

Natural Resources
2008 Issues Briefing
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INTRODUCTION

The public's growing need to address the causes behind many of our environmental problems is creating a more positive atmosphere for passing effective legislation at all levels of government. The public and our politicians are beginning to realize that addressing the causes of our environmental problems is good for our health as well as our economy. According to the Illinois Environmental Council, spring 2007 was the most demanding, but also one of the most productive legislation sessions in years for environmental issues.

CLIMATE CHANGE

For more than five years Illinois has been trying to pass into law meaningful legislation requiring the use of **renewable energy** and **energy efficiency measures**. With our increasing electric rate, the climate was right last year to pass such legislation. **State Senator Don Harmon** of Oak Park, realizing the rate crisis would make energy one of the session's top priority issues, introduced **SB1184 (Affordable, Clean Energy Standards Act)**. Although the bill passed the Senate, it was referred to the Rules Committee in the House at the end of May. However, with the support of Attorney General Lisa Madigan, Senate President Jones and Speaker Madigan, the goals for renewable energy and energy efficiency of **SB1184** were incorporated into new legislation. On August 28, 2007, Governor Blagojevich signed into law a **Renewable Energy Standard (RES)** and an **Energy Efficiency Portfolio Standard (EEPS)**. The **Renewable Energy Standard (RES)** will require Illinois utilities to supply at least 2% of their power from cost-effective renewable energy sources by June 1, 2008, increasing in increments to 10% by 2015, and 25% by 2025. The **Energy Efficiency Portfolio Standard (EEPS)** requires electric utilities to implement cost-effective energy efficiency measures to reduce overall electric usage by 0.2% of demand by June 1, 2008 and escalating to 2.0% by 2015. The legislation defines energy efficiency measures as those that reduce the amount of electricity required to achieve a given end use, and would include such things as energy efficient light bulbs and appliances. While electric utilities are expected to implement 75% of the energy efficiency measures, 25% of energy efficiency measures will be implemented by the Department of Commerce and Economic Opportunity. Although the legislation states that at least 75% of the renewable energy resources used to meet the standard should come from wind generation, the term "**renewable energy resources**" is defined broadly to include wind, solar thermal energy, photovoltaic cells and panels, biomass, hydropower, and others. According to the Illinois Environmental Council, these two provisions will reduce global warming emissions by tens of millions of metric tons every year and save consumers roughly \$2 billion dollars per year by 2020. Wind generation is seen as an important source of energy for Illinois, bringing jobs and millions of dollars in rural economic development. Illinois is currently 11th in the country in the amount of electricity generated by wind power.

SB1242 (Illinois Cool Cities Act) sponsored by State **Senator Linda Holmes** will provide units of local government in the state that have endorsed the **Mayors Climate Protection Agreement** with technical assistance from the Environmental Protection Agency. It passed on August 27, 2007 and became **Public Act 95-0453**. Action Alert.

TOXICS

Our exposure to toxic chemicals in our environment and consumer products gained our attention this summer with revelations of contaminated pet food and lead in children's toys and lipstick. A recent report issued by **Environment Illinois** and a coalition of public interest groups documents the results of blood and urine testing of 35 people from seven states for contamination with three toxic chemical families: **phthalates** (softeners of plastics), **bisphenol A** (polymer in plastics), and **polybrominated diphenyl ethers (flame retardants)**. All three types of toxic chemicals were found in every person tested. According to the report, while phthalates, bisphenol A, and PBDEs are known toxics, more than three quarters of the 80,000 chemicals in American use have never undergone even basic toxicity screening. The 1976 Toxics Substances Control Act, the federal law regulating industrial chemicals, has never been updated to reflect advances in science.

State Representative Elaine Nekritz of Northbrook was one of the five Illinoisans who volunteered to be tested. Among her legislative priorities, she states, is the implementation of a state bio-monitoring program and the phase out of dangerous toxics. Last session **Representative Nekritz** introduced in the House, **HB1421: THE TOXIC FIRE RETARDANT PREVENTION ACT**, a bill that would prohibit the use of the toxic

flame retardant decabromodiphenylether (decaBDE) in mattresses and upholstered furniture and also in the casing of televisions, computers, and other electronic devices by 2011. Several studies have suggested that decaBDE is neurotoxic; however, of greater concern is its breakdown in nature into even more toxic chemicals. DecaBDE is the last of the toxic PBDE family of flame retardants still in widespread use. **HB2572**, a bill that protects Illinois children's health by eliminating the use of two flame retardants, called penta and octaBDE, did become law in 2005 (**Public Act 94-100**). Included in the legislation was a provision for the Illinois Environmental Protection Agency and Illinois Department of Public Health to conduct an assessment of **decaBDE's** uses. The assessment, released this year, states that there is concern for the continued use of **decaBDE** in many products and recommends a managed state-level phase-out of several **decaBDE's** uses. Because of the toxic chemicals released when **decaBDE** burns, the International Association of Fire Fighters as well as the Illinois Fire Association support the phase-out of **decaBDE**. However, **HB1421** narrowly passed out the House Environmental Health Committee, and the bill was re-referred to the House Rules Committee. Action Alert.

Illinois has taken the lead in eliminating **mercury** pollution. In the last five years, according to the Illinois Environmental Council, Illinois has gone from being the bottom five states to the top five in protecting its citizens from toxic mercury. A major victory for mercury reduction occurred on December 12, 2006 when the Joint Committee on Administrative Rules voted unanimously in favor of requiring nearly every coal-fired power plant in Illinois to install and operate available technologies by 2009 and capture no less than 90 percent of mercury pollution by 2015. Major sources of mercury pollution have also been eliminated by the passage of legislation such as the ban on the sale and manufacture of mercury fever thermometers (2003), the use of mercury products in classrooms (2004), and use of mercury-containing vaccines in children (2005). A law (**Public Act 94-0732**) requiring the mercury in light switches and anti-lock brakes in vehicles built before 2003 be removed before they are scrapped and recycled and thus removing nearly 800 pounds of mercury into the environment every year was passed in 2006. During the spring 2007 Legislative Session two more important mercury reduction bills were passed. **HB943 (Mercury Added Medical Products Act)** sponsored by State **Representative Karen May** of Highland Park, prohibits the sale of mercury measuring devices, the largest class of mercury-containing products still legal for sale in Illinois, and **SB1241 (Mercury added Thermostat Act)**, sponsored by State **Senator Mattie Hunter** of Chicago, prohibits the sale or installation of mercury-containing thermostats. **Senator Mattie Hunter** was also a participant in the national bio-monitoring project; she has sponsored in the past several of the bills reducing toxic mercury in products. **Representative Karen May**, who has been the chief sponsor of the mercury bills and is also chairperson of the Illinois' General Assembly's Environmental Caucus, believes that passing this legislation is all about protecting the healthy development of Illinois children.

LAKE MICHIGAN

This summer saw environmental groups, politicians, and citizens becoming activated and working together to prevent pollutants from entering and threatening our largest natural resource and a resource from which we receive economic and ecological benefits – **Lake Michigan**. The Indiana Department of Environmental Management had issued a permit to the Whiting, Indiana British Petroleum Refinery, allowing it to discharge nearly 1,500 pounds of ammonia and 5,000 pounds of suspended solids from heated sludge into Lake Michigan. **HR0620** was introduced by State **Representative Patricia Bellock** urging the United States Environmental Protection Agency and the United States Congress to take action against an increase in discharged pollutants from the refinery and give states remedies against other states that pollute shared waters. It was adopted on September 4, 2007. In response to public and political pressure, British Petroleum did announce it would avoid putting the increased pollution into Lake Michigan. BP's discharge permit set a precedent of being the first permit in years to allow a company's increase in toxic pollution into Lake Michigan. It still remains on the books in Indiana, and other polluters in the region also have plans to release their toxic pollutants. Environmental groups are working together to make sure this does not happen.

A significant achievement affecting Lake Michigan occurred in August when Governor Blagojevich signed **HB375 (Great Lakes Interstate Compact) – Public Act 95-0238**. The chief sponsors were **State Representative Harry Osterman** and **State Senator John Cullerton**. With the passage of this bill, Illinois is now the second Great Lakes states to adopt the Great Lakes-St. Lawrence Water Resources Compact (Minnesota signed the compact into law earlier this year). This interstate compact is a legally binding agreement among the eight Great Lakes states to "act together to protect, conserve, restore, improve and effectively manage the Water and Water Dependent Natural Resources of the Basin." To become law, however, the interstate compact must be approved by each of the state legislatures, and the U.S. Congress must give its consent.