August 11, 2025

Lee Zeldin, Administrator
U.S. Environmental Protection Agency
William J. Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Comments on EPA's proposed rule to "**Proposed Repeal of Specific Amendments to the Mercury and Air Toxics Standards for Coal- and Oil-Fired Electric Generating Units**" (Docket ID: EPA-HQ-OAR-2018-0794)[1]

Dear Administrator Zeldin:

The undersigned national health and medical organizations strongly oppose EPA's proposed repeal of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Coal- and Oil-Fired power plants, also known as the Mercury and Air Toxics Standards (MATS). This proposed repeal will cause serious harm to public health.

The MATS are a success story, with the original 2012 standards dramatically reducing emissions of mercury and other health-harming pollutants from the power sector. The undersigned organizations strongly supported building on the 2012 standards with updated protections, since health risks from these emissions remained and since technology was available to further reduce them.

EPA finalized the updated MATS in 2024 after a thorough Risk and Technology Review (RTR) to assess the remaining residual health risks to ensure an adequate margin of safety to protect vulnerable subpopulations.[2] These updated standards are technology-based Maximum Achievable Control Technology (MACT) standards promulgated in 2024 based on the hazardous air pollutant (HAP) emissions reductions achieved by the best-performing sources in electric utilities. The Clean Air Act (CAA) Section 112(f)(2) requires EPA to review and revise the MACT standards for HAPS for every source sector at least once every eight years to account for improvements in pollutant control technologies. Our organizations celebrated the 2024 update as an important step forward for public health.

Now, however, EPA is proposing to repeal these protections, based entirely on saving costs to regulated industry and at a significant risk to public health. If finalized, this repeal would disregard science and technology advancements – in contradiction to the Agency's statutory obligations under the Clean Air Act.

EPA's stated mission is to protect human health and the environment.[3] Under your leadership, you have highlighted that five pillars will guide the Agency's work, with the

[1] US EPA. (06/17/2025). Federal Register :: National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units
[2] US EPA. (05/07/2024). Final Rule - National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review
[3] Our Mission and What We Do | US EPA

first pillar of ensuring "clean air, land, and water for every American." In proposing to repeal the strengthened mercury emissions limit, EPA is acting against its mission and this first pillar. EPA is mandated by the Clean Air Act to regulate and reduce air pollutants to protect human health and welfare. However, EPA's Fact Sheet on this repeal explicitly stated that this proposed action is to save regulatory compliance costs to businesses, to advance US energy dominance, and to make the U.S. the artificial intelligence capital of the world.[4,5] Any regulatory action that EPA undertakes must have its mission as its guiding principle; this proposed repeal is in direct contrast to it.

- **The 2024 updated MATS are consistent with the Clean Air Act and necessary for the protection of human health.**

  The 2024 amendments to the 2012 MATS rule are consistent with the Clean Air Act's requirements and reflect demonstrated evidence-based technological feasibility, in the form of performance of existing maximum achievable control for multiple HAPs. What's more, many of the covered facilities have already invested in technology upgrades that meet these standards. Repealing them would undermine industry readiness and penalizes proactive operators while creating regulatory uncertainty and rewarding delay and noncompliance.

  The 2024 amendments included multiple requirements that will improve health, which are now slated for repeal in the proposal:

  - Repeal of the 2024 filterable particulate matter emission standard of 0.010 lb/MMBtu and reinstatement of the previous 2012 standard of 0.030 lb/MMBtu) for non-mercury metal HAPs from existing lignite coal-fired electric generating units (EGUs). The filterable particulate matter (fPM) standard serves as a surrogate for non-mercury metal air toxics. Coal combustion emits numerous toxic metals besides mercury, including arsenic, chromium, cobalt, nickel, lead, beryllium and cadmium. Like mercury, some of these metals are persistent within the body and show bioaccumulation and biomagnification within food systems. Long-term chronic exposure to these HAPs, even at very low levels, can cause a variety of adverse health effects including irritation of the lung, skin, and mucus membranes; renal damage; gastrointestinal effects such as nausea and vomiting; toxicity of the skeletal, urinary, reproductive, cardiovascular, central and peripheral nervous, and respiratory systems; adverse effects on developmental processes; and organ failure and cancers.

    The 2024 rule provides co-benefits by reducing emissions of harmful criteria air pollutants such as fine particles ($PM_{2.5}$), nitrogen oxides (NOx), and sulfur oxides

[4] EPA's original Fact Sheet on the proposed repeal of the Power Plant 2.0 which it released concomitantly with the proposal stated that "this action (r)esponds to Pillar 2: Restoring American Energy Dominance" and to "Pillar 4: Make the United States the Artificial Intelligence Capital of the World" with no mention of its Pillar 1: Clean Air, Land, and Water for Every American, the one pillar of the five which actually aligns with its mission. The agency has since removed the references to AI but has retained the language on providing regulatory relief to industry on economic grounds and on advancing energy dominance through fossil fuel usage https://www.epa.gov/system/files/documents/2025-06/6.11.25-mats-rtr-repeal-proposal-fact-sheet-final.pdf

[5] EPA Administrator Lee Zeldin Announces EPA's "Powering the Great American Comeback" Initiative | US EPA

(SOx). NOx is also a precursor in the formation of ozone, and both NOx and SOx contribute to the formation of $PM_{2.5}$.

While this EPA cites high compliance costs to justify its proposed repeal, the cumulative health and economic benefits of stricter fPM and other provisions of the 2024 rule combined with the non-monetized benefits of reducing mercury and other HAP emissions are expected to be significantly higher than the costs of the rule implementation.[6]

- Removal of the mandate for particulate matter continuous emission monitoring systems for fPM compliance demonstration by all coal- and oil-fired EGUs and allowing covered facilities to instead use parametric monitoring systems or quarterly stack testing. Continuous emission monitoring systems (CEMS) provide continuous emissions data across all operating conditions, while parametric monitoring and quarterly stack testing provide only a snapshot of emissions in time. Requiring CEMS is essential to track short-term emission spikes, accidental releases, leaks, and/or emission violations during startup, shutdown, and full load. Adverse health effects from both short-term and long-term exposures to PM emissions have been known for a long time and recent research has shown that there is no safe threshold level of PM exposure.[7] As such, real time data from CEMS is needed to enable emergency management in case of emission leaks/ violations and operational malfunctions to protect public health, especially in communities around the covered facilities.

  The use of CEMS also offers operational benefits to industry by capturing a more representative and comprehensive emissions profile, which can help optimize pollution control equipment, improve its accuracy and reliability, and improve its cost-effectiveness over time. Since CEMS data is logged, reported and audited continuously, its use enhances transparency and accountability, leading to improved regulatory oversight and earning public trust. The benefits of the PM CEMS requirement to the public far outweigh the costs of its regulatory compliance to fossil fuel-fired power plant owners and operators.

- Reinstatement of the Low-Emitting EGU Program, which would reduce testing frequency for units emitting less than 50% of the limit for fPM and non-mercury hazardous air pollutants. Frequent testing of all operational units is required to capture any spikes in non-mercury hazardous air pollutants due to technology malfunctions, leaks, accidental releases or other issues and trigger emergency management to protect public health, especially in fenceline communities.

- Repeal of the 2024 standard for mercury emission of 1.2 pounds per trillion British thermal units (lb/TBtu) and reinstatement of the previous limit of 4.0 lb/TBtu for existing lignite-fired EGUs. The stricter 2024 standard for lignite-fired EGUs is the same standard that has been applicable to other power plants that use other types of coal. Compared to other types of hard coals such as

[6] EPA Presentation on 2024 MATS Rule; Fact Sheet on 2024 MATS Rule Repeal; Regulatory Impact Analysis for the Proposed Repeal of 2024 MATS rule

[7] M. W. Agius. (02/23/2024). No safe level of air pollution says US study. COSMOS Magazine; https://www.bmj.com/content/384/bmj-2023-076939; https://www.bmj.com/content/384/bmj-2023-076322

anthracite, or bituminous, or sub-bituminous coal, lignite has the least heat content (lowest energy density at 18 MJ/kg), the greatest amount of compounds other than carbon (such as sulfur and mercury) and the highest moisture content.[8] If lignite is allowed to be used for electricity generation, it should be subjected to the most stringent emission standards for all air pollutants.

Mercury and other HAPs are potent neurotoxins and carcinogens. Exposure to these air toxics disproportionately affects the most vulnerable groups, including children, elderly people, pregnant women, and communities living near power plants. Weakening these protections would exacerbate existing health disparities and violate the EPA's stated mission to ensure clean for all Americans.

- **EPA proposed repeal of the 2024 MATS updates will cause significant health harm.**

  The proposed repeal will effectively increase emissions of numerous air pollutants which would have been avoided over the 10-year period from 2028-2037 under the 2024 final MATS rule,[9] including:
  - 1,000 pounds of mercury
  - At least 7,000 pounds of non-mercury HAP metals
  - 770 tons of fine particulate matter ($PM_{2.5}$)
  - 280 tons of nitrogen oxides (NOx)
  - 65,000 tons of carbon dioxide (CO_2)

  The RIA of the proposed repeal[10] shows cost savings to the industry from repealing the 2024 rule, but it does not include non-monetized health and environmental damages from un-avoided pollutant impacts, such as:
  - Increased exposures to mercury and HAP metals
  - Higher premature mortality from $PM_{2.5}$ and ozone
  - Climate-related damages from increased CO_2 emissions

- **The Mercury and Air Toxics Standards have a proven track record of success in reducing air toxics, and implementation of the 2024 rule to strengthen them will help build on this record.**

  - Since they were first set in 2012, the MATS have delivered major health benefits through significant reductions in mercury emissions from power plants. The 2024 rule stated that pollution reductions of the 2012 rule have been greater than forecasted, and that mercury emissions reductions are significantly more (86%) than the expected 75% compared to 2010. Acid gas hazardous air pollutants have been cut by 96% and non-mercury metal hazardous air pollutants have been reduced by 81%. In 2012, the EPA estimated that MATS would prevent up to 11,000 premature deaths each year, 4,700 heart attacks, 130,000 asthma attacks, and 5,700 hospital visits annually.[11]

[8] Coal types - Energy Education; https://energyeducation.ca/encyclopedia/Coal_types

[9] https://www.epa.gov/system/files/documents/2024-04/fact-sheet_mats-rtr-final_rule_2024.pdf

[10] Regulatory Impact Analysis for the Proposed Repeal of 2024 MATS rule

[11] Fact Sheet: Benefits and Costs of Cleaning up Toxic Air Pollution from Power Plants - 2012 Rule

  - EPA's original analysis predicted that the benefits of reducing mercury alone – not to mention other toxic air pollutants – would total in the millions of dollars every year. Harvard University found that the real benefits may total in the *billions* of dollars every year.
  - Stronger MATS offer many co-benefits – they not only reduce mercury and other hazardous air pollutants, but also reduce co-pollutants like sulfur dioxide and fine particulates, which contribute to climate change and ozone.
  - The costs of implementing the original MATS were far lower than anticipated. In 2012, EPA estimated it would cost $9.6 billion per year to implement the rule. In 2024, EPA indicated that it had overestimated the annual compliance costs of the 2012 rule by as much as $7 billion.[12]

- **Implementing the 2024 standards and NOT repealing them is essential to ensure that all Americans are able to breathe clean air**

  EPA's 2022 baseline analysis shows that among people living within 10 kilometers of coal plants, a higher percentage live two-times below the national poverty level average. Native Americans are also more likely to live within 10 kilometers of a coal plant, threatening not only the air but the water communities use for food. Certain demographic groups like Hispanics, Asians and American Indians may experience disproportionately higher ozone and particulate matter pollution compared to the national average. Repealing these standards sends the wrong signal at a time when the U.S. should be leading on clean energy and a healthy public.[13]

- **Conclusion:** The 2024 revisions to the 2012 rule on Mercury and Air Toxics Standards for fossil fuel-fired power plants were grounded in robust technical analysis and reflect the best available control technologies. Repealing these standards would reverse progress in reducing hazardous air pollutants, which pose serious health risks. This repeal would increase health costs from pollution, including from hospitalizations, lost productivity, and premature deaths, which far outweigh any short-term savings for polluters. The proposed repeal undermines public health protections, environmental equality for all Americans, and the integrity of science and technology-based policymaking.

  EPA has a legal obligation to protect public health and the environment. Finalizing this proposed repeal would fail that obligation. We ask that EPA withdraw this proposed repeal and instead work to implement the standards finalized in the 2024 MATS rule.

[12] EDF MATS compliance fact sheet FINAL.pdf

[13] EPA. (April 2023). Regulatory Impact Analysis for the Proposed National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review EPA-452/R-23-002

Signed,

American Academy of Pediatrics
American College of Chest Physicians
American College of Obstetricians and Gynecologists
American College of Physicians
American Heart Association
American Lung Association
American Public Health Association
American Thoracic Society
Children's Environmental Health Network
Climate Psychiatry Alliance
Health Care Without Harm
Inglewood Foot And Ankle Center
International Society for Environmental Epidemiology - North America Chapter
National Association of Pediatric Nurse Practitioners
Physicians for Social Responsibility
Public Health Institute