

Advisory Committee on Mercury Pollution

Meeting #100: October 14, 2010

Time: 9:30 am to noon

Location: Mad Tom Notch Conference Room, Waterbury State Office Complex
Waterbury, Vermont

MINUTES

Members Present:

Michael Bender, Mercury Policy Project

Bill Bress, Vermont Department of Health

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

Jennifer Holliday, Chittenden Solid Waste District (via telephone)

Neil Kamman, Vermont Agency of Natural Resources, Water Quality Division

Ruma Kohli, IBM

Senator Richard McCormack

Guests Present:

Matt Levin, Vermonters for a Clean Environment

Peter Taylor, Vermont State Dental Society

Christal Bosquet, Otis & Brooks, representing Northeast Delta Dental

Allison DeMag, representing NEMA

The Committee members and interested parties gathered at the Mad Tom Notch conference room at the Waterbury State Office Complex. Neil Kamman called the meeting to order.

Agenda Item 1

Accept minutes from June 23rd meeting

Ruma Kohli requested a change to legislative update related to the RoHS directive – to strike “after August 20, 2010” to “when published.” The draft minutes were approved as amended.

Agenda Item 2

Public comment/committee member concerns

Gary Gulka mentioned that the Federal Trade Commission issued a final rule requiring certain product and package labeling for compact fluorescent bulbs. Although most of the information required related to energy consumption and light characteristics, there was a labeling requirement for mercury. The federally required labels will require more wording on the product than currently exists – “Hg” in a circle will be replaced by “Mercury Disposal: epa.gov/cfl”

Gary Gulka indicated that USEPA is initiating effluent guideline rulemaking for dental clinics. A primary focus will be on requirements for dental amalgam separators to reduce mercury wastewater discharges.

Mr. Gulka also reported on the status of the federal mercury export ban which bans the export of elemental mercury and requires the Dept. of Energy (DOE) to operate a long term storage facility for excess mercury. The federal government is moving ahead to site a mercury depository and has issued an Environmental Impact Statement for seven candidate sites, six of which are Army and/or DOE sites, and one of which is a commercial facility. The preferred site is the commercial Waste Control Specialists site in Texas. It was noted that the Vermont legislature was one of the first state legislatures to pass a resolution calling for the federal government to take such action.

Agenda Item 3

Update on committee appointments/reappointments

The Governor's Office has extended the terms of committee members whose terms were expiring this year, for an indefinite period, until such time as the committee's future is determined.

Agenda Item 4

Dental amalgam fact sheet – public dissemination update

Gary Gulka indicated that the Dept. of Environmental Conservation (DEC) has insufficient funds to copy and disseminate dental amalgam fact sheets to health care providers.

Peter Taylor raised concerns about disseminating the Advisory Committee's dental amalgam fact sheet to health care providers and schools. The Vermont State Dental Society (VSIDS) does not believe that physicians and schools are the right environment for distribution. The fact sheet speaks only to amalgam and not other filling choices. If the Committee were to disseminate this information to these locations, then VSIDS would have to reply in kind. The concern is the narrow focus of the document. There is not enough information on other restorative materials and oral health in general. If the fact sheet were to be sent out by the Agency of Natural Resources, VSIDS believes that there should be coordination with the Vermont Department of Health (VDH).

Jen Holliday said that in her opinion, the fact sheet was carefully crafted and is not alarming or biased and that the intention is to notify people of environmental concerns with mercury. She said that she would like to see other ways to disseminate the information besides the Advisory Committee's web site.

Gary Gulka suggested that further discussions occur with VDH and the committee to determine what it would take to have VDH endorse dental amalgam environmental information and also have it available on their web site.

Jen Holliday asked Peter Taylor where are the appropriate places for such information to be disseminated? Mr. Taylor said that these decisions are made in dental offices.

Bill Bress said that the dental amalgam fact sheet is formatted such that a discussion of health concerns comes before environmental concerns and perhaps this should be reversed.

Gary Gulka said that the Committee was not satisfied with the environmental information provided by the VSIDS brochure. This brochure stated that potential environmental impacts of all restorative options be considered, but did not provide any information on those considerations.

Bill Bress indicated that the Oral Health Director was very clear in his December 3, 2009 letter that he did not approve the document and highlighted the reasons why.

Peter Taylor suggested that the Committee review the VDH oral health information available on the web site.

Jen Holliday felt that placing information on the web site is only a first step and not an effective way to disseminate the information to the general public.

Gary Gulka said that there is a public credibility issue if the state agencies do not endorse the dental amalgam fact sheet, and it is detrimental to the public if this is sent out under the current circumstances. Neil Kamman stated that it would be detrimental to the working relationships between the Agency of Natural Resources and VSIDS as well as that of the Advisory Committee and VSIDS.

It was suggested and agreed that a constructive dialogue with the Oral Health Director be held at the next meeting on how to effectively convey dental amalgam information to the general public, similar to that contained in the Committee's dental amalgam fact sheet.

Peter Taylor indicated that a major concern is lack of VDH endorsement of the dental amalgam fact sheet. He said that the document is too narrowly focused according to the Oral Health Director. Mr. Taylor said that amalgam is safe, cost-effective, and serves as a valuable piece of the oral health delivery service in Vermont. He added that amalgam use is declining. Most people are seeking out composite resins. He said that the VSIDS does not want to create a scare and wants the public to understand that amalgam is safe.

Ruma Kohli stated that she would like to see public information disseminated on the dental amalgam issue and supports a discussion with the Oral Health Director on endorsement of a message. She said that the fact sheet does not indicate not to use amalgam, but that the final choice on filling materials is up to the patient in consultation with the dentist.

Senator McCormack said that the Advisory Committee is not qualified to talk about dental practices and procedures, but is qualified to talk about the downsides mercury release to the

environment. He suggested broadening the information provided in mercury in fish brochures to possibly cover this.

Neil Kamman said that the Committee's legislative charge is to advise the legislature, administration and the public. The Committee has looked at the information available to the public, such as the VSIDS brochure, and has looked at the topics not covered in public information. He believes that this is simply the Committee doing its job properly. If the Committee can convince VDH, then they will support it. If not, then the information can reside on the Advisory Committee's web pages. Jen Holliday stated that the web site is a good first step but more is needed for adequate public dissemination. Jen Holliday indicated that the fact sheet is squirrely on health and that perhaps the fact sheet should just address environmental issues.

Agenda Item 5

Update on thimerosal in vaccines – Vermont Department of Health

Centers for Disease Control information on thimerosal is now linked on the VDH web site.

VDH has ordered 77,000 seasonal flu vaccine doses; of these 47,000 are single dose and thimerosal-free.

Focus group meetings were held and the Committee will be provided with a link to the report entitled, *Report on Questionnaire and Focus Group Interviews of Parents with Concerns about Immunizations*.

Agenda Item 6

Mercury outreach/program updates – thermostat recycling, lamp recycling, outreach to sensitive populations

Gary Gulka reported on mercury thermostat collections. He indicated that DEC staff have nearly completed a second visit to participating wholesale and retail outlets – a total of about 120 facilities. He indicated that for the most part, participating facilities are implementing the program the way they should; however, it is still important to educate and reinforce the requirements by periodic visits. The Department will be determining the capture rate of thermostats after the end of the calendar year. Web banner ads have been run in newspapers this fall.

Gary Gulka reported that DEC will be having a fluorescent lamp stakeholder meeting in October to discuss a proposal put forward by the Department to sustainably fund residential and small business lamp recycling at retail locations and municipalities. The hardware store recycling program is being funded by Efficiency Vermont until the end of 2011.

Gary Gulka reported that outreach to the public on mercury in fish was done through posting of state fishing and boating access areas this year. Physician's offices are still being provided with

mercury in fish information upon request. Bill Bress indicated that state health agencies are communicating with each other and getting mercury in fish information to grocery stores.

Neil Kamman indicated that \$70,000 has been made available through the Lake Champlain Basin Program to target fish tissue testing for mercury around the state, stratified by fish size. These data can be used to revise mercury fish advisories and to begin a long-term monitoring program similar to previous recommendations of the Advisory Committee. These data will be to review Vermont's ability to meet TMDLs.

Agenda Item 7

Discussion of advisory committee future

There was a consensus that the Advisory Committee on Mercury Pollution be broadened in focus to become or be replaced by a Toxics Advisory Committee. It was agreed that the next meeting would focus on a recommendation that could be incorporated into the annual report of the Committee.

Neil Kamman suggested exploring synergies with the Vermont Pesticide Advisory Council and would invite a member of this committee to attend the next meeting.

Jen Holliday said that an advisory committee on toxics could be more effective than a state program on toxic and that the track record of the Mercury Advisory Committee should serve as an example.

Senator McCormack indicated that he would put in a drafting request for legislation in anticipation that the Committee would develop a legislative proposal as part of its recommendations.

Agenda Item 8

Set next meeting date and agenda

The following agenda items were identified for the November meeting:

- Discussion of dental amalgam fact sheet with VDH Oral Health Director
- Future of Advisory Committee

Summary of Motions and Actions

- It was suggested and agreed that a constructive dialogue with the Oral Health Director be held at the next meeting on how to effectively convey dental amalgam information to the general public, similar to that contained in the Committee's dental amalgam fact sheet.

- There was a consensus that the Advisory Committee on Mercury Pollution be broadened in focus to become or be replaced by a Toxics Advisory Committee. It was agreed that the next meeting would focus on a recommendation that could be incorporated into the annual report of the Committee.