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June 8, 2012

The Honorable John D. Rockefeller, IV
531 Hart Senate Office Building
Washington, DC 20510

The Honorable Joe Manchin, III
303 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Rockefeller and Senator Manchin:

When S.J. Res. 37, a resolution of disapproval of the Environmental Protection Agency's (EPA's) Mercury and Air Toxics Standards (MATS) rule is taken up by the Senate, we have the opportunity to direct the EPA to start over again in its effort to regulate mercury and hazardous air pollutant emissions from power plants. It is my belief that the MATS rule finalized by the EPA in December 2011 is fatally flawed and should not be permitted to be implemented in its current form.

According to the EPA's own analysis, the MATS rule is the most expensive rule that EPA has ever imposed on the electric industry. The MATS rule has the potential to cause thousands of job losses in West Virginia's utility and mining industries, increased utility prices, and a decrease in tax revenue and economic growth. Unfortunately, the EPA has largely ignored these costs and their impact on the people of West Virginia. The EPA has also grossly overstated the benefits of the rule by taking credit for reductions of particulate matter in the ambient air even though the public health standard for particulate matter have already been achieved across most of the nation. In addition, it is obvious that EPA failed to consider the true impact of the rule on the reliability of the power grid. Already, many electric companies have announced closures of generating capacity in amounts far exceeding the closures estimated by the EPA.

We are all in favor of protecting public health; however, the MATS rule is not the correct way to do so. The rule will do little to reduce mercury emissions and the burdens it will place on our economy will be enormous. Finally, and perhaps most importantly during these difficult economic times, it could cause many of our constituents to lose their jobs.

I strongly urge you to support S.J. Res. 37 when it comes before you for a vote.

Sincerely,

Shelley Moore Capito
Member of Congress