Congress of the United States
Washington, DC 20515

June 23, 2004

Administrator Michael O. Leavitt
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Leavitt,

Over the last several months, your agency has received numerous letters from members of Congress, including from many of the signatories to this letter, urging the Environmental Protection Agency (EPA) to reconsider its proposal for the regulation of airborne mercury emissions.

We appreciate your recognition of the many concerns expressed by the public and by Congress, and we support your subsequent commitment to conduct "additional analysis." We hope that this further review will lead to a stronger final rule.

We remain concerned, however, that the final regulations will nevertheless fail to satisfy the mandates of the Clean Air Act's hazardous air pollutant provisions. As you undertake further study, we urge you again to meet the requirements of federal law and to act decisively in addressing the urgent threat that mercury pollution poses to our nation's public health.

Mercury is a known hazardous air pollutant with serious, well-documented human health and ecological effects. Evidence further indicates that mercury pollution is alarmingly widespread. In February, your own agency doubled its estimate of the number of newborns exposed to unsafe mercury levels, from 320,000 infants a year to 630,000. In March, EPA and the Food and Drug Administration issued a joint advisory warning pregnant women and children to restrict their consumption of certain types of fish because of mercury concerns. Forty-four states have issued warnings that fish caught in their waters are unsafe to eat. The presence of these high levels of mercury in fish has a disproportionate impact on the health of certain ethnic groups who tend to consume more fish than the general population. Even more at risk are certain indigenous groups who rely on subsistence fishing to supply a significant portion of their diet.

Fortunately, aggressive action to control mercury emissions can have significant and rapid ecological and human health benefits. For example, regulatory efforts in Florida to reduce mercury emissions from incinerators and other non-power plant combustion sources have succeeded in substantially lowering the concentration of mercury found in local fish and waterfowl. A study in Wisconsin also found that reduced deposition of mercury produced significantly lower mercury levels in fish.

PRINTED ON RECYCLED PAPER

We believe that significant national reductions in mercury emissions are also attainable at a reasonable cost. Existing technology can control mercury emissions within Clean Air Act deadlines, and full-scale demonstration projects have shown that such technologies can achieve substantial reductions in mercury emissions. EPA's Office of Research and Development also recently released a study finding that existing pollution control technologies can result in greater mercury reductions years sooner than EPA has currently proposed.

We are disappointed by the EPA's continuing failure to take into account both its own analyses and the potential presented by existing technology. We sincerely hope, however, that the further analyses you have pledged to conduct during the extended rule making process will include a thorough review of existing technologies to reduce mercury emissions by the maximum extent achievable. In particular, we urge the EPA to analyze the full range of mercury control options recommended by the stakeholders advisory group and use the appropriate models necessary for conducting a comprehensive analysis.

Once you have completed this review, we call upon you to issue a supplemental proposal and subsequent final rule by the March 15 2005, revised deadline that meet the requirements of section 112 of the Clean Air Act.

We look forward to working with you on this critical issue.

Sincerely,

Jim Cooper
Member of Congress

Tom Allen
Member of Congress

Raul Grijalva
Member of Congress

Eddie Bernice Johnson
Member of Congress

Betty McCollum
Member of Congress

Jan Schakowsky
Member of Congress

Hilda L. Solis
Member of Congress

Henry Waxman
Member of Congress

Nancy Pelosi
Member of Congress

Major R. Owens
Member of Congress

Mike Thompson
Member of Congress

Chris Van Hollen
Member of Congress

Barbara Lee
Member of Congress

Louise McIntosh Slaughter
Member of Congress

Ed Case
Member of Congress

Edward J. Markey
Member of Congress

Maurice D. Hinchey
Member of Congress

Carolyn B. Maloney
Member of Congress

George Miller
Member of Congress

Patrick J. Kennedy
Member of Congress

Dan Burton
Member of Congress

Sam Farr
Member of Congress

Jim Davis
Member of Congress

Steny H. Hoyer
Member of Congress

Sheila Jackson Lee
Member of Congress

James P. Moran
Member of Congress

Rahm Emanuel
Member of Congress

Michael Michaud
Member of Congress

Zoe Lofgren
Member of Congress

Michael M. Honda
Member of Congress

Lloyd Doggett
Member of Congress

Neil Abercrombie
Member of Congress

Richard E. Neal
Member of Congress

Eleanor Holmes Norton
Member of Congress

Jim McDermott
Member of Congress

Dennis Cardoza
Member of Congress

Adam Smith
Member of Congress

Joseph M. Hoeffel
Member of Congress

Robert Menendez
Member of Congress

Robert Wexler
Member of Congress

John F. Tierney
Member of Congress

Rosa L. DeLauro
Member of Congress

Diana DeGette
Member of Congress

Tammy Baldwin
Member of Congress

Michael R. McNulty
Member of Congress

Dale E. Kildee
Member of Congress

John Conyers, Jr.
Member of Congress

Rush D. Holt
Member of Congress

Adam B. Schiff
Member of Congress

Robert A. Brady
Member of Congress

James R. Langevin
Member of Congress

Harold E. Ford, Jr.
Member of Congress

Karen McCarthy
Member of Congress

James E. Clyburn
Member of Congress

Victor F. Snyder
Member of Congress

Diane E. Watson
Member of Congress

Charles B. Rangel
Member of Congress

Earl Blumenauer
Member of Congress

Jose E. Serrano
Member of Congress

Robert T. Matsui
Member of Congress

Bernard Sanders
Member of Congress

Benjamin L. Cardin
Member of Congress

David Wu
Member of Congress

Anna G. Eshoo
Member of Congress

Darlene Hooley
Member of Congress

Tom Lantos
Member of Congress

Grace Flores Napolitano
Member of Congress

Sander M. Levin
Member of Congress

Fortney Pete Stark
Member of Congress

Bennie G. Thompson
Member of Congress

William O. Lipinski
Member of Congress

John W. Olver
Member of Congress

J. Inslee
Member of Congress

Jeb Bradley
Member of Congress

Charles F. Bass
Member of Congress

Peter A. DeFazio
Member of Congress

Bob Filner
Member of Congress

Frank Pallone, Jr.
Member of Congress

Christopher Shays
Member of Congress

Anthony Weiner
Member of Congress

Mark Steven Kirk
Member of Congress

Dennis J. Kucinich
Member of Congress

Maxine Waters
Member of Congress

Lois Capps
Member of Congress

Carolyn McCarthy
Member of Congress

Barney Frank
Member of Congress

Anibal Acevedo-Vila
Member of Congress

Jerrold Nadler
Member of Congress

Ben Chandler
Member of Congress

Eliot L. Engel
Member of Congress

Collin C. Peterson
Member of Congress

Corrine Brown
Member of Congress

Danny K. Davis
Member of Congress

Bobby L. Rush
Member of Congress

Luis V. Guetierrez
Member of Congress

Peter Deutsch
Member of Congress

Howard L. Berman
Member of Congress

James L. Leach
Member of Congress

James P. McGovern
Member of Congress

Chaka Fattah
Member of Congress

Gerald D. Kleczka
Member of Congress

Robert E. Andrews
Member of Congress

Madeleine Z. Bordallo
Member of Congress

Martin Olav Sabo
Member of Congress

Nita M. Lowey
Member of Congress

Lynn C. Woolsey
Member of Congress

Joseph Crowley
Member of Congress

Timothy H. Bishop
Member of Congress

William J. Jefferson
Member of Congress

Alcee L. Hastings
Member of Congress

Susan A. Davis
Member of Congress

Steve Israel
Member of Congress

Wayne T. Gilchrest
Member of Congress

Julia Carson
Member of Congress

John B. Larson
Member of Congress

Juanita Millender-McDonald
Member of Congress

Lane Evans
Member of Congress

Nancy L. Johnson
Member of Congress

Carolyn Cheeks Kilpatrick
Member of Congress

Gary L. Ackerman
Member of Congress

Donald M. Payne
Member of Congress

Rob Simmons
Member of Congress

John Lewis
Member of Congress

Brad Miller
Member of Congress

Nick Lampson
Member of Congress

Denise L. Majette
Member of Congress

Donna M. Christensen
Member of Congress

Marcy Kaptur
Member of Congress

Linda T. Sanchez
Member of Congress

Frank A. LoBiondo
Member of Congress

Ellen O. Tauscher
Member of Congress

Steven R. Rothman
Member of Congress

Jim Gerlach
Member of Congress

Martin T. Meehan
Member of Congress

Michael E. Capuano
Member of Congress

William D. Delahunt
Member of Congress

Joe Baca
Member of Congress

Lucille Roybal-Allard
Member of Congress

Jesse L. Jackson, Jr.
Member of Congress

Sherrod Brown
Member of Congress

Loretta Sanchez
Member of Congress

Albert R. Wynn
Member of Congress

Jane Harman
Member of Congress

Nydia M. Velazquez
Member of Congress

Silvestre Reyes
Member of Congress

Jack Quinn
Member of Congress

Sherwood Boehlert
Member of Congress

Mark Udall
Member of Congress

Stephanie Tubbs Jones
Member of Congress

Chris Bell
Member of Congress

Brad Sherman
Member of Congress

Elijah E. Cummings
Member of Congress

Jim Saxton
Member of Congress

Sue W. Kelly
Member of Congress

Stephen F. Lynch
Member of Congress

James T. Walsh
Member of Congress

Xavier Becerra
Member of Congress

Ron Kind
Member of Congress

Fred Upton
Member of Congress

Michael N. Castle
Member of Congress

John M. Spratt, Jr.
Member of Congress

Ed Pastor
Member of Congress

Christopher H. Smith
Member of Congress

Ike Skelton
Member of Congress

Bill Pascrell, Jr.
Member of Congress

Judy Biggert
Member of Congress

Robert C. Scott
Member of Congress

Bart Gordon
Member of Congress

Calvin M. Dooley
Member of Congress

Jim Ramstad
Member of Congress

Artur Davis
Member of Congress

Gregory W. Meeks
Member of Congress

C.A. Dutch Ruppersberger
Member of Congress

Bud Cramer
Member of Congress

Rick Larsen
Member of Congress

Shelley Berkley
Member of Congress

Tom Udall
Member of Congress

Bob Etheridge
Member of Congress

Norman Dicks
Member of Congress

Eni F.H. Faleomavaega
Member of Congress

Wm. Lacy Clay Jr.
Member of Congress

John M. McHugh
Member of Congress

John E. Sweeney
Member of Congress

Gene Taylor
Member of Congress

Co-Signatories of
June 23, 2004 Letter to
EPA Administrator Michael Leavitt
regarding proposed airborne mercury pollution regulation

Neil Abercrombie (D-HI)
Aníbal Acevedo-Vilá (D-PR)
Gary L. Ackerman (D-NY)
Tom Allen (D-ME)
Robert E. Andrews (D-NJ)
Joe Baca (D-CA)
Tammy Baldwin (D-WI)
Charles F. Bass (R-NH)
Xavier Becerra (D-CA)
Chris Bell (D-TX)
Shelly Berkley (D-NV)
Howard L. Berman (D-CA)
Judy Biggert (R-IL)
Timothy H. Bishop (D-NY)
Earl Blumenauer (D-OR)
Sherwood Boehlert (R-NY)
Madeleine Z. Bordallo (D-Guam)
Jeb Bradley (R-NH)
Robert A. Brady (D-PA)
Corrine Brown (D-FL)
Sherrod Brown (D-OH)
Dan Burton (R-IN)
Lois Capps (D-CA)
Michael E. Capuano (D-MA)
Benjamin L. Cardin (D-MD)
Dennis Cardoza (D-CA)
Julia Carson (D-IN)
Ed Case D-HI)
Michael Castle (R-DE)
A.B. "Ben" Chandler (D-KY)
Donna M. Christensen (D-VI)
William Lacy Clay (D-MO)
Jim Clyburn (D-SC)
John Conyers, Jr. (D-MI)
Jim Cooper (D-TN)
Bud Cramer (D-AL)
Joseph Crowley (D-NY)
Elijah Cummings (D-MD)
Arthur Davis (D-AL)
Danny K. Davis (D-IL)
Jim Davis (D-FL)
Susan A. Davis (D-CA)
Peter A. DeFazio (D-OR)
Diana DeGette (D-CO)
William D. Delahunt (D-MA)
Rosa L. DeLauro (D-CT)
Peter Deutsch (D-FL)
Norman Dicks (D-WA)
Lloyd Doggett (D-TX)
Calvin M. Dooley (D-CA)
Rahm Emanuel (D-IL)
Eliot L. Engel (D-NY)
Anna G. Eshoo (D-CA)
Robert Etheridge (D-NC)
Lane Evans (D-IL)
Eni F. H. Faleonavaega (AS)
Sam Farr (D-CA)
Chaka Fattah (D-PA)
Bob Filner (D-CA)
Harold E. Ford, Jr. (D-TN)
Barney Frank (D-MA)
Jim Gerlach (R-PA)
Raúl Grijalva (D-AZ)
Wayne T. Gilchrest (R-MD)
Bart Gordon (D-TN)
Luis V. Gutierrez (D-IL)
Jane Harman (D-CA)
Alcee L. Hastings (D-FL)
Maurice D. Hinchey (D-NY)
Joseph M. Hoeffel (D-PA)
Rush D. Holt (D-NJ)
Michael M. Honda (D-CA)
Darlene Hooley (D-OR)
Steny Hoyer (D-MD)
Jay Inslee (D-WA)
Steve Israel (D-NY)
Shelia Jackson Lee (D-TX)
Jesse L. Jackson, Jr. (D-IL)
William J. Jefferson (D-LA)
Eddie Bernice Johnson (D-TX)
Nancy L. Johnson (R-CT)
Marcy Kaptur (D-OH)
Sue Kelly (R-NY)
Patrick J. Kennedy (D-RI)
Dale E. Kildee (D-MI)
Carolyn Cheeks Kilpatrick (D-MI)
Ron Kind (D-WI)
Mark Steven Kirk (R-IL)
Gerald D. "Jerry" Kleczka (D-WI)
Dennis J. Kucinich (D-OH)
Nick Lampson (D-TX)
James R. Langevin (D-RI)
Tom Lantos (D-CA)
Rick Larsen (D-WA)
John B. Larson (D-CT)
James A. Leach (R-IA)
Barbara Lee (D-CA)
Sander M. Levin (D-MI)
John Lewis (D-GA)
William O. Lipinski (D-IL)
Frank A. LoBiondo (R-NJ)
Zoe Lofgren (D-CA)
Nita M. Lowey (D-NY)
Stephen F. Lynch (D-MA)
Denise Majette (D-GA)
Carolyn B. Maloney (D-NY)
Edward J. Markey (D-MA)
Robert T. Matsui (D-CA)
Karen McCarthy (D-MO)
Carolyn McCarthy (D-NY)
Betty McCollum (D-MN)
Jim McDermott (D-WA)
James P. McGovern (D-MA)
John McHugh (R-NY)
Michael R. McNulty (D-NY)
Martin T. Meehan (D-MA)
Gregory Meeks (D-FL)
Robert Menendez (D-NJ)
Michael Michaud (D-ME)
Juanita Millender-McDonald (D-CA)
George Miller (D-CA)
Brad Miller (D-NC)
James P. Moran (D-VA)
Jerrold Nadler (D-NY)
Grace Flores Napolitano (D-CA)
Richard E. Neal (D-MA)
Eleanor Holmes Norton (D-DC)
John W. Olver (D-MA)
Major R. Owens (D-NY)
Frank Pallone, Jr. (D-NJ)
William J. Pascrell, Jr. (D-NJ)
Ed Pastor (D-AZ)
Donald M. Payne (D-NJ)
Nancy Pelosi (D-CA)
Collin C. Peterson (D-MN)
Jack Quinn (R-NY)
Jim Ramstad (R-MN)
Charles B. Rangel (D-NY)
Silvestre Reyes (D-TX)
Steve Rothman (D-NJ)
Lucille Roybal-Allard (D-CA)
C.A. "Dutch" Ruppersberger (D-MD)
Bobby L. Rush (D-IL)
Martin Olav Sabo (D-MN)
Linda Sanchez (D-CA)
Lorretta Sanchez (D-CA)
Bernard Sanders (I-VT)
Jim Saxton (R-NJ)
Janice D. Schakowsky (D-IL)
Adam B. Schiff (D-CA)
Robert. C. Scott (D-VA)
José E. Serrano (D-NY)
Christopher Shays (R-CT)
Bradley Sherman (D-CA)
Rob Simmons (R-CT)
Ike Skelton (D-MO)
Louise M. Slaughter (D-NY)
Adam Smith (D-WA)
Christopher Smith (R-NJ)
Victor F. Snyder (D-AR)
Hilda L. Solis (D-CA)
John M. Spratt, Jr. (D-SC)
Fortney "Pete" Stark (D-CA)
John Sweeney (R-NY)
Ellen Tauscher (D-CA)
Gene Taylor (D-MS)
Bennie G. Thompson (D-MS)
Mike Thompson (D-CA)
John F. Tierney (D-MA)
Stephanie Tubbs Jones (D-OH)
Mark Udall (D-CO)
Tom Udall (D-NM)
Fred Upton (R-MI)
Chris Van Hollen (D-MD)
Nydia Velazquez (D-NY)
Jim Walsh (R-NY)
Maxine Waters (D-CA)
Diane E. Watson (D-CA)
Henry A. Waxman (D-CA)
Anthony Weiner (D-NY)
Robert Wexler (D-FL)
Lynn C. Woolsey (D-CA)
David Wu (D-OR)
Albert Wynn (D-MD)