

The Bush Record - Mercury Pollution

EPA's mercury pollution plan won't meet reduction targets on time

April 21, 2005: The Bush administration's plan to allow utilities to buy and sell emissions credits will drastically fail to meet mercury reductions goals, according to a report by the Congressional Research Service. Despite the administration's call for a 70 percent reduction by 2018, such a drop could not be achieved until 2030 without direct pollution controls, according to the CRS report. The cap-and-trade plan, slated to begin in 2010, would require utilities to begin lowering mercury emissions or buy "credits" from power plants that make reductions beyond the Environmental Protection Agency's regulations.

Environmental groups, however, say that the EPA should not wait to begin cutting mercury emissions.

"We know that the EPA's scheme won't cut mercury pollution by 70 percent until at least 12 years after the target date," said John Walke, director of NRDC's clean air program. "The EPA should not wait to begin cutting harmful mercury pollution, nor should it settle for 70 percent cuts when we know 90 percent reductions are possible under current Clean Air Act standards."

States sue EPA over new mercury rule

March 29, 2005: Nine states have filed suit against the Environmental Protection Agency over a mercury emissions rule they say is less protective of public health than current law. The lawsuit accuses the EPA of violating the Clean Air Act by exempting coal-fired power plants from the law's "maximum available control technology" requirement for cutting pollutants. The suit alleges that full implementation of the Clean Air Act would reduce annual mercury pollution from 48 tons to 5 tons, whereas the EPA's new rule will permit 15 tons per year. The new rule also pushes back deadlines for compliance from 2008 to 2018, with controls not taking full effect until 2026. Moreover, the attorneys general representing the states -- California, Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New Mexico, New York and Vermont -- argue in their suit that the agency's cap-and-trade approach to mercury control would create toxic "hotspots" in communities near polluting plants.

"The EPA's mercury rule does too little, too late," said John Walke, director of NRDC's clean air program. "Public health is not served by allowing power plants to delay pollution cuts for a more than a decade, requiring lower reductions in mercury emissions than the Clean Air Act, and then letting companies pay to keep polluting."

EPA weakens mercury reduction requirements for power plants

March 15, 2005: A new rule issued by the Environmental Protection Agency institutes a controversial cap-and-trade approach (effective in 2010), which is intended to cut mercury pollution from the nation's coal-fired power plants by 70 percent beginning in 2018. Environmental groups criticized the rule as giving electric utilities a free pass from controlling their mercury pollution for more than a decade. They also said the rule violates the Clean Air Act by failing to place stringent controls on a dangerous pollutant that especially threatens women and children.

Like lead, mercury is a dangerous poison. It is toxic to infants' developing nervous systems, and several studies have linked mercury exposure to cardiovascular disease. At least 44 states have issued warnings urging residents to avoid or limit their consumption of certain fish caught in local waters. Meanwhile, the federal government has issued warnings recommending children and women of childbearing age to avoid certain fish altogether, and to limit their fish consumption to two meals of low-mercury fish per week. Recognizing mercury's health risks, the public's widespread exposure to it, and the fact that power plants are the largest remaining unregulated source of mercury pollution, the EPA in 2000 found that "mercury emissions from electric utility steam generating units are considered a threat to public health and the environment," and decided to require maximum achievable controls by 2008.

The EPA's new rule overturns that prior determination, according to critics. In place of stringent controls, the agency has created a pollution trading scheme -- the first ever such market for a toxin -- that the EPA predicts will only reduce pollution by 50 percent in 2020. The agency could not even provide a date after 2020 when power plants would actually achieve the EPA's 70 percent reduction goal, a cut the agency could easily require now. (In December, 2001, EPA staff reached a preliminary determination that requiring maximum achievable mercury emissions reduction would result in a 90 percent cut within three years, from approximately 50 tons to 5 tons annually. The new rule will permit power plants to emit 38 tons of mercury until 2018.)

"The EPA's rule is illegal, irresponsible and breaks the promise the agency made five years ago to slash hazardous pollutants, including mercury, from coal-burning power plants. It also puts into place a pollution trading scheme that will allow power plants to emit far more mercury for much longer than the law permits," said John Walke, director of NRDC's clean air program. "Essentially, the agency adopted a 'do-nothing' approach to mercury for the next 12 years."

Congressional watchdog agency concludes EPA distorted mercury analysis

March 07, 2005: The Environmental Protection Agency skewed the analysis of its controversial plan to regulate mercury pollution from coal-fired power plants in order to bolster an approach supported by the Bush administration, according to the nonpartisan Government Accountability Office. The EPA compared two approaches to limiting emissions of the dangerous neurotoxin, which poses a public health risk, especially for children and pregnant women.

The agency's analysis supported a "cap-and-trade" approach -- favored by the administration and industry -- in which pollution credits are traded among power plants over a "technology-based" approach -- favored by environmentalists -- that would cap mercury pollution at every plant. Blasting the agency for its lack of "transparency," the GAO report said that the EPA failed to adequately address mercury's harmful effects on brain development and other neurological functions, and overestimated the benefits of the cap-and-trade approach. Other critics accused the EPA of distorting its analysis in order to enhance the political prospects of the president's "Clear Skies" legislation. The GAO's report follows an equally critical report by the EPA's inspector general that suggested that agency scientists were pressured to back the industry-preferred mercury reduction proposal.

"Shame on the EPA for putting politics before science and jeopardizing the health of the American people," said John Walke, director of NRDC's clean air program. "No matter how you slice it, the president's mercury pollution plan is deeply flawed and downright dangerous."

UN environmental summit agrees to voluntary approach to reduce mercury pollution

February 25, 2005: At a meeting of the United Nations Environment Programme in Nairobi, Kenya, environmental ministers from 140 countries agreed to promote -- but not require --- the reduction of global mercury pollution. The UNEP governing council rejected a European Union proposal calling for a binding treaty that would require countries to phase out and then eliminate mercury exports by 2011. It instead adopted a proposal backed by the United States to curb mercury emissions through voluntary public-private partnerships. Used in gold mining, battery manufacturing and other industries, mercury spreads globally when released into the air. It poses a significant threat to human health, leading to neurological diseases and such developmental problems as learning deficiencies. Environmentalists sharply criticized the U.S. position on mercury pollution.

"This administration has been pointing to pollution sources outside of our borders for years as the rationale for not aggressively curbing power plant pollution and other mercury sources within our own country," said Linda Greer, director of NRDC's health program. "The abdication of its responsibility to play a leadership role internationally breeds tremendous cynicism about its commitment to solving this global problem and protecting public health."

White House scraps workshop on cardiovascular effects of mercury

February 11, 2005: The Environmental Protection Agency, facing a March 15 deadline to issue a new toxic pollution control rule for power plants, has inexplicably put off a workshop on the cardiovascular benefits of mercury reduction. EPA scientists say the decision to postpone the January 31 meeting confirms their long-standing suspicions about the Bush administration's commitment to fully examining the benefits of regulating the toxic pollutant. Critics concur, accusing officials of scuttling a review that would have justified requiring more stringent controls on mercury pollution from power plants.

"The Bush administration doesn't want to face facts about the need to crack down on power plants' harmful mercury pollution," said Jon Devine, a health attorney at NRDC.

EPA mercury proposal favors industry, says agency's inspector general

February 03, 2005: In devising its new rules on power-plant mercury emissions, the U.S. Environmental Protection Agency violated agency protocol and ignored scientific evidence in order to meet a predetermined goal that favors industry, concluded a report by EPA Inspector General Nikki Tinsley. "Everything about this rule was decided at a political level," said one EPA staff member present at meetings between administrators and staff. "The political level made the decisions, and the staff did what they were told." The EPA is expected to issue its final mercury rule in mid-March.

"We now know why the new mercury rules ended up exactly in line with those proposed in Bush's so-called Clear Skies legislation," said John Walke, director of NRDC's clean air program.