

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
AUG 12 1997**

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

The Honorable Gil Gutknecht
United States House of Representatives
Washington, DC 20515-2301

Dear Congressman Gutknecht:

Thank you for your letter of July 10, 1997 requesting the release of the Environmental Protection Agency's (EPA'S) Mercury Report and urging implementation of new regulations regarding management of mercury-containing lamps.

As you know, the EPA has been scheduled to release a report to Congress on risks associated with mercury exposures (being developed pursuant to section 112: (n)(1)(8) of the Clean Air Act, (Act)). Additional scientific reviews will be conducted before the report is issued. This delay in issuing the final mercury report is necessary, so that EPA can fulfill the statutory requirement to evaluate the health and environmental effects associated with mercury emissions.

The current evaluation has recently been reviewed by the Science Advisory Board (SAB). The SAB was asked to evaluate a number of aspects of the Agency's risk and exposure assessments. Further, the SAB was asked to advise the Agency on a process for incorporating new data as available. We anticipate receiving SAB's advice this summer. The public discussion by the SAB in February 1997 was generally supportive of the draft report and it is EPA'S intent to release a final report expeditiously after incorporating whatever changes are necessary in response to SAB's review. The entire draft report has been made available to the public through the National Technical Information Service and the draft executive summary is available on the World Wide Web (<http://www.epa.gov/airlinks>).

The EPA remains committed to reducing the emissions of mercury to the environment as required elsewhere by the Act. The EPA issued a final regulation which reduces mercury emissions for municipal waste combustors in October 1995, and has proposed regulations restricting mercury emissions from medical waste incinerators and from hazardous waste combustors. Together, these industries represent over 50 percent of mercury emissions from industrial sources in the current mercury emissions inventory.

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With regard to implementation of new regulations for management of mercury-containing lamps, EPA is working diligently to finalize the proposal issued on July 27, 1994 (59 Federal Register 38288:). That proposed rule presented two alternative approaches for managing spent mercury-containing lamps.

The first approach proposed is a conditional exclusion from hazardous waste regulations. Mercury-containing lamps would be excluded from regulation as hazardous waste if the lamps were disposed in a municipal solid waste (MSW) landfill permitted by a state/tribe with an EPA-approved MSW permitting program, or at mercury-reclamation facilities permitted, licensed or registered with a state. In addition, disposal of these lamps at municipal waste combustors would be prohibited. This approach was developed based on information that mercury may not migrate from MSW landfills in significant quantities and may be less bioavailable than mercury released from power plants or waste combustion. Estimates indicated that of the 220 megagrams of mercury emitted in 1992 into the environment by anthropogenic sources in the United States, 85 percent was from combustion sources and less than 1 percent was from lamp disposal.

The second approach is the inclusion of mercury-containing lamps under Universal Waste regulations. This approach would remove some of the requirements existing under full hazardous waste regulation, while keeping final disposition of the waste streams within the hazardous waste management system. The Universal Waste system was developed to make collection of wastes that are generated in a wide variety of settings other than industrial settings a more efficient and economical process, while providing assurances for safe management of the waste.

The amount of mercury released into the environment from spent lamps management was a key uncertainty identified in the 1994 proposed rule. Since the proposal, EPA has continued to collect and analyze information on mercury emission from spent lamps management. As part of this effort, an analysis that estimates mercury emissions from managing spent lamps was developed. A notice announcing the availability of this analysis for public review and comment was published in the July 11, 1997 Federal Register (62 FR 37183). The findings of the analysis indicate that the primary sources of mercury released from spent lamps are air releases from incineration and breakage, due to the tendency of mercury to volatilize. EPA will use the information from the analysis, along with information presented in the comments, to determine how best to proceed with an environmentally responsible decision.

Thank you again for sharing your concerns on the release of the Mercury Report and the management of mercury-containing lamps. If you have any further questions or comments, please have your staff contact Martha Keating of the Office of Air Quality Planning and Standards at (919) 541-5340 with any questions about the Mercury Report, or Rita Cestaric of my staff at (703) 308-0769 with any questions related to the management of spent mercury containing lamps.

Sincerely yours,

Elizabeth Cotsworth, Acting Director
Office of Solid Waste