

# QUICKSILVER CAUCUS

The Association of State Drinking Water Administrators (ASDWA);  
The Association of State and Interstate Water Pollution Control Administrators (ASIWPCA);  
The Association of State and Territorial Solid Waste Management Officials (ASTSWMO);  
The Environmental Council of the States (ECOS);  
The National Association of Clean Air Agencies (NACAA);  
The National Pollution Prevention Roundtable (NPPR)

Friday, February 6, 2009

Mr. Daniel A. Reifsnyder  
Deputy Assistant Secretary of State for Environment  
OES/E  
U.S. Department of State  
Washington, DC 20520

[Via E-mail]

Dear Mr. Reifsnyder:

*On behalf of the states belonging to the Quicksilver Caucus, I would like to thank you for the opportunity to provide input on mercury-related issues as the United States prepares for the February 2009 United Nations Environment Programme (UNEP) Governing Council (GC) meeting.*

As you know, the Quicksilver Caucus (QSC) is a coalition of state environmental association leaders and state agencies concerned about the effects of mercury pollution. QSC members work collaboratively to develop approaches for reducing human-derived sources of mercury in the environment and 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).

All states in the United States (US) issue consumption advisories to their citizens to limit the amount and type of fish consumed due to contamination by mercury. Children are most at risk from exposure to this neurotoxin as the developing brain of the fetus and the newborn are particularly sensitive to damage from mercury. Mercury is also toxic to the human immune system, cardiovascular system and kidneys and may increase heart attack risk in adults. Adverse effects on wildlife are also observed.

To address concerns about mercury, QSC members, the US EPA, and tribal groups have a long history of working collaboratively to establish and implement initiatives to reduce mercury releases in the US. In many instances the states have enacted stringent and comprehensive approaches that exceed federal requirements. These efforts have been very successful and the states have made significant progress in reducing mercury releases. However, given the long-range atmospheric transport of mercury emissions,

global mercury pollution sources contribute very significantly to mercury contamination of U.S. lakes, ponds, stream and rivers.

The US cannot solve the mercury problem by acting alone. Scientists in Midwestern and Northeastern states have applied the latest scientific thinking to this problem in preparing Total Maximum Daily Load studies to characterize mercury pollution sources and calculate reductions needed to meet water quality standards. These studies indicate that in order for fish consumption advisories to be lifted, mercury deposition from anthropogenic sources will need to be reduced by more than 86%. In these states, up to 43% of mercury deposition from anthropogenic sources is believed to originate from outside of the US.

*US government involvement in international mercury reduction efforts has helped to raise awareness of this issue and has effectively advanced mercury pollution reduction efforts globally. While considerable progress has been made, the scale of the reductions needed requires a stronger international response. We would like to offer the following comments for your consideration.*

### **Partnerships**

Since initiated 4 years ago, the QSC has supported the partnership approach as a way to quickly and efficiently identify and act on priority areas. We have collaborated with EPA to offer our assistance with implementation and we have provided input to the partnership business plans. At EPA's request, state staff has provided direct, in-country assistance for two capacity building projects under the auspices of the products partnership.

We believe the effectiveness of the partnership approach would be enhanced by the establishment of an overall global reduction goal for mercury releases as well as the establishment of numeric reduction targets and timelines for each partnership area. Adequate on-going funding and a mechanism to evaluate progress are needed. We are available to assist in this effort by providing technical assistance in the partnership areas where we have expertise.

### **International Reduction Agreements/Objectives**

Since the QSC was first invited to provide input to the State Department in 2003, we have advocated for the negotiation and eventual implementation of international agreements for reducing mercury pollution. *While voluntary approaches have value and can be effective in some sectors, the magnitude of reductions in mercury releases needed compels us to firmly believe that establishing a comprehensive international reduction plan with goals and timelines is needed in the near future. A long-term, comprehensive approach has the greatest possibility to produce the results that are needed to address the problems caused by mercury pollution.*

With respect to the deliberations at the upcoming GC meeting, we urge the formation of an Intergovernmental Negotiating Committee (INC) to explore what measures might be appropriate. This process should commence as soon as possible. During this meeting the GC should decide upon the mandate and scope of the INC.

We share the concerns expressed by the US government and others about the time and resources needed to negotiate a comprehensive international agreement. In the interim, to maintain momentum, it is critical that the current capacity building and voluntary efforts continue and we pledge to support those initiatives in whatever way we can.

Finally, the states and the federal government are implementing programs and requirements that in many instances already meet what we would expect to be required under a more comprehensive international agreement, at least in the near term. Based on state and federal initiatives, we are well on our way to reducing use and release of mercury and we currently do not view a more ambitious international effort would pose a hardship for the states to implement. Nevertheless, state members of ECOS and the Quicksilver Caucus would like to be consulted regarding any stronger measures that might be considered

to ensure no state hardships would result. In any event, we strongly support a re-evaluation by the US and other nations of whether stronger methods for reducing global releases of mercury might be desirable at this juncture. We truly hope that you will find that more progress can and must be made.

### **Combustion Releases**

Based on the latest UNEP information, more than 60% of air emissions are due to the release of mercury from large-scale metals refining, fossil fuel combustion (mostly coal) and cement production. Recalling that most people are exposed to mercury through fish consumption, we would also like to emphasize the importance of global air emission reductions to addressing the global mercury problem.

Draft GC meeting documents reference mercury air emissions reductions through measures being taken for other pollutants. This “co-benefits” approach to mercury control, while an important and often effective first step, will not be sufficient in the long term, especially for coal-fired power plants. Mercury specific controls will be needed for many sources to achieve the required emission reductions and it would be more effective to account for these costs up-front in global energy planning decisions.

### **International Mercury Markets/Management**

As we emphasized in our January 9, 2007 letter to you regarding the February 2007 UNEP Governing Council Meeting, the issues related to international mercury supply, use and management are closely inter-related. As uses in the developed world decline, excess mercury can easily find its way to uses that can lead to significant environmental releases and local exposure, such as small scale mining. Mechanisms are needed to better track international mercury trade, how commodity mercury is used and how recovered mercury is handled. In addition, global policies and techniques for long-term storage of excess mercury are needed. Finally, with very few, if any, exceptions mercury should be phased out of use in products and processes.

We have substantial experience in implementing mercury reduction programs and we continue to be available as a resource to you, EPA and others in reducing mercury releases in the US and internationally. We continue to appreciate the opportunity to provide the State Department with our view of this important international issue.

Sincerely,



**Mark McDermid, Wisconsin  
Lead ECOS Representative, Quicksilver Caucus**

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