

Senate Democratic Policy Committee Hearing
“An Oversight Hearing on the Administration's Mercury Emissions Proposal”

Statement of Senator James Jeffords

July 9, 2004

As many of you may know, this Committee was created in 1947, along with the Republican Policy Committee. These Committees are designed to formulate over-all legislative policies of the respective parties, and to study, research, and analyze policy. I appreciate the willingness of Senator Dorgan, the DPC Chairman, to allow us to use the resources of the Committee for today's hearing.

Today, we will hear testimony from experts who are knowledgeable about the effects of mercury pollution on public health and the environment. We will also explore the inadequacies of the Bush Administration's approach to mercury emissions at power plants.

Senators will be recognized for their statements and then we will hear from witnesses. My colleagues here should not take this the wrong way, but I would prefer that we were holding this hearing where it most clearly belongs - the Committee on Environment and Public Works - of which I am the ranking member. Unfortunately, a minority EPW hearing request on mercury was denied. As a result, we have been forced to find another way to perform oversight on this vitally important issue.

Similarly, EPW Democrats and I have asked the Administration to fully explain this proposed rule, only to be denied or ignored. We have sought legal justification for the proposal, including documentation. We have also asked for analyses on the environmental, economic, technological, and health effects of the proposal and reasonable alternatives. We have received nothing useful.

To this day, Congress and the public do not know whether and how the rule would protect public health. This is unacceptable.

The threat from mercury pollution is real. Americans know that a great deal is at stake. The EPA says that every year six hundred thousand newborns may face nervous system damage due to mercury exposure in the womb. Plus, the FDA warns pregnant women that eating even small amounts of white tuna every week can endanger their babies' health.

Sadly, the Bush Administration's proposal on mercury pollution from power plants appears to do little to protect public health, especially in the short term. The proposed Administration rule calls for far too long a delay in reductions and far less cleanup than what is achievable with today's technologies, and is required under the current Clean Air Act.

To make matters worse, parts of the rule were written by industry law firms and lobbyists. Such concerns prompted my colleagues and I to ask the EPA Inspector General to review the rule and the way in which it was developed. She is looking at the rule now.

600,000 public comments on the rule have flooded EPA. This record-breaking number signals widespread concern. Today, we will hear about some of those comments, which come from diverse sources. Perhaps most notable are comments from the EPA's own Children's Health Protection Advisory Committee. In January, this EPA committee warned that the proposal would not protect our nation's children. It urged the EPA to "elevate ...mercury's health impacts on children in finalizing this rule."

The committee also requested analysis to determine whether the proposal is the most child-protective, timely, and cost-effective. Instead, EPA ignored its own experts. The Agency's political leaders demoted the committee's directors. This was yet another all-too-familiar sign of the Bush Administration's extreme discomfort with inconvenient science that does not support the polluters' views.

The EPA docket contains numerous other letters from medical professionals worried that this rule could endanger our children's health. In fact, many, many groups have grave concerns. They include: the American Academy of Pediatrics, the American Nurses Association, sportsmen from 470 groups in thirty-one states, the National Council of Churches and the Coalition on the Environment and Jewish Life, and the National Tribal Environmental Council.

They tell us the administration's mercury rule fails to protect children, neglects wildlife and the environment, ignores tribal needs, potentially threatens our sportfishing economy, and is morally irresponsible.

Still, there are more legitimate complaints about the rule's doubtful legality and the questionable way in which it was developed. In sum, the rule clearly contradicts Congress' intent that regulation of toxic air pollutants must occur at every listed major source. Cap-and-trade is not an option for toxics. In fact, nearly half of the Senate sent an April letter calling on the EPA to redo the rule so that it could comply with the Act and protect public health.

I am the primary sponsor of the Clean Power Act, a tough bill to back up the Clean Air Act with swift and substantial reductions in utility mercury pollution. If passed, this would be a major step forward in reducing our domestic and global mercury burden. After all, mercury is a global problem.

Although 60% of mercury pollution deposition in the U.S. comes from U.S. sources, our pollution has the ability to travel by air across the world. Tough reductions at home mean good global citizenship and a safer world. Just think, if polluters worldwide were

to reduce their pollution as much as U.S. sources, it would be a fairer playing field and we would all be healthier.

Sadly, this Administration does not seem to want real action on mercury, at home or abroad. I hope the many public comments will convince them otherwise.

Thank you.