



PRESS RELEASE

Attorney General Frosh Joins Coalition Urging Withdrawing of Proposal Undermining Mercury and Air Toxics Standards *Coalition Opposes EPA's Illegal Proposed Finding of "No Longer Appropriate" to Regulate Toxic Air Pollution from Power Plants*

BALTIMORE, MD (April 18, 2019) – Maryland Attorney General Brian E. Frosh joined a coalition of 26 states, counties, and cities in opposing the U.S. Environmental Protection Agency's (EPA) unlawful proposal to reverse the agency's 20-year-old determination that it is "appropriate and necessary" under the federal Clean Air Act to regulate mercury and other toxic air pollution from coal plants. If finalized, the proposal would seriously undermine the 2012 Mercury and Air Toxics Standards (MATS), a landmark rule aiming to reduce air pollutants that pose significant health risks, especially to children and pregnant women.

In [comments](#) filed with EPA, the coalition argues that the agency's proposal is unlawful, lacks a reasoned basis, and is a serious threat to public health. The coalition contends that EPA has affirmed that regulation is appropriate and necessary no less than three times, and that EPA does not have authority here to reverse that finding. The agency's proposal seeks to undermine MATS, although power plants have been complying with those standards since 2015.

"If the EPA's proposed rollback of the MATS Rule is permitted to take effect, fossil fuel industries will once again have free reign to poison our water, air, and our children," said Attorney General Frosh. "For years, fossil fuel industries have been complying with this Rule, and it has proven to have a positive impact on health and environment without causing economic strain. There is no good reason for EPA to change it now."

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, EPA determined that it was "appropriate and necessary" to regulate hazardous pollutants emitted from fossil-fuel-fired plants, including mercury, acid gases, and other toxic metals, 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. EPA reaffirmed that finding in 2012, relying on a growing body of scientific evidence.

In 2016, following the U.S. Supreme Court's decision in *Michigan v. EPA*, the EPA issued a supplemental finding reaffirming again that it is "appropriate" to regulate power plant emissions when the costs of regulation are considered. Today's comments argue that EPA has ignored the actual costs and benefits of reducing power plant air pollution and is relying on stale, inaccurate information to build a case against MATS. Overwhelming scientific evidence demonstrates that the MATS Rule creates great positive value for human health and the environment compared to the costs of compliance.

Mercury poses serious danger to public health, and has especially adverse effects on developing fetuses, children, and wildlife. Airborne mercury from power plants falls back to earth, 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 her 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 issues in adults.

Power-plant mercury emissions are a major contributor to mercury contamination of U.S. waterways, which, as of 2011, necessitated fish consumption advisories in all 50 states. Mercury pollution in lakes and rivers hurts local fishing economies and deprives residents across the country of the ability to enjoy recreational fishing and commercially harvested seafood.

The coalition argues that 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, at a fraction of the predicted cost. “Research confirms the MATS Rule saves tens of thousands of people from premature death each year,” according to the comments. A 2016 study projected that the total economy-wide benefits associated with mercury reductions under the MATS Rule through 2050 would amount to at least \$43 billion. EPA now proposes to change course despite these benefits and over the strenuous objection of the electric power sector, which has made significant investments to comply with the Rule.

In addition to Maryland, today’s comments were joined by the Attorneys General of California, Connecticut, Delaware, District of Columbia, Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, and Washington, 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 the County Counsel for the Santa Clara County, California.