

**Interstate Mercury Education & Reduction Clearinghouse (IMERC)  
Strategic Plan  
Fiscal Years (FY) 2015 – 2020  
Approved by the IMERC Steering Committee & the NEWMOA Board  
of Directors  
June 2014**

Mercury pollution is persistent and toxic and bio-accumulates in the environment. Consumption of mercury-contaminated freshwater fish poses a public health threat, and many states have issued freshwater fish advisories. Combustion of municipal and other solid waste can be a significant source of mercury air emissions. Reducing the use of mercury in products and removal of mercury-containing products from the waste stream prior to combustion or disposal in a landfill is an effective way to eliminate mercury releases from these and other waste facilities.

Over the past decade, the U.S. has made significant progress in reducing mercury use in products and associated wastes at least in part as a result of action at the state and local levels. Nevertheless, there is an ongoing need to monitor the continuing uses of mercury to identify new challenges and opportunities and to strive toward virtual elimination.

This Strategic Plan presents the goals, strategies, and activities that the Interstate Mercury Education and Reduction Clearinghouse (IMERC) will undertake from FY 2015 to 2020 to support state laws and programs to address key sources of mercury pollution and thereby protect and enhance public and environmental health.

**What is IMERC?**

In 1999 the Northeast states set a long-term goal of the virtual elimination of anthropogenic mercury in the environment. At that time, these states and those in other parts of the country actively began to pursue enactment of legislation focused on reducing mercury in products and waste. In the Northeast, state efforts focused on enactment of provisions of the [Mercury Education and Reduction Model Legislation](#). States began to pass portions of this legislation starting in 2001, including product labeling, notification, sales bans, phase-outs, and end-of-life collection.

In 2001 the Northeast Waste Management Officials' Association (NEWMOA) launched the [Interstate Mercury Education and Reduction Clearinghouse \(IMERC\)](#) to help states implement laws and programs aimed at getting mercury out of products, the waste stream, and the environment.<sup>1</sup>

IMERC's goals are to:

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<sup>1</sup> NEWMOA modified the Association's by-laws to authorize membership for non-NEWMOA member state government agencies that wish to join IMERC in 2001. IMERC is now a program of NEWMOA, which provides staff and other support.

- Provide ongoing technical and programmatic assistance to states that have enacted mercury education and reduction legislation; and
- Act as a single point of contact for industry and the public for information on mercury-added products and member states' mercury education and reduction programs.

IMERC gathers information and facilitates deliberations that provide advice and assistance to the individual states for their decision-making. It is through these clearinghouse functions that IMERC helps states demonstrate how they can achieve their individual performance goals and objectives for mercury reduction efforts.

To fulfill these goals, IMERC undertakes the following types of activities:

- Collects and manages data submitted by manufacturers of mercury-added products to implement the notification provisions of state mercury reduction legislation;
- Facilitates interstate collaboration on the development and implementation of public education and outreach programs on mercury-added products;
- Makes information on mercury-added products available to industry and the public;
- Responds to public information requests for information on mercury-added products, the requirements of the member states, and the status of state implementation of their laws; and
- Provides technical assistance, facilitate reviews, and make recommendations to the member states concerning:
  - Manufacturers' applications for exemptions to the phase-out of mercury-added products;
  - Manufacturers' applications for alternative labeling of mercury-added products; and
  - Manufacturers' plans for collection and proper waste management of mercury-containing materials.

### **Structure**

IMERC's members pay an annual fee and have a vote on the recommendations made by the Clearinghouse to the states. IMERC's membership (as of April 2014) includes:

- California Department of Toxic Substances Control
- Connecticut Department of Energy & Environmental Protection
- Illinois Environmental Protection Agency
- Louisiana Department of Environmental Quality
- Maine Department of Environmental Protection
- Massachusetts Department of Environmental Protection
- Michigan Department of Environmental Quality
- Minnesota Pollution Control Agency
- New Hampshire Department of Environmental Services
- New Jersey Department of Environmental Protection
- New York State Department of Environmental Conservation
- North Carolina Department of Environment and Natural Resources
- Rhode Island Department of Environmental Management
- Vermont Department of Environmental Conservation
- Washington Department of Ecology

IMERC's Steering Committee includes representatives appointed by the Commissioner/Director of the state member's agencies. The Committee oversees IMERC's work and sets policy and programmatic directions. They generally meet twice a year, by conference call. IMERC has a Chair and Vice Chair, which rotate on a yearly basis with the Vice Chair becoming the Chair the following year. The Chair leads the Steering Committee and is responsible for helping to plan conference call agendas and facilitate discussion. The Chair is also responsible for signing any related documentation or communication with manufacturers, organizations, and other agencies. The Vice Chair steps in to fulfill the roles of the Chair if the Chair is unable to conduct their responsibilities.

[IMERC's Workgroups](#) focus on providing support for the implementation of legislative requirements that members have enacted. These groups include a:

- Mercury-added Product Notification Workgroup to coordinate state reporting requirements, manage a single point of contact for manufacturers and others to submit Notification Forms, and facilitate interstate reviews;
- Mercury-added Product Labeling Workgroup to coordinate state mandatory product labeling programs to help ensure consistency;
- Mercury-added Product Phase-out Workgroup to coordinate state reviews of Mercury-added Product Phase-out Exemption Applications; and
- Mercury-added Product Education and Outreach Workgroup to facilitate education and outreach activities related to mercury reduction.

These Workgroups meet on an as-needed basis. NEWMOA's staff provides logistical, facilitation, and technical support for the activities of IMERC. IMERC coordinates enforcement efforts within the individual workgroups for notification, labeling, and phase-out.

### **Current Challenges**

IMERC has documented that the use of mercury in thermostats, measuring devices, switches and relays, and other product categories [declined by more than 50 percent from 2001 to 2010](#). Non-mercury alternatives are readily available for these products. IMERC plans to build on this success in the next five years. There are a number of challenges, however, that IMERC faces, including:

- Changes in regulations and legislation;
- Rapid changes in mercury use in products (and resulting waste streams) and increasing public concern about mercury;
- State resource constraints; and
- Loss of institutional capacity as a result of long-time staff retiring and/or staff turnover.

More than half of the states in the U.S. have at least some regulations concerning mercury in products. IMERC helps facilitate coordination among the agencies responsible for implementing these laws to streamline the process.

This Strategic Plan addresses these challenges.

### *Changes in Regulations & Legislation*

In recent years, some states have enacted extended producer responsibility (EPR) legislation for mercury-added products, such as thermostats and fluorescent lamps. These laws require manufacturers of certain products to develop and implement a collection and recycling/disposal system for the products' end of life. They present new challenges for the state agencies and the manufacturers.

IMERC's strategies for supporting state implementation of EPR programs for targeted mercury-added products:

- Gather and analyze data on the collection and management of targeted products to demonstrate the impacts of the program; and
- Collaborate with organizations such as the [Quicksilver Caucus \(QSC\)](#) and [Product Stewardship Institute \(PSI\)](#) to draw upon their expertise and make the connection between these types of initiative and IMERC's information.

### *Changes in Mercury Use*

Since 2001, data available through IMERC has documented the virtual elimination of the use of mercury in thermostats, gas and electric ranges, and pumps sold in the U.S. IMERC has found that the mercury use in other product categories, such as measuring devices and switches and relays have been reduced by 85 percent and 68 percent, respectively. These five product categories use to represent the most significant uses of mercury in products sold in the U.S. However, the U.S. still faces challenges with further reducing mercury use in measuring devices, switches and relays, lamps, dental amalgam, batteries, and miscellaneous products.

IMERC is unable to track all of the trends in mercury use in products. This is due in part to persistent non-compliance with the state notification laws by some manufacturers of several mercury-added product categories. Other companies have reported to IMERC that they are not selling their products in the states with sales bans or phase-outs, which exempts them from notification. Without notification data for certain product categories, state programs have difficulty understanding the trends in mercury use for those products, and they cannot assess whether the sales bans are having the intended effect in reducing mercury in waste.

For example, IMERC believes that the use of mercury in formulated products has been under-reported, and there is little information about the trends in mercury use in this category. Formulated products include preservatives, additives, dyes, and laboratory chemicals. There are also "newer" uses of mercury in plastics production and nanotechnology that have not been reported on to IMERC. IMERC would like to better understand the trends in mercury use in these kinds of products.

IMERC's strategies for gathering better data on certain mercury-added product categories:

- Consider alternative compliance strategies, such as conditional or partial approvals of notifications;

- Investigate other reporting systems, such those facilitated by the [Interstate Chemicals Clearinghouse \(IC2\)](#), which gather data on products that may contain mercury that have not yet been address through IMERC; and
- Monitor what EPA and the federal government are doing to address the mercury stockpile and to create a long term storage solution.

#### *State Resource Constraints & Loss of Institutional Capacity*

IMERC's members have experienced budget reductions for the past five to ten years. As a result, there is increasing pressure to ensure that all dues to multi-state organizations is appropriate. Furthermore, some agencies have been experiencing loss of experienced staff positions and high staff turnover due to retirements, reassignments, and furloughs.

IMERC's strategies for addressing resource constraints and loss of institutional capacity:

- Examine options for developing an alternative funding structure;
- Assess the value of IMERC membership and services to help state staffs communicate with their management to demonstrate its benefits; and
- Provide written guidance and training on Workgroup review procedures for new state program staff.

#### **Services & Programs**

IMERC's members benefit from the services that the Clearinghouse provides with helping them further their mercury education and reduction efforts. This includes:

- Facilitating the sharing of data and information on mercury use in products;
- Supporting the identification of non-mercury alternatives;
- Assisting state programs in meeting the information needs of businesses, consumers, and the public;
- Gathering and analyzing available data and preparing presentations and documents on the use of mercury in products;
- Helping state programs implement and enforce mercury-added product notification, labeling, phase-out, and ban programs;
- Helping state programs manage effective mercury reduction efforts by sharing information on program activities, successes, and challenges; and
- Helping state programs increase collection and recycling of mercury-containing products.

The following sections describe IMERC's strategies for product notification, labeling, phase-outs and bans, and education and outreach.

#### *Notification*

Connecticut, Louisiana, Maine, Massachusetts, New Hampshire, New York, North Carolina (automobiles only), Rhode Island, and Vermont have enacted legislation related to mercury-added product notification. These States started to enact notification requirements for products manufactured or distributed in the participating states in January 2001. Their laws are intended to help inform consumers, recyclers, policy makers, and others about:

- Products that contain intentionally-added mercury;
- The amount of mercury in specific products; and
- The total amount of mercury in the products that were sold in the U.S. in a calendar year.

Additional information is available at:

[www.newmoa.org/prevention/mercury/imerc/plnotification.cfm](http://www.newmoa.org/prevention/mercury/imerc/plnotification.cfm).

Notification provides the state programs with data on the types of mercury-added products that are being sold and distributed in the U.S. and the companies responsible for them. The Mercury-added Product Notification Workgroup collects and manages data submitted by manufacturers of mercury-added products so that they can comply with the notification requirements of these states. The Workgroup:

- Coordinates state reporting requirements by manufacturers;
- Manages an [electronic filing system](#) that serves as a single point of contact for manufacturers to submit Notification Forms; and
- Coordinates interstate review/approval of the forms.

The information that is available through the mercury-added product notification reporting is invaluable to all of IMERC’s members. They use the data to prioritize their education, outreach, and policy efforts and to help them implement product labeling and phase-out requirements.

Priorities and activities for the Notification Workgroup during FY 2015-2020 include:

- Implement the annual Mercury-Added Product Notification requirements for automobile manufacturers (generally due in September of each calendar year) – this includes reviewing notifications as they come in, following-up with companies if necessary; and convening to reach a consensus regarding a decision to approve;
- Implement the Mercury-Added Product Notification requirements for all other mercury-added product manufacturers for the required triennial reporting years of 2013, 2016, and 2019 (generally due in April of the following calendar year) – including the functions described above;
- Convene Workgroup conference calls, as needed, to review Notification Forms and make decisions;
- Follow-up on Workgroup decisions and communicate with notifiers;
- Maintain and update the notification information on the IMERC webpages;
- Update and maintain the Mercury-added Product e-filing system;
- Address compliance questions from and provide technical assistance to notifiers;
- Offer training webinars for notifiers during triennial reporting years to familiarize them with the e-filing system; and
- Identify companies that are in non-compliance with one or more reporting years, or that have never notified before, and help inform them of and assist them with compliance.

*Phase-Outs & Product Bans*

California, Connecticut, Illinois, Louisiana, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Vermont, and Washington

have restricted the sale of one or more mercury-added products through a phase-out process or a ban. The purpose of restricting or completely banning the sale of certain mercury-added products is to eliminate non-essential uses of mercury in consumer, household, and commercial products, thereby reducing mercury releases to the environment associated with the production, use, and disposal of such products. Under the state phase-out requirements, exemptions are allowed if a manufacturer demonstrates the need for mercury use in a product. Companies can apply for these exemptions through the [IMERC Mercury-added Product Exemption Application](#). Additional information is available at: [www.newmoa.org/prevention/mercury/imerc/banphaseout.cfm](http://www.newmoa.org/prevention/mercury/imerc/banphaseout.cfm).

IMERC's Phase-out Workgroup conducts the following activities:

- Provides a way for manufacturers to submit Mercury-added Product Phase-out Exemption Applications to all of IMERC's members that have enacted the requirement;
- Facilitates the review of:
  - Manufacturer applications for exemptions to the phase-out of the sale of mercury-added products; and
  - Manufacturer plans for [collection and proper waste management](#) of mercury-containing materials;
- Responds to questions and comments regarding member mercury-added product phase-out and ban requirements; and
- Assists with efforts to educate the regulated community and the public regarding the state requirements and how to comply with them.

Decisions regarding approval of mercury-added product phase-out exemptions are made by individual state environmental agencies, and companies may choose to submit exemption applications to them separately. However, use of the IMERC process is strongly encouraged to avoid duplication of effort. Where more than one state receives an exemption request covering the same mercury-added product/s, IMERC facilitates consultation through the Workgroup to help achieve an appropriate level of consistency across jurisdictions.

Priorities and activities for the Phase-Out Workgroup during FY 2015-2020 include:

- Identify companies that manufacture products subject to state phase-outs and bans and follow-up with them to ensure compliance;
- Convene Workgroup conference calls as needed to review Exemption Applications and discuss state decisions;
- Follow-up on Workgroup discussions with applicants if there is a need for more information or questions about the application;
- Maintain an active listing of all exemption applications including whether they were denied or approved and their expirations dates;
- Address compliance questions from and provide technical assistance regarding phased-out and bans of products;

- Increase awareness of efforts to amend the American Society for Testing and Materials (ASTM) standards (e.g., mercury-in-glass thermometers);<sup>2</sup> and
- Update IMERC’s webpages to include information on new phase-outs and bans.

### *Labeling*

Connecticut, Louisiana, Maine, Massachusetts, Minnesota, New York, Rhode Island, Vermont, and Washington (fluorescent lamps only) prohibit the sale of mercury-added products unless they have a label that:

- Informs consumers at the point of purchase that the product contains mercury and may require special handling at end of life; and
- Identifies the products at the point of disposal so that they can be kept out of the trash and recycled.

Additional information is available at:

[www.newmoa.org/prevention/mercury/imerc/labelinginfo.cfm](http://www.newmoa.org/prevention/mercury/imerc/labelinginfo.cfm).

IMERC’s Mercury-added Product Labeling Workgroup coordinates mandatory product labeling programs to help ensure consistency and effectiveness. This is important so that consumers can know that there is mercury in the product at the point of sale, during use of the product and waste collection and processing, and at its end of life to ensure proper recycling.

The Workgroup provides technical and compliance assistance to manufacturers with product labeling. Labels must meet certain specified standards regarding wording, size, location, visibility, and durability unless the state agencies have approved an alternative labeling plan that allows the manufacturer to vary from one or more of the specified standards. IMERC’s Labeling Workgroup facilitates coordinated reviews of the manufacturers’ alternative labeling plans.

Priorities and activities for the Labeling Workgroup during FY 2015-2020 include:

- Maintain and update the product labeling information on the IMERC webpages;
- Address compliance questions from and provide technical assistance regarding labeling of products;
- Facilitate review and approve proposal(s) for renewing/updating the expired [alternative labeling plan #0258](#) for various types of mercury-added lamps;
- Convene Workgroup conference calls, as needed, to review Alternative Labeling Plans and make decisions;
- Follow-up on Workgroup decisions and communicate with applicants;
- Identify companies that are using alternative labels and help them renew/update their plans, or conform to the “[standard labeling guidelines](#)”; and
- Maintain an active listing of approved alternative labeling plans, including their expiration dates.

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<sup>2</sup> The ASTM Technical Committee E20 Temperature Measurement Committee is revising these standards and are planning meetings. The National Institute of Science and Technology (NIST) is involved with this committee. IMERC is aware of these discussions as they may affect applicable phase-outs and exemptions.

### *Education & Outreach*

All of the members of IMERC are committed to educating the regulated community and the public on the use of mercury in products, various state requirements, and opportunities for reducing mercury use in products and increasing proper collection and recycling.

The Mercury-added Product Education and Outreach Workgroup facilitates coordination on education and outreach efforts related to the use of mercury in products, opportunities for reductions and use of non-mercury alternatives, and proper collection and recycling. The Workgroup shares the results of these activities with federal and state government officials, academic institutions, non-governmental organizations, manufacturers of mercury products, and the general public.

IMERC publishes [mercury-added product fact sheets](#), reports, and PowerPoint presentations that summarize information in the [Mercury-added Products Database](#) for targeted product categories and trends in mercury use in these products. IMERC periodically publishes *IMERC Alert*, an electronic bulletin that informs manufacturers and distributors of mercury-added products and their consultants, lawyers, and trade associations about reporting and other requirements and deadlines. The Workgroup oversees development of these materials.

Priorities and activities for the Education & Outreach Workgroup during FY 2015-2020 include:

- Prepare data analyses to help inform future directions for mercury reduction;
- Update and publish fact sheets, reports, and PowerPoint presentations on mercury-use in products;\*\*
- Publish *IMERC Alert* and distribute as needed (but at least once a year);
- Continually update trends analysis and mercury-added product fact sheets as new information becomes available;
- Use product notification information to highlight successes and challenges;
- Organize webinars to share results with government agencies and other organizations interested in mercury reduction initiatives;
- Make presentations at conferences and workshops on mercury use in products and IMERC's activities for other groups, upon request;
- Communicate and coordinate with the U.S. EPA on efforts to reduce mercury use in products;
- Communicate and coordinate with other organizations that are working on mercury-added product issues; and
- Collaborate with the [Quicksilver Caucus \(QSC\)](#) on related initiatives, including their investigation of emerging products, since their efforts may provide information on new product categories that IMERC's members may want to address.

### **Summary**

Over the next five years, IMERC will build on its record of achievement in managing and sharing information, providing training, coordinating interstate activities, conducting research

and data analysis, procuring resources, preparing documents and presentations, and solving problems to address mercury reduction. By coordinating efforts through IMERC, state programs gain greater efficiency and effectiveness in implementing their mercury reduction laws.