

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1924

S.P. 674

In Senate, March 17, 1999

An Act to Reduce Mercury in Products.

Reported by Senator TREAT of Kennebec for the Land and Water Resources Council pursuant to Public Law 1997, chapter 722

Reference to the Committee on Natural Resources suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Be it enacted by the People of the State of Maine as follows:

2
4 Sec. 1. 38 MRSA c. 13-D is enacted to read:

6 CHAPTER 13-D

8 MERCURY EMISSIONS CONTROL

10 **§1391. Definitions**

12 As used in this chapter, unless the context otherwise
14 indicates, the following terms have the following meanings.

16 1. Mercury-added product. "Mercury-added product" means a
18 product into which elemental mercury or mercury compounds are
20 intentionally added during its formulation or manufacture and in
22 which the continued presence of mercury is desired to provide a
24 specific characteristic or to perform a specific function.

26 **§1392. Disclosure of mercury content**

28 After July 1, 1999, a manufacturer or wholesaler may not
30 supply a mercury-added product for sale in this State without
32 first notifying the commissioner in writing of the amount of
34 mercury in the product and the purpose that the mercury serves.

36 **§1393. Labeling**

38 After July 1, 2000, a manufacturer or wholesaler may not
40 sell and a retailer may not knowingly sell a mercury-added
42 product unless the product is labeled to clearly inform a
44 purchaser or consumer that mercury has been added to the
46 product. The department may adopt rules regarding labeling
48 placement and content. The rules must give preference to
50 placement of the label on the product and product packaging.
Rules adopted pursuant to this section are routine technical
rules pursuant to Title 5, chapter 375, subchapter II-A.

40 **§1394. Mercury-containing lamps; large use applications**

42 1. Lamps. A person who sells fluorescent or other lamps
44 that contain mercury to the owner or manager of an industrial,
46 commercial, office or multi-unit residential building, or to any
48 person who replaces or removes from service outdoor lamps that
50 contain mercury, shall clearly inform the purchaser in writing on
the invoice for the lamps or in a separate writing that the lamps
contain mercury, a hazardous substance that is regulated by
federal or state law, and that they may not be placed in solid
waste.

2 2. Remove lamps. A person who contracts with the owner or
3 manager of an industrial, commercial, office or multi-unit
4 residential building or with a person responsible for outdoor
5 lighting to remove from service fluorescent or other lamps that
6 contain mercury shall clearly inform, in writing, the person for
7 whom the work is being done that the lamps being removed from
8 service contain mercury and what the contractor's arrangements
9 are for the management of the mercury in the removed lamps.

10 **§1395. Elemental mercury**

12 1. Sale. A person may not sell mercury to another person
13 in this State without providing a material safety data sheet, as
14 defined in United States Code, Title 42, Section 11049, and
15 requiring the purchaser to sign a statement that the purchaser:

16 A. Will use the mercury only for a medical, dental,
17 instructional, research or manufacturing purpose;

18 B. Understands that mercury is toxic and that the purchaser
19 will store and use it appropriately so that no person is
20 exposed to the mercury unknowingly; and

21 C. Will not place or allow anyone under the purchaser's
22 control to place the mercury with other solid waste for
23 disposal or in a wastewater disposal system.

24 2. Use. A person who uses elemental mercury in any
25 application may not place, or deliver the mercury to another
26 person who places residues, particles, scrapings or other
27 materials that contain mercury in solid waste or wastewater,
28 except for traces of materials that may inadvertently pass
29 through a filtration system during a dental procedure.

30 **§1396. Ban; toys, games and apparel**

31 A person may not sell for resale or at retail in this State
32 a toy or game that contains mercury or an item of clothing or
33 wearing apparel that contains an electric switch that contains
34 mercury.

35 Sec. 2. Report; manufacturer responsibility for collection of
36 mercury-added products. The Land and Water Resources Council
37 shall prepare a report that identifies and responds to arguments
38 against extending manufacturer responsibility to the collection
39 of mercury-added products from users. The report must address
40 the following issues:

41 1. Whether mercury-added products that do not meet the
42

2 definition of hazardous waste may safely be placed in the
municipal solid waste stream;

4 2. Whether it is more cost-effective to recover mercury
from mercury-added products through incinerator emissions
6 controls than by collection and recycling of the product;

8 3. Whether manufacturer take-back should be universal for
mercury-added products;

10 4. Whether a take-back program for fluorescent lamps funded
12 by manufacturers, by increasing the purchase price of the lamp,
will cause lamp users to abandon fluorescent lighting in favor of
14 a less energy-efficient alternative; and

16 5. Whether disposal of mercury-added products in solid
waste landfills is an environmentally sound practice and, if so,
18 whether it is practical to establish a collection system for
mercury-added products that captures only those products destined
20 for incineration.

22 The council shall submit the report, together with
recommendations to implement a system for ensuring that disposal
24 of mercury-added products does not contribute to mercury
emissions to the environment to the Joint Standing Committee on
26 Natural Resources by January 1, 2000.

28 SUMMARY

30 This bill does the following:

32 1. It requires manufacturers of mercury-added products to
34 disclose the fact that a product offered for sale in this State
contains mercury and to label the product accordingly;

36 2. It requires persons who sell mercury-added lamps for use
38 in large applications such as industrial facilities to clearly
inform the purchaser in writing that the lamps contain mercury, a
40 hazardous substance regulated by state and federal law, and that
the lamps may not be placed in solid waste.

42 3. It requires contractors who remove large quantities of
44 mercury-added lamps to disclose, in writing, the arrangements
made for management of the mercury in the removed lamps;

46 4. It imposes restrictions on the sale and distribution of
48 elemental mercury;

2 5. It bans the sale of toys, games or clothing that contain
mercury; and

4

6 6. It requires a report on manufacturer responsibility for
collection of mercury-added products from users.