

HOUSE No. 4902

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

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:

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

4 (d)(1) Manufacturers of mercury-added lamps may satisfy the requirements of this
5 section if their collection plan provides for pickup and recycling of mercury lamps collected by
6 municipalities from residents, small businesses and municipal operations, at no charge to the
7 municipalities. To be eligible for this service, a municipality must not charge residents or small
8 businesses for collecting their lamps, and may limit the number of mercury-added lamps
9 accepted at any one time to ten and pickup and recycling of mercury lamps collected without
10 charge from residents and small businesses at non-municipal locations (e.g., retail operations,
11 public and private institutions, etc.) established to provide convenient access to residents and
12 small businesses

(2) If the total cost of all of the lamp manufacturers' collection and recycling programs exceed one million dollars in any calendar year (excluding administrative costs), the manufacturers may establish a service charge that would cover the excess cost.

(3) Manufacturers of mercury-added lamps choosing to comply with the requirements of this section shall also, individually or as a group, develop an education plan for consumers and municipalities for the proper use and disposal of mercury-added lamps. The plan shall include, but not be limited to:

(a) Information regarding the economic and environmental benefits of mercury-added lamps; (b) Information regarding the harms mercury can cause to the environment and to human health; (c) Information regarding proper disposal and recycling methods for mercury-added lamps; and (d) Information, provided to consumers through the use of a toll-free telephone number, internet web sites, information labeled on the device, information included in the packaging or information accompanying the sale of mercury-added lamps, describing where and how to return, recycle or dispose of mercury-added lamps. Information provided to consumers shall include the meaning of the chemical symbol "Hg" and other symbols and non-English terms.

(4) The department shall adopt regulations establishing a standard for "convenient access" to mercury-added lamp collection for residents, target recycling rates for mercury-added lamps, and information to be contained in annual reports that will be submitted by each manufacturer complying with this section. Annual reports shall include but not be limited to:

(a) the number of mercury-added lamps recycled through the manufacturer's collection program in the calendar year covered by the report;

- 35 (b) the estimated number of mercury-added lamps available for recycling in the calendar
36 year covered by the report;
- 37 (c) the methodology used to prepare the estimate provided in (b) above;
- 38 (d) an evaluation of the effectiveness of the recycling program, including the extent to
39 which residents have convenient access to mercury-added lamp recycling collection;
- 40 (e) recommendations for increasing the number of lamps recycled through the collection
41 program in the following calendar year; and
- 42 (f) an accounting of the recycling costs associated with implementing the collection
43 program.