

THE EPA MERCURY REPORT CARD

Is EPA Doing Its Job to Protect You from Mercury Pollution?

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One year ago, on December 19, 1997, the U.S. Environmental Protection Agency released its long-awaited Mercury Study Report to Congress, documenting widespread mercury contamination in the U.S., and the countless women, children, and unborn whose health is at risk for mercury poisoning.

The emergence of mercury as a serious environmental health problem warranting public attention and policy action has been demonstrated in several ways. States and regions have adopted far-reaching legislation and regulatory action plans; Congress has introduced national legislation and has held briefings and an oversight hearing; and public awareness on the importance and severity of this issue has grown substantially.

What about EPA's actions? How well has EPA done its job in advancing effective regulatory actions and policies to significantly curtail continued releases of mercury into the environment? The following report card grades EPA's performance.

GRADE	PROGRAM	EVALUATION
B +	<p>Utility Toxics & Information Collection Request (ICR)</p> <p>Finalized in mid-November, this information collection effort will gather data to more accurately calculate mercury emissions from coal-fired power plants.</p>	<p>After many months, EPA finalized its ICR largely intact. Every plant will have to analyze the mercury content in the coal they burn, and between 75-135 will have to conduct a one-time stack test. While the stack test portion of the ICR is limited in scope, this effort will result in collecting the most comprehensive emissions data we have on any mercury source, and will support arguments that coal-fired power plants need to be regulated for their mercury emissions.</p>
C -	<p>Urban Air Toxics Strategy</p> <p>The strategy (public comment period closed Nov. 30th), is supposed to identify key hazardous air pollutants in urban areas contributing to health dangers and target them for reduction.</p>	<p>After several years delay, EPA issued a draft that is devoid of a clear strategy for reducing public health threats associated with urban air toxics. While mercury is a listed pollutant, all sources of mercury pollution are not targeted. In general, the pollutant and source lists are seriously deficient.</p>
D +	<p>EPA Mercury Action Plan</p> <p>In mid-November, EPA released a draft mercury action plan as part of their PBT strategy that lays out steps the Agency intends to take to reduce mercury releases by 50% by 2006.</p>	<p>The EPA Plan relies heavily on Maximum Achievable Control Technology (MACT) standards to achieve mercury emission reductions. Public health advocates and states believe that the MACT standards need to be much more stringent to truly slash mercury emissions. Only four of the more than 20 industries that emit mercury have had emission limits set by the EPA. The draft Plan fails to lay out a realistic strategy and timeline, and does not indicate EPA's long-term goal for the virtual elimination of mercury emissions from anthropogenic sources.</p>

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D	<p>Total Maximum Daily Load (TMDL) Program</p> <p>This program allows states to regulate sources of mercury air pollution to protect specific water bodies.</p>	<p>EPA is in the process of finalizing proposed new TMDL regulations. Air sources will be included in the program (i.e., waters impacted by air sources will be listed as needing TMDLs). However, they will not instruct states to use their Clean Air Act authorities to regulate air sources through the TMDL process. Also, EPA is not addressing the need for regional TMDLs to tackle the regional transport of air pollution.</p>
F	<p>Land Disposal Restrictions (LDRs)</p> <p>Prohibits the landfilling of mercury-bearing hazardous waste, which forces most mercury bearing waste to be burned in hazardous waste incinerators or cement kilns which burn hazardous waste. Much of the mercury is not captured by air pollution control devices and is released into the environment.</p>	<p>EPA has not enacted policy to stop the burning of mercury-bearing wastes in hazardous waste incinerators. Approximately 600,000 tons of mercury-bearing wastes are being burned yearly, EPA does not have a good estimate of how much mercury is actually being burned because it does not collect information on the concentration of mercury in the waste burned.</p>
F	<p>MACT Regulations</p> <p>EPA is developing air toxics standards for the following key combustion sources: cement kilns, hazardous waste incinerators, boilers, industrial furnaces, gas turbines, and industrial incinerators.</p>	<p>Only two MACT standards have mercury emissions limits and those two standards are very weak. A major class of combustion sources are not being required to even test for mercury emissions. And the recently proposed MACT standard for 160+ refineries did not include a mercury emission limit, nor a requirement for mercury monitoring.</p>
I	<p>Toxic Release Inventory (TRI)</p> <p>The current reporting threshold for facilities covered under the TRI are so high that very few covered facilities have to report mercury releases. EPA is in the process of drafting a proposed rule to lower the reporting thresholds for mercury and other persistent bioaccumulative toxins (PBTs).</p>	<p>EPA is considering a 10 pound emission threshold for mercury. This new reporting threshold will give us a more complete inventory of the mercury emission sources in the U.S., however, it will likely not capture the thousands of small industrial boilers that collectively constitute the third largest source of mercury emissions in the U.S.</p>
I	<p>Disposal of Mercury-Containing Lamps</p> <p>This proposed rule will either add lamps to the federal universal waste rule or exempt them from Resource Conservation and Recovery Act Subtitle C hazardous waste regulations.</p>	<p>After five years of controversial delays, EPA recently sent its proposed rule to OMB for a 90-day review. The Agency is considering two options: (1) exempt mercury-containing lamps from the Subtitle C regulations or (2) add lamps to the universal waste rule. If EPA decides to exempt lamps from the hazardous waste regulations, it will likely result in haphazard disposal of mercury-bearing waste, and set an extremely bad precedent.</p>
I	<p>EPA Mercury Reference Dose</p> <p>An interagency meeting between EPA, Agency for Toxic Substances and Disease Registry, and the Food and Drug Administration was held in mid-November to try and resolve the controversy that exists between these agencies on what constitutes a safe level of mercury exposure.</p>	<p>The debate over the reference dose continues, and a recent White House meeting highlighted the interagency disagreement that exists primarily between ATSDR and EPA. Prominent scientists are concerned that ATSDR is not following the health-based precautionary principle in setting policy on mercury.</p>