



imerc alert

INTERSTATE MERCURY EDUCATION & REDUCTION CLEARINGHOUSE

Deadlines for Phase-out of the Sale of Mercury-added Products with >1 gram of Mercury or >250 PPM: July 1, 2004 in CT & July 1, 2005 in RI

IMERC has posted guidance on its webpage— www.newmoa.org/prevention/mercury/imerc/phaseoutinfo.cfm — for manufacturers of mercury-added products to help them comply with phase-out and collection plan requirements in Connecticut, Maine, and Rhode Island. These states have enacted specific mercury product phase-out and collection system plan laws, and the guidance material on the website describes how companies can comply with them. The first deadline for mercury-added product phase-outs was July 1, 2004 in Connecticut and applies to mercury-added products with more than one gram of mercury or 250 parts per million (ppm). Manufacturers of these products must either phase-out the sale of these products in Connecticut or submit a “Phase-out Exemption Application” that meets the criteria specified in the State’s law. Manufacturers can find the Exemption Application at the IMERC webpage identified above. Rhode Island has enacted a similar set of requirements that will become effective July 1, 2005.

Maine law bans the sale of mercury switches, relays, and measuring devices beginning July 1, 2006 unless an exemption is obtained from the Maine Department of Environmental Protection (ME DEP). The DEP is drafting rules for processing exemption requests. To receive information on this rulemaking, contact John James, john.james@maine.gov or 207-287-7866. The DEP will send written notice of the sales ban to all IMERC listed manufacturers who make the banned products.

For more information contact: Terri Goldberg, NEWMOA (617) 367-8558 x302, tgoldberg@newmoa.org.

Requirements for Updating Mercury-added Product Notification Forms

The deadline for updating Mercury-added Product Notification Forms is April 1, 2005, including reporting total mercury use for US sales of mercury-added products in calendar year 2004. Mercury-added product manufacturers and their representatives are required to submit an updated Mercury-added Product Notification Form if:

- (1) there is a change in any of the information required for the Notification (e.g., increase or decrease in the amount of mercury);
- (2) the mercury is eliminated from the product;
- (3) the manufacturer stops manufacturing the mercury-added product or product category;
- (4) the mercury-added product or product category is no longer sold in states requiring Notification; and/or
- (5) the manufacturer begins to produce additional mercury-added products. Every three years the total mercury use information is required to be updated and reported for a full calendar year.

For more information contact: Terri Goldberg, NEWMOA (617) 367-8558 x302, tgoldberg@newmoa.org.

New York State Enacts Mercury-added Product Legislation

The New York State legislature enacted mercury-added product legislation that was signed by Governor George Pataki in July 2004. The law includes the following:

- Bans the sale of mercury-added novelty products. Novelty items that are games with a light screen display that contains mercury or includes a removable battery containing mercury are exempt from this ban. Effective date: January 1, 2005
- Bans the sale of mercury fever thermometers, except by prescription signed by a physician. Electronic fever thermometers that contain removable button cell batteries are exempt from this sales ban. Effective date: January 1, 2005

- Bans the use and purchase of elemental mercury in primary and secondary schools. Effective date: September 4, 2004
- Bans the sale or distribution of elemental mercury without the final purchaser or recipient signing a statement that the purchaser will use the mercury only for medical, pre-encapsulated dental amalgam, research, or manufacturing purposes. Effective date: January 5, 2005
- Requires that all mercury-added products have a label informing the consumer that mercury is present in the product and that the product must be recycled and not disposed with other solid waste or wastewater. Manufacturers of products that cannot meet the labeling standards established in the law can apply for an alternative labeling plan, similar to the other IMERC member states that require product labeling. Allows car manufacturers to use door post labels. Encourages the NYS DEC to coordinate with other states on implementing this requirement. Effective date: July 2005.
- Bans the knowing or intentional disposal of mercury-added consumer products in solid waste landfills and incinerators. Creates an educational campaign on compliance with this requirement. Certain products are exempt from this disposal ban, including fluorescent lamps generated by households and small businesses. Effective date: July 2005.
- Establishes an Advisory Committee on Mercury Pollution to study and make recommendations concerning the prevention and cleanup of mercury pollution. Established within 90 days after law is enacted (mid-October 2004)
- Encourages the New York State Department of Environmental Conservation to coordinate its efforts with other states through a multi-state clearinghouse.

For more information on this new law contact: Peter Pettit, NYS DEC, (518) 402-8705; pmpettit@gw.dec.state.ny.us.

Guidance on Compliance with Product Bans for Mercury-added Products Sold & Distributed in the US

IMERC has posted guidance on its webpage— www.newmoa.org/prevention/mercury/imerc/productban.cfm — that is designed to help manufacturers, importers, and distributors of mercury-added products understand how to comply with specific mercury-added product bans in the United States.

This guidance document covers product bans enacted in the IMERC and non-IMERC member states. The mercury-added product bans enacted in the applicable states generally focus on the following categories of products: mercury-added fever thermometers, dairy manometers, thermostats, novelty items, and other measuring devices that have widely available non-mercury alternatives. These product bans do not allow manufacturers to apply for an exemption.

For more information contact: Terri Goldberg, NEWMOA (617) 367-8558 x302, tgoldberg@newmoa.org

IMERC

The Interstate Mercury Education & Reduction Clearinghouse (IMERC) produces *IMERC Alert* as a way of communicating critical information with manufacturers, distributors, and importers of mercury-added products and trade organizations that represent those companies. The Alert is designed to provide quick and easy updates on the regulatory requirements of IMERC-member states concerning mercury-added products and other related developments and activities. *IMERC Alert* is distributed primarily through an e-mail list of companies and organizations that have reported to IMERC that they produce or distribute mercury-added products, and it is posted on the IMERC web page at www.newmoa.org/prevention/mercury/imerc. IMERC will be issuing this Alert periodically—based on when announcements and new information become available. IMERC would appreciate receiving comments and suggestions on this bulletin; send your ideas to tgoldberg@newmoa.org.

IMERC was established by state environmental officials from Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont to help them implement laws and programs aimed at getting mercury out of consumer products, the waste stream, and the environment. Washington State officially joined IMERC in 2003. IMERC is a program of the Northeast Waste Management Officials' Association (NEWMOA). In 2001 the NEWMOA member states launched IMERC to provide:

- ongoing technical and programmatic assistance to states that have enacted mercury education and reduction legislation
- a single point of contact for industry and the public for information on mercury-added products and member states' mercury education and reduction programs.

NEWMOA's staff provides logistical, facilitation, and technical support for the activities of IMERC.