Will EPA's Utility Mercury Reduction Rule clear the air?

POINT

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A U.S. Environmental Protection Agency (U.S.EPA) proposal issued late last year would weaken and delay efforts to clean up mercury emissions from America's coal-fired power plants. These 1,100 facilities are the largest unregulated industrial sources of mercury contamination in the country. The 48 tons they spew into the air every year amount to roughly 40 percent of total U.S. industrial mercury emissions, nearly a quarter of which is released in Great Lakes states.

Deposition from the air is by far the number one source of mercury to the Great Lakes, where it has been linked to population impacts on wildlife and neurological impairments in children whose mothers consume Great Lakes fish.

U.S.EPA Administrator Mike Leavitt claims that this proposal will aggressively reduce mercury, but in reality it will achieve far less – and take far longer to do it – than current law requires. At the heart of the proposal is an indefensible scheme – instead of regulating mercury from power plants as the "hazardous" pollutant it obviously is, U.S.EPA proposes to treat it as one that requires less stringent pollution controls. Moreover, a pollution-trading program would allow "hot spots" of mercury contamination in the lakes and rivers neighboring the plants that buy pollution credits instead of reducing their mercury emissions.

Toxic mercury puts an estimated 630,000 newborns each year at risk for neurological impairment. We have the technology to slash power plant mercury pollution by as much as 90 percent and we can start now. What we need is the political will.

counterpoint

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Any policy that seeks to regulate electric utilities' mercury emissions should, first and foremost, protect public health. To maximize the environmental benefits while minimizing costs to consumers, it also is crucial that regulations take into account technical feasibility, cost, and impacts on generating, transmitting and distributing electricity in an affordable and reliable manner.

The U.S. Environmental Protection Agency's "Utility Mercury Reduction" proposal includes two alternative control plans: a market-based cap-and-trade approach requiring a 70 percent mercury reduction by 2018; and a Maximum Achievable Control Technology (MACT) approach that establishes mercury emission limits for all new and existing units.

The cap-and-trade alternative calls for verifiable mercury reductions and provides the flexibility to achieve them in a nonprescriptive and cost-effective manner. This flexibility is achieved by recognizing that potential emission reductions depend upon the configuration of individual power plants and coal type used. By encouraging the greatest reductions where they are most cost-effective, a cap-and-trade program can produce equal or greater environmental benefit than the more prescriptive – and far more expensive – MACT approach.

In addition, cap-and-trade regulation enables utilities to take risks with new and innovative control technologies without fear of being penalized for failing to meet a mandated emissions ceiling.

Just as important, mercury trading would produce dramatic emissions reductions without creating adverse localized environmental or health impacts in the Great Lakes basin or elsewhere. Most power plant mercury emissions dissipate globally, while those forms of mercury that tend to deposit nearby will be captured by newly mandated equipment to control sulfur dioxide and nitrogen oxides.

Done right, a national cap-and-trade program is the most sensible way to reduce mercury emissions from electric utilities.

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