

Advisory Committee on Mercury Pollution

Meeting #91: Tuesday, April 28, 2009

Time: 9:30 am to 11:00 am

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

MINUTES

Members Present:

Michael Bender, Abenaki Self-Help Association, Inc.

William Bress, Vermont Department of Health

Gary Gulka, Vermont Agency of Natural Resources, Environmental Assistance Office

Jennifer Holliday, Chittenden Solid Waste Management District

Guests Present:

No guests were present.

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

Agenda Item 1

Accept Minutes from March 5 meeting

This agenda item was passed over since a quorum was not attained.

Agenda Item 2

Committee member concerns / public comments

Michael Bender said that he has been appointed as interim lead of the UNEP Global Mercury Partnership committee on interim storage, supply and trade, until such time as there is a designated lead from a country. The next step is to develop business plans. He was also involved in meetings in Bangkok and Uruguay on mercury storage issues. There are other committees dealing with coal-fired power plants, chloralkali mercury, mercury products, waste, and fate and transport. Michael mentioned that there is a planned study of global mercury emissions that will include China. All of these activities are leading toward a goal of having a legally binding mercury treaty by 2013.

Mr. Bender mentioned a regulation on phasing out mercury products under the Toxic Substances Control Act.

Agenda Item 3

Legislative update

H.94 has passed out of the House but only with provisions on regulating the mercury content of mercury-added lamps. Producer responsibility for spent lamp recycling was not included. The Toxics Advisory Committee was removed and in its place, the ACMP was extended for five years. H. 94 is likely to be taken up in the second year of the biennium. There is a similar bill currently in the Maine legislature that may see action this year. This bill includes producer responsibility. If H.94 does not pass this year and there are no other actions to extend the ACMP, it sunsets at the end of this year.

The Committee discussed the uncertainty of funding of the lamp recycling program at hardware stores. Gary Gulka indicated that the recycling program costs about 25,000 per year and there is not enough identified funding to sustain the program through the year. Michael Bender suggested that the program could be limited to just CFLs in order to prolong the program. It would be more difficult to re-start the program at some point in the future if it were stopped.

Agenda Item 4

Status of DEC's Mercury Education and Reduction Program

Gary Gulka provided an update of the status of DEC's Mercury Education and Reduction Program and provided a handout with the following information:

Regulatory Programs

Continue mercury product manufacturer notification, labeling alternative review, and phase-out exemption review through the Interstate Mercury Education and Reduction Clearinghouse (IMERC).

Standard Mercury Product Labeling – This is still an issue. Vermont is the only state currently that requires plan submittal and review/approval. Massachusetts is finalizing regulations that would require submittal of plans that have not been approved in other states. However, they do not appear to have the authority to approve plans. IMERC is still discussing what role it could assume in labeling plan review; however, most states do not have authority to require plans and review and approve them.

Mercury Auto Switches – regulatory oversight will continue. It may be transferred to a DEC salvage yard program and a position that will be assigned to oversee general regulatory compliance at salvage yards.

Mercury Thermostat Collection Program – will continue under the Environmental Assistance Office.

Dental Mercury – will continue under the Environmental Assistance Office.

Oversight of product disposal bans – will continue at a low level of oversight and will rely on other programs in the Waste Management Division to enforce.

ACMP – staff support to ACMP will continue.

Mercury Education and Reduction Programs

Button cell battery collection at pharmacies and nursing homes will continue.

Mercury-added lamp recycling program at hardware stores will continue if funding is secured.

No new initiatives are planned.

Outreach and Education/Sensitive Populations

EPA Healthy Communities grant will not be conducted within DEC. It will either be turned back to EPA or a third party (such as Mercury Policy Project) would conduct the work.

Web site (mercv.org) will continue to be maintained.

Outreach to physicians' offices will be continued (fish cards and brochures).

Michael Bender asked how many products other than lamp containing products remain for labeling. Gary Gulka indicated that the majority of plans are for lamp-containing products.

Jen Holliday asked whether manufacturers who have not labeled their products can still sell in the state. Gary Gulka indicated that they would not be able to sell into the state.

Jen Holliday suggested that the advisory committee consider addressing the product labeling issue in its legislative report.

Michael Bender indicated that the Mercury Policy Project still has an interest in the Healthy Communities grant work and would like to discuss this further with DEC in the next month or so.

Agenda Item 5

Report out on Vermont lamp recycling data

Jen Holliday, Gary Gulka, and Tom Benoit had a conference call with Keith Boyea of Complete Recycling to obtain information on the recycling facilities that are handling Vermont-generated mercury lamps. Mr. Boyea indicated that there are four main recyclers: Complete Recycling, Veiolia, Uniwaste, and Northeast Lamp Recycling. These four facilities were contacted and were requested to provide recycled lamp quantities for calendar year 2008. All agreed to do so,

and three out of the four have provided data at this point. The next step is to gather the remainder of the 2008 data and make a determination of the number of lamps available for recycling based on other information sources such as sales data and by contacting MA DEP to review methodologies that they have had experience with.

Agenda Item 6

Status of MA DEP baseline lamp recycling data

Gary Gulka provided an update of MA DEP efforts to determine lamp recycling rates.

Lamp manufacturers must implement a Lamp Recycling Education Plan.

Lamp recyclers have target lamp recycling rates of 30% in 2008, and up to 70% by 2011

If targets are not met, manufacturers may be subject to penalties of up to \$1 million per year collectively.

National Electrical Manufacturers Association (NEMA) has submitted information to MA DEP in regard to their requirements under MA law. NEMA calculated recycling rates in 2006 and 2007 of approximately 30% for all mercury-added lamps and over 44% for 2008.

NEMA has provided information to MA DEP on both the number of mercury-added lamps recycled and on the number of spent lamps that would be available for recycling. There has been some change in the methodology that was used to calculate 2008 recycling rates, and MA DEP is in communication with NEMA about this. Gary Gulka indicated that he will get more information on this change in methodology.

Gary indicated that more work needs to be done on the numerator and denominator and the committee will need to meet again to further refine estimates.

Agenda Item 7

Thermostat collection program update

Vermont thermostat collection started April 1. Over 130 locations have been established for collection and are offering the \$5 financial incentive. Gary Gulka indicated that a press release about the program was issued. Michael Bender suggested that there be an additional publicity event in collaboration with solid waste districts. It was suggested that the districts help with publicity and distribution of posters. It was also suggested that posters can be distributed to hardware stores through Efficiency Vermont. A letter will be going out to licensed plumbers about the collection program in the coming weeks. There may be an opportunity for television coverage. There is also information on the mercvt.org web site on thermostat collection, including lists of wholesalers, retailers, and municipalities serving collection points.

Agenda Item 8

Set date and agenda for next meeting

It was agreed that the next meeting of the Committee would be an abbreviated meeting held via conference call in June and the issues covered would be primarily updates. The preferred meeting date is June 9.

Agenda items will include:

- Update on mercury lamp recycling data
- Update/status of mercury education and outreach – including grocery store postings, fishing access postings, and other outreach activities
- Legislative updates

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

It was agreed that the Committee would take up dental patient information and mercury emissions from crematory in September..