



March 2018

Summary of H.R. 1119

SATISFYING ENERGY NEEDS AND SAVING THE ENVIRONMENT ACT

Committee on Energy and Commerce, Democratic Staff

H.R. 1119, also known as the SENSE Act, represents an effort by the Republicans to give special breaks under the Clean Air Act (CAA) to power plants that use waste coal to generate electricity. Waste coal – or coal refuse – is a byproduct of coal mining, physical coal cleaning, and other coal preparation operations. A small subset of power plants in the U.S. burn waste coal as their fuel source. This bill would undermine the Mercury and Air Toxics Standards (MATS) rule, which is one of the most important CAA rules for protecting public health from mercury and other toxic air pollution. If this bill were to become law, waste coal facilities would be able to emit more than their fair share of pollution. **The Committee on Energy and Commerce reported H.R. 1119 on a party line vote of 31-23 with all Democrats voting against the bill.**

Mercury and Air Toxics Standards. The Environmental Protection Agency (EPA) issued the MATS rule in 2012 under CAA section 112, which sets maximum achievable control technology, or MACT, standards for distinct source categories based on what is already being achieved by similar facilities. EPA's MATS rule represents the first national standards to address power plant emissions of toxic air pollutants like mercury, arsenic, dioxin, sulfur dioxide (SO₂) and hydrochloric acid (HCl). Existing sources had three years to comply with the rule, and many sources were granted an additional year for compliance – until April 16, 2016 – to install pollution controls.

H.R. 1119 Picks Winners and Losers. H.R. 1119 provides a weaker compliance option for the MATS standards for HCl and SO₂ emissions that would give waste coal facilities license to pollute more than they should. This tips the scales in favor of waste coal units, at the expense of other power plants, which will be forced to cut additional pollution, or risk the health of the surrounding communities.

Waste Coal Plants Would Never Have to Clean Up Their Act. H.R. 1119 would lock-in the weaker standard for waste coal plants for the foreseeable future. The bill blocks EPA from ever strengthening MACT standards for waste coal plants, even if future technology could better control their toxic pollution. Congress intended for the CAA to push all facilities to make the necessary upgrades to reduce their pollution in line with the best performing units. It was not designed to merely maintain the status quo.

EPA and The Courts Have Already Said “No” To Weakening MATS. In the final MATS rule, EPA determined that emissions from waste coal units are no different from emissions from other coal-fired power plants, and don't justify special treatment. The D.C. Circuit Court of Appeals agreed. A weaker compliance pathway is unnecessary since many waste coal units already meet the MATS standards, and technology exists to help those that don't.

Putting Polluters Before Public Health. Power plants are the largest industrial source of mercury pollution in the United States, releasing arsenic, heavy metals, acid gases, and particles into the air that harm people's health. Controlling this pollution reduces the risk of neurological impacts and lung damage in our children, and would prevent thousands of premature deaths, heart attacks and asthma attacks every year. Allowing waste coal power plants to pollute with impunity puts the health and safety of those nearby and downwind in jeopardy. **The SENSE Act is another attempt by Republicans to put the wishes and profits of polluters before the health and safety of Americans.**