

August 11, 2025

Submitted via Regulations.gov

20 Great Lakes & Midwest Environmental Organizations Comment on National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Proposed Rule

Docket ID No. EPA-HQ-OAR-2018-0794

The Environmental Law & Policy Center and the undersigned 19 Great Lakes and Midwest partners strongly oppose the United States Environmental Protection Agency's (EPA) Proposal to roll back the 2024 rule regulating mercury and other hazardous air pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units (EGUs or power plants) under Section 112 of the Clean Air Act (the MATS rule). Our organizations, which collectively have thousands of members, work throughout the Midwest Region and Great Lakes states to protect public health and the environment from toxic air pollution, including mercury and other air toxics such as arsenic and nickel.

Controlling Hazardous Air Pollutants from Power Plants is Important to Protect Public Health, the Environment, and the Economy of the Midwest and Great Lakes Region

We live, work, recreate, hunt, and fish near coal-fired power plants and are directly impacted by their pollutants. Five of the nine worst states for unhealthy air are in the Midwest.¹ Mercury, which is emitted from power plants, 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.² Other toxic metals, emitted along with mercury pollution, include arsenic, lead, nickel, and chromium. These all have adverse health effects such as cancer, kidney damage, decreased pulmonary function, lung irritation, pneumonia, and damage to the central nervous system.

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 *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>.

The 2024 MATS Rule is Achievable and Should Remain in Place

In finalizing the 2024 updated MATS rule, EPA projected that the 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. EPA estimated that the 2024 Rule would result in \$79 million in monetizable health benefits in 2028 alone, even without considering the benefits that EPA was unable to quantify. 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.

Rolling back these updated safeguards sacrifices families' health by allowing fossil fuel-fired power plants a free pass to pollute, particularly in communities that are already overburdened by 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 30% of all mercury emissions from coal-fired units in the U.S., but produced only 7% of total energy generated by coal.³ 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. The 2024 amendments to MATS would finally address mercury emissions from lignite plants, but that progress is now jeopardized by EPA's rollback proposal.

While many forms of air pollution disproportionately burden certain communities, EPA has noted that "[e]xposure to HAP is typically more uneven and more highly concentrated among a smaller number of individuals than exposure to criteria pollutants." 87 Fed. Reg. 7,645. Power plants' non-mercury HAP emissions also include acid gases, which, in addition to harming human health, have negative effects on the environment including acidifying freshwater ecosystems. 87 Fed. Reg. at 7,641.

Power plants also emit large quantities of non-HAP pollutants, including particulate matter (PM) and ozone-forming chemicals. The HAP pollution controls required by the MATS rules also have the benefit of reducing these non-HAP emissions, which pose a huge threat to human health, especially the health of the young, the elderly, and people with asthma.

The 2024 MATS standards are achievable. In drafting the 2024 Rule, EPA thoroughly investigated the feasibility of more stringent standards. EPA 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.

³ 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).

The health of our members across the Midwest and Great Lakes region is at risk. The 2024 MATS rule is achievable and effective. The undersigned groups appreciate the opportunity to comment on this action and urge the U.S. EPA to withdraw this flawed proposal to weaken the important 2024 MATS rule.

Sincerely,

Alliance for the Great Lakes
Between the Waters
Council of the Great Lakes Region
Environmental Law & Policy Center
Flow Water Advocates
Freshwater Future
Genesee Valley Audubon Society
Great Lakes Ecoregion Network
Holy Spirit Missionary Sisters, USA-JPIC
Indiana Conservation Voters
Inner City Neighborhood Art House
Lake Superior Watershed Conservancy Inc
Milwaukee Riverkeeper
Motel Bear Lake
National Parks Conservation Association
Northeast Ohio Black Health Coalition
River Alliance of Wisconsin
Saugatuck Dunes Coastal Alliance
Save Our Water
Save The River, Inc.

Respectfully submitted,

ORGANIZATION NAMES WILL BE LISTED HERE