

**FINAL VERSION**

# **RI Mercury Reduction Commission**

**12/10/2004**

**1:00 PM to 3:00 PM**

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

**Type of meeting:**

Meeting #10

**Attendees:**

Commission Members Present: Marcella Thompson (Chair), Sheila Dormody, Howard Rosenberg, Terry Gray, Andrew Knapp, Elizabeth Stone, Robert Vanderslice (for Patricia Nolan), Nicholas Tsiongas, Claude Cote (for Sherry Mulhearn), Eugenia Marks

Commission Members Excused: None

Commission Members Absent: Jason Linnell, Pamela Horner, Jamie Magnani (for Dan Beardsley), Susan Kaplan (RIEDC)

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 1:07 pm. Reviews meeting agenda: one addition: discussion on EPA Proposed Clean Air Mercury Rule. Sheila Dormody distributed the Maine DEP Report, "An Investigation of Alternatives to Miniature Batteries Containing Mercury" via email and suggested the Commission revisit the exemption for novelty items with button cell batteries as their only mercury component at a future meeting. Chair Thompson agrees to add the topic after other pending business has been addressed since the Commission's work is approaching deadline and it has a lot still to do without taking on new topics.

Reviews meeting minutes for 19Nov04: three changes, two minor technical; one regarding assignment for Terry Grey regarding language for producer responsibility.

Chair Thompson announces that Jason Linnell will be leaving EIA and has resigned from the Commission. Notice to the Governor's office has been sent.

**Conclusions:**

Commission votes unanimously to accept November 19<sup>th</sup> meeting minutes with amendments.

**Action items:**

Person responsible:

Deadline:

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

E. Stone and M. Thompson

15Dec04

Post final November meeting minutes on website

E. Stone

13Dec04

Chair Thompson remarks on notice regarding EPA makes data available on clean air mercury rule. This is proposed options regarding objectives and deadlines for reducing mercury emissions from power plants. A significant portion of mercury emissions in RI comes from power plants out of state. She requests feedback from commission members concerning the commissions desire to take a position on this rulemaking proposal. Discussion of the severe inadequacies of the proposal, and the fact that it is more of a rollback than a step in the right direction. DEM comments that it is already planning to weigh in on the proposal. In principal, the commission felt it was appropriate to object to EPA's proposal.

**Action items:**

	Person responsible:	Deadline:
1. Draft statement for commission in support of EPA efforts but send message options are not aggressive enough to solve problem.	T Gray, S. Dormody	17Dec04
2. Contact Governor's office regarding this issue.	M. Thompson	17Dec04
3. Additional information about this proposal can be found on the Northeast States for Coordinated Air Use Management (NESCAUM) website at <a href="http://www.nescaum.org">www.nescaum.org</a>		

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## Discussions on Issues

### Collection Plans: 23-24.9-10

Need to clarify proposed language as new section does NOT apply to hazardous waste and to which end-users this section applies.

Add (b): The Department and the Rhode Island Resource Recovery Corporation shall establish a statewide network for the collection of mercury-added products when the consumer is finished with them. Manufacturers of mercury-added products may satisfy their obligations, as set forth above in section (a), by entering into a written agreement with those agencies to support the statewide program including, but not limited to, advertisement, education and/or funding through a system established in regulation.

Action items:	Person responsible:	Deadline:
1. Amend existing mercury regulations to specify how this new program will work in RI.	T. Gray	Jan 2005

### Exemptions: 23-24.9-7

Terry Gray explains there are two different approaches to the phase-out provision in the mercury law:

1. RI's current approach since 2001 –is a broad-brushed strategy whereby all categories of mercury-added products are affected by the phase-out.
2. The Maine model –is a more targeted strategy whereby just certain classes (e.g. switches, thermostats, thermometers) of mercury-added products are phased-out.

After some discussion, the commission decided not to endorse the Maine approach at this point in time.

Exemption process subsection (g). The law allows DEM to issue exemptions for two-year periods and the exemption can be renewed upon re-application to DEM an unlimited number of times. Since CT currently issues 5-year exemptions, the Commission discusses the merits and pitfalls of extending RI's exemption window to more than 2 years. The commission decides to leave the exemption window at 2 years w/ an unlimited number of renewals (unless denied by DEM at a future date). Terry Gray announces to the commission that VT, which currently does not have a mercury phase-out requirement, is considering using the more streamlined Maine model.

Discussion of the “unintended consequences” of RI's very board phase-out requirement. Commission decides to modify exemption criteria as follows:

- (g)(1) Use of the product is beneficial to the environment or protective of public health or protective of public safety; **and/or** (2) There is no technically feasible alternative to the use of mercury in the product; and (3) There is no comparable non-mercury added product available at reasonable cost.

Action items:	Person responsible:	Deadline:
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### Phase Out:

Action items:	Person responsible:	Deadline:
1. Provide list of products/industries/companies in RI that will be impacted by the first phase-out date from the NEWMOA IMERC database.	E. Stone	17Dec04
2. Continue discussion of how to address “leftover stock”.	ALL	17Dec04

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## Preliminary Agenda for December 19, 2004 at DEM Headquarters

### REMINDER

**ALL submissions for Final Report due on December 19<sup>th</sup>**

#### Action items:

1. Complete and post Agenda for December 19, 2004
2. Bring one hard copy to the meeting for the Chair and e-mail one electronic copy to Chair.

Person responsible:	Deadline:
M. Thompson and E. Stone	14Dec04
ALL	19Dec04

### Adjournment

Chair Thompson adjourned the meeting at approximately 3:00 pm.

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