

**Comments of Environmental Law & Policy Center at EPA's Public Hearing on
National Emission Standards for Hazardous Air Pollutants: Coal- and
Oil-Fired Electric Utility Steam Generating Units Proposed Rule**

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My name is Callie Sharp. I am an associate attorney at the Environmental Law & Policy Center, headquartered in Chicago, Illinois. ELPC is a Midwest-based nonprofit public interest organization dedicated to action and advocacy for improving environmental quality and protecting natural resources.

Midwesterners live, work, recreate, hunt, and fish near coal-fired power plants and are directly impacted by their pollutants. Unfortunately, five of the nine worst states for unhealthy air are in the Midwest.¹ This rollback sacrifices families' health by allowing fossil fuel-fired power plants a free pass to pollute, particularly in communities that are already overburdened by compounding pollution.

Of particular interest to the Midwest is the 2024 MATS regulation of lignite coal plants. Lignite coal contains more mercury than other coal types, and is also the least efficient type for energy production. In 2021, lignite coal-fired units were responsible for a whopping 30% of all mercury emissions from coal-fired units in the U.S., but produced only 7% of total energy generated by coal.² North Dakota hosts a significant portion of the nation's lignite coal plants, subjecting residents of North Dakota and surrounding states to increased risks for mercury exposure.

Mercury is one of the most toxic substances on the planet. Inhalation or ingestion can cause severe neurological damage, cardiovascular issues, endocrine disruption, kidney damage, and muscle coordination problems. Intrauterine exposure can lead to IQ and motor skills impairments that will last a lifetime.³

¹ Keerti Gopal, *Nearly Half of Americans Are Breathing Unhealthy Air as Pollution Exposure Numbers Reach Decade High*, INSIDE CLIMATE NEWS, Apr. 23, 2025, <https://insideclimatenews.org/news/23042025/american-lung-association-unhealthy-air-report-pollution-exposure/>.

² National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review, 89 Fed. Reg. 38508, 38537 (May 7, 2024).

³ *Mercury and Air Toxics Standards, Hearing Before the Oversight and Investigations Subcommittee of the U.S. House Committee on Energy and Commerce*, 116th Cong. (2019) (statement of Janet McCabe), available at <https://elpc.org/wp-content/uploads/2020/10/MATS-testimony-House-Energy-and-Commerce-May-2019-McCabe.pdf>.

Other toxic metals, including arsenic, lead, nickel, and chromium, have adverse health effects such as cancer, kidney damage, decreased pulmonary function, lung irritation, pneumonia, and damage to the central nervous system.

EPA projected that the 2024 Rule would reduce annual emissions of mercury by 900 to 1,000 pounds starting in 2028, and that it would reduce emissions of arsenic, nickel, and other toxic metals by approximately four to seven tons per year.⁴

The 2024 Rule was to result in \$79 million in monetizable health benefits in 2028 alone, even without considering the benefits that EPA was unable to quantify.⁵

EPA also projected that the required use of continuous emissions monitoring systems would increase transparency, assure compliance, and facilitate the quick identification of pollution exceedances so that operators can act more quickly to address any issues.

In drafting the 2024 Rule, EPA thoroughly investigated its feasibility. It found that the technology necessary for compliance is commercially available and, in many cases, already installed at regulated plants. To meet the 2024 MATS, many facilities would only need to change some aspects of how they operate their already-installed technology. In fact, many facilities are already in or near compliance with at least some of the standards.

We will offer further written comments illustrating that the proposed repeal is not supported by EPA's rationale. With public health on the line, now is not the time to roll back our air quality protections. We urge EPA to rescind its proposal, and instead move forward with implementing the 2024 MATS.

⁴ *Regulatory Impact Analysis for the Final National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review* at ES-21, Table ES-5.

⁵ *Id.*