

**FINAL**

# **RI Mercury Reduction Commission**

**11/19/2004**

**9:00 AM to 12:00 PM**

**RI DEM Conference Room A in Providence RI**

**Type of meeting:**

Meeting #9

**Attendees:**

Commission Members Present: Marcella Thompson (Chair), Sheila Dormody, Howard Rosenberg, Terry Gray, Andrew Knapp, Elizabeth Stone, Jason Linnell, Pamela Horner, Robert Vanderslice (for Patricia Nolan), Nicholas Tsiongas

Commission Members Excused: None

Commission Members Absent: Eugenia Marks, Jamie Magnani (for Dan Beardsley), Susan Kaplan (RIEDC), Claude Cote (for Sherry Mulhearn)

Guests: Joan Milas (NEMA), Ron Gagnon (DEM), Beverly Migliore (DEM)

## **----- Agenda Topics -----**

**Agenda Review & Approval of Meeting Minutes**

1 of 3 pages

**Discussion:**

Call to order by Chair Marcella Thompson at 9:07 am. Reviews meeting agenda: no changes. Reviews meeting minutes for October 29<sup>th</sup>. NY Academy of Sciences mercury report distributed to all commission members present – copies will be mailed to all members not present.

**Conclusions:**

Commission votes unanimously to accept October 29<sup>th</sup> meeting minutes without amendments.

**Action items:**

Person responsible:

Deadline:

Compose November meeting minutes, distribute electronically and address feedback comments with the commission members.

E. Stone and M. Thompson

09Dec04

Post final October meeting minutes on website

E. Stone

09Dec04

## Updates on Final Report

**Elizabeth Stone** – Distributes states’ mercury laws draft to Jason Linnell and Chair Thompson. Will distribute to all members asap. She seeks comments and feedback. Elizabeth will distribute piece being prepared by EPA Region 2 on national mercury efforts asap.

**Bob Vanderslice** – Indicates that the draft section on exposure is not ready yet. Will include data from Pawtucket mercury spill (e.g. hg blood level reports are due back within the week.) Discusses testing done on Pawtucket residents affected by the mercury spill. He indicates he will have this done for review by Dec. 1<sup>st</sup>.

**Pam Horner** – Distributes information on a recent CDC for use by commission members. MMWR (Nov. 5) Blood Mercury Levels in Young Children and Childbearing Aged Women US 1999-2002. Further discussion about 1996 UNEP report. She continues to solicit information on the portions of the draft report she’s been preparing. Pam volunteers to assist in coordinating the final report with regard to format and layout.

**Terry Gray** – Provides Bob Vanderslice with additional information on RI specific mercury air releases and hazardous waste using hazardous waste manifests, including universal waste. The information on hazardous waste needs to be condensed before it can be used effectively. Questions and discussion about RI’s rate of compliance with reporting mercury information on hazardous waste manifests. Discussion about TRI data for mercury.

**Sheila Dormody** – Updates the commission on progress of the auto mercury sub-group. Upcoming meetings will take place on Monday 12/6 and Monday 12/13. She expects the group to have finished a complete draft report by December 17<sup>th</sup> (the second full commission meeting in December).

**Howard Rosenberg and Andrew Knapp** – Updates the commission on the “strategies for mercury control” section of the report they’ve been drafting. Outlines the strategy: 1) develop a control plan; 2) implement the plan; 3) measure the success of the plan; 4) incorporate feedback to adjust the plan (to work more efficiently) if needed. Emphasizes they don’t want to “reinvent the wheel” when it comes to developing mercury control strategies & programs. It is their goal to simply select from some of the most effective control options used to date, while keeping the state’s resource constraints in mind. This means picking off some of the best examples from other states, figuring out how much it will cost to implement them here in RI, and where the funds will come from to support such efforts. It was noted that:

1. RI’s program must be structured to meet the needs of RI’s statute; there is some flexibility in how the strategy can be implemented. Priorities must be decided and acted upon.
2. The report must acknowledge very clearly that a lot of mercury comes into RI from across our borders – hence the need to remain active in groups like NEWMOA which are attempting to regionally coordinate mercury reduction efforts. RI should amend its mercury reduction law in such a way that it is completely in sync with the region’s control and reduction efforts.
3. Additional information needs to be collected regarding RI’s mercury reduction and education programs. (**Gray:** DEM to develop a list of the mercury reduction and control activities for reference by users.)

**Pam Horner:** provides information about the Association of Lighting and Mercury Recyclers (ALMRs) release of an educational CD promoting the recycling of mercury-containing lamps. The CD is a product of the Lamp Recycling Outreach Project (LROP). Copies of the program provided to select commission members and DEM.

## Discussions on Deadlines

**Thompson** – 1. Explains to commission possibility we won’t be able to meet the January 1, 2005 deadline and might need to request an extension. Discussion about whether or not the group should submit an interim report on some key items while it continues to prepare the final report. It was decided that Chair Thompson would discuss this further with the Governor’s Office, ask for an extension and hold off submitting a final report until its complete because there are still so many critical pieces to be discussed and decided.

2. Discussion on need to possibly extend some of the legislative implementation dates looming in the statute, particularly because the final report will not be submitted on time. Deadline for rulemaking would be March 1<sup>st</sup> for July 1<sup>st</sup> implementation to move out. September 1<sup>st</sup> was offered as an alternate. Commission unable to reach consensus.

### Action items:

1. Contact Governor’s office to discuss deadlines.

Person responsible:

M. Thompson

Deadline:

10Dec04

**Disposal Ban and Collection Plans:** Who's going to pay for added costs of collecting and properly disposing? Currently, end users such as businesses are required to pay a hazardous waste collector for all hazardous waste. The issue for discussion in this section is for household consumers:

1. "Producer responsibility" model of managing collection and disposal of mercury-containing consumer products: there is more of a need to focus on household waste – businesses and industry must already comply with hazardous waste laws and the universal waste rule. However, there is one exception: those products that do not pass TCLP are not included in the universal waste rule but is included in the state regulation. Need to discuss details further. Terry Gray understands DEM will have to educate business owners regarding these regulations in order to improve compliance.
2. Implementing producer responsibility model via "advance disposal fees" in California: this type of approach works well for more expensive products but is less successful for inexpensive products. Terry Gray explains the performance criteria approach the auto mercury sub-group is considering, specifically for mercury switches. Also, he explains the "shared responsibility" model he has been discussing with RIRRC.
3. Philosophy behind the producer responsibility aspects of RI's mercury law: Pam Horner asks for a clearer explanation of what DEM considers the "producer responsibility" model. Are manufacturers of mercury containing products and state regulators speaking the same language? Maybe this discourse is getting in the way of productive conversations about disposal ban and collection plan options. Chair Thompson asks Terry Gray to further define what DEM means when it says "producer responsibility."

<b>Action items:</b>	<b>Person responsible:</b>	<b>Deadline:</b>
2. DEM to create optional language for producers in terms of possible alternate action plan.	T. Gray	10Dec04

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### **Preliminary Agenda for December 10, 2004 at DEM Headquarters**

**Discussion:** Conference Room A will be available on December 3<sup>rd</sup> at 10:00 am for anyone who is interested in coming together to work on their respective portions of the draft report.

**December 10<sup>th</sup> meeting to start at 1pm.**

**Conclusions:**

<b>Action items:</b>	<b>Person responsible:</b>	<b>Deadline:</b>
3. Complete and post Agenda for December 10, 2004	M. Thompson and E. Stone	08Dec04
4. Keep dates for meetings open: Dec 17.	ALL	N/A

### **Adjournment**

Chair Thompson adjourned the meeting at approximately 11:30 am.

Recorded by Elizabeth S. Stone of RI DEM  
Reviewed and Edited by Marcella R. Thompson, Chair  
END