



General Assembly

February Session, 2012

Amendment

LCO No. 3271

SB0035003271SD0

Offered by:
SEN. MEYER, 12th Dist.

To: Subst. Senate Bill No. 350

File No. 372

Cal. No. 271

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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

5 (1) "Department" means the Department of Energy and
6 Environmental Protection;

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

11 (3) "Mercury thermostat" means any thermostat intended for
12 installation in a residential, commercial or industrial building that uses
13 a mercury switch to sense and control room temperature through

14 communication with heating, ventilating or air conditioning
15 equipment. "Mercury thermostat" does not include any thermostat
16 used to sense and control temperature as part of a manufacturing
17 process;

18 (4) "Retailer" means any person who sells thermostats of any kind
19 directly to homeowners or other nonprofessionals through any selling
20 or distribution mechanism;

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

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

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

32 (b) Not later than October 1, 2013, each manufacturer shall,
33 individually or collectively: (1) Establish a mercury thermostat
34 collection and recycling program to collect, transport and properly
35 manage any out-of-service mercury thermostat received at any
36 participating collection site in this state; (2) make a collection container
37 available to any wholesaler, retailer, qualified contractor or
38 municipality that participates as a collection site in such mercury
39 thermostat collection and recycling program and requests such a
40 container; (3) include with each collection container provided to any
41 wholesaler, retailer, qualified contractor or municipality information
42 regarding the proper management of mercury thermostats as universal
43 waste; (4) charge no fee or other charge to any person that participates
44 in such collection and recycling program, except that such
45 manufacturer may charge each wholesaler, retailer, qualified

46 contractor and municipality that participates in such manufacturer's
47 mercury thermostat collection and recycling program and that receives
48 one or more collection containers a one-time program administration
49 fee of not greater than seventy-five dollars; (5) for the period of
50 October 1, 2013, to October 1, 2016, inclusive, conduct educational and
51 outreach efforts concerning such mercury thermostat collection and
52 recycling program, including, but not limited to: (A) Promoting the
53 availability of collection containers to wholesalers, retailers, qualified
54 contractors and municipalities in the state; (B) educating contractors
55 and homeowners on (i) the importance of properly managing out-of-
56 service mercury thermostats, (ii) the opportunities for the collection
57 and recycling of such thermostats, and (iii) the availability of
58 manufacturer mercury thermostat collection and recycling programs;
59 (C) providing signs to participating collection sites to prominently post
60 information for contractors and consumers concerning the collection
61 and recycling of out-of-service mercury thermostats; and (D)
62 supplying written materials, for reproduction by participating
63 wholesalers and retailers, that may be provided to customers at the
64 time of purchase or delivery of a thermostat and that include
65 information on the importance of properly managing out-of-service
66 mercury thermostats and the opportunities for the collection and
67 recycling of such thermostats; and (6) beginning October 1, 2014, and
68 annually thereafter, submit a report to the Department of Energy and
69 Environmental Protection that includes the following information: (A)
70 The number of mercury thermostats collected and recycled by such
71 manufacturer pursuant to such mercury thermostat collection and
72 recycling program during the previous calendar year; (B) a self-
73 evaluation of the effectiveness of such manufacturer's mercury
74 thermostat collection and recycling program that is certified to be
75 substantially accurate by a competent third party who is acceptable to
76 the commissioner; (C) an accounting of the administrative costs
77 incurred by such manufacturer in the course of administering such
78 mercury thermostat collection and recycling program during the
79 previous calendar year; and (D) a list of wholesalers, retailers,
80 qualified contractors and municipalities that requested collection

81 containers from such manufacturer during the previous calendar year.

82 (c) On and after January 1, 2014, any wholesaler, retailer or qualified
83 contractor shall be deemed to be in compliance with the provisions of
84 this section if such wholesaler, retailer or contractor participates as a
85 collection site in a manufacturer's mercury thermostat collection and
86 recycling program, as described in subsection (b) of this section, or by
87 collecting mercury thermostats and managing the disposal of such
88 mercury thermostats in accordance with any applicable federal and
89 state universal waste rules. Any wholesaler or retailer that participates
90 as a collection site pursuant to a manufacturer's mercury thermostat
91 collection and recycling program shall post visible signs at such
92 wholesaler's or retailer's location concerning the collection and
93 recycling of mercury thermostats.

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

104 (e) On and after January 1, 2013, no person shall dispose of a
105 mercury thermostat in the commercial or municipal waste stream or in
106 any manner other than the recycling of such mercury thermostat or the
107 disposing of such mercury thermostat as hazardous waste. On and
108 after January 1, 2014: (1) Any contractor who replaces a mercury
109 thermostat from a building shall recycle such mercury thermostat or
110 deliver such mercury thermostat to a wholesaler, retailer or
111 municipality that participates as a collection site for the collection and
112 recycling of such mercury thermostats; (2) any contractor who
113 demolishes a building shall remove all mercury thermostats from such

114 building prior to demolition and shall recycle such mercury
115 thermostats or deliver such mercury thermostats to a wholesaler,
116 retailer, qualified contractor or municipality that participates as a
117 collection site for the collection and recycling of such mercury
118 thermostats; and (3) any person who replaces a mercury thermostat
119 from any location in this state that is a part of any energy efficiency or
120 weatherization program supported or administered, in whole or in
121 part, by any department, agency, instrumentality or political
122 subdivision of the state, or conducted as a result of any statutory
123 requirement shall deliver such mercury thermostat to any wholesaler,
124 retailer, qualified contractor or municipality that participates as a
125 collection site for the recycling of such mercury thermostats. The
126 Department of Energy and Environmental Protection may enforce the
127 provisions of this subsection.

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

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

144 (g) Nothing in this section shall be construed to require the
145 participation of any municipality in any manufacturer's mercury
146 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