NATURAL RESOURCES COUNCIL OF MAINE

Statement of Brownie Carson, Executive Director
Natural Resources Council of Maine
Portland, Maine * March 28, 2005

Good Morning. My name is Brownie Carson. I am Executive Director of the Natural Resources Council of Maine. I'm here to speak with you on a matter of grave importance to Maine citizens and our families.

As many of you know, the Natural Resources Council of Maine, the National Wildlife Federation, and the Izaac Walton League of America have sued the Environmental Protection Agency to force the agency to meet its obligation under the Clean Air Act to issue a rule that requires the best available control technology on mercury pollution from coal-fired power plants. Coal fired plants, including two located in our neighboring state of New Hampshire, are the largest source of mercury in the country.

We are pressing forward with that lawsuit. We're convinced that the rule issued by the EPA on March 15th completely fails to protect the health of Maine children and our families. This rule violates the Clean Air Act, and we anticipate that it will be struck down by the court.

When that happens, we and our colleagues in the environmental and public health communities will be right back at the task of forcing the EPA, an agency that has lost it's bearings, to do the job that it is charged by law to do – to require controls on mercury emissions that will protect public health and our environment.

Because of what we believe to be EPA's flagrant violations of law, we have asked Senator Susan Collins to commence a Government Affairs Committee investigation of the EPA's process by which such a corrupt and fraudulent rule was issued. We believe that EPA has breached the public's trust; Senator Collins is uniquely positioned as chair of the Gov't. Affairs Committee to find out how this breach happened.

In response to our request, Senator Collins has taken a step forward. She has set up a meeting with the acting EPA administrator to ask a series of questions about what went wrong at the agency. We hope and expect that there will be a full investigation by the Senator and the Government Affairs Committee. It will take some time, but we're going press for a full investigation because the Environmental Protection Agency must not be allowed to shirk its responsibility.

Specifically, we don't want the EPA to duplicate the fraudulent and unethical practices that were used to draft the present mercury rule. Allegations have come to light that:

- Whole portions of EPA's mercury proposal were written by lobbyists for the coal and utility industries;
- EPA instructed staff to develop a mercury standard that matched the Bush administration's Clean Air Act rollback proposal, rather than one based on health effects and legal requirements; and;
- EPA failed to evaluate the health and safety effects of mercury on children. In addition, according to last Tuesday's Washington Post, EPA ignored and omitted details from a Harvard University study on the health and economic benefits of reducing mercury pollution.

This shameful pandering to polluters at the expense of protecting public health and our environment is a perversion of the rulemaking process and the agency's legal responsibility.

I would be happy to answer any questions at this time.