



Summary of H.R. 2401

TRANSPARENCY IN REGULATORY ANALYSIS OF IMPACTS ON THE NATION (TRAIN) ACT

Committee on Energy and Commerce, Democratic Staff

The TRAIN Act blocks and indefinitely delays two of the most important clean air regulations of the past few decades. The bill does not simply require a cumulative economic analysis of EPA regulations.

The TRAIN Act prohibits EPA from finalizing the Mercury and Air Toxics Standards.

Power plants are by far the largest U.S. source of mercury air pollution. Mercury is a powerful neurotoxin of particular concern for pregnant women and young children because it damages the developing brain and reduces children's IQ and their ability to learn. Power plants also emit arsenic, chromium, and other toxic metals, which can cause cancer and other health effects.

On March 16, 2011, EPA proposed the Mercury and Air Toxics Standards (MATS) to reduce power plant emissions of toxic air pollutants. The proposed rule would prevent more than 90% of the mercury in the coal from being emitted into the air. The rule will also reduce fine particle emissions by 29% in 2015, which will produce tremendous health benefits.

The TRAIN Act prohibits EPA from finalizing this rule until at least February 1, 2013, and allows for indefinite delay by eliminating the Clean Air Act deadlines for action. Each year of delay will produce up to an additional 17,000 premature deaths; 11,000 non-fatal heart attacks; 120,000 cases of aggravated asthma; 12,200 hospital and emergency room visits; and 850,000 days when people miss work or school due to illness.

According to EPA, the pollution reductions required by the rule will yield health benefits of \$59 billion to \$140 billion per year, which is 5 to 13 times its cost. These estimates do not include the value of preventing the exposure of infants and children to mercury because of the difficulty of assigning a monetized value to the avoided birth defects and other effects.

The TRAIN Act prohibits EPA from implementing the Cross-State Air Pollution Rule.

On July 6, 2011, EPA finalized the Cross-State Air Pollution Rule (CSAPR), which requires 27 states in the eastern, central, and southern United States to reduce power plant emissions that pollute the air in downwind states. EPA estimates that by 2014, the CSAPR and other federal rules will reduce regional emissions of sulfur dioxide by 73% and nitrogen oxides by 54%.

The bill prohibits EPA from implementing the CSAPR until at least February 1, 2013, and indefinitely delays implementation by eliminating any deadline for EPA to make the rule effective. Each year of delay will produce up to an additional 34,000 premature deaths, 15,000 non-fatal heart attacks, 19,000 hospital and emergency room visits, 400,000 cases of aggravated asthma, and 1.8 million days when people miss work or school due to illness.

According to EPA, the pollution reductions required by the rule will yield health benefits of \$120 to \$280 billion per year, which is 150 to 350 times its cost.

The TRAIN Act creates a new bureaucracy to complete a biased and unnecessary study.

The bill establishes an interagency committee to analyze the cumulative impacts of specified air quality and hazardous waste rules and other actions by EPA, states, and localities. The study focuses on costs to industry, while ignoring the benefits to public health and the environment, and it includes rules that have not been finalized or even proposed.

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