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December 7, 2011

Jim Rogers, CEO Duke Energy  
550 S. Tryon Street  
Charlotte, NC 28202

Dear Mr. Rogers,

As you know, the Environmental Protection Agency (“EPA”) has recently announced a suite of much needed air quality rules. Among them are the Cross-State Air Pollution Rule (“CSAPR”), and the EGU MACT, or “Mercury Rule.” A chorus of clean air advocates from across America has spoken in support of the Mercury Rule, with over 600,000 comments streaming into the EPA demanding protection from mercury pollution.

You have made it clear<sup>i</sup> that Duke is positioned to meet EPA’s updated mercury standards, with plans to retire non-compliant facilities or install a variety of pollution controls.

Given your stated preparedness for the rule, we are puzzled by Duke Energy’s potential affiliation with the Electric Reliability Coordinating Council, (“ERCC”). As you may know, the ERCC is aggressively seeking to delay and weaken much-needed federal mercury protections. Although the ERCC has refused to name its full membership, on June 7th of this year, ERCC Director and Bracewell & Giuliani lobbyist Scott Segal named both Duke and Progress Energy as member companies. On November 14, 2011, Mr. Segal sent a letter requesting a meeting with Cass Sunstein, the head of the Office of Information and Regulatory Affairs, seeking to delay and weaken the Mercury Rule as that office undertakes its cost-benefit analysis.

According to a recent Bloomberg article<sup>ii</sup>, coal and energy industry lobbyists held just such a meeting with White House officials on Tuesday, November 29, 2011.

Given the importance of protecting Americans from the dangers of mercury pollution, it is critical that policymakers and impacted communities know who is behind ERCC’s attacks on the Mercury Rule. What is Duke Energy’s affiliation with the ERCC? Does Duke Energy support the ERCC’s attacks on the Mercury Rule and other public health safeguards?

Surely you know the importance of protecting communities from the impacts of mercury in their food chain. At least 1 in 12 American women of childbearing age have enough mercury in their bodies to put their baby at risk of mercury poisoning, which causes brain damage, learning disabilities, and birth defects. This rule will save lives, protect the environment, and create much-needed jobs for our economy.

In 2010 alone, Duke Energy’s coal-fired power plants emitted 1,444 pounds of mercury into the environment. It’s long past time for the EPA to protect citizens from mercury pollution of coal-fired power plants.

We look forward to your response.

Signed,

Gabe Wisniewski  
Coal Campaign Director, Greenpeace

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<sup>i</sup> Jim Rogers, Q3 2011 Earnings Call, 11/3/2011

<sup>ii</sup> <http://www.bloomberg.com/news/2011-11-29/epa-proposal-said-to-give-power-companies-option-to-delay-pollution-rules.html>

