



Senate Environmental Resources and Energy Committee

Senator Mary Jo White
Chairman

Patrick Henderson, Executive Director

Room 168 • State Capitol Building
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October 24, 2006

Cynthia Carrow, Chair
Citizens Advisory Council
to the Department of Environmental Protection
13th Floor Rachel Carson Building
P.O. Box 8459
Harrisburg, PA 17105

Dear Ms. Carrow:

Thank you for Council's letter inviting me to attend an upcoming meeting of the Citizens Advisory Council (CAC).

Unfortunately, due to scheduling conflicts and the limited number of session days remaining, I am not able to attend your remaining meeting on November 14th. However, I would like to provide a brief overview of some of the issues the Senate Environmental Resources and Energy Committee has been working on.

Mercury

The Committee held three public hearings on this issue. Additionally, legislation (SB 1201) introduced by Senator Musto and me to implement the Clean Air Mercury Rule and include a trading component for compliance passed the Senate by a 40-10 vote. There is significant concern with the rule crafted by the Department of Environmental Protection (DEP). I think middle ground can be found, but the Governor's Office needs to engage the legislature and work in good faith to make this happen. I expect this to remain a legislative issue next session if not resolved in the coming weeks.

California Cars

I know CAC has followed this issue carefully. Legislation will soon be considered in the House of Representatives (SB 1025) to prohibit imposition of the California vehicle emission standards in Pennsylvania. While reasonable people can disagree on whether the California standards will actually provide any added air quality benefit, it has been extremely disappointing to watch DEP misrepresent the historical context of the Clean Vehicles Program. Previous comments outlining the details of this debate have been shared with Council.

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Mine Safety

Significant issues remain between DEP, the coal operators and the miners' union. However, I am pleased to share that DEP Secretary McGinty and I, along with representatives of the Coal Association and United Mine Workers, have been meeting in a good faith attempt to strike a reasonable compromise. While doubtful that legislation can pass this session, we will continue to work and make this a priority for early next session.

Regulatory/Policy Approach

There is a growing concern among my colleagues and me over an increasing trend among DEP to make substantive policy decisions in a manner that intentionally circumvents the General Assembly. This includes but is not limited to our recent experience with mercury, vehicle emission standards and the Chesapeake Bay Tributary Strategy. Measures to rectify this trend are being reviewed.

Advisory Committee Input

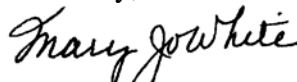
In addition to the CAC, DEP has numerous issue-specific advisory committees, some of which are statutorily created. While I have not explored this issue in detail, anecdotal information suggests that more advisory committee meetings are being postponed or cancelled. No one wishes to see the input from the advisory committees curtailed or frustrated. It is important that Council be aware of this concern, and perhaps take a look at the experiences of the advisory committees.

Committee Website

I created a committee website to publicly post information of interest to citizens and the media. In addition to press releases and statements, the committee website also contains committee meeting agendas, bill summaries, hearing agendas and witness testimony, video from hearings, and links to other useful websites. We try to update the website as often as possible. I encourage CAC members to visit the website for the latest information on the committee's activities at www.senatormjwhite.com/environmental.html.

Thank you again for your letter. Please know that the time and dedication CAC members put into reviewing and advising DEP on its activities is appreciated.

Sincerely,



Mary Jo White, Chairman
Senate Environmental Resources
& Energy Committee