

# **Advisory Committee on Mercury Pollution**

Meeting #86: Tuesday, October 28, 2008

Time: 9:00 am to 3:00 pm

Location: Downstairs Meeting Area, Wesley Methodist Church  
56 South Main Street, Waterbury, VT

## **MINUTES**

### **Members Present:**

Michael Bender, Abenaki Self-Help Association, Inc.  
John Berino, Vermont Association of Hospitals and Healthcare Systems (Fletcher Allen)  
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  
Representative Cynthia Martin, Vermont State Representative

### **Guests Present:**

Matthew Levin, Vermonters for a Clean Environment  
Anthony Otis, Public Policy Attorney, Northeast Delta Dental  
Anthony Somaini, Pharmacist Student  
Peter Taylor, Vermont State Dental Society  
Karen Knaebel, Vermont Agency of Natural Resources, Environmental Assistance Office

The Committee members and interested parties gathered at the downstairs meeting area at the Wesley Methodist Church in Waterbury, Vermont. Neil Kamman called the meeting to order.

### **Meeting of Advisory Committee on Mercury Pollution (ACMP)**

#### **Agenda Item 1**

Accept minutes from September 25th meeting

The minutes of the September 25<sup>th</sup> meeting were approved with no changes.

#### **Agenda Item 2**

Committee member concerns / public comments

There were no Committee member concerns raised or public comments.

#### **Agenda Item 3**

Continued discussion of patient information on dental filling choices

Michael Bender offered a motion that the Committee develops its own fact sheet on dental amalgam fillings that is consistent with the Committee legislative recommendations in the past. Mr. Bender indicated that the fact sheet could be posted on the Advisory Committee's web page and could be used as a template for other mercury informational pieces that are developed by DEC.

After considerable discussion the original motion was amended to include that the Committee:

(1) Develop a written acknowledgment of the process that led to the development of the Vermont State Dental Society (VSDDS) poster and brochure, including the offer by VSDDS to share a draft of the document and consider comments of the Committee. This acknowledgement would include the issues and concerns raised by the Committee in the final document and would be included in the Committee's legislative report.

(2) Develop a position or policy statement for inclusion in the legislative report that summarizes and is consistent with the Committee's views on patient information on dental filling reflected in previous legislative reports.

(3) Establish a work plan item for 2009 that calls for developing a Committee fact sheet on filling choices that is vetted with the Agency of Natural Resources and the Department of Health.

The motion was passed by the Committee by voice vote.

Neil Kamman volunteered to draft the written acknowledgement (listed as item (1) above). Michael Bender volunteered to draft the position or policy statement (item 2 above).

John Berino introduced a motion that the Committee considers recommending a fee be placed on dental amalgam use to fund a mercury pollution control program for crematoria. Mr. Berino suggested that the fee be placed in a dedicated fund to offset to cost of installing pollution control equipment, including zero interest loans to pre-existing crematoria. He suggested that under this scenario, all new crematoria would be required to install pollution control equipment.

Michael Bender said that he would circulate a report prepared by his consultant and referred to in Mr. Bender's congressional testimony on dental amalgam. This report discusses the lower cost of dental amalgam versus other filling materials when entire life cycle costs of handling amalgam wastes are not factored in.

The Committee agreed by consensus to place this topic on the agenda for the next meeting. Mr. Kamman suggested that the Committee needs more information in order to develop a recommendation.

#### **Agenda Item 4**

Continued discussion of dental insurance

Karen Knaebel informed the Committee that she contacted the Office of Oral Health and confirmed that under Medicaid, there is no distinction in coverage between amalgam and non-amalgam filling types. Medicaid covers the entire cost and there are no out-of-pocket expenses for either type of filling material for the patient.

Michael Bender suggested that there is an issue of awareness – that Medicaid patients are not necessarily aware that they have a choice of either type of filling material.

Neil Kamman made a motion that the Committee make a recommendation to the Legislature that there be equal compensation for amalgam and composite restorations on posterior teeth provided through dental insurance plans regulated by BISHCA.

It was noted that such coverage would affect approximately 67,000 Vermonters insured under Delta Dental (approx 21% of Vermont's population) and potential others who have dental coverage not under Delta Dental (approx. 16% of Vermont's population or 102,850). There was a question as to whether legislation would apply to self-funded plans (approx. 66,700 Vermonters). The Committee was informed at a previous meeting that BISHCA does not regulate self-funded insurance plans.

There was Committee discussion as to the intended meaning of the recommendation – whether it meant equal coverage on a percentage basis of cost of the restoration or equal dollar amount of reimbursement. Peter Taylor said he believed that the Committee's intention was equal coverage on a percentage basis. However, he suggested that the Committee seek counsel from more knowledgeable sources.

Representative Martin stated that she would consult with Legislative Council on this issue.

Michael Bender reminded the Committee not to lose sight of the issue of patient awareness – for both Medicaid patients and their existing coverage, and if legislation were developed to equalize coverage for Vermonters insured under plans regulated by BISHCA.

Neil Kamman agreed to contact BISHCA to assist with language in a Committee recommendation to accomplish the Committee's intended purposes.

Mr. Kamman's original motion passed.

#### **Agenda Item 5**

Program updates

Karen Knaebel provided the committee with an update implementation of the mercury thermostat collection plans required of original equipment manufacturers (OEMs). She indicated that the Thermostat Recycling Corporation's plan that represented seven OEMs was deemed

administratively incomplete. A revised plan was requested. When the plan is determined to be administratively complete the plan will be made available to interested parties for a 30-day public comment.

Gary Gulka said that he spoke with the University Of Minnesota School Of Mortuary Science to receive an update on their project to investigate the feasibility of removing amalgam fillings from deceased individuals. There are ongoing discussions with the School of Dentistry and School of Mechanical Engineering to initiate studies. There is currently no funding for the research. It was indicated that rigor mortis is a major hurdle that must be overcome to gain access to teeth and the other issue is the actual amalgam removal process from the tooth. From a practical standpoint, the research project would address both issues.

### **Agenda Item 6**

Discussion regarding mercury containing lamps

Michael Bender said that a lamp subcommittee consisting of Jen Holliday, Representative Cynthia Martin, and himself met on October 21<sup>st</sup> along with Efficiency Vermont, Summit Blue, Vue 1 Corporation, and VPIRG to discuss a recommendation on mercury-containing lamps. Mr. Bender said that the group discussed a draft white paper, *Mercury in Lamps – A Model State Program* that was prepared by David Lennett on behalf of Mercury Policy Project and the Green Lighting Campaign. Mr. Bender provided copies of the Green Lighting Campaign Pledge. He indicated that the subcommittee agreed by consensus to present the white paper to the Committee for consideration in developing its recommendations.

Mr. Bender reviewed the five areas of a model state program for lamps:

- 1) Mercury content restrictions to ensure the minimum amount of mercury is used to manufacture lamps.

Mr. Bender referred the Committee to the Green Lighting Campaign Pledge and the *Guidelines for Selecting, Distributing and Recycling Environmentally Preferable Light Bulbs During Mass Giveaways* that refers to mercury content restriction. He also mentioned that California has passed a law that requires, effective January 1, 2010, that any lamp manufactured or sold in California meet applicable mercury content standards set by the EU RoHS Directive, as amended.

- 2) State procurement provisions to advance procurement of green lighting in purchasing contracts.
- 3) Solid waste disposal bans on mercury containing lamps
- 4) Collection and recycling infrastructure and a financing system
- 5) Phase out of mercury-containing lamp products when non-mercury containing lamps prove technically and economically feasible.

Gary Gulka indicated that green lighting procurement in Vermont is already occurring under executive order and is administered through contracts that encourage low mercury content and recycling at end-of-life. He indicated that there would be benefit to disseminate this information to the business community. It was suggested that the Committee review the executive order on lamp procurement to determine if this adequately address the issues raised in the white paper.

Jen Holliday said that the newly formed Vermont Product Stewardship Council is recommending the development of extended producer responsibility framework legislation that could be a model for many product types. The Council is interested in addressing mercury-containing lamps as the first product to move forward in the framework. Ms. Holliday indicated that Vermont needs sustainable collection and recycling infrastructure for many different kinds of products.

Washington State has developed framework legislation for mercury bulbs.

Michael Bender stated that from his perspective, items 1, 4 and 5 were most important from Vermont's perspective to consider in legislation. Mr. Bender acknowledged that Vermont has significant lamp recycling infrastructure but does not have sustainable funding to support it. Mr. Bender said that he is seeking broad conceptual support from the Committee on these issues.

Neil Kamman asked if there is already a pathway for legislation along these lines to be proposed in the upcoming legislative session, such that the Committee only needs to support the broad concepts – rather than develop specific recommendations for legislation. Michael Bender indicated that there is an existing pathway for legislation to occur, notwithstanding the Committee's recommendations.

Mr. Bender indicated that the state of California is focusing on shared responsibility between utilities and lamp manufacturers; however, the issue is controversial. Mr. Bender also stated that he feels it is important to acknowledge the voluntary efforts of retailers in lamp collection and encourage more voluntary participation.

Karen Knaebel expressed concerns on the administrative burdens placed on the staff of DEC to engage in product phase-out legislation for lamps, and that the specifics of any legislative proposal need to address these concerns.

Michael Bender made a motion that the Committee considers a recommendation to the legislature on mercury lamps that: (1) restricts mercury content in lamps to ensure the minimum amount necessary; (2) creates a sustainable financing for convenient lamp collection and recycling infrastructure that includes public awareness; and (3) restricts the sale of mercury lamps for which cost effective, energy efficient alternatives are available.

The motion passed. Michael Bender and Gary Gulka agreed to work on the language of the Committee recommendation.

## **Agenda Item 7**

Set Date and Agenda for next meeting

The next meeting of the Committee is scheduled for November 21, 2008, 9:00 am to noon in the Appalachian Gap Room of the Summit, located in the Osgood Building of the Waterbury State Office Complex.

Agenda items include:

Recommendation on dental insurance  
Recommendation on mercury-containing lamps  
Recommendation on crematoria  
Update on Thimerosal  
Outline of the legislative report

### **Summary of Motions Passed and Other Action Items Agreed to at this ACMP Meeting**

The following motion on patient information on dental choices was passed:

- (1) Develop a written acknowledgment of the process that led to the development of the Vermont State Dental Society(VSDS) poster and brochure, including the offer by VSDS to share a draft of the document and consider comments of the Committee. This acknowledgement would include the issues and concerns raised by the Committee in the final document and would be included in the Committee's legislative report.
- (2) Develop a position or policy statement for inclusion in the legislative report that summarizes and is consistent with the Committee's views on patient information on dental filling choices reflected in previous legislative reports.
- (3) Establish a work plan item for 2009 that calls for developing a Committee fact sheet on filling choices that is vetted with the Agency of Natural Resources and the Department of Health.

Neil Kamman agreed to draft language for the legislative report regarding the Committee's involvement in the review of the VSDS brochure (see item 1 above)

Michael Bender agreed to draft language for the legislative report summarizing the Committee's position regarding patient information on dental filling choices (see item 2 above)

Neil Kamman agreed to contact BISHCA to assist with language in a Committee recommendation to accomplish the Committee's intended purposes for dental insurance.

Michael Bender and Gary Gulka agreed to work on the language for a Committee recommendation on mercury lamps.

Michael Bender said that he would circulate a report prepared by his consultant and referred to in Mr. Bender's congressional testimony on dental amalgam. This report discusses the lower cost of dental amalgam versus other filling materials when entire life cycle costs of handling amalgam wastes are not factored in.

**Subcommittee Meeting of ACMP**  
**Advisory Committee on Toxics (ACT)**

**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  
Lynn Metcalf, Vermont Agency of Natural Resources, Waste Management Division  
Cynthia Martin, Vermont State Representative

**Guests Present:**

Thomas Benoit, Vermont Agency of Natural Resources, Waste Management Division  
Randy Bronson, Vermont Department of Public Safety, Emergency Management  
Charity Carbine, Vermont Public Interest Research Group  
Allison DeMag, American Chemistry Council  
Karen Knaebel, Vermont Agency of Natural Resources, Environmental Assistance Office  
Paul Van Hollebeke, Vermont Agency of Natural Resources, Environmental Assistance Office  
Rodney Pingree, Vermont Agency of Natural Resources, Water Supply Division

The Subcommittee members and interested parties gathered at the downstairs meeting area at the Wesley Methodist Church in Waterbury, Vermont. Neil Kamman called the meeting to order.

**Agenda Item 1**

Toxic Chemical Program Overviews:

Community Right-to-Know Tier II Chemical Reporting

Randy Bronson, Compliance Program Manager for the Environmental Planning and Community Right to Know Act (EPCRA) administered out of the Emergency Management Division of the Vermont Department of Public Safety, provided an overview of chemical reporting programs.

The Tier II chemical reporting program is an annual reporting program with associated fees that support chemical emergency planning and response through the state's Hazardous Materials Team (incident response) and the local and state emergency planning commissions (LEPCs and SERC).

The SERC sets the thresholds for chemical reporting, which in Vermont, are more stringent than federal requirements. In general, any facility that stores 100 pounds or more of any hazardous or toxic chemical on the regulated list of chemicals (SARA 313 list), must report. Agricultural

operations are exempt from the fees as well as non-profits such as municipalities. If an employer-employee relationship exists at a facility and the facility is required to maintain Material Safety Data Sheets on chemicals and products used, then it is subject to Tier II reporting of storage thresholds are exceeded.. Petroleum products must be reported if storage exceeds 10,000 pounds. Numerous business sectors are affected included manufacturing, fuel distributors, gas stations, municipal and commercial vehicle service garages, electrical utilities and others. There are over 2300 reporters statewide. There is a separate list of Extremely Hazardous Substances (EHS) that includes substances such as sulfuric acid, chlorine, and anhydrous ammonia. The reporting threshold for mercury is 10 pounds. Storage of sand is subject to Tier II reporting due to the silica content of sand – silica is a carcinogen. Sawdust can contain low concentrations of lead and is subject to reporting. EPA Region 1 does inspections for Tier II reporting and has issued fines for non-compliance. There are about 350 chemicals subject to Tier II reporting, including the petroleum, carcinogen, and explosives lists. It has been a challenge to identify all of the facilities that are subject to Tier II reporting, and the program relies on lists of businesses and facilities from other state programs to seek out non-filers.

The federal Emergency Planning and Community Right-To-Know Act of 1986 resulted from a major chemical disaster at the Union Carbide Plant in Bhopal, India. Vermont's statutory program exists in Title 20 of the Vermont Statutes (sections 30-32 and 38-39. Annual fees are about \$483,000. Reporters pay \$33 for 100-999 pounds of chemical stored on site, and the fee increases for larger quantities. If a new chemical is brought on to a site, a letter must be sent to the SERC within 90 days. Chemical reporting data is sent in aggregate to LEPCs and fire departments using EPA's CAMEO software. However, the database is not accessible on line. There are 13 LEPCs which receive \$4000 per year from this fund to assist with emergency planning. LEPCs are tied to local fire departments which also receive copies of the Tier II reports and also assist the state in identifying facilities subject to reporting. Other grants are provided, and the state Haz Mat response teams are funded through the fees. There are 29 Haz Mat Team members with three vehicles strategically located around the state.

Data gaps exist, particularly for new facilities which are subject to the law. There are many different agencies and departments dealing with hazardous chemicals, including Public Safety, Department of Labor, Agency of Natural Resources, Department of Health, and Agency of Transportation. These agencies are members of the SERC along with nine local entities. Mr. Bronson mentioned that the SERC is meeting in Waterbury on November 19 and he welcomed a representative of the Advisory Committee to this meeting.

#### Environmental Monitoring – Water Quality

In regard to chemical monitoring of surface water, Neil Kamman said that there are three mechanisms in place:

- (1) Emerging chemical testing of wastewater discharges through EPA Region 1's laboratory. Several organic contaminants have been tested for at 30 sites. This testing was done in 2005.

- (2) US Geological Survey testing of about 100 emerging contaminants including pesticides, phthalates, detergent degradants, pharmaceutical degradants, and caffeine, to name several.
- (3) IBM and Friends of the Winooski have been sampling and testing chemicals in the IBM wastewater discharge to the Winooski River to establish a “footprint” of the discharge.

Municipal wastewater treatment plants have whole effluent toxicity testing requirements to determine if the effluent is toxic to aquatic organisms. Plants that exceed certain toxicity thresholds must identify the source of toxicity and take corrective measures. Mr. Kamman said that there was no formal program in place for monitoring of emerging contaminants.

### Air Toxics

Mr. Kamman said that he was provided a brief summary of Vermont’s Air Toxics program that he presented to the Subcommittee, as no one from the program was able to attend the meeting. There are four air toxics monitoring sites around the state that are monitored for 56 air contaminants. The program maintains air toxics emissions inventories for several contaminants. There is an air contaminant list with action levels established for stack emissions. These action levels are set by the Department of Health. There are toxic action plans for particular contaminants. Mr. Kamman mentioned that he will get a written description of the Air Toxics Program for inclusion the Committee report.

### Toxics Use and Hazardous Waste Reduction Plans

Paul Van Hollebeke of the Environmental Assistance Office provided an overview of the toxics use and hazardous waste reduction planning law that passed in 1991. The law requires three-year reduction plans for facilities which generate greater than 220 pounds per month of hazardous waste and/or manufacturers that use greater than 1000 pounds of a toxic or hazardous substance as listed under SARA 313 – this list contains about 650 chemicals and is the same list for reporting under the Toxics Release Inventory reporting requirement of the federal EPCRA. The program has developed a guidance document and ten worksheets that facilities use to satisfy the planning requirements. Some of the worksheets require general information about chemical use, hazardous waste, and process descriptions. Reporters identify opportunities for hazardous waste reduction and toxics use reduction with a focus on source reduction. Other worksheets are used for evaluation of technical and economic feasibility of reduction options. Facilities establish voluntary reduction goals. There are no provisions for enforcement and penalties. The program is mandated to provide assistance in the planning process. Each year, reporting facilities submit annual progress reports and every third year they must develop a new plan. In 1992 there were about 220 planners. In 2008 are 86 planners. 36 of the 86 are large users of toxic substances. The reduction in the number of planners is due to several reasons including: (1) plant closures; (2) changes in hazardous waste regulations that exempted some wastes that counted toward the 220 pound generation threshold; and (3) reduction measures implemented for hazardous waste and toxics substances to levels below planning thresholds. Some of the business sectors subject to planning include wood finishers, food processors, electronics manufacturers, and aerospace.

In Vermont there are about 40 facilities subject to the federal Toxics Release Inventory reporting requirement that is also a part of EPCRA. The state receives a copy of the reports. Reporting thresholds are based on the amount of chemical used.

### Drinking Water Program/Groundwater Protection

Rodney Pingree, Water Supply Division provided information to the Committee on two relevant programs; the drinking water regulations for public drinking water supplies and the Ground Water Protection Rule and Strategy.

### Drinking Water Program

Drinking water standards or limits are set by EPA or the Vermont Department of Health. DOH can set more stringent standards than EPA. For example, Vermont's standard for manganese is lower than the federal limit due to concerns related to inhalation. Many of the drinking water contaminants of concern are naturally occurring such as arsenic and uranium. Other contaminants of concern include viruses and bacteria, nitrate and nitrite, and petroleum products. Mr. Pingree said that he felt that public health protection was adequately served by the standards. He mentioned that the EPA Proposed Unregulated Contaminant Monitoring Program addresses some contaminants which are being considered for regulation. As an example, one such contaminant was perchlorate. Through monitoring of public water supplies, EPA determined that it was not cost effective to monitor for and regulate this contaminant related to explosives. Also in regard to new and emerging contaminants, besides relying on EPA, the program will also look at information provided by the general public and media and DOH.

### Ground Water Protection Rule and Strategy

Vermont's Ground Water Protection Rule and Strategy does not regulate per se – a regulatory program may set a standard that references the rule and strategy and then it becomes a de facto ground water standard for a particular entity or activity. An example would be the regulation of indirect wastewater discharges – if the ground water rule is referenced in the indirect discharge rules, then it becomes a standard. Numeric standards exist in the rule. There are two standards – a maximum level not to be exceeded and an action level, which is generally one-half of the maximum level. For carcinogens, the standard may be zero. A list of contaminants proposed for regulation is maintained on the Water Supply Division's web site until they are adopted. An example of this is tall oil that is used by Omya.

There is a ground water classification scheme in the rule. Class III is the default designation of all ground water unless otherwise classified. This classification is for general use suitable for drinking water. Class I and II are suitable for public drinking water supplies and have the potential for future use as a public water supply. Class I designation requires approval by the Legislature and prohibits most human activities in the Class I area. There are no Class I ground water designations at this time. Class II designation has protection from certain uses. Class IV is unsuitable for drinking water for the foreseeable future. Some ground waters in the vicinity of landfills or past industrial activities are designated Class IV.

## Waste Management

Lynn Metcalf of the Waste Management Division discussed several programs which address hazardous and toxic substances including the Underground Storage Tank Program (UST), Hazardous Sites Program, Solid Waste Program, and the Hazardous Waste Management Program.

The Hazardous Sites Program deals with underground storage tanks that have leaked in the past – generally these involve petroleum products. Other sites involve a large variety of industrial and other releases of hazardous materials to the ground. The Hazardous Sites Program directs cleanup of contaminated soils and groundwater. There are over 2000 sites in the state.

The Solid Waste Program deals with landfills, solid waste transfer facilities, solid waste haulers, and household hazardous waste. This program is preventative in nature and regulates all aspects of solid waste management that may have an impact on the environment.

The Hazardous Waste Management Program is also a preventative program that regulates generators of hazardous waste, as well as transporters of hazardous waste, and long term storage and treatment. There are thousands of facilities which are subject to hazardous waste rules – no permit is issued but these facilities are subject to field inspections.

The Hazardous Waste Management regulations cover characteristic wastes as well as specific lists of chemicals. In addition, Vermont has its own regulated wastes in addition to federally designated wastes. There are four categories of characteristic wastes: ignitable, reactive, corrosive, and toxic. The toxic characteristic wastes consist of a list of 9 chemicals at specified concentrations. It is important to remember that it is only when these materials become wastes or are intended for disposal that they become regulated by this program.

Lynn Metcalf said that the Hazardous Waste Program is not effective in evaluating emerging chemicals for designation as a hazardous waste. The rulemaking process is arduous and slow and new chemicals are added at a very slow pace.

### **Agenda Item 2**

#### Discussion of legislative report outline

A report outline was handed out to the Subcommittee by Neil Kamman for review and discussion by the Committee. Section I is a summary of existing Vermont programs that identify or address the use of and risks posed by harmful toxic substances. It was suggested that a standard reporting format should be used for each program description and that a table format could also be used. It was also suggested that the programs themselves could either review the information or complete the information requested. Section II is a summary of how other states identify and minimize the risk posed by toxic substances. There was consensus that this summary should also include U.S. and European Union laws. It was agreed that the Lowell Center for Sustainable Production also be mentioned in the summary as a significant resource to the states. It was agreed that only states with enacted laws be included in the summary. The

ordering of the program summary was agreed to as U.S., states, European Union, and Lowell Center for Sustainable Production. It was suggested and agreed to that Connecticut be added to the list of programs and Massachusetts removed.

### **Agenda Item 3**

Continued discussion of expanded role of ACMP

Charity Carbine stated that the straw proposal of the Toxics Advisory Committee was developed by Elliot Burg, Michael Bender, Gary Gulka, and herself for the purposes of committee discussion. She said that the proposal was for a new committee whose focus would be on chemicals in consumer products and chemicals used by Vermont manufacturers. A premise of the proposal is to take advantage of the ongoing research on toxic chemicals and alternatives and authorize participation in an interstate chemicals clearinghouse.

Michael Bender said that the proposal is designed to build off of the work of others and will rely on states and governmental entities like the EU for both the identification of chemicals of high concern as well as less toxic alternatives to these chemicals.

Mr. Kamman asked about the organizational status of the committee and how could it receive grants. Mr Bender indicated that the group that drafted the proposal has not explored this yet.

Gary Gulka suggested focusing on the three bullets in the straw proposal which defined the Committee's responsibilities as (1) establishing a list of chemicals of high concern to public health and the environment and revising the list over time; (2) recommending actions or strategies to the Legislature to reduce risk to public health and the environment, which could include restrictions on the sale or distribution of certain chemicals, public disclosure requirements, and safer alternatives as substitutes for the chemical of concern; and (3) defining costs of actions or strategies with recommendations on how to generate funds to carry out these actions or strategies.

Mr. Gulka said that the proposal places more responsibility on the advisory committee and legislative actions than on creating a program within a state agency to identify chemicals of concern, evaluate alternatives, and promulgate rules to address one or two chemicals at a time. Any funds generated through recommendation implemented by the Legislature could offset the cost of staff support to the committee. There was discussion that technical and administrative support does not necessarily have to come from a particular state agency. There was a consensus that staff support to the new committee is critical to its success, and the ACMP can be pointed to as an example.

Mr. Bender suggested that if in the legislative report, the committee supports expanding the role of ACMP, that it provide clear rationale for the need and also why the proposed structure is a good model for getting things done quicker and more efficiently.

The Subcommittee discussed the option of recommending Legislative Council support for the Toxics Advisory Committee. There was general consensus that this may not be possible, however, technical and administrative support is critical to success.

After some discussion, the Subcommittee reached a consensus that the existing ACMP should become the Toxics Advisory Committee effective July 1 with the expanded membership. The Subcommittee reached a consensus that the work of the ACMP should largely cease by July 1, in order for the new committee to begin its work and to avoid having two committees operating at one time (even though the ACMP is authorized until January 2010). There was also a consensus that mercury reduction would fall under the jurisdiction of the Toxics Advisory Committee, and if necessary, a subcommittee could be formed if it was deemed necessary to address a mercury issue.

**Agenda Item 4**

Set Date and Agenda for next meeting

Agenda for the next meeting on November 21

Continued discussion of subcommittee recommendations