

2010 -- H 7745

LC01955

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HEALTH AND SAFETY -- MERCURY REDUCTION AND EDUCATION
ACT

Introduced By: Representatives Melo, Walsh, Fierro, Silva, and Segal

Date Introduced: February 25, 2010

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-24.9-7 of the General Laws in Chapter 23-24.9 entitled
2 "Mercury Reduction and Education Act" is hereby amended to read as follows:

3 **23-24.9-7. Phase-out and exemptions.** -- (a) No mercury-added product shall be offered
4 for final sale or use or distributed for promotional purposes in Rhode Island if the mercury
5 content of the product exceeds:

6 (1) One gram (1000 milligrams) for mercury-added fabricated products or two hundred
7 fifty (250) parts per million (ppm) for mercury-added formulated products, effective January 1,
8 2006;

9 (2) One hundred (100) milligrams for mercury-added fabricated products or fifty (50)
10 parts per million (ppm) for mercury-added formulated products, effective July 1, 2007; and

11 (3) Ten (10) milligrams for mercury-added fabricated products or ten (10) parts per
12 million (ppm) for mercury-added formulated products, effective July 1, 2009.

13 (b) For a product that contains one or more mercury-added products as a component, this
14 section is applicable to each component part or parts and not to the entire product. For example, if
15 an iron has a mercury switch, the phase-out applies to the switch and not the entire iron.

16 (c) For a product that contains more than one mercury-added product as a component,
17 the phase-out limits specified in subsection (a) of this section apply to each component and not
18 the sum of the mercury in all of the components. For example, for a car that contains mercury-

1 added switches and lighting, the phase-out limits would apply to each component separately, and
2 not the combined total of mercury in all of the components.

3 (d) (1) Fluorescent lamps, [cold cathode low pressure mercury discharge lamps/neon](#)
4 [lamps](#) and high intensity discharge (HID) lamps, including metal halide, high pressure sodium,
5 and mercury vapor types, shall be exempt from the requirements of subsection (a) of this section.
6 As of January 1, 2010, the mercury content of fluorescent bulbs, [cold cathode low pressure](#)
7 [mercury discharge lamps/neon lamps](#) shall either not exceed one hundred (100) milligrams or the
8 manufacturer shall comply with the exemption requirements pursuant to subsection (f) of this
9 section. [The department may issue rules requiring more stringent mercury content limits for such](#)
10 [bulbs or tubes, consistent with limits issued by other states and the European Union.](#)

11 (2) Specialized lighting used in the entertainment industry, such as metal halide lights,
12 shall be exempted from the requirements of section 23-24.9-7(a).

13 (3) Mercury added button cell batteries and products containing mercury added button
14 cell batteries shall be exempted from the phase-out limits specified in subsection 23-24.9-7(a).

15 (e) A mercury-added product shall be exempt from the limits on total mercury content
16 set forth in subsection (f) of this section if the level of mercury or mercury compounds contained
17 in the product are required in order to comply with federal or state health or safety requirements.
18 In order to claim exemption under this section, the manufacturer must notify the department, in
19 writing, and provide the legal justification for the claim of exemption. In addition, laboratory
20 chemical standards shall be exempted from the requirements of subsection (a) of this section.

21 (f) Manufacturers of a mercury-added product may apply to the director for an
22 exemption for no more than five (5) years from the limits on total mercury content set forth in
23 subsection (a) of this section for a product or category of products. Applications for exemptions
24 must: (1) document the basis for the requested exemption or renewal of exemption; (2) describe
25 how the manufacturer will ensure that a system exists for the proper collection, transportation and
26 processing of the product(s) at the end of their useful life; and (3) document the readiness of all
27 necessary parties to perform as intended in the planned system.

28 (g) The director may grant, with modifications or conditions, an exemption for a product
29 or category of products if he or she finds: (i) a system exists for the proper collection,
30 transportation and processing of the mercury-added product, including direct return of a waste
31 product to the manufacturer, an industry or trade group supported collection and recycling
32 system, or other similar private or public sector efforts; and (ii) he or she finds the following
33 criteria are met:

34 (1) Use of the product is beneficial to the environment or protective of public health or

1 protective of public safety; and/or

2 (2) There is no technically feasible alternative to the use of mercury in the product; and

3 (3) There is no comparable non-mercury-added product available at reasonable cost.

4 Prior to issuing an exemption, the director shall consult with neighboring states and
5 provinces and regional organizations to promote consistency. The state shall avoid, to the extent
6 feasible, inconsistencies in the implementation of this section. Upon reapplication by the
7 manufacturer and findings by the director of continued eligibility under the criteria of this
8 subsection and of compliance by the manufacturer with the conditions of the director's original
9 approval, an exemption may be renewed one or more times and each renewal may be for a period
10 of no longer than five (5) years.

11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- MERCURY REDUCTION AND EDUCATION
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- 1 This act would amend certain provisions relative to lamps which are exempt from the sale
- 2 restrictions on mercury-added products.
- 3 This act would take effect upon passage.

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