

April 12, 2006

Re: Please Do NOT Co-Sponsor the “Clean Air Mercury Compliance Act”

Co-sponsorship is being sought for legislation that would block the state-specific Pennsylvania Mercury Rule. **We urge you not to sign on to any such legislation, including the so-called “Clean Air Mercury Compliance Act,” but instead to support DEP’s proposed mercury rule.**

The “Clean Air Mercury Compliance Act” would require that Pennsylvania rely on an illegal federal rule (the Clean Air Mercury Rule), which has been challenged by Pennsylvania and 12 other states, and a number of public interest organizations. The federal rule fails to treat mercury as a hazardous air pollutant, and sets up a national trading system that will continue the creation of localized “hot spots” of mercury contamination near coal-fired power plants. It also delays significant action on reducing mercury for more than a decade. The federal rule, and this proposed legislation, is a lose-lose situation for Pennsylvania.

**Toxic mercury pollution from Pennsylvania’s coal-fired power plants is a serious problem that is negatively affecting our health, our economy, and our environment.** The Environmental Quality Board (EQB) voted in 2005 to authorize the Department of Environmental Protection (DEP) to draft a regulation to reduce mercury emissions from power plants in Pennsylvania. That action came in response to over 60 organizations—public health, health-affected, children’s, sporting, women’s rights, faith-based and environmental and conservation groups—requesting action. The draft rule was introduced in March this year, and would require 80 percent reduction by 2010, and 90 percent reduction by 2015. The next step in the process is for the EQB to vote to allow this draft rule to move forward for a series of public hearings.

**Mercury is a powerful neurotoxin that can interfere with the proper development of babies’ brains.** Mercury gets into a mother’s blood through the consumption of fish. Once it is in her blood, it easily crosses the placenta and concentrates at even higher levels in the blood of the developing baby. Mercury acts like a bio-chemical Trojan horse since the developing fetus recognizes it as a protein instead of the toxin that it is. The growing baby attempts to incorporate it into its development, especially in building brain tissue, which needs protein. Exposure to unsafe levels of mercury can lead to learning disorders, attention deficit disorders, problems with coordination and even mental retardation.

**There is clear scientific evidence from EPA-funded studies demonstrating that up to 70 percent of mercury pollution coming from coal-fired power plants and other sources of mercury pollution falls out of the air into nearby waterways and landscapes.** Other studies document that reducing mercury emissions at local sources quickly results in big reductions of mercury contamination in nearby fish and wildlife.

**Costs of mercury control technologies are affordable**, and these technologies are also available and effective. Pennsylvania power plants are highly profitable, because their capital costs have been paid off, like a fully paid mortgage. Pennsylvania coal-fired power plants are baseload plants that run all of the time, producing electricity at costs far below the wholesale price of electricity. A National Wildlife Federation report estimated that the average customer would see an increase of only \$1.08 on monthly electric bills if *all* the costs were passed through to consumers; power plants in Pennsylvania always have the option to reduce profits instead of passing on any or all costs.

**A state-specific mercury rule will help Pennsylvania's economy.** Installation and maintenance of pollution controls requires skilled labor. The Pennsylvania Mercury Rule proposed by the DEP actually helps to incentivize the use of 100 percent bituminous (eastern) coal in Pennsylvania's coal-fired power plants. Without prompt and significant action to reduce mercury emissions, the state's \$1.6 billion sport fishing industry is in jeopardy, since every body of water in the Commonwealth currently has a strict fish consumption advisory due in large part to high levels of mercury contamination.

DEP has engaged in a lengthy rule-making process in developing this mercury rule, in which a diverse group of stakeholders has participated and provided input over the past six months. This process has included representatives from the business, utility, and coal-mining industries, as well as representatives from the environmental and public health communities.

In short, **Pennsylvania needs a state-specific mercury rule.** The "Clean Air Mercury Compliance Act" is a harmful bill that will put more Pennsylvania infants at risk of brain damage. We urge you NOT to co-sponsor this or any similar legislation.

Sincerely,

Joy Bergey, Center for the Celebration of Creation  
Martin Boksenbaum, Alliance for Sustainable Communities-Lehigh Valley  
Michele Campbell, Pennsylvania State Nurses Association  
Bill Couzens, Next Generation Choices Foundation  
Sara Deuling, American Rivers, Pennsylvania Field Office  
Michael J. Fedor, Pennsylvania League of Conservation Voters  
Rachel Filippini, Group Against Smog and Pollution (GASP)  
Ann Jones Gerace, Conservation Consultants, Inc.  
Court Gould, Sustainable Pittsburgh  
John Hanger, Citizens for Pennsylvania's Future (PennFuture)  
Leonard Hess, Conemaugh Valley Conservancy  
Leonard Hess, Kiski-Conemaugh River Basin Alliance  
David Hughes, Citizen Power  
Ralph Hysong, Action Committee to Improve the Environment in Beaver County  
Dr. James E. Jones, Physicians for Social Responsibility, Harrisburg-Hershey  
Kathy Lawson, Healthy Children Project  
David Masur, PennEnvironment

Teresa Mendez-Quigley, Women's Health & Environmental Network  
Joseph Otis Minott, Esq., Clean Air Council  
Sandy Moser, Republicans for Environmental Protection, Pennsylvania Chapter  
Chris Munchak, Pennsylvania PTA  
Tim Schaeffer, Audubon Pennsylvania  
Jeff Schmidt, Sierra Club, Pennsylvania Chapter  
The Rev. Sandra L. Strauss, Pennsylvania Council of Churches  
Robert Wendelgass, Clean Water Action  
Melody Zullinger, Pennsylvania Federation of Sportsmen's Clubs