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Statement by Rep. Henry A. Waxman

April 29, 2004

The Bush Administration's mercury proposal is a travesty of environmental regulation. The proposed approach is illegal under the Clean Air Act, a betrayal of EPA's responsibility to protect public health, unsupported by analysis, and opposed by the American people. Industry lawyers even wrote sections of the proposal.

Every year some 600,000 babies are born in the U.S. with mercury in their blood above the levels considered safe. Fishermen have been warned not to eat the fish from lakes and streams across this country, and along much of our coasts, due to mercury contamination. EPA must implement the law that Congress passed and protect our environment from toxic mercury emissions.

To do this, EPA must conduct the analysis necessary to make an informed judgment on mercury controls. It's too late for vague promises. We need to hear from Administrator Leavitt whether he will follow the recommendations made by EPA's public advisory group.

The states, environmentalists, and some industry representatives have all called for analysis of a range of options for mercury control. About a year ago, with my colleagues Senator Pat Leahy, Representative Tom Allen, and Representative Jan Schakowsky, I urged Administrator Whitman to conduct this analysis.

But a year later, EPA still has failed to analyze the full range of options for mercury control. There is no justification for suppressing this critical technical information. Today, we are sending a letter to Administrator Leavitt reiterating this message: EPA must analyze the full range of mercury control options and must issue a new proposal based on all of the data.

If Administrator Leavitt wants to fix this rule he has to act now. Up to now, EPA has buckled under to the White House and the power industry. Administrator Leavitt has one more opportunity to conduct an intellectually honest, open, and defensible rulemaking, and I urge him to seize it.