

STATEMENT OF SENATOR FRANK R. LAUTENBERG
DEMOCRATIC POLICY COMMITTEE
HEARING ON THE ADMINISTRATION'S MERCURY RULE
Friday, July 9th, 2004

Mr. Chairman:

Thank you for convening this hearing. Given the near-complete unwillingness of the majority in Congress to discharge its oversight responsibility with regard to the Bush administration, I appreciate the Democratic Policy Committee stepping in to fill this void.

The Mercury Rule we will discuss today is a classic example of why the Founding Fathers thought it would be necessary for the Legislative Branch to keep its eye on the Executive Branch.

The Mercury Rule represents all of the worst practices of the Bush administration over the last three and half years: industry lobbyists were brought in to write parts of the Rule; the federal advisory committee and other scientists were ignored to an unprecedented degree, the stakeholder group formed to develop this rule was completely sidelined, science-based health warnings were watered down, and thousands of public comments were completely disregarded.

The impacts of this Rule will have serious and long-lasting health consequences, especially for newborns and small children.

The Rule the Environmental Protection Agency (EPA) has proposed will weaken and delay our efforts to clean up mercury emissions from the nation's four hundred coal-fired power plants – the largest unregulated source of mercury.

From the beginning, the Administration turned EPA's established process of rule-making on its head.

One senior EPA manager told a member of my staff, and I quote, “It’s a lousy rule.”

Promulgation of this Rule has been driven purely by politics. Crucial decisions affecting human health and our environment have been made not by EPA’s top scientists but by political operatives in the White House.

Mr. Chairman, I’m upset about this Rule because, regrettably, my home State of New Jersey is among those states with the worst mercury contamination. Fish advisories are posted for all of our lakes and rivers.

In New Jersey, 1.7 million children live within 30 miles of a power plant – the zone where the health threat is the greatest.

Every year, between 11,000 and 24,000 newborns in New Jersey are exposed to unsafe levels of mercury because their mothers’ bodies are contaminated.

These babies have a higher risk of spending the rest of their life struggling with learning disabilities and other complex brain disorders.

This is not the legacy we want to pass to future generations. And this is a problem we know how to solve!

Fortunately, New Jersey is also a leader in developing regulations to reduce mercury emissions and human exposure. But the State can only accomplish so much on its own. At least 30 percent of the mercury deposited in New Jersey floats in on the jet stream from power plants in the Midwest, outside of the State – and the State’s control. Other Northeastern States are suffering the same fate.

That’s why it’s essential that EPA issue a legitimate Mercury Rule. The purpose of the Rule must be to protect public health – not to reduce power plant owners’ investments in clean air technology.

Mr. Chairman, again, I thank you for convening this hearing so that the Senate – at least a part of it – can carry out its inherent constitutional responsibility to oversee the Executive Branch.

I know I speak for the Senators here today when I say that I am committed to doing everything in my power to prevent this Rule from going into effect.

We have excellent witnesses today, including Brad Campbell, who heads New Jersey's Department of Environmental Protection. They will be able to explain to us how the Administration has turned the Mercury Rule into such an abomination.

Thank you, Mr. Chairman.