

Comments of Environmental Defense Fund at EPA’s Public Hearing on the Proposed Rule to Repeal Amendments to the National Emissions Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units

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Good evening, my name is Rachel Swanteson-Franz and I am a Legal Intern at the Environmental Defense Fund (EDF). I am testifying today to highlight the serious health impacts from the pollutants regulated under the MATS program, specifically to my home state of New Mexico, and to urge the EPA to *not* repeal the more protective 2024 updates. This proposed repeal would set us back 13 years. That is 13 years of advances in science and technology that have shown how technically and economically feasible it is to reduce these emissions. This repeal would have long-term negative health impacts on communities across the country, but especially for New Mexico communities where the cumulative health impacts of legacy pollution are high yet access to reliable healthcare is limited.

The EPA is required under the Clean Air Act to set standards reflecting the maximum achievable emissions reductions for these hazardous air pollutants (HAPs). The proposed repeal does *not* represent the maximum achievable reductions. The EPA ignores the public health costs of increased emissions due to a repeal. However, in New Mexico — the costs are great. New Mexico residents already bear a large pollution burden of contamination from coal and uranium mining.¹ We also bear a large pollution burden from ongoing oil and gas extraction. Additionally, New Mexicans have lower access to healthcare than many other communities and have higher incidents of diseases that are exacerbated by exposure to HAPs.² For New Mexico, the health impacts from increased HAPs will be particularly salient.

Reducing HAP emissions is important because of their devastating health impacts, especially in communities overburdened by other environmental and socioeconomic harms. Mercury emissions from power plants have many harmful health impacts, including

¹ Alicia Inez Guzman, *Poisoning the Well*, SEARCHLIGHT N.M. (Mar. 13, 2025), <https://searchlightnm.org/new-mexico-cold-war-uranium-mining-toxic-legacy-threat-homes-underground-aquifers/> (discussing the toxic legacy of Cold War uranium mining on western New Mexico); Bryce Dix, *New Mexico Gets Fresh Round of Legacy Coal Mine Clean Up Cash*, SOURCE NM (Sept. 3, 2024 at 07:37), <https://sourcenm.com/2024/09/03/new-mexico-gets-fresh-round-of-legacy-coal-mine-cleanup-cash/> (discussing the influx of funding to address 15,000 abandoned coal mines in New Mexico); Patrick Lohmann, *State Extinguishes Gallup-area Mine Fires Burning Since at Least 2011*, SOURCE NM (Oct. 22, 2024 at 04:45), <https://sourcenm.com/briefs/state-extinguishes-gallup-area-mine-fires-burning-since-at-least-2011/> (discussing coal mine fires polluting the air in western New Mexico).

² N.M. DEP’T OF HEALTH, 2022 NEW MEXICO HEALTH DATA SUMMARY, https://hsc.unm.edu/ctsc/services/cerc/_docs/nm-health-data-summary-2023.pdf; N.M. LEGIS. FIN. COMM., HEARING BRIEF: RURAL HEALTHCARE IN NEW MEXICO (2023), https://www.nmlegis.gov/Entity/LFC/Documents/Health_And_Human_Services/Hearing%20Brief%20Rural%20Healthcare%20in%20New%20Mexico,%20August%202023.pdf (stressing the healthcare access challenges especially for New Mexico’s rural population).

cardiovascular effects such as deadly heart attacks and hypertension, as well as neurological effects for children, such as lost IQ points, and delayed development of memory, language, and motor skills.³ Non-mercury metal HAPs also pose significant risks. Nickel, arsenic, and hexavalent chromium are associated with cancer and pose other health risks, such as liver and kidney damage or reproductive system harm.⁴ Lead exposure increases risks of cardiovascular disease, reduced fertility, and cognitive impairment in children.⁵ Overall, these emissions from EGUs are actively endangering the health and well-being of residents, families, children, and workers living and working near these plants.

New Mexico has one remaining coal-fired power plant in operation. The Four Corners Power Plant (FCPP), located in far northwest New Mexico on Navajo Nation, is polluting an area whose population has been downstream of many extractive industries and is particularly impacted by a legacy of coal mining.⁶ Many people on Navajo Nation use wood and coal to heat their homes,⁷ meaning they already have higher lifetime exposure to HAPs and other dangerous pollutants⁸ before accounting for power plant emissions. Studies also show that fish and sheep, both dietary staples in the area, have higher levels of mercury and other heavy metals—from multiple sources including the Four Corners Power Plant.⁹ Moreover, among many other concerning health statistics, New Mexico also has a higher than national average of Low-Birth-

³ See, e.g., Elsie Sunderland et al., *A Template for a State-of-the-Science Assessment of the Public Health Benefits Associated with Mercury Emissions Reductions for Coal-Fired Electricity Generating Units*, at 3, 10–11 (Apr. 2022); Emmett Envtl. Law & Policy Clinic, *Reconsideration of Supplemental Finding Comments* at 3–7 (Feb. 7, 2019), <https://www.regulations.gov/comment/EPA-HQ-OAR-2018-0794-1665>.

⁴ See RAINA M. MAIER ET AL., NT'L INST. OF ENVTL. HEALTH SCIS. SUPERFUND RESEARCH CTRS. AT THE UNIV. OF ARIZONA & UNIV. OF NEW MEXICO, *TOXICITY REVIEW OF METALS EMISSIONS FROM COAL-FIRED POWER PLANTS* at 29, 34–35 (Mar. 2022).

⁵ See Bruce P. Lanphear et al., *Low-Level Lead Exposure and Mortality in US Adults: A Population-Based Cohort Study*, 3 LANCET PUB. HEALTH e177, e183 (2018); Sunil Kumar, *Occupational and Environmental Exposure to Lead and Reproductive Health Impairment: An Overview*, INDIAN J. OCCUP. & ENV'T. MED. 128 (2018); Alex Hollingsworth et al., *Lead Exposure Reduces Academic Performance: Intensity, Duration, and Nutrition Matter*, at 3, 26 (Nat'l Bureau of Econ. Res., Working Paper No. 28250, 2021).

⁶ E.g., Doug Burgge & Rob Goble, *The History of Uranium Mining and the Navajo People*, 92 AM. J. OF PUB. HEALTH 1410 (2002), <https://doi.org/10.2105/ajph.92.9.1410>; Joshua Vorse et al., *Cases of Black Lung are Surging on Navajo Nation, But Miners Lack Access to Care*, ROCKY MTN. PBS (Feb. 22, 2024), <https://www.rmpbs.org/blogs/news/black-lung-navajo-nation-miners>; SUMMIT CONSULTING, INC., *BLACK LUNG INCIDENCE STUDY: NAVAJO NATION RESEARCH BRIEF* (2023), https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/BlackLungIncidenceStudy_NavajoNationResearchBrief.pdf.

⁷ Joanna Gordan Casey et al., *Low-Cost Measurement Techniques to Characterize the Influence of Home Heating Fuel on Carbon Monoxide in Navajo Homes*, 625 SCI. OF THE TOTAL ENV'T 608, 609 (2018), <https://doi.org/10.1016/j.scitotenv.2017.12.312>.

⁸ *Id.*

⁹ See U.S. BUR. OF INDIAN AFFAIRS, U.S. DEP'T OF INTERIOR, *DRAFT BIOLOGICAL OPINION FOR THE DESERT ROCK ENERGY PROJECT* at 94-95 (2009), https://www.biologicaldiversity.org/programs/public_land/energy/dirty_energy_development/coal/pdfs/EX_B.pdf (discussing mercury levels and reproductive impairment in the Colorado Pikeminnow); see also Christine Samuel-Nakamura et al., *Uranium and Associated Heavy Metals in Ovis aries in a Mining Impacted Area in Northwestern New Mexico*, 14 INT'L J. ENV'T RES & PUB. HEALTH 848 (2017) (noting higher levels of heavy metals in sheep, a staple food on Navajo Nation, due to legacy of uranium mining).

Weight rates which is likely exacerbated by exposure to HAPs.¹⁰ Finally, while the FCPP is the only active plant in New Mexico, Arizona, Colorado, and Texas all have coal-fired power plants within fifty to 100 miles of New Mexico towns.¹¹ Thus, a repeal of the 2024 MATS rule will harm many New Mexico communities.

Lastly, as of 2023, forty-seven percent of New Mexico's electricity was generated by renewable energy.¹² New Mexico ranks top ten in the nation for renewable energy generation and has already exceeded state statutory renewable energy goals.¹³ While coal is still part of the state's electricity generation, it has declined by ninety percent over the last two decades¹⁴ and will continue to decline due to state requirements.¹⁵ State regulators made the choice to move away from coal in part because of the long-term cost savings offered by the transition.¹⁶ States like New Mexico are already looking towards the future and moving away from coal—this repeal would unjustifiably excuse the owners of these uneconomic plants from cleaning up their health-harming pollution while having long lasting negative health impacts on vulnerable communities.

EDF urges the EPA to keep the stronger 2024 MATS standards in place to protect public health. We thank EPA for convening this important public hearing on the proposed repeal and considering these views. We also ask EPA to hold additional public hearing sessions, as the Clean Air Act requires EPA to do, to ensure all those who would like to provide oral testimony can do so. Thank you.

¹⁰ Yanhong Huang et al., *Maternal Exposure to Metal Components of PM_{2.5} and Low Birth Weight in New Mexico, USA*, 30 ENV'T SCI. & POLLUTION RSCH. 98526 (2023), <https://doi.org/10.1007/s11356-023-29291-1>.

¹¹ *Interactive Map of U.S. Power Plants*, SYNAPSE: ENERGY ECONS., INC., <https://www.synapse-energy.com/tools/interactive-map-us-power-plants> (last visited July 7, 2025) (searching for coal-fired power plants in the Southwest). Google Earth was used to measure straight-line distances between the coal-fired power plants and New Mexico towns and cities.

¹² *New Mexico*, U.S. ENERGY INFO. ADMIN. (June 20, 2024), <https://www.eia.gov/state/analysis.php?sid=NM>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*; Hannah Grover, *Trump Looks to Save Coal, What Could That Mean for New Mexico*, N.M. POL. REP. (Mar. 18, 2025) (“[T]he [New Mexico] utility is already transitioning away from fossil fuels, as required by the state’s Energy Transition Act.”).

¹⁶ PUB. SERV. CO. OF N.M., 2023 INTEGRATED RESOURCE PLAN at 24 (2023), <https://www.pnm.com/documents/d/pnm.com/pnm-2023-irp-final-pdf>. This and previous plans determined that replacing coal electricity generation with renewable energy electricity would reduce consumer costs. *Id.* PNM will exit its contract with the FPCC in 2031. *Id.* at 28. Finally, New Mexico has funding resources to support communities in the transition away from coal. *Id.* at 36. *See also* Grover, *supra* note 15 (noting that in previous plans PNM found that maintaining coal plants would be extremely costly).