

**Alaska Wilderness League * Center for Biological Diversity
Central California Asthma Collaborative * Central Colorado Wilderness Coalition
Clean Air Task Force * Coalition to Protect America's National Parks
Conservatives for Responsible Stewardship * Earthjustice
Environmental Defense Fund * Grand Canyon Trust * Great Old Broads for Wilderness
HEAL Utah * Medical Advocates for Healthy Air
Montana Environmental Information Center
National Parks Conservation Association * Natural Resources Defense Council
Physicians for Social Responsibility
Physicians for Social Responsibility - Arizona Chapter
Powder River Basin Resource Council * Rachel Carson Council * Rocky Mountain Wild
San Luis Valley Ecosystem Council * Sierra Club * Southern Utah Wilderness Alliance
The Wilderness Society * Utah Physicians for a Healthy Environment
Utah State University Student Organization for Society and Natural Resources
Western Resource Advocates * Western Spirit Cycling * Wilderness Workshop**

March 24, 2017

Dear Senator:

On behalf of the undersigned organizations and our millions of members and supporters nationwide, we urge you to oppose the Congressional Review Act resolutions, S.J. Res. 38 and H.J. Res. 87, that would repeal the Utah Regional Haze Rule aimed at cleaning up national park air for some of our nation's most iconic parks. The Congressional Review Act (CRA) is a blunt instrument that seeks to undermine the federal rulemaking process. It allows Congress to overturn a recently finalized rule—major or otherwise—through an expedited process that would only allow an up-or-down vote on the rule in its entirety, and prevent the relevant agency from ever issuing a rule that is “substantially the same” in the future without new authorizing legislation from Congress.

These resolutions, S.J. Res. 38 and H.J. Res. 87, are the latest attempt by the Utah delegation to take aim at public lands—this time to eliminate clean, clear air for parks. The UT Haze Rule requires 10,000 tons of nitrogen oxides to be reduced annually, reflecting a 76 percent reduction from PacifiCorp's Hunter and Huntington coal-fired power plants in Utah. These plants are the state's oldest and dirtiest sources of pollution that harm the air quality at eight Southwestern national parks including Zion, Bryce Canyon, Capitol Reef, Arches and Canyonlands in Utah, Grand Canyon in Arizona and Mesa Verde and Black Canyon of the Gunnison in Colorado. Pollution controls required under this rule are time-tested and cost-effective and already installed or have planned installation at over 327 coal units across the country.

The Utah Regional Haze Rule was finalized in June 2016 after nine years of planning and stakeholder input. The rule was promulgated by the Environmental Protection Agency (EPA) only after six failed attempts by the state of Utah to comply with the Clean Air Act provision requiring the oldest and dirtiest park polluting sources to limit their harm to national parks (42 USC 7491 (b)(2)(A)). With each proposal put forward by Utah, EPA gave the state another opportunity to amend its shortcomings; time and time again the state chose to repackage its plan without making any substantive improvements. In the end, the EPA put forward two proposals for public comment—the plan that cut 10,000 tons of nitrogen oxide pollution and the state's plan that required no new pollution reductions.

The final Utah Regional Haze Rule was the product of robust interagency consultation (including the National Park Service), transparent and vigorous public involvement and significant technical and legal analysis with reasoned decision making by EPA. This rule was anything but rushed, provided ample opportunity for state engagement and compliance, and is a reflection of public input, agency

expertise, and compliance with the law—all in order to ensure clear air for our nation’s most iconic national parks. In addition to promoting bad policy, S.J. Res. 38/H.J. Res. 87 propose a potentially unlawful use of the CRA. Because the Utah Regional Haze Rule applies to only two power plants, it is a “rule of particular applicability” that is not subject to the CRA. In fact in the Federal Implementation Plan it specifically stated, “This action is not subject to the CRA because this is a rule of particular applicability.” 81 Fed. Reg. 43,894 43,922 (July 5, 2016).

Undermining clean air through S.J. Res. 38/H.J. Res. 87 for our national parks is simply unacceptable. Our national parks, which saw record-breaking numbers at over 330 million visitors in 2016, define who we are as a nation and reflect a longstanding bipartisan ethic of conservation. In Utah, Colorado, and Arizona alone, visitors generate approximately \$35.8 billion each year in consumer spending for the outdoor recreation industry. These visitors deserve clean air and clear scenic views as they support our communities and economy, and celebrate our national treasures.

We urge you to oppose resolutions to repeal the Utah Regional Haze Rule (S.J. Res. 38/H.J. Res. 87). Thank you for your consideration. If you have questions about the resolutions, please reach out to Ani Kame’enui at National Parks Conservation Association (akameenui@npca.org).

Sincerely,

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