

Maine Audubon Testimony

EPA's proposed National Emission Standards for Hazardous Pollutants; and, in the Alternative, Proposed Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units; Docket ID No. OAR-2002-0056, 69 Fed. Reg. 4652 (January 30, 2004).

**Monday, March 1, 2004
State House, Augusta, Maine**

Good afternoon, Representative Allen, members of the Legislature, fellow Mainers..., my name is Susan Gallo: I represent Maine Audubon and our 11,000 members and supporters.

Representative Allen, we greatly appreciate your continued leadership and good work on behalf of Mainers with regard to the control of mercury pollution. The EPA has put forward several proposals, none of which provides the degree of public health protections mandated by the Clean Air Act. We are here today to share with you our deep concern that the EPA's proposals are not only many times weaker than what is actually required by Clean Air Act, but if accepted will cause irreparable harm to the health of Maine's waters, wildlife and people, particularly women and children, and fall far short of what is urgently needed.

Power plants are "major emitters" of hazardous air pollution, which means that each plant emits more than 10 tons per year of one kind of hazardous air pollutant or 25 tons per year of all the 188 hazardous air pollutants listed in the Clean Air Act. Coal-fired plants are the nation's largest source of mercury air emissions, emitting approximately 48 tons of mercury each year. One-third of a gram of mercury per year is enough to contaminate all the fish in a 25-acre lake.

Maine, along with the other New England states, bears the brunt of the nation's airborne mercury pollution. Maine has more than 30,000 miles of rivers, and almost a million acres of lakes – but these waters harbor dangerously high levels of mercury – so dangerous, that in 2002, Maine posted health warnings for all of our lakes and rivers statewide. The EPA and 43 states, including Maine, have posted warnings urging people to avoid or limit consumption of fish. Consuming mercury-laden fish can damage the developing brain and nervous system and can lead to birth defects, such as cerebral palsy, delayed onset of walking and talking, and learning disabilities. Relying on fish consumption advisories will not solve the problem. We must reduce the contamination at its source.

Because Maine is subject to the highest mercury contamination in the U.S., and given the impact already felt by both people and wildlife, it is imperative Maine's concerns be heard.

- The accumulation of mercury in Maine's environment has reached epic proportions, with mercury levels in rainfall in parts of Maine up to 23 times higher than the EPA standard for human health. Mercury is also accumulating in Maine lakes at an alarming rate,

creating deadly habitat for fish-eating birds and mammals. Moreover, people are at risk when they eat fish containing high levels of mercury. As you know, it is no longer safe for pregnant women, nursing mothers, and young children to eat certain fish from our waters. We must act to reduce children's exposure to mercury as we have done to reduce children's exposure to lead in the environment.

- A recent report from the Centers for Disease Control and Prevention found that one in twelve women of childbearing age already has mercury levels above EPA's safe health threshold. Adverse neurological effects of mercury exposure on the young, has lead both the federal and state governments to post advisories against consuming certain fish. The state of Maine along with a majority of other states, advises women who might get pregnant not to eat most types of freshwater fish including rainbow trout and bass.
- Mercury contamination is also a threat to recreational fishing--a vital piece of our state economy. Recreational fishing is a multi-billion dollar industry in Maine; anglers in Maine spent more than \$250 million in 2001 alone. Studies indicate that mercury contamination has a direct impact on where people choose to fish, how often they go, and for how long they choose to fish.
- Wildlife that have no choice but to eat fish high in mercury are at risk from the accumulation of mercury in their systems as well. Maine's loons have the dubious distinction of having higher levels of mercury in their blood than loons in any other state. Nearly 30% of Maine's common loon population is at "high-risk" for mercury contamination and is less likely to reproduce as a result. Loons accumulate high levels of mercury in their blood because their diet consists primarily of freshwater fish, which often harbors high levels of mercury. Some loons exposed to high levels of mercury in Maine's environment do not nest successfully because they do not spend enough time incubating their eggs. Others fail to feed their young once they hatch, leaving chicks to die from starvation. Loons in Maine experience higher levels of mercury in their blood, feathers and eggs than in any other state. Also, because loons are able to eliminate mercury from their system when they lay eggs, loon eggs from Maine also have higher levels of mercury than those from any other state. Other fish-eaters like osprey and kingfisher are subject to similarly high levels of mercury from eating fish from Maine's waters. It is imperative that we do what we can now to reduce the impact of mercury on Maine's loon population and on other fish-eating wildlife. If we wait until wildlife populations have significantly declined, it will be too late.

Maine Audubon has been a leader in working to reduce mercury pollution and protect the health of Maine's people as well as wildlife. Indeed Maine has made substantial progress in developing legislation to curb the use of mercury-added products as well as the collection of household hazardous waste, for example. But these efforts, while valiant and very much needed, do not address the largest source of mercury pollution - emissions from power plants beyond Maine's borders. The current EPA and Bush Administration proposal falls far short of what is needed.

The Clean Air Act requires that power plant mercury emissions be cut by 90 percent by 2008 and ensures that these reductions occur at each and every one of the nation's oil- and coal- fired

power plants, the country's largest industrial source of mercury air emissions. In 2000, the EPA listed power plants as a category for which MACT standards must be developed. But one of the new proposals would "de-list" power plants, without any of the public health and environmental justifications mandated by the Clean Air Act. Such de-listing is illegal.

- The EPA should uphold the law. Instead of setting a far weaker standard - in effect treating power plants' mercury emissions as non-hazardous air pollution - the EPA must abide by its prior decision that power plants must be regulated according to Maximum Achievable Control Technology (MACT) levels.
- The EPA should continue to regulate mercury emissions from power plants under the MACT approach required by Clean Air Act for toxic pollutants, instead of issuing "New Source Performance Standards" for mercury, which are far less stringent. The EPA's own scientists two years ago concluded that 90 percent reductions are possible using existing technologies.
- The EPA must abandon the current proposal allowing the trading of mercury pollution, which lets polluters continue to poison our air and waters. Trading mercury emissions is unacceptable from a public health and public policy perspective, because it creates new local "hot spots" of even mercury contamination – leaving some communities at risk more than others.
- The EPA should not accept guidance from the Bush Administration which would set rules for power plants that give big energy special treatment – allowing them to put 6 to 7 times more mercury into the air than the law allows, and giving them an extra decade to clean up. The EPA should hold industry to the highest standard, and uphold – not weaken - the provisions of the Clean Air Act.

We respectfully ask that you convey to EPA Administrator Leavitt our testimony, urging the EPA to improve protections of human health and wildlife by strengthening, not weakening rules regulating mercury emissions to the level that we know is technologically feasible and morally imperative.

