

STATEMENT OF LANI GRAHAM, MD, MPH, FAMILY PRACTICE PHYSICIAN
AND FORMER CHIEF HEALTH OFFICER OF THE STATE OF MAINE

On the US Environmental Protection Agency's Proposed Rulemaking on Standards for Reduction of Mercury Emissions from Coal and Oil-fired Electric Utility Power Plants and the Use of Maximum Achievable Control Technology (MACT)

Published in the Federal Register on January 30, 2004 (69 FR 4692)

EPA Docket ID Nos., OAR-2002-0056 & A-92-55

Presented at the Legislative Council Chamber, Augusta Me.
March 1, 2004

Good afternoon. I come here today to testify on behalf of the people of Maine, and particularly the children of Maine, who cannot speak for themselves. I am a Family Practice physician, but my real love throughout my professional life has been public health. Two alternative proposals have been offered by the US Environmental Protection Agency (EPA) to reduce mercury emissions from electric utility plants. Neither is acceptable and both will condemn the next generation of Maine people to adverse health impacts from toxic levels of mercury in our environment, to say nothing of the terrible impacts on our wildlife and the natural resources.

Rather than repeat a lot of the very good scientific information that you have already heard and will continue to hear, regarding why these proposals must be scrapped, I want to provide a little history lesson. It is said that those who do not learn the lessons of history will be condemned to repeat them. This appears to be the reckless course that will be embarked on if these proposals are not substantially altered.

More than a decade ago, when I was the Chief Health Officer for this state, I received a letter from a Park Official at Acadia National Park. The letter revealed that a fish had been caught in one of the park's lakes and tested for Mercury. I could see immediately that the provided results indicated that the fish contained mercury at a level many times what would be considered safe for a child to consume on a frequent basis. The letter queried whether I was going to consider "posting" the lake, on the assumption that this particular lake was uniquely contaminated. Needless to say, I was both shocked and frightened. Who in Maine, or even from out of state, might have already been affected by eating fish caught in this lake? It was bad enough that any lake in Maine might be significantly contaminated by a known neurotoxin, but that the particular lake would be in the heart of our widely admired national park was a particular blow. Tragically, that blow was just the beginning of a lengthy investigation that revealed that the lake was not uniquely contaminated, and that it would not be sufficiently protective of public health to post that particular lake or even a dozen such lakes. Based on a study of fish caught from lakes all across Maine, it was clear that a great many lakes were contaminated, and that the contamination could not be accounted for by looking for natural sources of mercury or local pollution. These facts led to a number of conclusions and actions that were among the most discouraging of my tenure as Chief Health Officer in Maine.

In collaboration with four Departments of State Government (Agriculture, Environmental Protection, Human Services, and Inland Fish and Wildlife), we were forced to issue a statewide warning recommending a strict limit on the consumption of fish caught in Maine lakes by women of child-bearing age and children under 8. To my knowledge ours was the first such warning in this country, but, sadly Maine is now one of 28 states that have issued statewide advisories, including three new states in 2002, Florida, Illinois and Rhode Island. I also am aware that New Brunswick, Canada has had to follow suit, making this an international problem. Air pollution does not respect state or international boundaries.

It is very sad that in these times when childhood obesity is such a problem and good nutrition is the hope of the future, that any Health Official must issue warnings on the consumption of fish, widely respected as healthy food, because it has become contaminated through our carelessness. But worse, from a public health point of view the warning approach to the protection of human health is highly undesirable. It is not effective. No matter how many lakes are posted or warnings issued, large portions of the population are likely to be adversely impacted despite your best efforts. What about the immigrant populations for whom fish is a basic part of the diet and who may not speak English? What about the Native Americans who similarly depend on locally caught fish? What about people with limited education who may not understand the advisories or those who just don't believe them? There is some parallel to the warnings on cigarette packages. Lead paint is another example. Parents are warned of the hazard, but children get poisoned by the thousands anyway. History has taught us that complicated medical advisories are insufficient to be protective of the public's health. Despite the warnings people, particularly children, get sick, become damaged for life, or die. Yet these proposed rules indicate clearly that another generation is being asked to repeat this history lesson. Unless our federal government takes a different course of action, one designed to move us more rapidly toward reducing air pollution, the advisories are likely to remain and the children of Maine will continue to pay the price of this history lesson not learned.

Another awful lesson that the fish from Acadia National Park taught us is that Maine was not going to be able to solve this problem on its own. The extent and distribution of the mercury contamination indicated to us that local factors could not account for it. The mercury had to be coming from somewhere else. We now know that our beautiful state is the recipient of tons of airborne mercury coming from other states. Nevertheless on the theory that it is best to "keep your own house clean" first, Maine people have worked hard over the last decade to reduce all local sources of mercury contamination. But it will never be enough. Without support from outside this state, the advisories are likely to remain in place. More than a decade has gone by since that Acadia National Park fish brought its warning. I urge you not to condemn us and other sites around this country to another twenty years of contamination when real progress can be made now. I urge you to abandon these proposals and return to the Clean Air Act as written.

Thank you for your attention.