

Congress of the United States

Washington, DC 20515

December 21, 2021

The Honorable Gene L. Dodaro
Comptroller General
Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Comptroller General Dodaro:

We write today to request that the Government Accountability Office (GAO) evaluate peaker power plant pollution nationwide, including the role of peaker plants in exacerbating cumulative impacts of other sources of air pollution on frontline communities.¹ These plants, which combust stored fuel when electricity demand peaks, are less efficient and more expensive than typical baseload power plants, and are more likely to be in low-income neighborhoods and communities of color.²

In 2013, GAO added the U.S. government's fiscal exposure to climate risks to its High-Risk List of federal programs and operations that are most vulnerable to fraud, waste, abuse, mismanagement, or ineffectiveness.³ To limit fiscal exposure, GAO recommended coordinating resilience efforts nationwide and providing technical assistance to federal, state, local, and private-sector stakeholders.

Addressing the use of peaker plants, which can emit twice the carbon and up to 20 times the nitrous oxides of a typical plant while operating significantly less efficiently, represents a high-impact opportunity to reduce climate risks and tackle a life-threatening environmental justice issue.⁴

¹ Physicians, Scientists, and Engineers for Healthy Energy, *Energy Storage Peaker Plant Replacement Project: Technical and Policy Documentation* (May 2020) (online at www.psehealthyenergy.org/wp-content/uploads/2020/05/Peaker-Technical-Documentation.pdf).

² *Report: These Rarely Used, Dirty Power Plants Could Be Cheaply Replaced by Batteries*, Grist (June 11, 2020) (online at <https://grist.org/energy/report-these-rarely-used-dirty-power-plants-could-be-cheaply-replaced-by-batteries/>); PEAK Coalition, *Dirty Energy, Big Money: Private Companies Make Billions from Polluting Fossil Fuel Peaker Plants in New York City's Environmental Justice Communities—and How to Create a Cleaner, More Just Alternative* (May 2020) (online at https://8f997cf9-39a0-4cd7-b8b8-65190bb2551b.filesusr.com/ugd/fl0969_9fa51ccc611145bf88f95a92dba57ebd.pdf).

³ Government Accountability Office, *High-Risk Series: Dedicated Leadership Needed to Address Limited Progress in Most High-Risk Areas*, (Mar. 2, 2021) (GAO-21-119) (online at <https://files.gao.gov/reports/GAO-21-119SP/index.html>).

⁴ Samantha Wilt, *NY's Energy Storage Roadmap for a Clean, Flexible Grid*, National Resources Defense Council (June 29, 2018) (online at www.nrdc.org/experts/samantha-wilt/nys-energy-storage-roadmap-clean-flexible-grid).

In January 2021, President Biden issued an executive order directing agencies to:

[M]ake achieving environmental justice part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related, and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts.⁵

This executive order acts on recommendations GAO issued in 2019 to advance environmental justice, by tasking federal agencies with coordinating a more effective strategic approach to tackling climate issues.⁶

In July 2021, the Committee on Oversight and Reform held a hearing on President Biden’s Justice40 Initiative laid out in the January executive order, which is the White House’s key environmental justice policy. Responding to a question from Chairwoman Maloney on how Justice40 would improve public health in pollution hot spots such as New York City’s “Asthma Alley,” one expert testified that 3,000 deaths per year in the city are attributable to particulate matter and that peaker plant pollution is among the primary culprits.⁷

In August 2021, the Committee held a field roundtable on peaker power plants in Queens, New York.⁸ Chairwoman Maloney and Congresswoman Yvette D. Clarke—original sponsor of the Promoting Energy Alternatives is Key to Emission Reductions (PEAKER) Act of 2021—also met with environmental justice leaders and Asthma Alley residents outside the largest public housing development in the country, which is located beside the largest fossil fuel plant in the state and is surrounded by peakers.⁹

⁵ Exec. Order No. 13985, 86 Fed. Reg. 7009 (Jan. 20, 2021).

⁶ Government Accountability Office, *Environmental Justice: Federal Efforts Need Better Planning, Coordination, and Methods to Assess Progress* (Sep. 19, 2019) (GAO-19-543) (online at www.gao.gov/assets/gao-19-543.pdf); Government Accountability Office, *Environmental Justice: Federal Agencies Could Benefit from a Strategic Approach to Assess Progress* (Nov. 20, 2019) (GAO-20-290T) (online at www.gao.gov/assets/gao-20-290t.pdf).

⁷ Committee on Oversight and Reform, Hearing on “Building Back with Justice: Environmental Justice Is Central to the American Jobs Plan” (July 21, 2021) (online at <https://oversight.house.gov/legislation/hearings/building-back-with-justice-environmental-justice-is-central-to-the-american>).

⁸ Committee on Oversight and Reform, *Roundtable on Tackling Peak Pollution: Achieving Environmental Justice for Frontline Communities* (Aug. 26, 2021) (online at <https://oversight.house.gov/legislation/hearings/full-committee-hybrid-roundtable-on-tackling-peak-pollution-achieving>).

⁹ H.R. 3139; *Queens Congresswomen Speak Out Against Peaker Plants During Hearing on Environmental Justice*, QNS (Aug. 27, 2021) (online at <https://qns.com/2021/08/queens-congresswomen-hold-hearing-on-environmental-justice-speak-out-against-peaker-plants/>); *Campaign to Shut Down New York City Peaker Plants Gains Congressional Ally*, Utility Dive (Aug. 27, 2021) (online at www.utilitydive.com/news/campaign-to-shut-down-new-york-citys-peaker-plants-gains-congressional-all/605670/).

Roundtable panelists emphasized that the more than 1,000 peakers across the country devastate environmental justice communities, and that these plants could be replaced with batteries, utility-scale renewable energy, distributed resources, and energy efficiency measures.¹⁰

We request GAO’s assistance in reporting on key data to assess damage, uncover health burdens, calculate economic costs, and identify alternative solutions to the use of peaker power plants. Research into the relationship between the federal real property and operational footprint and the market for peak electricity is also an opportunity to review how agencies apply environmental guidance. Strain on electricity supply caused by federal activity could impact whether a Greenhouse Gas Protocol and corresponding environmental health indicators would help agencies maximize Justice40 benefits.¹¹

Millions of Americans live near peaker plants. New York City alone has 89 peaking units including 28 in the vicinity of Chairwoman Maloney’s district and 49 in Brooklyn, Congresswoman Clarke’s home borough.¹² In October 2021, the New York State Department of Environmental Conservation (DEC) denied a Clean Air Act permit needed to replace 24 peaking turbines set to retire in May 2023 with another fossil fuel-fired peaker plant. DEC determined that the proposed peaker in Congresswoman Alexandria Ocasio-Cortez’s district was not only unnecessary due to transmission reliability upgrades, but also that it violated state climate law by “disproportionately burden[ing] disadvantaged communities” and preventing the state from attaining statutory emission reductions.¹³ To understand the disproportionate environmental and health burdens of peakers on frontline communities, we request that GAO examine:

1. The number, use, and location of peakers in the United States, including socio-economic and demographic factors associated with communities in these locations and whether the peakers are in or near disadvantaged communities meant to accrue benefits of Justice40 Initiative investments;

¹⁰ Clean Energy Group, *Peaker Plant Map* (online at www.cleaneenergy.org/ceg-projects/phase-out-peakers/peaker-plant-map/) (accessed Nov. 15, 2021).

¹¹ Environmental Protection Agency, *Scope 1 and Scope 2 Inventory Guidance* (online at <https://epa.gov/climateleadership/scope-1-and-scope-2-inventory-guidance>) (accessed Sep. 7, 2021); Environmental Protection Agency, *GHG Inventory Development Process and Guidance* (online at <https://epa.gov/climateleadership/ghg-inventory-development-process-and-guidance>) (accessed Nov. 15, 2021); Physicians, Scientists, and Engineers for Healthy Energy, *Energy Storage Peaker Plant Replacement Project: Technical and Policy Documentation* (May 2020) (online at www.psehealthyenergy.org/wp-content/uploads/2020/05/Peaker-Technical-Documentation.pdf).

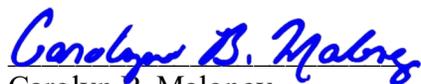
¹² PEAK Coalition, *The Fossil Fuel End Game: A Frontline Vision to Retire New York City’s Peaker Plants by 2030* (Mar. 2021) (online at https://2ff79216-d177-457f-a12d-75ba71e79310.filesusr.com/ugd/fl10969_e27774865535495598a21be0242560a8.pdf).

¹³ NRG Astoria Decision Letter from Daniel Whitehead, Director, Division of Environmental Permits, New York State Department of Environmental Conservation, to Andrew Scano, Plant Manager, Astoria Gas Turbine Power, LLC, *Re: Notice of Denial of Title V Air Permit* (Oct. 27 2021) (online at www.dec.ny.gov/docs/administration_pdf/nrgastoriadecision10272021.pdf).

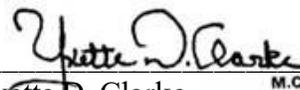
2. The air quality in communities where peaker plants are located, and how peaker emissions contribute to air quality in these communities, including the cumulative impacts of peaker plants and other pollution sources;
3. What is known about the potential costs and benefits (including impacts for ratepayers and broader economic effects) of replacing existing peaker plants with non-polluting alternatives;
4. The known health effects caused by or correlated with peaker plant emissions, including within the communities where these plants are located; and
5. The effect of federal procurement, federal real property footprint, and other federal buildings policies and agency operations (e.g., green building and purchasing requirements, power purchase agreements, use of demand response, electric vehicle fleet charging) on fossil fuel combustion in disadvantaged communities.

Thank you for your consideration of this urgent matter. If you have any questions, please contact Oversight Committee staff at (202) 225-5051.

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Yvette D. Clarke
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform