

Former EPA advisers say agency's mercury proposal is flawed

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Element mercury (Hg), liquid form. Credit: Wikipedia.

As the EPA gets closer to finalizing changes to an Obama-era air pollution rule, a group of former agency advisers says the Trump administration's attempt to weaken the mercury emissions regulations is based on faulty and outdated data.

The Trump administration a year ago proposed a rule that would revoke the EPA's legal justification for issuing the Mercury and Air Toxics Standard rule that aimed to curb hazardous air emissions from coal- and oil-fired power plants.

Despite bipartisan opposition in Congress, the EPA is expected to finalize the rule by year's end.

The group of environmental economists said in a report released Wednesday that the EPA's proposal relies on a [cost-benefit analysis](#) that is "fatally flawed" and that the agency's calculations "inappropriately fail to account for the fact that reducing [mercury](#) pollution provides tens of billions of dollars in health benefits to the American people."

The report said the EPA analysis underestimates public health benefits from controlling mercury pollution and only takes into account the impact of reducing mercury pollution from power plants on protecting the IQs of children whose families catch and eat freshwater fish.

"It does not consider wider effects from power-plant mercury" that builds up "in seafood and is consumed by many more Americans," a summary of the report said. "It also fails to account for mercury's harmful effects on the human cardiovascular system, and other studies find that reducing mercury pollution from power plants can generate billions of dollars in additional public [health benefits](#), primarily from avoided heart attacks."

Report co-author Matthew Kotchen, a professor of economics at Yale

University's School of Forestry and Environmental Studies, said the EPA is "cherry-picking" instead of weighing all costs against all benefits.

"They pulled the biggest public health benefit off the scale," he said.

The group said the Trump EPA also overestimates the role of coal by assuming about half of the country's electricity is generated by coal, and warn that "using outdated data affects both the cost side and the benefit side of the economic analysis."

According to the Energy Information Administration, coal contributed 27.5% to the nation's energy production.

The environmental economists behind the report are part of a group named the External Environmental Economics Advisory Committee or E-EEAC. The group said it was formed after the EPA's Environmental Economics Advisory Committee was dissolved in 2018.

The report authors include academics from Harvard University, Yale University, Claremont McKenna College, University of California Berkeley and Georgetown University who once served on the advisory committee.

An EPA spokesperson said the Trump administration is "committed to providing regulatory certainty by transparently and accurately taking account of both costs and benefits in the proposed revised Supplemental Cost Finding for MATS," and that the EPA is not proposing to remove coal- and oil-fired [power plants](#) from the list of sources it regulates.

The EPA's proposal says it is not "appropriate and necessary" for the agency to regulate hazardous air pollutants under a particular section of the Clean Air Act

While the proposed regulation would not withdraw the MATS rule, it would change its legal basis with new calculations of costs and benefits.

Environmental groups have warned the proposal would allow oil and gas operations to launch costly lawsuits to kill the air pollution rule by questioning the agency's authority to regulate mercury and other toxic air pollutants.

In Congress, the Obama administration rule has bipartisan support. Senate Environment and Public Works ranking member Thomas R. Carper, D-Del., and Sen. Lamar Alexander, R-Tenn., chairman of the Energy and Water Development Appropriations Subcommittee, wrote an opinion piece in U.S. Today last month in support of the MATS rule.

"The gains we have made over the past decade to protect children and families from dangerous mercury pollution should not be lost," the lawmakers wrote.

Carper and Alexander were joined in March by Sens. Susan Collins, R-Maine, Joe Manchin III, D-W.V., Thom Tillis, R-N.C., and Sherrod Brown, D-Ohio, in writing to EPA Administrator Andrew Wheeler urging him to withdraw the proposed rule.

"We strongly oppose any action that could lead to the undoing of the Mercury Rule. ... Mercury is a deadly toxin that harms the development of fetuses and children," the lawmakers wrote. "It makes no sense to take any action that could lead to the weakening of mercury emission standards."

The Obama administration estimated utilities would have to pay \$9.6 billion a year to comply with the rule. The rule would generate between \$37 billion and \$90 billion in benefits, the agency estimated at the time.

"We know we are better off as a society if we look at everything that changes and find that the positive impacts outweigh the negative impacts," said Joseph E. Aldy, professor of the practice of public policy at Harvard's John F. Kennedy School of Government.

"Americans want good public health measures in place, and they are willing to pay for them, and the best evidence suggests the MATS rule is a good deal."

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