



Resolution Number 18-3  
Approved August 30, 2018  
Stowe, Vermont

As certified by  
Sambhav Sankar  
Executive Director

## **ADDRESSING MERCURY**

WHEREAS, state environmental agencies have recognized mercury as a risk to human health and the environment because it is a persistent, bio-accumulative neurotoxin; and

WHEREAS, natural and anthropogenic releases of mercury to the environment have contaminated fresh and saltwater fisheries to such an extent that all 50 states, one U.S. territory, and at least three tribes have issued fish consumption health advisories for many water bodies; and

WHEREAS, many states have mercury reduction and collection programs and laws designed to reduce unnecessary uses of mercury and limit mercury releases to the environment; and

WHEREAS, the States, through the Quicksilver Caucus (QSC), have worked in partnership with U.S. EPA to address sources of mercury pollution, mercury-added products, the management of excess commodity mercury in the U.S., and international mercury reduction efforts; and

WHEREAS, the Mercury Export Ban Act (MEBA), signed into law in 2008, established an integrated mercury export prohibition and essential use exemption process in TSCA, and the 2016 Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act (Lautenberg) amended certain MEBA provisions, establishing revised deadlines for the U.S. Department of Energy (U.S. DOE) to establish a national facility to store excess commodity mercury; and

WHEREAS, U.S. DOE has not yet established a facility for the long-term management and storage of excess commodity mercury; and

WHEREAS, delays in the completion of the MEBA mercury storage facility have necessitated the interim transport, storage, and management of mercury at other sites, with increased costs due to multiple packaging, storage, and shipping, and possible oversight and management costs to the states; and

WHEREAS, mercury is a national and international concern because it is transported by air currents across political and geographic boundaries, and mercury exported by the U.S. returns to this country by atmospheric transport, through contaminated fish, and in manufactured products; and

WHEREAS, the Minamata Convention, a binding United Nations agreement that requires global actions to prevent mercury emissions and releases, was adopted and ratified by the United States in 2013; and

WHEREAS, in June 2017, U.S. EPA promulgated Effluent Guideline pretreatment standards to reduce discharges of mercury from dental offices into publicly-owned treatment works (POTWs), largely through the use of dental amalgam separators meeting certain performance criteria; and

WHEREAS, Lautenberg included provisions for a comprehensive national mercury inventory and reporting requirements under Section 8(b) to help inform domestic and international mercury reduction efforts and obligations; and

WHEREAS, in a January 2018 letter, ECOS requested that U.S. EPA adopt certain program elements designed to ensure the federal and state utility of data collected under mercury reporting requirements of Lautenberg.

NOW, THEREFORE, BE IT RESOLVED THAT THE ENVIRONMENTAL COUNCIL OF THE STATES (ECOS):

Requests that U.S. EPA work with all stakeholders including ECOS and the Quicksilver Caucus to identify priority actions, and to develop and implement effective strategies and initiatives to achieve reductions in mercury pollution consistent with the CAA, CWA, RCRA, and Amended TSCA;

Requests that the federal government support research on alternatives to mercury use and effective pollution controls, and ensure that recycled mercury and mercury captured by pollution controls is properly managed so that mercury releases to the environment are prevented or reduced, and collection and sequestration activities are performed to the maximum extent possible;

Requests that U.S. EPA work with the states to minimize potential preemption of effective state or local mercury reduction programs under Lautenberg;

Requests that federal agencies responsible for implementing MEBA consult with the states in the implementation of the Act;

Requests that U.S. DOE complete siting of the MEBA mercury storage facility, make it operational, and ensure its safety within the deadlines articulated in Lautenberg;

Requests that the federal government ensure the safety of any interim transport and storage of excess commodity mercury pending completion of the MEBA storage facility, and cover any state planning, oversight, and/or implementation expenses that may be incurred;

Commends U.S. EPA for finalizing an Effluent Guideline rule for the dental sector and requests, as originally communicated in a letter from ECOS and the Quicksilver Caucus on January 14, 2014, that the U.S. EPA help convene a national amalgam separator review committee to assess separator effectiveness and compliance to ease ongoing state and local government implementation of the Effluent Guideline;

Requests that U.S. EPA implement the recommendations articulated in the January 2018 ECOS letter to U.S. EPA regarding reporting requirements for the TSCA Mercury Inventory, including having all parties to report to U.S. EPA regardless of IMERC or CDR status and including mercury components and products containing such components in the reporting framework; and

Strongly encourages the federal government to provide resources, policies, and regulations sufficient to effectively implement and assess results of the international mercury partnerships and the Minamata Convention.