



General Assembly

February Session, 2002

Amendment

LCO No. 4401

HB0553904401HR0

Offered by:

REP. PRELLI, 63rd Dist.

REP. PISCOPO, 76th Dist.

To: Subst. House Bill No. 5539

File No. 291

Cal. No. 176

(As Amended)

**"AN ACT CONCERNING MERCURY EDUCATION AND
REDUCTION."**

1 Change the effective date of sections 1 to 14, inclusive, to "Effective
2 upon the participation by four of the six New England states in the
3 clearinghouse described in section 3 of this act and upon the enactment
4 by such states of legislation having like effect as this act"

5 Strike subsection (a) of section 4 and insert the following in lieu
6 thereof:

7 "(a) On and after six months after the effective date of this act, no
8 person shall offer any mercury-added product for sale or distribute for
9 promotional purposes in this state unless the manufacturer or its
10 designated industrial trade group gives prior notification in writing to
11 the commissioner or the regional, multi-state clearinghouse described
12 in section 3 of this act as provided in this section. Such notification, in a

13 form prescribed by the commissioner, shall at a minimum include (1) a
14 brief description of the product or category of products to be offered
15 for sale or distributed; (2) an identification of each product by its
16 mercury content in one of the following ranges: Less than zero to five
17 milligrams, greater than five milligrams to ten milligrams, greater than
18 ten milligrams to fifty milligrams, greater than fifty milligrams to one
19 hundred milligrams, greater than one hundred milligrams to one
20 thousand milligrams and greater than one thousand milligrams; (3) the
21 actual total amount of mercury in each product; and (4) the name and
22 address of the manufacturer and the position, address and phone
23 number of a contact person at the manufacturer. The manufacturer or
24 its designated industrial trade group shall revise the information in the
25 notification whenever there is significant change in the information or
26 when requested by the commissioner or the regional, multi-state
27 clearinghouse."

28 Strike section 5 and insert the following in lieu thereof:

29 "Sec. 5. (NEW) *(Effective upon the participation by four of the six New*
30 *England states in the clearinghouse described in section 3 of this act and upon*
31 *the enactment by such states of legislation having like effect as this act)* (a)
32 Notwithstanding the provisions of section 6 of this act, on and after
33 one year after the effective date of this act, no person shall offer for sale
34 or distribute for promotional purposes in the state any mercury-added
35 novelty. A manufacturer that produces or sells mercury-added
36 novelties shall notify retailers that sell mercury-added novelties about
37 such product ban and inform such retailers of how to dispose of the
38 remaining inventory in accordance with the hazardous waste
39 provisions of title 22a of the general statutes.

40 (b) Notwithstanding the provisions of section 6 of this act, on and
41 after six months after the effective date of this act, no person shall offer
42 for sale or distribute for promotional purposes mercury fever
43 thermometers except by prescription written by a physician. A
44 manufacturer of mercury fever thermometers shall provide the buyer
45 or the recipient with notice of mercury content, instructions on proper

46 disposal and instructions that clearly describe how to carefully handle
47 the thermometer to avoid breakage and on proper cleanup should a
48 breakage occur.

49 (c) Notwithstanding the provisions of section 6 of this act, on and
50 after one year after the effective date of this act, no person shall offer
51 for sale or distribute for promotional purposes mercury dairy
52 manometers. A manufacturer that produces or sells mercury dairy
53 manometers shall notify retailers about the provisions of this
54 subsection and how to dispose of the remaining inventory properly in
55 accordance with title 22a of the general statutes. The Commissioner of
56 Environmental Protection, in consultation with the Commissioner of
57 Agriculture, shall examine the feasibility of implementing a collection
58 and replacement program for dairy manometers, and shall implement
59 such a program within available appropriations.

60 (d) On and after one year after the effective date of this act, no
61 vocational dental education or training school shall use mercury
62 amalgam unless such school has developed and implemented a plan
63 approved by the commissioner that assures best management practices
64 are used to prevent discharge of mercury into the waters of the state,
65 any pollution abatement facility or subsurface sewage disposal system,
66 and to properly handle and recycle or dispose of waste elemental
67 mercury and amalgam. Such plan shall provide for an education
68 program for students regarding the hazards of mercury and best
69 management practices."

70 Strike section 6 and insert the following in lieu thereof:

71 "Sec. 6. (NEW) *(Effective upon the participation by four of the six New*
72 *England states in the clearinghouse described in section 3 of this act and upon*
73 *the enactment by such states of legislation having like effect as this act)* (a)
74 Except as provided in section 7 of this act, except for products that
75 contain a mercury-containing lamp used for backlighting that cannot
76 feasibly be removed by the purchaser and except for specialized
77 lighting used in the entertainment industry such as metal halide lights,

78 no person shall offer for sale or distribute for promotional purposes
79 any mercury-added product if: (1) After two years after the effective
80 date of this act, the mercury content of the product exceeds one gram
81 in the case of fabricated mercury-added products or two hundred fifty
82 parts per million in the case of formulated mercury-added products;
83 and (2) on and after four years after the effective date of this act, the
84 mercury content of the product exceeds one hundred milligrams in the
85 case of fabricated mercury-added products or fifty parts per million in
86 the case of formulated mercury-added products.

87 (b) Not later than one year after the effective date of this act, the
88 commissioner shall convene a working group which shall include, but
89 not be limited to, government representatives from other northeastern
90 states to evaluate advances in technology and make recommendations
91 regarding the regulation of mercury-added products that have a
92 mercury content in excess of ten milligrams or ten parts per million but
93 less than one hundred milligrams or fifty parts per million and
94 specialized lighting used in the entertainment industry such as metal
95 halide lights. Within such working group, the commissioner shall
96 convene a subgroup which shall include, but not be limited to,
97 industry trade groups for mercury-containing lamps to develop a plan
98 in accordance with section 9 of this act to provide for the collection of
99 such lamps. The working group shall finalize such recommendations
100 not later than two years after the effective date of this act.

101 (c) In the case of a product that contains one or more mercury-
102 added products as a component, the phase-out limits specified in
103 subsection (a) of this section apply to each component part or parts
104 and not to the entire product.

105 Strike subsection (a) of section 8 and insert the following in lieu
106 thereof:

107 "(a) Except as provided in subsection (g) of this section, on and after
108 two years after the effective date of this act, no person shall offer for
109 sale or distribute for promotional purposes any mercury-added

110 product unless both the product and either its packaging or care and
111 use manual are labeled in accordance with this section, any regulations
112 adopted under this section or the terms of any approved alternative
113 labeling or notification granted under subsection (h) of this section. A
114 retailer shall not be found in violation of this subsection if the retailer
115 lacked knowledge that the product contained mercury."

116 Strike subsection (e) of section 8 and substitute the following in lieu
117 thereof:

118 "(e) On and after two years after the effective date of this act, any
119 person offering a mercury-added product for sale through a catalog, or
120 distributing such product for promotional purposes shall clearly
121 advise in writing the purchaser or recipient prior to the time of sale or
122 distribution that the product contains mercury. On and after two years
123 after the effective date of this act, any person offering a mercury-added
124 product for sale by telephone shall clearly advise the purchaser or
125 recipient prior to the time of sale that the product contains mercury.
126 Such requirements shall apply to such transactions in which the
127 purchaser or recipient is unable to view the labels on the package or
128 the product prior to purchase or receipt."

129 Strike subsection (a) of section 9 and insert the following in lieu
130 thereof:

131 "(a) On and after one year after the effective date of this act, no
132 person shall offer any mercury-added product for sale or distribute
133 any such product for promotional purposes unless the manufacturer
134 either on its own or in concert with other persons has submitted a plan
135 to the commissioner for a system that reasonably enables the collection
136 of such products. If a mercury-added product is a component of
137 another product, the collection system shall provide for removal and
138 collection of the mercury-added component or collection of both the
139 mercury-added component and the product containing it."

140 Strike subsection (c) of section 9 and insert the following in lieu
141 thereof:

142 "(c) Not later than two years after the effective date of this act, and
143 biennially thereafter, the manufacturer or entity that submitted the
144 plan on behalf of the manufacturer shall submit a report to the
145 commissioner and to the regional, multi-state clearinghouse described
146 in section 3 of this act on the effectiveness of the collection system. The
147 report shall include an estimate of the amount of mercury that was
148 collected, the capture rate for the mercury-added products or
149 components, the results of the other performance measures included in
150 the manufacturer's collection system plan, and such other information
151 as the commissioner may require. The commissioner shall make such
152 reports available to the public."

153 Strike sections 10 to 12, inclusive, and insert the following in lieu
154 thereof:

155 "Sec. 10. (NEW) *(Effective upon the participation by four of the six New*
156 *England states in the clearinghouse described in section 3 of this act and upon*
157 *the enactment by such states of legislation having like effect as this act)*
158 Except as provided in section 11 of this act, no person shall offer for
159 sale or distribute for promotional purposes or provide elemental
160 mercury without providing a Material Safety Data Sheet, as defined in
161 42 USC 11049. On and after one year after the effective date of this act,
162 the seller, distributor or provider shall require the purchaser or
163 recipient at the time of receipt of any elemental mercury to sign a
164 statement that the purchaser or recipient (1) will use the mercury only
165 for medical, research or manufacturing purposes; (2) understands that
166 mercury is toxic and that the purchaser will store, use and otherwise
167 handle exposure to such mercury in accordance with state and federal
168 law; and (3) will dispose of the elemental mercury in accordance with
169 state and federal law.

170 Sec. 11. (NEW) *(Effective upon the participation by four of the six New*
171 *England states in the clearinghouse described in section 3 of this act and upon*
172 *the enactment by such states of legislation having like effect as this act)* No
173 person shall offer for sale, distribute for promotional purposes or
174 provide elemental mercury to a dental practitioner without providing

175 a Material Safety Data Sheet, as defined in 42 USC 11049. On and after
176 one year after the effective date of this act, such dental practitioner
177 shall (1) use the mercury only for dental purposes; (2) store, use and
178 otherwise handle exposure to such mercury in accordance with the
179 accepted guidelines of the American Dental Association, state and
180 federal law and any applicable best management practices adopted by
181 the state; and (3) dispose of the elemental mercury in accordance with
182 state and federal law.

183 Sec. 12. (NEW) (*Effective upon the participation by four of the six New*
184 *England states in the clearinghouse described in section 3 of this act and upon*
185 *the enactment by such states of legislation having like effect as this act*) (a)
186 Mercury-added products with a code or date of manufacture
187 indicating they were manufactured prior to six months after the
188 effective date of this act, or mercury-added products for which the
189 manufacturer provides documentation that the product was
190 manufactured prior to six months after the effective date of this act,
191 shall be exempt from section 4 of this act, except that motor vehicles
192 with a code or date of manufacture prior to three months after the
193 effective date of this act, or motor vehicles for which the manufacturer
194 provides documentation that the product was manufactured prior to
195 three months after the effective date of this act, shall be exempt from
196 such sections.

197 (b) Mercury-added products with a code or date of manufacture
198 indicating they were manufactured prior to one and one-half years
199 after the effective date of this act, or mercury-added products for
200 which the manufacturer provides documentation that the product was
201 manufactured prior to one and one-half years after the effective date of
202 this act, shall be exempt from sections 6 and 8 of this act, except that
203 motor vehicles with a code or date of manufacture prior to three
204 months after the effective date of this act, or motor vehicles for which
205 the manufacturer provides documentation that the product was
206 manufactured prior to three months after the effective date of this act,
207 shall be exempt from such sections.

208 (c) Mercury-added products with a code or date of manufacture
209 indicating they were manufactured prior to one year after the effective
210 date of this act, or mercury-added products for which the
211 manufacturer provides documentation that the product was
212 manufactured prior to one year after the effective date of this act, shall
213 be exempt from section 9 of this act, except that motor vehicles with a
214 code or date of manufacture prior to three months after the effective
215 date of this act, or motor vehicles for which the manufacturer provides
216 documentation that the product was manufactured prior to three
217 months after the effective date of this act, shall be exempt from such
218 sections."