



# Senate Environmental Resources and Energy Committee

Senator Mary Jo White  
Chairman

*Patrick Henderson, Executive Director*

Room 168 • State Capitol Building  
Mailing address: Senate Box 203021 • Harrisburg, PA 17120-3021  
Phone: 717-787-9684 • FAX: 717-787-6088

---

January 5, 2006

The Honorable Stephen L. Johnson, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, North West  
Washington, DC 20460

Re: Clean Air Mercury Rule

Dear Administrator Johnson:

On December 16, 2005 the U.S. Environmental Protection Agency (EPA) received comments from Kathleen A. McGinty, Secretary of the Pennsylvania Department of Environmental Protection (PA DEP), concerning EPA's reconsideration of its hazardous air pollutant regulatory finding and standards of performance for new and existing stationary sources – electric utility steam generating units (*70 Fed. Reg. 62200 & 62213 pub. Oct. 28, 2005*).

While I respect Secretary McGinty's comments, it is important for EPA to appreciate that a very serious and contentious debate is currently underway in Pennsylvania over both some of the assertions made in the Secretary's letter, as well as efforts by PA DEP, under Secretary McGinty's direction, to craft a more stringent mercury emission control standard than currently required by the federal Clean Air Mercury Rule. The current effort underway in Pennsylvania began under the guise of a rulemaking petition drafted and submitted by certain environmental and other advocacy organizations, but done with the blessing of PA DEP.

During this rulemaking process, both the majority and minority chairs of the Senate Environmental Resources and Energy Committee, and the majority chair of the House Environmental Resources and Energy Committee, opposed PA DEP's initiation of the state-specific rulemaking process. For added background, our July 27, 2005 letter outlining in detail our concerns is enclosed for your review. Make no mistake: my colleagues and I recognize the dangers posed by mercury emissions and the need to take significant steps to reduce these emissions. The underlying question is whether, given the reduction requirements now mandated by EPA and the nature of mercury deposition, a more stringent, and costly, state-specific mercury rule would actually provide improved health benefits for Pennsylvanians.

There are areas where Pennsylvania policymakers agree with Secretary McGinty, especially over the apparent preference provided in the federal rule to sub-bituminous coal. There are additional areas, such as PA DEP's opposition to utilizing a cap-and-trade program, where strong disagreements exist. The reason for my correspondence is to advise you of the

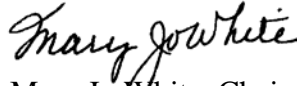
The Honorable Stephen L. Johnson, Administrator  
U.S. Environmental Protection Agency  
January 5, 2006  
Page 2

diversity of opinions which exist among Pennsylvania environmental policymakers, particularly elected officials, and that while PA DEP's opinions should be considered, they are not universally held.

PA DEP intends to move forward with a state-specific proposed mercury rule in the coming weeks. My colleagues and I will be vigorously involved in this debate.

Thank you for the opportunity to share my comments with you concerning this important subject.

Sincerely,

A handwritten signature in cursive script that reads "Mary Jo White".

Mary Jo White, Chairman  
Senate Environmental Resources  
& Energy Committee

Enclosure