

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 R=retailer W=wholesaler C=contractor A=agency HHW = household hazardous waste UW = Universal Waste	
<p>PSI Model Legislation</p> <p>Developed through multi-stakeholder dialogue.</p> <p>http://productstewardship.us/displaycommon.cfm?an=1&subarticlenbr=99</p>	Y	Y	Y	<p>Options:</p> <ol style="list-style-type: none"> Specify amount but not cash v. rebate Specify amount & whether cash v. rebate Defer to administrative or stakeholder process 	Y Recommended based on recycling rate	<p>M: Must develop & implement free collection for C & public through HHW & UW collection; may be required to do outreach</p> <p>R: Education; may not sell products of a non-compliant manufacturer</p> <p>W: Collection center and education</p> <p>C:</p> <p>A: May do outreach</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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<p>California AB 2347</p> <p>Mercury Thermostat Collection Act 2008</p> <p>Status: Passed the Senate 8-19-2008; Passed the Assembly 8-19-2008; Approved by Governor September 29, 2008.</p> <p>http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab2347&sess=CUR&house=B&author=ruskin</p>	Y	Y	N ⁷	<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 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>	N/A

⁷ 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.
PSI Mercury Thermostat Project – State Thermostat Legislative Comparison October 17, 2008

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<p>Illinois HB5348</p> <p>Mercury Thermostat Collection Act</p> <p>Status as of 9-30-2008: referred to Rules on April 9, 2008</p> <p>http://www.ilga.gov/legislation/billstatus.asp?DocNum=5348&GAID=9&GA=95&DocTypeID=HB&LegID=36610&SessionID=51</p>	Y ⁸	N		<p>Financial incentive or other incentives designed to encourage sufficient participation to achieve collection goals</p>	<p>2011-2012 15% of the estimated # in state that are removed from service during the calendar year</p> <p>2013-14 30%</p> <p>2015-16 50%</p> <p>2017 + 80%</p> <p>No penalty for not meeting goals</p> <p>Thermostats handled as universal waste</p>	<p>M: Establish/maintain recycling program; include incentive to help meet goals; education/outreach to R, M, C, and homeowners; fines of \$1,000 - \$5,000+ fee and unable to sell thermostats if in non-compliance</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</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 \$250 - \$500; may pay one-time fee not to exceed \$75</p> <p>A: Enforcement; assist with education/outreach; estimate annual # of thermostats taken out of service; annual report on collection rate; study on collection options for retailers; approve M's plan</p>	<p>As of 2006, 47 wholesalers have bins (a less-than-20% participation rate).</p> <p>28 contractors recruited by Dept (participation rate less than 1%).</p> <p>Collection at HHW events (20-30 per year)</p> <p>Legislative study: www.epa.state.il.us/mercury/iepa-mercury-report.pdf</p>

⁸ IL P.A. 095-0452 bans sale of mercury switch thermostats as of July 1, 2008.

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<p>Iowa HF 2669 enacted in 2008</p> <p>Collection and recycling of mercury-added thermostats.</p> <p>http://coolice.legis.state.ia.us/COOLICE/default.asp?Category=BillInfo&Service=Billbook&hbill=HF2329</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>	Y ⁹	Y ¹⁰	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>

⁹ Maine law at 38 MRSA § 1661-C, sub-§ 5 banned sale of mercury switch thermostats as of January 1, 2006.

¹⁰ Maine law at 38 MRSA § 1663 banned the disposal of any product containing mercury as of July 15, 2002.

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<p>Massachusetts</p> <p><i>*M.G.L. - Chapter 21h, Section 6d</i></p> <p><i>The law pertaining to mercury and solid waste facilities appears in Massachusetts General Laws, Chapter 21h, sections 6a through 6n. Effective date is May 1, 2008</i></p> <p><i>*</i></p>	Y	Y	N	N	N	<p>M: current manufacturers of thermostats are responsible for collection and recycling and submitting plans</p> <p>R: Not allowed to sell mercury thermostats after 5/1/08</p> <p>W: May not sell/distribute mercury thermostats after 5/1/08. 63 participating in TRC, + 5 wholesaler chains & 1 additional</p> <p>C: Must recycle EOL mercury thermostats after 5/1/08</p> <p>A: Education program</p>	<p>Offering TRC Box to all municipalities</p> <p>Major Municipal Waste Combustors have collection and incentive payment programs</p>
<p>Montana</p> <p>SB 423 tabled 04-07 for financial reasons</p> <p>(Campaign led by Women's Voices for the Earth (WVE))</p> <p>http://data.opi.mt.gov/bills/2007/billpdf/SB0423.pdf</p> <p><i>*Needs to be revised according to new versions of legislation*</i></p>							

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<p>New Hampshire SB.528</p> <p>http://gencourt.state.nh.us/bill_status/bill_status.aspx?lsr=2887&sy=2008&sortoption=&txtsessionyear=2008&txtbillnumber=SB528&q=1</p> <p>Signed by Governor July 11, 2008 (Effective Date)</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 waste. Cannot install after 07/01/08</p> <p>HHW: Collect thermostats</p> <p>A: Set safety guidelines; approve M's plan; involve stakeholders in plan review; maintain collection information on website</p>	Wholesalers participation rate less than 50%

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Oregon HB3007 (passed 2001) http://ssl.csg.org/dockets/23cycle/2003A/23ABills/0223a01or.pdf	N ¹¹	N ¹²	N	Manufacturers must provide incentives; not specific as to type/size	N	M: Mandated to provide collection programs, provide incentives, and outreach on proper disposal R: n/a W: n/a C: Required to dispose of thermostats as instructed A: Prohibit installation of mercury thermostats (residential or commercial); notify contractors of requirements	

¹¹ The law does not specifically include a sales ban, however it does require the Dept. of Consumer and Business Services to prohibit the installation of mercury thermostats in commercial and residential buildings, but not in industrial equipment using the thermostats for safety reasons.

¹² The law does not directly ban the disposal of thermostats, however, does ban the disposal of thermostats with mercury still in them. The mercury has to be removed before a thermostat enters the solid waste stream.

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<p>Pennsylvania SB 830 and HB 44</p> <p>http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2007&sessInd=0&billBody=S&billType=B&billNbr=0830&pn=0967 (SB 830)</p> <p>http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2007&sessInd=0&billBody=H&billType=B&billNbr=0044&pn=0069 (HB 44)</p> <p>On October 9, 2008, HB 44 was approved by the governor</p> <p><i>*Needs to be revised according to new versions of legislation*</i></p>	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	<p>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</p> <p>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</p> <p>W: May pay one-time administrative fee; may not sell thermostats unless act as collection site</p> <p>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</p> <p>A: Education on safe disposal; approve M's program; distribute a list of collection sites to wholesalers, retailers and contractors or make the list available on the Department's web site</p>	Voluntary manufacturer recycling program operating since 2000

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<p>Vermont H.515</p> <p>http://www.leg.state.vt.us/data/base/status/summary.cfm?Bill=H%2E0515&Session=2008</p> <p>This Act (Act No. 149) has an effective date of July 1, 2008.</p> <p>Deadline for submission of plans October 1, 2008 – Deadline for implementation of plan by manufacturers – April 1, 2009</p> <p>§7116 will become a part of 10 VSA Chapter 164 http://www.leg.state.vt.us/statutes/sections.cfm?Title=10&Chapter=164</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>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 disposal ban on mercury products labeled or not.</p>