
SECOND SUBSTITUTE SENATE BILL 6502

State of Washington 60th Legislature 2008 Regular Session

By Senate Ways & Means (originally sponsored by Senators Oemig, Rasmussen, and Kline)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to mercury reduction; amending RCW 70.95M.010,
2 70.95M.020, 70.95M.050, and 70.95M.080; adding a new section to chapter
3 70.95M RCW; creating a new section; repealing RCW 70.95M.090; and
4 providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

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

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

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

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

1 (5) "Manufacturer" includes any person, firm, association,
2 partnership, corporation, governmental entity, organization, or joint
3 venture that produces a mercury-added product or an importer or
4 domestic distributor of a mercury-added product produced in a foreign
5 country. In the case of a multicomponent product containing mercury,
6 the manufacturer is the last manufacturer to produce or assemble the
7 product. If the multicomponent product or mercury-added product is
8 produced in a foreign country, the manufacturer is the first importer
9 or domestic distributor.

10 (6) "Mercury-added button-cell battery" means a button-cell battery
11 to which the manufacturer intentionally introduces mercury for the
12 operation of the battery.

13 (7) "Mercury-added general purpose lights" means mercury-added
14 lamps, bulbs, tubes, or other devices that provide functional
15 illumination in homes, offices, and outdoors.

16 (8) "Mercury-added novelty" means a mercury-added product intended
17 mainly for personal or household enjoyment or adornment. Mercury-added
18 novelties include, but are not limited to, items intended for use as
19 practical jokes, figurines, adornments, toys, games, cards, ornaments,
20 yard statues and figures, candles, jewelry, holiday decorations, items
21 of apparel, and other similar products. Mercury-added novelty does not
22 include games, toys, or products that require a button-cell or lithium
23 battery, liquid crystal display screens, or a lamp that contains
24 mercury.

25 ~~((+8))~~ (9) "Mercury-added product" means a product, commodity, or
26 chemical, or a product with a component that contains mercury or a
27 mercury compound intentionally added to the product, commodity, or
28 chemical in order to provide a specific characteristic, appearance, or
29 quality, or to perform a specific function, or for any other reason.
30 Mercury-added products include those products listed in the interstate
31 mercury education and reduction clearinghouse (IMERC) mercury-added
32 products database, but are not limited to, mercury thermometers,
33 mercury thermostats, mercury barometers, lamps, and mercury switches
34 ~~((in motor vehicles))~~ or relays.

35 ~~((+9))~~ (10) "Mercury manometer" means a mercury-added product that
36 is used for measuring blood pressure.

37 ~~((+10))~~ (11) "Mercury thermometer" means a mercury-added product
38 that is used for measuring temperature.

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

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

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

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

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

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

25 (i) An electronic thermometer with a button-cell battery containing
26 mercury;

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

30 (iii) A thermometer that contains mercury and that is a component
31 of an animal agriculture climate control system or industrial
32 measurement system or for veterinary medicine until such a time as the
33 system is replaced or a nonmercury component for the system or
34 application is available;

35 (iv) A thermometer or manometer that contains mercury that is used
36 for calibration of other thermometers, manometers, apparatus, or

1 equipment, unless a nonmercury calibration standard is approved for the
2 application by the national institute of standards and technology;

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

7 (vi) A manometer or thermometer sold or distributed to a hospital,
8 or a health care facility controlled by a hospital, if the hospital has
9 adopted a plan for mercury reduction consistent with the goals of the
10 mercury chemical action plan developed by the department under section
11 302, chapter 371, Laws of 2002.

12 (b) A manufacturer of thermometers that contain mercury must notify
13 all retailers that sell the product about the provisions of this
14 section and how to properly dispose of any remaining thermometer
15 inventory.

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

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

26 (5) Nothing in this section restricts the ability of a
27 manufacturer, importer, or domestic distributor from transporting
28 products through the state, or storing products in the state for later
29 distribution outside the state.

30 (6) Effective June 30, 2009, the sale or purchase and delivery of
31 bulk mercury is prohibited, including sales through the internet or
32 sales by private parties. However, the prohibition in this subsection
33 does not apply to immediate dangerous waste recycling facilities or
34 treatment, storage, and disposal facilities as approved by the
35 department and sales to research facilities, or industrial facilities
36 that provide products or services to entities exempted from this
37 chapter. The facilities described in this subsection must submit an

1 inventory of their purchase and use of bulk mercury to the department
2 on an annual basis, as well as any mercury waste generated from such
3 actions.

4 (7) Effective January 1, 2009, the manufacture, sale, or
5 distribution of any mercury-added product is prohibited, except for:
6 (a) Mercury-added lamps as provided in RCW 70.95M.020; (b) thermometers
7 and manometers as provided in subsection (2) of this section; (c)
8 dental amalgams; and (d) automotive switches manufactured for use in
9 pre-2006 model year vehicles.

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

12 (1) The department shall, to the extent practicable, make every
13 effort to educate all persons regarding the requirements of this
14 chapter, in preparation for its full implementation. A violation of
15 this chapter is punishable by a civil penalty not to exceed one
16 thousand dollars for each violation in the case of a first violation.
17 Repeat violators are liable for a civil penalty not to exceed five
18 thousand dollars for each repeat violation. Penalties collected under
19 this section must be deposited in the state toxics control account
20 created in RCW 70.105D.070.

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

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

24 (1) The department shall participate in national and global mercury
25 forums to advocate reduction of global emissions and permanent
26 isolation of elemental mercury.

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

32 NEW SECTION. **Sec. 6.** (1) The department of ecology, in
33 consultation with the solid waste advisory committee created under RCW
34 70.95.040, shall conduct research and develop recommendations for the
35 implementation and financing of a convenient and effective

1 mercury-added general purpose light recycling program for residents,
2 small businesses, small government agencies, charities, and schools
3 throughout the state. The department of ecology and the solid waste
4 advisory committee shall consult with stakeholders including persons
5 who represent retailers of mercury-added general purpose lights, waste
6 haulers, mercury-added general purpose light recyclers, mercury-added
7 general purpose light manufacturers, cities, counties, environmental
8 organizations, public interest organizations, and other interested
9 parties that have a role or interest in the recycling of mercury-added
10 general purpose lights.

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

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

16 (b) The involvement of mercury-added general purpose light
17 manufacturers;

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

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

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

24 (f) Information obtained from existing mercury-added general
25 purpose light recycling programs, particularly those programs that
26 exist in counties that prohibit the disposal of mercury-added general
27 purpose lights in solid waste facilities, and information obtained from
28 existing infrastructure for recycling of mercury-added general purpose
29 lights; and

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

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

35 (b) Nothing in this act changes or limits the authority of the
36 Washington utilities and transportation commission to regulate
37 collection of solid waste in the state of Washington, including

1 curbside collection or residential recyclable materials, nor does this
2 act change or limit the authority of a city or town to provide such
3 service itself or by contract under RCW 81.77.020.

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

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

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

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

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