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Senators White, Musto Introduce Bi-Partisan Legislation to Reduce Mercury Emissions

Harrisburg – State Senators Mary Jo White (R-Venango) and Raphael J. Musto (D-Luzerne) today introduced bi-partisan legislation in the state Senate to reduce mercury emissions from coal-fired power plants.

Under Senate Bill 1201, Pennsylvania coal-fired power plants will be required to reduce mercury emissions by 86% no later than 2018. In March 2005, the United States became the first nation in the world to regulate mercury emissions from coal-fired power plants. States have until November 2006 to indicate to the federal government how they intend to implement the mercury emission reduction rule.

“This legislation shows the strong, bi-partisan support in the General Assembly for reducing mercury pollution and protecting the health and welfare of our citizens,” said White, chairman of the Senate Environmental Resources and Energy Committee. White noted that companion legislation was introduced in the House of Representatives last week with 120 co-sponsors.

The legislation introduced today:

- Requires mercury emission reductions of 86% over 1999 emission rates, and 94% as measured from the coal content
- Maximizes the co-benefits to be achieved under the Clean Air Interstate Rule (CAIR)
- Utilizes an emission allowance cap and trade program, providing incentives for power plants to comply earlier and achieve greater emission reductions
- Enjoys the support of a broad coalition of business, coal and labor associations

“This is a very important public policy issue,” said Musto, Democratic chair of the Senate Environmental Resources and Energy Committee. “It is important that the General Assembly weigh in on how best to craft a plan to reduce mercury emissions.”

White and Musto strongly dispute the notion that trading of mercury allowances is illegal. “The EPA has determined that trading of allowances is not only legal, but preferable in ensuring compliance in a timely and cost-effective way,” said Musto. “Absent a court ruling overturning this decision – which would at least ensure that all states play by the same rules – it is shortsighted not to utilize a trading system to reduce mercury emissions in the Commonwealth.”

The Senators further disputed claims that the federal rule will permit generators to simply purchase credits from other states, thereby not reducing mercury emissions in the Commonwealth. According to information from the Department of Environmental Protection (DEP), significant mercury emission reductions will come as a co-benefit of plants installing control technologies under a separate federal rulemaking known as CAIR, or the Clean Air Interstate Rule. CAIR requires power plants to further reduce emissions of sulfur dioxide (SO₂) and nitrogen oxides (NO_x). Current DEP estimates project that 90% of the generating capacity in Pennsylvania will have CAIR control technologies by 2015.

In an effort to downplay the cost of its state-specific plan, an April 17th DEP press release claims its rule will not require utilities to take any additional actions beyond those already required under the CAIR rule. “Any honest discussion of reducing mercury pollution must include recognition of the significant mercury reductions which will be achieved under CAIR,” White said. “To suggest that there will not be significant mercury reductions is totally inaccurate. You can’t have it both ways.”

Mercury is a globally-emitted pollutant, with approximately half of all emissions coming from natural sources, such as volcanoes and geysers. Mercury emissions from U.S.-based power plants account for approximately 1% of all emissions, with PA power plants accounting for .09% of global emissions. While a recent Centers for Disease Control and Prevention study found that women and young children do not have blood mercury levels which would cause adverse health affects, the Senators nonetheless feel strong state legislation is necessary to reduce mercury emissions. They also stressed the importance of public education, noting that significant consumption of mercury-laden fish – not inhalation of air – is required before there could potentially be adverse health affects.

The Senate Environmental Resources and Energy Committee has scheduled two public hearings on how best to craft a state program to reduce mercury emissions. The hearings are scheduled for April 25th and May 2nd in the state Capitol. State and federal officials, as well as environmental, sportsmen, electric generation, coal, and business organizations are slated to testify. More information on the hearings will be posted online at www.SenatorMJWhite.com/environmental.html.

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