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PennFuture Calls on Legislative Leaders To Order Legislative Reference Bureau to Obey the Law, Do Its Job

Letter Sent After LRB Refuses to Publish Mercury Rule

Rule from Pennsylvania DEP Will Cut Toxic Mercury from Power Plants by 90%, Protecting Babies from Brain Damage

Harrisburg, PA – Saying the refusal by the Director of the Pennsylvania Legislative Reference Bureau (LRB) to publish the legally adopted mercury regulation “subverts a legal regulatory process with a petty back room bureaucratic ploy,” John Hanger, President and CEO of Citizens for Pennsylvania's Future (PennFuture), today asked the leadership of the Pennsylvania General Assembly to direct the LRB to carry out its duties and publish the regulation.

“This action is simply pathetic,” said Hanger. “The mercury regulation is vitally necessary to protect women and developing fetuses from exposure to high levels of toxic mercury contamination, a powerful neurotoxin which can interfere with the proper development of babies’ brains. This rule has undergone a two-year public participation process with an unprecedented outpouring of support from nearly 11,000 citizens from across the Commonwealth, and has been approved by the Environmental Quality Board, the Independent Regulatory Review Commission and the Pennsylvania Attorney General. Yet now, an unelected bureaucrat, with no legal authority to do so, has decided to usurp the legal process and prevent this regulation from becoming law.

“It is ironic, to say the least, that while the LRB calls itself ‘a strictly nonpartisan agency of the Pennsylvania General Assembly,’ it is apparently carrying the water for a distinct minority of elected officials who have tried and failed repeatedly to stop this regulation,” continued Hanger. “The rule was passed legally and finally despite the protestations of some very powerful elected officials. The LRB has no legal authority to stop this regulation, and must be ordered to do its job and publish the rule.

“This last minute backroom ploy is just the kind of behavior the voters clearly abhor,” continued Hanger. “We call on the new leadership in both houses to put a stop to this high-handed action, and protect Pennsylvania’s children by ordering the LRB to cease and desist in its attempt to thwart the democratic process.”

The genesis of the Pennsylvania rule was in August 2004, when PennFuture formally filed a petition with the Pennsylvania Environmental Quality Board (EQB) on behalf of 10 public health, sporting, women’s rights and environmental and conservation organizations, asking the EQB to enact a regulation requiring coal-fired power plants to reduce their mercury emissions by 90 percent. Today more than 100 organizations, including the Pennsylvania Federation of Sportsmen’s Clubs, the Pennsylvania State Nurses Association, the Pennsylvania Parent Teachers Association, the Learning Disabilities Association and the Pennsylvania Council of Churches, have joined in this vital effort.

Toxic mercury pollution from power plants threatens the health of women and their babies. More than 600,000 women of childbearing age nationwide have amounts of mercury in their blood over the level set as safe by the Environmental Protection Agency and the National Academy of Sciences. Unsafe levels of mercury in mothers' blood and breast milk can interfere with the proper development of babies' brains and neurological systems and evidence suggests that it may lead to learning disabilities, autism, attention deficit disorder, problems with coordination, lowered IQs and even mental retardation.

PennFuture is a statewide public interest membership organization that advances policies to protect and improve the state's environment and economy. With offices in Harrisburg, Philadelphia, Pittsburgh and West Chester, PennFuture's activities include litigating cases before regulatory bodies and in local, state and federal courts, advocating and advancing legislative action on a state and federal level, public education and assisting citizens in public advocacy.

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Editors and Reporters Note: A copy of the letter by PennFuture to the Pennsylvania legislative leadership is available on request.