

Comments on the North American Regional Action Plan on Mercury Phase II

October 16, 1999

Mr. Greg R. Susanke
US Environmental Protection Agency
Office of Pollution, Prevention, and Toxics (7404)
401 M Street S.W.
Washington, D.C. 20460

RE: The North American Regional Action Plan on Mercury Phase II: Draft for Public Consultation

Dear Mr. Susanke:

The US EPA National Environmental Justice Advisory Council (NEJAC) acknowledges your request for comments on the North American Regional Action Plan (NARAP) on Mercury Phase II.

This NARAP on Mercury emanating from the North American Agreement on Environmental Cooperation between the governments of Canada, Mexico and the United States of America offers a critical opportunity to reduce the anthropogenic releases of mercury to the North American environment through appropriate national and international initiatives.

We support your strong efforts to reduce mercury releases as we recognize its associated risks of exposure to human health.

Based on the review of this Plan, we have concluded that it encourages instead of reinforces regulatory action. Therefore it may provide opportunities for significantly less reduction of mercury releases. To promote Action Items that will facilitate reduction of releases and exposure,

We recommend:

1. The inclusion of:

a). A goal (page 3) to reflect a collaborative effort to prevent and reduce mercury releases, such as:
"Establish national and international collaborative initiatives among native North Americans; provincial, state, municipal governments, non-governmental organizations, business and industry; academia; and technical and policy experts to reduce all anthropogenic releases of mercury to the North American environment."

An ultimate goal (page 3) to develop and implement the same baseline standard of emissions for all Parties of the North American environment.

c). 'Native Americans' in the Resolution (page 1, fourth paragraph, line 7) as follows:
"Concerned that North Americans who frequently consume fish, especially *Native Americans*, and women of childbearing age, may be exposed to dangerous levels of toxic methyl mercury compounds."

d). A definition on the naturally occurring levels and fluxes of mercury in environmental media in the General Ambient Mercury Objective and/or Definitions Section (page 4 or page 7) and the targeted level.

e). Collaborative initiatives in:

Action item 1a (page 8): Guidelines/Regulations for major stationary emissions sources.

"Recognizing the need to promote the development and use of *collaborative*, voluntary, and regulatory initiatives to minimize anthropogenic atmospheric emissions of mercury from major stationary sources noted in Annex 1, the Parties will..."

Action Item 2a (page 10): Life cycle management practices for mercury.

"Recognizing the need to promote the development and use of *collaborative, voluntary, nonregulatory, and regulatory initiatives* to minimize anthropogenic releases of mercury to the environment, the Parties will"

Action item 3d (i) (page 16): Mercury waste collection and handling.

"*Collaborate with* sectors noted in this action plan to develop product stewardship programs for the collection, recovery, recycling and retirement of mercury in mercury-containing products;"

Action item 3e (i) (page 17): Mercury retirement program.

"*Collaborate in* the development and use of effective mercury waste-stabilization and disposal techniques and methods;"

Action item 4c (iv) (page 19): North American Mercury Research Program.

"*Promote collaboration in the development of research* directed towards the development of cost-effective substitutes for mercury that pose less risk."

f) Education

Action item 2e (page 12): Electrical switches and relays sector.

"Recognizing that substantial reductions in mercury emissions may be achieved through *pollution prevention and education programs*, including product stewardship and mercury substitution, and that energy savings can be realized through upgrading to programmable electronic devices, the Parties will:"

g) Bilingual language on identification system, therefore,

Action item 2e (iii) (page 12): Electrical switches and relays sector will read:

"work in partnership with the electrical switches and relays sector to develop and implement an identification system (i.e., *bilingual labeling*, color coding) for mercury-containing electrical devices, to assist in the removal of these devices prior to replacement or substitution;"

2. The elimination of:

Action Item 2a (iv) (page 10): Life cycle management practices for mercury, i.e., "where no substitutes to the use of mercury are available, promote the use of recycled or recovered mercury, including free movement of this mercury in trade."

Action Item 2a recognizes the need for initiatives to minimize anthropogenic releases of mercury to the environment. Therefore, the promotion of recycled, recovered mercury, and/or the free movement of mercury in trade should be discouraged.

b). 'Voluntary' to ensure compliance to the following Action Items:

Action item 2b (iii) (page 11): Automotive vehicle and equipment manufacturing sector.

"work in partnership with the automotive vehicle and equipment manufacturing sector to develop, where warranted, substitutes for mercury. Where substitution is not possible, *develop and implement an identification system* (i.e., labeling, color coding) for automotive devices containing mercury."

Action item 2c (i) (page 11): Mercury cell chlor-alkali sector.

"monitor the *industry-developed program* to reduce mercury usage in the mercury cell chlor-alkali industry by 50 percent to 80 tonnes, as defined by the Chlorine Institute, by the year 2005;"

Action item 2e (i) (page 12): Electrical switches and relays sector.

Action item 2i (iii) (page 14): Analytical, testing, measurement and calibration sector.

Action Item 3a (i-iii)(page 15): Wastes from combustion and industrial processes and pollution control operations.

Action item 3c (iii) (page 16): Wastewater treatment.

Action item 3d (i, iii) (page 16, 17): Mercury waste collection and handling.

Action item 4c (iv) (page 19): North American Mercury Research Program.

Action item 4e (iii) (page 20): Inventories, reporting standards and criteria.

Action item 5b (ii) (page 22): Communication of best practices.

"establish a recognition program to publicly acknowledge those entities that are contributing to the reduction of mercury use and releases, and/or contributing to public education, including, but not limited to: *initiating and/or participating in a collaborative initiative with their respective government, ...* "

3. Ensure/require the following Action items to facilitate their compliance:

a) Action item 2b (i, ii) (page 11): Automotive vehicle and equipment manufacturing sector.

b) Action item 2e (I, iv) (page 12, 13): Electrical switches and relays sector.

c) Action item 2f (iv) (page 13): Lamp manufacturing sector.

d) Action item 2g (i) (page 13): Health and dental care sectors.

4. The development of:

The same **not** comparable guidelines in a manner that respects the different economic, political and regulatory circumstances of the Parties for the decommissioning of mercury cell chlor-alkali sites.

Therefore, suggest that Action item 2c (iii) (Mercury cell chlor-alkali sector (page 12)) read as follows: "direct the North American Working Group on the Sound Management of Chemicals to develop guidelines for the decommissioning of mercury cell chlor-alkali sites."

5. The disposal of mercury by other means instead of by incineration.

Action item 3b (ii) (page 16): Incinerator waste streams.

"develop waste management policies and programs within their regulatory jurisdictions to ensure that, to the degree possible, mercury is separated and segregated from waste streams prior to *disposal*."

The NEJAC remains committed to work with you on this Plan to eradicate the anthropogenic releases of mercury to the North American environment.

U.S. EPA NEJAC Health and Research Subcommittee

Dr. Marinelle Payton, Chair

Mrs. Rosa Marie Augustine

Senator Rosa Franklin

cc: Ms. Marva E. King, Program Manager, U.S. EPA Office of Environmental Justice