



Legislation Details (With Text)

**File #:** Res 0285-2004      **Version:** \*      **Name:** US Environmental Protection Agency to establish a mandatory 90% plant-by-plant mercury emission reduction standard for coal-fired power plants by the year 2008.

**Type:** Resolution      **Status:** Filed

**In control:** Committee on Environmental Protection

**On agenda:** 4/21/2004

**Enactment date:**      **Enactment #:**

**Title:** Resolution calling upon the United States Environmental Protection Agency to establish a mandatory 90 percent plant-by-plant mercury emission reduction standard for coal-fired power plants by the year 2008 and withdraw its proposed Utility Mercury Reductions Rule.

**Sponsors:** James F. Gennaro, Gifford Miller, Christine C. Quinn, David Yassky, Charles Barron, Gale A. Brewer, Yvette D. Clarke, Eric N. Gioia, Allan W. Jennings, Jr., John C. Liu, Margarita Lopez, Michael C. Nelson, Bill Perkins, Domenic M. Recchia, Jr., Joel Rivera, James Sanders, Jr., Peter F. Vallone, Jr., David I. Weprin

**Indexes:**

**Attachments:** 1. Memo In Support

Date	Ver.	Action By	Action	Result
4/21/2004	*	City Council	Introduced by Council	
4/21/2004	*	City Council	Referred to Comm by Council	
12/31/2005	*	City Council	Filed (End of Session)	

Res. No. 285

Resolution calling upon the United States Environmental Protection Agency to establish a mandatory 90 percent plant-by-plant mercury emission reduction standard for coal-fired power plants by the year 2008 and withdraw its proposed Utility Mercury Reductions Rule.

By Council Members Gennaro, The Speaker (Council Member Miller), Quinn, Yassky, Barron, Brewer, Clarke, Gioia, Jennings, Liu, Lopez, Nelson, Perkins, Recchia, Rivera, Sanders, Vallone and Weprin

Whereas, On December 2003 the United States Environmental Protection Agency (“EPA”) issued a proposed Utility Mercury Reductions Rule (Docket ID No. OAR-2002-0056) to limit mercury emissions by coal-fired power plants; and

Whereas, The EPA’s proposed rule consists of two inadequate proposed alternatives for controlling mercury, one alternative requiring power plants to install controls loosely following a maximum achievable control technology (MACT) standard pursuant to section 112 of the Clean Air Act, and one alternative creating a market-based “cap-and-trade” plan allowing power plants to buy and sell the rights to emit mercury into to the air; and

Whereas, The Council of the City of New York (“The Council”) is deeply concerned that power plants are likely to purchase pollution rights under a “cap-and-trade” system, rather than cut emissions, and both

proposed alternatives fail to provide a mercury emissions plan that will benefit both personal and environmental health by reducing mercury emissions from power plants using the best control technologies available; and

Whereas, Mercury, as noted in the EPA's website, "is a toxic, persistent pollutant that accumulates in the food chain"; and

Whereas Fossil fuel-fired utilities are the largest source of human-generated mercury emissions in the United States and coal-burning power plants account for about 40% of the mercury emissions in the United States, by far the nation's largest single source of unregulated emissions of mercury, spewing about 48 tons of it a year; and

Whereas, New York is particularly vulnerable to mercury pollution because many of these utilities are upwind of New York and are disproportionately responsible for our acid rain, ozone-smog and mercury problems; and

Whereas, Mercury can fall to the ground with rain and enter water bodies in a process known as deposition and, once there, it can be transformed into its most toxic form, methyl mercury, and accumulate in fish and animal tissues; and

Whereas, According to the New York State Department of Health, fish from 44 water bodies in New York State have mercury levels that are greater than federal standards, which is a troubling fact since recreational fishing generates over \$1 billion annually for the New York State economy alone and the expanding number of water bodies with contaminated fish will affect fishing habits and may drive away much-needed recreational dollars; and

Whereas, The American Heart Association recommends that people eat a variety of fish at least twice a week, even more for those diagnosed with heart disease because of the omega-3 compounds it contains that can benefit the heart; and

Whereas, The EPA noted that "Fish remains one of the most healthful foods to include in a well-balanced diet"; and

Whereas, According to the EPA, "Americans are exposed to mercury primarily by eating contaminated fish"; and

Whereas, Humans who unknowingly eat contaminated fish are at great risk of ingesting dangerous levels of mercury and, once in the human body, mercury acts as a neurotoxin, interfering with the brain and nervous system; and

Whereas, The EPA, the United States Department of Health and Human Services and the United States Food and Drug Administration are so concerned with the high levels of mercury contained in some fish and shellfish that they jointly issued in March 2004 a federal advisory for mercury in fish noting that consumption "may harm an unborn baby or young child's developing nervous system"; and

Whereas, According to a news article which appeared in the March 16, 2004 issue of The New York Times, the "Centers for Disease Control and Prevention has estimated that one in eight women have mercury concentration in their bodies that exceeds safety levels"; and

Whereas, According to the EPA “[c]hildren who are exposed to low concentrations of methylmercury prenatally are at increased risk of poor performance on neurobehavioral tasks, such as those measuring attention, fine motor function, language skills, visual-spatial abilities, and verbal memory”; and

Whereas, In light of the alarming health threats posed by mercury, it is incumbent upon us as public servants to address the root of the problem by requiring power plants to reduce their mercury emissions using the best control technologies available; and

Whereas, The EPA’s proposed MACT alternative seeks to reduce nationwide utility emissions of mercury by about only 30 percents by early 2008 and the “cap-and-trade” alternative seeks a national reduction of nearly 70 percent by 2018; and

Whereas, There are air pollution controls that achieve mercury reductions of more than 90 percent; and

Whereas, The Public Service Enterprise Group (PSEG), an energy services company headquartered in Newark, New Jersey, worked together with several environmental groups in developing legislation to limit mercury emissions from coal-fired power plants in Connecticut, which is effective in July 2008, and will result in up to 92 percent reduction in the mercury emissions at the PSEG’s Bridgeport Harbor station;

Whereas, Mercury is acutely toxic even at low levels and, as such, should be subject to much more stringent plant-by-plants controls; and

Whereas, No geographic area should suffer disproportionately as the EPA’s proposed rule would allow; and

Whereas, According to an April 6, 2004 op-ed column in The New York Times, “In 2000, the E.P.A. determined that mercury is a hazardous substance as defined by the Clean Air Act, which requires that such substances be strictly controlled. E.P.A. staff estimated that enforcing this requirement would lead to a 90 percent reduction in power-plant mercury emissions by 2008”; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Environmental Protection Agency to establish a mandatory 90 percent plant-by-plant mercury emission reduction standard for coal-fired power plants by the year 2008 and withdraw its proposed Utility Mercury Reductions Rule.

RC 4-6-04  
LS # 778