

## **Rhode Island Mercury Advisory Working Group Mercury Commission Sub-Group on Auto Parts**

*Meeting Minutes from November 17, 2004*

*2:30-4:00 pm*

*RI DEM, 4<sup>th</sup> Floor*

### **Attendees:**

Chairwoman Sheila Dormody, Elizabeth Stone, Terry Gray, Jamie Magnani, Paul D'Adamo, Greg Benik, Chris Reilly, Sarah Hoisington, Bev Migliore, Wally Gurnd, Andy Andrade, and Brian Wagner.

Called to order by Sheila Dormody, Sub-Group Chair, at 2:40 pm.

### **Introduction & Review Agenda & Approval of Meeting Minutes**

- Sub-Group reviewed and approved October 27, 2004 meeting minutes with one minor amendment (spelling error on page 1). All present voted to approve.
- Chairwoman Dormody asked if there are any suggested changes to the meeting agenda – none were offered.
- Chairwoman Dormody provided an update on the auto mercury bill (providing a \$2.25 bounty on auto mercury switches) moving its way through the New Jersey legislature.

### **Review of Report Recommendations Addressed at Previous Mercury Meeting**

- Discussion of potential national mercury program – what would RI do if a national program is adopted which does not meet the requirements of RI's auto mercury program?
- Discussion of performance criteria approach floated by Terry Gray at last meeting which would establish performance criteria (e.g. let the General Assembly establish the mercury switch capture rate) for auto manufacturers, and then let the manufacturers figure out the most efficient method by which to meet the established target. If the capture rates are not met, then a bounty program similar to ME's approach would kick in. Terry Gray was asked to clarify his suggested approach for various members of the working group.
- Discussion of the "enforceability" of a switch disposal ban – how would it work and who would bear the brunt of the penalties if switches continued to flow into the waste stream? The auto manufacturers, the auto recyclers, or shredding facilities?
- Discussion of the penalty language included in RI's Mercury Reduction and Education law (RIGL 23-24.9) as amended in 2003. It was noted by some present that the penalties in the 2003 mercury law might be too steep to carry over to the auto mercury switch proposal. Questions were asked about how a "penalty" or "violation" would specifically be defined in any proposed legislation emanating from the working group.
- Discussion of labeling requirements in RIGL 23-24.9 as they pertain to vehicles – they clearly are not exempt from the law.

## **Review of Recommendation Status – As of 10/27**

- Discussion of issues listed as “still under consideration.” Began with the bounty provision: benefits/drawbacks of bounty provision taking effect right away or establishing performance criteria for manufactures, with a delayed bounty if switch removal goals are not met.
- Chairwoman Dormody expressed her concerns with the performance criteria approach – we’re at or near the “peak years” for vehicles reaching end of life that contain mercury switches which should be removed now. Delaying a few years, as the performance criteria approach kicks in, will allow tens or thousands of cars to be retired without having mercury removed. She asked why RI should delay any further.
- Discussion of the political realities surrounding a complete phase-out for switches (with a bounty provision). Would DEM be able to support such a proposal before the General Assembly? DEM would like to support some auto mercury legislation in 2005 – and the performance criteria approach might garnish more support from the administration and various legislative leaders.
- Further questions and discussion regarding a bounty on switches in RI: Would the state want to make the bounty artificially high so there is a minimal incentive for manufacturers to default back to the bounty program? What role to market forces play in this proposal – wouldn’t the state want to insert market forces into this type of program?
- Discussion of DEM’s role in enforcing a bounty program – if it’s going to be expected that DEM will have a heavy inspection presence in the field to catch violations, then this entire model falls apart.
- Discussion of how the performance criteria can and should be defined? Is it # of switches, % of switches, a specific quantity of mercury. The manufactures would need to be given time to design and begin implementing a program to meet the performance criteria – it wouldn’t be something that could be designed overnight. It was agreed that this is the case, however, there was also some agreement that the 3 year delay (between the beginning of the program and the final date when switches must be turned in for the bounty) built into Maine switch removal program is too long.
- Discussion about the possibility of ramping up the switch removal goal such that the performance criteria become more stringent over time.
- Four items that need to be further flushed out: 1) what the performance criteria would look like; 2) timing for implementation; 3) what is a reasonable goal?; and 4) when would the “default” bounty program kick in and at what amount (\$\$)?
- Continued discussion of the number of vehicles retired in RI each year.
- Phase-Out of Mercury in Vehicles: open discussion about the group’s opinion on a phase-out provision for mercury in cars for items such as ABS brakes, display screens, switches and headlights. Greg Benik indicated that Metals Recycling would look to the Institute of Scrap Recycling Industries (ISRI’s) position on this issue (b/c Metals Recycling is a member of ISRI). Sheila Dormody expressed her support for a total ban as soon as possible and wanted to gather additional information about the impact of CT’s phase-out in auto manufacturers. Terry Gray explained his desire to which direction the full mercury commission goes on the issue of phase-outs. He would like to see some similarities and continuity between the two efforts.

- Pilot Project in RI: Rejected for the time being pending further in put from AAM.
- Voluntary Switch the Switch programs and education & outreach activities: Agreement that these type of activities need to continue as an integral part of the auto mercury reductions effort.

### **Discussion of Future Meetings & Assignments**

- Eugenia Marks and Paul D'Admao: Prepare some language for the education & outreach portion of the report.
- Terry Gray and Greg Benik: Work on further flushing out the performance criteria model.
- Bev Migliore and Elizabeth Stone: Prepare some language for the draft report on an awards program for mercury switch removal (e.g. similar to the Governor's P2 awards program).
- Possible future meeting dates include 12/6 and 12/13 @ 2:30.
- Future agendas and meeting minutes from today's meeting forthcoming.

### **Adjournment**

Chairwoman Dormody adjourned the meeting at approximately 4:15.

*Recorded by:*

*Elizabeth S. Stone  
RI DEM*