

Advisory Committee on Mercury Pollution

Meeting #81: Monday, February 4, 2008

Time: 1:00 pm – 4:00 pm

Location: Room 8, Senate Natural Resources and Energy Committee Room
Vermont State House, Montpelier, Vermont

MINUTES

Members Present:

Michael Bender, Abenaki Self-Help Association, Inc.
Gary Gulka, Vermont Agency of Natural Resources, Environmental Assistance Office
Jennifer Holliday, Chittenden Solid Waste Management District
Neil Kamman, Vermont Agency of Natural Resources, Water Quality Division
Ruma Kohli, IBM (by telephone)
Senator Richard McCormack, Vermont State Senate
Eric Palmer, Vermont Department of Fish & Wildlife
Mary Jean Rajda, Porter Hospital (by telephone)

Guests Present:

Charity Carbine, Vermont Public Interest Research Group
Alison Crowley Demag, Lobbyist for National Electrical Manufacturers Association
Karen Knaebel, Vermont Agency of Natural Resources, Environmental Assistance Office
Matthew Levin, Vermonters for a Clean Environment
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 January 7, 2008 meeting

A motion was made and seconded to approve the minutes of the January 7, 2008 Advisory Committee meeting. The draft minutes were approved without changes.

Agenda Item 2

Committee member concerns as a standing committee item

- A request was made, and it was agreed upon, to move the discussion of legislative updates to earlier in the agenda, after the discussion of the dental brochure subcommittee
- Jen Holliday mentioned that she read an article in the magazine, House Beautiful, which discussed the use compact fluorescent bulbs. In a question that asked

whether compact fluorescents needed to be disposed of carefully, the answer given was that large generators, such as hotels, should dispose of them carefully, but households can throw them in the trash.

- Gary Gulka mentioned that he read an article on cleanup of broken lamps in a newsletter for his homeowner liability insurance company. The cleanup procedure was similar to that provided on EPA's web site.
- Matt Levin mentioned an article in the Washington Post weekly addition on energy efficient appliances that mentioned cleanup procedures for broken CFLs.
- Michael Bender mentioned a Maryland electrical utility that distributed CFLs to customers and instructed them to throw the bulbs in the trash if they did desire to use the bulbs.
- Michael Bender stated that a CFL solid waste disposal ban is now in effect in New Hampshire.
- Michael Bender mentioned that the Denver Post reported on a proposed crematorium, with about 450 estimated cremations a year that would be required to either install mercury pollution control equipment at a cost of about \$0.5 million dollars or find some other way to control mercury releases.
- Neil Kamman mentioned that there are a few states that have drafted comprehensive mercury reduction strategies as a way to defer development of a mercury TMDL for water bodies. He suggested that the Committee may want to look at these state strategies for new ideas on mercury reduction strategies. It was mentioned that Louisiana and Michigan were strategies that were reviewed.
- Neil Kamman mentioned that he provided the Governor's Office with a 1 ½ page summary of the Advisory Committee legislative report through the Agency Secretary. The summary included the Committee's recommendations and additional background on the Committee's work.

Agenda Item 3

Discussion of dental brochure subcommittee recommendations

Michael Bender mentioned that the dental brochure subcommittee met to review the American Dental Association (ADA) brochures on filling choices. In attendance at the meeting were Committee members, Mary Jean Rajda, Bill Bress, and Michael Bender. Also present at the meeting were Matt Levin (Vermonters for a Clean Environment), Peter Taylor (Vermont State Dental Society), and Steve Arthur (Vermont Department of Health). Mr. Bender stated that a number of comments and questions were raised about the content of the brochures, however, he was not certain that all of these points were covered in the subcommittee meeting minutes.

Mr. Bender indicated that there was some language in the brochures which Committee members felt was misleading information. He said that one concern with the six-page brochure was that the mercury issue was not mentioned until page three and then again, not until page six – and that readers might not even get this far into the document.

Michael Bender said that Bill Bress volunteered to go through the two ADA brochures and identify areas where clarification was needed and make recommendations on the health section of the brochure. Mr. Bender had agreed to make suggestions on changes to the environmental section of the brochure.

Mary Jean Rajda said that the subcommittee had comments on every page of the two documents and identified parts of the brochure that were ambiguous or misleading. She said that she reviewed the documents from a patient's perspective and tried to be fair in her review; however, she had many concerns.

Michael Bender stated that the subcommittee deferred to the Health Department to identify the points raised at the meeting; however, the comments and changes suggested are not reflected in the subcommittee's minutes.

Michael Bender felt that all Committee members should have the opportunity to look at and comment on the ADA dental brochures. Neil Kamman said that the charge of the subcommittee was to bring back its recommendations to the full Committee.

Mr. Bender felt that the Maine dental brochure is unbiased and should be used as a starting point. He felt that the Legislature will be reviewing this issue soon and that perhaps, the Committee should wait and see what happens in legislative committee discussions.

Jen Holliday suggested that the Committee highlight the areas of the two brochures where there were issues of concern.

Michael Bender stated that he was present at Food and Drug Administration (FDA) meetings in 2006, and the FDA summary of the meeting is not correct. He said there will be layers of controversy surrounding this issue and it is a four or five year process to develop a brochure.

Neil Kamman said that he thought that the Committee would provide comments to the Vermont State Dental Society (VSIDS) and that they would review these comments in finalizing changes to the Vermont-specific brochures.

Michael Bender stated that he did not like the ADA brochures.

Mary Jean Rajda stated that she agreed with Mr. Bender. She said that there are statements made in the brochures with no backup or background provided and she felt that the documents need work. She said that if she was a consumer, she would be swayed the wrong way by the content of the brochures.

Michael Bender stated that the brochures are not consistent with Committee recommendations on dental amalgam. He stated that the Maine dental brochure is neutral ground and that is what the Committee asked VSDS to come back with.

Eric Palmer stated that he agreed with Jen Holliday. He said that he would like the Committee to go through the brochures and at least highlight areas where there is comment or concern.

Michael Bender stated a major re-write would be necessary from his viewpoint.

Eric Palmer stated that he felt the Committee should not be silent, but that it should provide comment.

Jen Holliday asked whether the subcommittee was saying that by using this document the Committee would be endorsing the use of amalgam. Michael Bender stated that the answer to that question is yes.

Karen Knaebel asked if the California dental brochure was reviewed by the subcommittee. Michael Bender indicated that the California dental brochure took 15 years to develop and was written by a dental board. He indicated that he did not like the California brochure.

Peter Taylor said that he appreciated the struggle of the subcommittee. He said that the intention of the Vermont State Dental Society is to share some version of these dental brochures in dental offices as soon as they can, but are waiting for comment back from the Committee. Mr. Taylor said that there are philosophical differences. He said that there was agreement on environmental issues but some disagreement on health issues. Mr. Taylor said that he hoped to modify the dental brochures to include some or many of the comments of the Committee, but that for some Committee members, it seemed like the ADA brochures were not a starting point. He also said that the California brochure was acceptable from the perspective of VSDS. Mr. Taylor said that he did not want to wait until spring or summer to distribute brochures, and he felt that the brochures would raise awareness regardless of content.

Gary Gulka stated that he thought there were only two sections of the brochure that the subcommittee had comments on – the health and environmental sections on page six of the long brochure. He came prepared to provide comments on the subcommittee's recommendations and was disappointed and confused about the subcommittee's process.

Neil Kamman stated that the Legislature would be looking at this issue and VSDS was looking for comment on the brochures. He suggested that the Committee provide comment to both VSDS and the Legislature.

Michael Bender stated that the subcommittee did not provide its recommendations to the Committee. He said that the Committee needed to be consistent with its dental amalgam recommendations in previous legislative reports. He said that he was concerned with the time that it would take to provide comment and make recommendations on the content of the brochures. He said that the Committee has been waiting for years to receive a draft brochure from VSDS and that it was not his crisis to get something out quickly now.

Neil Kamman said that he felt that the Committee should provide comments to VSDS in totality.

Matt Levin said that it might be difficult for the subcommittee to reach consensus on the brochure content. Mr. Levin said that this would be a big project and questioned whether the Committee wanted to do this.

Mr. Levin stated that Peter Taylor's previous description of philosophical differences between the VSDS and members of the subcommittee was not accurate, and that there were also factual issues of concern or disagreement.

Mary Jean Rajda said that there were a lot of issues raised in the subcommittee meeting that were agreed upon by parties present. Michael Bender said he agreed with Ms. Rajda, but was not sure that there was consensus from the Department of Health.

Jen Holliday said the Committee needed to decide whether to go through the document or take a position, if the Committee does not have the resources.

Mary Jean Rajda said she had noted in her review of the documents that they evaded the issue of health concerns for women and children. She said that the brochures could be altered to make them more factual but she was unsure of the willingness of the Department of Health to do so.

Neil Kamman proposed that the Committee consider the following actions: (1) provide VSDS with comments on the factual concerns of the dental brochures; (2) take a position as a Committee on the dental brochures and also provide its position to the Legislature; and (3) provide a list of basic components and points that should be included in the brochure "punch list." He stated that the Committee should at least point out factual concerns because VSDS is planning to go forward with the brochures.

Michael Bender made a motion that the Committee accept Mr. Kamman's suggested actions. Mr. Bender also stated that he thought that the document review process would benefit by multiple perspectives so that the Committee can stand behind a more thorough set of recommendations. The motion was seconded.

Senator McCormack stated that the Legislature, as a citizen legislature, looks to advisory committees and also to other states for expertise that can be used in its decision-making process.

Eric Palmer said that one value of the Advisory Committee is that it comes together to speak with one voice on an issue. He had hoped the subcommittee would do this by identifying the parts of the dental brochures where there was agreement and disagreement. Mr. Palmer said that he felt that the Committee needed to reach consensus at some point and that he was not sure that the motion on the table accomplished this. He asked whether there was a process in place to achieve the actions in the motion.

Michael Bender stated that he felt there would be benefit from the collective wisdom of the Committee on these issues and that information could be exchanged through email.

Eric Palmer indicated that adding more people was fine, but that a process was needed for reaching consensus.

Neil Kamman stated that he believed the motion would address Mr. Palmer's concerns.

Mr. Palmer said that he appreciated that fact that VSIDS approached the Committee for its comments on the brochures. He said that he did not want the Committee to identify only the problems with the brochure. He suggested that the motion also include comment on what the Committee liked or agreed with in the documents. He said that there should also be recognition that this is a step forward in educating the public.

Mary Jean Rajda volunteered to write more complete notes of the subcommittee meeting discussions and would then circulate the notes to the subcommittee. It was agreed that the subcommittee would first complete its minutes of the meeting and then circulate to the full Advisory Committee. The subcommittee would then meet again to work on the actions or charges of the motion.

The following motion was approved: That the dental brochure subcommittee draft the following for consideration by the Advisory Committee: (1) comments on the factual issues and concerns of the dental brochures; (2) a draft position on the dental brochures, identifying both areas of agreement and areas of disagreement on content; and (3) a list of basic components and points that should be included in the brochure.

There was further discussion on the subcommittee process for the completion of its tasks. It was agreed that Mary Jean Rajda would develop notes from the previous subcommittee meeting and include a paragraph-by-paragraph description of the comments. She will send her notes to Michael Bender for review, and then the meeting notes will be sent to the subcommittee and other parties at the first meeting. The subcommittee will then convene a meeting to work on its three charges. It will report back to the full Committee at the next scheduled meeting.

Agenda Item 4

Discussion of legislative updates

Michael Bender mentioned the bill on mercury thermostats would not be taken up by the Senate Natural Resources Committee until after the cross-over date.

Jen Holliday mentioned there was an electronic waste bill, S.256, which addresses electronic devices with video display screens. Under the bill, manufacturers of covered electronic products would be required to provide collection programs for discarded products to achieve at least an 80% collection rate for the total of their video display products sold. She said that this bill would have a positive effect on removing mercury from the waste stream, by further encouraging recycling of video display screens with fluorescent bulbs. Jen Holliday suggested that the Advisory Committee send a letter to the

Secretary of Natural Resources and to the Senate Natural Resources Committee supporting the intent of the bill. Ms. Holliday suggested that the letter of support could be focused narrowly on the mercury reduction aspects and of the bill without necessarily supporting the specific manufacturer requirements of the bill.

Michael Bender made a motion that the Committee sends a letter of support for S. 256 to the Secretary of the Agency of Natural Resources and to the Legislature - supporting the intent of the bill as it relates to enhancing the removal of mercury-containing lamps from the waste stream. The motion passed. It was agreed that Jen Holliday would draft a letter and the letter would be circulated to the Committee for comment through Neil Kamman. Mr. Kamman will then finalize and send the letter. The Committee agreed that the letter would be drafted and circulated as soon as possible.

Matt Levin provided an update on the dental bill which has been transferred from the House to the Senate Health and Welfare Committee. He said that he did not expect any action on the bill this session due to other priorities in health care.

Agenda Item 5

Discussion related to 2008 Committee Work Plan

- A draft 2008 work plan was presented to the Committee for discussion by Gary Gulka. Mr. Gulka indicated that the Committee's legislative report identified three major topics in the Committee's work plan for the coming year that would be the focus next year's recommendations: 1) dental brochures, 2) crematoria mercury emissions, and 3) mercury-containing lamps. He indicated that during the course of the year, the Committee would be provided with updates on various ongoing mercury education and reduction projects as listed on the work plan, at appropriate times and when there were significant project results to report. Outreach to sensitive populations was included on the work plan as an opportunity for the Committee to provide advice and recommendations to the Departments of Health and Environmental Conservation on ongoing and potential future initiatives. It was noted that the draft work plan unintentionally omitted discussion of miscellaneous and new sources of mercury exposure (such as health supplements, tattoos, etc.).
- Michael Bender suggested that discussions of crematoria focus on emissions trading schemes (such as that in the U.K.) and pollution control technologies. He suggested that the Agency's Air Pollution Control Division be invited to a meeting to discuss pollution control technologies and cost.

Matt Levin suggested that the Committee needed to have a sense of how it wanted to move ahead on this issue in consideration of Committee discussion last year. There was a sense that the Committee was delaying making a recommendation because it does not have any other ideas for approaching the issue – other than expensive pollution control and cultural obstacles and challenges to tooth removal from the deceased.

Jen Holliday suggested an option that the Committee possibly explore public education on the issue of mercury emissions from crematoria - as a way to encourage voluntary tooth/amalgam removal at death.

Michael Bender suggested regional or centralized crematoria as an approach to controlling emissions from larger facilities with pollution control equipment. He suggested the idea of a regional demonstration project.

Senator McCormack asked if mercury emissions from crematory constituted a significant mercury release. Committee members and others confirmed that it is a significant problem. Matt Levin added that Colorado reported 110 pounds of annual mercury emissions from crematoria. Michael Bender indicated that dental mercury is the largest use of mercury with over 1000 tons being placed in the mouths of people.

Jen Holliday said that if we are working on coal burning power plants, we should be working on emissions from crematoria.

Gary Gulka suggested that he could provide the Committee with an update on crematoria and mercury emissions, including any new information available since last year. He could also consult with the regional Mercury Task Force and provide other regional updates on the issue.

Eric Palmer expressed concern that the Committee determine a focus area for recommendations and not just continue to study the issue.

- It was agreed that the agenda for the March/April meeting include dental brochure subcommittee recommendations and further discussion of dental insurance and any necessary follow up with the Department of Banking, Insurance, Securities, and Health Care Administration (BISHCA). The next meeting would also include an update on the crematoria issue and a scoping discussion of directions that the Committee wishes to pursue for possible mercury reduction recommendations.
- Discussion of sensitive populations was moved to the June meeting along with mercury-containing lamp issues.
- The Committee agreed that there would be a lead person(s) assigned to each agenda topic in the future to facilitate and focus the discussion and help direct the Committee toward decisions. It was agreed that the following Committee members would facilitate discussions: Gary Gulka, crematoria; Jen Holliday, mercury lamps; and Bill Bress with Karen Knaebel on outreach to sensitive populations.

Agenda Item 6

Set date and agenda for next meeting

The next meeting will be held at the State House in Montpelier. Three possible dates for the meeting will be circulated via email as follows: March 24, April 7, and April 14

Agenda items for this meeting include:

- Dental brochure subcommittee recommendations
- Dental insurance and follow up to BISHCA letter
- Update and discussion on crematoria
- Legislative updates

Summary of Motions Passed on Other Action Items Agreed to at this Meeting

- **Motion**

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Action

It was agreed that Mary Jean Rajda would develop notes from the previous subcommittee meeting and include a paragraph-by-paragraph description of the comments. She will send her notes to Michael Bender for review, and then the meeting notes will be sent to the subcommittee and other parties at the first meeting. The subcommittee will then convene a meeting to work on its three charges. It will report back to the full Committee at the next scheduled meeting.

- **Motion**

That the Committee sends a letter of support for S. 256 to the Secretary of the Agency of Natural Resources and to the Legislature supporting the intent of the bill as it relates to enhancing the removal of mercury-containing lamps in electronic products from the waste stream.

Action

It was agreed that Jen Holliday would draft a letter and the letter would be circulated to the Committee for comment through Neil Kamman. Mr. Kamman will then finalize and send the letter. The Committee agreed that the letter would be drafted and circulated as soon as possible.

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