MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2004

H.P. 1501

House of Representatives, December 26, 2001

Millient M. Mac Failand

An Act to Phase Out the Availability of Mercury-added Products.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2001. Referred to the Committee on Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

MILLICENT M. MacFARLAND, Clerk

Presented by Representative COWGER of Hallowell. Cosponsored by Senator MARTIN of Aroostook and

Representatives: DUPLESSIE of Westbrook, ESTES of Kittery, KOFFMAN of Bar Harbor,

TWOMEY of Biddeford, Senator: TREAT of Kennebec.

	Sec. 1. 38 MRSA §1672 is enacted to read:
S	1672. Phaseout of products containing mercury; exemptions
	1. Definitions. As used in this section, unless the
C	ontext otherwise indicates, the following terms have the
£	ollowing meanings.
	A. "Fabricated mercury-added product" means a product that
	consists of a combination of individual components that
	combine to make a single unit, including, but not limited
	to, mercury-added measuring devices, lamps and switches.
	B. "Formulated mercury-added product" means a chemical
	product, including, but not limited to, laboratory
	chemicals, cleaning products, cosmetics, pharmaceuticals and
	coating materials, that is sold as a consistent mixture of
	chemicals.
	C. "Manufacturer" means any person, firm, association,
	partnership, corporation, governmental entity, organization,
	combination or joint venture that produces a mercury-added
	product or an importer or domestic distributor of a
	mercury-added product produced in a foreign country. In the
	case of a multicomponent mercury-added product,
	"manufacturer" means the last manufacturer to produce or
	assemble the product. If the multicomponent product is
	produced in a foreign country, the manufacturer is the
	importer or domestic distributor.
	D. Notwithstanding section 1661, subsection 1,
	"mercury-added product" means a product, commodity, chemical
	or product with a component that contains mercury or a
	mercury compound intentionally added to the product,
	commodity, chemical or component in order to provide a
	specific characteristic, appearance or quality or to perform
	a specific function or for any other reason. "Mercury-added
	<pre>product" includes formulated mercury-added products and</pre>
	fabricated mercury-added products.
	2. Phase-out: levels. A person may not offer for final
	ale or use or distribute for promotional purposes any
	ercury-added product if the mercury content of that product
<u>e</u> :	xceeds:
	A Paginning January 1 2004 1 000 millioners for
	A. Beginning January 1, 2004, 1,000 milligrams for a
	fabricated mercury-added product or 250 parts per 1,000,000
	<pre>for a formulated mercury-added product;</pre>

2	B. Beginning January 1, 2006, 100 milligrams for a
4	<pre>fabricated mercury-added product or 50 parts per 1,000,000 for a formulated mercury-added product; and</pre>
6	C. Beginning January 1, 2008, 10 milligrams for a
8	<pre>fabricated mercury-added product or 10 parts per 1,000,000 for a formulated mercury-added product.</pre>
10	3. Component parts. If a product contains one or more
12	mercury-added products that are components of the product, the provisions of this section are applicable to each component part and not to the entire product. The limits specified in
14	subsection 2 apply to each component individually and not to the aggregate of mercury contained in the entire product.
16	
18	4. Fluorescent lamps. Notwithstanding subsection 2, beginning January 1, 2010, the mercury content of fluorescent lamps may not exceed 10 milligrams unless the manufacturer
20	obtains an exemption for the fluorescent lamps pursuant to subsection 5.
22	
24	5. Exemptions. A mercury-added product is exempt from the limits specified in subsection 2 if the level of mercury or mercury compounds contained in the mercury-added product are
26	required in order to comply with federal or state health or
28	safety requirements. In order to claim exemption under this subsection, the manufacturer of that mercury-added product shall notify, in writing, the department and provide the legal
30	justification for the claim of exemption.
32	A. An application for an exemption must:
34	(1) Document the basis for the requested exemption or renewal of exemption;
36	
38	(2) Describe how the manufacturer will ensure that a system exists for the proper collection, transportation and processing of the product at the end of the
40	product's useful life; and
42	(3) Document the readiness of all necessary parties to
44	<pre>perform as intended in the planned collection, transportation and processing system.</pre>
46	B. The department may grant with modifications or conditions an application for an exemption for a product or
48	category of products if the department finds that:

	(1) A system exists for the proper collection,
2	transportation and processing of the mercury-added
	product. The system may include direct return of a
4	waste product to the manufacturer or an industry- or
	trade group-supported collection and recycling system
6	or other similar private or public sector efforts; and
8	(2) Each of the following criteria are met:
10	(a) Use of the product is beneficial to the
	environment or protective of public health or
12	<pre>public safety:</pre>
14	(b) A technically feasible alternative to the use
16	of mercury in the product does not exist; and
10	(c) An alternative to the mercury-added product
18	is not available at reasonable cost.
10	is not available at leasonable cost.
20	D. Prior to issuing an exemption under this subsection, the
_ •	department shall consult with neighboring states and
22	provinces and regional organizations to promote consistency
	in the way in which mercury-added products are granted
24	exemptions.
26	E. The length of an exemption granted pursuant to this
	subsection may not exceed 2 years. An exemption may be
28	renewed one or more times by the department if:
20	(1) The man fact was a built a such as a supliment and
30	(1) The manufacturer submits another application; and
32	(2) The department finds that the mercury-added product
J &	continues to meet the criteria of this subsection and
34	the manufacturer complies with the conditions of its
-	original approval.
36	
38	SUMMARY
40	This bill phases out over a 6-year period the sale or
	distribution of products that contain more mercury than a
42	specified level. Fluorescent lamps containing more than 10
4.4	milligrams of mercury are prohibited after January 1, 2010.
44	Products that contain mercury that are necessary to comply with federal or state health or safety requirements could be granted
46	an exemption by the Department of Environmental Protection if the
10	manufacturer proves that: an appropriate method exists for the
48	collection, transportation and processing of the product at the
-	end of its useful life; the use of the product is beneficial to
50	the environment or protection of public health or safety; and no
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