

SENATE JOINT RESOLUTION NO. 273

Requesting the Department of Environmental Quality to study the projected health benefits of the proposed federal Clean Power Plan in comparison with the projected health benefits of existing regulations. Report.

Agreed to by the Senate, February 25, 2015
Agreed to by the House of Delegates, February 24, 2015

WHEREAS, for many years the federal Clean Air Act has strictly regulated pollution by ozone and particulate matter in order to protect air quality; and

WHEREAS, the Clean Air Act continues to require the U.S. Environmental Protection Agency (EPA) to revise the existing air quality regulations periodically to protect public health; and

WHEREAS, the EPA recently offered new rules for coal-fired power plants in the form of a proposed Clean Power Plan (the Plan); and

WHEREAS, as a central justification for the Plan, the EPA projects reductions in ozone and particulate matter, leading to air quality improvements; and

WHEREAS, the EPA asserts that the health benefits resulting from such air quality improvements will exceed the costs of the Plan to consumers, the power industry, and the economy; and

WHEREAS, whatever reductions in ozone and particulate matter are projected to result from the Plan appear to be unrelated to the Plan's stated purpose of addressing climate change; and

WHEREAS, the EPA appears to be attributing to the Plan a number of health benefits that would occur in any case as a result of ongoing enforcement and revision of existing air quality regulations; and

WHEREAS, the EPA Regulatory Impact Analysis (RIA) for the Plan, referring to the National Ambient Air Quality Standards (NAAQS), acknowledges: "However, it is possible that some costs and benefits estimated in this RIA may account for the same air quality improvements as estimated in the illustrative NAAQS RIAs"; and

WHEREAS, if the EPA is claiming the same health benefits under two different sets of regulations, its effort to attribute future pollution reductions to the proposed Plan amounts to "double counting"; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Environmental Quality be requested to study the projected health benefits of the proposed federal Clean Power Plan in comparison with the projected health benefits of existing regulations.

In conducting its study, the Department of Environmental Quality shall analyze, and consider other analyses of, the projections for ozone and particulate matter reductions in the Plan and (i) determine the accuracy of such projections and the likelihood that such projections will lead to air quality improvements; (ii) compare projections of the national cost of the Plan to the health benefits projected to result from the Plan and complete a cost-benefit analysis; (iii) determine the likelihood that the health benefits attributed to the Plan by the EPA would arise in the absence of the Plan; and (iv) determine the extent to which the EPA uses otherwise-expected benefits to public health as a justification for the Plan.

All agencies of the Commonwealth shall provide assistance to the Department of Environmental Quality for this study, upon request.

The Department of Environmental Quality shall complete its meetings by November 30, 2015, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2016 Regular Session of the General Assembly and shall be posted on the General Assembly's website.