

Children's Health Protection Advisory Committee

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June 8, 2004

Michael Leavitt, Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, D.C.

RE: Regulation of Mercury from Coal-Fired Power Plants

Dear Administrator Leavitt:

Thank you for the agency's response in the letter authored by Assistant Administrator Jeffrey Holmstead of March 1, 2004, to the Children's Health Protection Advisory Committee (CHPAC) comments on the proposed regulation of mercury from coal-fired power plants. We look forward to meeting with you soon to discuss our shared vision for protecting children's health from mercury.

A number of outstanding issues remain. Given the extension of the rulemaking timeline until March 15, 2005, the CHPAC requests that EPA use existing data to act now upon these recommendations that are of primary importance:

1. Evaluate the relative health benefits of reducing mercury exposure for children and women of child-bearing age under the MACT and Cap and Trade regulatory options.
2. Conduct an integrated analysis of health impacts, technologies, costs, and economic benefits, of both proposals, before choosing a regulatory option.
3. Further evaluate the possibility of hot spots under the Cap and Trade option to ensure that under the final rule existing hot spots are reduced and no new ones are created. We remain concerned about the presence of hot spots for mercury, given that the environmental behavior of mercury differs from pollutants typically regulated under Cap and Trade. We also are concerned about the ability of the states to address this issue, given the variability in their resources.

June 8, 2004
Michael Leavitt, Administrator

Additionally, we encourage you to consider the health consequences of mercury to children in a broader context. The regulation of mercury from power plants is an important element of protecting children from this serious neurotoxic hazard, which may have lifelong effects. There are other sources of mercury exposure that also need to be addressed. We commend the Agency for embarking on a comprehensive mercury action plan, and encourage you to expedite its completion and release for public comment. Accordingly, we would like to meet with senior agency representatives to discuss this document and provide input.

We greatly appreciate your consideration of our comments.

Sincerely,



Melanie A. Marty, Ph.D., Chair
Children's Health Protection Advisory Committee

Cc: Tom Gibson, Chief of Staff to Administrator Leavitt
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Jeffrey Holmstead, Assistant Administrator, Office of Air and Radiation
Benjamin Grumbles, Acting Assistant Administrator for Water
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