



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 13, 2007
(House)

STATEMENT OF ADMINISTRATION POLICY

H.R. 1534 – Mercury Export Ban Act

(Rep. Allen (D) ME and 14 cosponsors)

The Administration strongly supports and is actively engaged in environmentally effective efforts to reduce mercury risk to human health and the environment both in the United States and globally. For the reasons stated below, the Administration opposes House action on H.R. 1534 at this time.

H.R. 1534, which would ban the exportation from the United States of elemental mercury beginning January 1, 2010, is premature pending further analysis of the many issues raised by such a ban. There is an inadequate understanding of the potentially negative consequences of such a ban on the environment, industry (both domestic and international), and the Federal government, and it could prompt questions under international trade rules. Specifically, analysis should be conducted on whether such a ban (together with a European Union ban) might lead to an overall increase in the production, use, and release of mercury into the environment. Instead of available stocks of mercury being drawn down and recycled in the U.S. to meet global demand, the ban might incentivize an increase in international primary mining. Furthermore, it is not clear that such a ban would lead to the reduction in high-mercury release uses, such as artisanal gold mining, in developing countries. The Administration urges the Congress not to legislate until potential impacts are better understood and efforts have progressed to reduce mercury demand and improve mercury management in key countries.

The Environmental Protection Agency has established an interagency group on management of non-federal commodity mercury. This group has been receiving input from stakeholders and is considering short and long-term management options. The Administration urges the Congress not to legislate until the interagency group makes its recommendations.

In addition, the Administration opposes the requirement that the Department of Energy (DOE) be responsible for the long-term management and storage of excess non-federal U.S.-generated commodity grade elemental mercury. This requirement is outside the scope of the Department's core mission and would involve additional costs to the Federal taxpayers, likely encounter strong opposition from local communities in areas where a storage facility might be sited, and require a lengthy and costly National Environmental Policy Act process. Adding this new requirement to the Department's mission would force DOE to redirect resources from its core national security, science, and energy functions.

The Administration is committed to continuing its work in developing and implementing an effective global solution to reduce mercury risk, but opposes H.R. 1534 as a premature and potentially ineffective means for addressing global mercury risk, and believes that EPA already has authority under current law to address risks from domestic uses of mercury.