

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 12-54—sSB 350**  
*Environment Committee*

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

**SUMMARY:** This act requires mercury thermostat manufacturers to establish, by April 1, 2013, mercury thermostat collection and recycling programs. It prohibits them, beginning July 1, 2014, from selling, offering for sale, or distributing thermostats in Connecticut if they do not meet the act's program-related requirements. It also prohibits wholesalers 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 act (1) requires manufacturers to provide collection sites with containers and information about proper mercury thermostat management, (2) allows them to charge such sites a one-time administrative fee, and (3) establishes reporting requirements for them and the Department of Energy and Environmental Protection (DEEP). It also requires manufacturers to provide education and outreach programs about mercury thermostat recycling and disposal.

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

The act also requires, beginning July 1, 2014, disposing of mercury thermostats through recycling or as hazardous waste. It specifies that solid waste disposal facility owners or operators will not violate the act's program or disposal requirements if they make certain efforts.

EFFECTIVE DATE: Upon passage

**MERCURY THERMOSTAT**

Under the act, 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. It does not cover thermostats used for sensing and controlling temperature during manufacturing.

**THERMOSTAT COLLECTION AND RECYCLING PROGRAM**

*Manufacturer Requirements*

The act requires each mercury thermostat manufacturer, by April 1, 2013, to establish a collection and recycling program to collect, transport, and properly manage out-of-service mercury thermostats received at participating collection

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sites in the state. A manufacturer may establish the program individually or with others.

The act defines a “manufacturer” as a person who sells or sold, offers or offered for sale, or distributes or distributed a mercury thermostat in Connecticut under a brand or label owned by or licensed to the person.

It also 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 act, a “wholesaler” distributes and sells at wholesale 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 act 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 act, starting July 1, 2014, wholesalers 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. But wholesalers or qualified contractors must participate as collection sites in order to sell, offer for sale, or distribute thermostats in the state (see below). 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 act allows manufacturers to charge a one-time administrative fee of up to \$75 to a wholesaler, retailer, qualified contractor, or municipality that participates in its program and receives at least one collection container. It otherwise prohibits manufacturers from charging anyone for participating in the program.

### *Prohibitions on Selling, Offering for Sale, or Distributing*

Beginning July 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 thermostats in Connecticut. Starting on the same date, wholesalers or qualified contractors are (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,

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or distributing thermostats from a noncompliant manufacturer in Connecticut.

### *Education and Outreach Programs*

Between April 1, 2013 and April 1, 2016, manufacturers must conduct education and outreach efforts about the mercury thermostat collection and recycling programs. They 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 for 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) the importance of properly managing out-of-service mercury thermostats and (b) collection and recycling opportunities.

### *Reports*

The act requires each manufacturer, beginning April 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.

The self-evaluation must be certified as substantially accurate by a competent third party acceptable to the DEEP commissioner.

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 making necessary statutory changes or repealing the programs.

## MERCURY THERMOSTAT DISPOSAL

Beginning July 1, 2014, the act requires disposing of mercury thermostats by recycling or as hazardous waste. The act also provides specific disposal requirements, starting July 1, 2014, for (1) contractors and (2) anyone disposing

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of mercury thermostats as part of certain energy efficiency or weatherization programs. It allows DEEP to enforce the requirements.

Under the act, 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.

### SOLID WASTE DISPOSAL FACILITY

The act specifies that an owner or operator of a solid waste disposal facility does not violate the program or disposal requirements if he or she (1) makes a good-faith and consistent effort to comply, (2) posts a sign in a conspicuous location saying mercury thermostats are not accepted at the facility, and (3) provides written notice to all collectors registered to deposit at the facility that such thermostats are not accepted.

### 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.).

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