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ILLINOIS POLLUTION CONTROL BOARD
June 13, 2006

IN THE MATTER OF)
)
PROPOSED NEW 35 ILL. ADM. CODE) R06-25
225 CONTROL OF EMISSIONS FROM) (Rulemaking - Air)
LARGE COMBUSTION SOURCES)
(MERCURY))

TESTIMONY OF JEFFREY SPRAGUE

BEFORE MARIE E. TIPSORD
HEARING OFFICER

The testimony of Jeffrey Sprague, a witness called in the rulemaking proceeding before the Illinois Pollution Control Board taken on June 13, 2006, at 9:00 a.m., at the offices of the Environmental Protection Agency, Springfield, Illinois, before Holly A. Schmid, Notary Public and Certified Shorthand Reporter, CSR No. 084-98-254587 for the State of Illinois.

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A P P E A R A N C E S

MEMBERS OF THE ILLINOIS POLLUTION CONTROL BOARD:
Ms. Marie E. Tipsord, Hearing Officer;
Dr. G. Tanner Girard, Board Member;
Ms. Andrea S. Moore, Board Member;
Mr. Anand Rao, Board Staff;
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Ms. Alisa Liu, Board Staff.

COUNSEL FOR THE ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY:
Mr. Charles Matoesian;
Ms. Gina Roccaforte;
Mr. John Kim;
Mr. Richard Ayres;

COUNSEL FROM SCHIFF-HARDEN
Ms. Kathleen Bassi;
Mr. Stephen Bonebrake;
Mr. Sheldon Zabel;
Mr. Jim Ingram, Dynegey, Inc.

COUNSEL FROM JENNER & BLOCK
Mr. Bill Forcade;
Ms. Katherine Rahill.

COUNSEL FROM McGUIRE-WOODS:
Mr. James Harrington;
Mr. David Rieser.

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E X H I B I T S

IDENTIFICATION

PG.

Exhibit No. 7:

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MADAM HEARING OFFICER: Mr. Kim?

MR. KIM: Thank you. Our next witness is Jeffrey Sprague, employee of the Illinois EPA, and he will be responding to the questions presented to him by Dynegy and Midwest Generation. I have provided the Hearing Officer with a copy of Mr. Sprague's prefiled testimony and ask that it be admitted as if read.

MADAM HEARING OFFICER: Any objections?

MR. BONEBRAKE: No objection; however, we reserve our position on qualifications, until cross-examination.

MADAM HEARING OFFICER: We will enter his testimony as Exhibit No. 7 and continue as we have been. We will have you read the question and then answer it.

(Exhibit No. 7 was admitted.)

(At which point Jeffrey Sprague was sworn in by the court reporter.)

MR. SPRAGUE: Question No. 1: "Is Mr. Sprague the author of section 3.0 or portions of the section in the TSD?" The answer is yes. Subpoint A: "If so, please identify which portions." All of Section 3.0, excluding minor editorial changes during document preparation.

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CROSS EXAMINATION BY MR. BONEBRAKE:

Q. Who was the author of those minor editorial changes?

A. The editing of the document was a collective effort, so I can't, specifically, identify which person it was. I just know it wasn't me.

Q. Do you know what was involved in that collective effort?

A. I know that Mr. Jim Ross was at the head of it. Beyond that, I can't tell you the full group of people that were involved.

MR. SPRAGUE: No. 2: "Is Mr. Sprague's testimony based on his review of Dr. Rice's reports attached to the TSD and testimony in the Michigan Report cited at page one of his testimony?" Yes.

MR. BONEBRAKE CONTINUES:

Q. Are there any other materials upon which you base your testimony, Mr. Sprague, other than those identified in Question No. 2?

A. I would say just a web search of certain definitions, such as case control studies, perspective longitudinal studies. Those meetings I couldn't quite distill out of the two reports just exactly what those terms meant, and so I just to do a little extra.

1 Q. And when you say "extra" you mean searches
2 of the Internet?

3 A. Search of the Internet.

4 Q. Specifically, for what.

5 MADAM HEARING OFFICER: You are going
6 to have to speak up.

7 MR. SPRAGUE: For definitions of those
8 terms.

9 MR. BONEBRAKE CONTINUES:

10 Q. Maybe I missed it. What terms,
11 Mr. Sprague?

12 A. Examples would be the Longitudinal
13 Perspective Study, what that actually represented.

14 Q. So you found it necessary to look up
15 definitions of some of the terms in Section 3.0?

16 A. That's correct. I had a feeling as to
17 what they meant, but I wanted a more authoritative
18 source as to just exactly what those terms entailed.

19 MR. SPRAGUE: No. 3: "What is
20 Mr. Sprague's background in health-related fields? I
21 have no degree or formal training in a health-related
22 field. No. 4: "Does Mr. Sprague have any formal
23 training or degree as a toxicologist?" No. I have
24 received basic instruction in the related field of air

1 toxic risk assessment, and I have gained some relevant
2 experience from project collaborations involving U.S.
3 EPA and/or IEPA staff responsible for reviewing and
4 conducting risk assessments. No. 5: "Does Mr. Sprague
5 have any formal training in mercury methylation?" No.
6 No. 6: "Does Mr. Sprague have any formal training in
7 the health effects of exposure to methylmercury?" No.

8 MR. BONEBRAKE CONTINUES:

9 Q. Mr. Sprague, do you consider yourself,
10 then, an expert in toxicology?

11 A. I definitely do not consider myself an
12 expert in toxicology.

13 Q. Do you consider yourself an expert with
14 respect to methylmercury?

15 A. I think I answered that question. No.

16 MR. SPRAGUE: No. 7: "Does
17 Mr. Sprague have any formal training in deposition
18 modeling? As part of my job responsibilities, I have
19 performed deposition modeling in support of A to Z
20 (phonetic) permit reviews. I have attended courses and
21 workshops in dispersed modeling and/or risk assessment
22 and incorporated depositional modeling principles and
23 practices.

24 MR. BONEBRAKE CONTINUES:

1 Q. Did any of that deposition modeling class
2 work or other training relate to deposition modeling
3 with respect to mercury?

4 A. In most cases, it would be non-specific as
5 to the chemical species. I think principles are
6 generally applicable to many of the chemical compounds.

7 Q. Do you know of any deposition modeling
8 characteristics that are peculiar to mercury as compared
9 to other substances?

10 A. Well, with regard to deposition modeling,
11 there would be certain considerations with regard to the
12 velocity of deposition when it comes to dry deposition
13 and different chemical species have difference values
14 assigned to them, and so generally speaking, that would
15 be a difference for mercury species.

16 MR. SPRAGUE: "At page two of his
17 testimony, Mr. Sprague refers to 'acute exposure
18 incidents' as well as evidence of low level exposures.
19 I should have said quote-unquote -- as a source of
20 information regarding the symptoms and neurological
21 effects of methylmercury poisoning." Subpoint A: "What
22 historical acute exposure incidents, specifically, is
23 Mr. Sprague referring to?" These have been spoken about
24 today already, the Minamata, Japan incident reported in

1 1956, the Negata Japan outbreak in 1963 through 1965;
2 and the 1971 methylmercury treated C-grade incident in
3 Iraq. Subpoint B: "What were the levels of
4 methylmercury exposure in those acute exposure
5 incidents?" Specific quantification for this and the
6 other incidents did not appear in the documents in which
7 my testimony is based. Dr. Rice has spoken to the
8 question in her responses. Subpoint C: "How do acute
9 exposure incidents differ from low level exposures?"
10 Acute incident would be a short term, high level
11 exposure. Low level exposures would be small dosages in
12 either a short or extended period.

13 MR. BONEBRAKE CONTINUES:

14 Q. Mr. Sprague, what is the bases for the two
15 definitions that you just gave us?

16 A. My basic understanding of toxicological
17 principles.

18 Q. That understanding is based upon the
19 materials that you reviewed, specifically, to prepare
20 Section 3.0 of the TSD?

21 A. It would be independent of it through
22 training I have received in the past .

23 MR. SPRAGUE: No. 9: "At page two of
24 his testimony, Mr. Sprague refers to the studies in the

1 Faroe Islands, New Zealand and the Seychelles Islands.
2 Prior to this rulemaking matter, had Mr. Sprague ever
3 utilize or used these studies? No. Number 10: "At
4 page two of his testimony, Mr. Sprague states that these
5 three studies have quote yielded results that markedly
6 contrast, but which are not discordant with respect to
7 mercury effects on IQ. An integrative analysis of these
8 studies showed -- closed quotes. With respect to these
9 statements, subpoint A: In what way did the results of
10 the studies `markedly contrast'?" Researchers who have
11 looked at the results or reported that the Faroe Islands
12 and New Zealand studies found methylmercury related
13 developmental neurotoxicity, whereas the main Seychelles
14 Islands study found no such association. Subpoint B:
15 "what is meant by the phrase "not discordant" with
16 respect to mercury effect?" Additional investigation of
17 the results of the three studies suggests evidence of
18 mercury related neurodeficits in the Seychelles Islands
19 study group, as well.

20 MR. BONEBRAKE CONTINUES:

21 Q. What do you mean "additional research"?

22 A. Additional look at the data that was done
23 by researchers other than those that reported initial
24 findings.

1 Q. So the research you are referring to is
2 the research done by others, as opposed to yourself?

3 A. Oh, definitely.

4 Q. What specific additional studies are you
5 referring to?

6 A. Well, I would have to refer you to just
7 Dr. Rice's report, and I think what I'm recalling is
8 Dr. Louise Ryan's follow-up work when she was looking at
9 the data, as well.

10 Q. So the only information you can provide in
11 that regard would be something contained in Dr. Rice's
12 report, which is an exhibit to the TSD?

13 A. And/or what was included in the Michigan
14 Report, but on that particular point, I think it was
15 exclusively what was contained within Dr. Rice's report.

16 MR. SPRAGUE: Further subpoint
17 No. 1: "What is the basis for this statement?" The
18 discussion by Dr. Rice in quote "Estimation of societal
19 costs associated with methylmercury exposure in the
20 United States," and that's the TSD, pages 26 through 27.
21 What integrative analyses is Mr. Sprague referring to?"
22 Evaluation of modeling results for the three
23 longitudinal studies as undertaken by Harvard and
24 Dr. Louise Ryan, and again, the Technical Support

1 Document, pages 26 through 27.

2 MR. BONEBRAKE CONTINUES:

3 Q. Mr. Sprague, I notice you're reading from
4 something. Can you tell us what you're reading from?

5 A. Responses that I have prepared to your
6 questions.

7 Q. These are responses that you, personally,
8 prepared?

9 A. Yes.

10 MR. SPRAGUE: Subpoint D: Does Mr.
11 Sprague consider the Seychelles Islands study to be
12 well-conducted and valid?" As I have already said, I am
13 not an epidemiologist, and I am not familiar with the
14 physical and psychological testing performed.

15 MR. BONEBRAKE CONTINUES:

16 Q. Does that mean, Mr. Sprague, that you have
17 no opinion, one way or another?

18 A. Yes. It means that I don't have any
19 opinion on this particular one.

20 MR. SPRAGUE: Subpoint E: Did the
21 National Academy of Science conclude that the Seychelles
22 Islands study was well-conducted and valid?" A National
23 Research Council expert panel concluded that "All three
24 studies were high quality, well-designed studies."

1 Again, for the Technical Support Document page 10."
2 MR. KIM: Appendix A.
3 MR. SPRAGUE: Appendix A, subpoint F:
4 "According to the Seychelles Islands investigators, they
5 evaluated 60 primary endpoints through age nine and
6 included that their data do not support the hypothesis
7 that there is a neurodevelopmental risk for prenatal
8 methylmercury exposure resulting solely from ocean fish
9 consumption. See Myers, et al., 2003, last sentence in
10 abstract. Is this correct?" This is a correct
11 extraction from the author's summary section, which is
12 also being referred to as the abstract. The authors
13 also wrote that "Exposure to methylmercury before birth
14 can adversely affect children's neurodevelopment."
15 Subpart G: Does Mr. Sprague contend that there is no
16 safe exposure level for methylmercury? I cannot respond
17 authoritatively to this question since I am not a
18 toxicologist. Subpoint 1: If so, what is the basis for
19 this contention?" Since my response in G was in the
20 negative -- it was not in the affirmative -- the
21 question is not relevant. For subpart two: "If not,
22 what is the safe exposure level?" Since my response in
23 G was not a negative, the question is not relevant, as
24 well. Subpoint H: "Did the Seychelles Islands

1 population study at the time of the mercury study at
2 that island consume more fish than is typically consumed
3 in Illinois?" The documents in which I base my
4 testimony did not include this information. Subpoint I:
5 "Are there studies showing --

6 CROSS EXAMINATION BY MR. ZABEL:

7 Q. I understand those documents don't -- do
8 you know, Mr. Sprague?

9 A. I place side boards on my analysis to
10 really include just those studies.

11 Q. I'm sorry. I'm not sure I understand what
12 you mean by that.

13 A. I have confined the testimony that I
14 prepared just upon those documents that were made
15 available to me, and those two documents were the ones
16 that were made available to me.

17 Q. So you don't know?

18 A. So my response is I confined myself to
19 those two documents.

20 Q. That's not an answer to the question. You
21 stated that the information was not in those documents.
22 I'm not asking you what's in the documents. I'm asking
23 you, Mr. Sprague, what you know. Do you know the answer
24 to the question?

1 MR. KIM: I believe Mr. Sprague just
2 answered that to the best of his --

3 MR. ZABEL: To the contrary, he did not
4 answer it. He answered whether it was in his documents.
5 I'm asking what's in his mind.

6 MR. SPRAGUE: I can tell you what my
7 hunch is.

8 MADAM HEARING OFFICER: That's fine.
9 Your best guess and we'll take it as a best guess. I
10 believe since this is a predominant fish-eating
11 population that, indeed, they do eat more fish than the
12 residents of Illinois.

13 MR. ZABEL: Thank you.

14 MR. SPRAGUE: Subpoint I: "Are there
15 studies showing that the children's mothers who eat more
16 fish do better on tests in neurodevelopment than do the
17 children of mothers who eat less fish?" I have not read
18 of any specific studies. However, this morning's
19 proceedings, you identified the Daniels, et al., and
20 Oken, et al., studies that possibly have been making
21 this association. No. 11, with respect to the Faroe
22 Islands study, subpoint A: Did the National Academy of
23 Sciences, the academy, consider potential confounding by
24 postnatal exposure to PCB's from breast milk ?" Yes.

1 But they have also concluded that "The effects of
2 methylmercury and PCB were independent." Subpoint B:
3 "Did the Academy continue -- excuse me. Did the academy
4 committee include "co-exposure to other neurotoxicants,
5 e.g., PCB's on its list of sources of uncertainty
6 associated with the Faroe Islands study?" Yes.
7 Subpoint C: "Does the U.S. EPA have a reference dose
8 for PCB's?" Yes. There's an oral reference dose for
9 arochlor 1016 and arochlor 1254. U.S. EPA does not
10 have reference doses for specific PCB congener
11 (phonetic). Subpoint D: "How did the level of PCB
12 exposure in the Faroe Islands compare to U.S. EPA's
13 reference dose for PCB's?" Again, the documents upon
14 which my testimony is based did not specify the level of
15 PCB exposure. Subpoint E: "How did the level of PCB
16 exposure in the Faroes compare to the level that
17 produced effects in the infant monkeys that Dr. Rice
18 experimented with?" I would refer this question to
19 Dr. Rice.

20 MADAM HEARING OFFICER: For the
21 record, I believe she answered it during her testimony.

22 MR. SPRAGUE: Subpoint F: Did
23 significant exposure to PCB's occur in the Seychelles
24 Islands study?" No. Subpoint G: Is it possible that

1 PCB's could have had an influence on the results of the
2 Faroe Islands study by producing or contributing to
3 developmental neurotoxicity?" The external scientific
4 peer-reviewed panel providing recommendations on the
5 methylmercury reference dose felt that some test time
6 showed an effect to PCB exposure. In Michigan, a
7 Mercury Electric Utility work group final report on
8 mercury emissions for coal-fired power plants is the
9 statement, "There's been argued that polychlorinated
10 biphenyls contamination could be a confounding factor in
11 the Faroe Islands study," and this is by Grongy
12 (phonetic) et al. 1998. However, "Additional analyses
13 indicates that adverse effects of methylmercury and
14 PCB's are independent of one another," from Jorgensen
15 (phonetic), et al., 1999, "The National Research Counsel
16 in 2000 similarly concluded from other studies that the
17 effects of methylmercury and PCB are independent. No.
18 12 --

19 MADAM HEARING OFFICER: Mr. Bonebrake.

20 MR. BONEBRAKE CONTINUES:

21 Q. Just for clarity, you are just reading a
22 quote from the Michigan Report?

23 A. That's correct.

24 MR. SPRAGUE: No. 12: "At page two of

1 his testimony, Mr. Sprague states that mercury hair
2 levels are associated with "incidences of myocardial
3 infarction." Subpoint A: "Is there disagreement among
4 experts concerning whether there is such an
5 association?" I am not aware of any published research
6 that would challenge this association.

7 MR. BONEBRAKE CONTINUES:

8 Q. Mr. Sprague, is your view regarding this
9 association based solely upon the report of Dr. Rice and
10 the Michigan report that you referenced?

11 A. It is.

12 MR. SPRAGUE: Subpoint B: "Is there
13 uncertainty concerning whether there is any such
14 association?" The study results described by Dr. Rice
15 indicate a connection. Subpoint C: Is Mr. Sprague
16 aware of any studies reporting an inverse association
17 between fish consumption and cardiovascular effects,
18 i.e., that fish consumption has a protective effect
19 against cardiovascular disease?" I'm aware of general
20 dietary recommendations for inclusion of omega-3 fatty
21 acids through fish consumption? I have seen references
22 to some published research, Cornig, et al., 2005; Cohen,
23 et al., 2005, that presumably report an inverse
24 association. Subpoint D: "Are such results found in

1 the Chicago Western Electric Study in Japan, in the
2 Nurses' Health Study, in the U.S. Physicians' Health
3 Study?" The documents upon which my testimony is based
4 do not discuss the results of these studies, nor
5 describe any available data specific to Japan. No. 13:
6 "Mr. Sprague refers to a reference dose of 0.1
7 micrograms per kilogram per body weight per today at
8 page three of his testimony. Is this U.S. EPA's
9 methylmercury reference dose?" Yes. Subpoint B: "Is
10 it used by the Agency in calculating a fish advisory?"
11 It is my understanding that it was not used for the
12 joint EPA-FDA fish advisory. Subpoint C --

13 MADAM HEARING OFFICER: Excuse me,
14 Mr. Sprague. I believe we need to clarify. Didn't we
15 have testimony earlier -- Dr. Hornshaw, didn't you
16 testify earlier this morning that this was the number
17 that uses --

18 DR. HORNSHAW: I'm not sure which
19 agency this question refers to because it mentions U.S.
20 EPA in the prior question. If it means Illinois EPA,
21 which we don't do the advisories, that means the Fish
22 Contaminant Program, then the answer is yes.

23 MR. BONEBRAKE CONTINUES: I think
24 "agency" was defined at the beginning of our questions

1 as IEPA.

2 MADAM HEARING OFFICER: That's my
3 understanding, as well.

4 MR. SPRAGUE: I interpreted this to
5 reflect U.S. EPA.

6 MADAM HEARING OFFICER: Ms. Bassi, did
7 you have a follow-up?

8 MS. BASSI: That was it.

9 MR. SPRAGUE: Subpoint C: "Is the
10 reference dose a measure of an average exposure level
11 per day over a period of a person's life that, if not
12 exceeded, is unlikely to create deleterious effects?
13 The U.S. EPA's Iris database describes it as "In
14 estimates with uncertainty spanning perhaps in order of
15 magnitude of daily exposure to the human population,
16 including sensitive suburbs that is likely to be without
17 appreciable risk of deleterious effects during a
18 lifetime." No. 14: In his testimony, Mr. Sprague
19 refers to an estimate by the Center for Disease Control
20 that 6 percent of women of childbearing age have blood
21 mercury levels at or exceeding the reference dose.
22 Subpoint A: Where are these women located?" That
23 specific information was not provided by the CDC.
24 Subpoint B: "Is this a reference to U.S. EPA's

1 reference dose?" Yes. Subpoint C: "How was U.S. EPA's
2 reference dose determined? The Technical Support
3 Document, Appendix A, pages nine through 11 provides
4 extensive remarks on the derivation of the reference
5 dose, and I would prefer to defer to Dr. Rice for
6 describing any greater details of the procedure used by
7 U.S. EPA. Subpoint D: "Is the reference dose a measure
8 of exposure rather than a measure of exposure in the
9 human body?" Yes. Subpoint E: "Is there a standard
10 used to identify what concentration of methylmercury in
11 the human body may cause deleterious effects in some
12 portion of the population?" I know of no specific
13 standard. However, a blood mercury concentration or
14 maternal hair concentration that correlates with U.S.
15 EPA's methylmercury reference dose could potentially be
16 regarded as a "standard." Subpoint one: "If so, what
17 is the name of that standard?" The question isn't
18 relevant, at least, to my response. Subpoint two: What
19 is that standard?" The approximate correlative maternal
20 hair mercury concentration is one to 1.2 ppm's
21 respectively, according to Dr. Rice's testimony.
22 Subpoint 3: "Is that standard exceeded by any portion
23 of the population referred to in the CDC study?" Yes.

24

MR. BONEBRAKE CONTINUES:

1 Q. What portion of the population exceeds
2 that standard? What portion of the population
3 referenced in the CDC study exceeded 1.2 parts per
4 million.

5 A. I don't know what that percentage is
6 because -- first of all, your question is framed "Is
7 that standard exceeded by any portion of the
8 population?" My response was yes. The actual
9 percentage amount? I believe it wasn't contained within
10 the documents.

11 Q. In the main body of Question 14, the
12 opening sentence, with respect to the CDC 6 percent
13 number, was that, Mr. Sprague, a number that you
14 independently pulled out of some CDC documents, or were
15 you referring to the mercury report and/or Dr. Rice's
16 report?

17 A. You are seeing that at 14. I know my
18 specific response to 6 percent came out of Dr. Rice's
19 report, but as Dr. Rice mentioned earlier on today,
20 there are other numbers that have been thrown out there
21 based upon different groupings of data that have been
22 made available by the CDC, and certainly, the high end
23 number was 16 percent I believe that she had used this
24 morning for some of the data that has been released.

1 Q. I'm not clear, then, where the 6 percent
2 number came from and maybe that question is better
3 directed to Dr. Rice.

4 A. That came out of the documents and I
5 believe it was Dr. Rice's report, as opposed to the
6 Michigan report.

7 MR. KIM: Could we maybe -- could you
8 identify which page of his testimony you are referring
9 to and maybe --

10 MR. BONEBRAKE CONTINUES:

11 Q. The last page, page 3, last sentence, "The
12 Center for Disease control has estimated that,
13 approximately, 6 percent of women of childbearing age
14 have blood mercury levels at or exceeding their
15 reference dose." I was trying to get an understanding
16 of what specific document the 6 percent number came out
17 of that estimate.

18 A. Again, the two documents that I availed
19 myself of, the two documents that I mentioned, and I
20 would have to go back here and look through each to see.

21 MR. KIM: Unless there are a number of
22 other -- I could suggest maybe we look into it and get
23 back to you.

24 MR. SPRAGUE: I'm not seeing it in the

1 Michigan document. I have to assume that it was in
2 Dr. Rice's document, but again, the key point is there
3 were different years of data released, so the 6 percent
4 versus the 10 percent that was mentioned Jim Ross'
5 testimony yesterday versus the 16 percent all hinge upon
6 which years of data you're referring to.

7 MR. BONEBRAKE CONTINUES:

8 Q. Then just a related question, Mr. Sprague,
9 in your testimony where you refer to blood mercury
10 levels at or exceeding the reference dose, you are
11 referring to the .1 micrograms per kilogram per day
12 standard?

13 A. Forgive me. Could you repeat that?

14 Q. Sure. In that last sentence, on page
15 three of your testimony, where you refer to mercury
16 levels at or exceeding the reference dose, the reference
17 dose that you're referring to is the .1 micrograms per
18 kilogram per day standard?

19 A. That's correct.

20 Q. That is a standard for intake or
21 consumption. Is that correct?

22 A. That's correct.

23 Q. But the CDC was looking at concentrations
24 in the body. Is that correct?

1 A. It appears as though it could be
2 interpreted that way.

3 Q. I guess you don't really know,
4 Mr. Sprague?

5 A. I would have to I think go back to the
6 document and see within the context of which it was
7 said. It might be a bit more illuminating as to what
8 was actually said in regard to that, but yeah. Short of
9 doing that, I can't say with 100 percent certainty.

10 MR. KIM: If you would like, we can
11 have him look into that answer and to the question you
12 raised concerning his testimony, the 6 percent figure,
13 and try to respond shortly.

14 MR. BONEBRAKE: That would be fine.

15 MADAM HEARING OFFICER: Are there any
16 questions for Mr. Sprague.

17 CROSS EXAMINATION BY MR. HARRINGTON:

18 Q. Mr. Sprague, you stated that you relied on
19 the Michigan study. Is that correct?

20 A. Michigan Utility Report, that's correct.

21 Q. Yes. Are you familiar with the discussion
22 there of methylmercury in Lake Michigan and the reasons
23 for its presence or absence?

24 A. I, again, I put sideboards on those

1 documents that I was looking at, and it was,
2 specifically, Section 2.5 in the Michigan Utility
3 Report, so if what you're referring to existed outside
4 of that section, then my answer would be, no, I didn't
5 look at that.

6 Q. Thank you.

7 MADAM HEARING OFFICER: Anything
8 further? Now would be a good --

9 MS. GEERTSMA CONTINUES:

10 Q. Mr. Sprague, are you aware under what
11 circumstances the Michigan Report was prepared? Let me
12 be more specific. Did the governor ask anyone within
13 the Michigan Government to produce a report on mercury?

14 A. I believe that's the case, yes.

15 Q. Are you aware of any announcements made by
16 the governor of Michigan as to what she would like the
17 Agency to do as a result of that report?

18 A. No, I do not.

19 MADAM HEARING OFFICER: Anything else?
20 Now is a good time to take a real break.

21 (At which point in the proceedings a
22 10 minute break was taken.)

23

24

1 STATE OF ILLINOIS)
2 COUNTY OF ST. CLAIR)SS
3

4 I, Holly A. Schmid, a Notary Public in
5 and for the County of Williamson, DO HEREBY CERTIFY that
6 pursuant to agreement between counsel there appeared
7 before me on June 13, 2006, at the office of the
8 Illinois Pollution Control Board, Springfield, Illinois,
9 Jeffrey Sprague, who was first duly sworn by me to
10 testify the whole truth of his knowledge touching upon
11 the matter in controversy aforesaid so far as he should
12 be examined and his examination was taken by me in
13 shorthand and afterwards transcribed upon the typewriter
14 (but not signed by the deponent, and said testimony is
15 herewith returned.

16 IN WITNESS WHEREOF I have hereunto set
17 my hand and affixed my Notarial Seal this 17th day of
18 June, 2006.

19 _____
20 HOLLY A. SCHMID
21 Notary Public -- CSR
22 084-98-254587

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