

GUEST COLUMN

EPA rules on mercury responsible

By MIKE LEAVITT

After nearly a decade of discussion, the Environmental Protection Agency last December proposed a rule to permanently cap and reduce mercury emissions from power plants. For the first time, power companies have to cut their mercury emissions. They will have specific goals for reductions and specific deadlines by which those goals must be met.

Yet the proposal was met with unwarranted criticism. The EPA was accused of dismissing mercury as a toxin, of rolling back limits, of doing too little, too late and of promoting policies that would lead to high concentrations of mercury (hot spots) in some areas.

What's needed here is a reality check.

First, let's be very clear about mercury and public health. Mercury is a persistent highly toxic substance that moves globally. Methylmercury, the form of mercury that is of greatest concern, can accumulate in the fish food chain. In pregnant women who eat fish, methylmercury can, at sufficient exposure levels, be harmful to the developing fetus.

In the United States, coal-fired power plants, which account for about 1 percent of the total global emissions, are the largest human-made source of mercury emissions to the air. They must be cleaned up.

Second, there are no mercury limits to roll back. Our proposed rule announced in December is the first time the EPA has proposed actual limits for power plant mercury emissions. The EPA has tried to find workable and affordable ways to control utility mercury for more than a decade.

In 1994, the Clinton administration was sued for failing to control power plant emissions of mercury. It was not until six years later that the EPA, to resolve the suit, committed the Bush administration to propose a formal mercury regulation. We fulfilled this obligation.

As to doing too little, too late, we need a regulation that sets aggressive emission reduction targets, but is grounded in what we can reasonably expect from emerging mercury control technologies. The most promising of these technologies, activated carbon injection, still has to be tested in real-life situations for extended periods, designed, paid for, installed and implemented on hundreds of power plants.

So in the near future, will there be technology capable of getting a 90 percent reduction of mercury from coal-fired power plants? No. Technology is simply not there for now.

Our proposed rule will achieve a 69 percent reduction in mercury emissions. Our preferred approach takes us away from "command and control" and instead provides a proven, market-based emissions "cap-and-trade" system. The EPA sets mandatory industry reduction targets -- emission caps and dates -- and gives utilities flexibility in finding the best way to meet them. This approach has been enormously successful in reducing acid rain since the early 1990s.

The tool that makes this work is the marketplace, the buying and selling of emissions allowances. Power companies can sell allowances if they beat their reduction goals. If they exceed the limits, then they have to buy them. All of a sudden, mercury emissions affect the bottom line.

Critics fear cap and trade could leave mercury "hot spots" surrounding the highest-polluting power plants. Our 10 years of experience with cap and trade demonstrate this will not happen because the highest-emitting facilities are the first to be cleaned up, where power companies will get the most emissions allowances for their investment dollars. In the unlikely event that hot spots become a problem, the EPA and states already have the authority to address localized environmental and health concerns.

The EPA will hold public hearings on the proposed mercury reduction rule this week, and we'll take comment through the end of March. After considering comments received, we plan to issue a formal mercury emissions reduction rule -- the nation's first for power plants -- by December. Let there be no doubt that we take mercury very seriously.

Mike Leavitt is administrator of the U.S. Environmental Protection Agency.