



January 9, 2006

To: Canadian Council of Ministers of the Environment
123 Main Street
Suite 360
Winnipeg, MB R3C 1A3

cc: Ministers of Health
cc: Federation of Canadian Municipalities

From: Pollution Probe, with the support of 14 environmental and health organizations (see attached list)

Dear Ministers of the Environment,

Re: Implementing a Mercury Elimination and Reduction Strategy for Canada

I am writing to you on behalf of Pollution Probe, with the support of 14 environmental and health organizations from Canada, the US and Europe to urge you to immediately develop and implement a mercury elimination and reduction strategy for Canada.

Mercury is a persistent toxic substance that biomagnifies through food chains. It can cause permanent brain damage, central nervous system disorders, memory loss, heart disease, kidney failure, liver damage, loss of vision, loss of sensation and tremors.¹ Mercury is also a suspected endocrine disruptor, which means it damages the reproductive and hormonal development and growth of fetuses and infants. Even low-level exposure to mercury has serious health effects that include neurological damage, reproductive system damage, behavioural problems and learning disabilities.²

In Canada, mercury is released to the environment from a number of different sources, including the deliberate use of mercury in products and processes.

¹ Pollution Probe. 2003. *Mercury in the Environment: A Primer*.

² Ibid.

Mercury is used in electrical switches, thermostats, dental amalgam, thermometers and a variety of medical equipment. The mercury in these products may be released to the environment during manufacturing, from applications where the mercury is exposed to air, when products are broken while in use, when products are crushed in garbage trucks and when products are dumped in landfills, burned in incinerators or discharged to sewer systems.

A number of jurisdictions worldwide are phasing out non-essential mercury uses and establishing collection and recycling infrastructures for mercury-containing products. We encourage Canadian governments to pursue the same level of environmental commitment by adopting the following actions:

1. phase out mercury-containing products where alternatives are available;
2. increase the collection and recycling of mercury-containing products;
3. develop and adopt a national mercury strategy and take a leadership role internationally in promoting global mercury reduction strategies (leading up to the next UNEP Governing Council meeting in 2007).

Phase Out Mercury-containing Products

There are many non-essential uses of mercury and many uses for which cost-effective alternatives exist (e.g., digital rather than mercury-containing thermometers). The Canadian government must move to immediately phase out these uses of mercury and ensure that new uses are not allowed.

Canada has the ability to join leaders in Europe and the US that have already implemented mercury phase outs. We have legal authorities that would allow us to undertake similar initiatives at various levels of government. Attached is a new legal analysis done for Pollution Probe that confirms ways in which mercury-containing thermometers (as a specific example) could be phased out in Canada, as has already happened in several states in the US (California, Connecticut, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota and Rhode Island). Canada can move forward to phase out mercury-containing products now, and we should develop additional authorities following reviews currently underway of the *Canadian Environmental Protection Act* and the *Hazardous Products Act*.

Increase the Collection and Recycling of Products that Contain Mercury

Canada's weak performance in key areas of mercury collection and recycling is demonstrated by our recycling record for mercury-containing lamps, such as fluorescent tubes and compact fluorescent light bulbs (which are desirable products for energy efficiency reasons and are rapidly increasing in sales). Attached is a new report on Canada's performance, which demonstrates how far we have fallen behind the US and Europe.

Canada's current recovery rate of mercury-containing lamps is seven per cent. In contrast, the 2006 target recovery rate for mercury-containing lighting products in the European Union is 80 per cent. Germany has already attained this rate of recycling, and other European countries, such as Netherlands, Switzerland and Austria, have recycling rates greater than 50 per cent and are on their way to meeting the 2006 target. The United States has set a goal to raise its national recycling rate for mercury-containing lamps from the current level of 24 per cent to 80 per cent by 2009.

Another area for concern is the collection of mercury-containing switches from end-of-life automobiles. At the current time switch removal and collection is done on a voluntary basis in seven provinces, led by the Clean Air Foundation, a Canadian NGO. Through the National Switch Collection Workgroup broad support has been given for a national collection program. In order for this program to be implemented on a national level the federal government needs to take action.

In the United States, there are five states (Maine, New Jersey, Arkansas, North Carolina and Texas) that already have mandatory switch collection programs.

Develop and Implement a National Mercury Reduction Strategy

Other jurisdictions have developed and are implementing mercury strategies. In January 2005, the European Commission proposed a comprehensive strategy against mercury pollution. The Commission's strategy proposes a series of actions to cut EU and global emissions and uses of mercury, including phasing out EU mercury exports by 2011. It also addresses the safe storage of mercury decommissioned by the EU chlor-alkali industry. The State of Maine in the United States has also taken progressive action to reduce and eliminate mercury use. Maine now has a law that bans the disposal of mercury-added products and requires all such products to be recycled. This ban and recycling requirement applies to mercury-added wastes from businesses, municipalities and households (as of January 1, 2005). As well, in February 2005 a coalition of international NGOs (National Resources Defense Council, European Environmental Bureau, Greenpeace and the Ban Mercury Working Group) submitted to the UNEP Governing Council their suggestions for a UNEP decision on the Mercury Programme (see the attached summary) that promotes aggressive but realistic goals for mercury reduction.

It is time for Canada to join these jurisdictions to demonstrate Canada's commitment to protecting our children and our environment.

Please heed our call to action. In turn, you can count on our help. We look to you for leadership and resolve, and we will support you in your efforts.

Sincerely,

A handwritten signature in black ink that reads "K. B. Ogilvie". The signature is written in a cursive, flowing style.

Ken Ogilvie
Executive Director
Pollution Probe

Supporting Environmental and Health Organizations

Canadian NGOs:

Canadian Environmental Law Association
Environmental Defence
Learning Disabilities Association of Canada
Pembina Institute for Appropriate Development
Save the Oak Ridges Moraine (STORM)
Sierra Legal Defence Fund
World Wildlife Fund Canada

US NGOs:

Hospitals for a Healthy Environment
Mercury Policy Project
Natural Resources Defense Council

European NGOs:

European Environmental Bureau
European Public Health Alliance Environment Network (EPHA EN)
Health Care Without Harm
International Ban Mercury Working Group