

# Does EPA's Power Plant Rule Protect Human Rights?



Upholding our human right to live in a healthy environment

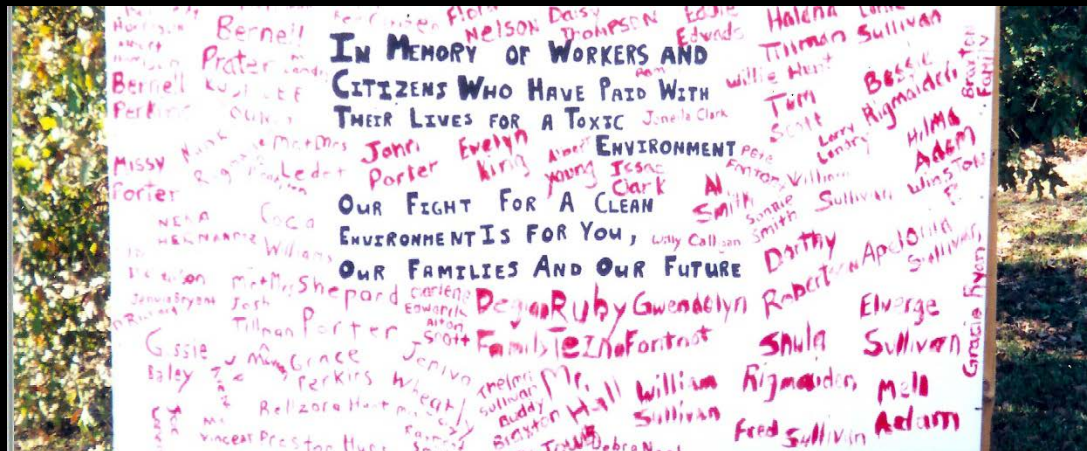
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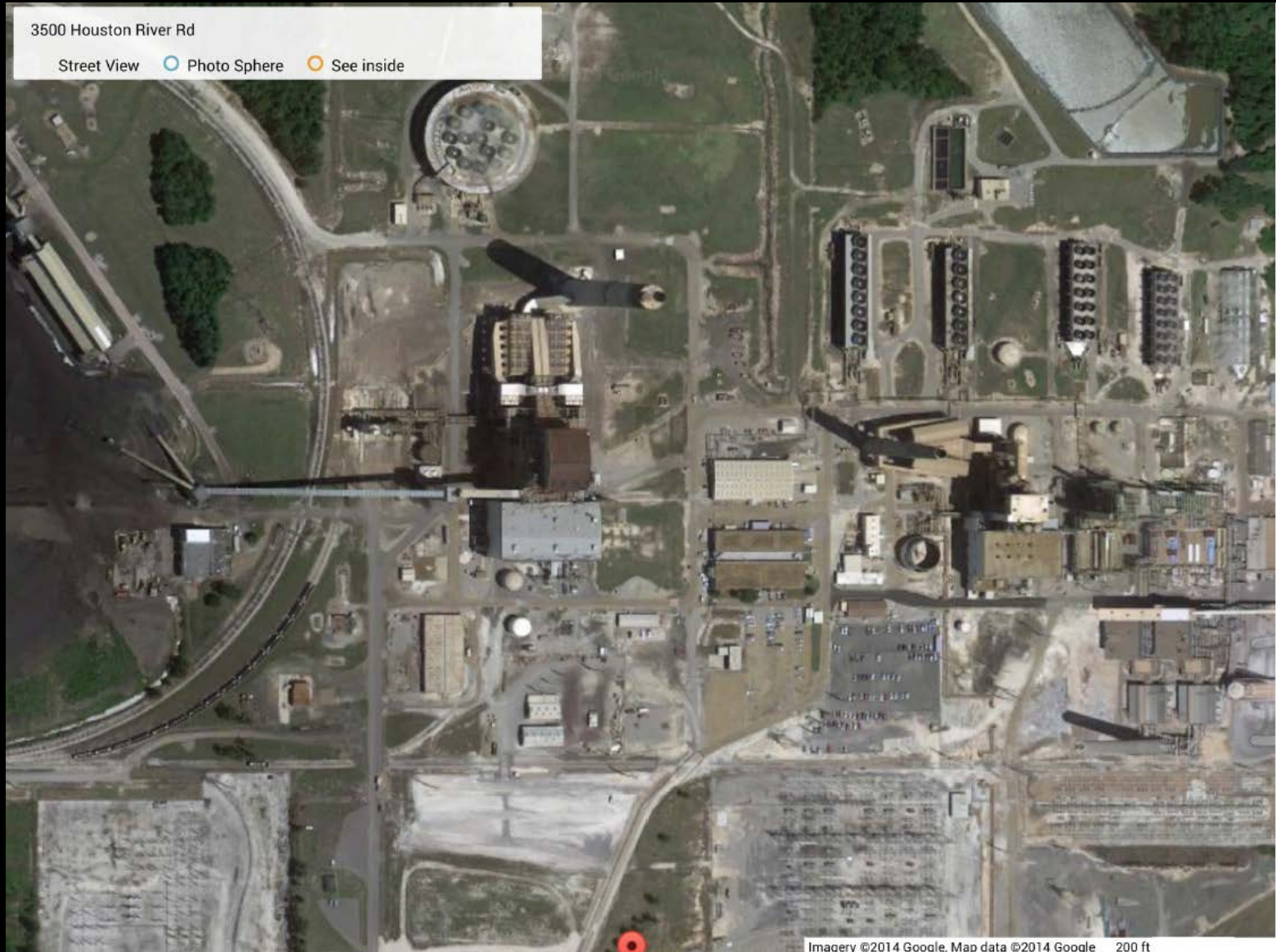


***“We have been told over and over again by EPA officials that the industrial facilities around our community have a right to the environmental permits. But what about our rights!”***

**– Dorothy Felix, President of Mossville Environmental Action Now**



# Aerial view of Entergy coal-fired power plant, north of Mossville



# The gap between environmental law and human rights in the US

*Sierra Club v. EPA*, 343 F.3d 976 (D.C. Cir. 2004)

EPA's mandate under Clean Air Act §7412(d)(3) is to standardize industrial emissions of hazardous air pollutants, not protect human health.



*Natural Resources Defense Council v. EPA*, 523 F.3d 1077 (D.C. Cir. 2005)

EPA not required by Clean Air Act §7412(f) to eliminate or even reduce the risk of cancer or other health threat that remains after an initial emission standard is set for a hazardous air pollutant.



*Mossville Environmental Action Now v. United States*, Inter-American Commission on Human Rights, Organization of American States, Report No. 43/10 (2010)

Petition seeking redress for violations of the human rights to racial equality and privacy arising from the US environmental regulatory system is admissible for a review on the merits because “[US] legislation does not afford due process of law for protection of the rights allegedly violated.”



# Environmental racism is the failure to protect human rights

**“Environmental justice considers governmental acts of environmental injustice a violation of international law, the Universal Declaration on Human Rights, and the United Nations Convention on Genocide.”**

*Principle #10, Principles of Environmental Justice*

**First National People of Color Leadership Summit (1991)**



**Check out:**



**The Need for Human Rights Advocacy  
to Overcome Injustice:  
Lessons from the Environmental Justice  
& Climate Justice Movement**

MONIQUE HARDEN, ADVOCATES FOR ENVIRONMENTAL HUMAN RIGHTS

**[http://www.ushrnetwork.org/sites/ushrnetwork.org/files/environment\\_justice\\_framing\\_paper\\_-\\_ushrn.pdf](http://www.ushrnetwork.org/sites/ushrnetwork.org/files/environment_justice_framing_paper_-_ushrn.pdf)**

# Mossville, LA Human Rights Case & the EPA Power Plant Rule



*At issue:* whether the U.S. environmental regulatory system violates human rights.

*U.S. defense:* Adequate and ample margin of safety standards in the Clean Air Act protect the human right to health.

*EPA proposed power plant rule:* Emphasis on the protection of health as purpose for the rule requiring reduction of greenhouse gas emissions. No showing that the proposed methods for reducing GHG at power plants protect health.

*Suggestion for comments:* EPA must demonstrate how each proposed method and emission rate protects our human right to health.



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