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MEDIA

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PROGRESS REPORT

TALKING POINTS

CARTOONS

COLUMNS

BOOKS

STATE AND LOCAL

CAMPUS PROGRESS

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## COLUMNS

[Home](#) > [Columns](#) > [Guests](#) > [A Perfect Storm](#)*A Perfect Storm: Mercury and the Bush Administration*by Lisa Heinzerling and Rena Steinzor  
March 17, 2004

In October 1991, a number of separate weather systems converged off the coast of New England, creating a storm stronger than any in recorded history, with winds of 120 miles per hour and waves the height of 10-story buildings. Meteorologists dubbed the results "the perfect storm" - no one caught in the middle could survive.

For the Bush administration, mercury contamination is the regulatory equivalent of the perfect storm. Four separate fields - science, law, economics, and justice - have combined to demand strict and timely controls on the intolerable hazards mercury poses for public health and the environment. While many expected the Bush administration to search for escape routes that favor its friends in the chemical and energy industries - which produce the lion's share of mercury - none were prepared for its headlong plunge into the tallest waves. Just as the doomed fishermen of the Andrea Gail sailed into the storm despite clear warnings, the administration is likewise proceeding with business as usual. This means no requirements for industrial plants to reduce pollution at the smokestack and no expectation that the oldest, dirtiest plants install modern pollution controls. Meanwhile, the clear and present danger posed by mercury is being ignored.

Mercury emissions contaminate lakes, rivers, coastlines and other water bodies, poisoning fish and eventually the people who eat them. The EPA recently estimated that 630,000 of 4 million American newborns each year are at risk because of unsafe levels of mercury in their blood. Data assembled by the Centers for Disease Control and Prevention (CDC) demonstrates that 8 percent of American women of child-bearing age have levels of mercury in their bloodstreams high enough to harm developing fetuses. This damage will continue indefinitely unless action is taken.

As for the law, tough action is required. In December 2000, the EPA concluded that mercury is a "hazardous pollutant" under the Clean Air Act, requiring the strongest possible controls that are technologically feasible. This would dramatically cut the 48 tons of mercury emissions spewed by power plants each year, and mandate the shut-down of nine outmoded chlor-alkali plants that make chlorine by using mercury cells, a process that releases 65 tons of "fugitive" mercury emissions annually. Unfortunately, the Bush administration has ignored the law in both contexts, delaying effective controls on power plant emissions until at least 2018 and giving the nine old dirties a permanent exemption from pollution controls.

Both decisions are penny-wise and pound foolish for everyone but the industrial giants who stand to reap profits from such exemptions. Economic analysis shows that the benefits of regulating mercury from power plants - even if one considers only the "ancillary" benefits that come when other pollutants are reduced as a result of mercury controls - overwhelm the costs. In the case of chlor-alkali facilities, for instance, 34 out of the nation's 43 plants already produce chlorine without emitting mercury; shutting down the nine that do would yield significant health benefits with little if any effect on consumers.

Finally, basic principles of justice demand protection for those especially vulnerable to mercury contamination -- children, pregnant women, communities of color, and those who depend on fishing for subsistence. The 2002 National Listing of Fish and Wildlife Advisories revealed that the number

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turning point for environmental protection. Will it be allowed to ignore the clear implications of science, law, economics, and justice? If so, the administration will not only have survived, it will have turned the storm's overwhelming force back on the public, leaving parents and children to suffer the consequences.

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