

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 adoption of the accompanying bill:

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

PETITION OF:

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

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

In the Year Two Thousand Eleven

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), (e), and (f) and inserting in their
3 place thereof the following subsections:

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

8 (2) The recycling program required under subparagraph (1) shall include the
9 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A manufacturer of mercury-added lamps sold or being offered for sale in the State shall provide upon request a certification to a person who sells or offers for sale a mercury-added lamp of that manufacturer. The certification must attest that the mercury-added lamp does not contain levels of mercury that would result in the prohibition of that lamp being sold or offered for sale in the State. If the manufacturer of a mercury-added lamp being sold or offered for sale does not provide the certification requested, that manufacturer may not be allowed to sell or offer mercury-added lamps for sale in the State.

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

(i) When purchasing lamps for use in state buildings, the commissioner of buildings and general services shall request from potential suppliers information about mercury content, energy use, and lamp life. The commissioner of buildings and general services shall 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.