

Ecology PBT Strategy Ecology/Health Mercury Chemical Action Plan Update

Ecology PBT Strategy

The 2001 Legislature provided \$800,000 in funding to Ecology to implement the "*Proposed Strategy to Continually Reduce Persistent, Bioaccumulative Toxins (PBTs) in Washington State*" (PBT Strategy). A copy of the Ecology PBT Strategy is available on the Ecology PBT Web page at: <http://www.ecy.wa.gov/pubs/0003054.pdf>.

In the PBT Strategy, Ecology identified 9 chemicals as PBTs: **Aldrin/Dieldrin, Benzo(a)pyrene, Chlordane, DDT, Dioxins & Furans, Hexachlorobenzene, Mercury, PCBs, and Toxaphene**. The Ecology PBT List originated by looking at the EPA PBT list (of 12 PBTs). From this list, we decided to select those PBTs that we knew were present in Washington's environment. 9 of these PBTs are. The three that are not are Alkyl-Lead, Mirex, and Octachlorostyrene.

In addition, the PBT Strategy identified and laid out a process for further screening of 56 additional chemicals. Ecology developed a state-specific ranking system for PBTs using Washington State information from Ecology, EPA, and other related databases and from other information sources. The framework for the state ranking system is based on the September 1998 version of the EPA Waste Minimization Prioritization Tool (WMPT). Ecology used the "PBT Characteristics" score provided by the WMPT model and databases and other information sources specific to Washington State. This screening and prioritization process resulted in 22 PBTs being proposed for inclusion on the draft PBT Working List. The same 9 PBTs mentioned above are included in this expanded list of 22 PBTs (with benzo(a)pyrene represented as PAHs).

Ecology completed that screening process and provided on the Ecology PBT Strategy web site a draft "PBT Working List" of 22 PBTs for public comment. The comment period lasted from late June 2002 to December 31, 2002. Unfortunately, Ecology did not receive any public comment on the draft PBT Working List. At this point in time, the draft PBT "Working List" is still draft. Ecology has not adopted or finalized the Draft PBT Working List. At the present time, in the legislature, there is a proposal to direct Ecology to go through rule-making to develop the process and criteria that will be utilized for determining which chemicals are subject to the PBT strategy.

One of the implementing steps in the PBT Strategy is to develop chemical-specific "action plans" on each PBT over the next several years. Based on several factors, Ecology selected mercury as the first PBT to develop a chemical action plan on. The 2002 Legislature directed Ecology to involve an external advisory committee in the Mercury Chemical Action Plan development process. Ecology also elected to invite the Department of Health to co-sponsor the plan given both environmental and public health implications related to mercury exposure.

Mercury Chemical Action Plan

The final Ecology/Health Mercury Chemical Action Plan (MCAP) was released for public distribution on February 24th. A copy of the MCAP is available on the Ecology PBT Web page at: <http://www.ecy.wa.gov/pubs/0303001.pdf>. Ecology is now implementing the MCAP by focusing first in the two following areas:

1. Fluorescent Lamp Recycling

Ecology is promoting efforts to get large and small businesses to voluntarily recycle burn-out fluorescent lights. The Governor recently directed state agencies to recycle fluorescent lights as well. Ecology will also be working with local government solid waste agencies to find ways to expand opportunities for recycling fluorescent lights in residential use.

2. MOU with WA State Dental Association

Ecology and the Washington State Dental Association are developing a memorandum of understanding (MOU) between Ecology and WSDA that will focus on ensuring that dental offices state-wide, will follow “best management practices” (BMPs) and install amalgam separators to reduce mercury releases to sewer or septic systems from dental offices.

Legislation

In a series of legislative maneuverings on April 17, House Bill 1002 was introduced on the Senate floor and passed 47-1. Since it was amended from the original version that passed the House on February 27, it went back to the House for approval. HB 1002 was passed 97-0 on April 22 in the House and was signed into law by Gov. Locke on May 14.

This new law requires the following:

- Effective January 1, 2004, a manufacturer, wholesaler, or retailer may not knowingly sell at retail a fluorescent lamp if the fluorescent lamp contains mercury and was manufactured after November 30, 2003, unless the fluorescent lamp is labeled in accordance with the guidelines listed under this act.
- Directs the department of health to develop an educational plan for schools, local governments, businesses, and the public on the proper disposal methods for mercury and mercury-added products.
- Provides that a school may not purchase for use in a primary or secondary classroom bulk elemental mercury or chemical mercury compounds and by January 1, 2006, all primary and secondary schools in the state must remove and properly dispose of all bulk elemental mercury, chemical mercury, and bulk mercury compounds used as teaching aids in science classrooms, not including barometers.
- Effective January 1, 2006, no person may sell, offer for sale, or distribute for sale or use in this state a mercury-added novelty. A manufacturer of mercury-added novelties must notify all retailers that sell the product about the provisions of this section and how to properly dispose of any remaining mercury-added novelty inventory.
- Effective January 1, 2006, no person may sell, offer for sale, or distribute for sale or use in this state a manometer used to measure blood pressure that contains mercury to any health care facility in this state or a thermometer that contains mercury. Designates some exemptions to this prohibition.
- Effective January 1, 2006, no person may sell, install, or reinstall a commercial or residential thermostat that contains mercury unless the manufacturer of the thermostat conducts or participates in a thermostat recovery or recycling program designed to assist contractors in the proper disposal of thermostats that contain mercury in accordance with 42 U.S.C. Sec. 6901, et seq., the federal resource conservation and recovery act.
- Declares that no person may sell, offer for sale, or distribute for sale or use in this state a motor vehicle manufactured after January 1, 2006, if the motor vehicle contains an automotive mercury switch.
- Directs the department of general administration to, by January 1, 2005, revise its rules, policies, and guidelines to implement the purpose of this act.
- Authorizes the department of ecology to participate in a regional or multistate clearinghouse to assist in carrying out any of the requirements of this act
- Declares that a violation of this act is punishable by a civil penalty not to exceed one thousand dollars for each violation in the case of a first violation. Repeat violators are liable for a civil penalty not to exceed five thousand dollars for each repeat violation. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.
- Directs the department of ecology to petition the United States environmental protection agency requesting development of a national mercury repository site.

Fish Tissue Sampling

Last summer and fall, Ecology sampled several large-mouth and small-mouth bass in 20 freshwater lakes around the state for mercury in fish tissue. Sediment and water column samples were also collected. Ecology is expected to release its findings from this report in June 2003.

Fish Advisory Coordination

Ecology is working with the Department of Health and several other state, federal, and local government agencies to explore common needs and strategies, to identify areas where coordination between agencies would be helpful and to inform other state, local, and federal agencies regarding the work Health is doing with respect to fish advisories.

Additional Information

For more information, please feel free to access Ecology's PBT Strategy/Mercury Chemical Action Plan web page at: <http://www.ecy.wa.gov/programs/eap/pbt/pbtfaq.html> or contact Mike Gallagher, Ecology PBT Coordinator at 360-407-6868.