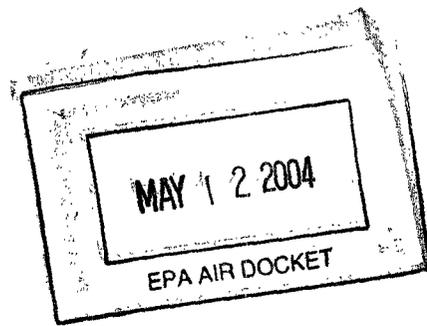


February 25, 2004

Administrator Mike Leavitt  
United States Environmental Protection Agency  
EPA Docket Center (Air Docket)  
U.S. EPA West (6102T)  
Room B-108  
1200 Pennsylvania Avenue NW  
Washington, DC 20460



**Re: Proposed National Emission Standards for Hazardous Pollutants; and, in the Alternative, Proposed Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units; Docket ID No. OAR-2002-0056, 69 Fed. Reg. 4652 (January 30, 2004).**

Dear Administrator Leavitt:

Sporting groups from Indiana, Illinois, Michigan, Minnesota, Ohio, and Wisconsin have worked for years to reduce mercury pollution and protect the health of our families. Today, we write to respectfully express our concerns over the proposed rule by the U.S. Environmental Protection Agency (EPA) to control mercury emissions from coal-fired power plants.

Fishing has been a tradition in the Midwest for generations, and sporting groups have been conserving fish habitat for decades. It has been an important part of family life and a bond between parents and children. Fishing is also important for our businesses, with sport-fishing adding \$5 billion to our states' economies annually.

Unfortunately, all of our states are under statewide fish consumption advisories due to widespread mercury contamination. Catch and release is not just a choice anymore, it is a practice we must observe to safeguard the health of our children and grandchildren.

Power plants are one of the largest sources of mercury pollution in the Midwest. Twenty-three percent of the nation's coal-fired power plant mercury emissions come from the six states of Indiana, Illinois, Michigan, Minnesota, Ohio and Wisconsin. In order for anglers to once again catch fish that are safe to eat, it is critical that we significantly reduce emissions from coal plants in these states.

Mercury contamination of fish in our lakes and rivers is a serious concern for our members and their families, but the current proposal falls far short of what is needed to address this threat. We know that existing plants using the best modern technology can achieve mercury reductions of up to 90 percent. The technology to achieve these reductions is being developed and installed in

plants right here in the Midwest. We urge the EPA to adequately address our mercury problem by greatly strengthening the proposed mercury rule under section 112 of the Clean Air Act for plants burning all types of coal. We further urge the agency to reject alternative New Source Performance Rule in place of a MACT standard.

## **Mercury and Fish Consumption Advisories**

The entire Midwest is affected by mercury contamination to such a large extent that state health departments have issued fish consumption advisories specifically for mercury. Indiana, Illinois, Minnesota, Michigan, Ohio and Wisconsin all have blanket statewide fish consumption advisories for mercury. In addition, Lake Superior and Lake Michigan have fish consumption advisories because of mercury contamination.

Relying on fish consumption advisories, however, will not solve the problem. We must reduce the contamination at its source. Surveys of anglers in the Northeast, Southeast and Great Lakes have revealed that many anglers may have heard about the advisories, but anglers with lower income levels fish more often, eat more fish they catch as part of their diet, and are generally less aware of advisories than other anglers.<sup>1,2,3,4</sup> In addition, relying only on advisories to address the mercury problem leaves a legacy of contaminated fish our future generations.

## **Safe-to-eat Fish is Important to Our Families**

Women of childbearing age and pregnant women are the most important members of the population in terms of mercury exposure. Methylmercury interferes with the development and function of the nervous system. It poses the greatest hazard to the developing fetus. This is the reason most fish consumption advisories warn pregnant women to limit their fish consumption or avoid fish altogether. However, infants and children are also at high risk. Infants may ingest methylmercury through nursing and children are exposed through their diet. Children and infants are more sensitive to the effects of mercury because their nervous systems continue to develop until about age 14.

Mercury threatens the health of older fishermen, too. New evidence suggests exposure to methylmercury can adversely impact blood pressure regulation, heart-rate variability, and heart disease.<sup>5,6</sup>

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<sup>1</sup> Burger, J.; W.L. Stephens, Jr.; C.S. Boring; M. Kuklinski; J.W. Gibbons; M. Gochfeld. 1999. Factors in exposure assessment: ethnic and socioeconomic differences in fishing and consumption of fish caught along the Savannah River. *Risk Analysis*, Jun; 19(3):427-38.

<sup>2</sup> Musham, C.; C.W. Waring III; R. DuBose Lusk. *Fishing in Berkeley County Fresh-Water Waterways. Consumption Patterns and Contamination Risk Awareness. Environmental Bioscience Program, Medical University of South Carolina. November 1999.*

<sup>3</sup> Northeast States for Coordinated Air Use Management. *Northeast Fish Consumption and Mercury Awareness Survey. 1999.*

<sup>4</sup> Tilden, J.; L.P. Hanrahan; H. Anderson; C. Palit; J. Olsen; and W.M. Kenzie 1997. Health advisories for consumers of Great Lakes sportfish: is the message being received? *Environ. Health Perspectives*. Dec;105(12):1360-5.

<sup>5</sup> Hightower, J.M. 2002. Mercury levels in high-end consumers of fish. *Envr. Health Perspect. Ephoneline.org*, November 1, 2002.

<sup>6</sup> Guallar, E. et al., 2002, Mercury, fish oils and the risk of myocardial infarctions. *New England J. of Med.*, Vol. 347, No. 22.

## **Fishing is an Important Tradition in the Midwest**

Residents in the Midwest share a rich tradition of outdoor recreation centering on our lakes and rivers. We are a region of cabin owners, fishermen, hunters, and outdoor enthusiasts whose lakes and woods are as much a part of who we are as our agriculture, snow and fall foliage. If there is one thing we love as much as catching fish, it is eating fish. The fish fry and shore lunch are beloved traditions in the Midwest.

The ability to pass our traditions on to future generations is threatened by mercury contamination. Unless we eliminate mercury pollution from our lakes, streams and rivers, our children's children may not be able to safely eat fresh bass, walleye, or northern pike – the fish most heavily contaminated.

## **Fishing is Important to Our Economy**

Fishing in our states is big business. With the Great Lakes, cold-water streams, and tens of thousands of lakes, it is no wonder fishing is so popular. Sportfish like largemouth bass, smallmouth bass, yellow perch, walleye, northern pike and muskie are just a few of many sought-after species. According to the U.S. Fish and Wildlife Service, more than 7.87 million anglers fish in our states and spend more than \$5 billion annually.<sup>7</sup> This includes everything from fishing lures to special clothing to food, lodging and transportation for the trips we take. Our region simply cannot afford a contaminated fishery.

But the value of fishing cannot just be measured in dollars. Although less tangible and difficult to quantify, the effects of mercury pollution on an ecosystem can affect the quality of the fishing experience. A survey of anglers underscores the importance of the social aspects of fishing.<sup>8</sup> Some of the main reasons that people fish are to relax, to spend time with family and friends, and to be close to nature. Warnings about eating fish due to mercury contamination detract from this experience. Reducing environmental contaminants like mercury must be a goal so we can continue to conserve and protect this resource.

## **Why is Mercury From Power Plants a Problem?**

Coal-fired electric power plants remain the largest uncontrolled source of mercury in the U.S. Each year, uncontrolled coal-fired power plants in the U.S. emit nearly 50 tons of mercury to the air<sup>9</sup> in addition to an estimated 33 tons disposed of in waste left over after power plants burn coal.<sup>10</sup> EPA estimates that coal-fired power plants alone account for 42 percent of all U.S. mercury air emissions. Municipal, medical and hazardous waste combustors – which are stringently regulated by the EPA – account for about ten percent of U.S. air emissions. Industrial

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<sup>7</sup> U.S. Department of the Interior, Fish and Wildlife Service. U.S. Department of Commerce, U.S. Census Bureau. 2001. National survey of fishing, hunting, and wildlife associated recreation. FHW/01-Nat. October 2002. Tables 55 and 64.

<sup>8</sup> The Future of Fishing in the United States: Assessment of Needs to Increase Sport Fishing Participation. November 1999. Conducted by Responsive Management National Office.

<sup>9</sup> [www.epa.gov/ttn/atw/combust/utiltox/utoxpg.htm](http://www.epa.gov/ttn/atw/combust/utiltox/utoxpg.htm). File name: plant\_set\_state

<sup>10</sup> [www.epa.gov/tri](http://www.epa.gov/tri)

boilers are responsible for ten percent and chlorine manufacturers for six percent. The remaining third is made up of incidental use and products containing mercury.

Existing coal-fired power plants not only remain uncontrolled, but if left virtually unregulated, over time they will account for a larger and larger share of mercury emissions, as other source categories meet their obligations to reduce their mercury releases.

Coal-fired power plants are found throughout the Midwest. According to the EPA's Toxics Release Inventory (TRI), coal-fired power plants in Minnesota, Wisconsin, Michigan, Illinois, Indiana and Ohio together account for 23 percent of mercury emissions from all coal-fired power plants in the U.S. Because mercury does not degrade when released and because the typical coal plant operates for at least 50 years, the accumulation of mercury released by these plants makes them the most widespread, large-scale, long-lived generators of mercury in the U.S.

Mercury is emitted from the stacks of coal-fired power plants, and although it can remain in the atmosphere for up to one year, a great deal of mercury is deposited on land and water bodies within 50 miles of the plant. In addition to being a significant concern in the areas closest to the plants, the deposition and reemission makes mercury pollution a regional and global problem. However, we cannot wait for international cooperation before we start addressing the emission and deposition problems that occur in the United States.

After mercury is deposited from the atmosphere, its greatest adverse impact occurs in the aquatic ecosystem. In a series of chemical reactions, bacteria in the sediments can convert mercury to methylmercury. Methylmercury is a form of mercury that is especially toxic to humans and wildlife. Fish absorb methylmercury from the water as it passes over their gills and as they feed on other organisms. As larger fish eat smaller fish, methylmercury concentrations increase in the bigger fish, a process known as bioaccumulation. Consequently, larger predator fish usually have higher concentrations of methylmercury from eating smaller contaminated fish. Humans, birds and other wildlife that eat fish are exposed to mercury in this way.

### **EPA MACT Proposal is Inadequate**

EPA's mercury MACT proposal fails to accomplish what is mandated by the Clean Air Act for mercury reduction. Further, the alternative New Source Performance Standard proposal is a poor substitute to an adequate mercury MACT standard.

We contend that the proposed mercury MACT rule should require emissions reductions from all coal-fired power plants by 2008 that are equivalent to the level that can be achieved by the most up-to-date pollution controls. Based on data collected by the EPA, that would result in at least a 90 percent reduction in power plant mercury emissions nationwide.

By contrast, as proposed, EPA's MACT rule will only require an overall 30 percent cut in emissions, and that not until 2010 at the earliest. In addition, most of the reductions will come from power plants that burn eastern bituminous coal, while requiring very little emission reductions from power plants that burn western subbituminous coal. As a result, states like Minnesota, Wisconsin, Michigan, and Illinois, whose plants use a significant amount of western coal will see even more limited mercury reductions. Plants in Ohio and Indiana that use mostly

eastern bituminous coal would have an incentive to switch to western coal. This could have the perverse effect of potentially increasing local emissions of mercury from plants in Ohio and Indiana. It would also create further strain on the coal industry in the eastern U.S.

The proposed alternative New Source Performance Standard (NSPS) rule would eventually require deeper reductions, but not for more than a decade and not to the levels mandated under a MACT approach. The NSPS alternative also creates different standards for different coal types and allows for some electric utilities to avoid making any mercury reductions, by allowing mercury trading. Treating coal types differently and allowing for trading raises the risk of increasing local emissions, exacerbating the problem of existing mercury hotspots, and creating new mercury hot spots in the Midwest.

The EPA should revise the mercury MACT to meet the Act's obligation to require the most up-to-date pollution controls on all power plants – regardless of the type of coal that they use – and by so doing achieve stringent and rapid reductions in emissions of this toxic pollutant. The EPA should also reject the alternative NSPS and all mercury trading proposals. These alternatives would cause additional mercury related adverse health risks through the promotion of pollution trading, and would allow unacceptable amounts of mercury pollution to continue.

We respectfully urge the EPA to adopt a rule that maximizes the protection of human health and our fisheries by regulating mercury emissions to the level that we know is technologically feasible and to do so quickly.

Sincerely,

Jim Bahl  
President  
Minnesota Conservation Federation  
St. Paul, Minnesota  
3,000 members

Danny J. Blandford  
Conservation Director  
Indiana BASS Federation  
Martinsville, Indiana  
3,000 members

Jim Doss  
President  
Ohio BASS Federation  
Gallipolis, Ohio  
1,800 members

Paul Hansen  
Executive Director  
Izaak Walton League of America

St. Paul, Minnesota  
13,000 members in Midwest states of MN, WI, MI, IL, IN and OH;  
50,000 members nationwide

Mike Hofmann  
President  
Wisconsin State BASS Federation  
Weston, Wisconsin  
1100 members

Brad Maurer  
President  
Ohio Smallmouth Alliance  
Bexley, Ohio  
160 members

Edward L. Michael  
Chairman  
Illinois Council of Trout Unlimited  
Oak Brook, Illinois  
3,000 members

Larry Mitchell Sr.  
President  
League of Ohio Sportsmen  
Columbus, Ohio  
LOOS and its member clubs represent about 200,000 Ohio sportsmen and women

George Meyer  
Executive Director  
Wisconsin Wildlife Federation  
Madison, Wisconsin  
Representing 83 Wisconsin hunting, fishing, and trapping organizations

Kim Olson  
New Ulm Area Sport Fishermen  
New Ulm, Minnesota  
150 members

Bill Pielsticker  
Chairman  
Wisconsin Council of Trout Unlimited  
Madison, Wisconsin  
4000 members

Russ Ruland  
DNR Liaison & Past President  
Muskellunge Club of Wisconsin  
Hales Corners, Wisconsin  
130 members

Scott Sparlin  
Executive Director  
Coalition for a Clean Minnesota River  
New Ulm, Minnesota  
600 members

Vern Wagner  
Conservation Director  
Minnesota BASS Federation  
Champlin, Minnesota  
14,000 B.A.S.S. members in Minnesota and 650 enrolled in the Minnesota B.A.S.S. Federation

Jay Walton  
Iowa BASS Federation Conservation Director (4,000 member affiliation)  
Iowa Conservation Alliance Board (50,000 member affiliation)  
Ames, Iowa

Sam Washington  
Executive Director  
Michigan United Conservation Clubs  
East Lansing, Michigan  
A network of nearly 100,000 men and women and over 500 affiliated conservation and outdoor recreation clubs

Paula Yeager  
Executive Director  
Indiana Wildlife Federation  
Carmel, Indiana  
20,000 members

*Lynn Cruz, <sup>CO</sup>  
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