

**FINAL VERSION**

# RI Mercury Reduction Commission

12/17/2004

9:00 AM to 12:00 PM

RI DEM Conference Room A in Providence RI

**Type of meeting:**

Meeting #11

**Attendees:**

Commission Members Present: Marcella Thompson (Chair), Sheila Dormody, Howard Rosenberg, Terry Gray, Andrew Knapp, Elizabeth Stone, Claude Cote (for Sherry Mulhearn), Eugenia Marks, Pamela Horner, Jamie Magnani (for Dan Beardsley)

Commission Members Excused: None

Commission Members Absent: Robert Vanderslice (for Patricia Nolan), Nicholas Tsiongas, Susan Kaplan (RIEDC)

Guests: Joan Milas (NEMA), Sarah Hoisington (auto recycler)

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

**Agenda Review & Approval of Meeting Minutes**

1 of 3 pages

**Discussion:**

Call to order by Chair Marcella Thompson at 9:00 am. Reviews meeting agenda: Chair adds one addition: filing an interim report by January 1<sup>st</sup>. Meeting minutes from December 10<sup>th</sup> will be sent by e-mail at a later date.

**Conclusions:**

**Action items:**

Person responsible:

Deadline:

Compose December 10<sup>th</sup> and 17<sup>th</sup> meeting minutes, distribute electronically and address feedback comments with the commission members.

E. Stone and M. Thompson

04Jan05

Post final meeting minutes on website

E. Stone

17Jan05

### EPA Clean Air Mercury Rule

**Action items:**

Person responsible:

Deadline:

- Draft statement for commission in support of EPA efforts but send message options are not aggressive enough to solve problem..

T Gray, S. Dormody

**OPEN**

### Commission Report Deadline January 1, 2005

Chair Thompson discusses need to notify Governor and legislators that the Commission's report will not be ready by January 1<sup>st</sup> as stipulated in the law.

**Action items:**

Person responsible:

Deadline:

Compose and send letter to Governor and legislators

M.. Thompson

31Dec04

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## Discussions on Issues

### Phase Out and Exemptions: 23-24.9-7

Discussion of the “unintended consequences” of RI’s very board phase-out requirement. Commission reviews and discusses printout from IMERC mercury database for products containing more than 1 gram of mercury.

1. Commission decides to modify exemption criteria as follows:

(g)(ii) he or she finds ~~each of~~ the following criteria are met:

(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.

2. Commission reviews IMERC mercury-added notification of products containing 1 gram or greater of mercury. These products will be the first to be effected by the phase out (July 1, 2005). One category is laboratory chemical standards. A phase-out would prevent RI laboratories from being able to test for mercury. Commission considers adding an exemption for these chemicals:

ADD new paragraph (e) ~~Laboratory chemical standards. shall be exempted from the requirements of -7(a).~~

3. Commission discusses current exemptions include those products regulated under FDCA (cosmetics), FIFRA (fungicides). Commission concludes that RI should strive for consistency with other NEWMOA member states on exemptions like these. As a result, no changes will be recommended by the Commission in this section.

4. Discussion of RIGL 23-24.9-7(d)(2). Some Commission members suggest that the exemptions in (d)(2) needs to be more specific. It was suggested that the General Assembly left this section deliberately broad so as to account for multiple types of lights used in the entertainment industry. Commission will review proposed wording change.

5. Discussion of amendments to 23-24.9-7 previously proposed by Commission member Jason Linnell regarding exemption of most types of mercury switches and relays from the phase-out provision. It was suggested the Commission examine how other states (NH, ME) address the types of switches and relays as described in these draft amendments.

#### Action items:

	Person responsible:	Deadline:
1. Provide list of products/industries/companies in RI that will be impacted by the second and third phase-out dates from the NEWMOA IMERC database for next meeting.	E. Stone	14Jan05
2. Provide list of non-mercury-added alternatives for those products listed in the IMERC database.	E. Stone	14Jan05
3. Provide proposed wording change to exemption regarding entertainment industry lighting for Commission’s consideration.	P. Horner	14Jan05
4. Provide information how CT addresses exemption for chemical standards.	S. Dormody	14Jan05
5. Provide information how NH, ME addresses switches and relays.	E. Stone	14Jan05

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## Review of Recommendations from Auto Subcommittee

Commission member Sheila Dormody presents the executive summary and summary of recommendations to the Commission for review and discussion.

Commission discusses unintended consequences of first recommendation regarding a disposal ban on mercury switches. While the goal is to place the onus on manufacturers for recycling, the question was raised about the potential impact on car dealerships as “distributors” of vehicles in RI. While the bulk of mercury switches can be removed, there are trace amounts in capsules that are not broken when a car is crushed. Should this difference be delineated in the law or the regulation? Chair Thompson requests further discussion at next meeting. It was suggested that the subcommittee address in more detail the section relative to “accountability” in order to address the potential concerns of RI automobile dealers.

Action items:	Person responsible:	Deadline:
1. Elevate recommendation re pollution prevention awards to full Commission report and apply to all categories.	M. Thompson	Jan05
2. Reiterate recommendation regarding education in full Commission report under education section.	E. Marks	Jan05
3. Submit full report to Commission for review before 14Jan05.	S. Dormody	14Jan05
4. Contact Jack Hogan (Auto Rep) before next Commission hearing.	M. Thompson	14Jan05
5. Review “accountability” regarding RI automobile dealers.	Subcommittee/Commission	14Jan05

## Violations 23-24.9-16

Discussion of possible amendments to violations section. The Commission decides to recommend no changes at this time.

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## Preliminary Agenda for January 14, 2005 at DEM Headquarters

### REMINDER

**ALL submissions for Final Report due on December 31<sup>st</sup>. There will be a series of meetings scheduled for the week of January 10<sup>th</sup> prior to the working group meetings.**

Action items:	Person responsible:	Deadline:
1. Complete and post Agenda for January 14, 2005 meeting.	M. Thompson and E. Stone	04Jan05
2. Bring one hard copy to the meeting for the Chair and e-mail one electronic copy to Chair note in memo field: FINAL DRAFT.	ALL	31Dec04

## Adjournment

Chair Thompson adjourned the meeting at approximately 12:00 pm.

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