

State Legislation

ELEMENTS OF STATE LEGISLATION							PILOT PROJECTS AND PAST EFFORTS
STATE LEGISLATION ON MERCURY THERMOSTATS	SALES BAN ¹	DISPOSAL BAN ²	HVAC LICENSING ³	INCENTIVES ⁴	PERFORMANCE GOALS ⁵	RESPONSIBILITIES ⁶ M=manufacturer (brand owner); R=retailer; W=wholesaler; C=contractor; A=agency; H=Homeowner; HHW = household hazardous waste; UW = Universal Waste	
<p>PSI Model Legislation Developed through multi-stakeholder process.</p> <p>http://productstewardship.us/displaycommon.cfm?an=1&subarticlenbr=99</p> <p>Contact: Scott Cassel, PSI 29 Stanhope St., 3rd Floor Boston, MA 02116 617-236-4822 scott@productstewardship.us</p>	Y	Y	Y	Y Specify amount and type	Y Percentage goals based on capture rate of mercury thermostats replaced (with timetable) Allows state agency to alter program to meet goals through stakeholder process State agency charged with estimating the	<p>M: Must develop & implement agency-approved collection and recycling program (individually or collectively); provide collection bins at nominal one-time administrative cost to collection points; establish financial incentive and specify dollar amount and type; education and outreach; submit annual report to A; remain in compliance or be subject to sales ban for all thermostats</p> <p>R: Education (importance of recycling and locations); prohibited from selling mercury thermostats; may not sell any thermostats</p>	N/A

¹ “Sales ban” refers to a ban on the sale of any thermostats that contain mercury.

² “Disposal ban” refers to a ban on the disposal of mercury thermostats in municipal solid waste or any other disposal method besides recycling.

³ “HVAC licensing” refers to a requirement that professional licenses for heating, ventilation, and air conditioning contractors include information about recycling and the requirement that all mercury thermostats be recycled.

⁴ “Incentives” can be either financial or otherwise.

⁵ “Performance goals” are based on either the number of thermostats collected/recycled or a rate (expressed as a percentage) based on both the number of thermostats collected/recycled and another variable (e.g., amount sold, amount available for collection, etc.).

⁶ The roles and responsibilities of different groups are either specified in legislation or determined by the appropriate agency or stakeholder group.

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					number of mercury thermostats potentially available for collection annually	<p>from a non-compliant manufacturer; collection optional; might facilitate a homeowner mail-back program paid for by manufacturers</p> <p>W: prohibited from selling mercury thermostats; disposal prohibition; must act as collection point or be banned from all thermostat sales; may not sell any thermostat from a non-compliant manufacturer</p> <p>C: Required to recycle; installation of mercury thermostats prohibited; disposal ban; disposal ban and recycling requirement conditions of licensing requirements (in some states)</p> <p>A: Review M plans; evaluate and/or set performance goals; enforce against non-compliant entities; report back to legislature on needed program improvements</p> <p>H: mercury thermostat disposal prohibition and installation prohibition</p>	
<p>Connecticut</p> <p>HB6113: Introduced January 2009. As of February 17, 2009, this bill did not get a hearing and will not be moved out of committee in the 2009 season.</p>	Y	N	N	Y: \$5 per thermostat for W , C , service technicians; and homeowners & nonprofessionals	Y: collection and recycling of 65% of out-of-service thermostats	<p>M: Submit collection and financial incentive plan to A; education and outreach for W, R, C, and homeowners; provide containers to W; collection systems that use mail-back options OK; submit to A national annual sales data from 1958 to present; implement Agency-approved collection plans for C and service technicians by April 1, 2010 and for</p>	

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Contact: Tom Metzner Environmental Analyst Connecticut Department of Environmental Protection 79 Elm Street, 4th Floor Hartford, CT 06106 (860) 424-3242 Tom.metzner@ct.gov						homeowners and nonprofessionals by July 1, 2010; submit Annual Report to A that includes number of thermostats collected W : act as collection sites R : sales banned unless participate in education and outreach program for consumers A : website posting of registered collection points; education and outreach for W, R, C , and homeowners; Annual Report to General Assembly Environment Committee; estimate number of out-of-service thermostats generated annually in CT; may inspect manufacturer records, request third-party audits, or investigate to verify historic sales or collection program effectiveness data	
							As of 2006, 47 wholesalers have bins (a less-than-20% participation rate). 28 contractors recruited by Dept

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							(participation rate less than 1%). Collection at HHW events (20-30 per year) Legislative study: www.epa.state.il.us/mercury/iepa-mercury-report.pdf
<p>Massachusetts</p> <p>H. 831 filed on January 14, 2009, introduced by Representative Frank Smizik.</p> <p>Contact: Elizabeth Saunders Environmental Health Leg. Dir. Clean Water Action 262 Washington St #301 Boston, MA 02108 617-338-8131 x203</p>	Y	Y	N	Y: \$5 per thermostat cash or coupon to contractors, techs, homeowners and non-professionals	Y: collection and recycling of 65% of out-of-service thermostats	<p>M: File implementation plan with Agency; education and outreach; provide collection for W and collection points (mail-back OK); Annual Report to A including number of thermostats collected; report annually to legislature; annually provide A with number of thermostats in commonwealth including projections to 2030; may file alternate plans if achieve 90% capture rate</p> <p>A: Post registered collection points on website; education and outreach; Annual Report to legislature; annually estimate number of out-of-service thermostats generated and require adjustments to manufacturers plans if <65% recovery</p>	
<p>New York</p> <p>A10160, introduced March 2010. Currently held in Assembly Committee on Environmental Conservation</p>	N	N	N	Program may include a financial incentive for consumers in the form of cash or coupons.	Beginning in June 2015, manufacturers must collect at least 65% of mercury thermostats available for collection throughout the state.	<p>M: Submit plan to A for approval; education and outreach, provide collection for consumers at retail/wholesale locations or municipal collection events; annual report on program performance</p>	

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						A: Approve/deny manufacturer plans; maintain list of collection sites; present annual reports on website; establish performance standards by 2015.	

State Laws

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STATE LAWS ON MERCURY THERMOSTATS	SALES BAN ⁷	DISPOSAL BAN ⁸	HVAC LICENSING ⁹	INCENTIVES ¹⁰	PERFORMANCE GOALS ¹¹	RESPONSIBILITIES ¹² M=manufacturer R=retailer W=wholesaler C=contractor A=agency HHW = household hazardous waste UW = Universal Waste	
<p>California AB 2347</p> <p>Mercury Thermostat Collection Act 2008</p> <p>Approved by Governor September 29, 2008.</p> <p>Contact: Neena Sahasrabudhe, Ph.D. California Department of Toxic Substances Control Office of Pollution Prevention and Green Technology (916) 323 2274 nsahasra@dtsc.ca.gov</p>	Y	Y	N ¹³	<p>Y</p> <p>Manufacturers to provide incentives and education to contractors, service technicians and homeowners to encourage recycling.</p> <p>Amount not specified.</p>	<p>Y</p> <p>TBD by January 1, 2012, collection rates as percentage of out-of-service thermostats that become waste annually.</p> <p>Manufacturers to design and implement survey and present results to agency by December 31, 2009.</p> <p>Intent to recycle maximum feasible number of thermostats</p>	<p>M: Finance & manage program; provide collection bins for free to wholesalers, HHW sites and event and participating retailers; education & outreach; submit survey plan and data for calculating number of waste thermostats generated each year; submit annual report starting April 1, 2010</p> <p>R: Encouraged to participate & negotiate with manufacturers to do so, not required. Can not offer for sale thermostats produced by a noncompliant manufacturer, must include mail-back options to buyers purchasing through mail</p> <p>W: Required to serve as collection site; distribute manufacturer's educational materials, must include mail-back options to buyers purchasing through mail</p> <p>C: Contractors that install thermostats must bring them to collection point (not left with the homeowner); demolition contractors</p>	N/A

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⁸ "Disposal ban" refers to a ban on the disposal of mercury thermostats in municipal solid waste or any other disposal method besides recycling.

⁹ "HVAC licensing" refers to a requirement that professional licenses for heating, ventilation, and air conditioning contractors include information about recycling and the requirement that all mercury thermostats be recycled.

¹⁰ "Incentives" can be either financial or otherwise.

¹¹ "Performance goals" are based on either the number of thermostats collected/recycled or a rate (expressed as a percentage) based on both the number of thermostats collected/recycled and another variable (e.g., amount sold, amount available for collection, etc.).

¹² The roles and responsibilities of different groups are either specified in legislation or determined by the appropriate agency or stakeholder group.

¹³ Will not include licensing requirement, but may include language to the effect that contractors are not allowed to leave replaced mercury thermostats with home owners.

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						<p>must remove thermostats prior to demolition and take them to a collection point</p> <p>A: Review and approve manufacturer's stewardship plan; maintain website with program information; adopt regulations that set performance requirements and establish methodology for calculating the number of thermostats that become waste annually by January 1,2012</p>	
<p>Illinois SB 3346</p> <p>Signed by governor July 26, 2010</p> <p>Illinois EPA Becky Jayne Pollution Prevention Specialist 1021 N Grand Ave, East PO Box 19276 Springfield, IL 62794-9276 (217) 524-9642 Becky.Jayne@illinois.gov</p>	Y ¹⁴	Y		<p>Modifications to a manufacturer plan required by the agency may include a mandatory \$5 incentive offered to consumers at time of return.</p>	<p>Y: 2011 – 5,000 thermostats</p> <p>2012-2014 – 15,000 thermostats each year</p> <p>Department will determine collection rate for 2015-2020.</p>	<p>M: Establish/maintain recycling program; include incentive to help meet goals; education/outreach to R, M, C, and homeowners; fines of \$2,500 per day of not reaching collection goals.</p> <p>R: May voluntarily act as collection site; may provide educational materials</p> <p>W: May not sell thermostats unless participates as collection site; must distribute educational materials to consumers</p> <p>C: May not install/replace thermostats unless return Hg thermostats to collection site; may voluntarily collect</p> <p>R, W, C: non-compliance penalty of \$500</p> <p>A: Set collection goals, conduct outreach,</p>	

¹⁴ IL P.A. 095-0452 bans sale of mercury switch thermostats as of July 1, 2008.

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						report to governor and general assembly on program effectiveness by due by 2019, levy penalties for violations.	
<p>Iowa HF 2669 enacted in 2008</p> <p>Iowa Department of Natural Resources Theresa Stiner 502 East 9th Street Des Moines, IA 50319 515-281-8646 Theresa.Stiner@dnr.iowa.gov</p>	Y	Y	N	If performance goals are not met the department, in consultation with NEMA and others, may consider modifications.	<p>“As many of the thermostats as reasonably practicable.”</p> <p>The department will set goals in consultation with stakeholders by 1/1/09.</p> <p>Department proposed goals:</p> <p>50% recovery for 2009</p> <p>80% recovery for 2010</p> <p>90% recovery 2011 and beyond</p>	<p>M: Develop and implement a program that includes education and outreach to W, R, C, and homeowners, collection containers for all W, and establishment of collection points for homeowners</p> <p>R: Participate in education and outreach program (materials provided by manufacturers). May not sell thermostat from non-compliant manufacturer</p> <p>W: Serve as a collection point. May not sell thermostats from a non-compliant manufacturer</p> <p>C: Thermostats must be brought to collection point</p> <p>A: Review M plan, take public comment on plan, report annually to the legislature</p>	Currently 20 wholesalers participate in TRC. A group of students from the West Branch Middle School recently received a grant to purchase 25 TRC collection containers that will be given to HVAC contractors.

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<p>Maine</p> <p>Maine Thermostat Law 38 MRSA §1665-B</p> <p>Contact: Ann Pistell Environmental Specialist Maine Department of Environmental Protection 17 State House Station Augusta, ME 04333-0017 (207) 287-7703 Ann.E.Pistell@maine.gov</p>	Y ¹⁵	Y ¹⁶	Y	<p>\$5 incentive (minimum) per thermostat, paid by manufacturers.</p> <p>Structure of incentive (cash, rebate etc.) left up to a stakeholder group. Stakeholders decided on direct cash incentive to the HVAC tech or homeowner. Retail may provide an in-store \$5 gift card.</p>	<p>Y – 125 lbs. Mercury collected per year w/in 2 years, then 160 lbs./year thereafter</p> <p>(pounds based on % of # removed annually.)</p>	<p>M: Establish & maintain recycling program; pay incentive; conduct education and outreach</p> <p>R: May not sell any thermostats from non-compliant manufacturers. May voluntarily act as collection site</p> <p>W: Collection bins on site; provide HVAC techs with redemption coupon; do not sell any thermostats from noncompliant manufacturers</p> <p>C: Recycle thermostats; HVAC techs licensed by A</p> <p>Municipalities: Collection of thermostats at HHW; provide data on collection</p> <p>A: Develop financial incentive plan for M; Enforcement; assist with education & outreach</p>	<p>As of April 2008, 72 wholesalers are collecting thermostats. Expect 150+ retail stores to start collection by May 2008</p>

¹⁵ Maine law at 38 MRSA § 1661-C, sub-§ 5 banned sale of mercury switch thermostats as of January 1, 2006.

¹⁶ Maine law at 38 MRSA § 1663 banned the disposal of any product containing mercury as of July 15, 2002.

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<p>Montana</p> <p>Campaign led by Women’s Voices for the Earth (WVE).</p> <p>SB 424, signed into law on April 17, 2009.</p> <p>Contact: Ms. Jamie Silberberger Campaign Manager P.O. Box 8743 Missoula, MT 59802 jamie@womenandenvironment.org phone: 406.543.3747 fax: 406.543.2557</p>	Y	N	N	Y, but non-financial	Y: an increase in the number of thermostats collected each year until 2016 or when the number of in-service thermostats is steadily declining	<p>M: Provide collection bins to W, C, & make bins available to local governments that request them for HHW facilities or events; pay for bin shipping, handling and recycling; education and outreach for C and homeowners; encourage purchase of programmable thermostats as replacements; education and outreach including establishment of a public website; submit Annual Report to A that includes number of thermostats collected;</p> <p>A: use Annual Report from M to determine if collection goals are being met and require adjustments to M’s plans if not</p> <p>W: act as collection location; if distributes by mail, offer mail-back program; distribute education and outreach information to customers</p>	SB 423 was tabled in April 2007 for financial reasons
<p>New Hampshire</p> <p>SB.528</p> <p>Signed by Governor July 11, 2008 (Effective Date)</p> <p>Contact: Stephanie D’Agostino, M.S. Supervisor, Pollution Prevention Section Office of the Commissioner NH Department of Environmental Services 29 Hazen Drive/P.O. Box 95</p>	Y	Y	N	N	<p>Y - Would be set w/in 4 months of 1st report of manufacturer’s program</p> <p>M must “strive to maximize capture and recycling rate”</p>	<p>M: Fund collection and recycling program w/ C, W, and HHW; education/outreach; submit annual reports</p> <p>R: May not sell thermostats from noncompliant M; post signage</p> <p>W: Collect thermostats or cannot sell them; may pay one-time fee no more than \$25 to collect; may not sell thermostats from noncompliant M</p> <p>C: Required to remove and recycle through M’s program or manage as RCRA hazardous</p>	Wholesalers participation rate less than 50%

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Concord, NH 03302-0095 (603) 271-6398 Stephanie.D'Agostino@des.nh.gov						waste. Cannot install after 07/01/08 HHW: Collect thermostats A: Set safety guidelines; approve M's plan; involve stakeholders in plan review; maintain collection information on website	
Pennsylvania SB 830 and HB 44 On October 9, 2008, HB 44 was approved by the governor Contact: Sharon Trostle Executive Assistant PA Department of Environmental Protection Office of Waste, Air and Radiation Management P. O. Box 2063 Harrisburg, PA 17105-2063 (717) 783-1653 shtrostle@state.pa.us	Y	Y	N	May be included, but not required unless performance goals not met	Y Manufacturers establish goals in annual reports submitted to PA Department of Environmental Protection. Collection goals to ensure increase in the number of thermostats collected each year until 2015 or when department determines the number of in-service thermostats is declining	M: Establish and maintain collection and recycling for W, C, R, homeowners, and service technicians; provide education and outreach; must be free to participate, except for W, C, and R below; may provide incentives as means to achieve goals R: May pay one-time administrative fee; may not sell thermostats unless act as collection site or provide notice to consumer that recycling is required and include in notice names and locations of any collection sites within reasonably close proximity that recycle mercury thermostats W: May pay one-time administrative fee; may not sell thermostats unless act as collection site C: May pay one-time administrative fee; may not sell thermostats unless act as collection site or provide notice to consumer that recycling is required A: Education on safe disposal; approve M's program; distribute a list of collection sites	Voluntary manufacturer recycling program operating since 2000

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						to wholesalers, retailers and contractors or make the list available on the Department's web site	
<p>Rhode Island H. 7199</p> <p>Declared effective without governor's signature June 25, 2010</p> <p>Contact: Sheila Dormody Rhode Island Director Clean Water Action 741 Westminster St. Providence, RI 02903 (401) 331-6972 sdormody@cleanwater.org</p>	Y	Y	N	Y: Modifications to program, to be instituted no earlier than January 2014, may include a \$5 cash/coupon incentive to be offered by M and C to consumers at time of return.	Y: 2011 –2,000 thermostats 2012 –2,250 thermostats 2013 – 2,500 thermostats 2014 – 2,500 thermostats Department will determine collection rate for 2015-2020.	<p>M: Submit collection and financial incentive plan to A; education and outreach for W, R, C, and homeowners; provide containers to W; collection systems that use mail-back options OK; implement Agency-approved collection plans January 1, 2010; submit Annual Report to A that includes the number of thermostats and the amount of mercury collected during previous calendar year by that manufacturer in each state in the US</p> <p>C: must deliver removed mercury thermostats to appropriate location for recycling</p> <p>W: act as collection sites</p> <p>R: sales banned unless participate in education and outreach program for consumers</p> <p>A: website posting of registered collection points; education and outreach for W, R, C, and homeowners; annually report to House Committee on Environment and Natural resources and the Senate Committee on Environment and Agriculture; estimate number of out-of-service thermostats generated annually in RI; may inspect manufacturer records, request third-party</p>	

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						audits, or investigate to verify historic sales or collection program effectiveness data; use Annual Report from M to determine if collection goals after 2014.	
<p>Vermont H.515</p> <p>This Act (Act No. 149) has an effective date of July 1, 2008.</p> <p>§7116 will become a part of 10 VSA Chapter 164</p> <p>Update February 9, 2009: An amendment to this law is being considered that modifies sales data collection requirements and allows the state agency to inspect, audit and investigate to verify historic sales data or system program effectiveness data submitted by manufacturers.</p> <p>Contact: Michael Bender Director Mercury Policy Project/Zero Mercury Working Group US 1420 North Street Montpelier, VT 05602 (802) 223-9000 Mercurypolicy@aol.com</p>	Y	Y	N	<p>\$5 cash for technicians and other registered collection points</p> <p>\$5 off the purchase of in store products in retail locations for homeowners</p>	<p>Y - 65% collection rate by 7/1/2011</p> <p>Manufacturers report data each year</p>	<p>M: Set up collection and incentives for thermostats from all sources (W, R, municipalities and SWD) including education and outreach; annual reports- collection containers for all W, R and registered collection points</p> <p>R: Mandatory participation in education and outreach program (materials provided by manufacturers). Voluntary collection point. May not sell thermostat from non-compliant manufacturer</p> <p>W: Mandatory collection points. May not sell thermostats from noncompliant M</p> <p>C: Recycle thermostats</p> <p>A: Approve M's plan; public comment on plan, review M's annual reporting; conduct education and outreach</p> <p>Update February 9, 2009: Law amended to require M to submit national annual sales data from 1958 to present; submit (in Annual Report to A) the number of thermostats and the amount of mercury collected during previous calendar year for each state in the US; A may inspect</p>	<p>Wholesalers 32 bins - 2001 21 - 2007</p> <p>2007 2-month retail Pilot Project – 86 participants –see details in legislative report below.</p> <p>Legislative study (mandated by law) report available at: http://www.mercury.org/PDF/ThermostatFINAL.pdf</p> <p>1999 mercury products law required contractors to source separate and manage as hazardous waste and disposal ban on labeled mercury-added products – (incl. thermostats) subsequent law</p>

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<p>Jennifer Holliday Environmental Safety Compliance Manager Chittenden County Solid Waste District 1021 Redmond Road Williston, VT 05495 (802) 872-8100 x 223 jholliday@cswd.net</p> <p>Gary Gulka Assistance & Prevention Chief VT Department of Environmental Conservation Environmental Assistance Office 103 South Main Street Waterbury, VT 05671-4911 (802) 241-3626 gary.gulka@state.vt.us</p>						<p>manufacturer records, request third-party audits, or investigate to verify historic sales or collection program effectiveness data; use Annual Report from M to determine if collection goals (65% collection and recycling) are being met and require adjustments to M's plans if not</p> <p>W: act as collection sites</p> <p>R: sales banned unless participate in education and outreach program for consumers</p>	disposal ban on mercury products labeled or not.