

MERCURY REDUCTION & EDUCATION LEGISLATION IN THE IMERC – MEMBER STATES

Prepared by Terri Goldberg and Adam Wienert, NEWMOA
June 2008

Beginning in 1999 many states began pursuing legislation focusing on reducing mercury in products and waste. Since then states legislatures and governors have enacted a number of laws designed to reduce mercury releases to the environment attributable to products. The key goals of these efforts are to make information readily available to the public about mercury-added products; reduce unnecessary uses of mercury-added products where environmentally preferable alternatives exist; and increase the proper collection and recycling of mercury-added products.

Table 1 summarizes the Mercury Education and Reduction Legislation that has been enacted by the Interstate Mercury Education and Reduction Clearinghouse (IMERC) member states as of June 2008. The states that are members of IMERC include California, Connecticut, Illinois, Louisiana, Maine, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Vermont, and Washington State. For more information about IMERC visit <http://www.newmoa.org/prevention/mercury/imerc.cfm>. The following sections summarize the legislation that has been enacted by each of the IMERC-member states in alphabetical order by state.

California

In September 2005, California enacted a law that:

- prohibits the sale of mercury-added switches and relays with the opportunity for applying for an exemption;
- bans the sale of gas ovens with mercury-added diostats (or flame sensors) after January 1, 2008; and
- bans the sale of various mercury-added measuring devices, including barometers, flow meters, hydrometers, various gastrointestinal and medical tubes, manometers, pyrometers, blood pressure cuffs, and thermometers.

There are various exemptions and exceptions to these restrictions.

See Assembly Bill 1415, Chapter 578, and Statutes of 2005 for details on the law.

For more information visit:

http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_1401-1450/ab_1415_bill_20051006_chaptered.html

Connecticut

In 2002, Connecticut enacted a law that:

- implements a phase-out of many mercury-added products – effective July 1, 2006 the sale or distribution of mercury-added products containing more than one hundred milligrams or 50 parts per million of mercury is prohibited (with some exceptions for mercury-containing lamps), unless the product is specifically exempted from the statutory phase-out requirements

(products subject to this phase-out under these provisions include household mercury thermostats, various chemical reagents, and mercury added switches including float switches and pressure switches);

- requires product labeling for most mercury-added products;
- bans the sale or distribution of certain mercury products;
- requires the manufacturers to initiate collection programs for many mercury-added products;
- establishes best management practices for dentists; and
- limits the sale of elemental mercury.

See CGS Chapter 446m for details on the law.

The Connecticut Department of Environmental Protection (CT DEP) has allowed for some limited exemptions from the phase-out requirements in accordance with the law for certain replacement parts and safety components where an effective mercury-free alternative is not currently available. Examples of these products include certain mercury relays, flame sensors, anti-lock brake sensors as replacement parts, and silver oxide batteries used in satellite systems.

In 2006, Connecticut enacted additional mercury products legislation that:

- establishes Universal Waste Rule requirements for mercury containing equipment;
- bans the use of mercury in button cell batteries by July 1, 2011;
- extends the exemption date for phase-out requirements for mercury-containing lamps to 2013;
- exempts button cell batteries from collection plan requirements;
- changes the product labeling requirements for luminaries;
- requires mercury-added lamps to be labeled;
- restricts mercury use in packaging; and
- includes a penalty provisions for the mercury-added provisions of the state law.

See Connecticut Public Act 06-181 for more details.

For more information visit:

http://www.ct.gov/dep/cwp/view.asp?a=2708&q=324010&depNav_GID=1638

Illinois

In 2003, Illinois enacted a law that:

- bans the sale of mercury fever thermometers and novelty items effective July 1, 2004;
- prohibits the giving of these items as a gift or promotional items, including fever thermometers distributed in maternity or new baby kits; and
- bans manufacturing of mercury fever thermometers effective July 1, 2004.

See Illinois Public Act 093-0165 for more details.

In 2004, Illinois enacted a law that:

- bans the sale and distribution of mercury-added switches and relays individually or as a product component with some exemptions effective July 1, 2007;
- requires manufacturers of mercury switches and relays, scientific equipment, or instructional equipment to apply for an exemption by July 1, 2006;
- bans the purchase or acceptance for use in primary and secondary schools bulk elemental mercury, chemicals containing mercury compounds, or instructional equipment or materials containing mercury added during their manufacture (exempts other products containing mercury added during their manufacture and measuring devices used as teaching aids) effective July 1, 2005;
- requires the Illinois Environmental Protection Agency to submit to the Governor and General Assembly a report that includes an evaluation of programs to reduce and recycle mercury from mercury thermostats and mercury vehicles and components and recommendations for altering the programs to make them more effective by January 1, 2005; and
- designates switches and relays and scientific instruments and instructional equipment containing mercury added during their manufacture as categories of universal waste.

See Illinois Public Act 093-0964 for more details.

In 2004, Illinois enacted the Mercury Switch Removal Act that:

- requires manufacturers of vehicles containing mercury switches to begin a mercury switch collection program that facilitates removal of mercury switches from end-of-life vehicles prior to processing these vehicles for recycling effective April 24, 2006,
- requires that mercury switches removed from vehicles be managed in accordance with the Illinois Environmental Protection Act and associated regulations, and
- requires the vehicle recyclers, crushers, and scrap metal recyclers that remove mercury switches to maintain records and make reports relating to the mercury switches removed.

See Illinois Public Act 094-0732 for more details.

For more information visit: <http://www.ilga.gov/legislation/publicacts>

Louisiana

In 2007, Louisiana enacted a law that:

- phases out mercury-added fabricated products with >1,000 mg Hg and formulated products with >250 ppm Hg by July 1, 2008;
- phases out mercury-added fabricated products with >100 mg Hg and formulated products with >50 ppm Hg by July 1, 2010; and
- phases out mercury-added fabricated products with >10 mg Hg and formulated products with >10 ppm Hg by July 1, 2012.

For more information visit: www.deq.louisiana.gov/portal/Default.aspx?tabid=287

Maine

From 2002 – 2006, Maine has enacted a number of mercury product laws that:

- require all dental offices to install amalgam separators effective December 31, 2004; if a separator was installed prior to March 20, 2003, it must achieve a minimum of 95 percent removal efficiency, while separators installed on or after that date must have a minimum of 98 percent removal efficiency, with efficiencies to be determined by ISO 11143 (see 38 MRSA §§ 1661 and 1667 for more details);
- require dental offices to prepare pollution prevention plan that includes options and strategies for source reduction by July 15, 2002 (see 38 MRSA §§ 1661 and 1667 for more details);
- ban the sale of mercury switches, relays and measuring devices with some exceptions effective July 1, 2006 – measuring devices include barometers, esophageal dilators, bougie tubes or gastrointestinal tubes, flow meters, hydrometers or psychrometers, pyrometers, manometers, sphygmomanometers, and thermometers (see 38 MRSA § 1661-C (6), (7) and (8) for more details);
- require all household cathode ray tube and flat panel displays greater than four inches to be recycled by July 20, 2006, in part due to the mercury in these products (see 38 MRSA §§ 1306(4) and 1610 for more details);
- require manufacturer to pay the costs of handling and recycling computer monitors and TVs effective February 2006 (see 38 MRSA §§ 1306(4) and 1610 for more details);
- prohibit the sale of a motor vehicle assembled after January 1, 2003 if it contains a mercury switch (see 38 MRSA § 1665-A for more details);
- require mercury switches and mercury headlamps to be removed from end-of-life vehicles before they are flattened or crushed (see 38 MRSA § 1665-A for more details);
- require automobile manufacturers to establish a statewide system to consolidate and recycle the switches; a 2006 amendment to this law increased the payment required by automakers for each switch returned for recycling from \$1 to \$4 if the vehicle identification number (VIN) of the source vehicle is provided; if the VIN of the source vehicle is not provided, no payment is required, but the manufacturers are responsible for recycling the mercury; (see 38 MRSA § 1665-A for more details);
- prohibit the sale of mercury-added thermostats effective January 1, 2006 (see 38 MRSA § 1661-C (5) for more details);
- establish a \$5 incentive for the return of a mercury-added thermostat, to be paid for by the thermostat manufacturers;
- prohibit the sale, use, or distribution of any product to which mercury is intentionally added effective of January 1, 2002 unless the manufacturer (or someone else) has notified the Maine Department of Environmental Protection as to the amount and purpose of the mercury (see 38 MRSA § 1661-A for more details);
- ban the sale or distribution of mercury-added fever thermometers and manometers of the type used in milking machines effective January 1, 2002 (see 38 MRSA § 1661-C (1) and (2) for more details);
- require mercury-added products sold in Maine after January 1, 2002 to have an identifying label (see 38 MRSA § 1662(1) and chapter 870 of the Department of Environmental Protection rules for more details);
- ban the sale of mercury-added button cell batteries effective June 30, 2011 (the delay will permit manufacturers to perfect the technology associated with mercury-free products and build production capacity) (see Sec. 1. 38 MRSA §1661 for more details); and

- require the Maine Department of Environmental Protection to file an interim report on the state of button battery technology in January 2009 in order to allow the legislature to assess whether a sufficient supply of mercury-free batteries will be available in advance of the 2011 ban (see Sec. 1. 38 MRSA §1661-C (9) and Public Law 2005 C.509 for more details).

Maine's mercury product laws are codified in Title 38, Chapter 16-B of the Maine Revised Statutes Annotated.

For more information visit: <http://janus.state.me.us/legis/statutes/38/title38ch16-Bsec0.html>

Massachusetts

In 2002, Massachusetts enacted a law that bans the sale of mercury-added fever thermometers.

See H3772 for details of the law.

In 2006, Massachusetts enacted a law – An Act Relative to Mercury Management – that:

- mandates manufacturers of mercury-added products to notify the Massachusetts Department of Environmental Protection (MA DEP) of components of their products that contain mercury and the amount of mercury in them through IMERC;
- requires product labeling for most mercury-added products, effective May 1, 2008;
- directs the MA DEP to implement a program to educate residents about proper disposal of mercury-added products;
- requires manufacturers selling mercury-added products in the state to set up and pay for collection programs for their end-of-life products, effective May 1, 2007;
- directs manufacturers to test and disclose the mercury content of certain products upon request by a health care facility;
- bans the disposal of mercury-added products in any manner other than recycling, disposal as hazardous waste, or another approved method;
- authorizes the state to participate in a multi-state clearinghouse, such as IMERC;
- eliminates the purchase of most mercury-added products in schools;
- bans the sale or distribution of motor vehicles containing one or more mercury-added switches effective January 1, 2007;
- prohibits the installation of mercury-added switches in motor vehicles, existing mercury-added switches requiring replacement must be replaced with a non-mercury alternative if available;
- requires vehicle manufacturers to set up a program to remove all mercury switches from end-of-life vehicles and requires all vehicle dismantlers and recyclers to remove mercury-added switches and devices prior to crushing or shredding;
- bans the sale, or offer to sell, mercury-added measurement devices, (with an allowance for exemptions); such as thermostats, barometers, esophageal dilators, bougie tubes or gastrointestinal tubes, flow meters, hydrometers, hygrometers or psychrometers, manometers, pyrometers, sphygmomanometers and basal thermometers effective May 1, 2008;
- bans the sale of mercury switches or relays (with an allowance for exemptions) individually or as components of other products effective May 1, 2009; and

- requires manufacturers of mercury-added lamps to implement a plan for educating users about recycling end-of-life lamps and meet specific recycling targets that increase over time.

See Chapter 190 of the Acts of 2006 for details.

For more information visit: <http://www.mass.gov/legis/laws/seslaw06/sl060190.htm>

Minnesota

Minnesota has enacted several statutes and promulgated regulations that prohibit:

- the disposal of mercury or a thermostat, electric switch, appliance, gauge, medical or scientific instrument, electric relay, fluorescent or high intensity discharge lamp, or other electrical device into solid waste, a wastewater disposal system, solid waste processing facility, or solid waste disposal facility unless mercury is removed for reuse or recycling;
- the sale or free distribution of mercury-containing thermometers manufactured after June 1, 2001 (exempts mercury thermometers with certain mercury-containing batteries; that are used for food research and development and food processing; that are part of animal agriculture climate control systems or industrial measurement systems; and that are used for calibration of other thermometers, apparatus, or equipment unless a non-mercury calibration standard has been approved);
- the sale or resale of toys and games containing mercury and clothing or wearing apparel that contains a mercury switch; and
- the sale, installation, or repair of mercury manometers on dairy farms.

See Minnesota Statutes 2001, sections 115A.932, 116.92 for details.

In 2007, Minnesota passed an amendment to Minnesota Statutes 2006, section 115A.932, subdivision 1 that:

- as of August 1, 2007, bans the sale of mercury-containing sphygmomanometers, gastrointestinal devices, thermostats, switches & relays
- as of January 1, 2008, bans the sale of mercury-added diostats, barometers, manometers, pyrometers, over-the-counter pharmaceuticals, cosmetics, toiletries, and fragrances
- excludes the ban of a switch, relay, or measuring device used to replace a switch, relay, or measuring device that is a component of a larger product in use prior to January 1, 2008, provided the owner of that equipment has made every reasonable effort to determine that no compatible non-mercury replacement component exists.

For more information visit: www.revisor.leg.state.mn.us/statutes/?id=115A.932

New Hampshire

In 2000, New Hampshire enacted a law that:

- bans the sale of mercury thermometers without a prescription;
- bans the sale of novelty items containing mercury such as games, toys, clothing and ornaments;
- limits the sale of elemental mercury to a few specific purposes;

- prohibits the use of mercury and mercury compound in science labs in grades K-12,
- requires that manufacturers of mercury-added products, such as fluorescent lamps, batteries, thermostats, and electrical switches, notify the state about the quantity of mercury contained in their products, and
- requires the New Hampshire Department of Environmental Service (NH DES) to create a public outreach and education program on the hazards of mercury and ways to reduce the amount of mercury going into the environment.

For more information visit: <http://www.gencourt.state.nh.us/legislation/2000/HB1418.html>

In 2002, New Hampshire enacted a law that:

- requires dentists and the NH Department of Health and Human Services to provide information on restorative dental materials, including mercury amalgams, and
- requires the NH Department of Environmental Services to adopt rules for the disposal of mercury amalgam waste in an environmentally-appropriate manner.

For more information visit: <http://www.gencourt.state.nh.us/legislation/2002/HB1251.html>.

In 2007 New Hampshire enacted a law that:

- as of January 1, 2008, restricts the sale and distribution of the following mercury-added products: barometer, esophageal dilator, bougie tube, gastrointestinal tube, flow meter, hydrometer, hygrometer, psychrometer, manometer, pyrometer, sphygmomanometer, and thermometer (for exceptions, see paragraph II of RSA 149-M:53). These restrictions do not apply if the only mercury-added component in the product is a button-cell battery.
- as of July 1, 2008, restricts the sale and distribution of a new manufactured mercury switch, mercury relay, or mercury thermostat individually or as a product component. This prohibition does not apply if the switch, relay, or thermostat is used to replace a switch, relay, or thermostat that is a component in a larger product in use prior to July 1, 2008 provided that no compatible non-mercury replacement component exists.

The law allows manufacturers and distributors to file for exemption.

For more information visit: <http://www.gencourt.state.nh.us/legislation/2007/HB0907.html>.

In 2007, New Hampshire enacted a law that

- bans the disposal of mercury-added products in solid waste landfills, transfer stations, or incinerators as of January 1, 2008

For more information visit: <http://www.gencourt.state.nh.us/legislation/2007/HB0416.html>.

In 2008, New Hampshire enacted a law that:

- Requires manufacturers of mercury-added thermostats sold in New Hampshire to establish and maintain a department-approved collection and recycling program for out-of-service mercury-added thermostats from contractors, service technicians, and residents.
- prohibits the installation of mercury-added thermostats beginning July 1, 2008

New Jersey

In 2003, New Jersey passed a bill requiring the posting of mercury health warnings for pregnant women in doctor's offices.

See Bill S1202 for more details.

For more information visit: http://www.njleg.state.nj.us/2002/Bills/AL03/174_.PDF

In 2005, New Jersey passed the Mercury Switch Removal Act of 2005 that:

- requires automobile manufacturers to develop and fund a plan to remove mercury switches from end-of-life vehicles, and
- requires all scrap yards and automobile dismantlers to remove mercury switches from end-of-life vehicles before sending the auto scrap metal to iron and steel mills.

See P.L. 254, c.54 for more details.

For more information visit: http://www.njleg.state.nj.us/2004/Bills/PL05/54_.HTM

In 2005, New Jersey also passed a bill that bans the sale or promotional offer of mercury-added basal, oral, or rectal thermometers (this law does not apply to thermometers used in research and development, professional health care purposes, or for industrial, manufacturing, or commercial purposes).

For more information visit http://www.njleg.state.nj.us/2004/Bills/PL05/80_.HTM

New York

In 2002, New York State passed a law that:

- requires dentists to use pre-encapsulated elemental mercury; and
- requires dentists to recycle elemental mercury, mercury capsule waste, and dental amalgam based on rules and regulations established by the New York State Department of Environmental Conservation (NYS DEC) Commissioner.

The NYS DEC adopted regulations, 6NYCRR Subpart 374-4, Standards for the Management of Elemental Mercury and Dental Amalgam Wastes at Dental Facilities effective May 12, 2006.

These regulations:

- prohibit the use of non-encapsulated elemental mercury in dental offices, and
- require dentists to recycle elemental or dental amalgam waste generated in their offices and provide management standards that must be met as required by statute.

For more information visit: <http://www.dec.ny.gov/chemical/8513.html>

In 2004, New York passed a law that:

- bans the sale of mercury-added novelty products effective January 1, 2005 (a product with solely a mercury-containing light screen display or a mercury-containing battery does not necessarily constitute a novelty item);
- bans the sale of mercury fever thermometers, except by prescription signed by a physician, effective January 1, 2005 (electronic fever thermometers that contain removable button cell batteries are exempt from this sales ban);
- bans the use and purchase of elemental mercury in primary and secondary schools effective 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 January 1, 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 disposed of properly;
- bans the knowing or intentional disposal of mercury-added consumer products in solid waste landfills and incinerators effective in July 12, 2005 and creates an educational campaign on compliance with this requirement (certain products are exempt from this disposal ban, including fluorescent lamps generated by households and non-hazardous lamps generated by small businesses);
- requires the development and dissemination of information materials on the dangers of and the proper disposal of mercury-added consumer products;
- establishes an Advisory Committee on Mercury Pollution to review the laws effectiveness and make recommendations concerning the prevention and cleanup of mercury; and
- encourages the New York State Department of Environmental Conservation to coordinate its efforts with other states through a multi-state clearinghouse.

For more details see S. 7399B or Chapter 145, Laws of 2004.

For more information visit: <http://www.dec.ny.gov/chemical/8853.html>

In 2005, New York enacted a number of amendments to Chapter 145 under Chapter 676 that:

- requires disclosure of mercury content from manufacturers and trade associations;
- allows for uses of mercury-added consumer products that are a federal requirement;
- bans the sale or distribution of mercury barometers, esophageal dilators, bougie tubes, gastrointestinal tubes, flow meters, hygrometers, psychrometers and pyrometers effective January 1, 2006;
- bans the sale or distribution of mercury hydrometers and manometers effective January 1, 2007;
- bans the sale or distribution of mercury-added switches and relays, both individually and as components of another product, effective January 1, 2008; and
- requires that the Commissioner of the NYS Department of Environmental Conservation issue a written assessment of non-mercury alternatives for a number of products.

For more details see or Chapter 676, Laws of 2005.

For more information visit: <http://www.dec.ny.gov/chemical/8853.html>

In 2005, New York passed a law that:

- prohibits a person under three years of age and a woman who knows she is pregnant from a vaccination that contains more than 0.5 micrograms of mercury per 0.5 milliliter dose;
- allows a person under three years of age to be vaccinated with an influenza vaccine that contains not more than 0.625 micrograms of mercury per 0.25 milliliter dose;
- allows a woman who knows she is pregnant to be vaccinated with an influenza vaccine that contains not more than 1.25 micrograms of mercury per 0.50 milliliter dose;
- allows the commissioner to authorize vaccines containing higher mercury levels if it is necessary to prevent or respond to an outbreak of disease and there are insufficient amounts of vaccine containing the lower levels of mercury; and
- allows the commissioner to authorize vaccines containing higher mercury levels if determined that a vaccine with lower mercury levels is not available for distribution in New York and the parent of a person under three years of age provides informed consent or the woman who knows she is pregnant provides informed consent

See Chapter 603, Laws of 2005 for more details.

In 2006, New York enacted a law that:

- requires removal and collection of fluids, lead acid batteries, mercury switches, and other mercury-added devices prior to crushing and scrapping end-of-life vehicles; and
- requires vehicle dismantlers to complete and submit to the NYS Department of Environmental Conservation an annual report concerning end-of-life vehicles received, processed, and stored on site.

See Chapter 180, Laws of 2006 for more details.

For more information visit: <http://www.dec.ny.gov/chemical/28653.html>

In 2006, New York enacted a law that:

- bans the sale of motor vehicles (commencing in calendar year 2011, with model year 2012) with any mercury-added component that contains greater than 15 milligrams of mercury, which is intentionally added in order to provide a specific characteristic, appearance or quality, to perform a specific function, or for any other purpose (the components include but are not limited to switches, sensors, lights, and navigational systems) effective January 1, 2007;
- allows motor vehicle manufacturers to apply for an exemption to this sales ban if the mercury-added component is necessary to comply with federal or state safety or health requirements or for the purposes of national security; and
- instructs the state's agencies to give a preference and give priority for purchasing mercury-free vehicles taking into consideration competition, price, availability, and performance.

See Chapter 611, Laws of 2006 for more details.

For more information visit: <http://www.dec.ny.gov/chemical/28728.html>

Use of Enforcement Discretion for Discarded Mercury-Containing Equipment, Commissioner Policy 39 (CP-39), provides for enforcement discretion by the New York State Department of Environmental Conservation to allow the regulated community to comply with the United States Environmental Protection Agency (USEPA) final rule, promulgated at 70 FR 45507-45522 on August 5, 2005. This rule adds waste consisting of mercury-containing equipment to the federal Universal Waste Rule of 40 CFR Part 273 and provides an alternative to the existing Department hazardous waste regulations.

For more information visit: <http://www.dec.ny.gov/chemical/8841.html>

For more information on New York State's entire mercury regulations and laws visit: <http://www.dec.ny.gov/chemical/285.html>

North Carolina

In 2005, North Carolina enacted a law that:

- requires removal of mercury-containing switches from vehicles entering a scrap metal recycling facility or vehicle recycler for the purpose of recycling unless removal of the switch would significantly increase the risk of release of mercury to the environment effective July 1, 2006;
- requires development of a mercury minimization plan with the goal of having a capture rate of at least 90 percent;
- requires the North Carolina Department of Environment and Natural Resources to publish an annual report on the mercury minimization plan that includes a detailed description and documentation of the capture rate, a description of additional or alternative actions that may be implemented to improve the mercury minimization plan if a capture rate of at least 90 percent is not achieved, the number of mercury switches collected, the number of end-of-life vehicles processed for recycling, a description of the process for handling mercury switches, and a statement of the costs required to implement the mercury minimization plan; and
- requires vehicle manufacturers to submit an annual report to the North Carolina Department of Environment and Natural Resources that describes in detail the status of vehicle design changes that are intended to facilitate recycling of vehicle components that contain mercury and include for each make and model for the upcoming model year, a list of all vehicle components that contain mercury.

See SL2005-384 for more details.

For more information visit:

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2005&BillID=h1136>

Rhode Island

In 2001, Rhode Island enacted a law – the RI Mercury Reduction and Education Act of 2001 –

that:

- requires the phase-out of most mercury-added products,
- requires product labeling and collection plans for most mercury-added products,
- imposes bans on the sale of certain mercury-added products,
- limits the sale of elemental mercury, and
- eliminates mercury and most mercury-added products from schools.

This Rhode Island mercury products law was subsequently amended by the Rhode Island General Assembly in 2003, 2005, and 2006. See below for more details.

See [RI General Laws 23-24.9](http://www.rilin.state.ri.us/Statutes/TITLE23/23-24.9/INDEX.HTM) at <http://www.rilin.state.ri.us/Statutes/TITLE23/23-24.9/INDEX.HTM> for more details.

In 2003, the state amended the Mercury Reduction and Education Act to:

- extend the phase-out requirements from July 13, 2003 to July 1, 2005 for those products with greater than 1,000 milligrams or 250 parts per million (ppm) mercury; from July 13, 2005 to July 1, 2007 for those products with greater than 100 milligrams or 50 ppm mercury; and from July 13, 2007 to July 1, 2009 for those products with greater than 10 milligrams or 10 ppm mercury;
- exempt specialized lighting used in the entertainment industry from these bans;
- delay labeling requirements, disposal bans, and the requirement for manufacturers to either set up their own or a cooperative collection system for their products until July 1, 2005;
- exempt novelties incorporating one or more mercury-added button cell batteries as their only mercury-added component(s) from the ban on the sale, use, or distribution of mercury-added novelties (note: under the 2001 law, the exemption had applied only to novelties with *replaceable* mercury-added button cell batteries); and
- extended the deadlines for product phase-out, collection plans, disposal plans, and product labeling and disclosure for formulated mercury-added products.

See H-6610 at <http://www.rilin.state.ri.us/BillText/BillText03/HouseText03/H6610.pdf> for more details.

See S-0578Aaa at <http://www.rilin.state.ri.us/BillText/BillText03/SenateText03/S0578Aaa.pdf> for more details.

The 2003 amendments also established a 14 member advisory commission to provide the Governor and the Rhode Island General Assembly with recommendations for reducing and eliminating mercury hazards in Rhode Island; this commission began meeting in May of 2004. The work of the commission concluded in April 2005 with the release of the *Final Report of the Rhode Island Commission on Mercury Reduction and Education*.

The full reports, and the Commission's sub-group report on mercury switches in vehicles, are both available at: <http://www.dem.ri.gov/topics/mercury.htm>

In 2004 the Rhode Island General Assembly adopted a resolution urging the Rhode Island

Mercury Reduction Oversight Commission (RIGL §23-24.9-2.1) to develop a plan to address the collection and recycling of mercury-added auto parts.

See H-8639 at <http://www.rilin.state.ri.us/BillText/BillText04/HouseText04/H8639.pdf> for more details.

See S-3209 at <http://www.rilin.state.ri.us/BillText/BillText04/HouseText04/H8639.pdf> for more details.

In 2004, the Rhode Island General Assembly adopted a Resolution urging the Rhode Island Mercury Reduction Oversight Commission to:

- develop a plan to address the collection and recycling of electronic waste; and
- submit to the General Assembly no later than January 30, 2005 a recommended plan, including any legislation necessary to implement the plan, for the collection and recycling of electronic waste.

See H-7527A at <http://www.rilin.state.ri.us/BillText/BillText04/HouseText04/H7527A.pdf> for more details.

In 2005, the state amended the Mercury Reduction and Education Act to:

- change the effective date for phase-out of mercury-added fabricated products with a mercury content of one gram or mercury-added formulated products with a mercury content greater than 250 parts per million from July 1, 2005 to January 1, 2006;
- exempt high intensity discharge (HID) lamps, including metal halide, high pressure sodium, and mercury vapor lamps and laboratory chemical standards from phase-out requirements;
- extend the exemption period for mercury-added products from 2 years to no more than 5 years;
- modify the language relating to granting of phase-out exemptions;
- extend the deadline for meeting labeling requirements from July 1, 2005 to January 1, 2006 and grants reciprocity with labeling requirements of another state;
- add requirements relating to the collection and recycling of mercury-added components in motor vehicles (more details are found below).

These changes became effective on July 14, 2005.

See H-6598Aaa at <http://www.rilin.state.ri.us/BillText/BillText05/HouseText05/H6598Aaa.pdf> for more details.

See S-1162aa at <http://www.rilin.state.ri.us/BillText/BillText05/SenateText05/S1162aa.pdf> for more details.

In 2005, Rhode Island enacted a law that requires manufacturers of motor vehicles sold in Rhode Island to:

- establish and implement a collection program for mercury switches with a goal of attaining a capture rate of not less than 50 percent for calendar year 2006 and not less than 70 percent for calendar year 2007 and subsequent years through 2017;

- implement an approved collection plan by January 1, 2006;
- submit quarterly reports on the number of switches collected, the amount of mercury collected and recycled through the program, and the capture rate beginning in March 31, 2006.

See H-5911Aaa at <http://www.rilin.state.ri.us/BillText/BillText05/HouseText05/H5911Aaa.pdf> for more details.

See S-611Aaa at <http://www.rilin.state.ri.us/BillText/BillText05/SenateText05/S0611Aaa.pdf> for more details.

In 2006, Rhode Island modified the original 2005 mercury auto switch law by:

- eliminating the “voluntary” auto mercury program established by the Rhode Island General Assembly in 2005; and
- requiring the state to adopt a more regulatory program that obligates auto manufacturers to pay auto recyclers a minimum bounty of \$5 per mercury switch removed from end-of-life vehicles.

See H-8220aa at <http://www.rilin.state.ri.us/Billtext/BillText06/HouseText06/H8220aa.pdf> for more details.

See S-2668aa at <http://www.rilin.state.ri.us/Billtext/BillText06/SenateText06/S2668aa.pdf> for more details.

Also in 2006, the Rhode Island General Assembly adopted a new electronic waste law, which calls upon Rhode Island Department of Environmental Management to convene a stakeholder process (similar to the recent RI Mercury Commission) to study the establishment of collection, recycling, and reuse programs for electronic waste products. Interim reports are due to the General Assembly in January and May of 2007, with a final report to be produced by December 31, 2007. A ban on the disposal of electronic waste is set for July 1, 2008.

See H-7789A at <http://www.rilin.state.ri.us/Billtext/BillText06/HouseText06/H7789A.pdf> for more details.

See S-2509Aaa at <http://www.rilin.state.ri.us/Billtext/BillText06/SenateText06/S2509Aaa.pdf> for more details.

Rhode Island’s current mercury regulations “Rules and Regulations Governing the Administration and Enforcement of the Rhode Island Mercury Education and Reduction Act (December 28, 2005)” can be found at: <http://www.dem.ri.gov/topics/mercury.htm>

Vermont

In 2005, Vermont enacted a comprehensive mercury reduction bill. The law:

- requires product notification for most mercury-added products;
- revises the state product labeling requirements for most mercury-added products;
- prohibits the use of mercury and many mercury-added products in schools;

- bans the sale of mercury-added thermometers, dairy manometers, and thermostats;
- restricts the sale of mercury-added novelty items;
- restricts the sale of elemental mercury and its uses; and
- requires the phase-outs on the sale or distribution of mercury-added switches and relays and various mercury-added measuring devices, including barometers, flow meters, hydrometers, various gastrointestinal and other tubes, manometers, pyrometers, blood pressure cuffs, and neon signs or lamps.

This law builds on legislation that Vermont passed in 1998, which required mercury-added product labeling plans as well as outreach and education.

Vermont regulations require:

- dental clinics to install amalgam separators by January 1, 2007;
- hospitals to develop mercury reduction plans; and
- the Vermont Department of Environmental Conservation to develop and oversee compliance with best management practices for mercury reduction in the waste stream.

In 2008, Vermont passed a law that:

- requires original equipment manufacturers of mercury thermostats to provide a \$5 cash incentive for residential and commercial thermostats that are turned in for collection

For more information visit: <http://www.mercvt.org>

Washington State

In 2003, Washington state enacted a law that:

- requires labeling of fluorescent lamps;
- bans the sale of mercury-added thermometers, manometers, novelty products, thermostats, and vehicle light switches;
- bans the use of elemental mercury and mercury compounds in K-12 schools;
- requires a public education program; and
- allows the Washington Department of Ecology to join a multi-state clearinghouse.

See HB 1002 for more details.

For more information visit: <http://apps.leg.wa.gov/billinfo/summary.aspx?bill=1002&year=2003>

Where to Find More Information

For more information on state specific mercury-added laws and regulations, visit the following websites:

- California: <http://www.dtsc.ca.gov/HazardousWaste/Mercury/>
- Connecticut: http://www.ct.gov/dep/cwp/view.asp?a=2708&q=324014&depNav_GID=1638&depNav

- Illinois: <http://www.epa.state.il.us/mercury/mercury-illinois.html>
- Louisiana: <http://www.deq.louisiana.gov/portal/tabid/287/Default.aspx>
- Maine: <http://www.maine.gov/dep/mercury>
- Massachusetts: <http://www.mass.gov/dep/toxics/priorities/priorities.htm#hgresults>
- Minnesota: <http://www.pca.state.mn.us/air/mercury.html>
- New Hampshire: <http://www.des.state.nh.us/nhppp/Mercury/index.asp?link=leg>
- New York: <http://www.dec.ny.gov/chemical/285.html>
- New Jersey: http://www.nj.gov/dep/dsr/mercury_task_force.htm
- North Carolina: http://www.wastenotnc.org/mercury_switch.htm
- Rhode Island: <http://www.dem.ri.gov/topics/mercury.htm>
- Vermont: <http://www.mercvt.org/merc.htm>
- Washington: <http://www.ecy.wa.gov/mercury/>

Or contact the following individuals at the appropriate state environmental agency:

California Department of Toxic Substances Control
 Headquarters- 1001 I Street
 P.O. Box 806
 Sacramento, 95812-0806
 Contact: Ron Ohta, 916-324-8192 or rohta@dtsc.ca.gov

Connecticut Department of Environmental Protection
 Office of Planning and Program Development
 79 Elm Street
 Hartford, CT 06106
 Contact: Thomas Metzner, 860 424-3242 or Tom.Metzner@po.state.ct.us

Illinois Environmental Protection Agency
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276
 Contact: Becky Jayne, 217-524-9642 or Becky.Jayne@illinois.gov

Louisiana Department of Environmental Quality
 602 N. Fifth Street
 Baton Rouge, LA 70802
 Contacts: Chris Piehler 225-219-3609 or chris.piehler@la.gov

Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017
Contacts: John James, 207-287-7866 or john.james@maine.gov
Enid Mitnik, 207-287-8556 or enid.mitnik@maine.gov

Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108
Contacts: Lori Segall 617-654-6595 or lori.segall@state.ma.us
Mark Smith, 617-292-5509 or c.mark.smith@state.ma.us

Minnesota Pollution Control Agency
Training, Education, and Assistance Division
520 Lafayette Rd. N.
St. Paul, MN 55155
Contact: John Gilkeson, 651-215-0199 or john.gilkeson@state.mn.us

New Hampshire Department of Environmental Services
Pollution Prevention Program
29 Hazen Drive, P.O. Box 95
Concord, NH 03302-0095
Contact: Stephanie D'Agostino, 603-271-6398 or Stephanie.D'Agostino@des.nh.gov

New Jersey Department of Environmental Protection
401 East State Street
Trenton, NJ 08625
Contact: Randy England, 609-984-7927 or rengland@dep.state.nj.us

New York State Department of Environmental Conservation
Division of Solid and Hazardous Materials
625 Broadway
Albany, NY 12233-7253
Contacts: Peter Pettit, 518-402-8705 or pmpettit@gw.dec.state.ny.us
Christine Barnes, 518-402-8705 or cabarnes@gw.dec.state.ny.us

North Carolina Department of Environment & Natural Resources
Division of Waste Management
1646 Mail Service Center
Raleigh NC 27699-1646
Contact: Mike Brailsford, Michael.Brailsford@ncmail.net

Rhode Island Department of Environmental Management
235 Promenade Street
Providence, RI 02908
Contacts: Ron Gagnon, 401-222-4700 (x7500) or ron.gagnon@dem.ri.gov

Beverly Migliore, 401-222-4700 (x7503) or beverly.migliore@dem.ri.gov

Vermont Department of Environmental Conservation

103 South Main Street

Waterbury, VT 05671-0411

Contact: Karen Knaebel, 802-241-3455 or Karen.Knaebel@state.vt.us

Washington Department of Ecology

Environmental Assessment Program

P.O. Box 47600

Olympia, WA 98504-7600

Contact: Maria Victoria Peeler, Mercury Coordinator, 360-407-6704 or peel461@ecy.wa.gov

TABLE 1
Status of Mercury Education & Reduction Legislation in the IMERC-Member States
June 2008

Requirement	CA	CT	IL	MA	ME	MN	NC	NH	NJ	NY	RI	VT	WA
Mercury-added Product Notification		★		★	★		★ ²	★		★	★	★	
Participation in Interstate Clearinghouse (IMERC)	★	★	★	★	★			★		★	★	★	★
Bans on Sale of Certain Mercury - Added Products	★	★	★	★	★	★	★	★	★	★	★	★	★
Bans on Sale of Certain Mercury-added Novelty Items		★	★			★		★		★	★	★	★
Bans on Sale of Mercury Fever Thermometers	★	★	★	★	★	★		★	★	★	★	★	★
Bans on Use of Mercury & Certain Mercury-added Products in K -12 Schools	★		★	★	★			★		★	★	★	★
Phase-Outs on Sale of Certain Mercury-added Products with Exemptions	★	★	★	★	★					★	★	★	★
Product Labeling	★ ¹	★		★	★	★				★	★	★	★
Bans on Disposal of Most Mercury-added Products				★	★	★				★	★	★	
Plans for Collecting Mercury-added Products		★		★							★		
Disclosure of Incidental Mercury Content in Certain Products for Hospitals					★	★					★		

Requirement	CA	CT	IL	MA	ME	MN	NC	NH	NJ	NY	RI	VT	WA
Control on Sale of Elemental Mercury		★			★			★		★	★	★	
Public Education and Outreach	V	★	V	★	★	V	V	★	★	★	★	★	★
Universal Waste Rule	*	*	*	*	*	*		*	*	* ⁵	★	★	
State Procurement				★	*					★ ⁷	★	*	★
Education on Dental Amalgam		★		*	★			★		V			
Dental Amalgam Separators or Recycling Required		★		*	★			★		★ ⁶	* ³	★	* ⁴
Mercury Auto Switch Phase-out & Removal	★	*	★	★	★	V	★	V	★	★	★	★	V
Phase-out on Other Mercury-added Components in Vehicles										★			

★ = Provisions that have been passed.

* = Authority exists to implement under existing laws or policies.

V = Voluntary program in place.

¹ The California labeling requirement is limited to food products.

² The North Carolina notification requirement is limited to automobiles.

³ Rhode Island dentists served by the Narragansett Bay Commission are required to install amalgam separators; RI DEM has developed a voluntary program for dentists statewide based on the Narragansett Bay Commission regulations.

⁴ King County in Washington State now requires dental amalgam separators in dental clinics.

⁵ Enforcement discretion currently provided under Commissioner's Policy (CP-39) and will be included in future regulation.

⁶ New York State requires 99 percent efficiency on amalgam separators installed after May 12, 2006.

⁷ New York State agencies may purchase mercury-free motor vehicles.