



# Environmental Council of the States

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Senior Policy Advisor for International  
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U.S. Environmental Protection Agency  
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John Thompson  
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Environmental and Scientific Affairs  
U.S. Department of State  
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Washington, DC 20520

Ana Mascareñas  
Senior Advisor for Environmental Justice  
Office of the Assistant Secretary for Health  
U.S. Department of Health and Human  
Services  
200 Independence Avenue, SW  
Washington, DC 20201

Re: Support for Proposals Introduced for Consideration at Minamata Convention on Mercury

Dear Ms. Kovner, Mr. Thompson, Mr. Clark, and Ms. Mascareñas:

On behalf of the Environmental Council of the States (ECOS), the national nonprofit, nonpartisan association of state environmental agency officials, we are pleased to submit this letter of support for two proposals that have been introduced for consideration at the Minamata Convention on Mercury (COP-5), to be held in Geneva, Switzerland later this month. ECOS requests that the U.S. Delegation support the following proposals that will bolster efforts of federal, state, and local governments to address serious mercury issues:

- MC/COP5/2023/53: The proposal by Botswana and Burkina Faso to amend Part I and Part II of Annex A to the Convention on mercury in cosmetics; and
- MC/COP5/2023/54: The proposal by Botswana and Burkina Faso to amend Part I of Annex A to the Convention to eliminate fluorescent lighting.

States, through ECOS' Cross-Media Committee and former Quicksilver Caucus, have for decades supported eliminating the sale and use of mercury to prevent releases and exposures that harm human health and the environment. ECOS' [Resolution 18-3](#) on Addressing Mercury, renewed in September 2021, highlights some of these efforts and 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.

**Elizabeth Biser**  
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ECOS Executive Director

### **On the Proposal Regarding Mercury in Cosmetics**

Skin lightening products containing mercury are particularly problematic as their use is driven by cultural and social pressures, products are not labeled, and users and their families are directly exposed to toxic levels of the chemical. Despite the Convention's current bans on manufacturing, marketing, and sales of skin lightening products, they can still be purchased online and shipped from other countries, including in the U.S., without mercury content disclosure notices.

States support the Convention's proposal to empower and require countries to take additional actions to eliminate the manufacturing, marketing, and sales of skin lightening products. A number of states have taken action to educate communities, buy and analyze products, and prevent product sales online and in retail establishments. However, they recognize the need for federal support to make such risks known nationally and to make bans possible. States call on the U.S. Environmental Protection Agency (EPA) and U.S. Department of State to help address the issue of these products still reaching consumers across the country and globally by working with our international partners.

States would appreciate the opportunity to continue these conversations with EPA, the Department of State, and other federal partners to support these efforts, and encourage the U.S. Delegation at the Minamata Convention to support Proposal MC/COP5/2023/53 to urge global action on mercury-containing cosmetic products.

### **On the Proposal Regarding Fluorescent Lighting**

Mercury lamps are a potential source of releases of mercury into the environment. In recent years, LED replacements have become readily available for all fluorescent and compact fluorescent bulbs or lamps previously manufactured containing mercury. As LED lighting has no mercury, a longer life, and is more energy efficient than the alternatives, there is no longer a need for fluorescent lamp products and their associated mercury impacts.

States support the Convention's proposal to enact specific requirements to discontinue the manufacturing, sale, and use of these products. In the past couple of years, seven states [California, Colorado, Hawaii, Maine, Oregon, Rhode Island, and Vermont] have enacted statutes and rules phasing out the sale of mercury lamps, and seven more states [Illinois, Maryland, Massachusetts, Minnesota, Nevada, New Mexico, Washington] have introduced similar bills for consideration in 2024 legislative sessions. ECOS encourages the U.S. Delegation at the Minamata Convention to support Proposal MC/COP5/2023/54 to take global action on mercury-containing fluorescent lighting products.

ECOS appreciates your consideration of our comments on these proposals. Please reach out to ECOS Executive Director Ben Grumbles at [bgrumbles@ecos.org](mailto:bgrumbles@ecos.org) or (202) 266-4920 if you have any questions or wish to discuss this issue further.

Sincerely,



Ben Grumbles  
ECOS Executive Director