

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mark V. Falzone

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 passage of the accompanying bill:

An Act Relative to Producer Responsibility for Mercury-Added Lamps.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Mark V. Falzone	9th Essex
Ellen Story	3rd Hampshire
Stephen Kulik	1st Franklin
Denise Provost	27th Middlesex
Frank I. Smizik	15th Norfolk
Barbara A. L'Italien	18th Essex
Robert P. Spellane	13th Worcester
Louis L. Kafka	8th Norfolk
Steven J. D'Amico	4th Bristol
William N. Brownsberger	24th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 1. Section 6J of Chapter 21H of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking subsections (d), (e), and (f) and inserting in their
3 place thereof the following subsections:

4 (d) (1) Effective January 1, 2011, each manufacturer of a mercury-added lamp
5 offering for sale or distribution mercury-added lamps in Massachusetts shall, individually or
6 collectively, implement a department approved mercury-added lamp recycling program for
7 lamps sold or distributed in Massachusetts for household use.

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

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

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

15 (iii) Effective education and outreach, including but not limited to point of
16 purchase signage and other materials provided to retail establishments without
17 cost;

18 (iv) Reporting to the department by February 15 of each calendar year the
19 number of lamps recycled under the program in the previous calendar year, the

20 estimated number of out-of-service mercury-added lamps in the previous calendar
21 year, the methodology for estimating the number of out of service mercury-added
22 lamps previously approved by the department following the solicitation of public
23 comment, an evaluation of the effectiveness of the program, recommendations for
24 increasing the number of lamps recycled under the program, and an accounting of
25 the costs associated with administering and implementing the recycling program.

26 (3) Each manufacturer required to implement a recycling program under
27 paragraph (1) shall submit its proposed program for department review and approval by
28 January 1, 2010. The department shall solicit public comment on the proposed program
29 before approving or denying the program.

30 (4) Beginning April 1, 2011, a manufacturer not in compliance with this section is
31 prohibited from offering any mercury-added lamp for final sale in the state, or
32 distributing any mercury-added lamp in the state. A manufacturer not in compliance with
33 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
35 distributed in the state.

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
38 that the lamps contain mercury and that the lamps are prohibited from placement in a
39 solid waste landfill or combustor. Retail establishments that incidentally sell mercury-
40 added lamps are exempt from the requirements of this subsection.

41 (6) Any contractor who removes mercury-added lamps shall inform the person for
42 whom 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
46 lamp produced by a manufacturer not in compliance with this section. The department
47 shall notify retailers of any manufacturers of mercury-added lamps deemed not in
48 compliance with section.

49 (8) Recycling goals of 30% in 2009, 40% in 2010, 50% in 2011, 60% in 2012,
50 and 70% thereafter are hereby established for the mercury-added lamp recycling program
51 in Massachusetts.

52 (e) (1) Beginning on April 15, 2012, and annually thereafter, the department shall
53 report to the house and senate committees on ways and means on the progress made in achieving
54 these recycling goals, modifications (if any) to the program it intends to require in the

55 manufacturer programs as needed to improve lamp recycling rates, and recommendations (if
56 any) for statutory changes needed to facilitate mercury-added lamp collection and recycling.

57 (2) The report for calendar year 2012 shall include:

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

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

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

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

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

67 (f) The department shall review the standards of mercury content for lamps of the several
68 other states, and subsequent to said review the department shall adopt, implement, and enforce
69 mercury content standards for lamps. The department may adopt rules minimizing the mercury
70 content of lamps within various categories, including adoption of a no mercury standard where
71 non-mercury alternatives are available at comparable cost.

72 (1) Procurement of low mercury lamps. It is the policy of the state to promote the
73 manufacture of lamps containing the lowest possible mercury content while maximizing
74 energy efficiency and lamp life by purchasing lamps with such attributes and providing
75 information to other large purchasers of lamps.

76 (i) When purchasing lamps for use in state buildings, the commissioner of
77 buildings and general services shall request from potential suppliers information
78 about mercury content, energy use, and lamp life. The commissioner of buildings
79 and general services shall purchase lamps with the lowest possible mercury
80 content. The commissioner of buildings and general services shall make available
81 to the public information obtained under this subsection on the mercury content,
82 energy use, and lamp life of lamps. When purchasing lighting or lamps, the
83 agency shall comply with those requirements that the commissioner of buildings
84 and general services is subject to.