

not, 7 years later, every utility is now in compliance with the mercury and air toxics rule—every one.

Powerplant mercury emissions are down by over 80 percent from just 7 years ago.

Compliance with MATS was done faster than predicted and for one-third the cost. Imagine that, faster than predicted, for one-third the cost, and we have gotten better results than we could hope for as well.

Let me go on. Consumer retail prices are lower today than they were before MATS was implemented. We are also seeing health benefits, as I said, occur faster than expected originally, and despite some of the original opposition, everyone now has embraced MATS. Isn't that amazing?

All these utilities and folks who opposed what Senator ALEXANDER and I were trying to do a decade ago, what the MATS rule that up to 12 years ago was trying to do—all the folks who were opposed to it then say: No, this is good. It didn't cost as much. We implemented it much faster than we had ever expected—better results than we had expected. So it is pretty amazing, a wonderful outcome—except over the December holiday break 2 months ago, for reasons unknown to me, Acting EPA Administrator Andrew Wheeler signed a proposal to remove the legal underpinnings of the mercury and air toxics standards, remove the legal underpinnings of the MATS rule.

Mr. Wheeler says this action was not intended to get rid of the rule. He says it was necessary and that the proposal strikes a balance. Everyone—everyone—industry, environmental groups, health groups—knows that is just not so. It is just not so.

No court has ordered this action, no utilities are asking for this action, and this proposal is not intended to protect public health.

Here is what EPA has done. In the proposal, EPA mimics flawed arguments used in a recent Murray Energy lawsuit against the MATS rule.

Like the lawsuit, EPA uses outdated data and deems that some benefits—like reductions in cancer, reductions in birth defects, reduction in asthma attacks—are no longer important and shouldn't even be considered.

Think about that. Think about that. Based on this information, EPA determined it is no longer appropriate and necessary for the Agency to regulate powerplant air toxic emissions—no longer appropriate and necessary to regulate mercury, to regulate lead, arsenic, acid gases, benzene pollution from powerplants. Imagine that.

Yet the Agency also proposes to keep the MATS rule which regulates powerplant air toxic emissions in place, even though it is simultaneously saying that the rule is not appropriate and necessary. This confusing conclusion opens the door for future lawsuits to vacate the MATS rule entirely.

That is our concern—not just my concern but a broadly held concern. By undermining the legal foundation of MATS, this proposal unnecessarily puts the MATS rule in legal jeopardy, and despite Mr. Wheeler's claim that he doesn't plan to eliminate the standards themselves, EPA is still requesting public comment in the proposal on whether to do just that.

If EPA is successful and the MATS rule goes away, air pollution control technologies on coal plants across the country will be turned off, just like the coal plants listed in Delaware's 126 petitions and up in Pennsylvania and I think to our west in West VA.

On this issue, Mr. Wheeler seems to be all alone. Environmentalists, States, labor groups, coal-fired utilities, religious leaders, the U.S. Chamber of Commerce all agree that the life-saving protections to limit mercury pollution should stay in place. They all agree. There are not a whole lot of things they all agree on. They all agree on this.

The stakeholders listed on this chart right over here over my shoulder and many more urge this administration not to move forward with their pro-

posal—not to move forward. Mr. Wheeler has chosen to ignore the chorus of the stakeholders who all hoped he would chart a more responsible path.

In talking with my Republican friends, I know many of them can't make sense of the EPA's efforts to undermine the MATS rule. They are as confused as I am by why Mr. Wheeler would be taking a step that will hurt public health and, frankly, hurt the industries that are required to implement this technology and protect our health.

I had hoped we could try to help Mr. Wheeler course correct on this issue during the nomination process. That just doesn't seem to be happening. His lack of willingness to change course on the MATS rollbacks is very troubling to me and one of the reasons I cannot support his nomination to be EPA Administrator at this time.

I have fought for almost two decades in this body to protect our children from mercury and air toxic pollution from powerplants. I am not going to back down. I am not going to go away.

For my colleagues who are concerned about regulating mercury, I would ask that you join me in opposing Andrew Wheeler's nomination vote tomorrow.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7 p.m., adjourned until Thursday, February 28, 2019, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate February 27, 2019:

DEPARTMENT OF THE TREASURY

MICHAEL J. DESMOND, OF CALIFORNIA, TO BE CHIEF COUNSEL FOR THE INTERNAL REVENUE SERVICE AND AN ASSISTANT GENERAL COUNSEL IN THE DEPARTMENT OF THE TREASURY.