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Mercury Rule Hearing sponsored by Tom Allen
Monday, March 1st
Legislative Council Chamber, Room 334, Maine State House, Augusta
1 to 3 PM.

Thank you Rep. Tom Allen for holding this shadow hearing to the Environmental Protection Agency's field hearing in Philadelphia. We deserve the right to discuss their proposal to weaken the Clean Air Act's protections against mercury pollution from power plants, as it is Maine that will continue to see the high rates of mercury deposition.

My name is Patricia Philbrook. I am here today as a board member of the Maine People's Alliance (MPA), a statewide citizen action organization with 22,000 members.

Power plants are the largest industrial source of mercury in our environment. Mercury emitted from power plant stacks falls as rain, snow, and even dry deposition here in Maine. Three and one half years ago MPA co-released a report at the HoltraChem site in Orrington indicating our rain and other forms of precipitation, commonly thought to be pure, is tainted with varying levels of mercury, in some instances enough to be a threat to aquatic organisms. Remarkably, power plants are the only major mercury polluters yet to be regulated under federal clean air standards. Thus, in large part, our nation's mercury problem is due to the fact that while other sources must meet strict emission limits, power plants continue to spew unlimited quantities of mercury into our air, where the rain and snow wash it into our rivers, lakes and oceans, and, ultimately, into our food chain. Public health demands that we act on mercury to reduce children's exposure, who are especially vulnerable to this potent toxin, and to protect all members of our population.

Maine also has local mercury problems, which we have been addressing. Currently, the Maine People's Alliance and many others have serious concerns about the proposed cleanup plan at HoltraChem, one of the worst mercury pollution sites in the country. Basically, Mallinckrodt plans to "cover and run," leaving many tons of toxic mercury in close proximity to the Penobscot River. Mallinckrodt chose the best opportunities for cost cutting rather than the right options for eliminating toxic threats. This cheap solution is neither acceptable to the residents of Orrington, nor to the people living in the Penobscot Valley. Clearly, Mallinckrodt is solely responsible for this mess. It built the plant, and for years it profited while polluting one of Maine's great natural treasures.

As the sole responsible party left among the many that operated the plant at one time, Mallinckrodt should be legally bound to remove all toxic threats to human health and the environment. To date, it has been operating on a voluntary basis with the EPA to implement corrective actions at the site. The government should require Mallinckrodt to sign a consent

agreement, legally binding it to follow through with a thorough cleanup. The consent agreement should also obligate Mallinckrodt to address any future problems at the site that may not be apparent today. While the Maine People's Alliance has worked tirelessly over three decades to clean up HoltraChem and has supported the Maine Legislature in efforts to reduce mercury contained in products sold in Maine, we will continue to have some of the highest mercury levels unless power plants are forced to observe strict standards at the federal level.

Unfortunately, the Bush administration has taken several steps in the wrong direction. Instead of protecting mothers and children from exposure to mercury, EPA's proposals would protect electric utilities by setting targets so weak that the industry will be allowed to continue polluting. What the mercury standard should be and what the EPA should be implementing is current law (Section 112 of the Clean Air Act), which requires that industries install maximum achievable control technologies to reduce air toxics such as mercury.

Two years ago, EPA's own scientists said the existing power plants could achieve a 90 percent reduction in mercury emissions using existing control technologies. This means we can reduce mercury emissions from power plants from 48 tons annually to roughly 5 tons per year by 2008. We should accept no less.