

Comments from Laura Kate Bender
Vice President, Nationwide Advocacy and Public Policy, American Lung
Association
EPA Public Hearing on Repeal of National Emission Standards for Hazardous Air
Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units
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As prepared for delivery

Good morning, my name is Laura Kate Bender and I'm the Vice President for Nationwide Advocacy and Public Policy at the American Lung Association. As you've heard from my colleagues and will hear from health advocates throughout the day, in order for EPA to fulfill its mission to protect human health and the environment, it must abandon this effort to repeal the updated Mercury and Air Toxics Standards.

The Mercury and Air Toxics Standards are a major clean air success story, and the updates finalized in 2024 built on this track record of success. The original 2012 standards have delivered major health benefits since they were finalized, including thousands of avoided premature deaths and hospital visits. In fact, pollution reductions ended up being even greater than what EPA forecast at the time. Mercury emissions from power plants are down 86%. Acid gas hazardous air pollutants are down by 96%. Non-mercury metal hazardous air pollutants are down by 81%. And the rule has also cut other pollutants like sulfur dioxide and fine particles.

In addition to greater benefits than predicted, the compliance costs of the 2012 rule were also far lower than anticipated. EPA in 2024 indicated that it overestimated the annual compliance costs by as much as \$7 billion.

But there was still more work to do. Under the Clean Air Act, EPA was required to evaluate the standards and update them if needed. After extensive analysis of the health impacts of the emissions and the technologies available to clean them up, EPA rightfully made updates to the standards to better protect people's health. EPA found that many plants were already meeting the updated emissions standards, and that those that weren't could use existing, available technology to reduce their emissions of mercury and of other toxic metals. The agency also required the use of continuous emissions monitoring, which makes sense – not only is it better for tracking real-world emissions, it's also cheaper for the power plant to do than stack testing.

The strong legal underpinning, extensive analysis and projected health benefits of this rule should make keeping it on the books a no-brainer. Not to mention, the public strongly supports continuing to clean up mercury and other air toxics from power plants.

We're therefore dismayed that EPA is proposing to repeal this rule and wipe the stronger pollution requirements and the continuous emissions monitoring requirements off the books. They're further proposing to reinstate the Low-

Emitting EGU Program, which would reduce testing frequency for units under an emissions threshold. Reducing testing frequency for any unit is unacceptable – it means that spikes in hazardous emissions from leaks or malfunctions could be completely missed, with real health harms for communities nearby that won't have the information they need to protect themselves.

We are further alarmed by the fact that EPA is already allowing plants to get out of complying with it.

In March, EPA invited email applications from power plants and other polluting facilities for pollution exemptions to avoid having to comply with regulations under Section 112 of the Clean Air Act, including the updated MATS. EPA then granted these exemptions en masse to the coal-fired power plants that applied.

Again, this is all the more galling because back when EPA finalized the Mercury and Air Toxics Standards, they projected that most coal plants would actually not have to take any additional steps to meet the tougher emissions requirements. This includes many of the plants that got the exemption. But now, they'll avoid not only the emissions limits but also the requirement in the rule that they continuously monitor their emissions.

This will have real-world consequences for not only people who live and breathe near coal fired power plants but also those downwind. Air pollution travels. This proposed repeal will make things worse. To fulfill Administrator Zeldin's first pillar of clean air, water and land for every American, EPA must keep this rule on the books, and must actually enforce it. Thank you.