

January 13, 2011

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Administrator Lisa Jackson
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

Dear Administrator Jackson:

On behalf of the National Association of Clean Air Agencies (NACAA), we are writing to express our support for the recommendation the Quicksilver Caucus made to you in a letter dated January 5, 2011. That letter requests that the U.S. Environmental Protection Agency lower the threshold for defining a major source of mercury to no more than 25 pounds per year pursuant to a provision in the Clean Air Act that permits EPA to set a lower major source threshold for hazardous air pollutants that are persistent and bioaccumulative (section 112[a][1]). On October 19, 2010, the NACAA Board of Directors unanimously supported the recommendation to lower the major source definition for sources that emit mercury.

Because mercury is a persistent, bioaccumulative and toxic (PBT) air pollutant, even very low emissions can result in unacceptable impacts to the nation's water bodies. To date, all 50 states have issued health advisories for fish consumption due to mercury contamination, with the primary loadings coming from atmospheric deposition.

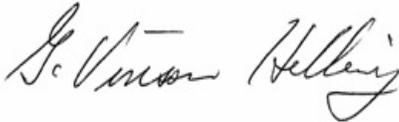
Both the 1977 and 1990 Clean Air Act Amendments have unacceptably high thresholds for defining those major sources of mercury emissions required to install the Best Available Control Technology or the Maximum Achievable Control Technology. Ironically, the 1990 Act has a weaker threshold – 20,000 pounds per year – than that of the 1977 Act – 200 pounds per year. We believe lowering the threshold to a more reasonable level for such a potent neurotoxicant (following state examples) would provide state and local agencies with a tool to evaluate new sources, reduce atmospheric deposition to the nation's water bodies and facilitate protection of the health of the public in general and unborn children in particular from mercury exposure.

Because mercury is a potent neurotoxicant and enters water bodies primarily from the atmosphere, and since there is a provision in the Clean Air Act that would more effectively address this PBT HAP, we recommend that EPA lower the threshold for defining a major source of mercury to no more than 25 lbs/year.

Since a lesser quantity threshold for mercury would likely result in additional efforts on the part of state and local air agencies, it is important that EPA provide increased federal funding for these activities.

If you wish to discuss this important topic further, please contact either of us or Mary Sullivan Douglas of NACAA at (202) 624-7864 or mdouglas@4cleanair.org.

Sincerely,



G. Vinson Hellwig
Michigan
Co-Chair
NACAA Air Toxics Committee



Robert H. Colby
Chattanooga, Tennessee
Co-Chair
NACAA Air Toxics Committee

cc: Regina McCarthy (U.S. Environmental Protection Agency)
Ginger Jordan-Hillier (Maine Department of Environmental Protection)
Matthew Jones (Environmental Council of the States/Quicksilver Caucus)