



## **Health Warning: Mercury Product Lobbyists Endanger Children's Health**

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**This report was prepared by the  
New England Zero Mercury Campaign partners:**

Clean Water Action New England  
Health Care Without Harm  
Mercury Policy Project, A Project of the Tides Center  
Natural Resources Council of Maine  
National Wildlife Federation  
Sierra Club Connecticut Chapter  
Sierra Club Rhode Island Chapter  
Toxics Action Center

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## Executive Summary

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In 1998, the New England Governors and Eastern Canadian Premiers (NEG/ECP) acknowledged the severity of mercury contamination throughout the region and the resulting risks posed to people wildlife, and the environment. To address the problem, the NEG/ECP set a goal to “virtually eliminate” anthropogenic mercury emissions from the bi-national region.

Since then, each of the six New England states has introduced some version of the comprehensive mercury products model legislation developed by the Northeast Waste Management Officials Association (NEWMOA) to meet the NEG/ECP’s goal. **However, pressure from mercury product industry lobbyists and others has ensured that no state has yet passed the complete version of the NEWMOA model legislation.**

In each state where mercury product legislation was introduced, industry lobbyists have aggressively fought to see these efforts to reduce mercury exposure and pollution fail. Individual industry lobbyists have worked separately to exempt their specific products of concern from any legislation. **The New England Zero Mercury Campaign has found that the cumulative effect of this lobbying has resulted in dangerously eroding the effectiveness of the New England Governors’ comprehensive effort to eliminate mercury emissions.**

Already this year, these industry lobbyists have won out over environmental health

interests in several New England states. Comprehensive mercury product legislation was defeated in New Hampshire. Comprehensive mercury product legislation in Maine was gutted to merely collect information and make recommendations for next year. Bills pending in Vermont and Massachusetts have been significantly weakened. Legislation in Connecticut and Rhode Island is scheduled for public hearings soon, but the opposition from industry lobbyists has already begun.

In January 2002, the New England Zero Mercury Campaign released the report, *Mercury Product Pushers*, examining five industries that make products that contain mercury. The report refuted industry claims used to oppose regulations in mercury product legislation. This follow up report further examines how these product manufacturers have undermined efforts to regulate mercury products throughout the New England region.

When viewed from a regional perspective, it is clear that not only are manufacturers of mercury products putting their profits ahead of our children’s health and environmental protection, but that they have successfully influenced legislators and, in some cases, Governors, to weaken proposals that would address the problem of mercury contamination. Clearly, this must stop. **Policy makers must take decisive action to prevent corporate dollars from winning out over the need to act to protect the healthy development of children and the safety of our fish supply.**

## **Introduction**

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Despite overwhelming evidence of the dangers mercury poses to developing children and to wildlife, manufacturers of products containing mercury have lobbied aggressively and successfully against mercury product regulations. And they continue persistently pushing their products into states that already face severe mercury contamination problems. **In each New England state, mercury product lobbyists have undermined the New England Governors' coordinated program to achieve the goal of virtually eliminating anthropogenic mercury emissions from consumer products.**

The use and disposal of products containing mercury inevitably contaminates the food chain with toxic mercury. A 1998 report by the New England governors and Eastern Canadian premiers confirmed the dangers posed by mercury pollution: "Mercury is pervasive in freshwater fish in the Northeast at levels that pose plausible health risks to people and some species of fish-eating wildlife. In addition, there are important economic consequences, including reducing the recreational and commercial value of fisheries resources across the region." Because of these dangers, the Governors set a landmark goal to virtually eliminate mercury emissions throughout the region at their 1998 meeting.

**Mercury is a persistent bioaccumulative neurotoxin. This means that 1) it does not break down naturally, 2) it concentrates in animals higher on the food chain, and 3) it can cause permanent brain damage to developing children.** Mercury is so toxic that even a single drop deposited annually and

emitted into the atmosphere is enough to contaminate all of the fish in a 20-acre lake. Scientists estimate that if all man made mercury emissions stopped today, it would take at least 15 years to eliminate mercury in the environment.

The growing brains of fetuses and babies are extremely sensitive to the toxic effects of mercury, which impairs memory, attention span, language and motor skills in developing children. Pregnant women, nursing moms, or women who may become pregnant that eat mercury-contaminated fish can expose their infants and developing fetuses to dangerous levels of mercury. **Even a single serving of mercury-contaminated fish eaten during critical stages of fetal development could cause permanent brain damage to the child.**

Adding to the urgency of the Governors' goal to eliminate mercury emissions, a March 2001 Centers for Disease Control study found that at least **one in ten women of childbearing age in the United States has more mercury in her body than the Environmental Protection Agency considers safe for a fetus' development.**

To help achieve the Governors' goal, the Northeast Waste Management Officials Association (NEWMOA) developed model legislation that would phase out products containing mercury in favor of safer alternatives, require labeling and producer take back of products, and provide other measures to help cities, states, and businesses to keep mercury out of the municipal waste stream.

While Maine, New Hampshire, Rhode Island and Vermont have enacted some parts of the NEWMOA model law, manufacturers of mercury-containing products have fought efforts to phase out the use of mercury in their products, to require labeling to inform consumers that their products contain mercury, and to require disclosure about the amount of mercury in their products. Additionally, these manufacturers have opposed efforts that would require them to take financial responsibility for the collection, disposal and recycling of their toxic products.

This report examines the activities of lobbyists in each New England state in opposing mercury product regulations and offers case studies of their successes in weakening proposed regulations.

New England Zero Mercury Campaign staff collected the testimony of mercury product industry lobbyists and reported the results of these lobbying efforts state-by-state.

Following are summaries of lobbyists' actions in each New England state, the legislative concessions they won as a result, and a partial listing of industries that testified in opposition to mercury product legislation.

## Case Studies: Undermining Mercury Pollution Prevention

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Legislation to prevent significant sources of mercury pollution from consumer products has been introduced in each New England state. However, each bill that has been introduced has been defeated or weakened through the work of mercury product industry lobbyists and others. These case studies provide examples from each state of the industries that have undermined this pollution prevention legislation.

### Maine

In Maine, the NEWMOA model products bill (LD2004) faced fierce industry opposition at the hearing in February 2002. At a work session of the Natural Resources Committee, two opposing amendments had been proposed. A weakening amendment would change the mandatory phase out of mercury products into voluntary goals for industry. Another amendment would have restored the mandatory phase out. The NEZMC had established that there were enough votes to support the mandatory phase out.

During a break in the Committee's work session, a lobbyist for the Maine Chamber of Commerce and a State Representative (who is an industry lobbyist by profession) went to Governor King's office and lobbied his staff to stop the amendment.

The Department of Environmental Protection (DEP) was then called in to the Governor's office and given orders to withdraw the mandatory phase out amendment. When the Natural Resources Committee re-convened, the Chair announced that committee staff and the DEP had come up with a compromise amendment. The Committee voted unanimously in favor of this amendment to

study the problem for another year, gather information on products that contain mercury coming into Maine, and make recommendations for legislation in 2003.

**Thus, the industry representatives stalled for another year regulations that would have helped prevent a significant source of mercury pollution.** A subsequent effort by proponents of the bill succeeded in restoring producer take back and phase out of thermostats only, but no other products will be phased out under this legislation.

### New Hampshire

In New Hampshire, NEWMOA style legislation (HB 675 later merged with HB 654/655) had good bipartisan support in committee. However, mercury industry representatives from the National Electrical Manufacturers Association, Osram/Sylvania, National Association of Electrical Distributors, and the Business and Industry Association aggressively lobbied the House leadership by arguing that the legislation was bad for business. **The industry lobbyists won when the House voted 207-147 against the proposal and then voted to study the issue.**

### Vermont

The Comprehensive Management of Human Exposure to Mercury Act (S.91) was introduced to the Vermont Senate in the beginning of the 2001-2002 session.

**Unfortunately, the lobbyists for manufacturers of mercury-containing products have significantly weakened the legislation by having the producer responsibility collection requirement omitted and have succeeded in delaying passage of the bill for over one year.**

**Vermont** (continued)

IBM lobbyists won an exemption from the legislation for the fluorescent lights they use in manufacturing.

The most recent challenges to the legislation include recent testimony from Eveready battery manufacturers who have voiced their strong opposition to most all components of the legislation.

Finally, the current proposed legislation would not take effect unless other northeast states totaling 10,000,000 in population pass similar legislation.

**Massachusetts**

Massachusetts' NEWMOA model legislation, An Act Relating to Mercury Reduction and Education (H.4717), was introduced in December 2000. The bill has undergone heavy industry lobbying in Massachusetts. The Joint Natural Resource Committee did pass out a strong bill in Fall 2001, but it was weakened slightly. Under pressure from the National Electrical Manufacturers Association, Osram/Sylvania, and others, the Committee exempted certain lamps used as streetlights from the phase out requirement of the legislation. **The bill continues to undergo heavy industry lobbying in the Science and Technology Committee, which is delaying in passing the bill out of committee.**

**Rhode Island**

NEWMOA model legislation introduced in the Rhode Island General Assembly as the

Mercury Reduction and Education Act (S661 and S649) in 2001 has faced strong opposition from the Alliance of Automobile Manufacturers, the National Electrical Manufacturers Association, and the Soap and Detergent Association.

Although the General Assembly eventually passed precedent-setting legislation, each of these manufacturers created exemptions for their products. **Automobile components, button cell batteries, fluorescent lights, and soaps and detergents were exempted entirely from the legislation.**

**Connecticut**

Comprehensive mercury products phase out legislation based on the NEWMOA model was supported in 2001 by the Department of Environmental Protection. The bill successfully passed through several committees despite opposition testimony from mercury product manufacturers. However, in a closed-door deal catering to industry interests, the legislation was so severely weakened that the DEP and environmentalists opposed the passage of the legislation, and it ultimately died.

The comprehensive mercury products phase out legislation (HB 5539), based on the NEWMOA model legislation, was introduced in 2002 by the Environment Committee. Additionally, legislation (HB 5540) that only requires labeling mercury products was introduced. **If passed, this bill could seriously undermine effective legislation by providing an ineffective alternative.**

## **State By State Listing of Industry Lobbyists Opposing Mercury Products Legislation 2001-2002**

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### **Connecticut**

Alliance of Automobile Manufacturers  
Chlorine Chemistry Council  
CT Auto Recyclers Association  
Diversified Waste Disposal  
Electronic Industries Alliance  
General Electric Company  
IBM Corporation  
Manufacturing Alliance of CT Inc.  
National Electrical Manufacturers Association  
Procter and Gamble  
Soap and Detergent Association  
Three M (3M) Corporation  
Trash-Away, Inc.  
Waste Conversion Technologies, Inc.  
Waste Management/Wheelabrator  
Technologies

### **Maine**

Biotechnology Council  
Dental Association  
Electronic Industry Alliance  
Fairchild Semiconductor  
Maine Filmmakers  
Maine Grocers Association  
Maine Merchants Association  
Maine Pulp Paper Association  
National Electrical Manufacturers Association  
National Semiconductor  
Osram Sylvania  
Panasonic  
Phillips  
PhRMA

### **New Hampshire**

Business and Industry Association  
National Association of Electrical Distributors  
National Electrical Manufacturers Association  
Osram Sylvania

### **Massachusetts**

Alliance of Automobile Manufacturers  
AdvaMed  
American Watch Association  
Associated Industries of Massachusetts  
Consumer Healthcare Products Association  
Duracell, Inc.  
Eastman Kodak Co.  
Electronic Industries Alliance  
Gillette  
Massachusetts Electric  
National Electrical Manufacturers Association  
NSTAR  
Osram Sylvania, Inc.  
Phillips Medical Systems  
Retailers Association of Massachusetts  
Soap and Detergent Association

### **Rhode Island**

Alliance of Automobile Manufacturers  
American Watch Association  
Eastman Kodak  
National Electrical Manufacturers Association  
Soap and Detergent Association

### **Vermont**

Alliance of Automobile Manufacturers  
Consumer Healthcare Products Association  
Eveready Battery  
IBM Corporation  
Multistate/National Electrical Manufacturers  
Associations  
Soap and Detergent Association  
Vermont Auto Dealers Association  
Vermont Retailers Association  
Vermont State Chamber of Commerce  
Vermont State Dental Society  
Wheelabrator Environmental Systems, Inc.

## **Conclusion**

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Mercury pollution prevention efforts are under severe attack from the manufacturers who profit from the sale of mercury consumer products.

State policy makers in every New England state have allowed legislative initiatives to be weakened or defeated because of pressure from these manufacturers.

The consequences of mercury pollution on our environment, fish and wildlife, and on our children's healthy development are severe. Even a seemingly small amount of mercury use can have devastating consequences on the safety of our fish supply and the potential to cause brain damage to developing fetuses and children.

The New England Governors as well as other government agencies have acknowledged the problem of mercury contamination and human and wildlife exposure to mercury for years and have developed the necessary initiatives to reduce the threat, both to our children and future generations.

Clearly, it is time now for policy makers who care to stand up to those who would profit from continuing to pollute our environment and contaminating the fish we eat. It is time to pass NEWMOA's comprehensive legislation that will address all mercury in consumer products and reduce human exposure to mercury.

## **Key**

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### **Conference of New England Governors and Eastern Canadian Premiers**

The Conference of New England Governors and Eastern Canadian Premiers (NEG/ECP) is composed of the governors of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, and the premiers of New Brunswick, Newfoundland and Labrador, Nova Scotia, Prince Edward Island and Quebec. It was established in 1973 as a tool for sharing ideas and advancing mutual interests of the states and provinces and encouraging cooperation with the private sector.

For more information on resolutions passed by the NEG/ECP or the Mercury Action Plan Regional Progress Report, see [www.cmp.ca/neg.htm](http://www.cmp.ca/neg.htm).

### **Northeast Waste Management Officials' Association**

The Northeast Waste Management Officials' Association (NEWMOA) is a nonprofit, nonpartisan interstate association that has a membership composed of the hazardous waste, solid waste, waste site cleanup and pollution prevention program directors for the environmental agencies in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. NEWMOA was established by the Governors of the New England states as an official regional organization to coordinate interstate hazardous and solid waste, and pollution prevention activities and support state waste programs, and was formally recognized by the U.S. Environmental Protection Agency (EPA) in 1986. NEWMOA's mission is to help states articulate, promote and implement economically sound regional programs for the enhancement of environmental protection.

Information available at [www.newmoa.org](http://www.newmoa.org) includes:

- Mercury Education and Reduction Model Legislation
- Summary and Rationale for the Major Provisions in the Mercury Education and Reduction Model Legislation
- A Mercury Reduction Programs Database: a searchable database that includes descriptions of mercury reduction programs underway around the U.S.

### **New England Zero Mercury Campaign**

The New England Zero Mercury Campaign includes public interest organizations in all six states working to eliminate mercury emissions in the region by 2010 and to promote protective and effective health warnings to prevent mercury exposure. Partners and the states they are active in include Clean Water Fund of New England (CT, MA, NH, RI), Natural Resources Council of Maine (ME), Mercury Policy Project (VT, nationwide, internationally), Health Care Without Harm (MA, region wide), Sierra Club (CT, RI), Toxics Action Center (CT), and the National Wildlife Federation (VT, nationwide).

Previous reports available at [www.mercurypolicy.org](http://www.mercurypolicy.org) include:

- A Failure to Eliminate: A Report Card on Mercury Elimination in New England
- Mercury Product Pushers