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**U.S. Environmental Protection Agency (EPA) Hearing on EPA Proposal to  
Issue National Emission Standards for Hazardous Air Pollutants From Coal-  
and Oil-Fired Electric Utility Steam Generating Units and Standards of  
Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-  
Institutional, and Small Industrial-Commercial-Institutional Steam  
Generating Units (76 Federal Register 24976)**

**Docket Nos. EPA-HQ-OAR-2009-0234  
and EPA-HQ-OAR-2011-0044  
Prepared for delivery, May 24, 2011**

Good evening. My name is Adam Cutler, and I am the Director of the Public Health and Environmental Justice Law Project at the Public Interest Law Center of Philadelphia. Thank you for the opportunity to testify today concerning EPA's proposed Mercury and Air Toxics Rule, which would limit emissions of certain hazardous air pollutants from coal- and oil-fired power plants.

My comments today are not made on behalf of any particular client group or community. They are, however, rooted in the work I do with environmental justice communities. I will provide more detailed comments on the agency's proposal during the written comment period.

The Public Health and Environmental Justice Law Project provides legal services to EJ communities in Pennsylvania, primarily in and around Philadelphia. Through the Project, I work closely with communities where residents – mostly of color or poor or both – suffer disproportionately from adverse health effects associated with pollution. As EJ advocate Robert Bullard recently noted:

Coal-fired power plants are not randomly distributed across the American landscape. All Americans do not have the same likelihood or probability of having a dirty coal plant as a neighbor. More than 68 percent of African Americans live within 30 miles of a coal-fired power plant, the distance within which the maximum effects of the smokestack plume are expected to occur. In comparison, 56 percent of whites and 39 percent of Latinos live in such proximity to a coal-fired power plant.

Robert D. Bullard, "Health Benefits of Dethroning King Coal," at <http://www.drrobertbullard.com/blog/item/17-health-benefits-of-dethroning-king-coal.html> (posted May 7, 2011; last visited May 23, 2011).

Some of the EJ communities I work with, like the City of Chester or the Borough of Eddystone, both in Delaware County, Pennsylvania, are located in very close proximity to coal- and oil-fired power plants. Indeed, Pennsylvania power plants are the second largest emitters of toxic mercury pollution in the nation, according to my colleagues at PennFuture. Fishing advisories are in effect for every lake, river and stream throughout the state. And a recent household health survey of the greater Philadelphia region reported that asthma rates among children in just the two communities of Chester and Eddystone exceed 36%. Our local communities, therefore, are acutely affected by the very types of pollutants that would be cut under the proposed rule.

The Mercury and Air Toxics Rule proposes national standards to reduce air pollution from coal- and oil-fired power plants, which emit some of the most hazardous air pollutants known, including mercury, arsenic, lead, other heavy metals, dioxin, and acid gases. Even small amounts of these extremely harmful pollutants are linked to diseases including cancer, heart disease, brain damage, birth defects, asthma attacks, and premature death. Pregnant women and their fetuses are particularly vulnerable to harm from exposure to mercury and lead. The proposed rule would, for the first time, set technology-based national emissions standards for over 80 hazardous air pollutants. By final implementation, EPA projects that each year mercury and acid gas emissions would be cut by over 90%, and SO<sub>2</sub> emissions by 55%. Further, EPA projects that each year the standards will prevent serious illnesses and health problems for thousands of Americans, including up to 17,000 premature deaths, 11,000 heart attacks, 120,000 asthma attacks, 12,000 hospital and emergency room visits, and 5 million restricted activity days. The proposed rule offers unmistakable benefits to the public that on an annual basis will far outweigh (by a ratio of over 13 to 1) industry's annual costs of compliance.

In contrast to other recently proposed rules, the Mercury and Air Toxics Rule does not permit emissions trading. Instead, the Rule establishes national standards that must be met within the next three to four years at all covered coal- and oil-fired power plants.

These standards are long overdue, and the Law Center applauds the fair and equitable approach of the proposed Rule. Whether regulated facilities choose to adopt already existing and cost-effective control technologies, opt to convert their facilities to natural gas, or even choose to retire their dirty facilities altogether and re-direct capital investments into clean-powered renewable sources, the rule will ensure that all communities will soon receive the benefits from significant reductions in hazardous air pollutants and co-pollutants.

That said, I want to speak directly to those who would counsel for delay or who urge EPA to water down these critical new standards: Every day this Rule is prevented from going into effect in its current form, you are condemning more Americans – and importantly, more of our children – to death and chronic illnesses. Although minority and poor communities are most in harm's way, every American who lives near a power plant is susceptible to mercury and other hazardous air pollutants, as well as fine

particulates. And every American is susceptible to mercury in the food chain. Methylmercury does not discriminate once it bioaccumulates.

With the prompt implementation of the Rule, the playing field will at long last be evened, and dirty coal- and oil-fired utilities will have to meet the standards that over half of their industry colleagues have already invested the capital to achieve. Once the Rule is finalized, these dirty facilities can no longer profit on the backs – and hearts, and lungs, and developing brains – of our most vulnerable populations. EPA must act promptly to finalize the Rule, so that all Americans, from vulnerable communities of color and of poverty to the most affluent suburbanites, can once and for all enjoy the hazardous air pollutant reductions that were mandated under the Clean Air Act amendments passed 21 long years ago.

Thank you for the opportunity to comment. I am happy to take any questions.