regional CO2 allowance
8 auctions and the proceeds are strategically
9 invested by each of the states in energy
10 efficiency, renewable energy, greenhouse gas
11 abatement and other consumer benefit programs
12 within their state. These programs spur
13 innovation in the clean energy economy,
14 create green jobs and lower energy costs for
15 families and business.

16 I've seen how this program
17 works firsthand as my husband and I had a
18 home energy audit done in our home in 2017.

19 The Energize Delaware Home
20 Performance with Energy Star program takes a
21 whole-house approach.

22 A final report outlines the
23 findings of the study and options to increase
24 efficiency are outlined.

1 Lists of certified small
2 businesses and contractors is provided that
3 you can choose from. Rebates are offered to
4 make the program more affordable.

5 In 2015, the Home Performance
6 with Energy Star program avoided 570
7 megawatts of energy for over 900 Delaware
8 homeowners.

9 We had already taken action to
10 reduce our energy bill through installation
11 of LED lightbulbs and low flow faucet
12 aerators, insulating our hot water pipes and
13 updating our hot water heater in 2007. We
14 thought we were pretty good.

15 Through the audit, we found
16 that we could save more energy and money by
17 sealing and insulating the attic better.
18 Standards have changed since construction in
19 1993. And surprisingly by installing a new
20 hot water heater. The technology has really
21 changed since 2014.

22 Homeowners who have not had an
23 audit or been able to keep up with the
24 changes in technology will benefit from

1 learning how simple changes can save energy
2 and money. If their budget is tight, the
3 program does have rebates for eligible
4 improvements.

5 RGGI's work is complemented by
6 individual state's Renewable Portfolio
7 Standards and energy efficiency resource
8 standards.

9 The Sierra Club hopes that
10 state legislators will pass legislation this
11 year to increase Delaware's RPS to 50 percent
12 by 2032.

13 If EPA goes forward with
14 rolling back the Clean Power Plan, it must be
15 replaced with something that will result in
16 even greater reductions in carbon and other
17 forms of climate pollution that fuel climate
18 change.

19 It's EPA's obligation to
20 protect our climate and reduce carbon
21 emissions.

22 Do not repeal the Clean Power
23 Plan.

24 Thank you.

1 MS. GRAY: Our next speaker is
2 Linwood Jackson.

3 MR. LINWOOD JACKSON: I'm
4 Linwood Jackson. President of the NAACP's
5 Delaware State Conference of Branches.

6 And first, I would like to
7 thank the Governor and our State Senators and
8 Representatives for doing what they can to
9 protect Delaware's climate.

10 And I would like to thank the
11 EPA for hosting another public hearing on the
12 proposed repeal.

13 I did speak at the Charleston,
14 West Virginia hearing in November. And I
15 also facilitated a press conference at the
16 National Press Club in Washington, D.C. with
17 the Clean Air Act Taskforce, NAACP
18 Environmental Climate Justice Program and the
19 National Medical Association.

20 We presented the Fumes Across
21 The Fence-Line Report, which highlights the
22 health impact of the oil and natural gas
23 industries' toxic emissions on African
24 Americans and low-income communities.

1 This issue is near and dear to
2 my heart.

3 As a child, my family used coal
4 to heat our home. I remember the coal truck
5 coming and dumping coal in our basement as
6 the dust filled the air that we breathed. I
7 remember the smoke-covered walls we lived in.

8 My grandfather valued that
9 house. It was the home that he raised his
10 five kids in. He and four of his kids all
11 died of cancer at a young age.

12 Thankfully, my mother moved my
13 brothers and I out of that house before she
14 passed. Only to move into the Southbridge
15 projects of Wilmington, Delaware to raise us.
16 A City that is surrounded by concrete mills,
17 steel factories, Cherry Island Landfill, the
18 City's dump, all dumping pollutants into the
19 well water.

20 And then there's the Port of
21 Wilmington. It was founded in 1923, a
22 business terminal on the Delaware River. It
23 handles about 400 vessels annually spilling
24 oil and fuel every time they dock.

1 Environmental pollution has
2 left seven communities in New Castle County,
3 Delaware whose residents are mostly poor and
4 predominately people of color at a much
5 greater risk of cancer and respiratory
6 illnesses than the affluent white towns in
7 the county. All face more substantial
8 cumulative health risks than the wealthy
9 suburbs.

10 The union of concerned
11 scientists in their report, Environmental
12 Justice for Delaware, say that those seven
13 communities are close to major polluting
14 sources, contaminated hazardous waste sites
15 and facilities that use large quantities of
16 dangerous chemicals, which pose a high risk
17 of a major chemical release of catastrophic
18 incident.

19 The authors created the report
20 by compiling data from the Census Bureau, the
21 National Center for Education Statistics, the
22 Delaware Sierra Club, the Environmental
23 Justice Health Alliance and the Environmental
24 Protection Agency.

1 From that data, the researches
2 found that all of these areas face the
3 highest risk of health issues. The chances
4 of neighborhood residents being diagnosed
5 with cancer or respiratory illness is higher
6 than in Greenville and the affluent areas.

7 All these communities are also
8 within one mile of the Delaware Memorial
9 Bridge, which faces a large amount of traffic
10 every year and runs right over the DuPont
11 Chemical plant.

12 The authors of this study
13 decided to compare seven communities to
14 Greenville, one of the whitest and wealthiest
15 communities in the area, to contentionalize
16 how large the health disparities can be in
17 the County.

18 The authors wanted to look at
19 the communities in the County that are within
20 a one-mile radius of the EPA designated
21 Brownfields and Superfund sites. Polluting
22 facilities listed in the EPA's Toxics Release
23 Inventory and High-Risk Facilities, a part of
24 the Agency's Risk Management Program.

1 The report says the seven areas
2 health's woes date back to segregated housing
3 in located communities, several of which are
4 predominately black in areas exposed to large
5 amounts of pollution.

6 During the 1940's and 1950's,
7 black Wilmington residents could only find
8 housing in these neighborhoods even years
9 after the Civil Rights Movement.

10 The buildings including a
11 public housing community were on top of a
12 field marsh where chronic flooding and mold
13 still remain issues there to this day.

14 The houses were built with
15 substandard and cheap materials and lead
16 paint was used on interior surfaces.

17 The report identified ten
18 chemicals in all seven communities that
19 contributed to increase health risk. Five
20 chemicals were associated with respiratory
21 hazards. And that, my friends, makes this a
22 Civil Rights issue.

23 And we, at the NAACP, demand
24 equal rights and justice for all people.

1 At the end of the report, the
2 authors included seven government bases that
3 they believe would improve the safety and
4 health of residents living in Delaware.

5 New Castle County Executive
6 Matthew Meyer commended the environmental
7 groups for putting the report together and
8 said it would be very helpful for
9 policymakers. Meyer said the County is
10 aggressively increasing efforts to reduce
11 renewable energy. And that officials also
12 need to continue to look at zoning in order
13 to protect all residents from environmental
14 pollution.

15 A public outcry followed. A
16 report that focused on several Zip Codes
17 around the Indian River electricity plant
18 near Millsboro. It was the start of a lung
19 cancer cluster and blamed the pollution from
20 the coal power plant.

21 There are a lot of issues
22 associated with the coal industry: Coal
23 pollution, the water, the air quality, black
24 lung, asthma issues, brain issues, on and on

1 and on. Delaware residents have long gotten
2 cancer and died from it at rates above the
3 national average.

4 We should be demanding
5 affordable healthcare for all people living
6 in America, instead of denying the millions
7 and millions of poor people the basic rights
8 to life. I call this discrimination by
9 cutting services. It's set up by design.

10 People are displaced from their
11 jobs for all kinds of reasons. Downsizing
12 companies move out so that we have to be able
13 to adapt to different solutions. Solar panel
14 jobs. They're outsourcing coal mining jobs,
15 solar panels, windmills, rain, water barrels
16 to collect rain, et cetera. We should be
17 promoting job training in those areas. We
18 could and should have an economy that works
19 for everyone in this great land that we call
20 America.

21 The single most impactful thing
22 that we can do is to take the lead on
23 environmental justice initiatives in order to
24 reduce our greenhouse gas emissions and to

1 help compact global climate change.

2 The Supreme Court ruled that
3 the EPA is obligated to offer a replacement
4 plan for regulating emissions of carbon
5 dioxide.

6 So I ask, Why would the
7 Environmental Protection Agency be against
8 that and not protect the environment for all
9 of the people.

10 Thank you very much.
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1 MS. GRAY: John Irwin.

2 MR. JOHN IRWIN: My name is
3 John Irwin. I'm here speaking just as a
4 concerned resident. I've been involved in a
5 lot of environmental groups, but I'm not
6 speaking for them today. I'm speaking for my
7 son, and, hopefully, grandchildren some day
8 and for all of us.

9 I am here to testify because I
10 am strenuously opposed to the repeal of the
11 Clean Power Plan. I want to be another check
12 on the side to reject this attempt to
13 undercut our best effort to create a national
14 plan to reduce emissions and to head us in
15 the right direction.

16 We are in the midst of a
17 necessary transition to a clean energy
18 economy. It's clear that continued burning
19 fossil fuels is generating greenhouse gases
20 that are gradually raising the average global
21 temperature with increasingly dangerous
22 effects. It's important that we take
23 decisive action to accelerate the needed
24 changes to new sources of electricity and

1 energy.

2 We need to move away from the
3 fossil fuels that are generating all of the
4 air pollution. I was going to say more about
5 that. But you've heard already about the
6 asthma, all of the air pollutants,
7 particulate matter, ozone.

8 And I think it's overwhelming
9 the evidence that says that we need to make
10 major national changes.

11 Delaware is very vulnerable to
12 sea level rise. Naturally, with a long
13 coastline and the lowest average elevation,
14 our tourism, our jobs, our homes,
15 infrastructure, railways, highways, property,
16 all that is at risk.

17 We need to figure out how to
18 take care of the workers who are going to be
19 affected by this. Of course, we should be
20 caring about all of our people, including the
21 workers in these industries that are going to
22 go away.

23 And we need to think about the
24 fact that solar is a fast-growing industry.

1 And instead of fighting this transition, we
2 ought to be saying, Okay, this is a real
3 growth opportunity for the nation. The solar
4 industry is built one house at a time. It's
5 like this is local. These are local jobs.
6 People are on your roof installing in your
7 neighborhood and people can learn how to do
8 these jobs and can be a real job producer.

9 So we should be thinking about,
10 What does the future look like? Think about
11 retraining. Think about how we can provide
12 new jobs for people who are being displaced.

13 There's just no doubt that
14 there's lots of work to be done. There is
15 lots of money in the economy. And it is just
16 our unjust and inefficient way of organizing
17 work and money in the economy that makes us
18 have these seeming contradictions between
19 people needing jobs and people needing a good
20 environment.

21 So I want to thank you for the
22 opportunity to speak on this. Thank you,
23 everybody, who came out to speak on behalf of
24 protecting the Clean Power Plan. Let's just

1 kill this thing right away. It's ridiculous.
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1 MS. GRAY: Jill Gaumer.
2 MS. JILL GAUMER: I'm Jill
3 Gaumer. I'm one of the people who was newly
4 motivated to become active as of November a
5 year ago.
6 So like an earlier speaker, I'm
7 here, as myself, to make my voice heard. And
8 I thank you very much, DNREC folks, for
9 making this listening opportunity available
10 to everybody.
11 I'm not going to say anything
12 you haven't already heard. I'm just going to
13 say it a lot faster.
14 Global warming is real and it
15 is endangering our low-lying state.
16 Pollution from fossil fuel
17 plants that move west into our state have a
18 negative effect on Delaware's health,
19 environment and other parts of us, including
20 asthma rates and other breath-related issues,
21 as you've heard from the nursing folks.
22 The CPP encourages new and
23 clean energy, renewable energy sources that
24 support innovative technology and good paying

1 jobs and helping move the U.S. as a global
2 leader in renewable energy.

3 The roll back of the CPP sends
4 us back to the old, outdated, inefficient
5 and, frankly, dangerous energy sources.

6 The CPP is the most efficient
7 tool we have to fight climate change and
8 protect the air we breathe.

9 Don't put Delaware's
10 environment and our health at risk. Keep the
11 Clean Power Plan strong and focused on
12 reducing power plant pollution.

13 I, like almost everyone in this
14 room, oppose all efforts by the Trump
15 Administration to weaken, rollback or
16 dismantle the Clean Power Plan.

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1 MS. GRAY: Ashley Kennedy.

2 MS. ASHLEY KENNEDY: My name is
3 Ashley Kennedy. And I'm here today in the
4 capacity of a Delawarean who cares about the
5 environment, public health and the future of
6 our state and our planet.

7 I grew up as a nature lover,
8 and I've been fortunate to channel that love
9 of nature into the career as an entomologist.
10 I now work as a researcher in entomology at
11 the University of Delaware.

12 As a Millennial, a member of
13 that much maligned generation, I grew up with
14 an understanding that we are facing some very
15 serious global problems. But also, that we
16 have the ability to tackle those problems if
17 everyone is willing to do their part.

18 Around the same age when I
19 learned to count and to spell, I learned to
20 recycle. I learned to turn off lights and
21 appliances that I'm not using and I learned
22 to be careful not to waste water.

23 Fifteen-years-ago in high
24 school in an effort to reduce my carbon

1 footprint, I gave up meat and seafood in my
2 diet. Three-years-ago, I additionally gave
3 up eggs and dairy for the same purpose.

4 I walk. I bike. I carpool.

5 When I drive, I drive a Hybrid. I have
6 chosen to adopt children and practice safe
7 sex so I don't add to the burgeoning global
8 population.

9 Whether big or small, I don't
10 consider any of these decisions or behaviors
11 sacrifices. They are at worse
12 inconveniences, but on a whole, I'm happy to
13 do them because I want to do my part.

14 And that's why it angers me
15 when decision makers and policy makers don't
16 do theirs.

17 The proposed decision to repeal
18 the Clean Power Plan is a slap in the face to
19 me and to millions of people like me. The
20 people who feel it, we are doing our part.

21 I call on the authorities at
22 EPA to do their part. I call on them to do
23 their jobs. That begins with not repealing
24 the Clean Power Plan.

1 Thank you very much for this
2 opportunity.

1 MS. GRAY: Final speaker, David
2 Carter.

3 MR. DAVID CARTER: Good
4 afternoon. I'm Dr. David Carter. I thank
5 you for the opportunity to speak.

6 I had originally planned to
7 prepare a lot of technical records based on
8 30 years of data I have. But I opted to do
9 something a little different and tell you
10 what the real impacts are based on 30 years
11 of experience as a manager of Delaware's
12 coastal areas.

13 I stand here in strong
14 opposition to the repeal of the Clean Power
15 Plan. I think it would be a real social
16 injustice to do that.

17 As a policy analyst, I know
18 there are just laws and there are unjust
19 laws. And when I look at what happened to
20 some, I think about Rosa Parks, and I think
21 about her writings in a letter from
22 Birmingham. What if they had paid attention
23 to the technicalities of the law instead of
24 doing it? And I don't think we can say the

1 technicalities say to do one thing and the
2 data says something else.

3 We need a competent -- we need
4 a democracy -- to do evidence-based policy
5 making.

6 And the science is clear. And
7 climate change is impacting us.

8 And in Delaware, there are four
9 key ways.

10 One is that we need to pay
11 attention to what's happening to our coastal
12 communities and our natural resources. I'll
13 talk a little bit more about those.

14 Public health. We've heard a
15 lot about, particularly in the low-income
16 communities, both on the legacy environmental
17 contaminants, as well as the serious air
18 problems, a combination of power plants and
19 traffic problems.

20 We also need to be promoting
21 movement out of our path dependency on our
22 current type of energy and into a new form of
23 energy based on the new economy and what's
24 going to be for the future.

1 And we have a path dependency
2 that can take sometimes a long time to do and
3 we don't have that much time. And I've
4 already mentioned social and environmental
5 justice.

6 So what do we need to see in
7 Delaware?

8 Over my 30 years, firsthand as
9 I look down the coast, starting right out
10 here across Peterson Refuge. 30-years-ago,
11 we looked at all wetlands up here,
12 particularly the one behind tide gates.

13 Shellpot Creek, which drains
14 below sea level with tide gates -- by the
15 land build as you heard discussed -- that
16 tide gate will not function much longer as
17 the sea level rises a bit more. We will not
18 get draining. We're going to get more
19 saturation into the soils. And we're going
20 to have to get concerned about the migration
21 of contaminants out of those areas.

22 As I move a little further
23 south, 30-years-ago we put the planning
24 effort in New County for Battery Park,

1 Gambacorta Marsh, the reintervention of tidal
2 flow with a limited tidal structure.

3 I did that as a DNREC employee.
4 We did all of the engineering. We did not
5 look at the impacts of monitoring sea level
6 rise. So we were managing that at about
7 minus .02 feet below sea level rise, which
8 means that we are getting very close to the
9 point of which all of that investment, those
10 millions we spent, will no longer work.

11 A few years ago before I
12 retired from DNREC, I went to the town. We
13 gave them a grant to talk about the problem
14 with their dikes, sea level rise and
15 planning.

16 I was actually blasted by a
17 County Councilman in The New Castle Weekly
18 about being chicken little DNREC staff. Lo
19 and behold, a year later, Sandy hit, all of
20 the dikes went out. The engineering work we
21 had been doing was good.

22 We go down the coastline to
23 Delaware City, and you'll see that we have
24 permanent pumps to pump water out of the

1 drain. If you go sit and have a Hamberger on
2 Crabby Dick's deck, you will see the bright
3 orange pumps sitting there permanently.

4 And we've heard the discussion
5 of wetlands from Collin O'Mara, who pointed
6 them out. They're very good. I documented
7 thousands and thousands of the acres being
8 lost for him.

9 We also heard Senator Carper
10 talk about what happened down at Prime Hook.
11 What he did not mention is that we spent over
12 \$40 million dollars to protect about 130
13 homes. That's \$300,000 a home. \$300,000 a
14 home.

15 When I look at what Pastor
16 McDuffy has seen, and needing, perhaps, to do
17 some restoration of some of the housing and
18 maybe some relocation in these environments,
19 you know all I can say is, I guess if you
20 lived in Prime Hook, be sure you weren't
21 black and poor. Because that's who's getting
22 the first response. That's why this is so
23 unjust. That's why this is so wrong.

24 I have a litany of these from

1 30 years of experience, further documented
2 the changes, the areas, we lost wetlands, the
3 gates that are losing, the functionality now.
4 The cost is going to be astronomical with
5 what's already going to happen.

6 And if we don't do it very
7 soon, it's going to get much, much worse and
8 much, much more expensive.

9 It will hurt most harshly the
10 communities like Southbridge that I worked
11 with for seven years who are going to see the
12 worst impacts of it and other low-income
13 communities. We will also see the impact of
14 the asthma and other problems if we don't
15 turn it around.

16 So again, I strongly urge the
17 EPA to reverse course, to be ethical, to be
18 just and to do evidence-based policy.

19 Anybody competently doing
20 evidence-based policy and policy analysis
21 will not support unjust activities because of
22 technicalities of the law when the evidence
23 strongly points elsewhere. And that's where
24 we are today.

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Thank you.

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MS. GRAY: That is our last
registered speaker.

Is there anyone else here today
who would like to present comments?

Secretary Garvin.

1 SECRETARY GARVIN: I just want
2 to thank everybody for coming out and
3 everybody for commenting.

4 Those who didn't comment, but
5 were hear to listen, I encourage you if you
6 have comments that you didn't make, as I
7 said, we have back at the table information
8 on how you can make comments directly to the
9 EPA.

10 All those who spoke, we will be
11 sending the transcripts for it. And, again,
12 thank you all for coming out and spending
13 your morning and part of your afternoon with
14 us.

15 Thank you.

16 (Public Meeting was concluded
17 at, approximately, 1:10 p.m.)
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1 State of Delaware:
2 New Castle County:
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4 CERTIFICATE OF REPORTER

5
6 I, Gloria M. D'Amore, Registered
7 Professional Reporter and Notary Public, do
8 hereby certify that the foregoing record,
9 Pages 1 to 193 inclusive, is a true and
10 accurate transcript of my stenographic notes
11 taken on Monday, January 8, 2018, in the
12 above-captioned matter.

13 IN WITNESS WHEREOF, I have hereunto set
14 my hand and seal this 15th day of January,
15 2018, at Wilmington, Delaware.
16

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19

20 GLORIA M. D'AMORE, RPR
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