

**HOUSE . . . . . No. 726**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Mark V. Falzone**

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*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
Cheryl A. Coakley-Rivera	10th Hampden
Cory Atkins	14th Middlesex
Lori Ehrlich	8th Essex

# 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.