

April 17, 2019

Administrator Andrew Wheeler
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

RE: National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units-Reconsideration of Supplemental Finding and Residual Risk and Technology Review, EPA-HQ-OAR-2018-0794

Dear Administrator Wheeler:

As organizations working to promote and protect science for the public good, we strongly object to EPA's proposal to reverse the finding that it is appropriate and necessary to regulate hazardous air pollutants from coal- and oil-fired electric power plants (National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units-Reconsideration of Supplemental Finding and Residual Risk and Technology Review, EPA-HQ-OAR-2018-0794). We urge you to withdraw this proposed rule because it disregards relevant evidence and would harm public health.

Our various organizations work to advance science, public health, the environment, civil rights, reproductive health, worker safety, government oversight, and whistleblower protections. We support the use of evidence to guide policy decisions, and EPA's proposal for the Mercury and Air Toxics Standard (MATS) would ignore evidence of the many public health benefits of mercury regulation, to the detriment of public health.

As EPA points out, emissions of mercury and other hazardous air pollutants are 96% lower because of MATS. As a result, Americans are healthier. Yet EPA is proposing to reverse the finding that this regulation is "appropriate and necessary" by ignoring substantial evidence of health benefits.

Mercury is a well-known neurotoxin. The most vulnerable population is the developing fetus, and strong EPA regulation is critical to ensuring pregnant individuals can be healthy and safe from mercury exposure. People who live or work in environments with high mercury levels are also at greater risk. Mercury also damages other organ systems, including the cardiovascular system. Over the past decade a strong relationship between adult exposure to mercury and fatal heart attacks has been found. The other hazardous air pollutants (HAPs) that MATS reduces include acid gases, arsenic, cadmium, chromium, and nickel; these pollutants can cause chronic respiratory diseases, various cancers, and other severe damage to human health and ecosystems.ⁱ

The reasoning for proposing to reverse the finding is based on a flawed and incomplete economic analysis that EPA performed in 2011. That analysis did not quantify several kinds of health effects. Most egregiously, EPA ignored the cardiovascular impacts of mercury exposure, even though a panel of experts advised EPA to quantify those impacts.ⁱⁱ EPA also only counted benefits among a narrow subset of the population. In addition, flaws in EPA's analysis served to lower its calculation of mercury benefits

still further. In fact, the mercury benefits that EPA did calculate represent only a thin slice of the benefits that could be calculated. A high-quality study published in 2016 estimates the benefits of MATS from reduced mercury exposure alone to be \$3.7 billion per year.ⁱⁱⁱ

In the 2011 MATS economic analysis, EPA did calculate the benefits that resulted because controlling HAPs also reduces particle concentration in the atmosphere. Those “co-benefits” of MATS, which EPA estimated to be worth up to \$90 billion annually, included up to 11,000 lives saved, 130,000 asthma attacks avoided, and 5,700 hospital visits prevented. Now EPA says that, because particles are not a “targeted pollutant,” these very real benefits of MATS don’t count, and proposes to exclude them from its calculation of costs and benefits.

EPA then concludes that the benefits of MATS, most of which EPA has either not counted or ignored, are less than the costs, and on that basis proposes to find that it is not appropriate and necessary to regulate. This even though it is now known that EPA’s estimate of the cost of MATS, calculated in 2011, was approximately four times higher than the actual cost.^{iv}

If EPA feels that MATS is inadequately supported by the economic analysis, it should undertake a new economic analysis that more thoroughly and accurately evaluates both the benefits and the costs. Ignoring evidence of substantial public health benefits would allow for reversal of regulation that has saved thousands of lives, and it would also set a damaging precedent of selective consideration of relevant evidence. We urge you to withdraw “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units-Reconsideration of Supplemental Finding and Residual Risk and Technology Review (EPA-HQ-OAR-2018-0794).”

Sincerely,

American College of Obstetricians and Gynecologists
Center for Food Safety
Citizens’ Environmental Coalition
Environmental Integrity Project
Environmental Protection Network
Government Accountability Project
Green America
Greenpeace USA
International Center for Technology Assessment
Jacobs Institute of Women’s Health
National Federation of Federal Employees
National Institute for Reproductive Health
Revolving Door Project
SACNAS (Society for Advancement of Chicanos/Hispanics & Native Americans in Science)
SafeWork Washington
Sciencecorps
Texas Campaign for the Environment

ⁱ US EPA, Utility Study Report to Congress, February 1998. <https://www.epa.gov/mats/study-hazardous-air-pollutant-emissions-electric-utility-steam-generating-units-final-report>

ⁱⁱ Roman HA, Walsh TL, Coull BA, Dewailly É, Guallar E, Hattis D, Mariën K, Schwartz J, Stern AH, Virtanen JK, Rice G. [Evaluation of the cardiovascular effects of methylmercury exposures: current evidence supports development of a dose-response function for regulatory benefits analysis.](#) *Environmental Health Perspectives* 2011 May;119(5):607-14. doi: 10.1289/ehp.1003012. Epub 2011 Jan 10. Review.

ⁱⁱⁱ Giang, A & Selin NE. Benefits of mercury controls for the United States. *Proceedings of the National Academy of Sciences*, U.S.A., 2016, 113, p. 286. <https://www.pnas.org/content/113/2/286>

^{iv} Declaration of James E. Staudt, PhD, CFA. September 24, 2015, *White Stallion Energy Center, et. al., v. United States Environmental Protection Agency*, Case No. 12-1100 and consolidated cases, U.S. Court of Appeals for the District of Columbia.