

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.

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.

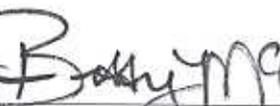
Sincerely,


Jim Cooper
Member of Congress


Tom Allen
Member of Congress


Raul Grijalva
Member of Congress


Eddie Bernice Johnson
Member of Congress

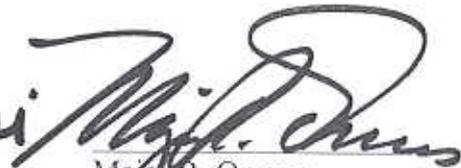

Betty McCollum
Member of Congress

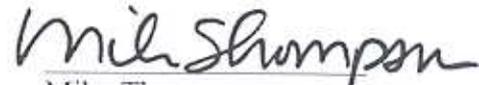

Jan Schakowsky
Member of Congress


Hilda L. Solis
Member of Congress

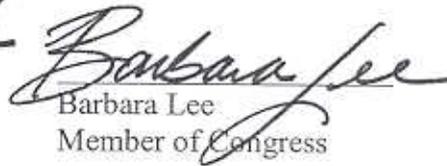

Henry Waxman
Member of Congress

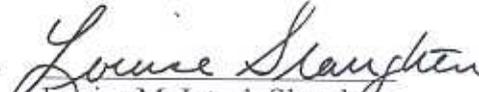

Nancy Pelosi
Member of Congress

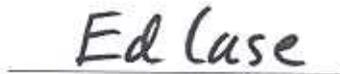

Major R. Owens
Member of Congress

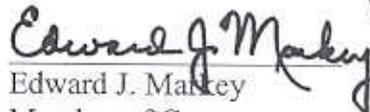

Mike Thompson
Member of Congress

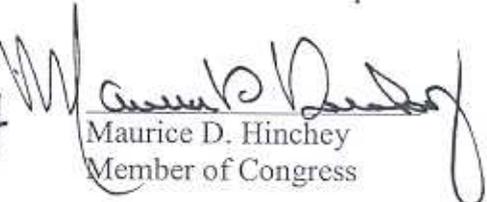

Chris Van Hollen
Member of Congress

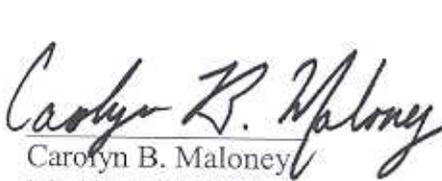

Barbara Lee
Member of Congress


Louise McIntosh Slaughter
Member of Congress

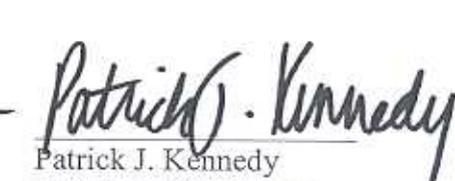

Ed Case
Member of Congress


Edward J. Markey
Member of Congress

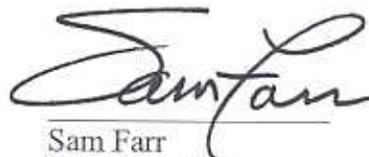

Maurice D. Hinchey
Member of Congress

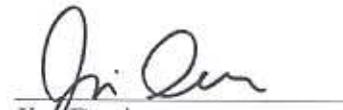

Carolyn B. Maloney
Member of Congress

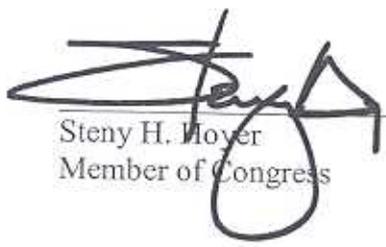

George Miller
Member of Congress


Patrick J. Kennedy
Member of Congress


Dan Burton
Member of Congress


Sam Farr
Member of Congress


Jim Davis
Member of Congress



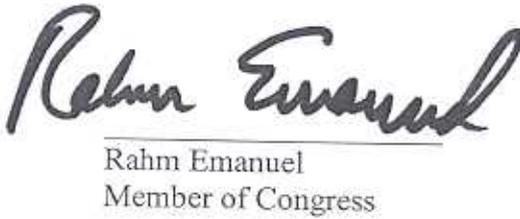
Steny H. Hoyer
Member of Congress



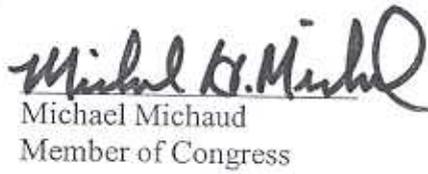
Sheila Jackson Lee
Member of Congress



James P. Moran
Member of Congress



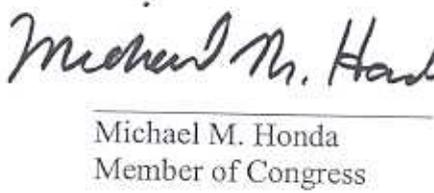
Rahm Emanuel
Member of Congress



Michael Michaud
Member of Congress



Zoe Lofgren
Member of Congress



Michael M. Honda
Member of Congress



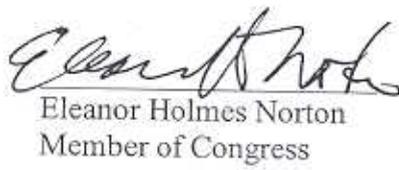
Lloyd Doggett
Member of Congress



Neil Abercrombie
Member of Congress



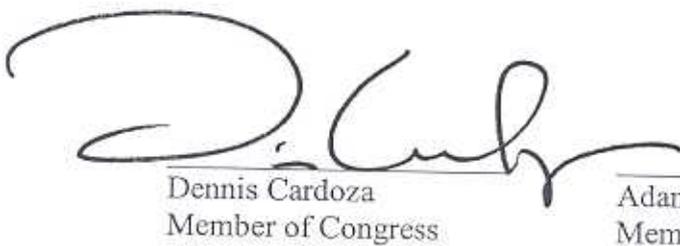
Richard E. Neal
Member of Congress



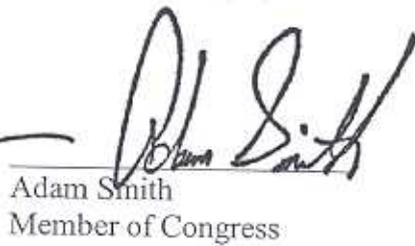
Eleanor Holmes Norton
Member of Congress



Jim McDermott
Member of Congress



Dennis Cardoza
Member of Congress

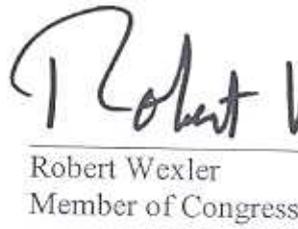


Adam Smith
Member of Congress



Joseph M. Hoefel
Member of Congress


Robert Menendez
Member of Congress

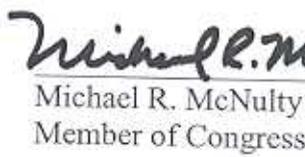

Robert Wexler
Member of Congress

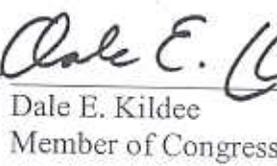

John F. Tierney
Member of Congress

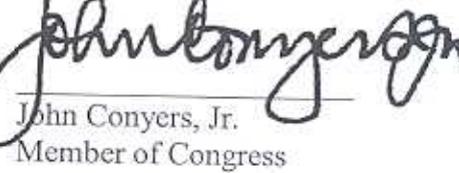

Rosa L. DeLauro
Member of Congress


Diana DeGette
Member of Congress


Tammy Baldwin
Member of Congress

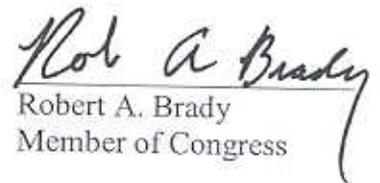

Michael R. McNulty
Member of Congress

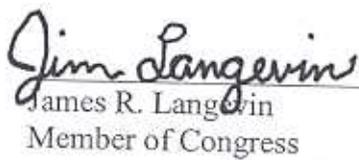

Dale E. Kildee
Member of Congress


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. Langvin
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



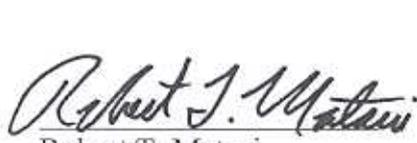
Charles B. Rangel
Member of Congress



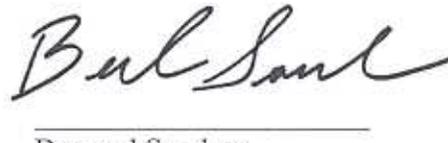
Earl Blumenauer
Member of Congress



Jose E. Serrano
Member of Congress



Robert T. Matsui
Member of Congress



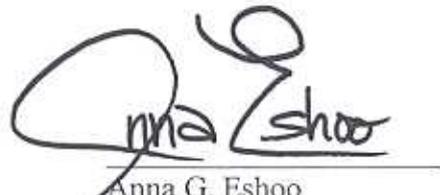
Bernard Sanders
Member of Congress



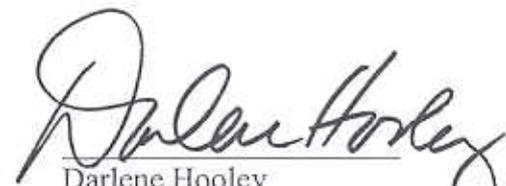
Benjamin L. Cardin
Member of Congress



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

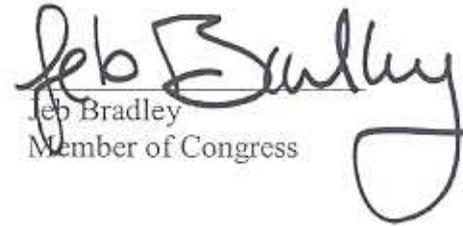


William O. Lipinski
Member of Congress



John W. Olver
Member of Congress

Jay Inslee
Member of Congress



Jeb Bradley
Member of Congress



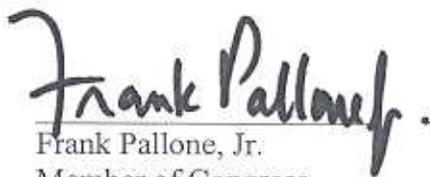
Charles F. Bass
Member of Congress



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



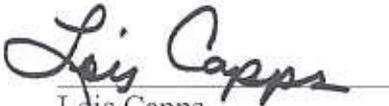
Mark Steven Kirk
Member of Congress



Dennis J. Kucinich
Member of Congress



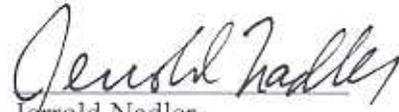
Maxine Waters
Member of Congress


Lois Capps
Member of Congress


Carolyn McCarthy
Member of Congress


Barney Frank
Member of Congress

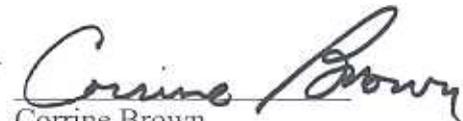

Anibal Acevedo-Vila
Member of Congress


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

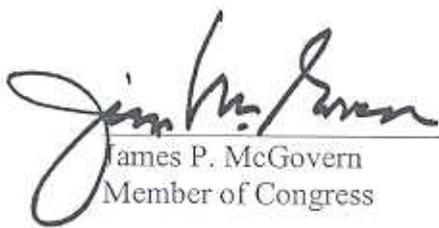

Bobby L. Rush
Member of Congress


Luis V. Guetierrez
Member of Congress


Peter Deutsch
Member of Congress


Howard L. Berman
Member of Congress

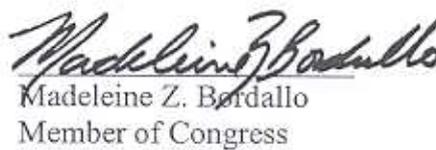

James L. Leach
Member of Congress

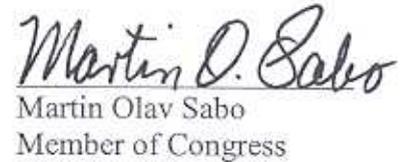

James P. McGovern
Member of Congress


Chaka Fattah
Member of Congress

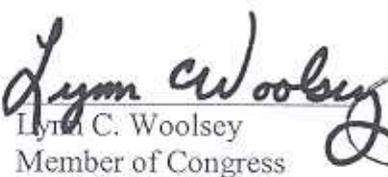

Gerald D. Kleczka
Member of Congress

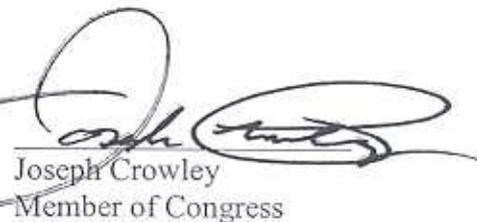

Robert E. Andrews
Member of Congress

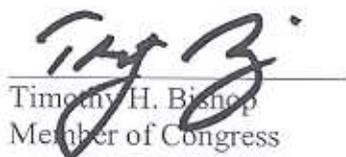

Madeleine Z. Bordallo
Member of Congress


Martin Olav Sabo
Member of Congress


Nita M. Lowey
Member of Congress

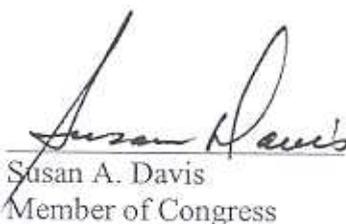

Lynn C. Woolsey
Member of Congress


Joseph Crowley
Member of Congress


Timothy H. Bishop
Member of Congress

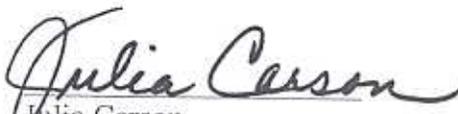

William J. Jefferson
Member of Congress


Alcee L. Hastings
Member of Congress

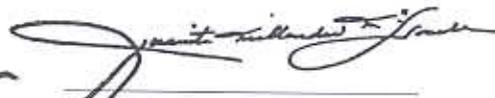

Susan A. Davis
Member of Congress

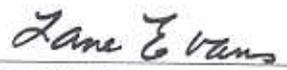

Steve Israel
Member of Congress

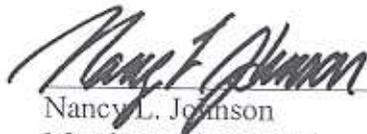

Wayne T. Gilchrest
Member of Congress


Julia Carson
Member of Congress


John B. Larson
Member of Congress


Juanita Millender-McDonald
Member of Congress

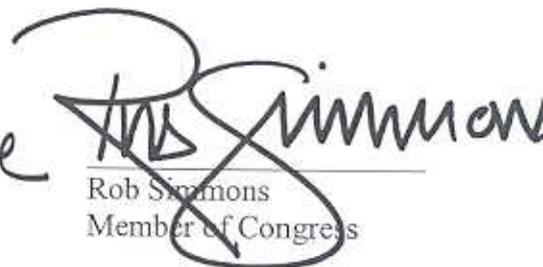

Lane Evans
Member of Congress

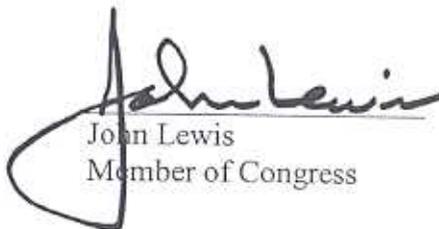

Nancy L. Johnson
Member of Congress


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

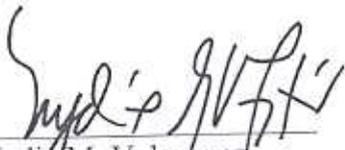
Jesse L. Jackson, Jr.
Member of Congress

Sherrod Brown
Member of Congress

Loretta Sanchez
Member of Congress

Albert R. Wynn
Member of Congress

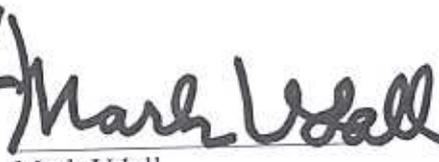
Jane Harman
Member of Congress

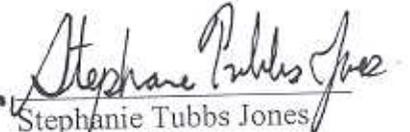

Nydia M. Velazquez
Member of Congress


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

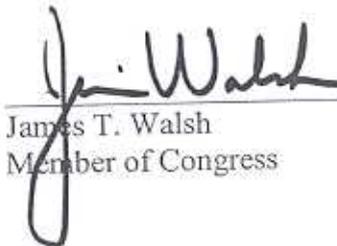

Brad Sherman
Member of Congress

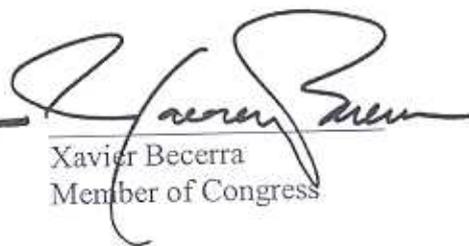

Elijah E. Cummings
Member of Congress


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

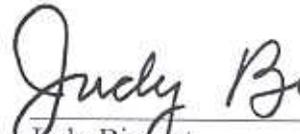

John M. Spratt, Jr.
Member of Congress

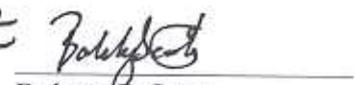

Ed Pastor
Member of Congress


Christopher H. Smith
Member of Congress


Ike Skelton
Member of Congress


Bill Pascrell, Jr.
Member of Congress


Judy Biggert
Member of Congress

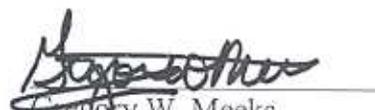

Robert C. Scott
Member of Congress


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 Ruppberger
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

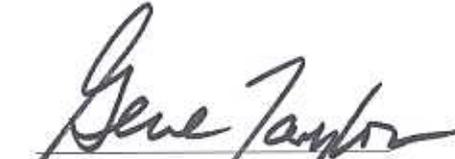

Wm. Lacy Clay, Jr.
Member of Congress



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