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**SUBSTITUTE SENATE BILL 6533**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Environment, Energy & Water (originally sponsored by Senators Fraser, Eide, McAuliffe, Keiser and Kohl-Welles)

READ FIRST TIME 02/08/2002.

1 AN ACT Relating to mercury reduction and education; adding a new  
2 chapter to Title 70 RCW; prescribing penalties; and providing effective  
3 dates.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Automotive mercury switch" includes a convenience switch, such  
8 as a switch for a trunk or hood light, and a mercury switch in antilock  
9 brake systems.

10 (2) "Dental amalgam" means a mixture of mercury, and an alloy of  
11 silver, tin, and copper, used in dentistry.

12 (3) "Department" means the department of ecology.

13 (4) "Director" means the director of the department of ecology.

14 (5) "Health care facility" means a hospital, nursing home, extended  
15 care facility, long-term care facility, clinical or medical laboratory,  
16 state or private health or mental institution, clinic, physician's  
17 office, or health maintenance organization.

18 (6) "Manufacturer" means any person, firm, association,  
19 partnership, corporation, governmental entity, organization, or joint

1 venture that produces a mercury-added product or an importer or  
2 domestic distributor of a mercury-added product produced in a foreign  
3 country. In the case of a multicomponent product containing mercury,  
4 the manufacturer is the last manufacturer to produce or assemble the  
5 product. If the multicomponent product or mercury-added product is  
6 produced in a foreign country, the manufacturer is the importer or  
7 domestic distributor.

8 (7) "Mercury manometer" means a mercury-added product that is used  
9 for measuring blood pressure.

10 (8) "Mercury thermometer" means a mercury-added product that is  
11 used for measuring temperature.

12 (9) "Mercury-added button cell battery" means a button cell battery  
13 to which the manufacturer intentionally introduces mercury for the  
14 operation of the battery.

15 (10) "Mercury-added novelty" means a mercury-added product intended  
16 mainly for personal or household enjoyment or adornment. Mercury-added  
17 novelties include, but are not limited to, items intended for use as  
18 practical jokes, figurines, adornments, toys, games, cards, ornaments,  
19 yard statues and figures, candles, jewelry, holiday decorations, items  
20 of apparel, and other similar products.

21 (11) "Mercury-added product" means a product, commodity, or  
22 chemical, or a product with a component that contains mercury or a  
23 mercury compound intentionally added to the product, commodity, or  
24 chemical in order to provide a specific characteristic, appearance, or  
25 quality, or to perform a specific function, or for any other reason.  
26 Mercury-added products include, but are not limited to, mercury  
27 thermometers, mercury thermostats, and mercury switches in motor  
28 vehicles.

29 (12) "Retailer" means a retailer of a mercury-added product.

30 NEW SECTION. **Sec. 2.** Nothing in this chapter applies to  
31 prescription drugs regulated by the food and drug administration under  
32 the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.),  
33 to biological products regulated by the food and drug administration  
34 under the public health service act (42 U.S.C. Sec. 262 et seq.), to  
35 any substance that may be lawfully sold over-the-counter without a  
36 prescription under the federal food, drug, and cosmetic act (21 U.S.C.  
37 Sec. 301 et seq.), or to dental amalgam.

1        NEW SECTION.    **Sec. 3.**    (1) No later than one year after the  
2 effective date of this section, every manufacturer of thermometers and  
3 commercial or residential, but not industrial, thermostats that contain  
4 mercury and that have been or may be offered for sale or distributed  
5 for sale or use in this state must ensure that these products are  
6 properly collected, transported, and recycled by doing one of the  
7 following:

8        (a) Establishing and funding, directly or with the help of a third  
9 party, a collection system through which the used products can be  
10 returned for recycling or disposed of as hazardous waste; or

11        (b) Identifying and funding existing collection systems through  
12 which the used products can be returned for recycling or disposed of as  
13 hazardous waste.

14        (2) Every manufacturer of mercury thermometers and commercial or  
15 residential thermostats containing mercury is financially responsible  
16 for the collection and recycling systems established under subsection  
17 (1) of this section. All collection and recycling must be conducted in  
18 a manner that prevents the release of mercury into the environment.  
19 All collection and recycling systems are subject to department  
20 approval.

21        (3) The collection system plan must include:

22        (a) A public education program to inform the public about the  
23 purpose of the collection program and how to participate in it;

24        (b) A targeted capture rate for products;

25        (c) A plan for implementing and financing the collection system;

26        (d) Documentation of the willingness of all necessary parties to  
27 implement the proposed collection system;

28        (e) A description of performance measures to be utilized and  
29 reported by the manufacturer of thermometers and commercial or  
30 residential thermostats to demonstrate that the collection system is  
31 meeting rate targets and other measures of program effectiveness as  
32 required by the department; and

33        (f) A description of additional or alternative actions that will be  
34 implemented to improve the collection system and its operation in the  
35 event that the program targets are not met.

36        NEW SECTION.    **Sec. 4.**    (1) No mercury-added product manufactured  
37 after the effective date of this section may be sold, offered for final  
38 sale, or distributed for sale or use in the state unless both the

1 product and its packaging are labeled in accordance with this section  
2 and any adopted rules. This requirement may be met by compliance with  
3 the terms of any approved alternative labeling or notification granted  
4 under subsection (7) of this section. A retailer may not be found in  
5 violation of this subsection if the retailer lacked knowledge that the  
6 product contained mercury.

7 (2) If a mercury-added product is a component of another product,  
8 the product containing the component and the component must both be  
9 labeled. The label on a product containing a mercury-added component  
10 must identify the component with sufficient detail so that it may be  
11 readily located for removal.

12 (3) All labels must be clearly visible prior to sale, and must  
13 inform the purchaser, using words or symbols, that mercury is present  
14 in the product, and that the product should not be disposed of or  
15 placed in a waste stream destined for disposal until the mercury is  
16 removed and reused, recycled, or otherwise managed to ensure that the  
17 mercury in the product does not become mixed with other solid waste or  
18 wastewater.

19 (4) Labels affixed to the product must be constructed of materials  
20 that are sufficiently durable to remain legible for the useful life of  
21 the product.

22 (5) Responsibility for product and package labels required under  
23 this section is on the manufacturer, and not on the wholesaler or  
24 retailer, unless the wholesaler or retailer agrees with the  
25 manufacturer to accept responsibility in conjunction with  
26 implementation of an alternative to the labeling requirements of this  
27 section, approved under subsection (7) or (8) of this section. In the  
28 case of a multicomponent product, the responsible manufacturer is the  
29 last manufacturer to produce or assemble the product. In the case of  
30 a mercury-added product imported from a foreign country, the importer  
31 must ensure that the manufacturer has complied with this section before  
32 sale, use, or distribution of the products in this state. This  
33 importer requirement does not apply to retailers for whom importing is  
34 not their primary business.

35 (6) Any mercury-added product for which federal law governs  
36 labeling in a manner that preempts state authority is exempt from the  
37 requirements of this section.

38 (7) Alternative methods of public notification are as follows:

1 (a) A manufacturer may apply to the department for an alternative  
2 to the requirements of subsections (1) through (6) and (8) of this  
3 section where: Strict compliance with the requirements is not  
4 feasible; or the proposed alternative would be at least as effective in  
5 providing presale notification of mercury content and in providing  
6 instructions on proper disposal; or federal law governs labeling in a  
7 manner that preempts state authority. The department may approve an  
8 alternative concerning a certain product category without application  
9 by manufacturers, but must consider other alternatives for the  
10 category, upon application.

11 (b) Applications for an alternative to the requirements of  
12 subsections (1) through (6) and (8) of this section must:

13 (i) Document the justification for the requested alternative;

14 (ii) Describe how the alternative ensures that purchasers or  
15 recipients of mercury-added products are made aware of mercury content  
16 prior to purchase or receipt;

17 (iii) Describe how a person discarding the product will be made  
18 aware of the need for proper handling to ensure that it does not become  
19 part of solid waste or wastewater;

20 (iv) Document the readiness of all necessary parties to implement  
21 the proposed alternative; and

22 (v) Describe the performance measures to be utilized by the  
23 manufacturer to demonstrate that the alternative is providing effective  
24 presale notification and predisposal notification.

25 (c) The department may grant, deny, or approve with modifications  
26 or conditions a request for an alternative to the requirements of  
27 subsections (1) through (6) and (8) of this section. Such an approval  
28 of an alternative shall be for an indefinite period of no less than two  
29 years. The department may review alternatives and modify or condition  
30 a previously approved alternative, after providing notice to the  
31 affected parties. Modifications must be implemented according to a  
32 mutually agreeable time frame that may not exceed two years. Prior to  
33 approving an alternative, the department must consult with neighboring  
34 states, provinces, and regional organizations to ensure that its  
35 labeling requirements are consistent with those of other governments in  
36 the region.

37 (8) The following alternative methods of public notification for  
38 specific products are approved, and no further department approval is  
39 required:

1 (a) Labeling of white goods sold in a store where the white goods  
2 are on display meets all requirements of subsections (1) through (6) of  
3 this section, except that no package labeling is required.

4 (b) Labeling of fever and laboratory thermometers must meet all  
5 requirements of subsections (1) through (6) of this section, except  
6 that no product labeling is required.

7 (c) Labeling of all new motor vehicles must meet all the  
8 requirements of subsections (1) through (6) of this section, except  
9 that the mercury-added components are not required to be labeled. A  
10 doorpost label applied by the manufacturer must list the mercury-added  
11 components that may be present on the vehicle. Only in the case of a  
12 dealer trade of a new vehicle with a dealer in another state is the  
13 motor vehicle dealer responsible for applying the doorpost label to the  
14 vehicle. No labeling of used motor vehicles is required.

15 (d) Labeling of mercury-added button cell batteries must meet all  
16 requirements of subsections (1) through (6) of this section, except no  
17 labeling is required on the product. Labeling of products that contain  
18 a mercury-added button cell battery as the only mercury-added component  
19 must include in the product instructions, if any, and on the product  
20 packaging the information required in subsection (3) of this section.

21 (e) Labeling of consumer electronics that incorporate one or more  
22 mercury-added lamps as their only mercury-added component or components  
23 must meet all the requirements of subsections (1) through (6) of this  
24 section, except no labeling of an internal lamp or the package is  
25 required.

26 (9) The department may adopt rules to implement this section. The  
27 rules may include a requirement to submit for approval a certified  
28 labeling plan that describes the product and all aspects of its  
29 proposed labeling.

30 (10) The department must work with manufacturers to ensure that  
31 compliance with this section is achieved in a manner that considers the  
32 cost and feasibility of implementation.

33 (11) Commercial aircraft and aerospace components are exempt from  
34 the requirements of this section.

35 NEW SECTION. **Sec. 5.** (1) A person may not knowingly dispose of  
36 mercury-added products in any manner other than by recycling the  
37 product or disposing of the product as hazardous waste.

1 (2) When a mercury-added product is removed from service, the  
2 mercury in the item must be source-separated for reuse or recycling,  
3 stabilized for retirement, or otherwise managed to prevent its release  
4 into the environment.

5 (3) A person may not knowingly send a multicomponent product  
6 containing a mercury-added product, that has been intentionally  
7 flattened, crushed, or baled, to a scrap processor, as defined in RCW  
8 46.79.010, for recycling without first removing the mercury-added  
9 product. A scrap processor may accept a multicomponent product,  
10 knowing it contains a mercury-added product, if the processor takes  
11 responsibility for removing the mercury-added product. This subsection  
12 (3) does not apply to individuals disposing of mercury-added household  
13 products.

14 (4) A person engaging in solid waste handling, including solid  
15 waste storage, collection, transportation, treatment, utilization,  
16 processing, incineration, and final disposal of solid wastes, may not  
17 knowingly collect or accept for disposal solid waste that contains one  
18 or more mercury-added products, unless the waste is collected at a  
19 permitted household hazardous waste collection facility for the purpose  
20 of recycling the household hazardous waste. A solid waste collector or  
21 transporter will not be deemed to have knowingly accepted mercury-added  
22 products if the solid waste collector or transporter has notified  
23 customers in writing at least once a year that it is illegal to dispose  
24 of mercury-added products in solid waste containers, and if no mercury-  
25 added products are clearly visible and easily identifiable in the  
26 container. A solid waste treatment, processing, incineration, or  
27 disposal facility will not be deemed to have knowingly accepted a  
28 mercury-added product for processing or disposal if the facility has  
29 implemented the following:

30 (a) Posted signs at the solid waste management facility providing  
31 notice of the prohibition of the disposal and incineration of mercury-  
32 added products; and

33 (b) Provided written notification to or have contractual agreements  
34 with the solid waste management facility's customers, providing notice  
35 of the prohibition of the disposal and incineration of mercury-added  
36 products.

37 (5) For the purposes of this section a person acts knowingly when:

38 (a) The person is aware of a fact, facts, or circumstances or  
39 result described by a statute defining a prohibited act; or

1 (b) The person has information that would lead a reasonable person  
2 in the same situation to believe that the existing facts are the facts  
3 described by a statute defining a prohibited act.

4 (6) A manufacturer of thermometers or commercial or residential  
5 thermostats that has complied with the requirements of section 3 of  
6 this act is not liable for improper disposal of those products by  
7 purchasers or consumers.

8 (7) Every two years the department must make available to the  
9 public information concerning the amount of mercury diverted from the  
10 solid waste stream that would otherwise be sent to solid waste  
11 management facilities for disposal or incineration.

12 (8) Those persons involved in the recycling, dismantling, or hulk  
13 hauling of motor vehicles are exempt from this section. The department  
14 shall assemble an advisory committee of parties concerned with and  
15 involved in the recycling and waste disposal of motor vehicles to make  
16 recommendations on the reduction and removal of mercury components from  
17 the waste stream caused by the scrapping and dismantling of motor  
18 vehicles. With the help of the advisory committee, the department  
19 shall prepare recommendations to the legislature on how mercury  
20 components may be reduced or eliminated from motor vehicle scrap, how  
21 this will occur, and at what stage of the vehicle's life, as well as  
22 the liable parties. The department's recommendations shall be  
23 presented to the legislature no later than January 1, 2004.

24 NEW SECTION. **Sec. 6.** (1) Except as provided under subsections (2)  
25 through (4) of this section, no person may sell, offer for sale, or  
26 distribute for sale or use in this state a mercury-added product unless  
27 the manufacturer of the product, or its industry trade group, provides  
28 notice to the director in writing of the manufacturer's intent to sell,  
29 offer for sale, or distribute the product. The notification must  
30 include: (a) A description of the product to be offered for sale, use,  
31 or distribution; (b) the amount of and purpose for mercury in each unit  
32 of the product; (c) the total amount of mercury contained in all  
33 products manufactured by the manufacturer; and (d) the name and address  
34 of the manufacturer and of a contact. The manufacturer must update and  
35 revise the information provided in each notification whenever there is  
36 significant change in the information or when requested by the  
37 director. The director may by rule define and adopt specific  
38 requirements for the content and submission of the notification.



1 (2) With the approval of the director, the manufacturer may supply  
2 the notice required under subsection (1) of this section for a product  
3 category rather than an individual product.

4 (3) Any mercury-added product for which federal law governs notice  
5 in a manner that preempts state authority is exempt from the  
6 requirements of this section.

7 (4) Commercial aircraft and aerospace components are exempt from  
8 the requirements of this section.

9 (5) The director must review the information received under  
10 subsection (1) of this section and must ensure that the information is  
11 available for public inspection upon request.

12 NEW SECTION. **Sec. 7.** (1) No person may sell, offer for sale, or  
13 distribute for sale or use in this state a mercury-added novelty. A  
14 manufacturer of mercury-added novelties must notify all retailers that  
15 sell the product about the provisions of this section and how to  
16 properly dispose of any remaining mercury-added novelty inventory.

17 (2)(a) No person may sell, offer for sale, or distribute for sale  
18 or use in this state a thermometer that contains mercury. This  
19 subsection (2) does not apply to:

20 (i) An electronic thermometer with a button cell battery containing  
21 mercury if the battery is in compliance with section 3 of this act;

22 (ii) A thermometer that contains mercury and that is used for food  
23 research and development or food processing, including meat, dairy  
24 products, and pet food processing;

25 (iii) A thermometer that contains mercury and that is a component  
26 of an animal agriculture climate control system or industrial  
27 measurement system until such a time as the system is replaced or a  
28 nonmercury component for the system is available; and

29 (iv) A thermometer that contains mercury that is used for  
30 calibration of other thermometers, apparatus, or equipment, unless a  
31 nonmercury calibration standard is approved for the application by the  
32 national institute of standards and technology.

33 (b) A manufacturer of thermometers that contain mercury must notify  
34 all retailers that sell the product about the provisions of this  
35 section and how to properly dispose of any remaining thermometer  
36 inventory.

37 (3) No person may sell, install, or reinstall a commercial or  
38 residential thermostat that contains mercury. A manufacturer of

1 commercial or residential thermostats that contain mercury must notify  
2 all retailers that sell the product about the provisions of this  
3 section and how to properly dispose of any remaining commercial or  
4 residential thermostat inventory.

5 (4) No person may sell, offer for sale, or distribute for sale or  
6 use in this state a motor vehicle manufactured after January 1, 2006,  
7 if the motor vehicle contains an automotive mercury switch.

8 (5) A health care facility may not purchase mercury manometers.

9 NEW SECTION. **Sec. 8.** No school may purchase for use in a primary  
10 or secondary classroom bulk elemental or chemical mercury or bulk  
11 mercury compounds. Manufacturers that produce and sell bulk elemental  
12 or chemical mercury or mercury compounds must notify retailers and  
13 schools about the provisions of this section and how to dispose of the  
14 remaining inventory properly.

15 NEW SECTION. **Sec. 9.** (1) No later than January 1, 2003, the  
16 department, in consultation with the Washington hospital association  
17 and other interested and affected parties, must develop the following  
18 plans for mercury purchase and use at health care facilities:

19 (a) A mercury elimination plan for thermometers, thermostats,  
20 manometers, and other mercury-added products for which alternatives are  
21 available; and

22 (b) A mercury reduction plan for lab reagents, lights, batteries,  
23 and other mercury-added products for which alternatives are not  
24 available.

25 (2) For the purposes of this section, "health care facility" does  
26 not include a clinic, physician's office, dentist's office,  
27 veterinarian's office, or a clinic, physician's office, or dentist's  
28 office located within a health maintenance organization.

29 NEW SECTION. **Sec. 10.** (1) The department must develop a plan and  
30 proposed budget for a comprehensive public education, outreach, and  
31 assistance program for households, hazardous waste generators,  
32 municipalities, solid waste management districts, small businesses,  
33 health care facilities, scrap metal facilities, dismantlers,  
34 institutions of higher education, schools, and other interested groups.  
35 The plan must: (a) Focus on the hazards of mercury, particularly those  
36 associated with the consumption of mercury-contaminated fresh and

1 saltwater fish, the requirements and obligations of individuals,  
2 manufacturers, and agencies under this chapter, and voluntary efforts  
3 that individuals, institutions, and businesses can undertake to help  
4 further reduce mercury in the environment; (b) include a mechanism for  
5 providing information to retailers, wholesalers, and the public on  
6 which products are mercury-added products and information on possible  
7 nonmercury alternatives; (c) include a description of how manufacturers  
8 of mercury-added products and other affected businesses will be  
9 involved in the development and implementation of a public education  
10 and technical assistance program; (d) describe how the program will  
11 assist the municipalities and solid waste management districts in  
12 developing, designing, and disseminating information for the public  
13 about labeled mercury-added products, the requirements of section 3 of  
14 this act regarding the source separation of waste mercury-added  
15 products, and the collection programs that are available to the public  
16 under section 3 of this act; and (e) describe how the program will be  
17 directed specifically at large public and private institutions that use  
18 and discard substantial numbers of waste mercury-added products, and at  
19 any other large users of those products. The plan and proposed budget  
20 must be submitted to the governor and the legislature by January 1,  
21 2003.

22 (2) The department may develop an awards program to recognize the  
23 accomplishments of manufacturers, municipalities, solid waste  
24 management facilities, solid waste recycling facilities, household  
25 hazardous waste collection facilities, citizens, or entities that go  
26 beyond the minimum requirements established under this chapter and  
27 excel at reducing or eliminating mercury in air emissions, solid waste,  
28 and wastewater discharges.

29 NEW SECTION. **Sec. 11.** (1) The department of general  
30 administration must, by July 1, 2003, revise its rules, policies, and  
31 guidelines to implement the purpose of this chapter.

32 (2) The department of general administration must give priority and  
33 preference to the purchase of equipment, supplies, and other products  
34 that contain no mercury-added compounds or components, unless: (a)  
35 There is no economically feasible nonmercury-added alternative that  
36 performs a similar function; or (b) the product containing mercury is  
37 designed to reduce electricity consumption by at least forty percent  
38 and there is no nonmercury or lower mercury alternative available that

1 saves the same or a greater amount of electricity as the exempted  
2 product. In circumstances where a nonmercury-added product is not  
3 available, preference must be given to the purchase of products that  
4 contain the least amount of mercury added to the product necessary for  
5 the required performance and that are not prohibited from sale or  
6 distribution under section 6 of this act.

7 NEW SECTION. **Sec. 12.** The department must review the  
8 effectiveness of this chapter and provide a report based upon that  
9 review to the governor and the legislature by December 1, 2006. The  
10 report must review the effectiveness of the programs required under  
11 this chapter and recommend ways to improve the programs.

12 NEW SECTION. **Sec. 13.** A violation of this chapter or any rule  
13 adopted under this chapter is punishable by a civil penalty not to  
14 exceed one thousand dollars for each violation in the case of a first  
15 violation. Repeat violators are liable for a civil penalty not to  
16 exceed five thousand dollars for each repeat violation. Penalties  
17 collected under this section must be deposited in the state toxics  
18 control account created under RCW 70.105D.070.

19 NEW SECTION. **Sec. 14.** The department is authorized to participate  
20 in a regional or multistate clearinghouse to assist in carrying out any  
21 of the requirements of this chapter. A clearinghouse may also be used  
22 for coordinating notification and label requirements, developing  
23 education and outreach activities, and maintaining a list of all  
24 mercury-added products, including mercury-added products and novelties  
25 that may be subject to the product ban contained in section 7 of this  
26 act.

27 NEW SECTION. **Sec. 15.** MANAGEMENT OF MERCURY. When designing and  
28 implementing actions to manage mercury in order to reduce and, where  
29 feasible, eliminate risks to human health and the environment within  
30 the state, the department must use the following process:

31 (1) The department must develop an inventory of sources, uses,  
32 stockpiles, and reservoirs of mercury within the state. The  
33 inventories must include all sources of mercury within the state,  
34 including industrial, nonindustrial, and natural sources of mercury.

1 (2) The department must identify all regulatory and nonregulatory  
2 measures available to the department to manage mercury. The department  
3 must also identify federal regulatory and nonregulatory programs for  
4 managing mercury within the state.

5 (3) The department must identify regulatory and nonregulatory  
6 options for managing the potential human health and environmental risks  
7 associated with exposure to mercury.

8 (4) The department must identify economic, environmental, and  
9 social factors associated with management options for mercury, and  
10 quantify the economic, environmental, and social impacts associated  
11 with different mercury management options.

12 (5) The department must assess the possible risks and impacts  
13 associated with different mercury management options. The department  
14 must consider the cost and availability of alternate products and  
15 processes and the risks posed by such alternative products and  
16 processes. The department must also consider the impact different  
17 mercury management options may have on waste generation and disposal  
18 capacity within the state.

19 (6) The department must select and implement risk management  
20 actions to reduce the potential human health and environmental risks  
21 associated with exposures to mercury. In selecting mercury management  
22 options, the department must analyze and consider all available  
23 approaches, including voluntary and educational programs, to manage  
24 mercury. If nonregulatory approaches are insufficient to adequately  
25 manage the risks posed by mercury, the department must use available  
26 rule-making authority to manage mercury and, to the extent necessary,  
27 adopt other necessary rules for managing mercury consistent with state  
28 law.

29 (7) Regulatory approaches for managing mercury must:

- 30 (a) Be based on best available science;
- 31 (b) Be technologically and practically feasible;
- 32 (c) Explore use of innovative technologies;
- 33 (d) Minimize socioeconomic impacts on the state and its citizens;
- 34 (e) Result in measurable benefits to human health or the  
35 environment in the state;
- 36 (f) Use a multimedia approach;
- 37 (g) Coordinate with relevant national and international efforts;
- 38 (h) Be cost-effective;

1 (i) Be effective and efficient for purposes of reducing risks to  
2 human health and the environment; and

3 (j) Reduce overall risks to human health and the environment.

4 (8) The department shall establish a stakeholder process which will  
5 include a technical and an advisory committee that includes, but is not  
6 limited to, representation from local governments, environmental  
7 organizations, agriculture, and business. The department shall involve  
8 the committees in the development and review of the mercury chemical  
9 action plan. The committees shall also be involved in the evaluation  
10 of risk and in the selection of risk management actions to reduce and,  
11 where feasible, eliminate the potential human health and environmental  
12 risks associated with exposures to mercury.

13 NEW SECTION. **Sec. 16.** The department must adopt rules to  
14 implement and enforce this chapter.

15 NEW SECTION. **Sec. 17.** (1) Sections 1, 2, and 9 through 16 of this  
16 act take effect July 1, 2002.

17 (2) Sections 3 through 8 of this act take effect January 1, 2003.

18 NEW SECTION. **Sec. 18.** Sections 1 through 17 of this act  
19 constitute a new chapter in Title 70 RCW.

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