



Toxics reduction

Management of products containing mercury and lead is a critical area of toxics reduction in Minnesota. Lead and mercury pose significant health risks to humans and wildlife, and non-toxic alternatives are available for nearly all applications.

To address impaired waters and reduce mercury contaminant levels in fish, MPCA established mercury emission reduction goals for 2025 through the statewide Mercury Total Maximum Daily Load (TMDL). It was approved by the U.S. Environmental Protection Agency in 2008. The MPCA divides mercury air emissions from human sources in the state into three major categories:

- (1) emissions related to energy production,
- (2) emissions from the intentional use of mercury in products, and
- (3) emissions incidental to processing natural materials, mostly taconite for Minnesota.

The mercury proposals in the toxics bill focus on reducing the sale, use, and improper disposal of mercury-containing products, and better tracking of collection and proper disposal (or recycling) to assess progress in meeting mercury emission reduction goals.

Ban on wheel weights containing lead or mercury

MPCA proposes a ban on wheel weights containing lead or mercury. Use of lead and mercury-containing wheel weights is a significant and fully avoidable use of toxics. Waste wheel weights are often mismanaged or diverted to uses that pose contamination risks. In addition, the US Geological Survey and others estimate that at least 13 percent of wheel weights, around 1700 tons, are lost in the environment each year. A full range of lead-free and mercury-free alternatives are available and provide equivalent or superior performance at comparable costs. All new cars and light trucks sold in the US have lead-free wheel weights.

California, Illinois, Maine, New York, Vermont and Washington have enacted legislation prohibiting the sale and installation of wheel weights containing lead. The Illinois and Maine laws also include those containing mercury. Currently, the state of Minnesota contract for tires and wheel balancing requires the use of lead and mercury-free weights and balancing products. In addition, the State contract for purchase of school buses by public entities requires that new school buses be delivered with wheel weights free of lead and mercury.

Ban on mercury balancing, dampening and weights/counterweights

MPCA proposes prohibiting the sale, distribution, and use of balancing, dampening, weight and counterweight products containing mercury. These products are mostly obsolete, contain significant amounts of mercury, and are prone to damage and release because they are often old products and their contents may be unknown to the owner/user. Non-mercury and technologically equivalent or superior products are on the market for all known products and applications. A few products of this type remain on the market for niche applications and they are also prone to damage and release by users who are not aware of mercury risks. Examples include: conveyor belt load/balance/counterweight systems, firearm and archery recoil suppressors, and elbow/wrist shock absorbers.

Connecticut, Louisiana, Maine, and Rhode Island capture these types of products in their comprehensive mercury bans. It is often an overlooked product category. This proposal fills a gap in existing Minnesota law related to the categories of mercury products that are subject to sales, distribution, and use bans.





**Mercury
Thermometers
(from one school lab)**

Ban on sale of mercury thermometers

MPCA proposes to eliminate the exemptions previously allowed for the purchase of mercury thermometers in food and dairy processing facilities. Previously, the National Institute of Standards and Technology (NIST) identified mercury thermometers as the standard measurement device for these facilities. All state and federal food and dairy processing rules have since been amended and no longer require the use of mercury thermometers. Further, NIST no longer calibrates or certifies mercury thermometers since other technologies are superior and environmentally preferable. Several states have complete thermometer sales bans, including Connecticut, Maine, Michigan, Rhode Island, and several others.

Mercury thermostats manufacturer responsibility and reporting

Current law establishes manufacturer responsibility for end of life collection of mercury thermostats (116.92, subd. 5, 1992) and mercury displacement relays (116.92, subd. 5a, 1997), each of which currently contain different requirements for manufacturers. MPCA proposes making the thermostat requirements more like the relay language, which specifies the types of incentives that manufacturers shall provide, and requires annual reporting to the MPCA on participation and program performance.

When the requirements of the thermostat statute were negotiated in 1992, manufacturers agreed to maintain certain program elements, including reporting on program participation and performance, as long as strict responsibility was not established in law. In recent years, those program elements have not been maintained. Based on manufacturer response to the voluntary reporting option, it is clear that a statutory requirement is needed to ensure that programs are operating successfully under the law. Several states have product stewardship requirements for thermostats that are more stringent than the proposal, including California, Illinois, Maine, and New York.



Mercury Thermostats