

**Department of Legislative Services**

Maryland General Assembly

2006 Session

**FISCAL AND POLICY NOTE**Senate Joint Resolution 1 (Senator Hollinger, *et al.*)

Education, Health, and Environmental Affairs

Rules and Executive Nominations

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**Air Pollution - Mercury Emissions Limits**

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This joint resolution declares that the State of Maryland acknowledges the dangers and negative health effects of mercury air pollution, which is caused primarily by emissions from grandfathered, coal-fired power plants in the State. The joint resolution also states that the General Assembly supports the environmental organizations and the 15 states that have joined a specified lawsuit against the U.S. Environmental Protection Agency (EPA) despite the fact that the State is not a party to the lawsuit.

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**Fiscal Summary****State Effect:** None.**Local Effect:** None.**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:** The Maryland Department of the Environment's Air and Radiation Management Administration operates the State's air pollution control programs under the framework established by the federal Clean Air Act (CAA). CAA requires all areas of the country to achieve specific air quality standards. Under CAA, new major stationary sources and existing major sources undergoing major modifications must install additional pollution control technologies. However, many older power plants have been able to avoid upgrading their pollution control technology by claiming that their modifications are "routine maintenance." In addition, several plants are not subject to

certain federal requirements due to their age. As a result, the majority of older power plants have only minimal pollution control technology.

Approximately two-thirds of the electricity generated in Maryland comes from the burning of fossil fuels (coal, oil, and natural gas). The process of burning fossil fuels produces many different air pollutants, including mercury. According to EPA, mercury accumulates in the tissues of aquatic life; when ingested, it can cause increased risk of cancer, damage to the developing nervous system of fetuses causing disabilities in children, gastrointestinal illness, and even death in individuals with compromised immune systems. Mercury does not break down in the environment, and it has led to several fish consumption advisories in the State.

EPA promulgated regulations on May 18, 2005, that established a cap-and-trade system for mercury emissions from power plants. A number of conservation and environmental groups have criticized the regulations arguing that the cap-and-trade system has the potential to create “hot spots” and that the emissions limits fall short of mercury reductions originally mandated under CAA. In July 2005, several organizations filed a lawsuit to challenge the federal regulations. Fifteen states have joined that lawsuit; however, the Governor has barred the Attorney General from joining the State as a party to the lawsuit.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Legislative Services

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