

Mercury Policy Recommendations for New England/Eastern Canada

February 1998

Submitted by Non-Governmental Organizations and Native Nations to
Environmental Commissioners and Environmental Ministers for inclusion in the New
England Governors' and Eastern Canadian Premiers' Regional Mercury Action Plan.

Whereas Canada and the United States have signed on to the Strategy for Virtual Elimination of Persistent Toxic Substances in the Great Lakes Basin (1991), which commits them to virtual elimination of persistent toxics, including mercury; the Air Quality Agreement (1991); and the Program to Develop a Joint Plan of Action for Addressing Transboundary Air Pollution (1997); and have obligations under these agreements to reduce transboundary air pollution.

Whereas Canada and the United States have treaty obligations to protect natural resources and the environment for North American Tribes and First Nations.

Whereas mercury is persistent and bioaccumulates in the environment and is a known toxin that poses the greatest risk to children.

Whereas we will be guided by the precautionary principle for protecting human health and the environment from mercury exposure.

We hereby call upon the Governors and Premiers to adopt the following recommendations for addressing mercury contamination and exposure in New England and Eastern Canada.

Guiding Principles

The following principles shall guide the New England Governors and Eastern Canadian Premiers' Mercury Action Plan.

1. Virtual elimination of the discharge of anthropogenic mercury into the environment is required to ensure that serious or irreversible damage is not inflicted upon human health and the environment.
2. In order to protect human health and the environment, the precautionary principle shall be used. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation.
3. Environmental justice calls for universal and equal protection for all people from the production and disposal of toxic substances and wastes, free from any form of discrimination or bias. Public advocates shall participate as equal partners at the New England Governors and Eastern Canadian Premiers Conference.
4. Protection of the fetus and children's health shall be the goal of mercury standards. In the U.S., Executive Orders on the Protection of Children from Environmental Risks and Safety Risks shall be honored.
5. Relations with Native American Tribes and Canadian First Nations shall be as government to government.
6. Efforts to eliminate mercury contamination in one media must not result in contaminating another media.

Regional Mercury Policy Recommendations

1. Warnings—Protect Communities From Mercury Exposure

6 Month

Establish a stringent reference dose that protects children, pregnant women, Native Nations, and sensitive populations from the effects of mercury exposure and poisoning.

Adopt a resolution that establishes uniform fish consumption advisories in the region that are based on the strictest advisories and that are protective of children, pregnant women, Native Nations, sensitive populations, and sport anglers.

12 Month

Expand and improve testing of fish in regional water bodies. Jurisdictions should consider the following: 1. targeting a sub-sample within a 100-mile radius of mercury point sources, as well as high risk lakes, lakes with heavy use, and a control sample; 2. testing additional species, including fresh and saltwater fish and shellfish, and different-sized species. Publish the results in a newspaper of local and state circulation and post on a web site that is publicly accessible (e.g., post information for three days quarterly, and for one week at the opening of fishing season).

2. Increase Public Awareness

6 Month

Establish an advisory body to the New England Governors and Eastern Canadian Premiers Conference on environmental health issues, comprised of non-governmental organizations, aboriginal people, scientists, children's advocates, and public health specialists.

Produce better advisories that effectively communicate to sensitive populations the hazards of consuming mercury-contaminated fresh and saltwater fish—advisories that are culturally significant and are targeted to specific audiences (children, Native Nations, pregnant women, women of childbearing age, subsistence fishers, those who can't read, and non-English speaking populations).

Greatly expand posting of advisories. Advisories should be posted and distributed at: fishing access areas (e.g., boat landings, ramps, piers, trails); health agencies and offices (e.g., pediatric medical offices, OB/GYN medical offices, health departments, public clinics); and public places (e.g., public libraries, post offices, bait and tackle stores, boat shows). Advisories should be included with fishing licenses, permits, and promotional literature.

Develop a comprehensive media and outreach plan that is multi-lingual, multi-cultural, and designed to reach sensitive populations, targeting all media outlets (Public Service Announcements, print, and radio spots), as well as direct outreach (local and state medical society meetings, town meetings, speaking engagements at rotary clubs and other civic groups). Set up a media subgroup with non-governmental representations.

Health agencies should develop and distribute easy-to-read brochures that convey the risks of eating contaminated fish to specific audiences, including sport fish and commercial fish. One model is a brochure that the New Jersey Department of Health printed (modeled after Minnesota's advisory), "A Woman's Guide to Eating Fish and Seafood. What You Should Know if You Are: Pregnant, Planning to be Pregnant, or Have a Young Child."

Regional Mercury Policy Recommendations

Post a Geographic Information Systems map to a publicly accessible website that shows all fish contaminated waters and untested waters.

12 Month

Develop an annual regional mercury emissions inventory for all sources. Require mercury testing for all combustion sources. Require all mercury-using industries to report their annual mercury mass balance, e.g., mercury consumption and all mercury releases. Post to website and disseminate information to the public.

Conduct emissions tests at other potential mercury sources, such as mobile, natural gas-fired power plants, oil refineries, to determine the amount and extent (if any) of mercury emissions.

Survey which form of communication and outreach is most effective. Survey a percentage of the population to determine who understands the fish advisories and how they learned about them. Include in the survey design adequate sampling of the most at-risk populations.

Host an annual regional mercury summit with regional, state, local environmental and health agency staff and public advocates to report on the progress being made for reducing mercury emissions and exposures.

3. Strict Mercury Emission Limits on Combustion

6 Month

Adopt a regional goal for zero mercury emissions from waste combustion by 2001.

Develop a timetable for meeting a regional goal for zero mercury emissions from coal- and oil-fuel fired utility, industrial, and commercial boilers.

Ban the disposal of mercury-containing material into municipal/medical/hazardous waste streams or incinerators.

Develop a three-year tax incentive program for utility, commercial, industrial, residential sector for investing in renewable energy sources (e.g., solar, appropriately-sited wind, fuel cell) and energy efficiency programs.

Adopt a resolution to commit to including the following pieces in state, provincial, federal utility restructuring: full disclosure (specify emissions, fuel type, and mercury content); renewable portfolio standards; environmental comparability (requiring all plants to meet modern pollution standards); and ongoing funding for energy conservation and efficiency.

Implement projects for source reduction, separation, and recycling programs for mercury-containing products.

Adopt a regional resolution promoting mercury-free hospitals, dental facilities, veterinary schools and clinics, school laboratories, and other labs.

Adopt policies that would result in mercury-free health care sectors by 2003.

Require full public disclosure of the quantities of transboundary shipment of waste containing mercury.

Regional Mercury Policy Recommendations

12 Month

Adopt more stringent emissions standards for municipal and medical waste incinerators. Use permits to mandate source separation and recycling of mercury-containing products. For example, New Jersey has significantly reduced mercury emissions from medical waste incinerators through source separating mercury-containing medical products.

Adopt more stringent emissions standards for sewage sludge incinerators which reflect the availability of waste water pre-treatment programs designed to keep mercury out of effluent and sewage treatment.

Establish strong emissions standards for cement kilns which mandate pre-combustion removal of mercury-containing waste fuel.

Embark on aggressive education and outreach to business community to promote energy efficiency and clean, renewable fuels to reduce reliance on mercury-containing fuels.

18 Month

Develop regional demonstration projects for converting existing incinerators to materials recovery facilities.

4. Mercury in Industrial Processes

6 Month

Develop a timetable that outlines the phase-out of the use of mercury cells in chlor-alkali facilities.

12 Months

Adopt policies that will result in significant reductions in mercury releases to air and water from manufacturing facilities.

5. Mercury in Consumer Products

6 Months

Develop a timetable for a phased-in ban of all mercury-containing products.

Establish a regional extended producer responsibility program (i.e., manufacturer take-back programs including designating third party collections) for all mercury-containing products.

Recycle fluorescent lights in all public buildings, and promote the use of low-mercury bulbs; encourage the use of low-mercury bulbs in commerce.

12 Months

Develop local recycling/drop-off programs for mercury-containing consumer products.

Adopt regional hazardous waste disposal rule prohibiting the landfilling/incineration of mercury-containing lamps.

Regional Mercury Policy Recommendations

Establish a monitoring program for mercury emissions from landfills and develop a policy to mitigate the release of mercury from landfills into the environment.

18 Months

Ban the sale and manufacture of all non-essential uses of mercury, such as mercury thermometers, home thermostats, children's toys, ice tips (signal lights when a fish bites).

6. Direct and Indirect Discharges of Mercury to Water

6 Months

Prohibit the direct and indirect discharge of mercury into water bodies and to wastewater treatment plants.

Prohibit land application or composting of any sewage sludge containing mercury above ambient levels in soils.

12 Months

Adopt uniform stringent regional limits on the allowable levels of mercury in sludge.

Direct states and provinces to regulate air pollution sources in their water quality protection plans. EPA Region 5 is developing a model total maximum daily load program to include air emissions sources in water quality protection plans. This model program could be piloted in the region.

7. Interim Measures to Reduce Bioaccumulation of Mercury in Food Chain

6 months

Establish working committee to develop models or guidelines for developing water management plans to minimize methylation of mercury from dam impounded lakes.

12 Months

Request as a condition in state and provincial certifications or licenses (e.g., 401 certification FERC licenses) that dam licensees develop (with input from stakeholders) a water management plan that minimizes methylation of mercury from the impounded water body. The plan should include monitoring of water, sediments, and fish tissues to evaluate the effectiveness of the water management plan.

18 months

Implement water management plan and monitoring program.

Regional Mercury Policy Recommendations

8. Monitoring Exposure and Effects of Fish and Wildlife

6 Months

Secure funding to set up a program to monitor contaminant levels in fish, loons, and other wildlife before and after reduction programs are established to determine methylmercury availability trends.

Secure funding to expand fish sampling to further define safe and unsafe water bodies.

12 Months

Develop research project to examine effects of elevated mercury on fish, loons, and other wildlife.

Complete total cost assessment of the environmental and economic impacts to the region from mercury contamination (e.g., impacts on fishing, bird and wildlife viewing, tourism, and other recreational-based activities).