

Congress of the United States
House of Representatives
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Representatives Ask EPA About Lobbying Firm's Role in Mercury Rulemaking

Washington, D.C.— Reps. Henry A. Waxman (D-CA) and Tom Allen (D-ME) today sent a letter to U.S. Environmental Protection Agency (EPA) Administrator Michael Leavitt requesting information regarding media reports that portions of EPA's latest mercury air pollution control proposal may have been "copied word-for-word from industry lobbying materials."

"Specifically, it appears that EPA has proposed a regulatory approach to mercury air pollution that in part is copied word-for-word from memos prepared by the law firm Latham & Watkins, which represents some of the largest polluters in the country," the Members' letter states. "We are deeply concerned that EPA's rulemaking process has been improperly influenced by industry at the potential cost of the health of future generations of children. Congress and the American people need to know how industry lobbyists came to write a significant portion of an EPA formal rulemaking proposal."

Both Jeffrey Holmstead, EPA's Assistant Administrator for Air and Radiation, and William Wehrum, Mr. Holmstead's chief counsel, worked for Latham & Watkins prior to assuming their positions at EPA where they have played key roles in the mercury pollution rule-making process.

"No one disputes that industry lobbyists were allowed to write significant portions of a formal EPA proposed rule," said Rep. Waxman. "The questions now are how did it happen and how do we restore EPA's credibility and independence?"

"The *Washington Post* report undermines EPA's credibility concerning the origin of a proposed rule that would illegally delay the regulation of mercury emissions from 2007 to 2010 and actually allow individual plants to increase poisonous mercury emissions by purchasing pollution credits," Rep. Allen said. "On February 5th, EPA released a new study that nearly doubled, from 320,000 to 630,000, its estimate of the number of newborn infants exposed annually to high levels of mercury. The American people have a right to know if polluting industries have exerted undue influence over this vitally important public health rule-making process."

Reps. Waxman and Allen requested all written, electronic and oral records of communications concerning mercury air pollution between EPA officials and Latham & Watkins, other industry law firms, electric utilities, and other outside parties since January 1, 2003. They also requested information on any meetings that took place since January 1, 2003, between EPA officials and representatives or employees of Latham & Watkins and an explanation of how Latham & Watkins memos were or were not docketed in the Agency's rule-making process.