



319 N. Fourth St., Ste. 800
St. Louis, MO 63102
(314) 231-4181 facsimile (314) 231-4184
www.greatriverslaw.org
Founding President: Lewis C. Green 1924-2003

President

Kathleen G. Henry (*Licensed in MO, IL, DC*)

General Counsel

Bruce A. Morrison (*Licensed in MO, IL*)

Climate and Energy Program Director

Henry B. Robertson (*Licensed in MO*)

Staff Attorney

Bob H. Menees (*Licensed in MO, OR*)

Director of Development and Community Outreach

Sarah N. Willey

April 17, 2019

Via www.regulations.gov

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
Office of the Administrator
Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: National Emission 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 No. EPA-HQ-OAR-2018-0794

Dear Administrator Wheeler:

On behalf of the Missouri State Conference of the National Association for the Advancement of Colored People (“Missouri NAACP”), Great Rivers Environmental Law Center (“Great Rivers”) submits the following comments on the U.S. Environmental Protection Agency’s (EPA’s) proposal to find that it is not “appropriate and necessary” to regulate Hazardous Air Pollutant emissions from coal- and oil-fired EGUs, reversing EPA’s prior conclusions under section 112 of the Clean Air Act. We respectfully request that EPA stand by its prior conclusions and regulate these harmful emissions.

Founded in 1909, the NAACP is the nation’s foremost, largest, and most widely recognized civil rights organization. Its more than half-million members and supporters are the premier advocates for civil rights in their communities. Environmental justice is one of the NAACP’s current, core issues. Environmental injustice has a disproportionate impact on

communities of color and low income communities in Missouri and throughout the United States. These comments focus upon the environmental justice impacts of EPA's proposal.

The Missouri NAACP views the proposed changes as a threat to the rights and the wellbeing of people of color and low income communities, who stand to be disproportionately affected by the changes.¹ EPA's devaluation of co-benefits in its analysis threatens the quality of life and the health of our most vulnerable citizens, including children, the elderly and the economically-disadvantaged. Excluding the health and well-being of these communities from consideration in a cost analysis, while giving undo weight to industry cost, is unconscionable.

The Mercury and Air toxics Standards (MATS) were implemented to prevent thousands of premature deaths, thousands of heart attacks and over one hundred thousand asthma attacks each year. Implementation has reduced emissions of mercury by 81.7 percent.² In Missouri alone, these standards were implemented to prevent 410 premature deaths while providing up to \$3.4 billion in health benefits in a single year.³ Since implementation of MATS, industry actors have brought their facilities into compliance while maintaining their own economic viability. This demonstrates the ability of industry to continue to function successfully while complying with the standards so vital to the wellbeing of the population.

In 2016, EPA confirmed its determination that it is "appropriate and necessary" to regulate these emissions, noting the cost of industry compliance represents a mere 2.7% to 3.5% of annual industry revenue and that every \$1 spent to reduce air pollution results in up to \$9 in public health benefits.⁴ In light of these findings, EPA's proposed re-evaluation is especially cruel.

Regulation of hazardous air pollutants under Section 112 of the Clean Air Act protects individuals, families and communities, especially those of color, from unnecessary premature deaths, asthma attacks, cancer, neurological deficits and heart attacks.⁵ With 68% of African Americans living within 30 miles of a coal plant and low income communities more likely to be host to a coal plant, these vulnerable Americans bear a greater brunt of hazardous coal plant emissions. EPA's prior conclusions that it is "appropriate and necessary" to regulate these hazardous emissions go a long way to improving the health and well-being of people of color in this state and throughout the country. The resulting public health benefits provided to the people should not arbitrarily be taken away, as EPA now proposes. Please stand by your prior determinations to regulate these harmful emissions.

Sincerely,
/s/ Lauren Lageson

¹ <https://www.npr.org/sections/health-shots/2019/03/11/702348935/study-finds-racial-gap-between-who-causes-air-pollution-and-who-breathes-it>

² <https://www.americanprogress.org/issues/green/reports/2018/12/18/464269/trumps-epa-poised-undo-progress-mercury-pollution-reduction/>

³ <https://www.epa.gov/mats/mercury-and-air-toxics-standards-missouri>

⁴ https://www.epa.gov/sites/production/files/2016-05/documents/20160414_mats_ff_fr_fs.pdf

⁵ https://www.epa.gov/sites/production/files/2016-05/documents/20160414_mats_ff_fr_fs.pdf