

2SHB 1469 - H AMD 262

By Representative Campbell

NOT CONSIDERED 4/26/2009

1 On page 16, after line 2, insert the following:

2 "Sec. 22. RCW 70.95M.010 and 2003 c 260 s 2 are each amended to
3 read as follows:

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

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

9 (2) "Bulk mercury" includes any elemental, nonamalgamated mercury,
10 regardless of volume quantity or weight.

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

12 ~~((+3))~~(4) "Director" means the director of the department of
13 ecology.

14 ~~((+4))~~(5) "Health care facility" includes a hospital, nursing
15 home, extended care facility, long-term care facility, clinical or
16 medical laboratory, state or private health or mental institution,
17 clinic, physician's office, or health maintenance organization.

18 ~~((+5))~~(6) "Manufacturer" includes any person, firm, association,
19 partnership, corporation, governmental entity, organization, or joint
20 venture that produces a mercury-added product or an importer or
21 domestic distributor of a mercury-added product produced in a foreign
22 country. In the case of a multicomponent product containing mercury,
23 the manufacturer is the last manufacturer to produce or assemble the
24 product. If the multicomponent product or mercury-added product is
25 produced in a foreign country, the manufacturer is the first importer
26 or domestic distributor.

27

1 ~~((+6))~~(7) "Mercury-added button-cell battery" means a button-cell
2 battery to which the manufacturer intentionally introduces mercury for
3 the operation of the battery.

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

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

21 ~~((+9))~~(10) "Mercury manometer" means a mercury-added product that
22 is used for measuring blood pressure.

23 ~~((+10))~~(11) "Mercury thermometer" means a mercury-added product
24 that is used for measuring temperature.

25 ~~((+11))~~(12) "Retailer" means a retailer of a mercury-added
26 product.

27

28 **Sec. 23.** RCW 70.95M.050 and 2003 c 260 s 6 are each amended to
29 read as follows:

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

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

5 (i) An electronic thermometer with a button-cell battery
6 containing mercury;

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

10 (iii) A thermometer that contains mercury and that is a component
11 of an animal agriculture climate control system or industrial
12 measurement system or for veterinary medicine until such a time as the
13 system is replaced or a nonmercury component for the system or
14 application is available;

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

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

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

28 (b) A manufacturer of thermometers that contain mercury must
29 notify all retailers that sell the product about the provisions of
30 this section and how to properly dispose of any remaining thermometer
31 inventory.

32 (3) Effective January 1, 2006, no person may sell, install, or
33 reinstall a commercial or residential thermostat that contains mercury
34 unless the manufacturer of the thermostat conducts or participates in

1 a thermostat recovery or recycling program designed to assist
2 contractors in the proper disposal of thermostats that contain mercury
3 in accordance with 42 U.S.C. Sec. 6901, et seq., the federal resource
4 conservation and recovery act.

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

12 (6) Effective June 30, 2011, the sale or purchase and delivery of
13 bulk mercury is prohibited, including sales through the internet or
14 sales by private parties. However, the prohibition in this subsection
15 does not apply to immediate dangerous waste recycling facilities or
16 treatment, storage, and disposal facilities as approved by the
17 department and sales to research facilities, or industrial facilities
18 that provide products or services to entities exempted from this
19 chapter. The facilities described in this subsection must submit an
20 inventory of their purchase and use of bulk mercury to the department
21 on an annual basis, as well as any mercury waste generated from such
22 actions."

23
24 Renumber the sections consecutively and correct any internal
25 references accordingly. Correct the title.

26

EFFECT: Prohibits the sale or purchase of bulk mercury beginning
June 30, 2011, and exempts certain dangerous waste recycling
facilities and industrial facilities that provide services to the
exempt facilities. Requires exempt facilities to provide an
inventory of the purchase and use of bulk mercury to the
Department of Ecology.

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