SENATE DOCKET, NO. 1584 FILED ON: 1/21/2011

SENATE . . . . . No. 360

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. McGee

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to producer responsibility for mercury-added lamps..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas M. McGee	*Third Essex and Middlesex*
Ellen Story	*3rd Hampshire*
Sal N. DiDomenico	*Middlesex, Suffolk, and Essex*

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SENATE . . . . . No. 360

By Mr. McGee, a petition (accompanied by bill, Senate, No. 360) of Thomas M. McGee, Ellen Story and Sal N. DiDomenico for legislation to implement a recycling program for mercury-added lamps. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *726* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to producer responsibility for mercury-added lamps..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 6J of Chapter 21H of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking subsections (d), (e), and (f) and inserting in their place thereof the following subsections:

(d) (1) Effective January 1, 2013, each manufacturer of a mercury-added lamp offering for sale or distribution mercury-added lamps in Massachusetts shall, individually or collectively, implement a department approved mercury-added lamp recycling program for lamps sold or distributed in Massachusetts for household use.

(2) The recycling program required under subparagraph (1) shall include the following elements:

(i) Convenient collection locations throughout the state where reasonable operation costs are provided by the manufacturer and where mercury-added lamps can be deposited for recycling at no charge to the household consumer;

(ii) Handling and recycling equipment and practices in compliance with all applicable law;

(iii) Effective education and outreach, including but not limited to point of purchase signage and other materials provided to retail establishments without cost;

17 (iv) Reporting to the department by February 15 of each calendar year the number
18 of lamps recycled under the program in the previous calendar year, the estimated number of out-
19 of-service mercury-added lamps in the previous calendar year, the methodology for estimating
20 the number of out of service mercury-added lamps previously approved by the department
21 following the solicitation of public comment, an evaluation of the effectiveness of the program,
22 recommendations for increasing the number of lamps recycled under the program, and an
23 accounting of the costs associated with administering and implementing the recycling program.

24 (v) Independent, third party verification, of the numbers reported in the previous
25 subsection (Section 6J (d) (2) (iv)).

26 (3) Each manufacturer required to implement a recycling program under paragraph (1)
27 shall submit its proposed program for department review and approval by January 1, 2012. The
28 department shall solicit public comment on the proposed program before approving or denying
29 the program.

30 (4) Beginning April 1, 2013, a manufacturer not in compliance with this section is
31 prohibited from offering any mercury-added lamp for final sale in the state, or distributing any
32 mercury-added lamp in the state. A manufacturer not in compliance with this section shall
33 provide the necessary support to mercury-added lamp retailers to ensure the manufacturer's
34 mercury-added lamps are not offered for sale, sold at final sale, or distributed in the state.

35 (5) No mercury-added lamp wholesaler shall sell mercury-added lamps unless the
36 wholesaler informs the purchaser in writing on the invoice or another separate document that the
37 lamps contain mercury and that the lamps are prohibited from placement in a solid waste landfill
38 or combustor. Retail establishments that incidentally sell mercury-added lamps are exempt from
39 the requirements of this subsection.

40 (6) Any contractor who removes mercury-added lamps shall inform the person for whom
41 the work is being done:

42 (i) That a removed mercury-added lamp contains mercury; and

43 (ii) How the removed mercury-added lamp should be discarded.

44 (7) A mercury-added lamp retailer shall not offer for final sale a mercury-added lamp
45 produced by a manufacturer not in compliance with this section. The department shall notify
46 retailers of any manufacturers of mercury-added lamps deemed not in compliance with section.

47 (8) Recycling goals of 50% in 2011, 60% in 2012, and 70% thereafter are hereby
48 established for the mercury-added lamp recycling program in Massachusetts.

49 (e) (1) Beginning on April 15, 2012, and annually thereafter, the department shall
50 report to the house and senate committees on ways and means on the progress made in achieving

51 these recycling goals, modifications (if any) to the program it intends to require in the
52 manufacturer programs as needed to improve lamp recycling rates, and recommendations (if
53 any) for statutory changes needed to facilitate mercury-added lamp collection and recycling.

54 (2) The report for calendar year 2012 shall include:

55 (i) An estimate of the number of lamps recycled and the recycling rate for
56 mercury-added lamps from small businesses over each of the last three years;

57 (ii) Proposed goals for the recycling of mercury-added lamps from small
58 businesses reasonably consistent with the goals in this section for households;

59 (iii) A comprehensive strategy for meeting the proposed recycling goals;

60 (iv) Any proposed statutory changes recommended as necessary to implement the
61 strategy proposed in the report;

62 (v) The availability of non-mercury lamps to replace mercury-use lamps and any
63 legislative changes as appropriate to reduce mercury use in lamps.

64 (f) (1) The department shall adopt rules establishing mercury content standards for
65 lamps sold or manufactured in the State on or after January 1, 2012. The standards shall be
66 consistent with those standards adopted in other states minimizing the mercury content of lamps,
67 except that if one or more categories of lamps are not covered by the mercury content standards
68 established in other states, the Department may adopt standards minimizing the mercury content
69 of lamps within those categories, including adoption of a no-mercury standard if a non-mercury
70 alternative is available at a cost comparable to a mercury alternative.

71 (2) The rules adopted under paragraph (1) must provide that:

72 (i) A manufacturer of mercury-added lamps sold or being offered for sale in the
73 State shall prepare and, at the request of the department, submit within 28 days of the date of the
74 request technical documentation or other information showing that the manufacturer's mercury-
75 added lamps sold or offered for sale in the State comply with the rules. If the manufacturer of a
76 mercury-added lamp being sold or offered for sale does not provide the documentation
77 requested, that manufacturer may not be allowed to sell or offer for sale mercury-added lamps in
78 the State; and

79 (ii) A manufacturer of mercury-added lamps sold or being offered for sale in the
80 State shall provide upon request a certification to a person who sells or offers for sale a mercury-
81 added lamp of that manufacturer. The certification must attest that the mercury-added lamp does
82 not contain levels of mercury that would result in the prohibition of that lamp being sold or
83 offered for sale in the State. If the manufacturer of a mercury-added lamp being sold or offered

84 for sale does not provide the certification requested, that manufacturer may not be allowed to sell
85 or offer mercury-added lamps for sale in the State.

86 (2) Procurement of low mercury lamps. It is the policy of the state to promote the
87 manufacture of lamps containing the lowest possible mercury content while maximizing energy
88 efficiency and lamp life by purchasing lamps with such attributes and providing information to
89 other large purchasers of lamps.

90 (i) When purchasing lamps for use in state buildings, the commissioner of
91 buildings and general services shall request from potential suppliers information about mercury
92 content, energy use, and lamp life. The commissioner of buildings and general services shall
93 purchase lamps with the lowest possible mercury content. The commissioner of buildings and
94 general services shall make available to the public information obtained under this subsection on
95 the mercury content, energy use, and lamp life of lamps. When purchasing lighting or lamps, the
96 agency shall comply with those requirements that the commissioner of buildings and general
97 services is subject to.