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E.P.A. Proposes New Emission Standards for Power Plants

By **JOHN M. BRODER** and JOHN COLLINS RUDOLF

WASHINGTON — The [Environmental Protection Agency](#) proposed the first national standard for emissions of mercury and other toxins from coal-burning power plants on Wednesday, a rule that could lead to the early closing of dozens of generating stations and is certain to be challenged by the utility industry and Republicans in Congress.

[Lisa P. Jackson](#), the agency's administrator, unveiled the new rule with fanfare at agency headquarters, saying control of dozens of poisonous substances emitted by power plants was two decades overdue and would prevent thousands of deaths and tens of thousands of cases of disease a year.

She pointedly included the head of the American Lung Association and two prominent doctors in her announcement to make the point that the regulations were designed to protect public health and not to penalize the utility industry.

She estimated the total annual cost of compliance at about \$10 billion, in line with some industry estimates (although some are much higher), and the health and environmental benefits at more than \$100 billion a year. She said that households could expect to see their electric bills rise by \$3 to \$4 a month when the regulation is fully in force after 2015.

"Today's announcement is 20 years in the making and is a significant milestone in the [Clean Air Act's](#) already unprecedented record of ensuring our children are protected from the damaging effects of toxic air pollution," she said. She invited a group of second graders from a nearby elementary school to attend the rule's unveiling at her agency.

Ms. Jackson said that [mercury](#) and the other emissions covered by the rule damage the nervous systems of children and fetuses, exacerbate asthma and cause lifelong health damage for hundreds of thousands of Americans.

She said that installing and maintaining smokestack scrubbers and other control technology would create 31,000 short-term construction jobs and 9,000 permanent utility sector jobs.

Even before the formal unveiling of the rule, utilities, business groups and Congressional Republicans cast it as the latest salvo in a regulatory war on American industry. They cited a number of recently issued E.P.A. rules, including one on industrial boilers and the first of a series of regulations covering greenhouse gases, which they argue will impose huge costs on businesses and choke off economic recovery.

“E.P.A. admits the pending proposal will cost at least \$10 billion, making it one of the most expensive rules in the history of the agency,” a group of utilities said in a report this week.

“Adaptation to all the proposed rules constitutes an extraordinary threat to the power sector — particularly the half of U.S. electricity derived from coal-fired generation,” the group added.

The group questioned Ms. Jackson’s assertion that the technology needed to reduce emissions of mercury, lead, arsenic, chromium and other airborne toxins was readily available and reasonably inexpensive. The need to retrofit scores of plants in the same short period of time will tax resources and lead to delays, the industry group said.

The [National Association of Manufacturers](#) said the proposed rule would lead to higher electricity prices and significant job losses.

“In addition, electric system reliability could be compromised by coal retirements and new environmental construction projects caused by this proposed rule and other E.P.A. regulations,” said Aric Newhouse, the group’s vice president for government relations. “Stringent, unrealistic regulations such as these will curb the recent economic growth we have seen.”

Public health advocates countered that these were the same complaints that had delayed the rules for more than two decades, as utilities used the courts and Congress to block strong regulations on air pollution. The rule issued Wednesday was timed to meet a deadline set in 2008 by a federal court when it threw out a weaker set of regulations issued by the Bush administration.

“If you think it’s expensive to put a scrubber on a smokestack, you should see how much it costs to treat a child over a lifetime with a birth defect,” said Dr. Marion Burton, president of the [American Academy of Pediatrics](#), who stood with Ms. Jackson in announcing the rule.

Roughly half of the nation’s more than 400 coal-burning plants have some form of control technology installed, and about a third of states have set their own standards for mercury emissions. But the proposed rule issued Wednesday is the first national standard and will require all plants to come up to the standard of the best of the current plants.

The new rules bring to a close a bitter legal and regulatory battle dating back to the passage of

the Clean Air Act in 1970, which first directed the E.P.A. to identify and control major industrial sources of hazardous air emissions.

By 1990, however, federal regulators had still not set standards for toxic emissions from power plants, and Congress, in the face of stiff resistance from utilities and coal interests, passed legislation directing the E.P.A. to develop a plan to regulate the industry. In 1998, the agency finally complied, delivering a comprehensive report to Congress detailing the health impacts of numerous pollutants, including mercury, which by then had been linked conclusively in numerous studies to serious cognitive harm to developing fetuses.

In December 2000, in the final days of the Clinton administration, the E.P.A. finally listed power plants as a source of hazardous air pollutants under the Clean Air Act. Yet under the Bush administration, the effort to control power plant emissions would again falter.

The 2000 listing required E.P.A. to implement standards for mercury and other pollutants from the industry. But rather than comply, the agency made the controversial decision in 2005 to delist power plants as sources of hazardous pollution.

Instead the E.P.A. created a [cap-and-trade](#) program for mercury, highly favored by industry, which it claimed would achieve virtually identical emissions reductions at lower cost. A coalition of environmentalists sued, arguing that the cap-and-trade program would not limit other toxic emissions like arsenic and would allow the dirtiest power plants to pay for the right to pollute, putting nearby communities at risk.

In 2008 a federal judge ruled against the E.P.A., giving the agency three years to develop standards for mercury and other pollutants.

The long delay in implementing regulations has meant that emissions of some key pollutants has not just held steady, but has grown in recent years. The E.P.A.'s most recent data shows that from 1999 to 2005, mercury emissions from power plants increased more than 8 percent, to 53 tons from 49 tons. Arsenic emissions grew even more, rising 31 percent, to 210 tons from 160 tons.

The E.P.A. will take public comments for the next several months. It anticipates publishing a final rule at the end of the year or early next, with implementation three or four years later.