

**A THREAT TO AMERICA'S CHILDREN:
THE TRUMP ADMINISTRATION'S PROPOSAL
TO UNDERMINE PROTECTIONS FROM
MERCURY AIR TOXICS STANDARDS**

HEARING

BEFORE THE
SUBCOMMITTEE ON ENVIRONMENT
OF THE
COMMITTEE ON OVERSIGHT AND
REFORM
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

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Thursday, February 6, 2020

HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL
LIBERTIES
COMMITTEE ON OVERSIGHT AND REFORM
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:36 p.m., in room 2154, Rayburn House Office Building, Hon. Harley Rouda (chairman of the subcommittee) presiding.

Present: Representatives Rouda, Tlaib, Krishnamoorthi, Norton, Maloney (ex officio), Comer, Gosar, and Keller.

Mr. ROUDA. The subcommittee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time.

I now recognize myself for five minutes to give an opening statement.

Good afternoon. This week, the Committee on Oversight and Reform has been holding a series of hearings to examine the Trump administration's senseless attacks on children through a system of regulatory actions that touch every corner of the executive branch.

Today, as part of that series, the Subcommittee on Environment will examine the Trump administration's efforts to undermine the Mercury and Air Toxics Standards, also known as the MATS rule, by changing the calculation of the rule's benefits and concluding that it is no longer appropriate and necessary under the Clean Air Act.

Our goal here today is to examine how the Environmental Protection Agency's efforts to undermine the MATS rule is yet another example of this administration's prioritizing the profits of corporate polluters over Americans' health and safety.

And like so many of the Trump administration's rollbacks, this attempt to undermine the existing MATS rule comes with devastating, life-and-death consequences. I will not mince words here: The EPA's actions are a direct attack on the health and welfare of pregnant women, infants, and children.

Coal-fired power plants are among the worst industrial polluters, and the MATS rule forces older, dirtier power plants to clean up their act. In addition to the billions of tons of carbon dioxide emitted by coal burning worldwide, these plants also accounted for half

of the total manmade emissions of mercury in America and more than half of all arsenic, hydrochloric acid, hydrogen fluoride, and selenium emissions.

Once the MATS rule was implemented in 2012, the owners of the worst emitting power plants had to make a decision: either shut down or install pollution-control equipment, such as scrubbers and large filters called baghouses.

As a result of that rule, mercury pollution alone has decreased by 80 percent since its implementation. In fact, when the EPA updated the rule in 2015 following a Supreme Court ruling that rejected an attempt to weaken the rule, the Agency found that these safeguards helped prevent as many as 11,000 premature deaths a year.

Mercury, a toxic metal dangerous to all humans, is particularly perilous for the most vulnerable among us: infants and children. Children, babies, and fetuses are more vulnerable to the negative health impacts of mercury in fine particulate matter than any other populations. And they, therefore, benefit most from mercury and air toxins regulations.

Mercury, particularly when converted in the environment to the organic form known as methyl mercury, is a neurotoxin, which means that it disrupts the central nervous system when ingested or absorbed through the skin, and can permanently damage children's brain development both before and after death.

Accounting for these impacts should not and absolutely cannot be an afterthought. Taking steps to prevent unnecessary deaths and long-term illnesses must be fully considered when deciding the benefit of the current mercury rule.

And you don't have to take my word for it. Several of my Republican colleagues, including Representatives Stefanik and Rooney and Senators Alexander, Collins, and Tillis, have voiced concerns regarding Administrator Wheeler's efforts to undermine the MATS rule and have urged the EPA to let the current MATS rule stand.

I'd like to introduce letters from the Senators and Representative Rooney into the record. I'd also like to submit Representative Stefanik's press release on the issue into the record, without objection.

Thank you.

Mr. ROUDA. In sum, we know the MATS rule saves lives. We know the current MATS rules protect our most vulnerable: our children, our unborn, and our pregnant moms.

However, as witnesses here today will testify to, despite the proven health benefits of this rule, the EPA's own scientific advisory board's criticism of the Agency's efforts to undermine the current mercury rule and the significant bipartisan support from lawmakers across the political spectrum, faith groups, and industry leaders, the Trump administration is pushing forward with this attack on the health and well-being of our children.

So, here is the life-and-death question: Why are we sitting here today talking about the administration's efforts to gut such a vital rule? The answer is simple but frightening: Because of the corrupt influence of a handful of coal companies over the Trump administration and the EPA is why we are here.

Bob Murray, the former CEO of Murray Energy, and a few other coal operators have been working to reverse the current mercury rule. Mr. Murray, in addition to his previous position as the head of the country's largest coal-mining company, is also a longtime Trump supporter.

He donated \$300,000 to the President's inauguration and \$1 million to a pro-Trump political action committee. Then Mr. Murray cashed in his chips. He presented President Trump with a wish list of environmental rollbacks just weeks after his inauguration.

Murray is continuing his influence campaign. Within the past six months, Mr. Murray has contributed almost \$300,000 to the Republican National Committee.

Since we are now in the third year of Trump's Presidency, it is not surprising to see that some of the top positions of the EPA are held by industry-friendly swamp creatures who are no strangers to advocating for lax standards and aggressive rollbacks of bedrock environmental protections.

In fact, prior to his confirmation as Deputy EPA Administrator, Andrew Wheeler worked as a lobbyist whose best-paying client was none other than Murray Energy. And just last week, it was announced that EPA Administrator Wheeler's chief of staff is leaving the Agency to help lead the National Mining Association, the Nation's top coal-mining trade group.

So, given the prevalence of industry-led political contributions and a revolving door of lobbyists at the EPA, we're supposed to believe those who tell us that the coal industry is not influencing this decision?

The Trump administration is willing to put more mercury in the bodies of children so that coal companies can profit, plain and simple. Instead of draining the swamp, President Trump has repeatedly helped prop up swamp monsters, prioritizing corporate lies and donors over truth and science.

It seems like more than a coincidence that the White House and relevant Federal agencies have completed or are on track to fulfill most of the 16 requests detailed in Bob Murray's wish list.

I'd like to introduce Bob Murray's memo into the record.

Thank you.

Mr. ROUDA. Instead of protecting children, the Trump administration is fulfilling an industry's list of desires in exchange for corrupt contributions.

It was Gandhi who said a nation's greatness is measured by how it treats its weakest members. By attempting to gut several regulations, including the MATS rule, the Trump administration is placing the most vulnerable among us in harm's way.

In this situation, there are many clear losers and only one obvious winner: a handful of big coal companies. If the Trump administration's efforts to undermine the MATS rule are successful, more children will have trouble breathing, learning, and surviving; more children will die.

Instead of prioritizing the bottom lines of donors and polluters, the Trump administration should deeply consider the impact of this devastating and corrupt action on current and future generations. These actions reveal a pattern of, at best, disregard for the well-being of America's most vulnerable children and, at worst, a cal-

culated agenda to inflict suffering upon them in the effort to line the pockets of donors and corporate supporters.

Thank you.

And I now invite my colleague, the subcommittee's ranking member, Mr. Comer, to give a five-minute opening statement.

Mr. COMER. Thank you, Chairman Rouda, and thank all the witnesses for being here today.

We are here today for a hearing about the Trump administration's proposal to revise the supplemental cost finding for the Mercury and Air Toxics Standards, or MATS rule. I thank the witnesses again for their willingness to appear before this committee.

The premise of today's hearing is to discuss a supposed threat posed by the Trump administration's actions regarding the MATS rule. I want to make one thing very clear: The proposed action by EPA regarding the reconsideration of the supplemental cost finding would not undermine environmental protections because it does not change the original 2012 MATS rule.

The MATS rule was created to limit the amount of mercury and other air pollutants emitted from power plants. I think it's crucial to discuss where mercury comes from and how we're exposed to it.

Mercury is released into our environment through two primary ways. The first way is through a naturally occurring process such as volcanic eruption, a forest fire, and the normal breakdown of minerals in soil and rocks. The second way that mercury can be released is by human action such as the burning of materials that contain mercury.

When mercury is released in the atmosphere, it will eventually deposit into bodies of water. In water, microorganisms can change mercury into methyl mercury, which can accumulate in fish and shellfish. Exposure to mercury can take several different forms, but exposure to methyl mercury most often occurs through eating fish and shellfish. The Centers for Disease Control and Prevention states that nearly all human exposure in the United States is through fish and shellfish consumption.

The MATS regulation was intended to reduce the amount of mercury created from human activity, specifically mercury emitted from coal-and oil-fired power plants.

The MATS regulation has had a long and complex history across multiple administrations involving scientific studies, proposed rules, and final rules, in addition to cases before D.C. Circuit Court and even the U.S. Supreme Court.

The Supreme Court decision in *Michigan v. EPA* determined that EPA must consider cost when determining whether this regulation was appropriate and necessary, which the Obama EPA failed to do.

In December 2018, the Trump EPA issued a proposed rule-making which revises the supplemental cost finding for the MATS rule to more accurately portray the cost-benefit determinations of this regulation.

The proposed rule does not—and I repeat—does not remove the standard. It only proposes to remove the “necessary and appropriate” standard that justified the costs of MATS regulation by the co-benefits of regulating particulate matter, which, by the design of Congress, is regulated under a different section of the Clean Air Act.

EPA's proposed reconsideration of the Obama-era supplemental finding is smart policy and necessary to comply with the Supreme Court's finding that a rule must be cost-justified to be appropriate.

I look forward to working with the majority to drive energy and environmental innovation in ways that are beneficial to everyone.

I thank you again, Mr. Chairman, for holding this hearing and look forward to hearing from today's witnesses.

I yield back.

Mr. ROUDA. Thank you, Ranking Member.

The chair would now like to recognize the chairwoman of the full Committee on Oversight, the Honorable Chairwoman Maloney of New York, for an opening statement.

Mrs. MALONEY. Thank you.

And good afternoon and thank you to all of you for coming. And as chair of the Committee on Oversight and Reform, I want to thank all of my colleagues here today but especially Harley Rouda, chair of the Subcommittee on Environment, for convening this hearing on the administration's effort to undermine protections from the Mercury Air Toxins Standards rule, known as the MATS rule.

I commend him on his creative work to help preserve the environment, and I would say that the best rule is anything that undermines the health of our children or adds more mercury to the air is really unjustified and should be fought in any way, shape, or form.

This is the last in a series of four hearings that we've had over the course of two days that have looked at the negative effects of the Trump administration's poverty, housing, hunger, and health regulations on children.

The MATS rule protects our own health and our children's health, plain and simple. And you don't have to take my word for it. We can look to the Environmental Protection Agency's own statements to prove this. According to the EPA's own calculations, the MATS rule prevents up to 11,000 premature deaths, over 4,000 heart attacks, over 130,000 asthma attacks, and up to 540,000 missed work or sick days each year.

So, you see there is no ambiguity here. We factually know that mercury and air pollutants are bad for human health. We also know that the administration's effort to gut Mercury Air Toxics Standards will harm children's health and will result in increased occurrences of childhood asthma and babies born with developmental disabilities.

Any efforts to modify mercury standards should reduce—not increase, but reduce—environmental toxins and improve children's health and life outcomes. But the administration is proposing to do the exact opposite.

What this series of hearings has uncovered is that this administration is engaging in an unforgivable attack on children which, as we have also seen in these hearings, is both unprecedented and systemic. It is our job in Congress to shine a spotlight on these regulations, and we will continue to do just that. I encourage my colleagues, both Democrats and Republicans, to work together in protecting our children's future.

Again, I want to thank the subcommittee chairman for his really extraordinary and creative work in this Congress on environmental concerns to protect our children and all of us.

I yield back, and I thank you very much.

Mr. ROUDA. Thank you, Chairwoman Maloney.

Next, I'd like to recognize our vice chair, Representative Tlaib. But before I hand the mic over to her, I had the opportunity to go with Representative Tlaib to her district and saw firsthand her commitment to environmental justice for not just the people in her district but around our country and the world.

So, with that, I'd yield to Representative Tlaib to speak more to the importance of clean air for all.

Ms. TLAIB. Thank you so much, Chairman. I cannot thank you enough for going on a toxic tour within 13th congressional District.

As some of the folks here know, in my district, something that is impacting our children is corporate polluters, one of them Marathon Petroleum. That's why I teamed up with our chairman, Chairman Rouda, and sent a letter today to the EPA requesting an investigation into Marathon's chemical release in Detroit and downriver communities of Melvindale, River Rouge, and Ecorse.

We also sent one directly to Marathon's CEO requesting a list of all chemicals that leaked out and what measures they are taking to mitigate those outputs.

I also want to note that my residents are the last to find out when these toxic releases happen. Marathon will contact the authorities. They actually will watch from our porches—that's how close the refinery is to our homes—and watch workers get evacuated. But the residents are home. That's where their children are, that's where they sleep, that's where they eat. And that is unacceptable.

And so I want to thank the incredible leadership and courage of our chairman to stand up to corporate pollution. And no matter people's income background, no matter their ethnic background, the color of their skin, they all deserve to breathe clean air.

And I really appreciate you standing with me and holding this company accountable.

Mr. ROUDA. Thank you, Vice Chair Tlaib. And thank you again for your leadership on this important topic.

Now I want to welcome again our witnesses. We have Ms. Heather McTeer Toney, national field director, Moms Clean Air Force, with part of her army behind her, it appears; Ms. Katie Huffling, executive director, Alliance of Nurses for Healthy Environments; Mandy Gunasekara—am I close?

Ms. GUNASEKARA. Close enough.

Mr. ROUDA. Gunasekara?

Ms. GUNASEKARA. That's better.

Mr. ROUDA. OK—founder, Energy 45, senior fellow to Texas Public Policy Life: Powered Project; Reverend Mitchell Hescoc—

Rev. HESCOX. Very good.

Mr. ROUDA [continuing]. Goes by Mitch—president, CEO, Evangelical Environmental Health Network.

If the witnesses would please stand.

Do you swear or affirm that the testimony you're about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Thank you.

Please let the record show that the witnesses answered in the affirmative.

Thank you. And you've sat down. Keep in mind, the microphones are very sensitive, so make sure after your opening statement and when you answer a question that you turn it on and the microphone is close to you.

Without objection, your written statement will be made a part of the record.

With that, Ms. Toney, you are now recognized to give an oral presentation of your testimony.

STATEMENT OF HEATHER MCTEER TONEY, NATIONAL FIELD DIRECTOR, MOMS CLEAN AIR FORCE

Ms. TONEY. Thank you, Chairman Rouda, Ranking Member Comer, and members of the subcommittee and Chairwoman Maloney of the Oversight and Reform Committee. Thank you for the opportunity to testify about this administration's efforts to undermine the U.S. Environmental Protection Agency's Mercury and Air Toxics Standards.

My name is Heather McTeer Toney, and I serve as the national field director of Moms Clean Air Force. We are a community of over 1 million moms and dads committed and united against air pollution and climate change for the sake of our children's health.

On May 21 of 2019, I testified before the House Committee on Energy and Commerce Subcommittee on Oversight and Investigations regarding dangers of undermining the current MATS rule. At that time, our organization was fully engaged in the fight to protect this important Federal standard that we know to be successful. We collected over 22,000 comments that were submitted and urged the Agency to rescind any discussion of weakening the standard.

We met with OMB and advocated against this idea that the Obama Administration's calculation of the costs and benefits of the rule was limited, thereby creating an opening for the rule to no longer be considered appropriate and necessary. Their case was faulty and disingenuous at best then, and it remains so today.

I can honestly say that while I'm happy to serve and be here today, like you, Mr. Chairman, I am baffled at the fact that we're still working to prevent our Federal Government from allowing industry to poison unborn babies' brains. At this very moment, the Trump administration's EPA is still engaged in a full-scale assault on the Mercury and Air Toxics Standard.

And while they are extremely close to finalizing its proposal, I am grateful that we keep asking the question of why we should stop protecting our children. I believe it's at the very heart of why the late Congressman Cummings saw the need to have a series of hearings to talk about protecting children. He understood that the protection of children is the insurance that we hold for our collective future, and failure to do so is equivalent to refusing to pay the policy.

The facts have not changed, and mothers know this. Coal-burning power plants are the largest source of human-caused mercury emissions in the U.S., and mercury is harmful to the development of the brain. Everything we know about these pollutants shows that controlling them is not just appropriate but vital.

We also know that the rule works as is. In 2018, the American Lung Association reported that the MATS rule achieved a 90-percent reduction in mercury emissions from power plants and cleaned up dangerous particle pollution at the same time.

When the rule was adopted, it was estimated that it would not only prevent deaths and asthma attacks and hospital visits annually, but we now know that it has done so much more. It also has helped us protect ourselves against cancer, heart and lung ailments, neurological problems, and other severe environmental and public health impacts. This rule has given us protections that have exceeded expectations but is now being stripped from our communities unfairly.

In addition, power plants have already made the necessary investments and adjustments to meet the standard, and it did not cost them as much as they thought it initially would.

The utility sector understands that pollution control makes sense, which is why they urge the administration to forego any changes to the rule. Healthier air means their employees don't take time off work to tend to sick loved ones. It means we all benefit from the lower healthcare costs. It means that black and brown communities and indigenous people that sit on the front lines of these facilities are finally granted some of the forms of protections after years of living, quite literally, under a cloud of pollution.

I previously shared the story of one of our moms, Nikki Katrice White from South Carolina. She sat before an EPA hearing panel and shared how her family was grateful for the sustainable income yet, at the same time, blissfully unsuspecting of the dangers that come with living alongside a coal-fired power plant. She shared how they didn't think twice when her mother gave birth to her only son and he was stillborn. And it didn't even dawn on her when their own children started to have respiratory issues when there was no family history or significance of risk factors.

Ms. White's words were not just spoken on behalf of her and her two children but on behalf of the millions of kids around this country that live under a cloud of air pollution and dangerous, brain-damaging toxins that inhibit the lives and limit their potential.

Or also those in the indigenous community: Great-grandmother Mary Lyons of the Ojibwe Tribe, Rachel Heaton of the Muckleshoot Tribe, and Rachel Fernandez of Menominee Nation, who talk constantly about how EPA never consulted with the Tribes. Yet they live and they focus off of the fish that they honor, and are concerned about the contamination of the forest and the fish that they eat.

So, what should be done? What can be done? To the current rule, it should be nothing. You'll hear repeatedly that the Obama Administration failed to calculate correctly the health benefits and costs, thereby allocating an unfair compliance to the utility sector.

You will hear the words "appropriate and necessary" and that this rule does not meet the standard. But please understand, the

criteria of “appropriate and necessary” is a legal yardstick under the Clean Air Act, and removing this status undermines the legal foundation of the rule, leaving it vulnerable to legal challenge.

The creative math of this administration would like us to discount the particulate impacts because they call them duplicative. The particulate impacts are the most important and also the most expensive for good reason: They kill people.

Furthermore, while EPA has continuously claimed that it’s leaving the current standards for mercury emissions in place, they’re taking steps consistent with changing or altering the rule. EPA specifically solicited comment on whether, if it were to finalize its proposed conclusion, then it has the authority or obligation to rescind the MATS rule. Again, the ability of a discount to particulates in MATS undermines every other Clean Air Act rule.

In the words of my colleague and good friend Molly Rausch, it’s as if MATS is a gateway drug and we’re trying to convince teenagers not to travel down this dark path that will ultimately lead to their demise.

I previously served as Regional Administrator for the Environmental Protection Agency’s Southeast Region under President Obama and EPA Administrator Gina McCarthy. My job was not only to assist communities and industries in implementation of MATS but also to explain the importance of these protective measures, especially in vulnerable communities and communities of color.

I’m also a former mayor of Greenville, Mississippi, and for two terms I served my hometown. I’m a wife, a mother of three, ages 24, 14, and 3, and new grandmother to two.

If there is anything that I know, it is important for us to protect our children and our future. And rather than revisiting these life-saving standards, EPA should be strengthening them to reduce hazardous air pollutants further from these sources to protect the health of our families.

In the event that this rule is finalized, it’s incumbent upon this committee and this Congress to provide oversight and demand that EPA conduct the most stringent enforcement and accountability.

As mothers, we’re going to continue to call this action out for what it is: a direct threat to our children’s health that is simply unacceptable.

Thank you, Chairman.

Mr. ROUDA. Thank you, Ms. Toney.

Ms. Huffling, you’re now recognized for a five-minute opening statement.

**STATEMENT OF KATIE HUFFLING, EXECUTIVE DIRECTOR,
ALLIANCE OF NURSES FOR HEALTHY ENVIRONMENTS**

Ms. HUFFLING. Thank you. Thank you for the opportunity to provide testimony here today. My name is Katie Huffling, and I’m the executive director of the Alliance of Nurses for Healthy Environments. I’m also a nurse midwife. The alliance is the only national nursing organization focusing solely on the intersection of health and the environment.

My work in environmental health began early in my midwifery career, when I recognized what an important component the envi-

ronment is to having a healthy pregnancy and healthy babies. I now work with nurses and nursing organizations around the country and globally to address the health impacts caused by environmental exposures.

As nurses, we strongly oppose any efforts to undermine the Mercury Air Toxics Standards due to the significant health benefits afforded by this rule.

A core part of nursing practice is working to prevent disease. We work every day to help our patients stay healthy. We'd be happy just to see you once a year for your annual wellness visit rather than taking care of your child in the emergency room because they're struggling to breathe with an asthma attack.

With the MATS rule, there's been an amazing opportunity to prevent disease and even death, and it's working. In fact, it's been so successful that it's reduced mercury emissions from coal-fired power plants by 81 percent since 2011.

Mercury is a potent neurotoxin, causing permanent damage to the brains of the babies and developing fetuses, leading to developmental delays, learning disabilities, and birth defects. Since MATS was finalized, the estimated number of children born in the U.S. each year with prenatal exposure to methyl mercury levels that exceed the EPA reference dose has decreased by half, from between 200,000 to 400,000 down to 100,000 to 200,000 exposed.

This is huge. This means we have half as many children who will have reduced potential for productivity, achievement, and well-being for their entire lives because they were spared toxic mercury exposure.

Coal-fired power plants don't just pollute our environment with mercury; air pollution from these plants contains more than 80 hazardous air pollutants identified by the Clean Air Act for control, including arsenic, chromium, lead, dioxins and furans, as well as particulate matter and sulfur dioxide.

Air pollution from coal plants causes respiratory problems like asthma, stunted lung development, and sudden infant death syndrome. Air pollution has also been linked to effects on cognition and behavior in children and to the risk of childhood autism.

The impacts on families related to these illnesses can be immense. Besides the pain, suffering, and emotional toll caused by poor health, there are significant economic costs, with days lost from school that can impede a child's ability to reach their full potential and days lost from work which, for a low-income family already struggling to pay their rent, can be disastrous.

Air pollution is also linked to poor pregnancy outcomes. Exposure to particulate matter during pregnancy is linked to both low birth weight and pre-term birth. These birth outcomes can lead to a variety of negative health impacts, greater risk of chronic disease as an adult, and can be incredibly costly. A pre-term infant's hospital stay is, on average, 10 times more costly than a normal birth.

People who have low incomes or are members of racial or ethnic minorities bear a disproportionate burden of the health effects of air pollution. Because they're more likely to live closer to industrial facilities and high-traffic areas, low-income and minority populations are at a much higher risk of exposure to the most harmful pollutants.

Despite the proven health benefits of the MATS rule, in 2018, the Environmental Protection Agency announced that it would be revising the supplemental cost finding, stating that the significant health benefits and lives saved from reduced emissions of fine particulate matter should not be counted.

Counting co-benefits is just common sense because it gives the full picture of the benefits of an EPA action. In fact, both the EPA and the White House Office of Management and Budget have long established guidance that agencies should and do consider co-benefits in their analyses.

The standards not only save lives; they also save up to \$90 billion every year in avoided costs associated with these health impacts. Based on EPA estimates, for every dollar spent to reduce this pollution, Americans get \$3 to \$9 in benefits. These benefits are real to babies, children, and families. Ignoring these significant health benefits makes no sense from a nursing perspective, but that's exactly what EPA's proposal wants to do.

As someone who is trained to care for pregnant women and babies, I know firsthand that preventing exposure to harmful pollutants is one of the most important things we can do to safeguard the well-being of babies and children. Weakening the Mercury Air Toxics Standards threatens the health of all Americans and goes against the mission of the EPA to protect public health and the environment.

Undermining the rule in any way is an unconscionable step backward in the efforts to prevent disease and one that nurses strongly oppose.

Thank you.

Mr. ROUDA. Thank you, Ms. Huffling.

Ms. Gunasekara, you're now recognized for five minutes.

**STATEMENT OF MANDY GUNASEKARA, FOUNDER, ENERGY 45,
SENIOR FELLOW TO TEXAS PUBLIC POLICY LIFE: POWERED
PROJECT**

Ms. GUNASEKARA. Thank you, Chairman Rouda, Ranking Member Comer, and members of the subcommittee. Thank you very much for the opportunity to testify today on this important issue.

My name is Mandy Gunasekara, and I am the founder of Energy 45, a nonprofit based in Jackson, Mississippi. The mission of Energy 45 is to inform the public of the energy, environmental, and economic gains made under the Trump administration.

I'm a senior fellow of the Texas Public Policy Foundation's Life: Powered Project, which is dedicated to promoting economic freedom and advancing the human condition. I'm also a visiting fellow at the Independent Women's Forum, which works to engage and inform women on policies that enhance their freedom, choices, and opportunities. Finally, I volunteer on a range of boards and caucuses whose goal is to enhance the discussion and thought regarding today's leading environmental issues.

Prior to starting Energy 45, I served President Trump as the Principal Deputy Assistant Administrator in the Office of Air and Radiation at the U.S. Environmental Protection Agency. I previously served as majority counsel on the Senate Environment and

Public Works Committee as well as in the U.S. House of Representatives for Congressman Bob Latta.

Children's health is an extremely important issue. Beyond my public policy interests, I'm a mother of two young children, so this hearing addresses an issue that's especially personal. I'm thankful they're growing up in a Nation that celebrates the environment and in which our leaders strive to improve our world-leading status in clean air, clean water, and cleaning up contaminated lands.

This administration has taken a number of actions to improve children's health, including releasing information on successes and opportunities. This October, EPA released a comprehensive update, the first in a number of years, to its report on "America's Children and the Environment." This report shows that great progress has been made in protecting children from environmental harms, including reduced exposure to criteria pollutants and improved access to cleaner water. And these trends will continue under the Trump administration's regulatory agenda.

There is much to celebrate, which is a testament to the talented engineers, scientists, economists, and experts at the Agency, many of whom I work personally with, and those who work hard every day to fulfill the mission of protecting public health and the environment for our children.

There's also a clear recognition that more progress can be made. Under the Trump administration's leadership, a range of rules and initiatives have been developed to secure and expand the success of this mission. A few examples include the new Lead and Copper Rule that would require daycares and elementary schools to sample for lead, as well as the Healthy Schools Initiative, for which they're attempting to get additional funding.

Children's health and the continuation of important programs are issues that warrant an earnest conversation. I no longer work for the Agency, but I have no doubt that if any of the members of this committee or the stakeholders represented on this panel were to request a conversation with EPA to figure out ways the Agency can complement the ongoing work of the committee, EPA would jump at the opportunity.

But turning to one of specific topics of today's hearing, the proposed revisions to the existing MATS standard would not threaten in any way the Nation's ongoing progress in improving children's health. That's because the proposal would not change the standard in any form, which is explicitly stated on the first page of the Federal Register notice.

And I quote: "EPA further proposes that finalizing this new response to the Michigan v. EPA will not remove the Coal-and Oil-Fired EGU source category from the Clean Air Act section 112(c) list of sources that must be regulated under Clean Air Act section 112(d) and will not affect the existing Clean Air Act section 112(d) emission standards that regulate hazardous air pollutant emissions from coal-and oil-fired EGUs."

So, in other words, the proposed MATS revision has nothing to do with changing mercury protections. Those suggesting that is does either have not read the rule or are purposefully acting in a disingenuous manner.

The proposed MATS revisions aim to fix a dishonest accounting mechanism the last administration used that had the effect of justifying any regulatory action regardless of cost. Such an approach flies in the face of section 112 of the Clean Air Act and is wholly inconsistent with the Supreme Court's decision in Michigan that remanded the 2012 rule back to the Agency.

Recall in that decision the Court found the Obama Administration's "appropriate and necessary" finding underlying the 2012 rule to be fundamentally flawed because EPA failed to consider costs in making that finding. The Court specifically observed that it is not rational, never mind appropriate, to impose billions of dollars in economic costs in return for a few dollars in health or environmental benefits.

Prior to the February 2019 proposal, the MATS rule was an egregious example of the previous administration's use of co-benefits to justify otherwise-unjustifiable regulatory actions. Their disregard for cost was deemed inappropriate by the Supreme Court.

This administration's proposal is not in any way about weakening existing protections, but, rather, fulfilling a legal obligation to properly respond to the Supreme Court through a process guided by science and the facts. If finalized, EPA's rule would establish an accounting process that properly addresses co-benefits, ensures future rulemakings are effective, and holds true to the Clean Air Act's carefully crafted measure of balance.

Thank you, and I look forward to your questions.

Mr. ROUDA. Thank you.

Reverend Hescox, you're recognized for five minutes of testimony.

STATEMENT OF REVEREND MITCH HESCOX, PRESIDENT AND CHIEF EXECUTIVE OFFICER, EVANGELICAL ENVIRONMENTAL HEALTH NETWORK

Rev. HESCOX. Thank you, Chair, Ranking Member. I am the Reverend Mitch Hescox, president of the Evangelical Environmental Network. I'm also a board member of the National Association of Evangelicals. And I've been appointed to be a member of the Clean Air Act Advisory Committee by this current administration.

"We're here for a very simple reason: defend the right of every child, born and unborn, to fulfill their God-given potential." That quotation came from President Trump at the March for Life last week.

While many in our community applaud the President's actions in certain areas of being pro-life, his administration's effort to eliminate over 95 environmental standards questions the sincerity of his commitment to be completely pro-life. If President Trump truly wanted to defend the right of every child, born and unborn, to fulfill their God-given potential, then his actions must speak louder than his words, including the protecting of unborn children from mercury pollution.

The President's record of destroying environmental health rules threatens every child's right to fulfill their God-given potential, what Jesus calls abundant life. Jesus was not just referring to a spiritual connection but to a holistic understanding of well-being, of body and soul together. Jesus was especially concerned about vulnerable populations being denied abundant life. And our com-

mitment to Jesus Christ compels us to do all that we can to protect unborn children from mercury poisoning.

In keeping with our commitment to the sanctity of life, over 145,000 pro-life Christians supplied comments last year against rolling back the MATS standard. In addition, over 120 evangelical leaders sent that message, which I hand-delivered, to Acting Administrator Wheeler on December 4, 2008.

Before MATS, one in six children were born with threatening levels of mercury and brain damage. Mercury causes all sorts of adverse health effects, which you've heard from the other people and I'm not going to repeat here today. Mercury is emitted from coal-fired power plants and is deposited back into the Earth. It concentrates in fish in numbers that are 10 to 100 million times greater than the concentrations in water.

And one thing I'd like to point out to the committee: When it comes to the health of children, they're not little adults. Their developing bodies leave them more vulnerable. And the most at risk are unborn children and newly born.

And the good news—and you've heard it today—is that MATS works. Mercury pollution is lower. The compliance costs are down. Women have less mercury. Children have lower mercury levels.

But the work isn't finished. Mercury fish consumption advisories remain in all 50 states, and still at least 200,000 children remain neurologically impacted each year from mercury.

So, why is this happening? Why is MATS under challenge? The Trump administration's MATS proposal would reverse EPA's finding that it's appropriate and necessary to regulate mercury. EPA Administrator Wheeler knows that removing the "appropriate and necessary" finding opens the door for energy developers to pursue lawsuits that overturn the standards while he can sit there and, in my opinion, play Pontius Pilate and say that he's not overturning mercury but the courts did.

But even more that, the most damaging element is that the proposed changes would exclude co-benefits and ancillary benefits. This contradicts the guidelines we heard about that the George W. administration did. And it makes little sense, as we've also heard, to remove certain benefits just because of how they're labeled. A baby's lungs don't know where PM2.5 came from and what took it out, but they need to benefit from it.

Changing the co-benefit standard is what I believe this entire underhanded process represents. And a member in a meeting on December 4 with Acting Administrator Wheeler, at the time, he alluded to this by saying that we should have separate standards for different things. But even keeping with his underhandedness, I would really big to differ with the person who preceded me.

An oft-repeated untruth in the justification of a MATS rule is that the Supreme Court required it. Bill Wehrum told me that at a Clean Air Act Advisory Committee meeting on September 28. On that December 4 meeting, Acting Administrator Wheeler said the same thing. He did the same thing in the newspapers, and he even did it at his EPW confirmation hearing.

But here's the truth: The U.S. Court of Appeals for the D.C. Circuit upheld MATS in its entirety, including the "appropriate and necessary" finding. The Supreme Court ruled that EPA had erred

in not considering costs in making the “appropriate and necessary” finding. Instead, what the majority expressed was that it left EPA to determine how to take account of costs and make the comparison to benefits.

Then the D.C. Circuit Court, without staying MATS, remanded the “appropriate and necessary” finding to the EPA for reconsideration of the costs. The EPA new cost accounting was issued in a supplemental finding in April 2016. No further legal action was required.

The MATS revision is categorically not to fulfill a request from the Supreme Court but to try to establish a new precedent for not counting co-benefits. And removing the “appropriate and necessary” finding, it would cause havoc.

I have been working on this rule for over 10 years. You can tell that I’m very passionate about it because I love unborn children. And I know my time has expired, so I will end there. But know that this action is a moral tragedy, that the people of the United States, no matter your faith, no matter your beliefs, if you love a child or a grandchild, we cannot allow this to happen.

Mr. ROUDA. Thank you.

And thank you to all the witnesses for your testimony.

The chair now recognizes myself for five minutes of questioning.

Ms. Gunasekara, you are the head of Energy 45 Fund?

Ms. GUNASEKARA. Yes.

Mr. ROUDA. Do you receive a salary?

Ms. GUNASEKARA. Yes.

Mr. ROUDA. So, you’re not doing this gratuitously; you’re paid to do this job, correct?

Yes. You receive a salary.

Ms. GUNASEKARA. No one is paying me to come testify today specifically.

Mr. ROUDA. But you receive a salary. And your money comes from where? How is the fund funded?

Ms. GUNASEKARA. It comes from a number of Americans, some large entities, and a lot of individual small-dollar donors that believe in my message and believe in this administration’s approach to regulating—

Mr. ROUDA. So, you’ve got contributions coming from companies that are for-profit as well as executives and individuals with ties to the fossil-fuel industry and the coal industry. Is that true?

Ms. GUNASEKARA. Again, my donations come from Americans that believe in my message and they believe in my ability to—

Mr. ROUDA. Are you disagreeing with what I said, or is it possible that you’re receiving contributions from coal companies and executives with coal companies? Yes or no? You simply know the answer. Yes or no, do you?

Ms. GUNASEKARA. Again, I get donations from Americans that support Energy 45’s mission and my ability to—

Mr. ROUDA. We’ll take that as a “yes,” because obviously you don’t want to answer the direct question that you do take funding directly from coal companies and coal executives.

You testified that the MATS rule that currently is in place is based on some action that previous administrations took that was

false evidence. So, is your testimony today that revoking the MATS rule would have no health consequences on anybody whatsoever?

Ms. GUNASEKARA. No. My testimony today is that that is not what this administration is proposing. This administration is not proposing to revoke the standard. In fact, they're proposing to uphold the standard.

What they are proposing to do is to correct a dishonest accounting metric that would—

Mr. ROUDA. So, that change in the MATS rule that you think the Trump administration is proposing has zero impact on health implications for children and infants across America. Is that your testimony?

Ms. GUNASEKARA. Absolutely, in the context of MATS. And I'm not only saying it today; it is—

Mr. ROUDA. Thank you. I appreciate that because I wanted to understand—

Ms. GUNASEKARA [continuing]. Explicitly covered in the Federal Register notice.

Mr. ROUDA. I just wanted to make sure I understood that you are saying that the Trump administration's proposed change to the EPA will have zero effect on the health of Americans and their children and their infants.

Ms. GUNASEKARA. Again—

Mr. ROUDA. You know, we've clearly seen—

Ms. GUNASEKARA [continuing]. Not changing the regulatory—

Mr. ROUDA. Excuse me. Clearly we have seen, with what has been given to this administration through the coal industry and executives, that the President of the United States does not need to look to Ukraine for corruption; he simply needs to look at his own administration, because we're seeing it firsthand.

Reverend Hexton—

Rev. HESCOX. Hescoc. That's okay.

Mr. ROUDA. Sorry. Hescoc. I apologize. Have we ever seen an EPA honor a wish list by an executive of a coal company and try and implement that wish list as law?

Rev. HESCOX. Not in my knowledge.

And what's even more infuriating to me is that on that wish list and copied on it and helping to arrange the meeting with Secretary Perry was the now current director, or Administrator, of the EPA, Andrew Wheeler, when he was at his old law firm, which is extremely troubling to me, that he's engaged in a process that he actually lobbied upon. And I find that a very troubling conflict of interest, personally.

Mr. ROUDA. And, Ms. Toney, I'm understanding this, that when we look at the rule and the rollback that the Trump administration is trying to do, is based in part by eliminating the review of co-benefits. Can you explain a little bit more for us as to why co-benefits should be included?

Ms. TONEY. Absolutely. Thank you, Mr. Chairman.

You need to look at the co-benefits because that has a direct implication into the particulates. The particulates is the count that we look at because that is what is harmful to human beings, it's what kills people. And when there's a removal of this from MATS, then it's a removal that undermines the entire Clean Air Act stand-

ard. So, taking it out of one piece takes it out of all. And it allows and opens the door for litigation, as Reverend Hescox said.

Mr. ROUDA. So, just put it into layman's terms here. If we looked at cigarettes and only looked at one carcinogen and didn't look at nicotine and tar, and made our judgment based on just one small chemical aspect of tobacco, that's kind of what we're doing here, instead of looking at the overall effects of nicotine in cigarettes on the individual.

Ms. TONEY. Absolutely. If we did that, my children would still be watching cartoons with people smoking.

Mr. ROUDA. Exactly.

Ms. TONEY. Thankfully we don't.

Mr. ROUDA. I just have a few more seconds here. Ms. Huffling, I'm going to go to you. Is there anything you've heard that you would like to weigh in on before I yield my time?

Ms. Huffling. One thing that I would say about the co-benefits around the financial aspects that they're looking at from mercury pollution, since 2011 we've had an increase in the research around mercury, and the local mercury concentrations are much higher than we thought. You have many more people being contaminated close to coal-fired power plants. And so the calculations in the MATS rule right now are actually way too small.

Mr. ROUDA. OK. Thank you very much.

I yield back. And, at this time, the chair recognizes Representative Keller for five minutes of questioning.

Mr. KELLER. Thank you, Mr. Chairman.

Ms. Gunasekara, I'm not going to attack you for how you earn your money, or anybody else on the panel, because I think that's very unfair. We're here to get to an issue on a ruling and on what—people want to get down to the facts, not attack people personally on how or who pays their salary and question motives of why you're here. I believe everybody's here to make sure we get to the bottom of the issues on these things.

So, I want to focus on that, Ms. Gunasekara. And could you talk about the progress that the Trump administration has made in increasing environmental protections while also growing the economy?

Ms. GUNASEKARA. Certainly. We are experiencing unprecedented economic growth. And a lot of this is in the context of the blue-collar boom. And under President Trump and his deregulatory agenda, we've created millions of jobs. Twelve thousand new factories have come on board. You've seen the lowest unemployment rate for women, minorities, and for veterans. There's a lot of really good things going on in the context of the economy.

And it's important to understand, people who get a job, we talk about it in terms of numbers, but a job is access to a better way of life. I've seen this happen personally to friends who have gone through that process. And when they get a new job, it's not only a better way of life for them, their children, and their surrounding community.

And the best part about all this economic success in the Trump administration is that it's been done without sacrificing the environmental progress we have made. We have the cleanest air on record. We are No. 1 in access to clean drinking water. We have

deleted more Superfund sites from being listed as Superfund sites, which in practical applications means that areas that were once closed for economic productivity have now been opened up, which is life-changing for communities that have been riddled by a Superfund designation, and they're changing that.

And so this administration has effectively balanced robust economic growth alongside the continued progress of meeting environmental protections.

Mr. KELLER. Thank you.

And I know you talked about a lot of things broadly as far as how things have been helped by the economic success, growing our economy and so forth. Could you give any examples of how the administration's policies have specifically helped children?

Ms. GUNASEKARA. Yes, certainly.

Mr. KELLER. Or children's health, I guess I would say.

Ms. GUNASEKARA. Yes. One of the biggest programs—and it's come up in a number of references—is the National Ambient Air Quality Standards program. And one of the things we first did under the Back to Basics agenda was home in and make the designation process, one, occur in a timely manner, something that's never been done before, and then, two, done in a way where we gave the states, the ones who were primarily responsible for implementing it, the tools that they needed to implement the health-based standards for ozone, in this particular instance—made sure they had the tools to do that in a meaningful way.

And they've done that. And because of the credible implementation of it, you're seeing a reduction in exposure to a number of criteria pollutants, including ozone and particulate matter and others, by our Nation's children.

You know, another one I mentioned in my opening statement was the new Lead and Copper Rule. There are new requirements to ensure that daycares and elementary schools test for the presence of lead and copper in the surrounding areas to ensure that children in any community are not exposed to unhealthy levels.

And then the last thing I mentioned, too, in my opening statement was the Healthy Schools Initiative. That's important because it homes in on making sure that children that reside in disadvantaged communities are not denied access to a safe and healthy environment to learn.

So, those are just a few of the examples of regulatory actions and programs this administration has been supporting and revamping in ways that will substantially improve the health and well-being of the children who live in those areas.

Mr. KELLER. Thank you. I appreciate that.

And I yield back.

Ms. TLAIB.

[Presiding.] Now I'd recognize Representative Norton for five minutes.

Ms. NORTON. Thank you, Madam Chair.

And I would like to enter into the record a copy of the following documents: a copy of Senators Alexander and Carper's opinion piece and a copy of a letter sent by the power industry groups.

Ms. TLAIB. So, moved, without objection.

Ms. NORTON. This is a very unusual hearing. In this very polarized environment today, I've just entered into the record a Democratic Senator and a Republican Senator's op-ed. It's entitled "Don't Stop the Fight Against Mercury Pollution: Republican and Democrat to Trump EPA."

These gains have been made over the past decade to protect children and families from dangerous mercury pollution. Reverend Hescoc, in this kind of polarized political environment, why do you think Senators from different parties—and I will give examples from others—from different policies that don't agree on much, agree on this mercury rule?

Rev. HESCOX. Well, I think it's the same way that former EPA Administrator Gina McCarthy and I agree upon it. We also wrote an op-ed together. Because I think we're an example and they're an example of what truly should happen in this town.

When people are going to have differences—Gina McCarthy and I have fundamental differences on very many things. But the one thing we strongly agree upon is the need to protect children's health from environmental pollution. And I think that's what the Senators saw too, is that we need to protect our children.

And, yes, there's a time to have different policies and different things to talk about, but there also is a time to come together as a country. And I think that the work between Senator Carper and Lamar Alexander, Congressman Rooney here in the House, myself and Gina show that work can be done when people will really work together. And I think this is one particular thing that shows it.

And, unfortunately, this issue here—I mean, I'm a lifelong Republican. I've—how can—you know, it just comes to mind, and which makes things so frustrating, is there's an old saying that figures don't lie but liars can figure. This new proposal uses the same mercury costs as the original rule of a few million dollars, when the science clearly shows billions of dollars of—

Ms. NORTON. Reverend Hescoc, was there bipartisan support when the MATS rule was first promulgated—

Rev. HESCOX. Yes, it was.

Ms. NORTON [continuing]. In 2012? So, I mean, this has been consistent.

Then we come to industry. Now, if you would expect opposition from any part—and this really, it seems to me, is important to note, because industry has already incurred costs for capital investments they've already made. And they could say, fine, let's stop it now. But they're urging the EPA to leave the underlying MATS rule in place.

Ms. McTeer Toney and Reverend Hescoc, both of you, why do you think the industry is agreeing with bipartisan Members of the House and Senate about maintaining this rule?

Ms. TONEY. Yes, ma'am. Because it makes sense. It makes economic sense for their organization, and it makes sense for the communities in which they live.

You're absolutely right. They sent a letter to Mr. Wehrum to state that they were in complete and total agreement with not doing anything to this rule. They had already invested, per their numbers, \$18 billion and that the rule was successful and they wanted to keep it like this.

This is one of the rare instances where we have found that not only industry, the utility sector, but also health professionals, communities, mothers, and bipartisan efforts have all come together—

Ms. NORTON. So, where is the opposition coming from? So far, I can't find the vested interest—

Rev. HESCOX. Well, can I add one thought to that to make sure, before we run out of time, is that utilities recognize that by the removal of the “necessary and appropriate” standing, that essentially puts the law and their investment in legal jeopardy—

Ms. NORTON. Yes.

Rev. HESCOX.—because—

Ms. NORTON. I want to know, where is the opposition—let's call it out—where is the opposition coming from? If we have such agreement, so unusual in this Congress, where is the opposition coming from?

Ms. TONEY. There was an argument that was made—a legal argument came from Murray Energy that the standards themselves were invalid because the regulation was not appropriate and necessary, and thereby putting this entire standard now in jeopardy. That is one place that we know it has come from.

Ms. NORTON. My time has expired. So, has my patience.

Ms. TLAI. Now I recognize our minority ranking member, Congressman Comer.

Mr. COMER. Well, thank you.

And before I begin my questions, I have to say this. This subcommittee is—members on the other side make a lot of very negative comments about coal. And I represent western Kentucky, a huge coal-producing districts. It's one of the biggest industries still today in my congressional district.

I've never received a donation from Bob Murray. I've never received a donation from the NRCC. But I support the coal industry. And I think that, if you look at the coal industry, much like other essential industries in America, whether it be the agriculture industry, which is the industry I'm involved in—I'm a farmer—or the chemical industry or other industries in America, they've come a long way in trying to improve.

If you look at the coal-fired plants in Kentucky, they have scrubbers on there. They've gone to great lengths and great expenses in research and development as well as in technology to reduce their carbon footprint and to provide clean coal.

And I think that it's important to note that instead of just hearing one version of an industry that I doubt very many people criticizing it today on the other side of the aisle know much about.

So, having said that, I want my questions to be centered around the subject of co-benefits with respect to regulations such as particulate matter.

And, Ms. Gunasekara—I know I mispronounced that, but I try real hard, you know.

Ms. GUNASEKARA. Yes.

Mr. COMER. My questions are for you. First of all, can you discuss your concerns with heavy reliance on co-benefits to justify the MATS rule?

Ms. GUNASEKARA. Certainly. It sets up an analysis to where any regulatory action, regardless of cost and regardless of other consequences, can be justified. And that's just not how the cost assessment was set up in the Clean Air Act but especially under section 112.

And it's important to understand this was carefully crafted by this body. Congress came up with the best way to balance the benefits with the cost. Because to engage in an industrial process, it has some element of pollution, but we in this country have embraced engineering advances and found ways to do that in a much cleaner way. And it's a long-term process and something that is explicitly laid out in section 112.

So, the over-reliance on benefits—and just to put context on that, in this instance you were talking about a cost of \$7 billion to \$9 billion, whereas the benefits affiliated with the reduction of the targeted pollutant, which was mercury, was \$4 million to \$6 million. And that's the thing that's often not discussed as much, is the disparity in that.

And so, under section 112 and the way that the last administration relied on that for justifying its relative actions, totally flies in the face of the statute and especially after the Michigan decision from the Supreme Court.

Mr. COMER. So, do you think it's a bit premature for this committee to be discussing this proposed supplemental cost finding, as it's not even final yet?

Ms. GUNASEKARA. I do think it's an important point to point out that it is still going through the regulatory process. And the way that it works is EPA and other agencies, they put out a proposed rule, and they ask a lot of questions, because they need answers and they need help from the experts out in the general public. So, they've gathered that; they've received thousands of comments on this.

And important to note, too: Whenever that final rule does come out, what comes along with it is a response to those comments. So, EPA will go through and look at every single comment, every single issue, every single piece of additional data or other important information and respond to it in a proactive way.

Mr. COMER. OK.

Last question. Can you discuss how the Obama EPA double-counted particulate matter reductions that have already been captured by other rules? And why is this a dangerous precedent?

Ms. GUNASEKARA. Yes, absolutely.

You know, the Agency didn't say this; I would say this, that under section 112 they're precluded from considering co-benefits, especially criteria pollutants, because they're regulated in another section of the Clean Air Act.

But in this specific context, under section 112—you have to understand that the Agency doesn't regulate in a vacuum. There's all other sorts of programs, like the National Ambient Air Quality Standards program, the New Source Review, which is especially pertinent in permitting applications, as well as section 111, which sets new source and existing source standards. And there's many manner of programs that go about regulating many manner of pollutants.

And so it doesn't make sense under section 112, where you're supposed to look at what is the residual impact of pollutants after considering the implementation and effectiveness of the rest of the Clean Air Act, what would be justified from the Agency's perspective in terms of going about and trying to reduce.

Mr. COMER. Well, thank you very much.

I yield back.

Ms. TLAIB. Thank you.

Just a—I recognize myself for five minutes.

Yes or no, the Trump administration's proposing to undermine a rule that helped reduce mercury emissions by 80 percent? Yes or no?

Ms. TONEY. Forgive me. Maybe I don't understand.

Ms. TLAIB. So, the current rule, as it is, reduced emissions by 80 percent. Yes or no? It's working.

Rev. HESCOX. Yes, it works.

Ms. TONEY. Yes, it works.

Ms. TLAIB. How about you?

Ms. GUNASEKARA. Yes. And—

Ms. TLAIB. Great.

Ms. GUNASEKARA [continuing]. The Agency is not—

Ms. TLAIB. Nope, that's it. Reclaiming my time.

Ms. GUNASEKARA [continuing]. To undermine it—

Ms. TLAIB. Reclaiming my time.

Do you think this is about corporate greed?

Ms. Toney?

Ms. TONEY. Yes.

Ms. TLAIB. Ms. Huffling?

Ms. HUFFLING. Yes.

Ms. TLAIB. How about you?

Ms. GUNASEKARA. No.

Ms. TLAIB. OK.

Ms. GUNASEKARA. It's about abiding—

Ms. TLAIB. Thank you. Yes or no.

Ms. GUNASEKARA [continuing]. By the requirements of the—

Ms. TLAIB. I'm sorry. Yes or no, ma'am.

Ms. GUNASEKARA [continuing]. Clean Air Act.

Ms. TLAIB. You will be paid no matter what.

Ms. TLAIB. Yes, Mr.—Reverend?

Mr. COMER. I don't—

Ms. GUNASEKARA. Nobody's paying me here today.

Ms. TLAIB. No, no, no. I mean, I'm talking about her salary.

Mr. COMER. OK.

Ms. TLAIB. No, what she—her organization, no matter how long her answer is.

Yes?

Rev. HESCOX. The answer—yes.

Ms. TLAIB. Yes. So, it's driven by corporations trying to repeal something that protects our public health.

You know I represent a frontline community, where 48217 is the most polluted ZIP Code in the state of Michigan.

When I go to a school, I ask the kids—because the kids always ask, well, what do you do, and how much do you get paid? And

they ask, are you married? It's so cute. And they're second and third graders, right?

One of the things I tell them is about the fact that, you know, when I was a kid, I'd go into a restaurant and they'd say, "How many people?", but they'd also say, "Smoking or nonsmoking section?" And the kids are just like, "What?" And I'd say, "People used to smoke in the airplanes, at the hospitals." And the kids would just, like, go, "No way." And then I'd say to them, "So, my job is to protect the air. How many of you have asthma?" And a third of the class will raise their hand.

Do you know, in the city of Detroit, one of the Nation's highest rates of asthma, which alone causes, do you know, 1,700 days of missed school? That it's connected, that kids can't learn if they can't breathe clean air?

Did you know that, Ms. Toney?

Ms. TONEY. Yes.

Ms. TLAIB. How about you, Ms. Huffling?

Ms. HUFFLING. Yes.

Ms. TLAIB. How about you?

Ms. GUNASEKARA. Yes.

Ms. TLAIB. How about you, Reverend?

Rev. HESCOX. Absolutely.

Ms. TLAIB. Yes. You know, truth matters. It really does. And I really want to center around, like, the facts and the truth. It's working. Kids need to breathe clean air so they can go to school. It is working.

And, yes, what the driving force is, you know, is around, you know, corporate greed.

And, you know, Ms. Toney, can you talk about—and I think it's really important—about frontline communities? We are doing nothing about this. Do jobs fix cancer? Do they fix asthma? When the economy is doing well, does that translate into better air quality?

You know, explain to me this correlation. Because I feel like—and then, Reverend, you and I may not agree on style or approach, but today I'm a mother, not a Democrat or a Republican or a Congresswoman. I'm a mother first and foremost, and these are our babies.

So, talk a little bit about, Ms. Toney, how do we address this in a way that people understand? It's not like we can go and pump out clean air. This is all we got.

Ms. TONEY. Yes. Thank you for that.

And mother to mother, it's hard to make that decision. Unfortunately, there are mothers that are black and brown and live in poor communities across this country that are not in a position where they can make that decision.

We were in Houston, Texas, with our moms there not long ago, where we know mothers that live right next-door to air pollution have to go outside and make a decision, based upon just a look, to determine whether or not they can take their children to T-ball practice, whether or not they're going have to spend money going to a hospital to respond to an asthma attack or if they go to work, knowing full well that if they do not go to work, they do not eat, and there's no one to take care of their children. These decisions are hard.

So, you're absolutely right. When something is working, there's no need to change or try to fix it. And this is working.

Ms. TLAIB. And that's the thing about moms; we just want to fix it. And we understand the urgency of it, right? It's not like years we can get back for our kids.

I'm going to end with a quote from one of my residents. It was in the Detroit Metro Times, and she was quoted. Her name is Carmen Garrison, who avoids going outdoors because of the air. She truly believes the air is poisoning her, and let me tell you why. Because she says, quote, "As a kid, she often threw up and had a headache after walking to school in southwest Detroit," where I grew up. "And more than three decades later, as an adult, her eyes burn, her throat hurts, and her nose runs if she's even taking a short stroll down the road."

Those are real human impacts. And I think we need to connect that to the fact that it really does impact people's quality of life.

And I so thank you, especially the moms out there, that, really, it's one where we all come together. No matter our backgrounds or even our ethnic backgrounds or our income backgrounds, I think we understand the importance of protecting our children's future. Thank you so much.

I'd like to recognize Congressman Gosar for five minutes.

Mr. GOSAR. I thank the chairwoman.

Ms. Gunasekara, got a quick question for you. Now, there's been criticism that certain stakeholder groups, including the utility industry, has not been supportive of the proposed rule. Can you speak to that?

Ms. GUNASEKARA. Yes. Certainly. The utility issue is one voice of the many stakeholders and regulated community that are impacted by the MATS rule. And so it just goes to show that no one entity has an especially prevalent voice in the way that EPA makes its decisions.

And, in fact, there was a question, where was the criticism coming from? It was actually coming from a lot of the state environmental directors because of the relative problems, and they see the dangerous precedents for putting the regulatory body in a position where you could justify a regulatory action regardless of cost. Because the reality is that a lot of those costs of implementation fall to the states. And that's where the predominant source of concern with MATS and the last administration's response to Michigan came from.

Mr. GOSAR. So, now, collateral sources, I want to know a little bit more about this. So, we're talking about air quality.

Ms. GUNASEKARA. Uh-huh.

Mr. GOSAR. And air's not stagnant, is it?

Ms. GUNASEKARA. Right.

Mr. GOSAR. It moves. There are air currents. Isn't that true?

Ms. GUNASEKARA. Yes.

Mr. GOSAR. OK, so—and, you know, I agree, we've got problems, and there's problems with heavy metals, mercury being one of those.

So, Reverend Hescoc, you made the comment that everything should be done. Have you issued and identified support for forest management? Because you do know why I'm asking this question;

because one of the highest realms of toxic metals is catastrophic wildfire.

Rev. HESCOX. Absolutely. In fact, I've worked with Senator Daines in that office right now, as a matter of fact, on his work.

And, by the way, most of the mercury that is redeposited from wildfires originally came from—deposited from coal plants. So,—

Mr. GOSAR. No, no, no, no.

Rev. HESCOX. Yes, it is, sir.

Mr. GOSAR. No, it is not. It's a natural-occurring element in the crust of this earth. That's just the facts.

Rev. HESCOX. Well, it is a fact, but most of it from the United States has been redeposited from burning of coal. And I have the scientific studies to prove it, sir.

Mr. GOSAR. It's all part of the crust of this earth.

Rev. HESCOX. I'm a geologist, sir, and I disagree with you.

Mr. GOSAR. And volcanic action? Please tell me how that—

Rev. HESCOX. It comes from volcanic ash too, but—

Mr. GOSAR. Yes.

Ms. HUFFLING, have you actually filed support for forest management to get rid of catastrophic wildfires?

Ms. HUFFLING. Many of the nurses that we work with are in areas that have been impacted by wildfires. We haven't submitted comments directly related to that, but we've definitely been working on these issues.

Mr. GOSAR. So, I would take that as a "yes."

Ms. HUFFLING. Uh-huh.

Mr. GOSAR. OK.

How about you, Ms. Toney?

Ms. TONEY. Many of our mothers, as well, are located in places that are impacted by wildfires. And this is an issue that is of great concern to us, and we are looking at ways that we can potentially be engaged.

Mr. GOSAR. So, like, forest management would be a great opportunity to mitigate this, would it not?

Ms. TONEY. We do not disagree that forest management is something that is necessary. However, that does not negate in any way the responsibility of industry in the United States.

Mr. GOSAR. Well, I want to come back to that.

Ms. Gunasekara, so they're not fudging on this aspect. They're adhering to the same rule. Is that true?

Ms. GUNASEKARA. Absolutely. And I think to the point that the truth matters, the truth in this instance is that this administration isn't proposing any changes to the standard. There will be no impact to the existing protections that were put in place by the 2012 rule under the newly proposed rule. It will simply fix a dishonest and inappropriate accounting mechanism.

Mr. GOSAR. So, basically, and I've always said, good process builds good policy builds good politics. True?

Ms. GUNASEKARA. True.

Mr. GOSAR. Well, and then that's part of the problem here, is the policy's not built on good process. That's what I'm taking.

Ms. GUNASEKARA. Well, absolutely, I would say, and this is especially true in the regulatory landscape. You want to talk about the veracity and credibility of the Administrative Procedure Act. Set-

ting up some cost-benefit mechanism that always skews what the outcome is going to be, that undermines the potential credibility there.

So, the process, especially for regulatory agencies, it's how they make their decisions and come to final outcomes. So, protecting that is especially important.

Mr. GOSAR. So, it's a process of peer review so that you actually have a denounced way of ascertaining balance. Or what you say you do at the front end is what you get at the back end. True?

Ms. GUNASEKARA. Yes. There's an element—yes. Exactly.

Mr. GOSAR. OK.

Well, I definitely want to see, Reverend, your support letter for catastrophic wildfire and forest management, because that's a big deal. That's a huge deal.

Rev. HESCOX. I absolutely agree. That's why I believe in forest management and working on it.

I can also show you the studies on where the mercury comes from. So, I'll be happy to send those to you in the coming week.

Mr. GOSAR. Oh, I—my dad's a geologist—love it. I would absolutely—

Rev. HESCOX. Yes. Well, I have a Ph.D. geologist behind me too, so we're both in good company.

Ms. TLAIB. Thank you so much.

I'd like to thank all of our witnesses for testifying today.

Without objection, all members will have five legislative days within which to submit additional written questions.

It sounds like there have been some requests that you—and then we ask all of you to please respond as promptly as you are able to.

Ms. TLAIB. This hearing is adjourned.

[Whereupon, at 3:52 p.m., the subcommittee was adjourned.]

