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Andrew Wheeler, Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

April 17, 2019

Re: Comments on National Emissions Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units – Reconsideration of Supplemental Finding and Residual Risk and Technology Review, Docket ID: EPA-HQ-OAR-2018-0794

Administrator Wheeler,

The US Environmental Protection Agency (EPA) is proposing (84 Fed. Reg. 2670, Feb. 7, 2019) to reverse a prior well-founded finding that it is “appropriate and necessary” to regulate the emissions of mercury and other toxic air pollutants from coal- fired power plants). The original finding by the US EPA was promulgated to protect the public from health damaging pollution emissions from electric generating power plants, and was the basis for the 2012 Mercury and Air Toxics Standards (MATS).

The EPA’s newly proposed approach is based primarily on a narrowing of the economic calculation of monetized benefits resulting from mercury exposure reduction measures, and now inappropriately ignores the multiple ancillary human health co-benefits that the current regulatory approach includes, making the regulation of Hg appear less justified than it is. Indeed, the proposed assessment would completely, and inappropriately, ignore the substantial monetized human health benefits to the US public that would result from reductions in non-target pollutants that would also occur as a result of the Hg control measures, such as co-reductions of fine particulate matter (PM_{2.5}) air pollution.

As scientists who have studied the human health effects of PM_{2.5} and other air pollutants over the past few decades, we can state with scientifically-based certainty that the human health benefits that are now being ignored by the US EPA are large and significant to the public health. Indeed, in prior analyses of the MATS rule, the US EPA has estimated those human health benefits that are now being proposed to be ignored (USEPA, [Regulatory Impact Analysis for the Final Mercury and Air Toxics Standards](#), EPA-452/R-11-011, December 2011, pg. ES-3). This EPA analysis found that:

“The final MATS Rule is expected to yield significant health co-benefits by reducing emissions not only of HAP such as mercury, but also significant co-benefits by reducing to direct fine particles (PM_{2.5}) and sulfur dioxide, which contributes to the formation of PM_{2.5}. Our analyses suggest this rule would yield co-benefits in 2016 of \$37 to \$90 billion (based on a 3% discount rate) and \$33 to \$81 billion (based on a 7% discount rate). This estimate reflects the economic value of a range of avoided health outcomes including 510 fewer mercury-related IQ points lost as well as avoided PM_{2.5}-related impacts, including 4,200 to 11,000 premature deaths, 4,700 nonfatal heart attacks, 2,600 hospitalizations for respiratory and cardiovascular diseases, 540,000 lost work days, and 3.2 million days when adults restrict normal activities because of respiratory symptoms exacerbated by PM_{2.5}. We also estimate substantial additional health improvements for children from reductions in upper and lower respiratory illnesses, acute bronchitis, and asthma attacks.”

All of the above-noted human health benefits from co-reductions in PM_{2.5}-related air pollution health impacts, and their financial valuations, are now proposed to be inappropriately ignored by the US EPA in order to justify their new decision in an unwarranted manner. This would be analogous to ignoring the lives saved when lowering a highway speed limit to save fuel during a gasoline shortage. Are the only benefits the reduced fuel use? No: there would also be fewer and less life-threatening traffic accidents,

which is a type of co-benefit that this new EPA analysis approach would (by analogy) seek to ignore. For example, Congress required in 1973 that states set 55 mph as the maximum highway speed limit in order to continue receiving their federal highway funds. Concerns over fuel availability, rather than safety, prompted Congress to pass the National Maximum Speed Limit, but the most dramatic result was a notable decline in traffic fatalities. Indeed, the US Department of Transportation later estimated that 41,951 lives were saved between 1974 and 1979 as a result of the law intended to reduce fuel consumption (The Effectiveness of the 55 Mph National Maximum Speed Limit as a Life Saving Benefit, NHTSA. Technical Report DOT-HS-805 811). Thus, the public health co-benefits of such government regulations can actually be very large, and should not be irresponsibly ignored, as the USEPA now inappropriately proposes to do with regard to the MATS rule.

It is important to note that the Senate committee who wrote the Clean Air Act (CAA) also stipulated that the human health co-benefits of the MATS rule should not be ignored, as today's EPA now proposes. In a report produced at the time of the 1990 CAA amendments, it was directly stated that "When establishing technology-based standards under this subsection, the Administrator may consider the benefits which result from control of air pollutants that are not listed but the emissions of which are, nevertheless, reduced by control technologies or practices necessary to meet the prescribed limitation." (Clean Air Act Amendments of 1989: Report of the Committee on Environment and Public Works. United States Senate, S. 1630. U.S. Government Printing Office. Washington, D.C. 1989., Page 8512).

Moreover, the U.S. Office of Management and Budget (OMB) 2003 Circular A-4 guidelines direct federal agencies, including the US EPA, to account for ancillary benefits or co-benefits in rulemakings, such as derived from PM_{2.5} co-reductions in this case. It states: "Your analysis should look beyond the direct benefits and direct costs of your rulemaking and consider any important ancillary benefits and countervailing risks. An ancillary benefit is a favorable impact of the rule that is typically unrelated or secondary to the statutory purpose of the rulemaking" (OMB, [Circular A-4: Regulatory Analysis](#), 2003, pg. 26.). Furthermore, in its draft 2017 report to Congress on costs and benefits of federal regulations, the OMB also confirmed that: "The consideration of co-benefits, including the co-benefits associated with reduction of particulate matter, is consistent with standard accounting practices and has long been required under OMB Circular A-4." (OMB, [Draft Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act](#), 2017, pg. 13). **The EPA must follow these OMB established health co-benefit consideration guidelines in this and future such assessments.**


Thus, the human health co-benefits from the co-reduction of PM_{2.5} air pollution that will be achieved by going forward with the MATS rule (and other future EPA air quality rules) must not be ignored. Moreover, if the benefits analysis were to be properly conducted to include those public health co-benefits, it would be clear that the MATS rule should be left in place as originally proposed by the US EPA.

On behalf of the ISEE, we strongly urge that the US EPA withdraw this harmful proposal, and instead retain its prior sound finding that it is both appropriate and necessary to regulate Hazardous Air Pollutant emissions from electric generating units under Section 112(n)(1) of the Clean Air Act.

Sincerely,



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