

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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### Opening Statement

**Subcommittee Chairman Harley Rouda**

**“A Threat to America’s Children: The Trump Administration’s Proposal to Undermine Protections from Mercury Air Toxics Standards.”**

**Subcommittee on Environment**

**Thursday, February 6, 2020**

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 (EPA) efforts to undermine the MATS rule is yet another example of this Administration 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 (CO<sub>2</sub>) emitted by coal-burning worldwide, these plants also accounted for half of the total man-made 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, mercury pollution alone has decreased by 80% since the rule’s 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 each 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 and fine particulate matter than 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 methylmercury, 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 birth.

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 just 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.

In sum, we know the MATS rule saves lives. We know the current MATS rule protects 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 million-dollar question – why are we sitting here today talking about this Administration's efforts to gut such a vital rule? The answer is simple, but frightening – because of the undue influence of a handful of coal companies over this EPA.

Bob Murray, the former CEO of Murray Energy, and a few of 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, who 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 (RNC); and he's given at least \$15,000 to the National Mining Association since 2016.

Since we are now in the third year of Trump's presidency, it is not surprising to know that some of the top positions at EPA are held by industry friendly swamp creatures who are no stranger 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 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.' Instead of protecting children, the current administration is fulfilling an industry's list of desires.

It was Mahatma Ghandi 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 action on current and future generations. These actions reveal a pattern of, at best, disregard for the wellbeing of America's most vulnerable children and, at worst, a calculated agenda to inflict suffering upon them in an 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.

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