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## Summary of Key Provisions in H.R. 3409

### AN ASSAULT ON AMERICA'S CORNERSTONE ENVIRONMENTAL PROTECTIONS

Committee on Energy and Commerce, Democratic Staff

Since January 2011, the House of Representatives has amassed the most anti-environment record in the history of Congress. During this period, the House has voted over 300 times on the floor to block environmental regulations, weaken environmental laws, and stop environmental research. The single worst anti-environment bill to be considered in the House is H.R. 3409, which is misleadingly titled the "Stop the War on Coal Act." This bill is scheduled for a vote on the floor on Friday, September 21, 2012.

#### **H.R. 3409 Denies Climate Science and Eliminates EPA's Ability to Reduce Carbon Pollution.**

Title II of H.R. 3409 repeals EPA's scientific finding that greenhouse gasses endanger public health and the environment, thereby codifying the House's denial of climate science. Other provisions in title II nullify the broadly supported tailpipe standards to reduce carbon pollution from model year 2017-2025 vehicles; bar EPA from requiring large industrial sources, such as power plants and refineries, to reduce carbon pollution; and eliminate existing requirements for large sources to disclose their carbon pollution.

#### **H.R. 3409 Undermines the Clean Air Act and Blocks Critical Air Quality Rules.**

Since 1970, the U.S. has had the goal that air should be safe enough to breathe. Title III of H.R. 3409 overturns this cornerstone of the Clean Air Act, instead requiring standards to be based on industry costs. This title also nullifies EPA's Mercury and Air Toxics Rule, ensuring that power plants will not have to reduce emissions of mercury and other toxic pollutants, and replaces EPA's successful process for setting toxic air pollution standards with an unproven method that is not scientifically or legally defensible.

#### **H.R. 3409 Blocks Efforts to Ensure Safe Disposal of Coal Ash.**

Title IV of H.R. 3409 eliminates EPA's authority under the Resource Conservation and Recovery Act to set minimum federal standards to ensure the safe disposal of coal ash. Instead, the bill allows states to establish their own programs without requiring them to meet any standard of protection for public health, public safety, or the environment.

#### **H.R. 3409 Weakens the Clean Water Act.**

Title V of H.R. 3409 eliminates EPA's authority to apply minimum federal water quality standards sufficient to protect human health and aquatic life, if weaker state standards are in place. It strips EPA's authority to object to state discharge permits that fail to meet Clean Water Act requirements. And it limits EPA's ability to protect waterways from harm from mountaintop removal coal mining, repealing EPA's authority to veto a "valley fill" permit based on environmental concerns and limiting the time environmental agencies have to comment to the Army Corps of Engineers on the environmental impacts of a proposed valley fill.

#### **H.R. 3409 Blocks Any New Standards for Surface Coal Mining.**

Title I of H.R. 3409 blocks the Interior Department from issuing any new standard for coal mining or mine reclamation until 2014. This could delay a number of important efforts to balance environmental protection with coal mining, including plans to issue new standards that better protect streams from surface mines.