

**NATURAL RESOURCES BOARD AGENDA ITEM**

**SUBJECT:** Briefing on Mercury Public Health and Welfare Finding

**FOR: JUNE 2008 BOARD MEETING**

**TO BE PRESENTED BY:** Jon Heinrich, Policy Analyst, Bureau of Air Management

**SUMMARY:** A preliminary public health and welfare finding was prepared pursuant to s. 285.27(2)(b), Wis. Stat. in support of proposed revisions to Chapter NR 446, Control of Mercury Emissions, Wis. Adm. Code. These proposed revisions, Board Order AM-32-05, would achieve greater mercury emission reductions from coal-fired power plants than are currently required in the state mercury rule. In order to adopt the proposed revisions, the Department must make a finding that a mercury standard is needed to provide adequate protection of public health and welfare. Under this statutory requirement written documentation in support of a finding is required that addresses the following:

1. Identify sources of mercury emissions and populations potentially at risk;
2. Assess whether exposures to mercury are above a level of concern;
3. Evaluate options to control risks from mercury emissions exposures;
4. Compare mercury emission standards proposed with those from neighboring states.

The preliminary finding prepared by staff concluded that a state mercury standard for coal-fired power plants was appropriate based on scientific research and technical analyses of mercury emissions sources, exposures, health effects, control options and comparisons of the proposed revisions to mercury standards in neighboring states. A public hearing was held in Madison on April 7, 2008 and written comments on the preliminary public health and welfare finding and the proposed revisions were accepted until May 5, 2008. Staff have prepared an addendum to the finding that provides additional analyses that responds to significant concerns raised in public comments. These concerns including the appropriateness of EPA's mercury health benchmark, the estimate of the population at risk in Wisconsin, the additional risk faced by Native Americans, the in-state mercury deposition expected from our coal-fired power plants, whether mercury contamination is a factor in Common Loon reproduction and the value of reducing sulfate as compared to reducing mercury deposition.

In this briefing, staff will provide a summary of the preliminary public health and welfare finding, the significant public comments received and the additional analyses prepared by staff. Attached are the March 2008 Preliminary Public Health and Welfare Finding and June 2008 Addendum which together represent the finding by the Department that a mercury standard is needed to provide adequate protection of public health and welfare.

**RECOMMENDATION:**

**LIST OF ATTACHED MATERIALS:**

- |    |                                     |   |     |                          |          |
|----|-------------------------------------|---|-----|--------------------------|----------|
| No | <input checked="" type="checkbox"/> | Fiscal Estimate Required                              | Yes | <input type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Background Memo                                       | Yes | <input type="checkbox"/> | Attached |

**APPROVED:**

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Acting Bureau Director, William Baumann

\_\_\_\_\_  
Date

\_\_\_\_\_  
Administrator, Al Shea

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary, Matthew J. Frank

\_\_\_\_\_  
Date

STAFF REVIEW - DNR BOARD AGENDA ITEM

REMINDER

Have the following questions been answered under the summary section of this form?

- -Why is the rule needed?
- -What are the significant changes?
- -What are the key issues/controversies?
- -What was the last action of the Board?

LIST OF ATTACHED REFERENCE MATERIAL REQUIRED FOR RULE PROPOSALS:

Hearing authorization:

Final adoption:

Background memo (if needed)\*  
 Fiscal Estimate  
 Environmental Assessment (if needed)  
 Rule

Background Memo (if needed)\*  
 Response Summary  
 Fiscal Estimate  
 Environmental Assessment (if needed)  
 Rule

\*If all the questions listed in the REMINDER section above can be adequately summarized on the Green Sheet (and a second sheet if needed), the Background Memo may be omitted.

Unit	Reviewer	Date	Comments
Environmental Analysis and Review			Not Applicable
Management and Budget			Not Applicable
Legal Services -Program Attorney -Carol Turner			Not Applicable
Other (if applicable)			