

HOUSE BILL REPORT

E2SSB 6502

As Reported by House Committee On:
Environmental Health, Select
Appropriations

Title: An act relating to mercury reduction.

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

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Oemig, Rasmussen and Kline).

Brief History:

Committee Activity:

Select Committee on Environmental Health: 2/26/08, 2/28/08 [DP];
Appropriations: 3/1/08 [DPA].

**Brief Summary of Engrossed Second Substitute Bill
(As Amended by House Committee)**

- Requires the recycling of end-of-life mercury-added general purpose lamps by January 1, 2010, for all state-funded public agency facilities and by January 1, 2011, for all commercial, industrial, and retail facilities and office buildings.
- Prohibits the sale or purchase of bulk mercury, beginning June 30, 2009.
- Requires the Department of Ecology (DOE) to study feasibility of national repository, and to participate in mercury forums to advocate reduction of global emissions and permanent isolation of mercury.
- Requires the DOE to report findings and recommendations for implementing and financing a recycling program for fluorescent lamps to the Legislature by December 1, 2008.

HOUSE SELECT COMMITTEE ON ENVIRONMENTAL HEALTH

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass. Signed by 6 members: Representatives Campbell, Chair; Hudgins, Vice Chair; Chase, Hunt, Morrell and Wood.

Minority Report: Do not pass. Signed by 2 members: Representatives Sump, Ranking Minority Member; Newhouse.

Staff: Ashley Pedersen (786-7303).

Background:

Mercury enters the environment through mining, petroleum combustion, coal powered plants, municipal sewage plants, land-filling and incinerating certain consumer products. Mercury is deposited on land, air, and water, and eventually finds its way into the food chain and humans.

Mercury is a persistent, bioaccumulative toxin that can damage the central nervous system and cardiovascular system in humans. Fetuses, infants, and children exposed to mercury may have troubles with cognitive thinking, memory, attention, language, and fine motor and visual spatial skills. Adults who have been exposed to mercury may experience such symptoms as: tremors, mood swings, insomnia, muscle weakness, headaches, and decreased performance on tests of cognitive function.

In 2003 the Legislature passed the Mercury Education and Reduction Act. This legislation included:

- prohibiting the sale of fluorescent lights containing mercury unless the manufacturers provided labels stating the lights contain mercury and proper disposal methods. In addition, the legislation prohibited the sale and distribution of novelty items, manometers, thermometers, or thermostats with mercury added, and motor vehicles manufactured after 2006 containing an automotive mercury switch;
- requiring schools to remove and properly dispose of all bulk elemental mercury, chemical mercury, and bulk mercury compounds used as teaching aids in science class rooms;
- requiring the Department of General Administration to give preference and priority to the purchase of equipment and products that do not contain mercury unless there are no feasible alternatives; and
- prohibiting the vaccination with a mercury containing vaccine of a person who is pregnant or anyone under the age of three.

The Department of Ecology's (DOE) Mercury Chemical Action Plan conclusions include that a significant amount of mercury released into the state's environment is from disposal of common consumer products such as fluorescent light tubes, thermometers, and thermostats and that many Washington residents are not aware of products that contain mercury, and are likely to improperly dispose of mercury containing products.

Summary of Bill:

State agency facilities, including learning institutions, must recycle their mercury-added general purpose lights by January 1, 2010. By January 1, 2011, all commercial, industrial and retail facilities, and office buildings must recycle their mercury-added general purpose lights. The sale of bulk mercury is prohibited as of June 30, 2009. The prohibition does not apply to immediate dangerous waste facilities or disposal facilities approved by the DOE.

The DOE must educate all persons regarding the requirements of the chapter and must research and develop recommendations for implementation and financing of a convenient and effective mercury-added general purpose light recycling program. In developing these recommendations, the DOE must consult with the solid waste advisory committee and stakeholders, including representatives from: residents, small businesses, local governments, and environmental organizations.

The DOE must participate in national and global mercury forums to advocate reduction of global emissions and permanent isolation of elemental mercury. By July 1, 2009, the DOE, in consultation with the U.S. Environmental Protection Agency, must study the feasibility of the development of a national repository for mercury. The DOE must provide recommendations to the Legislature by December 1, 2009.

The DOE must provide recommendations for implementing and financing a recycling program for mercury-added general purpose lights to the Legislature by December 1, 2008.

A violation of this chapter is punishable by a civil penalty not to exceed \$1,000 for each violation in the case of a first violation. Repeat violators are liable for a civil penalty not to exceed \$5,000. Penalties collected will be deposited in the State Toxics Control Account.

The exemption for crematories is repealed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) Mercury is a potent neurotoxin and an environmental contaminant. This bill is timely because of the increased use of fluorescent lamps during the ongoing energy crisis. However, people may be hesitant to use the energy efficient bulb because of its mercury content. One of the concerns with disposal of mercury lamps is breakage in garbage cans or solid waste garbage trucks. This poses a risk to families and to solid waste workers.

This bill will establish a widespread, convenient mercury light recycling program. The portion of the bill that requires the DOE to consult with stakeholders to develop recycling program recommendations is very important. The stakeholder process requires consideration of financing the program, including financing for schools. Further, the schools' fiscal note may

be inaccurate because it calculates the cost of recycling mercury-added lamps at 12 cents per foot and the current state contract is 6 cents per foot. The schools' calculation also provides for recycling of four million lamps per year. As there are only about 16 million fluorescent lamps used and generated in Washington each year, it is unlikely that schools make up 25 percent of the 16 million total amount.

Finally, this bill requires that the DOE study the issue of establishing a national repository for mercury. This is important because recyclers will need a place to send the mercury extracted during the recycling process. The legislation is also well-crafted in that it does not jeopardize the auto-switch program.

(Neutral) This bill is timely and it provides a pathway forward to deal with the biggest unregulated mercury waste stream - florescent lights. Previous concerns about whether this bill would undo prior mercury legislation are now resolved. The legislation does not jeopardize the auto-switch program. Another important aspect of the bill is that it requires the DOE to consult with stakeholders to generate recommendations regarding financing the recycling program.

(Opposed) None.

Persons Testifying: (In support) Senator Oemig, prime sponsor; Craig Lorch, Total Reclaim; Suellen Mele, Washington Citizens for Resource Conservation; and Gary Smith, Independent Business Association.

(Neutral) Darin Rice, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended. Signed by 23 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Cody, Conway, Darneille, Ericks, Fromhold, Grant, Green, Haigh, Hunt, Hunter, Kagi, Kenney, Kessler, Linville, McIntire, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist and Sullivan.

Minority Report: Do not pass. Signed by 11 members: Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Chandler, Hinkle, Kretz, McDonald, Ross, Schmick and Walsh.

Staff: Alicia Dunkin (786-7178).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Select Committee on Environmental Health:

A null and void clause was added, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.