

Comments of Laura Kate Bender – As Prepared for Delivery
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For
Environmental Protection Agency Public Hearing on Mercury and Air Toxics Proposal
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Hi, I'm Laura Kate Bender and I'm the National Assistant Vice President for Healthy Air with the American Lung Association. Thank you for the opportunity to speak with you today.

It's clear from looking at the speaker lineup for this hearing that lung health advocates are very well represented. I want to take a moment to reflect on that. The Lung Association works on a lot of issues and we spend a lot of time urging people to weigh in with EPA and other decision-makers in support of cleaning up air pollution to help people stay healthy. And I can say from experience that this issue before us today is especially animating to people, maybe even uniquely animating.

There's a reason the speaking slots for this hearing filled up so fast, even with such a tight timeline to register. People really don't like toxic pollution coming from power plants. They especially don't like toxic pollution that harms babies.

When you're pregnant or a new parent, you are constantly bombarded with warnings about things in your environment that could hurt your child. Things you may have previously taken for granted, like the air you breathe, the water you drink or the food you eat. And nothing is scarier than toxins that could harm your child's developing brain.

Even among all the other things that parents or caregivers of young kids have to worry about, mercury is a standout.

When the Lung Association organized against the repeal of the finding that the Mercury and Air Toxics Standards are appropriate and necessary, we saw an outpouring of support. 1,200 health professionals from every state united to oppose the repeal. Hundreds of parents. Health organizations like the March of Dimes. In our comments on that action, we highlighted the enormous success of the Mercury and Air Toxics Standards. The dramatic reductions in mercury. The other air toxics reduced at the same time. The health benefits that were even greater than EPA originally anticipated. The costs that were dramatically lower. You've heard this from my colleagues.

The Mercury and Air Toxics Standards are a success story. The health community celebrated them, and we still do today. As someone whose two pregnancies both took place after the rules were fully implemented, I can say with certainty that they helped protect my kids from life-altering harm. The Lung Association strongly supports revoking the 2020 final action and affirming the Appropriate and Necessary finding. The standards were justified when EPA originally made the finding in 2016, and the ensuing information has only added to the support for that conclusion.

But the work is not finished. As my colleague highlighted, plants are still pumping mercury into the air that ends up in people's bodies, along with the additional dangerous toxics they've noted. That's the other lesson that I take from the strong response among health advocates and parents to the

opportunity to testify today. EPA has an opportunity for a huge public health win, and that's setting stronger Mercury and Air Toxics Standards.

We applaud the marker EPA lays down in the proposal to examine the Risk and Technology Review for the standards in a separate action, laying a potential pathway for strengthening them. Even with the success of the current standards, the opportunity and the need for an update is clear. My colleague just laid out some of the current emissions even under the standards. Those emissions can impact anyone, but it's the people closer to the fence line of those plants at greater risk.

In the proposal, EPA writes,

"In the 2020 Final Action, the EPA also finalized the risk review required by CAA section 112(f)(2) and the first technology review...the EPA determined that residual risks due to emissions of air toxics from the coal- and oil-fired EGU source category are acceptable and that the current NESHAP provides an ample margin of safety to protect public health.

The risks my colleagues have identified are, of course, not acceptable. The current standards do not provide an ample margin of safety to protect public health. We appreciate the careful attention EPA paid in the current proposal to the statutory requirement to protect the maximum exposed individual. EPA argues that the law requires the agency to take into account the health risks, not to the average person or to a healthy adult, but to the person facing the most exposure from hazardous air pollutants. We agree.

We also appreciate EPA's focus in the proposal on the fact that while the benefits of reducing hazardous air pollutants are often not possible to quantify, they are no less real. As EPA notes, the harms of hazardous air pollutants are often concentrated, and more studies would be needed to monetize the benefits of reducing them, like avoided lifetime cancer risk and avoided reproductive harm in specific communities. I'll note that communities facing disproportionate harm from power plant pollution often face gaps in data that make their residents' experience of health harms harder to quantify. This cannot be a reason to further delay long overdue action to clean up the sources causing those health harms.

In closing, the health community sees the clear need to not only shore up the current Mercury and Air Toxics Standards, but to go further in cleaning up hazardous air pollution from the power sector. We urge EPA to proceed quickly with its plans to revisit the Residual Risk and Technology Review and then propose and finalize stronger standards to protect those most exposed, as the law requires. Doing so would be a huge win for public health and environmental justice that the public health community would celebrate. Thank you.