**ENS/PHI335K: Environmental Ethics, Writing Assignment 3, 1/9/12**

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**Read the attached documents regarding a controversial EPA decision to enforce new standards to reduce mercury pollution.**

1. **List the key pieces of scientific data presented. Identify whether the data is being used to support the new standards or oppose them.**
2. **List the key pieces of economic data presented. Identify whether the data is being used to support the new standards or oppose them.**
3. **Briefly summarize the different ethical arguments being made in these documents.**
4. **What are the underlying values and assumptions in this debate?**
5. **Using the back of this page, in 1-2 paragraphs, explain whether or not you support the new EPA mercury standards and WHY. Be sure to use ethical reasoning in your answer. Also, note if there is anything else you think it would be helpful to know before you made a final decision.**

**DOCUMENT 1: EPA Press Release (www.epa.gov)**

**EPA Issues First National Standards for Mercury Pollution from Power Plants/ Historic ‘mercury and air toxics standards’ meet 20-year old requirement to cut dangerous smokestack emissions**

Release Date: 12/21/2011

WASHINGTON – The U.S. Environmental Protection Agency (EPA) has issued the Mercury and Air Toxics Standards, the first national standards to protect American families from power plant emissions of mercury and toxic air pollution like arsenic, acid gas, nickel, selenium, and cyanide. The standards will slash emissions of these dangerous pollutants by relying on widely available, proven pollution controls that are already in use at more than half of the nation’s coal-fired power plants.

EPA estimates that the new safeguards will prevent as many as 11,000 premature deaths and 4,700 heart attacks a year. The standards will also help America’s children grow up healthier – preventing 130,000 cases of childhood asthma symptoms and about 6,300 fewer cases of acute bronchitis among children each year.

"By cutting emissions that are linked to developmental disorders and respiratory illnesses like asthma, these standards represent a major victory for clean air and public health– and especially for the health of our children. With these standards that were two decades in the making, EPA is rounding out a year of incredible progress on clean air in America with another action that will benefit the American people for years to come," said EPA Administrator Lisa P. Jackson. "The Mercury and Air Toxics Standards will protect millions of families and children from harmful and costly air pollution and provide the American people with health benefits that far outweigh the costs of compliance."

“Since toxic air pollution from power plants can make people sick and cut lives short, the new Mercury and Air Toxics Standards are a huge victory for public health,” said Albert A. Rizzo, MD, national volunteer chair of the American Lung Association, and pulmonary and critical care physician in Newark, Delaware. “The Lung Association expects all oil and coal-fired power plants to act now to protect all Americans, especially our children, from the health risks imposed by these dangerous air pollutants.”

More than 20 years ago, a bipartisan Congress passed the 1990 Clean Air Act Amendments and mandated that EPA require control of toxic air pollutants including mercury. To meet this requirement, EPA worked extensively with stakeholders, including industry, to minimize cost and maximize flexibilities in these final standards. There were more than 900,000 public comments that helped inform the final standards being announced today. Part of this feedback encouraged EPA to ensure the standards focused on readily available and widely deployed pollution control technologies, that are not only manufactured by companies in the United States, but also support short-term and long-term jobs. EPA estimates that manufacturing, engineering, installing and maintaining the pollution controls to meet these standards will provide employment for thousands, potentially including 46,000 short-term construction jobs and 8,000 long-term utility jobs.

Power plants are the largest remaining source of several toxic air pollutants, including mercury, arsenic, cyanide, and a range of other dangerous pollutants, and are responsible for half of the mercury and over 75 percent of the acid gas emissions in the United States. Today, more than half of all coal-fired power plants already deploy pollution control technologies that will help them meet these achievable standards. Once final, these standards will level the playing field by ensuring the remaining plants – about 40 percent of all coal fired power plants - take similar steps to decrease dangerous pollutants.

As part of the commitment to maximize flexibilities under the law, the standards are accompanied by a Presidential Memorandum that directs EPA to use tools provided in the Clean Air Act to implement the Mercury and Air Toxics Standards in a cost-effective manner that ensures electric reliability. For example, under these standards, EPA is not only providing the standard three years for compliance, but also encouraging permitting authorities to make a fourth year broadly available for technology installations, and if still more time is needed, providing a well-defined pathway to address any localized reliability problems should they arise.

Mercury has been shown to harm the nervous systems of children exposed in the womb, impairing thinking, learning and early development, and other pollutants that will be reduced by these standards can cause cancer, premature death, heart disease, and asthma.

The Mercury and Air Toxics Standards, which are being issued in response to a court deadline, are in keeping with President Obama’s Executive Order on regulatory reform. They are based on the latest data and provide industry significant flexibility in implementation through a phased-in approach and use of already existing technologies.

The standards also ensure that public health and economic benefits far outweigh costs of implementation. EPA estimates that for every dollar spent to reduce pollution from power plants, the American public will see up to $9 in health benefits. The total health and economic benefits of this standard are estimated to be as much as $90 billion annually.

The Mercury and Air Toxics Standards and the final Cross-State Air Pollution Rule, which was issued earlier this year, are the most significant steps to clean up pollution from power plant smokestacks since the Acid Rain Program of the 1990s.

Combined, the two rules are estimated to prevent up to 46,000 premature deaths, 540,000 asthma attacks among children, 24,500 emergency room visits and hospital admissions. The two programs are an investment in public health that will provide a total of up to $380 billion in return to American families in the form of longer, healthier lives and reduced health care costs.

**DOCUMENT 2: National Review article (www.nationalreview.com)**

EPA’s Ongoing Assault on the Economy

By [Sterling Burnett](http://www.nationalreview.com/author/13813)

[August 21, 2011 7:30 A.M.](http://www.nationalreview.com/planet-gore/275088/epa-s-ongoing-assault-economy-sterling-burnett)

Affordable energy is critical for a prosperous economy. Yet, despite the fact that the U.S. is still in the middle of a pronounced economic slump, the U.S. Environmental Protection Agency (EPA) is in the process of proposing or finalizing a number of air-quality regulations that would limit energy choices and increase energy prices, thus seriously retarding the economic recovery.

Economists estimate that just four of these dozens of rules could alone cost the economy trillions of dollars annually. In addition, the rules will cost millions of [jobs](http://www.nationalreview.com/blogs/print/275088) and raise energy prices, and all with little or no public-health benefit.

On July 6, 2011, the EPA finalized the [Cross-State Air Pollution Rule](http://www.ncpa.org/pub/ba750) which will require power plants in 27 states to significantly reduce sulfur-dioxide and nitrogen-oxide emissions. By 2014, power plants will need to cut their sulfur-dioxide emissions 73 percent and nitrogen-oxide emissions by 54 percent below 2005 levels.

A second rule concerning mercury and air toxics would require existing coal- and oil-fired power plants to reduce emissions of mercury and other air pollutants to the average level of emissions of the least polluting 12 percent of plants currently operating using the same type of fuel.

The EPA is also proposing a new, more restrictive [ozone standard](http://www.nationalreview.com/blogs/print/275088). Though the current primary standard of 0.075 parts per million (ppm) was only set in 2008 — and is just now being implemented — the Obama administration’s EPA decided to create a new, even stricter standard — somewhere between 0.060 ppm to 0.070 ppm. Finalization of the new standard has been delayed several times and no firm date has been set for a decision.

Finally, despite little if any provable health effects from current emissions, the EPA has decided to regulate greenhouse gases as pollutants.

What does it all mean?

Just looking at the proposed restrictions on ozone, most monitored counties — many in urban areas — will not meet the new standard. In fact, up to 76 percent of the 675 U.S. counties where ozone is monitored would not meet a 0.070 ppm standard, according to a 2010 Congressional Research Service report. Up to 96 percent would not meet a 0.060 ppm standard. These so-called non-attainment areas will be subject to additional regulation and EPA oversight, making business expansion difficult and encouraging businesses to move to counties that do attain the standard or to leave the country entirely. Communities in non-attainment areas could also lose federal highway funding.

Estimates vary, but researchers agree that complying with a new ozone standard will be costly. Indeed, a 0.070 ppm standard could cause a $14.8 billion decline in production and the loss of 91,700 jobs by 2030 in the Cincinnati-Dayton, Ohio, region alone, according the U.S. Senate Committee on Environment and Public Works. Other [analysts](http://www.ncpa.org/pub/ba751) place the costs far higher — at more than a $1 trillion.

In 2007, when the U.S. Supreme court opened the door to the EPA to regulate greenhouse gases as pollutants, I, along with a host of others, predicted costly mischief — and now we’ve got it. Regulating greenhouse gases as pollutants will increase the number of emissions sources that need operating permits from approximately 20,000 at present to roughly 6 million. At a cost of up to 2.5 million jobs lost and a decline of economic output of nearly $7 trillion (in 2008 dollars) by 2029.

Unfortunately, the EPA’s efforts will be futile. Even if the entire Western Hemisphere suddenly eliminated all carbon dioxide emissions, the effect on global emissions would likely be offset within a decade by the growth of China’s emissions alone.

Combined the Cross-State Air [Pollution rule](http://www.nationalreview.com/blogs/print/275088) and the new Mercury and Air Toxics standards have been estimated to lead to an additional 1.4 million jobs lost and will result in a shuttering of more than 5 percent of the nation’s electric power supply.  The North American Electric Reliability Council, the government’s watchdog responsible for ensuring the nation’s electricity supply and transmission, notes that this forced shutdown — with no way to replace the losses in a timely fashion — will lead to inadequate supplies, power shortages, and instability in the national grid.

These regulations, taken individually, or as a set, are arguably unnecessary since, as I detail in a recent [NCPA report](http://www.ncpa.org/pdfs/ba750.pdf), at current levels American air is so clean that there is little benefit to additional [pollution reduction](http://www.nationalreview.com/blogs/print/275088).

The economy is still struggling and many people remain unemployed. The loss of more than 8 million jobs and soaring energy costs over the next decade will stifle economic recovery. Current clean air standards and technological improvements are already improving air quality. Accordingly, Congress should rein in the EPA’s ongoing assault on our already weakened economy.

**DOCUMENT 3: US Senate Concerns Regarding New Mercury Standards (www.energy.senate.gov)**

**Reliability Concerns Warrant Careful Review of Utility MACT Rule**   **December 21st, 2011**

**Sen. Murkowski: Reliability Concerns Warrant Careful Review of Utility MACT Rule**

WASHINGTON, D.C. – U.S. Sen. Lisa Murkowski, R-Alaska, today commented on the Environmental Protection Agency’s release of the final National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units, or Utility MACT.

Murkowski has expressed concern with the rule due to its potentially significant implications for electric grid reliability. Murkowski has urged a greater role for the Federal Energy Regulatory Commission (FERC) and expert organizations under its regulation, such as the North American Electric Reliability Corporation (NERC).

“Based on the analysis we’ve seen so far – and the information that EPA either would not or could not provide – I continue to be concerned about the potential threat this rule poses to the reliability of the nation’s electric grid,” Murkowski said. “Now that the rule has been released, I will be reviewing it closely with my staff and, when Congress returns in January, will continue to consider the need for legislation.”

Over the past seven months, Murkowski and several of her Senate colleagues have sought to ensure that reliability received even a portion of the attention that EPA and FERC said, more than a year ago, they were already giving it. At that time FERC Chairman Jon Wellinghoff maintained that the two agencies had formed a joint task force to examine the reliability issue. However, no such task force was ever established.

Instead of taking the questions and concerns seriously, the EPA has largely ignored requests for the agency to work closely with FERC and reliability experts to identify potential reliability risks and then amend the rules to lessen those risks. Indeed, in recently released internal e-mails, a FERC employee expressed frustration with trying to work with EPA, noting that “I don’t think there is any value in continuing to engage EPA on the issues.”

Murkowski and other senators spent months attempting to extract information from EPA, to very little avail. The agency’s eventual answers were either incomplete or did not respond to specific questions, relying instead upon broad characterizations of the rule’s likely effects. Careful review of the text of the final rule should provide important details, and Murkowski has asked her staff to begin that analysis.

On Nov. 30, FERC devoted an entire day of an electric reliability technical conference to the question of potential reliability impacts of EPA’s pending rules. Nearly every private sector and state government witness testified on the need for more time to comply with Utility MACT and other EPA rules to avoid what could be significant impacts to the reliability of the electric grid. The next day, the administration rushed out a report on resource adequacy implications of forthcoming EPA air quality regulations prepared by DOE’s policy office rather than its reliability experts. Not surprisingly, that report, which was not vetted with FERC or NERC but was reviewed before its release by an expert retained by private interests that support EPA’s initiative, attempts to waive off reliability issues.

Murkowski announced earlier this month that she would begin drafting legislation to define a “safety valve” to ensure that EPA rules adequately take reliability issues into account and can be generally applied fairly across the board.