



# Senate Environmental Resources and Energy Committee

Senator Mary Jo White  
Chairman

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Letters to the Editor  
The Morning Call  
Box 1260  
Allentown, PA 18105

Dear Editor:

A more appropriate title for your recent editorial (*Federal Court Vindicates PA*) might be: "Be careful what you wish for".

While moving quickly to praise Governor Rendell and chastise the Bush Administration over the court ruling setting aside the federal mercury reduction rule, your editorial misses several key points. For starters, the court specifically did not rule on the appropriateness of trading mercury emissions – instead setting aside the federal rule because EPA failed to follow the proper process for de-listing mercury as a hazardous air pollutant. It remains to be seen whether EPA will appeal this ruling, initiate a proper de-listing process, or instead choose to impose a maximum control technology standard for mercury.

Because of this uncertainty, and despite the insistence of the Rendell Administration, it remains unclear whether the state mercury rule will remain in place. The recent court ruling set aside the federal clean air mercury rule – the same rule which established the authority under which our state mercury rule was crafted. Further, should EPA decide to impose a maximum control technology standard for mercury, it is very likely that our state rule will be relaxed since the state law which essentially prohibits more stringent standards would kick in. There is one way to avoid this: adopt legislation which would lock in 90% emission reductions by 2015 into law. Failure to do this leaves the door open for the next Governor to simply set aside the Rendell mercury rule in favor of a new policy.

The Rendell Administration's mercury rule was never about protecting women and children. It was an election year political ploy to try and discredit a Republican Administration under the guise of added public health protection.

As they say, be careful what you wish for. You just might get it.

Sincerely,

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

Mary Jo White, Chairman  
Senate Environmental Resources  
& Energy Committee