

27 June 2006

Bryan Oberle, Editorial Page Editor  
Erie Times-News  
205 W. 12<sup>th</sup> St.  
Erie, PA 16534

RE: "Measure Pointless" editorial

Dear Bryan:

I write today regarding the editorial entitled "Measure Pointless" appearing in the 26 June 2006 Erie Times-News. I beg to differ with your opinion.

First, you fail to mention the differences in the legislation passed by the Senate, versus to the rule the Rendell administration seeks to impose arbitrarily. The Senate Environmental Resources & Energy Committee held three public hearings on this issue; the Secretary of the Department of Environmental Protection testified at two of these. There has been extensive public airing of all sides of this issue, which explains why there was such an overwhelming majority vote to approve this legislation in the Senate, 40-10. Everyone was heard, and when all the testimony was digested, 40 out of 50 Senators, including both Democrat floor leaders and 16 Democrat members of the Senate, voted for the bill (your petty insinuation about "...the very persuasive power utility lobby" notwithstanding). A full airing of the facts would show your readers that perhaps the Governor doesn't have all the answers here.

The Senate-passed mercury bill will protect the public's health just as much as the DEP rule (a rule made by one un-elected person with no input from competing viewpoints, compared to the open Senate legislative process). Mercury deposition comes from local, regional and global sources. Approximately 1% of mercury emissions come from U.S. coal-fired power plants; about 50% of mercury emissions come from natural sources, such as volcanoes and geysers.

The pathway for methylmercury – the specific type of mercury under discussion – into humans is through ingestion of massive amounts of fish; it poses no risk through inhalation or physical contact. According to the Department of Health and other public health experts, mercury is a toxicant that can impact the neurological and developmental behaviors of humans, primarily affecting the brain, spinal cord, kidneys and liver if ingested and accumulated in sufficient quantities. The U.S. Centers for Disease Control conducted a nationwide study of women of childbearing age, infants, and young children, and found no evidence that mercury blood levels among the population approached that required to cause adverse health effects.

We need to be smart in how we reduce mercury emissions. The DEP rule will threaten jobs, raise electric bills and could reduce our generating capacity while providing no added public health benefit (remember this the next time you're discussing utility shut-offs in winter).

This fear that no reductions will occur in Pennsylvania is simply misplaced. Senate Bill 1201 requires an 86% reduction in emissions from our power plants. Mercury emissions from Pennsylvania power plants are already down 33% since 1999, and DEP's own data shows that 90% of our generating capacity will have enhanced pollution controls in place in the coming years. The science to support cause and effect surrounding hotspots is just not there.

I'm proud of my colleagues and the Senate as an institution regarding the handling of this legislation. After sifting through rhetoric, personal attacks, and misinformation, we deliberated and voted overwhelmingly and in a bipartisan fashion in approving Senate Bill 1201, as it is balanced and responsible public policy that protects the health of every Pennsylvanian.

Secondly, and no less important, is the notion that the General Assembly should just "roll over" and not debate anything that comes from the Governor or his Cabinet. Your assertion "...Gov. Ed Rendell will almost certainly veto the legislation. So what's the point?" is tantamount to admonishing the co-equal Legislative branch to neuter itself, on this and any other issue, once any Governor has threatened a veto. "The point", as you ask, is that some things are worth fighting for, and –hark- there may be more than just one way to skin a cat. I certainly do not expect any Governor to simply go-along with whatever legislation we craft without so much as a peep; I can't understand why you would admonish the Legislature to do the very same thing on this or any issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane M. Earll". The signature is fluid and cursive, with a large initial "J" and "E".

Jane M. Earll  
State Senator-49<sup>th</sup> District