

**Before the United States House of Representatives  
Committee on Oversight and Reform  
Subcommittee on Environment**

**“The Administration’s Effort to Undermine the Mercury and Air  
Toxics Standard (MATS) Rule”**

**Oral Testimony of Heather Toney  
National Field Director  
Moms Clean Air Force  
February 6, 2020**

Chairwoman Maloney of the Oversight and Reform Committee, Subcommittee Chairman Rouda, Ranking Members Jordan and Comer, and members of the Subcommittee, 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 National Field Director of Moms Clean Air Force. We are a community of over one million moms and dads united against air pollution and climate change for the sake of our children’s health. On May 21<sup>st</sup> of 2019, I testified before the House Committee on Energy and Commerce, Subcommittee on Oversight and Investigations regarding the dangers of undermining the current Mercury protections provided to us through the Mercury and Air Toxics Standard, also known as the “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 cost and benefit 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 now.

I can honestly say, that while I come today proudly representing our over 1 million members from across the country, I am truly baffled at the fact that we are still working to prevent our federal government from allowing industry to unborn babies’ brains. At this very moment, the Trump administration’s EPA (Environmental Protection Agency) is still engaged in a full scale assault on the Mercury and Air Toxics Standard. Despite comments from concerned constituents, questions, pleas from the impacted industry and the outrage of mothers across this country, OMB has scheduled yet another meeting on the MATS rule for later in this month. It’s my hope that the intent is to keep open the question of why we should stop protecting our children.

The facts have not changed and mothers know this. Coal burning power plants are the largest source of human-caused mercury emissions in the US, and mercury is harmful to the developing brain. In 2005, researchers estimated that between 316,000 and 637,000 newborns were born each year in the US with elevated mercury levels in their blood – levels associated with loss of IQ. The resulting loss of intelligence and lost productivity was calculated to cost \$8.7 billion in 2000 dollars. \$1.3 billion of that cost was attributable to mercury emissions from coal-fired power plants.<sup>1</sup>

Everything we know about these pollutants shows that controlling them is not just “appropriate,” but *vital*. It is deeply problematic and a direct threat to our children’s health that EPA now proposes to decide otherwise. Supporters of this irresponsible proposal should not be allowed to hide the central fact that the agency

---

<sup>1</sup> Leonardo Trasande et. al., Public Health and Economic Consequences of Methyl Mercury Toxicity to the Developing Brain, *Environ. Health Perspec.*, 113(5): 590–596 (2005).

charged with protecting American's health and welfare from air pollution is claiming that control of largescale toxic emissions is not appropriate.

We also know that the rule works as is. In 2018, The American Lung Association reported that The Mercury and Air Toxics Standards achieved a 90% reduction in mercury emissions from power plants, and cleaned up dangerous particle pollution at the same time.<sup>2</sup> (Association, 2018). When the rule was adopted it was estimated that it would prevent up to 11,000 premature deaths each year and prevent 4,700 heart attacks, 130,000 asthma attacks, and 5,700 hospital visits annually. Now we know that it has done so much more. Our friends at the Union of Concerned Scientist reported that air pollution from coal-fired power plants is linked with not only asthma, but also cancer, heart and lung ailments, neurological problems, acid rain, global warming, and other severe environmental and public health impacts.”<sup>3</sup> As a mother, I want my children protected from not just one, but any ailment that could potential cause my children harm. 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 standards and it did not cost them as much as they'd initially thought. Pollution controls are now in place and business is still being conducted in a healthier environment. The utility sector understands that pollution controls make sense, which is why they urged the administration to forgo any changes to this rule. Pollution controls were a small price to pay for not only the health and welfare of our children, but also the economic benefit of cities and towns across America. Healthier air means their employees don't take off time to tend to sick loved ones. It means we all benefit from lower healthcare cost. It

---

<sup>2</sup> American Lung Association, "[Healthy Air, Protect Limits on Mercury and Toxics](#), 2018

<sup>3</sup> Union of Concerned Scientist, "[Coal and Air Pollution](#), 2017

means that black and brown communities that sit on the front lines of these facilities are finally granted some form of protection after years of living, quite literally, under a cloud of pollution.

I previously shared the story of one of our moms, Nikki Katrice White, who traveled with us to DC to participate in the EPA hearing on the MATS proposal. It bears repeating here today. Nikki is healthcare worker and native of Camden, South Carolina, where she lives and raises her two children. As a black mother living in the shadow of the local coal-fired power plant is acutely aware of the need for strong air pollution controls.

She sat before the EPA hearing panel and shared how her family was grateful for sustainable income yet at the same time blissfully unsuspecting of the dangers that come with living alongside coal fired power plants. She shared how they didn't think twice when her mother gave birth to her only son and he was stillborn. They didn't give it second thought when her mother and sister developed fibroids, because, they are common in African-American women. It didn't even dawn on her when her own children started to have respiratory issues when there was no family history or other significant risk factors.

In her words,

“We didn't link any of that to the fact that my mother's job was powered by May Plant, a coal-fired power plant just off the Wateree River. We lived by and were exposed to these chemicals.... But we do know that “MATS is one of several pollution standards that have helped clean up the environment in my community.”

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

So what should be done? What can be done? Mothers ask this question daily but also immediately provide an answer. To the current rule, nothing. You will hear repeatedly that the Obama Administration failed to calculate correctly the health benefits and cost 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 and for good reason: they kill people. If we don’t count the cost of killing people then the benefit of the rule is reduced and industry doesn’t have to do it.

Furthermore, while EPA has continuously claimed that it is [leaving the current standards for mercury emissions in place](#). They are taking steps consistent with changing and or altering the rule all together. Not only does the proposal directly attack the underlying justification for MATS, but EPA specifically solicits comment on whether, if it were to finalize its proposed conclusion it then has the *authority* or the *obligation* to rescind the MATS rule. Again, the ability the discount the particulates in MATS under minds every other Clean Air Act rule. In the words of my colleague and good friend Molly Rauch, 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 Barack Obama and EPA Administrator Gina McCarthy. My region covered 8 states, 6 tribes and over a

quarter of the nation's population. My job was to not only assist communities and industry to implement MATS but to also explain the importance of these protective measures, especially in vulnerable communities and communities of color. I also am a former mayor, having served my hometown of Greenville, Mississippi, for two terms. I am the mother of 3; children ages 24, 14, and 3.

If they choose to do anything at all, EPA MUST STRENGTHEN OUR NATION'S LIMITS ON MERCURY AND TOXIC POLLUTION FROM COAL PLANTS.

Rather than revisiting these life-saving standards, EPA should be strengthening them to reduce hazardous air pollutants further from these sources, to better protect the health of children, families, and communities living near these facilities and downwind from them. In the event that this rule is finalized, it is incumbent on this committee and this congress to provide oversight and demand that EPA conduct the most stringent enforcement and accountability.

We will continue to call out this action for what it is: A direct threat to our children's health and that is simply not acceptable.