On July 9, 2008, Chairman Waxman wrote to EPA Administrator Johnson to request information regarding the effects of a proposed rule to weaken the Clean Air Act “new source review” requirements governing power plants, which would allow older power plants to increase their emissions of air pollutants and exacerbate global warming. EPA had been pursuing a series of changes to weaken the new source review requirements since early in the Bush Administration, and its earlier efforts had been fully or partially rejected by federal courts.

EPA’s response revealed that its proposed rule could allow power plants to increase their CO_2 emissions by up to 74 million tons per year, which is roughly equivalent to the total annual CO_2 emissions of about 14 average coal-fired power plants. In response, on October 21, 2008, Chairman Waxman urged EPA not to finalize this environmentally damaging and legally reckless rule. On December 10, EPA announced that it would not go forward with the regulation.