



EPA's mercury rules: Dumb and dumber

By Pat Michaels

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This year, the Supreme Court is going to review the Environmental Protection Agency's outrageous rules for mercury emissions from power plants, and hopefully SCOTUS will see through the Agency's patently absurd reasoning.

The EPA's mercury rule is yet another example of the Obama administration's extreme bending of the law in service of its perseverance on global warming. In this case, the point of regulating mercury emissions—which are miniscule—is to further the administration's goal of shutting down every coal-fired power plant in the country, even though they currently supply about 40 percent of our electricity.

The EPA has to justify regulations in order to shoehorn them into some mystical interpretation of a small section of the 1990 amendments to the Clean Air Act that allows it to regulate hazardous air pollutants. And what could be more hazardous than dreaded airborne mercury from the combustion of coal in our power plants?

The Court should be aware that:

1. there is more mercury in our air from natural sources—volcanoes come to mind—than from all human activity;
2. mercury emitted from both volcanoes and coal-fired smokestacks resides for months in the air, usually until it is precipitated out by some rainstorm. As a result, a large amount of the mercury that falls here originated in highly polluted China;
3. all US emissions are a mere 2 percent of the global total;
4. US power plants emit only half of that—about 0.5 percent of the total—and by 2016 will emit even less than that.

In its rulemaking, the EPA had to demonstrate benefits, or more precisely, how much cost is extracted by current mercury emissions. So, who would benefit?

No one. The EPA had to literally invent a population that does not exist, but which might be affected. So they estimated, in their imagination, the effect on children who were born to a hypothetical population of 240,000 “women of child-bearing age in subsistence fishing populations who consume freshwater fish that they or their family caught.”

And “consume” these hypothetical fisherwomen did—300 pounds per year.

And now for the harm this would visit upon their children. To determine this the EPA, of course, has a computer model, which determined how much consumption of this fish would lower the kids’ I.Q.

I.Q. scores, which are supposed to measure processing speed, logical inference, and creative insight, have an average value of 100, with a measurement error of plus or minus five points. It is a fact that repetitive testing—something I endured in grade school—tends to reveal very similar scores.

The EPA’s model predicts that mercury will lower the I.Q. of these poor children by 0.00209 points, a negligible rounding error when the range of measurement error is 10 points. The EPA doesn’t show that this loss of I.Q. could have any impact on a person’s life.

No, instead, the EPA has another model, which claims that the loss of 0.00209 I.Q. points will cost this imaginary population up to \$6,000,000 (in 2007 dollars) a year due to reduced earnings.

Yet, to prevent an I.Q. loss of an impossible-to-measure 0.00209 points, or some 3 hundred thousandths of the range of error in I.Q. scores, the EPA’s mercury rule will effectively shut down every coal-fired power plant in America. Hopefully the Supreme Court will see through the absurdity.

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