

1 S.232

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

5 Subject: Conservation; comprehensive mercury management; mercury-added  
6 lamps

7 Statement of purpose: This bill proposes to require manufacturers of  
8 mercury-added lamps to establish a program for or to pay for the collection and  
9 recycling of mercury-added lamps.

10 An act relating to the collection and recycling of mercury-added lamps

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 10 V.S.A. § 7117 is added to read:

13 § 7117. MERCURY-ADDED LAMPS

14 (a) Definitions. As used in this section:

15 (1) "Covered entity" means any household, charity, school district, or  
16 business in the state that employs ten or fewer individuals or any person  
17 providing seven or fewer mercury-added lamps to a collection site at any one  
18 time.

19 (2) "Manufacturer" means a person who manufactures a mercury-added  
20 lamp and has a presence in the United States or a person who imports a

1 mercury-added lamp manufactured by a person who does not have a presence  
2 in the United States.

3 (3) “Mercury-added lamp” means an electric lamp to which mercury is  
4 intentionally added during the manufacturing process, including a linear  
5 fluorescent lamp, a compact fluorescent lamp, a black light lamp, a  
6 high-intensity discharge lamp, an ultraviolet lamp, or a neon lamp.

7 (4) “Municipal collection site” means a solid waste disposal facility,  
8 transfer station, storage facility, or recycling facility at which mercury-added  
9 lamps from covered entities are collected for recycling.

10 (5) “Person” means any individual, corporation, partnership,  
11 cooperative, association, firm, sole proprietorship, government agency, or  
12 other entity.

13 (6) “Secretary” means the secretary of natural resources.

14 (b) Mercury content standards.

15 (1) On or before January 1, 2011, the secretary of natural resources shall  
16 adopt by procedure mercury content standards for mercury-added lamps sold or  
17 manufactured in the state. The mercury content standards adopted by the secretary  
18 under this subdivision shall be based upon the mercury content standards  
19 established in California for mercury-added lamps. If one or more categories of  
20 mercury-added lamps are not covered by the California mercury content standards,  
21 the secretary may adopt standards minimizing the mercury content of lamps  
22 within such categories. Before adopting or amending any mercury content

1 standards under this subsection, the secretary shall consider mercury reduction  
2 controls in other states.

3 (2) Beginning January 1, 2012, mercury-added lamps sold or  
4 manufactured in the state shall meet the mercury content limits adopted by the  
5 secretary under subdivision (1) of this subsection.

6 (3)(A) Beginning January 1, 2012, a manufacturer of mercury-added  
7 lamps sold or being offered for sale in the state shall, upon the request of the  
8 secretary, prepare and submit within 30 days of the date of the request  
9 technical documentation or other information showing that the manufacturer's  
10 mercury-added lamps sold or offered for sale in the state comply with the  
11 mercury content limits established under subdivision (1) of this subsection. If  
12 the manufacturer of a mercury-added lamp being sold or offered for sale does  
13 not provide the documentation requested by the secretary, that manufacturer  
14 shall not sell or offer for sale mercury-added lamps in the state.

15 (B) A manufacturer of mercury-added lamps sold or being offered for  
16 sale in the state shall provide upon request a certification to a person who sells  
17 or offers for sale a mercury-added lamp of that manufacturer. The certification  
18 shall attest that the mercury-added lamp does not contain levels of mercury  
19 that would result in the prohibition of that lamp being sold or offered for sale  
20 in the state. If a manufacturer of a mercury-added lamp being sold or offered  
21 for sale does not provide the certification requested under this subdivision, that

1 manufacturer shall not sell or offer for sale mercury-added lamps in the state.

2 (c) Mercury-added lamp purchasing. When making purchasing decisions  
3 on mercury-added lamps, the department of buildings and general services,  
4 after consultation with the secretary, shall request information on mercury  
5 content, energy use, lumen output, and lamp life from potential suppliers of  
6 mercury-added lamps and shall issue specifications and make purchasing  
7 decisions that favor models at comparable cost with higher energy efficiency,  
8 lower mercury content, and longer lamp life than other models. Information  
9 obtained on mercury content, energy use, and lamp life shall be posted on the  
10 agency of natural resources website.

11 (d)(1) Manufacturer recycling responsibilities for mercury-added lamps.  
12 Beginning January 1, 2012, a manufacturer of mercury-added lamps sold or  
13 distributed for use by a covered entity in the state on or after January 1, 2001,  
14 shall implement one of the following two options for meeting its recycling  
15 responsibilities for mercury-added lamps:

16 (A)(i) The manufacturer may provide financial support for the  
17 collection and recycling of mercury-added lamps to support a solid waste  
18 management district collection, efficiency program collection, agency of  
19 natural resources collection program, and other collection programs for the  
20 collection and recycling of such lamps. An entity contracted by the state shall  
21 adopt a method for calculating and collecting the monetary amount owed by

1 each manufacturer based on each manufacturer's market share of sales in  
2 Vermont; and

3 (ii) Beginning July 1, 2011, a manufacturer shall report annually  
4 by July 1 to the entity contracted by the state for the calculation of market  
5 share the total weight of the manufacturer's mercury-added lamps sold in  
6 Vermont during the previous program year. This information may be provided  
7 as the total weight of its mercury-added lamps sold during the previous  
8 program year or as an estimate of the total weight of the manufacturer's  
9 mercury-added lamps sold during the previous program year based on national  
10 sales data. A manufacturer shall submit with the report required under this  
11 subdivision a description of how the information or estimate was calculated.

12 (B) A manufacturer individually or collectively may implement a  
13 program approved by the secretary for the recycling of its mercury-added  
14 lamps. A recycling program implemented under this subdivision shall:

15 (i) Provide convenient collection locations located throughout the  
16 state where covered entities can drop off their lamps without cost, including  
17 but not limited to municipal collection sites and participating retail  
18 establishments;

19 (ii) Comply with the handling and recycling requirements of the  
20 agency of natural resources' solid waste management rules;

1           (iii) Provide education and outreach regarding proper recycling of  
2 mercury-added lamps, including point-of-purchase signs and other materials  
3 provided to retail establishments at no cost; and

4           (iv) Report annually to the agency of natural resources. The  
5 report shall include:

6                   (I) The number of mercury-added lamps recycled under the  
7 manufacturer's program;

8                   (II) The estimated percentage of mercury-added lamps  
9 available for recycling that were recycled under the program;

10                  (III) The methodology for estimating the number of  
11 mercury-added lamps available for recycling;

12                  (IV) An evaluation of the effectiveness of the recycling  
13 program;

14                  (V) Recommendations for increasing the number of lamps  
15 recycled under the recycling program; and

16                  (VI) An accounting of the costs associated with administering  
17 and implementing the recycling program.

18           (2) A manufacturer required to implement a recycling program under  
19 this subsection shall submit to the agency of natural resources its proposed  
20 recycling program for review and approval by January 1, 2011. The agency of

1 natural resources shall solicit public comment on the proposed program before  
2 approving or denying the program.

3 (3) By January 1, 2011, the agency of natural resources, in consultation  
4 with the advisory committee on mercury pollution and other interested parties,  
5 shall develop a procedure setting forth the recycling goals for manufacturers  
6 implementing a recycling program under this section. Beginning January 1,  
7 2013, should collection efforts fail to meet the recycling goals established by  
8 procedure, the agency shall, in consultation with interested persons, require  
9 modifications to manufacturers' collection plans in an attempt to improve  
10 collection rates in accordance with these goals.

11 (e) Prohibition of sale. Beginning April 1, 2012, a manufacturer not in  
12 compliance with this section is prohibited from selling, offering for final sale,  
13 or distributing any mercury-added lamp in the state. A manufacturer not in  
14 compliance with this section shall notify support retailers that sale of its  
15 mercury-added lamps is prohibited and shall notify retailers that sell its  
16 mercury-added lamps that the manufacturer's mercury-added lamps should not  
17 be offered for sale, sold at final sale, or distributed in the state.

18 (f) Retailer responsibility.

19 (1) Beginning January 1, 2012, a retailer who sells mercury-added  
20 lamps shall provide information to customers describing where and how they  
21 may recycle mercury-added lamps. This requirement may be met by the

1 posting of a clearly visible and easily readable sign at the point of sale that  
2 includes a warning that mercury-added lamps shall not be disposed of in a  
3 solid waste facility and that provides a toll-free number or website address  
4 regarding proper disposal of mercury-added lamps. Retailers selling through  
5 catalogues or the Internet may meet this requirement by including in a  
6 prominent location on the retailer's website information regarding the proper  
7 disposal of mercury-added lamps.

8 (2) Beginning April 1, 2012, a retailer shall not offer for final sale a  
9 mercury-added lamp produced by a manufacturer not in compliance with this  
10 section. The agency of natural resources shall post on its website a list of the  
11 retailers not in compliance with the requirements of this section.

12 (g) Applicability. The requirements of this section do not apply to motor  
13 vehicles as defined in 23 V.S.A. § 4, vessels as defined in 23 V.S.A. § 3302, or  
14 the component parts of a motor vehicle or vessel.

15 (h) Report on lamp recycling program. Beginning April 15, 2014, and  
16 biennially thereafter, the advisory committee on mercury pollution shall  
17 calculate the percentage of mercury-added lamps recycled from covered  
18 entities and report to the house fish, wildlife and water resources committee  
19 and the senate committee on natural resources and energy on any modifications  
20 to the manufacturer recycling programs it recommends to improve mercury-  
21 added lamp recycling rates, including any recommendations for statutory

1 changes needed to facilitate mercury-added lamp collection and recycling.

2 Sec. 2. EFFECTIVE DATE

3 This act shall take effect upon passage.