
By: **Senators Hollinger, Britt, Brochin, Conway, Currie, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Giannetti, Gladden, Green, Grosfeld, Hogan, Hughes, Jones, Kasemeyer, Kelley, Klausmeier, Kramer, Lawlah, McFadden, Miller, Pinsky, Ruben, Stone, and Teitelbaum**

Introduced and read first time: January 18, 2006

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 7, 2006

RESOLUTION NO. _____

SENATE JOINT RESOLUTION

1 A Senate Joint Resolution concerning

2 **Air Pollution - Mercury Emissions Limits**

3 FOR the purpose of supporting a lawsuit brought by fifteen states to challenge the
4 United States Environmental Protection Agency's mercury emissions limits for
5 power plants; and generally relating to mercury air pollution.

6 WHEREAS, Mercury is a dangerous neurotoxin that, when ingested by
7 pregnant women, can cause developmental disabilities in the fetus and in infants; and

8 WHEREAS, Mercury poisoning has been linked to autism in children; and

9 WHEREAS, There are seven grandfathered, coal-fired power plants in the
10 State, which are believed to be the State's top source of mercury air pollution; and

11 WHEREAS, The United States Environmental Protection Agency promulgated
12 regulations entitled "Standards of Performance for New and Existing Stationary
13 Sources: Electric Utility Steam Generating Units; Final Rule" on May 18, 2005, which
14 established a cap-and-trade system for mercury emissions from power plants; and

15 WHEREAS, A number of conservation and environmental groups have criticized
16 the regulations because the cap-and-trade system has the potential to create "hot
17 spots" and the emissions limits fall short of mercury reductions originally mandated
18 by the Clean Air Act; and

19 WHEREAS, The Chesapeake Bay Foundation, the National Wildlife Federation,
20 the Sierra Club, and the Waterkeeper Alliance, Inc. commenced a lawsuit on July 14,

1 2005, in the United States Court of Appeals, District of Columbia Circuit (Docket
2 #05-1267) to challenge those regulations; and

3 WHEREAS, Fifteen states, including New Jersey, California, Connecticut,
4 Delaware, Illinois, Maine, Massachusetts, New Hampshire, New Mexico, New York,
5 Pennsylvania, Vermont, Wisconsin, Minnesota, and North Carolina, have all joined
6 the lawsuit since July 14, 2005; and

7 WHEREAS, On or about June 1, 2005, the Governor barred the Attorney
8 General from joining the State as a party to the lawsuit; now, therefore, be it

9 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the State
10 of Maryland acknowledges the dangers and negative health effects of mercury air
11 pollution, which is caused primarily by emissions from grandfathered, coal-fired
12 power plants in the State; and be it further

13 RESOLVED, That the General Assembly supports the environmental
14 organizations and the fifteen states that have joined the lawsuit (Docket #05-1267)
15 against the United States Environmental Protection Agency despite the fact that the
16 State is not a party to the lawsuit; and be it further

17 RESOLVED, That a copy of this Resolution be forwarded by the Department of
18 Legislative Services to the Honorable Robert L. Ehrlich, Jr., Governor of Maryland;
19 the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; the
20 Honorable Michael E. Busch, Speaker of the House of Delegates; Attorney General J.
21 Joseph Curran, Jr.; all parties to the lawsuit (Docket #05-1267); and to the United
22 States Court of Appeals, District of Columbia Circuit; and be it further

23 RESOLVED. That a copy of this Resolution be forwarded by the Department of
24 Legislative Services to the Maryland Congressional Delegation: Senators Paul S.
25 Sarbanes and Barbara A. Mikulski, Senate Office Building, Washington, D.C. 20510;
26 and Representatives Wayne T. Gilchrest, C.A. Dutch Ruppersberger III, Benjamin L.
27 Cardin, Albert R. Wynn, Steny Hamilton Hoyer, Roscoe G. Bartlett, Elijah E.
28 Cummings, and Christopher Van Hollen, Jr., House Office Building, Washington,
29 D.C. 20515.