

HOUSE No. 814

The Commonwealth of Massachusetts

PRESENTED BY:

Ellen Story and 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>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>

<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>

HOUSE No. 814

By Representative Story of Amherst and Senator McGee, a joint petition (accompanied by bill, House, No. 814) of Ellen Story, Thomas M. McGee and others that manufacturers of mercury-added lamps implement a recycling program. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1163 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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 6J of Chapter 21H of the General Laws, as appearing in the 2010 Official
2 Edition, is hereby amended by striking subsections (d), (e), and (f) and inserting in place thereof
3 the following subsections:-

4 (d) (1) Effective January 1, 2015, each manufacturer of a mercury-added lamp
5 offering for sale or distribution mercury-added lamps in the Commonwealth shall, individually
6 or collectively, implement a department approved mercury-added lamp recycling program for
7 lamps sold or distributed in the Commonwealth for household use.

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

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

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

15 (iii) Effective education and outreach, including but not limited to point of purchase
16 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 of
18 lamps recycled under the program in the previous calendar year, the estimated number of out-of-
19 service mercury-added lamps in the previous calendar year, the methodology for estimating the
20 number of out of service mercury-added lamps previously approved by the department following
21 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, 2015. The
28 department shall solicit public comment on the proposed program before approving or denying
29 the program.

30 (4) Beginning April 1, 2016, a manufacturer not in compliance with this section is
31 prohibited from offering any mercury-added lamp for final sale in the Commonwealth, or
32 distributing any mercury-added lamp in the Commonwealth. A manufacturer not in compliance
33 with this section shall provide the necessary support to mercury-added lamp retailers to ensure
34 the manufacturer's mercury-added lamps are not offered for sale, sold at final sale, or distributed
35 in the Commonwealth.

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

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

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

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

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

48 (8) Recycling goals of 50% in 2013, 60% in 2014, and 70% thereafter are hereby
49 established for the mercury-added lamp recycling program in the Commonwealth.

50 (e) (1) Beginning on April 15, 2015, and annually thereafter, the department shall
51 report to the house and senate committees on ways and means on the progress made in achieving
52 these recycling goals, modifications (if any) to the program it intends to require in the
53 manufacturer programs as needed to improve lamp recycling rates, and recommendations (if
54 any) for statutory changes needed to facilitate mercury-added lamp collection and recycling.

55 (2) The report for calendar year 2015 shall include:

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

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

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

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

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

65 (f) (1) The department shall adopt rules establishing mercury content standards for
66 lamps sold or manufactured in the Commonwealth on or after January 1, 2015. The standards
67 shall be consistent with those standards adopted in other states minimizing the mercury content
68 of lamps, except that if one or more categories of lamps are not covered by the mercury content
69 standards established in other states, the department may adopt standards minimizing the
70 mercury content of lamps within those categories, including adoption of a no-mercury standard if
71 a non-mercury alternative is available at a cost comparable to a mercury alternative.

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

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

80 (ii) A manufacturer of mercury-added lamps sold or being offered for sale in the
81 Commonwealth shall provide upon request a certification to a person who sells or offers for sale

82 a mercury-added lamp of that manufacturer. The certification must attest that the mercury-added
83 lamp does not contain levels of mercury that would result in the prohibition of that lamp being
84 sold or offered for sale in the Commonwealth. If the manufacturer of a mercury-added lamp
85 being sold or offered for sale does not provide the certification requested, that manufacturer may
86 not be allowed to sell or offer mercury-added lamps for sale in the Commonwealth.

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

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