

Don't Believe the Misinformation: Oppose H.R. 2218, the Coal Ash Deregulation Act

Dear Colleague:

Congressional offices are beginning to hear from electric utilities and others urging you to support H.R. 2218, the Coal Ash Deregulation Act. They argue with seeming conviction that H.R. 2218 is sound policy that will protect the environment. This is the same strategy that was used nearly two years ago. Unfortunately, the industry talking points are misleading and wrong.

After the House considered similar coal ash legislation in the 112th Congress, the Congressional Research Service (CRS) conducted an exhaustive, nonpartisan analysis of the bill. CRS subsequently released three reports explaining how the legislation would work. These reports revealed that multiple misrepresentations had been made about the effects of this legislation.

Proponents of H.R. 2218 claim that the bill establishes “minimum federal requirements.” However, CRS found that nothing in H.R. 2218 “requires agencies implementing the permit program ... to achieve a specific federal standard of protection.”¹

Proponents claim that the legislation “includes a key role for EPA to ensure state programs are properly developed.” But according to CRS, “EPA would appear to have no formal role in establishing criteria that states may adopt and apply to structures or in assisting states in their interpretation of program requirements.”²

Proponents of H.R. 2218 argue that the legislation would establish a “federal ‘backstop’ authority to enforce compliance standards.” CRS found the opposite, concluding “EPA would have no federal backstop authority to implement federal standards comparable to its authorities established under other environmental law.”³

¹ [Memorandum](#) to House Committee Energy and Commerce from Linda Luther, Congressional Research Service, Re: Committee Questions on Coal Ash Recycling and Oversight Act of 2013 (Jun. 4, 2013).

² *Id.*

³ Congressional Research Service, *H.R. 2273 and S. 3512: Analysis of Proposals to Create a Coal Combustion Residuals Permit Program Under RCRA* (Dec. 5, 2012) ([R42847](#)).

The Congressional Research Service is a terrific resource for objective, nonpartisan analysis. The three CRS analyses [are available here](#).

I hope you will consider the CRS analysis and join me in opposing H.R. 2218.

Sincerely,

HENRY A. WAXMAN
Ranking Member
Committee on Energy and Commerce