



Facts about

Sunset of the Listed Metals in Products Program

Introduction

In 1991, the Minnesota Legislature passed a law requiring reduction of four heavy metals — mercury, lead, cadmium and hexavalent chromium — in specified products (M.S. § 115A.9651). A “specified product” is any ink, paint, dye, pigment and fungicide commercial product that contains any of these four “listed” toxic metals.

By July 1, 1998, 224 specified products had been registered in the program. According to reports from the registrant companies, these specified products have contributed approximately 232,000 pounds of listed metals each year in Minnesota.

Listed Metals Advisory Council

As specified by M.S. § 115A.9651, Subd.5, the commissioner of the Minnesota Pollution Control Agency (MPCA) created a Listed Metals Advisory Council with the appointment of five permanent members in early 1998.

In January 1999, the commissioner appointed seven temporary Council members with expertise in the specified products. The Council conducted public meetings monthly to review products and develop recommendations.

The Council’s purpose was to determine which specified products should be recommended to the MPCA Commissioner to be permanently banned in the state. From statute, the criteria for a ban recommendation are that: (1) there are significant environmental impacts due to the product’s use in Minnesota; and (2) there are alternative commercial products that serve the same function but offer an environmental benefit to the state.

Program progress and key accomplishments

At its January 18, 2001 meeting, the Council completed its review of all specified products. The following are key accomplishments of the program:

- The Council used an open, fair and legal process for all product reviews and decisions at its monthly meetings.
- The Council completed its review of all 229 products five years ahead of schedule, saving the state and regulated community approximately \$500,000 in program administrative costs.
- The Council recommended that the MPCA commissioner ban 22 products. This resulted in an estimated annual reduction of 88,600 pounds of listed metals in Minnesota. Additional listed metal reductions in Minnesota were realized by the voluntary discontinuation of other products containing listed metals.
- The Council produced a large public legal record to support its decisions. This record may also provide technical information for MPCA and other programs.

The MPCA has begun rulemaking to make permanent the product bans recommended by the Council and approved by the commissioner. Since the Council has completed its review of all specified products, the only funds needed for the program are those for the development of rules. The rulemaking will be completed by the end of FY2002.

For more information

For detailed information regarding the Listed Metals Program, visit the program’s Web site at www.pca.state.mn.us/waste/listedmetals.html.

More information about program eliminations and reductions at the MPCA is available at www.pca.state.mn.us/about/changes.