United States Senate

WASHINGTON, DC 20510

April 1, 2004

The Honorable Michael O. Leavitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Leavitt:

We are writing to urge you to take prompt and effective action to clean up mercury pollution from power plants. The Environmental Protection Agency's (EPA) current proposals on mercury fall far short of what the law requires, and they fail to protect the health of our children and our environment. We ask you to carry out the requirements of the Clean Air Act to protect our nation from toxic mercury contamination.

On January 30, 2004, EPA proposed two alternative rules to address mercury emissions. Unfortunately, both of these proposals fail to meet the Clean Air Act directives under section 112 (d) for cleaning up mercury. EPA's proposals permit far more mercury pollution, and for years longer, than the Clean Air Act allows.

The toxicity of mercury has been proven time and again by scientists around the world. The Agency's own scientists just released a study finding that approximately 630,000 infants were born in the United States in the 12-month period, 1999-2000, with blood mercury levels higher than what is considered safe. This is a doubling of previous estimates. Mercury emissions have also contaminated ten million acres of lakes and 400,000 miles of streams, and have triggered advisories warning America's 41 million recreational fishermen that the fish they catch may not be safe to eat. Furthermore, evidence continues to mount that mercury causes reproductive problems in wildfowl populations, such as loon and mallard ducks. Other fish-eating wildlife populations are at risk as well.

We can address this public health and environmental problem. According to many states, industry experts, and past EPA analyses, the technology to dramatically clean up these plants is available and affordable. We are concerned that EPA did not fully analyze the range of controls recommended by state, utility, and environmental and public health members of EPA's advisory group on this rule.

The newest scientific studies show that controlling mercury emissions works. As we saw in Florida, sharp reductions in mercury pollution are mirrored by reductions in nearby fish populations. A study in northern Wisconsin indicated that reductions in the input of mercury from air corresponded with marked reductions in mercury fish tissue levels in the 1990s.

As the Administrator of the EPA, you have the legal authority and the responsibility to address mercury emissions and protect public health. We do not believe that EPA's current proposals are sufficient or defensible. We urge you to withdraw the entire proposed rule package and re-propose a rule for adequate public comment that meets the terms of the 1998 settlement agreement.

We look forward to working with you to develop appropriate mercury standards that reduce mercury emissions in the shortest time possible to protect public health and the environment.

Sincerely,

Patrick Leahy

Olympia Snowe

Mark Dayton

James M. Jeffords

J. Lieberman

Judd Gregg

Maria Cantwell

Jack Reed

Russell D. Feingold

John McCain

Frank R. Lautenberg

Herb Kohl

Charles Schumer

Paul Sarbanes

Daniel K. Inouye

Dick Durbin

Barbara Boxer

Tom Carper

Tom Harkin

Barbara A. Mikulski

Ron Wyden

Dianne Feinstein

John Edwards

Chris Dodd

Hillary Rodham Clinton

Susan Collins

Patty Murray

Chafee

John F. Kerry

Ted Kennedy

Jay Rockefeller

Paul Sarbanes

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Harry Reid

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Debbie Stabenow

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