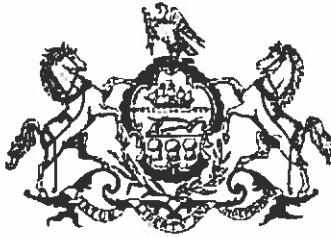


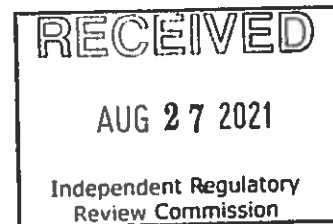
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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

August 26, 2021

Pennsylvania Independent Regulatory Review Commission
333 Market Street
14th Floor
Harrisburg, PA 17101



Dear Commissioners:

We, the undersigned members of the Pennsylvania House of Representatives, urge the Independent Regulatory Review Commission (IRRC) to disapprove final Environmental Quality Board (EQB) Regulation #7-559 (IRRC #3274), which would merge Pennsylvania into the Regional Greenhouse Gas Initiative (RGGI) over the objections of bipartisan majorities of the General Assembly and Pennsylvania voters.

As a follow-up to our (attached) January 14th letter, we want to emphasize our shared concerns with organized labor and business leaders, as well as, those raised by electricity consumers. We also want to emphasize that none of the issues raised in our previous letter, let alone the concerns raised in the February 16, 2021 IRRC comment letter, were properly addressed in the amendments or responses from the Department of Environmental Protection's (DEP) Environmental Quality Board (EQB).

Notwithstanding the modest changes from the proposed RGGI regulation, our substantial policy concerns remain with the final regulation:

- RGGI will trigger the near immediate closure of every coal and many natural gas plants throughout the Commonwealth, which will fundamentally restructure electric generation in Pennsylvania.
- RGGI will lead to the immediate loss of thousands of blue collar jobs, which will harm blue collar families and communities.
- RGGI will effectively prohibit the construction of any new natural gas plants in Pennsylvania, which will impact thousands of future jobs.
- RGGI will trigger significant rate increases for electricity customers, which will have a particularly harmful impact on low- and fixed-income households, who will not have access to direct bill subsidies as offered in most all RGGI states through this regulation.
- RGGI will effectively subsidize coal and natural gas plants in non-RGGI states, like Ohio and West Virginia, which will undermine virtually all of the alleged climate and environmental benefits cited by RGGI proponents.

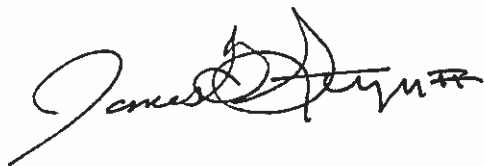
- Because Pennsylvania operates within the PJM regional transmission organization, which is charged with ensuring adequate electricity is available throughout the region, and as confirmed by the most recent DEP modeling, virtually all of the Pennsylvania CO2 reductions will be offset by CO2 increases within non-RGGI PJM states.

We are also deeply concerned about the legal and constitutional issues as it impacts the General Assembly. In fact, many of the policy changes cited above are directly relevant to the legal shortcomings of the RGGI regulation. As IRRC noted in its comments, "this regulation falls within the scope" of the Regulatory Review Act's criterion that RGGI "represents a policy decision of such a substantial nature that it requires legislative review." We can think of no Pennsylvania regulation that would have so profound an impact, which has relied on so little statutory authority. If Pennsylvania is to join RGGI, this is a decision that must be made by the duly elected members of the General Assembly.

DEP argues that Section 5(a) of the Air Pollution Control Act (APCA), which was enacted in 1972, provides the legal basis for implementing the RGGI regulation. We find that difficult to accept. As the **INDEPENDENT** Regulatory Reform Commission, we trust you will come to a similar conclusion. DEP's attempt to bootstrap various definitions within the APCA to make its argument, along with its effort to cite various legal cases that effectively undermine its legal case, should be enough for IRRC to reject this regulation.

We accept the unfortunate reality that, under the Regulatory Review Act, DEP can disregard IRRC's rejection and move forward with the regulation regardless. In fact, in light of DEP's disregard for IRRC's recommendation that it "consider delaying the implementation of the rulemaking for one year" to "allow the regulated community an opportunity to adjust their business plans to account for the potential increased costs associated with Pennsylvania joining RGGI," there is a very real possibility that DEP will do just that. However, we believe IRRC can send a powerful, independent message to the General Assembly and our constituents that if, in fact, DEP intends to move forward, it will do so without IRRC's blessing, just as it proposes to do without the blessing of the General Assembly.

Regards,



Jim Struzzi, Representative
62nd Legislative District



Pam Snyder, Representative
50th Legislative District



Bryan Cutler, Representative
100th Legislative District



Donna Oberlander, Representative
63rd Legislative District



George Dunbar, Representative
56th Legislative District



Stan Saylor, Representative
94th Legislative District



Kurt Masser, Representative
107th Legislative District



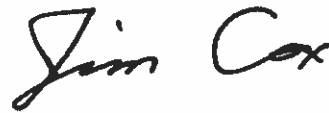
Martin Causer, Representative
67th Legislative District



Mike Armanini, Representative
75th Legislative District



Frank Burns, Representative
72nd Legislative District



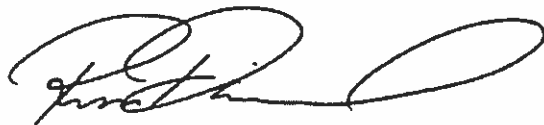
Jim Cox, Representative
129th Legislative District



Linda Schlegel Culver, Representative
108th Legislative District




Sheryl DeLozier, Representative
88th Legislative District



Russ Diamond, Representative
102nd Legislative District



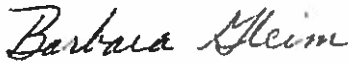
Torren Ecker, Representative
193rd Legislative District



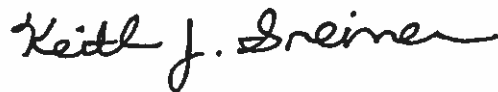
Ann Flood, Representative
138th Legislative District



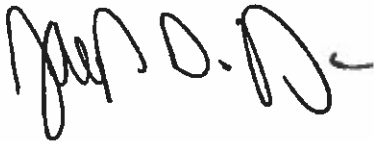
Jonathan Fritz, Representative
111th Legislative District



Barbara Gleim, Representative
199th Legislative District



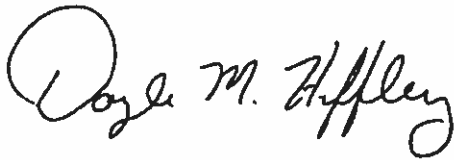
Keith Greiner, Representative
43rd Legislative District



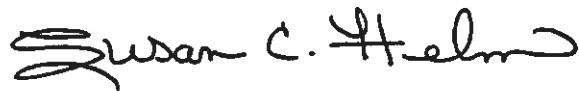
Joseph Hamm, Representative
84th Legislative District



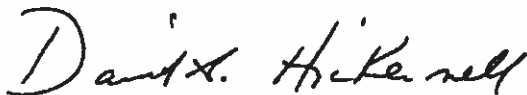
Patrick Harkins, Representative
1st Legislative District



Doyle Heffley, Representative
122nd Legislative District



Susan Helm, Representative
104th Legislative District



David Hickernell, Representative
98th Legislative District



Rich Irvin, Representative
81st Legislative District




R. Lee James, Representative
64th Legislative District



Mike Jones, Representative
93rd Legislative District



Barry Jozwiak, Representative
5th Legislative District



Joshua Kail, Representative
15th Legislative District



Joe Kerwin, Representative
125th Legislative District



Kate Klunk, Representative
169th Legislative District



Carrie Lewis DelRosso, Representative
33rd Legislative District



Milou Mackenzie, Representative
131st Legislative District



Ryan Mackenzie, Representative
134th Legislative District



Abby Major, Representative
60th Legislative District



Jim Marshall, Representative
14th Legislative District



Robert Mercuri, Representative
28th Legislative District



Carl Metzgar, Representative
69th Legislative District



Natalie Mihalek, Representative
40th Legislative District



Brett Miller, Representative
41st Legislative District



Dan Moul, Representative
91st Legislative District



Marci Mustello, Representative
11th Legislative District



Eric Nelson, Representative
57th Legislative District



Clinton Owlett, Representative
68th Legislative District



Tracy Pennycuick, Representative
147th Legislative District



Tina Pickett, Representative
110th Legislative District



Jack Rader, Representative
176th Legislative District



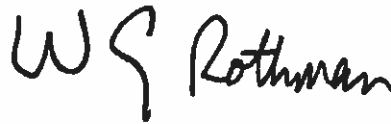
Kathy Rapp, Representative
65th Legislative District



Jim Rigby, Representative
71st Legislative District



Brad Roae, Representative
6th Legislative District



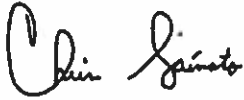
Greg Rothman, Representative
87th Legislative District



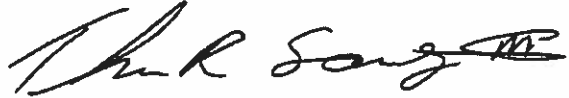
David Rowe, Representative
85th Legislative District



Francis Ryan, Representative
101st Legislative District



Chris Sainato, Representative
9th Legislative District



Tommy Sankey
73rd Legislative District



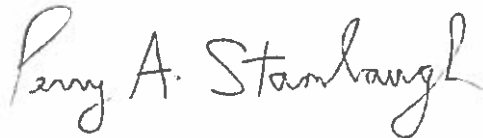
Louis Schmitt, Representative
79th Legislative District



Brian Smith, Representative
66th Legislative District



Curtis Sonney, Representative
4th Legislative District



Perry Stambaugh, Representative
86th Legislative District



Ryan Warner, Representative
52nd Legislative District



Parke Wentling, Representative
17th Legislative District



Dave Zimmerman, Representative
99th Legislative District