

# **Advisory Committee on Mercury Pollution**

Meeting #89: Tuesday, January 13, 2009  
Time: 9:30 am to 11:30 am  
Location: Conference Room, Laundry Building  
Waterbury State Complex  
Waterbury, Vermont

## **DRAFT 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  
Mary Jean Rajda, Porter Hospital, Inc.

### **Guests Present:**

Thomas Benoit, Vermont Agency of Natural Resources, Waste Management Division  
Elliot Burg, Vermont Attorney General's Office  
Charity Carbine, Vermont Public Interest Research Group  
Matthew Levin, Vermonters for a Clean Environment  
Lynn Metcalf, Vermont Agency of Natural Resources, Waste Management Division  
Peter Taylor, Vermont State Dental Society

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

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

#### **Agenda Item 1**

Accept Minutes from December 19<sup>th</sup> Meeting

Draft minutes were not completed in time for this meeting and were deferred to the next meeting.

#### **Agenda Item 2**

Committee member concerns / public comments

A comment was received from a representative of the Consumer Specialty Product Association regarding the makeup of the Advisory Council on Toxics. It was agreed that this comment would be discussed in the context of the Committee's review of the draft toxics report.

#### **Agenda Item 4**

Review of draft ACMP Toxics Report; review of draft ACMP Annual Report

##### ACMP Toxics Report

Charity Carbine expressed concern about paragraph 5 the draft toxics report regarding the recommended council serving in an advisory capacity to the legislature. The concern expressed was that the council could be used to delay bills related to toxic chemicals indefinitely if they were referred to the council for review. The Committee agreed to delete this paragraph..

Ms. Carbine expressed concern about paragraph 1 under the heading entitled "Costs." The Committee agreed to eliminate this paragraph. Also the first sentence of paragraph 2 under this heading was also deleted.

The Committee agreed to clarify its recommendation that the ACMP would sunset upon the creation of the Advisory Council on Toxics.

The Committee reviewed the request of Andy Hackman, Consumer Specialty Products Association, to include a representative of the chemical manufacturing industry on the Council. Committee members did not agree to add this membership to the Council in its recommendations. Neil Kamman agreed to communicate the decision Mr. Hackman.

It was agreed that an appendix would be included with the statutory language creating the charge for the toxics report. Other appendices would include a summary table of Vermont state programs which address toxics chemicals. The other appendix would include a list of published list of high priority chemicals or chemicals of concern that have been published by governmental agencies. These include lists from the State of Washington, Canada, and the European Union.

Gary Gulka indicated that he would circulate the executive summary when it was drafted. A full version of the report (including appendices and executive summary) would be circulated for committee review prior to finalizing the report to the Legislature. It was acknowledged that the report would not be finalized by January 15.

##### ACMP Annual Report

It was agreed that revisions would be made to the second paragraph of *Mercury Emissions from Crematoria* to clarify the issue of mercury in regard to air pollution regulations.

It was agreed to eliminate the following sentence from paragraph 6 of the rationale for the dental mercury recommendations: "The lifetime perspective is to save as much of the tooth as possible, so amalgam is not the most desirable in the long run."

Clarifications were made in paragraph 8 under the rationale section for the dental recommendations. The last two sentences were clarified to indicate that there is no cost to a Medicaid patient for either composite or amalgam fillings; and that Medicaid pays a higher rate to dentists for composite resins.

It was agreed to strike the word “significantly” in the last sentence of paragraph 3 under the rationale for the dental mercury recommendations.

It was agreed to add the following sentence to paragraph 2 under the rationale for the mercury-containing lamp recommendations: “Moreover, federal legislation requires phase-out of inefficient incandescent lighting beginning in 2012.”

Under Committee Work Plan for 2009, the Committee agreed to indicate that the Committee sunsets on January 1, 2010.

It was agreed the second bullet under Work Plan would reference Committee review of the new mercury thermostat collection program.

The sixth bullet under Work Plan was modified to include reference to Committee review of increased infrastructure and collection rates.

#### **Agenda Item 5**

##### **Set Date and Agenda for Next Meeting**

The next meeting date was not set; however, it was agreed that the next meeting would be in March. Agenda items will include Committee work plan.

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

The content of the toxics report was agreed to, pending final Committee review of the full document, including executive summary and appendices).

The Committee reviewed the request of Andy Hackman, Consumer Specialty Products Association, to include a representative of the chemical manufacturing industry on the council. Committee members did not agree to add this membership to the council in its recommendations. Neil Kamman agreed to communicate the decision Mr. Hackman.

The Committee agreed to edits of the draft ACMP annual report to be sent to the Legislature by January 15.