

Advisory Committee on Mercury Pollution

Meeting #94: November 12, 2009

Time: 9:30 am to 12:30 pm

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

DRAFT MINUTES

Members Present:

Michael Bender, Mercury Policy Project

Bill Bress, Vermont Dept. of Health

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

Jen Holliday, Chittenden Solid Waste District

Ruma Kohli, IBM

Senator Richard McCormack, Vermont State Senate

Representative Jim McCullough, Vermont House of Representatives

Guests Present:

Matt Levin, Vermonters for a Clean Environment

Allison DeMag, Vermont Statehouse Lobbyist, representing National Electrical Manufacturers Association and Vermont State Dental Hygienists Association

Christin Bosquet, Otis and Brooks, representing Northeast Delta Dental

Ron Ferrara, Otis and Brooks, representing Northeast Delta Dental

Charity Carbine, VPIRG

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

Agenda Item 1

Accept Minutes from September 10 meeting

The draft minutes of the September 10 meeting were approved as drafted.

Agenda Item 2

Committee member concerns / public comments

It was suggested that Committee members be encouraged to attend meetings in person where possible, rather than via teleconference, because it is more difficult to engage in discussions on the telephone.

Gary Gulka provided an update on the national mercury auto switch collection program. The old General Motors has agreed to continue funding their portion of the mercury auto switch collection program, which amounts to over 50% of program costs (for the collection program and bounty payments in states with this requirement). At this time, there will be no disruption to

the program; however, it is not clear what will happen when the old General Motors goes out of existence. There is no commitment from the new General Motors to continue funding the program. Vermont Agency of Natural Resources was a co-signer on a letter to Congress in support of continued funding by the old General Motors.

Gary Gulka provided an update on the mercury thermostat collection program. The program initiated on April 1 with over 50 wholesalers, 70 retailers, and several municipal solid waste districts participating and offering the \$5 cash incentive for turning in each mercury thermostat. Collection bins, instruction materials and signs were sent to all participants by the Thermostat Recycling Corporation (TRC) as required by their approved collection plan. Mr. Gulka indicated that the Agency is in the process of conducting field visits to all wholesalers to monitor compliance status. Retailers who are voluntarily serving as collection locations will also be visited. The results thus far at wholesale locations have been mixed. Some are fully compliant, however, others have misplaced collection bins, do not have required signs posted, and/or are not properly administering the rebate coupons. The Agency expects to visit all wholesalers before the end of the year and retailers (hardware stores) shortly thereafter. The Agency will report to the Legislature on the status of the program. To date, collection of thermostats reported as turned in to TRC is low. In the coming year, the Agency is required to determine the rate of recycling of mercury thermostats and must develop a methodology for determining the number of out-of-service thermostats available for collection. The latter is needed in order to calculate recycling rates. Thermostat manufacturers must attain a 65% recycling rate by 2011 or will otherwise be subject to modification of their collection and outreach plan in order to improve collection rates. TRC has twice mailed postcards to about 1000 in-state contractors to inform them of the program. There is currently a radio public service announcement that has been sent to all Vermont radio stations.

Jen Holliday indicated that, as a consumer, she did not see much program visibility. She also said that the thermostat manufacturers should be working diligently to assure that the program is effectively implemented or they will face requirements to modify their collection plans if they don't meet the target recycling rate.

Jim McCullough urged the Agency to communicate with TRC about their need to conduct follow-up to assure that the program is being properly implemented. He indicated that follow up does not have to be in person, but can also take the form of telephone calls and emails.

Gary Gulka also mentioned that the Federal Trade Commission (FTC) has issued a rulemaking on labeling of compact fluorescent lights (CFLs) regarding energy efficiency, lumens, and also product labeling requirements for mercury content. The proposed mercury content labeling is more stringent than currently approved labeling for CFLs. The rule would require additional wording on the product – “contains mercury” as well as information about proper disposal. Currently CFLs are only required to be labeled with the letters “Hg.”

Gary indicated that he will be attending a Mercury Science and Policy conference on November 16-17 in Chicago, with a focus on the Great Lakes states and Northeastern states. He said that he will report back to the Committee after the meeting.

Agenda Item 3

Assessment of state capacity to conduct mercury regulatory and outreach functions

Gary Gulka provided a handout for discussion of this agenda item. He indicated that the staff persons involved with mercury regulatory and outreach included himself and part of the time of an administrative assistant. He indicated that mercury product manufacturer notification, labeling, and exemption requests from product phase-out requests are being processed through the Interstate Mercury Education and Reduction Clearinghouse (IMERC).

The mercury auto switch collection program includes minimal oversight at this point. The auto manufacturers report annually on the auto dismantlers/salvage yards that return switches and the quantities. This allows the Agency to monitor who is active and who is not and follow up can be targeted accordingly. The Agency has a staff person that is now dedicated to compliance and enforcement at these facilities that can also monitor compliance with mercury auto switch collection as well.

Michael Bender indicated that the national mercury auto switch collection program is only capturing an estimated 30% of the available mercury switches. The program goal is 80%. The states and environmental groups are now urging EPA to consider a rule on electric arc furnaces which process the scrap metal from autos, requiring further emission controls from mercury. Mercury auto switch collection was to serve as a substitute for emission controls at electric arc furnaces; however, the lower than expected capture rates for switches is prompting concerns about program effectiveness now and in the future.

Gary Gulka indicated that the Agency is continuing to oversee the biennial certification of dental clinics to assure that amalgam separators are in place and clinics are following best management practices for the handling of amalgam.

Mr. Gulka indicated that the Agency is continuing to provide staff support to the Committee as in the past.

In the area of mercury education and reduction initiatives, the Agency is continuing its button cell battery collection program at pharmacies, nursing homes, and hearing aid dispensers. The Vermont Health Care Association is overseeing this program through monies received by through Agency enforcement penalty monies. Field visits are being conducted to assure that the voluntary program is being implemented properly.

The Agency will continue to oversee the fluorescent lamp recycling program at hardware stores. Although program funding is nearly depleted, Efficiency Vermont has agreed to fund the program while sustainable funding sources are sought.

The EPA Healthy Communities grant received by the Agency to develop fish consumption advisory translations for various ethnic populations in Vermont cannot be conducted by the Agency with its current resources. To date, a third party has not been found to conduct the work. Grant monies may be returned to EPA.

The Agency will continue to provide mercury in fish information to physicians' offices and intends to place fish consumption advisories at fishing access areas. Bill Bress indicated that the Department of Health is depleted of mercury in fish brochures and that advisories need to be updated in any future printing.

Jim McCullough recommended that the Agency staff keep the administration informed of workload issues and work that cannot be accomplished with existing staff resources. Jen Holliday suggested that the legislative report include information on initiatives that are not be conducted.

Agenda Item 4

Dental patient information on mercury

Gary Gulka provided the Committee with a draft dental amalgam fact sheet. He said that the fact sheet was compiled by reviewing committee on subcommittee meeting notes relating to content and the desire to reflect environmental and health information included the state of Maine's brochure on dental choices.

Michael Bender suggested that the fact sheet reflect the latest information on the declining use of dental amalgam (50% since 2001).

Jen Holliday suggested that the dental fact sheet be appended to this year's legislative report if the Committee does finalize it.

Mr. Bender indicated that the focus of the fact sheet is to provide the facts as they exist on the health and environmental impact of dental amalgam. He indicated that Connecticut adopted the Maine brochure with minimal changes.

A subcommittee was formed to review the draft amalgam fact sheet and bring recommendations back to the full Committee at its next meeting on the language to adopt. The subcommittee consists of Michael Bender, Ruma Kohli, Bill Bress and Gary Gulka. A subcommittee meeting will be scheduled in early December. Bill Bress was asked to obtain comment on the draft fact sheet from the Dental Director in the Department of Health prior to the subcommittee meeting to share with subcommittee members. After subcommittee deliberations, the draft fact sheet would be sent to the full Committee prior to the next meeting and placed on the agenda for discussion. Committee members are welcome to provide comments on the preliminary draft as well.

Agenda Item 5

Control of crematory mercury emissions

John Berino was not present at this meeting to provide his comments on an approach to controlling mercury emissions from crematoria. The Committee acknowledged that it will not have any recommendations in this year's report but will place this on the work plan for Committee discussion next year. Michael Bender said that the lack of viable solutions for these emissions underscored the need to phase out the use of dental amalgam.

Agenda Item 6

Discussion of other Committee recommendations

Dental recommendations: Retain last year's recommendations. Add dental amalgam fact sheet first. Indicate that dental amalgam brochure will be available on web and at physician's offices. Add latest information on the decline of dental amalgam use. Retain last year's recommendation on dental insurance.

Thimerosal in vaccines: Request that Department of Health review the information and update the statistics for thimerosal-free vaccine availability; include statistics on H1N1.

Question as to whether the Department of Health web site has information on how to obtain thimerosal-free vaccine. Bill Bress indicated that the information is not on the web site.

Fish mercury monitoring: Discuss with Neil Kamman. There should be discussion in the report about the new reports on mercury in U.S. rivers and streams and mercury in fish in the U.S.

Lamp recommendations: Suggestion to add information about Maine's law as background information. Update information on sustainable funding of Vermont's retail lamp collection program. Provide updated information on mercury content laws, particularly California and Maine. The lamp recommendations will be on the agenda for next meeting.

Toxics report: It was decided that there will be no recommendation in this year's report. The general consensus is that the Committee did not discuss this during the year and that the toxics report stands on its own and is still relevant.

Work plan items for next year: Crematoria will be included as well as thermostat implementation. The Committee will also review previous recommendations that were not acted on and re-evaluate these for further action.

Agenda Item 7

Set agenda and date for next meeting

The next meeting is scheduled for December 15, 9:30 am – 12:30 in the Laundry Building, Waterbury State Office Complex.

A dental amalgam fact sheet subcommittee meeting will be scheduled for the first week of December.

Agenda items for next meeting:

Dental amalgam fact sheet
Lamp recommendations
Review of other committee recommendations
Discussion of 2010 Work Plan

Summary of Motions and Actions

It was suggested that Committee members be encouraged to attend meetings in person where possible, rather than via teleconference, because it is more difficult to engage in discussions on the telephone.

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