

August 3, 2005

The Honorable Kathleen A. McGinty, Chairperson
Environmental Quality Board
15th Floor Rachel Carson Building
P.O. Box 8477
Harrisburg, PA 17105-8477

Dear Chairperson McGinty:

We are writing in response to the letter dated July 27, 2005 from Sen. Mary Jo White; Rep. William Adolph, Jr.; and Sen. Raphael Musto, in regard to the Response to Petition for the Development of Regulations to Control Mercury Emissions from Coal-Fired Utility Boilers.

On behalf of the more than 60 public health, children's, sporting, faith-based and environmental organizations who have joined together in support of the critical effort to protect Pennsylvania citizens and wildlife from the harmful effects of toxic mercury, we urge the Department of Environmental Protection (DEP) to continue its work toward a strong and effective rule to require at least 90 percent mercury control efficiency from all subject new and existing sources, including maximum possible reductions from existing plants, consistent with the standards in our suggested regulatory language.

In the July 27 letter, the authors state their overriding concern with pursuing individual state action on mercury. In fact, Pennsylvania is not alone in this pursuit. Other states, including New Jersey, Connecticut, and Massachusetts, have pursued individual action due to overriding concerns about the effects of mercury on the health of their citizens. They did so because the scientific evidence of these effects is overwhelming. Pennsylvania should not wait a moment longer to take action to protect its citizens.

The authors characterize Pennsylvania's participation in three legal actions pertaining to federal rules and the Clean Air Act as barriers to undertaking action on a Pennsylvania-specific mercury reduction rule. But studies show that we are facing a major public health threat, with one in six women having enough mercury in their bodies to place their fetus or nursing infant at risk for brain damage. Due to failures by the Environmental Protection Agency, *and* due to the uncertainties of the outcomes of those legal actions, the DEP has the authority and the obligation to act now to protect our health.

Mercury is a national and global problem, as the authors suggest. However, it is also a local problem. The authors state they are "unconvinced" that hotspots occur, and that it is unlikely that Pennsylvanians would benefit much from a state rule. But the facts are what matter. Mercury "hotspots" are well-documented. A significant percentage of mercury deposition occurs within close range of the source of pollution; and Pennsylvania is home to some of the nation's highest mercury emitters. With more than 40 percent of mercury emitted into the air coming from coal-fired plants on a national level, and 83 percent of mercury released into the air in Pennsylvania coming from coal-fired plants, it is clear

that controlling this source will result in health benefits to the residents of the Commonwealth.

The authors assert that it is the policy of the Commonwealth “not to adopt air quality standards that are more stringent than applicable federal standards except in limited circumstances.” We are unaware of any obligation of the Commonwealth to ignore the needs of its citizens. The Air Pollution Control Act (APCA) declares it to “be the policy of the Commonwealth of Pennsylvania to protect the air resources of the Commonwealth to the degree necessary for, among other things, the protection of public health, safety, and well-being of its citizens.” Furthermore, Environmental Quality Board regulations allow DEP to prepare its own regulations, and DEP has regulatory authority under the APCA. There are no conflicts between a proposed mercury reduction rule and the APCA. Both seek to protect Pennsylvanians’ health.

It is imperative to create a Pennsylvania-specific mercury emission standard. We know that the problem exists: we have statewide fish consumption advisories covering all waters of the Commonwealth. Mercury reductions will have the added benefits of improving our state and local economies. Installation of control technologies—readily available and affordable—will mean new jobs. Improving our fisheries will help to preserve an essential Pennsylvania industry, tourism and recreation. Most importantly, we must protect the health of our citizens, and that is invaluable.

We urge you to stay the course and continue your work toward a strong and effective rule to require maximum possible reductions of toxic mercury in Pennsylvania. The health and future of our citizens deserve no less.

Sincerely,

Jan Jarrett
Citizens for Pennsylvania's Future
(PennFuture)

Dr. James Jones
Physicians for Social Responsibility,
Harrisburg-Hershey Chapter

Rachel Filippini
Group Against Smog and Pollution

Robert Wendelgass
Clean Water Action

Anna Filippelli
Tri-State Citizens Mining Network

Cindy Busis
National Council of Jewish Women,
Pittsburgh Section

Jeff Schmidt
Sierra Club Pennsylvania Chapter

Melissa Weiler Gerber
WOMENS WAY

Tom Earle
Liberty Resources, Inc.

The Rev. Sandra L. Strauss
Pennsylvania Council of Churches

David Masur
Penn Environment

David Hughes
Citizen Power

Christine Brill
Ground Zero Action Network

Ann Gerace
Conservation Consultants, Inc.

Teresa Mendez-Quigley
Women's Health & Environmental
Network

Martin Boksenbaum
Alliance for Sustainable Communities-
Lehigh Valley

Sara Nicholas
American Rivers

Kathy Miller
Pennsylvania NOW, Inc.

Beverly Braverman
Mountain Watershed Association &
Youghiogheny Riverkeeper
Joy Bergey
Pennsylvania Interfaith Climate Change
Network

Christine Munchak
Pennsylvania PTA

Dan Derber
Ten Mile Creek Watershed Conservancy

Sr. Kathleen Coll
Commission for Justice, Sisters of St. Joseph
Philadelphia

Felice Stadler
National Wildlife Federation

Melody Zullinger
Pennsylvania Federation of Sportsmen's
Clubs

Sandy Moser
Republicans for Environmental Protection –
Pennsylvania Chapter

Cc: Senator Mary Jo White, Chairperson, Senate Environmental Resources & Energy Committee
Representative William F. Adolph, Jr., Chairperson,
House Environmental Resources & Energy Committee
Senator Raphael Musto, Democratic Chairperson,
Senate Environmental Resources & Energy Committee
Senate Environmental Resources & Energy Committee Members
House Environmental Resources & Energy Committee Members