



General Assembly

February Session, 2006

Substitute Bill No. 5272

* HB05272ENV 032006 *

AN ACT CONCERNING REVISIONS TO THE MERCURY REDUCTION PROVISIONS.

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

1 Section 1. Subsection (a) of section 22a-617 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2006*):

4 (a) Except as provided in section 22a-618, except for products that
5 contain a mercury-containing lamp used for backlighting that cannot
6 feasibly be removed by the purchaser and except for specialized
7 lighting used in the entertainment industry such as metal halide lights,
8 no person shall offer for sale or distribute for promotional purposes
9 any mercury-added product if: (1) After July 1, 2004, the mercury
10 content of the product exceeds one gram in the case of fabricated
11 mercury-added products or two hundred fifty parts per million in the
12 case of formulated mercury-added products; [and] (2) on and after July
13 1, 2006, the mercury content of the product exceeds one hundred
14 milligrams in the case of fabricated mercury-added products or fifty
15 parts per million in the case of formulated mercury-added products,
16 except for high intensity discharge lamps containing more than one
17 hundred milligrams of mercury, but less than one gram of mercury,
18 including, but not limited to, metal halide lamps, mercury vapor
19 lamps, mercury capillary lamps, mercury-xenon short-arc lamps and

20 mercury short-arc lamps; and (3) on and after July 1, 2013, high
21 intensity discharge lamps containing more than one hundred
22 milligrams of mercury, but less than one gram of mercury, including,
23 but not limited to, metal halide lamps, mercury vapor lamps, mercury
24 capillary lamps, mercury-xenon short-arc lamps and mercury short-arc
25 lamps.

26 Sec. 2. Subsection (g) of section 22a-619 of the general statutes is
27 repealed and the following is substituted in lieu thereof (*Effective July*
28 *1, 2006*):

29 (g) (1) Manufacturers shall meet all the requirements of this section
30 for large appliances, including, but not limited to, washers, dryers,
31 ovens, including microwave ovens, refrigerators, air conditioners,
32 dehumidifiers or portable heaters sold in a store where such appliance
33 is on display, except that no package labeling shall be required; (2)
34 manufacturers shall meet all the requirements of this section for
35 mercury fever thermometers, except that no product labeling shall be
36 required; (3) in the case of vehicles, (A) manufacturers shall meet the
37 product labeling requirements of this section for vehicles by placing a
38 label on the doorpost of the vehicles that lists the mercury-added
39 components that may be present in the vehicle, and (B) manufacturers
40 shall not be required to label the mercury-added components of the
41 vehicle; (4) manufacturers of products that contain a mercury-
42 containing lamp used for backlighting that cannot feasibly be removed
43 by the purchaser shall meet the product labeling requirements of this
44 section by placing the label on the product or its care and use manual;
45 (5) manufacturers shall meet all the requirements of this section for
46 button cell batteries containing mercury, except that no labeling shall
47 be required; (6) in the case of products that contain button cell batteries
48 containing mercury as the only mercury components, manufacturers
49 shall meet the packaging requirements of this section by including a
50 label in the product instructions, if any, and on the packaging, and no
51 further product labeling shall be required; (7) manufacturers of
52 fluorescent lights and high-intensity discharge lamps shall meet the
53 labeling requirements of this section by labeling the product packaging

54 and placing the symbol "Hg" on each lamp; [and] (8) manufacturers of
55 medical equipment not intended for use by nonmedical personnel are
56 exempt from this section; and (9) manufacturers shall meet this
57 requirement for luminaires not sold through retail sales channels by
58 providing information on their web sites and catalogs.

59 Sec. 3. Section 22a-616 of the general statutes is amended by adding
60 subsection (e) as follows (*Effective July 1, 2006*):

61 (NEW) (e) Notwithstanding the provisions of section 22a-617, as
62 amended by this act, on and after July 1, 2011, no person shall offer for
63 sale or distribute for promotional purposes button cell batteries
64 containing mercury or any product containing such batteries. A
65 manufacturer that produces or sells button cell batteries containing
66 mercury or any product containing such batteries shall notify retailers
67 about the provisions of this subsection and how to dispose of the
68 remaining inventory property in accordance with this title.

69 Sec. 4. Subsection (f) of section 22a-620 of the general statutes is
70 repealed and the following is substituted in lieu thereof (*Effective July*
71 *1, 2006*):

72 (f) The following are exempt from the provisions of this section: (1)
73 Formulated mercury-added products intended to be consumed in use,
74 including, but not limited to, reagents, cosmetics, pharmaceuticals and
75 other laboratory chemicals; (2) fabricated mercury-containing products
76 where the only mercury is contained in a component that cannot
77 feasibly be removed by the purchaser including, but not limited to,
78 electronic products whose only mercury-added component is a
79 mercury-containing lamp used for backlighting provided such
80 manufacturer or trade association maintains a web-based service to
81 provide information on recycling and safe disposal of such products;
82 (3) photographic film and paper; (4) a manufacturer or trade
83 association of mercury-containing lamps that maintains a toll-free
84 telephone number and an Internet-based service to provide
85 information on recycling and safe disposal of such lamps and directs

86 consumers to such telephone number and service on any statutorily-
87 required package label; (5) button cell batteries containing mercury;
88 and ~~[(5)]~~ (6) any other product for which the commissioner determines
89 a collection plan is not feasible.

90 Sec. 5. (NEW) (*Effective October 1, 2006*) (a) The Commissioner of
91 Environmental Protection may issue, modify or revoke orders to
92 correct or abate violations of chapter 446m of the general statutes,
93 including, but not limited to, any regulation adopted pursuant to
94 chapter 446m of the general statutes. Any such order may include
95 remedial measures necessary to correct or abate such violations. Such
96 orders may be issued to any person who violates any provision of
97 chapter 446d of the general statutes or any regulation adopted
98 pursuant to chapter 446m of the general statutes.

99 (b) Each order issued under chapter 446m of the general statutes
100 shall be served by certified mail, return receipt requested, or by a state
101 marshal or indifferent person. If a state marshal or indifferent person
102 serves the order, a true copy of the order shall be served, and the
103 original, with a return of such service endorsed thereon, shall be filed
104 with the commissioner. The order shall be deemed to be issued upon
105 service or upon deposit in the mail. Any order issued pursuant to
106 chapter 446d of the general statutes shall state the basis on which it is
107 issued.

108 (c) Unless a person aggrieved by an order files a written request for
109 a hearing before the commissioner not later than thirty days after the
110 date of issuance, such order shall become final. If requested, the
111 commissioner shall hold a hearing as soon thereafter as practicable. A
112 request for a hearing shall be a condition precedent to any appeal. The
113 commissioner may, after the hearing or at any time after the issuance
114 of the order, modify such order by agreement or extend the time
115 schedule therefor if the commissioner deems such modification or
116 extension advisable or necessary, and any such modification or
117 extension shall be deemed to be a revision of an existing order and
118 shall not constitute a new order. There shall be no hearing subsequent

119 to or any appeal from any such modification or extension.

120 (d) After hearing, the commissioner shall consider all supporting
121 and rebutting evidence and affirm, modify or revoke such order in the
122 commissioner's discretion and shall so notify the recipient of the order
123 by certified mail, return receipt requested.

124 (e) The final order of the commissioner shall be subject to appeal as
125 set forth in sections 4-183 and 4-184 of the general statutes, except that
126 any such appeal shall be taken to the superior court for the judicial
127 district of New Britain.

128 Sec. 6. (NEW) (*Effective October 1, 2006*) (a) Whenever, in the
129 judgment of the Commissioner of Environmental Protection, any
130 person has engaged in or is about to engage in any acts, practices or
131 omission which constitute, or will constitute, a violation of any
132 provision of chapter 446m of the general statutes, or any regulation
133 adopted or order issued pursuant to chapter 446m of the general
134 statutes, at the request of the Commissioner of Environmental
135 Protection, the Attorney General may bring an action in the superior
136 court for the judicial district of New Britain for an order enjoining such
137 acts or practices, to order remedial measures, or for an order directing
138 compliance and, upon a showing by the commissioner that such
139 person has engaged in any such acts, practices or omissions, a
140 permanent or temporary injunction, restraining order or other order
141 may be granted.

142 (b) Any person who violates any provision of chapter 446m of the
143 general statutes, including, but not limited to, any regulation adopted
144 or order issued pursuant to chapter 446m of the general statutes, shall
145 be assessed a civil penalty not to exceed twenty-five thousand dollars
146 per day, to be fixed by the court, for each offense. Each violation shall
147 be a separate and distinct offense and, in the case of a continuing
148 violation, each day's continuance thereof shall be deemed to be a
149 separate and distinct offense. The Attorney General, upon request of
150 the commissioner, shall institute a civil action in the superior court for

151 the judicial district of New Britain to recover such penalty.

152 (c) If two or more persons are responsible for a violation of any
153 provision of chapter 446m of the general statutes, including, but not
154 limited to, any regulation adopted or order issued pursuant to said
155 chapter 446m, such persons shall be jointly and severally liable under
156 this section.

157 (d) Any action brought by the Attorney General pursuant to this
158 section shall have precedence in the order of trial as provided in
159 section 52-191 of the general statutes.

160 Sec. 7. (NEW) (*Effective October 1, 2006*) (a) Any person who, with
161 criminal negligence, violates any provision of chapter 446m of the
162 general statutes, including, but not limited to, any regulation adopted
163 or order issued pursuant to chapter 446m of the general statutes, or
164 who makes any false statement, representation, certification in any
165 application, notification, request for exemption, record, plan, report or
166 other document filed or required to be maintained under chapter 446m
167 of the general statutes, shall be fined not more than twenty-five
168 thousand dollars per day for each day of violation or be imprisoned
169 not more than one year, or both. A subsequent conviction for any such
170 violation shall carry a fine of not more than fifty thousand dollars per
171 day for each day of violation or imprisonment for not more than two
172 years, or both.

173 (b) Any person who knowingly violates any provision of chapter
174 446m of the general statutes, including, but not limited to, any
175 regulation adopted or order issued pursuant to chapter 446m of the
176 general statutes, or who makes any false statement, representation, or
177 certification in any application, notification, request for exemption,
178 record, plan, report or other document filed or required to be
179 maintained under chapter 446m of the general statutes, shall be fined
180 not more than fifty thousand dollars per day for each day of violation
181 or be imprisoned not more than three years, or both. A subsequent
182 conviction for any such violation shall carry a fine of not more than

183 fifty thousand dollars per day for each day of violation or
184 imprisonment for not more than ten years, or both.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2006</i>	22a-617(a)
Sec. 2	<i>July 1, 2006</i>	22a-619(g)
Sec. 3	<i>July 1, 2006</i>	22a-616
Sec. 4	<i>July 1, 2006</i>	22a-620(f)
Sec. 5	<i>October 1, 2006</i>	New section
Sec. 6	<i>October 1, 2006</i>	New section
Sec. 7	<i>October 1, 2006</i>	New section

ENV *Joint Favorable Subst.*