

# A!ert

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*Alert is a monthly update on transportation and air quality planning activities in the Delaware Valley.*



## Air Quality Regulations

### US EPA Proposes to Revise Rule to Regulate Mercury Emissions from Power Plants

On Friday, December 28, 2018, the US Environmental Protection Agency (EPA) proposed reversing Obama era regulations on mercury emissions from oil and coal-fired power plants.

The Mercury and Air Toxics Standards (MATS) rule was established in 2011. It was the first set of federal rules to limit hazardous air pollution from coal and oil-burning power plants. Coal power plants are the biggest emitters of mercury in the nation. The rule targeted mercury, which is a neurotoxin that can lead to tremors, respiratory failure, and death but implementation of the standards also reduced other hazardous air pollutants such as fine particle pollution or PM<sub>2.5</sub>. According to the EPA's projections, the MATS saves upward of 17,000 lives per year in the United States. The Center for American Progress found that MATS reduced mercury emissions from power plants by 81 percent since going into effect.

The energy industry and a number of states filed lawsuits to block the MATS and in 2015 the Supreme Court ruled that the EPA has to weigh the costs to industry of an environmental regulation against the benefits to society. When the EPA initially calculated the health benefits of the rule, the agency included the health benefits associated with all of the pollutants that would be reduced by the implementation of the standard. The new EPA proposal will only include the calculation for the health benefits from the reduction in mercury emissions. This new accounting plan negatively impacts the cost-benefit ratio of the rule. By changing the cost-benefit analysis of MATS, the EPA is making it easier to challenge its implementation.

In the new proposal, the EPA said complying with MATS can cost power producers upward of \$9.6 billion per year, but the benefits can only be quantified up to \$6 million. When the rule was initiated in 2011, EPA stated that the health benefits would be up to \$80 million when the co-benefits of reducing other pollutants was considered.

"EPA is not saying that it can't consider PM<sub>2.5</sub> co-benefits when it makes regulatory decisions," said Jeff Holmstead, a former deputy administrator at the EPA under President George W. Bush. "They're just saying that, in this case, where virtually all the benefits are 'co-benefits' of reducing a pollutant that is supposed to be regulated under other Clean Air Act programs, we can't use these co-benefits to justify a regulation that is only supposed to be about hazardous air pollutants."



## Save the Date

**Wednesday  
March 6, 2019**  
Application Deadline for  
US EPA Diesel Emission  
Reduction Act grant

For information on the grant  
program, please visit:  
[https://www.epa.gov/grants/  
clean-diesel-funding-  
assistance-program-fy-2019](https://www.epa.gov/grants/clean-diesel-funding-assistance-program-fy-2019)

**Friday  
May 10, 2019**  
Application Deadline for  
PA DEP Class 8 Diesel Truck  
and Transit Bus Grant  
Program

For information on the grant  
program, please visit:  
[www.depgis.state.pa.us/  
DrivingPAForward](http://www.depgis.state.pa.us/DrivingPAForward)

While the EPA's latest proposal doesn't repeal the MATS outright, it starts to undermine the rule's legal foundations. In response to the Court's ruling, the EPA is proposing to determine that it is not "appropriate and necessary" to regulate mercury emissions from power plants under Section 112 of the Clean Air Act. The EPA's reasoning is that the current regulation, as it stands, is too costly and does not meet the "appropriate and necessary" standard required to regulate those pollutants under that section of the Clean Air Act.

"If finalized, it will leave the mercury reduction requirements vulnerable to rollback or further legal attack, and it puts at risk years of progress to reduce exposure to a known neurotoxin that accumulates in the environment," said Janet McCabe, who served as the acting assistant administrator for the Office of Air and Radiation at the EPA under Obama. "The proposal also sets a very troubling precedent for how the EPA evaluates the impact of policy on public health."

The EPA plans to open a 60-day public comment period on the proposed revision to the MATS but the *Federal Register* is not being published during the current government shut-down so there is no definitive date as to when the comment period will commence.

To learn more about the EPA's revision of the MATS, please visit: <https://www.epa.gov/mats/regulatory-actions-final-mercury-and-air-toxics-standards-mats-power-plants> .



## Air Quality News

### Global Emissions Climb to Record Highs, Reversing Three Years of Declines

In 2018, carbon emissions reached their highest level on record, demonstrating that efforts to curtail global greenhouse gas emissions are slowing.

The results marked the second straight year, after three years of declines, that emissions have risen rather than remaining flat or falling.

"We thought, perhaps hoped, emissions had peaked a few years ago," Rob Jackson, a professor of Earth System Science at Stanford University's School of Earth, Energy and Environmental Sciences, said in a statement. "After two years of renewed growth, that was wishful thinking."

Emissions are expected to rise by 2.7 percent in 2018, accelerating an increase in emissions of 1.6 percent last year. Much of the increase comes from the energy sector, a result of rising energy demand around the world, especially in developing economies, which have turned to coal to meet their power needs.

China, notably, after enduring an economic slowdown, has increased emissions by greenlighting coal plants that had previously stalled. Emissions in China alone are expected to climb by 5 percent this year, up from an increase of 3.5 percent last year.

The United States has also reversed course on reining in carbon emissions. After seeing carbon dioxide emissions decline for roughly a decade, such emissions are expected to increase 2.5 percent this year, a result not only of a deep cold snap in the East and unusually warm weather across the country through the spring and summer, but also of renewed American appetite for oil and gas encouraged by low energy prices.

The report follows a drumbeat of alarming climate reports. Recent reports by the UN's Environment Program and World Meteorological Organization as well as the latest US National Climate Assessment warned that countries are heading in the wrong direction in addressing climate change and that the impacts of global warming – from wildfires to droughts to severe weather – are being felt now, with devastating consequences.

More information on the global greenhouse gas emissions trends is available at the US National Climate Assessment webpage at: <https://www.globalchange.gov/nca4>.



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