
**Agriculture & Ecology
Committee**

HB 2686

Brief Description: Reducing the release of mercury into the environment.

Sponsors: Representatives Hunt, Rockefeller, Linville, Dunshee, Kirby, Sullivan, Upthegrove, Chase, Campbell, Romero, Lantz, Wood, Simpson and Kagi.

Brief Summary of Bill

- Requires the manufactures of mercury-added products to label their products and provide for effective collection, transport, and disposal systems.
- Prohibits the knowing collection of used mercury-added products except for limited circumstances.
- Requires the manufactures of mercury-added products to notify the Department of Ecology.
- Prohibits the sale of various mercury-added products.
- Requires the Department of General Administration to give purchasing preference to items not containing mercury.

Hearing Date: 1/29/02

Staff: Jason Callahan (786-7117).

Background:

Mercury has been identified by the Unites States Environmental Protection Agency (EPA) as being included in a group of chemicals known as persistent bioaccumulative toxins (PBT's). Individuals within this family of toxins are known to break down very slowly when released into the environment and increase in concentration as they move up the food chain.

The 2000 Legislature directed the Department of Ecology (department) to develop a proposed long-term strategy to address PBT's in Washington, which was presented to the Legislature in 2001. The 2001 Legislature directly appropriated \$800,000 from the state toxics control account specifically for the implementation of the strategy. Both the department and the

EPA has identified mercury as the number one PBT priority.

Mercury is used in a variety of consumer products including automobiles, thermometers, thermostats, switches, fluorescent light tubes, high intensity lamps, dairy manometers, barometers, blood pressure measuring devices, and in numerous toys and novelty items. At least eight states have passed legislation relating to mercury or mercury-added consumer products. This list includes California, Oregon, and various east coast and midwest states.

Summary of Bill:

The manufacturers of mercury-added products that are sold in Washington must ensure that the products are properly collected, transported, and recycled. A manufacturer may ensure proper collection, transport, and recycling by either establishing and funding a collection system through which the product can be returned for recycling or disposal, or by identifying existing collection systems through which the product can be returned for recycling or disposal. All collection systems, either existing or established by the manufacturer, must be conducted in a manner that prevents the release of mercury into the environment. All collection systems are subject to the approval of the Department of Ecology (department), which must ensure that all residents of Washington have access to convenient, comprehensive, and cost-effective collection and recycling systems.

Before selling in Washington, manufactures of mercury-added products must ensure that the products are clearly labeled to 1) inform consumers that mercury is present in the item, 2) that the item may not be placed in a waste stream that will become mixed until the mercury is removed, and 3) provide information to consumers about how to access mercury collection, transportation, and recycling systems. If a product has a mercury component, both the mercury containing and the non-mercury containing component must be labeled. If strict compliance with the notification requirements is not feasible or is ineffective in providing pre-sale notification of mercury content, the manufacturer may apply to the department for permission to use an alternative notification method. To be approved for an alternate method, the applicant must document justification for an alternate method, describe how the alternate method provides sufficient pre-sale notice of mercury content, describe how a consumer would become aware of the proper disposal methods, document the readiness of all necessary parties to implement the alternative, and describe the performance measures that will be used to measure the results of the alternate method. An alternate method may be approved by the department for two years and must be renewed in two-year intervals.

No person may knowingly incinerate or dispose of a mercury-added product in any manner other than by recycling or disposing of the product as hazardous waste. No person may knowingly send a multi-component product containing mercury that has been intentionally crushed to a scrap processor, unless the processor is willing to take responsibility for the mercury. A solid waste collector or the operator of a solid waste management facility may not knowingly collect mercury-added products, unless the product was collected at a household hazardous waste collection facility. The owner of a solid waste collection facility must post signs and provide written notice to the facility's customers regarding the prohibition against disposing or incinerating mercury-added products.

Prior to selling a mercury-added product in Washington, the manufacturer must notify the department of its intent to sell the product in the state. The written notification must include a description of the product, the amount and purpose of the mercury in the product, the total amount of mercury in all items produced by the manufacturer, and the contact information for the manufacturer.

No person may sell in Washington a mercury-containing novelty item, most mercury thermometers, mercury-containing thermostats, and motor vehicles manufactured after January 1, 2003 if they contain a mercury switch. Health care facilities may not purchase manometers that contain mercury and no school may purchase elemental or chemical mercury.

The department must work with the Washington Hospital Association and other stakeholders to develop a mercury phase-out plan to reduce or eliminate the purchase or mercury-containing products at licensed health care facilities. The department and the Department of Health must jointly develop a plan and proposed budget for a comprehensive public outreach, education, and assistance program. The department must also develop an awards program to recognize facilities that exceed the requirements for mercury set by law. The Department of General Administration must give priority to products that do not contain mercury, unless there is no cost-effective alternative.

Violations of this act are punishable by a civil penalty not to exceed \$1,000 for each violation. Repeat violators are subject to a fine not to exceed \$5,000. Penalties collected by these fines are deposited into the state toxics control account.

The department must review the effectiveness of this act and report to the governor and Legislature. Additionally, every two years the department must release information concerning the amount of mercury that has been diverted from the solid waste stream.

Appropriation: None.

Fiscal Note: Requested on January 24, 2002.

Effective Date: Ninety days after adjournment of session in which bill is passed.