



News from U.S. Rep. Tom Allen (D-ME)

Member, Committee on Energy and Commerce
U.S. House of Representatives, Washington, D.C.

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Contact: Mark Sullivan (207)774-5019 or (207)671-0542

**Statement by
U.S. Representative Tom Allen
Press Conference on
Mercury Pollution: Where We Go from Here
State of Maine Room, Portland City Hall**

Portland, Maine---U.S. Representative Tom Allen, a member of the House Budget Committee and the House Committee on Energy and Commerce, made the following statement on efforts to combat mercury pollution today at Portland press conference with the Maine Attorney General's office and the Natural Resources Council of Maine:

“Thank you all for coming out on this soggy morning to hear about the concerted efforts Maine leaders are undertaking to combat mercury pollution.

“I am very pleased to be joined here today by two people who are in the vanguard of these efforts and whose leadership on the mercury issue has been outstanding.

“Maine Attorney General Steve Rowe is working with attorneys general from a number of states to advance a lawsuit to force the U.S. Environmental Protection Agency (EPA) to regulate mercury as a hazardous air pollutant under the Clean Air Act.

“(Everett) “Brownie” Carson and his team at the Natural Resources Council of Maine (NRCM) are plaintiffs in a similar lawsuit against EPA brought by public interest groups from around the nation.

“You will hear from both in just a few moments.

“Mercury is one of the most harmful pollutants that makes its way into our environment. The single largest source of mercury is the emissions from older coal and oil-fired utilities, mostly located in the West and the South, but one is located across the river from Eliot, Maine. According to the National Academy

of Sciences prenatal exposure to mercury can result in mental retardation, cerebral palsy, deafness, and blindness. Adult exposure can produce sensory and motor impairment, such as slurred speech, blurred vision, tremors and memory loss. In March 2003, the Centers for Disease Control reported that nearly 4.9 million women, almost eight percent of the roughly 61 million American women of child-bearing age, have blood levels of mercury which exceed the precautionary standard set by the EPA. A February 2004 EPA analysis found about 630,000 children are born in the United States each year with blood mercury levels above what the Agency considers safe. Maine and 43 other states currently warn pregnant women and children not to eat fish caught in local lakes, rivers and streams because of elevated mercury levels.

“The public health and safety of the American people, especially infants, young children and women of childbearing age, requires the regulation of mercury as a hazardous air pollutant. The regulation EPA issued on March 15th reinterprets the Clean Air Act, I believe illegally, in order to help polluters. It proposes weak standards and delays their implementation.

“EPA’s regulation imposes no controls on mercury for more than a decade, delaying mercury pollution reductions for another generation, despite mercury levels in mothers that put one sixth of unborn children in America at risk. These reduction levels are embarrassing. The Southern Company, one of the largest mercury emitters in the world, is removing more than 80 percent of its mercury emissions right now at a 1,880-megawatt coal plant in Alabama using recently installed mercury control technologies. Furthermore, EPA’s own recent research shows that most modern coal-fired power plants can and do achieve greater than 90 percent control of mercury and other toxic chemicals. Other industries, like hospital and city garbage incinerators, have been required to meet that 90 percent standard for over a decade.

“EPA’s own Inspector General and the Government Accountability Office (GAO) recently issued separate reports criticizing EPA’s rulemaking process, saying it violated EPA policy, OMB guidance, Presidential Executive Orders and, in some instances, important provisions of the Clean Air Act. The reports found that the Administration revised portions of the rule to downplay the

mercury threat, and that EPA's rulemaking was politically driven and result-oriented.

"Since 2003, I have written to EPA, individually or with others in Congress, on twelve occasions urging the Agency to comply with the law governing mercury pollution. On June 23, 2004, a bipartisan group of 184 Members of the House of Representatives joined me in a letter to then U.S. EPA Administrator Michael Leavitt urging the agency to revise its proposed airborne mercury pollution rule "to meet the requirements of federal law and to act decisively in addressing the urgent threat that mercury pollution poses to our nation's public health." That effort enlisted all 22 House Members from the six New England States as well as Members from a total of 38 states including Texas, Florida and other states that are the source of much of the mercury pollution that winds up in northeastern rivers and lakes.

"In our letters, my colleagues and I have repeatedly called upon EPA to act responsibly and in accordance with the Clean Air Act to protect public health, but we have been rebuffed with excuses, misleading testimony and deception. On March 14th, the day before EPA issued the new rule, I wrote once again asking the Agency to fulfill the provisions of the law. My letter encouraged EPA, one last time, to issue a rule that has been properly analyzed, as the Clean Air Act, executive orders and EPA protocol require.

By issuing a rule literally written by the polluters' lawyers and blatantly in violation of law, after 184 Members of Congress, the EPA Inspector General, and the GAO all warned the Agency that it needed to significantly change course, EPA has stained its own credibility. Just before Congress recessed, I joined with Republican Representative Sherwood Boehlert of New York and Democratic Representative Henry Waxman of California to introduce H.R. 1451, The Clean Smokestacks Act of 2005, which would significantly curb emissions not only of mercury but carbon dioxide (CO₂), sulfur dioxide (SO₂) and nitrogen oxides (NO_x), as well. Our bill, supported by all major environmental groups, would establish a comprehensive plan to clean up air pollution from the nation's power plants.

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“I will continue to work with Members of Congress from across the nation on a bipartisan basis to pressure EPA to revisit this rulemaking proceeding and issue a rule that protects the American public from mercury pollution. I will take every opportunity offered by the legislative process, especially through my position on the committee with jurisdiction over EPA, the House Energy and Commerce Committee, to tighten the regulation of mercury as a deadly hazardous air pollutant.”

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