

Advisory Committee on Mercury Pollution

Meeting #78: Thursday, November 27, 2007

Time: 8:30 am – 12:00 pm

Location: Osgood Building, Waterbury State Office Complex
Waterbury, Vermont

MINUTES

Members Present:

Michael Bender, Abenaki Self-Help Association, Inc.
John Berino, Fletcher Allen Health Care (representing Vermont Association of Hospitals and Health Systems)
William Bress, Vermont Department of Health
Gary Gulka, Vermont Agency of Natural Resources, Environmental Assistance Office
Jennifer Holiday, Chittenden Solid Waste Management District
Neil Kamman, Vermont Agency of Natural Resources, Water Quality Division
Eric Palmer, Vermont Department of Fish & Wildlife
Representative Cynthia Martin, Vermont State House of Representatives (via telephone)

Guests Present:

Charity Carbine, Vermont Public Interest Research Group
Lisa Carlson, Funeral Ethics Organization
Karen Knaebel, Vermont Agency of Natural Resources, Environmental Assistance Office
Matthew Levin, Vermonters for a Clean Environment
Anthony Otis, Vermont Delta Dental Plan
Bridget Schoffelmeijer, National Electrical Manufacturers Association, Alliance of Automobile Manufacturers
Peter Taylor, Vermont State Dental Society

The Committee members and interested parties gathered at the Waterbury State Complex, Osgood Building. Neil Kamman called the meeting to order.

Agenda Item 1

Review draft minutes from November 1, 2007 meeting

Gary Gulka requested a change under Agenda Item 2, paragraph 4, to replace this paragraph with the following: “Mr. Bender mentioned that he will be testifying at a hearing of the U.S. House Subcommittee on Domestic Policy of the Committee on Oversight and Government Reform on November 14, concerning the environmental risks of dental mercury.”

Gary Gulka pointed out a typographical error on page 3.

Gary Gulka suggested a change under agenda item 6, paragraph 1, to insert the words “of October 27, 2007, after the word “minutes”.

Gary Gulka suggested a change to paragraph 1 under agenda item 8, to replace this paragraph with the following: “Gary Gulka reviewed the report outline for the Advisory Committee annual report to the Legislature.”

Gary Gulka suggested the addition of a new paragraph at the end of the agenda item 8 to read: “The Committee agreed by consensus that Committee recommendations (Section IV) of the outline) should address thimerosal, dental amalgam, fish mercury monitoring program, thermostat collection, mercury auto switches, and mercury-containing lamps.”

A motion was made and seconded to approve the minutes of the November 1, 2007 Advisory Committee meeting with these changes.

Agenda Item 2

Committee member concerns as a standing committee item

- Representative Martin mentioned she writes a weekly column in a Springfield newspaper, and recently she wrote a column regarding mercury and the Advisory Committee. In this article, she asked readers of their awareness of the mercury problem and asked readers for a response. She received only one response from a person who stated that she has been recovering for over two years from mercury poisoning, which started from a broken tooth with an amalgam filling. Representative Martin asked if there was a support group that this person could be referred to. She asked if there is some way to tap into the experience of this person in Committee discussions on restricting the use of mercury.
 - Michael Bender stated that there is a group – Dental Amalgam Syndrome (DAMS) – a national group with people who believe that they have been harmed by mercury exposure through amalgams.
 - Matthew Levin of Vermonters for a Clean Environment offered to provide Representative Martin with more information outside of this meeting.
 - Several committee members said that the Committee has already heard about similar health effects and that the Committee does not need to re-visit this issue. It was suggested the Representative Martin could do something locally, on her own, to convey this person’s experience to others in the community.
- Michael Bender asked that the agenda item related to mercury-containing lamps be tabled, as he has not met with Jen Holiday to work on this.
- Michael Bender mentioned that the press release from the Committee regarding the mercury thermostat collection pilot was not released. Efficiency Vermont, who was to be a part of the combined message of mercury pollution and energy

efficiency, did not respond to indicate their agreement with the language in the press release. It was noted that the advertising done by the Agency was good.

- Michael Bender suggested that the draft letter to the Department of Banking, Insurance, Securities, and Health Care Administration be discussed in the time slot allocated for mercury-containing lamps.
- Lisa Carlson, representing the Funeral Ethics Organization, said that she was stunned that the Committee is only dealing with the environmental aspects of dental amalgam and not health issues.
 - Neil Kamman stated that the Committee has already addressed health issues and has decided to focus on environmental issues.
 - Jen Holiday stated that the Committee supports the phase-out of dental amalgam use and it was Senator Lyons who suggested a legislative focus on environmental aspects of dental amalgam use.
- Gary Gulka mentioned that EPA proposed an air toxics rule in September to control emissions from electric arc furnaces – the facilities that smelt and recycle scrap metal, including autos and appliances and other devices which may contain mercury. The proposed rule would require these smelters to purchase scrap metal only from those facilities participating in mercury auto switch removal program, such as the national program that Vermont auto salvage facilities are participating in. Several environmental state agencies have submitted comment on the proposed rule saying that it does not go far enough in addressing other types of mercury-added products in scrap metal. Michael Bender mentioned that environmental community has also commented on this rule.
- Karen Knaebel mentioned that work continues on developing mercury spill and fluorescent lamp breakage cleanup guidance with involvement of the Agency of Natural Resources, Health Department, and Efficiency Vermont. Gary Gulka mentioned that the regional meeting on fluorescent lamp breakage cleanup occurred in Portland earlier this month and there will be a regional conference call in December to follow up and see where consensus can be reached on cleanup procedures. He said that the state-specific guidance is targeted for completion in December.

Matthew Levin asked if the current draft procedure recommends clean up by hazardous waste cleanup contractors. Gary Gulka stated that it does not; however, there is mention that the Department of Health be contacted when a member of the public has concerns about the health effects of mercury release, such as small children present in the household. Gary Gulka indicated that the cleanup procedures should be finalized prior to the Committee report.

- Bill Bress mentioned that he is working on a lead reduction bill with the Attorney General's Office. He attended a workshop on herbal supplements and learned that there are over 200 products with the presence of cadmium, lead, and mercury. Mercury is intentionally added to these products for medicinal purposes. The Attorney General's Office will be contracting for lead analysis of some of these products. Bill Bress asked the Committee if it would want to consider requesting that mercury analysis also be done on these products.

Neil Kamman suggested, and it was agreed, that this issue will be placed on the agenda for the December 14th Advisory Committee meeting and that the Committee at that time could consider a letter to the Attorney General's Office requesting mercury analysis. Bill Bress agreed to bring additional information back to the Committee at its next meeting.

Agenda Item 3

Discussion related to crematoria survey results on dental amalgam

Karen Knaebel contacted Jim Johnston of the Vermont Funeral Directors Association who was invited but not present at the meeting. Mr. Johnston stated that he was unable to obtain adequate information from the funeral directors with the survey to identify the number of amalgam fillings in deceased being cremated in Vermont. He suggested that the Committee contact Chris Book with the Vermont Funeral Directors Association for where to proceed from this point.

Lisa Carlson indicated that she was told that funeral directors did not have a dental mirror to check for the presence of amalgam fillings in teeth of deceased individuals and therefore it was difficult for them to obtain an accurate count.

Karen Knaebel told the Committee that she had left of message for Chris Book and asked the Committee how they would like her to proceed when she received a return phone call.

Gary Gulka felt that the Committee was not going to get the information it needed from the Association and that the data from Michael Bender's congressional testimony on dental amalgam and crematoria was the best information available. He suggested that the discussion be tabled and placed on the work plan for next year.

Michael Bender supported this suggestion and stated that mercury emissions from crematoria will be peaking over the next 10-15 years as the percentage of cremations grows by 30-40 percent. However, legislated emission controls will force the closure of small crematoria.

Mr. Bender recommended that the Advisory Committee report contain factual information on this and acknowledgement that this will be one of the largest emissions sources in the near future.

Michael Bender said that he would like more information on the status of emissions controls on crematoria in the UK and how this is affecting small crematoria.

Lisa Carlson indicated that small crematoria in the UK are shutting down. She said that large regional facilities with emissions controls would be viable.

Michael Bender suggested that Mr. Books be sent a copy of his congressional testimony.

The Committee decided to address this issue in the 2008 work plan.

Agenda Item 4

Discussion related to thimerosal in vaccines

Matthew Levin stated that a member of his organization requested information on how to obtain a thimerosal-free flu shot and that the Vermont Department of Health (VDH) responded with the Centers for Disease Control (CDC) fact sheet (handed out at the meeting), defending the use of thimerosal as safe. He stated there was frustration that the response was not helpful in answering the question on how to obtain a thimerosal-free flu shot.

Michael Bender mentioned that his daughter was able to get a thimerosal-free flu shot after requesting one at a physician's office.

Bill Bress indicated that the supply of thimerosal-free flu shots in Vermont is not adequate to meet needs and the VDH is recommending these for infants 6-35 months.

Michael Bender stated that thimerosal-free vaccines cost more, and he believed that last year there was a cost issue.

Bill Bress stated that VDH would support the Advisory Committee recommendation on thimerosal-free vaccine, but the Department is concerned about an inadequate supply.

Neil Kamman asked Bill Bress about a statement on the CDC fact sheet that indicated maximum daily exposure during the first six months of life of less than three micrograms of mercury. Bill Bress indicated that he was also uncertain about the level that was indicated and perhaps three micrograms was at the high end. He stated he would have to check the data to be able to accurately assess this information.

Matthew Levin asked Bill Bress to convey to VDH that their recent communication on availability of thimerosal-free vaccines is not acceptable. Bill Bress stated he would speak to the appropriate persons at VDH about this issue.

Michael Bender asked how availability of thimerosal-free vaccine can be increased and asked Bill Bress to provide information on this to the Committee at its next meeting. Michael Bender stated that he supports reiteration of the Advisory Committee recommendation from last year but has little hope that legislation will be passed. He said

that he is not satisfied with the CDC fact sheet and a lack of discussion on the controversial aspect on thimerosal.

Eric Palmer stated the Committee's concern last year was that other states were passing laws banning thimerosal in vaccines and that Vermont could become a dumping ground for thimerosal-containing vaccines.

Neil Kamman suggested that the Committee consider last year's recommendation and with the insertion that VDH provide guidance on the availability of thimerosal-free vaccine.

Bill Bress indicated that VDH would not oppose this.

Jen Holiday asked whether vaccine manufacturers were phasing out thimerosal and asked the Committee why it would not recommend a phase-out for all of the public.

John Berino indicated that there are two issues in obtaining thimerosal-free vaccine – one is that there is a need to order vaccines early, and second, it is a cost issue. He stated that there needs to be a standard message to physicians' offices similar to that which is in the proposed legislation – that thimerosal vaccines are administered when there is a supply issue.

Jen Holiday indicated that she would like to see the Committee's recommendation stronger, without conflicting with the VDH issue of adequate vaccine supply.

Neil Kamman suggested that the Committee consider three aspects of its recommendation on thimerosal in vaccines: 1) ban on use for children and pregnant women; 2) guidance on how to obtain thimerosal-free vaccine; and 3) phase-out of thimerosal in vaccines.

Bill Bress indicated that he will invite a person from VDH to the next meeting who is knowledgeable on this issue.

John Berino indicated that from the perspective of administering flu shots to all Fletcher Allen employees, the single dose vials of thimerosal-free vaccine (at \$3 per vial) are significantly more expensive compared to a multi-dose container with thimerosal.

Gary Gulka suggested that the Committee consider obtaining information from other states with thimerosal bans to determine how they have fared in complying with their laws.

The Committee agreed to consider the three-part recommendation at its next meeting after hearing from VDH.

Agenda Item 5

Discussion related to mercury-containing lamps and Committee recommendations was tabled and this time was used to review a draft letter to Banking, Insurance, Securities, and Health Care Administration

Michael Bender presented the Committee with a draft letter concerning dental insurance plans and reimbursement for amalgam and non-amalgam fillings.

The Committee recommended several changes to the draft as presented including:

- clarification on the Committee and its purpose for writing
- clarification on the requested response
- clarification on the state's policy to reduce mercury use
- other editorial changes to improve clarity

A motion was passed to approve the letter as amended with other minor changes that do not alter the intent of the letter. The Committee agreed that Neil Kamman would re-draft the letter, send to the Committee via email, allow one day for comments, consider the comments, and finalize, and mail the letter.

Agenda Item 6

Discussion on outreach to sensitive populations

Karen Knaebel discussed and handed out survey data on the two-year survey of mothers of newborns related to their knowledge of mercury in fish during their pregnancy and behaviors related to fish consumption. There was a 40% response rate to the survey. Doctor's offices are the primary source of information on mercury in fish. The survey data will be finalized with the assistance of VDH. The assistance of VDH was acknowledged for the data analysis and for presentation materials. The Committee agreed by consensus to thank Rich McCoy of VDH for his assistance.

Mercury in fish cards with the fish consumption advisories on the reverse side continue to be distributed – over 30,000 cards to date. Distribution has been to physicians' offices, schools, grocery stores, fishing license sales locations, and grocery stores selling fish. There will be another mailing of the newly revised cards to physicians' offices. A concern that these fish cards were funded by a grant and how will the continued use of these cards be funded in the future.

Karen Knaebel mentioned that the Mission Mercury video and games will soon be available on the www.mercvt.org web site. Another mailing to schools will be used to notify schools of this.

Michael Bender suggested that the Grocer's Association or individual supermarkets be approached for funding support for the fish cards in the future. Bill Bress indicated that VDH sanitarians continue to distribute fish cards when they visit grocers that sell fish.

Neil Kamman indicated that new fish mercury data from 400 samples was incorporated into the new fish advisories.

Agenda Item 7

Review draft recommendation and draft work plan

Jen Holiday suggested that the committee work plan include a topic on other sources of mercury that the Committee may become aware of as mentioned by Bill Bress.

Gary Gulka stated that the Committee needs to complete recommendations on the following for inclusion in this year's report to the legislature:

- thimerosal
- thermostat collection (including incentives and including review of PSI thermostat report)
- mercury auto switches
- mercury-containing lamps

Agenda Item 8

Set date and agenda for next meeting

Next Meeting:

December 14, 2007 from 8:30 to 12:30 pm in the conference room of the Laundry Building in the Waterbury State office Complex.

Agenda items for this meeting include:

- VDH discussion on thimerosal
- Thermostat collection
- Mercury Auto Switches
- Mercury-containing lamps
- Update on broken lamp cleanup guidance
- Monitoring update – Neil Kamman
- Herbal supplements – letter to AG office