



Mercury Pollution PennFuture's Petition for Rulemaking – What & Why

The Petition

Under Pennsylvania law, citizens may petition the Environmental Quality Board (EQB) to adopt regulations that protect our health and the environment. PennFuture, along with health care professionals, other environmental organizations and labor, sporting and women's rights groups, filed a petition for rulemaking on August 9, 2004 asking the EQB to adopt regulations requiring coal-fired power plants to reduce their mercury emissions by 90 percent by 2007.

Mercury Pollution and Human Health

Mercury pollution affects us all. Mercury pollution from power plants forms methylmercury in the environment, which poses a significant risk to wildlife and human health through fish consumption.

The United States Environmental Protection Agency (EPA) recently estimated that one in six women of childbearing age have mercury in their blood above the level that would pose a risk to a developing fetus, and that 630,000 infants are born in the United States each year with blood mercury levels above safe levels. Exposure to unsafe levels of mercury can interfere with the normal development of fine motor skills and cognitive functions.

Mercury Pollution in Pennsylvania Streams

The Pennsylvania Fish and Boat Commission has issued an advisory cautioning people to not eat more than one meal per week of sport fish caught in any water body in the state because of widespread mercury contamination. A recent EPA survey of mercury contamination of fish from lakes found that 83 percent sampled from Pennsylvania lakes were so contaminated with mercury they were unsafe for women of childbearing age to eat. And the fish sampled are among the most popular sports fish – smallmouth bass, large mouth bass and walleye.

Mercury Pollution and Pennsylvania Power Plants

Pennsylvania power plants are the third largest mercury polluters in the country. In 2001, the Keystone power plant in Armstrong County was the worst mercury polluter in the nation.

Although pollution control technology to reduce emissions of mercury from coal-fired power plants is readily available, coal-fired plants are not yet required to install mercury controls. EPA studies in 2002 and 2003 described technologies such as spray dryer adsorbers that,

when used with common particle control methods, can achieve up to 98 percent reduction in mercury levels.

A report by the Northeast states air group, known as NESCAUM, identified control technologies already achieving over 90 percent reductions in mercury emissions at coal-fired plants including activated carbon injection and fabric filters accompanied by other stack controls, which also reduces other pollutants such as sulfur dioxide. These technologies achieved up to 95 percent reductions in mercury pollution at power plants.

Now is an excellent time for energy companies to make the investments in pollution control at coal-fired power plants. The plants are paid off and are generating electricity at a healthy profit.

EPA Refuses To Require Adequate Mercury Pollution Control

In 2001, EPA said that application of good pollution controls could achieve overall mercury reductions of 90 percent in three years. Now, EPA has backed off of regulating mercury as the hazardous toxin it is and proposed an approach providing only a 21 percent reduction by 2010 reaching a 69 percent reduction by 2018. The EPA also wants to set up a trading system for mercury which would allow some polluters to buy pollution credits rather than make real reductions in mercury emissions.

EPA proposal was widely criticized. In fact, the Pennsylvania Department of Environmental Protection (DEP) called EPA's proposal "extremely weak," as it allows three times as much pollution as DEP considers appropriate following its own review of available technology. In February of 2005, EPA's own Inspector General criticized EPA's methodology for determining the appropriate level of mercury controls.

Pennsylvania Must Protect Public Health by Requiring Cuts in Mercury Pollution

In the absence of effective EPA action, four other states have gone forward with rules to cut mercury emissions. Our petition asks the Environmental Quality Board, which is appointed by Governor Rendell, to act to protect Pennsylvanians from mercury pollution, and includes a draft regulation, modeled on the proposed rule in New Jersey, which would require a 90 percent reduction in mercury emissions from power plants by 2007.

On May 18, DEP will deliver a report to PennFuture analyzing the substance of our mercury petition and making a recommendation about whether or not to proceed with drafting the regulation to cut mercury pollution from power plants. If DEP recommends that the regulation should go forward, DEP would then draft and publish a rule controlling mercury by December 2005.