

Chapter 190 of the Acts of 2006

AN ACT RELATIVE TO MERCURY MANAGEMENT.

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 2 of chapter 21H of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the definition of "Assessment" the following 2 definitions:-

“Automobile manufacturer”, any person, firm, association, partnership, corporation, governmental entity, organization, combination or joint venture which is last in the production or assembly process of a new vehicle that uses mercury-added components, or in the case of an imported vehicle, the importer or domestic distributor of the vehicle; however, if a company from whom an importer or domestic distributor purchases the merchandise has a U.S. presence or assets, that company shall be considered to be the manufacturer and the distributor as defined in chapter 93B shall not be considered to be the manufacturer.

“Capture rate”, the annual removal, collection, and recovery of mercury-added vehicle switches as a percentage of that total number of mercury-added vehicle switches available for the removal from end-of-life motor vehicles as determined by the department. This term shall not include mercury-added vehicle switches that are inaccessible due to significant damage to the motor vehicle in the area where the mercury-added vehicle switch is located.

SECTION 2. Said section 2 of said chapter 21H, as so appearing, is hereby further amended by inserting after the definition of "Drinking water supply" the following 2 definitions:-

“Electric lamp”, the bulb or tube portion of a lighting device specifically designed to produce radiant energy, most often in the ultraviolet, visible and infrared regions of the electromagnetic spectrum. Examples of common electric lamps include, but are not limited to, incandescent, fluorescent, high intensity discharge and neon lamps.

“End-of-life motor vehicles”, any motor vehicle which is sold, given or otherwise conveyed to a vehicle recycler or scrap recycling facility for the purpose of dismantling, recycling or disposal.

SECTION 3. Said section 2 of said chapter 21H, as so appearing, is hereby further amended by inserting after the definition of “Facility” the following 2 definitions:-

“Healthcare facility”, any hospital, nursing home, extended care facility, long-term care facility, clinical or medical laboratory, state health or mental institution, institution for the mentally ill or retarded, clinic, physician’s office or health maintenance organization.

“IMERC”, the Interstate Mercury Education and Reduction Clearinghouse.

SECTION 4. Said section 2 of said chapter 21H, as so appearing, is hereby further amended by inserting after the definition of "Landfill" the following 10 definitions:-

“Manufacturer”, any person, firm, association, partnership, corporation, governmental entity, organization, combination or joint venture which produces a product containing mercury or an importer or domestic distributor of a product containing mercury produced in a foreign country. In the case of a mercury-added multi-component product where the only mercury is contained in a mercury-added component manufactured by a different manufacturer which is intended to be readily removable and replaceable by the consumer or user, the manufacturer is the manufacturer who produced the mercury-added component. If the product or component is produced in a foreign country, the manufacturer is the importer or domestic distributor; provided, however, that if a company from whom an importer purchases the merchandise has a United States presence or assets, that company shall be considered to be the manufacturer. This definition shall not apply to a “distributor” as defined in section 1 of chapter 93B.

“Mercury relay”, a mercury-added product that opens or closes electrical contacts to affect the operation of other devices in the same or another electrical circuit.

“Mercury switch”, a mercury-added product that opens or closes an electrical circuit or gas valve.

“Mercury-added component”, a component that contains mercury.

“Mercury-added formulated product”, a chemical product to which mercury has been added, intentionally or unintentionally, including, but not limited to, laboratory chemicals, cleaning products, cosmetics, pharmaceuticals and coating materials that are sold as consistent mixtures of chemicals.

“Mercury-added lamp”, an electric lamp to which the manufacturer intentionally introduces mercury for the operation of the lamp, including, but not limited to, fluorescent, compact fluorescent, black lights, high intensity discharge lamps, ultraviolet lamps and neon lamps.

“Mercury-added product”, a product to which the manufacturer intentionally introduces mercury, including, but not limited to, electric lamps, thermostats, automotive devices, electric switches, medical or scientific instruments, electric relays or other electrical devices, but not including products made with coal ash or other products that are incorporated into equipment used to manufacture semiconductor devices, elemental mercury in pre-capsulated form that is sold, distributed or provided to a dental practitioner for use in compliance with the department’s regulations concerning amalgam wastewater and recycling for dental facilities, or mercury-added formulated products.

“Mercury-added vehicle switch”, a switch installed in a motor vehicle containing mercury, including, but not limited to, light switches and antilock braking systems.

“Mercury-added thermostat”, a product or device that uses a mercury switch to sense and control room temperature through communication with heating, ventilation or air conditioning equipment, including thermostats used to sense and control room temperature in residential, commercial, industrial and other buildings, but shall not include a thermostat used to sense and control temperature as part of a manufacturing process.

"Motor vehicle", a vehicle propelled by an internal combustion engine or an electric motor, such as an automobile, van, truck, motorized construction equipment, motorized recreational vehicle, motorcycle or forklift.

SECTION 5. Said section 2 of said chapter 21H, as so appearing, is hereby further amended by inserting after the definition of "Public body" the following definition:-

“Scrap recycling facility”, a facility, location, device or unit where machinery and equipment are

used for processing and manufacturing scrap metal into prepared grades and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap for sale for remelting purposes.

SECTION 6. Said section 2 of said chapter 21H, as so appearing, is hereby further amended by inserting after the definition of "Tipping fee" the following 2 definitions:-

"Vehicle in commerce", any vehicle offered for sale by a dealer, or registered in the commonwealth or in the United States to be operated on public roads and highways.

"Vehicle recycler", any individual or entity engaged in the business of acquiring, dismantling or destroying 6 or more vehicles in a calendar year for the primary purpose of reselling their parts.

SECTION 7. Said chapter 21H is hereby further amended by inserting after section 6 the following 14 sections:-

Section 6A. The department shall participate in the implementation of IMERC standards established at the Northeast Waste Management Officials Association to assist in carrying out the requirements of sections 6A to 6M, inclusive, and to help coordinate reviews of the manufacturers' applications for phase out exemptions and collection system plans.

Section 6B. (a) No mercury-added product shall be offered for final sale or use or distributed in the commonwealth without notification in writing by the manufacturer of the product to the department through IMERC within 30 days of the product's release in accordance with this section.

(b) Notification that complies with the notification forms of IMERC shall satisfy the requirements of this section. The department may require that it be notified directly in addition to reporting through IMERC. The manufacturer or trade group shall update and revise the notification information whenever there are significant changes in the product category.

(c) Any mercury-added product for which federal law governs notice in a manner that preempts state authority shall be exempt from this section.

(d) Public disclosure of confidential business information submitted to the department pursuant to this section shall be governed by the requirements of section 10 of chapter 66. The department and IMERC may compile or publish analyses or summaries of such information provided that the analyses or summaries do not identify any manufacturer's confidential information.

(e) The department shall protect trade secrets.

Section 6C. (a) No person shall sell or offer to sell or distribute a motor vehicle manufactured on or after January 1, 2007, containing 1 or more mercury-added vehicle switches.

(b) No person shall sell or offer to sell or distribute a mercury-added vehicle switch for new installation in a motor vehicle.

(c) If a mercury-added vehicle switch in a motor vehicle in commerce requires replacement, it shall be replaced with a non-mercury alternative. If a non-mercury alternative is not commercially available, replacement with a non-mercury alternative shall not be required. If the mercury-added vehicle switch requiring replacement is a component of an anti-lock braking system or an airbag, replacement with a non-mercury alternative shall not be required.

(d) No person shall crush, cause to be crushed or otherwise arrange for an end-of-life motor

vehicle to be crushed without first having removed any mercury-added components, including, but not limited to, mercury-added vehicle switches. A scrap recycling facility may agree to accept an end-of-life motor vehicle that has not been flattened, crushed or baled containing mercury-added components. If accepted, the scrap recycling facility is responsible for proper removal, recycling, transporting, storage and general containment of all mercury-added components in accordance with chapter 21C and the department's regulations concerning hazardous waste.

(e) Any person or facility removing a mercury-added component from a vehicle in commerce or from an end-of-life vehicle shall manage the mercury-added component in accordance with chapter 21C and the department's regulations concerning hazardous waste.

(f) No later than August 1, 2007, every automobile manufacturer shall, individually or as a group, develop and file with the department and implement a plan that describes the proper removal, recycling, transportation, storage and general containment of mercury-added switches from end-of-life vehicles in accordance with chapter 21C and the department's regulations concerning hazardous waste.

(g) The plan shall include, at a minimum:-

- (1) a method of collecting mercury-added vehicle switches after removal from motor vehicles;
- (2) provisions for identifying or establishing and using facilities where mercury-added vehicle switches may be received and accepted from vehicle recyclers, scrap recyclers and all other persons removing mercury-added vehicle switches from vehicles;
- (3) provisions for transporting mercury-added vehicle switches collected pursuant to clause (1) of subsection (g) to facilities pursuant to clause (2) of said subsection (g);
- (4) a program to provide information, training and technical assistance to vehicle recyclers, scrap recyclers and all other persons removing mercury-added vehicle switches from motor vehicles;
- (5) a program which is designed to achieve a mercury-added vehicle switch capture rate of at least 90 per cent, consistent with the principle that mercury-added vehicle switches shall be recovered unless the mercury-added vehicle switch is inaccessible due to significant damage to the motor vehicle in the area surrounding where the mercury-added vehicle switch is located;
- (6) a financing system for the total cost of removal, collection, record keeping and recovery of mercury-added vehicle switches that shall be borne by the automobile manufacturers and that shall include, but not be limited to, \$3 for every mercury-added vehicle switch removed by a vehicle recycler or scrap recycling facility as partial compensation for labor and other costs incurred by a vehicle recycler or scrap recycling facility in the removal of the mercury-added vehicle switch.

(h) In developing a removal, collection, record keeping and recovery system, automobile manufacturers shall, to the extent practicable, use the existing end-of-life vehicle recycling infrastructure. If an automobile manufacturer does not use such infrastructure, the automobile manufacturer shall include in its plan reasons for establishing a separate removal, collection and recovery system.

(i) After the plan is filed with the department, each automobile manufacturer shall certify to the department, in writing on an annual basis, that it is implementing the plan in accordance with this section.

(j) The department shall evaluate the compliance of all persons subject to this section by

conducting audits, inspections or implementing other compliance measures it considers appropriate.

(k) Automobile manufacturers shall report annually to the department and joint committee on environment, natural resources and agriculture. The report shall, at a minimum, include the following:

- (1) The number of mercury-added vehicle switches removed during the previous year; and
- (2) Where and how the mercury-added vehicle switches are stored, recycled or otherwise disposed of.

(l) Not later than January 1, 2007, automobile manufacturers and vehicle recyclers shall provide the department with the number of end-of-life vehicles with mercury-added vehicle switches in the commonwealth in calendar year 2005 and the projected numbers for end-of-life vehicles in the commonwealth for each calendar year thereafter until 2030.

(m) Automobile manufacturers who have never installed mercury-added vehicle switches in their motor vehicles shall be exempt from this section.

(n)(1) An automobile manufacturer may create an alternative plan, organized, managed and financed by the automobile manufacturer, that will be exempt from clauses (5) and (6) of subsection (g) if:-

- (i) the automobile manufacturer submits a plan, in writing to the department that describes the proper removal, recycling, transportation, storage and general containment of mercury-added switches from end-of-life vehicles in accordance with chapter 21C and the department's regulations concerning hazardous waste, that meets the requirements of clauses(1) to (4), inclusive, of subsection (g);
- (ii) the alternate plan is implemented no later than January 1, 2007;
- (iii) the automobile manufacturer demonstrates that the plan's capture rate is equal to or greater than 50 per cent by December 31, 2007, as determined by the department; and
- (iv) the automobile manufacturer demonstrates that the plan's capture rate is equal to or greater than 90 per cent by December 31, 2008, as determined by the department.

(2) Nothing in this section shall prohibit an automobile manufacturer from substituting a new plan in accordance with, and subject to the requirements of, subsection (o).

(3) If no alternative plan is in effect by January 1, 2007, pursuant to this section, the automobile manufacturer shall comply with subsection (g).

(4) If the department determines that an automobile manufacturer is not in compliance with this subsection, the automobile manufacturer shall comply with subsection (g) within 30 days of the determination by the department.

(o) If an automobile manufacturer's plan under subsection (g) has been in effect for at least 1 year, the automobile manufacturer may submit an alternate plan to the department for approval. The alternate plan shall meet the following criteria:

- (1) The alternate plan has been in effect for at least 1 year in another state and can be implemented statewide;
- (2) The alternate plan has achieved at least a 90 per cent capture rate in that state; and

(3) The alternate plan, to the extent practicable, uses the existing end-of-life vehicle recycling infrastructure in the commonwealth.

(p) When considering whether to approve an alternate plan pursuant to subsections (n) and (o), the department shall take into consideration the environmental impact in the commonwealth and the economic impact on Massachusetts businesses.

(q) Approval of the alternate plan pursuant to subsections (n) and (o) by the department shall release the automobile manufacturer from its obligations under its original plan, starting on the effective date of the alternate plan.

(r) An alternate plan may include an agreement between automobile manufacturers and automobile dealers to remove switches before the vehicle reaches its end-of-life.

(s) Vehicle recyclers shall, before delivering or selling automobile bodies to scrap recycling facilities, certify in writing, in a form approved by the department, that all mercury-added vehicle switches have been removed.

Section 6D. (a) No person shall sell or offer to sell or distribute a mercury-added thermostat in the commonwealth.

(b) No person shall sell or offer to sell or distribute in the commonwealth the following mercury-added products:

- (1) barometers;
- (2) esophageal dilators, bourgie tubes or gastrointestinal tubes;
- (3) flow meters;
- (4) hydrometers;
- (5) hygrometers or psychrometers;
- (6) manometers;
- (7) pyrometers;
- (8) sphygmomanometers; or
- (9) basal thermometers.

(c) Subsections (a) and (b) shall not apply: (i) to the sale of mercury-added products if the use of the product is a federal requirement; or (ii) to thermometers if they are determined to be medically necessary by a licensed physician or are ordered by prescription.

Section 6E. (a) No person shall sell or offer to sell or distribute a mercury switch or mercury relay, individually or as a product component. This prohibition shall not apply if the mercury switch or mercury relay is a component in a larger product in use before May 1, 2009, there is no mercury-free alternative available for the component and 1 of the following applies:

- (1) the larger product is used in manufacturing; or
- (2) the switch or relay is integrated and not physically separate from other components of the larger product.

(b) This section shall not apply to the sale of a mercury switch or a mercury relay if the use of the switch or relay is a federal requirement.

(c) This section shall not apply to the sale of a mercury switch or a mercury relay which is

integrated as a component of a larger product that has been refurbished for resale and which was originally manufactured before the effective date of this act.

Section 6F. (a) The department, at its discretion and in consultation with the executive office of economic development and the department of public health, may allow for exemptions to the prohibitions in sections 6D and 6E.

(b) Applications for exemptions shall demonstrate that:

- (1) the use of the product is beneficial to the environment or protective of the public health or public safety;
- (2) there is no technically feasible alternative to the use of mercury in the product;
- (3) there is no comparable non-mercury-added product available at reasonable cost; and
- (4) an effective system exists for the collection, transportation and processing of the mercury-added product. Such a system may include direct return of a waste product to the manufacturer, an industry or trade group-supported collection and recycling system or other similar private and public sector efforts.

(c) The department shall establish application fees and a timeline for reviewing applications for exemptions that does not exceed 90 days.

(d) Before issuing an exemption, the department shall consult with neighboring states and regional organizations to promote consistency. The department shall avoid, to the extent feasible, inconsistencies in the implementation of this section.

(e) An exemption shall be valid for not more than 3 years and may be extended upon request of the applicant, at the discretion of the department.

Section 6G. No school in the commonwealth shall purchase for use in a primary or secondary classroom elemental mercury, mercury compounds or mercury-added instructional equipment and materials, except measuring devices and thermometers for which no adequate nonmercury substitute exists that are used in school laboratories. This section shall not apply to the sale of mercury-added lamps or those products whose only mercury-added component is a mercury-added lamp or lamps.

Section 6H. Every manufacturer of a mercury-added formulated product shall, upon a written request from a health care facility, disclose in writing the mercury content of any product used in its facility that contains more than 1 part per billion of mercury. The manufacturer shall also disclose to the health care facility information needed to determine the mercury content of a component manufactured by another manufacturer which is part of the final product. This disclosure shall further provide the method used in developing the analysis performed for total mercury content. These products shall include, but are not limited to: acids, alkalis, bleach, materials used for cleaning or maintenance or disinfection, stains, reagents, preservatives, fixatives, buffers and dyes.

Section 6I. (a) No person, household, business, school, healthcare facility or state or municipal government shall knowingly dispose of a mercury-added product in any manner other than by recycling, disposing as hazardous waste or using a method approved by the department.

(b) The department shall implement an education program. This program shall include, but not

be limited to, working with municipalities and waste haulers to educate the citizens of the commonwealth about mercury-added products and their proper disposal, including creating signs to post at transfer stations, landfills, recycling centers and municipal buildings.

(c) Mercury from mercury-added products shall not knowingly be discharged into water, wastewater treatment or wastewater disposal systems unless it is done in compliance with applicable local, state and federal requirements.

(d) No person shall knowingly send a multi-component product that contains mercury to a scrap recycling facility for recycling without first removing the mercury-added product or products. Notwithstanding the forgoing, a scrap recycling facility may agree to accept a multi-component product that has not been intentionally flattened, crushed or baled knowing it contains mercury-added product or products. If accepted, the scrap recycling facility shall be responsible for removing such product or products and recycling them or disposing of them as hazardous waste.

(e) Mercury-added formulated products that are cosmetic or pharmaceutical products subject to the regulatory requirements of the Federal Food and Drug Administration relating to mercury are exempt from this section.

Section 6J. (a) No person shall sell or offer to sell or distribute a mercury-added product in the commonwealth unless the manufacturer has created and filed with the department a convenient and accessible collection plan for mercury-added products at the end-of-life, including a system for the direct return of the mercury-added product to the manufacturer or a collection and recycling plan, in accordance with chapter 21C and the department's regulations concerning hazardous waste, using new or existing collection systems. The plan shall be approved or certified, as determined by the department, and shall be implemented by the manufacturers.

(b) Where a mercury-added component is part of another product, the collection system must provide for collection of the mercury-added component or collection of both the mercury-added component and the product containing it.

(c) Every manufacturer of mercury-added products sold or distributed in the commonwealth shall be financially responsible for such collection and recycling systems.

(d)(1) Manufacturers of mercury-added lamps shall satisfy the requirements of this section if, individually or as a group, they 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:

- (i) Information regarding the economic and environmental benefits of mercury-added lamps;
- (ii) Information regarding the harms mercury can cause to the environment and to human health;
- (iii) Information regarding proper disposal and recycling methods for mercury-added lamps; and
- (iv) 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.

(2) Every manufacturer, either individually or as a group, shall annually certify in writing that they are implementing the plan in accordance with this section and provide to the department the total number of mercury-added lamps sold in the commonwealth in that calendar year. The

statewide mercury-added lamp recycling rates shall be 30 per cent by December 31, 2008, 40 per cent by December 31, 2009, 50 per cent by December 31, 2010, 70 per cent by December 31, 2011, and 70 per cent each year thereafter. The department shall adopt regulations to implement these rates. For the purposes of this section, the statewide mercury added-lamp recycling rate shall be based upon the total number of mercury added-lamps in the commonwealth available for recycling, as determined by the department. Every manufacturer, either individually or as a group, shall annually submit a report that identifies progress toward these recycling rates. The department shall conduct audits, at least annually, to determine if manufacturers are complying with this section.

(e) Failure to achieve any of the recycling rates established by or pursuant to paragraph (2) of subsection (d) shall obligate the manufacturers of mercury-added lamps as a group to make available not more than \$1,000,000, per year of non-compliance, to the department for grants to municipalities or regional authorities to facilitate meeting recycling rates. The department shall establish, by December 31, 2007, a process for determining the mercury-added lamp recycling rate and the aggregate and individual funding commitments based on information that includes, but is not limited to, the actual recycling rate compared with the target recycling rate, each manufacturer's lamp market share in the commonwealth and specific manufacturer program effectiveness. The department shall deposit the funds received from manufacturers into an expendable trust, in accordance with section 6 of chapter 6A and any applicable regulations, for the purpose of grants to municipalities and regional authorities and shall administer the grant program to municipalities and regional authorities. Manufacturers' individual contributions shall not exceed their respective market shares of lamps sold in the commonwealth.

(f) Nothing in this section shall prohibit retailers, distributors, wholesalers or any other group from creating and implementing a collection plan for mercury-added lamps or any other mercury-added product.

(g) This section shall not apply to mercury-added button cell batteries, motor vehicles or motor vehicle components.

(h) Mercury-added formulated products intended to be totally consumed in use, such as reagents, cosmetics, pharmaceuticals and other laboratory chemicals, shall be exempt from this section.

(i) This section shall not apply to refurbished medical equipment or products where the only mercury contained in the product comes from a removable mercury-added button cell battery or a mercury-added lamp.

Section 6K. (a) No person shall sell a mercury-added product unless the product is labeled by the manufacturer pursuant to this section. The label, constructed of materials that are sufficiently durable to remain legible for the useful life of the product, shall clearly inform the purchaser that mercury is present in the product and that the product shall be reused, recycled or properly disposed of as hazardous waste. Manufacturers of products that contain an irremovable mercury-containing lamp used for backlighting shall meet the product labeling requirements of this section by placing the label on the product or its care and use manual.

(b) Mercury product labeling plans approved by another state that is a member of IMERC shall be considered to be in compliance with this section if they are effectively implemented in the commonwealth. The manufacturer shall provide a copy of the labeling plan to the department upon request and shall notify the department if the approval is modified.

(c) A person who sells mercury-added lamps to the owner or manager of an industrial,

commercial or office building or to any person who replaces or removes from service outdoor lamps that contain mercury shall clearly inform the purchaser, in writing on the invoice for the lamps or in a separate document, that the lamps contain mercury, that mercury is a hazardous substance that is regulated by federal and state law and that the lamps may not be placed in solid waste destined for disposal. Retail establishments that incidentally sell mercury-added lamps to the specified purchasers are exempt from this subsection.

(d) This section shall not apply to refurbished medical equipment.

(e) This section shall not apply to the labeling of those products whose only mercury component is a removable mercury-added lamp or button cell battery.

Section 6L. A solid waste collector shall refuse to collect the contents of a solid waste container that the collector knows or reasonable should know contains 1 or more mercury-added products unless such solid waste is collected for the purpose of being reused, recycled or properly disposed of as hazardous waste or otherwise managed to ensure that the mercury does not become mixed with other solid waste or wastewater.

Section 6M. The state procurement officer, the state university system and state agencies shall give preference to the purchase of equipment, supplies and other products that do not contain mercury unless there is no economically feasible non-mercury alternative that performs a similar function or unless the non-mercury product is sufficiently less energy efficient so as to result in a greater overall environmental impact. In circumstances where a non-mercury-added product is not available, preference shall be given to the purchase of products which have the least overall environmental impact in their development, manufacturing and use. This section shall not apply to the purchase of vaccines by the department of public health, its affiliates and facilities or to the purchase of refurbished medical equipment in which a mercury switch or relay is a fully integrated component.

Section 6N. The department shall adopt rules and regulations as may be necessary for the implementation of this chapter.

SECTION 8. On or before May 1, 2010, the department of environmental protection shall submit a report to the committee on the environment, natural resources and agriculture describing the effectiveness of sections 6A to 6M, inclusive, of chapter 21H of the General Laws in meeting the goals of this act. Such report shall include recommendations on mercury-added products that are not addressed in sections 6C to 6E, inclusive, including, but not limited to coal combustion products, as well as progress made, and recommendations to address unregulated sectors.

SECTION 9. Sections 6B, 6G and 6H of chapter 21H of the General Laws shall take effect on October 1, 2006.

SECTION 10. Section 6E of chapter 21H of the General Laws shall take effect on May 1, 2009.

SECTION 11. Section 6D, subsections (a) and (b) of section 6I, and subsection (a) of section 6K of chapter 21H of the General Laws shall take effect on May 1, 2008.

SECTION 12. Subsection (a) of section 6J of chapter 21H of the General Laws shall take effect on May 1, 2007.

SECTION 13. On or before May 1, 2007, the department of environmental protection shall create an education program for persons, households, businesses, schools, healthcare facilities and state and municipal governments regarding the disposal of mercury and seek public comment on the program.

SECTION 14. The department of environmental protection shall require manufacturers of products that do not have labeling plans approved by another IMERC state to develop, submit and implement, by May 1, 2008, labeling plans that meet the criteria specified by the department. The department shall strive for consistency with labeling regulations and programs in other states and with IMERC standards.

SECTION 15. Subsections (d) and (e) of section 6J of chapter 21H of the General Laws shall take effect on January 1, 2007.

SECTION 16. On January 1, 2012, and every 5 years thereafter, the department of environmental protection shall report to the house and senate committees on ways and means on the sufficiency of the grant money provided by manufacturers of mercury-added lamps pursuant to subsection (e) of section 6J of chapter 21H of the General Laws for offsetting the costs of recycling mercury-added lamps.

Approved July 28, 2006.

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