



EARTHJUSTICE

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ENVIRONMENTAL LAW CLINIC AT STANFORD UNIVERSITY

The Bush administration has utterly failed to protect the public from toxic mercury pollution.

Toxic mercury pollution is a growing national problem. A recent study conducted by researchers at the University of North Carolina found that as many as 1 in 5 women had high levels of mercury in hair samples taken.

This is just the latest in the body of growing information on the public health threat posed by mercury in the environment: CDC and EPA reported that 1 in 6 women have levels of mercury in their blood high enough to harm fetal development; Forty-eight states issued warnings against consumption of mercury-tainted fish in their waters and 19 announced mercury consumption advisories for all lakes and rivers within their boundaries.

Despite this increasing information about the threat of mercury pollution, the Bush administration has consistently refused to take meaningful steps that would dramatically reduce releases of this toxin in our nation's communities – even after pledging to do so. Here are three of the most egregious cases:

CEMENT KILNS—These facilities release vast quantities of hazardous air pollutants (HAPs) into the air every year, including approximately 5 tons of mercury. For four years, the Bush administration has refused to set standards to control this pollution and protect public health in spite of a December 15, 2000 federal court's order that EPA issue regulations to reduce emissions of mercury and other toxic chemicals from cement kilns. The Bush administration's continued refusal to respond to this court order has forced Earthjustice, on behalf of the Sierra Club, to file a *writ of Mandamus* to compel the administration to finally act on the court's order and issue protective regulations.

MERCURY CELL CHLOR-ALKALI PLANTS—A final rule issued by EPA in 2003 not only failed to control mercury emissions, it admitted that 65 tons of mercury goes unaccounted for every year from these facilities. Rather than looking for the answer to this alarming problem, the agency described the missing mercury as "somewhat of an enigma." Senator Leahy (D-VT), months ago, sent a letter asking the Bush administration to provide its plan for locating where the 65 tons of "enigmatic" mercury was going every year, what threat it posed to the public, and a definite timeframe for addressing these emissions. The agency's recent response completely ignored all of these questions.

COAL-BURNING POWER PLANTS—Power plants are one of the most well-known sources of mercury pollution, releasing some 48 tons of the toxin into the air each year. Rather than propose standards that would provide the maximum achievable controls for this toxin, the Bush administration proposed to reclassify mercury from power plants as a non-hazardous air pollutant. The new definition doesn't change the dangers mercury poses to health and the environment, but it does weaken and delay standards for the control and reduction of this toxic pollutant under the Clean Air Act.