

Opening Statement  
Chairwoman Diana DeGette  
Subcommittee on Oversight and Investigations  
Committee on Energy and Commerce  
Hearing on “Undermining Mercury Protections: EPA Endangers Human Health and the  
Environment”  
May 21, 2019

Today, we take a look at the Trump Administration’s ill-conceived and – quite frankly – mindboggling efforts to undermine the U.S. Environmental Protection Agency’s (EPA) rule that limits mercury emissions from our nation’s coal power plants.

Mercury is one of the most toxic substances on the planet – and it’s one that can cause real harm to the brain, heart and other essential bodily systems.

Despite the dangers that this toxic metal can cause, for years there had been no federal regulations limiting how much mercury that our coal-fired power plants could emit into the atmosphere each year.

Let me be clear about something: When the EPA fails to enact clean air protections, it is our communities, and our families, and our environment that pay the price. And when an administration – like the one we have today – tries to unravel the protections that we already have, it puts all of us at risk.

In 2012, to better protect the public from the threat posed by mercury emissions, the Obama administration determined that it was “appropriate and necessary” under the Clean Air Act for the EPA to limit how much mercury coal power plants could emit each year.

The Obama administration finalized these new standards in a new rule it enacted that year known as the Mercury and Air Toxics Standards, or “MAT.”

In justifying its decision to enact these new limits, the Obama administration estimated that while it would cost the industry more than \$9 billion to comply with the new rule, the new standards would generate \$4 to \$6 million in direct health benefits, and as much as \$90 *billion* in additional health benefits every year by reducing people’s exposure to the toxic metal.

While the industry chose to challenge the new standards in court, they were upheld as the EPA, at the time, argued – again and again – that it was “appropriate and necessary” for the agency to limit mercury pollution from power plants.

With the courts siding with the administration, the industry eventually moved forward and invested billions of dollars in new technology and pollution controls to comply with the new standards.

The investments these companies made have led to a significant drop in the amount of mercury and other harmful pollutants being admitted from coal-powered plants across the country today.

And it's why the Obama administration's so-called mercury rule has been hailed as such a success.

But now that rule is under attack, as the Trump Administration – which has shown a determination to roll back many of our nation's environmental protections – is trying to not only undo the mercury rule, but also undermine the theory that it is “appropriate and necessary” for the agency to enact such rules in the first place.

If the EPA were here today, I'm sure they would tell this panel that we have nothing to worry about. That the mercury standards will remain in effect regardless of their actions, and the only reason they are taking a look at this rule now is because they are required to do so by the Supreme Court.

But that wouldn't be entirely true. The Supreme Court never told the Trump administration to revisit this rule. And, the Supreme Court never told the EPA to enact a new policy that would ignore billions of dollars in public health benefits going forward. The Trump administration is acting purely on its own accord, we know that. But what we don't know is: why?

What is clear is: the Trump administration is doing more than simply revisiting this rule. It's attempting to set the EPA on an entirely new course going forward – one that requires the agency to ignore the real health benefits that our nation's environmental policies often provide the public.

We have experts here today who will explain how the Trump administration's new mercury proposal contradicts “the relevant guidance and decades of practice by administration of both political parties.”

They will explain how it ignores the very real benefit that comes from regulating the hazardous pollutants coming from our nation's power plants. And how the Trump administration is conveniently ignoring some key realities and important new information when arguing that the cost of these proposals greatly outweighs the benefits.

For example, according to recent studies, the annual direct benefit of regulating mercury could be in the billions – not millions, as originally estimated. And that the total implementation cost for these companies to come into compliance was actually much lower than originally predicted.

But what makes this proposal most puzzling is the timing.

You see, in arguing the cost vs. benefit of the mercury rule, the EPA seems to have forgotten that this is a rule that's been in place for years now.

The industry has already spent the billions of dollars it took to come into compliance with this rule.

And by undoing this rule now, the administration would actually not only be putting the public's health at risk but it would also be putting the companies' ability to recover the money they invested to comply with these new standards at risk, as well.

That's why, among those who support keeping this important rule in place is the coal power industry itself.

So, if undoing this rule would be bad for public health, bad for the environment, and bad for the industry itself, who does it help? And why is the EPA pushing so hard to get this done?

That's what we are seeking to understand.

Unfortunately, the EPA is, in effect, pleading the fifth in this case by refusing to send a witness to testify here today.

I wish I could say I was shocked, but this is just the latest in a series of actions that this agency has taken to withhold information from this committee, including information that Administrator Wheeler had personally committed to providing when he was here to testify in April.

If the EPA wants to continue to ignore this committee as we perform our oversight responsibilities, that's its choice. It's not a wise choice, but it is a choice they have seemed to make. It will not deter or slow our efforts to get to the truth. And it won't stop us from doing the work that we have set out to do. It only strengthens our resolve. And we will continue to take whatever actions we believe are necessary to safeguard the health of our environment and the health of the American people.

Thank you, and I yield.