

STATEMENT OF SENATOR FRANK R. LAUTENBERG
DEMOCRATIC POLICY COMMITTEE
HEARING ON THE ADMINISTRATION'S MERCURY RULE
Tuesday, April 19, 2005

Mr. Chairman:

Thank you for convening this hearing. Given the complete unwillingness of the majority in Congress to discharge our oversight responsibility, 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.

This rule will allow aging power plants to continue spewing toxic mercury into the air we breathe. It 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
- 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. It will especially affect newborn infants and small children.

The Environmental Protection Agency is supposed to protect the environment.

But this proposed rule will weaken and delay our efforts to clean up mercury emissions from the nation's 400-plus coal-fired power plants.

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

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.

Both the EPA Inspector General and the Government Accountability Office recently published reports saying that politics trumped science in the writing of this rule.

Mr. Chairman, this rule concerns me because, regretfully, my home state of New Jersey is among the 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 – 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 brain disorders.

This rule will only make things worse. It will allow mercury emissions in New Jersey to increase by 56 percent by the year 2017.

Is this the legacy we want to pass to our children and grandchildren?

New Jersey is taking steps to reduce mercury emissions and human exposure. But the state can only accomplish so much on its own.

More than 30 percent of the mercury deposited in New Jersey comes from power plants outside of our state – and beyond our control. Other northeastern states are in the same predicament.

That's why the EPA must issue a legitimate Mercury Rule.

A rule designed to protect public health – not power plant profits.

Mr. Chairman, again, I thank you for convening this hearing so at least part of the Senate – can carry out our constitutional duty to provide oversight of the Executive Branch.

We have excellent witnesses today, including Brad Campbell, who heads New Jersey's Department of Environmental Protection. I look forward to hearing from them.