

1002-S

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

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

HB 1002-S.E - DIGEST

(DIGEST AS ENACTED)

Provides that, effective January 1, 2004, a manufacturer, wholesaler, or retailer may not knowingly sell at retail a fluorescent lamp if the fluorescent lamp contains mercury and was manufactured after November 30, 2003, unless the fluorescent lamp is labeled in accordance with the guidelines listed under this act. Primary responsibility for affixing labels required under this section is on the manufacturer, and not on the wholesaler or retailer.

Directs the department of health to develop an educational plan for schools, local governments, businesses, and the public on the proper disposal methods for mercury and mercury-added products.

Provides that a school may not purchase for use in a primary or secondary classroom bulk elemental mercury or chemical mercury compounds. By January 1, 2006, all primary and secondary schools in the state must remove and properly dispose of all bulk elemental mercury, chemical mercury, and bulk mercury compounds used as teaching aids in science classrooms, not including barometers.

Provides that, effective January 1, 2006, no person may sell, offer for sale, or distribute for sale or use in this state a mercury-added novelty. A manufacturer of mercury-added novelties must notify all retailers that sell the product about the provisions of this section and how to properly dispose of any remaining mercury-added novelty inventory.

Provides that, effective January 1, 2006, no person may sell, offer for sale, or distribute for sale or use in this state a manometer used to measure blood pressure that contains mercury to any health care facility in this state or a thermometer that contains mercury. Designates some exemptions to this prohibition.

Provides that, effective January 1, 2006, no person may sell, install, or reinstall a commercial or residential thermostat that contains mercury unless the manufacturer of the thermostat conducts or participates in a thermostat recovery or recycling program designed to assist contractors in the proper disposal of thermostats that contain mercury in accordance with 42 U.S.C. Sec. 6901, et seq., the federal resource conservation and recovery act.

Declares that no person may sell, offer for sale, or distribute for sale or use in this state a motor vehicle manufactured after January 1, 2006, if the motor vehicle contains an automotive mercury switch.

Directs the department of general administration to, by January 1, 2005, revise its rules, policies, and guidelines to implement the purpose of this act.

Authorizes the department to participate in a regional or multistate clearinghouse to assist in carrying out any of the requirements of this act. A clearinghouse may also be used for examining notification and label requirements, developing education and outreach activities, and maintaining a list of all mercury-added products.

Declares that a violation of this act is punishable by a civil penalty not to exceed one thousand dollars for each violation in the case of a first violation. Repeat violators are liable for a civil penalty not to exceed five thousand dollars for each repeat violation. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

Declares that nothing in this act applies to prescription drugs regulated by the food and drug administration under the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.), to biological products regulated by the food and drug administration under the public health service act (42 U.S.C. Sec. 262 et seq.), or to any substance that may be lawfully sold over-the-counter without a prescription under the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.).

Declares that nothing in section 3, 6 (1), (3), or (4), or 7 of this act applies to medical equipment or reagents used in medical or research tests regulated by the food and drug administration under the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.).

Directs the department of ecology to petition the United States environmental protection agency requesting development of a national mercury repository site.

VETO MESSAGE ON HB 1002-S

May 14, 2003

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Engrossed Substitute House Bill No. 1002 entitled:

"AN ACT Relating to mercury reduction and education;"

This bill provides protection for our environment and for the people of our state from potential contamination by mercury, a chemical so toxic that 1/20th of a teaspoon can contaminate a 20-acre lake to the point where fish cannot be consumed. There is an estimated 1,000 pounds of mercury disposed of in our state every year. This bill will enable us to reduce the public health threat posed by this chemical.

Unfortunately, the intent section of this bill states, without

qualification, that fish caught in our region are safe to eat. In fact, our Department of Health has issued thirteen fish consumption advisories for a variety of species of fish in waters around the state. These advisories demonstrate that contamination of our waters is still a serious issue. We need to address these sources of contamination and prevent them, rather than assert they do not exist. This bill is a dramatic example of how we can step-up to our obligations and prevent mercury from entering our environment, threatening human health and the health of our wildlife.

For this reason, I have vetoed section 1 of Engrossed Substitute House Bill No. 1002.

With the exception of section 1, Engrossed Substitute House Bill No. 1002 is approved.

Respectfully submitted,
Gary Locke
Governor