



Minnesota Pollution Control Agency

October 13, 1999

Mr. Jorge Ocana
Commission for Environmental Cooperation
Bureau 200
393 St-Jacques Ouest
Montreal, Quebec, H2Y 1N9
Canada

Re: Comments on the Commission for Environmental Cooperation's Draft Phase II
North American Regional Action Plan on Mercury

Dear Mr. Ocana:

I am writing to provide comments on the North American Regional Action Plan on Mercury, released by the Commission for Environmental Cooperation (CEC).

I commend the three North American countries working through the CEC, in their continuing efforts to minimize exposure to mercury. The current draft Action Plan contains many worthwhile ideas. In general however, I am concerned that the Action Plan fails to meet the goals of the CEC Council's own Resolution 95-05, and I am also concerned that not all of the three countries party to this Action Plan have the resources to implement the recommendations.

Goals

I believe that the Plan falls short of meeting your own Resolution 95-05 directive to incorporate precautionary approaches to replace toxic chemicals with substitutes, and to ultimately phase out chemicals that pose unmanageable risks to human health and the environment.

In keeping with Resolution 95-05, this Plan should have an overall goal of eliminating intentional mercury use in products and processes, which is a necessary step in achieving the stated goal in the Plan of "...a reduction in the anthropogenic releases of mercury to the North American environment...to naturally occurring levels and fluxes." Whenever mercury is used in products or processes, a proportion of mercury will inevitably be released to the environment. This physical inevitability should be acknowledged in the Action Plan, and I propose that Action Item 2 (that mercury should be eliminated only in those processes "...where there is a likelihood of releases throughout their life cycle") be modified accordingly.

Several of the goals in this Plan should be strengthened. For instance, for the automotive sector (Action Item 2b), the goal is to "...work in partnership with the automotive vehicle and equipment manufacturing sector to develop, where warranted, substitutes for mercury." I suggest that it is always warranted to seek a substitute for mercury.

520 Lafayette Rd. N.; St. Paul, MN 55155-4194; (651) 296-6300 (Voice); (651) 282-5332 (TTY)

Regional Offices: Duluth • Brainerd • Detroit Lakes • Marshall • Rochester

Equal Opportunity Employer • Printed on recycled paper containing at least 20% fibers from paper recycled by consumers.

Mr. Jorge Ocana

Page 2

October 13, 1999

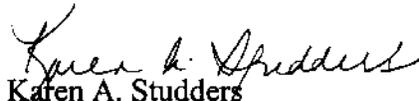
In addition, it may be inappropriate for the Action Plan to specify that "Substitutes should be cost effective and must pose less risk throughout the life cycle than the original mercury-containing product or processes" (Action Item 2a). The terms "cost effective" and "pose less risk" are vague and difficult to quantify. Instead, the Action Plan should be implementing the directive from 95-05 to incorporate precautionary approaches, which do not create a burden to perform burdensome calculations.

Country Resources

I am also concerned that not all of the three countries party to this Action Plan have the technical knowledge and resources to implement it, and that there may be missed opportunities due to failure to communicate among governments. I suggest that the Plan include much more aggressive Communication Activities (Action item 5). In particular, the United States government has long exchanged staff with other governments under the Interagency Personnel Act, which allows governments to learn from each other. Staff from the United States (EPA, DOE, USGS) could both learn from other countries and provide expertise if the CEC were to promote such exchange through reimbursement of travel expenses.

I thank you for this opportunity to comment on this tri-national Action Plan, which I am confident will result in reduced mercury contamination here in Minnesota. I have a personal interest in international law, am interested in learning more about CEC, and look forward to working with you on this important matter. I can be reached at 651/296-7301.

Sincerely,


Karen A. Studders
Commissioner

KAS:mab