



General Assembly

February Session, 2012

Raised Bill No. 93

LCO No. 981

00981_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING A MERCURY THERMOSTAT COLLECTION AND FINANCIAL INCENTIVE PROGRAM.

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

1 Section 1. (NEW) (*Effective October 1, 2012*) (a) (1) Not later than
2 October 1, 2013, each thermostat manufacturer that distributes, sells or
3 offers for sale in this state any thermostat that contains mercury and
4 that is intended for residential or commercial use shall individually or
5 collectively submit a plan, for approval, to the Commissioner of
6 Energy and Environmental Protection for a mercury thermostat
7 collection and financial incentive program that shall: (A) Establish an
8 effective education and outreach program for thermostat wholesalers,
9 thermostat retailers, contractors and homeowners, (B) assure the
10 handling and recycling of any thermostat that contains mercury in a
11 manner that is consistent with the provisions of the universal waste
12 rule adopted pursuant to section 22a-209i of the general statutes, (C)
13 provide containers for the collection of thermostats that contain
14 mercury to all thermostat wholesalers for a one-time, reasonable fee
15 per container, (D) erect collection systems at all collection points
16 registered pursuant to subsection (d) of this section, (E) create a

17 financial incentive, with a minimum value of five dollars, for the
18 return of any thermostat that contains mercury to a thermostat
19 wholesaler by a contractor or service technician, (F) create a financial
20 incentive, with a minimum value of five dollars, for the return of any
21 thermostat that contains mercury to a collection point that is registered
22 pursuant to subsection (d) of this section by any homeowner, and (G)
23 establish mechanisms to protect against the fraudulent return of
24 thermostats.

25 (2) Any plan approved by the Commissioner of Energy and
26 Environmental Protection pursuant to subdivision (1) of this
27 subsection shall be implemented not later than April 1, 2013.

28 (3) Not later than April 1, 2014, and each year thereafter, each such
29 thermostat manufacturer, individually or collectively, shall submit an
30 annual report to the commissioner concerning the program
31 implemented pursuant to subdivision (1) of this subsection that
32 includes the following information: (A) The number of thermostats
33 that contain mercury collected and recycled by each thermostat
34 manufacturer during the previous calendar year, (B) the estimated
35 total amount of mercury contained in the thermostat components
36 collected by each manufacturer, (C) an evaluation of the effectiveness
37 of each manufacturer's collection program and each financial incentive,
38 and (D) an accounting of the administrative costs incurred in
39 administering the program and each financial incentive.

40 (4) Any collection system utilized to implement the program
41 described in subdivision (1) of this subsection may consist of an
42 individual thermostat mail back system or a multiple collection
43 container system. The cost of such collection system that utilizes a
44 multiple collection container system to any collection point registered
45 pursuant to subsection (d) of this section shall be limited to a
46 reasonable, one-time fee per container.

47 (5) Pursuant to any program implemented in accordance with
48 subdivision (1) of this subsection: (A) The financial incentive for the

49 return of any thermostat that contains mercury to any thermostat
50 wholesaler by any contractor or service technician shall be in the form
51 of cash or coupons that are redeemable by such contractor or service
52 technician, and (B) the financial incentive for the return of any
53 thermostat that contains mercury to any collection point registered
54 pursuant to subsection (d) of this section by any homeowner shall be
55 in the form of cash or in the form of a coupon that either can be
56 redeemed for cash from the manufacturer or redeemed for a credit
57 toward the purchase of general merchandise at the retail location
58 where the thermostat is returned.

59 (b) (1) On and after April 1, 2013, no thermostat wholesaler shall
60 sell, offer for sale or distribute any thermostat in this state unless such
61 wholesaler: (A) Acts as a collection point for any thermostat that
62 contains mercury, (B) promotes and utilizes the collection containers
63 provided by thermostat manufacturers pursuant to subsection (a) of
64 this section, and (C) performs any other task necessary to establish and
65 maintain a cost-effective collection and financial incentive program.

66 (2) On and after April 1, 2013, no thermostat retailer shall sell, offer
67 for sale or distribute any thermostat in this state unless such
68 thermostat retailer participates in an education and outreach program
69 to educate homeowners and consumers on the collection program,
70 described in subsection (a) of this section, for thermostats that contain
71 mercury.

72 (c) (1) On and after April 1, 2013, no thermostat manufacturer that
73 fails to comply with the provisions of this section shall sell, offer for
74 sale or distribute any thermostat in this state. Any such noncompliant
75 thermostat manufacturer shall provide the necessary support to any
76 thermostat wholesaler or thermostat retailer to ensure such thermostat
77 manufacturer's thermostats are not sold, offered for sale or distributed
78 in this state.

79 (2) On and after April 1, 2013, no thermostat wholesaler or
80 thermostat retailer shall sell, offer for sale or distribute any thermostat

81 manufactured by a thermostat manufacturer that is not in compliance
82 with the provisions of this section.

83 (d) (1) Not later than sixty days after receiving a complete plan from
84 any thermostat manufacturer, individually or collectively, for a
85 mercury thermostat collection and financial incentive program
86 pursuant to subsection (a) of this section, the Department of Energy
87 and Environmental Protection shall review and may grant, deny or
88 approve with modifications such plan. The department shall not
89 approve any plan that does not include each provision as required by
90 subsection (a) of this section. In determining whether to approve a
91 plan, the department may consider the consistency of the plan with
92 mercury thermostat collection and financial incentive requirements in
93 other states and the consistency of such proposed plan with any other
94 mercury thermostat collection and financial incentive plan submitted
95 for approval to the department. In approving any such plans, the
96 department shall ensure that the education and outreach programs of
97 such plans are uniform and consistent with one another to ensure ease
98 of implementation by thermostat wholesalers and thermostat retailers.
99 Any plan submitted to the department by a thermostat manufacturer
100 pursuant to subsection (a) of this section shall be available for public
101 review and comment for a period of thirty days. In reviewing any such
102 plan, the department may consult with any interested parties,
103 including, but not limited to, representatives from thermostat
104 manufacturers, thermostat wholesalers, thermostat retailers,
105 environmental groups, service contractors, municipalities and solid
106 waste facilities.

107 (2) The department shall maintain and post on the department's
108 Internet web site a list of municipalities, solid waste facilities and
109 thermostat retailers that register with the department to serve as
110 collection points for mercury thermostats pursuant to an approved
111 mercury thermostat collection and financial incentive program. The
112 department may prescribe any requisite process and form for such
113 registration. Nothing in this subdivision shall be construed to require

114 the participation of any municipality or solid waste facility in any
115 mercury thermostat collection and financial incentive program.

116 (3) In conjunction with any educational and outreach program
117 implemented by any thermostat manufacturer, individually or
118 collectively, the department shall conduct an education and outreach
119 program for thermostat wholesalers, thermostat retailers, contractors,
120 service technicians and homeowners to promote the collection of
121 discarded thermostats that contain mercury.

122 (4) Not later than February 1, 2014, and each year thereafter, the
123 department shall submit a report, in accordance with section 11-4a of
124 the general statutes, on the collection in the state of thermostats that
125 contain mercury to the joint standing committee of the General
126 Assembly having cognizance of matters relating to the environment.
127 Such report shall include a description of any financial incentive plan
128 established pursuant to subsection (a) of this section and
129 recommendations for any requisite statutory changes concerning the
130 collection and recycling of thermostats that contain mercury in this
131 state. Any such report submitted on and after February 1, 2015, shall
132 include an evaluation of the effectiveness of the mercury thermostat
133 collection and recycling programs established pursuant to subsection
134 (a) of this section, information on actual collection rates, and
135 recommendations for any statutory changes concerning the collection
136 and recycling of thermostats that contain mercury.

137 (5) Not later than July 1, 2014, the department shall estimate the
138 number of out-of-service thermostats that contain mercury and that are
139 generated in the state on an annual basis, in consultation with
140 interested persons, including representatives from thermostat
141 manufacturers, thermostat wholesalers, thermostat retailers, service
142 contractors, environmental groups, municipalities and solid waste
143 facilities. On and after July 1, 2015, if collection efforts fail to result in
144 the collection of sixty-five per cent or more of the out-of-service
145 thermostats that contain mercury in the state, the department shall, in

146 consultation with such interested persons, require modifications to
147 thermostat manufacturers' collection plans in an attempt to improve
148 collection rates in accordance with such goal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section

Statement of Purpose:

To establish a comprehensive collection system that provides a financial incentive for the return of thermostats that contain mercury in order to reduce the environmental and public health concerns posed by such thermostats.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]