

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
Docket ID No. EPA–HQ–OAR–2018–0794

Surbhi Sarang
Senior Attorney
Environmental Defense Fund
July 10, 2025

My name is Surbhi Sarang and I am a Senior Attorney at the Environmental Defense Fund (“EDF”). EDF asks that EPA immediately withdraw its proposal to undo last year’s updates to the Mercury and Air Toxics Standards. If adopted, the MATS Repeal Proposal¹ would result in more harmful pollution from coal power plants including highly toxic substances such as mercury, arsenic, nickel, and chromium. Young children and vulnerable communities will be the ones who bear the brunt of this pollution, experiencing more adverse health harms associated with these pollutants including brain and spinal cord damage, cancer, cardiovascular disease, and kidney damage.

The MATS updates targeted for repeal by this proposal reflect modest, common-sense improvements to pollution standards for coal power plants. The updated standard for nickel, arsenic, and other toxic metals is based on developments in technology and real-world data and information about the ability of the U.S. coal fleet to achieve lower emission levels without compromising electricity rates or reliability. Indeed, the vast majority of coal power plants are already in compliance with the most recently adopted pollution limits. The rule requires the dirtiest remaining coal plants still lagging behind to reduce toxic metals in line with what can be achieved through widely-available pollution control technologies and techniques, ensuring that all communities are protected from this dangerous pollution.

The American public deserves to have air, water, and food that is clean and free of harmful mercury contamination. Yet, coal-fired power plants continue to be one of the largest sources of this highly toxic metal. EPA previously focused on the highest-emitting plants—those burning lignite coal—which accounted for 30 percent of mercury emissions from coal power plants but contributed only seven percent of megawatt-hours in 2021.² The MATS updates require that lignite coal plants meet the same mercury standards as the rest of the fleet by employing existing and in-use pollution control technologies. There is no logic in repealing such common-sense requirements.

EPA proposes to repeal requirements for coal plants to use continuous emissions monitoring systems for emissions of nickel, arsenic, and other toxic metals. Continuous

¹ National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units, 90 Fed. Reg. 25,535 (Jun. 17, 2025).

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).

emissions monitoring systems provide numerous benefits to EPA, plant operators, and the public while costing only slightly more. This widely available technology—already in use by a third of the coal fleet—provides substantially more data and information than intermittent stack testing. This data can be used by EPA to better assure compliance with the standards, by operators to ensure optimal plant performance, and by community members to better understand their pollution exposures. There is no rational basis for EPA to find that CEMS is not cost-effective.

This proposal continues an onslaught by this Administration on communities living near power plants and particularly vulnerable to their pollution. EPA's failure to conduct an environmental justice analysis of the proposal is particularly egregious in the context of numerous actions that abandon those communities who are most impacted by environmental pollution.³

Finally, EPA has not provided sufficient opportunities for public participation in this rulemaking. EDF and others have requested an extension of the comment deadline as well as additional public hearings to ensure that all stakeholders are able to provide input on the proposal, as required by the Clean Air Act. Given the serious and complex issues raised by this proposal, the potential harm it would do, and the large number of impacted people, more time and opportunity for public input is warranted.

We urge EPA to withdraw this damaging proposal. Thank you for your consideration of this testimony.

³ See, e.g., EPA Press Release, *EPA Terminates Biden's Environmental Justice, DEI Arms of Agency*, (Mar. 12, 2025), <https://www.epa.gov/newsreleases/epa-terminates-bidens-environmental-justice-dei-arms-agency>.