



Institute for  
Policy Integrity

NEW YORK UNIVERSITY SCHOOL OF LAW

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Contact: Derek Sylvan | (212) 998-6085 | [derek.sylvan@nyu.edu](mailto:derek.sylvan@nyu.edu)

## **STATEMENT ON EPA UNDERMINING THE BASIS FOR MERCURY POLLUTION SAFEGUARDS**

The Environmental Protection Agency is soon expected to finalize a rule that alters the legal basis for regulations limiting mercury and other toxic emissions from power plants, constraining future safeguards against pollution. As the agency withdraws its earlier “appropriate and necessary” finding for the Mercury and Air Toxics Standards (MATS), it will alter the framework for its economic analysis, no longer taking into account the enormous indirect benefits (also known as “co-benefits”) that regulations like MATS provide by simultaneously reducing other harmful air pollutants.

**Richard Revesz, Lawrence King Professor of Law and Dean Emeritus at NYU School of Law and Director of the Institute for Policy Integrity, has released the following statement:**

*“This action is an affront to public health, and the Trump administration’s justification is completely irrational. The administration wants to ignore the positive indirect effects of regulations but consider the negative indirect consequences. There is no plausible economic argument for this one-sided approach. The hypocrisy of this move is particularly striking because earlier this very month the administration weakened vehicle-emissions standards and justified the move by pointing almost exclusively to co-benefits – purported changes in vehicle costs and accidents. Now the same officials are trying to bar the consideration of co-benefits for life-saving pollution safeguards. So, it looks like the Trump administration’s approach is to rely on co-benefits when their consideration supports weaker regulations but ignore them when they would support rules protecting the health of Americans.”*

### **Related Resources:**

- [Comments to EPA’s Science Advisory Board on the analysis of MATS](#) (January 2020)
- [Michael Livermore’s testimony on related issues to the House Committee on Energy and Commerce](#) (May 2019)
- [Comments to EPA on the reconsideration of MATS](#) (April 2019)
- An [op-ed analyzing EPA’s flawed MATS co-benefit claims](#) (March 2019)

- An academic article on the relevant co-benefit issues: [Environmental Standards, Thresholds, and the Next Battle Ground of Climate Change Regulations](#) (February 2019)
- Our [DC Circuit brief](#) in litigation over MATS (January 2017)
- Our [Supreme Court brief](#) in litigation over MATS (March 2015)

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