



Senate

General Assembly

File No. 372

February Session, 2012

Substitute Senate Bill No. 350

Senate, April 11, 2012

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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:		
Section 1	<i>from passage</i>	New section

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.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Department of Energy and Environmental Protection	GF - Cost	None	25,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Department of Energy and Environmental Protection (DEEP) to conduct an educational and outreach program to promote the collection of out-of-service mercury thermostats on or before April 1, 2014.

DEEP would incur costs of approximately \$25,000 in FY 14 to contract with an outside vendor to conduct the education and outreach program with wholesalers, retailers, contractors, and the public.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and terms of the contract with the vendor.

OLR Bill Analysis**sSB 350*****AN ACT REQUIRING THE ESTABLISHMENT OF MANUFACTURER MERCURY THERMOSTAT COLLECTION AND RECYCLING PROGRAMS.*****SUMMARY:**

This bill requires, by October 1, 2013, mercury thermostat manufacturers to establish mercury thermostat collection and recycling programs.

Beginning January 1, 2014, the bill prohibits manufacturers from selling, offering for sale, or distributing thermostats in Connecticut if they do not meet the bill's program-related requirements. It also prohibits wholesalers, retailers, or qualified contractors from selling, offering for sale, or distributing thermostats in the state (1) from noncompliant manufacturers or (2) if they do not participate as a mercury thermostat collection site.

The bill (1) requires manufacturers to provide collection sites with containers and information about proper mercury thermostat management and (2) allows them to charge such sites a one-time administrative fee.

It requires manufacturers and the Department of Energy and Environmental Protection (DEEP) to provide education and outreach programs about mercury thermostat recycling and disposal. It also establishes reporting requirements for them.

Under the bill, a municipality is not required to participate in a manufacturer mercury thermostat collection and recycling program.

The bill also requires, beginning January 1, 2013, disposing of mercury thermostats through recycling or as hazardous waste.

EFFECTIVE DATE: Upon passage

MERCURY THERMOSTAT

Under the bill, a “mercury thermostat” is a thermostat intended for installation in a residential, commercial, or industrial building that uses a mercury switch to sense and control room temperature by communicating with heating, ventilating, or air conditioning equipment, but not one used for sensing and controlling temperature during manufacturing.

THERMOSTAT COLLECTION AND RECYCLING PROGRAM

Manufacturer Requirements

The bill requires each mercury thermostat manufacturer, by October 1, 2013, to establish a mercury thermostat collection and recycling program to collect, transport, and properly manage out-of-service mercury thermostats received at participating collection sites. A manufacturer may establish the program individually or with others.

Under the bill, a “manufacturer” is a person who sells or sold, offers or offered for sale, or distributes or distributed a mercury thermostat in the state under a brand or label owned or licensed to him or her.

The bill requires manufacturers to (1) provide a collection container to a requesting wholesaler, retailer, qualified contractor, or municipality that participates as a collection site and (2) include with the container information about properly managing mercury thermostats as universal waste.

Under the bill, a “wholesaler” is involved in distributing and wholesale selling of thermostats and other heating, ventilation, and air conditioning components to “contractors” in the business of installing, servicing, or removing them. A “retailer” sells thermostats directly to homeowners or nonprofessionals by any sales or distribution mechanism. The bill defines “qualified contractor” as a contractor who (1) employs at least seven service technicians or installers or (2) is located outside of a U.S. Census Bureau-defined urban area.

Collection Sites

Under the bill, starting January 1, 2014, wholesalers, retailers, or qualified contractors comply with the mercury thermostat collection and recycling program and disposal requirements if they (1) participate as a collection site or (2) collect mercury thermostats and manage their disposal according to applicable state and federal universal waste rules.

Wholesalers or retailers participating as collection sites must post visible signs about collecting and recycling mercury thermostats.

Beginning April 1, 2014, DEEP must post and maintain on its website a list of wholesalers, retailers, qualified contractors, and municipalities participating as collection sites for out-of-service mercury thermostats.

Administrative Fee

The bill prohibits manufacturers from charging a fee or other charge to anyone participating in the program. But it allows them to charge a one-time administrative fee of up to \$75 to a wholesaler, retailer, qualified contractor, and municipality participating in its program and receiving at least one collection container.

Prohibitions on Selling, Offering for Sale, or Distributing

Beginning January 1, 2014, manufacturers that fail to establish a mercury thermostat collection and recycling program and fulfill the related requirements are barred from selling, offering for sale, or distributing any thermostat in the state. On the same date, wholesaler, retailer, or qualified contractor is (1) required to participate as a collection site in order to sell, offer for sale, or distribute thermostats in the state; and (2) prohibited from selling, offering for sale, or distributing thermostats in the state from a noncompliant manufacturer.

Education and Outreach Programs

Manufacturers. Between October 1, 2013 and October 1, 2016, the bill requires manufacturers to conduct education and outreach efforts about the mercury thermostat collection and recycling programs. Manufacturers must educate contractors and homeowners about the (1) importance of properly managing out-of-service mercury thermostats, (2) opportunities for collecting and recycling the thermostats, and (3) availability of manufacturer mercury thermostat collection and recycling programs. Manufacturers must also:

1. promote collection container availability to wholesalers, retailers, qualified contractors, and municipalities;
2. provide signs to participating collection sites to prominently display information for contractors and consumers about collecting and recycling out-of-service mercury thermostats; and
3. supply participating wholesalers and retailers with written material that they can copy to provide customers with information about (a) properly managing out-of-service mercury thermostats and (b) collection and recycling opportunities.

DEEP. The bill requires DEEP to conduct an education and outreach program for wholesalers, retailers, qualified contractors, municipalities, and homeowners to promote collection of out-of-service mercury thermostats. The program must be in conjunction with the manufacturers' education and outreach programs.

Reports

The bill requires each manufacturer, beginning October 1, 2014, to submit an annual report to DEEP providing:

1. the number of mercury thermostats it collected and recycled under the program during the prior calendar year;
2. a self-evaluation of the effectiveness of its collection and

recycling program;

3. an accounting of its program administrative costs during the prior calendar year; and
4. a list of wholesalers, retailers, qualified contractors, and municipalities that requested collection containers during the prior calendar year.

By January 1, 2017, DEEP must submit a report to the Environment Committee about the effectiveness of the manufacturer mercury thermostat collection and recycling programs. The report must (1) be partially based on the manufacturers' reports submitted to DEEP and (2) include recommendations for revising the programs such as necessary statutory changes and repealing such programs.

MERCURY THERMOSTAT DISPOSAL

Beginning January 1, 2013, the bill requires disposing of mercury thermostats (1) by recycling them or (2) as hazardous waste.

The bill also provides specific disposal requirements, starting January 1, 2014, for (1) contractors and (2) anyone disposing of mercury thermostats as part of certain energy efficiency or weatherization programs.

A contractor replacing a building's mercury thermostat must recycle or deliver it to a wholesaler, retailer, or municipality participating as a mercury thermostat recycling and collection site. A contractor who demolishes a building must remove mercury thermostats before demolition and recycle or deliver them to a wholesaler, retailer, qualified contractor, or municipality participating as a collection site. Anyone replacing a mercury thermostat as part of an energy efficiency or weatherization program conducted under law or supported or administered wholly or partially by a state department, agency, instrumentality, or political subdivision, must deliver it to a wholesaler, retailer, qualified contractor, or municipality participating as a collection site.

The bill allows DEEP to enforce these prohibitions.

BACKGROUND

Mercury Education and Reduction Act

PA 02-90 established a comprehensive scheme governing the sale, use, distribution, disposal of, and notification requirements for mercury and many products containing mercury. Besides banning the sale and distribution of certain products containing mercury, it required that products with intentionally added mercury be labeled as to their mercury content (CGS § 22a-612 et seq.).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 0 (03/23/2012)