

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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September 16, 2009

Ms. Lisa Jackson, Administrator
Environmental Protection Agency
Ariel Rios Building (Mail Code: 1101A)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

We are writing to you as representatives of the Quicksilver Caucus to request your help with the recent decision by New General Motors to withdraw from a program that is designed to successfully deal with mercury in the environment. Last month, we learned that “NEW GM” was discontinuing its participation in End of Life Vehicle Solutions (“ELVS”). As you know, ELVS is the entity given responsibility to lead and coordinate vehicle manufacturers’ collection, transportation, and proper recycling of mercury switches from end-of-life vehicles in 2006 under the U.S. Environmental Protection Agency’s (U.S. EPA) facilitated National Vehicle Mercury Switch Removal Program (NVMSRP).

State environmental agencies, individually and collectively, have recognized mercury as a significant source of risk to human health and impairment to the nation’s environment due to its properties as a persistent, bio-accumulative toxic substance. U.S. EPA, in its 2006 Mercury Road Map, estimated that Electric Arc Furnaces, the fourth largest source of mercury emissions, contribute 7 to 10 tons of mercury per year and will continue to do so through 2017. In 2006, the Environmental Council of the States and Quicksilver Caucus agreed to participate with representatives of vehicle manufacturers, scrap recyclers and processors, steel manufacturers, environmental organizations and U.S. EPA in a voluntary program to recover mercury switches from scrap cars and trucks before they are shredded for recycling. (See Enclosure for additional information on the NVMSRP).

General Motors vehicles account for over half of the mercury used by all vehicle manufacturers (54%). Without “NEW GM’s” continuing participation and support of ELVS, the three-year old national voluntary program to recover mercury switches from end-of-life-vehicles will end, leaving the Electric Arc Furnaces that depend on a supply of mercury-free vehicle scrap to maintain their compliance with U.S. EPA’s rule regulating mercury without a source for this material.

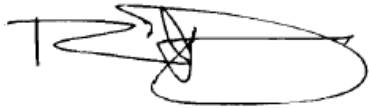
Without "NEW GM's" support for ELVS in place, the national switch recovery program is not viable and serious discussion of the improvements to the program cannot take place. Discussions of critical improvements to the program, which have been underway for several months, include regulatory and non-regulatory approaches to increase switch capture rates and reduce mercury releases from recycling of scrap steel.

We respectfully request that you work within the Administration to maintain New General Motors' participation in ELVS, so that the NVMSRP can continue and be improved. We know that you are interested in addressing this issue given your ongoing commitment to reduce mercury in the environment.

Sincerely,



Michael J. Linder, President,
The Environmental Council of the States and
Director, Department of Environmental Quality
(NE)



Robert Jackson, Chairman
National Pollution Prevention Roundtable and
State Administrative Manager in the Bureau of
Energy Systems (MI)



Peggy Harris, President
Association of State and Territorial Solid Waste
Management Officials and
Chief, State Regulatory Branch, Department of
Toxic Substances Control (CA)



Thomas Porta, President
Association of State and Interstate Water
Pollution Control Administrators and
Deputy Administrator, Division of
Environmental Protection (NV)

Cc: Nancy Sutley, Chair, Council on Environmental Quality
Ron Bloom, Senior Advisor, U.S. Treasury Department

Enclosure: National Vehicle Mercury Switch Recovery Program Overview

ENCLOSURE

National Vehicle Mercury Switch Recovery Program Overview

Background

Prior to 2003, domestic and some foreign automakers installed over 200 million mercury containing switches in trunk, hood, and passenger space convenience lighting; anti-lock brake sensors; and other systems (e.g., airbags). By the time the National Vehicle Mercury Switch Recovery Program was established in 2006, an estimated 67 million mercury switches were available for future recovery. These switches, unless removed from vehicles at the end of their life by vehicle dismantlers, also known as vehicle recyclers, release mercury into the environment when scrap recyclers crush and shred stripped down frames into ferrous scrap for re-use by steel-makers. Steelmakers re-use more than 14 million tons of steel from end-of life vehicles each year in the manufacture of new steel products.

National Vehicle Mercury Switch Recovery Program

The National Vehicle Mercury Switch Recovery Program is the result of a two-year collaborative effort involving U.S. EPA, vehicle manufacturers, the American Iron and Steel Institute, the Steel Manufacturers Association, the Institute of Scrap Recycling Industries, the Automotive Recyclers Association, Environmental Defense, the Ecology Center (Ann Arbor), and representatives of the Environmental Council of the States. U.S. EPA and these stakeholders announced a voluntary program to recover mercury switches from scrap cars and trucks before they are shredded for recycling. In August 2006, the parties signed a Memorandum of Understanding establishing the National Vehicle Mercury Switch Recovery Program (NVMSRP). The NVMSRP is:

- A voluntary program covering 49 states (Maine is covered by a separate agreement.)
- Implemented at the state level, in consultation with appropriate state authorities and all parties to the agreement.
- Coordinated by a national steering committee comprised of all parties to the agreement.

End of Life Vehicle Solutions and the NVMSRP

The End of Life Vehicle Solutions Corporation (ELVS) was created by the automotive industry to promote the industry's environmental efforts in recyclability, education and outreach, and the proper management of substances of concern. ELVS is responsible for implementing the program responsibilities for the vehicle manufacturers which include:

- A system for the managing the safe collection of recovered switches from vehicles
- A database of information about scrap yards and processors participating in the NVMSRP and the number of switches recovered by the program

US EPA's Electric Arc Furnace Rule and the NVMSRP

On December 28, 2007, US EPA published in the Federal Register the final National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities (Final EAF Rule). The rule identified two US EPA-approved programs — the NVMSRP and the Maine Program — as compliance options.