

Opening Statement
Senator Patrick Leahy
Hearing On Administration's Mercury Rules
Democratic Policy Committee
Tuesday, April 19, 2005

We are here today to uphold the bipartisan work that produced the Clean Air Act and the 1990 amendments that started us down the road of cleaning up the toxic mercury spewing out of dirty power plants across the country.

It has fallen to this Committee to fulfill Congress's oversight role, since the Republican leadership does not want to shine any daylight on this flawed rule. If they did they would find industry fingerprints all over it.

They would find a process where the public was shut out, where scientific and economic analysis was manipulated and where public health was ignored.

EPA's Inspector General and the Government Accountability Office criticized almost every aspect of how EPA drafted this rule.

Unfortunately, their recommendations to improve it were also ignored.

So were more than 680,000 public comments – a record for any EPA rule. So were the comments of many state environment departments, attorneys general, doctors, educators, sportsmen groups and EPA's own advisory committees.

And, although it shouldn't come as a surprise after four years working with this Administration, the comments of 45 Senate and 184 House members were also ignored.

Many of us here today have spent the past year – working with three different administrators – trying to make the Administration follow the Clean Air Act and produce a rule that goes as far as public health demands, and technology permits. They failed on both fronts.

Instead they produced a rule that will do nothing for at least ten years. According to their own Regulatory Impact Analysis, we will be lucky if one percent of power plant capacity will have mercury controls on it by 2015 and only three percent by 2020.

Despite ten years of analysis by EPA showing the need for quick action, the Bush Administration ruled that it was neither “necessary” nor “appropriate” to regulate mercury from power plants. Although I am somewhat impressed that they can make this statement with a straight face, I am completely baffled by this conclusion.

All you have to do is look at this map to see why as a Vermonter I know it is “appropriate and necessary” to regulate power plants. You can’t even see my state on this map because of the mercury pollution that is being dumped on us from upwind power plants. Vermonters have been waiting for decades for EPA to take action so that our lakes will get cleaned up.

All you have to do is look at this chart to see why as a father and grandfather I know it is “necessary and appropriate” to act now. As the chart shows, the Agency’s own estimate of the number of newborns at risk of elevated mercury exposure has doubled to 630,000. They also found that one in six pregnant women has mercury levels in her blood above EPA’s safe threshold.

It is obvious to me that for all their talk of family values, the Administration has yet again put the value of corporate contributions - not families - first.

It is not a family value to tell a whole generation of women that their health is not important. It is not a family value to put another generation of young kids at risk of learning disabilities. These gutless mercury rules do just that.

The Republican leadership may not think these concerns are worthy of the Senate’s time, but we do.

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