

**July 20, 2020**

**ATTORNEY GENERAL RAOUL FILES LAWSUIT AGAINST EPA OVER NEW RULE UNDERMINING MERCURY AND AIR STANDARDS**

**Chicago** — Attorney General Kwame Raoul today joined a coalition of 25 states, cities and counties in filing a lawsuit against the U.S. Environmental Protection Agency (EPA) over its rule reversing the agency's determination—first made nearly 20 years ago—that it is "appropriate and necessary" under the Clean Air Act to regulate mercury and other toxic air pollution from coal and oil-fired power plants.

Raoul and the coalition argues that the new rule undermines the 2012 Mercury and Air Toxics Standards (MATS), a landmark rule that has substantially reduced emissions of mercury and other hazardous pollutants that harm human health and the environment, and that pose especially significant health risks to children, pregnant women and many minority and low-income communities.

"The EPA's decision that it is no longer appropriate to regulate toxic air pollution from power plants ignores science and puts communities and the environment at risk," Raoul said. "I urge the EPA to reverse this decision and to do its job of protecting communities from the harmful effects of toxic air pollution."

The lawsuit, filed in the U.S. Court of Appeals for the District of Columbia Circuit, challenges the EPA's reversal of its finding that the MATS regulation is "appropriate and necessary." Over the past two decades, the EPA has made such a finding no less than three times—relying on a growing body of scientific evidence—because power plants are the country's largest source of hazardous pollutants and because other provisions of the Clean Air Act would not adequately reduce those emissions. The EPA's final rule seeks to undermine MATS even though power plants have been complying with the standards since 2015 and already have installed the pollution-control technologies.

Mercury has especially adverse effects on the developing brains of fetuses and children. A child exposed to mercury consumed during pregnancy can suffer permanent neurological damage and a lifelong loss of IQ. Mercury exposure is also linked to an increased risk of diabetes, autoimmune dysfunction and cardiovascular issues in adults. The primary route through which humans are exposed to mercury is by consuming contaminated fish; mercury emissions from power plants have been a major contributor to mercury contamination in U.S. waterways. As of 2011, that contamination was so widespread that fish consumption advisories were in place in all 50 states. Mercury pollution in lakes and rivers hurts local fishing economies and deprives residents across the country of the ability to enjoy recreational fishing and commercially harvested seafood. It also results in serious harms to wildlife.

In addition to effectively controlling mercury and other toxic metals—like arsenic and chromium—MATS has led to a dramatic reduction in the fine particulate matter emitted by power plants. Particulate matter is strongly linked to premature death, aggravated asthma, chronic bronchitis and other cardiopulmonary illnesses that disproportionately affect many minority and low-income communities.

In April 2019, Raoul joined a coalition of 26 states, counties and cities in submitting comments to the EPA opposing the agency's then proposed rule to undermine MATS. The comments argued that the agency does not have the authority to reverse its previous finding and underscored that MATS is providing enormous health, environmental and economic benefits to the residents of the states and local governments and at a fraction of the predicted cost.

Joining Raoul in the lawsuit are the attorneys general of California, Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, and Wisconsin, as well as the cities of Baltimore, Chicago and New York, and Erie County (NY).