

**HOUSE . . . . . No. 814**

The Commonwealth of Massachusetts

PRESENTED BY:

*Ellen Story and Thomas M. McGee*

*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:
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>

<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>

**HOUSE . . . . . No. 814**

By Ms. Story of Amherst and Senator McGee, a joint petition (accompanied by bill, House, No. 814) of Ellen Story and others that manufacturers of mercury-added lamps implement a recycling program. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ HOUSE  
□ , NO. 1163 OF 2011-2012.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

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 6J of Chapter 21H of the General Laws, as appearing in the 2010 Official  
2 Edition, is hereby amended by striking subsections (d), (e), and (f) and inserting in place thereof  
3 the following subsections:-

4 (d) (1) Effective January 1, 2015, each manufacturer of a mercury-added lamp  
5 offering for sale or distribution mercury-added lamps in the Commonwealth shall, individually  
6 or collectively, implement a department approved mercury-added lamp recycling program for  
7 lamps sold or distributed in the Commonwealth for household use.

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

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

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

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

17 (iv) Reporting to the department by February 15 of each calendar year the number of  
18 lamps recycled under the program in the previous calendar year, the estimated number of out-of-  
19 service mercury-added lamps in the previous calendar year, the methodology for estimating the  
20 number of out of service mercury-added lamps previously approved by the department following  
21 the solicitation of public comment, an evaluation of the effectiveness of the program,  
22 recommendations for increasing the number of lamps recycled under the program, and an  
23 accounting of the costs associated with administering and implementing the recycling program.

24 (v) Independent, third party verification of the numbers reported in the previous  
25 subsection (Section 6J (d) (2) (iv)).

26 (3) Each manufacturer required to implement a recycling program under paragraph (1)  
27 shall submit its proposed program for department review and approval by January 1, 2015. The  
28 department shall solicit public comment on the proposed program before approving or denying  
29 the program.

30 (4) Beginning April 1, 2016, a manufacturer not in compliance with this section is  
31 prohibited from offering any mercury-added lamp for final sale in the Commonwealth, or  
32 distributing any mercury-added lamp in the Commonwealth. A manufacturer not in compliance  
33 with 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 distributed  
35 in the Commonwealth.

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

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

48 (8) Recycling goals of 50% in 2013, 60% in 2014, and 70% thereafter are hereby  
49 established for the mercury-added lamp recycling program in the Commonwealth.

50 (e) (1) Beginning on April 15, 2015, and annually thereafter, the department shall  
51 report to the house and senate committees on ways and means on the progress made in achieving  
52 these recycling goals, modifications (if any) to the program it intends to require in the  
53 manufacturer programs as needed to improve lamp recycling rates, and recommendations (if  
54 any) for statutory changes needed to facilitate mercury-added lamp collection and recycling.

55 (2) The report for calendar year 2015 shall include:

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

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

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

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

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

65 (f) (1) The department shall adopt rules establishing mercury content standards for  
66 lamps sold or manufactured in the Commonwealth on or after January 1, 2015. The standards  
67 shall be consistent with those standards adopted in other states minimizing the mercury content  
68 of lamps, except that if one or more categories of lamps are not covered by the mercury content  
69 standards established in other states, the department may adopt standards minimizing the  
70 mercury content of lamps within those categories, including adoption of a no-mercury standard if  
71 a non-mercury alternative is available at a cost comparable to a mercury alternative.

72 (2) The rules adopted under paragraph (1) must provide that:

73 (i) A manufacturer of mercury-added lamps sold or being offered for sale in the  
74 Commonwealth shall prepare and, at the request of the department, submit within 28 days of the  
75 date of the request technical documentation or other information showing that the manufacturer's  
76 mercury-added lamps sold or offered for sale in the Commonwealth comply with the rules. If the  
77 manufacturer of a mercury-added lamp being sold or offered for sale does not provide the  
78 documentation requested, that manufacturer may not be allowed to sell or offer for sale mercury-  
79 added lamps in the Commonwealth; and

80 (ii) A manufacturer of mercury-added lamps sold or being offered for sale in the  
81 Commonwealth shall provide upon request a certification to a person who sells or offers for sale

82 a mercury-added lamp of that manufacturer. The certification must attest that the mercury-added  
83 lamp does not contain levels of mercury that would result in the prohibition of that lamp being  
84 sold or offered for sale in the Commonwealth. If the manufacturer of a mercury-added lamp  
85 being sold or offered for sale does not provide the certification requested, that manufacturer may  
86 not be allowed to sell or offer mercury-added lamps for sale in the Commonwealth.

87 (2) Procurement of low mercury lamps. It is the policy of the Commonwealth to promote  
88 the manufacture of lamps containing the lowest possible mercury content while maximizing  
89 energy efficiency and lamp life by purchasing lamps with such attributes and providing  
90 information to other large purchasers of lamps.

91 (i) When purchasing lamps for use in state buildings, the commissioner of buildings and  
92 general services shall request from potential suppliers information about mercury content, energy  
93 use, and lamp life. The commissioner of buildings and general services shall purchase lamps  
94 with the lowest possible mercury content. The commissioner of buildings and general services  
95 shall make available to the public information obtained under this subsection on the mercury  
96 content, energy use, and lamp life of lamps. When purchasing lighting or lamps, the agency shall  
97 comply with those requirements that the commissioner of buildings and general services is  
98 subject to.