



Everglades Coalition

1000 Friends of Florida
Arthur R. Marshall Foundation
Audubon Florida
Audubon of Southwest Florida
Audubon of the Western Everglades
Audubon Society of the Everglades
Backcountry Fly Fishers of Naples
Bullsgar Alliance
Calusa Waterkeeper
Cape Coral Friends of Wildlife
Center for Biological Diversity
Conservancy of Southwest Florida
Defenders of Wildlife
"Ding" Darling Wildlife Society
Earthjustice
Environment Florida
Everglades Foundation
Everglades Law Center
Everglades Trust
Florida Bay Forever
Florida Conservation Voters Education Fund
Florida Defenders of the Environment
Florida Keys Environmental Fund
Florida Native Plant Society
Florida Oceanographic Society
Friends of the Arthur R. Marshall
Loxahatchee National Wildlife Refuge
Friends of the Everglades
Hendry-Glades Audubon Society
International Dark-Sky Association,
FL Chapter
Izaak Walton League of America
Izaak Walton League Florida Division
Izaak Walton League Florida Keys Chapter
Izaak Walton League Mangrove Chapter
Lake Worth Waterkeeper
Last Stand
League of Women Voters of Florida
Martin County Conservation Alliance
Miami Pine Rocklands Coalition
Miami Waterkeeper
National Audubon Society
National Parks Conservation Association
National Wildlife Refuge Association
Natural Resources Defense Council
North Carolina Outward Bound School
Ocean Research & Conservation Association
Reef Relief
Sanibel-Captiva Conservation Foundation
Save It Now, Glades!
Sierra Club
Sierra Club Florida Chapter
Sierra Club Broward Group
Sierra Club Calusa Group
Sierra Club Central Florida Group
Sierra Club Loxahatchee Group
Sierra Club Miami Group
Snook and Gamefish Foundation
South Florida Audubon Society
Southern Alliance for Clean Energy
The Florida Wildlife Federation
The Institute for Regional Conservation
The National Wildlife Federation
The Urban Environment League of
Greater Miami
Theodore Roosevelt Conservation
Partnership
Tropical Audubon Society

April 17, 2019

U.S. Environmental Protection Agency
EPA Docket Center
Mail Code 28221T
1200 Pennsylvania Ave. NW
Washington, D.C. 20460
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RE: Docket ID No. EPA-HQ-OAR-2018-0794: National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units - Additional Post-Promulgation Actions.

Dear Administrator Wheeler,

The 64 members of the Everglades Coalition - representing local, state, and national conservation and environmental organizations dedicated to restoring America's Everglades - submit the following comments opposing the Environmental Protection Agency's (EPA) proposed changes to what is commonly referred to as the Mercury and Air Toxic Standards (MATS). The proposal would severely compromise the progress made towards cleaning Electric Generating Units (EGU) emissions and poses an unacceptable and substantial public health risk. Mercury and its associated contaminants threaten the Greater Everglades system which in turn threatens Florida's main economies of tourism and commercial and recreational fishing as well as threatening many species that are crucial to the Everglades biota.

EPA's proposal claiming that the revision would "correct the flaws in the Agency's 2016 Supplemental Finding" is misleading. The proposal claims to maintain the integrity of MATS, however the proposed revisions to the required risk and review (RTR) analysis would create a superficial low-benefit result, effectively preventing MATS from ever being justified.

When MATS was first promulgated in 2012 the Agency correctly *included* co-benefits in the RTR. Understanding that at a cost ranging from \$7.4 to \$9.6 billion annually, the benefits of cleaning mercury from the emissions would bring quantifiable benefits of \$4 to \$6 million annually. The Agency also understood that by cleaning mercury, associated benefits are derived from the removal of other Hazardous Air Pollutants (HAPs) such as soot and nitrogen oxide that would be reduced by the same emissions cleaning technology. These reductions would save us \$37-90 billion in annual healthcare cost, preventing 11,000 premature deaths and 4,700 heart attacks. The Agency concluded that MATS prevented 730 premature deaths while creating up to \$6 billion in health benefits in 2016.¹

¹ <https://www.epa.gov/mats/mercury-and-air-toxics-standards-florida>

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By ignoring these co-benefits, as EPA's proposal does, ensures MATS would fail to survive the "appropriate and necessary" requirement set by the U.S. Supreme Court in 2015.²

In 2016 the Agency correctly concluded that after a consideration of all relevant metrics, including co-benefits, the cost of implementing this rule is reasonable.³ Other metrics considered in the analysis included historical annual revenues, annual capital expenditures, and impacts on retail electricity prices.⁴ The Agency considered all these metric and concluded the compliance with MATS by the power sector would not hinder its ability to perform its primary function: the generation, transmission, and distribution of reliable electricity at reasonable cost to consumers.⁵

Economy at Risk

Florida is known as the fishing capital of the world with more world record catches than any other state in the country. At the heart of this is the Greater Everglades Ecosystem. The Kissimmee River and Lake Okeechobee is home to legendary largemouth bass fishing, a fish which can be considered an economy on its own. The Northern Estuaries of the Caloosahatchee River, Indian River Lagoon, and the Lake Worth Lagoon are home to some of the best nearshore and offshore fishing in the world. The area where the Caloosahatchee meets the Gulf of Mexico is known to be the birthplace of Tarpon fishing. The Indian River Lagoon is famous for its inshore fishing where anglers can catch a "grand slam" of bonefish, permit, snook, and seatrout. The Lake Worth Lagoon is home to a substantial scuba diving industry where divers come from all over the world come to dive with goliath grouper and lemon sharks. All of these species are substantially impacted by mercury contamination.

The importance of the Everglades to this system cannot be understated, its health is the basis for the success of the Northern Estuaries and Florida Bay. Florida Bay is one of the largest economic drivers in the state providing world renowned fishing opportunities to the Florida Keys. Look at any fishing publication across the country and chances are the cover photo is of a fish caught in Florida Bay, often as a result of a trip with one of the many world class fishing guides of the area. These guides bring in clients from around the world and are a significant contributor to the tourism industry in the Keys.

An example of the economic impact that would entail with increased mercury is on the spiny lobster fishery. In 2017, U.S. Landings of spiny lobster was 4 million pounds valued at \$41.8 million dollars.⁶ Florida accounted for over 82% of the total catch and 68% of the total value. Spiny Lobster are an extremely popular seafood in Florida, and they are already at a "moderate" consumption health risk of mercury.⁷

In 2017, 5 million residents of the Atlantic Coast participated in marine recreational fishing, the majority of these trips (nearly 29%) were made to east Florida.⁸ 2.6 million residents from the Gulf Coast states participated, a staggering 74% of these trips were made to west Florida.⁹

Florida thrives on its fishing, especially in the Everglades. And when extremely popular species such as snook are already threatened by mercury contamination, subjecting the species to even more mercury exposure would be devastating to the fishing economy. Currently, the Florida Department of Health (DOH) associates snook with substantial health risk by recommending only a single serving of 6 ounces of cooked snook per month.¹⁰ Other popular fish such as cobia and kingfish,

² Michigan v. Environmental Protection Agency; 576 U.S. ___ ; 135 S. Ct. 2699 (2015).

³ Supplemental Finding That It Is Appropriate and Necessary To Regulate Hazardous Air Pollutants From Coal- and Oil-Fired Electric Utility Steam Generating Units; 81 FR 24419, 24419-24452 (2016).

⁴ *Id.*

⁵ *Id.*

⁶ National Marine Fisheries Service (2018) Fisheries of the United States, 2017. U.S. Department of Commerce, NOAA Current Fishery Statistics No. 2017, p. xxv.

⁷ <http://seafood.edf.org/lobster>

⁸ National Marine Fisheries Service (2018) Fisheries of the United States, p. 36.

⁹ *Id.*

¹⁰ Your Guide to Eating Fish Caught in Florida, Florida Department of Health, 2017, p. 39.

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are not recommended for consumption due to mercury contamination,¹¹ yet these fish are found on dinner plates all throughout the south Florida region.

Fishing is a key Florida economic driver, and if Floridians and tourists alike cannot consume fish due to the substantial health risk associated with mercury poisoning, it would constitute a significant economic loss.

Everglades Biota Impacts

Mercury is being deposited yearly in the Everglades at around 22 µg/m²/y, a significantly greater amount than the rest of the country.¹² There is also legacy mercury of around 15 tons of THg which has accumulated in the Everglades soil. Sulfate-reducing bacteria are converting this mercury into methyl mercury (MeHg). In the MeHg form mercury binds to muscle proteins making bio-accumulation more efficient.

MeHg levels in some fish in the Everglades already exceed Department of Health (DOH) guidelines. Concentrations in invertebrates, frogs, fish, wading birds, pythons, and alligators in the Everglades exceed acceptable environmental thresholds. The same effects felt by humans suffering from MeHg poisoning can be seen in animals throughout the Everglades. Concern of MeHg contamination in Florida panthers has long been documented: MeHg contamination was suspected in the death of some Florida panthers who prey on contaminated species.¹³ MeHg and other environmental contaminants have been documented in panther tissue and continue to be a threat to panther health and survivability.¹⁴ It is likely that contamination with one or more environmental toxins including MeHg could cause subclinical health effects and when combined with other stressors (environmental or physical), may reduce fitness and reproductive performance and increase susceptibility to disease.

MeHg in wading birds in the Everglades is known to cause neurologic and reproductive impairment. Data suggest that MeHg contamination of their prey is a significant contributor to the decrease in nesting wading birds in Florida.

Furthermore, University of Florida did a dosing study that concluded exposing white ibis to an MeHg contaminated diet significantly reduced their reproduction.¹⁵ The reduction in nesting was due to 55% of MeHg-induced males were engaging in male-male pairings.¹⁶ And there was a 30% decrease in nesting productivity of male-female nests.¹⁷ This effect was the result of high MeHg levels that were found in the Everglades in the early 1990s. Today, the levels are only getting worse.

Conclusion

The health impacts with mercury contamination cannot be overstated, they are felt by both humans and animals alike, and can result in a devastating loss to Florida's economy. The proposal to revise the RTR analysis to exclude the co-benefits associated with mercury emission cleanup will effectively render MATS unjustifiable. This goes against the original intention of the MATS rule and against the Supreme Court's intended use of the "appropriate and necessary" test. The proposal superficially removes a crucial part of the RTR analysis in an attempt to circumvent the "appropriate and necessary" analysis and to undermine MATS for the interest of a select few with total disregard to the public, Florida, and the Everglades' interests.

¹¹ *Id.* at 38.

¹² Gabriel, et al., Appendix 3B-1: Annual Permit Compliance Monitoring Report for Mercury in Downstream Receiving Waters of the Everglades Protection Area, 2010 South Florida Environmental Report, App. 3B-1-18.

¹³ Santaniello, State Panther May Have Died From Mercury, Sun Sentinel, October 31, 1989.

¹⁴ Facemire, et al., Impairment in the Florida Panther: Nature or Nurture?, Environmental Health Perspectives, Vol. 103, Supplement 4: Wildlife Development (May, 1995), 79-86.

¹⁵ Frederick and Jayasena, Altered Pairing Behavior and Reproductive Success in White Ibises Exposed to Environmentally Relevant Concentrations of Methylmercury, Proc. R. Soc. B (2011) 278, 1851-1857.

¹⁶ *Id.*

¹⁷ *Id.*

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Without MATS there will be no national limit on emissions of mercury and other HAPs from power plants. This will contribute to environmental degradation of the Everglades, subject the public to substantial health risk, and undermine progress made by well-meaning energy companies. In describing the necessity of this regulation, the Agency says it best: “[t]hese standards have put an end to 20 years of industry uncertainty and level the playing field for power plants across the country - over half of which are already using widely available pollution control technology and are forced to compete with facilities that have taken advantage of loopholes, or with aging plants, often 40 years old or older, that have never been updated with modern pollution controls.”¹⁸

Therefore, the Everglades Coalition, on behalf of our 64 member organizations, opposes the proposed changes to MATS and urges the EPA to withdraw the proposal.

Sincerely,



Mark Perry
Co-Chair



Marisa Carrozzo
Co-Chair

¹⁸ <https://www.epa.gov/mats/mercury-and-air-toxics-standards-florida>

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