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Mass. takes heat for mercury recycling law

By [David Abel](#) | GLOBE STAFF AUGUST 24, 2014



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The job of removing mercury from the environment can be so dangerous that Brian Chapman sometimes wears the equivalent of a spacesuit to scoop up the toxic balls of liquid metal.

In a typical month, his crews also perform the more mundane task of collecting fluorescent light bulbs, electrical ballasts, thermo-meters, blood pressure machines, and thermostats — all containing mercury.

“It wasn’t so long ago that most people would just toss them in the trash,” said Chapman, president of Mill City Environmental, a waste management company in Lowell.

Too many mercury-laden products still end up in landfills, however, which prompted passage last month of a state law intended to boost the dismal recycling rate of mercury in Massachusetts. But environmental advocates say industry lobbyists persuaded lawmakers to strip recycling requirements from a previous law and argue the new law pales in comparison to similar laws in other states that seek to curb mercury. Even minuscule amounts can cause grave health consequences and poison the environment.

“The Massachusetts Legislature had an opportunity to make real progress in protecting women’s and children’s health from this potent neurotoxin but instead chose a nod to industry,” said Elizabeth Saunders, director for Clean Water Action in Massachusetts. “With this weak bill, it’s unlikely that we’ll see significant reductions in mercury pollution from thermostats and light bulbs without extremely aggressive actions and enforcement by the state.”

She and others object to lawmakers’ removal of provisions from the bill that would have made the law similar to measures in Vermont and Maine, which require manufacturers to offer financial incentives to recycle their products and fine those that don’t meet specific recycling targets.

Most concerning, they say, are old thermostats, each often containing as much mercury as 800 fluorescent bulbs. Massachusetts banned the sale of thermostats containing mercury in 2006, but researchers say about 1 million are still in homes and businesses.

Last year, Massachusetts recycled only about 10 percent of all its thermostats containing mercury — more than triple the recycling rate in 2009, but a third of the rate in Vermont and Maine, which led the country, according to the Product Stewardship Institute, a national nonprofit advocacy group that tracks mercury pollution.

Massachusetts also has millions of fluorescent light bulbs that could endanger the public if they end up in the trash. In 2009, according to the last official estimate, the state had recycled 34 percent of nearly 15 million fluorescent bulbs thrown away in the state — less than the 40 percent target recycling rate for that year required by the 2006 mercury management law.

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Graphic: A look at mercury management in Mass.

The target rate was slated to increase to 70 percent for fluorescent bulbs by the end of 2011. The rates for mercury-containing products were supposed to be enforced by fines of up to \$1 million for manufacturers that didn't meet their recycling goals.

But lawmakers, under pressure from manufacturers, eliminated the target rates and associated fines in the new law. No fines were ever paid.

"The targets ascended to completely unobtainable levels," said Mark Kohorst, a spokesman for the National Electrical Manufacturers Association, which represents manufacturers of fluorescent bulbs. "This paralyzed manufacturers for behavior totally out of their control. It became apparent that the law was unworkable and nonsensical."

Kohorst praised the new law and said environmental advocates who opposed it are wrong to suggest that financial incentives and "punitive measures" promote recycling.

He said there was no significant uptick in recycling rates in Maine or Vermont after they began providing what he calls a "bounty" — \$5 per thermostat containing mercury provided to all homeowners and contractors who brought them to a designated collection center. Much of the increase in recycling rates in those states preceded the states' offer of the financial incentives, he noted.

"Bounty systems are costly, complicated, and vulnerable to fraud and abuse," Kohorst said, adding that much of the money has gone unclaimed in Maine and Vermont.

But advocates argue that manufacturers have consistently sought to stymie progress in Maine and Vermont. They say the Thermostat Recycling Corp., a nonprofit group founded by manufacturers to reduce mercury pollution, has failed to educate contractors and wholesalers about the incentives. Still, they note, the vast majority of the incentives were collected last year — as much as 75 percent in Vermont and an estimated 84 percent in Maine, according to figures from the Thermostat Recycling Corp.

Scott Cassel, chief executive of the Product Stewardship Institute, said the new law makes Massachusetts and Connecticut the only two states of a dozen with thermostat recycling laws to lack performance goals.

"We would have liked to see a stronger law," he said.

While it lacks targets and incentives, the new law will collect \$300,000 in fees to promote mercury recycling from about 40 light-bulb and thermostat manufacturing companies in the state. The law also authorizes state inspections and allows municipalities to administer their own penalties for violations.

"This new program . . . will increase access to mercury recycling for all communities across the Commonwealth," said Ed Coletta, a spokesman for the state Department of Environmental Protection.

Over the years, state studies have found mercury oozing into lakes and ponds, making many freshwater fish unsafe to eat. People are often exposed to mercury by eating contaminated fish.

But they have also found amounts have declined substantially in recent years as power plants and manufacturers have cut emissions. A state study in February found mercury pollution in Massachusetts has declined by more than 90 percent since the 1990s.

Among those companies that have sought to reduce their emissions is Covanta, which runs four waste-to-energy power plants in Massachusetts. Officials say they have installed pollution control equipment that has increased their capture of mercury by more than 60 percent between 2006 and 2012, reducing their emissions as much as 94 percent below federal standards.

The company provides collection sheds at garbage transfer stations in about 75 municipalities in Massachusetts and has aired TV ads advising residents to avoid discarding products with mercury.

Meg Morris, vice president of materials management at Covanta, said recycling rates would rise if the state insisted on specific recycling rates and provided incentives.

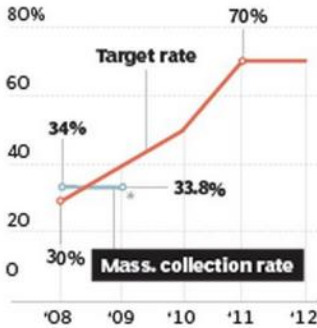
"I think the new state law is another good step toward better mercury management, but it's not the final step," she said. "We believe in incentives . . . They are effective."

Mercury recycling in Massachusetts

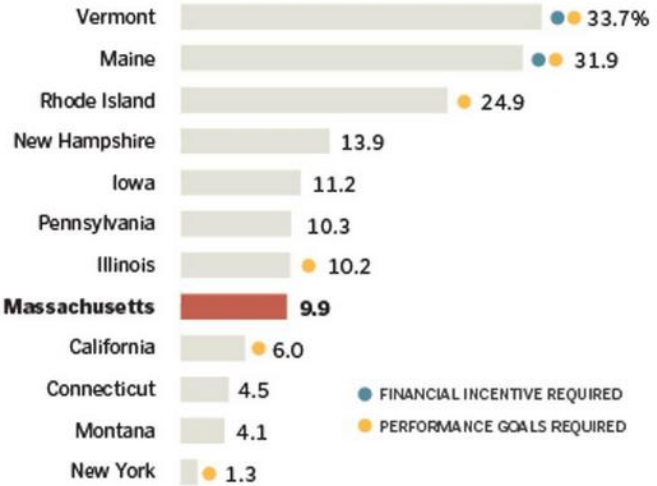
Fluorescent lights

Target rates for recycled mercury bulbs increased from 2008 to 2011.

*Massachusetts stopped collecting data in 2009.



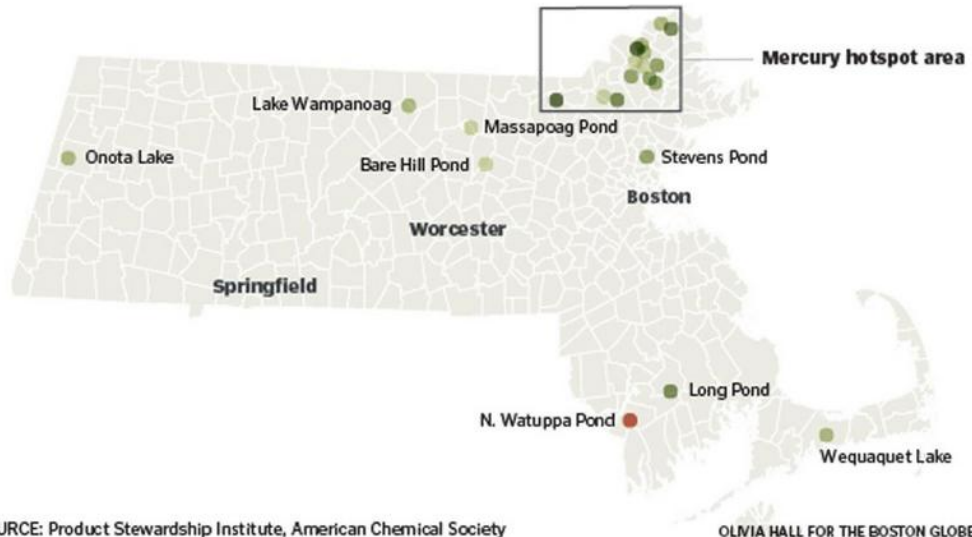
Thermostat recycling rate in 2013



Mercury in largemouth bass from 2003-2011

A negative percent change indicates a decrease in mercury concentration in fish tissue.

● 0 TO 100% ● 0 TO -19% ● -20 TO -39% ● -40 TO -59% ● -60 TO -80% ● OVER -80%



SOURCE: Product Stewardship Institute, American Chemical Society

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