

December 18, 2003

Michael O. Leavitt  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Leavitt:

As organizations committed to reducing exposures to toxic chemicals that may contribute to learning, developmental and behavioral disabilities and the care of those living with disabilities and their families, we are writing this letter to express our strong disappointment with your recent decisions regarding control of mercury emissions.

Mercury is a potent neurotoxin that accumulates in the flesh of fish and other animals in the environment. Already, 43 states have issued advisories to limit the consumption of fish due to widespread contamination with mercury, and the Centers for Disease Control (CDC) has estimated that 8% of childbearing women in this nation have levels of mercury in their bodies that exceed the Environmental Protection Agency's (EPA's) safety threshold.

With a problem as widespread and serious as mercury contamination, the EPA would be expected to take the strongest steps possible to protect our nation's most treasured resource: the intelligence of our children and those children yet to be born. Instead, this latest policy reversal risks the minds of our children for the profit of those who burn coal.

The EPA has previously determined that mercury is a potent toxin appropriately controlled as a hazardous air pollutant under the Clean Air Act. The considered judgment of Congress and basic tenets of public health protection have held that each major source of hazardous air pollutants should be controlled to the maximum extent achievable. These principles have been applied to other major sources of mercury pollution, including municipal and medical incinerators, with resulting 90% reductions in mercury emissions. Analyses have indicated that a similar level of reduction is achievable for coal-burning power plants at costs comparable to controls for nitrogen oxides. Your proposal to reduce mercury emissions just 29% by 2010 and just 69% by 2018 results in needless and preventable mercury exposure for our next generation of children.

The proposal to subject mercury to a "cap and trade" system of controls is also contrary to sound science and public health principles. Because mercury is a potent and persistent toxin, local accumulation of mercury constitutes a significant health threat. The flexibility of a cap and trade system allows single facilities to purchase the right to continue or even increase mercury pollution, leading to greater contamination of surrounding areas. EPA's own analyses have shown that local hot spots are created near coal-burning power plants, with the majority of mercury coming from the local source. We are deeply concerned that this proposal to trade mercury

emissions is seriously misguided and could result in greater harm to communities already facing higher than average mercury exposure.

We are also deeply concerned about the manner in which the agency has developed this proposal. In stark contrast to your stated commitment to significant stakeholder involvement and rigorous policy analysis, the agency disbanded the existing stakeholder-based process and failed to conduct the rigorous analysis of policy alternatives that would be expected of a decision that had such potential impact on our children's health. In the absence of a true stakeholder process, we would hope that our letter serves as a clear statement of public sentiment on this issue.

Given these concerns, we call upon the Agency to:

1. Rescind the current proposal;
2. Abandon plans to institute a "cap and trade" emissions control program for mercury; and
3. Require maximum achievable control technologies be applied to all coal-burning power plants in a time frame most consistent with public health principles.

We know that achieving mercury reductions will not restore the children who may already have diminished mental function because of mercury exposures to their full intellectual potential. However, as organizations intimately familiar with the emotional and economic consequences that learning and developmental disabilities not only have on the individuals affected but our society as a whole, we call upon you to take the strongest possible steps to avoid needlessly exposing our next generation of children to mercury.

Signed,

American Association on Mental Retardation  
The Arc of the United States  
Birth Defects Research for Children, Inc.  
Communities Against Violence  
Cure Autism Now  
Institute for Children's Environmental Health  
Learning Disabilities Association of America  
Safe Minds

*For more information, please contact:*

Elise Miller, M.Ed.  
Executive Director,  
Institute for Children's Environmental Health  
and National Coordinator,  
Learning and Developmental Disabilities Initiative  
1646 Dow Road  
Freeland, WA 98249  
ph: 360-331-7904; fax: 360-331-7908  
[emiller@iceh.org](mailto:emiller@iceh.org)