



# **The Wisconsin Legislature**

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For Immediate Release**

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## **State Mercury Rule Moves Forward**

*Environment Committee Chairmen Want Smooth Transition to Federal Mercury Rule*

**Madison** – The citizen board that advises the Department of Natural Resources (DNR) on policy issues today approved revised mercury reduction rules and sent them back to the legislature for a brief review period. The Chairs of the two legislative committees that review environmental rules – Senator Neal Kedzie (R-Elkhorn) and Representative DuWayne Johnsrud (R-Eastman) – said they were encouraged by a new provision that requires the department to make its rule consistent with the federal rule mercury rule, which may be in place soon.

The proposed DNR rule requires Wisconsin's four major utilities - Dairyland Cooperative, Alliant Energy, We Energies, and Wisconsin Public Service Corporation - to reduce their mercury emissions 40 percent by 2010 and 75 percent by 2015.

But most importantly, the state plan would have to be modified at a later date to mirror any federal plan that is adopted by the federal Environmental Protection Agency (EPA). Both Kedzie and Johnsrud agree that a state plan more stringent than a federal plan would have little effect on mercury emissions and place Wisconsin at a competitive disadvantage.

“What goes up from Wisconsin smoke stacks doesn't necessarily come down here and it isn't what is causing our problems,” said Johnsrud. The tie in with federal rules is definitely an improvement and we're glad the DNR has finally come around to recognizing that.”

“Air emissions know no borders and will travel from state to state,” said Kedzie. “Reducing mercury emissions is a goal that every state must work towards and a federal level solution with a uniform standard is perhaps the best way to achieve that goal.”

Johnsrud affirmed that the EPA is under a court order to craft mercury emissions rules and believes the state rule should provide a clear and understandable off-ramp so utilities do not have to follow two sets of regulations.

“Since 95 to 99 percent of mercury in our lakes comes from places other than Wisconsin utilities, we need cooperation from other states,” Johnsrud said.

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*Legislative Press Release – Mercury Regulations  
June 23, 2004; page 2 of 2*

Both Johnsrud and Kedzie acknowledged the health concerns related to mercury and expressed support for reducing mercury emissions at both the state and federal level. But Kedzie said that agencies sometimes craft rules so complicated and so complex that business find it too burdensome, costly, or confusing to follow them. For those reasons, some companies may simply locate elsewhere, taking their jobs and revenue with them.

“A reasonable plan must be in place now to avoid duplicative regulations in the future,” Kedzie said. “Soon, a national standard will come on-line and produce a level playing field for companies in and out of the state and hopefully continue our progress on air quality.”

Johnsrud noted that other much-needed additions were made to the rule, including early emission reduction credits, an exemption from the rule for units less than 25 megawatts, or units more than 25 megawatts but produce 25 pounds or less of mercury emissions, and a requirement that the standing committees of the Legislature receive periodic reports regarding the implementation of the mercury emissions regulations.

“Clearly, mercury emissions reductions can and will be achieved as long as everyone continues to work cooperatively,” Johnsrud concluded.

“We view this new rule process as a relay race. Right now, the state holds the baton, but soon will have to pass it off to the federal government,” said Kedzie. We just want to be sure it’s a smooth transition.”

Kedzie and Johnsrud both predict the new version of the rule would be viewed more favorably by legislators than the original version. The rule now moves to the Senate and Assembly Environment committees for a 10-day review period.

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