



AN ACT CONCERNING REDUCTION OF MERCURY IN THE ENVIRONMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) The General Assembly finds that mercury is a
2 persistent and toxic pollutant that bioaccumulates in the environment,
3 and that in order to create and maintain a healthful environment and
4 protect public health, the virtual elimination of the discharge of
5 anthropogenic mercury should be pursued.

6 Sec. 2. (NEW) As used in sections 1 to 17, inclusive, of this act:

7 (1) "Mercury" means elemental mercury and mercury compounds;

8 (2) "Mercury-added product" means a product, commodity,
9 chemical or component of a product that contains mercury that is
10 intentionally added to the product, commodity, chemical or
11 component for any reason. "Mercury-added product" includes, but is
12 not limited to, formulated mercury-added products and fabricated
13 mercury-added products. "Mercury-added product" does not include
14 any packaging component, as defined in subdivision (3) of section 22a-
15 255h of the general statutes;

16 (3) "Formulated mercury-added product" means a mercury-added
17 product that is sold as a consistent mixture of chemicals, including, but
18 not limited to, laboratory chemicals, materials used for cleaning,

19 maintenance or disinfection, cosmetics, pharmaceuticals, coating
20 materials, acids, alkalites, bleach or sodium hypochlorite,
21 pharmaceutical products, stains, reagents, preservatives, fixatives,
22 buffers and dyes;

23 (4) "Fabricated mercury-added product" means a mercury-added
24 product that consists of a combination of individual components that
25 combine to make a single unit, including, but not limited to, mercury-
26 added measuring devices, lamps and switches;

27 (5) "Mercury fever thermometer" means a mercury-added product
28 that is used for measuring body temperature, excluding a digital
29 thermometer that includes a button cell battery containing mercury;

30 (6) "Mercury-added novelty" means a mercury-added product
31 intended mainly for personal or household enjoyment or adornment,
32 including, but not limited to, products intended for use as practical
33 jokes, figurines, adornments, toys, games, cards, ornaments, yard
34 statues and figures, candles, jewelry, holiday decorations or footwear
35 or other items of apparel. A product is not a "mercury-added novelty"
36 solely on the basis that it includes a removable button cell battery
37 containing mercury;

38 (7) "Manufacturer" means any person, that (A) produces a mercury-
39 added product, or (B) serves as an importer or domestic distributor of
40 a mercury-added product produced outside the United States. In the
41 case of a multi-component product, "manufacturer" means the last
42 manufacturer to produce or assemble the product, unless the multi-
43 component mercury-added product is produced outside the United
44 States, in which case "manufacturer" means the importer or domestic
45 distributor;

46 (8) "Person" means any individual, organization, partnership, joint
47 venture, association, firm, limited liability company, corporation or
48 other entity, and includes a municipality, the federal government, the
49 state or any instrumentality of the state, or other governmental entity
50 and any officer or governing or managing body of any partnership,

51 association, firm or corporation or any member or manager of a
52 limited liability company;

53 (9) "School" means a public school, as defined in section 10-183b of
54 the general statutes or a private elementary or secondary school,
55 attendance at which meets the requirements of section 10-184 of the
56 general statutes excluding state vocational schools;

57 (10) "Vehicle" means any device capable of being moved upon a
58 public highway and any device in, upon or by which any person or
59 property is or may be transported or drawn upon a public highway,
60 but does not include devices moved by human or animal power or
61 used exclusively upon stationary rails or tracks;

62 (11) "Scrap metal" means used or discarded items that consist
63 predominantly of ferrous metals, aluminum, brass, copper, lead,
64 chromium, tin, nickel or alloys;

65 (12) "Solid waste" means unwanted or discarded solid, liquid,
66 semisolid or contained gaseous material, including, but not limited to,
67 demolition debris, material burned or otherwise processed at a
68 resources recovery facility or incinerator, material processed at a
69 recycling facility and sludges or other residue from a water pollution
70 abatement facility, water supply treatment plant or air pollution
71 control facility;

72 (13) "Commissioner" means the Commissioner of Environmental
73 Protection;

74 (14) "Department" means the Department of Environmental
75 Protection;

76 (15) "Pollution abatement facility" means any equipment, plant,
77 treatment works, structure, machinery, apparatus or land or any
78 combination thereof, acquired, used, constructed or operated for the
79 storage, collection, reduction, recycling, reclamation, disposal,
80 separation or treatment of water or wastes, or for the final disposal of

81 residues resulting from the treatment of water or wastes, including,
82 but not limited to; pumping and ventilating stations, facilities, plants
83 and works; outfall sewers, interceptor sewers and collector sewers; and
84 other real or personal property and appurtenances incident to their use
85 or operation;

86 (16) "Subsurface sewage disposal system" means a system consisting
87 of a house or collection sewer, a septic tank followed by a leaching
88 system, any necessary pumps or siphons and any groundwater control
89 system on which the operation of the leaching system is dependent.

90 Sec. 3. (NEW) The commissioner may participate in the
91 establishment and implementation of a regional, multi-state
92 clearinghouse to assist in carrying out the requirements set forth in
93 sections 1 to 17, inclusive, of this act and to help coordinate reviews of
94 the manufacturers' notifications regarding mercury-added products,
95 applications for phase-out exemptions, collection system plans,
96 disclosures of mercury content, applications for alternative labeling or
97 notification systems or both, education and outreach activities, and any
98 other functions related to sections 1 to 17, inclusive, of this act. The
99 clearinghouse may also maintain a list of all products containing
100 mercury, including mercury-added products, a file on all exemptions
101 granted by the states including, but not limited to, the exemptions in
102 section 7 of this act, notification requirements by manufacturers
103 including, but not limited to, the notification requirements contained
104 in section 4 of this act, and a file of manufacturers' reports on the
105 effectiveness of their collection systems.

106 Sec. 4. (NEW) (a) On and after January 1, 2002, no person shall offer
107 any mercury-added product for sale or use by any means, including e-
108 commerce, or distribute for promotional purposes in the state unless
109 the manufacturer gives prior notification in writing to the
110 commissioner as provided in this section. Such notification, in a form
111 prescribed by the commissioner, shall at a minimum include (1) a brief
112 description of the product or category of products to be offered for sale
113 or use or distributed; (2) an identification of each product by its

114 mercury content in one of the following ranges: Less than zero to five
115 milligrams, greater than five milligrams to ten milligrams, greater than
116 ten milligrams to fifty milligrams, greater than fifty milligrams to one
117 hundred milligrams, greater than one hundred milligrams to one
118 thousand milligrams and greater than one thousand milligrams; (3) an
119 identification of the purpose for mercury in each component of the
120 product; and (4) the name and address of the manufacturer and the
121 name, address and phone number of a contact person at the
122 manufacturer. The manufacturer shall revise the information in the
123 notification whenever there is significant change in the information or
124 when requested by the commissioner.

125 (b) With the approval of the commissioner, the manufacturer may
126 supply the information required in subdivisions (1) to (4), inclusive, of
127 subsection (a) of this section for a product category rather than an
128 individual product.

129 (c) Public disclosure of confidential business information submitted
130 to the commissioner pursuant to this section shall be governed by the
131 provisions of chapter 14 of the general statutes. Notwithstanding the
132 provisions of said chapter 14, the commissioner may provide the
133 interstate clearinghouse with copies of such information and the
134 commissioner and the interstate clearinghouse may compile or publish
135 analyses or summaries of such information, provided the analyses or
136 summaries do not identify any manufacturer or reveal any confidential
137 information.

138 Sec. 5. (NEW) (a) Notwithstanding the provisions of section 6 of this
139 act, on and after July 1, 2002, no person shall offer for sale or use by
140 any means, including e-commerce, or distribute for promotional
141 purposes in the state any mercury-added novelty. A manufacturer that
142 produces or sells mercury-added novelties shall notify retailers that
143 sell mercury-added novelties about such product ban and inform such
144 retailers of how to dispose of the remaining inventory in accordance
145 with chapter 445 of the general statutes.

146 (b) Notwithstanding the provisions of section 6 of this act, on and
147 after January 1, 2002, no person shall offer for sale or use by any
148 means, including e-commerce, or distribute for promotional purposes
149 mercury fever thermometers except by prescription written by a
150 physician. A manufacturer of mercury fever thermometers shall
151 provide the buyer or the recipient with notice of mercury content,
152 instructions on proper disposal and instructions that clearly describe
153 how to carefully handle the thermometer to avoid breakage and
154 instructions on proper cleanup should a breakage occur.

155 (c) On and after July 1, 2002, no school shall use or purchase for use
156 or maintain inventories of bulk elemental mercury or mercury
157 compounds. A manufacturer that produces, sells or distributes such
158 materials shall notify schools about the provisions of this subsection in
159 accordance with chapter 445 of the general statutes and instruct
160 schools how to dispose of the remaining inventory properly. This
161 subsection does not apply to mercury-added products other than bulk
162 elemental mercury compounds. The Commissioner of Environmental
163 Protection, in consultation with the Commissioner of Education, shall
164 implement a program for the collection of bulk elemental mercury or
165 mercury compounds at schools.

166 (d) The provisions of this section shall not apply to a vocational
167 dental education or training school, except that on and after July 1,
168 2002, no vocational dental education or training school shall use
169 mercury amalgam unless such school has developed and implemented
170 a plan approved by the commissioner that assures best management
171 practices are used to prevent discharge of mercury into the waters of
172 the state, any pollution abatement facility or subsurface sewage
173 disposal system, and to properly handle and recycle or dispose of
174 waste elemental mercury and amalgam. Such plan shall provide for an
175 education program for students regarding the hazards of mercury and
176 best management practices.

177 (e) Notwithstanding the provisions of section 6 of this act, on and
178 after July 1, 2002, no person shall offer for sale or use by any means,

179 including e-commerce, or distribute for promotional purposes mercury
180 dairy manometers. A manufacturer that produce or sell mercury dairy
181 manometers shall notify retailers about the provisions of this
182 subsection and how to dispose of the remaining inventory properly in
183 accordance with chapter 445 of the general statutes. The Commissioner
184 of Environmental Protection, in consultation with the Commissioner of
185 Agriculture, shall examine the feasibility of implementing a collection
186 and replacement program for dairy manometers, and shall implement
187 such a program within available appropriations.

188 Sec. 6. (NEW) (a) Except as provided in section 7 of this act, no
189 person shall offer for sale or use by any means, including e-commerce,
190 or distribute for promotional purposes any mercury-added product if:
191 (1) After July 1, 2003, the mercury content of the product exceeds one
192 gram in the case of fabricated mercury-added products or two
193 hundred fifty parts per million in the case of formulated mercury-
194 added products; (2) on and after July 1, 2005, the mercury content of
195 the product exceeds one hundred milligrams in the case of fabricated
196 mercury-added products or fifty parts per million in the case of
197 formulated mercury-added products; and (3) after July 1, 2007, the
198 mercury content of the product exceeds ten milligrams in the case of
199 fabricated mercury-added products or ten parts per million in the case
200 of formulated mercury-added products.

201 (b) In the case of a product that contains one or more mercury-
202 added products as a component, the phase-out limits specified in
203 subsection (a) of this section apply to each component part or parts
204 and not to the entire product.

205 (c) For a product that contains more than one mercury-added
206 products as a component, the phase-out limits specified in subsection
207 (a) of this section apply to each component and not the sum of the
208 mercury and all the components.

209 Sec. 7. (NEW) (a) On or before June 30, 2008, fluorescent lamps are
210 exempt from the provisions of subsection (a) of section 6 of this act. On

211 and after July 1, 2009, no person shall offer for sale or use by any
212 means, including e-commerce, or distribute for promotional purposes,
213 fluorescent lamps if the mercury content of the fluorescent lamps (1)
214 exceeds ten milligrams, or (2) does not comply with the exemption
215 requirements pursuant to subsection (a) of section 6 of this act.

216 (b) The commissioner shall exempt a mercury-added product from
217 the limits on total mercury content set forth in subsection (a) of section
218 6 of this act if the level of mercury or mercury compounds contained in
219 the product are necessary to comply with federal or state health or
220 safety requirements. In order to obtain an exemption under this
221 subsection, the manufacturer shall provide the commissioner with
222 justification for the claim of such exemption.

223 (c) (1) A manufacturer of a mercury-added product or category of
224 products may apply to the commissioner for an exemption for no more
225 than two years from the limits on total mercury content set forth in
226 subsection (a) of section 6 of this act. The manufacturer shall apply for
227 such an exemption (A) no later than one year before the effective date
228 of the limit for which the exemption is being requested in the case of
229 an existing product or category of products, or (B) prior to the sale or
230 use by any means, including e-commerce, or distribution in the case of
231 promotional purposes of a new product or category of products.

232 (2) An application for an exemption shall (A) document the basis for
233 the requested exemption or renewal of exemption, (B) describe how
234 the manufacturer will ensure that a system exists for the proper
235 collection, transportation and processing of the product or products at
236 the end of their useful life, and (C) document the capability of all
237 parties that are necessary to such system to perform as intended in
238 such system.

239 (3) The commissioner may grant, with modifications or conditions,
240 an exemption for a product or category of products upon finding (A)
241 that a system exists for the proper collection, transportation and
242 processing of the mercury-added product, including, but not limited

243 to, a system for the direct return of a waste product to the
244 manufacturer or a collection and recycling system that is supported by
245 an industry or trade group, or other similar private or public sector
246 efforts; and (B) that each of the following criteria is met: (i) Use of the
247 product is beneficial to the environment or protective of public health
248 or protective of public safety; (ii) there is no technically feasible
249 alternative to use of mercury in the product; (iii) there is no
250 comparable product, other than a mercury-added product, available at
251 reasonable cost; and (iv) with respect to a renewal of an exemption,
252 reasonable efforts have been made to remove mercury from the
253 product.

254 (4) Prior to issuing an exemption, the commissioner may consult
255 with states and provinces and regional governmental organizations to
256 promote consistency in the implementation of this section.

257 (5) The commissioner may renew, for a period of no longer than two
258 years, an exemption one or more times if (A) the manufacturer applies
259 for the renewal, and (B) the commissioner finds that the manufacturer
260 meets the requirements for such exemption as provided in this section
261 and that the manufacturer has complied with all the conditions of the
262 original approval.

263 Sec. 8. (NEW) (a) On and after July 1, 2003, no person shall offer for
264 sale or use by any means, including e-commerce, or distribute for
265 promotional purposes any mercury-added product unless both the
266 product and its packaging are labeled in accordance with this section,
267 any regulations adopted pursuant to this section or the terms of any
268 approved alternative labeling or notification granted under subsection
269 (h) of this section. A retailer shall not be found in violation of this
270 subsection if the retailer lacked knowledge that the product contained
271 mercury.

272 (b) If a mercury-added product is a component of another product,
273 the product containing the component and the component shall both
274 be labeled as provided in this section. The label on a product

275 containing a mercury-added component shall identify the component
276 with sufficient detail so that the component may be readily located for
277 removal.

278 (c) All labels shall be clearly visible prior to sale and shall inform the
279 purchaser, using words or symbols, that mercury is present in the
280 product and that the product should not be disposed of or placed in a
281 waste stream destined for disposal until the mercury is removed and
282 reused, recycled or otherwise managed to ensure that the mercury in
283 the product does not become mixed with other solid waste or
284 discharge to the waters of the state or is not disposed of in a pollution
285 abatement facility or subsurface sewage disposal system.

286 (d) Labels affixed to the product shall be constructed of materials
287 that are sufficiently durable to remain legible for the useful life of the
288 product.

289 (e) On and after July 1, 2003, any person offering a mercury-added
290 product for sale or use by any means, including e-commerce, or
291 distributing such product for promotional purposes shall clearly
292 advise in writing the purchaser or recipient prior to the time of sale,
293 use or distribution that the product contains mercury. This
294 requirement applies to all transactions in which the purchaser or
295 recipient is unable to view the labels on the package or the product
296 prior to purchase or receipt, including, but not limited to, catalog,
297 telephone and e-commerce transactions.

298 (f) The manufacturer of a product shall be responsible for product
299 and package labels required under this section, unless the wholesaler
300 or retailer agrees in writing to accept the responsibility of
301 implementing an alternative to the labeling requirements of this
302 section approved under subsection (h) of this section.

303 (g) (1) Manufacturers shall meet all the requirements of this section
304 for large appliances, including, but not limited to, washers, dryers,
305 ovens, including microwave ovens, refrigerators, freezers, trash
306 compactors, air conditioners, dehumidifiers or portable heaters sold in

307 a store where such appliance is on display, except that no package
308 labeling is required; (2) manufacturers shall meet all the requirements
309 of this section for mercury fever thermometers, except that no product
310 labeling is required; (3) in the case of vehicles, (A) manufacturers shall
311 meet the product labeling requirements of this section for vehicles by
312 placing a label on the door of the vehicles that lists the mercury-added
313 components that may be present in the vehicle, and (B) manufacturers
314 need not label the mercury-added components of the vehicle; (4)
315 manufacturers of button cell batteries containing mercury shall be
316 exempt from this section; (5) in the case of products that contain button
317 cell batteries containing mercury as the only mercury components,
318 manufacturers of such products shall be exempt from this section; (6)
319 manufacturers of nonprescription drug products that are regulated by
320 the federal Food and Drug Administration shall be exempt from this
321 section; and (7) manufacturers of dental amalgam shall follow the best
322 management practices guidelines for manufacturers developed by the
323 commissioner pursuant to section 14 of this act.

324 (h) (1) A manufacturer may apply to the Commissioner of
325 Environmental Protection for an alternative to the requirements of
326 subsections (a) to (g), inclusive, of this section if: (A) Compliance with
327 the requirements is not feasible, or (B) the proposed alternative would
328 be at least as effective in providing presale notification of mercury
329 content and in providing instructions on proper disposal.

330 (2) Applications for an alternative to the requirements of
331 subsections (a) to (g), inclusive, of this section shall: (A) Document the
332 justification for the requested alternative; (B) describe how the
333 alternative ensures that purchasers or recipients of mercury-added
334 products are made aware of mercury content prior to purchase or
335 receipt; (C) describe how a person discarding the product will be made
336 aware of the need for proper handling to ensure that it does not
337 become solid waste or is not discharged to the waters of the state or is
338 not disposed in a pollution abatement facility or subsurface sewage
339 disposal system; (D) document the capability of all parties necessary to
340 implement the proposed alternative; and (E) describe the performance

341 measures to be utilized by the manufacturer to demonstrate that the
342 alternative is providing effective presale notification and predisposal
343 notification.

344 (3) The commissioner may approve, deny, modify or condition a
345 request for an alternative to the requirements of subsections (a) to (g),
346 inclusive, of this section. An approval shall be for a period of no more
347 than two years and may, upon continued eligibility under the criteria
348 of this section and compliance with the conditions of its prior
349 approval, be renewed. Requests for renewals shall be submitted ninety
350 days before the expiration of the approval. Prior to approving an
351 alternative, the commissioner shall consult with states, provinces and
352 regional government organizations to insure that the manufacturer's
353 labeling requirements are not in conflict with those of other
354 jurisdictions in the region. The commissioner may revoke an approval
355 for cause.

356 Sec. 9. (NEW) (a) On and after July 1, 2003, no person shall
357 knowingly (1) dispose of a mercury-added product or a mercury-
358 added component in a manner other than by recycling or disposal in
359 accordance with the provisions of chapter 446d or 446k of the general
360 statutes or Subtitle C of the Resource Conservation and Recovery Act
361 of 1976, 42 USC 6901 et seq., as amended, or (2) discharge mercury to
362 the waters of the state, a pollution abatement facility or subsurface
363 sewage disposal system, unless such discharge is in compliance with
364 all local, state and federal applicable requirements.

365 (b) Each permittee of a solid waste facility shall (1) post signs at the
366 facility providing notice of the prohibition of the disposal and
367 incineration of mercury-added products; (2) provide written
368 notification either in contractual agreements or to the municipalities
369 serviced by the facility on a frequency determined by the
370 commissioner of the prohibition on the disposal and incineration of
371 mercury-added products; and (3) implement a plan approved by the
372 commissioner for periodically monitoring incoming wastes to detect
373 the presence of mercury-added products at the facility. A solid waste

374 facility shall not be considered in violation of this act if it unknowingly
375 receives a mercury-added product or mercury-added component.

376 (c) Solid waste disposal facilities, scrap metal processors or
377 businesses that accept appliances or vehicles for disposal, reclamation
378 or recycling shall remove mercury-added components, except for
379 lamps used for back lighting and displays, prior to crushing,
380 shredding or processing for disposal or reuse.

381 (d) A formulated mercury-added product that is a cosmetic or
382 pharmaceutical product subject to the requirements imposed by the
383 federal Food and Drug Administration is exempt from the provisions
384 of this section.

385 Sec. 10. (NEW) (a) On and after two years after the date that the
386 commissioner adopts a universal waste rule in accordance with the
387 Resource Conservation and Recovery Act of 1976, 42 USC 6901, et seq.,
388 as amended, no person shall offer any mercury-added product for sale
389 or use by any means, including e-commerce, or distribute for
390 promotional purposes unless the manufacturer either on its own or in
391 concert with other persons has a plan approved by the commissioner
392 for a collection system for such products. If a mercury-added product
393 is a component of another product, the collection system shall provide
394 for removal and collection of the mercury-added component or
395 collection of both the mercury-added component and the product
396 containing it.

397 (b) The collection system shall include (1) a public education
398 program to inform the public about the purpose of the collection
399 program and how to participate in it; (2) capture rate targets for the
400 mercury-added product or component; (3) a plan for implementing
401 and financing the collection system; (4) documentation of the
402 willingness of all parties to the system to implement the proposed
403 collection system; (5) a description of the performance measures to be
404 utilized and reported by the manufacturer to demonstrate that the
405 collection system is meeting capture rate targets and other measures of

406 program effectiveness as required by the commissioner; (6) a
407 description of additional or alternative actions that will be
408 implemented to improve the collection system and its operation in the
409 event that the capture rate targets are not met; and (7) a recycling or
410 disposal plan.

411 (c) The commissioner shall encourage a manufacturer, in
412 developing a collection system plan, to utilize or expand existing
413 collection and recycling infrastructure where feasible and cost-
414 effective. In the event the manufacturer decides not to utilize existing
415 local collection and recycling infrastructure, the manufacturer shall
416 include in its collection system plan the reasons for its decision to
417 establish a separate collection system.

418 (d) Within one year of approval by the commissioner of the
419 collection system plan, the manufacturer or entity that submitted the
420 plan on behalf of the manufacturer shall complete the implementation
421 of such plan.

422 (e) Two years following the implementation of the collection system
423 plan required under this section and biennially thereafter, the
424 manufacturer or entity that submitted the plan on behalf of the
425 manufacturer shall submit a report to the commissioner on the
426 effectiveness of the collection system. The report shall include an
427 estimate of the amount of mercury that was collected, the capture rate
428 for the mercury-added products or components, the results of the
429 other performance measures included in the manufacturer's collection
430 system plan, and such other information as the commissioner may
431 require. The commissioner shall make such reports available to the
432 public.

433 (f) The cost for the collection system shall be borne by the
434 manufacturer of the mercury-added product.

435 (g) The commissioner shall review the state regulatory requirements
436 pursuant to chapter 446d or 446k of the general statutes governing
437 handling of waste from mercury-added products and, if necessary,

438 may amend regulations as appropriate to facilitate collection.

439 (h) Formulated mercury-added products intended to be totally
440 consumed in use, including, but not limited to, reagents, cosmetics,
441 pharmaceuticals and other laboratory chemicals, are exempt from the
442 provisions of this section.

443 Sec. 11. (NEW) (a) On and after July 1, 2002, a manufacturer of
444 formulated products that contain mercury-added products or
445 mercury-added compounds, and are offered for sale or use by any
446 means, including e-commerce, or distributed to a health care facility
447 for promotional purposes shall provide the recipient health care
448 facility a certificate of analysis documenting the range of mercury
449 content of the product. Sampling and analytical techniques used in the
450 analysis shall be capable of detecting mercury to limits of one part per
451 billion or less.

452 (b) The manufacturer shall develop and implement a plan to assure
453 that the certificate of analysis accurately represents the mercury in a
454 formulated product. Such plan shall, at a minimum, include an annual
455 analysis of the formulated product.

456 (c) The manufacturer, upon request of the commissioner, shall
457 provide to the commissioner copies of certificates of analysis for the
458 purposes of assessing compliance with this section.

459 Sec. 12. (NEW) No person shall offer for sale or use by any means,
460 including e-commerce, or distribute for promotional purposes or
461 provide elemental mercury without providing a Material Safety Data
462 Sheet, as defined in 42 USC 11049. On and after July 1, 2002, the seller,
463 distributor or provider shall require the purchaser or recipient at the
464 time of receipt of any elemental mercury to sign a statement that the
465 purchaser or recipient (1) will use the mercury only for medical, dental
466 amalgam dispose-caps, research or manufacturing purposes; (2)
467 understands that mercury is toxic and that the purchaser will store and
468 use it appropriately so that no person is exposed to the mercury; and
469 (3) will not place or allow anyone under the control of the purchaser or

470 recipient to cause the mercury to become solid waste or be discharged
471 into waters of the state or be disposed of in a pollution abatement
472 facility or subsurface sewage disposal system.

473 Sec. 13. (NEW) Mercury-added products with a code or date of
474 manufacture indicating they were manufactured prior to July 1, 2001,
475 or mercury-added products for which the manufacturer provides
476 documentation that the product was manufactured prior to July 1,
477 2001, are exempt from sections 6 to 8, inclusive, of this act and sections
478 10 and 12 of this act.

479 Sec. 14. (NEW) (a) The commissioner, in consultation with other
480 state agencies, may implement a comprehensive program for public
481 education, outreach and assistance for manufacturers, households,
482 waste generators, local and regional solid waste management agencies,
483 businesses, health care facilities, scrap metal processors, recyclers,
484 dismantlers, institutions, schools and other interested groups. This
485 public education, outreach and assistance program may focus on the
486 hazards of mercury; the requirements and obligations of individuals,
487 manufacturers and agencies under this act and voluntary efforts that
488 individuals, institutions and businesses can undertake to help further
489 reduce mercury in the environment. The commissioner, in conjunction
490 with manufacturers of mercury-added products and other affected
491 businesses, may promote the development and implementation of
492 such public education and technical assistance programs.

493 (b) The commissioner may cooperate with other states and
494 provinces and regional organizations in developing public education,
495 outreach and assistance programs.

496 (c) The commissioner may develop an awards program to recognize
497 the accomplishments of manufacturers, municipalities, waste
498 management facilities, waste recycling facilities, household hazardous
499 waste collection facilities, citizens or others who exceed the minimum
500 requirements pursuant to sections 4 to 13, inclusive, of this act, and
501 excel at reducing or eliminating mercury in air emissions or releases.

502 (d) The commissioner shall prepare and publish guidelines for best
503 management practices for dental offices and laboratories. Such
504 guidelines shall not be considered "regulations" as defined in section 4-
505 166 of the general statutes.

506 Sec. 15. (NEW) (a) No later than July 1, 2002, the Department of
507 Administrative Services shall revise its policies, rules and procedures
508 to give priority and preference to the purchase of equipment, supplies
509 and other products that contain no mercury-added compounds or
510 components, unless there is no economically feasible alternative
511 product, other than a mercury-added product that performs a similar
512 function or produces a product of comparable quality. In
513 circumstances where a product other than a mercury-added product is
514 not available, preference shall be given to the purchase of products
515 that contain the least amount of mercury added to the product
516 necessary for the required performance.

517 (b) The Commissioner of Administrative Services may give a price
518 preference of up to ten per cent for products that contain no mercury
519 or less mercury for all state purchases, including purchases made by
520 other state agencies with state funds. Energy efficient lamps for
521 lighting purposes shall be purchased in preference to other less
522 efficient lighting options. To the maximum extent possible, purchases
523 shall be restricted to lamps that contain the lowest total mercury
524 content per lumen hour available. The state shall, to the maximum
525 extent feasible, recycle spent lamps.

526 (c) The Commissioner of Administrative Services shall specify
527 products other than mercury-added products or reduced mercury-
528 added products, as applicable, in procurement bid documents.

529 (d) State contracts for employee dental insurance negotiated after
530 the effective date of this section shall provide equal coverage for
531 fillings other than mercury-added fillings and mercury amalgam
532 fillings at no additional expense to the state employee.

533 Sec. 16. (NEW) The commissioner shall, in consultation with the

534 Conference of the New England Governors/Eastern Canadian
535 Premiers Environment Committee, review the effectiveness of sections
536 1 to 17, inclusive, of this act, no later than four years after the effective
537 date of this act and shall provide a report based upon such review to
538 the Governor and the General Assembly. The report shall review the
539 effectiveness of the programs required under sections 1 to 17,
540 inclusive, of this act, and may contain recommendations for improving
541 them. As part of this review, the commissioner shall evaluate the
542 effectiveness of the collection systems established in section 10 of this
543 act, and determine whether additional state authority or targeted
544 capture rates are needed to improve such systems. The commissioner
545 shall evaluate the need for additional incentives for manufacturers of
546 mercury-added products that are below ten milligrams to reduce the
547 amount of mercury in such products.

548 Sec. 17. (NEW) Prior to the issuance of any exemptions as provided
549 in section 7 of this act or approval of alternative labeling requirements,
550 as provided in section 8 of this act, the manufacturer shall provide
551 public notice of a request for an exemption on a form supplied by the
552 commissioner in accordance with this section, publish notice of such
553 request in a newspaper having a general circulation in the affected area
554 and send the commissioner a certified copy of such notice as it
555 appeared in said newspaper and the commissioner shall provide an
556 opportunity for comment not less than thirty days from such issuance
557 or approval.

558 Sec. 18. This act shall take effect July 1, 2001.

FIN *Joint Favorable Subst.*

GL *Joint Favorable*