
SUBSTITUTE HOUSE BILL 1002

State of Washington

58th Legislature

2003 Regular Session

By House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Hunt, Berkey, Cooper, Romero, Linville, Chase, Kagi, Wood, Simpson, Morrell, Rockefeller, Ruderman, Fromhold, Dickerson, Conway, Kessler, Cody, Jarrett, Voloria, O'Brien, Campbell, McDermott, Clibborn, Sullivan, Nixon, McIntire, Lantz, Moeller and Hudgins)

READ FIRST TIME 02/13/03.

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

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

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

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

9 (2) "Department" means the department of ecology.

10 (3) "Director" means the director of the department of ecology.

11 (4) "Health care facility" includes a hospital, nursing home,
12 extended care facility, long-term care facility, clinical or medical
13 laboratory, state or private health or mental institution, clinic, or
14 health maintenance organization.

15 (5) "Manufacturer" includes any person, firm, association,
16 partnership, corporation, governmental entity, organization, or joint
17 venture that produces a mercury-added product or an importer or
18 domestic distributor of a mercury-added product produced in a foreign
19 country. In the case of a multicomponent product containing mercury,

1 the manufacturer is the last manufacturer to produce or assemble the
2 product. If the multicomponent product or mercury-added product is
3 produced in a foreign country, the manufacturer is the first importer
4 or domestic distributor.

5 (6) "Mercury-added button-cell battery" means a button-cell battery
6 to which the manufacturer intentionally introduces mercury for the
7 operation of the battery.

8 (7) "Mercury-added novelty" means a mercury-added product intended
9 mainly for personal or household enjoyment or adornment. Mercury-added
10 novelties include, but are not limited to, items intended for use as
11 practical jokes, figurines, adornments, toys, games, cards, ornaments,
12 yard statues and figures, candles, jewelry, holiday decorations, items
13 of apparel, and other similar products. Mercury-added novelty does not
14 include educational games, toys, or products that require a button-cell
15 or lithium battery, liquid crystal display screens, or a lamp that
16 contains mercury.

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

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

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

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

30 NEW SECTION. **Sec. 2.** (1) Effective January 1, 2004, a
31 manufacturer, wholesaler, or retailer may not knowingly sell at retail
32 a fluorescent lamp if the fluorescent lamp contains mercury and was
33 manufactured after November 30, 2003, unless the fluorescent lamp is
34 labeled in accordance with the guidelines listed under subsection (2)
35 of this section. Primary responsibility for affixing labels required
36 under this section is on the manufacturer, and not on the wholesaler or
37 retailer.

1 (2) A lamp is considered labeled pursuant to subsection (1) of this
2 section if the lamp has all of the following:

3 (a) A label affixed to the lamp that displays the internationally
4 recognized symbol for the element mercury; and

5 (b) A label on the lamp's packaging that: (i) Clearly informs the
6 purchaser that mercury is present in the item; (ii) explains that the
7 fluorescent lamp should be disposed of according to applicable federal,
8 state, and local laws; and (iii) provides a toll-free telephone number,
9 and a uniform resource locator internet address to a web site, that
10 contains information on applicable disposal laws.

11 (3) A manufacturer of lamps required to be labeled under subsection
12 (1) of this section shall fund a public education campaign in the state
13 to educate consumers on the meaning of the label, how to properly
14 dispose of the lamp, and about the implications for mercury emissions
15 from using both fluorescent and incandescent lighting products.

16 NEW SECTION. **Sec. 3.** (1) Effective January 1, 2004, no person may
17 sell, offer for sale, or distribute for sale or use in this state a
18 mercury-added novelty. A manufacturer of mercury-added novelties must
19 notify all retailers that sell the product about the provisions of this
20 section and how to properly dispose of any remaining mercury-added
21 novelty inventory.

22 (2)(a) Effective January 1, 2005, no person may sell, offer for
23 sale, or distribute for sale or use in this state a manometer that
24 contains mercury to any health care facility in this state or a
25 thermometer that contains mercury. This subsection (2)(a) does not
26 apply to:

27 (i) An electronic thermometer with a button cell battery containing
28 mercury;

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

32 (iii) A thermometer that contains mercury and that is a component
33 of an animal agriculture climate control system or industrial
34 measurement system or for veterinary medicine until such a time as the
35 system is replaced or a nonmercury component for the system or
36 application is available; or

1 (iv) A thermometer or manometer that contains mercury that is used
2 for calibration of other thermometers, manometers, apparatus, or
3 equipment, unless a nonmercury calibration standard is approved for the
4 application by the
5 national institute of standards and technology.

6 (b) A manufacturer of thermometers that contain mercury must notify
7 all retailers that sell the product about the provisions of this
8 section and how to properly dispose of any remaining thermometer
9 inventory.

10 (3) Effective January 1, 2006, no person may sell, install, or
11 reinstall a commercial or residential thermostat that contains mercury.
12 A manufacturer of commercial or residential thermostats that contain
13 mercury must notify all retailers that sell the product about the
14 provisions of this section and how to properly dispose of any remaining
15 commercial or residential thermostat inventory.

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

19 (5) Nothing in this section restricts the ability of a
20 manufacturer, importer, or domestic distributor from transporting
21 products through the state, or storing products in the state for later
22 distribution outside the state.

23 NEW SECTION. **Sec. 4.** (1) The department of general administration
24 must, by January 1, 2004, revise its rules, policies, and guidelines to
25 implement the purpose of this chapter.

26 (2) The department of general administration must give priority and
27 preference to the purchase of equipment, supplies, and other products
28 that contain no mercury-added compounds or components, unless: (a)
29 There is no economically feasible nonmercury-added alternative that
30 performs a similar function; or (b) the product containing mercury is
31 designed to reduce electricity consumption by at least forty percent
32 and there is no nonmercury or lower mercury alternative available that
33 saves the same or a greater amount of electricity as the exempted
34 product. In circumstances where a nonmercury-added product is not
35 available, preference must be given to the purchase of products that
36 contain the least amount of mercury added to the product necessary for
37 the required performance.

1 NEW SECTION. **Sec. 5.** The department is authorized to participate
2 in a regional or multistate clearinghouse to assist in carrying out any
3 of the requirements of this chapter. A clearinghouse may also be used
4 for examining notification and label requirements, developing education
5 and outreach activities, and maintaining a list of all mercury-added
6 products.

7 NEW SECTION. **Sec. 6.** A violation of this chapter is punishable by
8 a civil penalty not to exceed one thousand dollars for each violation
9 in the case of a first violation. Repeat violators are liable for a
10 civil penalty not to exceed five thousand dollars for each repeat
11 violation. Penalties collected under this section must be deposited in
12 the state toxics control account created in RCW 70.105D.070.

13 NEW SECTION. **Sec. 7.** Nothing in this chapter applies to
14 crematories as that term is defined in RCW 68.04.070.

15 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
16 a new chapter in Title 70 RCW.

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