

Congress of the United States
Washington, DC 20515

May 7, 2013

The Honorable Bob Perciasepe
Acting Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Mr. Perciasepe:

We are writing to express our disappointment with your decision last week not to regulate the fourth largest source of methane emissions in the United States: coal mines.

The Environmental Protection Agency (EPA) has taken important steps to protect American families from the dangers of climate change. You have issued rules that will significantly cut carbon emissions from vehicles. You have proposed tight emission standards for new power plants. And you have taken other actions that have helped lower emissions of greenhouse gases. Your allies in Congress have rightfully praised the agency for these actions.

But the threat of climate change is so large and the window for action is so narrow that we do not have the luxury of ignoring any significant source of emissions.

The basis for your decision is described in an April 30, 2013, letter to Earthjustice, a public interest law firm that had petitioned EPA to take action to regulate methane emissions from coal mines. In your letter, you write that “the agency must prioritize its regulatory actions,” that you face “limited resources and ongoing budget uncertainties,” and that acting to reduce methane emissions from coal mines would “divert resources” and would “likely require significant agency time and resources.”¹

We understand that EPA – like the rest of the federal government – is facing budget constraints. We have opposed cuts to EPA’s funding and voted for proposals to repeal the ill-advised sequester that you currently face. But the answer to your budget problems cannot be to ignore a major source of pollution causing climate change. Your first obligation under the Clean Air Act is to determine if the emissions from coal mines “cause or contribute significantly to air pollution which reasonably may be anticipated to endanger public health or welfare.”² You are not fulfilling your responsibilities when you fail to make this determination, especially since it would not appear to require extensive resources.

¹ Letter from Bob Perciasepe, Acting Administrator, U.S. Environmental Protection Agency, to Edward Zukoski, EarthJustice (Apr. 30, 2013).

² Clean Air Act section 111(b).

The Honorable Bob Perciasepe
May 7, 2013
Page 2

There is a presumption in your letter that addressing one of the major sources of methane emissions in the nation is not a pressing priority. We categorically reject that presumption. It is true that measured over a century, U.S. methane emissions in 2011 represented just 9% of total U.S. greenhouse gas emissions. But methane is a potent short-lived climate pollutant. Methane stays in the atmosphere for just twelve years. During the short period of time it is in the atmosphere, methane is responsible for a disproportionately large amount of radiative forcing. Globally, the radiative forcing of methane emissions in 2011 was equivalent to 28% of the radiative forcing of carbon dioxide.³ Rapid reductions in methane and other short-lived climate pollutants could reduce the planetary warming expected by 2050 by half a degree Celsius.⁴ This would give the world urgently needed time to make the transition to the clean-energy economy of the future.

Any comprehensive strategy to reduce methane emissions cannot overlook the contributions of coal mines. Coal mines are the fourth biggest source of methane emissions in the United States, accounting for 11% of all methane emissions.⁵ Only oil and gas systems, agriculture, and landfills are bigger sources. And they are some of the most cost-effective emission reductions available. According to the World Resources Institute, modest abatement requirements could reduce the methane emissions from coal mines by 24% at a cost of just \$5 per ton. Significantly greater emission reductions would be achievable with greater levels of effort.⁶

There is a broader point your action raises. Your position is that it is appropriate for EPA to fail to assess a public health risk because of a belief that there may be inadequate funds to address the risk. That approach is terrible precedent and a dereliction of duty. In these circumstances, your first responsibility should be to assess the risk and alert the public. If the risk is a significant one that you cannot find the resources to address, you should at least inform the President and Congress and appeal for additional resources.

³ National Oceanic & Atmospheric Administration, "The NOAA Annual Greenhouse Gas Index (AGGI)" (Summer 2012).

⁴ World Meteorological Organization and United Nations Environment Programme, *Integrated Assessment of Black Carbon and Tropospheric Ozone* (2011); Science, *Simultaneously Mitigating Near-Term Climate Change and Improving Human health and Food Security* (Jan. 2012).

⁵ U.S. Environment Protection Agency, "Overview of Greenhouse Gases: Methane" (online at <http://www.epa.gov/climatechange/ghgemissions/gases/ch4.html>).

⁶ World Resources Institute, *Can the U.S. Get There from Here?* (February 2013).

The Honorable Bob Perciasepe
May 7, 2013
Page 3

In his State of the Union address, President Obama made a powerful pledge:

if Congress won't act soon to protect future generations, I will. I will direct my Cabinet to come up with executive actions we can take, now and in the future, to reduce pollution, prepare our communities for the consequences of climate change, and speed the transition to more sustainable sources of energy.

Since the President said those words over two months ago, Congress unfortunately has shown no signs of acting. Now the federal agencies must start to act. In doing so, your decisions and those of other agencies – from this decision on coal mines to the Keystone XL pipeline to standards for other large emitters and energy efficiency – should be guided by the standard set by the President.

Regrettably, your decision on coal mines is not a promising start. It does not meet the President's standard, and we hope you will reconsider.

Sincerely,



Henry A. Waxman
Co-Chair
Bicameral Task Force on Climate Change
Ranking Member
Committee on Energy and Commerce



Sen. Sheldon Whitehouse
Co-Chair
Bicameral Task Force on Climate Change
Chairman
Subcommittee on Oversight
Senate Committee on Environment and
Public Works