

**MAINE AUDUBON**  
**Testimony in Support of LD 1792,**  
**An Act to Protect Maine Families and the Environment by Improving the Collection**  
**and Recycling of Mercury Thermostats**

Good afternoon, Senator Cowger, Representative Koffman, and members of the Natural Resources Committee. My name is Jenn Burns and I represent Maine Audubon and our 11,000 members and supporters in favor of LD 1792, An Act to Protect Maine Families and the Environment by Improving the Collection and Recycling of Mercury Thermostats.

LD 1792 requires, beginning January 1, 2007, manufacturers of thermostats containing mercury that are sold in Maine to pay a minimum of \$5 for each thermostat containing mercury brought to a state-approved collection site. In addition, it requires manufacturers of thermostats containing mercury that are sold in Maine to report annually to this committee on the fees imposed and to the Department of Environmental Protection on the results of the thermostat collection and recycling efforts.

We must continue to take steps to eliminate mercury contaminants from the waste stream. Elevated levels of mercury have been found in many of our lakes, rivers, aquatic organisms, fish, and fish-eating birds. Public health officials have found that mercury levels in many species of warm-water fish are so high that pregnant women, women of child-bearing age, and children under the age of eight should not consume any warm-water fish from Maine waters.

The latest research shows that mercury levels are high and pervasive in northeastern North America and indicates that many animals, even forest songbirds and salamanders, have elevated mercury burdens. If you recall, David Evers from BioDiversity Research Institute presented such information to this committee last year.

It is increasingly clear that mercury can no longer be viewed as strictly an aquatic pollutant. Elevated mercury levels in Bicknell's thrush and other forest songbirds demonstrate that methylmercury can be produced in terrestrial ecosystems as well as aquatic. This means that animals living in habitats as diverse as mountaintops and small headwater streams should now be considered at risk for mercury poisoning. Clearly, mercury continues to pose a serious risk to wildlife and human health.

Let me share a personal experience. My partner and I have an old home in Bath that we're renovating. We've recently begun to remove and replace our old thermostats. We went to Lowe's to purchase our new thermostats. Being informed consumers, we were

looking for products with the energy star symbol and wanted to make sure our new thermostats didn't contain mercury.

Interestingly, nowhere on the large display was there information regarding the need to be cautious in replacing old thermostats, the need to dispose of them properly, or where to dispose of them. Some of the product packaging contained a mercury-free symbol while others did not. A chart produced by Honeywell listed the various thermostats available and indicated whether each product contained various features. It did contain a line indicating whether the product contains mercury. None did.

The installation guide sold with the replacement thermostats that we purchased did contain a warning indicating that the old thermostat could contain mercury and that it should not be thrown in the trash. Consumers are directed to call their local waste management program for information on recycling and proper disposal.

The packaging contained an 800-telephone number, which I called. The initial automated query was whether I was a homeowner. Once I indicated yes, the menu included a range of options including accessing technical information on the web, receiving documents via fax or email, how to find a local contractor, and frequently asked questions. The frequently answered questions included nine items. The last item was information regarding recycling mercury-containing thermostats. It directs the homeowner again to their local waste management program and/or a local contractor and again offers to help you find a contractor. So much for manufacturer responsibility.

It seems only logical that if the manufacturers are taking responsibility for collecting old thermostats, their product materials should provide information on collection rather than passing the buck to the local waste management program or local contractors. In addition, if they're able to provide contact information for local contractors, they should also be able to provide information on the location of thermostat collection sites. Clearly, this program needs to be significantly strengthened. Better consumer information alone is not enough. Incentives, such as a bounty, are essential to making the program effective by encouraging consumers and contractors to properly dispose of this hazardous product.

We're on the right track. Consumers are no longer buying thermostats containing mercury. We cannot, however, ignore the many mercury-containing thermostats that still hang in homes such as ours. I recently read an article in last Friday's Times Record that mentioned that a significant percentage of Maine homes are old. I imagine many of these old homes have mercury thermostats. Approximately 5,600 pounds of mercury are still hanging on walls in Maine homes. Many Mainers, like us, do the work themselves. Consumers should be properly informed. Consumers and contractors should be given strong incentives to protect the welfare of the general public and wildlife.

I encourage the Committee to support LD 1792 and vote ought to pass. Thank you for your attention and I'd be happy to answer any questions.