



**U.S. Environmental Protection Agency
Docket EPA-HQ-OAR-2025-0124**

**Public Hearing on 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, 91 Fed. Reg.
59002 (Sep. 17, 2026)**

October 1, 2026

**Testimony of Special Assistant Attorney General Amy Laura Cahn
Energy & Environment Bureau
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Written Testimony of
Massachusetts Special Assistant Attorney General Amy Laura Cahn on
EPA’s 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

I am Amy Laura Cahn, Special Assistant Attorney General at the Massachusetts Attorney General’s Office. The Commonwealth of Massachusetts strongly opposes EPA’s unlawful and reckless proposal to disclaim its authority to regulate greenhouse gas emissions from power plants.

Like last year’s vehicles endangerment rescission, this proposal is wrong on the law, wrong on the science, and wrongly ignores the harms it will cause—harms felt first and worst by our most marginalized communities.

If finalized, the Proposal would significantly increase harmful greenhouse gas emissions and abdicate the agency’s legal obligations under the Clean Air Act to protect us all from threats to public health and welfare playing out in real time.

First, the Proposal is wrong on the law.

Two decades ago, the Commonwealth secured the Supreme Court’s landmark decision in *Massachusetts v. EPA*,¹ which ordered EPA to regulate greenhouse gas emissions if the agency determined those emissions endanger public health and welfare.

EPA now proposes to disclaim authority to regulate the largest domestic stationary source of greenhouse gases by misreading the law and misapplying precedent. Following *Massachusetts v. EPA*, the Supreme Court held that section 111 of the Clean Air Act “speaks directly” to the regulation of greenhouse gas emissions from power plants. EPA cannot evade that holding.² Nor can the Trump Administration succeed in its ploy to prevent anyone else—including states—from addressing power plant emissions by claiming EPA has sole authority to regulate, while at the same time disavowing its own authority to do so.

¹ 549 U.S. 497 (2007).

² *Am. Elec. Power Co. v. Connecticut*, 564 U.S. 410, 424 (2011).

Second, EPA is wrong on the science.

EPA spent years evaluating the science and concluded what we all know well: carbon emissions contribute to climate change and endanger our health and our welfare.³ Earlier this year, EPA rescinded that endangerment finding, declaring that it lacks legal authority to regulate motor vehicle emissions.⁴ We sued.⁵

EPA's Supplemental Proposal doubles down on prior claims that the science is "uncertain"⁶ and that greenhouse gases "have no material impact" on climate change,⁷ this time relying on flawed modeling instead of the now-discredited Climate Working Group report used to support last year's endangerment proposal.

But power plants emit one fourth of the nation's carbon dioxide emissions.⁸ The Supplemental Proposal ignores decades of science undergirding the agency's original findings that these air pollutants.⁹

EPA's flawed and unsupported analysis cannot undo reality, long recognized by the agency, nor cast aside decades of peer-reviewed climate science.

Third, the Proposal unlawfully ignores the massive costs of climate change.

As a result of its flawed legal theories and specious analysis, EPA asserts it can no longer consider the harms of climate change. EPA has stopped even calculating the public health costs and benefits of its actions, completely ignoring the massive costs of climate change to everyday Americans.

EPA must consider these costs to fulfill its statutory duty to protect public health and welfare. And it must use rigorous, peer-reviewed accounting methods to look

³ INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE (IPCC), CLIMATE CHANGE 2023: SYNTHESIS REPORT 4–7 (2023), https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf.

⁴ 91 Fed. Reg. 7686 (Feb. 18, 2026).

⁵ Am. Pub. Health Ass'n v. EPA, No. 26-1037 (D.C. Cir. filed Feb. 18, 2026).

⁶ 91 Fed. Reg. 59,002, 59,036 (Sep. 19, 2026).

⁷ *Id.* at 59,040.

⁸ According to data from the International Energy Agency, total U.S. emissions for 2024 were 4.6 Gt. See Int'l Energy Agency, Global Energy Review: CO₂ Emissions (2025), <https://www.iea.org/reports/global-energy-review-2025/co2-emissions> Specifically, power plants in the U.S. emitted 1,471 million metric tons of CO₂ based on the Greenhouse Gas Reporting Program. See 2023 Greenhouse Gas Emissions from Large Facilities, EPA, <https://ghgdata.epa.gov/ghgp/main.do> (last visited Aug. 4, 2025).

⁹ 74 Fed. Reg. 66,496, 66,496–97, 66,524–25, 66,532–33 (Dec. 15, 2009) (2009 Endangerment Finding).

at the costs of deregulation to everyone, not just the benefits to industry's side of the ledger.

Climate change is here. It is harming families and communities across Massachusetts, this nation, and the globe.

NOAA and NASA have confirmed: this past August was the planet's hottest month since the start of modern record keeping.¹⁰ Massachusetts faces major threats from extreme heat,¹¹ droughts,¹² and wildfires.¹³

We're also threatened by extreme storms and sea-level rise. Last February's winter storm cost the region more than \$35 billion in total damage and economic loss and left nearly 300,000 households without power.¹⁴ Last week's Nor'easter left coastal communities reeling from record rain, winds, and coastal flooding.¹⁵ These so-called "once-in-a-generation" events only increase in frequency.

No region of the United States is immune, but climate harms are felt first and worst by our most vulnerable residents, including people with disabilities, children, and older adults.¹⁶ Climate impacts also hit rural and urban low-income communities

¹⁰ Jeff Masters & Bob Henson, *Earth Just Had its Hottest August on Record*, YALE CLIMATE CONNECTIONS (Sep. 10, 2026), <https://yaleclimateconnections.org/2026/09/earth-just-had-its-hottest-august-on-record/>.

¹¹ KATE MARVEL ET AL., U.S. GLOB. CHANGE RSCH. PROGRAM, FIFTH NATIONAL CLIMATE ASSESSMENT, CH. 2: CLIMATE TRENDS 2-22 (2023), <https://perma.cc/8MVR-GBWN>; MASS. EXEC. OFF. OF ENERGY & ENV'T AFFAIRS, 2022 MASSACHUSETTS CLIMATE CHANGE ASSESSMENT: VOLUME II – STATEWIDE REPORT 18–19, 32–41, 133 (Dec. 2022), <https://www.mass.gov/doc/2022-massachusetts-climate-change-assessment-december-2022-volume-ii-statewide-report/download>.

¹² L. RUBY LEUNG ET AL., U.S. GLOB. CHANGE RSCH. PROGRAM, FIFTH NATIONAL CLIMATE ASSESSMENT, CH. 3: EARTH SYSTEM PROCESSES 3-21–23 (2023), <https://perma.cc/9YHZ-4WP4>; MASS. EXEC. OFF. OF ENERGY & ENV'T AFFAIRS, 2022 MASSACHUSETTS CLIMATE CHANGE ASSESSMENT: VOLUME II – STATEWIDE REPORT at 20–23; Mass. Exec. Off. of Energy and Env't Affairs, *History of Drought Declarations in Massachusetts*, <https://www.mass.gov/info-details/history-of-drought-declarations-in-massachusetts> (last accessed Oct. 1, 2026).

¹³ MASS. EXEC. OFF. OF ENERGY & ENV'T AFFAIRS, 2022 MASSACHUSETTS CLIMATE CHANGE ASSESSMENT: VOLUME II – STATEWIDE REPORT at 39–42 64, 78, 106; Kathleen Fitzsimmons et al., *Using Syndromic Surveillance To Rapidly Assess The Impact Of A June 2023 Wildfire Smoke Event On Respiratory-Related Emergency Department Visits, Massachusetts, United States*, 2 ENV'T RSCH.: HEALTH 1 (2024), <https://iopscience.iop.org/article/10.1088/2752-5309/ad67fc/pdf>; see Kenton Gewecke et al., *Toxic Canada Wildfire Smoke Prompts Ground Delay At Boston's Logan Airport*, ABC NEWS (Aug. 4, 2025, 3:32 PM), <https://perma.cc/XFM3-CCQ9>; Press Release, Mass. Dep't of Env't Prot., MassDEP Statewide Air Quality Alert (July 15, 2026), <https://www.mass.gov/news/massdep-statewide-air-quality-alert>.

¹⁴ Letter from Maura Healey, Governor of Massachusetts, to Donald J. Trump, President of the U.S. (July 31, 2026), <https://www.mass.gov/doc/governor-healey-fema-letter/download>.

¹⁵ *Photos: Powerful Nor'easter Brings Massive Waves, High Winds to New England*, WBUR NEWS (Sep. 28, 2026), <https://www.wbur.org/news/2026/09/28/photos-noreaster-massachusetts-new-england>.

¹⁶ Marina Romanello et al., *The 2024 Report of the Lancet Countdown on Health and Climate Change: Facing Record-Breaking Threats from Delayed Action*, 404 THE LANCET 1847–96 (2024), [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(24\)01822-1/abstract](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(24)01822-1/abstract); Nakyung Rhim et al.,

and communities of color hardest, due to legacies of discriminatory zoning, disinvestment, and concentrated environmental hazards.¹⁷

Left unregulated, power plants will also increase emissions of harmful co-pollutants,¹⁸ posing severe respiratory and other health risks to nearby fence-line communities.¹⁹

EPA's actions cannot be judged in isolation. EPA's proposed deregulation of the power sector is just part of a deregulatory agenda to abandon greenhouse gas regulation across the board and abdicate the federal government's duty to protect the American people from climate change. These combined harms will be felt for generations to come.

For these reasons EPA must withdraw this reckless and unlawful proposal.

Adverse Health Effects of Climate Change and Air Pollution in People with Disabilities: A Systematic Review, 46 EPIDEMIOLOGY & HEALTH (2024), <https://pubmed.ncbi.nlm.nih.gov/39363605/>.

¹⁷ Alique G. Berberian et al., *Racial Disparities in Climate Change-Related Health Effects in the United States*, 9 CURRENT ENV'T HEALTH REPS. 451–52, 459–60 (2022), <https://link.springer.com/article/10.1007/s40572-022-00360-w>; Jeremy S. Hoffman, *The Effects of Historical Housing Policies on Resident Exposure to Intra-Urban Heat: A Study of 108 US Urban Areas*, 8 CLIMATE 1 (2020), <https://www.mdpi.com/2225-1154/8/1/12>; Kiley Price, *From Heat Waves to Hurricanes, Climate Hazards Often Hit Renters the Hardest*, INSIDE CLIMATE NEWS (Aug. 6, 2024), <https://insideclimatenews.org/news/06082024/todays-climate-renters-climate-disasters/>. See also EMANUELE MASSETTI ET AL., OAK RIDGE NAT'L LAB'Y, U.S. DEP'T OF ENERGY, ENVIRONMENTAL QUALITY AND THE U.S. POWER SECTOR: AIR QUALITY, WATER QUALITY, LAND USE AND ENVIRONMENTAL JUSTICE 83 (Jan. 4, 2017), <https://info.ornl.gov/sites/publications/files/Pub60561.pdf> (“People with limited economic resources living in areas with deteriorating infrastructure are more likely to experience disproportionate impacts and are less able to recover following extreme events, increasing their vulnerability to climate-related health effects.”) (citations omitted).

¹⁸ EPA, *Power Plants and Neighboring Communities* (Feb. 19, 2026), <https://www.epa.gov/power-sector/power-plants-and-neighboring-communities>; Juan Declet-Barreto & Andrew A. Rosenberg, *Environmental Justice and Power Plant Emissions in the Regional Greenhouse Gas Initiative States* 17 PLOS ONE 2 (2022), <https://doi.org/10.1371/journal.pone.0271026> (“Electricity generation constitutes 64 percent of SO₂ emissions, 14 percent of NO_x emissions, 3.4 percent of PM_{2.5} emissions, and 1.4 percent of PM₁₀ emissions in the U.S.”).

¹⁹ JANET L. GAMBLE ET AL., U.S. GLOB. CHANGE RSCH. PROGRAM, THE IMPACTS OF CLIMATE CHANGE ON HUMAN HEALTH IN THE UNITED STATES: A SCIENTIFIC ASSESSMENT, CH. 9: POPULATIONS OF CONCERN 253 (2016) https://www.academia.edu/31063777/Chapter_9_Populations_of_Concern_THE_IMPACTS_OF_CLIMATE_CHANGE_ON_HUMAN_HEALTH_IN_THE_UNITED_STATES_A_Scientific_Assessment; Massetti et al., *supra* note 17, at 84 (“Power plants are the largest U.S. source of several harmful pollutants. . . . At sufficient levels of exposure, these pollutants can cause a range of health effects including cancer; irritation of the lungs, skin, and mucous membranes; effects on the central nervous system such as memory and IQ loss and learning disabilities; damage to the kidneys; and other acute health disorders. Additionally, power plants are significant sources of criteria air pollutants, which cause premature mortality for adults, chronic and acute bronchitis, childhood asthma attacks, and exacerbate other respiratory and cardiovascular diseases.”) (citations omitted).