



# **EPA's Proposed Utility Mercury Reductions Rule**

Metropolitan Washington Air  
Quality Committee  
April 28, 2004

## Outline

Why regulate mercury?

EPA's proposed mercury controls

Criticisms and the OTC Alternative

Proposed comment

## Why Regulate Mercury?

- Mercury is a persistent pollutant, toxic when inhaled or ingested.



- Rain and snow deposit mercury in water bodies, where it is ingested by fish and other animals.

- There mercury emissions are transformed into methylmercury, which is highly toxic to humans.



- The methylmercury resulting from power plant emissions is ingested by humans through consumption of fish.

## Why Regulate Mercury?

- Mercury is a neurotoxin. It causes damage to the brain and nervous system.

- Prenatal exposure to methylmercury impairs language ability, fine motor skills, visual-spatial abilities, intelligence and attention span.



- Methylmercury has also been linked to coronary disease in adults.

## Historical Mercury Controls

- EPA reduced emissions from municipal waste combustions and medical waste incinerators in 1995 and 1997, respectively
- Rules have been introduced to reduce mercury from chlor-alkali plants and industrial boilers
- Mercury has been banned from many commercial and consumer products



Coal-fired power plants are the largest remaining source of anthropogenic mercury in the US.

## Regulatory Proposals



### Maximum Available Control Technology

- One cap
- Least stringent
- Achieve with existing installed technology
- Trading alternative proposed



### "Clear Skies" Approach

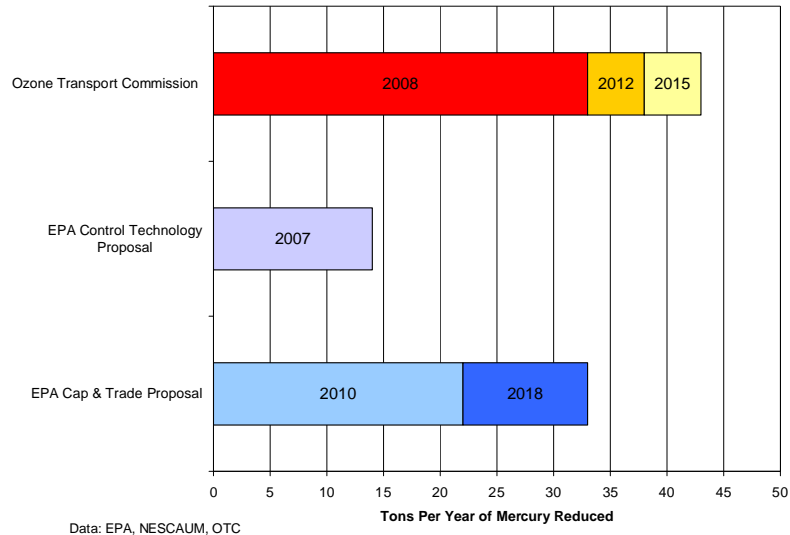
- Reductions similar to Clear Skies
- Two-phase cap
- Trading optional, with allowance banking in Phase II



### Multi-Pollutant Platform

- Three-phase cap
- No trading
- Most stringent

## Proposed Mercury Reductions



## Industry and Environmental Groups are Unhappy



- Emission levels set by MACT are reasonable, but timeline is unrealistic
- May sue for use of "inadequate and skewed data" in setting standard.

- Proposed caps are too low
- Compliance dates too far away
- Trading creates environmental justice concerns
- Allowance banking delays reaching caps

Environmental and industry groups have threatened to litigate final rule, further delaying attempts to improve public health.

## Timeline for Approval

February 25-26 2004: Public hearings held

March 30: Original comment period ends

March 31: Additional hearing held

April 30: Extended comment period ends

Late 2004: Rule finalized

## Proposed Comment Letter



- Proposed regulations do not sufficiently protect public health
- The Ozone Transport Commission proposal is the best alternative for developing mercury regulations that protect public health.
- Proposed regulations do not require sufficient reductions and allow too long for compliance
- Cap and trade programs create mercury hot spots, environmental justice concerns. Banking of allowances should not be permitted.