

2SHB 1469 - H AMD 378

By Representative Rolfes

NOT CONSIDERED 04/26/2009

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

3 "NEW SECTION. **Sec. 1.** (1) The department of ecology shall develop
4 recommendations, including legislation, for a convenient and effective
5 mercury-containing light recycling program for residents, small
6 businesses, and small school districts throughout the state that is
7 funded and operated by producers of mercury-containing lights.

8 (2) The department of ecology shall involve and consult with
9 stakeholders including persons who represent retailers of mercury-
10 containing lights, waste haulers, mercury-containing light recyclers,
11 mercury-containing light manufacturers, cities, counties, environmental
12 organizations, public interest organizations, and other interested
13 parties that have a role or interest in the recycling of mercury-
14 containing lights.

15 (3) The department must consider the following factors in
16 developing recommendations:

- 17 (a) Urban versus rural recycling challenges and issues;
18 (b) Involvement of mercury-containing light manufacturers;
19 (c) Methods to encourage the return of mercury-containing lights
20 for recycling;
21 (d) The impact of the approach on local governments, nonprofit
22 organizations, waste haulers, and other stakeholders;
23 (e) Environmentally sound options for managing the mercury; and
24 (f) Alternatives that consider the curbside collection
25 infrastructure and system established in chapter 81.77 RCW when
26 developing collection systems for mercury-containing lights.

27 (4) The department of ecology must include the following elements
28 in a mercury-containing light recycling program:

- 29 (a) A method to establish recovery goals;

1 (b) A convenient collection system for residents, small businesses,
2 and small school districts;

3 (c) A processing and disposal system;

4 (d) Education and outreach activities, including consumer education
5 programs;

6 (e) Monitoring and reporting activities;

7 (f) Enforcement responsibilities and penalty assessments;

8 (g) A requirement that all producers of mercury-containing lights
9 must participate in a program to recycle mercury-containing lights.
10 Any producer not participating in a recycling program may not sell its
11 product in the state; and

12 (h) A requirement that a mercury-containing light recycling program
13 for residents, small businesses, or small school districts not charge
14 a fee when the lights are collected or delivered into the program.

15 (5) For the purposes of this section, the following definitions
16 apply:

17 (a) "Mercury-containing lights" means lamps, bulbs, tubes, or other
18 devices that contain mercury and provide functional illumination in
19 homes, businesses, and in outdoor stationary fixtures.

20 (b) "Producer" means a person that:

21 (i) Has, on or after January 1, 2008, legal ownership of the brand,
22 brand name, or cobrand of mercury-containing lights sold in or into
23 Washington state;

24 (ii) Imports, on or after January 1, 2008, mercury-containing
25 lights branded by a producer that meets the requirements of (b)(i) of
26 this subsection and where that producer has no physical presence in the
27 United States;

28 (iii) If (b)(i) and (ii) of this subsection do not apply, makes or
29 made an unbranded mercury-containing light that is sold or has been
30 sold in or into Washington state; or

31 (iv)(A) Sells, on or after January 1, 2008, at wholesale or retail
32 mercury-containing lights; (B) does not have legal ownership of the
33 brand; and (C) elects to fulfill the responsibilities of the producer
34 for that product.

35 (6) The department of ecology shall report its findings and
36 recommendations for a recycling program for mercury-containing lights
37 to the appropriate committees of the legislature by December 1, 2009.

38 (7) This section expires September 1, 2010.

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

3 Effective January 1, 2012, all government, commercial, industrial,
4 and retail facilities and office buildings, including public schools
5 serving K-12, must recycle their end-of-life mercury-containing lights.
6 The department must exempt public schools serving K-12 that are not
7 large quantity generators from this requirement until a program is
8 established that provides free recycling for mercury-containing lights.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.95M RCW
10 to read as follows:

11 (1) All mercury-containing lights collected for recycling must be
12 recycled. Mercury and mercury-bearing residuals from recycling of
13 mercury-containing lights must be retorted at a facility that has the
14 required permits and licenses.

15 (2) Mercury recovered from retorting must be recycled or placed in
16 a properly permitted hazardous waste landfill."

17 Correct the title.

EFFECT: Strikes all provisions of the underlying bill and adds provisions that do the following:

Directs the department of ecology (DOE) to develop recommendations, including legislation, for a convenient and effective mercury-containing light recycling program for residents, small businesses, and small school districts that is funded and operated by producers of mercury-containing lights and report its recommendations to the legislature by December 1, 2009.

Requires that government, commercial, industrial, and retail facilities and office buildings, including public schools serving K-12, to recycle mercury-containing lights. DOE must provide an exception for schools that are not large quantity hazardous waste generators until a free recycling program is available to them.

Requires that all mercury-containing lights that are collected for recycling must be recycled. Mercury recovered from the recycling process must be recycled or placed in a hazardous waste landfill.

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