

My name is Cliff Forrest. I am President and founder of Rosebud Mining Company based in Kittanning, PA. Rosebud started in business in 1979 with a handful of employees. I am proud to say we now employ over 1,000 hard working men and women earning family supporting wages and benefits. We operate 23 underground coal mines, seven (7) surface mines and seven (7) preparation plants located in Elk, Clearfield, Indiana, Somerset, Cambria, Beaver and Armstrong Counties. These mining jobs spur significant indirect jobs with such industries as trucking, the railroads and power plants. A recent independent study determined there are 36,000 direct and indirect jobs associated with the coal industry in PA.

My investment in my business was made with the belief that the power plants and the mills (my customers) that made significant recent investments to comply with the Clean Air Act would be in business for 30 years or the life of their facilities. However, the EPA, using a rarely used and up to this point unknown section of the Clean Air Act, 111(d), is trying to change the rules and put my investments and the billions my customers invested in jeopardy.

The new rule known as the Clean Power Plan, would force power plants to reduce carbon emissions to a level that is technically unachievable and would force the closure of coal fired power plants across our country and our state if

implemented. Presently there are only seven (7) coal fired power plants operating in our state. All of these plants have the state of the art environmental controls necessary to meet the very stringent EPA regulations under the Clean Air Act.

If the CPP is implemented, it is estimated only two (2) of these plants would survive. Beyond the jobs lost and investment loss, the overall reliability of our region's power grid, known as the PJM Grid, will be significantly diminished. Just two years ago the PJM Grid was only 600 megawatts or 1/3 of the capacity of the Homer City Power Plant, from being forced into rolling blackouts or worse during severe cold weather. This occurred because natural gas was diverted from electric generation to heat homes and the wind did not blow.

Section 111(d) of the Clean Air Act, which the EPA claims vests it with the authority to regulate carbon, is not only ambiguous but contains conflicting language between the house and senate versions of the bill. The EPA further uses Section 111(d) in an unprecedented manner in an attempt to regulate not only individual plants but the entire grid. Many states across the nation question the legality of the rule, including representatives from Pennsylvania. In fact, the former acting Secretary of the PA DEP, in a public letter dated November 26,

2014, articulately questions the EPA's interpretation and authority to use 111(d) of the act to regulate carbon.

Many states recently raised their objections to the Clean Power Plan with the courts. Presently, 27 states have filed suit against the EPA, challenging the legality of the Clean Power Plan. Several of these states have no coal production and do not face the job losses PA will endure but they recognize the economic impact the CPP will have on their states and citizens. Many other suits that have been filed by businesses that will be adversely impacted as well as business organizations such as the U.S. Chamber of Commerce, the National Association of Manufacturers, the Brick Industry Association, and the American Iron and Steel Institute. Several legal experts believe these suits have a high potential degree of success.

The stated goal for reducing carbon emissions by the environmental community is to effect climate change worldwide. The term climate change replaced global warming since there has not been any sign of warming in the past 25 years. There is no dispute our climate has been changing for the past five (5) billion years. Just 11,000 years ago, there were glaciers in Armstrong County. If a silver bullet was discovered that solved the so called problem with carbon, the

environmental community would not celebrate but work hard to find another reason not to burn coal.

Despite their stated goal of impacting climate change, EPA's own projections show the CPP will have virtually no effect on worldwide CO2 levels. Considering this lack of benefit to our planet and particularly to our state, the credible legal challenges to 111(d) and the severe economic impact to our state and citizens, I cannot understand why PA would not join other states' legal challenge or at the least take advantage of their ability to delay submitting a state implementation plan for the two years that the rule allows.

The Supreme Court's recent rejection of the EPA's Mercury and Air Toxins Standards Rule, otherwise known as MATS, illustrates why we need to take a wait and see approach before implementing the Clean Power Plan. The EPA issued MATS in 2012, and like the CPP, it was immediately challenged by almost half of the states. Despite the immediate challenge, it took three years for MATS to wind its way through the courts. When it finally did, the Supreme Court sided with the 21 States who brought suit, finding that the "EPA strayed well beyond the bounds of reasonable interpretation in . . . regulating power plants."

The EPA's reaction to its Supreme Court defeat tells you all that you need to know about the EPA's mindset. The EPA's spokesperson, Melissa Harrison,

issued a statement immediately after the loss saying that the “EPA is disappointed that the Court did not uphold the rule, but this rule was issued more than three years ago, investments have been made and most plants are already well on their way to compliance.” EPA Administrator McCarthy echoed these sentiments in comments made just before the Court’s decision, saying: “even if we don’t [win], it was three years ago. Most of the [plants] are already in compliance, investments have been made, and we’ll catch up.” In other words, the EPA accomplished its goal of closing coal fired power plants despite its illegal application of the rule. We cannot let history repeat itself by allowing the EPA to circumvent our legal process. Pennsylvania must let the legal process play out by extending the state implementation plan and giving our courts a chance to rule. Not only that, but to ensure that a MATs scenario does not occur again, Pennsylvania should enact legislation, pledging that it will not implement the Clean Power Plan if the rule is invalidated by the courts.

There is no question the EPA and the Obama administration wants to impose their ideology on our country and our state. PA should not suffer because our president has a personal ideology and desire to have a legacy that will change how we live. We need real science not political science and real engineering not social engineering.

Please delay PA CPP and should PA ultimately submit a plan, be sure there is language or legislation such that if a court or new administration rejects it, PA is not forever burdened by it.