

Advisory Committee on Mercury Pollution

Meeting #90: Thursday, March 5, 2009

Time: 9:30 am to 12:00 pm

Location: Laundry Building Conference Room, Waterbury State Office Complex
Waterbury, Vermont

MINUTES

Members Present:

Michael Bender, Abenaki Self-Help Association, Inc.

John Berino, Fletcher Allen Health Care

William Bress, Vermont Department of Health

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

Guests Present:

Lisa Carlson, Funeral Ethics Organization

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

Agenda Item 1

Accept Minutes from December 19th and January 13th meetings

John Berino asked about the timeline for the University of Minnesota research on abatement of mercury releases from dental amalgam that occurs during cremation. The research is currently ongoing. Lisa Carlson indicated that the research involved testing a clay-like insulating material that is placed over the teeth to prevent mercury from volatilizing. Mr. Berino suggested that committee discussions concerning dental amalgam use be put on hold until results of this research become available.

The draft minutes of the December 19 and January 13 meetings were approved as drafted.

Agenda Item 2

Committee member concerns / public comments

Neil Kamman indicated that he received an email prior to the meeting from Michael Bender requesting that an agenda item be added about the status of DEC's mercury program, given the recent elimination of the mercury position previously occupied by Karen Knaebel, and requesting that someone from the Commissioner's Office be invited to the meeting. Mr.

Kamman indicated that he also had concerns but that he felt it was more appropriate to discuss this with Gary Gulka before inviting someone to the meeting from the Commissioner's Office.

Gary Gulka indicated that he is preparing a transition plan for the mercury program that he will be providing to the Commissioner's Office to provide detail on the changes in work as a result of the position loss. Although this transition plan has not been completed, there are some program changes and decisions that are currently under review. Mr. Gulka indicated that there are ongoing discussions with the Mercury Education and Reduction Clearinghouse (IMERC) to explore ways in which mercury product labeling plans can be reviewed and approved through the IMERC and share the work of labeling plan review that has in the past fallen primarily to DEC. Prior to Karen Knaebel's departure, she drafted detailed guidance for product labeling for use on IMERC's web site that can be helpful to manufacturers in answering questions that previously were dealt with through personal and direct contact. Mr. Gulka indicated that IMERC currently conducts regional review of manufacturer notifications that are submitted every three years, identifying mercury-added products that are manufactured and distributed. He said that review of labeling plans that are submitted to Vermont can be a logical extension of the notification review. Other state laws do not require the submission of labeling plans for review and approval, but some states specify that they will approve of labeling that has been approved in another state. IMERC states already review alternative labeling plans that are submitted when a manufacturer cannot meet the standard labeling requirements specified in law due to some aspect of the product, such as size or specific product uses. Mr. Gulka indicated that discussions with IMERC are ongoing to look at ways to regionalize labeling plan review.

Gary Gulka indicated that a decision has been made by the Commissioner's Office to discontinue work on the recently awarded EPA Healthy Communities grant due to staffing cuts. The Committee asked whether the grant work could be contracted out or completed some other way. Mr. Gulka indicated that the Vermont Department of Health was approached about taking on this work. Bill Bress indicated that due to position cuts in his department that this was not possible. Michael Bender said that he was interested in exploring whether the Mercury Policy Project could assist in some way. Mr. Gulka indicated that the grant has not yet been officially turned back to EPA and was willing to explore options to conduct the work. He indicated that the grant was for \$9000 and that much of the staff time to conduct work under the grant was intended to be matching resources from other funding sources; therefore, he thought that it would be difficult to contract the work out to another entity because of the limited direct funding available.

Gary Gulka indicated that a current program priority was the thermostat collection and incentive program that is scheduled to begin at over 100 wholesale, retail, and municipal locations on April 1. This work is continuing on schedule.

Mr. Gulka indicated that he would be able to share the mercury program transition plan at the next meeting.

Michael Bender reported on the United Nations Environment Program Governing Council meetings in Nairobi in February, where the U.S. delegation, in a reversal of the previous position, endorsed negotiations for a new global treaty to control mercury pollution. Previously the Bush administration had opposed a legally binding treaty to control mercury despite broad

support from a majority of countries in the Governing Council. Governments unanimously agreed to begin negotiations on an international mercury treaty to deal with mercury, including environmentally sound storage of stockpiled mercury, mercury exports, reducing mercury use in products and artisanal mining, as well as primary mercury mining, and reducing emissions from major sources, like coal utilities. It is projected that a treaty could be in place by 2013. There was also agreement that the health and environmental impacts of mercury necessitate action under a voluntary Global Mercury Partnership while the treaty is being finalized. It is expected that donor countries will provide funding (estimated at \$500 million) for mandatory and voluntary programs.

Agenda Item 3

Legislative Update

Jen Holliday mentioned H.94 that has been taken up by House Fish, Wildlife and Water Resources. The bill includes requirements for lamp manufacturers to provide infrastructure for collection of fluorescent lamps and funding recycling, in particular, CFLs. It also has provisions on state procurement of lamps with the lowest mercury content and mercury content restrictions on lamps that are sold. H. 94 also has provisions to create an advisory committee on toxic chemicals. The Chair of the Committee, David Deen, has requested that DEC Commissioner Laura Pelosi convene interested parties (including lamp manufacturers, retailers, and environmental interest groups) and report back in two weeks on a recommendation to sustainably fund collection and recycling of mercury lamps.

It was agreed that the Committee would not provide comment to the House Fish, Wildlife and Water Resources Committee at this point, but would wait until the recommendations come out from this effort.

Bill Bress mentioned that S.76, addressing flame retardants, has been taken up in the Senate Natural Resources Committee. The Attorney General's Office stated in testimony that it would be agreeable to assuming enforcement responsibilities in lieu of delegating these to the Agency of Natural Resources as specified in the bill as introduced.

Agenda Item 4

Discussion of 2009 Committee Work Plan

The Committee discussed how it would review and evaluate mercury emissions from crematoria to determine whether DEC should regulate mercury emissions at a finer scale. Bill Bress said that Vermont's Air Pollution Control Regulations do not take into account environmental impacts or cumulative impacts from numerous air sources.

Michael Bender suggested that the Committee have a conversation regionally with other state programs on mercury emissions from crematoria. It was suggested that the states of Maine, Massachusetts, and New Hampshire be invited to a conference call about crematoria to understand where the New England Governor's Mercury Task Force stands on this issue. This discussion should happen before a discussion with Vermont's Air Pollution Control Program.

Mr. Bender also suggested a presentation from the University of Minnesota on their dental research related to cremations.

Neil Kamman requested that the crematoria emission issues be placed on the work plan for discussion after June. The Committee agreed to this.

In regard to work of the Committee on mercury lamps, Jen Holliday suggested that the Committee should focus on baseline data for mercury lamp collection and obtain better information on the number of spent lamps generated.

It was suggested and agreed to that the Committee should get an update from Massachusetts Department of Environmental Protection (MA DEP) on baseline collection data for spent lamps and the number of spent lamps available for collection, since MA DEP is going through this exercise now.

It was agreed that Jen Holliday and Gary Gulka would have a discussion with Tom Benoit of the Waste Management Division to determine the best approach to obtaining baseline data on in-state lamp recycling. It was also suggested that lamp recyclers be contacted to learn from their first-hand experience. They would see what information on recycling could be gathered by the next meeting.

Agenda Item 5

Set Date and Agenda for Next Meeting

The next meeting will be scheduled for the last week of April.

Agenda items will include:

- Legislative updates
- Status of DEC's Mercury Education and Reduction Program
- Report out on Vermont lamp recycling data
- Status of MA DEP baseline lamp recycling data
- Thermostat collection program update

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

It was agreed that the Committee would not provide comment to the House Fish, Wildlife and Natural Resources Committee on H.94 at this point, but would wait until the recommendations come out from the ad hoc committee.

It was suggested that the states of Maine, Massachusetts, and New Hampshire be invited to a conference call about crematoria to understand where the New England Governor's Mercury Task Force stands on this issue. This discussion should happen before a discussion with Vermont's Air Pollution Control Program. It was also suggested that the Committee hear from the University of Minnesota on their dental research related to cremations.

The crematoria emission issues will be placed on the work plan for discussion after June.

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