

My Governor is also deeply concerned. He brought in the gasoline station operators to find out why prices were the third highest in the Nation. Little Maryland, behind California. And who are the other two highest? New York and the District of Columbia, our neighbor.

What are we saying? The average price in Maryland is over \$3, compared to \$2.46 just a month ago. Throughout the Baltimore-Washington corridor, gas is selling at \$3.49, \$3.39. But do you know what. We think there is some kind of deal going on because it can vary within a 3-mile radius. Over where I live, gas has been selling for \$3.63 a gallon. If you go into another neighborhood, just 5 miles away, it is selling for \$3.03—a 60-cent-a-gallon difference.

Tell me, who is pulling the strings? Who is setting these prices? Well, right now, we could end up just with finger-pointing. I want to pinpoint the problem.

First of all, I salute Governor Ehrlich for convening the meetings he had. His meetings broke up, and he was not satisfied. He is going the next step. I want us to now operate on facts because we see how gasoline prices are affecting families, such as the cost of commuting to work, and Maryland is a commuter State.

The price of gasoline is skyrocketing. It is affecting small businesses, from the florists who deliver flowers, to the pharmacies that deliver prescription drugs, and so on.

Then, you look at our businesses. So much of our food supply comes to our communities, our wonderful supermarkets, by truck. Also, you go out along the Chesapeake Bay where people love our crabs, but my watermen are just aghast at what it costs to take their boats out to harvest seafood.

So I could give story after story. But Marylanders want to know, is there price gouging? If there is, we have to go after it and stop it. We know there are record high profits in the oil and gas industry. We know there is price variance with the oil companies. We know there is price variance even block by block as to how much consumers are being charged for gasoline.

But, most of all, we know there is going to have to be shared sacrifice because of Katrina. We are going to have to examine how we build refineries in our country. We have to have an oil conservation strategy; conservation could be our next North Slope. We should focus on those things.

But right now I am worried about what is being charged at the pump. We want to make sure there is not price gouging, and that there is not price fixing. We are asking the Federal Trade Commission to investigate. I want to advocate an amendment to put money in the Federal checkbook to do so.

Mr. President, know that we Marylanders want to move ahead, we want to cooperate, but we want to know why gasoline is so expensive and what is behind the price spikes and price fluctuations?

And hello, oil companies out there, if you are listening, if you want to respond to me, I am right there at 503, in the Senate Hart Building. I have an open line to listen to what you have to say because I am getting an earful in Maryland.

Mr. President, I yield the floor.

DISAPPROVING A RULE PROMULGATED BY THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

The PRESIDING OFFICER. Under the previous order, the hour of 12:10 having arrived, the Senate will proceed to the consideration of S.J. Res. 20, which the clerk will report.

The legislative clerk read as follows:

A resolution (S.J. Res. 20) disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility users from the source category under the Clean Air Act.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes equally divided for debate between the Senator from Oklahoma, Mr. INHOFE, and the Senator from Vermont, Mr. LEAHY, or their designees.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I think we have now agreed by UC that we will begin our equally divided 20 minutes at 20 minutes past the hour.

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. That being the case, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I would ask Senator INHOFE and Senator LEAHY if we could start the 20 minutes now.

Mr. INHOFE. I have no objection.

Mr. LEAHY. I have no objection.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes evenly divided for debate between the Senator from Oklahoma, Mr. INHOFE, and the Senator from Vermont, Mr. LEAHY, or their designees.

Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I discussed this with the distinguished Senator from Oklahoma. I yield 3 minutes, first, to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 3 minutes.

Mr. LAUTENBERG. Mr. President, very quickly, we are about to vote on an issue that really has to touch every one of us in some form or fashion, if one is a parent or one is a grandparent or if one has any contact with children, as to the kind of issue we are discussing.

I will start off by seeking unanimous consent that letters and other material in support of this resolution from environmental, sportsmen, fishing, and religious groups be printed in the RECORD following my remarks.

The list is long. They talk about the health community having grave concerns about the threat of mercury pollution to the public health, about potent neurotoxins that can affect the brain, heart, and immune system. There are almost 40 organizations cited in this one letter. They include organizations such as the American Academy of Child and Adolescent Psychiatry, the American Association on Mental Retardation. A lot of these groups are focused on the thought process—Cure Autism Now, Learning Disabilities Association, the National Autism Association, the Society of Pediatric Nurses, and United Cerebral Palsy.

Mr. President, I ask unanimous consent that these materials be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LAUTENBERG. Mr. President, I suspect most Americans are going to be shocked to learn the administration wants to allow more poisonous mercury into the environment. But that is exactly what they are trying to do. We should not permit this vote to take place as it is.

I hear the arguments that are being made that reducing toxic emissions from coal-fired plants may in fact increase the cost of energy, that it would be terrible. People are being shocked by the cost of fuel and energy generally.

But if you want to look at a bunch of children and say, "No, we are going to risk these children having learning disabilities and to not be able to function properly, not be able to be an integral part of their school body as would be planned," as opposed to perhaps—perhaps—the energy we use costing a couple more cents, there cannot be any justification for this resolution not to pass.

I hope our colleagues in the Senate will look very closely at the decision they are making, between children and a little extra cost for energy.

JULY 27, 2005.

EXHIBIT 1

DEAR SENATOR: As leading national health organizations, we are writing to ask that you vote to protect the public's health, especially children's health, from the threat of mercury pollution. The upcoming vote on the Collins-Leahy joint resolution to stop EPA from implementing its new Mercury Clean Air Rule is an opportunity to put children's health first. Since EPA unfortunately ignored the calls from health professionals, scientists, a number of states, our organizations and the public when it finalized the mercury rule earlier this year, we now turn to Congress to ask for your intervention.

The health community has grave concerns about the threat of mercury pollution to public health. Mercury is a potent

neurotoxin that can affect the brain, heart, and immune system. Developing fetuses and children are especially at risk; even low-level exposure to mercury can cause learning disabilities, developmental delays, lowered IQ, and problems with attention and memory. EPA scientists estimate that one in six women of child-bearing age has enough mercury in her body to put her child at risk should she become pregnant. Mounting evidence also indicates that mercury increases the risk of cardiovascular diseases in adult men.

As organizations representing medical, nursing and public health professionals, women, and advocates of children and families, we are concerned that the American public is not adequately protected from exposure to mercury in the environment. Many of our members (most notably physicians, nurses, and health scientists) contributed their clinical and research expertise in commenting on the EPA's rule; nearly 700,000 comments, including the attached mercury health consensus statement, were submitted to the EPA docket in overwhelming opposition to this flawed proposal. Of particular note:

The EPA's own Children's Health Protection Advisory Committee (CHPAC) advised the Agency that the rule "does not go as far as is feasible to reduce mercury emissions from power plants and thereby does not sufficiently protect our nation's children," writing four letters to the Agency raising significant children's health concerns about the rule;

Important new research that EPA failed to consider from the Harvard Center for Risk Analysis and the Mount Sinai School of Medicine reinforces the National Academy of Sciences' (NAS) determination that methylmercury exacts serious, adverse effects on public health, and provides new evidence that mercury pollution inflicts neurocognitive impacts on developing children that affect our nation's economic productivity;

Both the Government Accountability Office (GAO) and EPA's own Inspector General documented widespread discounting of scientific and public health evidence as EPA developed and finalized the mercury rule.

As a nation we can do better. EPA articulated a sound scientific basis for its decision in 2000 to list mercury emissions from power plants as a "hazardous air pollutant," ensuring regulation under the maximum achievable control technology (MACT) section of the Clean Air Act. The scientific evidence of harm has only grown in the last 5 years, adding significant additional weight to EPA's earlier determination. Moreover, substantial evidence exists that power plants can affordably install the necessary technologies by 2008. Yet remarkably, the mercury rule finalized in March 2005 is even weaker than the rule initially proposed by EPA in 2003.

We urge you to protect women and children from toxic mercury by supporting the joint resolution, sponsored by Senators Patrick Leahy and Susan Collins under the Congressional Review Act (S.J. Res. 20), to disallow the EPA's flawed mercury rule. In some important respects, mercury pollution is the lead of our generation and it deserves to be treated as a serious threat to public health. We strongly urge you to protect Americans from mercury pollution by supporting the Leahy-Collins resolution.

Sincerely,

American Academy of Child and Adolescent Psychiatry.

American Academy of Pediatrics.

American Association on Mental Retardation.

American College of Nurse-Midwives.

American College of Preventive Medicine.

American Federation of State, County and Municipal Employees.

American Nurses Association.

American Psychiatric Association.

American Public Health Association.

Association of Reproductive Health Professionals.

Association of Universities on Disabilities.

Breast Cancer Fund.

Center for Children's Health and the Environment, Mount Sinai School of Medicine.

Children's Environmental Health Network.

Commonweal.

Cure Autism Now.

Easter Seals.

Families USA.

Healthcare Without Harm.

Institute for Children's Environmental Health.

Learning Disabilities Association.

March of Dimes.

National Association of Nurse Practitioners in Women's Health.

National Association of Pediatric Nurse Practitioners.

National Association of School Nurses.

National Autism Association.

National Latina Institute for Reproductive Health.

National Organization of Nurse Practitioner Faculties.

National Partnership for Women and Families.

National Research Center for Women & Families.

NoMercury.

Parents for Nontoxic Alternatives.

Physicians for Social Responsibility.

SafeMinds.

Saratoga Foundation for Women Worldwide, Inc.

Science and Environmental Health Network.

Society of Pediatric Nurses.

The Arc of the United States.

United Cerebral Palsy.

SEPTEMBER 9, 2005.

DEAR SENATORS: As organizations that represent millions of sportsmen and women nationwide, we write to ask for your support of an effort underway in the U.S. Senate to require the U.S. Environmental Protection Agency to revisit its recently finalized mercury rule for coal-fired power plants.

Hunting and fishing is more than a pastime in the United States. It is a way of life, a tradition that is passed down from one generation to the next. It's what shapes young children's relationship and connection to their natural world. Fishing also is a big contributor to our local economies, contributing \$116 billion annually to the national economy.

Last year, many of our members expressed concern about mercury's impacts on people and wildlife and urged then Administrator Leavitt to strengthen its mercury rule for coal-fired power plants. Unfortunately, the final rule fails to adequately protect people and wildlife and delays mercury controls for another decade.

Mercury pollution poses a threat to fisheries and to the people, wildlife, and businesses that depend on clean water and safe fish. Recently published research found that mercury's impact on wildlife is greater than initially believed. The reproduction of fish, birds, and fish-eating mammals are all harmed due to mercury's toxic properties.

You have a unique opportunity under the Congressional Review Act to send the mercury power plant rule back to the EPA for a thorough review. Our members want to share the experience of hunting and fishing in our nation's waters for generations to come. Your leadership in reversing mercury contamination in the U.S. will make this pos-

sible and help ensure that our natural resources are protected for our children.

Sincerely,

JIM LYON,

Senior Vice President
for Conservation,
National Wildlife
Federation.

TOM FRANKLIN,

Conservation Director,
Izaak Walton
League of America.

STEVE MOYER,

Vice President for
Government Affairs
& Volunteer Oper-
ations, Trout Unlim-
ited.

JULY 21, 2005.

DEAR SENATOR: We urge you to protect women and children from toxic mercury by supporting a joint resolution, sponsored by Senators Patrick Leahy and Susan Collins under the Congressional Review Act (S.J. Res. 20), to reject the Environmental Protection Agency's (EPA) recent rule to delay reductions in mercury emissions from power plants for years to come. In particular, the resolution would disapprove a rule that removes power plants from the sources required by law to install strict controls to reduce their toxic pollution, including mercury.

Mercury is a potent neurotoxin that can affect the brain, heart, and immune system. Developing fetuses and children are especially at risk; even low-level exposure to mercury can cause learning disabilities, developmental delays, lowered IQ, and problems with attention and memory. EPA scientists estimate that one in six women has enough mercury in her body to put her child at risk should she become pregnant. Mounting evidence also indicates that mercury increases the risk of heart attacks in adult men. People of color are particularly at risk from the effects of mercury pollution. Research shows minorities consume fish more frequently than other populations and are less likely to be aware of fish consumption advisories.

Mercury pollution is so pervasive that 44 states have posted fish consumption advisories due to mercury contamination. In half of these states, the advisories cover every lake and/or river in the state.

In addition to human impacts, mercury also significantly threatens wildlife. For instance, recent studies have revealed widespread contamination of aquatic ecosystems. New research also shows that many animals—including forest songbirds and salamanders in national parks—have elevated mercury burdens.

Power plants are the largest U.S. source of mercury emissions. Yet, rather than enforce the Clean Air Act, which requires each power plant to achieve the maximum degree of reduction in mercury pollution (on the order of 90 percent) by 2008, EPA has finalized new rules that allow significantly more mercury pollution from power plants and even then delay the weaker required reductions until after 2026.

The Leahy-Collins resolution would reject EPA's categorical exemption of power plants from the highly protective emission standards mandated by the Clean Air Act's hazardous air pollution control program and would instead require EPA to establish clean air standards that comply with the law and protect public health. We strongly urge you

to protect Americans from mercury pollution by supporting the Leahy-Collins resolution.

Sincerely,

Andy Imparato, President & CEO, American Association of People with Disabilities; S. Elizabeth Birnbaum, Vice President for Government Affairs, American Rivers; Wendi Hammond, Executive Director, Blue Skies Alliance; Glenn Wiser, Senior Attorney, Center for International Environmental Law; Kim Coble, Maryland Executive Director, Chesapeake Bay Foundation; Conrad G. Schneider, Advocacy Director, Clean Air Task Force; Lynn Thorp, National Campaigns Coordinator, Clean Water Action; Linda Sherry, Director of National Priorities, Consumer Action; Marty Hayden, Legislative Director, Earthjustice; Josh Irwin, Director, Environmental Action; Elizabeth Thompson, Legislative Director, Environmental Defense; Ilan Levin, Counsel, Environmental Integrity Project; John Passacantando, Executive Director, Greenpeace USA; Gabriela Lemus, Director of Policy and Legislation, League of United Latin American Citizens; Kay J. Maxwell, President, League of Women Voters of the United States; Hilary Shelton, Director of Washington Bureau, National Association for the Advancement of Colored People;

Betsy Loyless, Senior Vice President, National Audubon Society; John Stanton, Vice President, National Environmental Trust; Roger Rivera, President & Founder, National Hispanic Environmental Council; Mark Wenzler, Director, Clean Air Program, National Parks Conservation Association; Kimberly Barnes-O'Connor, Deputy Executive Director, National PTA; Manuel Mirabal, President & CEO, National Puerto Rican Coalition; Karen Wayland, Legislative Director, Natural Resources Defense Council; Debbie Sease, Legislative, Director Sierra Club; Stephen Smith, Executive Director, Southern Alliance for Clean Energy; Anna Aurilio, Legislative Director, U.S. Public Interest Research Group (PIRG); Roxanne D. Brown, Legislative Representative, United Steelworkers; and Tom Z. Collina, Executive Director, 20/20 Vision.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield 2 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I will be brief but concise.

This is not a vote about reducing mercury by 90 percent by 2009 or even 70 percent by the year 2030. That is a red herring.

This is not a vote about the opponents' wildly outdated claims on the potential cost or the availability of mercury controls.

This is not even a vote about the well-documented and devastating effects of toxic mercury on future generations of children or the Nation's environmental health.

Mr. President and Senators, this is a vote about whether the administration failed to comply with the law. We can-

not afford to get it wrong now. There will be no going back.

After careful review, I have concluded that there was such a failure that this was an intentional and illegal effort to circumvent the law, and that it was designed to benefit big energy companies at the expense of the public health.

This failure has been documented in reports by GAO, the Inspector General, in the press, and in testimony before the Environment Committee and the Democratic Policy Committee.

Our resolution sends the agency back to the drawing board to get it right and to comply with the law.

Mr. President and Senators, it is this simple: Should the administration comply with the Clean Air Act? I think so and will vote yes. If you think so, vote yes on this resolution.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, let me make 10 points and make them very succinctly and very quickly. I timed myself, and I can do it in this time.

So I start off with, in reality, this is a political exercise in futility. Every Senator in this Chamber knows it. Who in this Chamber would truly believe the President would sign legislation to repeal his own administration's rule? It is not going to happen. Yesterday, the President said he would veto it. That is a done deal. That is a no-brainer. We understand that.

Now, if you want political points with some of the far left environmentalist groups, sure, this might be your opportunity to get it. But you know it is not going to happen.

Secondly, overturning this rule would delay the rule that is already in effect right now. This President has a good rule. It is a cap-and-trade rule. Prior to this, nobody else was able to do it. But he is doing it.

Third—this is very important—the Senator from Vermont was commenting about some people giving false financial information. I think we know from the Energy Information Administration that the cap-and-trade rule—this approach to it—would cost about \$2 billion. This is what is in place right now. This is what the President has done.

In the event they should substitute that for a MACT rule, the Energy Information Administration said it would cost \$358 billion. Now, that is how much it would cost. But I think there is a lot more than that. You have to keep in mind if you pass this rule, if this were to take place today, that would have the effect of shutting down coal-fired plants. You would have to replace them with natural gas. That natural gas has already gone up in price.

I have here today, from Oklahoma, the Oklahoma Farmers Union. They can tell you, the cost of fertilizer has gone up 70 percent just in the last short

period of time. If you start using natural gas in the plants, there is going to be far less of it available. We have driven 90,000 chemical manufacturing jobs overseas because of the problems they have been having with natural gas right now. So it would be that much worse.

The fourth thing is, they say this is not going to work. It has already been said. It was said yesterday and this morning that the cap and trade does not work. This is patterned after the Acid Rain Program. The Acid Rain Program is considered to be a success. Many Senators—and I do not blame them—have resisted the idea of a cap-and-trade program. They said all kinds of things were going to happen with acid rain, and it did not happen. Even the senior Senator from Vermont said—this is in 1999 when we had the acid rain proposal—

When we were debating controls for acid rain we heard a lot about the enormous cost of eliminating sulfur dioxide. But what we learned from the acid rain program is that when you give industry a financial incentive to clean up its act, they will find the cheapest way [to do it].

That is exactly what happened. That is what is going to happen in this case.

The fifth thing is that the sponsors of this resolution talk about the fact that a MACT program would give a 90-percent reduction in 3 years. I think it might be very interesting for these people to go back and research that 2 years ago, when we were developing the cap-and-trade proposal for mercury, they considered at the same time a MACT approach. Their modeling showed they could only cut mercury by 29 percent, not the 90 percent we are talking about now. It is all in the record. It is all there in the EPA. They have that information.

So it is not 90 percent. Even if you were to take this, it would be 29 percent as opposed to the mandated 70-percent reduction that is in the cap-and-trade proposal by the President.

The sixth thing is that U.S. powerplants contribute but 1 percent to the global total of mercury emissions. This is kind of interesting. Everyone is talking about powerplants now, that we have to do something about powerplants, when in fact powerplants are not the contributors. The U.S. Environmental Protection Agency and the Norwegian Institute of Air Research did a long, involved study on this issue. They said, of all the release—you can see it in this chart right here—only 1 percent comes from U.S. powerplants. So we are talking about 1 percent of the mercury that is released. That is all, just 1 percent.

The next thing I would like to mention—I will use two charts for this—if we were to use, right now, the computer modeling, the first map shows the mercury deposits from all sources in 2001. That is where it is right now. We can see it over here in this area, I say to my good friends, Senator JEFFORDS and Senator LEAHY. It is over 20

micrograms per square meter. That is what is happening today.

Now, the next chart shows what would happen if you did away with all powerplants by the year 2020. You can see it really is not that different. So it gets right back to that chart that only 1 percent is affected to begin with.

The seventh reason is that repealing the rule would be a rollback in the first ever mercury regulation to control powerplants. I hope everybody understands that powerplants have never been regulated for mercury.

It hasn't happened. It has never happened. They tried it in the Carter administration. Many of us wanted that to happen. I wasn't here at that time, but the Carter administration punted it to the Reagan administration. The Reagan administration didn't do it. They didn't regulate mercury. They punted it to the Bush 1 administration. He didn't do it. He punted it to President Clinton. The Clinton administration did nothing toward regulation of mercury. He punted it to the current administration and they are doing it. We are now regulating mercury for the first time in the history of this country. It is this administration that is doing it.

The eighth reason is, of the 144 tons of mercury deposited yearly in the United States, only 11 tons come from U.S. powerplants. With the new rule, that amount will drop down to 3.4 tons.

Then, No. 9, it is easy to scare people. We are really good at that, talking about how many people are going to die. It is very interesting. I want people who are scared because they have heard politicians talking about the doom and gloom of this thing to look at the NHANES study which shows that not a single woman or child has a blood mercury level approaching the level at which even the smallest effect was observed by the study.

Lastly, even if it worked, the technology is not there. If we should adopt this, the technology is not there.

I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Vermont has 5 minutes remaining. The Senator from Oklahoma has 2 minutes 37 seconds remaining.

Mr. LEAHY. I yield 2 minutes to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Let me be clear: Similar to everybody else, I want to minimize fuel switching which could drive up the cost of natural gas even further. I, too, want coal to continue to be the backbone of our electricity-generating sector. Adopting a strong mercury rule is not inconsistent with either of those goals. It is consistent with protecting the health of pregnant women and children, among the most vulnerable members of our society.

The fears about the impacts of a strong mercury rule on coal and natural gas are unfounded. I am not aware of credible evidence that shows that powerplants will switch from coal to natural gas in order to comply with a more stringent mercury rule. The Energy Information Administration tried to say that fuel switching will occur. But listen to some of the assumptions they adopted to reach that conclusion.

First, they had to assume that natural gas prices would fall to \$3.50 per thousand cubic feet 5 years from now in order to show that it would make economic sense for powerplants to switch from coal to natural gas. Let me tell you how much natural gas cost last week: \$12. The week before Katrina hit, it was \$9.50. I don't think there is any way natural gas prices are going to be \$3.50 5 years from now. I hope I am wrong, but the odds are I am not.

Second, the Energy Information Administration had to assume that technology to control mercury does not exist. It does exist. There are already powerplants in the Northeast that have been reducing their mercury pollution by more than 80 percent for the last 5 years. Last month, Colorado-based ADA-Environmental Solutions was awarded another contract to install new mercury control technologies on two new powerplants being built in the Midwest.

The technology has been developed. The technology is being implemented. We can do better than the Bush rule. We can do better than that and we should. We have an obligation to our constituents, and we can do it in a way that balances our needs to preserve coal and to protect the most vulnerable among us.

S.J. RES 20

Mr. KENNEDY. Mr. President, I strongly support S.J. Res. 20, and I commend Senator LEAHY for sponsoring the resolution to block the EPA's mercury cap and trade rule.

The mercury rule is a rule that only an administration bought and paid for by big energy could love. It's a shameful rollback of the Clean Air Act to allow owners of fossil fuel power plants to avoid the expense of installing new technology to reduce dangerous emissions.

Mercury is an extremely dangerous neurotoxin that accumulates in the environment. It is particularly harmful to pregnant women, and puts the fetus at risk of serious developmental disorders.

The Centers for Disease Control has reported that 630,000 of the 4 million infants born in the United States each year—16 percent—are at risk for mercury-related brain damage. In the Northeast, this figure translates into over such 84,000 newborns per year.

Last week, the Mount Sinai School of Medicine Center for Children's Health and the Environment reported that the cost to the Nation of the impact of

mercury on children's brain development is \$2 billion a year.

These newborns are being poisoned by the mercury which coal-fired power plants spew into the air and eventually pollutes the water, and enters the food chain. Mercury advisories now apply to nearly a third of the area of America's lakes and 22 percent of the length of our rivers.

Incredible as it seems, however, EPA—the agency charged with protecting the environment—has issued a rule that would actually lead to more of this toxin in the water we drink and the air we breathe.

Obviously, it's important to have adequate power to keep the lights on. But we also need to protect our children's health. We can do both by requiring that power plants use the best technology to control mercury emissions.

I urge my colleagues to vote for passage on this needed resolution to restore a sensible anti-mercury policy for the Nation.

Mr. SPECTER. Mr. President, I have sought recognition to give my reasons for voting against the so-called Leahy-Collins resolution.

I believe mercury pollution is a real problem, particularly for vulnerable populations, including children. Given these concerns, I support efforts to reduce mercury emissions from coal-fired power plants, which account for 42 percent of U.S. emissions. This is in line with my support for many years for clean coal technologies, which will allow our Nation to utilize our most abundant natural resource in a cleaner, more efficient manner.

Debate on this resolution has revolved around two regulatory approaches—a maximum available control technology, MACT, rule or a cap-and-trade rule. I suggest that there is a third option that combines elements of both. A MACT system is enormously expensive on its own, costing up to \$358 billion according to the Energy Information Administration, compared to \$2 billion estimated by EPA for a cap-and-trade approach. However, a cap-and-trade-only system is inadequate on reducing pollution levels around specific plants, referred to as "hot spots." The Leahy-Collins resolution would tie EPA's hands by restricting it to a MACT-only approach.

Under a third option, EPA could set a national emissions level, based on the best available science to protect public health and the environment, and implement a cap-and-trade system to meet this goal with the addition of measures to take care of hot spots, EPA could require reductions at specific plants. To this end, I have written the Administrator of the EPA urging this hybrid approach, which would meet environmental goals while balancing the implementation costs faced by consumers.

I ask unanimous consent that my letter to EPA Administrator Johnson be printed in the RECORD.