

## **205 State and Local Conservation Organizations, Businesses and Elected Officials**

May 7, 2003

U.S. Senate and House of Representatives  
Washington, DC 20003

Dear Senators and Members of Congress:

As the Senate and House begin consideration of the President's air pollution proposal, introduced on February 27 by Senators James Inhofe and George Voinovich and Representatives Billy Tauzin and Joe Barton, it is critical that you are aware of our concerns that the bill moves the nation backwards rather than forwards on air pollution. Rather than build on a firm foundation of the Clean Air Act, the President's bill severely undermines that foundation, leaving the public to rely solely upon a system of pollution caps that will allow higher emissions over a much longer period of time than current law. We strongly urge you to reject this approach.

This unfortunate reality is especially evident in the sections of the President's bill that address emissions of mercury, an extremely toxic heavy metal. Much of the mercury pollution emitted into our air ends up in our food chain, accumulating in fish, a staple of the American diet. The problem is widespread: 44 states have posted mercury advisories warning people to limit consumption of fish from 10,179, 247 acres of lakes and 414, 973 miles of rivers.

For those who eat mercury-tainted fish, the health risks are serious, especially for unborn infants and very young children whose neurological systems are developing.

- A recent study by the Centers for Disease Control Prevention estimates that 8 percent of women of child-bearing years in the U.S. have unsafe levels of mercury that put their children at risk for developmental delays, neurological damage and other health problems.
- As many as 300,000 children are born in the United States each year with a heightened risk for health effects related to mercury exposure.

As mercury contamination becomes a more pressing public health issue, businesses that support the recreational fishing industries stand to lose. The sport fishing industry alone generates more than \$100 billion per year in revenues. This figure does not even begin to calculate the risk of mercury contamination to American businesses that depend on a robust market for fish sold in the grocery stores or at restaurants all across the nation, nor does this number begin to value the loss of fish as a source of food for those who rely on it for their families or their way of life.

After years of research, EPA concluded in 2001 that it was necessary and appropriate to set mercury standards under Section 112 of the Clean Air Act for power plants, the largest industrial source, and a source which is currently unregulated. These standards,

which are due to be proposed this year, will be based on technologies that can remove as much as 90 percent of the mercury in coal from power plant smokestacks before it is released into the air, bringing the national power plant mercury load down to roughly five tons per year by 2008. This level of protection is not only possible but absolutely warranted by the severity of the health concerns and the level of the economic threat.

It is therefore alarming that the President's pollution plan eliminates these standards entirely. Instead, the President proposed to impose a national cap on mercury emissions. However, that cap would allow power plants to emit 26 tons of mercury until 2018, after which time they could continue to emit 15 tons of mercury each year. Even at this late date, the mercury levels allowed by the President's plan are three times higher than levels that would result from vigorous enforcement of current law.

The President's plan weakens mercury protections in several other important ways:

- Under current law, coal-fired power plants would have stringent emission limits written into a permit. The President's bill would repeal source-by-source permitting, allowing polluters to "trade" mercury. It also would likely result in mercury emissions increasing at specific power plants, according to EPA.
- Under current law, EPA is required to impose stricter standards if risks to public health remain. The President's bill removes that public health safeguard.
- Under current law, new sources of mercury are required to meet stringent mercury emission limits. Under President's bill, controls would be imposed on new power plants only if "economically and technologically feasible" for the plants to comply.

Please take these concerns into consideration as you prepare to legislate on power plant emissions policy. We strongly urge you to reject any policy that weakens current law for any power plant pollutant and instead insist upon building on the strong foundation of the current Clean Air Act to strengthen public health safeguards.

Sincerely,

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