



General Assembly

**Substitute Bill No. 350**

February Session, 2012

\*       SB00350ENV      032612      \*

**AN ACT REQUIRING THE ESTABLISHMENT OF MANUFACTURER  
MERCURY THERMOSTAT COLLECTION AND RECYCLING  
PROGRAMS.**

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

1 Section 1. (NEW) (*Effective from passage*) (a) For the purposes of this  
2 section:

3 (1) "Department" means the Department of Energy and  
4 Environmental Protection;

5 (2) "Manufacturer" means any person who sells, sold, offers for sale,  
6 offered for sale, distributes or distributed a mercury thermostat in this  
7 state under a brand or label owned by such person or licensed to such  
8 person;

9 (3) "Mercury thermostat" means any thermostat intended for  
10 installation in a residential, commercial or industrial building that uses  
11 a mercury switch to sense and control room temperature through  
12 communication with heating, ventilating or air conditioning  
13 equipment. "Mercury thermostat" does not include any thermostat  
14 used to sense and control temperature as part of a manufacturing  
15 process;

16 (4) "Retailer" means any person who sells thermostats of any kind  
17 directly to homeowners or other nonprofessionals through any selling

18 or distribution mechanism;

19 (5) "Wholesaler" means any person who is engaged in the  
20 distribution and wholesale sale of thermostats and other heating,  
21 ventilation and air conditioning components to contractors who install  
22 heating, ventilation and air conditioning components;

23 (6) "Contractor" means any person engaged in the business of  
24 installing, servicing or removing thermostats and other heating,  
25 ventilation and air conditioning components; and

26 (7) "Qualified contractor" means any contractor who employs seven  
27 or more service technicians or installers or who is located in an area  
28 outside of an urban area, as defined by the United States Census  
29 Bureau.

30 (b) Not later than October 1, 2013, each manufacturer shall,  
31 individually or collectively: (1) Establish a mercury thermostat  
32 collection and recycling program to collect, transport and properly  
33 manage any out-of-service mercury thermostat received at any  
34 participating collection site in this state; (2) make a collection container  
35 available to any wholesaler, retailer, qualified contractor or  
36 municipality that participates as a collection site in such mercury  
37 thermostat collection and recycling program and requests such a  
38 container; (3) include with each collection container provided to any  
39 wholesaler, retailer, qualified contractor or municipality information  
40 regarding the proper management of mercury thermostats as universal  
41 waste; (4) charge no fee or other charge to any person that participates  
42 in such collection and recycling program, except that such  
43 manufacturer may charge each wholesaler, retailer, qualified  
44 contractor and municipality that participates in such manufacturer's  
45 mercury thermostat collection and recycling program and that receives  
46 one or more collection containers a one-time program administration  
47 fee of not greater than seventy-five dollars; (5) for the period of  
48 October 1, 2013, to October 1, 2016, inclusive, conduct educational and  
49 outreach efforts concerning such mercury thermostat collection and

50 recycling program, including, but not limited to: (A) Promoting the  
51 availability of collection containers to wholesalers, retailers, qualified  
52 contractors and municipalities in the state; (B) educating contractors  
53 and homeowners on (i) the importance of properly managing out-of-  
54 service mercury thermostats, (ii) the opportunities for the collection  
55 and recycling of such thermostats, and (iii) the availability of  
56 manufacturer mercury thermostat collection and recycling programs;  
57 (C) providing signs to participating collection sites to prominently post  
58 information for contractors and consumers concerning the collection  
59 and recycling of out-of-service mercury thermostats; and (D)  
60 supplying written materials, for reproduction by participating  
61 wholesalers and retailers, that may be provided to customers at the  
62 time of purchase or delivery of a thermostat and that include  
63 information on the importance of properly managing out-of-service  
64 mercury thermostats and the opportunities for the collection and  
65 recycling of such thermostats; and (6) beginning October 1, 2014, and  
66 annually thereafter, submit a report to the Department of Energy and  
67 Environmental Protection that includes the following information: (A)  
68 The number of mercury thermostats collected and recycled by such  
69 manufacturer pursuant to such mercury thermostat collection and  
70 recycling program during the previous calendar year; (B) a self-  
71 evaluation of the effectiveness of such manufacturer's mercury  
72 thermostat collection and recycling program; (C) an accounting of the  
73 administrative costs incurred by such manufacturer in the course of  
74 administering such mercury thermostat collection and recycling  
75 program during the previous calendar year; and (D) a list of  
76 wholesalers, retailers, qualified contractors and municipalities that  
77 requested collection containers from such manufacturer during the  
78 previous calendar year.

79 (c) On and after January 1, 2014, any wholesaler, retailer or qualified  
80 contractor shall be deemed to be in compliance with the provisions of  
81 this section if such wholesaler, retailer or contractor participates as a  
82 collection site in a manufacturer's mercury thermostat collection and  
83 recycling program, as described in subsection (b) of this section, or by

84 collecting mercury thermostats and managing the disposal of such  
85 mercury thermostats in accordance with any applicable federal and  
86 state universal waste rules. Any wholesaler or retailer that participates  
87 as a collection site pursuant to a manufacturer's mercury thermostat  
88 collection and recycling program shall post visible signs at such  
89 wholesaler's or retailer's location concerning the collection and  
90 recycling of mercury thermostats.

91 (d) On and after January 1, 2014: (1) Any manufacturer who fails to  
92 comply with the provisions of subsection (b) of this section shall not  
93 sell, offer for sale or distribute any thermostat in this state; (2) any  
94 wholesaler, retailer or qualified contractor who fails to participate as a  
95 collection site in a manufacturer's mercury thermostat collection and  
96 recycling program shall not sell, offer for sale or distribute any  
97 thermostat in this state; and (3) no wholesaler, retailer or qualified  
98 contractor shall sell, offer for sale or distribute any thermostat in this  
99 state from any manufacturer who is not in compliance with the  
100 provisions of subsection (b) of this section.

101 (e) On and after January 1, 2013, no person shall dispose of a  
102 mercury thermostat in the commercial or municipal waste stream or in  
103 any manner other than the recycling of such mercury thermostat or the  
104 disposing of such mercury thermostat as hazardous waste. On and  
105 after January 1, 2014: (1) Any contractor who replaces a mercury  
106 thermostat from a building shall recycle such mercury thermostat or  
107 deliver such mercury thermostat to a wholesaler, retailer or  
108 municipality that participates as a collection site for the collection and  
109 recycling of such mercury thermostats; (2) any contractor who  
110 demolishes a building shall remove all mercury thermostats from such  
111 building prior to demolition and shall recycle such mercury  
112 thermostats or deliver such mercury thermostats to a wholesaler,  
113 retailer, qualified contractor or municipality that participates as a  
114 collection site for the collection and recycling of such mercury  
115 thermostats; and (3) any person who replaces a mercury thermostat  
116 from any location in this state that is a part of any energy efficiency or  
117 weatherization program supported or administered, in whole or in

118 part, by any department, agency, instrumentality or political  
119 subdivision of the state, or conducted as a result of any statutory  
120 requirement shall deliver such mercury thermostat to any wholesaler,  
121 retailer, qualified contractor or municipality that participates as a  
122 collection site for the recycling of such mercury thermostats. The  
123 Department of Energy and Environmental Protection may enforce the  
124 provisions of this subsection.

125 (f) (1) On and after April 1, 2014, the Department of Energy and  
126 Environmental Protection shall maintain and post on the department's  
127 Internet web site a list of wholesalers, retailers, qualified contractors  
128 and municipalities that are collection sites for out-of-service mercury  
129 thermostats.

130 (2) In conjunction with the educational and outreach programs  
131 implemented by manufacturers pursuant to subsection (b) of this  
132 section, the department shall conduct an educational and outreach  
133 program directed toward wholesalers, retailers, qualified contractors,  
134 municipalities and homeowners to promote the collection of out-of-  
135 service mercury thermostats.

136 (3) Not later than January 1, 2017, the department, in accordance  
137 with section 11-4a of the general statutes, shall submit a report to the  
138 joint standing committee of the General Assembly having cognizance  
139 of matters relating to the environment concerning the effectiveness of  
140 the manufacturer mercury thermostat collection and recycling  
141 programs established pursuant to this section. Such report shall be  
142 based, in part, on the reports submitted by manufacturers to the  
143 department pursuant to subsection (b) of this section and shall include  
144 recommendations for any revisions to such programs, including, but  
145 not limited to, any necessary statutory revisions and any  
146 recommendations concerning the repeal of such programs.

147 (g) Nothing in this section shall be construed to require the  
148 participation of any municipality in any manufacturer's mercury  
149 thermostat collection and recycling program.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	New section
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**Statement of Legislative Commissioners:**

In section 1(a)(2), the definition of "manufacturer" was revised to incorporate the description of manufacturer in the first sentence of section 1(b) for clarity, and in section 1(a), the definition of "local government collection" in subdivision (8) was deleted because the term was not used in the bill.

**ENV**      *Joint Favorable Subst.*