

**Testimony of
James B. Gulliford
Assistant Administrator
Office of Prevention, Pesticides and Toxic Substances
U.S. Environmental Protection Agency
before the
Subcommittee on Environment and Hazardous Materials
Committee on Energy and Commerce
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INTRODUCTION

Chairman Wynn, Ranking Member Shimkus, and Members of the Subcommittee, I would like to thank you for inviting me to testify today regarding the export and storage of commodity-grade mercury and the pending legislation, H.R. 1534, the Mercury Export Ban Act of 2007. I am happy to be here to discuss the important mercury work we are undertaking.

Let me begin by emphasizing that I share your interest in continuing to advance efforts to reduce global and domestic use of mercury. I am proud of the work that the United States has done to date, such as reducing mercury emissions from our nation's coal-fired power plants through EPA's Clean Air Mercury Rule and launching a number of international mercury partnerships to focus on key areas. We are committed to working domestically and internationally to reduce mercury risks to human health and the environment.

In July of 2006, EPA published the *Roadmap for Mercury*. This document provided the public and all of our stakeholders with a clear statement of EPA's commitment to address mercury in the environment. Continued collaboration with our federal and state partners is key to completing the projects outlined in the *Roadmap*.

H.R 1534 – THE MERCURY BAN ACT OF 2007

I think we all agree that the challenge of global mercury is multifaceted. There are no simple solutions to this complex global problem but I believe that efforts to reduce use of mercury are the most important next steps. Programs to address mercury demand, both domestically and globally, and to eliminate the primary mining of mercury are critical.

H.R. 1534 would impose a ban on exports of mercury from the United States. The prospect of an export ban raises a number of important questions that would need to be carefully considered. For example, would a ban on U.S. exports lead to new efforts at primary mining of mercury elsewhere in the world to meet the demand in other countries? What effect might a U.S. export ban have on efforts to encourage the use of mercury from environmentally preferable sources, such as recycled mercury? Could an export ban be made consistent with U.S. trade obligations? If such a ban were implemented, what would happen to excess stocks of mercury now in private hands in the United States?

Therefore, the Administration believes that the first priority should be given to pursuing demand management strategies. We believe a better understanding of the consequences of an export ban is needed before such an approach is pursued.

The proposed legislation includes the establishment of an expert panel and we agree that a stakeholder approach is valuable in developing solutions to storage of excess mercury. Earlier this year, EPA, in conjunction with a federal interagency work group, established a diverse and balanced stakeholder group to provide the government with an assessment of options for managing non-federal supplies of mercury. The stakeholder participants have been selected to represent a balanced mix of academia, industry, States, and non-governmental organizations. We have asked them to address how the various non-federal stocks of commodity-grade mercury

could be managed both in the short and long term and how the current and projected supply of and demand for mercury affects this determination. Expertise and information from the stakeholder group is also sought in areas such as sources of mercury, management options, and storage issues. There have been two stakeholder meetings, and additional meetings are scheduled in July and September. All of these meetings provide opportunities for public input and comment.

The federal group includes representatives from Department of Defense, Department of Energy, Department of Commerce, Department of State, Office of Management and Budget, Council on Environmental Quality, Office of the U.S. Trade Representative, Office of Science Technology and Policy, and the U.S. Geological Survey.

H.R. 1534 also proposes that Federal agencies retain control of their elemental mercury stocks. We agree that the U.S. Government must exercise its stewardship responsibilities for the mercury stocks under its control. I applaud both DOD and DOE, with whom EPA works closely, for their decisions to ensure that their stockpiles will remain safely in storage.

Decisions regarding the management of mercury stocks should be made while fully considering international production and use of mercury. Reducing demand and promoting mercury alternatives both domestically and internationally are important solutions. Since primary mining is of particular concern because it introduces new mercury onto the international market, effective strategies must address the impact that supply restrictions may have on increasing primary mining internationally.

DOMESTIC EFFORTS

Our domestic track record is solid. Demand for elemental mercury in the United States has declined significantly over the past decade and I expect that trend to continue. EPA's

Roadmap for Mercury outlines our plan to further reduce and phase out the use of mercury where effective substitutes exist. To that end, EPA is working to reduce risks associated with mercury use in facilities such as hospitals, and in products such as switches and thermostats. Under the Toxic Substances Control Act (TSCA) EPA has also proposed in 2006 a rule that would require notification to the Agency before elemental mercury can be used in vehicle convenience light and anti-lock brake switches, and to prohibit any resumption of use of mercury in these switches. This rule complements an agreement between EPA and automobile dismantlers to remove the mercury-containing light switches from scrap vehicles, cutting mercury air emissions by up to 75 tons over the next 15 years.

Further, EPA is promoting procurement of non-mercury products by Federal agencies, encouraging mercury reduction in schools, and, in March, launched a national Chemical Cleanout and Prevention Campaign for schools. The program will help schools assess and remove mercury and other hazardous chemicals and implement safe chemicals management practices.

INTERNATIONAL EFFORTS

While there is still work to do domestically, there are significant international needs as well. I believe that reducing demand, working on international efforts to curtail demand for primary mining, and ensuring that programs are in place to safely manage excess mercury supplies for the long-term are the critical next steps. The United States is therefore actively engaged in a number of bilateral, regional, and international programs and agreements to reduce mercury uses and releases. For example, at the UN Environment Programme (UNEP) Governing Council in February 2005, the United States led efforts to develop global partnerships

to reduce risks from mercury internationally. EPA has been instrumental in leading the development and implementation of these partnerships.

These UNEP partnerships aim for tangible mercury reductions and effective actions by leveraging resources, technical expertise, technology transfer, and information exchanges in various industry sectors. Their goal is to build capacity to decrease demand and achieve tangible mercury reductions on a global scale. We are committed to ensuring that these partnerships are effective.

The United States leads three of the five UNEP mercury partnerships. The first deals with Mercury Management in Artisanal and Small-Scale Gold Mining, and seeks to reduce damage to human health and environmental impacts associated with the use of mercury in artisanal gold mining by working with mining communities and small-scale gold producers. Demand for mercury use in artisanal or small-scale mining, a major source of mercury emissions to the environment, continues to increase. EPA has funded and secured partners for pilot projects in Senegal and Brazil, working with the UN International Development Organization (UNIDO) and the World Bank's Communities and Small-Scale Mining Program.

The second partnership, Mercury Reduction in the Chlor-alkali Sector, promotes the reduction or elimination of global mercury releases through the adoption of best management practices and through conversion to non-mercury cell technology. To date, this partnership has achieved more than 1,000 kilograms reduction in consumption and release in chlor-alkali facilities in Russia.

The third partnership, Mercury Reduction in Products, seeks to identify and implement successful approaches for reducing or eliminating mercury in products where there are effective substitutes. Our partners on this effort include Ecuador, Chile, Panama, Costa Rica, South

Africa, China, and the Philippines. We are working with China and Health Care Without Harm, an environmental NGO, to reduce and eliminate the use of mercury containing products and waste in China's hospitals. EPA is supporting similar healthcare projects in Mexico and Argentina and will be partnering in India.

The other two partnerships are the Global Partnership for Air Transport and Fate Research and the Global Partnership for Mercury Emissions from Coal-fired Utilities.

CONCLUSION

The Administration places great importance on addressing both the domestic and international mercury issues. EPA believes that our current domestic efforts as well as our international partnership work are critical in reducing mercury demand and use worldwide. We are committed to finding protective and comprehensive solutions, and look forward to working with the Subcommittee and others to achieve this shared goal.

I would like to thank you, Mr. Chairman, Ranking Member, and other members of this Subcommittee, for your interest and concerns about managing mercury stocks, and for allowing me to share EPA's views. I would be happy to answer any questions you have at this time.