

HOUSE JOINT RESOLUTION NO. 24
INTRODUCED BY B. HANDS

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO BAN THE SALE, DISTRIBUTION, TRANSFER, OR EXPORT OF ELEMENTAL MERCURY.

WHEREAS, mercury and mercury compounds are highly toxic to humans, ecosystems, and wildlife; and

WHEREAS, as many as 10% of women of childbearing age in the United States have mercury in their blood at a level that could put a baby at risk; and

WHEREAS, as many as 630,000 children born annually in the United States are at risk of neurological problems related to mercury; and

WHEREAS, the most significant source of mercury exposure to people in the United States is ingestion of mercury-contaminated fish; and

WHEREAS, the Environmental Protection Agency reported in 2004 that 44 states have fish advisories, covering more than 13 million lake acres and more than 750,000 river miles, that freshwater advisories are statewide in 21 states, and that coastal advisories are statewide in 12 states; and

WHEREAS, since uncontaminated fish represent a critical and healthy source of nutrition worldwide, the long-term solution to mercury pollution is not to reduce fish consumption, but rather to minimize global mercury use and releases and eventually achieve reduced contamination levels in the environment; and

WHEREAS, mercury pollution is a transboundary pollutant, depositing locally, regionally, and globally and affecting water bodies in Montana and remote areas, including the Arctic Circle; and

WHEREAS, the free trade of mercury and mercury compounds on the world market, at relatively low prices and in ready supply, encourages the continued use of mercury outside of the United States, often involving highly dispersive activities such as small-scale gold mining in developing countries; and

WHEREAS, although the intentional use of mercury is declining in the United States as a consequence of process changes in the manufacturing of products, including batteries, paints, switches, and measuring devices, those uses remain substantial in the developing world, where releases from the products are extremely likely due to the limited pollution control and waste management infrastructures in those countries; and

WHEREAS, federal tests of fish caught in eight Montana lakes found that every fish sample that was tested was contaminated with mercury and that of the fish tested in water bodies in Montana 54% contained

mercury levels that exceeded the federal safe limit for women of childbearing age; and

WHEREAS, according to the United States Geologic Survey, during the period from 2000 through 2004, the United States exported 506 metric tons of mercury more than it imported, making it a net exporter of mercury; and

WHEREAS, the Environmental Council of the States has adopted a resolution requesting the President of the United States to issue to federal agencies, including the Department of Defense and the Environmental Protection Agency, that are involved in the storage and management of mercury a directive to work to recommend a plan to manage the long-term storage of mercury; and

WHEREAS, banning exports of mercury from the United States will have a notable effect worldwide on the market availability of mercury and will facilitate switching to affordable mercury alternatives throughout the developing world.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That Congress is encouraged to enact legislation that:

(a) prohibits the sale, distribution, or transfer of elemental mercury by the Department of Defense and the Department of Energy to any other department or agency of the federal government, any state or local government, or any private person or entity;

(b) prohibits the export of elemental mercury from the United States;

(c) authorizes the President, subject to notification and justification requirements, to prohibit the export of any mercury compound from the United States, as necessary to avoid subversion of the export ban; and

(d) requires the President to establish sufficient storage capacity to safely store quantities of elemental mercury and any mercury compounds covered by the prohibitions that are in excess of quantities necessary for domestic consumption and to establish necessary regulations with respect to the establishment and operation of these storage facilities.

(2) That copies of this resolution be sent by the Secretary of State to the President of the United States and the Montana Congressional Delegation.

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