

QUICKSILVER CAUCUS ... QUICKSILVER CAUCUS ... QUICKSILVER CAUCUS... QUICKSILVER CAUCUS ... QUICKSILVER CAUCUS QUICKSILVER CAUCUS ... QUICKSILVER CAUCUS ...

The Association of State Drinking Water Administrators;
The Association of State and Interstate Water Pollution Control Administrators;
The Association of State and Territorial Solid Waste Management Officials; The Environmental Council of the States;
The National Association of Clean Air Agencies; The National Pollution Prevention Roundtable

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Tuesday, December 16, 2008

Honorable Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

[Via E-mail]

Dear Administrator Johnson:

The Quicksilver Caucus (QSC), formed in 2001, is a coalition of state environmental association leaders working collaboratively to develop effective approaches for reducing mercury in the environment. Caucus members include the Environmental Council of the States (ECOS), the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), the National Association of Clean Air Agencies (NACAA), the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA), the Association of State Drinking Water Administrators (ASDWA) and the National Pollution Prevention Roundtable (NPPR). Through partnerships, the QSC develops stewardship approaches for reducing mercury in the environment and for managing safe, long-term storage of elemental mercury nationally and internationally.

Leading up to and following publication of USEPA's Mercury Roadmap (2006), the QSC leadership has been working closely with a number of USEPA program offices. We have held regular leadership meetings to share information, establish joint priorities, and make progress towards reducing mercury impacts to the environment while maintaining a healthy economy. Together we have achieved some notable accomplishments, including:

- Implementing a national program to recycle mercury lighting switches from end-of-life vehicles;

- Engaging in meaningful stakeholder dialogue sessions on surplus commodity grade mercury to provide ideas for approaches that reduce its impact on the global environment;
- Working with the US Dept of Defense and the US Dept of Energy to ensure continued sales suspension of US mercury stockpiles; and
- Developing approvable cross-media TMDLs for reducing the impacts of air emissions on mercury-impaired waters and mercury-contaminated fish.

Our recent discussions have focused on the need to develop programs addressing priority types of mercury-containing products, and jointly negotiating comprehensive approaches to reduce their mercury impacts, as we did with the vehicle switch program. **The QSC proposes that work begin immediately on dental amalgam, for the following reasons:**

- **Dental amalgam is a significant source of mercury releases into the environment:**
 - Dental amalgam comprises over 50% of all mercury-containing products in the US. Over 1000 tons of mercury in dental amalgam are present in fillings in the US (USEPA, 2004);
 - According to the Interstate Mercury Education and Reduction Clearinghouse (IMERC), the amount of mercury sold for dental amalgam nationally is over 30 tons annually, and this use has remained relatively steady over the past few years;
 - A study funded by the American Dental Association (ADA) estimated that dental offices discharge approximately 6.5 tons mercury per year to sewage treatment systems in the US, which represents, on average, over 50% of mercury influent loading;
 - as much as 95% of the mercury from wastewater influent ultimately is found in biosolids from which it can enter the environment upon reuse, or be released into the atmosphere if incinerated.

Cost-effective control technology is readily available: Currently, nearly two dozen brands of amalgam separators are available that meet the ISO standard and remove at least 98 percent of the mercury amalgam. Costs of installing and maintaining this simple and effective technology are inexpensive. On average, amalgam separators cost less than \$2.00 per filling (Mercury Policy Project, 2008)

- **A critical mass of activities are occurring around the country:**
 - To date, eleven states have adopted programs mandating the use of amalgam separators and other best management practices. Numerous others have legislation

pending. In addition, several municipalities and sewerage districts have established local wastewater discharge limits and have either directly required the use of dental amalgam separators or have allowed their use in lieu of compliance testing.

- Data from Massachusetts, King County, Washington, and Metropolitan Council Environmental Services (Minneapolis-St Paul wastewater treatment system) clearly demonstrate the value of amalgam separator installation programs. For example, the Massachusetts, King County, and Metropolitan Council Environmental Services programs have each realized approximately 50 percent reductions of mercury in biosolids.
- The American Dental Association has added amalgam separators to its list of Best Management Practices (2007)
- There is growing interest among states, environmental groups and Congress to adopt regulations/legislation to address mercury releases from the dental sector. Recently, the House Oversight and Government Reform Committee have been quite active on this topic. On September 10, 2008, the Committee issued a staff report titled *Reducing Dental Mercury Emissions: Installing Amalgam Separators and Achieving Compliance*. That report states “Subcommittee Majority Staff has found that the mandatory program, or the voluntary program underpinned with the threat of a mandatory provision, is the most effective model for achieving the desired reduction in mercury releases
- The recent report “EPA’s Health Services Industry Detailed Study: Dental Amalgam (August 2008)” provides information on the dental sector as a source of mercury inputs to wastewater. Although the report is compromised by several inaccuracies and the fact that it only focused on the discharge of dental mercury in wastewater rather than total environmental releases from all pathways including sludge incineration and reuse, it contains much useful information. In particular, the report highlighted several successful state programs that could serve as models for further national efforts. Notably, although the report did not support the adoption of national categorical pretreatment standards for the dental sector at the time of publication it did note that these were possible in the future.

The Quicksilver Caucus would like to build upon the current interest and momentum on these issues and commence discussions with a broad base of stakeholders to develop a nationwide program with a goal of substantially reducing releases of mercury to the environment from dental amalgam mercury. The stakeholders would include but certainly would not be limited to the American Dental Association, USEPA, states, publicly operated treatment works (POTWs) and dental supply manufacturers.

During our next QSC-USEPA Mercury Leadership Teams conference call (February 11, 2009), we would like to begin planning to pull the parties together. We would like to convene the parties in a separate meeting to take place in the first quarter of 2009. We would like the

outcome of that meeting to be a strategy that results in recovery of an agreed upon percentage of amalgam by a given date. We would also like to have a plan emerge that will provide for the collaboration and mutual support that will be needed to reach a goal.

On behalf of the Quicksilver Caucus, I thank you so much for your attention to this very important matter.

Sincerely,

A handwritten signature in cursive script that reads "Mark McDermid".

Mark McDermid
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-USEPA Mercury Leadership Team c/o Denise Ney, OCIR