November 2, 2026

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

VIA ELECTRONIC SUBMISSION

Subject: Proposed Rule, "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants and Repeal of Regulations for Power Plant Greenhouse Gas Emissions Under Clean Air Act Section 111"

Docket No.: EPA-HQ-OAR-2025-0124; FRL-12674.1-01-OAR

To Whom It May Concern:

Climate Mayors, National League of Cities, United States Conference of Mayors, and the Sabin Center for Climate Change Law at Columbia Law School (Sabin Center) respectfully submit the following comments on the U.S. Environmental Protection Agency's (EPA) proposed "Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants and Repeal of Regulations for Power Plant Greenhouse Gas Emissions Under Clean Air Act Section 111."[1] We write to apprise EPA of the significant consequences that this proposed action will have on cities, towns, villages, and other local governments.

Climate Mayors is a bipartisan network of nearly 350 mayors who demonstrate climate leadership through meaningful actions in their communities. Representing 47 states and nearly 70 million Americans, Climate Mayors reflects U.S. cities' commitment to climate progress.

The National League of Cities (NLC), founded in 1924, is the oldest and largest organization representing U.S. municipal governments. Its mission is to relentlessly advocate for, and protect the interests of cities, towns and villages by influencing federal policy, strengthening local leadership and driving innovative solutions. In partnership with 49 state municipal leagues, NLC advocates for over 19,000 cities, towns and villages, where more than 218 million Americans live.

The United States Conference of Mayors, founded in 1932, is the official nonpartisan organization of more than 1,400 U.S. cities with populations of 30,000 people or more. The

[1] Rescission of the Greenhouse Gas Findings for Fossil Fuel-Fired Power Plants and Repeal of Regulations for Power Plant Greenhouse Gas Emissions Under Clean Air Act Section 111, 91 Fed. Reg. 59002 (proposed Sep. 17, 2026) [hereinafter Proposed Rule].

Conference of Mayors established its Climate Protection Center and its Alliance for a Sustainable Future to assist local governments with implementation of both the 2005 Mayors Climate Protection Agreement and the goal of establishing comprehensive decarbonization efforts to keep the global rise in temperature to the 1.5-degree Celsius level.

The Sabin Center develops legal techniques to combat the climate crisis and advance climate justice and trains the next generation of leaders in the field. The Sabin Center's Cities Climate Law Initiative works with city legal departments and sustainability offices, and the networks that link them together, to provide key resources to efficiently and effectively address legal questions confronting the urban climate transition.

With respect to EPA's supplemental proposal regarding its authority to promulgate power plant greenhouse gas (GHG) emissions regulations, we write to make the following comments:

- Adopting EPA's proposed conclusion that Clean Air Act section 111 does not authorize the agency to regulate GHG emissions from power plants will compound substantial and detrimental fiscal and public health impacts on local governments across the United States.
- Local governments rely on EPA regulation of power plant GHG emissions to help protect against the impacts of climate change, and were EPA to proceed with this proposed rule, municipalities across the United States would lose critical legal scaffolding for mitigating and adapting to the climate crisis.
- EPA's conclusion that regulating GHG emissions from power plants would be futile in the global context ignores the proven importance of aggregated and cross-sectoral action and overlooks the increased threats air pollution imposes in a climate-altered environment.

Cities, towns and villages across the United States rely on EPA's well-established role in regulating power plant GHG emissions. Those regulations stand to protect local governments from increasingly costly and detrimental impacts to public health, infrastructure and economic systems and bolster their ability to mitigate and adapt to climate change. EPA's assertion that the Clean Air Act does not grant the agency the authority to regulate power plants in response to global climate change is unsubstantiated, short-sighted and dangerous for local governments.[2] We urge EPA not to adopt its proposed conclusion that Clean Air Act section 111 does not authorize the agency to regulate power plant GHG emissions.

I. Rescinding the GHG Findings for Fossil Fuel-Fired Power Plants and Repealing Their Associated Regulations Threatens the Fiscal and Public Health of Cities Across the United States

EPA recently rolled back its power plant GHG emissions regulations.[3] In this supplemental notice, the agency seeks comment on its proposed interpretation that it lacks regulatory authority over these emissions altogether. EPA's further retreat from regulating power

[2] Proposed Rule, *supra* note 1, at 59004.
[3] *See* Partial Repeal of the Carbon Pollution Standards for Fossil Fuel-Fired Electric Generating Units, 91 Fed. Reg. 58954 (Sep. 17, 2026).

plant GHG emissions would exacerbate the climate challenges that cities face. The Intergovernmental Panel on Climate Change has found, with "high confidence," that "[e]vidence from urban and rural settlements is unequivocal; climate impacts are felt disproportionately in urban communities, with the most economically and socially marginalized being most affected."[4] Cities of all sizes throughout the United States already experience extreme adverse impacts of climate change, including the financial burdens associated with disaster preparation, response and recovery. Power plant GHG emissions are a well-established cause of climate change and its harmful impacts on cities, and the 80 percent of the United States population living in cities depends on EPA exercising its statutory authority to protect public health and welfare from the adverse impacts of climate change.[5]

Since cities have limited legal tools to regulate GHG emissions and protect their residents, visitors, infrastructure and economic resources, EPA's proposal leaves them even more vulnerable to the worst effects of climate change, to which the United States power sector is a known and substantial contributor.

A. Sea Level Rise, Storms, and Flooding

With almost 40 percent of the country's population living along the coast and 20 percent of the United States population living in coastal cities, sea level rise, storms and flooding hit municipalities hard.[6] The unique and extreme threats from these climate impacts are dangerous, expensive, and avoidable.

Sea level rise is one of the most prevalent and costly impacts of climate change.[7] Scientists predict that the United States coastline will see 10 to 12 inches of sea level rise by 2050.[8] Without meaningful GHG emissions reductions, especially from the world's biggest polluters—including the United States power sector—sea level rise is estimated to cost billions of dollars in damage in the United States.[9] Those costs will largely fall on coastal cities.

Nuisance flooding, otherwise known as high tide flooding, sunny-day flooding, or king tide flooding, is a consequence of sea level rise that compounds the challenges facing coastal and

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[4] INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, CLIMATE CHANGE 2022: IMPACTS, ADAPTATION AND VULNERABILITY 909 (2022) [hereinafter IPCC REPORT], https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_FullReport.pdf.

[5] Press Release, U.S. Census Bureau, Nation's Urban and Rural Populations Shift Following 2020 Census (Dec. 29, 2022), https://www.census.gov/newsroom/press-releases/2022/urban-rural-populations.html.

[6] *Economics and Demographics*, NOAA OFF. FOR COASTAL MGMT., https://coast.noaa.gov/states/fast-facts/economics-and-demographics.html (last updated Oct. 28, 2026); Lauren Linsmayer et al., *By the Numbers: Definition, Demographics, and Climate Risks of U.S. Coastal Cities*, URB. OCEAN LAB (Sep. 2022), https://oursharedseas.com/wp-content/uploads/2022/10/UOLCoastalCities.pdf.

[7] *See* WILLIAM V. SWEET ET AL., GLOBAL AND REGIONAL SEA LEVEL RISE SCENARIOS FOR THE UNITED STATES (2022), https://earth.gov/sealevel/us/internal_resources/756/noaa-nos-techrpt01-global-regional-SLR-scenarios-US.pdf.

[8] *Id.* at 13.

[9] *See* CONG. BUDGET OFF., THE RISKS OF CLIMATE CHANGE TO THE UNITED STATES IN THE 21ST CENTURY (2024), https://www.cbo.gov/publication/61146; CTR. FOR CLIMATE INTEGRITY, HIGH TIDE TAX: THE PRICE TO PROTECT COASTAL COMMUNITIES FROM RISING SEAS (2019), https://climatecosts2040.org/files/ClimateCosts2040_Report.pdf.

tidal riverine cities.[10] Nuisance flooding in the United States as a whole has more than doubled since 2000 and is expected to increase exponentially through 2030.[11] Some susceptible areas experience this form of flooding up to 85 days annually.[12] Nuisance flooding degrades coastal infrastructure and roads, which in many cases will need to be maintained, upgraded, or replaced by coastal cities at significant cost.[13]

Hurricanes and other intense storms are another extremely dangerous and expensive set of climate-driven impacts that coastal cities—and even cities located away from the coast—are forced to address with increasing frequency. Not only are storms becoming more frequent and intense, sea level rise is also expanding the storms' reach and thus impacts on infrastructure and communities. Between 1980 and 2025, hurricanes cost the United States almost $3 trillion in damages.[14] Hurricane Milton alone inflicted more than $34 billion in damages on the Gulf coast in 2024.[15] The significant portion of the United States population that resides in urban communities, especially the ones closest to the coast, are facing the worst effects of climate-induced storms.

Storm-related flooding is another devastating symptom of climate change. The United States Congress Joint Economic Committee estimates that flooding costs the United States $179.8 to $496.0 billion every year.[16] Increased flooding from intensifying weather events and changes in weather patterns means increased surface runoff that degrades infrastructure and carries debris and harmful bacteria.[17] This is particularly problematic in cities, as their highly impervious surfaces, such as buildings and paved streets, prevent them from reducing and managing runoff as effectively as areas with more grass and vegetation.[18] Flooding presents dangerous public health implications as it spreads illnesses, and buildings that suffer flooding can develop dangerous levels of mold.[19] Flooding can also overwhelm and degrade stormwater infrastructure and water quality,[20] leaving cities with the financial and resource burden of restoring and protecting systems and infrastructure. For example, Detroit, Michigan, has invested hundreds of millions of dollars to enhance its stormwater systems to manage intensifying climate-related flooding.[21] Additionally, Tampa, Florida, is currently in the construction phase of

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[10] *See High Tide Flooding*, NOAA OFF. FOR COASTAL MGMT., https://coast.noaa.gov/states/fast-facts/recurrent-tidal-flooding.html (last updated Oct. 28, 2026).
[11] *Id.*
[12] *Id.*
[13] *See* Charles Fant et al., *Mere Nuisance or Growing Threat? The Physical and Economic Impact of High Tide Flooding on US Road Networks*, 27 J. INFRASTRUCTURE SYS. 1 (2021).
[14] *Hurricane Costs*, NOAA OFF. FOR COASTAL MGMT., https://coast.noaa.gov/states/fast-facts/hurricane-costs.html (last updated Oct. 28, 2026).
[15] *Id.*
[16] *Flooding Costs the U.S. Between $179.8 and $496.0 Billion Each Year*, JOINT ECON. COMM. (June 10, 2024), https://www.jec.senate.gov/public/index.cfm/democrats/2024/6/flooding-costs-the-u-s-between-179-8-and-496-0-billion-each-year.
[17] *Extreme Precipitation*, ENV'T PROT. AGENCY, https://www.epa.gov/climatechange-science/extreme-precipitation (last updated Aug. 18, 2026).
[18] *Id.*
[19] *Id.*
[20] *Id.*
[21] Casey Crownhart, *Cities are Scrambling to Prevent Flooding*, MIT TECH. REV. (July 20, 2021), https://www.technologyreview.com/2021/07/20/1029748/cities-infrastructure-prevent-flooding/; *see, e.g.*, *How a*

its South Howard Flood Relief Project that has an estimated cost of $100,400,000.[22] EPA's proposal that it lacks the authority to regulate power plant GHG emissions ignores these massive economic, safety, and welfare impacts on for communities across the country.

B. Heat-Related Effects

Cities across the United States are also experiencing severe climate-related heat waves that have urgent economic, public health, and welfare consequences. Extreme heat causes a plethora of health issues, including dangerously high body temperatures, exacerbated pre-existing health conditions, adverse mental health effects, heat exhaustion, heat stroke, and death.[23] Heat is already the foremost weather-related cause of death in the United States,[24] and, as temperatures continue to rise and cause more frequent days of extreme heat, threats of heat-related illness and death intensify.[25] Importantly, because of the "urban heat island effect," temperatures in cities are higher than surrounding areas and thus city residents are at greater risk from extreme heat. New York City, for example, experiences approximately 500 heat-related deaths annually and expects more frequent and intense heat waves, which has negative implications for risk of heat-related death.[26] In 2026, the City allocated more than $2 billion to address the impacts of extreme heat.[27]

Wildfires are another consequence of climate-related extreme heat and drought conditions. Across the entire country, wildfires are taking lives and destroying property. According to the United States Congress Joint Economic Committee, wildfires cause between $394 and $893 billion annually in damages nationwide.[28] NASA data show not only that warming temperatures exacerbate both the scale and frequency of wildfires, but also that "human-caused climate change has been found to be the main cause for increasing fire weather in the American West."[29] In 2020, a record-setting year, wildfires consumed more than 10

New $40M Stormwater System Will Protect 1,200 Detroit Homes, CITY OF DETROIT (July 31, 2026), https://detroitmi.gov/news/how-new-40m-stormwater-system-will-protect-1200-detroit-homes.

[22] *South Howard Flood Relief Project*, TAMPA.GOV, https://www.tampa.gov/project/sw40007 (last visited Oct. 30, 2026).

[23] U.S. GLOB. CHANGE RSCH. PROGRAM, THE IMPACTS OF CLIMATE CHANGE ON HUMAN HEALTH IN THE UNITED STATES: A SCIENTIFIC ASSESSMENT 43-69 (2016), https://www.healthandenvironment.org/docs/ImpactsClimageChangeHumanHealthUSGlobalChangeResearchProgramSmall2016.pdf.

[24] *Weather Related Fatality and Injury Statistics*, NAT'L WEATHER SERV., https://www.weather.gov/hazstat (last visited Oct. 28, 2026).

[25] *See* Kate Marvel et al., *Chapter 2. Climate Trends*, *in* FIFTH NATIONAL CLIMATE ASSESSMENT 2-24 (2023).

[26] *Extreme Heat*, NYC MAYOR'S OFF. OF CLIMATE & ENV'T JUST., https://www.nyc.gov/content/climate/pages/extreme-heat (last visited Oct. 30, 2026); *2026 NYC Heat-Related Mortality Report*, ENV'T & HEALTH PORTAL, https://a816-dohbesp.nyc.gov/IndicatorPublic/data-features/heat-report/ (last visited Oct. 28, 2026).

[27] *New York City Climate Budgeting*, NYC MAYOR'S OFF. OF MGMT. AND BUDGET iii (2025), https://www.nyc.gov/assets/omb/downloads/pdf/exec25/exec25-nyccb.pdf.

[28] *Climate-Exacerbated Wildfires Cost the U.S. Between $394 to $893 Billion Each Year in Economic Costs and Damages*, JOINT ECON. COMM. (Oct. 16, 2023), https://www.jec.senate.gov/public/index.cfm/democrats/2023/10/climate-exacerbated-wildfires-cost-the-u-s-between-394-to-893-billion-each-year-in-economic-costs-and-damages.

[29] *Wildfires and Climate Change*, NASA, https://science.nasa.gov/earth/explore/wildfires-and-climate-change/ (last updated May 14, 2026).

million acres in the western United States, leading to many human deaths along the way.[30] There have already been more than 67,000 wildfires reported in the United States to date in 2026.[31]

Cities, towns, and villages, particularly in the western United States, are hit hardest by wildfire impacts, given their dense populations and number of structures.[32] For example, in January 2025, Los Angeles and its surrounding areas experienced extreme wildfires that burned almost 40,000 acres and forced more than 200,000 people to evacuate their homes.[33] The city and county have spent millions on disaster recovery efforts, which remain ongoing.[34] The Federal Emergency Management Agency recently provided the city with an additional $3.3 million to support Disaster Case Management services for several thousand January 2025 wildfire survivors.[35] The resulting economic losses from the January 2025 wildfires in Los Angeles County alone have exceeded $250 billion.[36]

Wildfires are also extremely costly to cities in terms of public health and welfare. While most of the recent wildfires are concentrated in the western region of the United States, cities across the country are affected by wildfire smoke.[37] Wildfire smoke increases the presence of particulate matter,[38] which has the ability to penetrate the lungs and bloodstream, affecting cardiovascular and nervous systems.[39] As a result, particulate matter pollution triggers asthma, heart attacks, strokes, and other life-threatening illnesses.[40]

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[30] Manas Sharma et al., *The Age of the "Megafire"*, REUTERS GRAPHICS (Feb. 1, 2021), https://www.reuters.com/graphics/USA-WILDFIRES/EXTREMES/qzjvqmmravx/; *2020 Western United States Wildfires*, CTR. FOR HOMELAND DEF. AND SEC., https://www.chds.us/c/timeline/2020-wildfires/ (last visited Oct. 30, 2026).

[31] NAT'L INTERAGENCY COORDINATION CTR., https://www.nifc.gov/nicc (last updated Oct. 28, 2026).

[32] *See* Kathryn McConnell et al., *Urban Areas in the United States Experience Substantial Wildfire Impacts*, 7 COMMC'NS EARTH & ENV'T 1 (2026).

[33] *New Dashboard: Understanding the Impact of the January 2025 Wildfires*, L.A. COUNTY CHIEF EXEC. OFF. (May 7, 2026), https://ceo.lacounty.gov/2026/05/07/ardi-latest-news/new-dashboard-understanding-the-impact-of-the-january-2025-wildfires/.

[34] *Id.*

[35] Press Release, FEMA, FEMA Provides Additional $3.3 Million for Disaster Case Management Services for Los Angeles Wildfires Survivors (Oct. 7, 2026), https://www.fema.gov/press-release/20261007/fema-provides-additional-33-million-disaster-case-management-services-los.

[36] Roger Vincent, *Estimated Cost of Fire Damage Balloons to More than $250 Billion*, L.A. TIMES (Jan. 24, 2025), https://www.latimes.com/business/story/2025-01-24/estimated-cost-of-fire-damage-balloons-to-more-than-250-billion.

[37] AM. LUNG ASS'N, STATE OF THE AIR 2025 REPORT 14, 19 (2025), https://www.lung.org/getmedia/5d8035e5-4e86-4205-b408-865550860783/State-of-the-Air-2025.pdf.

[38] Daniel J. Jacob et al., *Effect of Climate Change on Air Quality*, 43 ATMOSPHERIC ENV'T 51 (2009); *Climate Change Decreases the Quality of the Air We Breathe*, AM. PUB. HEALTH ASS'N & CTR. FOR DISEASE CONTROL, https://www.cdc.gov/climate-health/media/pdfs/AIR-QUALITY-Final_508_1.pdf (last visited Oct. 28, 2026); *What We Know About the Health Effects of Wildfire*, STAN. REP. (Jan. 10, 2025), https://news.stanford.edu/stories/2025/01/assessing-wildfire-health-risks [hereinafter STANFORD REPORT].

[39] *Understanding the Complex Health Risks of Wildfire Smoke*, MAYO CLINIC HEALTH SYS. (Oct. 7, 2025), https://www.mayoclinichealthsystem.org/hometown-health/speaking-of-health/wildfire-smoke-complex-health-risks.

[40] *How Wildfires Affect Our Health*, AM. LUNG ASS'N (Jan. 1, 2016), https://www.lung.org/blog/how-wildfires-affect-health; Min Zhang et al., *Wildfire Smoke $PM_{2.5}$ and Mortality Rate in the Contiguous United States: A Causal Modeling Study*, 12 SCIENCE ADVANCES 1 (2026).

C. Air Quality Impacts of Climate Change

On top of the effects of climate-driven disasters like sea-level rise, flooding, wildfires, and extreme heat, cities are on the front lines of responding to worsened air pollution driven by climate change. Rising air temperatures increase ground-level ozone, which, when inhaled, can have extreme adverse health consequences, including leading to asthma attacks, respiratory infections, and increased vulnerability to pulmonary inflammation.[41] According to the American Lung Association, 152 million people in the United States live in areas with dangerous levels of ozone or particulate pollution.[42] Continued GHG emissions from power plants will only worsen local and regional air quality.

These examples highlight the impact that cities bear from climate change, and that cities are also investing billions in adaptation, resilience, and disaster management efforts. These climate-driven pressures—among the many others not addressed here, such as wildlife and ecosystem impacts, economic changes, food production obstructions and changes in infectious disease prevalence—will only continue to worsen, especially with watered-down federal regulation.

II. EPA Regulation of Power Plant GHG Emissions Under the Clean Air Act Supports Cities' Own Work to Mitigate and Adapt to Climate Change

Federal regulation is essential to control the GHG emissions that adversely impact local governments, as addressed in Part I of this comment letter. Consequently, cities have long relied on EPA adopting stringent, ambitious steps to reduce GHG emissions. Adopting EPA's proposed interpretation that it lacks regulatory authority over power plant GHG emissions would further undercut cities' reliance on the agency. In addition, abdicating that responsibility both puts the agency at odds with and undermines the many climate change adaptation and mitigation efforts already underway in those cities.

Cities, towns, and villages throughout the United States have largely supported strong EPA emissions regulations for . The following are several examples of local governments' recent comment letters and amicus briefs on these issues, though their advocacy efforts have expanded over many prior years. In September 2025, the National League of Cities, U.S. Conference of Mayors, Climate Mayors, C40, and the Sabin Center jointly submitted a comment letter to EPA urging the agency not to repeal the Endangerment Finding or its motor vehicle greenhouse gas standards to protect residents from climate harms.[43] A few months prior, the National League of Cities and the U.S. Conference of Mayors, with the Sabin Center, submitted an amicus brief for

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[41] Jacob et al., *supra* note 38; AM. PUB. HEALTH ASS'N & CTR. FOR DISEASE CONTROL, *supra* note 38; Barrak Alahmad et al., *Connections Between Air Pollution, Climate Change, and Cardiovascular Health*, 39 CAN. J. CARDIOLOGY 1182 (2023); James D. East et al., *Projecting Changes in the Frequency and Magnitude of Ozone Pollution Events Under Uncertain Climate Sensitivity*, 12 EARTH'S FUTURE 1 (2024); *Ozone*, AM. LUNG ASS'N, https://www.lung.org/clean-air/outdoors/what-makes-air-unhealthy/ozone (last updated June 9, 2025).

[42] *New Report: Half of U.S. Kids Are Breathing Dangerous Air Pollution*, AM. LUNG ASS'N (Apr. 21, 2026), https://www.lung.org/media/press-releases/fy26-sota-national-release.

[43] U.S. Conf. of Mayors et al., Comment Letter on Proposed Rule to Reconsider 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards (Sep. 22, 2025), https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0194-1475.

Nebraska v. EPA to advocate for strong EPA regulations over heavy-duty vehicle pollution.[44] In 2023, Climate Mayors and C40 urged EPA in a comment letter to adopt ambitious standards to drastically reduce GHG emissions from the power sector.[45] In 2022, the National League of Cities and the United States Conference of Mayors filed an amicus brief expressing strong support for the Clean Power Plan.[46] In these comment letters and briefs, local governments have emphasized the extreme consequences EPA's retreat from GHG emissions regulation will have on their public health and welfare, and they continue to urge EPA to maintain strong regulations to protect their residents.

Further, local governments have relied on EPA as a regulatory partner through collaborative programs that bolster their capacity to address the significant threats and harms from GHGs and climate change generally. EPA has worked with local governments and other stakeholders for more than 30 years to drive investments in and disseminate resources to support climate action for the environment and the economy, highlighting the critical importance of partnership programs.[47] For example, EPA's Green Power Partnership has, since 2001, provided important resources and information for many entities, including local governments, to expand their green power capacity to help battle the climate crisis.[48] More than 130 local governments participate in this program to utilize EPA's resources and commitments to deploying cleaner energy.[49] Additionally, EPA's Local Climate and Energy Program, which originated in the early 1990s,[50] offers important training opportunities, tools, and information to help local governments reduce their greenhouse gas emissions and air pollutants, enhance public health, and support their economic development.[51] These programs, among others the EPA administers, help facilitate the federal-local cooperation necessary to protect public health and welfare in the climate change context. EPA's proposed abandonment of its authority to regulate power plant

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[44] Brief of *Amici Curiae* the National League of Cities and the U.S. Conference of Mayors in Support of Respondents, Nebraska v. EPA, D.C. Cir. (2025) (No. 24-1129).

[45] C40 Cities & Climate Mayors, Comment Letter on Proposed Rule on New Source Performance Standards (Aug. 7, 2023), https://www.regulations.gov/comment/EPA-HQ-OAR-2023-0072-0530.

[46] Press Release, Nat'l League of Cities, National League of Cities and U.S. Conference of Mayors Statement on SCOTUS Decision in West Virginia v. EPA (June 30, 2022), https://www.nlc.org/post/2022/06/30/national-league-of-cities-and-u-s-conference-of-mayors-statement-on-scotus-decision-in-west-virginia-v-epa/ ("'Local leaders are on the front lines of battling the climate crisis – but we can't do it alone. Today's announcement represents a major step back in our fight to keep our communities safe from the devastating effects of the climate crisis, including stronger and more frequent natural disasters, extreme temperatures, negative public health effects, and more. Many cities, towns and villages will continue to work to reduce greenhouse gas emissions, but today's decision leaves us working uphill against this threat.'"); *see* Brief of *Amici Curiae* the National League of Cities and the U.S. Conference of Mayors in Support of Respondents, West Virginia v. EPA, 597 U.S. 697 (2022) (Nos. 20-1530, 20-1531, 20-1780).

[47] *See Energy Resources for State, Local, and Tribal Governments*, Env't Prot. Agency, https://www.epa.gov/statelocalenergy (last updated Sep. 29, 2026); Press Release, Env't Prot. Agency, EPA Celebrates 30 Years of Climate Partnerships (July 31, 2023), https://www.epa.gov/newsreleases/epa-celebrates-30-years-climate-partnerships.

[48] *About the Green Power Partnership*, EPA https://www.epa.gov/greenpower/about-green-power-partnership (last updated Dec. 12, 2025).

[49] *Green Power Communities List*, EPA https://www.epa.gov/greenpower/green-power-communities-list (last updated October 7, 2026).

[50] *The Power of Partnership: Celebrating 30 Years of Climate Partnership Programs at EPA*, ENV'T PROT. AGENCY 9 (2021), https://www.epa.gov/system/files/documents/2021-08/30_years_report.pdf.

[51] *Local Climate and Energy Program*, EPA https://archive.epa.gov/epa/statelocalclimate/local-climate-and-energy-program.html.

GHG emissions under the Clean Air Act undermines and threatens the value of this collaborative regulatory and policy landscape.

Strong regulation of power plant GHG emissions is consistent with local government interests and with EPA's statutory mandate, and complements the substantial and important efforts that those cities, towns, and villages have already made to lead climate change adaptation and mitigation efforts.

III. Regulating GHG Emissions from Power Plants is Not Futile

EPA's assertion that it would be futile to maintain "power plant GHG standards in relation to the unique and global scale of the underlying problem" overlooks the fact that cities experience adverse effects of climate change, undermines individual actions across sectors and regions that do make meaningful progress towards addressing climate change, and artificially underestimates the impact that EPA regulation can have.

First, a comprehensive and growing body of research in attribution science demonstrates the various types of harm that are caused by power plant emissions at any level, and that GHG emissions rules help to mitigate.[52] Power plants within the United States are a significant contributor to global GHG emissions that drive climate change and have direct and devastating impacts on cities and their residents.[53] Federal regulations that limit GHG emissions reduce global climate change effects and, therefore, local and regional exposure to such effects, as addressed above. To further clarify this point, the Sabin Center is submitting another comment letter in addition to this one that discusses attribution science and its implications for EPA's regulatory authority in greater detail.

Second, EPA's assertion that regulation is futile because one form of regulation will not solve global climate change ignores the positive effect that many incremental efforts have in the aggregate.[54] Local governments have long recognized that individually small steps can have a meaningful impact and that their actions accumulate into a global response.[55] Across the United States, local governments have set ambitious and important goals to mitigate their own emissions and contributions to climate change—even though no individual city can solve the whole crisis alone.[56] Hundreds of local governments have implemented policies relating to vehicle and

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[52] INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, CLIMATE CHANGE 2023: SYNTHESIS REPORT 68, 82, 85 (2023), https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_LongerReport.pdf; Myles R. Allen et al., *Warming Caused by Cumulative Carbon Emissions Towards the Trillionth Tonne*, 458 NATURE 1163 (2009); Reto Knutti, *Relationship Between Global Emissions and Global Temperature Rise*, U.N. FRAMEWORK CONVENTION ON CLIMATE CHANGE (2013), https://unfccc.int/sites/default/files/7_knutti.reto.3sed2.pdf. *See generally* CLIMATE ATTRIBUTION DATABASE, https://climateattribution.org (last visited Oct. 30, 2026).

[53] *Emissions by Plant and by Region*, U.S. ENERGY INFO. ADMIN. (Nov. 12, 2025), https://www.eia.gov/electricity/data/emissions/; PETER R. HOWARD & JASON A. SCHWARTZ, THE SCALE OF SIGNIFICANCE: POWER PLANTS 3-4 (2025), https://policyintegrity.org/files/publications/Power_Sector_GHG_Contribution_Issue_Brief_vF.pdf.

[54] Proposed Rule *supra* note 1, at 59005.

[55] *See Local Government Climate and Energy Goals*, AM. COUNCIL FOR AN ENERGY-EFFICIENT ECON., https://database.aceee.org/city/local-government-energy-efficiency-goals (last visited Oct. 14, 2026).

[56] *See, e.g.*, *NYC Climate Dashboard*, N.Y.C. COMPTROLLER, https://comptroller.nyc.gov/services/for-the-public/nyc-climate-dashboard/overview/ (last visited Oct. 30, 2026); *Boston's Climate Action Plan*, CITY OF

electric grid decarbonization, energy efficiency programs, emissions reductions, and many other types of actions.[57] Experts have analyzed the cumulative impact of city-level commitments and found that these commitments can help substantially reduce national emissions while also supporting increased national and federal action.[58] The federal government is, obviously, in an even better position to make a meaningful difference in reducing emissions on a large scale through a collection of separate actions, including, most importantly, the regulation of GHG emissions from power plants.

Third, EPA's proposal that it would be futile to regulate power plant emissions because doing so will have a minimal impact on global GHG emissions ignores the cumulative effects of efforts across this administration to artificially define sectoral impacts in a narrow way. EPA has advanced a nearly identical argument to argue that motor vehicle emissions are, on their own, too small to be meaningful for regulation.[59] NHTSA likewise has argued fuel economy standards for light-duty vehicles are individually too small a step to be worth tackling as a contributor to climate change.[60] Each of these sectors is, in fact, a major source of global, regional, and local air pollution, and unnecessarily measuring each against the sum of all planetary emissions conceals the benefit that each of these actions, especially in the aggregate, would have in adapting to and mitigating climate change. The administration's repeated use of the futility argument to justify deregulating different sectors continuously weakens the Clean Air Act's effectiveness and perpetuates a self-fulfilling prophecy of futility at the expense of people and their public health and welfare. Additionally, weighing impacts in this way further undermines the significant and resource-intensive efforts that cities, towns, and villages are making to adapt to and mitigate the climate crisis.

BOSTON, MASS., https://www.boston.gov/departments/environment/boston-climate-action (last updated May 28, 2026); SF CLIMATE PLAN, https://www.sfclimateplan.org (last visited Oct. 30, 2026); *Austin Climate Action and Resilience*, CITY OF AUSTIN, TEX. https://www.austintexas.gov/climate/austin-climate-equity-plan (last visited Oct. 30, 2026).

[57] *See, e.g.*, *U.S. City Climate and Energy Policy Database*, UNIV. OF MD., https://cities.cgs.umd.edu/data-tools.html (last visited Oct. 30, 2026); *Climate Mayors Announces Major New Commitment from Nearly 350 Mayors to Accelerate US Electric Vehicle Transition*, CLIMATE MAYORS (Aug. 13, 2024), https://www.climatemayors.org/post/electrify50-ev-announcement; DENVER OFF. OF CLIMATE ACTION, SUSTAINABILITY AND RESILIENCY: CLIMATE PROTECTION FUND FIVE-YEAR PLAN, https://denvergov.org/files/assets/public/v/3/climate-action/documents/cpf/5-year-plan/cpf_fiveyearplan_final.pdf (last visited Oct. 30, 2026).

[58] *See* Nathan E. Hultman et al., *Fusing Subnational with National Climate Action is Central to Decarbonization: The Case of the United States*, 11 NATURE COMM'CNS 1, 8 (2020) ("[N]on-federal action in the U.S. has consistently served as a primary, and sometimes the sole driver of climate action."); Takeshi Kuramochi et al., *States, Cities and Businesses Leading the Way: A First Look at Decentralized Climate Commitments in the US*, NEW CLIMATE INST. & THE CLIMATE GROUP (Sep. 18, 2017), https://newclimate.org/sites/default/files/2017/09/states-cities-and-regions-leading-the-way.pdf ("States' and cities' targets fully implemented together lead to emissions around 240 Mt CO2e . . . .").

[59] Rescission of the Greenhouse Gas Endangerment Finding and Motor Vehicle Greenhouse Gas Emission Standards Under the Clean Air Act, 91 Fed. Reg. 7686 (Feb. 18, 2026).

[60] The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule III for Model Years 2022 to 2031 Passenger Cars and Light Trucks, 91 Fed. Reg. 61988 (Sep. 30, 2026).

CONCLUSION

For these reasons, we urge EPA not to adopt its proposed conclusion that Clean Air Act section 111 does not authorize the agency to regulate power plant GHG emissions. Cities, towns, and villages rely on EPA to fulfill its statutory obligations to protect public health and welfare from the dangers of air pollution from power plant GHG emissions. EPA continuing to lead on power plant emissions reductions, in contrast, would help protect cities across the United States from the extreme and often deadly impacts of climate change.

Sincerely,

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