

Advisory Committee on Mercury Pollution

Meeting #92: June 9, 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.; Mercury Policy Project
John Berino, Fletcher Allen Health Care; Vermont Association of Hospitals and Health Systems
Gary Gulka, Vermont Agency of Natural Resources, Environmental Assistance Office
Neil Kamman, Vermont Agency of Natural Resources, Water Quality Division
Eric Palmer, Vermont Agency of Natural Resources, Dept of Fish and Wildlife
Mary Jean Rajda, Porter Medical, Inc.

Guests Present:

No guests were present.

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

Agenda Item 1

Accept Minutes from March 5 and April 28 meetings.

John Berino asked if the Vermont Department of Health has followed up on the possible presence of mercury in tattoos. No one at the meeting was aware of any follow up on this issue.

Mr. Berino also asked who is maintaining the Agency's mercury web site. Gary Gulka indicated that he will be maintaining the web site.

Michael Bender asked if there are other activities in the mercury program that will be reduced or eliminated due to the loss of a position. Gary Gulka indicated that the status of the program was discussed at the previous meeting. Since this time, S. 47 was enacted, and contains a provision to eliminate the submission of labeling plans and their review and approval, replacing this requirement with a certification on a form provided by the agency that the manufacturer is labeling mercury-added products in accordance with the law. He indicated that this would reduce the workload to some extent for mercury product labeling.

The draft minutes of the March 5 and April 28 meetings were approved as drafted.

Agenda Item 2

Committee member concerns / public comments

Neil Kamman suggested that the status of the mercury program be placed on the agenda for the next meeting to allow the Committee to have an opportunity to determine whether it has comments or recommendations. The Committee agreed by consensus to include this as an agenda item.

Michael Bender mentioned EPA's intention to move forward with rulemaking under the Toxic Substances Control Act (TSCA) to phase out a variety of mercury products. There is a concern that an action by EPA could preempt state law and the state's product exemption procedures. He said that he would not like to see Vermont's law weakened in this area. There may be a proposed rule in the next year.

Neil Kamman mentioned the status of the Northeast states' 319 g petition to EPA concerning their inability to meet TMDLs (total maximum daily loads) for mercury in waterways due to mercury releases from other states. EPA is required to establish a conference of states that affect the downwind or downstream states. EPA's response to the petition was that they are still considering the petition and how to proceed.

Neil Kamman also mentioned a national mercury monitoring initiative, whereby EPA's air program has funding to direct toward a pilot project. He indicated that the Underhill monitoring site is being considered for the pilot.

Agenda Item 3

Legislative update

As previously mentioned S. 47 passed and eliminates the requirement for manufacturer labeling plan submission, review, and approval. Mercury product manufacturers will be required to certify compliance with labeling requirements on a form provided by the Agency.

The ACMP has been extended to January 1, 2015 by a provision contained in H. 15.

Gary Gulka indicated that Efficiency Vermont has agreed to fund the collection of fluorescent lamps and bulbs at hardware stores for two years.

A lamp bill has passed in Maine that places responsibility on lamp manufacturers to fund the collection and recycling of spent lamps from households. Collection goals or targets are to be set. Another provision authorizes the state to set mercury content standards for lamps equivalent to European Union standards. A third provision directs the state to purchase lamps with the lowest content feasible through its state purchasing provisions.

Agenda Item 4

Update on mercury lamp recycling data

Gary Gulka reported that Jen Holliday, Tom Benoit, and he have worked to obtain lamp recycling data from the four major lamp recyclers that serve Vermont. Calendar year 2008 data were obtained from these recyclers for all types of mercury-containing lamps from municipal, commercial, and institutional sources. Using Minnesota data on the number of CFLs available for recycling (346,000) and extrapolating to Vermont's population, it was calculated that Vermont's CFL recycling rate for 2008 was 97 percent. Mr. Gulka indicated that there may be a significant underestimate of the number of lamps available for recycling in Vermont, and there is no feasible way to refine this number at the current time given, the state's resources. The CFL recycling rate calculated for Minnesota was about 30 percent in 2008.

Neil Kamman suggested that Vermont may have more CFLs in circulation, per capita, than Minnesota. He also suggested that Efficiency Vermont may have access to CFL sales data that could be useful in calculating recycling rates. Michael Bender suggested that the Committee should be able to look at studies in other states to help refine these numbers. He said that the Legislature will be interested in current recycling rates if a bill on lamp manufacturer responsibility for end-of life lamps is taken up.

Agenda Item 5

Status of mercury education and outreach – including grocery store postings, fishing access postings, and other outreach

Bill Bress was not available to provide an update on fish consumption advisory posting at grocery stores.

Gary Gulka mentioned that fish advisories have not been posted this year at the approximately 170 state-owned access areas. The Agency currently does not have a budget for sign printing. It was agreed that disseminating signs through the town health officers to post at access areas in their respective towns was a successful means of distribution. It was suggested that the Agency check with EPA to see if they have any funds available to assist with printing.

Gary Gulka mentioned that the mercury thermostat recycling program with \$5 cash incentive, which began in April, has in-store program advertising materials and is advertised on the mercury web site. Press releases were also issued about the program. During the summer there will be a mailing about the program to all licensed plumbers and HVAC contractors and press releases will be sent to various trade newsletters in the state to further publicize the program.

Agenda Item 6

Set date and agenda for next meeting

It was agreed that the next meeting would be in September and the agenda would include the following:

- Assessment of state capacity to conduct mercury regulatory and outreach work

- Mercury lamp recommendations for recycling, mercury content and state procurement
- Mercury emissions control from crematoria
- Dental patient information on mercury in dental amalgam

Possible meeting dates will be circulated to members, including the following dates: September 8th, 9th, 10th (afternoon) and week of September 21.

It was agreed that the next meeting will also include the opportunity for members to join the meeting via telephone conference call.