

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115

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Minority (202) 225-3641

February 1, 2012

The Honorable Jeffrey Zients
Acting Director
Office of Management and Budget
725 17th Street, N.W.
Washington, D.C. 20503

Dear Acting Director Zients:

We understand that the Office of Management and Budget (OMB) is currently reviewing the Environmental Protection Agency's (EPA) proposal to regulate greenhouse gas (GHG) emissions from new and modified power plants through the New Source Performance Standards program. We write to request that you withhold the regulation from issuance. We are concerned about the regulation's impact on jobs and the economy, and that it will not comply with all applicable Executive Orders, including the President's Executive Order 13563 and its predecessor, Executive Order 12866.

In this rulemaking, EPA may be seeking to do precisely what Congress and the American public rejected in the last Congress. The Waxman-Markey cap-and-trade legislation from the 111th Congress would have significantly raised the cost of energy and driven jobs overseas. With respect to electricity, it would have effectively required that U.S. coal-fired power plants use carbon capture and sequestration (CCS) technologies that have been neither demonstrated nor deployed on a commercial scale. Further increasing electricity costs by requiring commercially unproven technologies, or forcing a transition away from coal, will send thousands more U.S. jobs overseas at a time when the nation can least afford it.

We are concerned that EPA may intend to propose GHG standards for new and modified coal-fired power plants that could only be achieved through the use of costly technologies such as CCS. Such standards would be a back door cap-and-tax regime, circumventing the will of Congress and the American people. Affordable, reliable electricity is critical to keeping and growing jobs in the United States and the proposed Waxman-Markey legislation was rejected because it would have driven up energy prices and destroyed domestic jobs.

Letter to the Honorable Jeffrey Zients

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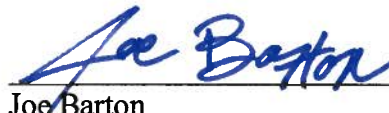
EPA has already issued a number of regulations that will increase electricity prices, according to EPA and other analysts. Now, we ask for your help in supporting policies that will encourage economic growth and job creation rather than additional costly regulations that will raise new barriers to job creation and burden struggling businesses and families.

Thank you for your attention to this matter. Should you have any questions, please contact Mary Neumayr of the Majority Committee staff at (202) 225-2927.

Sincerely,



Fred Upton
Chairman



Joe Barton
Chairman Emeritus



Ed Whitfield
Chairman
Subcommittee on Energy and Power

cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable John Dingell, Chairman Emeritus

The Honorable Bobby L. Rush, Ranking Member
Subcommittee on Energy and Power