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ATTORNEY GENERAL RAOUL APPLAUDS EPA FOR PLAN TO REAFFIRM MERCURY AND AIR TOXICS STANDARDS FINDING

Raoul Files Comments Supporting EPA's Plan to Reverse Illegal Finding Against Regulating Toxic Air Pollution from Power Plants

Chicago — Attorney General Kwame Raoul joined a coalition of 23 states and cities in filing comments in support of the U.S. Environmental Protection Agency's (EPA) proposal to reaffirm that it is "appropriate and necessary" under the federal Clean Air Act to regulate mercury and other toxic air pollution from coal and oil-fired power plants. That determination, first made over 20 years ago, is the basis for the 2012 Mercury and Air Toxics Standards (MATS) Rule, a landmark rule that has substantially reduced emissions of especially dangerous pollutants that threaten some of our most vulnerable communities, including children and historically marginalized communities.

The EPA's plan reverses an unlawful rule from 2020 that withdrew the EPA's longstanding determination underpinning the MATS Rule and restores the agency's prior finding. [In comments filed with EPA](#) on Monday, Raoul and the coalition agree with the EPA's proposal to revoke the 2020 rule, which lacked a reasoned basis and created a serious threat to public health. The comments point out that the MATS Rule has led to huge reductions in emissions of toxic pollutants that would otherwise expose communities to dirtier air and mercury-contaminated fish.

"The science is clear: Mercury and other toxic pollutants released from coal and oil-fired power plants threaten our environment and can lead to serious health effects in humans," Raoul said. "The previous administration's reckless action to reverse course demonstrated a disregard for residents' health – particularly in communities of color and those disproportionately impacted by pollution – and our environment. I am committed to addressing environmental justice issues in Illinois and strongly support the EPA's commonsense proposal to once again treat mercury pollution as the serious issue that it is."

As the proposal describes, industry compliance with the rule has resulted in massive reductions in emissions of hazardous air pollutants including acid gases, mercury and other toxic metals such as arsenic, chromium and nickel. Since the MATS Rule was implemented, power plant mercury emissions declined by 91% between 2010 and 2020, and acid gas and non-mercury metal emissions declined by 96% and 81%, respectively, between 2010 and 2017. Exposure to those toxins causes serious human health harms, such as pulmonary and cardiovascular disease, neurological damage and cancer, and devastates wildlife and aquatic ecosystems.

Mercury in particular poses serious dangers to public health, with especially harmful effects on developing fetuses, children and wildlife. Airborne mercury from power plants falls back to the ground, where it is converted into methylmercury, a potent neurotoxin that accumulates in the food chain, particularly in fish. A child exposed to methylmercury consumed by the mother during pregnancy can suffer lifelong adverse developmental effects including impaired attention, fine motor function, visual-spatial abilities and verbal memory. Mercury exposure is also linked to an increased risk of diabetes, autoimmune dysfunction, and cardiovascular disease and death in adults.

Power-plant mercury emissions are also a major contributor to mercury contamination of U.S. waterways, which have necessitated fish consumption advisories in all 50 states. Mercury pollution in lakes and rivers

hurts subsistence fishing communities and local fishing economies and deprives residents across the country of the ability to enjoy recreational fishing and commercially harvested seafood.

The coalition's comments point out that the industry is in full compliance with the MATS Rule, which is providing enormous health, environmental, and economic benefits to the residents of their states and local governments – and at a fraction of the predicted cost and with little effect on electricity prices or reliability. The EPA's proposal estimates that the MATS Rule's mercury reductions are providing hundreds of millions of dollars a year in monetizable direct benefits across the U.S. population by preventing IQ deficits in children and heart attack deaths in adults. As the comments underscore, those substantial benefits are only a small portion of the MATS Rule's total benefits because most of the adverse health and ecological harms the rule prevents are not readily quantifiable. In addition to effectively controlling mercury and other toxic metals – like arsenic and chromium – the MATS Rule has led to a dramatic reduction in the fine particulate matter emitted by power plants. Fine particulate matter is the largest environmental health risk factor in the country and is linked to premature death, aggravated asthma, chronic bronchitis and other cardiopulmonary illnesses that disproportionately affect many historically marginalized communities.

The MATS Rule represents the culmination of more than two decades of study and rulemaking by the EPA and was triggered by Congress's 1990 amendments to the Clean Air Act. In 2000, the EPA determined that it was "appropriate and necessary" to regulate hazardous pollutants emitted from fossil-fuel-fired plants that are harmful to human and wildlife health. The agency found that fossil-fuel-fired power plants are the country's largest source of hazardous air pollution, and that other existing provisions of the Clean Air Act would not adequately address those dangerous emissions. The EPA reaffirmed that finding in 2012, relying on a growing body of scientific evidence.

However in 2020, the administration reversed course, purporting to rescind that determination based on an incorrect interpretation of the Clean Air Act and in reliance on stale, inaccurate information that overstated the actual costs and vastly underestimated the benefits of reducing power plant air pollution. Today's comments commend the EPA for once again recognizing that overwhelming scientific evidence demonstrates that the enormous health and environmental benefits of the MATS Rule far outweigh the costs of compliance.

In July 2020, Raoul joined states, counties, and cities in [challenging in court](#) EPA's unlawful attempt to rescind its longstanding decision that regulation of toxic power-plant emissions was appropriate and necessary.

Joining Raoul in filing the comment letter are the attorneys general of California, Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, Wisconsin, and the District of Columbia; as well as the city solicitor of Baltimore, the corporation counsels of Chicago and New York City; and the county attorneys of Erie County, New York and Santa Clara County, California.