

New Hampshire Senate to Vote on Approach to Mercury Rule

By FELICITY BARRINGER, The New York Times
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Ron Lacroix has been fishing the waters of southeast New Hampshire -- Mendums Pond, Swains Lake, Bow Lake, Spruce Pond -- for a little less than half a century. He has made endless meals of fresh-caught black crappie, bass, and smelts and has been the host of endless fish fries.

So he was not pleased to find that his fishing grounds and fish contain high levels of mercury, a neurotoxin.

These lakes are nestled in one of the country's best-documented mercury "hot spots," places with high concentration levels that experts believe probably come from the emissions of local power plants or other facilities, like incinerators.

"You're worrying me," Mr. Lacroix said, when told that some of his favorite lakes were among those on the state government's list.

Last week the Environmental Protection Agency issued a rule to limit mercury emissions from power plants. But rather than requiring across-the-board cuts in emissions it gave companies the ability to buy and sell pollution allowances. In the short run, some plants could buy allowances from cleaner companies and delay making large expenditures to cut emissions.

New Hampshire is one of the places that could be left to grapple with the emissions problem itself if local power plants -- chiefly the Bow plant of the local utility, Public Service of New Hampshire -- uses the flexibility the environmental agency granted last week to postpone a cleanup of what in 2003 was 116 pounds of mercury coursing upward

from their stacks and raining down on the lands and waters to the southeast.

The Bow plant, known locally as the Merrimack plant for the river nearby, is one of hundreds in the country that, collectively, put out 48 tons of mercury annually, making them the largest single remaining source of airborne emissions of the toxic metal. In the 1990's federal regulation reduced emissions from other sources, like municipal incinerators.

Senior environmental agency officials said the economics of their approach would encourage the largest polluters to move first to control mercury. In addition, the new rule allows the states to issue more stringent regulations, or even ban their utilities from participating in the trading of pollution allowances. The State Senate is expected to vote Thursday on whether New Hampshire is going to choose one or both of those options.

Certainly, the testimony of a local utility official at a State Senate committee hearing last week indicated that the utility would be cautious about taking aggressive clean up measures on its own.

"We're not afraid of taking action," said William H. Smagula of Public Service of New Hampshire. "We just want to take action when there's known science."

Speaking against the proposed legislation, which would put New Hampshire's cleanup timetable 10 years ahead of the E.P.A.'s, Mr. Smagula said, "The only thing we know is that we'll spend a lot of money."

"We don't know how much we will spend or what results we will achieve," Mr. Smagula added.

He did not specifically address whether Public Service of New Hampshire would choose to buy pollution credits. In a later telephone interview, the company's spokesman, Martin Murray, indicated it

could meet the first of the environmental agency's two deadlines without taking on improvements beyond those already under way.

Mr. Murray added that the state's utility regulators once investigated the company when it adopted expensive cleanup tools that achieved results beyond those that were legally required.

Worries about hot spots, like southeast New Hampshire, were one of the chief arguments marshaled by environmental groups against allowing the trading of credits. Unlike nitrogen oxide or sulfur dioxide, the mercury emitted from power plants is a toxin for which there are no other general, national or region-wide controls.

At least two epidemiological studies have shown that mercury can hurt neurological and cognitive development in infants; one more recent study suggests it might be implicated in heart attacks.

New England is more than familiar with mercury and other pollutants from coal-fired power plants. "We're at the end of the national tailpipe," said Matt Prindiville an environmentalist with the Natural Resources Council of Maine, at the hearing.

"Mercury levels are high and persistent in New England," David C. Evers, a scientist with the Maine-based Biodiversity Research Institute, told the Senate committee. Dr. Evers specializes in studies of mercury in loons, a fish-eating, lake-dwelling bird beloved by many New Englanders.

One of these is Carl R. Johnson, the 83-year-old Republican state senator who is chairman of the Environment and Wildlife Committee and also a member of the policy board of the Loon Preservation Committee, a private group.

Scientific studies by Dr. Evers and others, in the latest issue of the journal *Ecotoxicology*, thoroughly document, through loon and fish studies, the unusually high level of mercury pollution in this region. But it is harder to document their source.

"Mercury is a very tricky pollutant because it transports and it pollutes locally," said Jeff Underhill, a scientist with the State Department of Environmental Services.

Mr. Underhill told the committee that 90 percent of the emissions responsible for a separate hot spot in northern New Hampshire come from out of state. But, he added, "the closer you get to our sources, the lower the overall out-of-state percentage." Downwind of a power plant, he added, as much as 80 to 90 percent of the mercury deposits can come from that single source.

Mr. Smagula of Public Service said he was skeptical.

"A large volume of data is based on analytical assumptions and conclusions," he told the committee. "We don't do business on the basis of analytical assumptions and conclusions."

The measure, as approved by the committee last week, requires that mercury emissions from power plants be cut to 50 pounds annually by 2008 -- 10 years ahead of the E.P.A.'s timetable for New Hampshire. By 2010, maximum emissions would be 24 pounds. In response to the testimony of Nancy Girard, vice president of the Conservation Law Foundation's New Hampshire Advocacy Center, the committee approved an amendment to the bill that would prohibit the emissions trading.

Even if the State Legislature decides to take that route, it is not clear how quickly mercury levels would drop in local waters and the fish within them.

Fishermen like Mr. Lacroix are concerned, but he at least has not changed his ways. "You don't want to know how many fish I've eaten from those ponds," Mr. Lacroix said in an interview. The black crappie he caught in Round Pond, downwind from the plant near Patuckway state park, "almost had a metallic taste to them. They had a taste that was different."

But, while Mr. Lacroix, a meat cutter, worries, he has not cut back on his fish consumption.

"I eat more fish than most people do," he said. "I probably eat it two, three times a week."

Art Cunningham, a retired lawyer who volunteers with the Conservation Law Foundation's New Hampshire office, fishes for fun and throws back his catches, but is also concerned about mercury contamination. When Mr. Cunningham went fishing recently in Rollins Pond, he saw a new sign.

"There was this mercury warning sign -- fish consumption can be dangerous," he said. "My immediate reaction was: Isn't that a shame. A beautiful rural spot, a pretty pond, and it's got dangerous levels of mercury."