

E2SSB 6502 - H COMM AMD
By Committee on Appropriations

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** RCW 70.95M.010 and 2003 c 260 s 2 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) (~~"Automotive mercury switch" includes a convenience switch,~~
8 ~~such as a switch for a trunk or hood light, and a mercury switch in~~
9 ~~antilock brake systems~~) "Bulk mercury" includes any elemental,
10 nonamalgamated mercury, regardless of volume quantity or weight.

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

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

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

17 (5) "Manufacturer" includes any person, firm, association,
18 partnership, corporation, governmental entity, organization, or joint
19 venture that produces a mercury-added product or an importer or
20 domestic distributor of a mercury-added product produced in a foreign
21 country. In the case of a multicomponent product containing mercury,
22 the manufacturer is the last manufacturer to produce or assemble the
23 product. If the multicomponent product or mercury-added product is
24 produced in a foreign country, the manufacturer is the first importer
25 or domestic distributor.

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

29 (7) "Mercury-added general purpose lights" means mercury-added

1 lamps, bulbs, tubes, or other devices that provide functional
2 illumination in homes, offices, and outdoors.

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

12 ~~((+8))~~ (9) "Mercury-added product" means a product, commodity, or
13 chemical, or a product with a component that contains mercury or a
14 mercury compound intentionally added to the product, commodity, or
15 chemical in order to provide a specific characteristic, appearance, or
16 quality, or to perform a specific function, or for any other reason.
17 Mercury-added products include those products listed in the interstate
18 mercury education and reduction clearinghouse (IMERC) mercury-added
19 products database, but are not limited to, mercury thermometers,
20 mercury thermostats, mercury barometers, lamps, and mercury switches
21 ~~((in motor vehicles))~~ or relays.

22 ~~((+9))~~ (10) "Mercury manometer" means a mercury-added product that
23 is used for measuring blood pressure.

24 ~~((+10))~~ (11) "Mercury thermometer" means a mercury-added product
25 that is used for measuring temperature.

26 ~~((+11))~~ (12) "Retailer" means a retailer of a mercury-added
27 product.

28 (13) "Switch" means any device, which may be referred to as a
29 switch, sensor, valve, probe, control, transponder, or any other
30 apparatus, that directly regulates or controls the flow of electricity,
31 gas, or other compounds, such as relays or transponders. The term
32 "switch" includes all components of the unit necessary to perform its
33 flow control function. "Automotive mercury switch" includes a
34 convenience switch, such as a switch for a trunk or hood light, and a
35 mercury switch in antilock brake systems. "Utility switch" includes,
36 but is not limited to, all devices that open or close an electrical
37 circuit, or a liquid or gas valve. "Utility relay" includes, but is

1 not limited to, all products or devices that open or close electrical
2 contacts to control the operation of other devices in the same or other
3 electrical circuit.

4 (14) "Wholesaler" means a wholesaler of a mercury-added product.

5 **Sec. 2.** RCW 70.95M.020 and 2003 c 260 s 3 are each amended to read
6 as follows:

7 (1) Effective January 1, 2004, a manufacturer, wholesaler, or
8 retailer may not knowingly sell (~~at retail~~) a fluorescent lamp if the
9 fluorescent lamp contains mercury and was manufactured after November
10 30, 2003, unless the fluorescent lamp is labeled in accordance with the
11 guidelines listed under subsection (2) of this section. Primary
12 responsibility for affixing labels required under this section is on
13 the manufacturer, and not on the wholesaler or retailer.

14 (2) Except as provided in subsection (3) of this section, a lamp is
15 considered labeled pursuant to subsection (1) of this section if the
16 lamp has all of the following:

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

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

25 (3) The manufacturer of a mercury-added lamp is in compliance with
26 the requirements of this section if the manufacturer is in compliance
27 with the labeling requirements of another state.

28 (~~The provisions of this section do not apply to products~~
29 ~~containing mercury added lamps.)) (a) Effective July 1, 2010, all
30 state-funded public agency facilities including, but not limited to,
31 learning institutions must recycle their end-of-life mercury-added
32 general purpose lights. An exception process may be established by the
33 department to accommodate small local governments and educational
34 institutions serving populations less than five thousand people.~~

35 (b) Effective January 1, 2011, all commercial, industrial, and
36 retail facilities and office buildings must recycle their end-of-life
37 mercury-added general purpose lights.

1 **Sec. 3.** RCW 70.95M.050 and 2003 c 260 s 6 are each amended to read
2 as follows:

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

8 (2)(a) Effective January 1, 2006, no person may sell, offer for
9 sale, or distribute for sale or use in this state a manometer used to
10 measure blood pressure or a thermometer that contains mercury. This
11 subsection (2)(a) does not apply to:

12 (i) An electronic thermometer with a button-cell battery containing
13 mercury;

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

17 (iii) A thermometer that contains mercury and that is a component
18 of an animal agriculture climate control system or industrial
19 measurement system or for veterinary medicine until such a time as the
20 system is replaced or a nonmercury component for the system or
21 application is available;

22 (iv) A thermometer or manometer that contains mercury that is used
23 for calibration of other thermometers, manometers, apparatus, or
24 equipment, unless a nonmercury calibration standard is approved for the
25 application by the national institute of standards and technology;

26 (v) A thermometer that is provided by prescription. A manufacturer
27 of a mercury thermometer shall supply clear instructions on the careful
28 handling of the thermometer to avoid breakage and proper cleanup should
29 a breakage occur; or

30 (vi) A manometer or thermometer sold or distributed to a hospital,
31 or a health care facility controlled by a hospital, if the hospital has
32 adopted a plan for mercury reduction consistent with the goals of the
33 mercury chemical action plan developed by the department under section
34 302, chapter 371, Laws of 2002.

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

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

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

11 (5) Nothing in this section restricts the ability of a
12 manufacturer, importer, or domestic distributor from transporting
13 products through the state, or storing products in the state for later
14 distribution outside the state.

15 (6) Effective June 30, 2009, the sale or purchase and delivery of
16 bulk mercury is prohibited, including sales through the internet or
17 sales by private parties. However, the prohibition in this subsection
18 does not apply to immediate dangerous waste recycling facilities or
19 treatment, storage, and disposal facilities as approved by the
20 department and sales to research facilities, or industrial facilities
21 that provide products or services to entities exempted from this
22 chapter. The facilities described in this subsection must submit an
23 inventory of their purchase and use of bulk mercury to the department
24 on an annual basis, as well as any mercury waste generated from such
25 actions.

26 **Sec. 4.** RCW 70.95M.080 and 2003 c 260 s 9 are each amended to read
27 as follows:

28 (1) The department shall, to the extent practicable, make every
29 effort to educate all persons regarding the requirements of this
30 chapter, in preparation for its full implementation. A violation of
31 this chapter is punishable by a civil penalty not to exceed one
32 thousand dollars for each violation in the case of a first violation.
33 Repeat violators are liable for a civil penalty not to exceed five
34 thousand dollars for each repeat violation. Penalties collected under
35 this section must be deposited in the state toxics control account
36 created in RCW 70.105D.070.

37 (2) Households are exempt from penalties under this chapter.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.95M RCW
2 to read as follows:

3 (1) The department shall participate in national and global mercury
4 forums to advocate reduction of global emissions and permanent
5 isolation of elemental mercury.

6 (2) By July 1, 2009, the department, in consultation with the
7 United States environmental protection agency, shall study the
8 feasibility of the development of a national repository for mercury.
9 The department shall develop recommendations and provide its findings
10 to the appropriate committees of the legislature by December 1, 2009.

11 NEW SECTION. **Sec. 6.** (1) The department of ecology, in
12 consultation with the solid waste advisory committee created under RCW
13 70.95.040, shall conduct research and develop recommendations for the
14 implementation and financing of a convenient and effective
15 mercury-added general purpose light recycling program for residents,
16 small businesses, small government agencies, charities, and schools
17 throughout the state. The department of ecology and the solid waste
18 advisory committee shall consult with stakeholders including persons
19 who represent retailers of mercury-added general purpose lights, waste
20 haulers, mercury-added general purpose light recyclers, mercury-added
21 general purpose light manufacturers, cities, counties, environmental
22 organizations, public interest organizations, and other interested
23 parties that have a role or interest in the recycling of mercury-added
24 general purpose lights.

25 (2) The department of ecology shall assess ways for a convenient
26 and effective statewide recycling program for mercury-added general
27 purpose lights to be established and financed. Factors to be
28 considered include:

29 (a) Urban versus rural recycling challenges and issues;

30 (b) The involvement of mercury-added general purpose light
31 manufacturers;

32 (c) Different methods of financing the recycling programs for
33 mercury-added general purpose lights;

34 (d) Methods to encourage the return of mercury-added general
35 purpose lights for recycling;

36 (e) The impact of the approach on local governments, nonprofit
37 organizations, waste haulers, and other stakeholders;

1 (f) Information obtained from existing mercury-added general
2 purpose light recycling programs, particularly those programs that
3 exist in counties that prohibit the disposal of mercury-added general
4 purpose lights in solid waste facilities, and information obtained from
5 existing infrastructure for recycling of mercury-added general purpose
6 lights; and

7 (g) Environmentally sound options for managing the mercury.

8 (3)(a) The department of ecology shall consider alternatives that
9 utilize the infrastructure and system established in chapter 81.77 RCW
10 when developing collection systems for general purpose mercury-added
11 lights.

12 (b) Nothing in this act changes or limits the authority of the
13 Washington utilities and transportation commission to regulate
14 collection of solid waste in the state of Washington, including
15 curbside collection or residential recyclable materials, nor does this
16 act change or limit the authority of a city or town to provide such
17 service itself or by contract under RCW 81.77.020.

18 (4) The department of ecology shall also develop a description of
19 what could be accomplished voluntarily and what would require the
20 adoption of rules or legislation if needed to implement the recommended
21 statewide recycling program for mercury-added general purpose lights.

22 (5) The department of ecology shall report its findings and
23 recommendations for implementing and financing a recycling program for
24 mercury-added general purpose lights to the appropriate committees of
25 the legislature by December 1, 2008.

26 (6) This section expires September 1, 2009.

27 NEW SECTION. **Sec. 7.** RCW 70.95M.090 (Crematories--
28 Nonapplicability of chapter) and 2003 c 260 s 10 are each repealed.

29 NEW SECTION. **Sec. 8.** If specific funding for the purposes of this
30 act, referencing this act by bill or chapter number, is not provided by
31 June 30, 2008, in the omnibus appropriations act, this act is null and
32 void."

33 Correct the title.

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