

105TH CONGRESS  
1ST SESSION

# S. CON. RES. 28

Expressing the sense of Congress that the Administrator of the Environmental Protection Agency should take immediate steps to abate emissions of mercury and release to Congress the study of mercury required under the Clean Air Act, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 22, 1997

Mr. LEAHY (for himself, Mr. WELLSTONE, Mr. LEVIN, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. FEINGOLD, and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Environment and Public Works

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## CONCURRENT RESOLUTION

Expressing the sense of Congress that the Administrator of the Environmental Protection Agency should take immediate steps to abate emissions of mercury and release to Congress the study of mercury required under the Clean Air Act, and for other purposes.

Whereas there has been a two-to-threefold global increase in mercury in the environment since the 1850's, increases of 3 times have been found in wilderness areas of the United States, and much higher increases have been found in developed areas of the United States;

Whereas mercury is truly a State, national, and international concern because mercury is atmospherically transported indiscriminately across political boundaries;

Whereas atmospheric deposition resulting from human activities, including area sources, waste incineration and disposal, and fossil fuel burning contributes to mercury loading in the environment;

Whereas mercury is a persistent bioaccumulative toxic substance that presents particular problems in aquatic systems;

Whereas fish consumption advisories have been issued for at least 1,500 water bodies in 37 States, including Vermont, because of high levels of mercury contamination in fish, resulting in losses to tourism and fishing industries and related activities;

Whereas, according to estimates by the Administrator of the Environmental Protection Agency, each year in the United States between 80,000 and 85,000 pregnant women are exposed to mercury levels high enough to produce risk to their children;

Whereas the study of mercury required under section 112(n)(1)(B) of the Clean Air Act (42 U.S.C. 7412(n)(1)(B)), required to be completed by November 15, 1994, represents the best information in the world on the use, generation, and disposal of mercury;

Whereas the Administrator of the Environmental Protection Agency effectively completed the draft report in 1995, but has continually delayed submittal of the study to Congress;

Whereas there are known substitutes for most mercury-containing products and devices, except for high-efficiency lighting;

Whereas over 500,000,000 mercury-containing lamps are annually produced in the United States, representing one of the largest sources of mercury in municipal waste streams, and typical waste management practices involve compaction, which results in mercury releases, before and during disposal;

Whereas landfill air emissions test data for mercury is lacking;

Whereas the Administrator of the Environmental Protection Agency is establishing simultaneously maximum achievable control technologies for mercury sources pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.), proposing tightening water quality criteria for mercury under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), placing priority on mercury-contaminated superfund sites, but is proposing to exempt mercury-containing lamps from hazardous waste regulations;

Whereas the United States and Canada have jointly agreed in the Agreement on Air Quality, Agreement on Great Lakes Water Quality, 1978, and Agreement on Virtual Elimination of Persistent Toxic Substances in the Great Lakes Basin to control transboundary emissions and to cooperate on research and development projects to eliminate toxic substances, including mercury; and

Whereas Federal and State governments have taken many actions to reduce mercury in the environment: Now, therefore, be it

1       *Resolved by the Senate (the House of Representatives*  
2   *concurring),*

3   **SECTION 1. SENSE OF CONGRESS.**

4       It is the sense of Congress that the Administrator  
5   of the Environmental Protection Agency should—

6           (1) immediately release to Congress the study  
7       of mercury required under section 112(n)(1)(B) of  
8       the Clean Air Act (42 U.S.C. 7412(n)(1)(B));

9           (2) initiate a pilot program for landfill air emis-  
10      sion tests for mercury in the Northeast and nation-  
11      ally; and

12          (3) not exempt mercury-containing lamps from  
13      hazardous waste regulations, but should instead  
14      adopt universal waste rules that foster mercury recy-  
15      cling.

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