

**WAC 173-910-610 Participation requirements.** (1) Retailers, wholesalers, distributors, electric utilities, or other persons that give away, offer for sale, or sell, including internet sales, mercury-containing lights in or into the state for sale at retail must comply with the requirements of this section.

(2) Beginning January 1, 2013, mercury-containing lights offered for sale or distributed in or into the state for sale at retail must be obtained from producers participating in a product stewardship plan approved by the department.

(a) The department will maintain a list of compliant producers on its web site.

(b) Retailers, wholesalers, distributors, or electric utilities are required to regularly check this list of compliant producers to ensure sales and distribution of compliant product.

(3) Retailers, wholesalers, distributors, or electric utilities must only sell or offer for sale or distribute mercury-containing lights from compliant producers. Existing stock of mercury-containing lights in possession on January 1, 2013, may be sold or distributed even if the producer of the mercury-containing light is not in compliance.

(4) No sooner than January 1, 2015:

(a) The mercury-containing light environmental handling charge must be added to the purchase price of all mercury-containing lights sold to Washington state retailers for sale at retail, and each Washington state retailer must add the charge to the purchase price of all mercury-containing lights sold at retail in this state, and the producer must remit the environmental handling charge to the stewardship organization in the manner provided for in the stewardship plan; or

(b) Each Washington state retailer must add the mercury-containing light environmental handling charge to the purchase price of all mercury-containing lights sold at retail in this state, where the retailer, by voluntary binding agreement with the producer, arranges to remit the environmental handling charge to the stewardship organization on behalf of the producer in the manner provided for in the stewardship plan. Producers may not require retailers to opt for this provision via contract, marketing practice, or any other means. The stewardship organization must allow retailers to retain a portion of the environmental handling charge as reimbursement for any costs associated with the collection and remittance of this charge.

(5) After January 1, 2013, the department may inspect mercury-containing lights inventory offered for sale or distributed in or into Washington state to determine if the requirements in this chapter are met.

(6) Education and outreach: Retailers, wholesalers, distributors, or electric utilities that sell, offer for sale at retail or distribute mercury-containing lights at retail must work with stewardship organizations to:

(a) Ensure distribution of mercury-containing lights in or into Washington state is from producers participating in the product stewardship program; and

(b) Provide information to consumers and customers describing where and how to return mercury-containing lights to the product stewardship program and opportunities and locations for the convenient collection or return of the products at the point of sale. This outreach may include:

(i) Use of artwork in advertisements such as on flyers, shelf-tags, or brochures for this program.

(ii) The stewardship organization's toll-free telephone number and web site.

(iii) Information about how to return mercury-containing lights to the product stewardship program in Washington state either in, on, or with the packaging.

(c) Provide information in a visible location on their web site.

[Statutory Authority: RCW 70.275.040, 70.275.110, 70.275.140. WSR 16-17-146 (Order 15-04), § 173-910-610, filed 8/24/16, effective 9/24/16. Statutory Authority: Chapter 70.275 RCW. WSR 12-23-049 (Order 11-09), § 173-910-610, filed 11/16/12, effective 12/17/12.]